



**FY2005 Annual Report of the
U.S. Public Policy Committee of ACM
(USACM)**

For the Period July 1, 2004 – June 30, 2005

USACM OVERVIEW

USACM is the U.S. Public Policy Committee of the Association for Computing Machinery (ACM). USACM members include leading computer scientists, engineers, and other professionals from industry, academia, and government.

USACM OPERATIONS AND GOVERNANCE

USACM operates through a transparent and democratic process to reach consensus on policy activities. Draft policy statements, position papers, and letters are usually posted to USACM at-large for review and comment before being forwarded to the Executive Committee of USACM (USACM-EC) for final review and approval. Otherwise, the USACM-EC acts based on consensus. The USACM-EC conducts a monthly conference call with ACM staff to update and coordinate activities. Finally, the USACM-EC meets in person at least once a year to review policy activities and determine priorities. ACM's Office of Public Policy in Washington, D.C., and ACM headquarters staff in New York support the work of USACM and are responsible for raising issues within the committee.

During the FY2005 period, the USACM-EC underwent some membership changes. In January of 2005, Eugene Spafford was appointed sole chair of the Committee. During the first quarter of 2005, the committee added several new members, while Peter Neumann and Marc Rotenberg left the USACM-EC after several years of distinguished service. At the close of FY2005 the USACM-EC consisted of the following members: Eugene Spafford (USACM Chair), Ruchika Agrawal (graduate student, Uva School of Law), Annie Antón (NCSU), Charles Brownstein (CSTB), Dave Farber, Edward Felten (Princeton), Andrew Grosso, Harry Hochheiser (CPSR), Jeanna Matthews (Clarkson Univ., SIG Representative), David Patterson (ACM President), Barbara Simons (former ACM President), Ollie Smoot, Emil Volcheck (SIG Representative), and John White (ACM CEO). Complete information about current USACM members is available at <<http://www.acm.org/usacm/members.html>>.

Outreach to New Members

The membership changes noted above were part of USACM's efforts to bring new members into leadership positions on the committee. Two of USACM-EC's long-time members rotated off the EC in order to bring on four new, more junior members. The full committee is also seeking new members, willing to share their technical expertise, for the committee to gain some controlled growth. Further, several ACM members, including new USACM members and some who are not on USACM, are actively participating in the voting database study sponsored by USACM (detailed below), which will have some policy recommendations.

FY2005 OVERVIEW AND HIGHLIGHTS

Much of USACM's policy work has been focused around four themes: 1) Advancing the computing discipline, 2) seeking balance between innovation and intellectual property protection, 3) protecting privacy in a technology-intensive society, and 4) advocating for secure and reliable computing systems. The sections that follow have more detail on

USACM's FY2005 activities, achievements, and events. Below are USACM's FY2005 highlights:

Advancing the computing discipline

- *USACM Joins Others in Computing Community on Information Technology (IT) Research and Development Funding Issues* – USACM worked closely with a number of IT advocacy organizations this past year in support of IT R&D funding. Specifically, USACM argued in joint testimony with the Computing Research Association (along with several other IT groups) that the computing research enterprise is crucial to the nation's future economic competitiveness, our national defense and homeland security, the health of our citizens, and further discovery in the sciences. In addition, USACM also led and joined with other groups in letters to policymakers highlighting the important work of the National Institute for Standards and Technology's laboratories.
- *USACM Addresses Concerns about U.S. Deemed Export Policies* – USACM filed formal comments with the Department of Commerce expressing deep concern about its proposal to change the so-called "deemed export" policies of the federal government. The committee argued that the proposed changes would undermine innovation in the IT sector by furthering an already hostile atmosphere for foreign researchers working in the U.S. Further it would add costly mandates on research budgets of the IT sector and universities for little security gains.

Seeking balance between innovation and intellectual property protection

- *USACM Voices Concerns about Induce Act* – The committee sent a letter to then Senate Judiciary Committee Chairman Orrin Hatch expressing reservations about and offering input on his proposed legislation to create an inducement liability standard for companies that developed technology that may be used to violate copyrighted material. The act stalled in the Senate committee and expired at the end of last Congress (which ended in December 2004).
- *USACM Signs on to Amicus Brief in Grokster Case* – USACM signed onto a Supreme Court amicus brief with sixty law professors supporting the preservation of the so-called "Sony Betamax safe-harbor provisions" for technology in the case of MGM vs. Grokster. The Supreme Court issued a ruling in June 2005 that was welcomed by USACM because it focused on the behavior of companies versus the design of technology – something that USACM has advocated for years.
- *USACM creates Digital Rights Management Subcommittee* – Ed Felten is chairing a subcommittee of USACM members focusing on digital rights policy. At the end of June, the subcommittee was in the process of drafting a formal policy statement for USACM on this issue.

