

PUBLIC INTEREST POLICIES FOR THE COMMUNICATIONS MEDIA

A. Premises

1. The functions of communications and the communications media are indispensable to our goals for personal and social self-fulfillment within a society dedicated to
 - ..maximum individual freedom governed by justice and compassion,
 - ..self-government by a fully informed citizenry, and
 - ..evolving institutions, arts, sciences, and professions; prompt utilization of the highest attainable levels of technology, economic and regulative organization which best advance these potentials.
2. The paramount objective of public policy for communications is to protect and promote the rights, freedom, and ability of every person to transmit and receive messages of any legal content to and from any other person or entity, in any medium, including the right to offer the content service for voluntary purchase.
3. This objective demands absolute equality of opportunity of access by content producers and marketers to media carrier, terminal, hardware and support services.
4. The principal constraints and suppressions of communications rights and freedoms of content has been created by vertical integration among carrier, terminal, interconnection and hardware systems and their engagement in content. In the telecommunications media, rights of entry are nearly extinguished by contrived shortages of channels and bureaucratic obstacles; there are no enforceable rights of access (with rare exceptions such as Fairness, etc.) In newspapers and national magazines, entry has become an unaffordable economic risk and rights of access have been denied de jure.

Most carrier systems function most efficiently as local if not regional and national monopolies. Proprietary hardware systems have many oligopoly characteristics. To both of these industries, control over content has powerful if not irresistible advantages which anti-trust and First Amendment enforcement is unable to restrain. Similarly, producers and marketers of software and content are motivated to avoid competition by alliances or mergers with monopoly carriers or hardware suppliers with exclusive advantages based on patents or industry agreements.

5. The Constitutions of the U.S. and of the states, as implemented by legislation, regulated by agencies, and interpreted by the courts, do not safeguard these personal and social objectives. (First Amendment vs. U.N. Declaration of Human Rights, for example.) New public policies are demanded to cope with the technology and economics of modern media.

B. A Draft Statement of
Public Policies for the Telecommunications Media

1. Access and use of, ^{to,} media carriers, interconnections, hardware and terminal facilities must be available to everyone at non-discriminatory terms. The only valid exceptions are adjudicably illegal content (such as defamation, fraud, obscenity, etc.) The goal is to create a market and audience for communications content services governed solely by pure and uninhibited competition for the public's attention and expenditures.
2. Carriers and hardware suppliers must be prohibited from engaging in content. All vertical integration among the functional communications systems must be prohibited and divested. To guarantee open access, all communications carriers systems including electronic, postal, wholesale/retail news dealers and carriers, should be phased into regulation by common carrier principles.
3. All horizontal integration within an end-use or geographical market on a scale which offers incentives for anti-competitive behavior must be prohibited and divested.
4. Where private capital is unable or unwilling to construct, improve, and operate communications carrier systems to their fullest technical and economic capabilities then public resources and capital must be invested or public credit pledged. Communications carriers and support technology should benefit from the same public investments as have goods and personnel carriers such as the highway, waterway, rail and air carrier systems.
5. A governing principle of institutional re-alignment and regulatory policy should be to insure that the systems, both public and private, have the greatest possible built-in incentives to advance public objectives and interests, and disincentives to obstruct them.