A STANDARDS AGENDA FOR THE OBAMA ADMINISTRATION

With all of the challenges that await it, the Obama administration will need all of the help - and standards - it can get.

Barack Obama has articulated a sophisticated and powerful technology-based agenda. But much of that agenda will require standards that either do not yet exist, or have not yet been implemented. The new administration will have to act quickly to fill the gap, and will need new strategies to make its standards ends meet.

Here are ten standards-based recommendations that can help Barack Obama keep the technology-based promises of his campaign.

In contrast to many other nations, the United States employs a "bottom up" standards development process that is driven by industry rather than government. That system permits new products and services to be swiftly introduced into a competitive marketplace, but leaves government with little ability to address its own technology needs, or to advance standards-related policy goals. In this article, I trace the origins of the current system, highlight its shortcomings, and suggest ways that government can achieve its goals without reshaping a process that is otherwise working well.

The surprise appearance at the Democratic convention of the legendary senator from Massachusetts supplied more than an emotional moment for the faithful. It also allowed a living witness to the idealism of the past to inspire those in the present to envision a future where great deeds could be done again.

If the concept of "one citizen, one vote" is such an irrefutable, inalienable standard of human rights, why do we fight so hard against it?

It's easy to get carried away in the heat of the moment of a closely contested campaign, whether you're the candidate or only one of the crowd. Now that the dust of the election has settled, it's time for us all to take a good look in the mirror and see if we like what we see.

The Standards News Portal was launched in February of 2002. It's been updated on a daily basis ever since to bring you the most important news about standards, how they are created, and how they affect your business and your life. Now the Standards News Portal has a new clean look and additional tools to help you keep current on today's news and also access the more than 4,800 categorized articles that comprise what may be the most extensive archive of its kind.

All for the Want of a (Standardized) Horseshoe Nail

It's unlikely that anyone would truly relish confronting the matters that await Barack Obama on inauguration day. From wars to economic collapse, there will be much to occupy the attention of the new administration, each challenge seemingly more intractable and urgent than the next. But lurking somewhere down there in the weeds of policy implementation lies the unsettling question of whether the standards needed to implement the new administration's grand goals will be waiting for him. Unfortunately, in many cases, the answer will be "no." What's a new president to do?

That's what this issue is all about. So if you happen to be visiting with the president-elect, be sure to lend him your copy.

In the **Editorial**, I lay out the problem, highlight what needs to be done at a high level, and make the case for rapid action. In the **Policy** piece that follows, I make ten specific recommendations for actions that can be rapidly and inexpensively taken in order to avoid the new administration being held back for want of the standards-based solutions upon which some of its important policy goals must rely.

I provide a more detailed description of the underlying problem in this month's **Feature Article,** in which I review the implications of the "Bottom Up" standards development system that the United States has evolved in tune with its traditionally hands-off approach to the marketplace. In doing so, I demonstrate how such an approach leaves the United States less able to act quickly to accomplish technology-related policy goals, and how it may be at a competitive disadvantage internationally as a result.

Next, I include three essays with a seasonally political theme. In my **Standards Blog** selection, I focus on Ted Kennedy's surprise appearance at this year's Democratic convention, and the hopes for the future that it inspired. The Kennedy piece is followed by this month's **Consider This** essay, in which I reflect on how curiously difficult democracies find it to really believe in the concept of "one citizen, one vote." And finally, in this installment of the **Monday Witness**, I recall an incident that occurred during the presidential campaign just ended to examine how standards of ethics and conduct can suffer during the heat of a hard-fought campaign.

I close this issue with a pointer to the recently revamped ConsortiumInfo.org **Standards News Portal**, highlighting its new features and cleaner, easy to use look and fee. If you're not already a regular visitor to that part of the site, perhaps you'll become one soon.

Hopefully, all of the above will provide much food for standards-related thought as the days countdown to the inauguration of Barack Obama. As always, I hope you enjoy this issue.

Andrew Updegrove
Editor and Publisher
2005 ANSI President's
Award for Journalism

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Technology, Innovation and the Challenge of the Missing Standards

Andrew Updegrove

Barack Obama promises to be the most technologically attuned U.S. president ever. More than a year ago, he released a policy statement on technology and innovation that detailed his plans to employ state of the art technology to pursue a broad spectrum of goals, such as increasing national competitiveness, providing next-generation broadband access for all, creating a "transparent and connected democracy," decreasing health care costs, acting to prevent global warming, and lowering American dependence on foreign oil. In pursuit of these goals, he also promised to appoint the nation's first Chief Technology Officer.

These are worthy and important goals. Like the other commendable promises the president-elect has made, they will be difficult to realize, for reasons both obvious and subtle. The obvious challenges include a crowded and ambitious agenda, the difficulties of achieving political consensus, and above all, the overarching urgency of addressing

The current standards development infrastructure was never designed to create the suites of closely integrated standards that will be needed to solve the types of complex problems embedded in the Obama technology and innovation agenda

a global economic meltdown that demands attention above all else.

But there are subtle hurdles that are equally daunting, if less visible. They include the need to develop a multitude of new information and communications technology (ICT) standards in record time, utilizing a standards creation process that is at best loosely coordinated, frequently contentious, and almost completely independent of government influence or control. Moreover, the current standards development infrastructure was never designed to create the suites of closely integrated standards that will be needed to solve the types of complex problems embedded in the Obama technology and innovation agenda. But while the challenge of creating standards-based solutions may be uninteresting from a policy perspective, an inability to perform in this pursuit may present as serious an impediment to success as any failure to secure requisite funding or garner sufficient Congressional support.

Consider just the following examples from the Obama technology and innovation platform:

- ✓ ***Lower Health Care Costs by Investing in Electronic Information Technology Systems:*** The administration proposes to invest $10 billion a year for five years in order to "move the U.S. health care system to broad adoption of standards-based electronic health information systems, including electronic health records." Success in this endeavor could save up to $77 billion in annual health care costs, according to a Rand Corporation study.

✓ ***Invest in Climate-Friendly Energy Development and Deployment:*** The administration proposes to spend $150 billion over ten years to "enable American engineers, scientists and entrepreneurs to advance the next generation of biofuels and fuel infrastructure, accelerate the commercialization of plug-in hybrids, promote development of commercial-scale renewable energy, and begin the transition to a new digital electricity grid."

✓ ***Create a Transparent and Connected Democracy:*** The president-elect hopes to use, "cutting edge technologies to…create a new level of transparency, accountability and participation for America's citizens," and also to make not current, but next-generation broadband Internet access available to all.

What these goals (and many other others) have in common is a dependency on a bewildering array of yet to be developed standards in diverse technologies that will be needed to enable the solutions themselves, or to measure and/or regulate their results. Moreover, each goal comprehends a variety of complex technical (and often scientific) domains, as well as diverse business dynamics. To give but a single example, providing next generation broadband access to all will not only require creating the standards that make such access feasible, but also persuading multiple layers of commercial interests to implement and deploy them, in some cases thereby thwarting the business strategies of global corporations that have already invested billions in competing solutions.

Compounding the problem is the reality that in virtually no instance is there a single standard setting organization (SSO) with the demonstrated competence to provide all of the standards needed to meet the requirements of the goal in question. By way of example, converting to a national system of electronic health records will require standards-based forms, data formats and schema, privacy and security protocols, and much more. As a result, suites of existing and yet to be developed standards will need to be assembled into profiles to address the use cases identified in each instance before the actual work of deploying the technology needed to achieve the goal in question can even commence.

Happily, a public-private initiative called the Health Information Technology Standards Panel (HITSP) was formed in 2005 to begin work on this challenge, providing not just a head start on this aspect of the administration's innovation plan, but also a model of the type of creative solution that will be needed to address other standards-dependent goals as well.

But these other dependencies still need to be identified, and their solutions defined and deployed. The administration is therefore faced with the uncomfortable choice of cobbling together imperfect and partial solutions using the tools at hand, or marking time until the standards are developed to fill the gaps and detailed profiles are designed to provide robust solutions. In each case, this will require a methodical process of achieving both technical as well as business consensus. If the administration takes the easy route based on existing tools, it will guarantee inefficient use of public funds and under delivery of results. But if it pursues the

best technical solution in too slow a fashion, it will risk saddling the new administration with a reputation for promising more technology-based progress than it can deliver.

The situation is exacerbated by America's traditional preference for a "bottom up" standards development infrastructure that is driven largely by industry initiative rather than government priorities. In contrast, the European Union has a decade long history of centralized, standards based planning, a variety of regional standards bodies purpose-built to address government priorities, and a record of success in utilizing standards to further both social and trade policies.

In the absence of such an existing alignment of government and standards development, the Obama administration will need to break new ground if it wishes to achieve its goals in an effective fashion. And it will have to act quickly, from the ground up. The key tasks will be as follows:

> 1. For each policy goal, assess the interoperability and other standards-related requirements needed to achieve that goal.

> 2. Perform a "gap analysis" to determine which standards are available, and which must be developed, taking into account any special criteria (e.g., security, accessibility for those with physical handicaps, etc.) that may apply in a government setting, as well as the competitive forces that may complicate adoption and broad implementation.

> 3. Where a standard does not exist, develop a strategy for its rapid development within an existing standard setting organization (SSO) or, as necessary, in a new one created for that purpose.

> 4. Where complex suites of integrated standards will be required to provide a solution, create a new public/private initiative, such as HITSP, to provide that solution.

> 5. Adopt and deploy a new standards policy across all Federal agencies to ensure the consistent and efficient deployment of the new standards-based solutions.

This is no small work order, especially if a consistent methodology is to be applied (as it should) across all agencies, in order to ensure maximum efficiency and achievement of policy goals.

But compared to the other challenges that face the Obama administration, this task is pedestrian, requiring only prompt recognition of the need, and care in designing and executing the program that needs to follow. In the article that follows, 10 Standards Recommendations for the Obama Administration, I offer a series of proposals that would enable the new administration to hit the ground running.

While this list may appear long, the good news is that these recommendations can not only be easily acted upon utilizing existing legislative authority, but little cost would be involved. Not one recommendation involves a major new initiative.

Taken together, they would have the added benefit of reinvigorating domestic standards development, thereby supporting renewed innovation, and helping close the competitive gap between the United States and the more standards-aware governments of (for example) Europe.

