

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

FORD MOTOR COMPANY,

Plaintiffs,

v.

Case No. 00-CV-71685-DT
Hon. Robert H. Cleland
United States District Judge

**2600 ENTERPRISES, and ERIC
CORLEY, pseudonymously known as
EMMANUEL GOLDSEIN,**

Defendants

DECLARATION OF ERIC CORLEY

I, Eric Corley, of Setauket, New York, declare under 28 U.S.C. § 1746, that the following testimony is true and correct:

1. My name is Eric Corley. I reside in Middle Island, New York. I am commonly known by my literary *nom de plume* or pseudonym – Emmanuel Goldstein. It is under this name that I publish most of my work. The inspiration for my pseudonym is from George Orwell’s book 1984. Goldstein is a fictional character referred to in that book.

2. I am the Editor and Publisher of 2600: The Hacker Quarterly. 2600 was first published in 1984. 2600 Enterprises is a New York non-profit corporation, based in New York.

3. I have first-hand and personal knowledge of the matters stated in this Declaration, except where statements are specifically identified as based upon information and belief, and as to those statements, I am so informed after reasonable investigation and believe them to be true. If called upon to testify to the statements in this Declaration, I could and would competently do so under oath.

4. A “hacker,” simply put, is somebody who is enthusiastic about a subject and likes the challenge of solving problems. Often, “hackers” are enthusiastic about technology, but the same mindset can be shared by people who are passionate about music, or painting, or fly-fishing, or sports. Most hackers love a challenge and like to explore. We tend to be strong proponents of personal liberty and freedom, and opponents of authoritarian institutional power – especially when it is used in ways that limit freedom. “Hackers” are sometimes misunderstood. As illustrated best, perhaps, by the now-famous Steve Jackson Games case, Steve Jackson Games, Inc. v. United States Secret Serv., 36 F.3d 457, 462 (5th Cir.1994), it is all too easy for some kinds of institutions – especially institutions prone to “groupthink” on the subject of “hackers” – to develop extreme and exaggerated beliefs about imaginary threats – and to take action that is clearly excessive under the circumstances. I think it is important to make a special effort to separate reality from fiction.

5. I often write and speak about technology. My professional specialty for the past 17 years has been explaining in considerable technical detail the inner workings and function of computers and communication networks, including the Internet. I have also been an active participant in and chronicler of Internet culture for over a decade, and have specialized knowledge of the history and culture of the Internet, as well as governing norms and common understandings such as the commonly understood “freedom to link” that is the central and most important norm of the World Wide Web. But my writing and public expression is also at least as much about politics as it is about technology. Much of what I say and do can actually be described as a combination of performance art and social protest. Technology (particularly the Internet and communications networks) has become my artistic medium of choice.

6. We, as a society, are only beginning to explore and understand the possibilities of the Internet as a communications medium. On information and belief, I understand that early television

broadcasts resembled radio more than the medium we watch today. It was visionaries like Steve Allen, Jack Benny, and Lucille Ball who began to demonstrate that television had communicative possibilities (sight gags, for example) that were impossible via radio or in print. Moreover, it quickly became apparent that television offered expressive possibilities that even stage and film did not.

7. In this same vein, the juxtaposition of the Internet Domain Name < fuckgeneralmotors.com > with the visual image of the FORD homepage is a “hyperlink joke,” told in a new expressive medium that did not exist until 1992. The joke, in order to be told, actually requires the use of interconnection and “linking” properties unique to the World Wide Web,¹ through the establishment of a “Website pointer” (a file entry on the “Nameserver” computer for a particular Domain Name) that identifies a particular Webserver (the Webserver is simply identified by its IP address) as the network location from which those visitors who initiate a query for a ‘Web page, should bring the Web page up. In other words, the “joke” is accomplished by using a technique that has become so common on the Internet as to be almost ubiquitous. Many Websites have hundreds or even thousands of different Domain Names all “pointing to” the same page on the same Webserver. I have no idea how many different Domain Names FORD has pointed (or others may have pointed) to the same Website (e.g., I have personally looked and found that both “www.FORD.com” and “www.fordmotorcompany.com” both point to the same page). We have merely told a joke by adding one more name to the list, using the ‘Web Pointer on the Nameserver for the Domain Name fuckgeneralmotors.com.

