

Who I am:

Elissa Shevinsky

CEO of Jekudo Privacy Company

@ElissaBeth and @Jekudo_Cat on Twitter

Writer/Journalist

Cautious Security Researcher

**So basically same as a lot of us here:
Wants to do cool InfoSec stuff,
Wants to Stay out of Jail**

Who I am Not: A Lawyer (all disclaimers here)

Assistant director of the FBI's Counterterrorism Division Michael Steinbach just told the House Homeland Security Committee:

**“That’s the challenge — working with those companies to build technological solutions to prevent encryption above all else,”
Steinbach said.**

"We want cybercriminals to feel the full force of American justice, because they are doing as much damage—if not more, these days—as folks who are involved in more conventional crime."

- Obama



Obama has proposed expanding the definitions that can be used to prosecute “cybercriminals”



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Obama wants Congress to increase prison sentences for hackers

Proposal also expands hacking definition. That's a "dangerous idea," expert says.

by David Kravets - Jan 14, 2015 5:15pm EST

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FF

**“authorized
access”**

can be interpreted
very broadly by judges
to include
websites and data
that you and I would consider
publicly available

18 U.S. Code § 1030 - Fraud and related activity in connection with computers
(a) Whoever
(1) having knowingly accessed a computer without authorization or exceeding authorized access, and by means of such conduct having obtained information that has been determined by the United States Government pursuant to an Executive order or statute to require protection against unauthorized disclosure for reasons of national defense or foreign relations, or any restricted data, as defined in paragraph y. of section 11 of the Atomic Energy Act of 1954, with reason to believe that such information so obtained could be used to the injury of the United States, or to the advantage of any foreign

"Under the new proposal, sharing your HBO GO password with a friend would be a felony"

-Nate Cardozo, EFF

Ulbricht's judge punished him for political dissent; you should find this outrageous

By [Robert Graham](#)

What the judge is really upset about is that Silk Road was not simply criminal but also political dissent. Ulbricht quite clearly said the laws governing drugs and marketplaces were wrong.

In other words, the judge expressly stated that she is using the power of the court in order to punish political dissent.

The founder of Silk Road deserves a harsh sentence (but not nearly as harsh as he got)



SHANE FERRO



MAY 29, 2015, 5:50 PM

🔥 6,254

💬 15



“I wanted to empower people to make choices in their lives...to have privacy and anonymity,” Ulbricht told the judge. “I’m not a sociopathic person trying to express some inner badness.”

“The stated purpose [of the Silk Road] was to be beyond the law...This is deeply troubling, terribly misguided, and very dangerous.”

-Judge Katherine Forrest

We Should All Step Back from Security Journalism I'll Go First

“I may be incarcerated for doing my job.”

“I have a family to care for including a child, and I can't ask them to enter this murky legal territory.”

- quinn norton, security journalist

Barrett Brown sentenced to 63 months for 'merely linking to hacked material'

The journalist and former Anonymous member says of prison term and fine in statement: 'They're sending me to investigate the prison-industrial complex'



“In seeking to punish people who find themselves in receipt of information such as credit card data, or perhaps hack logs and vulnerability information, with charges as if they’d broken in and gotten the information themselves, the government chills the basic techniques used every day to keep us safer and more informed”

- quinn norton on the Barrett Brown case

Basically, sharing data (for white hat purposes) can lead to same punishments as stealing the data

Nextdoor Hit-and-Run: Yet Another Tech CEO Faces Criminal Charges

Tolia will likely not spend any time in jail. Instead, he'll complete the 30-day sentence through a weekend work program, where he will "put in eight- or 10-hour days doing paper pickups, washing school graffiti," said San Mateo County District Attorney Steve Wagstaffe.

What can we take away here?

Dissidence/activism and outright trolling/embarrassing the feds seem to add to a conviction.

Note that those activities are not themselves illegal.



Dear Mr. Greene:

This responds to your Freedom of Information Act (FOIA) request



Andrew Auernheimer @rabite · Jun 1

"In other words, this is a symptom of the government's War on Hackers."
@ErrataRob on @Free_Ross sentencing.
blog.erratasec.com/2015/06/some-n...



7



11



Elissa Shevinsky @ElissaBeth · 36m

@rabite I'm giving talk on this tomorrow at @rvasec. No good way to end
slideshow. It's just uh....things are bad. Infosec R&D is dangerous



1



Andrew Auernheimer @rabite · 20m

@ElissaBeth @RVAsec "no good way to end a slideshow" uhh, goatse.

FAVORITE





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DEFENDING YOUR RIGHTS IN THE DIGITAL WORLD

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April 11, 2014



Appeals Court Overturns Andrew “weev” Auernheimer Conviction

Important Decision Impacts Constitutional Rights in the Internet Age

San Francisco – A federal appeals court overturned the conviction of Andrew “weev” Auernheimer, the computer researcher who was charged with violating the Computer Fraud and Abuse Act (CFAA) after he exposed a massive security flaw in AT&T's website.

Auernheimer was represented on appeal by the Electronic Frontier Foundation (EFF), Professor Orin Kerr of George Washington University, and attorneys Marcia Hofmann, and Tor Ekeland. In an