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ISIS LOVECRUFT

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

PETER TODD, an individual,

Plaintiff,

vs.

SARAH MICHELLE REICHWEIN aka ISIS
AGORA LOVECRUFT, an individual,

Defendant.

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

**(REDACTED) DECLARATION OF
DEFENDANT'S COUNSEL BEN
ROSENFELD IN SUPPORT OF SPECIAL
MOTION TO STRIKE, OR,
ALTERNATIVELY, MOTION TO
DISMISS PLAINTIFF'S COMPLAINT**

1 I, Ben Rosenfeld, hereby declare:

2 1. I am an individual, over the age of 18, and co-counsel for Defendant Isis Agora
3 Lovecraft in the above-entitled action. If called as a witness, I could and would testify
4 competently as follows.

5 2. On July 12, 2019, I spoke on the phone with a woman who agreed to submit a
6 sworn declaration concerning what she told my client, Isis Lovecraft, about her experience with
7 Plaintiff Peter Todd, provided that she could submit her declaration under a pseudonym. I
8 prepared her declaration for her, under the pseudonym "Jane Doe," from the information she
9 provided to me, emailed it to her, and asked her to review it and sign it if and when she was sure
10 that it was accurate. On July 14, 2019, she emailed me her dated and signed declaration. Exhibit
11 A, attached hereto, is a true and correct copy of her sworn declaration.

12 3. Exhibit 1 hereto contains true and correct copies of Plaintiff Peter Todd's Twitter
13 splash page (a screenshot) and his website, petertodd.org, which I looked up and found online.

14 4. Exhibit 4 hereto contains a true and correct copy of a July 27, 2016 *New York*
15 *Times* article entitled "Tor Project Confirms Sexual Misconduct Claims Against Employee,"
16 which I found online at [https://www.nytimes.com/2016/07/28/technology/tor-project-jacob-](https://www.nytimes.com/2016/07/28/technology/tor-project-jacob-appelbaum.html)
17 [appelbaum.html](https://www.nytimes.com/2016/07/28/technology/tor-project-jacob-appelbaum.html).

18 5. Exhibit 5 hereto contains a true and correct copy of a October 11, 2016 Guardian
19 article entitled "Power, secrecy and cypherpunks: how Jacob Appelbaum ripped Tor apart,"
20 which I found online at [https://www.theguardian.com/technology/2016/oct/11/jacob-appelbaum-](https://www.theguardian.com/technology/2016/oct/11/jacob-appelbaum-tor-project-sexual-assault-allegations)
21 [tor-project-sexual-assault-allegations](https://www.theguardian.com/technology/2016/oct/11/jacob-appelbaum-tor-project-sexual-assault-allegations).

22 6. Exhibit 6 hereto contains a true and correct copy of a December 29, 2017
23 *Gizmodo* article entitled "Developer Tells Her Story Publicly as Hacker Community Struggles to
24 Address Sexual Assault," which I found online at [https://gizmodo.com/developer-tells-her-story-](https://gizmodo.com/developer-tells-her-story-publicly-as-hacker-community-1821652260)
25 [publicly-as-hacker-community-1821652260](https://gizmodo.com/developer-tells-her-story-publicly-as-hacker-community-1821652260).

1 7. I swear under penalty of perjury that the foregoing is true and correct, except as to
2 any information stated on information and belief, and as to such information, I believe that it is
3 true.

4 Sworn and subscribed to at San Francisco, California:

5
6
7 Dated: July 15, 2019



Ben Rosenfeld, Attorney

EXHIBIT “A”

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Attorneys for Defendant
ISIS LOVECRUFT

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
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PETER TODD, an individual,

Plaintiff,

vs.

SARAH MICHELLE REICHWEIN aka ISIS
AGORA LOVECRUFT, an individual,

Defendant.

