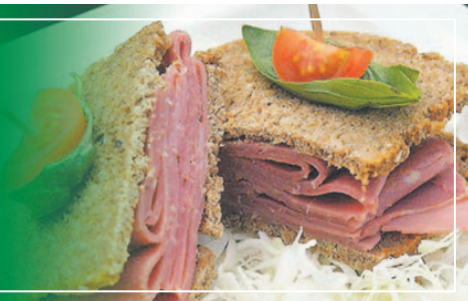


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SATURDAY, MARCH 15, 2008

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## COLLEGES TARGET ILLEGAL FILE SHARING



A student downloads illegal music files. Local campuses say they are working to enforce copyright laws.  
Journal photo illustration by Lee Ferris

## Group says schools lax on student music downloading

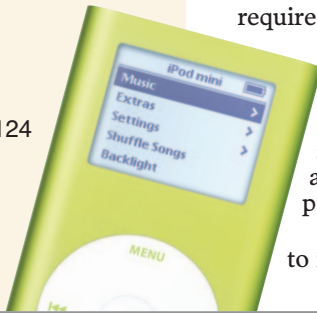
Culinary Institute policy strictest

### THE MOST LEGAL THREATS

Schools whose students received the most legal threats by the Recording Industry Association of America, 2007:

1. University of Texas-Austin: 188
2. University of Tennessee-Knoxville: 159
3. North Carolina State: 159
4. University of Massachusetts-Amherst: 149
5. Boston University: 140
6. University of Southern California: 140
7. University of South Florida: 124
8. University of Nebraska-Lincoln: 120
9. Duke University: 113
10. UCLA: 108

Source: RIAA



By Lindsay Suchow  
Poughkeepsie Journal

In the digital age, a threatening letter from the recording industry has become commonplace for most local colleges.

In the fight to stop illegal downloads of music, movies and TV shows, the Recording Industry Association of America and other groups regularly send letters to colleges and students. Nearly 5,000 college students were targets last year in a crackdown on illegal downloading and sharing of music on college campuses.

Local colleges say they are enforcing copyright laws when violations are discovered and one college — the Culinary Institute of America — has gone so far as to ban file sharing. But colleges across America may be required to do far more to

block illegal downloads if federal legislation is approved.

But local colleges say institutions such as theirs aren't the problem.

"The statistics seem to indicate that colleges

are not the largest offenders (of illegal downloading)," said Bret Ingerman, vice president of computing and information services at Vassar College. "However, we are an easy target."

Still, the Recording Industry Association of America says some colleges are dragging their feet in addressing the issue and legislative action "makes sense," according to spokeswoman Cara Duckworth.

The recording association has cited a study by the market research firm NPD that college students accounted for more than 1.3 billion illegal music downloads in 2006.

The Motion Picture Association of America, however, recently acknowledged an error in a 2005 study that had concluded 44 percent of the movie industry's U.S. losses were attributable to piracy by college students. The group said the correct figure is 15 percent.

The association maintains college students are still a disproportionate share of the problem.

Please see **Sharing**, 2A

## Fishing of shad is curtailed

By Larry Hertz  
Poughkeepsie Journal

The state Department of Environmental Conservation has implemented new regulations limiting shad fishing in the mid-Hudson Valley.

The new restrictions, effective immediately, bar recreational anglers from taking any shad out of the Hudson River, place new limits on the size of nets allowed in commercial fishing and reduce the number of hours per week commercial shad fishermen may fish.

The new regulations are designed to help the Hudson River American shad population recover from its historic lows. DEC spokeswoman Kathryn Hattala said the number of shad taken from the Hudson is

### WHAT'S ONLINE

To see the new regulations, go online @ [www.poughkeepsiejournal.com](http://www.poughkeepsiejournal.com) and click on the PDF



Illustration of a shad by  
Sten Miller

### SPITZER SCANDAL FALLOUT

## As infidelity endures, awareness increases

By John Davis  
Poughkeepsie Journal

While Gov. Eliot Spitzer's alleged dalliance with a prostitute may not have made the headlines 40 years go, cheating on your spouse can still wreck a marriage.

Fidelity between married couples has and still is the bedrock of a good marriage, some psychotherapists and marriage counselors said.

"What's changed is the awareness of what's harmful and what's not harmful to people," said Brian Gleason, a licensed clinical social worker and marriage therapist in the Town of

LaGrange. "In the past, there may have been more of a kind of winking and nodding and acceptance of it without really paying attention to the ramifications of so-called cheating on one's spouse."

