



Online Ethics Center  
FOR ENGINEERING AND SCIENCE

## Newsgroup Posting 7

### Author(s)

Mike Godwin

### Year

1994

### Description

A letter from Mike Godwin of the Electronic Frontier Foundation (EFF) citing that LaMacchia did not commit wire fraud, and that the charge was placed in the indictment to make LaMacchia's actions appear worse than they really were.

### Body

In article 2, Karl Denninger wrote: But you'd be wrong. Civil copyright infringement cannot be the predicate for a conspiracy charge. And the allegations in the indictment don't mention criminal copyright infringement, which includes as an element the copying \*for profit\*. I know, Mike, but I would say that they probably could have. All they have to do is get \$2,000 worth of transferred software and I would think that the test would pass.

So, you think they just overlooked criminal copyright? Seems unlikely, given the hue and cry about amending the software penalties back in 1992. No, I am certain the problem is that they couldn't be sure of proving the "for profit" element of the crime.

I agree that Wire Fraud is probably better understood and sounds "worse". I don't know enough about federal wire fraud statutes to know if what he did really qualifies.

IMHO, probably not. Where's the fraud? He didn't misrepresent anything.

--Mike

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## **Resource Type**

Case Study / Scenario

## **Topics**

Security

Privacy and Surveillance

## **Discipline(s)**

Computer Sciences

Computer, Math, and Physical Sciences

## **Publisher**

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