¹It is important to note that the World Wide Web is not the same thing as the Internet. The Internet has been around much longer. The ‘Web is a more recent invention, but has been largely responsible for the phenomenal growth of Internet media generally since 1993. Tim Berners-Lee and his team at CERN (the European Particle Physics Laboratory) invented the World Wide Web in 1992.

8. Incidentally, it is helpful to note that the “Whois” record for this Domain Name clearly identifies 2600 as the registrant for the Domain Name and not Ford. Given the limited audience for this joke (after all, the joke is only accessible to persons whose complicity includes a willingness to type the word “fuck” and who take the trouble to enter a specific 25-character text string into their browsers), I infer with near-mathematical certainty that most of the people encountering the joke probably know, too, about how to do a “Whois” to see who gets credit for making their day a bit brighter.

9. It is important to explain the origin and inspiration of the referral joke, but it is equally important to start by explaining how – as a technical matter – the referral mechanism works. The Nameserver is where all the action takes place. In this case, the Domain Name is “hosted” on 2600's own Nameserver (216.66.24.2), as well as on a secondary Nameserver (204.194.104.4). These computers are physically located in New York. These same Nameservers also host a number of other domain names. The primary nameserver (216.66.24.2) serves as a Webserver, but not for the main 2600 Website.

10. This is going to be very important later, but it may be somewhat technical, so please re-read this paragraph until it is clear. It is important later. Our “server” computer is trained to distinguish among different kinds of “referrals.” If a “referral” comes in ² because somebody types “2600.com” into their browser, it will be handled **differently** than a “referral” resulting from typing the address “www.2600.com.” If you use a browser to go to <http://2600.com> or <http://216.66.24.2> (the two are functionally equivalent), our server (we run APACHE, a free program, as our

²A “referral” can also reflect that somebody has not typed a Domain Name in their Browser, but has “clicked” on a hyperlink (also called an “href” tag) embedded in an HTML document (a ‘Web page). In the event that the “referral” is from a ‘Web page, the “referrer” field will also contain important information – which FORD no doubt tracks on a daily basis.

Webserver program (as do over 60% of the hosts on the Internet); the Nameserver, of course, is based on a program called BIND) is set up to say:

Greetings. You did not type www in front of our name.
You need to do this in order to be routed properly.
We'll save you the trouble this time and allow you to simply click here.
In the future, connect to www.2600.com. Thanks!

If, however, the “referral” comes in because somebody typed the address including the WWW, then the server knows how to distinguish among these different addresses, and re-routes the “www” traffic to another IP address for a high-volume ‘Web server that we use. In this same way, it is possible for virtually any computer acting in a similar capacity (including FORD’s) to distinguish among different “referer”³ paths and to serve up a different Web page – or to redirect to another IP address entirely – depending on what address a visitor originally “clicked on” or, alternatively, typed into his or her browser. When an “HTTP” (“Hypertext Transfer Protocol” – more on this later) request comes from a client browser to a Website server, the request almost⁴ always contains “referer” information that enables this kind of sorting. So, in theory, the same Website server machine could serve up 20 different Websites, depending on which of 20 different pieces of information happened to be in different incoming “referer” fields in HTTP requests. This, too, is quite common (the hosting of dozens of different Websites on the same “Host” computer, depending on which of several “referers” the host recognizes in the “referer” field of different Website requests.

³The omission of an “r” was conscious and was done that way when HTTP was being designed. Technically, “referer” (with one r) refers to an informational field specified in the Hypertext Transfer Protocol (HTTP) standard-setting documents. The field is used automatically (and invisibly to the end-user) to communicate information to the server – every time a Web page is requested – about how exactly a visitor got there and made the HTTP query.

