

Dear Judge Preska,

I've been proud to call myself a hacker since 1971. That's when I was hired by the MIT Artificial Intelligence Lab to join the team that developed the lab's operating systems – for which the unofficial job title was “system hacker”. My subsequent hacking career has included developing the GNU operating system, which is often erroneously called “Linux”, and the legal hack of “copyleft” which uses copyright law to ensure that all users of a program are free to redistribute it and change it. I've received numerous awards and doctorates for my hacking, and have been invited twice to publish articles in law reviews.

Hacking means playful cleverness; a hacker is one who practices or enjoys playful cleverness. (See <http://stallman.org/articles/on-hacking.html>.) It does not particularly have to do with breaking security. Indeed, no one ever broke security on the AI lab's system, because we decided not to implement any.

That decision, made by the original team members who became my mentors, was not taken lightly: it was the result of careful political and philosophical thought. Instead of keeping most users (those without “privileges” – which already sounds like a prison) shackled so that they could not hurt each other, we thought the lab members and guest users could learn to get along as a community, choosing not to hurt each other. And they did!

This example is not unusual for hackers. From the beginning, hackers' taste for playful cleverness has often gone along with a sense of social responsibility, concern for others' well-being. Jeremy Hammond is a fine example of a socially responsible hacker. He found a clever way to expose the many nefarious deeds that Stratfor was planning and proposing.

People should not be allowed to enter others' computers without permission; but when punishing someone for virtual trespassing, we ought to consider his motive. Those who trespass as part of a nonviolent protest, either physically or virtually, should not receive severe punishments. Those who act neither for gain nor for malice should not receive severe punishments. Imagine where our country would be if the civil rights and antiwar sit-ins had been punished by years in prison! If we do not want the US to be like Putin's Russia, imposing long sentences on protesters, we must steer clear of doing so. That applies to virtual protests as well as physical ones.

I therefore respectfully suggest that Hammond be sentenced to community service. To make use of his skills and abilities, this service could consist of helping nonprofit organizations protect their personal data.

Sincerely,

Richard Stallman
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President, Free Software Foundation (fsf.org)
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