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UNITED STATES V. MITRA*405 F.3d 492 (7th Cir. 2005)*

The Seventh Circuit held that a criminal conviction for the intentional interference with computer-related systems used in interstate commerce under the Computer Fraud and Abuse Act was a proper exercise of Congress's commerce power, regardless of whether the harm inflicted was interstate in nature.

Late in 2003, Rajib Mitra, a business student at the University of Wisconsin and computer hacker with two previous criminal convictions, allegedly repeatedly hacked into the Madison, Wisconsin police-fire-ambulance emergency communications system. These efforts culminated in a citywide failure of emergency communications on Halloween of 2003. Mitra used radio and computer hardware to analyze and monitor the communications system, and blocked the system's use by interfering with the control channel frequency used to initiate a conversation.

In November 2003, the city of Madison used radio direction finders to locate the source of the interference signals, and police arrested Mitra shortly thereafter. Mitra was convicted of two counts of intentional interference with computer-related systems used in interstate commerce under the Computer Fraud and Abuse Act, 18 U.S.C. § 1030(a)(5), and sentenced to ninety-six months' imprisonment. Mitra appealed his conviction, arguing that the application of the statute to his actions was an over-expansion of Congress's intent for the statute, that the statute exceeds Congress's power to regulate interstate commerce, and that the application of the statute to his activities was so unexpected as to constitute lack of notice and a violation of the due process clause of the Fifth Amendment.

Mitra contended that the statute was not a proper exercise of Congress's power to regulate interstate commerce because Congress could not have intended the statute to apply to all the computer systems that today interact with interstate commerce when it enacted the statute. The Seventh Circuit rejected this argument, finding that the statute was general and applicable to technologies and uses that emerged after it passed. The court also found that, though neither Mitra's activities nor the communications with which he interfered crossed state lines, the statute was well within Congress's commerce power because the statute protects communication that operates in commerce on an interstate spectrum regulated by the Federal Communications Commission.