

RESOLUTION IN SUPPORT OF OPEN/FREE SOFTWARE AND STANDARDS¹

Authors: Joseph Lorenzo Hall (Delegate, Astrophysics),
Alán Aspuru-Guzik (Graduate Assembly Information Technology Coordinator)

1. **WHEREAS**, direct unmediated unfettered access to information is fundamental and essential to scholarly inquiry, academic dialog, research, the advancement of research methods, academic freedom, and freedom of speech; and
2. **WHEREAS**, complete control by a computer-user of the computer's operating system and hardware is essential to the use and adaptation of computers in research and to the preservation of privacy; and
3. **WHEREAS**, the free flow of information has for many years been hampered by incompatibilities between Microsoft software and non-Microsoft systems caused by Microsoft-specific modifications to open protocols (such as Kerberos[1]), document formats (such as HTML[2]), and programming languages (such as Java[3]); and
4. **WHEREAS**, there appears to be significant risk that future Microsoft operating systems will serve to curtail the rights of scholars and the public to Fair Use of copyrighted material, as is suggested by Microsoft's patent for a "Digital Rights Management Operating System" (US Patent #6330670, Dec. 2001)[4], and its development of Palladium[5] and Secure Audio Path[6], which are technologies that prevent direct access by computer users to data on their own computers; and
5. Microsoft-specific Action:
 - (a) **WHEREAS**, the restrictions imposed by the license agreement of the web-page composition tool Microsoft Frontpage 2002, which states "You may not use the Software in connection with any site that disparages Microsoft, MSN, MSNBC, Expedia, or their products or services"[7], are an unacceptable restriction of freedom of expression; and
 - (b) **WHEREAS**, the "security patch" Q320920 for Windows Media Player, which gives to Microsoft remote administration privileges on the user's computer and the right to "disable your ability to copy and/or play Secure Content and use other software on your computer"[8], involves a substantial surrender of control and privacy on the part of the computer-user; and
 - (c) **WHEREAS**, the fact that Windows Media Player logs and reports to Microsoft every instance of access to a DVD by the user[9] is a troubling invasion of privacy; and
6. **WHEREAS**, a closed-source proprietary operating system such as Microsoft Windows cannot be modified by the user to accommodate specific research or personal needs[10]; and
7. **WHEREAS**, excessive dependence of the University of California at Berkeley (UC Berkeley) on a single supplier of proprietary operating systems and/or application software renders the University powerless to resist unreasonable price increases for software licenses and other unreasonable demands such as license changes forbidding benchmarking[11] or reverse-engineering for compatibility; and
8. **WHEREAS**, the use of closed proprietary document formats and information management systems to store the work of faculty, students, and staff limits the ways these works can be accessed and archived, and jeopardizes access itself in the long term; and
9. **WHEREAS**, open-source, or "free" software provides an alternative to proprietary operating systems and application software that is robust, reliable and trustworthy, and provides a means for the University community to retain complete control of its computer hardware and software, and to retain the rights of Fair Use of information, and preserve the means to adapt computer systems to specific research and personal needs; and
10. **WHEREAS**, significant savings can be achieved by the use of open-source software, which has (in almost all cases) zero licensing costs, and requires no involuntary upgrades such as are an integral part of current Microsoft Campus Agreements; and

¹This resolution is nearly identical to one passed by the Faculty Senate of University of Buffalo. See: http://orange.math.buffalo.edu/csc/resolution2_april2003_approved.html

11. **WHEREAS**, for the reasons enumerated above, the exclusive or predominant use of proprietary operating systems and application software is detrimental to the core missions of the UC Berkeley; and
12. **WHEREAS**, The Educational Technology Committee of the eBerkeley Initiative here at the UC Berkeley has recently authored a document that addresses the costs and dangers of using proprietary file formats in the specific case of email attachments and concluded that their use should be minimized[12]; and
13. **WHEREAS**, open-source software provides an alternative through whose use the core missions of the UC Berkeley can be preserved, nurtured, and enhanced; now, therefore, be it
14. **RESOLVED** that the Graduate Assembly (GA) of the UC Berkeley call on the University to provide support for the use by interested students, faculty, and administrators of the GNU/Linux operating system; and be it further
15. **RESOLVED** that the GA of the UC Berkeley call on the University to provide support for the use by students, faculty, and administrators, of OpenOffice.org and/or other open-source productivity suites; and be it further
16. **RESOLVED** that the GA of the UC Berkeley call on the University to provide support for the use by students, faculty, and administrators, of open-source alternatives to proprietary application software wherever possible; and be it further
17. **RESOLVED** that the GA Office will henceforth not be allowed to purchase proprietary software unless specifically required for a task and after consultation with the GA technical staff; and be it further
18. **RESOLVED** that the GA of the UC Berkeley call on the University to implement a policy of promoting open document formats and communication protocols wherever possible and, in the case of broadcast announcements and other documents intended for a general audience, discouraging the use of secret and proprietary formats (such as Microsoft Word format) in favor of open formats (such as plain text or HTML) that are universally accessible. Finally, be it
19. **RESOLVED** that the President of the GA of the UC Berkeley author a letter to this effect to Chancellor Berdahl, Executive Vice Chancellor & Provost Paul Gray, Chief Information Officer & Associate Vice Chancellor for Information Technology Jack McCredie as well as the eBerkeley Steering Committee and Information Technology Architecture Committee.

