



Leading Computer Scientists Defend Student Hackers

11 of the Country's Top Researchers Call Judge's Order 'Dangerous'

By KI MAE HEUSSNER

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Eleven of the country's top computer scientists have come out in support of the three MIT students who were silenced by a gag order before they were able to tell a hackers conference in Las Vegas how they were able to break into Boston's subway fare collection system.

In an eight-page letter, the researchers argued that the injunction and others like it could have a "dangerous impact" on computer security research.

The temporary restraining order was meant to block discussion of how the students at the Massachusetts Institute of Technology figured out how to evade the computer system's security to change a \$1.25 fare card to a \$100 fare card.

In the letter filed Tuesday, the researchers, from leading institutions such as the University of California at Berkeley and Columbia University, urged the court to remove the restraining order issued against the students Sunday.

"We are concerned that the pall cast by the temporary restraining order will stifle research efforts and weaken academic computing research programs," the letter said. The students received an A on the project from their MIT professor.

"In this case, the law gives the public a false sense of security, achieved through law, not technical effectiveness," the letter also noted.

Despite the researchers' support, U.S. District Judge George O'Toole Jr. today left the injunction intact.

According to a spokeswoman for the Electronic Frontier Foundation, the civil liberties group defending the students, the judge did not uphold or remove the temporary restraining order. Instead, he postponed the decision to another hearing that will take place Tuesday.

The judge also asked the students to turn over more documentation on their research. By Friday afternoon, the students must hand over the class report that they submitted to their professor, part of the code that was intended to be part of their presentation and e-mail correspondence with organizers of the hacking conference.

The students and their lawyers said they are moving toward the judge's deadline but also plan to appeal the ruling to the U.S. 1st Circuit Court of Appeals.

"These restraints on the students' speech is flatly unconstitutional," said Rebecca Jeschke, a foundation spokeswoman.

Computer security experts say the attempt to gag the alleged hackers has boomeranged -- again.

"Every single time, harassing the researcher ends up spreading the research," said Dan Kaminsky, a computer security consultant for Seattle-based IOActive, Inc.

MIT students Zack Anderson, R.J. Ryan and Alessandro Chiesa were scheduled to present their "Anatomy of a Subway Hack" Sunday at Defcon, the popular Las Vegas hackers convention. Their trip to the podium, however, was blocked when they were served with an injunction obtained by the Massachusetts Bay Transportation Authority ordering them not to talk about the flaws in the MBTA security system.

But not only had the presentation already been distributed at the Defcon convention, it had been entered into public record when the MBTA filed its complaint. In the blink of a mouse click, the slides were posted on the Internet and hackers were shaking their heads at the MBTA's attempt to block discussion of the information.

"The bottom line is independent security research is how we get more secure networks," Kaminsky said. "But because anyone can just say anything, the way we differentiate what's true from what's not is to actually show the details that can be independently verified."

The students emphasize that their objectives were not to defraud the transit authority.

"Our intention & was to find out what vulnerabilities might be present and then determine how those might be fixed," Anderson told ABCNews.com.

Most importantly, he said, the students never planned to reveal the information that would actually permit others to hack the system. The slideshow and presentation did not include the key enabling information.

Anderson said they contacted transit authority officials in late July. The purpose of the meeting was to educate them about the system's flaws and present them with possible solutions.

Early last week, Anderson said, the students met with the transportation officials. After walking representatives through their presentation, the students thought they had allayed the transit authority's fears.

But Aug. 8, they were notified that a federal lawsuit had been filed against them.

"It was a huge shocker," said Anderson.

In a complaint filed Aug. 8 with a U.S. district court in Massachusetts, the transportation authority said the students did not provide it with ample time to address the system's weaknesses. As a result, public disclosure of the flaws could cause significant damage to the transit system.

In an e-mail, a spokesman for the MBTA told ABCNews.com that, at the meeting, the students agreed to provide the transit authority with a copy of the presentation. After several days passed without receiving the information, the MBTA said it had "no choice but to seek assistance from a federal court judge."

The MBTA said it is now "reviewing the information to determine if there is any degree of substance to the claims being made by the students."

Corynne McSherry, a staff attorney with the Electronic Frontier Foundation, said injunctions such as the one requested by the MBTA chill the conversations that protect consumers from computer security threats.

The Electronic Frontier Foundation, a nonprofit group that advocates for civil liberties in the digital world, is defending the three students. The group's lawyers contend that the court violated the students' First Amendment rights to discuss their research.

"The court stopped researchers from speaking about their research □ traditional academic research," she said. "[It] essentially decided that talking about security vulnerabilities was somehow forbidden."

Some legal experts have a different view.

"It's one thing, for academic purposes, to do research. It's something entirely different to actually carry it out," said Peter S. Vogel, an attorney with the Dallas office of Gardere Wynne Sewell who specializes in Internet security and e-commerce. He is also an adjunct professor at the Southern Methodist University Dedman Law School.

If transit authority lawyers presented compelling evidence that the students violated state or federal laws while conducting their research, the judge would have been obligated to grant the injunction, Vogel added.

"The First Amendment doesn't protect people from breaking the law. It's a fine line to draw between violating a law and freedom of speech," Vogel said.

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