⁴An early specification for HTTP omitted this feature, but almost everyone uses newer browsers compliant with updated standards. Perfection does not seem to be an absolute requirement under the circumstances.

11. Note that a Nameserver can also be used to activate email (using something called the “MX Record”), or to activate several other functions to which a Domain Name can be put. At present, however, the only function for the Domain Name at issue in this case that has been activated is the ‘Web pointer. Every computer on the Internet has a unique IP address. When the ‘Web pointer on the Nameserver for a particular Domain Name is activated, it begins communicating with incoming information requests in a particular way.

12. For example, say that an Internet user (we’ll call him Jacques), after hearing about this lawsuit, gets curious and types < www.fuckgeneralmotors.com > into a browser program. When that address is typed into a browser, a few things happen. First, the browser program knows it is going to perform a function called “HTTP” – which is a method (a “protocol”) for enabling computers to talk to one another – in this instance, the communication consists of a “Hypertext Markup Language” (“HTML”) document which is commonly known as a ‘Web page. Tim Berners-Lee invented “HTTP,” as well as “HTML,” and “URLs” – which together define what the World Wide Web is. Mr. Berners-Lee did not charge anyone royalties for this invention. He just gave it away for free. In order to understand the significance of these developments and what he did with them, it is helpful to read Mr. Berners-Lee’s book “Weaving the Web,” (a copy is provided with this affidavit), or to listen to the interviews he has done on National Public Radio (audio recording attached as Exh. 1). The key point of Mr. Berners-Lee’s contribution is that the **whole point** of the World Wide Web is linking things together. What led him to develop the ‘Web was a desire to create a “universal information space” in which any idea or information could exist, and in which any idea could be linked to any other. Thus, in the “universal information space” that Berners-Lee has bestowed upon the world, the general default rule (commonly understood by ‘Web publishers, and specifically intended by those establishing the Web) is “freedom to link.”

13. There exist exceptions to the default rule of “freedom to link” – built into HTTP and the software that serves up ‘Web pages. For example, many Websites specifically desire (in whole or in part) **not** to be linked to by outsiders. They have every right to use password protection functions to wall-off specific parts of their sites to unauthorized persons. Or they can use various kinds of security software. For example, it is impossible just to link directly to a particular article in the New York Times or the Wall Street Journal, because each of these companies requires password access. Most publishers of naughty pictures (who, quite sensibly, don’t want to give stuff away for free) also use password protection and other security devices.

14. Thus, the default rule for the ‘Web is that anyone gets to publish links to anything they want (except in special cases that are not present in this case – such as password-protected pages and the like). By participating on the ‘Web, one becomes part of a bargain. One secures the right to link to others to the extent their sites are free to “open access.” But one also has the corresponding obligation to permit everyone else in the world (even if you disagree with their viewpoints) also publish hyperlinks or other references to one’s own page. As explained on the World Wide Web Consortium Website (this is the central coordinating body for the ‘Web) – the act of publishing a ‘Web page has always been intended to give everyone in the world a right to make connections with that ‘Web page. See Tim Berners-Lee, *Axioms of Web Architecture 4 -- Links and Law: Myths*, published at < <http://www.w3.org/DesignIssues/LinkMyths.html> >, Exh. 2 (“We cannot regard anyone as having the ‘right not to be referred to’ without completely pulling the rug out from under free speech.”); see also Tim Berners-Lee, *Axioms of Web Architecture 2 -- Links and Law*, published at < <http://www.w3.org/DesignIssues/LinkLaw> >, Exh 3. “The ability to refer to a document (or a person or any thing else) is in general a fundamental right of free speech to the same extent that speech is free. Making the reference with a hypertext link is more efficient but

changes nothing else. . . . **There is no reason to have to ask before making a link to another site.**” Links and Law: Myths (emphasis in original). This has always been my personal understanding, and based on my extensive experience, it is a widely held and common understanding throughout the Internet community.

