

Notes

Introduction

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Chapter 1

1. This includes DSL, fiber optic, coaxial cable, satellite, and wireless networks.
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7. *Munn v. Illinois* 94 U.S. 113 (1877).
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13. *National Association of Regulatory Utility Commissioners v. Federal Communications Commission*, 525 F.2d 630 (D.C. Cir. 1976).
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17. Crawford, *Captive Audience*, 33–34.
18. See "Telecom Services & Equipment: Lobbying," OpenSecrets, <https://www.opensecrets.org/industries/lobbying.php?cycle=2020&ind=B09>.
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58. Mueller, *Universal Service*, 133.
59. Brian Fung, “This 100-Year-Old Deal Birthed the Modern Phone System. And It’s All About to End,” *Washington Post*, December 19, 2013, <https://www.washingtonpost.com/news/the-switch/wp/2013/12/19/this-100-year-old-deal-birthed-the-modern-phone-system-and-its-all-about-to-end/>.
60. Schiller, “Hidden History,” 18.
61. FCC, *Investigation of the Telephone Industry in the United States. Letter from the Chairman of the Federal Communications Commission*, H. Doc. 340, 76th Cong., 1st sess. (June 14, 1939), xvii, <https://archive.org/details/InvestigationOfTheTelephoneIndustry/page/n25/mode/2up>.
62. FCC, *Investigation of the Telephone Industry*, xvii.
63. FCC, *Investigation of the Telephone Industry*, 578.
64. FCC, *Investigation of the Telephone Industry*, 597.
65. “A.T.& T. Assails Walker Report,” *New York Times*, December 6, 1938, 35.
66. Dan Schiller, *Crossed Wires* (New York: Oxford University Press, 2023), 215.
67. Jon Gertner, *The Idea Factory: Bell Labs and the Great Age of American Innovation* (New York: Penguin Press, 2012), 159.
68. Harry S. Truman, Letter to Leroy A. Wilson, President of AT&T, May 13, 1949. Necah S. Furman, *Contracting in the National Interest: Establishing the Legal Framework for the Interaction of Science, Government, and Industry at a Nuclear Weapons Laboratory*, Rep. No. SAND87–1651 UC–13 (Albuquerque, NM: Sandia National Laboratories for the United States Department of Energy, April 1988), 4. https://www.sandia.gov/about/history/_assets/documents/FurmanContractingInTheNationalInterest871651.pdf.

69. See Necah S. Furman, *Contracting in the National Interest*, 7. It is later noted on page 17 that this provision was deleted in 1983, largely the result of the impending breakup of the company.
70. Brooks, *Telephone*, 252–253, 273–278.
71. Fung, “This 100-Year-Old Deal.”
72. Gertner, *Idea Factory*, 157.
73. Gertner, *Idea Factory*, 158.
74. Report of U.S. Congress, House of Representatives, Committee on the Judiciary Antitrust Subcommittee, *Consent Decree Program of the Department of Justice*, H.R. Rep. 33261, 86th Cong., 1st sess. (January 30, 1959), 90.
75. US Congress, *Consent Decree Program of the Department of Justice*, Appendix VII, 339.
76. US Congress, *Consent Decree Program*, Appendix VII, 339.
77. US Congress, *Consent Decree Program*, 341.
78. US Congress, *Consent Decree Program*, 57.
79. US Congress, *Consent Decree Program*, 51, 292.
80. US Congress, *Consent Decree Program*, 57.
81. There were also several other provisions related to licensing patents and furnishing technical information for its competitors. See *United States v. Western Elec. Co.*, 1956 Trade Cas. (CCH) P68, 246 (D.N.J. January 24, 1956).
82. Amy Klobuchar, *Antitrust: Taking on Monopoly Power from the Gilded Age to the Digital Age* (New York: Alfred A. Knopf, 2021), 139. Also see Anthony Lewis, “Brownell Linked to A.T.&T. Decree,” *New York Times*, March 27, 1958, 19. In this story, Brownell is characterized as working with AT&T on ways to settle the case by consent decree.
83. US Congress, *Consent Decree Program*, 290.
84. See Brooks, *Telephone*, 251–256; US Congress, *Consent Decree Program*, 42–73.
85. Quoted in Stewart Brand, “Founding Father,” *Wired*, March 1, 2001, <https://www.wired.com/2001/03/baran/>.
86. Robert Cannon, “The Legacy of the Federal Communications Commission’s Computer Inquiries,” *Federal Communications Law Journal* 55, no. 2 (2003): 169, <https://www.repository.law.indiana.edu/fclj/vol55/iss2/2>.
87. FCC, *Regulatory and Policy Problems Presented by the Interdependence of Computer and Communication Services & Facilities*, Notice of Inquiry, 7 FCC 2d 11 (1966), 2. Also known as the *First Computer Inquiry*.

