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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	
UNITED STATES OF AMERICA,	
V.	12 CR 185 (LAP)
JEREMY HAMMOND,	
Defendant.	
x	
	New York, N.Y. November 15, 2013 10:06 a.m.
Before:	
HON. LORETTA	A. PRESKA,
	District Judge
APPEARA	ANCES
PREET BHARARA United States Attorney for a Southern District of New York ROSEMARY NIDIRY THOMAS BROWN Assistant United States Attorneys for Defendant	rk

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(In open court)

THE COURT: United States against Jeremy Hammond.

Is the government ready?

MS. NIDIRY: Yes. Good morning, your Honor. Rosemary Nidiry for the government. With me at counsel table is Thomas Brown of the U.S. Attorney's Office and Special Agent Christopher Tarbell of the FBI.

THE COURT: Good morning.

Is the defense ready?

MS. KELLMAN: We are, your Honor. Good morning. Susan Kellman for Jeremy Hammond. Your Honor, my client is seated to my right, and I'm assisted at counsel table by Sarah Kunstler and Emily Kunstler and Margaret Ratner Kunstler.

THE COURT: Good morning. Won't you be seated. Good morning.

I think the first item we should take up, please, is the application of the New York Times to have the redacted portions of the sentencing memorandum unsealed.

Mr. McCraw.

MR. McCRAW: Yes, your Honor. Good morning.

THE COURT: Good morning. Do you wish to be heard further?

MR. McCRAW: Your Honor, I believe my letter lays out what our position is. I'd like to respond to whatever argument is made for continuing the redaction.

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THE COURT: Yes, sir.

MR. McCRAW: Thank you.

THE COURT: Ms. Kellman, Ms. Kunstler.

MS. KELLMAN: Your Honor, I hope that we can dispose of this fairly quickly. As the Court knows, I came on board fairly late in this matter. And one of the first things that I had an opportunity to read before I even began to familiarize myself with the case was the Court's protective order in this matter. And I took that, as I take all orders of this Court, seriously. I reached out to the government of the United States in an effort to see if there were areas in which we could agree that redactions were not necessary, and I succeeded neither in connecting with them on that issue by phone or by e-mail. And after several weeks of having no input from the government, I erred on the side of caution and I redacted everything that I thought could potentially cause a problem.

From our vantage point, we didn't really have a sense that most of it needed to be redacted and we would, as I always do, defer to the Court on these matters. If the Court is inclined to release the information, of course we live to serve, Judge. I did what I thought was appropriate, which was to follow the letter of the Court's instruction. And if there is somebody in this courtroom who feels that there are areas that don't need to be redacted, I'm happy to be

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instructed.

THE COURT: Thank you.

What's the government's position here? There seemed to be pretty limited redactions.

MS. NIDIRY: Yes, your Honor. Since receiving the redacted versions of the defense's submissions, we've had discussions with defense counsel about the areas that we think do not need to be redacted. And primarily what we think should be redacted are victim names and the entities, the personal information of various individuals, credit card information, things like that, that appear in some of the exhibits, the URL information of websites that may have vulnerabilities.

And so we have talked it over with Ms. Kunstler and my understanding is that she is going to -- or they are going to be submitting a submission with more limited redactions that comport, we think, with the protective order.

THE COURT: What is your position as to the material within the four corners of the defense sentencing memorandum in the text?

MS. NIDIRY: Those I think can be unredacted.

THE COURT: Okay. And then as far as I could tell, the remaining material -- the addresses, the names, et cetera -- those appear in the exhibits.

MS. NIDIRY: I think that's correct.

THE COURT: Okay. Certainly the material in the text

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of the sentencing memorandum may be unredacted.

Is there anything else that we need to discuss?

MS. KELLMAN: Not that I'm aware of, Judge.

THE COURT: Mr. McCraw, anything else you want to discuss?

MR. McCRAW: Yes, your Honor. In terms of -- first, we have no problem with personal identifying information of the sort that was in the protective order. That list which dealt with credit card numbers and the like, no problem, and we appreciate your Honor's unsealing of the memorandum.

Primarily what we've been concerned about is what appears to be a supplemental argument, A through H, which is largely redacted, the version, and I think it's the latest, almost completely redacted, other than the introductory paragraph.

We know from the government's submission, where they address what's redacted in Footnote 19 on page 19 that essentially it's an argument aimed at your Honor in terms of something you should consider for sentencing. We believe that other than the personal identifying information, which we discussed, that they should be unredacted.

THE COURT: I'm sorry. Let me just locate that.

The problem is mine isn't redacted so I don't know what the material is.

MR. McCRAW: Your Honor, in --

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THE COURT: I have Exhibit H.

MR. McCRAW: For ease, the first two paragraphs of the letter addressed to you are unredacted and then, after that, other than some "respectfully submitted," everything else is blank. Everything that is attached to that letter is blank.

THE COURT: Okay. Thank you.

I guess I should be asking Ms. Kellman, first, do you have any concerns about unredacting that material? Ms. Kunstler?

MS. KUNSTLER: Your Honor, we don't have any concerns about unredacting that material.

MS. KELLMAN: Judge, when you say do we have any concerns about it, is the Court's concern with respect to your order?

THE COURT: No.

MS. KELLMAN: Then I think that the answer is we don't have any concerns.

THE COURT: Does the government have any objection to unredacting that material?

MS. NIDIRY: To the extent that the-- only to the extent that the names of entities with potential vulnerabilities exist in there. In other words, everything-we believe that everything should be unredacted except the names of, for example, the countries listed that have potential vulnerabilities.

THE COURT: Okay. Mr. McCraw.

MR. McCRAW: Your Honor, as to the country names, the government has taken the position that this is untrue. They say that in Footnote 19, that essentially having addressed the argument that was redacted, that we haven't seen, they say this is untrue. It seems unlikely to me that there is a privacy interest or a national security interest in things that aren't true. If they are now saying that there are some actual vulnerabilities and they're willing to make that submission to your Honor, that's a different matter. At this point what I'm being told by Footnote 19 is that none of this is believable, in which case I don't see the case for redaction.

THE COURT: Ms. Nidiry.

MS. NIDIRY: I think that counsel is misreading our footnote. We do point out that C.W. and Mr. Hammond did discuss vulnerabilities in foreign websites among other websites. And so there is a potential that the entities listed herein have website vulnerabilities, and that is our concern.

THE COURT: Then the footnote goes on. It says, "In fact, the FBI notified foreign governments about this activity and the vulnerability of their websites." Right?

MS. NIDIRY: Yes, that's correct.

THE COURT: All right. I'm not sure, Mr. McCraw, that the government is saying that it's untrue.

MR. McCRAW: But it-- and I agree with you, your

Honor, that they have said that there was a discussion. Now, I

don't know what's in there, so whether --

THE COURT: It's a list of countries.

MR. McCRAW: Okay. And my understanding is that if the footnote is accurate, that there's been notification, I would think there would need to be some showing that that vulnerability continues. I would assume that, having been notified and this list having been developed some time ago, that there should be a fresh case that there is vulnerability.

THE COURT: Ms. Nidiry.

MS. NIDIRY: I don't necessarily—— I don't think that the burden should be put on the victims with the potential vulnerabilities to demonstrate that the vulnerabilities have been taken care of. I think that the information that is important for the public that is in this document is provided without listing the names of the potential victims.

THE COURT: Anything else, Mr. McCraw?

MR. McCRAW: Just one final point, your Honor. I'm not asking that the victims do this. I'm asking that the government do this. The government is proposing the redaction. The constitutional standard is clear it's their burden, not the burden of anybody in the general public.

THE COURT: All right. In light of the potential

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part of the record?

vulnerabilities of these governments and out of an excess of 1 caution, I will permit the redacting of the list of countries. 2 3 Otherwise, the remainder of the November 1, 2013 addendum to the defendant's sentencing submission shall be unredacted. 4 5 MS. NIDIRY: Your Honor, I'm sorry, just to be clear, the exhibits to that addendum do contain a host of chat logs 6 7 within which there are a lot of discussions of websites. would ask that those --8 9 THE COURT: Vulnerable websites. 10 MS. NIDIRY: Yes, exactly. 11 THE COURT: Or deemed to be vulnerable. 12 MS. NIDIRY: Yes, as well as personal credit card 13 information. 14 THE COURT: Well, we're all on board on the personal credit card information. I'll permit the redaction of the 15 16 supposedly vulnerable sites. 17 MS. NIDIRY: Yes. Thank you. 18 THE COURT: Okay. Sir, anything else? 19 MR. McCRAW: Thank you, your Honor. 20 THE COURT: Yes, sir. Thank you. 21 Ms. Kellman, Ms. Kunstler, have you and your client 22 had adequate time to review the presentence report? 23

THE COURT: Is there any reason it should not be made

MS. KELLMAN: We have, your Honor.

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MS. KELLMAN: No, your Honor.

THE COURT: Are there any objections to the presentence report?

MS. KELLMAN: Your Honor, we highlighted the objections in our submission of November 1st.

THE COURT: Are there any that you'd like to discuss today?

MS. KELLMAN: Only to the extent that we'd like the Court to take them into consideration, and that is specifically with respect to the comments in the presentence report with respect to paragraph 61 and 83.

THE COURT: Sixty-one and?

MS. KELLMAN: Eighty-three, your Honor. With respect to 61, does the Court want me to-- I'm happy to discuss them briefly with the Court.

THE COURT: Sure.

MS. KELLMAN: With respect to paragraph 61, I thought that the report was somewhat harsh with respect to its comment that Mr. Hammond had refused to maintain employment while on bond during the period between his guilty plea and the sentence and his prior federal case. And from our own research, that didn't appear to be the case.

We provided the probation department and the Court with a copy of not one, but two letters from Mr. Hammond's prior employer, Rome & Company. And Mr. Roman, who had

responded to inquiries on this issue, said that not only had he welcomed Jeremy back because of the fine work that he had done, but in his second letter to the Court, he wrote that "The second time following his period of detention, we welcomed him back with enthusiasm and without hesitation." He described Mr. Hammond as friendly, courteous, polite, and extremely respectful of the business deeds of the company that he served. And I thought that that was an extraordinary compliment from somebody who recognized that Jeremy had had legal problems, was prepared to welcome him back because of the good work he had done.