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

**DECLARATION OF JANE DOE IN
SUPPORT OF SPECIAL MOTION TO
STRIKE, OR, ALTERNATIVELY,
MOTION TO DISMISS PLAINTIFF'S
COMPLAINT**

1 I, “Jane Doe,” hereby declare:

2 1. I am a female, adult individual, age 24. “Jane Doe” is a pseudonym. I do not
3 want to use my real name, because the events I am describing have caused me extreme emotional
4 trauma, and I am afraid that identification and exposure could subject me to more of the same.
5 For this reason, I also implore the plaintiff, Peter Todd, in the civil action known as *Todd v.*
6 *Lovecraft*, No. 3:19-cv-01751 (filed in the United States District Court for the Northern District
7 of California), his attorneys, and their agents, not to divulge my name, in court filings or
8 otherwise.

9 2. On or about February 10, 2018, I was speaking to a friend, Zooko, when the
10 subject of predatory sexual behavior by men in computer tech, my field, arose. Based on that
11 conversation, Zooko put me in touch with Isis Lovecraft, with whom I was familiar but not
12 acquainted.

13 3. On or about February 15, 2018, Isis and I began to communicate. In the course of
14 those communications, I informed Isis that I was raped by Peter Todd in May 2017.
15 Specifically, I told Isis, in substance, all of the following:

- 16 a. While I was studying abroad in [REDACTED], I invited Peter Todd, whom
17 I then considered a friend, to visit me, since he was passing through Germany at
18 the time.
- 19 b. On the day of Mr. Todd’s arrival, I was sleep deprived, having a taken a midterm
20 that day. I have a neurological sleep disorder which causes me to have ‘sleep
21 attacks,’ during and after which I experience such symptoms as cognitive deficits
22 and temporary paralysis.
- 23 c. As we walked around, I felt an attack coming on. I told Mr. Todd all the
24 symptoms he could expect to see.
- 25 d. Then my legs buckled in the street and Mr. Todd helped me back up. He
26 expressed concern and said that we should get me to the nearest hotel room where
27 I could sleep and wait out the symptoms. Since I was not near home, I agreed.
28

- e. When we got to Mr. Todd's hotel room, I tried to sleep on the couch so I didn't give him any wrong signals, but he physically crowded me and badgered me into sleeping in his bed. He then got into bed with me.
- f. I fell asleep and woke up, still under the effects of the attack.
- g. We then went to dinner, where Mr. Todd tried to impress me with his influence, connections, and money, telling me he could offer me a job.
- h. After dinner, I went back to Mr. Todd's room with him, feeling a sense of obligation to hang out with him a little longer because he had paid for dinner.
- i. Mr. Todd started asking me about my midterm while pushing physical boundaries. I tried to leave three or four times, announcing each time that I should leave, but each time, he pulled me down onto his lap.
- j. I gave up resisting. Realizing I couldn't leave, I just thought, 'this is the way things will go.' I consider what happened next rape, and told Isis so.
- k. Afterward, I locked myself in the hotel bathroom and sobbed for three or four hours. At about 5:00 am, I left and walked home, crying the whole way.

4. Later that day or soon thereafter, Mr. Todd messaged me saying he had slept well and asking if I had. I did not respond. I have not interacted with Mr. Todd since that night in May 2017.

5. Again, I implore anyone who is made aware of the contents of this declaration to preserve my anonymity.

6. Although "Jane Doe" is a pseudonym, I am signing this declaration below in my own hand.

1 I swear under penalty of perjury that the foregoing is true and correct.
2

3 Dated: July 14, 2019



Jane Doe

EXHIBIT “1”

[Home](#)
[Moments](#)

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Tweets
27.9K

Following
267

Followers
146K

Likes
34.4K

[Follow](#)

Peter Todd
@peterktodd
Applied Cryptography Consultant (what the cool kids call 'blockchain tech') PGP: 0x7FAB114267E4FA04, pete@peterktodd.org
peterktodd.org
Joined May 2013
847 Photos and videos

Tweets
Tweets & replies
Media

Pinned Tweet

Peter Todd @peterktodd · Apr 1
Replied to @HillebrandMax @thibm_ and 7 others
"Timechain" is an awful term, because it focuses on the wrong thing. What's important is not the timing of transactions, but rather the absence of double spends. To prove that you need a "volume" for those spends to be defined in; "blockchain" suggests volume much better.
29 16 90