88. For an early discussion of this in relation to the Internet, see Robert Reilly, "Mapping Legal Metaphors in Cyberspace: Evolving the Underlying Paradigm," *Journal of Information Technology & Privacy Law* 16, no. 3 (Spring 1998): 579–596, <https://repository.law.uic.edu/jitpl/vol16/iss3/3>.
89. FCC, *Regulatory and Policy Problems Presented by the Interdependence of Computer and Communication Services & Facilities*, Notice of Inquiry, 13.
90. FCC, *Regulatory and Policy Problems*, Notice of Inquiry, 1.
91. Bernard Strassburg, "Competition and Monopoly in the Computer and Data Transmission Industries," *Antitrust Bulletin* 13 (1968): 991.
92. For analyses of the inquiries, see John Blevins, "The FCC and the 'Pre-Internet,'" *Indiana Law Journal* 91, no. 4 (2016): 1309–1362, <https://www.repository.law.indiana.edu/ilj/vol91/iss4/6>; Cannon, "Legacy."
93. Kevin Werbach, "The Federal Computer Commission," *North Carolina Law Review* 84, no. 1 (2005): 16, <https://scholarship.law.unc.edu/nclr/vol84/iss1/3>.
94. Bernard Strassburg, interview by James Pelkey, Computer History Museum, May 3, 1998, Washington, DC, 15, <https://archive.computerhistory.org/resources/access/text/2015/11/102738016-05-01-acc.pdf>.
95. The FCC also created a "hybrid" category for services that included elements of both communications and data services, which was dealt with on a case-by-case basis.
96. Cannon, "Legacy," 174.
97. Blevins, "FCC and the 'Pre Internet,'" 1317.
98. De Sola Pool, *Technologies of Freedom*, 23.
99. FCC, *Regulatory and Policy Problems*, Final Decision and Order, 28 FCC 2d 267, 12 (1971).
100. FCC, *Regulatory and Policy Problems*, Final Decision and Order, 10.
101. FCC, *Regulatory and Policy Problems*, Final Decision and Order, 4, 11, 30.
102. Dan Schiller, "Reconstructing Public Utility Networks: A Program for Action," *International Journal of Communication* 14 (2020): 4993, <https://ijoc.org/index.php/ijoc/article/view/16242>.
103. FCC, *Regulatory and Policy Problems*, Notice of Inquiry, 22.
104. FCC, *Regulatory and Policy Problems*, Notice of Inquiry, 23, 24.
105. See Nicholas Johnson, "Carterfone: My Story," *Santa Clara High Technology Law Journal* 25, no. 3 (2008): 683, <https://digitalcommons.law.scu.edu/chtlj/vol25/iss3/5>.

106. Andrew Pollack, "The Man Who Beat A.T.&T.," *New York Times*, July 14, 1982, D1, D5.

107. See "In the Matter of Use of the Carterfone Device in Message Toll Telephone Service," 13 FCC 2d 420 (1968). Tom Carter was also the plaintiff in the Hush-A-Phone case that began in 1948, see *Hush-A-Phone Corp v. United States*, 238 F. 2d 266 (D.C. Cir. 1956). In this case, Carter filed a complaint with the FCC because AT&T claimed that the rubber cup he developed to connect to the phone's mouthpiece to act as a silencer was a "foreign attachment," which was prohibited by the company. The FCC agreed, arguing that the Hush-a-Phone was "deleterious to the telephone system and injures the service rendered by it." Kevin Werbach has called Hush-a-Phone "the high water mark of the FCC's willingness to defend the AT&T monopoly" (see Werbach, "Federal Computer Commission," 18). Carter was undaunted and challenged the decision in court, which ruled in his favor, noting "AT&T and the FCC have no business protecting callers from themselves" (*Hush-a-Phone* 238 F. 2d 269).

