

Kathleen O'Neill

The Electronic Frontier Foundation and Virtual Communities

by Mike Godwin

THE ELECTRONIC FRONTIER Foundation is living proof of the existence and effectiveness of virtual digital communities. EFF arose from the interactions of citizens who were, and are, “neighbors” in electronic communities, and EFF has gone on to establish its own communities, not the least of which is the EFF conference on the WELL.

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EFF was established to help civilize the electronic frontier; to make it truly useful and beneficial to everyone, not just an elite; and to do this in a way that is in keeping with our society's highest traditions of the free and open flow of information and communication. For information about EFF, e-mail mnemonic@eff.org; write EFF, 155 2nd Street, Cambridge, MA 02141; or call 617/864-0665. —HR

The WELL was a key community from the beginning. The way communities normally shape their responses to outside events is for neighbors to chat — perhaps even gossip — over the fence. This kind of informal exchange of information led to two crystallizing events behind EFF's formation. The first was an online WELL conference on “hacking” sponsored by *Harper's* magazine. One result of that conference was that WELL user and Grateful Dead lyricist John Perry Barlow met and befriended a couple of hackers who went by the cyber-punkish noms-de-hack “Acid Phreak” and “Phiber Optik.” Although they “knew” each other electronically, Barlow's face-to-face meeting with Acid and Optik was a revelation: “Acid and Optik, as material


beings, were well-scrubbed and fashionably clad," Barlow later wrote. "They looked to be as dangerous as ducks." Barlow soon concluded that law enforcement's characterization of these hackers as major computer criminals was disproportionate to their actions, which had more to do with intellectual curiosity and youthful exploration than with genuine criminal intent.

The second crystallizing event occurred when Barlow and another WELL user, Mitch Kapor (a founder of Lotus Development Corp. and On Technology), compared notes about their respective visits by FBI agents. The agents were investigating the unauthorized copying and distribution of Apple's proprietary source code for the ROMs in the Macintosh computer, and both Kapor and Barlow were startled by how little the FBI seemed to know about the nature of the alleged crimes they were investigating. Barlow later published an account of the visit on the WELL (print-published as "Crime and Puzzlement" in *WER* #68).

As Barlow wrote in the March issue of the Foundation's print newsletter, *The EFFector*: "Mitch's experience had been as dreamlike as mine. He had, in fact, filed the whole thing under General Inexplicability until he read my tale on the WELL. . . . Several days later, he found his bizjet about to fly over Wyoming on its way to San Francisco. He called me from somewhere over South Dakota and asked if he might literally drop in for a chat about [the agents' visits] and related matters. So, while a late-spring snowstorm swirled outside my office, we spent several hours hatching what became the Electronic Frontier Foundation."

Having met in person when Barlow interviewed Kapor for *Microtimes*, the two future EFF cofounders had used the WELL to build on their face-to-face contact. In effect, they had become next-door neighbors, although Barlow lived in Pinedale, Wyoming, while Kapor lived in Brookline, Massachusetts. Says Barlow: "There was a sense that what was going on was a threat to our community." So Barlow and Kapor did what neighbors often do in response to a neighborhood problem — they formed a citizens' group. In this case, the citizens' group was EFF.

I had a chance to play my own role in another example of such concerned-citizen action in Austin, Texas, which has more than its share of computer bulletin-board systems (BBSs). On March 1, 1990, one



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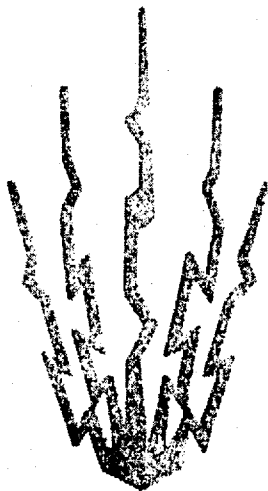
of those BBSs, run by the Austin-based role-playing game company Steve Jackson Games, was seized by the United States Secret Service. Although neither Jackson nor his company turned out to be the targets of the Secret Service's criminal investigation, Jackson was told that the manual for a role-playing game they were about to publish (called *GURPS Cyberpunk 2* and stored on the hard disk of the company's BBS computer) was a "handbook for computer crime."

Austin's BBS community was startled, then outraged, by the seizure, which had the potential of putting Jackson — an innocent third party — out of business. On a BBS called Flight there was a hot debate about the media's failure to pick up on Jackson's story. A third-year law student, former journalist and Flight user, I theorized on Flight that the media hadn't covered the story because they didn't know about it. Or, at least, they didn't understand the issues.

To test my theory, I gathered together several postings from local BBSs and from Usenet, the distributed BBS that runs on the Internet and connected computers, and trekked down to the *Austin American-Statesman* office to talk to a friend of mine, Kyle Pope, who covered computer-related stories. I also took him photocopies of the statutes that give the Secret Service jurisdiction over computer crime, and lots of phone numbers of potential sources. At the same time, I called and modemed materials to John Schwartz, a friend and former colleague who was now an editor at *Newsweek*.