More to the point, the new administration will have little choice but to address the standards-related dependencies of its aggressive and commendable policies. Whether it does so by following the recommendations laid out below, or by pursuing some other course of action, it will need to move swiftly. Otherwise, for the want of so simple a tool as a standards strategy, the achievement of its ambitious and high-minded policy goals may ultimately lie just beyond its grasp.

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10 Standards Recommendations for the Obama Administration

Andrew Updegrove

The goals of the Obama administration are in tune with – but in some technical respects, ahead of - the technological times. As discussed in the Editorial to this issue, unless certain standards-related dependencies are promptly addressed, the timely achievement of the president-elect's innovation and technology policy will be jeopardized. But, as examined in the Feature Article of this issue, the government does not have the historical competency to address these dependencies. What, then, is the new administration to do?

The following is an integrated suite of recommendations that could be implemented quickly and inexpensively, and without Congressional action. Of the ten proposals, the first is most urgent, as the advisors assembled in this step would provide the experience, guidance and active assistance needed to implement the recommendations that follow.

1. Create a Standards Advisory Council (SAC): Due to the breadth of standards related issues underlying the administration's goals and the relative lack of existing government engagement in the standards arena, the new administration should recruit a council of neutral standards experts versed not only in technical and scientific matters, but also in the legal, trade policy and social impacts and opportunities that a sophisticated standards strategy can provide. Such a council should comprise existing experts drawn both from within government where available (e.g., from Defense, NIST, and Homeland Security), as well as from academia, law and other relevant disciplines. The SAC would advise and be chaired by the newly appointed administration CTO. It would also serve as an available resource for the Federal CIO Council (made up of the CTOs of the Federal agencies) and for Congressional committees.

2. Make maximum use of NIST: At present the government has islands of standards expertise in various agencies. Only one agency, however, includes standards as an area of primary focus and responsibility. That agency is the National Institute of Standards and Technology (NIST), operating under the authority of the Department of Commerce. Like many agencies, NIST has seen its influence (and budgets) rise and fall with the change of administrations. Now is the time to capitalize on its expertise and existing infrastructure to educate administration members, to provide a coordinating function both among agencies and with industry, and to act as the mechanism to jumpstart new standards activities.

3. Make greater use of ANSI: The American National Standards Institute is the internationally acknowledged representative of the U.S. in a variety of international standards activities, but its involvement with Congressional staff and domestic government agencies has historically been relatively light, due to the limited role

that government has taken in standards-related affairs. Especially in the near term, ANSI could provide a coordinating function with accredited domestic and global SSOs to accelerate the delivery and adoption of standards in targeted areas. ANSI currently administers a variety of "panel" activities in specific domains where the breadth of standards activities – as well as the number of SSOs and stakeholders involved - is great, or where a new technology with broad industry appeal is emerging. One such panel, the Health Information Technology Standards Panel, is already addressing eHealth standards, under contract with the Department of Health and Human Services. Other current ANSI panels are addressing areas such as Homeland Security, and ID Theft and Prevention and ID Management. ANSI could provide a valuable role in managing additional standards panels supporting other key areas of administration focus.

4. Reenergize implementation of the E-Government Act of 2002: As with electronic health standards, there is an existing statutory and administrative foundation upon which some of the Obama administration's goals to enable a transparent and connected democracy can be based. The existing structure created under the e-Gov Act should be rapidly evaluated and retooled aggressively to not only implement administration goals, but to assess, and as necessary, incentivize the creation of the standards needed to achieve goals of transparency and citizen connectivity.

5. Recognize the existence of "Civil ICT Standards:" Today, freedom of speech, freedom of association and freedom to interact with government are each increasingly being exercised on line rather than in person, converting our hard-won traditional civil rights into virtual "civil ICT rights." Only by deploying appropriate technical standards can governments ensure that any citizen, using any technology and software, and regardless of physical disabilities, can continue to enjoy these freedoms. Such "civil ICT standards" are the equivalent of a bill of ICT rights, and should therefore be developed in open, transparent processes that guarantee vendor neutrality, minimum cost to implement, and maximum utility. Adoption of such standards at all government Web sites will be essential for the success of the administration's goal to provide transparent government.

6. Create a More Policy-Aware Agency Interoperability Framework: The enormous economic power of government procurement can have huge impact on the standards that industry adopts. Without recourse to regulation, adopting a government-wide interoperability framework that (for example) exclusively implements Civil ICT Standards for document format and platform neutrality, as well as accessibility for those with physical disabilities, would provide great incentives to industry to raise the bar in socially-aware standards development generally, as well as ensure the broad adoption of specific Civil ICT Standards outside of the government marketplace.

7. Support the Formation of a "Standards for Standards" Body: ISO and IEC, the current global standards bodies involved in the creation of IT standards, do not consider part of their role to be to guarantee the openness of the standards development process, the quality of the technical standards adopted, or the vendor and platform neutrality of their work product. Instead, these bodies provide the venue within which standards are developed or voted upon by National Body representatives, which individually determine their rules of operation. As a result,

there is no trusted source to rely upon to evaluate standards, or the SSOs that create them, for purposes of government procurement. A "Standards for Standards" organization could be easily and quickly launched, with a governance structure that guarantees that all stakeholders are fairly represented, that appropriate criteria are created, and that trustworthy results are made available. The existence of such a neutral "rating agency" would provide a competitive incentive among all SSOs to increase transparency, improve process values, and decrease vendor influence.

8. Revise OMB Circular A-119: There is already a framework in place that is intended to guide government standards-related procurement, known as OMB Circular A-119. However, in the years since its adoption the role of ITC standards development has increasingly been taken over by industry consortia instead of traditional, accredited SSOs. A-119 should be updated to expressly give equal status to consortium-developed standards, as well as to enforce and coordinate with the standards goals noted above (for example, to require implementation of Civil ICT Standards where applicable, and to restrict procurement to standards, where available, that have otherwise been certified by the Standards for Standards body referred to above).

9. Direct the DOJ to Support the Development of Open Standards: The regulatory agencies can do much to encourage – or inhibit - the development of standards. By providing further written guidance in areas such as the *ex ante* disclosure of patent licensing terms and by prosecuting those that "game" the standards development process, the Department of Justice can facilitate the more rapid development and adoption of much-needed standards with less fear of later "patent hold up" situations.

10. Aggressively Promote Patent Reform: The administration's platform already incorporates the goal of patent reform, but it should be recognized that for a variety of reasons the proliferation of poor-quality patents is of special concern in standards development. First is the fact that a standard, once widely adopted, "locks in" the marketplace, because it becomes extremely expensive to switch to an alternative approach. Second, in areas (such as the Web, the Internet and areas in which open source software predominate), the imposition of royalties or restrictive licensing terms can be extremely problematic. With the proliferation of patents and the increasing density of patent "thickets" in core areas of technology, creating high quality standards that are free of such encumbrances is becoming increasingly difficult.

For additional background and detail on these recommendations, see the article that follows, titled Behind the Curve: Addressing the Policy Dependencies of a "Bottom Up" Standards Infrastructure.

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Behind the Curve: Addressing the Policy Dependencies of a "Bottom Up" Standards Infrastructure

Andrew Updegrove

Abstract: *The United States government has historically relegated the role of standards development to a private-industry driven process, first, by creating its own "government unique" specifications for procurement purposes, and since 1995, by committing to utilize the standards developed in the private sector. The result is that the U.S. government is today largely dependent upon the standards that the private sector chooses to develop. With the increasing digitization of all things, the Obama administration will find that many standards needed to achieve its goals do not yet exist, and also that government does not have the tools to create them. In this article, I review the forces that led to this state of affairs, assess the resources the government already has available to address new standards needs, and make recommendations on how those resources, and others that can easily be created, could be integrated to provide much-needed standards solutions within reasonable time frames.*

Introduction: Barack Obama will unquestionably take office as the most technology savvy president in U.S. history, as demonstrated by his skillful use of Internet-based tools to build, fund, and promote his candidacy. Not surprisingly, the same awareness and comfort with technology that supported the Obama campaign also informed his platform as well. Early on, the then senator revealed a technology-based "innovation agenda"[1] in a position paper he fittingly announced at Google's main campus in Mountain View, California in November of 2007. The press release[2] issued by his campaign that day promised that under Obama's guidance, his administration would:

> …connect and empower Americans through technology. The comprehensive plan will ensure the full and free exchange of information by protecting the openness of the internet and encouraging diversity in media ownership, create a transparent and connected democracy by opening up government to its citizens, modernize our communications infrastructure, employ technology and information to take on the challenges facing America, and improve our nation's competitiveness.

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[1] Barack Obama on Innovation and Technology, November 14, 2007, at http://www.barackobama.com/pdf/issues/technology/Fact_Sheet_Innovation_and_Technology.pdf. This, and all other on-line resources cited in the notes to this article were accessed the week of November 24, 2008.
[2] Obama Unveils Innovation Agenda at Google, November 14, 2007, at http://www.barackobama.com/2007/11/14/obama_unveils_innovation_agend.php

Obama's prepared remarks expanded on this vision, promising to:

> …use technology to help achieve universal health care, to reach for a clean energy future, and to ensure that young Americans can compete - and win - in the global economy. If America recommits itself to science and innovation, we can lead the world to a new future of productivity and prosperity…. That's what we can do if we seize this moment.

The senator also promised to create a transparent government, open to citizen inspection and even direct participation, stating:

> To seize this moment, we have to use technology to open up our democracy. It's no coincidence that one of the most secretive Administrations in history has favored special interests and pursued policies that could not stand up to sunlight. As President, I'll change that. I'll put government data online in universally accessible formats. I'll let citizens track federal grants, contracts, earmarks, and lobbyist contacts. I'll let you participate in government forums, ask questions in real time, offer suggestions that will be reviewed before decisions are made, and let you comment on legislation before it is signed. And to ensure that every government agency is meeting 21st century standards, I'll appoint the nation's first Chief Technology Officer.

More specifically, the Obama innovation agenda committed to guarantee the network neutrality of the Internet, preserve on-line privacy, and provide next-generation broadband access to all Americans (among other goals), and to apply technology-based solutions to a broad range of issues, from lowering healthcare costs to developing clean energy technologies, while simultaneously increasing national competitiveness, creating new jobs, reforming the patent system, and much more.