And what troubled me was that probation appeared to have been aware of that, and the reality was that Mr. Hammond had told probation that he took two weeks off before he had to surrender. But I thought it was harsh to say that he hadn't worked at all since, one, that's not what he said, and, two, that didn't appear to be what his employer was saying either.

I ask the Court to take notice of that and I attach both letters from Mr. Roman.

THE COURT: Is there any objection to deleting the portion, at least as appears in paragraph 62 of my copy of the presentence report, the portion that says "and failed to maintain employment"?

MS. NIDIRY: No, your Honor.

THE COURT: Okay. That portion is deleted.

MS. KELLMAN: Thank you, Judge.

And the second piece, in paragraph 83, the probation department appeared to be concerned that they hadn't had any contact from Mr. Hammond's family, specifically his girlfriend, his mother and his brother. And our understanding was that those people were not inclined to speak directly to probation, but they had through us communicated a willingness to provide letters, which they did, and we provided those letters to probation. I'm not sure why they weren't commented upon, but we've attached them to our submissions.

So I think it's unfair to say that the family had not been responsive, which suggests to the Court that somehow they might not be supportive. And of course I think the Court knows well --

THE COURT: We might have—— I wonder if we have different copies. That portion appears at paragraph 84 in my copy and it says, "However, through counsel the defendant said that those individuals would prefer not to be interviewed and would rather rely on letters they have written on behalf of the defendant," and then the report goes on to summarize those letters.

MS. KELLMAN: I think, Judge, that's the second submission, is what that is. Our letter went to the first submission and I think after our letter probation --

THE COURT: Got it. So this is fixed.

MS. KELLMAN: I think that's correct, Judge. 1 THE COURT: All right then. No other objections to 2 3 the presentence report? 4 MS. KELLMAN: No, your Honor. 5 THE COURT: Thank you. 6 With respect to the offense level computation, I 7 accept the findings of the presentence report set forth at paragraphs 42 through 56, which conclude that a total offense 8 9 level of 31 is appropriate. With respect to the defendant's 10 criminal history, I accept the findings of the presentence 11 report set forth at paragraphs 57 through 77, which conclude that a criminal history category of four is appropriate. 12 13 I have the sentencing memorandum on behalf of 14 Mr. Hammond. I have the supplemental letter dated November 1; 15 I have a large binder of letters; I have a letter from Russell 16 Hammond handed up today; I have the letter attached to the 17 November 7 submission; I have the government's submission. 18 Are there any additional written materials I should be looking at, Counsel? 19 20 MS. NIDIRY: No, your Honor. 21 MS. KELLMAN: No, your Honor. 22 THE COURT: Ms. Kellman, would you like to speak on behalf of Mr. Hammond? 23 24 MS. KELLMAN: I would, your Honor.

THE COURT: Or Ms. Kunstler.

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MS. KELLMAN: But at the moment I'd like to defer, if I may, to Sarah Kunstler, who has prepared some remarks. And I would like to yield to my mentee in the Southern District's excellent mentoring program. I have to say in this case I may well have learned more from my mentee than she from me and I'm very proud of the work she's done in this case.

THE COURT: Yes, ma'am.

MS. KELLMAN: So I'd like to defer to her and then I will speak, Judge.

THE COURT: Yes, ma'am. Ms. Kunstler.

MS. KUNSTLER: Thank you, your Honor. Would you mind if I took the podium? It might be a little bit easier for me.

THE COURT: Of course. If you actually want to remain seated, that's fine too.

MS. KUNSTLER: Thank you.

MS. KELLMAN: When she gave me the key to her office last night in case I need to get papers, I said, "Not a chance." She's going to make it through this.

MS. KUNSTLER: Thank you, your Honor. I'm very happy to be here today. I wasn't sure if I would make it.

In December of 2012, 24,000 geophysicists gathered at a meeting of the American Geophysical Union. The most well-attended lecture was about the depletion of the earth's resources --

THE COURT: Ms. Kunstler, I'm going to ask you to keep your voice up or perhaps be a little closer to the microphone--

MS. KUNSTLER: Sure.

THE COURT: -- so everyone can hear you.

MS. KUNSTLER: Thank you.

A geophysicist named Brad Werner from the University of California walked the crowd through an advanced computer model to show how the rapid depletion of these resources was leading to the destabilization of the earth's ability to sustain human life.

When asked what could reverse or stem this tide,
Mr. Werner was largely at a loss. There is one dynamic in the
model, however, that offered some hope. Werner termed it
resistance: Movements of people, or groups of people, who
adopt a certain set of dynamics that does not fit within the
dominant culture. According to the abstract for his
presentation, this includes protests, blockades, and sabotage
by indigenous people, workers and other activist groups.

Serious scientific gatherings don't usually feature calls for mass resistance, but in the history of our great nation and in the history of humankind, there have always been moments where resistance has led to important social change. The American Revolution, the Civil War, the Civil Rights Movement and the end of apartheid in South Africa. And there have always been people who stood up to make that change: Our

founding fathers, Martin Luther King, Nelson Mandela.

What these people have in common is how they act in a moment of choice, when confronted with a situation in which they can rise up, often at great personal risk, and take action or quietly sit down and risk nothing. And in that moment of choice, if they do nothing, no one will be the wiser, but if they act, they will suffer the consequences of that action.

These actors and the actions they take are not always understood in the moment. Sometimes the actors are viewed as criminals; their actions as violations of the established law. Sometimes it takes time — days, months, a century — for the context and meaning of those actions to be properly understood. And in some cases, history, rather than vindicating them, will judge them harshly.

The development and use of surveillance technologies will be one of the defining issues of our times. The reach of these capabilities is astonishingly broad. Governments can listen in on cell phone calls, use voice recognition to scan mobile networks, read e-mails and text messages, sensor web pages, track a citizen's every movement using GPS, and can even change e-mail contents en route to a recipient. They can secretly turn on webcams built into personal laptops and microphones and cell phones not being used. And all of this information can be filtered and organized on such a massive scale that it can be used to spy on every person in an entire

country.

Jeremy Hammond, a gifted computer programmer, decided to use his skills to break the law. He did so out of a concern that these technologies were enabling governments and corporations to gather information on individuals and organizations without oversight or scrutiny. He did so as an act of protest. And as a result of his actions and the actions of others similarly committed to open government, the public has become increasingly aware and increasingly concerned.

There are many, like our adversaries in the U.S.

Attorney's Office, who do not accept Jeremy's actions as acts of civil disobedience. Many who see what he did as one-dimensional, criminal and malicious. In its sentencing submission, the government argues that Jeremy Hammond was motivated by a malicious and callous contempt for those with whom he disagreed and that this goal, demonstrated by statements that he made in chat rooms, was to cause mass mayhem by destroying websites and entities he disliked.

Contrary to the government's representations, this wasn't a malicious and unfocused act against an entity with whom Jeremy had a disagreement. It was an act of protest against the private intelligent industry and its ability to do what the United States in theory is prohibited from doing:

Targeting American citizens and other populations worldwide.

If Jeremy spent every waking hour on-line hiding

behind a screen, hacking into websites, it would lend credence to the government's argument. But this is not the case. As the Court knows, Jeremy lived an active, moral and productive off-line life, as well as a life in which he was devoted to helping others in a way that many of us imagine we would do if only we had the time. In an age where technology and computers isolate us, where we walk around staring into tiny screens, using social media to stay in touch with our friends, and send text messages rather than talk to the people in our lives, Jeremy connected with people, looked them in the eyes and made an impact on their — looked them in the eyes and made impact in their lives in extraordinarily positive ways.

The government discounts these efforts. In a footnote buried deep in its submission, the government argues that Jeremy's contributions to the public good are not worthy of this Court's consideration because they are substantially outweighed by the harm he caused. The government ignores the letters of support we received; 60 out of a total of 265 from people who know Jeremy from his positive work in the community of Chicago— the communities of Chicago. People who have first—hand knowledge of the countless hours he spent volunteering, teaching, tutoring, creating a community space so groups could meet, organizing to close down local coal plants that were poisoning the community, helping people gain skills, find jobs, and get back on their feet. Opening the doors of

his home to people who were hungry and in need and inspiring others to do those same things.

These letters demonstrate a profound accomplishment and a profound commitment to humanity, far greater than any of us at the defense table can lay claim to. And under 18 U.S.C. 3553(a), they are certainly worthy of this Court's consideration.

One of the most wonderful letters attached to our submission came from someone who has never met Jeremy, a father of two young people attending college in Chicago, who wrote after his children made him aware of Jeremy's case. The man's children were not friends of Jeremy's either. He happened to run into them on the street when they were moving their belongings into a new third-floor apartment. Jeremy happened by and offered to help. Later, after his arrest, they saw his picture on the news and realized that the person who had helped them was the person who now awaits sentence in this case.

Now, this is by no means the most significant letter in our submission, but I mention it because it highlights the kind of person that Jeremy is. Not many people would have stopped to help, but Jeremy Hammond is the kind of person who stops everything he's doing to help another human being, a person who has made a tremendous real-world impact and a person who feels the responsibility to make the world a better place

in both big ways and small.

Deremy Hammond broke the law. He knew that he was breaking the law and he acted at his peril. He accepts the consequences of his actions. He does not -- and we do not -- minimize his actions by addressing his motivation, but his motivation matters. When Jeremy sat down at his computer and broke the law, he did so with the same set of values and principles that he applied to every other aspect of his life. Nothing that Jeremy did in this case was for personal gain. Had it been otherwise, surely he would have sought to exploit the credit cards available to him, something he has never done.

In a recent statement, Sarah Harrison, the British journalist who accompanied Edward Snowden to Russia described actors like Jeremy Hammond as a last line of defense in the fight for transparency. Ms. Harrison wrote, "In these times of secrecy and abuse of power, when whistleblowers come forward, we need to fight for them so others will be encouraged. When they are gagged, we must be their voice. When they are hunted, we must be their shield. When they are locked away, we must free them. Giving us the truth is not a crime. This is our data, our information, our history. We must fight to own it."