Pope's lengthy, copyrighted story on the Secret Service seizure appeared in the *American-Statesman* the following weekend. John Schwartz's story, which covered the Steve Jackson Games incident as well as the Secret Service's involvement in a nationwide computer-crime "dragnet," appeared in *Newsweek's* April 30 issue. The heavy-handed tactics and overbroad seizure at Steve Jackson Games became a symbol of the law-enforcement community's misconceptions and fears about young computer hackers, and provided a context for Barlow's and Kapor's discussions about creating EFF.

Once they agreed on what needed to be done, Kapor and Barlow went back to the WELL and drew upon the collective wisdom of that community for input into the tactics and strategy of the newly formed



foundation. The same week they announced EFF's formation in Washington, DC, they started the EFF conference on the WELL — a sort of community-within-a-community which quickly became one of the system's most active conferences.

Soon afterward, they created two new newsgroups on Usenet — comp.org.eff.news and comp.org.eff.talk. The latter, like all active newsgroups, has itself become a community of sorts, with a diverse collection of voices addressing — sometimes heatedly — the issues that arise as we proceed to explore and civilize the electronic frontier.

Almost immediately after the foundation was officially launched, EFF's efforts to assist in the defense of electronic publisher Craig Neidorf had tangible results. Neidorf had been prosecuted for publishing a Bell-South text file relating to the E-911 system (see "Attacks on the Bill of Rights," *WER* #70). EFF's law firm submitted an *amicus curiae* brief defending Neidorf's First Amendment rights as a publisher. We also helped Neidorf's defense counsel assemble experts to testify on his client's behalf. And a member of the WELL's EFF conference came up with information that was critical in persuading the prosecutors to drop their case.

It's clear that EFF is not only a product of electronic communities, but has also produced some new communities while continuing to contribute to old ones. It's also clear that the sense of community was seeded by face-to-face contact at key points: when Barlow met Acid and Optik, for example, and when he interviewed Kapor. The need for at least occasional face-to-face contact, Kapor still stresses, means that current networks and BBSs don't simply create community; instead, they amplify it. To be even more accurate, the two phenomena exist in a complex state of coevolution, with face-to-face contacts fueling the electronic relationships and vice versa.

One of the things you often see when you read discussions about EFF on the WELL or on Usenet is a sense that EFF has become a representative body. While this is misleading — EFF is not yet a membership organization — it's still the case that EFF is regarded as an advocacy group for electronic communities in general. You'll often read comments from Usenet folks who think the most appropriate pronouns when talking about the EFF are "we," "us," and "our."

If that neighborly sense of belonging doesn't prove the existence of a community, I don't know what does. ■

Computer Ethics

Despite being a textbook, Computer Ethics is surprisingly readable. I'd thought from the title that this book would rehash the usual subject matter of computer-ethics panels — whether it's ever appropriate to "enter" someone else's computer without authorization, whether viruses and worms are the equivalent of vandalism or sabotage, and so on. Forester and Morrison go much further, exploring the whole domain of computer-ethics topics. I was pleased to see that the authors approach such questions as whether a software manufacturer has an ethical obligation to its customers to provide a working (and safe) product, or whether a computer researcher can ethically accept an SDI grant for a project she doesn't believe will ever work. The book is a good attempt to deal with the emerging field of computer ethics comprehensively, and its discussions are punctuated with some memorable (and sometimes frightening) anecdotes. —Mike Godwin

• Without adequate legal protection, genuinely innovative individuals and companies might wonder whether the meagre rewards for their efforts really justify the

time and money expended on original research and development. On the other hand, intellectual property owners might try to stake too large a claim for their innovations in order to squelch new ideas and to get a jump ahead of their competitors. This could strengthen the hand of established large firms over small entrepreneurial firms, who have been the traditional innovators of the industry. The question is whether the developmental work put in justifies the influence innovators may gain over both users and competitors. There is a clear need to strike a balance between the interests of these three groups, as we tread the fine line between piracy and progress.

• The mass media has tended to sensationalize hacking, whilst soundly condemning it. But there are other points of view: for example, in many instances the breaching of systems can provide more effective security in future, so that other (presumably less well-intentioned) hackers are prevented from causing real harm. A good illustration of this was the penetration of British Telecom's electronic mail system in 1984 by Steven Gold and Robert Schifreen, which resulted in a rude message being left in none other than the Duke of Edinburgh's account! This incident attracted

enormous publicity and led directly to improved security arrangements for the whole of the Prestel system. Gold and Schifreen were therefore extremely indignant at being treated as criminals — and this illustrates once again the discrepancy between what the law considers to be criminal behaviour and how hackers perceive themselves. Although Gold and Schifreen were convicted under the Forgery Act and fined a total of £2,350, an appeal saw the charges quashed. It was argued that since the hackers caused no damage and did not defraud anyone, then they could not be held guilty of an offence.

Computer Ethics

Tom Forester and Perry Morrison, 1990; 193 pp.

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