

February 18, 2000

David O. Carson, Esq.
General Counsel
Copyright GC/I&R
S.W. Station
Washington DC 20024

RE: DMCA (Docket #7M99-7)

Dear Mr. Carson:

Imagine what the Library of Congress would be like if all books were written in a secret language and decodable with a secret commercially available device. Imagine what educational libraries would be like. America would be a technologically backward state. Research would be nonexistent. Medical research and public health would be adversely affected.

Specifically, the Linux operating system is being increasingly used in educational environments. Technologies such as CSS will prevent use of works in schools and universities, unless means to descramble such encrypted works are provided. These means must be provided in an open source fashion to allow future generations of library users to view works of the early 21st century regardless of the continues commercial manufacturing of DVD players with the current CSS system.

Furthermore, if the Library of Congress were to acquire works from Spain, for example, they would not be playable in the United States due to "region codes" in CSS DVD players. This again limits fair use by the Library and educational institutions. The DMCA is already being invoked by the MPAA to attempt to prevent distribution of open source software designed to circumvent CSS. CSS is not about copy protection. It is about access control and prevents access under fair use for educational institutions and the Library of Congress itself.

I strongly urge you to exempt all encrypted works from "protection" under the DMCA.

Sincerely,

Jonathan Borden, M.D.

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