The government has a one-dimensional view of this case. Part of the challenge may be that Jeremy Hammond's

actions are a new form of protest, using tactics that are, concededly, violations of our federal criminal law. But our world is changing quickly as evidenced by the hundreds of letters of support and thousands of people who signed on to the petitions that we submitted to the Court.

Your Honor, Jeremy understands that you must sentence him today and that you must apply the laws in force at this moment. None of us has the benefit of history hindsight or the changes that will no doubt take place as our thinking and our laws evolve to address the seemingly boundless use of surveillance by corporations and governments and the actions of people like Jeremy Hammond, who step forward to grasp truths that are hidden from us.

Under 18 U.S.C. 3553(a), we respectfully submit that after looking at all of the sentencing factors, Jeremy Hammond's history and characteristics, the nature and circumstances of the crime, the need to reflect the seriousness of the offense to promote just punishment, to afford adequate deterrents and to avoid unwanted sentencing disparities, that a sentence of time served is sufficient, but not greater, to meet the goals of sentencing.

Thank you.

THE COURT: Thank you, Ms. Kunstler.

Ms. Kellman, did you wish to add anything?

MS. KELLMAN: Yes, if I may, Judge. As the Court

knows, this is not the kind of case I often handle. And I am actually in the middle of a trial right now and it is a case in which the government's evidence rests — I would say virtually exclusively, but I think that would be wrong — I would have to say exclusively on the words of and the testimony of people who have killed more people than we can count on one hand.

And when I was cross-examining one of the witnesses yesterday, one of the cooperators yesterday, I asked him what his hope was. And essentially he said— for his cooperation. And what he said essentially was that he hoped that he would do better than other cooperators that had testified in a related case. And those cooperators had admitted on the stand under oath to killing six people—one, six; one, eight—and they were hoping to do better than another cooperator in a related case who had killed 11 people and was sentenced to seven years. So for their seven and six bodies respectively, they hoped to be sentenced to less than seven years.

I asked one of the cooperators, an older -- I thought older fellow, how he felt about the sentence of "Sammy the Bull" Gravano, who had killed 19 people and had the government argue-- I'm sorry, advocate on his behalf for a sentence of time served. And I was struck at the notion that our government, having had an opportunity to explore all that Jeremy Hammond has done in this case, that the same individuals who seek a ten-year sentence for Jeremy Hammond were hoping and

begging, beseeching a federal judge to give the man who said "I looked at friends in the face and blew their heads off," but I think that this man, now that he's testified on our behalf, on behalf of the government, should go home today.

Now, I know these words will probably come back to haunt me one day when I stand before the Court arguing as to why my cooperator client should not spend the rest of his life in jail for having looked his friends in the face and blown their heads off. But when I think about the dynamic, and in a sense the absurdity of the dynamic, the government of the United States arguing to set people free who have killed more people than many people know and the enthusiasm and intensity of their arguments as to why Jeremy Hammond, if they could, should never see the light of day, but certainly spend the next ten years of his life incarcerated, I'm disappointed and to some extent stunned.

As I read through the letters that were submitted -and as the Court knows, you have what we perceive to be the
cream of the letters -- I was taken as I really never have been
in a case by the kinds of things that people who knew Jeremy
and who didn't know Jeremy had to say about what I think we
can all agree, for better or worse, is an extraordinary young
man.

When I first heard about Jeremy's case and began to read about it, I have a son not so different in age, just a few

years younger than Jeremy, and I thought, Wow, my son is going in the right direction and I'm so proud of him. And I thought, How am I going to figure out what to say about how to defend someone who I may not be as proud of from the things that I had read in the newspaper and in the government's submissions and in the indictment?

And as I read about Jeremy, I was floored at the kind of-- I don't know if there's a better word; I'm sure there is-- than volunteerism. That this is a young man with an extraordinary heart. And the notion that the Court, as the government suggests, that the extent of his good works pales in comparison with the extent of his computer hacking, which the government calls malicious -- and I think the evidence suggests is far more a form of protest. Had it been malicious, I think that there would have been a much better argument for Jeremy using or abusing the credit cards, for example, to his own purpose, and even the government concedes that that didn't happen.

As I read through the materials — and Ms. Kunstler, of course, just highlighted one letter that stood out to her. I couldn't even pick a letter that stood out to me because one was more generous about the impact of Jeremy's good works and Jeremy's good action on so many people, whether they were children in the Chicago area who needed tutoring, needed assistance in learning how to use a computer, needed help

getting a job and he helped them learn how to write a resume.

This is a young man who, on a daily basis, all day, every day, when he could help someone would help that person whether he knew them or he didn't know them.

When I first heard that he was an excellent chef and that he cooked for homeless people in Chicago just because they were hungry, I thought, Well, where does he get the money for the food? And the answer was he didn't have money for the food. He found rotting food, he found storekeepers who were throwing out food, and he collected food and he went to a soup kitchen and he cooked the food.

And I think to some extent there are— one of the problems certainly in Chicago, as I've read, is that homeless people don't always go to shelters in order to get aid and sometimes it's purely mental illness. Sometimes it's purely a fear of connecting or an alienation that comes as a part of homelessness. But when the people of Chicago, the homeless people of Chicago, heard that Jeremy was cooking that night, it was impossible to get into the soup kitchens because of the person he was, because of the chef he was, and because they were hungry and because he made the time to do that.

There are so many days when I say it's a sunny, beautiful Saturday, I think I'm going to go over to the park and just rake and volunteer, because there's always something in the park that needs to be done and there's always a group

that needs to do it. And I walk my dogs and I see everybody raking and I say, You know what? I'm going to bring the dogs home and I'm going to go back. And then I start to read something that I need to read for Monday morning and the next thing I know it is Monday morning and I haven't gotten out to the park and I haven't helped rake. And I say I'm going to go and help in the city because I can help with resumes. And I've signed up to do it a number of times, and then life gets in the way and I don't do it.

Jeremy Hammond does do it, your Honor. As I started to go through these letters, I have to admit one of the ones that jumped off the page to me came from a childhood hero of my own, and that was Daniel Ellsberg, somebody who stood up to the government then in a way that we weren't accustomed to seeing, or at least I wasn't. And in my young life as a college student, it made an impact on me.

In his letter to the Court — which was not solicited by us, your Honor, but Mr. Ellsberg called us and asked if he could submit a letter on our behalf. He wrote to the Court that "The actions taken by Jeremy Hammond need to be viewed in a context that considers the profound consequences of private surveillance of public activists in the United States." We create a whistleblower statute to create whistleblowers, but when people blow their whistles, we don't like it and we don't like what we hear.

I could summarize, and would love to be able to summarize, every letter that we highlighted in our submission to the Court, but I know that your Honor has read them and I know that your Honor will take them to heart. I've never really seen a collection of letters in which so many people had so many genuine good things to say about the human being and took the time to say it. Not because they thought it was right. That, I'm sure, was a piece of it. But to a large extent, your Honor, I believe they took the time because Jeremy took the time. Because he made it his life's work to take the time, to make that moment when he could make a positive impact on somebody else's life.

I would love to imagine what happens to the young children whose computer skills are improved by Jeremy's tutoring; the young students whose math skills are improved; the kids who don't make it at school and somehow connected with Jeremy; the teachers who wrote to the Court and said his enthusiasm was infectious and other students improved because they wanted to be more like Jeremy because his enthusiasm for learning was infectious.

I was told a story early on about Jeremy that I was unclear about how I would respond to it. And at the moment I thought, well, I was glad he wasn't my child. And I don't mean that anymore. But Jeremy went into an Apple computer store one day and was playing on the computers that are spread all over

the store. And he hacked into their computer system and he put their financial data on the screen. All the screens. And it took a long time for them to— not long. It took a while for them to figure out that that's what was happening. By the time they figured it out, all of the geniuses were at the bar— and I use that word literary— were at the bar in the back trying to figure out what had gone on. And the one person sitting there was Jeremy. And he said, "You know, your systems are really, really easily penetrated, but I can show you how to fix that." And he spent the rest of the afternoon making their systems impenetrable.

Now, is there a maliciousness in this? I don't think so. Is it fair to call it impish? I don't think so. On the other hand, he served a very real purpose to Apple at that particular time and he did it in a way that was probably more dramatic than was called for, but at the end of the day, everybody at Apple was extremely happy that Jeremy Hammond had been in the store that day. Not just in that store, but systemwide.

And I recount that story for the Court because I think that it does help us to understand that the government's view of the malicious nature of Jeremy's hactivism is not real. As Ms. Kunstler said, your Honor, motivation matters. And I think that here what motivated Jeremy, I think he's made it very clear in everything he's tried to do that his motivation

matters. He's not motivated by personal financial gain. He's motivated in one of the more naive ways I've ever seen: To make this world a better place. And there are days when his hactivism doesn't really ring true. On the other hand, there are so many ways that I think at a time when our culture is undergoing extraordinary changes at a pace that I think we can't even appreciate, I think Jeremy Hammond has a handle on that.

Your Honor, Jeremy Hammond understands that you must sentence him today and that you must apply the laws that are in force at this moment. None of us has the benefit of history, hindsight, or changes that will no doubt take place in our thinking. Jeremy Hammond faces a guidelines sentence of ten years. He had several co-defendants in this case and the co-defendants have been sentenced to far less time than ten years. Two, I believe, got 32-month sentences and others got in the two-year range.

This Court has tremendous power and tremendous authority when it comes to sentencing. And I raise those other sentences by way of 3553 and the Court's ability to take into consideration great disparities in sentencing. But really, Judge, it is not the centerpiece of our argument on behalf of Jeremy Hammond. The centerpiece of our argument is a young man with high hopes and unbelievably laudable expectations and motivations. A young man who has made a very, very positive

1 difference in the world around him.

