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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

PETER TODD, an individual,

Plaintiff,

v.

SARAH MICHELLE REICHWEIN *aka*
ISIS AGORA LOVECRUFT, an
individual,

Defendant.

Case No. 4:19-cv-01751-DMR

**DECLARATION OF DANIEL J.
BERNSTEIN IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
DEFENDANT'S SPECIAL MOTION TO
STRIKE PLAINTIFF'S COMPLAINT (ANTI-
SLAPP MOTION)**

Date: August 22, 2019

Time: 1:00 p.m.

Location: Courtroom 4

Complaint Filed: April 3, 2019

1 I, Daniel J. Bernstein, do hereby declare:

2 1. I am an individual, and I executed this declaration in the Netherlands. I am
3 not a party to this lawsuit. I have personal knowledge of the facts stated below, and would
4 competently testify regarding these facts if called to do so.

5 2. I currently have two employers. First, I have been employed by the
6 University of Illinois at Chicago continuously since 1995, first as Research Assistant
7 Professor, then as Assistant Professor, then as Associate Professor, then as Professor,
8 and now as Research Professor. Second, I have new part-time employment as Guest
9 Professor at the Ruhr University Bochum in Germany.

10 3. My main research area is cryptography. For example, I designed the
11 "Curve25519" cryptographic algorithm, which is used by Facebook (according to
12 <https://www.whatsapp.com/security/WhatsApp-Security-Whitepaper.pdf>) to encrypt
13 WhatsApp messages, and is used by Apple (according to
14 https://www.apple.com/business/site/docs/iOS_Security_Guide.pdf) in every iPhone. I
15 also designed the "ChaCha20" and "Poly1305" cryptographic algorithms, which are used
16 by Google (according to [https://security.googleblog.com/2014/04/speeding-up-and-](https://security.googleblog.com/2014/04/speeding-up-and-strengthening-https.html)
17 [strengthening-https.html](https://security.googleblog.com/2014/04/speeding-up-and-strengthening-https.html)) to encrypt HTTPS connections from most Android phones. I
18 estimate that cryptographic algorithms that I designed protect daily communication for
19 more than two billion people around the world.

20 4. When I first became interested in cryptography, research in the area was
21 hampered by export-control laws. I was the plaintiff in a successful court case in the 1990s
22 (see generally [https://www.eff.org/deeplinks/2015/04/remembering-case-established-](https://www.eff.org/deeplinks/2015/04/remembering-case-established-code-speech/)
23 [code-speech/](https://www.eff.org/deeplinks/2015/04/remembering-case-established-code-speech/)) regarding the constitutionality of these laws. Supreme Court precedent
24 regarding due process in the First Amendment context played a key role in my case. Even
25 before the case began, I was already a firm believer in the principles of due process.

26 5. My research is funded primarily by grants. For example, the Dutch
27 Research Council (NWO) awarded a "Vici" grant for 1.5 million Euros to support my
28 research. This grant funded a five-year part-time position for me at Eindhoven University

1 of Technology (TU/e) in the Netherlands starting in June 2012, along with various
2 positions for Ph.D. students and postdoctoral researchers with various starting dates.

3 6. Overall nine students (four men, five women) have received their Ph.D.s
4 under my supervision, including seven students (four men, three women) at TU/e,
5 including three students (one man, two women) funded by the Vici grant. All seven TU/e
6 students had two supervisors; in each case the other supervisor was Professor Tanja
7 Lange ("Prof. Lange") at TU/e. Four of these seven TU/e students (two men, two women)
8 received their Ph.D.s "cum laude," a distinction that is strictly limited by a central university
9 committee to the top 5% (1/20) of TU/e Ph.D.s.

10 7. I am continuing to supervise other Ph.D. students at TU/e. One of them,
11 Jacob Appelbaum, joined TU/e in 2015 as the fourth student funded by the Vici grant.
12 Appelbaum's other supervisor was and is Prof. Lange.

13 8. At the Privacy Enhancing Technologies Symposium around the end of June
14 2015, in a discussion with Prof. Lange and me, Defendant, known to me as Isis Lovecraft,
15 expressed interest in also joining TU/e as a Ph.D. student.

16 9. I did not offer Lovecraft a Ph.D. position. Prof. Lange also did not, as far as
17 I know, offer Lovecraft a Ph.D. position.

18 10. On June 4, 2016, I saw a website (<http://jacobappelbaum.net>) that
19 introduced itself as follows: "Hey there! We're a collective of people who have been
20 harassed, plagiarized, humiliated, and abused—sexually, emotionally, and physically—
21 by Jacob Appelbaum." The author name listed on the website was "Jacob's Rape Victims
22 Collective." A true and correct copy of the complete <jacobappelbaum.net> website is
23 attached hereto as **Exhibit A**.