15. Returning to the example of Jacques, when he types the Website address into his browser, this communicates to the browser program, in a way it understands, “I want to pull up a ‘Web page (an HTML document).” But in order to retrieve the document in question (Jacques does not necessarily know what the contents of the document will be at the time he types the command),⁵ the software on his machine needs to translate the command into an IP address. Computers use numbers to exchange information, not human-friendly words, so the text string is only meaningful to Jacques’s computer to the extent it can be translated into a number. In other words, the “pointer” established by 2600 makes no reference to the word “FORD” – or any other word for that matter – at all. What the browser program does is find out (perhaps it knows already, or perhaps it looks up the information from some other Nameserver) the IP address of the Nameserver on which < fuckgeneralmotors.com > is hosted. That Nameserver, again, is 216.66.24.2.

16. So, the next step that Jacques’s browser makes, is to send an inquiry to the 216.66.24.2 Nameserver: “Hey, I’m trying to pull up a Web page for www.fuckgeneralmotors.com >. Where would I find that particular page?” The answer it would receive would be an IP address, in this case 164.109.135.183. Then, the browser establishes communications with 164.109.135.183,

⁵Indeed, it can be argued that much of the explosive popularity of the ‘Web when it took off was **precisely** a product of this “serendipity effect” of encountering things that are unexpected. I have observed personally that most if not all ‘Web users expect to be surprised and to encounter new things when exploring the ‘Web, and that the vast majority of them affirmatively appreciate and actively seek out “serendipity events” in which they encounter new and unexpected things. In short, the only thing “expected” by ‘Web users is the unexpected.

sends that server some information about how it was referred, and then asks for the primary HTML document (“homepage”) at 164.109.135.183. (The same command as if Jacques had typed “http://164.109.135.183” into his browser.)

17. However, because of an intervening step set up by FORD, on FORD’s computer, the Website homepage doesn’t just display upon request. Instead, FORD’s Webserver performs a “redirection” step upon all incoming traffic that asks for a ‘Web page. Thus, in this case, the response that is given by Ford’s page is “the page isn’t exactly here, you need to load a specific address.” The exchange between the computers looks something like this:

```
Fetching http://164.109.135.183/ ...
GET http://164.109.135.183/ HTTP/1.0
User-Agent: Sam Spade 1.10
HTTP/1.1 302 Object moved
Server: Microsoft-IIS/5.0
Date: Tue, 15 May 2001 05:43:17 GMT
Set-Cookie: dialogue_id=18a3d0ea2001051506bb5afc; path=/; expires=Fri,
13-May-11 05:43:17 GMT; domain=.ford.com
Location: http://www.ford.com/servlet/ecmcs/ford/index.jsp
Connection: Keep-Alive
Content-Length: 169
Content-Type: text/html
Set-Cookie: ASPSESSIONIDGGGGGAFC=HAHFEICAPDBKNNPBLLENIFDM;
path=/
Cache-control: private
```

```
<head><title>Object moved</title></head>
```

```
<body><h1>Object Moved</h1>This object may be found <a  
HREF="http://www.ford.com/servlet/ecmcs/ford/index.jsp">here</a>.</body>
```

(This is **exactly** what one gets from the FORD server upon asking for http://164.109.135.183). From this point, most browser programs are designed so that they know to take over automatically and (invisibly to the end-user) follow FORD's directions to open the script file called "http://www.ford.com/servlet/ecmcs/ford/index.jsp." And that's how one "arrives" at the FORD "homepage."