Clearly, these were ambitious goals, presenting all of the usual challenges of gaining Congressional approval, committing funding, and successfully managing the through the details of implementation. But beneath the surface there were less obvious technical challenges relating to the new realities of the Internet. Unlike prior initiatives that could be implemented by and within a single government agency, providing transparency in government will require interoperability between the records and Web sites of all agencies and any popular technology used by citizens. Other elements of the plan will require interoperability among many government agencies, each of which today to a greater or lesser extent remains a distinct silo of systems and information.

Similar challenges will arise outside of government systems, if the promise of driving up to $77 billion per year out of health costs through the conversion of paper-based systems to "electronic health records" is to be achieved. Realizing such a vision will require adoption of common standards-based technology not only by governmental agencies such as the Veterans Administration and the

administrators of programs such as Medicare and Medicaid, but by millions of healthcare providers and their employers as well.

Even in the area of clean technology and climate control, subtle challenges will arise. How will the results of such endeavors be measured, and their success or failure be determined? What thresholds of activity should be required to qualify for tax incentives? Who will provide the answers, develop the testing tools, perform the tests, and vouch for the results?

In fact, almost all of the goals of the Obama innovation agenda will need to rely on the existence of a multitude of standards – performance standards, environmental standards, and accessibility standards, and standards to achieve interoperability across all types of real and virtual networks, between

The underlying reality is that the ambitious promises of the Obama administration will be dependent upon the rapid development and deployment of a great variety of standards and supporting infrastructure

platforms, among data formats, and between citizen's mobile phones, laptops and desktops and their government's Web sites. Knowing whether these standards have been effectively implemented will often require the development of test suites, the recruitment of test labs and certification authorities, and the registration and administration of certification marks. Achieving the full promise of some aspects of the agenda will also require new ways of rating standards as well, in order to make eGovernment truly transparent, vendor neutral and universally accessible.

But where will all of these standards come from, and who will decide which to use and which not? Who will develop those tests and administer them? How will the healthcare and telecom industries be persuaded to adopt the standards chosen? And how quickly can all of this be made to happen, lest the promises made languish unfulfilled?

The underlying reality is that the ambitious promises of the Obama administration will be dependent upon the rapid development and deployment of a great variety of standards and supporting infrastructure. Unfortunately, the United States government is ill-equipped to meet this challenge, due to a variety of historical factors. In order to succeed in delivering on its promises, the Obama administration will therefore need to recognize this dependency immediately, and promptly begin planning ways to address the standards gaps that must be filled.

In this article, I will examine the historical roots for this situation, review some of the realities that will challenge the achievement of discrete goals, identify the available tools at the Administration's disposal to meet these challenges, and finally recommend how these resources and new tools can be integrated to permit the Obama administration to achieve its technology-related goals.

I   The United States and Standards Development

The rise of private standards development.   Although the authority to determine standards of weights and measures is reserved to Congress under the very first Article of the U.S. Constitution, the involvement of government in

standards other than weights and measures lagged the explosion of standards development that began in the late nineteenth century, notwithstanding the creation in 1901 of the National Bureau of Standards as a non-regulatory agency under the Department of Commerce. Since 1988, that Bureau has been known as the National Institute of Science and Technology (NIST), charged with the mission, "to promote U.S. innovation and industrial competitiveness by advancing measurement science, standards, and technology in ways that enhance economic security and improve our quality of life." But with an annual budget of under $1 billion, NIST's activities are limited to a variety of important, but discrete areas, only some of which are standards related.

Instead, the development of standards in the U.S. evolved along two parallel tracks: one serving the needs of government procurement, and the other the increasingly voracious requirements of private industry for safety (elevators, boilers), construction (building codes), interoperability (screw threads, plumbing fixtures), performance standards (electrical, mechanical), and much more. These requirements were met by a rapidly expanding list of multipurpose trade associations and focused standards organizations created by industry itself, and government was increasingly happy to reference the output of such organizations in safety and other regulations in lieu of assuming the burden of determining such subject matter itself.

With time, the proliferation of such organizations led to confusion and inconsistent quality of output. In response, five of these organizations (their current names are IEEE, ASME, ASCE, AIME and ASTM International) invited the Departments of War, Navy and Commerce to join them in creating a new organization they called the American Engineering Standards Committee. The mission of that organization was to act as, "impartial national body to coordinate standards development, approve national consensus standards, and halt user confusion on acceptability." Today, that organization is known as the American National Standards Institute (ANSI).[3]

Despite the involvement of three government agencies in the formation of ANSI, government procurement followed a different path, with government agencies drafting their own "government unique" specifications, upon which qualified contractors would then bid. The inevitable result was that while competition drove down the cost of goods built to private industry standards, the price of government-procured goods spiraled upwards, due to factors such as lack of cost consciousness in the creation of government specifications, and the lack of competition among bidders in contrast to the general marketplace.

Congress eventually acted in 1995 to resolve this system by requiring government to use private industry standards in procurement whenever possible, thereby becoming increasingly able to buy commercial off the shelf (COTS) goods far more frequently rather than costly custom-built products. That legislation was called the National Technology Transfer and Advancement Act of 1995, 15 U.S.C. § 3701 ("NTTAA"). Under the NTTAA, the Federal agencies were also required to actively participate in the activities of standards development organizations (SSOs), and to report annually to NIST on both their uptake of SSO standards as well as their

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[3] For a brief history of ANSI and the evolution of its mission over time, see ANSI: Historical Overview, at http://www.ansi.org/about_ansi/introduction/history.aspx?menuid=1

participation in SSO activities, coordinated by a new Interagency Committee on Standards Policy.

In 1998, the Office of Management and Budget (OMB) updated an already existing document called Circular A-119 to provide additional guidance to the Federal agencies on implementing the NTTAA.[4] In the years that followed, the conversion within the federal agencies from government-unique standards to industry standards was impressive.[5]

Consequences of private standards leadership. While the NTTAA was successful from a budgetary point of view, it further reinforced the primacy of private industry in standards development. Today, the number of government personnel actively engaged in standards strategy and development is quite small, both as a percentage of all government agency personnel and as a percentage of all participants in SSOs. The result is that the problems that SSOs choose to address through the development of standards, and the processes they use to develop them, are largely determined by the profit opportunities perceived by vendors that for the most part fund, staff and drive the standards development process.[6]

The willingness of government to look to industry for its standards development needs is hardly surprising, given the generally market-driven political philosophy that typifies American government policy in general, and the dislike for regulation exhibited by one

Rather than creating the standards itself, government continues with great frequency to simply reference the standards that private industry has developed to serve its own needs.

party (and industry) in particular. As a result, government has come to rely on private industry standards not only to serve the products that the Federal agencies purchase, but also as the grist for a huge number of regulations and codes relating to safety, construction and other areas of governmental interest. Rather than creating the standards itself, government continues with great frequency to simply reference the standards that private industry has developed to serve its own needs.

The relative detachment of the United States government from standards development manifests itself internationally as well as domestically. Unlike many

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[4] OMB, Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities, Circular A-119, Revised (Feb. 10, 1998), available at http://www.whitehouse.gov/OMB/circulars/a119/a119.html.

[5] NIST reported that through 2001, Federal agencies had already replaced at least 1,412 government unique standards with non-government standards, and also used thousands of additional non-government standards. NIST also reported that in 2001, Federal agencies actively participated in at least 847 separate standard setting activities, and collectively were known to still utilize only 54 government unique standards. The five Federal agencies that then used the largest numbers of standards (Department of Energy, Health and Human Services, Housing and Urban Development, Department of Transportation and the National Aerospace and Science Administration) collectively utilized over 3,071 voluntary consensus standards in their procurement activities, and had directed 1,270 of their employees to participate in the activities of SSOs. Kevin McIntyre and Michael B. Moore, NIST, Fifth Annual Report to the Office of Management and Budget on the Implementation of Public Law 104-113 and OMB Circular A-119 (Oct. 2002).

[6] For a more in depth review of modern U.S. standards policy, see Updegrove, Andrew, A Work in Process: Government Support for Standard Setting in the United States: 1980 – 2004, ConsortiumInfo.org, Consortium Standards Bulletin, Vol. IV, No. 1, January 2005, at http://www.consortiuminfo.org/bulletins/jan05.php#feature

nations that have agency or quasi-governmental bodies that represent them in global standards organizations such as the International Organization for Standards (ISO) and the International Electrotechnical Commission (IEC), the United States is represented directly in the former by ANSI, and indirectly by the same organization in the latter via the United States National Committee of the IEC. In neither case was ANSI officially appointed to that role by the U.S. government. Instead, in the absence of an official entity, ISO and IEC admitted the private industry organization that had become internationally recognized over time as the de facto voice of standardization in the United States by default.[7]

Not surprisingly, the model for standards development as it exists in the United States today (and some other countries) is usually referred to as a "bottom up" approach, in contrast to the "top down" methodology practiced in many other countries around the world, under which government plays a far more dominant role.[8]

There are several direct consequences of this "bottom up" model for standards development that are of current relevance:

- ✓ **Scope of interest:**   In contrast to "top down" governments, the U.S. agencies tend to interact with standards primarily as consumers, rather than as developers or strategists.   As a result, the depth and breadth of government knowledge and sophistication regarding standards development and problem solving is less extensive.

- ✓ **Available solutions:** Because government is less involved in deciding what problems to solve, it is largely dependent on what problems private industry decides to address.   This limits standards solutions to those that can generate new opportunities and the highest profits for industry rather than solving the problems that might be of greatest national priority.

- ✓ **Stakeholder representation:**   Because standards development is time consuming and expensive, representation of non-vendor interests is comparatively light. The process in some SSOs can be opaque, and even secretive, making it less easy for other stakeholders to have visibility into how the standards that will ultimately affect them are developed.

The net result today is that federal agency involvement with standards is predominantly at the consumer level, and Congressional awareness of standards in areas such as ICT (as compared to safety) is very low.

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[7] The United States is directly represented in the International Telecommunication Union (ITU), which is a treaty organization operating under the aegis of the United Nations.

