

name:Edward Jonathan Chapin
address:3129 Cumberland Hall
University of Maryland
College Park, MD 20740

phone number:301-314-5956
e-mail:charon@wam.umd.edu

(Note: This letter gets hurried at the end, for I found out about the forum only a few days before it was due in, and my life keeps me otherwise busy as well)

Dear Sirs and Madams,

I write to you to tell you what I have seen and heard of the effects of the Digital Millenium Copyright Act (DMCA), and how it seems to be affecting my rights as a citizen. I am not a computing expert (Freshman Comp Engineer major with life-long experience using), nor am I a legal expert, so this message will not be plagued with cryptic phrases ment to confuse things for all and make it sound like I know what I'm talking about because others can't understand. What I will do is state the truth of the matter in simple english, and show that the DMCA is not a safety net for copyright matters as it claims to be, but rather a restraint on probably the most important value this country prides itself on, the freedom of thought.

As I understand, the second part of the DMCA (passed) is being used to prevent individuals from having/using anything that can get around measures taken to protect copyrighted information. Unfortunately, while sounding good, we know this cannot work and is in fact only detrimental to both freedom and progress. To illustrate this, I will use a real world example. Imagine a world where the PMCA has been passed (Physical Millenium Copyright Act): Everything, from cars to air-conditioners to computers are permanently sealed, with padlocks only the manufacturers have keys to. This prevents people from opening up said devices and making exact duplicates to sell, thus stealing profit from the manufacturers. Also, to be fair in comparing digital information and physical devices, lets pretend everyone has access to their own personal assembly line that can produce anything else that has been manufactured exactly (so copying physical technology is as easy as copying files). Sounds good, but there are heavy drawbacks. Manufacturers have a total monopoly, while hobbieists are left out in the cold. The only way to upgrade one's computer would be to buy a new one from the manufacturers, because if you used a key to open it and add the hardware yourself, or remove a part which you don't need, you'd be breaking the law. If one of the many car hobbieists wanted to open the hood of their car and see how it worked, fix it, upgrade it, or even just see what that "weird noise" was, they'd be breaking the law and could be prosecuted. It becomes very obvious that in order to give these companies a little bit of safety, it will cost us a great deal of individual rights.

Without a freedom of information, innovation goes out the window as well. Think about all the inventions that came out based on someone elses designs, but with vast improvements. Think of how our lives would be without them. No computers, no television, no cars... With the current problem with DeCSS and the MPAA, independant coders will not be allowed to make DVD players that are vastly improved from previous versions, and some computers won't be able to play DVD's because they don't run an operating system that the MPAA deems "worthy" of their interests. The purpose of

DeCSS was to help independant programmers make DVD-player software for those whom the industry neglected, not to pirate DVD's. But with the DMCA being used as it is, simply because it could possibly (and not effectively, mind you) be used to pirate DVD's (Easily done without DeCSS anyway), even looking at it should be illegal (after all, their case takes on sites who link to it, and isn't all a link doing is saying "it's over there"). This law is simply a restriction on individual rights, and threatens to be a restriction on thought itself. From what I understand, part 1 (yet to be passed) says it's illegal to even attempt to circumvent copyright-protection methods. What's next, make it illegal to discuss it? Illegal to think about it? Illegal to use "Circumvent" and "Copyright measures" together in a sentence? Just because someone owns a gun, doesn't mean they're guilty of murder. Same with DeCSS, just because someone has it, doesn't mean they're using it to pirate movies. Recently my own website hosting the materials was shut down by the MPAA, yet I never even opened the .zip files containing the offending material. The only 3 DVD's I own are foreign animation (Anime), and I never even thought about using DeCSS on them. Yet the MPAA will have you believe that because I had them and linked to them, I am a criminal, just as guilty as those who simply do an "Image copy" of a DVD with a DVD burner (effective method of piracy in comparison) and sell it. I am not a criminal. I only posted those files out of protest of the MPAA. They are taking this somewhat open DMCA and perverting it's use to try and control me, however. If they can do this, others certainly can as well, which causes me to implore you all to seriously rethink the DMCA, it's interpretations, and it's implications. I thank you for your attention.