

Not Playing Games

By Reg P. Wydeven
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This year marks the 35th anniversary of the movie 'War Games.' The film stars Matthew Broderick as David, a bright student who applies his talents to hacking into his school's computer to change his grades rather than studying and earning the grades honestly.

Showing off for his love interest Jennifer, played by Ally Sheedy, David hacks into Protovision, a toy company, hoping to play computer games. Instead, he accidentally connects to the War Operation Plan Response system at North American Aerospace (NORAD). After correctly guessing the program's password, David challenges the computer to play a ThermoNuclear War game between USA and the Soviet Union. He soon realizes, however, that the computer is playing for real and America changes its condition to DEFCON 1 in preparation for World War III.

Because it's a movie, the crisis was narrowly averted and Armageddon was avoided. After attending a private screening of 'War Games' at Camp David, President Ronald Reagan asked Gen. John W. Vessey Jr., chairman of the Joint Chiefs of Staff, if the movie could become a reality. When Vessey replied yes, Reagan's administration demanded legislation to address the computer security risks portrayed in the movie because at the time, computer hacking wasn't illegal.

So in direct response to 'War Games,' in 1986 Congress adopted the Computer Fraud and Abuse Act. The CFAA prohibits either accessing a computer without authorization or exceeding the authorized access. As technology advanced, the CFAA has been amended numerous times, most recently by the USA PATRIOT Act in 2002 and by the Identity Theft Enforcement and Restitution Act in 2008.

But thankfully in 2018, we no longer have to worry about computer hacking and Russia.

Oh wait, yes we do. Stories of Vladimir Putin and the Russians conspiring with Trump and his campaign meddling in the 2016 Presidential election have dominated headlines since his inauguration. Some of this attention focused on Trump's son, Donald Jr. Last month the Minority report of the House Permanent Select Committee on Intelligence (HPSCI) was released, and it disclosed a copy of an e-mail sent on September 21, 2016, by Donald J. Trump Jr. to a group of top Trump campaign officials.

In the email, Trump, Jr. refers to direct messages he received on Twitter from the Wikileaks account. The messages provided him with the login information of "putintrump.org," a purportedly anti-Trump website. Wikileaks indicated they correctly guessed the login credentials of the site and encouraged him to visit it and determine who was behind it. Wanting to prevent any negative publicity before the election, Trump, Jr. replied that he would "ask around."

In the email released in the Minority report, Trump, Jr. says, "I tried the password and it works." By doing so, he seems to have inadvertently just confessed to violating the CFAA by intentionally accessing a computer without authorization. And just like Matthew Broderick's character in 'War Games,' correctly guessing a password is still considered unauthorized access.

I will be curious to see if any federal investigators will look into this further or whether any prosecutors will even charge him. But it certainly would be ironic if Trump, Jr. was convicted of violating the CFAA, a law that originated in computer hacking and Russia.

Well at least it doesn't involve nuclear war.

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