

Court tells students to disclose hacker secrets in T case The Boston Globe

Refuses to lift order prohibiting public discussion

By Maddie Hanna, Globe Correspondent | August 15, 2008

A federal judge yesterday refused to lift an order prohibiting three MIT students from publicly talking about how they allegedly hacked into the MBTA's automated ticketing system. However, he did order the trio to privately provide more information to the court about the security flaws they say they have uncovered.

US District Judge George A. O'Toole Jr., granting a request by the MBTA, ordered Zack Anderson, Alessandro Chiesa, and R.J. Ryan to provide him with a paper they wrote for a class at MIT and correspondence they had with the organizers of Defcon, a Las Vegas hacker convention where the students were slated to speak last Sunday on alleged security flaws in the MBTA's system.

The judge said he needed to know more to "enable me to make a sounder decision about the facts of the case." He ordered the students, who were not present, to provide the information by 4 p.m. today. He said he'll weigh all the facts, then hold another hearing Tuesday on whether to dismiss or extend the 10-day restraining order that was issued Saturday and prevented the students from giving their presentation at the convention.

The MBTA filed suit last week, alleging trespass and computer fraud by the students and negligence by the Massachusetts Institute of Technology after a vendor spotted promises of "free subway rides for life" on a website advertising the students' presentation.

After yesterday's hearing, Jennifer Granick, a San Francisco attorney who represents the students, dismissed those promises as "puffery" and said the students had used "florid language" to drum up interest in their presentation.

In court, Granick, who is civil liberties director of the Electronic Frontier Foundation in San Francisco, said the students have already provided "the entire universe of information," including material they never intended to release about security flaws, in a 30-page sealed document provided to the court earlier this week.

Granick argued that the restraining order is an unconstitutional gag order that has done "irreparable harm" to the students and the First Amendment. Granick said the students have acted responsibly and "never intended to release important information that would allow or teach a bad guy" to hack into the system.

MBTA spokesman Joe Pesaturo said the students have not provided the MBTA with enough information for officials to know whether the system's security is endangered. "We simply want them to provide the information that's been requested by the court or the MBTA," he said.

Leuan G. Mahony, a Boston lawyer who is representing the MBTA, said after the hearing that some form of a restraining order is necessary until the agency has fixed any flaws that may exist.

The MBTA contends that the students had a responsibility to share their findings with agency officials before making them public so the agency would have time to fix the problems before they could be exploited, Mahony said.

After the hearing, Granick said the restraining order is "preventing them from talking about what they found, even though there's a public debate. If these students figured it out, other people could figure it out, too."

She said today's deadline would be difficult to meet because Anderson is not in the country and Ryan and Chiesa are not in Boston. ■