



ELECTRONIC FRONTIER FOUNDATION
Protecting Rights and Promoting Freedom on the Electronic Frontier

September 8, 2014

VIA EMAIL

Julieanne Himmelstein
Assistant U.S. Attorney
U.S. Attorney's Office for the District of Columbia
555 4th Street, N.W. Room #11-917
Washington, DC 205330
Julieanne.himmelstein@usdoj.gov

**RE: Grand Jury Subpoena to May First
Subpoena #GJ2014090424682
USAO #2014R00275**

Dear Ms. Himmelstein,

As you know, the Electronic Frontier Foundation is outside counsel for May First. Thank you very much for taking the time out of your busy schedule to speak with me last Thursday and extend the subpoena deadline.

I received the new grand jury subpoena on September 5, 2014 but have some confusion as to the return deadline. When we spoke on the phone on Thursday, we orally agreed to a compliance deadline of the close of business on Friday September 12, 2014. But the newly issued subpoena is returnable on September 11, 2014. I assume that this is a typo and that the correct compliance date remains the close of business on Friday.

I also am writing to explain to you some concerns May First has with the breadth of the subpoena. Given your busy schedule and the delay in finally being able to speak directly about the prior subpoena, I thought it may be more productive to lay out May First's concerns with the subpoena in this letter. Although the subpoena does not specify what specific "subscriber information" you are requesting, May First assumes you are referring to the information detailed in 18 U.S.C. § 2703(c)(2).

209.234.253.186 (pietri.mayfirst.org)

With respect to your request for subscriber information pertaining to this server, May First believes this request is overly broad. This server is not dedicated to a specific user, but rather contains a number of virtual servers storing data pertaining to dozens of May First members. One of those members is the May First organization itself, which stores vital infrastructure on virtual servers within this physical server. In essence, there are dozens of "subscribers" of this particular server, including May First itself. As presently written, this request is therefore overly broad and complying with this request would cause undue burden on May First and its members.

209.234.253.27 & 209.224.253.218 (Kwame.mayfirst.org)

These servers are dedicated to one individual user; below is the information May First possesses about that specific subscriber:

815 Eddy Street • San Francisco, CA 94109 USA

voice +1 415 436 9333 x117

fax +1 415 436 9993

web www.eff.org

email hanni@eff.org

Name

Athens Indymedia Center

Address

Aramil - aramil@riseup.net
Rebelian - rebelian@espiv.net
Aris Ka - aris_ka@riseup.net
Maria M - mainda@riseup.net

Local and long distance telephone connection records, or records of session times and durations

May First does not log this information or have access to any logs, if they exist, held by this specific subscriber.

Length of Service and types of service utilized

Member since September 2, 2011. The “service” utilized is the operation of their own virtual private server.

Telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address

May First Member ID #854
Static IP addresses: 209.234.253.218 & 209.234.253.27

Means and Source of Payment for Such Service

May First objects to the disclosure of this information absent an appropriate protective order, prohibiting disclosure of this information to the Greek government. The Athens Indymedia Center is an open publishing website which allows users to post anything they want. Although the administrators of the Athens Indymedia Center, whose contact information have been provided above, are not responsible for the content posted by users on the site, they have nonetheless faced harm from the Greek government based on the government’s objection to content on the site, and the site has previously been shut down by the Greek government.¹ Disclosing this financial information places them at additional risk of harm for conduct that they are ultimately not responsible for, especially if that information were to be shared with the Greek government.

Notice

Your letter accompanying the subpoena requests May First not disclose the existence of this subpoena, but May First is under no legal obligation to refrain from discussing this subpoena or notifying affected subscribers, as the subpoena was not accompanied by a formal gag order under 18 U.S.C. § 2705(b). Therefore, consistent with its policies and principles in ensuring

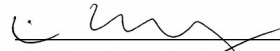
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transparency about government attempts to obtain customer information, May First notified the Athens Indymedia Center about the existence of this subpoena. May First has not notified any other individual about the subpoena, including the dozens of “subscribers” to the pietri.mayfirst.org server.

I’m happy to speak with you in more detail about any questions you may have about these responses. If you feel any of the above provided information is necessary to your investigation, May First is happy to provide the records in any form you need and fill out the Declaration of Custodian of Records attached to the subpoena.

Thanks for your prompt attention to this matter.

Sincerely,



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