And as I just circle back to the individuals on behalf of whom the government advocates on a regular basis in this courthouse, individuals that have killed as many people as they know, there is no hope that when they get out they'll do better, but they will get out. Jeremy Hammond has extraordinary range. He is a young man of great brilliance and great potential. And I think that if the Court were to give him the benefit of the doubt, that he will make a very positive difference in our world one day. And I commend that as my last thought to the Court.

Thank you, Judge.

THE COURT: Thank you, Ms. Kellman.

Mr. Hammond, do you wish to speak on your own behalf?

THE DEFENDANT: Yes, ma'am.

MS. KUNSTLER: Could Mr. Hammond stand at the podium.

THE COURT: Yes, ma'am.

THE DEFENDANT: Sorry. I'm actually sick right now.

Good morning. My name is Jeremy Hammond and I'm here to be sentenced for hacking activities carried out during my involvement with Anonymous. I have been locked up at MCC for the past 20 months and I have had a lot of time to think about how I will explain my actions today.

But before I begin, I want to take a moment to recognize the work of the people who have supported me. I want

to thank all the lawyers and others who have worked on my case: Elizabeth Fink, Susan Kellman, Sarah Kunstler, Emily Kunstler, Margaret Kunstler, Grainne O'Neill, and many others. I also want to thank the National Lawyers Guild, the Jeremy Hammond Defense Committee and Support Network, Free Anons, the Anonymous Solidarity Network, Anarchist Black Cross, and all others who have helped me by writing letters of support, sending me letters, attending my court dates, and spreading the word about my case. I also want to shout out all my brothers and sisters behind bars and those who are still out there fighting the power.

The acts of civil disobedience and direct action that I am being sentenced for today are in line with the principles of community and equality that have guided my life. Yes, I hacked into dozens of high-profile corporations and government institutions, understanding very clearly that what I was doing was against the law and that my actions could land me back in federal prison, but I felt I had an obligation to use my skills to expose and confront injustice and to bring the truth to light.

Now, could I have achieved the same goals through legal means? While I have tried everything from voting petitions to peaceful protests, I have found that those in power do not want the truth to be exposed. And that when we speak truth to power, we are ignored at best and brutally

suppressed at worst. We are confronting a power structure that does not respect its own system of checks and balances, never mind the rights of its own citizens or the international community.

My introduction to politics was when George W. Bush stole the presidential election in 2000. Then he took advantage of the waves of racism and patriotism after 9/11 to launch unprovoked imperialist wars against Iraq and Afghanistan. And I took to the streets in protest naively believing that our voices would be heard in Washington and that we could stop the war. Instead, we were labeled as traitors, we were beaten, and arrested.

And I have been arrested for numerous acts of civil disobedience on the streets of Chicago, but it wasn't until 2005 that I started using my computer skills to break the law as a form of political protest. I was arrested by the FBI for hacking into the computer systems of a right-wing, pro-war group called Protest Warrior, an organization that sold racist T-shirts on their website and regularly harassed anti-war groups. I was charged under the Computer Fraud and Abuse Act, and the "intended loss" in my case was arbitrarily calculated by multiplying the five thousand credit cards in Protest Warrior's database by \$500, resulting in a total of \$2.5 million lost. My sentencing guidelines were calculated on the basis of this "loss" even though not a single credit card was

used or distributed, by me or anyone else. And for that I was sentenced to two years in prison.

And while in prison I have seen for myself the ugly reality of how the criminal justice system destroys the lives of the millions of people held captive behind bars. The experience solidified my opposition to repressive forms of power and the importance of standing up for what you believe.

When I was released, I was eager to continue my involvement in the struggle for social change. I didn't want to go back to prison, so I focused on aboveground community organizing. But over time I became frustrated with the limitations of peaceful protest, seeing it as reformist and ineffective. And all the time the Obama administration continued the wars in Iraq and Afghanistan, escalated the use of drones, and failed to close Guantanamo Bay.

Around this time, I was following the work of groups like WikiLeaks and Anonymous. It was very inspiring to see the ideas of hactivism coming to fruition. I was particularly moved by the heroic actions of Chelsea Manning, who had exposed the atrocities committed by U.S. forces in Iraq and Afghanistan. She took an enormous personal risk to leak this information, believing that the public had a right to know and hoping that her disclosures would be a positive step to end these abuses. It is heart-wrenching to hear about her cruel treatment in military lockup.

I thought long and hard about choosing this path again, and I had to ask myself if Chelsea Manning fell into the abysmal nightmare of prison fighting for truth, could I in good conscience do any less if I was able? I thought the best way to demonstrate solidarity was to continue the work of exposing and confronting corruption.

I was drawn to Anonymous because I believed in autonomous, decentralized direct action. At the time, Anonymous was involved in operations in support of the Arab Spring uprisings against censorship and in defense of WikiLeaks. I had a lot to contribute, including technical skills and how to better articulate ideas and goals. It was an exciting time, the birth of a digital dissent movement, where the definitions and capabilities of hactivism were being shaped.

I was especially interested in the work of the hackers of LulzSec, who were breaking into some significant targets and becoming increasingly political. Around this time, I first started talking to Sabu, who was very open about the hacks he supposedly committed, and he was encouraging hackers to unite and attack major government and corporate systems under the banner of Anti Security. But very early in my involvement, the other LulzSec hackers were arrested, leaving me to break into computer systems and write press releases. Later, I would learn that Sabu had been the first one arrested, and that the

entire time I was talking to him, he was an FBI informant.

Anonymous was also involved in the early stages of Occupy Wall Street. I was regularly participating on the streets of Chicago as part of Occupy Chicago and I was very excited to see a worldwide mass movement against the injustices of capitalism and racism. In several short months—in several short months, the occupations came to an end, closed by police crackdowns and mass arrests of protestors who were kicked out of their own public parks. The repression of Anonymous and of the Occupy movement set the tone for AntiSec in the following months. Indeed, the majority of our hacks against police targets were in retaliation for the arrests of our comrades.

I targeted law enforcement systems because of the racism and inequality in which the criminal law is enforced. I targeted the manufacturers and distributors of military and police equipment who profit from weaponry used to advance U.S. political and economic interests abroad and to repress people at home. I targeted information security firms because they work in secret to protect government and corporate interests at the expense of individual rights, undermining and discrediting activists, journalists and other truth seekers and spreading disinformation.

I had never even heard of Stratfor until Sabu brought it to my attention. At the time Sabu was encouraging people to

invade systems, and helping to strategize and facilitate attacks. He even provided me with vulnerabilities of targets passed on by other hackers, so it came as a great surprise when I learned that Sabu had been working for the FBI the entire time.

On December 4th, 2011, Sabu was approached by another hacker who had already broken into Stratfor's credit card database. Sabu, under the watchful eye of his government handlers, then brought the hack to AntiSec by inviting this hacker to our private chat room, where he supplied download links to the full credit card database as well as the initial vulnerability access point to Stratfor's systems.

I spent some time researching Stratfor and upon reviewing the information we were given, decided that their activities and client base made them a deserving target. I find it ironic that Stratfor's wealthy and powerful customer base had their credit cards used to donate to humanitarian organizations, but my main role in the attack was to retrieve Stratfor's private e-mail spools, which is where all the dirty secrets are typically found.

It took me more than a week to gain further access into Stratfor's internal systems, but I eventually broke into their mail server. There was so much information that we needed several servers of our own in order to transfer the e-mails. Sabu, who was involved with the operation at every

step, offered a server, which was provided and monitored by the FBI. Over the next weeks, the e-mails were transferred, the credit cards were used for donations, and Stratfor's systems were defaced and destroyed. But why the FBI introduce us to the hacker who found the initial vulnerability and allow this hack to continue remains a mystery.

As a result of the Stratfor hack, some of the dangers of the unregulated private intelligence industry are now known. It had been revealed through WikiLeaks and other journalists around the world that Stratfor maintained a worldwide network of informants that they used to engage in intrusive and possibly illegal surveillance activities on behalf of large multi-national corporations.

After Stratfor, I continued to break into other targets, using a powerful "zero day exploit" allowing me administrator access to systems that ran the popular Plesk web-hosting platform. Sabu asked me many times for access to this exploit, which I consistently refused to give him.

Without his own independent access, Sabu supplied me with lists of these vulnerable targets that he had found on Google. I broke into numerous websites that he supplied, uploaded the stolen e-mail accounts and databases onto Sabu's FBI server, and handed over passwords and back doors that enabled Sabu, and by extension the FBI handlers, to control these targets.

These intrusions, all of which were suggested by Sabu

while cooperating with the FBI, affected thousands of domain names and consisted largely of foreign government websites, including those of Turkey, Brazil, Iran --

THE COURT: Mr. Hammond, you've just heard that we have redacted those. I would appreciate it if you did not read them out.

THE DEFENDANT: In one instance, Sabu and I provided access to hackers who went on to deface and destroy many websites belonging to the governments of many country names.

THE COURT: Thank you, sir.

THE DEFENDANT: I don't know how other information I provided to him may have been used, but I think the government's collection and use of this data needs to be investigated.

The government celebrates my conviction and imprisonment, hoping that it will close the door on the full story. I took responsibility for my actions by pleading guilty, but when will the government be made to answer for its own crimes?

The U.S. hypes the hacker threat in order to justify the multi-billion-dollar cybersecurity industrial complex, but it is also responsible for the same conduct it aggressively prosecutes and claims to work to prevent. This hypocrisy of law and order and the injustices caused by capitalism cannot be cured by institutional reform, but through civil disobedience

and direct action.

Yes, I broke the law, but I believe that sometimes laws must be broken in order to make room for change. This is not to say that I do not have any regrets. I realize that I released the personal information of innocent people who have had nothing to do with the operations of the institutions that I had targeted. I apologize for the release of data that was harmful to individuals and that were irrelevant to my goals. I believe in the individual right to privacy, from government surveillance and from actors like myself, and I appreciate the irony of my own involvement in the trampling of these rights.

But I am committed to working to make this world a better place for all of us. I still believe in the importance of hactivism as a form of civil disobedience, but it is time for me to move on to other ways of seeking change. My time in prison has taken a toll on my family, friends and community, and I know that I am needed at home. I recognize that seven years ago I stood before a different federal judge facing similar charges, but this does not lessen the sincerity of what I have to say to you today.