[8] Proponents of the U.S. model point out that it tends to be more market responsive and nimble, while critics contend that it can be more susceptible to vendor influence, less socially aware, and more prone to lead to duplicative standards. A classic and much studied example of the two systems and their outcomes involves "2G" wireless telephony. In the U.S., the government allowed the market to decide which standards-based technology would ultimately win out among four contenders, while Europe chose to annoint one approach from the beginning. See, for example, Gandal, Neil, Salant, David, and Waverman, Leonard, Standards in Wireless Telephone Networks, Telecommunications Policy,   Volume   27,   Issues   5-6,   June-July   2003,   Pages   325-332   at http://www.ictregulationtoolkit.org/en/Publication.2807.html

II   Challenges for the Obama Administration

Limitations of the bottom up system: Unfortunately for the Obama administration, the nation's bottom up standards system is not likely to make timely delivery of the standards solution demanded by a variety of Obama's initiatives.   There are additional reasons beyond those already noted for this conclusion, including the following:

   Standards silos: Standards continue to be set within individual SSOs that have variously broad or narrow domain competencies. But the problems that need to be solved are becoming increasingly complex, as a result of the convergence of multiple technologies and the linking of widely distributed systems via the Internet.   A classic example of both dynamics in action is a "smartphone," which may include voice, audio, video, WiFi, Bluetooth, Web

> *Unfortunately for the Obama administration, the nation's bottom up standards system is not likely to make timely delivery of the standards solution demanded by a variety of Obama's initiatives.*

browsing, input/output jacks, GIS capability, and much more – every one of which is a standards-based capability. These standards come from different SSOs, each with a different intellectual property rights (IPR) policy that reflects that organizations specific tolerances for royalty payments and license terms, and each standard was originally developed to address a certain range of business cases that may quickly become outdated. Sometimes such standards can be fit together well, and other times not.

The problem is compounded when multiple standards are available to perform the same task. Increasingly, vendors are finding it necessary to create entirely new SSOs for the purpose of creating "profiles" of standards to be implemented by multiple types of vendors (e.g., printer and cellphone manufactures) to perform tasks as ostensibly simple as wirelessly printing a snapshot from a cell phone. Many of the tasks called for by the Obama plan are far more complex.

   Scoping and timing: Standards are developed primarily to serve the particular needs of those that contribute the time and money to develop them, and that hope to profit from them. Given the press of time and the need for vendor buy-in, the Obama administration will be dependent on existing SSOs to provide most of the standards needed to implement policy goals.   First, however, the standards needed must be identified, the SSOs competent to develop them identified, and the members of those specific SSOs competent to develop them recruited to the task – a process that the government has only rarely engaged in in a systematic way before to achieve broad policy goals, as compared to fulfilling discrete procurement needs.   Only when these tasks have been accomplished, however, can the actual development process begin, which will rarely take less than a year, and often significantly longer.

   The need for "Civil ICT Standards:"   Goals such as transparency in government cannot rely on garden variety standards that are value, but often not vendor, neutral. Independent of the opportunities for participation in government that the Internet can provide, the need to drive down government costs will

continue to provide incentives to government to redeploy services (sometimes exclusively) via the Internet that have historically been provisioned in person. At the same time, an increasingly large percentage of the population each year is moving towards exercising its rights of free speech and free association on line, rather than in person. The result is that the exercise of our hard-won civil rights is increasingly occurring in the virtual, rather than the real world.

In consequence, governments need to recognize the existence of what I refer to as "Civil ICT Rights," as well as the vital role that standards must play in guaranteeing that we may continue to enjoy our core civil rights in the increasingly digital world of the future. This subset of standards (logically, "Civil ICT Standards") will need to meet special criteria in order to perform their appointed task, and these criteria are not normally taken into account in the course of normal standards development. They include the following:

✓ **Platform neutrality:** After hurricane Katrina, users of Apple computer software were unable to reach some government Web sites that hosted much needed emergency information, because those sites were accessible only to those using Internet Explorer. Citizens will expect to have the freedom to use whatever hardware and software they wish when they interact with government. Accordingly, government Web sites will need to be accessible via all popular operating systems and browsers, and will need to supply information in open data formats supported by popular software.

✓ **Cost:** Obama's pledge is to provide on-line access to government to all citizens, automatically bringing the question of cost into play, and again raising the question of platform neutrality. With the declining cost of mobile Internet devices, "mini" laptops and other platforms running Linux and open source software, transparent government Web sites, records and on-line services will need to be served by standards that are free of the types of economic and licensing restrictions that would prevent them from being implemented in such lowest cost solutions.

✓ **Inclusivity:** Government sites will also with to be sensitive to matters relating to gender, age, language skills, cultural diversity, literacy, numeracy, and IT literacy.

✓ **Accessibility:** All citizens will need to be able to access government Web sites and obtain all government information, regardless of their physical handicaps.

✓ **Privacy and security:** Individual information in government custody will need to be available to the individual and protected from unauthorized parties.

✓ **Archival storage:** As government records become increasingly rare in paper form, it will become essential that data is stored in the open data formats that are most likely to be supported far into the future.

Transparent government can only be achieved, therefore, by developing and implementing standards that meet the stringent Civil ICT Standards criteria

described above. Today, however, there is no widely accepted set of criteria that describe how such a standard should be created, nor for the process values (e.g., who may participate, who may review the work in process, who may vote on the result, and so on) by which it is developed.[9]

Lack of coherence: Commencing about 30 years ago, the IT industry began to opt out of the traditional standard setting infrastructure.   That infrastructure had evolved over the previous 100 years to comprise hundreds of SSOs, most of which (in the United States) were periodically audited and accredited by ANSI as complying with certain process and IPR rules. In addition to voting United States interests in international organizations such as ISO, ANSI performed a variety of other functions within this global, *de jure* standards infrastructure, including facilitating the global adoption of U.S. originated standards by ISO and IEC.

The departure of IT industry (and to a lesser extent, the communications industry) was motivated in part by impatience with the often slow process of the traditional SSOs, and in part by a desire to exercise greater influence over development results. The solution some

Together, consortia today comprise a parallel universe of global (although often U.S. industry dominated) SSOs, many of which are as process oriented and prolific as their traditional peers.

major IT vendors settled upon was to form new organizations that came to be most often referred to as "consortia." Initially, these organizations focused on a single standard, but with time, some broadened their work plans and became institutionalized.   Together, they today comprise a parallel universe of global (although often U.S. industry dominated) SSOs, many of which are as process oriented and prolific as their traditional peers.

Such consortia have proliferated hugely, and today number in the many hundreds. Together, they now develop the majority of the standards that fuel innovation in the IT, and to a lesser extent, the CT industry.   But they also overlap, and frequently create competing standards (often deliberately, to serve the strategies of one vendor or group of vendors over another). Such coordination as exists among consortia, and between consortia and traditional SSOs, arises as a result of networks of variously formal and informal liaison relationships. Virtually all of this activity takes place outside the ambit of ANSI, and without any government involvement, except to the extent that individual agencies may participate as members.

Global dependencies: By definition, ICT standards call for global implementation. Due to considerations of cost and competition, it will make little sense to develop standards utilized only by government agencies, and no sense at all to require individual citizens to buy products that are based upon government-unique standards.   Unfortunately, unlike individual countries (such as China) or regions (such as the European Union) where governments play a very active role in guiding the standards development process, the U.S. government has exercised,

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[9] For a more in depth description of this topic, see, Updegrove, Andrew, A Proposal to Recognize the Special Status of "Civil ICT Standards," ConsortiumInfo.org, Standards Today, Vol. VII, No. 2, February – March 2008, at http://www.consortiuminfo.org/bulletins/feb08.php#feature

and is capable of exercising today, little influence over the development of standards. At best, it must therefore look to what efforts, complementary to administration goals, other governments may be exerting, and ride the coattails of those initiatives.[10]

III   Resources and Recommendations

How, then, is the Obama administration to be able to hit the ground running on its ambitious goals? Fortunately, while a coordinated "top down" standards-aware infrastructure is not in place, many (although not all) of the pieces necessary to take top down actions do exist. What is needed is a conscious plan to optimize and integrate these resources towards a common purpose, augmented as necessary with a few additional tools.

Available Resources: Any inventory of available resources, and how they might be optimized to support government standards-related policy goals, would include the following:

   National Institute of Standards and Technology (NIST): As earlier noted, the greatest reservoir of expertise relating to standards and their implementation in useful technologies exists within this agency. Currently, NIST self-describes itself as follows:

   NIST's mission:

   To promote U.S. innovation and industrial competitiveness by advancing measurement science, standards, and technology in ways that enhances economic security and improves our quality of life.

   NIST's vision:

   NIST will be the world's leader in creating critical measurement solutions and promoting equitable standards. Our efforts stimulate innovation, foster industrial competitiveness, and improve the quality of life.

   NIST's core competencies:

   - Measurement science
   - Rigorous traceability
   - Development and use of standards

But under the hood of this rational summary, NIST pursues what at first glance appears to be an eclectic mix of roles, ranging from making available an

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[10] Perhaps the most impressive effort in this regard is the work of the unwieldy-named Interoperable Delivery of European eGovernment Services to public Administrations, Business and Citizens, invariably referred to by its acronym: IDABC. The IDABC is now in the process of finalizing the third draft of a comprehensive pan-European IT plan known as the European Interoperability Framework for pan-European Government services (EIF). Information on this impressive document and its origins can be found here: http://ec.europa.eu/idabc/en/document/2319

astonishing array of "Standard Reference Materials" to be used by industry and science as direct comparison standards for purity and other physical qualities, to maintaining one of the world's most accurate clocks (a cesium-based timepiece upon which the nation's official time is determined), to administering the Malcolm Baldridge National Quality Award program.[11]

But within this broad range of activities there is broad competence in an equally broad area of standards, and close connections with industrial and scientific processes of all kinds.   NIST is periodically called upon to support specific standards-related needs identified by government, such those involving Homeland Security.

✓ **Recommendation:** Any effort to optimize government's ability to utilize standards to support policy goals should draw upon NIST's expertise and competencies. Given the breadth of its involvement with industry, express mission to support standards, and existing responsibility under the TTAA to compile and report data to Congress on standards adoption by all Federal agencies, NIST would provide the most logical existing agency to coordinate activities on a government-wide basis.

E-Government Act of 2002:   This legislation seeks to achieve a variety of transparency in government goals that are similar to those called for in the Obama plan, including the following:[12]

✓ To promote use of the Internet and other information technologies to provide increased opportunities for citizen participation in Government.

✓ To promote interagency collaboration in providing electronic Government services, where this collaboration would improve the service to citizens by integrating related functions, and in the use of internal electronic Government processes, where this collaboration would improve the efficiency and effectiveness of the processes.