Peter Todd Retweeted

Peter Todd

Dec 5, 2017

[Scalable Semi-Trustless Asset Transfer via Single-Use-Seals and Proof-of-Publication](#)

Aug 17, 2017

[Bitcoin Mining in Space Isn't Practical Yet, But It Is Hard Sci-Fi](#)

Aug 14, 2017

[The Misleading and Inaccurate Claims Made to Tierion ICO Investors](#)

Jul 27, 2017

[What you need to know about the Tierion Network Token / Chainpoint ICO](#)

Jul 23, 2017

[SHA1 Is Broken, But It's Still Good Enough for OpenTimestamps](#)

May 25, 2017

[How OpenTimestamps 'Carbon Dated' \(almost\) The Entire Internet With One Bitcoin Transaction](#)

Dec 7, 2016

[Preventing Consensus Fraud with Commitments and](#)

Single-Use-Seals

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[Cypherpunk Desert Bus: My Role In The 2016 Zcash Trusted Setup Ceremony](#)

Oct 12, 2016

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Aug 5, 2016

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Jul 29, 2016

[Block Publication Incentives For Miners](#)

Jul 9, 2016

Segwit Code Review Update

Jun 28, 2016

[Code Review: The Consensus Critical Parts of Segwit](#)

Jun 23, 2016

[The Ethereum DAO Bailout Needs A Coin Vote](#)

Jun 22, 2016

[Closed Seal Sets and Truth Lists for Better Privacy and Censorship Resistance](#)

Jun 20, 2016

[Building Blocks of the State Machine Approach to Consensus](#)

Jun 15, 2016

[Talks: BlockchainLab.it Dex/Proofchains, Bitcoin Arnhem, and Bitcoin Dev Workshop](#)

May 23, 2016

[Dev Update: CoreDev Zurich meetup](#)

May 17, 2016

[Making UTXO Set Growth Irrelevant With Low-Latency Delayed TXO Commitments](#)

May 5, 2016

[Dev Report - Chain Anchor, Satoshi Drama, and GitHub](#)

Apr 21, 2016

[MIT ChainAnchor - Bribing Miners to Regulate Bitcoin](#)

Apr 9, 2016

[Consensus Critical Voting Considerations](#)

Mar 31, 2016

[BTCC Funding, Development Report, and Hard-Forks](#)

Jan 25, 2016

[Are Wallets Ready For Opt-In Replace-by-Fee?](#)

Jan 18, 2016

[Forced Soft Forks](#)

Jan 16, 2016

[Soft Forks Are Safer Than Hard Forks](#)

Nov 24, 2015

[Why Scaling Bitcoin With Sharding Is Very Hard](#)

Sep 8, 2015

[What the CoinWallet.eu tx-flood stress-test means for you and how to deal with it](#)

Dec 12, 2014

[Setting the record straight on Proof-of-Publication](#)

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Nov 19, 2013

Disentangling Crypto-Coin Mining: Timestamping, Proof-of-Publication, and Validation

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Peter Todd

EXHIBIT “4”

The New York Times

Tor Project Confirms Sexual Misconduct Claims Against Employee

By **Nicole Perlroth**

July 27, 2016

SAN FRANCISCO — The Tor Project, a nonprofit digital privacy group, announced on Wednesday that an internal investigation had confirmed allegations of sexual misconduct against a former employee who was the public face of the organization.

The group, which has risen to prominence at a time of controversy over government surveillance, had been grappling for months with allegations against Jacob Appelbaum, a top figure in the internet privacy debate. Mr. Appelbaum resigned from the Tor Project in May.

The allegations have divided the internet privacy community and have raised questions about management of the project, which promotes the use of software that helps internet users mask their online identities and whereabouts.

One result was the replacement of the group's entire board this month.

On Wednesday, the Tor Project said that a seven-week investigation into the allegations involving Mr. Appelbaum determined they were accurate. Mr. Appelbaum, who is also the only American member of the anti-secrecy group WikiLeaks, has denied the allegations and has said they are “entirely false.”