Protecting privacy in a technology-intensive society

- *USACM Active in Real ID Act Debate* – From the Real ID Act’s introduction in the House to its eventual enactment into law (and beyond), USACM has been heavily involved in attempts to educate policymakers about issues associated with the legislation’s mandates for national identification standards in state driver’s licenses and networked state databases. In April, the committee sent a letter to Congress expressing its concerns, while – more recently – the committee issued a press release calling for a reconsideration of the act’s provisions.
- *USACM creates Privacy Subcommittee* – Annie Anton is chairing a subcommittee of USACM members focusing on privacy issues and the role of technology in this area of policy.

Advocating for secure and reliable computing systems

- *ACM Adopts E-Voting Statement* – Following a successful membership poll where 95 percent of respondents agreed with the proposed policy, ACM adopted a position calling for voter-verifiable physical records in electronic voting systems and improved reliability, security, and verifiability of public elections.
- *Voter Registration Database Study Begins* – With significant input by USACM members, ACM created a committee of experts to provide states with guidance on implementing statewide voter-registration databases. The report is expected in late summer or early fall 2005.

Other Highlights

- *USACM-EC Holds Fruitful Policy Summit* – During its annual meeting in Washington, D.C., to discuss policy priorities for the coming year, USACM-EC members grappled with a diverse set of topics, from the current state of ACM to events and efforts likely to affect information technology policy and funding in 2005.
- *USACM Unveils New Web Site, Weblog* – The new web site and technology policy weblog provide better access to USACM resources, information about USACM and its activities, and timely analysis of current technology policy issues. During the second half of the FY2005 (January to June), when the staff started tracking site visits, the site was visited over 4000 times.
- *Cameron Wilson Becomes New Director of Public Policy* – Capitol Hill veteran succeeds Jeff Grove in leading ACM’s Washington Office of Public Policy.
- USACM members also engaged in debates about technical requirements for communication systems for first responders, broadband deployment in the United States, provisions of the USA PATRIOT Act, issues of privacy related to anti-terrorism efforts, and other issues, and, while these discussions did not result in

specific, reportable outcomes, they have helped members come to understand some of the issues and thus prepare for future issues that the committee expects to confront in the future.

FY2005 USACM ACTIVITIES

Below is a detailed chronological listing USACM's activities for FY2005. More information on each, including full text of cited letters and policy statements, can be found and searched online at <www.acm.org/usacm/>, or on USACM's weblog at <www.acm.org/usacm/weblog/>

July 2004

USACM VOICES RESERVATIONS ABOUT INDUCE ACT

In advance of a Senate Judiciary Committee hearing on the Inducing Infringement of Copyrights Act of 2004 (S. 2560), USACM sent a letter (available at <http://www.acm.org/usacm/induce_letter.pdf>) to the Committee's Chairman Orrin Hatch expressing reservations about the legislation and offering to provide input on its development. USACM cautioned that the legislation's new liability standards for technology developers were flawed as they focused on restricting technology rather than on individual acts of infringement. This would have serious unintended consequences threatening innovation in the IT industry. Ultimately, after listening to the concerns of USACM and a number of IT companies and technology advocacy groups, the Senate abandoned this effort.

USACM REINFORCES COMMITMENT TO U.S. INVESTMENT IN FOSTERING IT INNOVATION

USACM, along with the Computing Research Association (CRA), endorsed the testimony (available at <<http://reform.house.gov/UploadedFiles/Lazowska%20Testimony1.pdf>>) of ACM Fellow Edward Lazowska before the House Government Reform Subcommittee on Technology, Information Policy, Intergovernmental Relations, and the Census. The subcommittee held a hearing on July 7th regarding the federal government's IT research and development investments. Lazowska's testimony echoed USACM's long-standing commitment toward highlighting the crucial role federal investment in IT R&D plays in fostering innovation and encouraging the development of new experts in computing and related disciplines. This activity set the stage for the further testimony by several IT advocacy groups, including USACM at a May 2005 House Science Committee hearing on IT R&D funding issues (described below).

