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”

federal crime
federal civil remedy
test

To: student@cs.stanford.edu

2/12/13 1:33 AM

test
On Tue, Feb 12, 2013 at 1:33 AM, student@cs.stanford.edu wrote:

...
And so it begins.

On Tuesday, February 12, 2013 at 1:44 AM, [redacted] wrote:

[...]

[Reply to: student@cs.stanford.edu] 2/12/13 1:33 AM
IF YOU THINK ADVERTISING ON STUDENT@CS.STANFORD.EDU IS GONNA WORK

YOU'RE GONNA HAVE A BAD TIME
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

Apple
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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