It has taken a lot for me to write this, to explain my actions, knowing that doing so honestly could cost me many more years of life in prison. And I am aware that I could get as many as ten years, but I hope that I do not as I believe that

there is still much work to be done.

So stay strong and keep struggling.

THE COURT: Thank you, sir.

Does the government wish to be heard?

MS. NIDIRY: Yes. Thank you, your Honor.

Jeremy Hammond was not a whistleblower. The way the government has— the reason the government says that is not simply because we don't like what he did. The reason we say that is because of the evidence. And the evidence —

THE COURT: Ms. Nidiry, you're going to have to keep your voice up. You're dropping your voice at the end of the sentences.

MS. NIDIRY: The evidence regarding, in particular, his motivation— and I'll get to other factors later. With regard to his motivation, as we set out in our submission, the evidence of his motivation that comes from what he said when he was anonymous, when he thought he wasn't going to get caught, that's when he explained to his co-conspirators why he was doing what he was doing. And what he said was I want to cause financial mayhem, mass mayhem. I am really excited because there is a home address of an FBI agent that we can release. Spend those credit cards. Go buy things on those credit cards. That's what he said when he was anonymous, when he was did not think he was going to get caught.

And when we sit here today, when the Court sits here

today and tries to judge, to sentence him based on his offenses, 3553 obviously says you have to look at all of the factors, the nature and circumstances of the offense and, in particular, with regard to this defendant, I think the nature and the characteristics of the defendant.

Based on what we know he did, based on the evidence at the time, what we can say for sure is Jeremy Hammond was an experienced hacker who used his skills through a variety of different entities, from police retirement systems to the FTC's consumer protection websites to Arizona's State Public Safety website, releasing thousands of credit card information, personal information, home addresses, talking about releasing girlfriend pictures of police officers, personal e-mails, home addresses of retired police officers.

There is nothing about any of that that is relevant to political protest. There is nothing about any of that that is altruistic. There is nothing about any of that that is related to the injustices that Mr. Hammond sees in this world. There is no altruism in any of that conduct.

Now, when Mr. Hammond and his counsel stand up before this Court and refer to all of the letters of support for him, we don't have any doubt that Mr. Hammond has done some good things in his life. As the Court sentences people all the time, you know that there are people who come before the Court who do good, who have also committed crimes. The fact is you

have to pay for the crimes that you commit. And Mr. Hammond has stood before this Court and— well, actually, Mr. Hammond has stood before this Court before. He has stood before a federal court before and he has said the same things.

And at the time he was given leniency. He said I did it for the same reasons. I did it out of altruism, out of some idea of political protest, and the Court gave him leniency.

And what Mr. Hammond did with that leniency was to go out and do it again. Do it again on an exponentially larger scale.

That was one website; now it is tens of hundreds of websites.

That was five thousand credit cards; now it is thousands, tens of thousands of credit cards. That was one political website he disagreed with; now it's been tens of websites that are political, that are state and local municipal governments, that are related to retirement, related to public safety. I mean, just across the board creating— just wreaking havoc, which is exactly what he said he wanted to do.

Now, Ms. Kellman compared as part of, obviously, 3553, the Court has to consider the way in which the sentence that Mr. Hammond gets compares to others similarly situated. And his co-defendants did get lesser sentences in the UK, and there is a reason for that. They are in the situation that Mr. Hammond was in 2006. No prior convictions. They hadn't done this before and they were much younger.

THE COURT: And they what?

MS. NIDIRY: They were much younger. They were basically—— I believe they were in their 19s to early 20s at the time of the offenses.

Mr. Hammond now comes before the Court having done—having been in their situation eight years ago and told the Court he had learned a lesson, or told the Court, you know, I did this for this reason and I understand that that was something that I shouldn't have done. And now he comes before the Court again and there is nothing in what he said to the Court that makes—that should give the Court any comfort that he will not do this again. There's nothing that he said before, and particularly given that he said the same thing before, and he just went out and did it again.

I think it's unfortunate, that he obviously has a lot of skill that he has chosen repeatedly to use for harm, used to hurt other people, used to hurt thousands of people that he's never met, who did nothing to him. And with regard to this one question of the fact that he did not do this for personal gain, I think that that's true. I think that that only gets you so far. If you steal a lot of credit cards and you don't use them yourself, it's still a crime if you tell other people to use them. It's still a crime if you release them out in the public and you don't care who uses them.

And so the fact that he didn't do these crimes for personal gain is-- you know, it basically just means that-- it

only means that: He didn't do it for personal gain. It doesn't mean that these crimes weren't harmful. It doesn't mean that these crimes he committed didn't hurt people, didn't hurt the public, didn't endanger the public safety of people, particularly in the state of Arizona, did not hurt consumers, did not hurt retired police officers and just vast logs of people whom he harmed.

I think, also, that Mr. Hammond has made an effort to try and deflect responsibility for his role in particular in the Stratfor hack. He says he accepts responsibility because he pled, but now in his submission and today he talks a lot about how it was essentially the FBI cooperator who set him up to do it.

The fact is that Mr. Hammond came to the conspiracy six months earlier with the Arizona Department of Public Safety hack, which he himself had done and he brought it eagerly. And when, in the course of the conspiracy, obviously as they're investigating it, they need to try and figure out who these various people are. And Mr. Hammond was there and as the evidence shows, once he learned about the Stratfor hack, he was the one who delved into it and who perfected it. He was the one who was directing the co-conspirators in the chat room about what to do with the credit cards. Go buy onion servers, go donate to this. He was the one who basically spent hours, in his own words, before he was arrested, he was the one who

was explaining what they have and what they could do with it.

So he was not a mere bystander who released e-mail spools. He was the person who was in the middle of this hack, who collected all of the information and released it, including the credit card numbers and all of the other personal information.

I think that based on all of the harm that this defendant did to the thousands of people, to the public, the cost to the states, the cost to public safety, based on his own statements about his motivations before he was arrested, based on his role in the offense and based on the fact that he stands before this Court, having stood before another federal court before, there is no reason to think that 120 months is not a sufficient— is not warranted in this case. Under 3553, I think the evidence shows that 120 months is sufficient— is an appropriate sentence that is not more than what is warranted.

Thank you.

THE COURT: Ms. Kunstler, Ms. Kellman, did you wish to add anything?

MS. KELLMAN: If I may, Judge, just briefly.

THE COURT: Yes, ma'am.

MS. KELLMAN: I want to be clear about just a few things that I think it's fair to say that will come into the Court's consideration, I imagine. And the first is at no time

do I perceive anything that Mr. Hammond has said or anything in our submission meant to suggest -- and I think the Court knows that it doesn't suggest -- that in any way, manner, shape or form Jeremy Hammond is suggesting that he is somehow deflecting responsibility and claiming that he was set up. He has never said anything like that. He does not feel that way, nor do I think either of his counsel has said anything that way.

What Mr. Hammond has said, and has stood by, is that the government's cooperator who was being supervised by the FBI certainly helped him focus on the kinds of targets the FBI was interested in having him focus on. Did he go along willingly? He certainly did. Was he intrigued at his ability to accomplish these hacks? He was. But the notion that he somehow seeks to deflect his responsibility I think is completely erroneous.

He was in the moment certainly happy to cooperate with the government's cooperator, clearly having no idea that he was just that, a government's cooperator, but that is not to suggest at all that he doesn't understand that what he did, he did of his own choice, of his own free will. And I think that that's an unfair suggestion on the part of the government.

I do think, as Mr. Hammond said, that he recognizes the irony in the use of the credit cards having been used for good works in its own twisted way. I don't suggest for a

moment, nor does he, that it justifies what happened with those credit cards. And he recognizes and has apologized for the use of anybody's private personal—personal credit cards on the one hand. On the other hand, as the government concedes, nothing that was acquired in this way was used in any way to line his pockets or to in any way increase his financial position.

I think it's important to also point out, Judge, that in our view it's unfair for the government to say that he's been in this situation before and he's not learned his lesson. Jeremy Hammond has spent 20 months in prison. The government argues that our request for a nonguidelines sentence should be ignored because Jeremy has already had leniency. I think that that's an unfair statement.

In 2006, your Honor, Jeremy Hammond, 19 years old, received a two-year sentence for hacking a website of an organization that targeted war protestors. This offense, his first felony, was committed, as I said, as a teenager and resulted in his prior sentence. But while the sentence was, in fact, a departure from the guidelines, which the government highlights in its own papers, the reality is that the loss numbers, which drove the sentencing guidelines in the first instance, were extraordinarily and artificially inflated. They were based on fictional losses, which of course we all recognize the guidelines has the ability to do, but we also

recognize the unfairness in that sort of calculation because in that case the credit cards were never used. The probation department assigned an arbitrary average amount that could have been abused to every card and multiplied and came up with an astronomical potential loss figure, notwithstanding that there was no loss in that case at all. And so I think that while the sentence itself constituted a departure, the reality is that it was a departure based on a fiction to begin with.

Mr. Hammond stands before the Court, your Honor, fully accepting of his role in this case and of his responsibilities, understanding what his hacks have caused in terms of the harm that the government sees and points out to the Court, but also understanding that the work that he did has, to some extent, opened all of our eyes to what's been happening behind closed doors in a corporate America that is less transparent than our government ought to be to us.

I just want to read, if I may, Judge, in closing —
THE COURT: Before you finish, Ms. Kellman, I didn't
understand your second point where you were talking about the
government's position that Mr. Hammond had been in this
situation before and hasn't learned his lesson. I'm not sure
how you're distinguishing the other situation.

MS. KELLMAN: Your Honor --

THE COURT: I take your point on the loss amount.

MS. KELLMAN: Yes, ma'am.

THE COURT: But I'm not understanding the "didn't learn your lesson" part.

MS. KELLMAN: Well, I think that— fair enough, Judge.

I think that the learning the lesson piece is an important
factor here, Judge, because I think that —

THE COURT: I do, too. That's why I'm asking.