References

- [1] See The Industry Standard, May 11, 2000:
<http://www.thestandard.com/article/display/0,1151,14996,00.html>.
- [2] "It was in this meeting that Microsoft executives said they intended to 'embrace, extend, extinguish' competing technologies, including Internet standard HTML, McGeady [Intel Vice President and Government witness] said.",
 ZDNet News, November 8, 1998,
<http://zdnet.com.com/2100-11-512681.html?legacy=zdn>.
- [3] See, for example, Java World, December 1998,
<http://www.javaworld.com/javaworld/jw-12-1998/jw-12-injunction.html>
 "... the injunction requires Microsoft to stop shipping incompatible versions of the virtual machine and to support the standard native-language interface (JNI) in any versions it does ship. It requires Microsoft to stop shipping the current version of its language development environments, to make the standard-Java mode of its language compiler the default mode, to issue a warning to developers if they enable the non-standard mode, and to include a note in that warning that the Microsoft extensions they are enabling 'may be disallowed by court order' in the future."

 News.com, January 22, 1999,
<http://news.com.com/2100-1001-220539.html?tag=bplst>

Specifically, the court required programming tools to be set by default to disable Microsoft extensions to Java.

- [4] US Patent Office,
<http://patft.uspto.gov/netahtml/srchnum.htm>. Search for 6330670. See also 6327652.
- [5] From Microsoft Developer Network website, 2/26/2003:
<http://msdn.microsoft.com/library/default.asp?url=/library/en-us/wmrm/html/understandingthesecureaudiopathmodel.asp>
“In the Secure Audio Path model, applications cannot be used to modify packaged music in any way. For example, when an application is used to intercept a music signal, the signal sounds like random noise. As a result, applications used to modify signals (such as an equalizer) cannot change the sound of the music.”
- [6] <http://www.epic.org/privacy/consumer/microsoft/palladium.html>.
- [7] InfoWorld Jan 10, 2001
<http://archive.infoworld.com/articles/op/xml/01/10/01/011001opfoster.xml>
- [8] InfoWorld, July 12, 2002,
http://www.infoworld.com/article/02/07/12/020715opestrat_1.html
- [9] ITworld.com 2/21/02,
<http://www.itworld.com/AppDev/1471/IDG020221mediaplayer/>
“Serious privacy problems in Windows Media Player for Windows XP” by Richard M. Smith,
Details at:
<http://www.computerbytesman.com/privacy/wmp8dvd.htm>:
“Each time a new DVD movie is played on a computer, the WMP software contacts a Microsoft Web server to get title and chapter information for the DVD. When this contact is made, the Microsoft Web server is given an electronic fingerprint which identifies the DVD movie being watched and a cookie which uniquely identifies a particular WMP player. With this two pieces of information Microsoft can track what DVD movies are being watched on a particular computer.”
- See also “Microsoft WinXP Update spies on other PC software”, The Inquirer, 2/25/2003,
<http://www.theinquirer.net/?article=7980>.
- [10] For example, there is no real-time patch for Windows for experimentalists and musicians who need sub-millisecond latency. In contrast, there are such patches for Linux:
<http://www.ittc.ku.edu/kurt/>.
- [11] SQL Server benchmarks prohibited, ITWorld 4/17/2001,
<http://www.itworld.com/AppDev/136/IWD010417opfoster>.
- [12] Best Practices: Getting Your Message Across by Email. (University of California at Berkeley, Educational Technology Committee of the eBerkeley Initiative.)
<http://astron.berkeley.edu/~jhall/export/attachments.html>.