

March 19, 2014

Mr. John J. Hoffman
Acting Attorney General for the
State of New Jersey
P.O. Box 080
Trenton, NJ 08625-0080

Re: *Jeremy Rubin d/b/a Tidbit v. State of New Jersey Division of Consumer Affairs*

Dear Mr. Hoffman:

We are MIT faculty and teaching staff who teach, advise, and encourage innovative creativity among our undergraduates, and whose work leads to innovative technologies. We have devoted our careers to training young people to imagine, create, and disseminate projects that expand the possibilities of technology. We are writing to you because we believe a recent subpoena from your office threatens the ability to innovate on our campus and on campuses around the world, including at New Jersey's world class universities.

Specifically, we are writing in support of Jeremy Rubin, an undergraduate student at MIT. Mr. Rubin and three other MIT students created innovative computer code named "Tidbit." Tidbit is a proof-of-concept project that sought to create a novel revenue stream for internet-based publishers by facilitating the mining of bitcoin. Tidbit, as developed by Mr. Rubin, did not actually mine bitcoin - the project was merely a proof of concept that such a system was possible. In early December, your office, through its Division of Consumer Affairs, issued a subpoena and interrogatories upon Mr. Rubin in pursuit of an investigation under the New Jersey Consumer Fraud Act.

As faculty and teaching staff, we see this subpoena as an affront to our academic freedom and consider it to have a chilling effect to teaching and research in a university context. Technology research advances in part because we and our students often publish classwork and project ideas online, making them available for evaluation by third parties. New Jersey's subpoena challenges our freedom to share and evaluate our ideas and our ability to encourage students to do the same.

The Tidbit project is an example of precisely the intellectual exploration and innovation we fully support and aspire to, both for our students and ourselves. The project itself is typical of the kind of work that students might create in response to a class assignment or in the course of their research. Tidbit takes on a major problem facing online publishers - the challenge of developing a revenue stream - and offers a new solution. New Jersey's subpoena has had the effect both of preventing the Tidbit students from developing this idea further and has sent a signal to other students that exploring solutions to existing business challenges may lead to legal consequences.

It is critical that we are able to encourage our students to disseminate their work publicly. Like academics at all universities, we routinely encourage our students to publish work through conferences, journals, websites, and competitions like the one that awarded the Tidbit team the prize for Most Innovative project. Academic projects also routinely solicit public testing of technology ideas online, projects which are given dedicated websites that invite wide participation and registration by participants. New Jersey's subpoena sends the message that documentation is dangerous, and discourages students and other

innovators from sharing their work and their thinking.

We are alarmed by the implications of this subpoena for us and our students. Tidbit is an incomplete project in its early stages, at the frontiers of the emerging field of cryptocurrency. Although this may not have been the intention, the subpoena leads both us and our students to worry that sufficiently innovative work may face similar legal challenges, disincentivizing us from exploring promising new fields and discouraging us from publishing our work. Most alarming is the possibility that entities from anywhere could view our published work online and offer serious legal challenges, even when those parties have no direct connection to us and no jurisdiction in our region. If this occurs, how can we or any other university ever responsibly continue to advise our students to disseminate their work in public?

The chilling effect from this subpoena affects research and innovation at universities and colleges throughout the United States, including those in New Jersey. At MIT, we are proud that our research and innovation offer a proven example of the economic and societal benefits of universities to our regions and our world. These benefits are also clearly visible in New Jersey's own institutions of higher learning, where the dissemination of research and innovation is fundamental to their role. If academics and students in New Jersey could face serious legal challenges for their early work from unrelated parties in faraway states, the freedoms of those universities and their benefits could be seriously diminished.

We urge your office to withdraw the subpoena and interrogatories delivered on Mr. Rubin.

The undersigned

Hal Abelson, Professor of Electrical Engineering and Computer Science

Ethan Zuckerman, Principal Research Scientist, MIT Media Lab

Joichi Ito, Director, MIT Media Lab

Edward Schiappa, Professor, MIT Comparative Media Studies/Writing

Gavin Darcey, Technical Instructor, MIT EECS

Ronald R. Riso, PhD, Research Scientist

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Nick Montfort, Associate Professor of Digital Media

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cc: Mr. Glenn T. Graham, Deputy Attorney General
Mr. Hanni M. Fakhoury, Electronic Frontier Foundation