China, which stays an open question whose answers are most likely to vary according to the nation's vast geographical and social differences. Yet, the concept also alludes to a successful solution-seeking process that will most certainly be filled with actions of local organizations and individuals with their agency. It will also be a path-dependent process in which existing communication infrastructure, including its Maoist components, shall play a role.[112]

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[112] Although Mao passed away twenty-five years ago, his legacies are still part of the current communication environment in cities as well as the countryside. However, the heritages can be either existing opportunities, as illustrated in the case of Dichangkeng, or potential pitfalls. There are a few obvious alerts. First, we need to be warned against a homogeneous model for nationwide application, which may dampen local agency, including an individual's right to choose media programs, or even be flatly unfeasible, for example, by extending wired radio to nomadic people in western China. Another serious issue pertains to the content of the information being disseminated. Mao built the infrastructure first and foremost to serve communist propaganda, or to instigate large-scale political movements such as the Cultural Revolution. If considerations for content are put aside and all we are concerned about is the increase in penetration rates of various kinds, there is no guarantee that the good wills of technocrats will not be abused at the end of the day. Thirdly, the popular conception of Maoist China being increasingly egalitarian has been recently challenged by Yehua Dennis Wei, who argues that interprovincial inequality actually increased in Maoist age, especially in early 1970s. *See* YEHUA DENNIS WEI, REGIONAL DEVELOPMENT IN CHINA 202 (Routledge 2000). In this book, Wei also writes that, "uneven distribution of resources, consideration for industrialization and national defense, decentralization, and problems with orthodox socialism made the task of equalizing productive forces across regions difficult." *See id.* In addition, after China's opening-up in 1978, "foreign investment, state policy, and local states and development conditions have all played important roles in even regional development in China." *See id.* Tackling inequalities in China has been a very complicated process that involves a great multitude of domestic and foreign players, at all levels of government, with the spins of various ideologies, in a huge ecology of games. It is therefore unlikely that the Maoist communication infrastructure, or whatever existing model, can be effectively implemented in diminishing information inequality nationwide without modifications, negotiations, and compromises.

AOL TIME WARNER FOUNDATION: EXTENDING INTERNET BENEFITS TO ALL*

B. KEITH FULTON**

I. BACKGROUND ON THE ISSUE

The origins of the term "digital divide" are uncertain. What is clear is that the term "digital divide," once popular catch phraseology for describing the gap between the technology "haves" and "have nots," now means many different things for different stakeholders. In many instances the term is considered a false start because it is immediately negative, and is seen as too narrow a way to talk about powerful information and communications technologies (ICT) and how they can benefit civil society. In many ways, the term's utility has become diluted as more and more people get online and as projects to "bridge the digital divide" multiply. Accordingly, world leaders, captains of industry, local politicians, community advocates and others have begun to embrace the notion of "digital opportunity" as a better way to quickly frame domestic and international efforts to extend the benefits of the digital age to all. This issue brief is designed to engage discussion and ideas for the AOL Time Warner Foundation portfolio of digital opportunity programs.

A. *Defining the Issue*

Promoting "digital opportunity" means extending Internet benefits to all. At bottom, the concept means making available to everyone the infrastructure, skills, content, relationships and community awareness resources that empower individuals and organizations in the digital age. The beneficiaries of our programs will be better able to navigate the social, political and economic pathways of our society.

It is important to note that the "benefits" of being connected go beyond e-mail and surfing the web. What we are hopinge to

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achieve is a full-scale democratization of information and access to ideas without being elitist ("the poor must use the Internet for education") or creating unnecessary barriers ("you have to buy a PC to access the digital economy"). In the ideal environment, all classes of society can enjoy the full features of being a part of a connected society. These benefits include online banking and investing, virtual fieldtrips, distance learning, access to news and information from any location at any time, as well as gaming and entertainment.

Programs that promote digital opportunity align perfectly with AOL Time Warner's business and philanthropic objectives. Our efforts in this area will increase the centrality of the Internet in peoples' lives. Additionally, our training programs will enable end users to reduce information overload, making them their own filter. A proactive positioning of digital opportunity initiatives also mitigates against unnecessary government regulation as the Internet becomes more of a common "public utility," triggering issues of universal service and government mandates on service. By making sure that the least served have the interest, the capacity and the means to use media, communications and information technologies, we make the global economy more valuable to everyone. In addition, we extend our corporate opportunities to service new markets and tap new talent both domestically and abroad.

