

KERNER AND RED LION, APPROACHING THIRTY, RIDE THE SUPER INFORMATION HIGHWAY IN SEARCH OF SILVER RIGHTS AND NATIONAL SECURITY

By Nolan A. Bowie

A civil rights movement is beginning to form and coalesce around information and communications issues by emerging organizations. The Cultural Environment Movement, The Media & Democracy Congress, The Alliance for Public Technology, The Civil Rights Project, Inc., as well as traditional civil rights organizations, including the National Urban League and the National Association for the Advancement of Colored People.

Many organizations and groups and individuals are worried that new battles will have to be fought and won before people of color - who too often are disproportionately poor in income and information will become "information have-nots" far behind the "information rich" elites as American society shifts into the Information Age, with all of the implications that are associated with the new digital era.

Information and knowledge are akin to wealth and power in the evolving knowledge economy that is already global in scope and affecting everyone everywhere. This new economy is dependent on communications and knowledge-based technologies and skills to empower individuals, groups, communities, and nations to compete and

succeed. In the information age, information is the primary basis for creating knowledge; information is essential to acquiring skills needed to find meaningful employment; and, access to appropriate information technology is essential to acquiring information - in any format - effectively.

The most obvious sign that information is akin to money and wealth in that it is valued similarly to any other scarce good, is the fact that information, more and more, is being packaged and sold like any other commodity. Treating information as commodity has the tendency to remove much information from the public domain in order to sell it at a profit - whatever the market will bear. This tendency to remove much information from the domain of public goods in order to create and sell information products and services has a strong influence on who in society can know what or who can communicate with whom, at what cost, and under what conditions - determined largely by those who own the information and the means by which it is produced and transmitted. The late A.J. Leibling once said: "A free press belongs to the person who owns the press." Likewise, information in the form of commodity or private property is controlled by the

person who owns the copyright or patent, or infrastructure, or license, and is accessible to those who can afford to pay for viewing, listening, or downloading information. This includes essential citizenship information and public information that can be obtained sometimes only through third-parties that "add value" to the information via packaging.

Although information is sharable, expendable, and diffuse, it is unlike other commodities - it is inherently plentiful, not scarce. Nonetheless, a condition of artificial scarcity of information in useful formats can be created in the process of adding real value, e.g., desired services, but it can also be accomplished by hoarding and limiting information flow in order to maximize the price each consumer is willing to pay. Too often, the missing information is that which enables democracy to function, for citizens and consumers to be informed, educated and enlightened.

Accordingly, it is reasonable for traditional civil rights organizations to incorporate strategies around information issues as they redefine their agendas to encompass "economic justice" initiatives, as well as new and more effective initiatives relating to jobs acquisition and retraining, equal education opportunity - including basic literacy - and other strategies that may enhance equal participation in the

democratic processes of the nation.

The so-called Super Information Highway or Information Highway, in my opinion is at best a bad, misleading, metaphor. It is a term first coined and used by Vice President Al Gore, to depict the National Information Infrastructure (NII) as being much like the physical highway where automobiles, trucks and buses move back and forth at regulated speeds in lanes from one point to another. Not only does information not flow in any orderly manner - in the final analysis, it cannot be contained or controlled like vehicular traffic. Moreover, the National Information Infrastructure, which many people mean with the simplified, value-laden, "super information highway" mis-label, is nothing like an asphalt and concrete roadway with painted lines that is physically tied to any geographic boundaries of this nation. The NII is defined by the federal government's Information Infrastructure Task Force (IITF) as a "seamless web of communications networks, computers, databases, and consumer electronics that will provide vast amounts of information at users' fingertips." The NII encompasses an ever-expanding wide range of equipment (cameras, telephones, computers, satellites, etc.); information, which may be in the form of video, programming, databases, images, etc.; applications and software that allow for access and use of information; network standards and

transmission codes that connect the network and ensure its security and privacy to individuals; and, people who develop and facilitate the network, its information, hardware and software.

Although the NII has the potential to transform the lives of all the people of the United States, the Washington Administration sees its primary role as limited to promoting private sector investment and providing improved access to government information. By seeing only the bridge into the 21st century and not beyond the immediate other side, the myopic questions the Administration is attempting to address are: "What information {from government} does the public want?" And, "How can all Americans have access to it?"

