



Newsgroup Posting 6

Author(s)

Anonymous

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Description

A newsgroup posting that highlights the FBI's misuse of certain terminology in the indictment of LaMacchia and the negative effects these errors may have on legal computer activities if LaMacchia is found guilty.

Body

jgull@world.std.com (jason n gull) wrote:

Among other errors in newspaper stories, both the NYT and the Boston Globe include definitions of BBSs that are inaccurate in the context of this case. They describe BBSs as being computers set-up to allow a user, "with a computer, a telephone, and a modem" to connect to the host computer. However, in the Lamacchia case, the BBS in question was an FSP site on a non-dedicated workstation at MIT.

The error was in the indictment; the newspapers' definition of BBS is more accurate to common usage. What David LaMacchia set up is not properly termed a BBS (it was an FSP site) and LaMacchia never referred to his FSP site as a BBS. The feds called it a "BBS" in the indictment, because they wanted to criminalize all illegal computer activities in the handy category of the evil "BBS". The indictment also engages in a considerable amount of PGP-bashing, and attempts to criminalize the

use of anonymous remailers, neither of which is material to the investigation. The files were not encrypted with PGP (they were openly available to anyone), and the pirated software was not sent via anonymous remailers. The anonymous remailers played only a tangential role in the matter because a few of the users of the FSP site used them to communicate amongst themselves.

Regardless of what David LaMacchia may or may not be guilty of, this is a classic case of the feds finding themselves a scapegoat to try to make an example of. The indictment is nearly pure political propaganda, with only one or two bits of potentially incriminating information (that LaMacchia set up an FSP site on a computer where he was not authorized to do so, and that he may have solicited pirated software). The remainder is an attempt to criminalize the use of PGP, anonymous remailers, and other activities which are not illegal. I found the indictment to be misleading, and a cleverly disguised insult to the many honest people (like me) who volunteer their time to running useful services like anonymous remailers and bulletin board systems.

Notes

From: Matthew J Ghio <mg5n+@andrew.cmu.edu> Newsgroups: misc.legal,alt.wired,alt.2600,comp.org.eff.talk Subject: Re: Indictment of Sysop Date: Sun, 10 Apr 1994 12:07:26 -0400 Organization: Freshman, Physics, Carnegie Mellon, Pittsburgh, PA Distribution: inet NNTP-Posting-Host: po3.andrew.cmu.edu In-Reply-To: <Co0Bz3.7Dn@world.std.com>

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