

Law 759
Computer Crimes
Syracuse University College of Law
Visiting Assistant Professor William C. Snyder
Spring 2008

Course Description:

This three-credit course is organized around three questions:

- 1) what conduct involving a computer is prohibited by criminal law?
- 2) What legal rules govern the collection of digital evidence in criminal investigations?
- 3) What powers do state, national, and foreign governments have to investigate and prosecute computer crimes?

More specifically, topics will include computer hacking, computer viruses, encryption, online undercover operations, the Fourth Amendment in cyberspace, the law of Internet surveillance, laws governing access to e-mail, forum-shopping, jurisdiction, national security, and federal-state relations and international cooperation in the enforcement of computer crime laws. Special attention will be paid to cyber terrorism.

In addition, the course uses these topics to examine how legal regimes respond to rapid technological and societal change.

One of the goals of the course is to acquire experience working with statutes and regulations, in addition to the more traditional appellate court opinions used in most law school courses.

No advanced knowledge of computers and the Internet is required or assumed. This is primarily a lecture course and not a seminar.

Class Meeting Times:

Class meets on Mondays, Tuesdays and Thursdays from 4:10 to 5:00 p.m. in Room 101. Past experience has shown that the location is subject to change by the Registrar.

Required Reading:

The primary text is Kerr, Orin, *Computer Crime Law* (West, 2006) and its 2008 Supplement. The Supplement is available only as an Adobe Acrobat PDF file. More materials will be provided in class. All materials other than the primary texts will be available on the course website at www.federalcriminallaw.info/cyber/ and on The West Education Network (TWEN). All required readings are essential. Supplemental readings will be available for anyone who wants to delve into a subject more deeply. Anything projected during class will be available on the course websites.

Grading:

This is an exam class. In-class participation will not be a specific percentage of the final grade. Classroom participation will be taken into account in determining a final course grade only under exceptional circumstances. Ordinarily, performance on the **anonymously-graded, closed-book, in-class final examination** will constitute 100% of the final course grade. Students are expected to act responsibly and professionally in preparing for and participating in class. In my experience, not including class participation in the grade actually promotes discussion in this type of course – perhaps because people are free from fear of sanction for expressing their views on controversial subjects or for displaying their ignorance. You will learn more if you participate, and that increased knowledge should shine through in your answers on the examination. I do call on students in class, but generally not for things that everyone should already know (such as the facts of a case or its procedural posture).

You may use computers or bluebooks to answer exam questions. The exam will include both essay and objective questions. The examination is scheduled for Thursday, May 15, 2008, at 1:30 p.m.

Availability:

My office is Room 402E in the suite of offices occupied by the Institute for National Security and Counter-Terrorism. You are welcome to stop by anytime that my door is open. If you want to go over something in detail, however, please make an appointment. To schedule a meeting, please see me at class or contact me by email. In addition, you are encouraged to ask questions in class or by sending me an email. Also, we can arrange telephone conferences. My email is wcsnyder@syr.edu. An alternate email is wcs@williamsnyder.com. My office telephone number is: (315) 443-6655 and my cellular telephone number is [REDACTED]. (Please use the cell phone sparingly.) I am very willing to work with you individually, either in person or electronically. I am willing to meet outside of the office, but generally the presence of a third party will be required. As a rule, I do not meet one-on-one with students outside of my office.

Attendance Policy:

Regular and punctual attendance is required. You might need to miss a class for reasons that are personal and none of my business. I will respect that. However, you are required to notify me (preferably by email) of an absence if at all possible, even if your notice is sent at the last moment before class. If you miss more than 3 class hours, you will need to meet with me about whether there is a systemic problem interrupting your attendance. If you miss more than six class hours, I reserve the option to drop you from the course with the approval of Dean Tomas Gonzalez.

Do not avoid class because you are unprepared and fear being called upon to speak. The goal here is your education, and you will learn more by attending class unprepared than by avoiding class altogether. Just be sure that you catch up on the readings.

If you miss a class, I will assume that you make it up by listening to a recording of the lecture.