While most would agree that there are real benefits to ensuring that no one is left behind in the digital age, tensions also exist. Technology is forever changing and some naysayers question the wisdom and priority of investing in expensive technologies that will be obsolete in eighteen to thirty-six months. These investments, detached from their contribution to education, health, reducing poverty, isolation, and illiteracy are often construed as self-serving for industry and/or undermining government's role. Others note that the digital divide will decrease by itself as more low-priced hardware enters the marketplace. Finally, opponents to broad-scale digital opportunity programs note that broadband technologies and multi-media PCs are luxuries that we all, to put it simply, can not afford. These arguments have some merit and provide ample caution for crafting programs. However, these perspectives fall short in their vision for the demands of a connected society. In a connected society, consumer demand, market prices, and disposable income are highly correlated with one's ability to read, write, do math and compute. There is no doubt that information literate citizens have a better chance of being self-sufficient than those who are not. The challenge is that the benefits of being connected do

not accrue to those on the margins of society without thoughtful intervention. By providing well-crafted digital opportunity programs, AOL Time Warner can do its part to assist those striving towards the economic and social mainstream.

B. *The Greatest Need*

Approximately one half of the households in the United States have Internet access. This is up dramatically from two years ago, where approximately one quarter of U.S. Households had Internet Access. While penetration of the Internet has increased across all demographic groups, Blacks, Latinos, seniors (age fifty and older), individuals with disabilities, and single-parent households remain twenty to thirty percentage points behind the national average. What's more, only fifty percent of this gap is said to be due to socioeconomic indicators of education and income. Recent surveys of low-income users, community technology leaders and independent Web sites also reveal that only one percent of sites surveyed could direct users to entry level jobs, or low-cost housing. Similarly, only one percent of sites surveyed were accessible to those with limited-literacy levels. By targeting the aforementioned groups, the illiterate, the working-poor and the organizations that serve these constituencies, we can simplify access to the nation's opportunity structure and make the highest and best use of our philanthropic resources. In the best cases, we can put into motion a transformative experience enriched by media, communications and information technology.

It is no easy task for digital opportunity funders to identify the "right place" to intervene. As mentioned earlier, information and communications technologies are changing rapidly. Individuals have needs, organizations have needs, and intermediaries - those serving the public good between individuals and organizations— have needs. This is the challenge of the "evolving sweet-spot" or "moving target." In the ideal world individuals would be able to access information tools and resources when and however they pleased. However, in the real world we must make choices. Over the last six years of delivering programs to the underserved, an emphasis has been put on intervening with PCs and networks at schools and community centers. The next generation of programs for the underserved will likely be those that are high speed (platformed on broadband technologies), get closer to home (making the school-home-community link) and those that are not tethered to a PC (making the anytime/anywhere promise real).

II. Framework for Strategic Focus

The goal of our digital opportunity programs should be *to use the medium to close the social and economic gaps between those who have access to information technology and those who do not.* The critical elements of success for this program area have not changed. They are structural, training/skills, content, and community awareness. In fact, the successful cadre of programs that have already been launched by the AOL Time Warner Foundation and others underscores the significance of these program pillars.

Structural – put in place the necessary infrastructure (hardware and connections) as well as appropriate software applications and support.

Training/Skills – develop tools that build technology literacy, analytical and critical thinking skills and experience.

Content – provide content that fulfills real needs in a compelling, friendly and trustworthy way.

Community Awareness – ensure that communities value being a part of the information age.

A. *Priorities*

As we organize our digital opportunity portfolio around these four core elements, we should prioritize projects based on their potential to provide income, education and quality of life progression for individuals and interest groups (i.e., seniors and the disabled). Programs for institutions should be prioritized based on their ability to scale and to be sustained long-term. Additionally, all projects should have measurable outcomes and should be replicable when program outcomes warrant expanding an effort.