108. GTE was acquired by Bell Atlantic in 2000 and the new company was renamed Verizon Communications.

109. Matthew Lasar, "Any Lawful Device," *Ars Technica*, December 13, 2017, <https://arstechnica.com/tech-policy/2017/12/carterfone-40-years/>.

110. Lasar, "Any Lawful Device."

111. Andrew Pollack, "The Man Who Beat A.T.& T," D1, <https://www.nytimes.com/1982/07/14/business/the-man-who-beat-at-t.html>.

112. Sandra Braman, *Change of State: Information, Policy, and Power* (Cambridge, MA: MIT Press, 2007), 198.

113. "In the Matter of Use of the Carterfone Device in Message Toll Telephone Service," 13 FCC 2d 420 (1968).

114. This was further solidified in the 1980 Computer II Final Order, which deregulated all customer equipment.

115. Randal Picker, "The Arc of Monopoly: A Case Study in Computing," *University of Chicago Law Review* 87, no. 2 (March 2020): 535, <https://chicagounbound.uchicago.edu/uclev/vol87/iss2/9>.

116. "Fighting Bell," *Wall Street Journal*, November 21, 1974, 1.

117. Peter Temin, *The Fall of the Bell System* (New York: Cambridge University Press, 1987), 224.

118. See James B. Stewart, "Whales and Sharks," *New Yorker*, February 15, 1993, 37–43, 38.

119. Robert Pear, "New Antitrust Leader Vows to Break Up AT&T," *New York Times*, April 9, 1981, A1.

120. See Louis M. Kohlmeier, "Testimony in Deepening ITT Antitrust Case Links Controversy Directly with Nixon," *Wall Street Journal*, March 10, 1974, 4. This is often referred to as the "Dita Beard affair," after the lobbyist who wrote the memo outlining the connection between the ITT funds donated to the convention and the settling of the government's antitrust suits against the company.

121. Temin, *Fall of the Bell System*, 223.

122. Tim Wu, *The Curse of Bigness* (New York: Columbia Global Reports, 2018), 83.

123. Richard Hofstadter, "What Happened to the Antitrust Movement," reprinted in *Richard Hofstadter: Anti-Intellectualism in American Life, The Paranoid Style in American Politics, Uncollected Essays 1956–1965* (New York: Library of America, 2020), 659.

124. Stoller, *Goliath*, 238.

125. FCC, *Report and Order and Notice of Proposed Rulemaking*, Rep. No. FCC 05-150 (August 5, 2005), 15.

126. FCC, *Computer II Final Decision*, Final Decision and Order, 77 FCC 2d 384, 5 (1980).

127. FCC, *Computer II Final Decision*, 84.

128. See FCC, *Computer II Final Decision*, 13. Also see Charles Ferris's comments regarding the FCC's "desire to allow AT&T to participate in the evolving communications/data processing markets in spite of the 1956 Consent Decree." Separate Statement of Chairman Charles D. Ferris, FCC, *Computer II Final Decision*, 500.

129. FCC, *Computer II Final Decision*, 12.

130. Werbach, "Federal Computer Commission," 24.

131. Concurring Statement of FCC Commissioner James H. Quello, FCC, *Computer II Final Decision*, 503.

132. Separate Statement of FCC Commissioner Charles Ferris, FCC, *Computer II Final Decision*, 503.

133. Blevins, "FCC and the 'Pre Internet,'" 1345.

134. FCC, *Computer II Final Decision*, 107.

135. The original Baby Bell companies were US West, Pacific Telesis, Bell Atlantic, NYNEX, Bell South, Southwestern Bell, and Ameritech.