24 11. The <jacobappelbaum.net> website contained various accounts regarding
25 Appelbaum. I understood that at least three of the accounts were accusing Appelbaum of
26 sexual assault. The authors of these three accounts used the pseudonyms "Forest,"
27 "River," and "Sam" to publish the accounts. See Exhibit A.

28 12. On June 6, 2016, I saw a public response from Appelbaum on

1 (http://www.twitlonger.com/show/n_1soorlp) stating that "the accusations of criminal
2 sexual misconduct against me are entirely false." A true and correct copy of this public
3 response by Appelbaum is attached hereto as **Exhibit B**.

4 13. I was, and I remain, horrified at the possibility that Appelbaum is a rapist.

5 14. I was, and I remain, horrified at the possibility that "Jacob's Rape Victims
6 Collective" was falsely accusing Appelbaum of rape.

7 15. My view was, and is, that the severity of rape accusations requires such
8 accusations to be handled by a court. I see far too much risk that self-appointed judges
9 acting upon rape accusations end up erroneously punishing someone innocent, whether
10 this is the accuser or the accused.

11 16. Lovecraft said in a subsequent blog post (see below) that she was "Forest."
12 If a court concludes, after due process, that Appelbaum raped Lovecraft, or concludes,
13 after due process, that Lovecraft lied about this, then I will support appropriate
14 punishment for the guilty party. Unless and until this happens, I condemn the idea of
15 punishing either of them regarding these accusations.

16 17. I expressed similar thoughts in a June 7, 2016 blog post "The death of due
17 process" (<https://blog.cr.yp.to/20160607-dueprocess.html>). A true and correct copy of this
18 blog post appears as **Exhibit C**.

19 18. My blog post had the subtitle "A few notes on technology-fueled
20 normalization of lynch mobs targeting both the accuser and the accused. #ethics #crime
21 #punishment." The blog post closed by saying "Ultimately the accused and the accuser
22 are both punished, truth be damned."

23 19. My blog post did not mention Appelbaum. My view was and is that the
24 relevant ethical principles are much broader than this example.

25 20. In the same blog post, I emphasized the possibility of error in both
26 directions, and I stated the importance of having an unbiased tribunal hear testimony from
27 both sides. My blog post condemns "angry people who want to be judges and juries and
28 executioners" punishing "accusers who have not had their day in court" and, on the

1 opposite side, "alleged culprits who have not had their day in court."

2 21. Before Lovcraft accused Appelbaum of sexual assault, I was already
3 familiar with rules that, in some circumstances, force university personnel to act as judges
4 regarding United States students accused of rape, without regard to the existence or
5 results of criminal proceedings. At TU/e, there is a university committee designated to
6 handle harassment complaints, but TU/e policy regarding student complaints
7 ([https://educationguide.tue.nl/organization/official-rules-and-regulations/complaints-and-](https://educationguide.tue.nl/organization/official-rules-and-regulations/complaints-and-disputes/complaints/)
8 [disputes/complaints/](https://educationguide.tue.nl/organization/official-rules-and-regulations/complaints-and-disputes/complaints/)) says that TU/e will not consider "complaints that are part of
9 proceedings under criminal law." A true and correct copy of TU/e's policy regarding
10 student complaints is attached hereto as **Exhibit D**.

11 22. Around June 13, 2016, a week after my blog post, Lovcraft published a
12 blog post (<http://blog.patternsinthevoid.net/the-forest-for-the-trees.html>). She announced
13 her blog post on Twitter (<https://twitter.com/isislovecraft/status/743131291093209089>) on
14 June 15, 2016: "Jacob Appelbaum sexually assaulted me. ... Here's my full story and
15 what's next." A true and correct copy of Lovcraft's June 13, 2016 blog post is attached
16 hereto as **Exhibit E**.

17 23. Lovcraft used, inside her blog post, the text "deeply-ingrained institutional
18 structure of rape apologists" as a link to my blog post. I considered responding but
19 decided that this was not necessary. The first line of text in my blog post had already
20 described rape as a "horrifying crime."

21 24. Four months later, on October 11, 2016, Lovcraft published a series of
22 tweets (<https://twitter.com/isislovecraft/status/785972471912509440>) again stating that
23 Appelbaum had sexually assaulted her, and further stating that she had been retaliated
24 against for "reporting" this. Each tweet ended with the hash tag "#WhyIDidntReport." A
25 true and correct copy of Lovcraft's series of tweets is attached hereto as **Exhibit F**.

26 25. In her fourth tweet in the series of Tweets in Exhibit F, Lovcraft switched
27 to making claims about Prof. Lange and me: "His academic advisors have taken steps to
28 punish and threaten reprisal—for myself & others within academia—for our actions.

