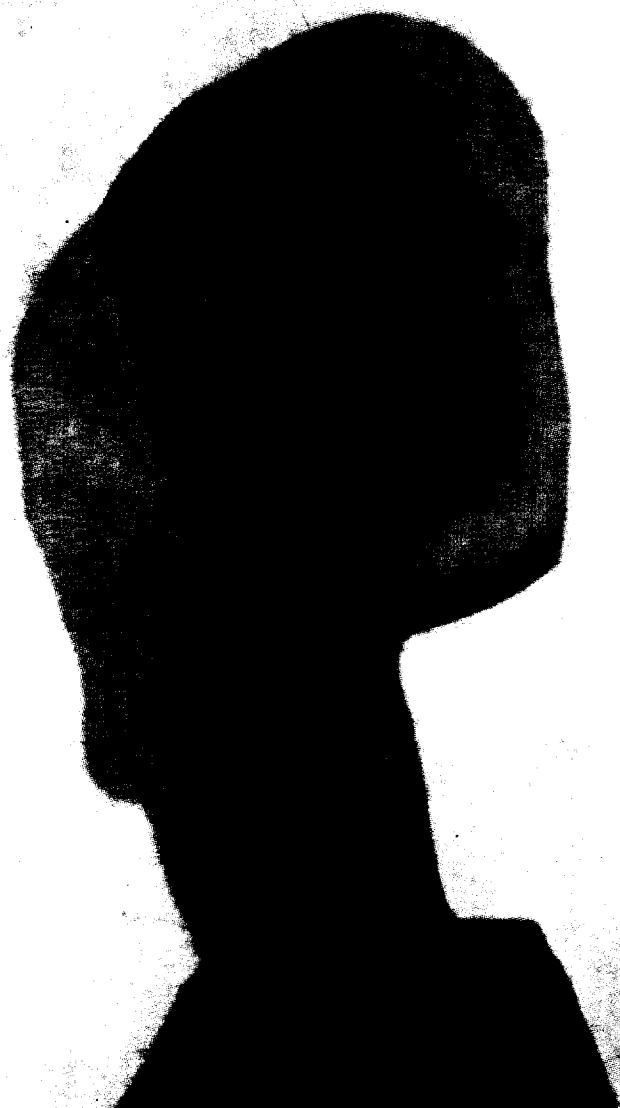


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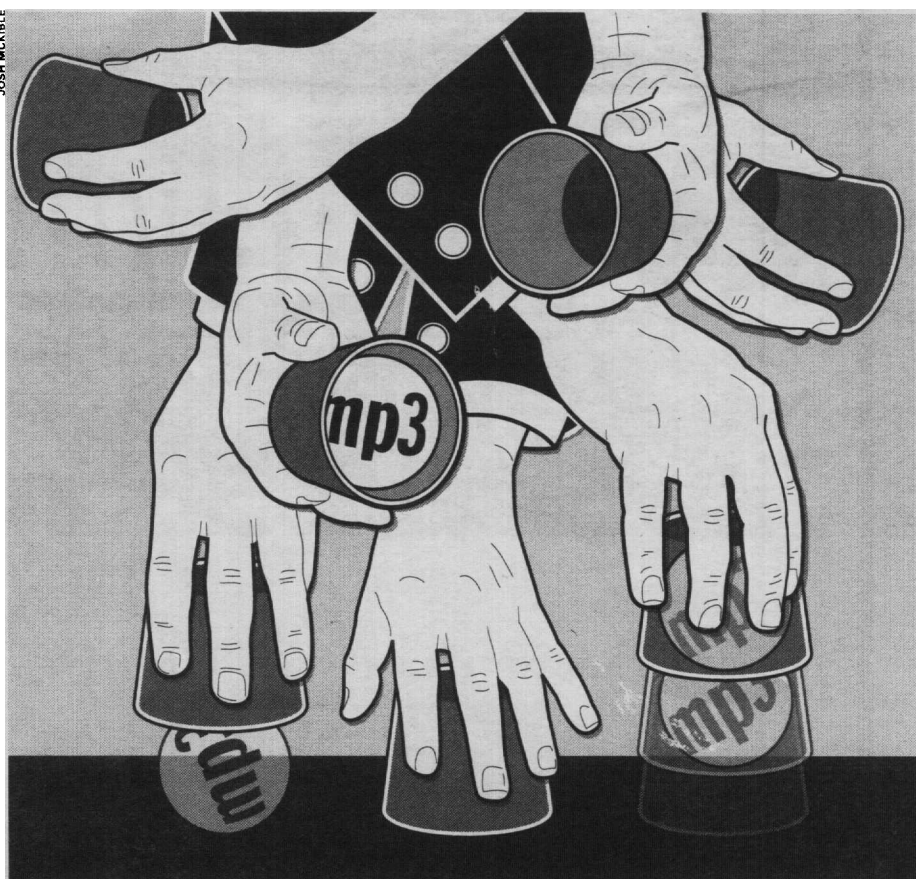