✓ To promote the use of the Internet and emerging technologies within and across Government agencies to provide citizen-centric Government information and services.

✓ To make the Federal Government more transparent and accountable.

✓ To provide enhanced access to Government information and services in a manner consistent with laws regarding protection of personal privacy, national security, records retention, access for persons with disabilities, and other relevant laws.

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[11] The many committees, services, laboratories and activities of NIST are indexed at its home page: http://www.nist.gov/ For a light hearted appreciation of the bewildering array of Standard Reference Materials that NIST has seen fit to make available, see my previous Consider This piece, titled For Your Reference, ConsortiumInfo.org, Consortium Standards Bulletin, Vol. VI, No. 6, June 2005, at http://www.consortiuminfo.org/blog/considerthis.php?ct=29

[12] The eGov initiative Web site can be found here: http://www.whitehouse.gov/omb/egov/   The complete text of the Act can be found here: http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=107_cong_public_laws&docid=f:publ347.107.pdf

The e-Gov initiative has also created the Federal Enterprise Architecture, which includes a variety of Reference Models useful in enabling interoperability and achieving other goals of the Act.[13]

> ✓ ***Recommendation:*** The E-Government initiative is the logical foundation upon which to build for all purposes involving increasing transparency of government and direct participation by the public. While much work remains to be done, the legislative authority for a broader program of action than is currently underway already exists. Specific undertakings should include reviewing and updating the Federal Enterprise Architecture to meet the goals for transparency set forth in the Obama administration's agenda, and to require the use of Civil ICT Standards. The European Interoperability Framework should provide a valuable reference in this process.[14]

Federal Chief Information Officers Council: This body was created during the Clinton administration via Executive Order. Its existence was codified into law under the E-Government Act of 2002, with the following purpose:

> The Chief Information Officers Council is the principal interagency forum to assist CIOs in realizing their mandates to ensure the rapid and effective implementation of information management and information technology (IM/IT) solutions within each agency and to create a more results-oriented, efficient, and citizen-centered Federal government. The CIO Council works to improve agency practices related to the acquisition, modernization, use, sharing, and performance of Federal government information resources.

The CIO Council is charged with a number of interoperability-related goals. More specifically, it is also directed to work with NIST and the Administrator of the Office of Electronic Government and Information Technology (OMB):

> …to develop recommendations on information technology standards developed under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) and promulgated under Section 11331 of Title 40, and maximize the use of commercial standards as appropriate, including the following:
>
> > ✓ Standards and guidelines for interconnectivity and interoperability as described under section 3504
> >
> > ✓ Consistent with the process under section 207(d) of the E-Government Act of 2002, standards and guidelines for categorizing federal government electronic information to enable efficient use of technologies, such as through the use of extensible markup language

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[13] The Web page for the FEA, and links to the various Reference Models and other resources, can be found here: http://www.whitehouse.gov/omb/egov/a-1-fea.html
[14] See Note 11.

- ✓ Standards and guidelines for federal government computer system efficiency and security

If it did not already exist, such a body would clearly need to be created in order to achieve the standards-related goals of the new administration.

- ✓ **Recommendation:** The CIO Council provides the logical point of contact for all standards-based initiatives to be deployed throughout the Federal agencies. Such actions should be directed not only at increasing interoperability and the exchange of information, but also to use the procurement power of the government to further other standards related goals.

American National Standards Institute (ANSI): In addition to its international activities, ANSI provides a wide variety of important services in support of standards development and implementation, including auditing and certifying SSOs that apply to it for that purpose, hosting fora, conferences and committees, publishing standards and standards related materials, providing education and training services, and promoting the importance of standards and standards development. In addition to representing the United States directly in ISO, and indirectly in the IEC, it represents the United States regionally in the Pacific Area Standards Congress (PASC) and the Pan American Standards Commission (COPANT). ANSI receives

> *ANSI receives no government funding to underwrite its participation in, and economic support of, these global and regional bodies, and operates on a current annual budget of $22 million, derived from membership dues, sales of standards, and other activities.*

no government funding to underwrite its participation in, and economic support of, these global and regional bodies, and operates on a current annual budget of $22 million, derived from membership dues, sales of standards, and other activities. It currently describes its mission as follows:

> To enhance both the global competitiveness of U.S. business and the U.S. quality of life by promoting and facilitating voluntary consensus standards and conformity assessment systems, and safeguarding their integrity.

ANSI's membership comprises industry, non-profits (including scores of SSOs), government agencies, colleges and universities, international bodies, and individuals.

While ANSI provides a central meeting place for the traditional standards development community of accredited SSOs, it does not currently fulfill that role for the hundreds of consortia that have sprung up over the last thirty years in the ITC industry, in part because of the reticence of these global organizations to appear even more U.S. centric than many of them are already perceived to be.

- ✓ **Recommendation:**   In the view of this writer, ANSI is currently underutilized by the United States government, which draws upon its expertise erratically rather than systematically. With minimal government

assistance and funding ANSI could easily serve as a point of greater coordination between government and traditional SSOs to rapidly pursue administration goals. And, if specifically appointed to that task, ANSI could also serve as a designated point of contact with consortium SSOs seeking to become involved in specific government initiatives.

The best current example for such a relationship between government policy goals and ANSI can be found in ANSI's administration of the Healthcare Information Technology Standards Panel (HITSP), under contract with the Department of Health and Human Services. The HITSP Web site describes its mission as follows:

> [T]o serve as a cooperative partnership between the public and private sectors for the purpose of achieving a widely accepted and useful set of standards specifically to enable and support widespread interoperability among healthcare software applications, as they will interact in a local, regional and national health information network for the United States.

Since its foundation in October of 2005, HITSP has pursued an ambitious range of activities through multiple technical, business and liaison committees, and provides perhaps the best model for pursuing complex standards-related government policy goals with minimal funding.[15]

OMB Circular A-119: As earlier noted, this Circular was amended to support the Technology Transfer and Advancement Act. More specifically, it, "establishes policies on Federal use and development of voluntary consensus standards and on conformity assessment activities." In the breach, however, it's utility as a tool to prefer one industry standard over another has been limited, given the absence of any neutral way of rating the SSOs that create standards.

  ✓ **Recommendation:** OMB A-119 was last amended in February of 1998. In order to maximize the achievement of policy goals such as transparency in government, it should be appropriately amended to track any policy related requirements designated by the new administration, particularly as regards citizen-facing federal agency Web sites and hosted applications.

The FTC and the DOJ: Together, these two regulatory agencies both enforce the antitrust laws, as well as assist the marketplace in understanding what activities are, and are not, permissible to engage in under those laws. During the Bush administration, both the Federal Trade Commission (FTC), and to a lesser extent, the Department of Justice (DOJ) demonstrated a commendable interest in learning how to better support the pro-competitive effects of standards development and adoption. Among other supportive activities, the FTC prosecuted companies such as Rambus Technologies for alleged abuses of the standards development process, and Chairman Deborah Platt Majoras and other members of her staff made public

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[15] The specification working groups (13 as of this writing) can be viewed at the HITSP Web site, at http://www.hitsp.org/ Additional background on its formation can be found at http://www.hitsp.org/background.aspx

efforts to allay industry concerns over amending SSO rules to permit, or require, patent claim licensing terms at an earlier and more useful stage in the development process. These actions have been very useful in allaying unnecessary concerns over the potential liability that might attach from participating in the standards development process, and have encouraged SSOs to amend their intellectual property rights policies to permit, or require, such *ex ante* disclosure of patent licensing terms.

✓ ***Recommendation:*** Although the FTC is an independent agency, the Obama administration can and should encourage the Department of Justice to dedicate addedresources to conducting additional hearings to gather input on the needs of the standards development community, to providing useful guidance to the standards development community regarding pro-competitive standards development practices, and to prosecuting those that abuse the standards development process, thereby undermining its integrity.

Patent and Trademark Office (PTO): The PTO (subject to the interpretive power of the relevant federal courts) determines what inventions can and cannot be patented. Over time, the rigor of its review of patent applications has varied, both as a result of court decisions and acts of Congress, as well as in reaction to the amount of funding available to deploy a sufficient number of patent examiners to the task of vetting the ever-increasing flood of patent applications.

A special challenge has been presented in recent history by the decision to permit the patenting of inventions implemented in software. Such inventions are by their nature harder to deal with, not only due to their virtual and sometimes abstract nature, but also due to the increased difficulty of searching for the "prior art" represented by earlier inventions that, if known, would result in the rejection of such inventions. This, combined with a limited time budget for the processing of each patent application, a shortage of patent examiners with the needed experience, and standing pressure to approve, rather than disapprove, new applications has resulted in an industry-wide consensus that software patents are too easy to get, and too difficult and expensive to successful challenge.

While recent court decisions have made patents both harder to obtain and easier to challenge, a patent reform bill that would be more effective and far-reaching has thus far failed to pass both houses of Congress. A call for patent reform was included in the Obama innovation and technology policy proposal.

✓ ***Recommendation:*** Poor quality patents present special problems for the development and adoption of standards, because their proliferation makes it harder for SSOs to do what is already very difficult: provide the marketplace with standards that can be implemented on a reasonable and non-discriminatory (and ideally free) basis. The recent increase in the number and activity of companies the sole business of which is to acquire and assert patents in order to reap licensing fees (so-called "patent trolls") has exacerbated this problem, as idle patents that might otherwise lie unnoticed on corporate shelves come into the possession of companies with the budgets and business model to assert them.

Besides tightening up the patent system in general, the Obama administration should encourage, and fund, the reexamination of questionable patents claims asserted against standards implementers, especially when those patents are asserted after the marketplace has already become "locked in" through wide implementation of the standard in question.

New Resources: While clearly there are a variety of resources already in place that can be harmonized and optimized to support the identification, development and adoption of standards, they are not likely to be sufficient for the task of rapidly enabling the implementation of complex technology-based policy goals. In order to avoid slowing down the achievement of administration goals, two new mechanisms would be useful for informing and coordinating these efforts, one internal, and one external to government. They are as follows:

> *In order to avoid slowing down the achievement of administration goals, two new mechanisms would be useful for informing and coordinating these efforts, one internal, and one external to government.*

Standards Advisory Council (SAC):   Although existing IT staff at various agencies may be knowledgeable regarding specific types of standards at the technical level, they would not be expected to be as well versed regarding the social and other dimensions that a policy-aware standards agenda should incorporate. In fact, in the case of transparency in government, decisions remain to be made regarding important issues such as platform neutrality, ensuring the availability of open source as well as proprietary alternatives, privacy and security. Before specific standards implementation decisions can be made, a framework for selecting them based upon such decisions will be needed. While the process of developing appropriate criteria is well advanced elsewhere, the dialogue on such matters is only now beginning in the United States, and at the state level.