136. Merrill Brown and Caroline E. Mayer, "U.S. Ends Antitrust Suits against AT&T and IBM," *Washington Post*, January 9, 1982.

137. AT&T voluntarily divested Western Electric (along with holdings in Bell Labs) to create Lucent Technologies in 1995.

138. Barry G. Cole, ed., *After the Breakup: Assessing the New Post-AT&T Divestiture Era* (New York: Columbia University Press, 1991), 2.

139. Stewart, "Whales and Sharks," 38.

140. Steve Lohr, "Antitrust: Big Business Breathes Easier," *New York Times*, February 15, 1981, 1, Section 3, <https://www.nytimes.com/1981/02/15/business/antitrust-big-business-breathes-easier.html>.

141. Steve Lohr, "Antitrust," 1.

142. Paul Taylor, "Law Firm Waged 13-Year War for IBM," *Washington Post*, January 24, 1982.

143. "U.S. vs. I.B.M.," *New York Times*, February 15, 1981, 22, Section 3, <https://www.nytimes.com/1981/02/15/business/us-vsibm.html>.

144. Edward T. Pound, "Why Baxter Dropped the I.B.M. Suit," *New York Times*, January 9, 1982, 37, Section 2, <https://www.nytimes.com/1982/01/09/business/why-baxter-dropped-the-ibm-suit.html>.

145. Computer III also moved toward replacing the structural separation requirement with other safeguards, and allowed the newly formed "Baby Bells" or newly spun off Bell Operating Companies (BOCs) back into the "enhanced services" markets. However, those efforts wound up mired in the courts, muting most of the impact such proposed remedies would have. See Third Computer Inquiry (Computer III): FCC, *Amendment of Section 64.702 of the Commission's Rules and Regulations (Third Computer Inquiry)*, Report and Order, 104 FCC 2d 958 (1986). Also see Cannon, "Legacy," 199–204; Russell A. Newman, *The Paradoxes of Network Neutralities* (Cambridge, MA: MIT Press, 2019), 54. Further dimensions of Computer III extend beyond the purposes of this discussion.

146. Abbate, *Inventing the Internet* (Cambridge, MA: MIT Press, 1999), 111.

147. See Shane Greenstein, *How the Internet Became Commercial* (Princeton, NJ: Princeton University Press, 2015).

148. Katie Hafner, "The Internet's Invisible Hand; At a Public Utility Serving the World, No One's Really in Charge. Does It Matter?," *New York Times*, January 10, 2002, Section G1, <https://www.nytimes.com/2002/01/10/technology/internet-s-invisible-hand-public-utility-serving-world-no-one-s-really-charge.html>.

149. Quoted in Craig Timberg, "A Flaw in the Design," *Washington Post*, May 30, 2015, <https://www.washingtonpost.com/sf/business/2015/05/30/net-of-insecurity-part-1/>.

150. AT&T, *1910 Annual Report*, 23.

151. Bill Clinton, "Technology, The Engine of Economic Growth," Clinton-Gore National Campaign Headquarters, September 21, 1992, <https://www.ibiblio.org/nii/tech-posit.html>.

152. Matthew Crain, *Profit over Privacy: How Surveillance Advertising Conquered the Internet* (Minneapolis: University of Minnesota Press, 2021), 23.

153. Clinton, "Technology." Also see William J. Broad, "Clinton to Promote High Technology, with Gore in Charge," *New York Times*, November 10, 1992, <https://www.nytimes.com/1992/11/10/science/clinton-to-promote-high-technology-with-gore-in-charge.html>.

154. MOSAIC was developed in part because of funds from the High Performance Computing and Communication Act of 1991, also known as "the Gore Bill."

155. John Naughton, "The Evolution of the Internet: From Military Experiment to General Purpose Technology," *Journal of Cyber Policy* 1, no. 1 (2016): 14, <https://doi.org/10.1080/23738871.2016.1157619>.

