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On Abandonment

> The concentration camp is organized abandonment. —Arthur Miller

On 16 April, the American Civil Liberties Union filed a Federal Trade Commission complaint against AT&T, Verizon, Sprint, and T-Mobile accusing them of "deceptive business practices" for failing to keep the software on Android smartphones updated, thus making those devices artificially vulnerable to hackers. In the complaint (www.aclu.org/files/assets/aclu_-_android_ftc_complaint_-_final.pdf), the ACLU says that carriers aren't passing along Google's software updates, meaning users have no alternative access if their carriers don't share.

The ACLU's central premise is that if the handset isn't something that users can themselves post security updates to, then the carrier is responsible if the handset is pwned. There's a point there if you want to absolve users for using something that they know can't be secured under prevailing conditions. We'll see how the FTC reacts, but this is a sideshow in the larger circus of security flaws that must be closed (see geer.tinho.net/fgm/fgm.geer.1308.pdf for more).

If I abandon a car on the street, someone will eventually claim title. If I abandon a bank account, then the State will eventually seize it. If I abandon real estate by failing to remedy a trespass, then in the fullness of time adverse possession takes over. If I don't use my trademark, then my rights go over to those who use what was and could have remained mine. If I abandon my children, then everyone else is taxed to remedy my actions. If I abandon a patent application, then the teaching that it proposes passes over to the rest of you. If I abandon the confidentiality of data such as by publishing it, then that data passes over to the commonweal not to return. If I abandon my storage locker, then it will be lost to me and may end up on reality TV. If company X abandons a code base, then that code base should be open sourced.

Irrespective of security issues, many is the time that a bit of software I use has gone missing because its maker went missing, but with respect to security, some constellation of {I,we,they,you} are willing and able to provide security analysis, patches, or workarounds as time and evil require.

Why would the public interest be served by a conversion to open source for abandoned code bases? Apple computers running 10.5 or less get no updates (comprising about half the installed base). Any Microsoft computer running XP gets no updates (comprising about half the installed base). The end of security updates follows abandonment. It is certainly ironic that freshly pirated copies of Windows get security updates when older versions bought legitimately do not. Of course, the ACLU is arguing about the trendier toys (smartphones rather than desktops) and forgetting to be careful about what they wish for (apply the ACLU logic to jailbroken phones that get owned by nasty malware and still try to force some deep pocket to compensate "the victim").

But wait, you say, isn't purchased software on a general-purpose computer a thing of the past? Isn't the future about auto-updated smartphone clients transacting over armored private (carrier) networks to auto-updated cloud services? Maybe, maybe not. If the two major desktop suppliers update only half of today's desktops, then what percentage will they update tomorrow? If you say, "Make them try harder!," then the ACLU position is your position. If you say, "But we already know what they're going to do, don't we?," then the question is what about the abandoned code bases. Open-sourcing abandoned code bases is the worst option, except for all the others.

If seizing an abandoned code base is too big a stretch for you before breakfast, then start with a certifying authority that goes bankrupt: Who gets the keys? Some things are too valuable to allowed to be abandoned. CA keys are. Children are. Code bases are.

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