Audio Recording:

All lectures will be digitally recorded. Audio files of at least the key lectures will be posted on the course web site. In the past, I have provided CD's of the lectures to students upon request, and I expect to continue that practice. Typically, I use WMA format, but I can convert to MP3 or M4U or several others. You are welcome to make your own recordings of class, if you prefer.

Use of Internet:

Live access to the Internet during classes is permitted and encouraged. Some documents and exhibits will be distributed only in electronic form, and accessing them during class will be helpful. A constantly updating syllabus, copies of all handouts, and many useful links will be available throughout the course at www.federalcriminallaw.info/cyber/. Announcements and updates will be sent by email.

Feedback

Feedback and criticism by you to me is encouraged. It is too late for me to correct a problem if you wait until the course evaluation to tell me. A survey will be distributed during the first class and again at about the half-way point. The first will concern your background and goals for this course. The second will concern improvements or mid-course corrections. If you want to maintain anonymity, you can log into an email account I created at Google and send a message to me at wcs@williamsnyder.com. I will have no way of knowing who logged into the account or from where. The username is "████████" and the password is "████████". You can sign in at <http://mail.google.com>. Of course, only one person can log in with that username at a time, so if you get an error message it may be that someone else is sending me feedback at the same time.

Note:

If you have a disability that may affect your performance in this class, please contact Assistant Dean Tomás Gonzalez in Suite 444 as soon as possible to discuss necessary accommodations.

Also, the Syracuse University Academic Integrity Policy holds students accountable for the integrity of the work they submit. Students should be familiar with the Policy and know that it is their responsibility to learn about instructor and general academic

expectations with regard to proper citation of sources in written work. The policy also governs the integrity of work submitted in exams and assignments as well as the veracity of signatures on attendance sheets and other verifications of participation in class activities. Serious sanctions can result from academic dishonesty of any sort.

- William Snyder

Contact information:

William C. Snyder
 Room 402E
 MacNaughton Hall
 Syracuse University College of Law

(315) 443-6655 (office telephone)
 [REDACTED] (cellular telephone)

wcsnyder@syr.edu or wcs@williamsnyder.com

AIM: [REDACTED] (not used much)

Also, see www.federalcriminallaw.info/cyber/

Administrative assistant (shared) is:
 Marlene Diamond
 mhdiamon@law.syr.edu
 (315) 443-2284

Assignments:

Unless otherwise indicated, assigned pages are from Kerr, Orin, *Computer Crime Law* (West, 2006). "Supp." refers to the 2008 Supplement to *Computer Crime Law*. Citations to statutes in parentheses immediately below the page assignments are citations to statutes you should read along with the assignment. The statutes are found in the statutory supplement reprinted as an Appendix, found in the casebook on pages 667-751.

Lesson	Topic	Assignment
1 – 1/14/08	Introduction to Computer Misuse	1-13
2 – 1/15/08	The Property-Based Approach to Computer Misuse	13-27
3 – 1/17/08	Introduction to 18 U.S.C. 1030 and the Meaning of "Access"	27-45 (18 U.S.C. § 1030)
4 – 1/22/08	The Meaning of Authorization: Code and Contract Approaches	46-64
5 – 1/24/08	Norms Approaches to Authorization and Computer Fraud Crimes	64-83, Supp. 2-5 (18 U.S.C. § 1030(a)(4))