August 2004

USACM RELEASES FY2004 REPORT OF ACTIVITIES AND ACHIEVEMENTS

USACM issued a report covering activities and achievements for the fiscal year beginning on July 1, 2003, and concluding on June 31, 2004. To review the report, see

<<http://www.acm.org/usacm/USACM04report.pdf>>.

September 2004

ACM FAVORS EFFORTS TO IMPROVE E-VOTING SECURITY

Seeking to improve the security, accessibility, and public confidence in the voting process, ACM's elected leadership approved a public statement on the deployment and use of computer-based electronic voting (e-voting) systems for public elections. ACM's position is that while computer-based e-voting systems have the potential to improve the electoral process, such systems must embody careful engineering, strong safeguards, and rigorous testing in both their design and operation. The action came after seeking input from the broad ACM membership. The full statement can be found at <<http://www.acm.org/usacm/weblog/index.php?p=73>>.

USACM JOINS DIVERSE COALITION SEEKING HEARINGS ON BILL TO INCREASE LIABILITIES FOR TECHNOLOGY INNOVATORS

As part of the committee's ongoing effort to educate policymakers about concerns with the Induce Act (including an earlier committee letter), USACM joined a broad coalition of stakeholders (including IEEE-USA, the American Association of Universities, the U.S. Chamber of Commerce, and numerous IT companies) in sending a letter to the U.S. Senate concerning the so-called "Induce Act" (S. 2560). The coalition was troubled by the broad scope and potential consequences of creating secondary liability for the creators of technologies such as peer-to-peer software. The coalition called for further public debate, but ultimately the Senate dropped its efforts. The joint letter can be found at <http://www.acm.org/usacm/PDF/coalition_induce_letter.pdf>.

USACM LAUNCHES NEW WEB SITE & WEBLOG

USACM launched a new web site (www.acm.org/usacm/) and technology policy weblog (www.acm.org/usacm/weblog/). The site provides better access to USACM resources, information about USACM and its activities, and the weblog will provide timely pointers to and analysis of technology policy news items, activities, and related events. Additional changes are planned for the web site as USACM works to create a key technology policy resource for both the ACM community and the public on IT activities in Washington, D.C.

October 2004

USACM AND CRA URGE CONGRESS TO SUPPORT NIST FUNDING

The Computing Research Association (CRA) and USACM sent a joint letter to Congressional appropriators in support of funding for the National Institute of Standards and Technology (NIST) laboratories. In the letter, USACM and CRA describe the crucial and broadly beneficial nature of NIST's work and voice support for funding levels equal to (or higher) than the levels proposed in legislation under consideration in the Senate. The joint letter concludes that "NIST provides an invaluable setting for industry,

academia, and government to work together on crucial technical issues," and that the "underfunding of NIST will adversely affect [its] credibility as well as [its] ability to function, and will have serious long-term consequences." NIST labs are also working to support e-voting security and standards initiatives. The joint letter is available at <http://www.acm.org/usacm/PDF/USACM_CRA_NIST_letter.pdf>.

November/December 2004

SEARCH FOR NEW DIRECTOR, HOLIDAYS, AND TRANSITION

ACM CEO John White and USACM Chair Eugene Spafford cast a wide net during this time in the search for a new director of ACM's Washington, D.C., Office of Public Policy. The pair held meetings and interviews in D.C. on a number of occasions, leading to the successful leadership transition of the office.

January 2005

CAMERON WILSON BECOMES ACM POLICY OFFICE DIRECTOR

Cameron Wilson joined ACM as Director the association's Office of Public Policy in Washington, D.C. Cameron comes to ACM following 10 years on Capitol Hill, where he dealt with a wide range of legislative issues. Most recently he served as Deputy Chief of Staff and Legislative Director in the office of Congressman Vernon Ehlers. In this position Cameron was responsible for helping set and implement Congressman Ehlers' overall legislative agenda.

Prior to this role, he worked as a professional staff member on the Subcommittee on Environment, Technology and Standards of the House Science Committee. Cameron was responsible for reviewing and advising Chairman Ehlers on policy matters within the Subcommittee's jurisdiction, including matters before the Environmental Protection Agency, the National Institutes of Standards and Technology, and the National Oceanic and Atmospheric Administration. This jurisdiction covered a breadth of technology and environmental issues, with specific focus on the application of science to these policy matters.

