

I'm John Colagioia and support the "jail-breaking" exemptions for consoles (class 3), personal computing devices (class 4), and tablets (class 5). Truth be told, I believe this should be extended to all devices, but understand these are the only classes on the table.

I am a software developer by profession and hobby. I work for a large manufacturing company and run my own small business. I teach Computer Science at a major university and computer skills for a local adult education program. I also volunteer time to support several online discussion forums. Hopefully, this range of jobs makes my comments somewhat useful. I don't claim to speak for anybody but myself, but my views are informed by those around me.

For personal computing devices (class 4), my argument is simple: As a programmer, any "secure computing" system that denies my ability to run arbitrary software of my choosing (operating system, application, or whatever) is an attack on my livelihood. Either I need to be successful enough to have my work "approved" and "signed" by an appointed authority or my work is reduced to an intellectual exercise. Such a system would also be a more literal attack on my freedom of expression, as it would reduce my choice of what software I can run and what software I can legally write for others.

The argument for tablets and phones (class 5) is similar. I don't yet program for those devices, but to be legally restricted to a gatekeeper's whim as to how and when I can connect with a customer is unprecedented in American commerce and destructive to a growing economy.

In addition, we have the argument for gaming consoles (class 3). I don't own one, and don't program for them. However, like all the other devices, they are general-purpose computers that only "act" like a console (or phone or whatever) by ignoring their other features. Ownership of a device should mean the ability to choose which features to use, and that (just like my bread and butter in programming) requires being able to run arbitrary software and not be locked out.

In fact, once ownership has transferred, it's contrary to all of common and case law (prior to the DMCA) and common sense that the manufacturer should be allowed any interest in the product beyond warranty. Imagine giving Ford the right to ban minorities from being given rides in "their" cars. Why give Apple, Sony, HP, or any other company the right to restrict whose code I'm allowed to run on my computer?

There's also an issue of support: Without jailbreaking, I own a dozen devices that, if the parent corporation goes out of business, turn into an expensive, hard-to-recycle, piece of junk. They contain powerful microprocessors and other resources. Altering the software allows a phone, console, set-top box, or computer to take on a new life through new software. Without a jailbreaking exemption, it's illegal to utilize these devices, an ecological nightmare.