

June 27, 2003

The Honorable Orrin G. Hatch
Chairman
Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Hatch:

As the Co-Chairs of USACM, the U.S. Public Policy Committee of the Association for Computing Machinery, we are writing to comment on the Judiciary Committee's June 17 hearing entitled "The Dark Side of a Bright Idea: Could Personal and National Security Risks Compromise the Potential of P2P File-Sharing Networks?".

The scientists, educators, artists, publishers, and other computing professionals of ACM have major interests in copyright. In addition, ACM publishes many journals and has compiled an on-line searchable database. We are concerned about the protection of our property, but we are addressing this challenge through the investigation of new business models and methods better suited to a "wired" world.

We are concerned with the committee's discussion of amending laws that restrict computer intrusions by allowing copyright owners to take unprecedented actions to thwart copyright infringement. Permitted actions might include intentionally damaging computers used to download copyright protected music and other files from P2P networks. As a professional association that promotes both technical and ethical excellence in computing, we are concerned that allowing copyright owners to intentionally damage computers in such a manner would legitimize a variety of questionable acts and produce unintended consequences harmful to the use and continued development of the Internet.

We recognize that P2P networking raises new challenges for policymakers. However, please be aware that P2P networking protocols are also used for a variety of legitimate purposes that do not involve copyright infringement. Research and development conducted using P2P shows great promise for inexpensive yet powerful distributed computation. P2P networks are helping businesses, researchers, and artists work collaboratively and more efficiently in many environments. P2P use on a corporate, educational, or government computing device that results in retaliatory action could result in serious harm to innocent third parties (the owners or other users of these machines and the people who rely on the applications normally performed by these machines). Applications that could be impacted include electronic commerce transactions and a variety of research, education, free speech, health care, and other noncommercial activities.

USACM provides non-partisan, technology-based input to policymakers on issues of U.S. public policy. Please contact the ACM Office of Public Policy at (202) 478-6312 if we can provide additional information.

Sincerely,

Barbara Simons, Ph.D.
Eugene H. Spafford, Ph.D
Co-Chairs
U.S. ACM Public Policy Committee
Association for Computing Machinery

About USACM:

USACM is the U.S. Public Policy Committee of the Association for Computing Machinery (ACM). ACM is the leading nonprofit membership organization of computer scientists and information technology professionals dedicated to advancing the art, science, engineering and application of information technology. Since 1947, ACM has been a pioneering force in fostering the open interchange of information and promoting both technical and ethical excellence in computing. Over 70,000 computer scientists and information technology professionals from around the world are members of ACM.