Are we criminals?

How a 1980s hacking law undermines computer security

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I am not a lawyer.
This is not legal advice.

Computer Fraud and Abuse Act of 1984

CFAA

"access[] a computer"
+ "without authorization"

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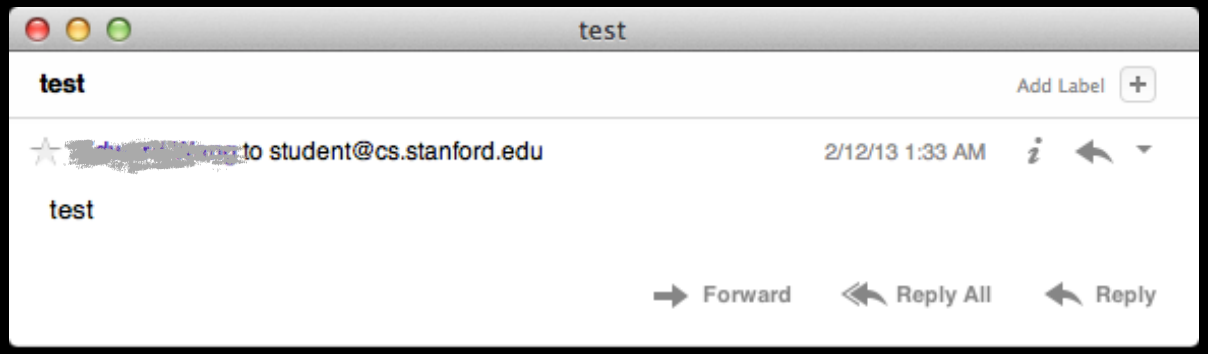
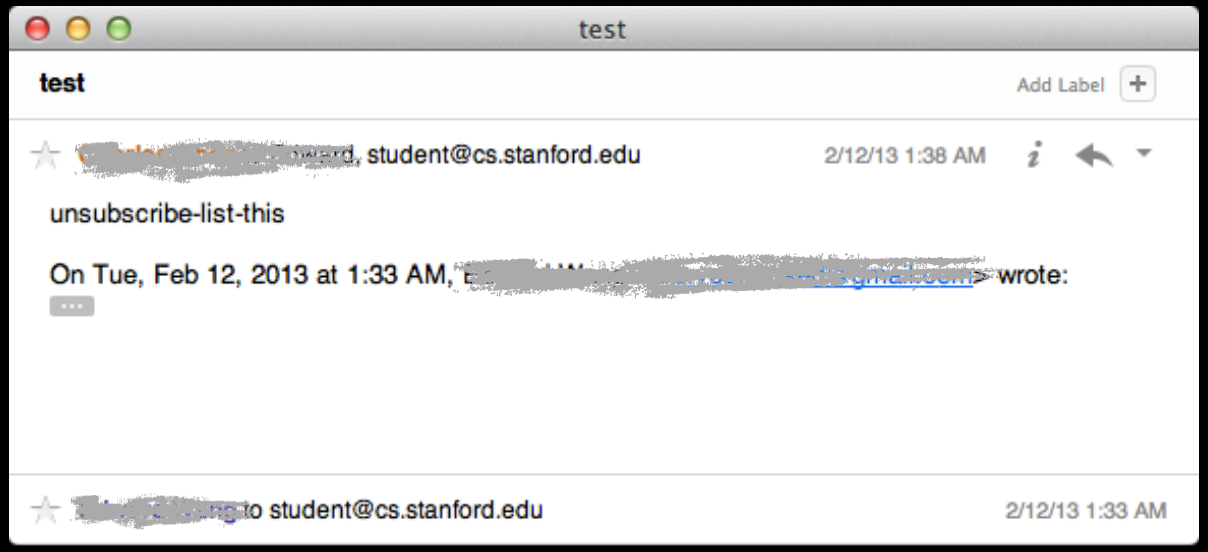
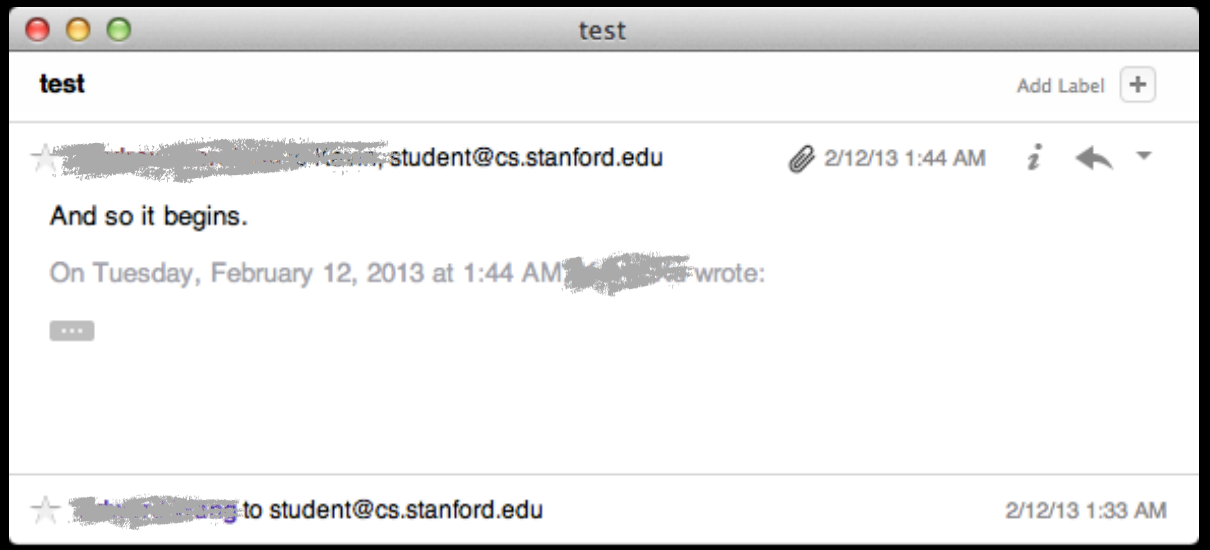
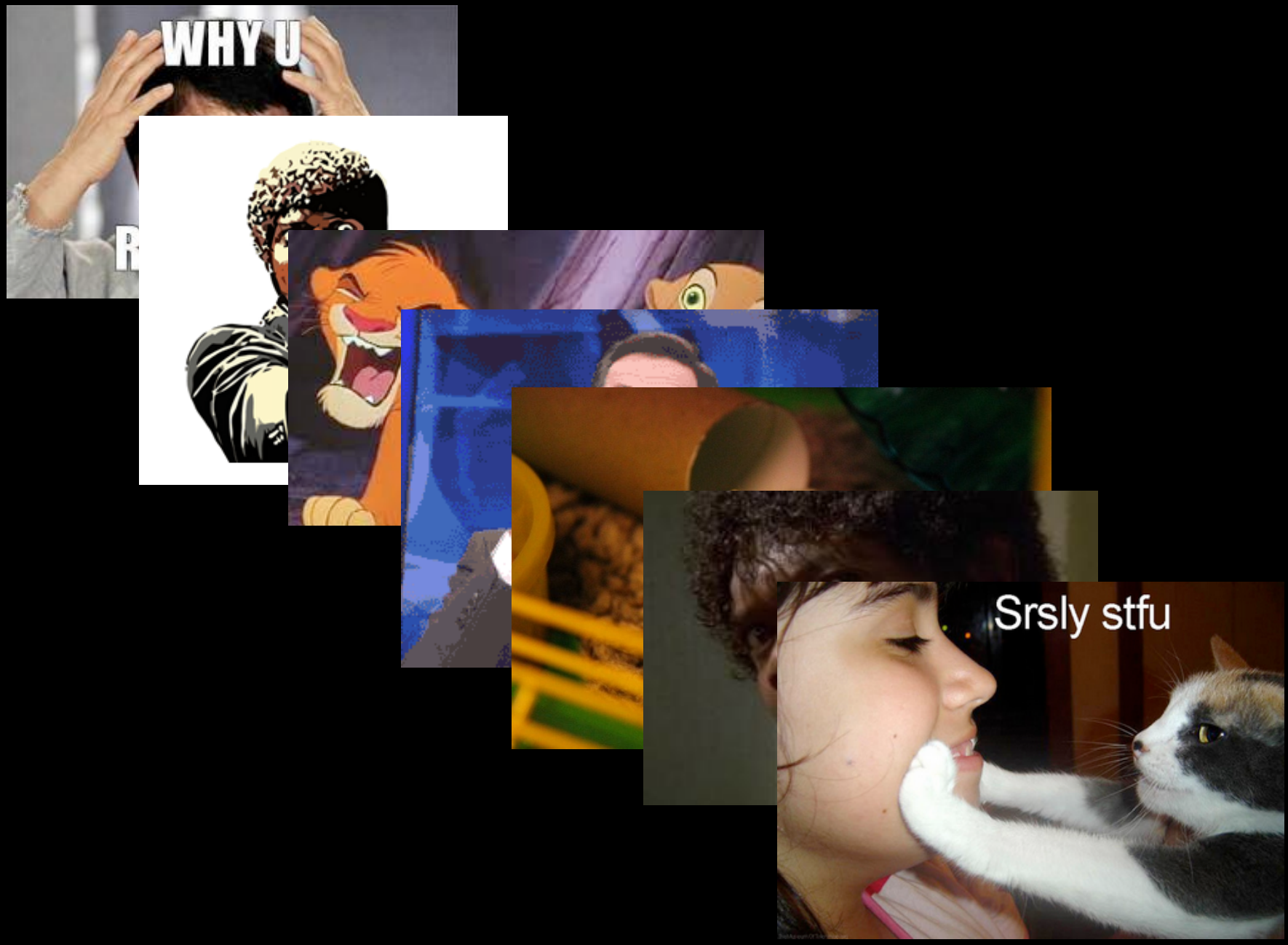
federal crime
federal civil remedy

