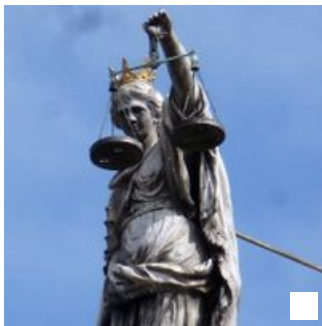


## SENATE ADVOCATES TERMS OF USE REFORM FOR COMPUTER FRAUD AND ABUSE ACT

Wednesday, September 28, 2011 - 11:25 AM

By [Alex Goldman](#)

Share Tweet 0 Like 0



([mgifford/flickr](#))

On our most recent episode, we spoke to Marcia Hofmann, senior attorney for the [Electronic Frontier Foundation](#), about an ages old law called The Computer Fraud and Abuse Act. The act, passed in 1986, was originally meant to prosecute criminal computer hacking, but in recent years it has expanded to cover everything from wiping information from your work hard drive to violating the terms of service agreements for sites like MySpace. Advocates have called for serious reforms for the law, and **at least in the case of terms of service violations**, it appears the Senate is listening.

In our segment last week, Hofmann laid her case out thusly:

*The important thing is for Congress to decide what behavior it is that we want to penalize and make that behavior illegal. You know, one of the hallmarks of our criminal justice system is that people know what behavior is illegal. And in some of these situations they may or may not know what behavior is illegal. And if they don't have notice, then you're talking about a potentially unconstitutional law.*

As the law is written, it prohibits "unauthorized access" of a computer, but what constitutes exceeding authorization is very vague. As such, there have been attempts at prosecution in the past saying that a violation of the terms of service for a site like MySpace makes the user's behavior unauthorized, and is therefore punishable under the computer fraud and abuse act. In **the notorious case** of Lori Drew, the Missouri woman whose MySpace harassment drove 13-year-old Megan Meier to suicide, she was actually convicted on these grounds, but it was overturned on appeal.

Late last week, the Senate Judiciary Committee **approved an amendment** to the law that specifically decriminalizes terms of service violations. **On the Electronic Frontier Foundation website**, Marcia Hofmann expressed gratitude for the latest changes but emphasized that she thinks the bill is still in need of more reform. "EFF is thankful to Senators Franken and Grassley for introducing this important amendment, which we believe is a huge step in the right direction," writes Hofmann. "But the legislation could be better still. As the bill is currently written, government employees who violate employment agreements remain vulnerable to contract-based prosecutions under the CFAA. We urge Congress to protect all computer users against such charges, no matter where they work."

TAGS: [follow up](#), [hack week](#), [hackers and net security](#)

MORE IN: [On the Media](#) »

# SUPPORT ON THE MEDIA

[Click here to e-pledge](#)

Conservative Bloggers Vindicated, Advice for Leakers, and More  
An 11-year-old and his 3D printer  
Who's gonna pay for this stuff?  
A Journalistic Civil War Odyssey  
A New Incentive for Cord Cutters  
A Source for Sources  
Web Only Audio Extra - TV Cord Cutters  
Angelina Jolie's Secret Test Results  
With IRS Scandal, Conservative Bloggers Feel Vindicated  
Brooke Gladstone + Cyndi Lauper

### FEEDS

[On The Media : Latest Episodes](#) (Atom)  
[On The Media : Latest Stories](#) (Atom)  
[On the Media Feed](#) (Atom)  
[follow up Feed](#) (Atom)  
[hack week Feed](#) (Atom)  
[hackers and net security Feed](#) (Atom)  
[On The Media Podcast](#)



ALEX GOLDMAN

Alex Goldman is a producer for On the Media. One time he got run over by a car.

## Related



ON THE MEDIA

Hacking Without Hacking



ON THE MEDIA

The OTM Explainer - Chris Asks Alex About the Computer Fraud and Abuse Act



NEW TECH CITY

Weev: Internet Troll or Freedom Fighter?

## Comments [1]

[Leave a comment](#)



[RSS Feed for Comments](#)

### Dakota

This is a serious thing in the world today. There are people out there who need to be punished for the things because they are affecting other people on these sites. No matter who it is or where they are employed, everyone should have to follow the same guidelines and if they do no they need to be punished.

Oct. 04 2011 02:23 PM



## Leave a Comment

Register for your own account so you can vote on comments, save your favorites, and more. [Learn more.](#)

**Please stay on topic, be civil, and be brief.**

Email addresses are never displayed, but they are required to confirm your comments. Names are displayed with all comments. We reserve the right to edit any comments posted on this site. Please read the [Comment Guidelines](#) before posting. By leaving a comment, you agree to New York Public Radio's [Privacy Policy](#) and [Terms Of Use](#).



© 2013 WNYC | [TERMS OF USE](#) | [PRIVACY POLICY](#) | [CORRECTIONS](#)

On The Media is funded, in part, by the John D. and Catherine T. MacArthur Foundation, the Overbrook Foundation and the Jane Marcher Foundation.