156. Peter H. Lewis, "Attention Shoppers: The Internet Is Open," *New York Times*, August 12, 1994, D1, <https://www.nytimes.com/1994/08/12/business/attention-shop-pers-internet-is-open.html>.

157. Communications Assistance for Law Enforcement Act, Pub. L. No. 103–414, 108 Stat. 4279 (1994). *Katz v. United States* (1967) had already made warrants once again required for wiretapping and extended Fourth Amendment rights and protections to individuals, not simply property. For more on the history of *Katz* and the history of wiretapping in general, see Brian Hochman, *The Listeners: A History of Wiretapping in the United States* (Cambridge, MA: Harvard University Press, 2022).

158. For excellent detail on this process, see Crain, *Profit over Privacy*, chapter 2; Leslie David Simon, *NetPolicy.Com: Public Agenda for a Digital World* (Washington, DC: Woodrow Wilson Center Press, 2000), chapter 13.

159. See Richard Posner, "The Decline and Fall of AT&T: A Personal Recollection," *Federal Communications Bar Journal* 61 (2008): 12–13, https://chicagounbound.uchicago.edu/journal_articles/6780. Posner served on Johnson's task force before he was a federal judge.

160. William Domnarski, *Richard Posner* (New York: Oxford University Press, 2016), 51–52. Also see Eugene V. Rostow, *President's Task Force on Communications Policy Final Report* (Washington, DC: President's Task Force on Communications Policy, December 7, 1968), <https://files.eric.ed.gov/fulltext/ED034417.pdf>.

161. See Rostow, *President's Task Force*, chapter 9, 26.

162. The OTP was later absorbed by the Commerce Department's National Telecommunications and Information Administration (NTIA) under President Carter.

163. Hearings before the US Congress, Senate Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary, *The Industrial Reorganization Act. Part 6: The Communications Industry*, 93d Cong., 2d sess. (July 9, July 30, and July 31, 1974), 3840.

The chair of Johnson's task force, former Under Secretary of State Eugene Rostow, appeared as a witness in support of AT&T at these hearings about the concentration of power in industries such as communications, chemicals, and automobiles.

164. See William H. Jones, "Mass Media Laws Changes Proposed," *Washington Post*, March 30, 1979, D1.

165. Merrill Brown, "Communications Act Being Revamped," *Washington Post*, January 23, 1980, B1.

166. The full name of the bill was the Consumer Communications Reform Act (CCRA) of 1976. See Peter Temin, "Fateful Choices: AT&T in the 1970s," *Business and Economic History* 27, no. 1 (Fall 1998): 61–77, <https://doi.org/https://www.jstor.org/stable/23703063>. Also see John Eger, "The Future of Communications," *New York Times*, October 4, 1976, <https://www.nytimes.com/1976/10/04/archives/the-future-of-communications.html>.

167. Newton N. Minow and Craig L. Lamay, *Abandoned in the Wasteland* (New York: Hill and Wang, 1995), 5.

168. James Glassman, "Costly Bill-Busting by the Seven Baby Bells," *Washington Post*, September 28, 1994, F1, F10.

169. In 1991, the Baby Bells created from the 1984 breakup of AT&T were allowed to provide cable service or "video dial tone," as it was then called, *outside* their local area.

170. Patricia Aufderheide, *Communications Policy and the Public Interest: The Telecommunications Act of 1996* (New York: The Guilford Press, 1999), 27.

171. For the foremost work on the politics and history of industrial deregulation, see Robert Horwitz, *Irony of Regulatory Reform*.

172. Aufderheide, *Communications Policy*, 41.

173. Esther Dyson et al., "Cyberspace and the American Dream: A Magna Carta for the Knowledge Age," The Progress and Freedom Foundation, August 22, 1994, <http://www.pff.org/issues-pubs/futureinsights/fi1.2magnacarta.html>.

174. Fred Turner, *From Counterculture to Cyberculture* (Chicago: University of Chicago Press, 2006), 222. For an excellent scholarly analysis of the manifesto, see Richard K. Moore, "Cyberspace Inc. and the Robber Baron Age: An Analysis of PFF's 'Magna Carta.'" *Information Society* 12, no. 3 (1996): 315–323, <https://doi.org/10.1080/019722496129503>.