18. The above narrative points out two important things. First, 2600 does not employ the word "FORD" anywhere along this path. From typing in the Domain Name to the display of the page. Instead, 2600 just refers to a particular IP address. The first time the word "Ford" is interjected into the equation, it is by FORD's own main server. The second point is that FORD has a choice when this traffic comes into its Website (presumably LOTS of people publish hyperlinks to FORD, and all of those hyperlinks connect up with FORD in a roughly similar fashion as the process described above). FORD can just simply have its software (evidently, Microsoft software instead of APACHE), screen out referrals that come from the URL < www.fuckgeneralmotors.com >, and then serve up a different page or even redirect these people to the 2600 homepage, or simply cause a "404 Error. Page Not Found" message to appear on their screens. It is trivially easy to implement such a technical fix – at least on the APACHE systems with which I am familiar and that **most** Website hosts use by choice. Moreover, such a technical fix is clearly preferable to a legal solution, because it does not involve any form of "state action" and therefore does not raise speech concerns under the U.S. Constitution (some state constitutions, I understand, are a different matter, but I can state affirmatively that 2600 – if FORD implements such a simple technological fix – is

not going to respond by filing a lawsuit in California to force or enjoin FORD to remove the “block;” instead I state here under oath that 2600's response to Ford's construction of a “virtual fence” against our hyperlink joke would be to find somewhere else to point the Domain Name.). In other words, FORD can easily build a “virtual fence” and resolve this entire case without any need for court intervention. Or FORD can just ask as a courtesy.

19. As explained in more detail below, we've been asked informally (not by FORD) to repoint this Domain Name in the past and have been willing to do so. Here, FORD has never asked. Indeed, FORD has taken great care **not** to make an informal request because FORD is clearly trying to use this case for legislative purposes ad to establish a bad content-control precedent for the **next** case. This is why, instead of trying to seek a solution, FORD has taken the position of demanding either (1) that 2600 acknowledge that FORD has a legal right it does not – a legal “right not to be referred to,” or (2) that this case be forced before the court in an effort to persuade this court to enact the legislation that FORD has proposed, thereby upsetting and overturning almost a decade of custom, conventional wisdom and common understanding in the Internet community.

20. Next, it is important to remember that the audience of this “hyperlink joke” is rather small. Not everyone is going to type “www.fuckgeneralmotors.com” into their browser program (unless of course they've read about our joke on the 2600 Website, or in Wired, or someplace else that also explains something about the joke and who is behind it). I don't personally know of any angry GM owners who have just typed “www.fuckgeneralmotors.com” for grins – but even if such hypothetical people (again, I'm unaware of any evidence that such people even exist) were to do so, we know this much about them: (1) they are not so offended by the word “fuck” that they are unwilling to take the initiative of typing those characters themselves, and (2) FORD probably wants these people to think of FORD at that very instant, because these people are ready to change brands.

If somebody actually were confused or upset by this joke, I would expect that they would send me an email complaining about it. I have never received any such complaints.

21. In any event, given the need to type a specific string of 25 characters in order to trigger the redirection joke, the hypothetical claim that anyone has randomly stumbled across it (as opposed to learning about it through 2600 or other media outlets) is simply too speculative to be taken seriously.

22. Next, it is important to note that I am not presently and never have in the past (nor do I ever plan in the future) to offer or sell any “fuckgeneralmotors” or “fuckgeneralmotors.com” - branded goods or services to any customers whatsoever. It is commonly understood (and the U.S. Patent and Trademark office publishes an extensive guide on exactly this subject, see Exh. 4), that domain names do not *automatically* constitute brand names or trademarks. In this case, the Domain Name clearly represents an **expression of opinion** *about a company* – i.e., speech – and does not serve any trademark function whatsoever.

23. This particular instance of expression is part of a larger “street theater” project that I am conducting and publishing on the Internet. I am not just criticizing gigantic multinational conglomerates like General Motors and Verizon Communications⁶ (see < www.verizonreallysucks.com > , o r < www.verizonshouldspendmoretimefixingitsnetworkandlessmoneyonlawyers.com > , or < www.fordreallysucks.com >), but also many other institutions and attitudes that deserve to be criticized (e.g., < www.fuckracism.com > , < www.fuckthemasmedia.com >). One frequent and repeated theme in my work is a healthy skepticism of both the objectives and tactics of many

⁶See Real Cybersquatting Really Sucks, Wired (May 9, 2000), < <http://www.wired.com/news/business/0,1367,36210,00.html> > , Exh. 5.

multinational corporations when they deal with ordinary people like me. I am opposed – morally and politically – to unnecessary and excessive efforts of such entities to engage in various forms of social control. This is particularly so when large institutions attempt to suppress speech, or attempt to attempt social control through enforced ignorance.