As policy office director, Cameron took over from Jeff Grove, who recently followed an opportunity to become the Washington representative of ASTM International, one of the largest voluntary standards development organizations in the world, after several successful years as policy office director.

February 2005

SUCCESSFUL POLICY SUMMIT FOCUSES USACM'S AGENDA

The executive committee of USACM held its annual meeting to discuss some of its policy priorities for the coming year. The group – meeting in Washington, D.C. –

grappled with a diverse set of topics, from the current state of ACM to events and efforts likely to affect information technology policy and funding. Several key themes or areas of focus emerged during the meeting: informing policymakers and the courts on balancing innovation and intellectual property protection, making e-voting systems more secure and reliable, and the impact technology can and should have on privacy issues, among others.

USACM JOINS LEGAL SCHOLARS TO PROTECT INNOVATION

USACM signed onto a Supreme Court amicus brief with sixty law professors in support of Grokster in the case of MGM vs. Grokster. MGM studios sued Grokster arguing that Grokster should be held liable for users downloading copyrighted material using their peer-to-peer software. This argument would overturn the landmark “Sony decision,” which created a safe harbor for companies to innovate and has been heralded as the “Magna Carta” of the information technology industry. The following is a summary of the argument:

“This case is fundamentally about technology policy, not about file sharing or copyright infringement. Each of the alternative secondary liability standards for which Petitioners and supporting amici argue would dramatically change the balance of power between the entertainment industry and the technology industry. It would do so despite the absence of a statutory basis in copyright law for this change and would disrupt settled expectations in the information technology industry.” USACM member and University of California at Berkeley professor Pam Samuelson led the preparation of the brief. The full brief is at <<http://www.acm.org/usacm/grokster/amicus.pdf>>.

The Court eventually ruled on the case in June 2005 – see below for information about the ruling and USACM’s reaction.

USACM WEIGHS IN ON IMPORTANCE OF HIGH-PERFORMANCE COMPUTING LEGISLATION

Noting ACM’s reputation and expertise in the computing world, Representative Sherwood Boehlert, Chairman of the House Science Committee, asked USACM for comments on the High-Performance Computing Revitalization Act of 2005 (H.R. 28). Among other things, the bill requires the director of the Office of Science and Technology Policy to establish goals for federal high-performance computing research, development, networking, and other activities, and develop and maintain a research, development, and deployment road map for the provision of high-performance computing systems.

After consulting with USACM members, committee chair Eugene Spafford sent a letter to Rep. Boehlert describing the impact the High-Performance Computing Program (known as the Networking and Information Technology Research and Development Program) has had on high-end computing technology. Spafford goes on to say that H.R. 28 is both a timely and important reflection of the current environment and the policy framework needed to advance this field of science. The letter is available online at <http://www.acm.org/usacm/Letters/HPC_Boehlert.pdf>.

The bill, enjoying wide support, passed the House by a voice vote in late April and is currently awaiting consideration in the Senate's Commerce, Science and Transportation Committee.

March 2005

USACM CALLS FOR STRONGER CYBERSECURITY IN POWER PLANTS

In a letter to the Nuclear Regulatory Commission (NRC), USACM advocates for stronger cybersecurity in power plants across the nation. The letter (available at http://www.acm.org/usacm/Letters/USACM_NRC_comments.pdf) points out the critical role of computer-controlled safety systems in today's power plants and the importance of securing these systems. Late last year, the NRC proposed a draft regulatory guide that would establish voluntary standards for the use of computers in safety systems of nuclear power plants and asked for public comment. The draft proposal mentions that the standards are based on accepted IEEE standards; however, there is some contention, as industry argued the proposal was overly regulatory in comments before the Commission. USACM's letter takes a different tack, noting that the goals of this guidance are worthy and that the NRC should look toward making the practices mandatory. For more detailed information about this issue and the letter, visit the weblog at <http://www.acm.org/usacm/weblog/index.php?p=226>.

Subsequently, in June 2005, the *New York Times* published an editorial referring to the many experts who have pointed out that the nation's power, transportation and communications systems are vulnerable to "cyberattacks," as well as pointing to a Government Accountability Office report on the government's cybersecurity challenges (see GAO-05-434).