In order to rapidly address issues such as these, a new advisory group will be needed that brings together not only those versed in technical matters, but also advocates of open source software, open information, and open standards, and experts in related domains, such as intellectual property and best practices in standards development. Such a group would advise the new Chief Technology Officer that Obama has announced he will appoint, and serve as a resource to the CIO Council and Congressional staff.

Standards for Standards Body: It will be easier to set the criteria for Civil ICT Standards and revise OMB Circular A-119 than it will be for an agency CIO to know a qualified standard when she sees one. In order to support policy goals, therefore, a new type of private sector body will be needed that can set "standards for standards" and for the processes that create them. Such a body would perform the following functions:

✓ Through consensus, create criteria for open standards processes in general, and more strict criteria for creating Civil ICT Standards. The existence of a neutral, trusted developer and custodian for a single set of criteria, referenced by governments globally, will help avoid the type of fragmentation in public procurement that would make life difficult for

vendors, and make it difficult or impossible for interested governments to find standards that meet their policy needs.

✓ Certify the processes of the SSOs that meet the criteria established, thus providing not only a trusted third party verification mechanism, but also an incentive for SSOs generally to improve the quality of their processes.

✓ Maintain a registry of standards produced by certified SSOs, thus facilitating the creation of government interoperability frameworks.

Such a body could be formed quickly and maintained inexpensively. Its governance structure should ensure that the interests and opinions of all categories of stakeholders would be heard and taken into account.[16]

IV   Summary

The increasing importance of the Internet to almost everything that government does serves to expose the dependencies of government on a standards development, adoption, testing and certification infrastructure that has historically been beyond its control. Unless the United States government develops strategies to address its reliance on this largely private sector dominated infrastructure, government will increasingly find that it will be blocked, or at least delayed, in the fulfillment of a variety of technology-dependent policy goals.

While it should be unnecessary to radically depart from the bottom up reality that has evolved and predominated standards development in the United States for over a hundred years, it will be necessary for government, and particularly for the Executive Branch, to optimize and harmonize existing government resources, as well as provide incentives, through the exercise of the power of procurement, to the private sector to help achieve standards related policy goals.

The Obama administration finds itself on the cusp of this reality, as it hopes to achieve significant technology-based policy goals. Only by identifying existing dependencies and acting quickly and creatively to address them will it be able to achieve its goals in timely fashion, and not be impeded by the lack of standards that are both technically sufficient, and policy appropriate.

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[16] The timing for the formation of such an entity is particularly opportune, as there is great dissatisfaction with the failure of ISO/IEC JTC1 in the wake of the very contentious and controversial adoption process by that committee of ISO/IEC 26500, an open document format standard based on OOXML, a Microsoft specification. Four emerging country National Bodies filed appeals in response to the ultimate adoption of OOXML. Those appeals were rejected, exacerbating already inflamed emotions.

The Lion in Winter – or is it Spring?
Ted Kennedy Addresses the Democratic Convention

Andrew Updegrove

Date: August 25, 2008
Views: 1,277

For those of us who are of a certain age, the 1960s were an era not to have been missed. Indeed, they were a time when idealism seemed to be a responsibility of citizenship, rather than an idle pursuit. As John Kennedy, Robert Kennedy and Martin Luther King spoke out in words that captured the heart as well as the mind, more and more fell in behind. Their goals and ideals demanded to be your goals and ideals, and all of the lofty aims they espoused seemed to be as achievable as they were morally imperative.

And then, of course, the house of cards began to tumble in, through a succession of events that everyone that lived through them remembers all too well - not just remembers, but remembers frozen and captured in the amber of a terrible series of still images - where you were, and what you were doing. And then, after what seemed an endless moment, the numbing horror of what came next, as if the camera had begun rolling once again.

I was at school in fifth grade when John Kennedy was shot. Suddenly, all of the teachers disappeared from all of the class rooms, and stood whispering in the hall. Then, all of the children behind all of the windows in all of the classrooms of the parochial school across the alley were suddenly on their knees praying. And then we were sent home, without explanation, to be given the news by our parents in whatever way they thought best.

When I was in ninth grade the least surprising but perhaps the most unjust event occurred, with the assassination of one of the greatest and most courageous men of my time.   The date was April 4, 1968, and the place, Memphis, Tennessee. I was in London, England when I heard the news that the Reverend Martin Luther King had been assassinated. For days, the first four pages of every London paper were awash with news, pictures, and tales of anguish from the scores of American cities that went up in flames and rioting, borne of the outrage that spewed from this latest, outrageous injustice, of fears once again fulfilled fears, and dreams once more taken away. It seemed like the country must explode, or collapse.

And it almost did, but for the outreach of those that tried to bridge a chasm that threatened to yawn ever wider until it consumed everyone on either side.

One of those that reached the farthest that wrenching summer was Bobby Kennedy, at the time campaigning for the Democratic nomination for the presidency. On the day of King's assassination he landed in Indianapolis, Indiana, where he was scheduled to speak to a crowd gathered in a poor black neighborhood. His staff urged him not to speak, but he insisted. As he took the stage, he realized that his audience had not yet heard the news of King's assassination. But he rose to the occasion, speaking extemporaneously and saying in part:

Idealism, it seems, too soon gave way to cynicism, and those that later preached similar messages almost always sounded as if they were only mouthing the words of ancient songs whose melody had been long forgotten

> What we need in the United States is not division; what we need in the United States is not hatred; what we need in the United States is not violence and lawlessness, but is love and wisdom, and compassion toward one another, and a feeling of justice toward those who still suffer within our country, whether they be white or whether they be black.
>
> *(Interrupted by applause)*
>
> ...But the vast majority of white people and the vast majority of black people in this country want to live together, want to improve the quality of our life, and want justice for all human beings that abide in our land.
>
> *(Interrupted by applause)*
>
> Let us dedicate ourselves to what the Greeks wrote so many years ago: to tame the savageness of man and make gentle the life of this world.

An unusual man, to be sure. A Harvard graduate with rolled up sleeves that could break the news to a stunned black audience that a white man had just assassinated the greatest black leader of the century, and then quoted Aeschylus as if it was the most natural thing to do on such an occasion. And yet still he was able, through his simple eloquence and the shared experience of tragedy, to connect with a blue collar crowd dealing with emotions unimaginable to few that had not experienced such a sudden, terrible loss. All in six short minutes and 12 seconds of speaking from the heart, while everywhere else in America cities were already beginning to burn.

Two months later, of course, it was his turn to fall. He had just given his victory speech in the dark, early hours of the morning to a room of joyous supporters after winning the California primary, a victory that seemed to guarantee him the Democratic nomination. As the cameras remained trained on him, you could see him being pulled in one direction by the Secret Service, anxious to escort him from

the pressing crowd. But he turned to leave by a different door instead, stepping into the waiting gun sight of Sirhan Sirhan, out of the present, and into history.

I heard that news a few hours later, early on the morning of June 4, 1968 while getting ready for school. I rushed down to turn on the black and white TV, and saw that rock of mid-Twentieth century middle America, Walter Cronkite, visibly shaken and near tears, trying to put into words the shock and loss and outrage and injustice of what had, once again, been taken away from a family and a nation in an incomprehensible, irrational, momentary act of a single incomprehensible, irrational individual.

His brother, Edward Kennedy, the last of the four sons that had seemed destined for greatness, delivered his eulogy, unforgettably ending with these words, spoken in a quavering voice:

> My brother need not be idealized, or enlarged in death beyond what
> he was in life; to be remembered simply as a good and decent man,
> who saw wrong and tried to right it, saw suffering and tried to heal
> it, saw war and tried to stop it.
> Those of us who loved him and who take him to his rest today, pray
> that what he was to us and what he wished for others will some day
> come to pass for all the world.
>
> As he said many times, in many parts of this nation, to those he
> touched and who sought to touch him:
>
> "Some men see things as they are and say why. I dream things
> that never were and say why not."

Those times could be tragic, but they were also inspiring, and I would not have missed them. I was in London when Reverend King was shot because, together with my mother, brother and sister, we were reuniting with my father, who on his way home from Viet Nam. In tune with those same times, he had been serving as an unpaid volunteer physician for civilians, arriving in Saigon the night before the Tet Offensive exploded all around him. We didn't hear from him then for two weeks, until one night a volunteer ham radio operator, also in the service of others, searched the ether for another unknown volunteer, who in turn found another, in order to help someone separated from his family in a time of emergency reconnect with his loved ones and tell them that he was alive, and safe, and that he loved them. All via an ephemeral daisy chain of compassion stretching halfway around the globe.

For a few minutes we could speak, awkwardly trying to remember, but usually forgetting, to punctuate our hurried sentences with "over" and "out" to make the most of the short time available before the radio operators gently interrupted, so that they could connect another family across half a dark world of silent space.

It's been a long time now since those heady, troubled days. Idealism, it seems, too soon gave way to cynicism, and those that later preached similar messages almost always sounded as if they were only mouthing the words of ancient songs whose melody had been long forgotten. Lyndon Johnson made much of Bobby Kennedy's

and King's civil rights dreams become law, but his presidency sank in the morass that was Viet Nam. Another morass, this time called "Watergate" took down his successor, and between the war and the scandal, idealism seemed to be at best a naive pursuit, and in Washington, a hollow joke.

Until this year, that is, when it seems as if the old cards of idealism are improbably but credibly being put in place once again, this time by a young black senator born in the first year of Jack Kennedy's unfinished presidency. And I, like many others (both in this country and abroad), feel like I am hearing from Barack Obama something real that I have been waiting for a very long time to hear again.

It is true that with the passage of time Obama has been revealed to be more political than pure idealists would prefer. But so, of course, were Jack, and Martin, and Bobby, each of whom had personal as well as public failings But also, as with them, Obama's politics seem the servant to the ideals, rather than the other way around. Most importantly, there seems to be an innate decency and genuineness in the man that shines through with conviction.