The more relevant questions that should be asked for long-term consideration are: "What information from the government does the public need?" And, "How can all the people of the United States have access to it?" The answer to these questions will decide what kind of society we will become in the future and what kind of values we will have.

As the effects of globalism take their toll on labor, quality of life, and the viability of government per se, will all the people of the United States have universal access and universal service to essential and relevant

information and appropriate information technology? Or will only some of the people have such access to universal service?

If government, at all levels (local, state, and federal), were serious about providing true universal service to appropriate telecommunications technology and relevant information on basic literacy, education, health, retraining, government services, public information, e-mail, or a host of other topics that could be decided democratically after full public discussion and due deliberation, then a fair beginning would be to elevate the issues to the top of the political and economic agenda as industrial policy necessary to ensure the nation's national defense and security.

After the former Soviet Union successfully launched Sputnik in 1957, the response of the Eisenhower Administration and Congress was to enact the National Defense Education Act, which enabled the nation to respond to a perceived security crisis - that we were behind the USSR in technology and in the knowledge race.

The legislation helped to pay for a new educated workforce in the United States by helping many poor and middle-income students to gain college and graduate degrees in the sciences, engineering, foreign languages, and the teaching profession because it was in the United States' national defense and security

interest to do so. Well, we are now in an information crisis of a magnitude that threatens the nation's national defense and security. Not to now prepare for the information age by mobilizing and preparing a new national work force for the new economy will result in the loss of jobs, incomes, and quality of life for all the people in the country.

In 1996, Congress passed welfare reform legislation, which will cause more than one million children to enter into poverty. After two years on welfare, a person must find a job in order to qualify for not more than five years of total welfare benefits. If there are not enough jobs, the crisis will be immediate.

Sometime during the year 2006, or soon thereafter, the current technology of broadcast television will no longer be viable. In other words, you will no longer be able to receive an over-the-air signal in the NTSC standard. This government decision was rendered in order to make way for the new digital definition television (HDTV). The new technology will be able to provide improved graphics and sound capability. Everyone will have to buy new television sets, which will cost anywhere from \$1,000 to \$4,000. It is currently estimated that around \$100 billion in dollars already spent will be lost as a consequence of the shift to the new HDTV broadcast standard. This figure represents

the value of all the television sets, VCRs, camcorders in homes, and the camera, transmitters, and recording equipment used by television stations throughout the nation. In addition, television viewers of the new HDTV programs will likely have to pay to view programs because stations will have to recoup their hefty investments in studio up-grades and the general move to the new HDTV format.

The Internet could be a possible means of delivering "television," i.e. movies and video, once broadband optical fiber technology is the mode of information transport. In this channel-of-abundance environment, the advertising industry will target smaller but more "desirable" audiences, whom they will know more and more about in terms of lifestyle, spending habits, credit worthiness, income, demographic and psychological profile. More and more information will be paid for directly by those who consume it. Who will they be? What kind of television will people of color watch? Will there be an e-mail for all or only universal access for some? Further, will the revolution be televised?

In 1987, the FCC abandoned the Fairness Doctrine and ruled that it no longer considered regulation of the doctrine to be in the public interest. As a matter of fact, the Commission ruled that it considered the Fairness Doctrine "unconstitutional on its face" because the march of new

communication technology introduced since 1969 has effectively undermined the central rationale of the scarcity theory, rendering moot the question of frequencies.

During a transition period, anticipated to last until the year 2006, incumbent television broadcasters will exclusively control a full 12 Mhz of the public's airwaves. Twelve megahertz of radio frequency has the capacity to carry as many as 12 digitally compressed television channels, or up to 60 FM radio channels, or even as many as 1,200 AM radio channels. The possible implications of multiplying the number of broadcast channels from a First Amendment perspective are compelling. Are we making the best use of the public airwaves, and moreover, is the current frequency assignment policy consistent with First Amendment doctrine in light of the absence of scarcity?

A win-win situation could be effected by assigning some of the new television channels for non-commercial public interest programming. For example, why not just assign one single 6 Mhz channel in each market and create a complementary public information broadcasting network at the same time each incumbent television broadcaster receives its second 6 Mhz channel for developing the new HDTV?

Sufficient funds could come from requiring that all commercial users of the public

airwaves pay a reasonable user fee for exploiting a valuable public resource. Without access to the mass audience provided by broadcasting, the public sphere will continue to be lost to merchants and people of color, the poor, particularly those who have no meaningful voice or effective means to organize or mobilize politically.