EXPERTS BEGIN VOTER-REGISTRATION DATABASE STUDY

Former ACM President and current USACM executive committee member Barbara Simons, and ACM member and database expert Paula Hawthorn are co-chairing an ACM-sponsored study looking into the design issues for statewide voter registration databases. The Help America Vote Act (HAVA), passed in 2002, mandates that by 2006 all states must have centralized databases of registered voters. However, large centralized databases, especially those not implemented with adequate security and privacy protections, can introduce new risks into the voter registration process and may provide yet another tempting target for identity thieves.

Other study group members bring expertise in databases, computer security, privacy, human factors, and civil rights; they include Steve Bellovin (Columbia Univ.), Chris Clifton (Purdue Univ.), Lillie Coney (EPIC), Bob Gellman (privacy consultant), Harry Hochheiser (Computer Professionals for Social Responsibility), Ralph Spencer Poore (inventor/author/consultant), Arnon Rosenthal (MITRE), David Wagner (UC Berkeley), and Rebecca Wright (Stevens Inst. of Tech.).

The group expects to produce a report in late summer or fall of 2005, focused on

accuracy, privacy, usability, security, and reliability of voter registration databases. The group also expects to produce a timely checklist of best practices for states to consider when implementing these databases. ACM's Office of Public Policy is supporting the group's work.

April 2005

ACM OUTLINES EFFORTS TO ENSURE E-VOTING RELIABILITY, PRIVACY TO ELECTION ASSISTANCE COMMISSION

ACM's Committee on Guidelines for Implementation of Voter Registration Databases (mentioned above) outlined its efforts before the Election Assistance Commission (EAC), which was seeking input on its proposed guidance to the states regarding these databases. After describing the ACM study, the testimony discusses such things as reliability, accuracy, integrity, and privacy – all qualities necessary for ensuring sound voter registration databases. The group's full testimony is available at <http://www.acm.org/usacm/weblog/index.php?p=257>.

USACM QUESTIONS REAL ID ACT'S SECURITY STANDARDS

Citing the increased risk of identity theft the proposed Real ID Act would create, USACM sent a letter (available at <http://www.acm.org/usacm/weblog/index.php?p=240>) to members of Congress expressing its concerns about the legislation. USACM's letter points out the legislation's significant and troubling flaws by making two main points:

- The legislation provides financial incentives for all 50 states to share their driver's license databases; however, it has no security policies for such sharing. Considering that the overall security of the system will be determined by its weakest link, the risk of identity theft increases substantially.
- The minimum standards for identification create a de facto national identification system, but this may fall short of accomplishing its stated goal of reducing terrorist's access to valid identification. Specifically, the letter points out that someone can bribe a clerk in any of the 50 states to get a valid license and security personnel may be less likely to assess its validity because it would meet the new standards.

Ultimately the legislation was adopted by Congress, but many of USACM's concerns went unaddressed.

USACM OFFERS TECHNICAL EXPERTISE ON HAWAII E-VOTING BILL

USACM sent a letter to state policymakers in Hawaii to call their attention to the e-voting statement that ACM adopted last year. The letter seeks to offer USACM's technical and policy input as electronic voting legislation works its way through the Hawaii legislature (something that's currently going on in many state legislatures across the country).

May 2005

*ACM VOTER REGISTRATION DATABASE STUDY CALLS FOR MORE DETAILS IN
EAC GUIDANCE*

ACM's committee on Guidelines for Implementation of Voter Registration Databases took the opportunity to provide additional comments to the Election Assistance Commission (EAC). (As mentioned above the committee provided testimony to the Commission in April.) The Help America Vote Act requires that all states have statewide voter registration databases in place by January 1, 2006. Seeking to give the states guidance on this law, the EAC released draft guidelines on how to implement statewide registration databases. ACM's committee felt that the guidance was a good start, but it covers only a few issues and lacks much of the technical detail that states really need.

The EAC's draft guidance dealt with four basic issues: distributed vs. centralized databases, minimum synchronization requirements, coordination with other government sources of information (i.e. death, felony, drivers license, etc. databases), and users' access rights. Beyond the committee's overarching statement, its comments focused on securing particularly sensitive data (i.e. Social Security numbers), developing standard schema for datasets, ensuring the accuracy of integrated databases by avoiding automated 'merges' and 'purges,' and how to finely detail a user's permission to the database.

USACM TESTIMONY URGES INCREASED FUNDING FOR BASIC IT R&D

The House Science Committee held a key hearing on the future of federal funding for computer science research. USACM and CRA, along with a number of other organizations concerned about the future of computing research, issued joint testimony for the hearing. Among other things, our testimony points out that "federal investment helps fuel the innovation that insures the U.S. remains the world leader in business, that we have the strongest possible defense, and that we continue to find ways to live longer, healthier lives. To keep the fires of innovation lit, we should continue to boost funding levels for fundamental IT R&D."