175. Mitchell Kapor and Jerry Berman, "A Superhighway through the Wasteland?," *New York Times*, November 24, 1993, A25.

176. John Markoff, "Building the Electronic Superhighway," *New York Times*, January 24, 1993, <https://www.nytimes.com/1993/01/24/business/building-the-electronic-superhighway.html>.

177. Al Gore, "Innovation Delayed Is Innovation Denied," *Computer* 27, no. 12 (December 1994): 47, <https://doi.org/10.1109/2.335728>.
178. John Heilemann, "The Making of the President 2000," *Wired*, December 1, 1995, <https://www.wired.com/1995/12/gorenewt/>.
179. Rep. John Conyers, Conference Report on *Telecommunications Act of 1996*, S. 652, 104th Cong., 2d sess., *Congressional Record* 142, No. 14 (February 1, 1996), <https://www.congress.gov/congressional-record/1996/02/01/house-section/article/H1145-6>.
180. Telecommunications Act of 1996, Pub L. No. 104–104, 110 Stat. 56 (1996).
181. John Perry Barlow, "A Declaration of the Independence of Cyberspace," Electronic Frontier Foundation, February 8, 1996, <https://www.eff.org/cyberspace-independence>.
182. Hannah Bloch-Wehba, "Global Platform Governance: Private Power in the Shadow of the State," *SMU Law Review* 72, no. 1 (2019): 34, <https://scholar.smu.edu/smulr/vol72/iss1/9>; see 34–39 for other critiques of Barlow.
183. Barlow, "Declaration," 1996.
184. Jill Lepore, "Edward Snowden and the Rise of Whistle-Blower Culture," *New Yorker*, September 16, 2019, <https://www.newyorker.com/magazine/2019/09/23/edward-snowden-and-the-rise-of-whistle-blower-culture>.
185. Gilder is also the author of *Wealth and Poverty*, a love letter to capitalism and supply-side economics which became "a sacred text" for members of the Reagan administration, and the winner of *Time* magazine and the National Organization for Women's "Male Chauvinist Pig of the Year" award in 1973—which he declared "a triumph I could not exceed." See Paul Gray, "Inside the Minds of Gingrich's Gurus," *Time*, January 23, 1995, <http://content.time.com/time/subscriber/article/0,33009,982259-1,00.html>; Katie Hafner, "The Revolution Is Coming, Eventually," *New York Times*, October 19, 2003, <https://www.nytimes.com/2003/10/19/business/the-revolution-is-coming-eventually.html>.
186. William J. Clinton and Albert Gore Jr., "A Framework for Global Electronic Commerce," July 1997, <https://clintonwhitehouse4.archives.gov/WH/New/Commerce/read.html>.
187. Based on statistics in "Number of Broadband Internet Subscribers in the US . . ." Statista, July 12, 2021, <https://www.statista.com/statistics/217348/us-broadband-internet-susbcribers-by-cable-provider/>.
188. S. Derek Turner, "Price Too High and Rising: The Facts about America's Broadband Affordability Gap," *Free Press*, May 20, 2021, 2, https://www.freepress.net/sites/default/files/202105/prices_too_high_and_rising_free_press_report.pdf.
189. Blake Morgan, "The Top 5 Industries Most Hated by Consumers," *Forbes*, October 16, 2018, <https://www.forbes.com/sites/blakemorgan/2018/10/16/top-5-most-hated-industries-by-customers/?sh=7febd04c90b5>.

190. Information services are defined as “the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service.” Communications Act of 1934, 47 U.S.C. § 153(20) (1934).

191. Tim Wu, “How the FCC’s Net Neutrality Plan Breaks with 50 Years of History,” *Wired*, December 6, 2017, <https://www.wired.com/story/how-the-fccs-net-neutrality-plan-breaks-with-50-years-of-history/>.

192. Victor Pickard and David Elliot Berman, *After Net Neutrality: A New Deal for the Digital Age* (New Haven, CT: Yale University Press, 2019), 4.

