



Online Ethics Center
FOR ENGINEERING AND SCIENCE

Computer Case Raises Questions

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Description

An article about LaMacchia's indictment, the background of file sharing over a network and the possible ramifications on the future of the internet and intellectual property.

Body

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CAMBRIDGE, Mass. (AP) -- Federal prosecutors say the indictment of an MIT computer science major is the first surge in an assault on the illegal sharing of expensive copyrighted software.

But members of a budding computer rights movement say the case could short-circuit computer users' First Amendment right to information.

A federal grand jury Thursday indicted David LaMacchia, 20, a junior at the Massachusetts Institute of Technology, on one count of conspiring to commit wire fraud.

LaMacchia is charged with running a computer bulletin board that allowed users to illegally copy more than \$1 million worth of copyrighted software for free -- everything from games to word processing programs.

U.S. Attorney Donald K. Stern called LaMacchia's the largest-ever case of computer piracy, and computer industry observers said that many more will follow as technology makes the exchange of information easier.

"In this new electronic environment it has become increasingly difficult to protect intellectual property rights," Stern said.

But to Richard Stallman, a software writer who founded and directs the Free Software Foundation, the government's case against LaMacchia "is an additional increment in how our freedom is restricted to squeeze out every possible penny for those software owners."

Using the computer aliases *John Gaunt* and *Grimjack*, LaMacchia operated the computer bulletin board at MIT in late 1993 and early this year, according to the federal indictment.

Prosecutors said the bulletin board, named Cynosure, let people on MIT's computer network and on the global Internet computer network illegally share the software.

LaMacchia's attorney, David Duncan, said his client should not be held responsible for the activities of other people who may or may not have used his bulletin board.

"This raises serious First Amendment issues," Duncan said. "Are you going to impose on the system operator the role of censorship?"

Ken Wasch, executive director of the Software Publishers Association, scoffed at that defense, saying "The issue is what the intention was."

Prosecutors said they have evidence that LaMacchia requested users to provide him with specific copyrighted software. But that raises another complication in the prosecution of computer crimes, since many messages sent electronically evaporate once read.

"Let them prove it," Duncan said.

The costs of software piracy are hard to pin down. The Software Publishers Association estimates that people working in corporations illegally shared nearly \$1.6 billion worth of software last year. There are no estimates of the extent of illegal exchanges on computer networks.

Observers predicted many more piracy prosecutions, especially considering the growing popularity of personal computer networks like the Internet, in which millions of people can link up via phone lines.

“The explosion on the Internet is creating new opportunities for people to illegally duplicate and distribute copyrighted materials,” Wasch said.

But some in the growing computer rights movement argue that electronic communication is meant to expand the exchange of information. Prosecutions like the one now targeting LaMacchia, they say, restrict it.

“The main thrust of digital technology is to make it easy to copy and manipulate information,” Stallman said. “That’s what computers are for. But it turns out that this benefit doesn’t suit the owners of information. They don’t want a free flow of information.”

LaMacchia himself, who faces fines of up to \$250,000 and possible jail time, declined through his attorney to respond to questions.

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