

Stop The Chamber

POB 9576
Washington, DC 20016
May 6, 2011

Special Agent in Charge

Richard A. McFeely
2600 Lord Baltimore Drive
Baltimore, MD 21244

Assistant Director in Charge

James W. McJunkin
601 4th Street NW
Washington, DC 20535

Dear Mr. McFeely and Mr. McJunkin:

I am writing you on behalf of StopTheChamber.org, (“STC”) a campaign of the Maryland based non-profit advocacy group, VelvetRevolution.us (“VR”). STC is a coalition of groups dedicated to exposing excesses and unethical activities of the United States Chamber of Commerce (“COC”), located in Washington, DC.

My reason for writing is the request a full-scale criminal investigation of the Chamber’s activities, and those of its law firm, Hunton & Williams (“H&W”), and three military intelligence contractors hired by the law firm –HBGary Federal, Berico Technologies and Palantir Technologies collectively called Team Themis. These parties jointly conspired to and did conduct a proposed \$12 million dirty tricks campaign against STC, VR and their staff, as well as other organizations and reporters. This operation violated numerous federal laws and constitutes a threat to our democracy and Constitution.

Although this scandal broke big in the media following the release of 70,000+ emails from the servers of HBGary, the FBI and Department of Justice have not announced any investigation or issued search warrants to seize computers and records from those involved. The only formal investigation that has been announced is by Congressman Hank Johnson who has held two congressional hearings on the matter and demanded copies of all Government contracts with the Team Themis contractors. Exhibit A. Rep. Johnson has stated that it appears that the contractors illegally used applications developed to track terrorists against Americans engaged in constitutionally protected activity.

Former counter terrorism and cyber security chief Richard Clarke stated in March that the activities of the Chamber in this matter are illegal under both criminal and military code and that the perpetrators “should go to jail.” Exhibit B.

Much has been written about this matter in the national media Exhibit C, the tech media Exhibit D, the legal media Exhibit E, the financial media Exhibit F, the independent

media Exhibit G and the online media Exhibit H. Across the board, all the reporting portrays deep concern and shock over the conduct exposed, which includes using forgery and fake personas to discredit, using illegal scraping of social media sites to undermine the organizations, using malware to spy on and destroy computers and documents, using information discovered illegally to extort concessions from those associated with the groups, leaking damaging information to the press to destroy the ability of the groups to raise funds, and cyber stalking to harass the groups.

We filed a bar complaint against the H&W lawyers involved in this Watergate-type campaign against STC, VR and their staff. That complaint includes dozens of emails and other documents proving the existence of crimes and criminal conspiracy by those involved. It also lists in detail many of the federal statutes violated by them as found in the DOJ manual, "Prosecuting Computer Crimes." See <http://www.justice.gov/criminal/cybercrime/ccmanual/ccmanual.pdf>.

I am including a copy of that bar complaint and its exhibits for your information. An online version of the complaint is located at http://www.velvetrevolution.us/images/H_W_Bar_complaint.pdf.

Below is a potential list of federal offenses set forth in the complaint. An investigation may uncover even more crimes.

- **Cyber stalking**
 - **Spear phishing**
 - **Violation of privacy**
 - **Fraud**
 - **Extortion**
 - **Harassment**
 - **Destruction of property**
 - **Domestic spying**
 - **Scraping of computer data**
 - **Identity Theft**
 - **Cyber attacks**
 - **Interference with business**
 - **Civil rights violations**
 - **Conspiracy**
1. **Forgery and Fraud:** Themis planned to create forged documents with the intent that they be distributed and relied on by advocacy groups for the sole purpose of discrediting the advocacy groups and reporters. Forgery and fraud are serious crimes under both federal and state law, and the same crime that resulted in the prosecution of Donald Segretti of Watergate infamy for forging documents to discredit Edmund Muskie.
 2. **Defamation:** Themis planned to defame the reporters and principals of the advocacy groups, and quite possibly their families and staff in order to harm their reputation and destroy their ability to earn a living. This constitutes an intentional