MS. KELLMAN: I know. I think that Mr. Hammond has tried his best, your Honor, to explain to you that from the time he was released from prison on that sentence until the time he was arrested here, he did what he thought was everything he could to try to open up what he thought were abuses and tried to air abuses that he thought were going on behind closed doors.

And he lost his way and thought that the only way he could make the impact was with the skill that he has, and that is hactivism. And in a sense it's one of the reasons, Judge, that I did want to read, if I may, from-- and then I'll get back to the Court's point because I do know how important it is.

But Professor Peter Ludlow from Northwestern

University speaks, I think to a large extent -- he's, I think,

a professor of philosophy at Northwestern, and he took the time

to write a very thoughtful letter to your Honor. And I think

that he helps-- he helped me to understand what it was that

Jeremy's goals were here and what Jeremy's work has meant in

terms of its impact on our culture. And, yes, he has done what he did before, but he believes that he did it with a higher purpose. It wasn't a purpose to hurt, but a purpose to expand everybody's understanding of what's been going on vis-a-vis the public security-- public intelligence community and the private connections that its made, the private corporate connections that it's made, and the way that that masks what our government is doing to the average person.

Professor Ludlow writes that "Jeremy Hammond's exploratory hacks helped expose the scope and nature of the private intelligence industry. Along the way he exposed a well-organized and well-funded system of deception and targeting American citizens and other populations worldwide. He showed that the deceptions were systematic, sometimes illegal, and oftentimes nothing more than extraordinarily disturbing.

"Few people realize that in addition to the familiar U.S. government intelligence agencies— the FBI, the NSA and the CIA— and military intelligence operations, there are also a number of private intelligence corporations, a sector of the intelligence community that was not well known, but was massive in its scope.

"Tim Shorrock, author of *Spies for Hire: The Secret World of Intelligence Outsourcing*, cites government estimates that by 2006 \$42 billion of the \$60 billion spent annually by

the United States government on foreign and domestic intelligence was going to private intelligence firms, meaning that about 70 percent of the money spent on intelligence was being outsourced to entities over which the American public had no ability to learn. This also means that most of the intelligence activities take place outside of the oversight that governments have put in place lo these many years, oversights that apply to the CIA, the NSA and the FBI. And of course the American U.S. government is far from the only customer of these services. They also provide intelligence services to multi-national corporations and lobbying groups."

I know that the Court has read our submissions with respect to some of the specific good that Jeremy's work has accomplished. And specifically, just for examples, I speak about the exposure of some of the e-mails that had to do with People for the Ethical Treatment of Animals, the PETA litigation, and also the Bhopal situation.

And I think that those things on balance, your Honor, those kinds of disclosures and those kinds of— and I don't mean the specific disclosures, but the notion that those things have been able to be kept under the radar and under the wire by systems that were designed to make them unavailable to the public are far more— are far more of an irritant— I think is just so not strong enough a word— but far more of an irritant

than a young man, 19 years old, making what the government views as the same mistake, but what he views — and it is what it is, Judge. He views what he does as extraordinary— as having an extraordinarily positive impact. He understands it breaks the law. He has urged the Court in writing, through our papers and in his own words, that this is his form of civil disobedience and that he hopes it will bring about a change that we need to have in the way our government outsources the works that it doesn't want its citizens to know about.

You know, when the settlers in the 1600s decided that they didn't want to be a part of the British Empire, their work, their good work, became known as the Revolutionary War. And had they not stood up to the king and said, We don't want to live this way anymore, we want to be able to make our own rules -- I don't suggest that Jeremy Hammond ought to be able to make the rules for this country. I do suggest that it is a very extraordinary step for a young man to take to not be afraid of the consequences; to be able to say I think what our government is doing ought to be exposed to the light, without making a judgment it's right or it's wrong, but it needs to be exposed to the light.

And I think that to make the analogy in the sense that the government does, that he did it wrong once and he's doing it again and it's criminal once and it's criminal again, in some respects — and I certainly don't mean to be

disrespectful -- is in some respects to not recognize what he hoped to accomplish, and that is to open everybody's eyes to what it is our government is doing.

You know, I was fascinated by listening to congressional hearings, as I have in the last few months, about the impact of disclosures like WikiLeaks and Anonymous and the like. And the members of Congress saying, well, I had no idea. I had no idea. I didn't know this was going on. I doubt that's accurate, and I think we know to some extent it's not accurate.

But I do think that a tremendous amount of pressure is now being put on government to say— to reevaluate what it is that we, as a government, ought to be able to keep secret, ought to be able to make public. And it is the beginning, I believe, of this debate and not the end of it. Because we are as a culture, as a digital culture, moving so— moving quickly, moving forward so quickly, and maybe faster than some of us move. Maybe faster than institutions move.

But I think that it is in a way sophomoric to suggest that the only thing that Jeremy did here had bad impact on our country and was bad because it broke the law. He recognizes that what he did broke the law. And I think that— and I hope that he recognizes that he can be an incredibly positive influence without breaking the law from outside a prison cell; that he can accomplish a lot more within the framework of our

government than he can by being locked in a prison cell where he has no access to the people he'd like to touch and the lives he'd like to reach.

And I hope that that—— I think that that resonates inside of him. I hope that it was communicated to the Court in his statements. He recognizes what he did violated the law. He hopes that somebody can see, that the Court can see, that there is a higher purpose. And whether that higher purpose, Judge, is enough to —— certainly I recognize this Court's not going to say, Oh, yeah, great idea and, you know, no punishment. That isn't to say that a sentence of time served with a humongous community service component, which is something that this young man excels at and something that comes from inside what is very, very good about Jeremy Hammond, will make a substantial difference in his world and also in our world.

Thank you, Judge.

THE COURT: Thank you.

MS. KUNSTLER: Your Honor, if I may.

THE COURT: Counselor.

MS. KUNSTLER: I just want to speak a little bit to the piece of Mr. Hammond having-- this being Mr. Hammond's second offense, second similar offense.

Your Honor, I've read, and I'm sure the Court has the transcript the government provided from the first-- from his

first sentencing from the hacking offense when he was 19. And I've worked with Mr. Hammond on his statement today and talked to him and listened to what he finally came to in terms of what his insight is and what he plans to do and what his future holds for him.

You know, over the past two years that I've known him in this case, we've spent a lot of time talking about that. And I don't think it's fair for the government to say he's saying the same thing again, because I don't think he's saying the same thing again. I think that Jeremy Hammond at 28 is different from Jeremy Hammond at 19. I think— and I was looking at the text of what he read to the Court several minutes earlier. You know, I think after the first two years he spent in prison, and the almost two years he spent now, have had an impact on him. We've spoken about this impact.

Jeremy Hammond told the Court that he's committed to making this world a better place. That he still believes in the importance of hactivism as a form of civil disobedience, but that he recognizes that it's time for him to move on to other ways of seeking change.

He also has the insight to recognize the toll that his time in prison has taken on his friends, family and community, and that he's needed at home. These are the words of a 28-year-old person who thinks differently about the world and

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his role in it than the 19-year-old person who did the Protest Warrior hack and the person who spoke at his prior sentencing. I think there is a substantive difference in what he's saying and how he feels about what he plans to do with his future.

Thank you.

THE COURT: Thank you.

Anything else from the government?

MS. NIDIRY: No, your Honor. Thank you.

THE COURT: Are there any victims here who wish to be

heard?

MR. SUKER: I'm a victim.

Thank you. Yes, sir. Come forward, THE COURT:

please.

And, sir, the second man who put his hand up, if you come forward so you're up here when it's time. Come and have a seat here in front of the rail, sir.

Sir, would you come up and tell us your name, please.

MR. SUKER: David Suker.

THE COURT: Excuse me, sir. Won't you sit right there by the rail. Yes, sir. Thank you.

Yes, sir.

MR. SUKER: David Suker.

THE COURT: Spell it, please, sir.

DBFBHAMS Sentence 1 MR. SUKER: S-u-k-e-r. THE COURT: 2 Yes, sir. 3 MR. SUKER: I'm a victim because of the FBI 4 repression. THE COURT: Are you a victim of the crime? 5 6 THE DEFENDANT: Yes. 7 THE COURT: Okay. THE DEFENDANT: I've been repressed --8 9 THE COURT: Ladies and gentlemen, it makes it very 10 difficult for me to hear and very difficult for the court 11 reporter to take it down if there's noise. How are you a victim of this crime, sir? 12 13 MR. SUKER: I've been under surveillance by the FBI 14 and the United States --THE COURT: You're not a victim of Mr. Hammond's 15 16 crime, sir. 17 MR. SUKER: Okay. All right. 18 THE COURT: You may be seated, sir. 19 MR. SUKER: No, no, no. I'm going to finish. 20 THE MARSHAL: Sir, have a seat. 21 MR. SUKER: My son is being taken away from me. 22 THE MARSHAL: Have a seat. 23 MR. SUKER: All power to the people.

MR. SUKER: All power to the people.

THE MARSHAL: Have a seat.

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THE COURT: Is there another victim of Mr. Hammond's crime?

Come right up, sir. Tell me your name, sir.

MR. TOCCE: My name is Vincent Louis Tocce.

THE COURT: Spell your last name, please, sir.

MR. TOCCE: T-o-c-e. It's Italian.

THE COURT: Thank you.

It's pronounced Tocce in Italian. MR. TOCCE:

THE COURT: Thank you. How are you have a victim of

Mr. Hammond's crime?

MR. TOCCE: Well, Mr. Hammond's friends have been harassing me on-line ever since he's been in jail.

> THE COURT: Talk to me.

MR. TOCCE: Okay. All right. I'm sorry.

THE COURT: It's very hard to hear if you're not in the microphone.

MR. TOCCE: Got you. Thank you.

I-- first of all, I'm a victim of the CFAA myself. I was convicted of a federal crime. I pleaded -- pled quilty to unauthorized access to protect a computer. So I'm kind of familiar with --

THE COURT: Okay. But tell me how Mr. Hammond's crime affected you, sir.