1 #WhyIDidntReport."

2 26. I tweeted, and I hereby vouch for, the following response: "For the record:
3 I'm unable to figure out any connection between reality and this @isislovecruft tweet.
4 She's severely misinformed or lying." I used Twitter's normal "reply" mechanism for my
5 response. I further used Lovcraft's Twitter handle "@isislovecruft" with the objective of
6 having Twitter notify her that my tweet had mentioned her. I have never blocked
7 Lovcraft's account from seeing my tweets. A true and correct copy of my tweet in
8 response to Lovcraft's tweet is attached hereto as **Exhibit G**.

9 27. As Exhibit F reflects, before my response, Lovcraft had also issued the
10 following tweet: "Let's be clear: Jacob is a sociopathic narcissist, and his advisors are
11 tenured academics actively covering up for other reports of abuse."

12 28. I condemn the idea of covering up reports of abuse. Contrary to Lovcraft's
13 accusation, I have always taken care to handle such information properly. For example,
14 in June 2016, I became deeply concerned regarding an ongoing conversation with a TU/e
15 Ph.D. student (Henry de Valence, also known as "Harry," also Lovcraft's partner), so I
16 sent him an email recommending that he send me a written report. A true and correct
17 copy of my email to Henry de Valence appears as **Exhibit H**.

18 29. On October 17, 2017, a year and six days after the series of tweets
19 described above, Lovcraft issued a tweet (<http://archive.fo/kjQF5>) calling me a "rape
20 apologist and enabler." A true and correct copy of Lovcraft's October 17, 2017 tweet is
21 attached hereto as **Exhibit I**.

22 30. The same day (October 17, 2017), Lovcraft issued a tweet
23 (<http://archive.fo/zQCKD>) saying "these goddamned piece of shit rapist abuser men are
24 only there because they're enabled by someone you know" and then saying "KILL THEIR
25 ENABLER." A true and correct copy of this October 17, 2017 tweet is attached hereto as
26 **Exhibit J**.

27 31. I understood Lovcraft's two tweets together as asking Lovcraft's
28 followers, and others who saw her tweets, to take violent action towards me. I already

1 knew that she had more than 10,000 followers on Twitter. I saw that these two tweets
2 were gathering some "likes" and "retweets."

3 32. I contacted an attorney on October 19, 2017 to ask about the possibility of
4 a restraining order against Lovecraft. I pointed the attorney to Lovecraft's tweet calling
5 me a "rape apologist and enabler"; her tweet saying "KILL THEIR ENABLER"; and each
6 of the further URLs listed below in this declaration.

7 33. I had seen a series of October 16, 2017 tweets from Lovecraft (including
8 <http://archive.fo/3jFd0> and <http://archive.fo/yaiGP>) regarding another incident in which
9 she described herself as becoming violent ("I punched [Hardison] in his fucking face")
10 after losing control ("I just fucking lost it"). In Lovecraft's description, Hardison was
11 someone who had previously "force kissed" her, and who then made offensive comments,
12 at which point she "lost it" and punched him. In Lovecraft's description, Hardison
13 responded to Lovecraft's punch by trying to drag her "into traffic," at which point she
14 punched him again "3-4 times." Lovecraft's tweets included a disturbing picture of serious
15 bruises on Lovecraft's arm. Lovecraft's tweets also indicated that Hardison had called the
16 police. I do not know what the police report says.

17 34. I had also seen a tweet from Lovecraft in 2013 (<http://archive.fo/sEgy0>)
18 where she seemed to be advocating arson. I would expect tweets such as this to attract
19 followers with tendencies towards violence. I was also aware that the registration
20 information for Lovecraft's web site
21 (<https://whois.icann.org/en/lookup?name=patternsinthevoid.net>) points to an address
22 (5934 N BORTHWICK AVE, PORTLAND OREGON 97217 US) that is on public record
23 (<http://archive.fo/Ddmtz>) as having a house catch on fire.

24 35. I have not yet asked any court to take action regarding Lovecraft. However,
25 I have now seen a court filing from Lovecraft repeating the same false accusations about
26 me, including the "punish," "threaten," and "covering up" accusations. My understanding
27 is that Lovecraft, by repeating these accusations only in an exhibit and not making the
28 same accusations in the text of her declaration per se, is avoiding making these

1 accusations under penalty of perjury; but I would not expect her followers to notice this
2 distinction.

3 36. I am fearful of what Lovecraft's continued distribution of these false
4 accusations about me will bring in the future, up to and including violence by her followers.
5 I would like the record to be set straight.

6 I declare under penalty of perjury under the laws of the United States of America
7 that the foregoing is true and correct. Executed on July 29, 2019.

8
9 By: D. J. Bernstein
10 Daniel J. Bernstein
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