



Online Ethics Center  
FOR ENGINEERING AND SCIENCE

## Newsgroup Posting 4

### Year

1994

### Description

An article by David Sternlight on his feelings about the case, more specifically the use of the First Amendment to defend LaMacchia.

### Body

*\*ATTENTION - The FORMAT of the following article has been modified from its original appearance for ease of reading. No content or information has been removed from this article.\**

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In article <Co46vC.2E1@world.std.com>, Jason N. Gull <jgull@world.std.com> wrote: >

## **An Issues Primer in the Criminal Prosecution of United States of America vs. David LaMacchia**

[legalistic b.s. memo from the defendant's lawyers omitted]

They'd like to make this into a case about whether a sysop is responsible for the illegal activities of others on his system. However, the indictment shows clearly that

this is not the charge. The allegations in the indictment, based on quoting of posts the sysop allegedly made to his system, is that he solicited the uploading of copyright software, in some cases by name.

Thus he was knowingly and deliberately running a pirate BBS, and was not an innocent bystander, if the allegations of the indictment are proven. That is, he was conspiring to commit wire fraud.

Living in Los Angeles, I've gotten a lot of experience with what I think to be the misrepresentations, slimy tactics, and just plain distortions and obfuscations of counsel. It's starting to look like law school has been turning out a lot of what I think to be crooks with legal degrees, instead of what we were led to believe were to be "agents of the court". Ever since the Rodney King case and its sequelae, we've been paying attention to the antics of hoodlums and thugs in three piece suits with law degrees.

As I said in an earlier message, these attorneys are, I think, sinking their client with irrelevant and probably (I think) incompetent misdirection which, given the computer literacy of the indictment and therefore the prosecution, is bound to fail, at high cost to the defendant.

This kid is not Dreyfus, nor Sacco and Vanzetti. Plead him out on grounds of youthful indiscretion and promise for the future.

By the way, based on the logic of John Kenneth Galbraith's paper on "Economics and the Art of Controversy", by publishing the letter they did the kid's lawyers are already admitting they've lost.

Finally, based on the recitations in the indictment, CPSR and EFF should stay as far as possible away from this one, despite the crude apparent attempts of the kid's attorneys to turn this into an Electronic Frontier civil liberties case.

David

Newsgroups: comp.org.eff.talk,misc.legal,alt.wired,alt.2600 From: strnlght@netcom.com (David Sternlight) Subject: Re: Indictment of Sysop Reply-To: david@sternlight.com (David Sternlight) Organization: DSI/USCRPAC Date: Tue, 12 Apr 1994 03:38:57 GMT

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