MR. TOCCE: Okay. Okay. No problem. I'll make it brief. Over the past year, I've gotten to know some of

Jeremy's friends, and I've had to change my home phone number. 1 2 I don't have a home phone number anymore. I don't have a home 3 address. You can look me up on the internet. Try to find 4 where I live. I don't have a house anymore. 5 THE COURT: How did Mr. Hammond's crime affect you, 6 sir? 7 MR. TOCCE: His sympathizers -- his sympathizers have been hounding me for over a year. I have had my parents' house 8 9 swatted. Do you know what swatting is? 10 THE COURT: I don't, sir. Sir. Sir. Sir, if you 11 want me to understand you --12 MR. TOCCE: I'm a victim. 13 Okay. Sir, if you want me to understand THE COURT: 14 you, talk to me. 15 You got it. MR. TOCCE: 16 THE COURT: All right. 17 MR. TOCCE: Just me and you. 18 THE COURT: Yes. 19 I apologize. I apologize. Okay. MR. TOCCE: 20 THE COURT: Now, remember, Mr. Hammond's crime was 21 hacking and distributing information. 22 MR. TOCCE: Yes. 23 How did that injure you? THE COURT: 24 MR. TOCCE: I was in contact with his colleague, his

direct comrade, Hector Xavier Monsegur. And Hector-- I spoke

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with Hector on several occasions. Hector found out where I was living. He found out my-- he had a-- he had a woman come to my house and live in my house with me. I had sex with this woman. He-- I can't even tell you all the stuff that's happened, but let's just say I've had to change my cell phone number five times. Now I don't have a cell phone number because I'm tired of changing it. Okay?

These Anonymous people-- I'm sorry. I'm sorry. These Anonymous kids are misquided. They-- I understand their -- I understand their frustration. I get it. But I don't think they have -- I don't think they know the right way to get their message across. And it's obvious that they have to resort to harassment to do that, and I don't think that's cool at all.

I've got-- I've gotten to-- after I found out about Jeremy and Hector -- I never knew-- never knew that Jeremy was one of the people who was harassing me. And I certainly didn't know Hector was. Hector was very friendly to me. He was very friendly to me.

THE COURT: All right. Have we about covered the damage, sir?

MR. TOCCE: Okay. Oh, sorry. Damage. I'll stay on the damages. You're right. Sorry. Okay. So I no longer have a cell phone.

THE COURT: I got that.

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MR. TOCCE: I no longer have a home. I have a family who Anonymous posted -- Anonymous posted -- Anonymous posted my parents' home address and Social Security numbers on a website called DocSpin. Have you heard of DocSpin?

> THE COURT: Oh, sure.

No, it's a serious question. MR. TOCCE:

THE COURT: I haven't.

MR. TOCCE: You have not?

THE COURT: No.

MR. TOCCE: I would suggest you look into it.

THE COURT: All right, sir.

MR. TOCCE: Please. Because I'm on DocSpin --

THE COURT: And what else, sir? I take it-- sir, I take it that exposes it to the world.

> MR. TOCCE: Exactly.

THE COURT: All right.

MR. TOCCE: And it's essentially like a repository for hackers and ne'er-do-wellers to find people, match their nicks, their nicknames, with who they are and then harass them, their family --

THE COURT: All right. And that happened to your parents, sir.

MR. TOCCE: My parents were swatted. My parents live in San Jose, California. I'll give you their address if you want.

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1 THE COURT: That's not necessary, sir. Okay. Oh, by the way, it's on DocSpin if 2 MR. TOCCE: 3 you want to see it. 4 So one night-- I do a pod cast. And my podcast --5 since I'm a cybercriminal, I do a podcast that caters to hackers, internet trolls, all those assholes. Excuse my 6 7 Some of these people are friendly actually, believe it French. or not. 8 9 THE COURT: Damage. 10 MR. TOCCE: Damage. Okay, damage. I've had-- I've 11 had three computers rooted. Do you know what rooted is? 12 THE COURT: Yes, sir. 13 MR. TOCCE: Yes. 14 THE COURT: Ladies and gentlemen, this is not funny. 15 MR. TOCCE: It's not funny. I'm not trying --THE COURT: Shh. This is a serious proceeding. 16

required to ask for victims to speak and I would appreciate a little quiet in here.

Sir, damage.

MR. TOCCE: Where was-- where did I leave off?

THE COURT: Rooted.

MR. TOCCE: Rooted. Okay. I've had --

THE COURT: Three.

MR. TOCCE: -- at least three.

THE COURT: Got it.

fucked.

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THE COURT:
1
                          Sir--
              MR. TOCCE:
                          And--
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              THE COURT: -- I want to know the damage.
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              MR. TOCCE: This is--
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              THE COURT: You're telling me --
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              MR. TOCCE: This is the emotional damage.
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              THE COURT: Let's hear it.
              MR. TOCCE: Okay? These people played with my mind.
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     Hector -- okay. Hector never told me-- he never said anything
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     like what he said to Jeremy, like tried to get me to do
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     anything. In fact, I think Hector was actually trying to warn
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     me.
          He said --
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                         Okay. But that's not damage.
              THE COURT:
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              MR. TOCCE:
                         No -- well, let me get to this.
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              THE COURT:
                          All right. Let's get to it now.
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              MR. TOCCE:
                         Okay. All right. Let's just put it this
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     way: Hector spooked me. Bad. When all of the LulzSec people
     were gone, I was starting to fear for my life. I didn't know
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     who I was dealing with. I was-- I was very -- I was
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     very scared. At the same time this is when I'm getting prank
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     calls, I'm getting text bombed. You ever --
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              THE COURT: Yes.
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              MR. TOCCE:
                         -- been text bombed?
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              THE COURT:
                          Yes, sir.
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              MR. TOCCE: You ever been pizza bombed? I was pizza
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Swartz.

wanted to kill myself.

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THE COURT: Yes, sir, I heard you.

MR. TOCCE: I wanted to throw myself in front of a train several times -- I almost did -- because of Anonymous.

Because of fucking Anonymous.

THE COURT: I think I have the picture. I thank you for letting me know, sir.

MR. TOCCE: Thank you, Judge.

THE COURT: Won't you be seated, sir.

MS. KELLMAN: Your Honor.

THE COURT: Yes, Ms. Kellman.

MS. KELLMAN: If I may, Judge, and I know that the Court has the submissions, but the Court did ask to hear from victims. And in our submission, your Honor, we did cite two letters from victims. And if I may just read our comments. The letters are attached to our submission.

THE COURT: I did see them, but if you would like to read it, you're welcome to do so.

MS. KELLMAN: Thank you, Judge.

Among the letters, your Honor, that we submitted seeking leniency on behalf of Mr. Hammond's motivations are two letters from former clients and subscribers of Stratfor, victims of Mr. Hammond's conduct. In one letter, Anthony C. Arthur, a radio operator living in Canada and former Stratfor subscriber, cites Mr. Hammond's political motivations as what he believes the Court should— and thus believes that the Court

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should be lenient in Mr. Hammond's case. He wrote, "Mr. Hammond's break-in of the Stratfor computers was clearly a political protest that ultimately showed that he had no intent to profit from the data uncovered by these hacks," And that letter is attached, your Honor, to our submission as C-21. Mr. Arthur expressed his opinion that he views the hack "as a catalyst for Stratfor, its customers" -- including himself -- "to utilize better computer security practices.

Similarly, Nigel Parry, Stratfor client and freelance journalist and web designer from St. Paul, Minnesota, has asked the Court for leniency on behalf of Mr. Hammond.

THE COURT: Thank you, Ms. Kellman.

MS. KELLMAN: Thank you, Judge.

THE COURT: Counsel, as you've heard, I have calculated the quidelines and taken them into account. In my view, the guidelines accurately reflect the nature and circumstances of the offense, but probably more needs to be said on that.

As we've heard today, Mr. Hammond claims that he committed this crime with the best of intentions and sought only to disclose information the public deserved to know and to steal from the rich and give to the poor. But this ignores Mr. Hammond's own words concerning his true motivations -- and I do believe with counsel that motivations count -- and it ignores the widespread harm suffered by countless individuals

and organizations as a result of Mr. Hammond's hacks.

It is, in fact, clear that his aim was to break into critical computer systems, steal data, deface websites, destroy files, and dump on-line the sensitive personal and financial information of thousands of individuals, all with the objective of creating -- in Mr. Hammond's words -- "maximum mayhem."

These are not the actions of Martin Luther King,
Nelson Mandela, John Adams, or even Daniel Ellsberg. In the
Stratfor hack, Mr. Hammond disclosed an enormous amount of
confidential information, not even remotely in the public
interest. He disclosed account information for some 860,000
Stratfor clients and about 60,000 credit card numbers belonging
to Stratfor clients. He also defaced the Stratfor website and
deleted all of the data on the company's computer servers,
effectively shutting down the company's operations for weeks,
costing it millions in lost business and in recovery costs.

He talks about using credit card information to create "financial mayhem" and said that "an equally important part is destroying their servers and dumping their user address list and private e-mails with the goal of destroying the target, hoping for bankruptcy, collapse."

With respect to the Stratfor hack, Mr. Hammond also said "The sheer amount of destruction we wreaked on Stratfor's servers is the digital equivalent of a nuclear bomb, leveling their systems in such a way that they will never be able to

recover....for weeks we used and abused their customer credit card information....and if dumping everything on their employees and clients weren't enough to guarantee their bankruptcy, we laid waste to their web server, their mail server, their development server, their clear space and SRM Intranet portal and backup archives in such a way that ensures they won't be coming back on-line any time soon."

In addition to the Stratfor hack, Mr. Hammond admits to attacking several other entities, ranging from state and federal governmental agencies to police officers' associations to private corporations, all of which suffered significant financial and reputational harm. Those hacks harmed many individuals and entities with little or no connection to Mr. Hammond's supposed political motivation for the crimes.

Mr. Hammond admits that he hacked the Arizona

Department of Public Safety website and claims that he did it to expose certain law enforcement policies that he opposes.