24. The origins of this project date back to the “Verizonreallysucks” episode. Much like Carl Rove, the handler of political candidate George W. Bush, who tried to prevent and suppress criticism by pre-emptively and “defensively” registering over 30 critical Domain Names (e.g., “bushblows.com,” “bushsucks.com,” “bushengler.com,” “bushpataki.com”), Verizon’s Washington Law Firm (perhaps with the “LucentSucks” case in mind) attempted to squelch criticism by pre-emptively registering “verizonsucks.com,” along with about 700 other Domain Names, many of them potentially critical. I elected to publicize the tactic by registering “verizonreallysucks.com.” Ultimately, Verizon recognized that we have a right to express ourselves and backed down.⁷

25. Roughly contemporaneously with the registration of “Verizonreallysucks.com,” in September of 1999, it became possible to register Internet domain names through more than one company. Up until then, Network Solutions Inc. had been the only registrar of names. NSI had arbitrarily imposed a policy of not accepting domain names with certain four-letter words in them (but accepting “sucks”). (This had not been the policy initially and there were still a number of grandfathered domains that contained four-letter words. However, it had not been possible to register new ones through NSI.) When new companies began to accept new domain name registrations, it suddenly became possible to register sites with four-letter words in them once again. For a brief period, there was a rush on registering such domains (presumably, some of this rush

⁷Verizon Drops Suit Against 2600, Slashdot (Sept. 13, 2000), <<http://slashdot.org/yro/00/09/13/195213.shtml>>, Exh. 6.

involved “defensive” registrations by companies who were afraid of published criticism) – many of them disappearing within hours.

26. My interest is not about using profanity, but simply making sure that a set of these domain names remain available for use as criticism sites. Incidentally, I've worked in radio since 1977 and I'm quite familiar with FCC regulations which prohibit certain kinds of language at certain hours. However, I'm also aware that the Supreme Court in Reno v. ACLU has already determined that FCC. v. Pacifica is not applicable to the Internet. 521 U.S. at 864-67. I am also personally aware of precedents like the “Fuck the draft” case and others, in which even pithy slogans or expressive conduct have been afforded the full protection of the First Amendment.

27. In my view, there are those who wish to impose much stronger and more restrictive rules on what can be said over the net, whether on a newsgroup, a web page, or even the very name of a site, than even the rules that apply to broadcasters. In particular, many corporations seem eager to prohibit truthful criticism of the quality of their merchandise and services. This is an extraordinarily dangerous development. I have always found such motives to be extremely ill-conceived. This is why I was one of the people who registered various Domain Names with four-letter words in them. Many of them are humorous in nature, some have no specific purpose as of yet and don't actually do anything. The idea was to open up (and preserve) addresses for Websites that would enable people to publish social and political criticism and commentary, employee complaints, miscellaneous feedback and other content about the company/entity in question. I knew this would draw threats from some of these entities but I also knew that free speech – even that which may be offensive – specifically protects such expressive uses of trade names. After all, we're **not** selling “Fuckgeneralmotors” – brand goods and services. This is just a way of poking fun at an

institution. Over the long run, as time permits, the domain name will be pointed to a more formal Website that we publish, enabling dissatisfied customers to give candid feedback to General Motors.

28. As expected, however, we have received trademark cease-and-desist letters for some Domain Names, including several of naughty-word addresses that make reference to NBC, CBS, and General Motors. In the case of General Motors, we received a letter from them in October, 2000. We responded by declining to transfer the Domain Name to them, but offered to point the name to any GM-critical Website that GM might choose. General motors did not bring action, but also did not give us a proposal for a better place to point the address. For CBS and NBC as well, we responded to their claims of trademark infringement with the simple fact that it is protected speech to criticize a company. None of these companies chose to pursue action.