When at last the welcoming cheers died down, the speech he delivered was brief - five minutes perhaps. It was heard by a crowd that seemed barely able to breathe once he began to speak, mindful that this opportunity would likely be their last to see the old lion in his element and feeling the fire of inspiration and a goal to be attained.

It was a long-delayed delight to hear Michele Obama and her brother tonight, articulate, self confident, engaging and inspiring, standing in front of thousands of cheering delegates on the way to nominating the first black to run for president as the candidate of a major party. Their words, and the crowds embracing response, made it seem as if we may well stand once again on the verge of bringing the dream of a just, equal and hopeful future closer to realization. What a luxury it would be after 45 years, and especially after the last 8, to feel as if we are enthusiastically dedicated again to something beyond national self interest, beyond individual self interest, beyond self interest for the sake of self interest.

But the highlight of the evening for most, I am sure, was the appearance of Senator Ted Kennedy. Until the last minute, it was uncertain whether he would be strong and well enough to speak. *[Update: It was later revealed that he had a serious kidney stone attack the night before requiring hospitalization.]* But when the appointed moment arrived, out he walked. Unbowed, almost undiminished, and clearly delighted to be there, he took the stage smiling and waving after a tribute by Caroline Kennedy, followed by a video tribute of family flashbacks and footage of the Senator and grandchildren rejoicing in the vitality of a timeless day spent sailing on the home waters of Cape Cod Bay.

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The Senator spoke confidently and with evident pleasure, with the same familiar timbre that has resonated in the halls of the Senate for 45 years, albeit tonight with some hoarseness and an occasional quaver in his voice at the end of a sentence. But the famous energy, drive and spirit were clearly undiminished, if not taxed by too long a speech. And he looked bluff and beefy as ever, though it was hard to miss the furrowed neck of an old man, lost inside a collar several sizes too large. Only when he turned his head to the right could it be noticed that the familiar mane of white hair was a comb over, unsuccessfully attempting to conceal the half of his scalp that had been shaved clean for surgery only weeks before.

As he warmed to the task, the cameras, of course, focused not only on anonymous faces in the crowd, but also on those of family members present - Caroline, rejoicing in the present and her uncle's evident pleasure at being there; Maria Shriver, distraught and on the verge of tears, hanging on every triumphant word but clearly focusing on the uncertainties of the future.

The words were as wonderful and inspiring as ever, keeping faith over all the intervening years with the goals of those long-gone days of Camelot. But this year, they seem not a quaint echo of a half-forgotten past, but a credible bridge from that past to a future that can reaffirm the selfless idealism of the 1960s, giving power to a wave that this time may wash higher on the beach of social justice than last time, and carry on a tradition that for too long has lacked the famous vigor of his brother's presidency.

> He said: *I'll be there in January* to see Obama sworn in, and few were willing to doubt it.
>
> And he said: *For me, this is a season of hope*. And that, *I stand here in hope*. And also that, *If we set our compass true, we will reach our destination*. And if he could hope and believe such things, than surely, the crowd knew, they could, too, and that they would willingly once more hope and believe such things as well.
>
> And he promised, this time echoing his brother Jack: *The torch has been passed once again to a new generation.* And that it had been passed, *for you and for me.*
>
> And, finally, quoting the closing words of the speech he had made at another Democratic convention many years ago, conceding defeat and marking the end of his own presidential ambitions, he promised that, *The work begins anew, the hope rises again, the dream lives on.*

And so it does, for us. If we are willing to believe it, too.

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#55 All Politics are Tribal:
The Myth of "One Citizen, One Vote"

Andrew Updegrove

Certainly the concept of "one citizen, one vote" must be the bedrock upon which all democratic theory and protections are based. Indeed, any government would presumably have to grant the validity of this tenet, lest its own validity be questioned. After all, at the end of the day, when all else is stripped away, the debatable and the subjective, the polemical and the political, is this not the one undeniable standard upon which everyone must agree, the fundamental principle of natural law that philosophers of any persuasion must certainly unite in supporting?

And yet…

Down through the millennia and even into the present, this simple, seemingly irrefutable standard of equality and representative government has proven to be almost impossible to establish in any democracy as a practical fact.

Now why, exactly, must this be? First, let's consider the evidence, using the United States as an example, and beginning, as they say, at the beginning. Which in this case is the Declaration of Independence. The ringing and splendid language of that document includes the following:

> *We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.*

There seems to be a troublesome word in that otherwise inspirational cornerstone of liberty, however. That word, of course, is "men", and the Founding (*note bene*) Fathers used that term advisedly. Male slaves need not apply for voting rights, either. And, as time would tell, a variety of other impediments to exercise one's democratic rights would be erected as well, including property and education restrictions, poll taxes, and more.

Only incrementally (one might say grudgingly) and across the gulf of almost two centuries of ostensibly democratic government did even the nominal reality of "one citizen, one vote" come into gradual focus, first with the Fifteenth Amendment to the Constitution, in 1870, which sought to bar the States from using an individual's race, color or prior status as a slave as a bar to exercising the right to vote. Next came the Nineteenth Amendment, extending the franchise to women – but not until

1920. Then the Twenty-Third Amendment came to the rescue of the citizens of the District of Columbia, giving them in 1961, granting them a number of Electoral College votes equal to those held by the least populous state. Poll taxes were not outlawed until the enactment of the Twenty-Fourth Amendment, in 1964, in connection with a series of long-overdue and much needed voting rights laws that sought to finally extend equal voting rights in fact, as well as constitutionally, to all, and particularly to those of color. The final voting related Constitutional amendment (to date) lowered the voting age to 18, in 1971.

So there we are, at last, yes?

But in fact, no. Why? Because next we must look at what happens after we cast our vote, and for whom.

At the national level, we have three primary rights: to vote for members of the lower house of Congress (the House of Representatives) and for the upper house (the Senate), and also for the President. Our right to be represented in the lower house comes arithmetically closest to achieving the ideal of one citizen, one vote, since the 435 seats in that house are apportioned (and decennially reapportioned) based on population. But the Senate is populated by two representatives from each state, from the smallest (Wyoming, with just 493,782 citizens in 2000) to the largest (California, with 33,871,648 in the same year).

Down through the millennia and even into the present, the simple, seemingly irrefutable standard of "one citizen, one vote" has proven to be almost impossible to establish in any democracy as a practical fact.

Thus, while the tiny population of Wyoming had but a single representative in the House compared to mighty California's 53, it enjoyed the vocal support of the same number of senators as its giant near-neighbor. By that measure, the vote of a single citizen hailing from the windswept plains of Wyoming on November 4 of this year was equivalent to almost 70 voters visiting the polls in sunny California. One citizen, one vote indeed.

And what of the presidency? There, of course, we encounter that quaint artifact of Colonial times known as the Electoral College, which can, and more than once has, elected a president that did not garner the majority of the popular vote (it used to be even worse, but don't ask).

So how did we get to where we are today, and does it matter?

At the heart of the matter, I believe, is the question of how we apply the simple word "us." If everyone within a given polity identified closely with every other citizen in that same political unit, then each would be likely to trust every other citizen equally, and therefore be willing to cede equal influence to them over their own destiny.

The problem, of course, is that people don't. Instead, consciously or unconsciously we subdivide the population into a small number of "us" and a variety of other groups that by definition become "them." The bigger, more diverse, and more

geographically distributed the pool of voters, the more types and the less familiar the nature of the pools of "them" become, if only through ignorance and suspicion. And once we have separated a national pool of voters into us and them, we begin to worry about how we will protect "us" against the suspect motives and goals of "them." The rest, as they say, is history (in this case electoral).

The concept of us and them extends back into the dimmest reaches of time, when bands of closely related hunter gatherers needed to rely upon each other utterly for their very survival. Occasionally, such a band would inevitably encounter an unrelated collection of mortals in the dark of the woods. "They" would be speaking strange words and would represent competition for scarce resources. They might (who could know?) be capable of anything. Perhaps we are genetically programmed to be suspicious of all who are "not like us," predisposed to expect the worst from "them," and unconsciously biased towards creating governmental structures that recognize the fear of what "they" may do. More rationally, those that have had it within their power to structure governments may have been aware of the fact that "they" may need protection from "us" as well.

Perhaps it is time to update the famous observation of that legendary Speaker of the House, Tip O'Neil, and conclude that all politics are tribal as well as local. Sad to say, much as we may continue to pay lip service to the high minded concept of "one citizen, one vote," lip service it will doubtless remain till that distant day when at last we regard all of our fellow citizens to be members of the same, great and democratic tribe.

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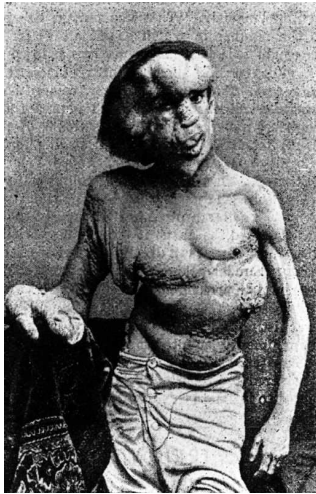http://www.consortiuminfo.org/subscribe/2.php?addentry=1

John McCain's Elephant Man Moment

Andrew Updegrove

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Election campaigns bring to mind - usually ruefully - standards of many types. Among them are the levels of civility, truthfulness, and fair play that we wish candidates would exhibit when they compete for our votes. But as the day of final electoral reckoning approaches, the gulf between the standards we favor and the conduct we observe on the hustings tends to widen rather than narrow. To my mind, nothing demonstrates a lack of character in a candidate as the degree to which he or she is willing to slander an opponent.

Holding candidates accountable to reasonable standards of conduct and character in this respect has become more problematic of late, in part because candidates and their parties keep developing new ways to distance themselves from sordid practices, while still reveling in their results. Some of these tactics have become sufficiently notorious to contribute new names to the lexicon of electoral dirty tricks. The 2004 campaign, for example, gave us a new verb: to "Swiftboat," meaning to spread disinformation through an organization that has pretensions to credibility, and also denies any connection to the campaign of the candidate the disinformation assists. The name, of course, derives from the ostensibly ad hoc association of war veterans that sought to impugn the war record of Democratic candidate John Kerry, a decorated Viet Nam war hero. Most recently, we have a new adjective - "Rovian" - derived from the name of former Bush political mastermind Karl Rove. This word is used to condemn (although sometimes with grudging admiration) conduct that is both artful and wrong - such as collaborating with Swiftboaters (yes, there is a noun form as well).