But his attack went far beyond that. For example, he published the personal information about Arizona law enforcement agents and their families. Among other individuals harmed, a retired police officer and his wife, whose unlisted home phone number was released as a result of that hack, received hundreds of harassing phone calls for weeks and threats, including threats of physical violence.

Similarly, in the Boston Police Patrolmen's

Association hack, Mr. Hammond said "We gotta target the officers individually."

In addition, in the Arizona hack, that hack forced the Public Safety Department to shut down vital computer systems, including Arizona's sex offender website, fingerprint identification system, and Amber alert system, which, as you know, allows the state to notify the public of missing or abducted children.

Even one of Mr. Hammond's colleagues, Jake Davis, was disturbed by the invasiveness and purposelessness of the Arizona attack. He said, "I thought this hack has gone way too far. There's no point to this thing. It's just harming police officers....this doesn't entertain anybody or help anybody anywhere."

Mr. Hammond seems to think of himself as a modern-day Robin Hood because he says he did not use the credit card information he stole for personal gain but, rather, directed that the credit cards be used to make donations to charities and organizations he supports. But as it turns out, it's very likely that these organizations did not benefit from these transactions. Instead, Mr. Hammond's actions forced the organizations to expend their scarce and valuable resources identifying and returning the fraudulent donations.

Mr. Hammond might claim that these were regrettable, but unintended, consequences of his actions. In reality,

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however, Mr. Hammond's own words indicate that this is exactly what he set out to accomplish when he engaged in his crimes. While planning one of his hacks, Mr. Hammond stated that he not only would publish confidential documents, but would also disclose "personal e-mail accounts, girlfriends' pics, dirt and scandals."

As I noted, Mr. Hammond stated on several occasions while plotting his hacks that his ultimate goal was to cause mayhem. There is nothing, as one of Mr. Hammond's supporters characterized his hacking, "playfully clever" about his hacking, and there's certainly nothing high-minded or public-spirited about causing mayhem. Accordingly, I take into account the very serious nature and circumstances of this crime.

With respect to the history and characteristics of this defendant, I do take into account what Ms. Kellman and what Ms. Kunstler have said about Mr. Hammond's charitable acts. He certainly did many charitable acts in his Chicago community, including working in food kitchens, tutoring, and the like. And I also note that he spent time giving GED classes while incarcerated. And I do take that into account.

The most striking fact, however, about Mr. Hammond's history is his unrepentant recidivism. He has an almost-unbroken record of criminal offenses that demonstrates a

total lack of respect for the law. As the PSR sets out,
Mr. Hammond's prior criminal history includes, among other
things, a plea of guilty to criminal damage to property in
2003; convictions for battery in 2004; disorderly conduct in
2006; mob action in 2009; as well as multiple violations of
supervised release, parole, and probation; and other arrests
for disorderly conduct, contempt of court, and criminal
trespass.

Perhaps most significantly, however, Mr. Hammond's prior criminal history includes a federal conviction in 2006 for the very same offense conduct that was the offense of conviction here, where the defendant hacked into a website of an organization he disagreed with politically and obtained information — such as credit card numbers, home addresses and other identifying information — about the members and customers of that organization.

In fact, Mr. Hammond began engaging in the conduct that serves as the basis for this conviction just after he finished his probationary term in the prior conviction in Chicago. I do note that Mr. Hammond said the same thing at the time of that conviction. At 19 he said he had altruistic motives, and now, at 28, he says he has altruistic motives.

I note that the probation office -- in my view, correctly -- notes Mr. Hammond's propensity to continue to commit crime. And the probation office notes that "There is no

information in his record that would suggest that he will not continue to recidivate."

With respect to Mr. Hammond's charitable works, as I said, I take those into account, but I also note his lack of charity and extraordinary harmful activities to folks he does not agree with, including, for example, that retired Arizona police officer.

Moving to the paragraph two factors, there is obviously a desperate need here to promote respect for the law. As I noted, Mr. Hammond has, over the course of his young life, demonstrated no respect for the law. There is a need here for adequate public deterrents. And based on Mr. Hammond's record, there is certainly a need here to protect the public from further crimes of this defendant.

As to paragraph D, that factor -- that is, needed education or vocational training -- is not applicable here. Indeed, I note Mr. Hammond's extraordinary educational background and his extraordinary skill with computers and apparently his skill at tutoring.

I've taken into account the paragraph 3, 4 and 5 factors with respect to the need to avoid unwarranted sentencing disparities. I do note the prior sentences given out in this case and the related cases. As we all know, of course, this view of disparity is supposed to be more broadly ranging than just the defendants in this case. But given

1 Mr. Hammond's history, I do not think there will be any unwarranted sentencing disparity.

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And the need to provide restitution is of lesser import here.

Accordingly, Counsel, it's my intention, weighing all of those factors, to impose a sentence of 120 months' incarceration followed by a period of three years of supervised It is my intention to adopt the recommended special terms and conditions of supervised release: That is, of providing access to requested financial information; not incurring any new credit charges without approval unless in compliance with payment obligations; participating in a substance abuse program; not having any involvement with hacking-related or electronic civil disobedience websites or organizations; participating in the probation department's computer/internet monitoring program; submission to a search; not using any means to hide his identity on-line; not using any means to encrypt his communications on-line; and not encrypting stored data. The last two except as required by any employment.

It is not my intention to impose a fine on the finding that Mr. Hammond is not able to address a fine.

As to restitution, I understand the parties are still gathering that material and will present it in due course.

And it is my intention to impose the mandatory \$100

special assessment.

Is there any reason, Counsel, why such a sentence should not be imposed?

MS. NIDIRY: No, your Honor.

MS. KELLMAN: No, your Honor.

THE COURT: Thank you.

Mr. Hammond, you're sentenced, sir, to a period of 120 months' incarceration. Following that time, you'll spend a period of three years on supervised release. During the period of supervised release, you'll comply with all of the standard terms and conditions of supervised release. Among them are that you not commit another federal, state or local crime; you not illegally possess a controlled substance; and you not possess a firearm or other destructive device.

In addition to those and all of the other standard terms and conditions of supervised release, you will provide the probation officer with access to any requested financial information. You will not incur any new credit charges or open any additional lines of credit without the approval of the probation officer unless you are in compliance with the installment payment schedule for financial penalties.

In addition, you'll participate in a program approved by the probation officer for substance abuse, and that program will include testing to determine whether you've returned to the use of drugs or alcohol.

The Court authorizes the release of available drug treatment evaluations and reports to the substance abuse treatment provider as approved by the probation officer.

Mr. Hammond, you might be required to contribute some or all of the costs of that program depending on your ability to pay and the availability of third-party payment.

In addition, sir, you shall have no involvement with any hacking-related or electronic civil disobedience websites or organizations, and shall have no involvement or contact with any civil disobedience organizations.

In addition, you will participate in the computer/internet monitoring program administered by the probation office. You must provide the probation office advanced notification of any computer, automated service or connected device that will be used during the term of your supervision and that can access the internet.

The probation office is authorized to install any application as necessary to survey all activity on computers or connected devices owned or operated by you. You may be required to pay the cost of the monitoring services at the monthly rate provided by the probation office. The rate and payment schedule are subject to periodic adjustments by the probation office.

The probation office shall be notified via electronic transmission of impermissible or suspicious activity or

communications occurring on such computer or connected device consistent with the computer monitoring policy in effect by the probation office. As triggered by impermissible or suspicious activity, you shall consent to and cooperate with unannounced examinations of any computer equipment owned or used by you. This examination shall include, but is not limited to, retrieval and copying of all data from the computer, connected device, storage media, and any internal or external peripherals and may involve removal of such equipment for the purpose of conducting a more thorough inspection.

You shall also submit your person and any property, house, residence, vehicle, papers, computer or other electronic communication or data storage devices or media and your effects to a search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of the conditions of your supervised release or any unlawful conduct by you and by any probation officer in the lawful discharge of the officer's supervision functions.

In addition, you shall not use any means to hide your identity on-line, including, for example, the TOR network or proxy servers. You also shall not use any means to encrypt your communications on-line except as required by employment. And you shall not encrypt stored data except as required by employment.

As I mentioned, sir, I do not impose a fine. And I will await restitution information within 90 days from counsel.

And as I mentioned, I must impose, and do impose, the \$100 special assessment, and that should be paid promptly.

Sir, it's my duty to inform you that unless you've waived it, you have the right to appeal this sentence and you might have the right to appeal in forma pauperis, which means as a poor person, with the waiver of certain fees and expenses.

Ms. Kellman, did you wish a designation or request?

MS. KELLMAN: Yes, your Honor, as close as the Bureau of Prisons can get Mr. Hammond to the Chicago area would be his request.

THE COURT: It's the Court's recommendation that

Mr. Hammond be designated to a facility as close as possible to

the Chicago metropolitan area so that his family is able to

visit him.

Is there anything else today, Counsel?

MS. NIDIRY: Yes, your Honor. The government would move to have the underlying indictments dismissed against Mr. Hammond.

THE COURT: So ordered.

Anything else?

MS. KELLMAN: Your Honor, just one inquiry, if I may. The Court ordered specifically searches of Mr. Hammond's computers — which, of course, I understand — and extended that to retrieval or defined it further as retrieval and copying. The Court also excluded in some of the later restrictions any work—related computers, which I think also appropriate and understandable.

But with respect to the searches, I would ask the

But with respect to the searches, I would ask the

Court to consider language as well that permits the same level

of privacy with respect to searching work-related computers. I

wouldn't want Mr. Hammond to not be employable because a

company he might work for, that their computers might be

subject to those --

THE COURT: I'm sorry, I don't know what you're asking me for. What language do you want?

MS. KELLMAN: With respect to the-- I think it's the third from last condition, your Honor, which was search of computers to also exclude any computers that are work related, that are owned by his employer or connected with his employment.

THE COURT: Counsel.

MS. NIDIRY: Okay. That's fine.

THE COURT: Agreed. Anything else?

MS. KELLMAN: No, nothing. Thank you, Judge.

THE COURT: Thank you, ladies and gentlemen. You've

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