29. We are still in the process of developing Website fora for many of the names we have registered. In the meantime, we decided it would be good to put them to at least **some** constructive use. Some of them, for the present, simply point to another site, in order to make a statement, whether humorous or serious. For example, FuckRacism.com redirects to the Southern Poverty Law Center "KlanWatch" Website, which seems appropriate. FuckSexism.com redirects to a site for women's rights. Others include FuckMicrosoft.org which redirects to an existing site that criticizes Microsoft, its products, and its treatment of employees. It's a very trivial thing to redirect an address, really, this is done all the time. We could easily have thousands of addresses pointed at our domain (www.2600.com). It's the nature of the 'Web to point and link addresses and sites to other sites, whether for the sake of convenience or to make a statement of some sort.

30. Specifically concerning < fuckgeneralmotors.com >, at one time, we pointed the address to a site that dealt with "lemons" or defective cars. But they As it turned out, the traffic caused their hosting company to express some concerns about "bandwidth" demands, so we

responded promptly to his request that we repoint the Domain Name (FORD has never made a similar request or ever raised any bandwidth issues):

>From mahboud@wildpackets.com Fri Nov 3 19:16:25 2000

Received: from wildpackets.com (wildpackets.com [192.216.124.1])

by phalse.2600.com (8.8.8/8.8.8) with ESMTP id TAA19295

for <emmanuel@2600.com>; Fri, 3 Nov 2000 19:16:24 -0500 (EST)

Received: from [10.0.1.8] (airport0.wildpackets.com [192.216.124.155])

by wildpackets.com (8.11.1/8.10.1) with ESMTP id eA40EoD29322

for <emmanuel@2600.com>; Fri, 3 Nov 2000 16:14:50 -0800 (PST)

User-Agent: Microsoft-Outlook-Express-Macintosh-Edition/5.02.2022

Date: Fri, 03 Nov 2000 16:16:18 -0800

Subject: F***generalmotors.com

From: mahboud zabetian <mahboud@wildpackets.com>

To: <emmanuel@2600.com>

Message-ID: <B6289552.7506%mahboud@wildpackets.com>

Mime-version: 1.0

Content-type: text/plain; charset="US-ASCII"

Content-transfer-encoding: 7bit

Status: RO

Content-Length: 454

Lines: 14

Hi Emmanuel,

Any reason you have www.fuckgeneralmotors.com pointing to lists.lemon.org? I am getting heat from everyone here (lemon.org is hosted graciously by WildPackets.com) about your domain name. Especially since it seems that every minute someone is pinging that address. Please let me know what you are trying to do. I will be forced to take down lemon.org and move it to another location, which will probably cost me money.

Thanks,

mahboud

Upon learning of this issue, we **immediately** disabled the redirect. So far as I understand, we were not necessarily **obligated** to remove the redirect – indeed, there are methods the other site could have implemented to solve the problem – but we did so as a courtesy. We are certainly open to the prospect of FORD sending us a letter requesting the removal of a redirect as a courtesy. However, as a matter of principle, we respectfully have to disagree with FORD’s position that FORD has a **legal right** to discriminate on the basis of different speakers’ expressive content, and selectively force disfavored speakers to stop linking to FORD’s Website. The idea behind the redirect to FORD is that since Ford was a competitor of General Motors, this was a somewhat humorous way for our site to be directed. The idea at the time was to simply redirect to other automobile manufacturers, perhaps a different one for each time the site was accessed. The long-range plan we have for this address, however, is to develop a more elaborate forum for people critical of General Motors.

