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"SECRET SERVICE HELD GUILTY OF VIOLATING COMPUTER PRIVACY"

"A federal court in Austin, Texas, ruled that the U.S. Secret Service violated privacy laws in seizing an electronic bulletin board, electronic mail and computer records from a computer games maker three years ago.

Federal Judge Sam Sparks also ruled that the Secret Service, contrary to government denials, had read, disclosed and erased messages on the bulletin board it seized, in violation of the Electronic Communications Privacy Act.

"Though the ruling is not as clear as we'd have liked, it's the first opinion I know of that holds that electronic communications on a bulletin board are protected by the federal Privacy Protection Act", said Peter Kennedy, attorney for Steve Jackson Games, of Austin, the plaintiff in the case. Justice Department attorneys couldn't immediately be reached for comment.

The case, which provoked fierce debate over how widely the government can cast its net in combating computer crime, led to the founding of a computer-user's rights group, the Electronic Frontier Foundation, which sponsored the suit against the government. Yesterday, the foundation hailed the verdict. "This case should send a message to law enforcement groups everywhere that they can't ignore the rights of those who communicate by computer," said Mike Godwin, the foundation's counsel.

In March 1990, the Secret Service was tracking a "911 program" that agents believed computer hackers had stolen from BellSouth. Agents, saying they suspected that an employee of Steve Jackson's was involved, raided the company under a warrant issued by the local U.S. Magistrate. They seized computer equipment, an electronic bulletin board, and files that contained a computer game the company had been about to publish.

The Service held onto the property for months, and destroyed some of the files and electronic messages.

In his opinion, Judge Sparks said there was never any basis for suspicion that the company or its owner, Steve Jackson, had broken any laws; and that if

agents hadn't been so "sloppy" in their investigation, they would have realized that the company was a legitimate publisher, entitled to the protection of the Privacy Protection Act. That act shields files and work records of newspapers, broadcasters and publishers from government search or seizure.

He awarded Mr. Jackson, his company, and three bulletin board users a total of about \$55,000, plus attorney's fees."