



HackThisSite.org

A free, safe and legal training ground for hackers and hacktivists.

Honorable Loretta A. Preska
Chief Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

October 1, 2013

Your Honor,

First, please allow us the opportunity to express our gratitude in both you spending your understandably precious time in reading our letter, as well as for serving your community in one of the most esteemed positions within the foundations of our country's trifecta of checks and balances. As you may be aware, we write you today in regards to Jeremy Hammond, in a case which you humbly preside over and hold the burden of delivering sentence. Before we begin, we would first like to formally introduce ourselves in hopes that you understand the importance of our involvement and the plea we are about to make.

We represent the staff and collective community of HackThisSite.org. In 2003, Jeremy Hammond founded a *legal* organization entitled *Hulla-Bulloo*, created to engage its users in understanding hacking, hacktivism, and all technologies and politics in between. Months later, *Hulla-Bulloo* became HackThisSite.org (hereinafter, *HTS*). To this day, HTS has remained a bastion of ethical hacking and hacktivism, a series of principles originating from Mr. Hammond, serving its community of over 1.8 million worldwide users.

We would also like to break momentarily to highlight an extremely important fact that in these and most contexts, hacking refers to the act of learning information technology security practices, and hacktivism refers to the act of being politically savvy and active with regard to technology (e.g. engaging Congressmen regarding SOPA). These are highly important distinctions because, all too often, both words hold an often unfair definition of notoriety, and we fear the wrong message is sent when an intelligent

and computer-savvy individual is bestowed the label of 'hacker' or 'hacktivist'. These are titles of pride and honor, and should be understood as such. But we digress...

Mr. Hammond, in his years of running HTS, built the idea that users can become hackers and hacktivists to not only make a change in information technology security, but indeed in the world itself as well. He held firm in his ideology that the work he did and the community he led was done in such a way to better everyone. And we believe, unwaveringly, in his core philosophy, to do whatever is necessary to make for a better and more secure world.

As we are sure you are aware, and perhaps even impacted by, the United States government at the time of this writing is in a shutdown. Furthermore, leaks by former-CIA contractor Edward Snowden have displayed massive and highly questionable domestic spying unleashed upon the citizens of the United States. These are acts that highly pain people such as ourselves, and Mr. Hammond.

In our world of hacking and political activism, we act among the spirits of those before us who fought (and sometimes died) for their beliefs in civil rights. In the mid-twentieth century, young African American men and women fought with every ounce of their lives for the right to be treated fairly, as our Constitution affords us. Many were unjustly imprisoned merely for their actions of civil disobedience, when their only crime was begging, pleading for the ability to be granted the same civil rights as those of a lighter skin tone.

Today, we hacktivists fight for similar causes. We believe in the right to perform our business, both personal and professional, with our privacy and other civil rights respected and not encroached upon. We believe in the opportunity to progress in life as our previous generations were able to. We believe in the honor and integrity of our country, including the transparency to view the actions our government performs on our behalf. We believe in the ability to operate our country as the constituents which place our representatives in place to perform our collective desires, and do so without fear of reprisal or reprimand. But above all, we believe in our ability to make change happen when nothing else works.

What Mr. Hammond did, he did as an act of solidarity with the support of those of us too afraid to act, for fear of being punished as Mr. Hammond is today. What Mr. Hammond did is akin to the acts of Edward Snowden, Chelsea Manning (formerly Bradley Manning), Barrett Brown, Julian Assange, and many others, whose only true crime was not being able to be the change they sacrificed themselves to be. Mr. Hammond, along with the aforementioned others, did what they believed was the most righteous path to invoke the change necessary for us to survive and progress.

It is no secret that the Computer Fraud and Abuse Act (CFAA) has been interpreted far, far beyond its original intent by many courts in ways unimaginable when it was passed in 1984. In the almost *thirty* years since this law was passed, computing technology has progressed beyond anything conceivable. In fact, in 1984, the Internet, personal computing, email, and practically everything else technology-wise were unknown to the general world, exclusively available only to select government agencies and educational institutions. It is therefore impossible to appropriately apply its original writings as implied in 1984 to today's standards and technology, as far too much has changed in the three decades since. The Electronic Frontier Foundation, an active participant in Mr. Hammond's case, has written much on this problem:

<https://www.eff.org/issues/cfaa>

Judge Preska, you have the authority to hand down a sentence, up to ten years, that we at HTS and thousands of others feel is outside the original intentions of the CFAA. You are a kind and just woman who honorably obtained your esteemed position of Chief Judge of the United States District Court for the Southern District of New York, and we absolutely understand the necessity of your role as a United States judge to properly interpret the law and apply it as delicately as necessary, ensuring a punishment is properly and fairly befitting. You hold the responsibility of interpreting and enforcing law, and the ultimate and most heavy burden of delivering a sentence.

Therefore, we must implore you to consider the fairness of applying a thirty-year-old law and its years of wildly disproportionate interpretations when sentencing a young man, Mr. Hammond, for acts he believed were truly necessary to ensure the continued safety and security of our great nation and its people. We appeal to your kindness, to your civility, and, most importantly, to your own desire for personal freedom and civil rights, to understand Mr. Hammond's actions, and deliver a sentence that is truly fair.

Your Honor, we beg of your compassion: In honor of civil rights and a most fair delivery of punishment, please do not deliver a ten year sentence. Mr. Hammond's co-defendants in Ireland and the United Kingdom who were already convicted faced no more than 16 months, some of which have already been released. Mr. Hammond has already spent over one and one half years incarcerated for his act, and we feel he should not face much more time imprisoned than truly necessary, which a thirty-year-old far outside its times and technology law cannot account for.

If the inconceivable burden were upon us to pass sentence, we would impose upon Mr. Hammond not more than 6 additional months in prison, and a minimum five years of probation, heavily restricted from computer use and mandated to undergo therapy for the abusive use of computing technology. Judge Preska, you hold the exclusive ability to set a reasonable precedent for future computing crimes, and show that the CFAA can be used fairly and justly in the modern times since its inception. We

trust you will do what is right, and show the nation and the world the United States justice system has adapted appropriately with technology and the crimes that come with it.

Very respectfully and sincerely yours,

~ HackThisSite.org Staff ~