News broke Monday that Spitzer, who is married with three children, was linked to a prostitution ring. The first-term Democratic governor made a brief public statement Monday afternoon, apologizing to his wife and the public, but without acknowledging the allegations of his meeting with a prostitute

Please see **Fidelity**, 2A

## Lawyer loses appeal in drug-related witness tampering case

Man expected to start serving sentence soon

By Larry Hertz  
Poughkeepsie Journal

Poughkeepsie attorney Donald Roth, convicted four years ago of conspiring to tamper with a witness, has lost his appeal and is expected to begin serving a federal prison term soon, Roth's lawyer confirmed.

Roth, 38, was found guilty in February 2004 of trying to con-

vince a man to lie to federal authorities to shield Roth's clients from prosecution in a 2001 drug case in Newburgh.

He was sentenced in April 2005 to five years in prison but remained free pending his appeal.

A federal appeals court has affirmed Roth's conviction and the length of his sentence, said

his attorney, David Lewis.

Lewis said he expected federal marshals to ask Roth to surrender to prison authorities within the next few days.

In February 2004, a jury deliberated for about 18 hours before finding Roth and a co-defendant, David St. John, a private investigator from Miller-ton, guilty of felony conspiracy charges.

St. John, 55, a former

Roth was found guilty in February 2004 of trying to convince a man to lie to federal authorities to shield Roth's clients from prosecution.

Dutchess County deputy sheriff, was sentenced to four years in prison in 2005.

During the trial, Roth's

clients in the Newburgh drug case, Raymond Bryant and Tim Cherry, testified Roth and St. John had talked to them about having a federal witness, Charles "Flip" Melvin, sign a false affidavit swearing he had never engaged in drug dealing with Bryant and Cherry.

Federal prosecutors introduced evidence during the trial that Roth and St. John had used the same tactics — having witnesses sign affidavits recanti-

ng statements they had made to police — to help another client, Antonio Bryant, avoid prosecution for murder in a fatal shooting in Newburgh.

Prosecutors also introduced evidence Roth had, on several occasions, billed Dutchess County for more than 24 hours of work in a single day for representing indigent clients.

Reach **Larry Hertz** at [lhertz@poughkeepsiejournal.com](mailto:lhertz@poughkeepsiejournal.com) or 845-437-4824.

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Nikki Flores leads Red Foxes.

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for musicians

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GETTING IT RIGHT

**Information incorrect** — The opening exhibition lecture and reception for “Out of Shape: Stylistic Distortions of the Human Form in Art from the Logan Collection” at the Frances Lehman Loeb Art Center at Vassar College in Poughkeepsie is April 25 at 5 and 6 p.m., respectively. An information box on page 4 in Friday’s Enjoy! section had the wrong date.  
**Event cancelled** — The Rising Sons performance on March 15 at Tailgater’s Grille, Poughquag, has been canceled. A listing on page 18 in Friday’s Enjoy! section listed otherwise.

The Poughkeepsie Journal corrects errors of fact. To report a correction or clarification, call 845-437-4833.

Fidelity: Cheating can ruin marriage

Continued from 1A

in Washington. On Wednesday, he announced his resignation, effective this Monday.

Politicians cheating on their wives is nothing new, Gleason said. What’s new is greater press scrutiny of presidents, governors and lawmakers who do get caught cheating.

“In the old days, they spoke less about it, especially public figures,” said William Calagrande, a licensed mental health counselor in Kingston. (Dwight) Eisenhower had a mistress and (Franklin) Roosevelt had a mistress and you hardly knew about it. Certainly at the time, I doubt [the public] knew about it. We know about now in retrospect.”

But divorce has become more of an alternative for couples in dealing with infidelity and other marital problems.

In 1900, about 84,000 people or 0.3 percent of the national population over 15 years of age were divorced, according to the U.S. Census Bureau. In 1950, a total of 1,071,000 or 2 percent of Americans over 15 were



Spencer Ainsley/Poughkeepsie Journal

Gov. Eliot Spitzer owns a home in Columbia County.

divorced. In 2000, there were 9,255,000 or 8.6 percent of the same group divorced.

What has not changed over the years is the importance of trust between married couples. Cheating on your wife or husband can still shatter that trust.

“I don’t think this is any different than it has ever been,” said Dr. Stan Kupuchinski, a psychiatrist based in Punta Gorda, Fla. and author of “Say Goodbye to Your PDI (Personality Disordered Individual).” “I don’t think that has changed much at all.”

Aim to retain trust stated

In his brief public statement Monday, Spitzer acknowledged he was unfaithful and is willing to work to regain that trust: “I have disappointed and failed to live up to the standard I expected of myself. I must now dedicate some time to regain the trust of my family.”

It remains to be seen if Spitzer can indeed do that.

Paterson wants to avoid tax hikes

By Jay Gallagher  
Journal Albany bureau

ALBANY — Lt. Gov. David Paterson said Friday he hopes to avoid raising taxes in the new state budget, but hasn’t ruled out the idea.

