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Like the ACM, MIT media lab, library of congress, EFF, and thousands of private citizens, I oppose the DMCA. I support the points made by these organizations. Scientists must be allowed to circumvent security measures for research purposes; librarians must be allowed to do so for archival purposes. Most importantly, citizens must be allowed to do so for whatever purposes do not infringe the law, including both fair use and, most critically, simply experiencing the content privately as is their right. For instance, the geographical restrictions that CSS places on DVD viewing are in no way protected by law; yet criminalizing circumvention would give them the de facto force of law. Do we want to give copyright holders such a legal blank check?

Time-Warner, in their pro-DMCA comments (comment 43) offers a metaphor for the status of fair-use under the proposed DMCA. "A fair-use defense might allow a user to quote a passage from a book but it does not follow that the user is allowed to break into a bookstore and steal the book." This is, of course, true, but it has no bearing on the issue. We don't need a DMCA to make software or video piracy illegal any more than we need it to make breaking into bookstores illegal.

A more apt metaphor would be that the DMCA would make it illegal for the owner of a book to use scissors to clip a piece from that book. If you have an oversize book that in itself doesn't fit into a copy machine, how else would you achieve the kind of fair use protected by law? Even worse, this protection could prevent legitimate enjoyment of the work - a blind user might be unable to feed the book into her automated reading device without cutting it, or a fan might be unable to tape a favorite page to the wall of his room. It may sound as if I'm stretching the metaphor, but all of these activities have a direct analogue in the digital domain.

In the end, this is about much more than illicit copying. It is about who controls the experience. Imagine a video system designed to disable the "fast forward" button during the initial previews. If I, as owner of a video, am legally prohibited from circumventing such a system, I have

lost my fundamental right to control my experience of something I own. If the medium is the message, this sends a very powerful message. The ultimate abuse that would be possible once the content providers could disable certain VCR buttons would be fake documentary footage with the pause button disabled. Anyone who found the stillframe where the shadows came out wrong would be liable for having circumvented the access protections.