193. Laura DeNardis, “Hidden Levers of Internet Control: An Infrastructure-Based Theory of Internet Governance,” *Information, Communication & Society* 15, no. 5 (2012): 735, <https://doi.org/10.1080/1369118X.2012.659199>.

194. Quoted in Rebecca R. Ruiz and Steve Lohr, “F.C.C. Approves Net Neutrality Rules, Classifying Broadband Internet Service as a Utility,” *New York Times*, February 26, 2015, <https://www.nytimes.com/2015/02/27/technology/net-neutrality-fcc-vote-internet-utility.html>.

195. For more detailed analyses of this history, see Pickard and Berman, *After Net Neutrality*; Newman, *Paradoxes of Network Neutralities*; Danny Kimball, *Net Neutrality and the Battle for the Open Internet* (Ann Arbor: University of Michigan Press, 2022); Harold Feld, “The History of Net Neutrality in 13 Years of Tales of the Sausage Factory (with a Few Additions). Part I,” *Wetmachine* (blog) January 10, 2018, <https://wetmachine.com/tales-of-the-sausage-factory/the-history-of-net-neutrality-in-13-years-of-tales-of-the-sausage-factory-with-a-few-additions-part-i/>; Becky Lentz and Allison Perlman, eds., “Net Neutrality” special issue of *International Journal of Communication* 10 (2016).

196. National Cable and Telecommunications Association v. Brand X Internet Services, 545 U.S. 967 (2005).

197. FCC, *Policy Statement*, Rep. No. FCC FCC 05-151 (August 5, 2005), <https://docs.fcc.gov/public/attachments/fcc-05-151a1.pdf>.

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199. Lawrence Lessig, “A Deregulation Debacle for the Internet,” *New York Times*, August 9, 2010, <https://www.nytimes.com/roomfordebate/2010/08/09/who-gets-priority-on-the-web/a-deregulation-debacle-for-the-internet>.

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202. Newman, *Paradoxes of Network Neutralities*, 4.

203. Tom Wheeler, *Statement of Chairman Tom Wheeler: FCC Releases Open Internet Order. GN Docket No. 14–28*, FCC (March 12, 2015), <https://www.fcc.gov/document/fcc-releases-open-internet-order/wheeler-statement>.

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205. Geoff West, "Money Flows into Net Neutrality Debate ahead of FCC Vote," *Opensecrets.org*, December 14, 2017, <https://www.opensecrets.org/news/2017/12/money-flows-into-net-neutrality-debate-ahead-of-fcc-vote/>.

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207. "FCC Internal Investigation Shows Ajit Pai Knew DDoS Attack Was Bogus Months Ago," *Fight for the Future*, August 6, 2018, <https://tumblr.fightforthefuture.org/post/176708614273/breaking-fcc-finally-admits-that-alleged-ddos>.

208. Those states are California, Colorado, Maine, New Jersey, Oregon, Vermont, and Washington.

209. Specifically Section 222 of the Communications Act as amended by the Telecommunications Act of 1996. For more, see Travis LeBlanc and Lindsay DeFrancesco, "The Federal Communications Commission as Privacy Regulator," in *The Cambridge Handbook of Surveillance Law*, ed. David Gray and Stephen E. Henderson (Cambridge, UK: Cambridge University Press, 2017), 727–756, 736–737.

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211. Avi-Asher Schapiro, "Coronavirus Crisis Threatens Internet Opportunity for Native Americans," *Reuters*, July 27, 2020, <https://www.reuters.com/article/us-health-coronavirus-usa-rights-trfn/coronavirus-crisis-threatens-internet-opportunity-for-native-americans-idUSKCN24T06B>.

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214. See David D. Clark, *Designing an Internet* (Cambridge, MA: MIT Press, 2018); Janet Abbate, *Inventing the Internet*.

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Chapter 2

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86. Communications Decency Act of 1996, 47 U.S.C. § 230(c) (1) (1996).

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Chapter 3

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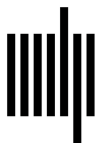
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