“We want to try to do this without raising anybody’s taxes,” said Paterson, who is due to be sworn in as governor Monday. “That’s what’s driving people out of the state.”

But he said he is not rejecting the idea out of hand, because Assembly Democrats favor raising income taxes on people who earn more than \$1 million to add \$1.5 billion in state

tax receipts next year.

The state is facing a deficit of more than \$4.4 billion for the fiscal year that starts April 1, and the Assembly and Senate have sharply different views on how to fill it.

Later, Paterson told reporters Barack Obama called him Thursday to wish him well. But he said he is still supporting Hillary Clinton for the Democratic nomination for president.

“When I sign up to support a candidate it’s to the end,” he said. Then he joked, “I actually supported Custer, but I did leave right before the attack.”

Paterson spent most of the

day Friday in meetings with state leaders trying to get up to speed on the state budget and other issues. He plans to continue meetings all weekend in advance of formally taking office to work on a budget deal.

Paterson met with all but Bruno in his cramped office on the second floor of the Capitol. But he walked a few doors down to meet with Bruno.

“He offered me lunch,” Paterson said, explaining the reason for the change. “I thought I would partake. I brought my taster.”

Joseph Spector contributed to this story. Reach Jay Gallagher at jgallagh@gannett.com

Sharing: Law attempts to crack down on illegal downloading

Continued from 1A

Under the Digital Millennium Copyright Act signed into law by President Clinton in 1998, the recording association has attempted to crack down on illegal file sharing, particularly on college campuses, by sending notices to administrators indicating there has been unlawful downloading occurring on their campus.

The letters, also known as “takedown notifications,” identify the Internet Protocol address of the alleged offender’s computer.

“We typically get the violation notices from the RIAA and others on a semi-regular basis. We got five of them yesterday,” Harry Williams, director of technology and systems at Marist College, said recently. “In calendar year ‘07 we had 40 takedown notifications from various places. The most popular is the RIAA, but we also get them from the MPAA (Motion Picture Association of America), HBO has contacted us in the past ... the gamut of copyright holders.”

The frequency of violation notices from the recording association varies from campus to campus.

“It used to happen dozens of times a semester,” said Jon Lewit, assistant vice president of information technology at SUNY New Paltz. “Last semester we received six — it’s gone way down.”

After receiving a takedown notification, the school tracks down the person responsible through their IP address.

“(The recording association) will say, ‘We have reason to believe that someone at this IP address has illegally downloaded a video,’” said Jeff Katz, director of informational services at Bard College. “We know where the IP address is, because they’re all registered (to the campus server), and we are then required to speak to the user of that computer.”

Katz said Bard gets recording association notices “maybe

two or three times a semester.”

After receiving a violation notice, the course of action seems to be universal among local colleges: The student is reminded of the college’s appropriate Internet and network use policy, which varies from campus to campus, but all prohibit illegal downloading under the Digital Millennium Copyright Act and is issued a formal warning to stop. The files in question are removed from the students’ computer.

Once a student is notified of a recording association violation and the files are deleted, staff notify the recording association of their action. By doing this, accountability is shifted onto the offending student for any subsequent copyright infringement.

“We have to respond in a timely way to these notices, because that’s how the university holds itself harmless,” Lewit said. “We are just the Internet provider, so the college can’t be slapped with a fine.”

Students disciplined

If a student continues to illegally download after the first warning, they are sent through the campus judiciary process for disciplinary action. Furthermore, they could face a pre-litigation notice from the recording association, which gives downloaders a choice to either pay a hefty settlement or become the subject of a lawsuit.

It seems the only surefire way to avoid these violation notices is to completely block file sharing on a college server, a policy implemented by the Culinary Institute of America.

“We haven’t received any letters from anyone in the recording industry,” said Stephan Hengst, senior communications manager at the CIA. “Programs like Kazaa, or anything along those lines, we do not allow our students to access through our Internet server. We block them from our network completely.”

But barring students from file sharing altogether — while it can almost guarantee a problem-free

relationship with the recording industry — also perpetuates a negative assumption about file sharing in general.

“We don’t block file sharing because there is nothing illegal about peer-to-peer software,” Vassar’s Ingberman said. “What’s illegal is sharing something you don’t have copyright permission for. Blocking the software is presuming everything being done there is illegal.”

There are plenty of “legitimate uses” for file sharing on college campuses, such as uploading group project materials and sharing study resources. It’s how students choose to utilize the network that gets them into trouble.

“The network is established for academic purposes,” Katz said. “Using it for anything other than that is like driving on a road that’s used for a particular purpose and then drag racing on it — you’re using it for a purpose it wasn’t designed for.”