Following the hearing, ACM President David Patterson made comments in an ACM press release. He concluded that the United States still has the world's strongest capability in fundamental research in IT, and the most experience in how to leverage that capability toward economic growth. "But," he said, "we run a grave risk in cutting funding for fundamental IT research ... Our concern is that the total level of national investment in fundamental IT research needs to be restored to meet the needs of our economy in an increasingly competitive world."

June 2005

USACM URGES RECONSIDERATION OF REAL ID PROVISIONS

USACM added its voice to other organizations meeting in Washington in June to express deep concerns over the Real ID Act, which USACM believes will create a de facto national identification system that erodes individuals' privacy protections. When Congress was considering the Real ID Act earlier this year, USACM outlined its concerns to Congress that the act increased the risk of identity theft by mandating that states share their driver's license databases with each other without basic security protocols identifying access rights.

USACM's letter also cited its long-standing concern over the risks inherent in national ID systems. For example, (1) knowing the identity of a person reveals nothing of that person's intent – every criminal and terrorist has an identity, but they have no record prior to their first offense; (2) despite a history of state workers succumbing to bribery to grant driver's licenses to unqualified persons, this act provides a national ID to anyone who can find a lax or corrupt official – a trivial task given the number involved; and (3) a single ID will accustom some guards to check form rather than content, leading to weaker security than previous protocols requiring guards to determine an ID's origin and validity. The full text of USACM's release can be found at <<http://www.acm.org/usacm/weblog/index.php?p=280>>.

*USACM VOICES CONCERNS ON CHILLING EFFECTS OF PROPOSED CHANGES
TO U.S. DEEMED EXPORT POLICY*

USACM filed comments with the Department of Commerce expressing deep concern about its proposal to change rules that apply to foreign nationals working in the United States using sensitive equipment. The committee objected to the proposal, stating that it could place new and costly burdens on the information technology sector and universities, and exacerbate an already hostile environment for foreign-born researchers working in the U.S., while providing questionable security gains. Under long-established federal law, the Department of Commerce regulates the export of most commercial items by what is known as the United States' Export Administration Regulations (EAR). The rules are intended to prevent sensitive "dual-use" items – items that have both commercial and military applications – from being exported to countries and entities considered to be hostile to United States' interests. But not all exports are physical commodities, nor must they leave the country. Many are so-called "deemed" exports, which occur when controlled equipment or technology (such as manuals, software, etc.) is released to or used by a foreign national within the United States. Only equipment and technology that is both controlled and proprietary is subject to the deemed export regulations.

USACM Chair Eugene Spafford made the following statement after the submission of USACM's comments: "The proposed regulations and procedures make the existing EAR compliance process more complicated and opaque. An arguably greater fear is that deemed export control policy will ultimately have a chilling effect on research and development of new technologies in the United States by limiting or encumbering the work of talented individuals and encouraging organizations to move research activities overseas in an effort to remain competitive."

*USACM STATEMENT EXPRESSES ASSURANCE FOLLOWING SUPREME COURT'S
GROKSTER RULING*

The Supreme Court issued its decision in the MGM Studios v. Grokster case, on which USACM had filed an amicus brief. USACM commented that it was reassured by the Court's decision because it left intact the Sony liability standard that protects the development of technologies that may have infringing uses so long as there are substantial non-infringing uses. The Court's decision returns the case to the lower courts for further consideration.

“The liability standards supported by MGM would have dramatically changed the balance of power between the entertainment industry and the technology industry,” said USACM Chair Eugene Spafford. “If the standards supported by MGM were adopted, researchers working in computing and communications development would need to fear liability for uses of their inventions that may not yet exist,” he said, adding, “The Court affirmed the basic USACM position that laws should apply to people and their acts, and not to the technology involved in the act.” He concluded that the MGM position would have far-reaching and chilling effects on technologists who might otherwise be developing new and innovative technologies.

As mentioned earlier, USACM joined an amicus brief signed by sixty law professors in support of Grokster. USACM member and University of California Berkeley professor Pam Samuelson led the preparation of that brief. Many other briefs were prepared and/or signed by USACM members in support of the long-established Sony standard.