

Eric McCormick  
2702 Farmington Drive  
Alexandria, VA 220303

Pertains to the use of smartphones, tablets, video game consoles

Jailbreaking is not a crime.

There is a current law that will expire that lets people unlock a phones potential by changing its operating system. Now while doing such might void a warranty, there should be no claim to the product by the manufacture once sold.

I will use another industry for an example. If you lease a car there is a document saying that tells you the limits to what you can because it will be returned. However if you purchase a car, that car is in your name and no one else has a claim to it. You can change whatever you want; replace tires, radio, GPS, etc. There are some things that if you change them, like change out the engine, you will probably void the manufacture warranty. But they have no legal right to tell you that you can't change out the engine. I bought it from them, it is mine and it is mine to do as I please. And I might even pay someone to change out the engine for me. When I resell the car, the buyer purchases it knowing what has been done. No one in this example is a criminal.

However, let look at a video game systems, phones, tablets and PCs. It is designed to work a certain way from the manufacture but maybe it would work better if I changed it. As a very good example, I work as a government contractor and there is a company that is looking to sell a service to us. This service is to take an Android phone, extract its kernel, modify it so handles type B encryption and then put that custom kernel back into the phone. In order to do this, you must jailbreak the phone. Not only is this an excellent service, but the government would have a very big use for it in the intelligence community. If this law were to expire, this company would be considered a criminal enterprise and the government would not be able to have an android phone with built in encryption.

The military purchased hundreds of PS3's to be used for number crunching. This was only possible because at the time Sony offered the ability to run a custom operating system. They were going to buy more but Sony has since pulled that ability from the system. I'm sure there is a way around it but under current law, they can't. Not only that, but Sony added into their EULA that you can't even sue them to get the ability back. When you buy something, it should be yours. There should not be such a thing as mandatory updates unless physical harm can be done to a person. ie. Explosion of batteries from too high current draw. If I have a PS3 and through some software magic I can get it to read and play and Xbox game, I should be allowed to as long as I own that PS3 and I own a copy of that game. Not only should this extend to individuals doing this for themselves but people who sell a service doing it too.

You won't want Ford telling you that you can't play a CD in a 1968 Mustang. As such, apply the same concept to technology and let people use what they buy the way they want to, not how the manufactures expect it to be use.