6 – 1/28/08	Computer Damage Statutes	83-98 (18 U.S.C. § 1030(a)(5))
7 – 1/29/08	More on Computer Damage Statutes, and Review of Section 1030	99-107 (18 U.S.C. § 1030)
8 – 1/31/08	Property Crimes to Protect Economic Interests Online	108-120 (18 U.S.C. § 1343, 2314)
9 – 2/4/08	The Economic Espionage Act, Identity Theft, and Introduction to Copyright	121-140 (18 U.S.C. § 1831, 1832, 1839) (also, skim 18 U.S.C. §1028 & 1029)
10 – 2/5/08	Criminal Copyright Law	141-158 (18 U.S.C. § 2319, 17 U.S.C. §506 – note, they are reprinted together in Appendix)
11 – 2/7/08	Online Threats and Harassment	159-178 (18 U.S.C. § 875, 2261A, and skim 47 U.S.C. § 223 reprinted at 742-47)
12 – 2/11/08	Internet Gambling	180-93, Supp. 6-9 (18 U.S.C. § 1084)
13 – 2/12/08	Obscenity	193-210 (18 U.S.C. § 1462, 1465)
14 – 2/14/08	Child Pornography Crimes: Receipt, Distribution, and Possession of Digital Contraband	211-33; on pages 224-29, replace <i>United States v. Tucker</i> with Supp. 10-11 (18 U.S.C. § 2252, 2252A)
15 – 2/18/08	Virtual Child Pornography	233-49, Supp. 11-12 (18 U.S.C. § 2252A, 2256)
16 – 2/19/08	Traveler Cases and Online Entrapment	249-263 (18 U.S.C. § 2422, 2423)
17 – 2/21/08	Sentencing Computer Crimes and the Federal Guidelines	264-84
18 – 2/25/08	More on Sentencing, and Supervised Release Restrictions Involving Computers	284-97
19 – 2/26/08	Introduction to the Fourth Amendment, and What Is A “Search”?	298-316
20 – 2/28/08	Data Seizures and the Consent Exception	316-335
21 – 3/3/08	Search Incident to Arrest, Border Searches, and Government Workplace Searches of Computers	335-351, Supp 13-24
22 – 3/4/08	Warrants to Search and Seize Computers: Probable Cause and Particularity	352-371
23 – 3/6/08	Special class on Investigating Terrorism in the U.S. and Abroad. Class will meet jointly with Law 744 <i>Perspectives on Terrorism</i> at the regular time but at a location to be announced.	Handout to be provided.
24 – 3/17/08	Terrorism Investigations & warrants	Handout to be provided.

25 – 3/18/08	Executing Warrants to Obtain Digital Evidence	372 -390 (end of note 5)
26 – 3/20/08	The Fourth Amendment in a Networked Environment, Part 1	394-412
27 – 3/24/08	The Fourth Amendment in a Networked Environment, Part 2	413-33 (end of n.7); on pages 423-27 and 438-442, replace <i>Guest v. Leis</i> and <i>United States v. Barr</i> with Supp. 24-42.
28 – 3/25/08	The Fourth Amendment in a Networked Environment, Part 3	433-45; on pages 423-27 and 438-442, replace <i>Guest v. Leis</i> and <i>United States v. Barr</i> with Supp. 24-42.
29 – 3/27/08	Introduction to the Wiretap Act	446-463 (18 U.S.C. § 2510, 2511, 2515)
30 – 3/31/08	The Consent Exception and the Provider Exception	463-79 (18 U.S.C. § 2511(2))
31 – 4/1/08	More on the Provider Exception, and the Trespasser Exception	479-87 (18 U.S.C. § 2511(2))
32 – 4/3/08	The Pen Register Statute	488-500 (18 U.S.C. § 3121 through §3127)
33 – 4/7/08	Introduction to the Stored Communications Act	500-19, Supp 43-44 (18 U.S.C. § 2701, § 2703, §2708, § 2711)
34 – 4/8/08	More on the Stored Communications Act, and Overview of Chapter 6	519-31 (18 U.S.C. § 2702)
35 – 4/10/08	Federalism and Computer Crime Law: Limits on Federal Authority	532-550
36 – 4/14/08	Federalism and Computer Crime Law: Limits on State Authority	554-75
37 – 4/15/08	International Computer Crimes	576-96
38 – 4/17/08	Mutual Legal Assistance and Treaties	599-613, Supp. 45-50, skim 614-19
39 – 4/21/08	National Security and the Foreign Intelligence Surveillance Act	630 to the top of 640, and middle of 646 through the middle of 655, Supp. 51
40 – 4/24/08	FISA (cont.)	Handout (actual text of FISA, as amended)
41 – 4/28/08	Offensive Cyber Security	Handout to be provided.
42 – 4/29/08	Exam review	
May 15, 2008, 1:30 p.m.	EXAM	