NEWS RELEASE

ACLU Applauds Victory for Academic Freedom and First Amendment

U.S. District Judge rejects gag order on MIT students who researched MBTA security vulnerabilities

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The following statement may be attributed to Carol Rose, Executive Director

BOSTON -- "The American Civil Liberties Union of Massachusetts applauds today's decision by a Federal judge to reject a continuation of the gag order placed on three MIT students whose research highlighted flaws in the electronic 'Charlie Card' and 'Charlie Ticket' payment systems used by the Massachusetts Bay Transportation Authority (MBTA).

Today's decision by U.S. District Court Judge George A. O'Toole, Jr., has national significance as a victory for academic freedom and freedom of speech. We welcome the Judge's decision to immediately lift the temporary restraining order and to reject the MBTA's request to further block discussion of legitimate research.

The MIT students -- whose work was for a class on computer and network security, and for which they received an "A" grade from renowned MIT Professor Ronald R. Rivest -- said repeatedly that they never planned to release the information needed to actually breach the MBTA fare payment systems. They withheld key details from slides they prepared for a conference presentation in order to prevent malicious use of their work, and even provided a report on their findings to the MBTA.

In order to win a continuation of the gag order, the MBTA needed to show that it would suffer irreparable harm if the students were allowed to discuss their work. Judge O'Toole ruled that the MBTA could not do this, and that the federal statute cited by the MBTA in its lawsuit, the Computer Fraud Abuse Act (CFAA), does not apply to mere discussion of computer security vulnerabilities.

Silencing these students was an attempt to stifle their contribution to already ongoing discussion over whether the fare payment systems of the MBTA -- an agency subsidized by taxpayers -- are, in fact, secure. Attempts to gag freedom of speech and freedom of academic inquiry increase the chances that security flaws will be exploited in a malicious attack, rather than examined as part of benign academic inquiry. We urge the MBTA to focus on ensuring the security of its systems, and to take advantage of the brainpower that Massachusetts cultivates and attracts, rather than attempting to fight it with meritless lawsuits aimed at silencing those who discover flaws in the system."

Attorneys on this case are Jennifer Stisa Granick, Kurt Opsahl, Marcia Hofmann, and Cindy Cohn of the Electronic Frontier Foundation, with John Reinstein, ACLU of Massachusetts Legal Director, and Fish & Richardson attorneys Adam Kessel, Lawrence Kolodney, and Tom Brown, as local co-counsel.

For more information on MBTA v. Anderson, the letter of support on behalf of the MIT students, EFF press releases, and court documents, go to:
http://www.eff.org/cases/mbta-v-anderson

For more information about the ACLU of Massachusetts, go to:
http://www.aclum.org

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