Almost all cases of illegal downloading are traced to residence halls.

“It’s always on their personal computers,” Marist’s Williams said. “We tend to lock down the labs so it would be difficult, but not impossible, to do it there. I can remember one instance in the last several years that it’s been a lab computer.”

“Ninety-nine percent of the time, it’s a student in a residence hall room,” Ingberman said. “It’s gets interesting if it’s a college-owned computer, because most of the time we are unable to tell who was using the computer.”

Congress is considering legislation regarding illegal downloading on college campuses, which would make it mandatory for administrators to take a proactive, rather than a reactive, approach to preventing copyright infringement. Although the bill has yet to be approved, introduction of such a law would take a toll on college staff in terms of manpower and funds.

“It would cost us some money, and we would have to

Shad: Regulations aim to aid species

Continued from 1A

averaging about 15,000 a year, virtually an all-time low.

Emergency regulations have been adopted to help reduce the amount of adult shad taken by fishing. This means implementing a catch-and-release-only season for recreational fishing. For commercial fishing, the actions include a limit on certain types of fishing gear, restrictions on times and places where fishing is allowed and other changes.

Herring gill nets will be allowed for commercial fishermen, up to a maximum of 3.5 inches of stretched mesh, between the Castleton (I90 and railroad) bridges and the George Washington Bridge. Shad gill nets will be allowed, equal to 5.5 inches of stretched mesh, for use between the Rip Van Winkle and George Washington Bridges.

The ban on commercial shad fishing was increased from its previous 36-hour period — Fridays at 6 a.m. until Saturdays at 6 p.m. — to 84 hours — Wednesdays at 6 a.m. until Saturday at 6 p.m., Hattala said.

Net lengths curtailed

In addition, Hattala said, nets used by commercial shad fishermen are now restricted to no more than 600 feet. Previously, the maximum length was 1,200 feet.

Local shad fishermen said the new restrictions on the size of the nets they may use would not affect them significantly, since most of them don’t use larger nets anyway. But they said the new limits on when they can fish would limit their catch.

“I wouldn’t have to change my nets at all,” said Leo Wojciehowski, a commercial shad fisherman from Saugerties. “Some of the old-timers used to fish bigger nets, but that hasn’t been the case for a whole now for the areas we fish.”

Poughkeepsie resident John Mylod, a commercial fisherman for the past 35 years, said he sometimes uses 900-foot nets but didn’t think the 600-foot limit would affect him significantly.

“But the Wednesday-to-Saturday rule, that means we can

fish a whole lot less time,” Mylod said. “You look at how the river works, the tides, the weather, and it could be a severe limitation.”

Mylod said he understood why the DEC would want to protect the shad but said he did not believe commercial fishing was the only cause for the decline in the number of shad in the Hudson.

He noted the increasing number of striped bass — a fish that eats young shad — and the growing number of shad being caught in the Atlantic Ocean were also contributing factors.

“There’s no simple equation you can use, and more research needs to be done,” Mylod said. “It’s the Hudson River’s signature fish. People have been coming here for 10,000 years to catch shad.”

The DEC’s new restrictions stem from a recent assessment of Hudson River American shad indicating stocks are at historic lows. The survey was conducted by DEC staff as part of a coast-wide assessment of American shad stocks under the coordination of the Atlantic States Marine Fisheries Commission, of which New York is a participant. The population of Hudson River American shad has declined significantly since the early 1990s.

Of particular concern to DEC biologists is the shad comprising the spawning stock (adult fish) have become smaller and younger, and mortality has increased to excessive and unacceptable levels. Meanwhile, juvenile production dropped to an all-time low in 2002 and has not recovered. This current level is 70 percent lower than the long-term average measured since 1980. The primary cause of the changes to the shad population has been overfishing.

DEC has adopted new requirements that will make recreational fishing for shad catch-and-release-only. Previously, recreational anglers were allowed to keep up to six fish per day, Hattala said.

Reach Larry Hertz at lhertz@poughkeepsiejournal.com or 845-437-4824.

allocate staff time and buy additional equipment to do the monitoring they would require of us,” Williams said.


“It would be quite a burden,” Lewit said. “It would be painful.”

Besides the money and time the bill would cost colleges, Ingberman said legislation probably wouldn’t even help solve the problem.

“There is no good technologi-

ical way to stop people from doing this — that is the crux of the problem,” Ingberman said. “The recording industry needs to find a new financial model with an attractive alternative to illegal downloading. People think you can’t compete with what’s free ... well, look at bottled water.”


Gannett News Service contributed to this report. Reach Lindsay Suchow at lsuchow@poughkee.gannett.com or 845-437-4825.



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