



Online Ethics Center  
FOR ENGINEERING AND SCIENCE

# The David LaMacchia Case

## Author(s)

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2000

## Description

This is a compilation of articles, legal documents, and newsgroup postings pertaining to the software piracy case of David LaMacchia, an MIT student who allegedly used university hardware to distribute commercial software over the Internet, which raises important issues about the liability of system operators and the scope of computer crime and copyright laws.

## Body

## Chronological Index

In April 1994, MIT junior David LaMacchia was indicted for conspiracy to commit wire fraud, based on the accusation that he had modified an Athena workstation to allow people on the network to use it to download copyrighted software without paying. The case received national notoriety, the US Attorney in Boston calling it the largest incident of software piracy ever. In December 1994, the charges against LaMacchia were dismissed, with the judge ruling that copyright infringement can not be prosecuted under the wire fraud statute. The case raises important issues about

liability of system operators and about the scope of computer crime and copyright laws.

## Source documents

[The Indictment](#)

[U.S. Attorney's April 7, 1994 press release](#)

[MIT Statement on the indictment, April 7, 1994.](#)

[Response of Defense Counsel, April 8, 1994](#)

[Issues Primer \(from Defense Counsel\), April 11, 1994](#)

[Motion to Dismiss \(from Defense Counsel\), September 30, 1994](#)

[Government's Opposition to Motion to Dismiss \(from U.S. Attorney\), October 24, 1994](#)

[Reply to Government's Opposition to Defendant's Motion to Dismiss \(from Defense Counsel\), November 4, 1994](#)

[Memorandum of Decision and Order on Defendant's Motion to Dismiss \(from Stearns, D.J., allowing the Motion to Dismiss\), December 28, 1994](#)

[U.S. Attorney decides not to appeal LaMacchia decision - Press Release, December 28, 1994](#)

[MIT Statement on the Dismissal, December 29, 1994](#)

[Statement from Defense Counsel Concerning the Dismissal of the Indictment, December 29, 1994](#)

[Statement from the U.S. Attorney's Office on decision not to appeal Judge Stearns' ruling, January 27, 1995.](#)

[Statement from Defense Counsel on decision not to appeal, January 27, 1995.](#)

## News articles and reactions

Here are some of the news articles on the case, and some of the reactions on network newsgroups:

April 7, (Associated Press) [Student Faces Software Charges](#)

April 8, (Reuters) [Computer Whiz Indicted](#)

April 8, [Jason Garner: "Govt. may use this to make sysops responsible"](#)

April 9, [David Sternlight: "The indictment is a model of clarity."](#)

April 9, [Jim Thomas: "The indictment strikes me as sloppy."](#)

April 9, (The Tech) [Student Indicted on Piracy Charges](#)  
April 10, [Computer Case Raises Questions](#)  
April 10, ["The Indictment is Nearly Pure Political Propaganda"](#)  
April 11, ["MIT Covering its back"](#)  
April 12, [Issues Primer is Legalistic B.S.](#)  
April 12, (The Tech) [LaMacchia Will Be Arraigned Friday](#)  
April 12, (The Tech) [Editorial- Software Piracy A Serious Crime](#)  
April 13, [Harvey Silvergate: Letter to the Boston Globe](#)  
April 15, [Mike Godwin: "Where's the fraud?"](#)  
April 15, (The Tech) [Piracy Case May Set Precedent](#)  
April 22, (The Tech) [LaMacchia Case Raises Legal Questions of Fraud](#)  
Aug. 30, (The Tech) [Trial Dates Set in LaMacchia Case](#)  
Oct. 14, (The Tech) [Lawyers File Pre-Trial Motion to Dismiss LaMacchia Case](#)  
Nov. 15, (The Tech) [Government Opposes Motion to Dismiss LaMacchia Case](#)  
Nov. 22, (The Tech) [Judge Considering LaMacchia Motion](#)  
Dec. 29, (Reuters) [Judge Dismisses Indictment Against MIT Computer Whiz](#)  
Jan. 11, 1995 (The Tech) [Judge Dismisses Case against LaMacchia](#)  
Jan. 11, 1995 (The Tech) [Editorial- LaMacchia Case Raises Larger Questions](#)  
Feb. 1, 1995 (The Tech) [Government Will Not Appeal Case](#)  
Feb. 7, 1995 (The Tech) [David LaMacchia cleared; case raises civil liberties issues](#)  
Spring, 1995 (Time Magazine) [Cops on the I-Way](#), by Mike Godwin

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