B. *Resources*

A typical search of the web returns over two million page links to websites that cover the "digital divide" and "digital opportunity" program areas. I have found the following three sites to be the most useful:

1. The Digital Divide Network – www.digitaldividenetwork.org

2. Closing the Digital Divide – www.digitaldivide.gov

3. Yahoo: Tech Full Coverage (Digital Divide) –
dailynews.yahoo.com/fc/Tech/Digital_Divide

III. Current Projects[1]

AOL Peace Packs
Digital Divide Bridge Grants
Digital Divide Network
Digital Opportunity Partnership & civilrights.org
The Education Technology Leadership Institute (ETLI)
PowerUP
TechRiders
PowerUP International
International Channel on the Digital Divide Network
ConnectNet.org
GBDe Policy and Regulatory Module
BenefitsCheckUp.org
Young Americans and the Digital Future
TheBeehive.org

A. *Advocacy*

The administration and Congress will continue to weigh in on information access issues that govern the digital opportunity program area. AOL Time Warner will continue to work with business and nonprofit partners to develop points of view and specific recommendations for effective national, state and local access to information technology.

The following areas are likely to be the most pressing for our digital opportunity policy agenda: Universal Service, E-rate, Workforce Development, After School Programs, Research and Best Practices, Access Equity, Community Awareness, and Business Practices.

Our advocacy efforts should be focused on developing a strong portfolio of local programs with strong local ownership and leadership. These programs can serve as models for similar programs in other areas. Our advocacy will highlight the problems facing the underserved and will be a guide to effective solutions.

B. *Domestic and International*

Looking ahead, ideal projects would build on the momentum we have created over the last four years of programming in this area. Specifically, new programs should use the Internet to organize excess capacity, particularly in the training area, for strengthening the skill sets of individuals (moving closer to full home

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[1] *See* Appendix for descriptions.

penetration) and the capacity of community based institutions (moving closer to full integration of IT tools into their business strategies). Additionally, new programs would leverage our enormous brand assets as well as the capacity of broadband connections and relatively less expensive tools that are not tethered to a PC or PC Lab, such as Kiosks, Touch Pads, TVs and Mobile Communicators. Finally, minority serving institutions, organizations serving the disabled, and organizations serving schools in low-income areas should be built up to produce talent that can work for, lead and service the entire information technology industry.

IV.   OUTREACH

There are many organizations that can help us in our efforts. Big thinkers that can help us to advance our digital opportunity vision include: the Benton Foundation, the Morino Institute, CompuMentor, the Institute for Learning Technologies at Columbia University, the UN, the World Bank, the World Economic Forum and the World Resources Institute. Key program partners would include members of the HBCU community, the National Urban League, LCCR, La Raza, ASPIRA, the Children's Partnership, HUD, DOE, NTIA, the newly formed "Office of Faith and Community Based Initiatives" and leading research institutions/organizations that can measure and report program impact with widely recognized legitimacy.

APPENDIX: DIGITAL OPPORTUNITY PORTFOLIO

(Program Descriptions)

Project	Summary
AOL Peace Packs	We supply certain Peace Corps volunteers with "AOL Peace Packs," which include computers and Internet access. The AOL Peace Packs provide local projects developed by Peace Corps volunteers around the world with basic information technology resources.
Digital Divide Bridge Grants	Digital Divide Bridge Grants - Support projects that use the online medium in creative ways to help bring the Internet Revolution to underserved communities. Over $1 million in grants were awarded to 12 winning programs from across the country.

Digital Divide Network	An unprecedented collaborative with broad industry partnership. It is a clearinghouse for planning and information collecting/sharing among all industry, non-profit and government organizations working to bridge the Digital Divide.
Digital Opportunity Partnership & civilrights.org	In partnership with the Leadership Conference on Civil Rights (LCCR). A broad based education campaign that focuses on bringing the issue of access to the Internet to the top of the social and political agenda across the civil rights community.
The Education Technology Leadership Institute (ETLI)	The ETLI seeks to improve teacher quality by strengthening their understanding of technology. The pilot program, with partners Trinity College and the District of Columbia Public Schools, aims to build a corps of technology-trained teachers and administrators to lead and implement the effective integration of computer-based education in D.C. Schools.
PowerUP	The Foundation developed the online programming guide for PowerUP centers across the country, which will enable children to find useful, age-appropriate online content.
TechRiders	TechRiders is a free computer and Internet training course offered in houses of worship and community centers throughout the Commonwealth of Virginia. TechRiders provides a way for all members of a community, regardless of age or computer experience, to learn the skills necessary to participate in the new digital age. The program launched in May 2000 and to date, over 400 houses of worship and 10,000 people have participated.
PowerUP International	We are expanding upon the PowerUP concept by launching four international PowerUP sites in 2001-2002 in countries where AOL Time Warner has a corporate presence.
International Channel on the Digital Divide Network	We are expanding this successful domestic clearinghouse of information pertaining to grants, funding opportunities, best practices and toolkits.