By design, Rovian Swiftboat tactics are difficult to pin on the candidates that benefit from their use. This allows the candidate to seem to float above the unsavory muck while still enjoying its predictable results ("Of course, I would never have said such a thing, but you know..."). Still, as with any other foray into the exercise of subjective morality, a candidate cannot totally avoid becoming sullied by the same

dirt, unless he or she immediately and consistently condemns the lies, as well as those that have promoted them.

Outing Swiftboating and other Rovian tactics, of course, can lose the benefit of the lies, and the art is therefore for a candidate to avoid being placed in a position where they must either endorse, or condemn, the statements that they know to be false. When that effort fails, a candidate may suddenly find him or herself publicly caught short in front of a mirror that forces them to see things about themselves that they have been unwilling to confront before.

John McCain found himself in just that position this week in a manner that I'll return to at the end of this blog entry. When he did, I could not help recalling The Elephant Man, a much acclaimed 1980 film directed by David Lynch. That movie dramatizes the true story of Joseph Merrick, a horribly deformed and sensitive individual rescued from a Victorian-era freak show by a well to do physician named Sir Frederick Treves. Lynch takes substantial liberties with

Suddenly, McCain's face falls, as if he finally realizes three things all at once: the absurd falsehood of the statement he has just heard; the role that his own campaign has played in bringing this woman to her statement; and finally, that a man that has repeatedly said that he would rather lose a campaign than lose a war had somehow seriously lost his way.

historical facts to explore, through the role of Treves, questions of integrity, responsibility and personal motivation that could not be more germane to the events we are witnessing in the closing weeks of the United States presidential campaign.

The central question that underlies Lynch's film is whether Treves is truly acting in the best interests of Merrick, or whether he is exploiting the Elephant Man of the freakshow for his own personal benefit. Which individual, the director asks, is truly deformed - the innocent condemned by birth to be an object of visual horror, or the privileged physician, who provides Merrick with a safe place to live, but also makes him available to the social elites that come to gape at Merrick's horribly deformed face and form. In effect, Treves steps more humanely into the role of Bytes, the brutal freakshow owner that provided Merrick with a marginal living at the cost of displaying him to the mob. As the plot unfolds, Treves's star in society rises in direct proportion to the increasing celebrity of his ward. Meanwhile, the luminaries of fashionable society that Treves introduces to Merrick trade pleasantries with the now-dandified Merrick over tea - and horrified comments at his expense as soon as they leave.

In one scene, Treves catches his own reflection in a mirror hung in the entryway to his home. He is brought short by the sudden appearance of his image before his eyes, and studies his face, as if for the first time, to determine whether what others see on the surface is truly representative of what lies beneath. The image of his wife then appears next to his own, and they engage in everyday greetings, while Treves's sidelit image appears in contrast not only with the glowing face of his saintly wife, but also within its own silhouetted features - starkly recalling the virtuous and the reprehensible, and the light and dark in his own soul- two facets of the same individual, sharply defined and opposed and yet inseparable.

Lynch is not shy in forcing both Treves as well as the movie goer to confront the responsibility of his, and by extension our, actions. In what is (to me) the most haunting scene of the film, Treves sits in the dark of the evening in his lamplit study, selecting books to lend to Merrick. He pauses in his task to gaze at a copy of Mary Shelley's Frankenstein, another metaphoric tale that juxtaposes moral purity with physical deformity. He places the volume back on the table, saying, "You stay with me." The script continues as follows

> ANNE TREVES (calling from the next room): Dinner will be served, shortly, dear. (getting no response, she enters.)
>
> ANNE: More romances for John?
>
> FREDERICK TREVES (far away): Hmmm?
>
> ANNE: ... Freddie! What's the matter? You've been like this all evening.
>
> FREDERICK: Oh... I've just been thinking about something that man Bytes said.
>
> ANNE: Oh, Freddie. What could that wretched vampire say to upset you?
>
> FREDERICK: That I am very little different from him.
>
> ANNE: Oh that's absurd, Frederick. No, no Frederick, that's all wrong!
>
> John is happier and more fulfilled now than he has ever been in his entire life. And, that is completely due to you!
>
> FREDERICK: But why did I do it? What was this all for? So John Merrick could live out his last days in peace and comfort? Or so I could become famous?
>
> ANNE: Frederick, just what is it that you are saying?
>
> FREDERICK: ... Am I a good man or am I a bad man?
>
> ANNE: Oh Frederick. (She holds her profoundly distraught and troubled husband in her arms)

The Elephant Man metaphor works so powerfully in part because of the visual contrast between the spiritually pure but horrific looking Merrick and the proper and privileged, but morally troubled Treves. The former struggles with rejection at the hands of an imperfect society that counts appearances over character, while the latter luxuriates in the approval of the social peers that reward him despite the morally compromised game they recognize he is playing. Because Treves is both self aware as well as vulnerable to temptation, we watch the conflict play out before our eyes even as we are challenged by our own visceral reactions to the inhuman face that The Elephant Man displays to the world.

John McCain had his own Elephant Man moment this week, when he, like Treves, was forced to face up to the moral consequences of a campaign that has too often been marked by a stream of Rovian Swiftboat allegations launched against his opponent. These statements have associated Obama with terrorism, the covert practice of Islam, and even Arabic heritage. Each of these pieces of disinformation has been cynically promoted in an effort to destroy the Democratic candidate's credibility in the eyes of the type of voters that would find the practice of Islam or the fact of Arabic heritage to be as morally deformed as the practice of terrorism. Nor have all such assertions been of a Swiftboat nature, as McCain's running mate, Sarah Palin, has sought to paint Obama as a terrorist sympathizer through association with a founder of the Weather Underground - who is now a respected university professor and a recent recipient of Chicago's Citizen of the Year Award.

Specifically, McCain's moment occurred as he faced crowds of supporters that have been whipped up to believe things that McCain well knows not to be true. Visibly taken aback on camera as Town Hall participants made more and more outrageous claims about Obama to his face, McCain found himself confronted with the need to ask himself the Treves question: "Am I a good man or a bad man?"

Making the correct decisions will require us all to look inside ourselves to determine whether what we ask for from our government is right and just and for the benefit of all, or simply hypocritically self-serving, and disguised in disinformation of our own.

Here are three video clips of an increasingly uncomfortable McCain, trapped in the YouTube eye, in the harsh moral silhouette of the moment. In the third, he is looking an older woman directly in the eye. When she says that she doesn't trust Obama, McCain smiles, and nods vigorously in agreement.

But then everything goes all wrong. The woman struggles with the reason. "Because..." she says, "Because...he's an Arab." Suddenly, McCain's face falls, as if he finally realizes three things all at once: the absurd falsehood of the statement he has just heard; the role that his own campaign has played in bringing this woman to her statement; and finally, that a man that has repeatedly said that he would rather lose a campaign than lose a war had somehow seriously lost his way. In that moment, the self-image that McCain holds in his own mind's eye, of the maverick war hero riding to his country's defense in its hour of need, must have suddenly morphed into the morally deformed image of a man whose ambitions had perverted his principles. There and then, you could see the question flicker across McCain's face: "Am I a good man...or a bad man?"

To his credit, McCain made the right choice in the moment. He took the microphone back from the woman, and looking down humbly at the ground, saying, "No Maam," in a voice that almost added, "They..I...have misled you." Obama, he was forced to admit aloud, is a "decent family man" who should note be feared, but respected, and treated with respect. Many in the crowd booed in response, not seeing the picture in McCain or Obama that they wished to see. Unlike McCain in that moment, they failed to realize that the moral deformity at issue was in themselves, and not in the history or the character of the object of their scorn.

Perhaps when the dust of this election has settled and the ballots have been tallied, some of them will have their own Elephant Man moments, and take a closer look at their own principles and motivations to determine whether they like what they see. Many, I fear, will not.

That, of course, would be a great pity, because regardless of the outcome of the current election, we as individuals, and all of us collectively as a society, will have many difficult decisions of principle to make. Making the correct decisions will require us all to look inside ourselves to determine whether what we ask for from our government is right and just and for the benefit of all, or simply hypocritically self-serving, and disguised in disinformation of our own.

A poem by Isaac Watts that Merrick often used to close the letters he sent during the final few happy years of his short life (he died at the age of 27) might assist us all in our own processes of self appraisal. That poem reads as follows:

Tis true my form is something odd,

But blaming me is blaming God.

Could I create myself anew,

I would not fail in pleasing you.

If I could reach from pole to pole,

Or grasp the ocean with a span,

I would be measured by the soul,

The mind's the standard of the man.

The New Look of the News

Andrew Updegrove

Since February of 2002, the Standards News Portal has been updated on a daily basis to bring you the most important news about standards, how they are created, and how they affect your business and your life. The Standards News Portal also allows you to search and read all of the 4,793 articles that have been added to the Portal's database since its launch, constituting perhaps the largest archive of its type in existence. You can sort the database by topic, by date, and by 26 topical and geographic subcategories using the tools you can find at the Standards News Portal Archive page. For a wry and topical view of the news, you can also browse through the hundreds of Quotes of the Day that I have selected and archived over the last six years.

Recently, the Standard News Portal was given a complete overhaul to make it easier and more rewording to use, with a new, cleaner look, additional subcategories, and new search tools. As before, it aggregates not only the news, but also blog entries and the Quote of the Day, making it the perfect bookmark if you want to keep in touch with what's happening in the world of standards. As with the other sections of this site, the news you will find at the Standards News Portal relates not only to new standards and how they are created, but also how they affect your business and the world around you.

As with everything else at ConsortiumInfo.org, the Standards News Mortal is available free of charge for the benefit not only of my firm's many consortium and other standards clients, but for the standards community at large as well.

Needless to say, standards are even more important now than they were when the Standards News Portal was first introduced. With each passing year, more and more of everyday life, business and government is being experienced and conducted on line. As new issues, such as confronting global warming, developing clean energy and protecting Homeland Security grow more important, so also do the standards upon which such activities must rely. How standards are developed, by whom, and for what purposes, therefore impacts us more completely and directly by the day.

Whether or not you have been a regular user of the Standards News Portal in the past, take a moment to check it out now at http://www.consortiuminfo.org/news/

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