



**Minority Media &
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**STATEMENT OF THE MINORITY MEDIA AND TELECOMMUNICATIONS
COUNCIL ON THE MARTIN LUTHER KING HOLIDAY**

What Congress Should Do Now To Advance Civil Rights In The Digital Age

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In this Statement commemorating the Martin Luther King Holiday, MMTC calls upon Congress to channel the civil rights spirit of the 1964-1968 Congress and "act rapidly and comprehensively to adopt spectrum auctions. By doing so, Congress will deliver the nation a civil rights victory of profound magnitude, at a time when the nation badly needs one."

We ought to remember Dr. Martin Luther King every day. And today, on the holiday bearing his name, we remember Dr. King for his fearless leadership of the Montgomery Bus Boycott, his campaign for economic justice, his opposition to war, and his support for decent pay and working conditions for all Americans.

We remember Dr. King because, as he told us in his 1968 [address](#) dedicated to "Remaining Awake Through a Great Revolution," that "one of the great liabilities of life is that all too many people find themselves living amid a great period of social change, and yet they fail to develop the new attitudes, the new mental responses, that the new situation demands. They end up sleeping through a revolution."

As we reflect on the importance of human dignity and civil rights on the occasion of Dr. King's birthday, we should also appreciate the role of our Congress in strategically eradicating social injustice. We should remember how the civil rights Movement's message, Dr. King's personal courage, and President Johnson's leadership all coalesced to galvanize Congress into enacting the three most powerful civil rights statutes in modern history: the Civil Rights Act of 1964, banning segregation in schools, public accommodations and the workplace; the Voting Rights Act of 1965, democratizing the franchise; and the Fair Housing Act of 1968, ending *de jure* segregation in communities and neighborhoods. Those three statutes defined universal first class citizenship for the industrial age.

Now jump ahead to the present – to the digital age, where first class citizenship means being online and knowing what to do when you get there. As FCC Chairman Genachowski has [said](#), "It used to be that being disconnected was an inconvenience. Not any more. Whether we're talking about jobs, education, or health care, in this day and age, getting online is a necessity, not a convenience.... Closing the digital divide is about achieving the basic American promise of opportunity for all."

The [Department of Commerce](#) informs us that 32 percent of Americans have not adopted broadband at home. Pew reports that [forty-one](#) percent of American adults are not using wireless broadband.

And here's a shocking fact: these numbers are likely to [increase](#) in large, population-dense and spectrum-poor, majority (or nearly majority)-minority cities. New York. Chicago. Los Angeles. Why are these and many other cities almost out of spectrum? Because the demand for the spectrum needed to drive wireless devices like smartphones is increasing at exponential rates to the point where one-third of cell phone owners now own smartphones. In these communities, spectrum is already hitting "exhaustion" or will hit exhaustion by the end of 2013.

What does "spectrum exhaustion" look like?

Spectrum exhaustion would stop America's economic growth in its tracks – painful for the well to do, but a massive body blow if you're poor or middle class. As price is used to depress demand in the face of insufficient supply, wireless will become too expensive for those who aren't upper-middle class. The result is a disproportionate impact on low income people, and a further widening of the digital divide.

African Americans and Hispanic Americans – with [wealth gaps](#) of 20 times and 18 times respectively that of White Americans, higher rates of unemployment, and decreasing household incomes – are the Americans who will be especially hard hit by price increases caused by the spectrum crunch. [Mobile](#) has become the technology of choice for 87 of African Americans and 87 percent of Hispanic Americans, compared to 80 percent of White Americans. Taking away fast, inexpensive and reliable wireless would be taking away the best chance people of color have had in decades to attain first class citizenship.

The solution is congressional approval of spectrum incentive auctions, which would enable broadcasters to tender their spectrum to the government in exchange for some of the cash generated when it is auctioned to wireless providers. Speaking at the Consumer Electronics Show last week, Chairman Genachowski made it [plain](#): "If we don't authorize incentive auctions and make much more spectrum available for mobile broadband, we are going to get swamped by an ocean of demand and risk our competitive advantage in the race to lead the world in mobile innovation. American consumers will face slower speeds, more dropped connections, and higher prices."

MMTC and organizations as diverse as the National Urban League, the League of United Latin American Citizens, the Communications Workers of America, the U.S. Telecom Association and the National Association of Broadcasters have endorsed spectrum incentive auctions.

What stands in the way? *Time*, because we don't have any left.

If we had the luxury of five years before we hit the wall of spectrum exhaustion, it would be safe for Congress to adopt loose guidelines for the auctions, let the FCC spend two years rulemaking to tie down the rules, allow a third year for judicial review over whether the FCC's line-drawing was arbitrary, and then take two more years for the FCC to adopt new rules on remand.

But we don't have [any](#) more time. None. The nation needs spectrum incentive auctions [now](#), without delay, or we will start running out of spectrum next year.

A comprehensive, mostly self-executing congressional statute stands a far greater chance of avoiding endless appellate litigation than any administrative agency's line-drawing.

Thus, given the time sensitivity, Congress should establish clear, comprehensive and unambiguous ground rules for:

- who should be permitted to bid – including how to protect minority entrepreneurship;
- how broadcasters should be fairly compensated for their spectrum; and
- how to preserve diversity of voices as some broadcasters elect to relinquish spectrum.

Congress needs to act *rapidly* and *comprehensively* to adopt spectrum auctions. By doing so, Congress will deliver the nation a civil rights victory of profound magnitude, at a time when the nation badly needs one.

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