

Student's Name
Professor's Name
Course Name
Date

CASE STUDY

1 Surely, there are instances when hackers violate terms and conditions of a website for certain malicious purposes, but often it is also done by ordinary people who do not mean any harm. For example, Lori Drew was accused under CFAA for using a false name on her MySpace account, though the court found her innocent. It actually does not seem a crime; people often do not wish to post their real names on websites for that or other reason, choosing a pseudonym instead. Matthew Keys, a Reuters editor, was accused under CFAA for changing the headline of a news story on the Internet, intending an inside joke. No harm was meant, rather a bit of fun, but he is threatened with up to twenty-five years in prison.

2 Proportionality in a law is the balance between the severity of the prohibited act the person is accused of and the restrictions imposed for committing it. The current approach to the CFAA enables prosecutors to threaten defendants with very long sentences and big penalties. For example, one of the most famous hackers– Mitnick, spent five years in prison in 1990s despite his prior criminal conviction; however two decades later Swartz faced a seven-year sentence for a lesser offence and having no criminal record. Swartz was accused of stealing information, but he was threatened with stiffer penalties than if he was convicted of some greater crimes. The Justice Department statistics show that a typical sentence for a sexual assault or an aggravated assault is five years.

3 Aaron's use of the MIT network was authorized; he signed in as a guest there. It was the network through which he accessed the



JSTOR materials which are available for downloading on various university campuses. Apart from violating the terms of JSTOR's service agreement, Swartz had not done anything illegal. MIT reported that it had no plans to accuse Aaron; JSTOR claimed that they had no interest in making an ongoing legal matter of the case. JSTOR actually settled all claims against Aaron as they suffered no loss or damage and asked the government not to prosecute. They secured all the material Swartz downloaded, he confirmed that he would not have them copied or distributed, and JSTOR was content with that.

4 In the 1980s the World Wide Web was not yet so widely used as now, so the CFAA was originally to deal with bank and defense-related intrusions. Wide discussions related to network security took place. Concerns were strengthened by the fact that a group of hackers called The 414s penetrated security of banks and other structures. CFAA was intended to fight the realistic threat of malicious hackers who might steal valuable information or cause real economic damage. However, the CFAA was expanded several times. The reason why an ordinary person, not a hacker, can be accused under CFAA is the fact that it is very vague and can be applied to actions which seem harmless but can be classified as exceeding authorized access, which happened in the case with Aaron Swartz.

5 Swartz made his contribution to politics by helping launch the Progressive Change Campaign Committee which was devoted to electing progressive candidates to the Congress and obtained a grant to start the watchdog.net website which gathered data on voting records and campaign finance. He also called for open access to information in his 'Guerilla Open Access Manifesto', stating that information is power, but a number of companies store the cultural heritage published in books and journals, and that information should be taken and shared with the world. Through his project – Demand Progress (an organization specializing in petitions against Internet censorship), Aaron also participated in the campaign for preventing the passage of the Stop Online Piracy Act, which was to fight copyright violation and might impose censorship on the Internet.