

Dear Federal Communications Commission,

The proposed FCC "Broadcast Flag Mandate" would make it a felony to own, sell, or use important free software tools of communication, such as GNU Radio, which is Project GNU's software defined radio program. The issue here has nothing to do with copyright infringement, despite the claims of the RIAA, the MPAA, and the AAP. The Broadcast Flag Mandate would make purely private use of GNU Radio a felony. GNU Radio is a program which allows any computer equipped with an antenna and an analog-to-digital card to function as a radio and TV receiver. Both analog and digital broadcasts can be received and played once the antenna, the card, and the program are installed. GNU Radio is not yet complete; as of today GNU Radio cannot receive and play digital TV broadcasts, but within the year, G* willing, it will be completed.

Why is it important to stop the Broadcast Flag Mandate?

It is important to stop the Broadcast Flag Mandate because, if promulgated, it would set a precedent that the government of the United States may directly dictate exactly what you do with your computer, even in the privacy of your own house. It would set the precedent that the government of the United States may directly outlaw the production and sale and use of untrammelled computers like the one billion "personal computers" that have been freely produced and sold up until today. It would set the precedent that the government of the United States may directly enforce that all computers sold must contain both spy machinery and remote control machinery, machinery which would be controlled by Infotainment Central and The Secret Police. Under the Broadcast Flag Mandate, it would be a felony to disable the spy and remote control machinery.

In Section 4.12 of the Final Report of the Broadcast Protection Discussion Group, the Englobulators propose that the Broadcast Flag Mandate should create two classes of Americans:

1. a small class of licensed employees of certain cartels and monopolies, who would be allowed to use general purpose computers
2. the rest of us, who would not be allowed to own and privately use general purpose computers.

It is important to understand Section 4.12 because the Englobulators have claimed and will continue to claim that the Broadcast Flag Mandate would not affect private use of computers. But the Englobulators know this claim is false. They know that the Broadcast Flag Mandate would so cripple computers that they demand a special exemption for themselves so that they may still use untrammelled computers.

To understand what the Broadcast Flag Mandate would mean for hams see:

<http://www.qrz.com/cgi-bin/ikonboard.cgi?act=ST&f=3&t=24431>

The discussion is worth looking at for several excellent posts from people who understand that the Broadcast Flag Mandate would mean the end of amateur work in digital radio and TV. There are also posts from people who

simply cannot believe that the Broadcast Flag Mandate has actually been proposed.

To learn more about GNU Radio, see:

<http://www.gnu.org/software/gnuradio/gnuradio.html>
<http://interviews.slashdot.org/interviews/02/09/27/1420201.shtml?tid=126>

Eric Blossom, head of the GNU Radio project, knows that, should the FCC impose the Broadcast Flag mandate, the day the project completes their Digital TV Receiver in software, that day their right of private ownership and private use of their own development machines is impaired:

http://www.h2k2.net/display_grid.khtml?event=25

Let us be painfully pedestrian. Here is what the proposed Broadcast Flag Mandate would do:

GNU Radio is a program. It runs on top of various free operating systems, such as GNU/Linux, FreeBSD, NetBSD, and OpenBSD. You may buy today an analog to digital card and install it in a home machine. You may attach an antenna to the card. And soon, if Heaven smiles, you may run a version of GNU Radio that receives broadcast digital TV signals, and shows the image and plays the sound on your home computer. In other words, GNU Radio, an inexpensive card, and a bit of metal, added to your computer will give you a better digital TV than any now on the market. And should you, in the privacy of your own house, sit down and turn on your fine new digital TV, you would stand in violation of the Broadcast Flag mandate.

Note two things:

1. There is no doubt that your computer with GNU Radio running on it is a "covered device" under the Broadcast Flag Mandate.
2. There is no question of copyright infringement.

And yet, the Broadcast Flag Mandate would make illegal the simple private act of watching broadcast TV. Further, it would become illegal to offer for sale, or for free, copies of GNU Radio.

Do not impose the Broadcast Flag Mandate.

Thank you for reading this!

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PS. Below is an introduction to DRM. The headline of the flyer version is "We are the Stakeholders".

<blockquote

from="the NY Fair Use flyer handed out before
the Department of Commerce 17 July 2002 Panel on Broadband"
edit-level="early version, before Sarah Brown and
Richard Stallman did final version">

Our stake is all the home and small business computers that we own and the free use we make of our computers.

Today, many people have a personal computer at home. Usually this computer is connected to the Internet, and is used to send and receive mail, to surf the Web, to listen to music, to find information, to do many things, and even, sometimes, to play movies.