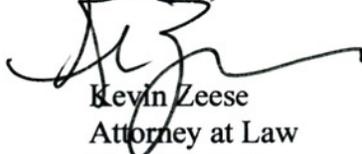
- tort under state law and is considered a crime because it was intended to be used as part of a scheme to extort.
3. **Cyber stalking and Harassment:** Themis not only planned but in fact began cyber stalking the principals, family, friends and members of the reporters and advocacy groups in order to intimidate them. Cyber stalking, including when done anonymously, is a federal crime under both 18 U.S.C. § 875 and 47 U.S.C. § 223(h)(1)(C) and is a state crime in many jurisdictions. Other possible statutes violated are 47 U.S.C. § 223(a)(1)(C) (anonymously using a computer to threaten or harass a person); 18 U.S.C. § 2261A (using a computer in interstate commerce to engage in a course of conduct that places a person in fear of death or injury, including spouse and immediate family).
 4. **Violation of Privacy:** Themis planned and did invade the privacy of reporters, and the principals of advocacy groups and their families and friends. They scraped vast amounts of data from social networking sites -- in apparent violation of their Terms of Service -- identifying one principal's pre-teen daughter and the school she attends, another principal's "life partner" and sister, and then using that information to create reports on home addresses, dates of birth, and identifying staff of an advocacy group, including wives, sisters and children. Invasion of privacy is an intentional tort and is prosecutable because it was part of a scheme to extort.
 5. **Spear phishing:** Themis planned to spy on the computers belonging to advocacy groups and reporters through the implantation of illegal software programs that would open a back door access to those computers. This is an illegal form of hacking prohibited by the federal Computer Fraud and Abuse Act, 18 U.S.C. § 1030.
 6. **Extortion:** Themis planned to use extortionate tactics against reporter Glenn Greenwald and presumably others by uncovering information about weaknesses and using that information to "pressure" him, and others, to modify their positions or face ruin. Extortion is a serious crime under both federal and state law. *See e.g.*, 18 U.S.C. §§ 875–877, which prohibits using the mail to transmit in interstate commerce certain threats with the intent to extort, including threats to accuse of a crime or to injure person, property, or reputation. *See also*, 18 U.S.C. § 1030(A)(7) (transmitting and communication with intent a threat to cause damage).
 7. **Destruction of Property and Cyber Attacks:** Themis planned to use viruses and malware to destroy the computers and data of advocacy groups and even engage in denial of service attacks against them. This violates 18 U.S.C. § 1030(a)(5)(A) (transmission of a program, information, code, or command, resulting in damage) as well as many state statutes.
 8. **Theft, Identity Theft, and Internet Scraping:** Themis planned and in fact engaged in theft, identity theft, violation of the Digital Millennium Copyright Act, copyright infringement, and illegal scraping of advocacy group websites and social networking sites. This violates 17 U.S.C. § (DMCA), 17 U.S.C. § 506 and 18 U.S.C. § 2319 (criminal copyright infringement), 18 U.S.C. § 1028 (identity theft) and 18 U.S.C. § (wire fraud). Moreover, Facebook and LinkedIn specifically prohibit the use of software programs to harvest information from

their sites. <https://www.facebook.com/terms.php> (“You will not collect users’ content or information, or otherwise access Facebook, using automated means such as harvesting bots, robots, spiders, or scrapers without our permission.”) http://www.linkedin.com/static?key=user_agreement (prohibits “manual or automated software, devices, scripts robots, other means or processes to access, “scrape,” “crawl” or “spider” any web pages or other services contained in the site” or to “[c]ollect, use or transfer any information, including but not limited to, personally identifiable information obtained from LinkedIn except as expressly permitted in this Agreement or as the owner of such information may expressly permit.”).

- 9. Spying and Interception of Electronic Communications:** Themis planned to use invasive cyber attacks to spy on advocacy groups and their staff and intercept electronic communications, and stored communications by accessing their personal and work computers. This violates 18 U.S.C. § 2511 (intercepting electronic communications), 18 U.S.C. § 2701 (accessing stored communications), and 18 U.S.C. § 1030(a)(2) (accessing a computer and obtaining information).
- 10. Interference with Business:** Themis planned to use deceptive means to ruin advocacy groups and undermine their funding. Interference with business and contracts is an intentional tort actionable in state and federal court. It is prosecutable because it was part of a scheme to extort.
- 11. Civil Rights Violations:** Team Themis targeted advocacy groups and reporters for engaging in activities protected by the First Amendment, including the right to free speech, peaceful assembly, and petitioning the government for redress of grievances. It received federal funding to target the groups and reporters. Themis members used a portion of their federal funding to create the programs that were employed against the groups and reporters. Themis used federal funding to create its Phase I pilot program for the COC, Bank of America and H&W. Because of this nexus to federal funds, Themis and H&W violated the civil rights of STC, VR and others as proscribed by 18 U.S.C. § 241 (conspiracy against rights) and § 242 (deprivation of rights under color of law).
- 12. Conspiracy:** Chamber staff and H&W lawyers conspired with members of the Themis team to violate all of the above statutes. Therefore, they are subject to prosecution under the general conspiracy statute, 18 U.S.C. § 371.

In conclusion, it is clear that the Chamber of Commerce, its lawyers and its military intelligence contractors have violated the law and must be held accountable. Therefore, we urge your offices to immediately open a criminal investigation into this blatant and reprehensible criminal activity. We also request a meeting with you at your earliest convenience.

Sincerely,



Kevin Zeese
Attorney at Law
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