31. The first indication we had that Ford wasn't pleased with this came in the form of this lawsuit. We never received an email like the above or even a cease and desist letter from them. As mentioned, sites on the net constantly point and link to other sites. Importantly, as Mr. Berners-Lee has pointed out time and again, permission to link or refer to a ‘Web page has **never** been required

and to do so would bog the net down in a nightmare of paperwork. Inevitably, sites would begin to charge for the “right” to link to them, which would destroy the open exchange of information that is the very magic of the World Wide Web. However, as demonstrated above, we would have gladly redirected the site elsewhere had we been made aware of a problem and asked to do so **as a courtesy** as opposed to Ford’s position that it is a matter of legal right..

32. In addition, as mentioned earlier, it is a trivial matter for the operator of a site (in this case the Ford site) to block any traffic from a referring site (in this case our General Motors critique site). For reasons unknown, this, too, was never done.

33. I have never had any intention to infringe any trademark by offering or selling any goods or services to customers by mislabeling them as “branded” products made by another company. I am not trying to pass Honda automobiles off as Ford automobiles, or trying to sell Ford Pianos, Ford wristwatches, or Ford grapefruit juice. Nothing that I have done infringes or dilutes any trademark because I am not using any trademark **as a trademark**. It is quite a different thing to make reference to a trademark in speech.

34. I have never “purposefully availed” myself of the state of Michigan or the benefits or protections of its laws at any time whatsoever. I have never purposefully directed any conduct whatsoever (innocent, tortious, or otherwise) at Michigan. I personally have no contacts, ties or relations, with Michigan.

35. In the past, I have passed through the State of Michigan from time to time without stopping. None of these trips through the state of Michigan has ever had anything to do with the Domain Name fuckgeneralmotors.com, or had any relation at all to Ford Motor Company.

36. 2600 Magazine – which is distributed nationwide and indeed worldwide – has some subscribers in Michigan, as it does in every state and many foreign countries. However, we have

never solicited Michigan residents to become subscribers, or targeted any marketing efforts on Michigan in particular. The Michigan subscribers initiate the subscriptions, which are New York transactions fulfilled in New York.

37. 2600 Enterprises does not do business in Michigan in any manner that can be described as “continuous and systematic.” Most of the sales of our products in Michigan are by third-parties, mostly large bookstore chains.

38. Neither 2600 Enterprises nor me personally has ever done any tortuous act within the State of Michigan, or caused any tortuous act to be done, or consequences to occur within the State of Michigan.

39. I have never owned, used or possessed any real or tangible personal property situated within the State of Michigan. Nor has 2600.

40. I have never contracted to insure any person, property, or risk located within the State of Michigan at the time of contracting or at any other time. Nor has 2600.

41. I have never personally sold any products or services to anyone within the State of Michigan. As stated earlier, 2600 does mail magazines to some Michigan subscribers at the subscribers’ request. These orders are fulfilled in New York.

42. I have never acted as a director, manager, trustee, or other officer of any corporation incorporated under the laws of, or having its principal place of business within, the State of Michigan.

43. I have never maintained a domicile in the State of Michigan – while subject to a marital or family relationship which is the basis of any claim for divorce, alimony, separate maintenance, property settlement, child support, or child custody -- or otherwise.

44. I have never been registered with the State government of Michigan to transact

business in Michigan, to employ Michigan residents, or to collect or pay Michigan taxes. Nor has 2600. I have never had (and do not now have) any offices, real estate, bank accounts, or personal property in the State of Michigan. Nor has 2600. I have never had any sales representatives, sales agents, employees, or agents in Michigan. Nor has 2600.

45. I do not have, and have never had, any postal address, offices, residences, telephone listing, or telephone numbers in Michigan. Nor has 2600.

46. I have never engaged in any continuous and/or systematic pattern of activity, commercial or otherwise, involving or directed toward the State of Michigan at any time. Nor has 2600. I have never engaged in any other persistent course of activity directed at Michigan and I have never purposefully availed myself of the State of Michigan, or of the benefits and protections of its laws, at any time whatsoever. Nor has 2600.

I declare under penalty of perjury under the laws of the United States of America, including 28 U.S.C. § 1746, that the foregoing is true and correct.

Date: _____

EMMANUEL GOLDSTEIN