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NY MIRROR



MR. ROBOTO

BY BRENDAN I. KOERNER

When Pols Attack

Q: A friend of mine says there's a law coming down the pike that'll let companies hack music-swapping networks. Is this the end of free MP3s? The barons of mainstream entertainment have been turning up the heat on file sharers for a few months now. With Napster in shreds, they managed to sue AudioGalaxy into submission, stymieing Mr. Roboto's effort to build the world's most comprehensive collection of DJ Assault audio files. (And, yes, I shell out for his albums and shows, too.) Now a California congressman has drafted a bill that would permit record labels and movie studios to harass P2P networks with a smorgasbord of technological dirty tricks. Ever been duped into downloading a demo for some horrendous Akron-based emo rockers because they cleverly labeled the track "Rare, Unreleased Kraftwerk"? Expect lots more deceit if Representative Howard Berman's legislation hits the books.

Berman, a Los Angeles Democrat whose coffers teem with Hollywood lucre, first announced his anti-P2P campaign in a June 25 speech to the Computer and Communications Industry Association. "The vast majority of illegal downloaders just want free stuff, and don't intend to purchase legitimate copies," said Berman. "Do I have proof? Yes, I have both common sense, a rudimentary grasp of economics . . . and a college-age daughter."

The Recording Industry Association of America (RIAA) and its allies can hammer away at centralized outfits like AudioGalaxy. But they can't touch the slippery likes of LimeWire, BearShare, and scores of other "true" P2P networks that don't funnel files through digital middlemen. Unless the RIAA's willing to track down and sue millions of copyright-shirking teens worldwide, they desperately need a plan B.

That's where Berman's bill comes in. He wants copyright holders to fight P2P's through "technological self-help measures,"

which include "interdiction, decoy, redirection, file-blocking, and spoofing." OK, let's look at the first item on that list—interdiction. What Berman means is that he'd like record labels to, say, launch denial-of-service attacks against P2P networks, shutting them down with avalanches of phony requests. Or how about decoy and redirection—a label could flood Grokster or WinMX with thousands of fake files that, once downloaded and opened, whisk a user away to riaa.com. Or spoofing—the *San Jose Mercury News* reports that some labels are already posting versions of popular songs that include long silences or 30-second loops.

The problem is that many of these self-help measures run afoul of anti-hacking laws, like the Computer Fraud and Abuse Act. Berman would grant entertainment companies safe harbor from these statutes for the purposes of squashing P2P networks. They couldn't alter your hard disk or introduce file-sharing viruses, but that's about it.

"If this were to go through, it would make unlawful conduct lawful," says a spokeswoman for StreamCast Networks, creator of the Morpheus P2P network. "It basically gives the entertainment industry the right to go in and stifle networks, to put false content on networks, to change file names. We think that's a heinous attack on consumers." Although StreamCast and its P2P cohorts have been active on Capitol Hill against the bill, you don't have to be John McLaughlin to see how this political tussle is shaking out. Disney and AOL Time Warner have so far combined to give nearly \$60,000 to Berman's 2002 re-election campaign; StreamCast has given nothing.

Mr. Roboto hates to bum out his inquisitors completely, so he's slightly cheered by the fact that Berman's been slow to introduce the bill for a hearing. Perhaps he's doing some tweaking after drawing heavy fire from geek quarters. Even career politicians don't want to be remembered as hopeless fuddy-duddies, after all. Tipper Gore has spent the last 15 years trying to make us forget her crusade against filthy rock lyrics, but whenever Mr. Roboto sees her smiling face, just one phrase comes to mind—"What do you want to do with your life, Mr. Twisted Sister?" Pray that Berman's smart enough not to tread similarly backward-looking ground. ■

Input questions at bkoerner@villagevoice.com.