Today your home computer, the computer that you bought and paid for, is under your control. Today no one is watching you when you use it. No publisher, no secret police, no operating system company. If you bought and paid for your computer, then in the privacy of your home you may do all these things:

1. You may buy a copy of a movie recorded on DVD. You may watch this movie whenever you please. You may make copies of this movie, some of which may be exact copies, others of which may be variant copies.
2. You may buy a copy of music recorded on CD or DVD. You may play this music whenever you please. You may make copies of this music, some of which may be exact copies, others of which may be variant copies.
3. You may sample and fuse and intermix many different strands of movie and music and text. You may play what you have made at private parties in your house.
4. You may have a personal web page whose content you create using your computer. You may manage your website using whatever tools you please.
5. You may install an operating system different from the one the computer came with. This operating system might be one you downloaded off the net. You may use this operating system to connect to the Net, and you may freely send your work to others on the Net, as they can send their stuff to you. If the system is a GNU/Linux or free BSD system, you may look at all the source code of this operating system. If you can program, you may modify the operating system by rewriting parts of it, or adding to it, or removing parts of it. If you choose, you may share your work with others by placing copies of your code on a website, or by emailing copies to other people. In turn, other people may modify your work. Groups of programmers and users may freely work together to improve certain programs, or to learn about computers, or even just to make art.
6. Without asking permission of anyone, you may modify the hardware of your computer, and you may sell the resulting modified computer.

Note: Today part of the legal infrastructure for DRM is already in place. In 1998 a law called the Digital Millennium Copyright Act was passed by the Congress of the United States and signed into law. The DMCA makes illegal some acts falling under 1 through 6 above. But so far, in practice, the

great majority of people in the world today may do everything in 1 to 6 without fear of suits at law nor fear of criminal prosecution. A few people and companies have been sued or prosecuted under the DMCA for doing things that before passage of the DMCA were not only reasonable to do, but legal as well. For what full enforcement of DMCA would do see the note

<http://www.panix.com/~jays/why.the.dmca.must.be.repealed>

Here is our position as stakeholders today:

Today, once we have bought a computer, we are the full owners of that computer. We may freely use it in the privacy of our house to do many things, some listed above. We may also freely use the Net to send our works privately to others, and also to openly publish our works. We may use our computers and we may use the Net for our own personal objectives, and for our business purposes. And businesses may use their computers and the Net for their partly public and partly private purposes.

DRM is theft.

The first question we must answer is "What is DRM?". DRM is the legal, contractual, economic, hardware, and software infrastructure designed and intended by a loose alliance of cartels and monopolies to take away your right to own and privately use a computer. No full DRM exists in the world today, though pieces of DRM have been successfully enacted into law and tiny bits of DRM hardware and software have been placed in some home movie playing and recording devices. Every single piece of DRM is meant to help attain the objective of the anti-ownership alliance: to get control of every personal computer in the world.

In a world under DRM, what becomes of the six freedoms we today enjoy?

1. You may still buy a copy of a movie recorded on DVD. But there will be fewer movies available on DVD. You may not watch this movie whenever you please, at least not without paying a fee every time you watch. The movie may expire and you may have to buy another copy. You may not make any copies of this movie.
2. You may still buy a copy of music recorded on CD or DVD. But there will be less music available on CD or DVD. You may not play this music whenever you please, at least not without paying a fee every time you listen. The music may expire and you may have to buy another copy. You may not make any copies of this music.
3. You may not sample and fuse and intermix many different strands of movie and music and text. Since you will not be able to make mixes, you will not be able to play mixes at private parties in your house.
4. You must get a license to have a personal web page whose content you create using your computer. You must get a special license to create music or movies. You may not manage your website using what tools you please, but are required to use only tools you have a license for.
5. You may not install an operating system different from the one the computer came with. Installing a different operating system is a

felony. No operating system is freely available on the Net. You may use only the operating system that came installed on the computer to connect to the Net. Use of any other operating system to connect to the Net is a felony. Possession of a GNU/Linux or free BSD system is a felony. All operating systems must be licensed by a joint government-cartel-monopoly licensing body. You may not look at the source code of any licensed operating system. You may not modify the operating system in any way. You are not allowed to distribute by any means any unlicensed program.

6. Modification of the hardware of any personal computer is a felony, unless you do so as an employee of a cartel member or monopoly member of the DRM alliance. Distribution of modified hardware is an even more serious offense under DRM law.

Further, under DRM, every computer sold is required to contain special hardware and software which:

1. spies on every keystroke
2. reports to the DRM alliance activities which the DRM alliance might not like
3. enables the DRM alliance to take direct control of your computer, whether you want to hand your computer over or no.

DRM is theft. And it is theft on a grand scale. About one billion personal computers have been sold over the past twenty years. The DRM alliance proposes to take the next billion computers, and the billions after that, away from us.

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