ConnectNet.org	With the Kaiser Family Foundation and others, we are developing a national PSA campaign that also includes a toll-free number and companion websites. The new PSAs will direct kids to the most comprehensive index ever (by ZIP code) of technology resources in their communities. In both English and Spanish.
GBDe Policy and Regulatory Module	The Global Business Dialogue on Electronic Commerce (GBDe), a group of leading e-commerce companies including AOL Time Warner and others, will work with leaders of the eASEAN initiative and other representatives of developing economies to identify the policy and regulatory issues that must be addressed to speed Internet adoption and the development of electronic commerce.
BenefitsCheckUp.org	By completing a free, confidential survey on BenefitsCheckUp.org, older Americans, their families, caregivers and community organizations can access in one place a report of all the federal and state benefits available to them as well as how to claim them. Nearly one thousand unique state and federal programs are covered by this new online service, including financial assistance, health care, nutrition and prescription drug programs, home energy and weatherization benefits, and legal and transportation services. This new online service is available to anyone logging onto the Internet.
Young Americans and the Digital Future	Young Americans and the Digital Future is a multiyear program to promote state and local policies that increase young Americans' access to the benefits of the Internet and other information technologies. Working with both the public and private sectors, this campaign pays particular attention to the needs of low-income and other underserved young people.
TheBeehive.org	The Foundation is hosting TheBeehive.org, which provides a tutorial on basic computer topics and Internet concepts.

GOING TO THE BULLPEN: USING UNCLE SAM TO STRIKE OUT PROFESSIONAL SPORTS VIOLENCE

INTRODUCTION

The prevalence of excessive violence in professional sports events presents a serious social problem in both the United States and Canada. It has long been debated whether traditional tort and criminal law should apply to professional athletes whose actions exceed an acceptable level of conduct during games.[1] However, distinguishing between genuine, intense contact and behavior that escalates into tortious, even criminal, activity is one of the most difficult issues facing contemporary sports.[2] Yet even when professional athletes have been brought into civil and criminal courts, history shows that the legal system has not been an effective method of diminishing excessive and unnecessary violence on ice rinks, basketball courts, and playing fields.[3] Many argue that sanctions by the respective professional sports leagues[4] are a more efficient way of curtailing sports violence.[5] However, while fines and suspensions by the National Hockey League ("NHL"), National Football League ("NFL"), National Basketball Association ("NBA"), and Major League Baseball ("MLB") are proper for common incidents of misconduct, the influence of a disinterested party is necessary to substantially decrease excessive violence.

A full examination of sports violence would encompass a wide range of belligerent activity, including, but not limited to, alterca-

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[1] *See* Bradley C. Nielsen, Note, *Controlling Sports Violence: Too Late for Carrots — Bring on the Big Stick*, 74 IOWA L. REV. 681, 711 (1989) ("Only through a strict 'get tough' policy of prosecutorial intervention will athletes reevaluate their attitudes and adjust their athletic activities to conform to socially acceptable forms of behavior.").

[2] *See* MICHAEL J. COZZILLIO & MARK S. LEVINSTEIN, SPORTS LAW 879 (Carolina Academic Press 1997).

[3] *See* Daniel R. Karon, *Winning Isn't Everything, It's the Only Thing. Violence in Professional Sports: The Need for Federal Regulation and Criminal Sanctions*, 25 IND. L. REV. 147, 161 (1991) ("A well-drafted federal standard will provide consistent treatment of athletes and will mandate the prosecution of violent acts.").

[4] For the purposes of this Note, the term "leagues" will be used to connote the National Football League, the National Basketball Association; the National Hockey League, and Major League Baseball.

[5] *See* Jonathan H. Katz, Note, *From the Penalty Box to the Penitentiary – The People Versus Jesse Boulerice*, 31 RUTGERS L.J. 833, 835 (2000) ("[M]ore uniformly enforced control by the NHL is the most feasible and effective way to curb on-ice violence."); *see also* Linda S. Calvert Hanson & Craig Dernis, Article, *Revisiting Excessive Violence in the Professional Sports Arena: Changes in the Past Twenty Years?*, 6 SETON HALL J. SPORT L. 127, 164 (1996) ("[T]he one mechanism which reflects substantial change and has the potential to make an appreciable impact is the professional leagues' contributions.").