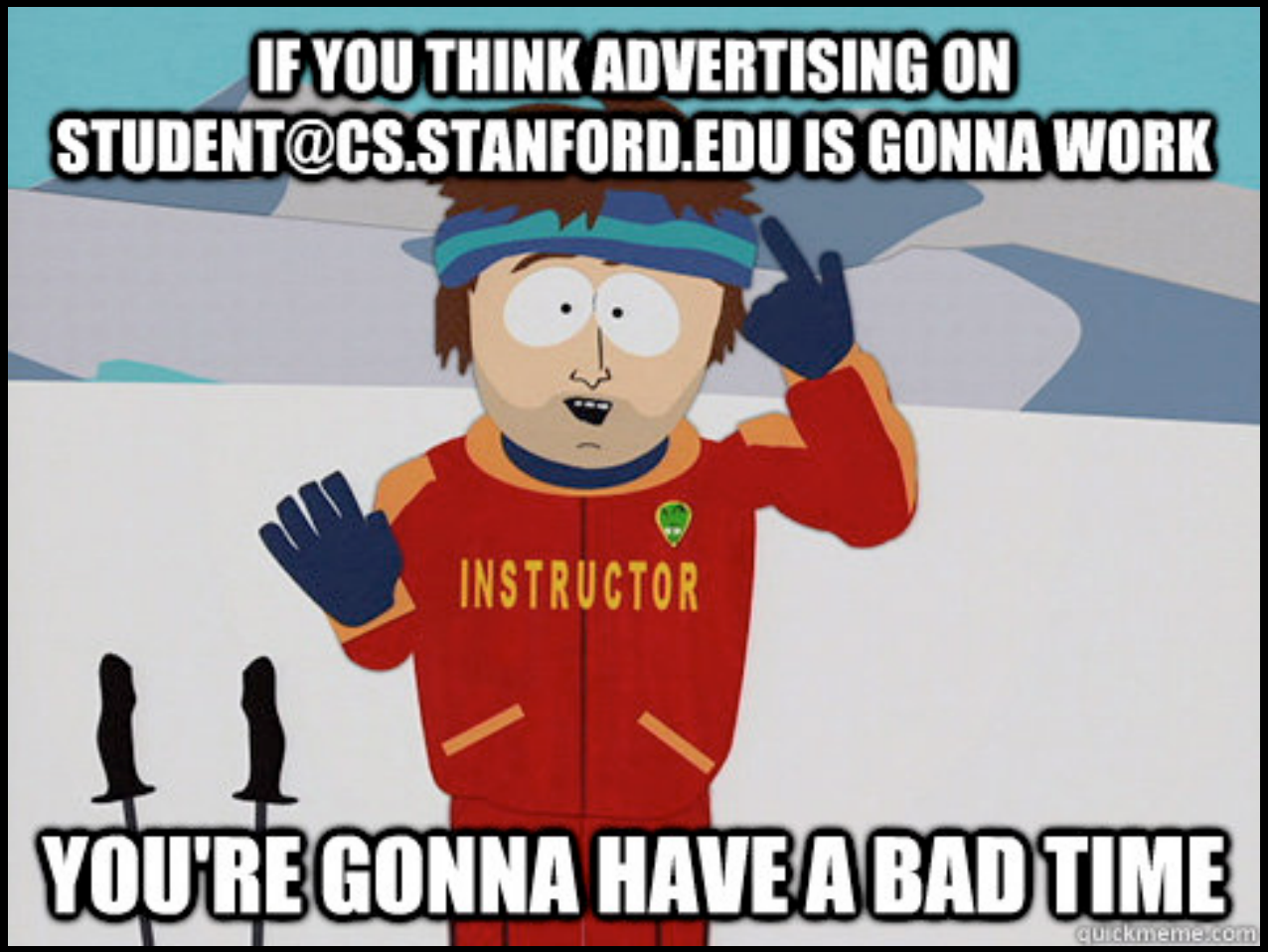

test
test
Add Label
to student@cs.stanford.edu
2/12/13 1:33 AM
test
Forward
Reply All
Reply


test
test
Add Label
, student@cs.stanford.edu
2/12/13 1:38 AM
unsubscribe-list-this
On Tue, Feb 12, 2013 at 1:33 AM,
wrote:
to student@cs.stanford.edu
2/12/13 1:33 AM


test
test
Add Label
student@cs.stanford.edu
2/12/13 1:44 AM
And so it begins.
On Tuesday, February 12, 2013 at 1:44 AM wrote:
to student@cs.stanford.edu
2/12/13 1:33 AM


Christophe, John, Alan,...
Tuesday
test
82


WHY U
Srsly stfu


IF YOU THINK ADVERTISING ON
STUDENT@CS.STANFORD.EDU IS GONNA WORK
INSTRUCTOR
YOU'RE GONNA HAVE A BAD TIME
quickmeme.com

tech
research

vs

federal law

tech
entrepreneurship

vs

federal law

tech
culture

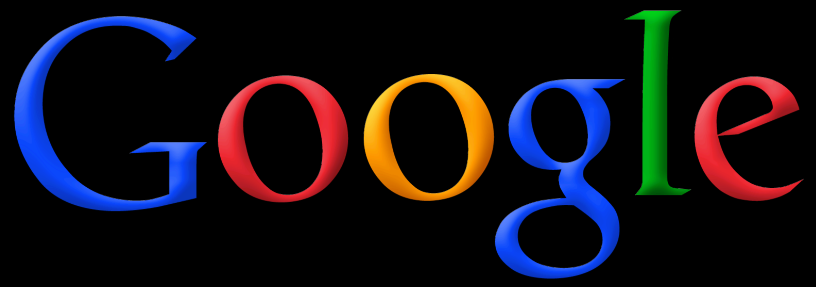
vs

federal law

tech
use

vs

federal law



< 18 years old

borrowed

"describing yourself as
'tall, dark and handsome'

when you're actually
short and homely

will earn you a
handsome orange jumpsuit"

Violating MySpace ToS = conviction.

hacking

vs

federal law

The New York Times

THE WALL STREET JOURNAL.

Bloomberg

The Washington Post

Google

facebook

Easy cases: terms of service.

-*Nosal* (Ninth Circuit, April 2012)
-*WEC* (Fourth Circuit, August 2012)
-Aaron's Law (January 2013)

Hard cases: technical circumvention.

Problem: security research often involves technical circumvention.

-MBTA payment card system
-Playstation 3 DRM
-AT&T iPad activation

Proposal: a security research exemption.

-Substantive scope
-Procedural assistance
-Political feasibility

Are we criminals?

Probably.

Questions?

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