

## **To Senators Leahy and Hatch and Congressman Coble (4/4/2002)**

I am writing to express my opposition to the growing trend to impose governmental technology mandates at the behest of the entertainment industry.

The introduction of "Consumer Broadband and Digital Television Promotion Act" (CBDTPA) formerly called "Security Systems Standards and Certification Act" (SSSCA) by Senator Hollings illustrates the inevitable conclusion of such mandates: a world where all digital media technology is either forbidden or compulsory. CBDTPA grants veto power over new technologies to the special interest groups who have opposed innovation since the Betamax VCR battle.

New technology is always threatening to incumbents; the invention of movable type displaced the monks, railroads the pony express, transistors the vacuum tube etcetera. What all these changes have in common is a dramatic reduction in cost. This allows more people to be able to afford the item or service. Ultimately this dramatically expanded the market once the players figured out how to effectively use the new technology.

The Internet is yet another watershed event. It reduces the cost of disseminating information to almost zero and being digital enables perfect distribution. For the first time in human history ordinary citizens are able to communicate with each other regardless of distance and time at extremely low cost. Anyone with something to say is free to publish. Middlemen no longer control and monopolize the distribution channel. The Internet represents true democracy where anyone that wants to can be heard.

The choices before Congress is to create laws that artificially impose control over a disruptive distribution channel. Or rather, to embrace this incredible technology that allows artists and writers interact directly with their audience. Adopting the latter course is unsettling since the shape of the future is unknown. What is reassuring is that every time this has happened in the past the society as a whole reaps tremendous benefits, even through some disruption occurs to specific interests.

I urge you to reject anti-consumer, anti-innovative, anti-competitive technology mandates, especially the CBDTPA and the "mini-CBDTPA" that is in the offing to give force of law to the "consensus" developed by the Broadcast Protection Discussion Group for digital TV standards.

I further urge you to repeal the Digital Millennium Copyright Act (DMCA). Its provisions have chilled the speech of computer scientists, stifled journalistic criticism, and prosecuted computer programmers and the companies for which they work. The DMCA allows content owners to use technology to prevent a user from exercising their fair-use rights guaranteed under copyright law.

Sincerely,  
Thomas Schmidt