Shari Steele, the executive director of the Tor Project, said in a statement

that the investigation found that “many people inside and outside the Tor Project have reported incidents of being humiliated, intimidated, bullied and frightened by Jacob, and several experienced unwanted sexually aggressive behavior from him.”

The investigation was conducted by a private investigator hired by the nonprofit group. Ms. Steele added that new allegations were made over the course of its investigation, and that two members of the larger Tor community had also been involved in the incidents. The two individuals were not named and Ms. Steele said they were no longer part of the Tor community.



Mr. Appelbaum did not provide a comment after multiple requests for one.

Mr. Appelbaum has been celebrated as an internet privacy hero for his contributions to WikiLeaks and Tor and for his work in releasing several classified National Security Agency documents with Der Spiegel, the German newsmagazine. Mr. Appelbaum, who lives in Berlin, was also seen as a close ally of Edward J. Snowden, the former N.S.A. contractor, and Julian Assange, the founder of WikiLeaks.

Mr. Appelbaum has accused the United States government of spying on him and his personal companions and of breaking into his Berlin apartment in 2013.

The misconduct allegations against Mr. Appelbaum first surfaced in a number of online postings, the majority of them made anonymously.

In June, two women, Isis Agora Lovecruft and Alison Macrina, stepped forward to say they had written two of the anonymous posts. Nick Farr, another member of the privacy community, also described allegations of

censorship and abuse by Mr. Appelbaum in an online post to Medium.

That same month, a dozen women, including human rights activists, journalists and lawyers, posted a statement in support of Mr. Appelbaum online.

Mr. Appelbaum did not participate in the Tor investigation, citing concerns with the way the findings would be communicated and the security of the investigation, according to a person who spoke on the condition of anonymity. Mr. Appelbaum had asked that Tor's investigators speak with him in person or through encrypted means and declined to take part when those requests were not met, this person said.

Ms. Steele said the group "did everything in our power" to treat Mr. Appelbaum fairly, "and we determined that the allegations against him appear to be true."

The Tor Project brought in Ms. Steele last December partly to help reorganize the group. Apart from dealing with the allegations over Mr. Appelbaum and replacing the board, Ms. Steele has hired new directors of human resources and administration and moved the group's base of operations to Seattle from Cambridge, Mass.

In an interview late Tuesday, Ms. Steele said the Tor Project was taking steps to change its culture and behavioral policies.

"We want to make it clear to everybody that we won't tolerate this behavior anymore," she said. "Now, hopefully, it will be a safe place and people will be able to contribute in ways that they were not before."

A version of this article appears in print on July 27, 2016, Section B, Page 2 of the New York edition with the headline: Sexual Misconduct Claims Confirmed Against a Former Tor Project Employee

EXHIBIT “5”

The Guardian

Power, secrecy and cypherpunks: how Jacob Appelbaum ripped Tor apart

Once part of Julian Assange's inner circle, the prominent tech activist is facing a slew of troubling allegations that has left the Tor community divided

by Anna Catherin Loll in Berlin

Main image: Jacob Appelbaum, a computer security researcher involved with the Tor Project. Photograph: Orjan F. Ellingvag/Corbis via Getty Images

Tue 11 Oct 2016 04.00 EDT

Edward Snowden's face seems ever present in Berlin, where stickers on doors and lamp-posts promise there's always "A bed for Snowden" and posters plug Oliver Stone's eponymous film.

The whistleblower's explosive 2013 revelations about international government surveillance generated some good advertising for Berlin, cementing its reputation as hipster technology activist capital of the world. The city's cheap lifestyle and post-second world war aversion to surveillance, as well as sympathetic Germany residency rules, have created a powerful network of support and infrastructure for its dedicated cyberactivism community. We are "poor, but sexy", its residents like to say.

Many of Berlin's technologists work freelance, employed by anti-surveillance projects or secure messaging tools. And some are employed by Tor, a long running web anonymity project with something of a cult following.

That community recently met in Seattle to tackle a new challenge: a long-running saga of allegations of sexual assault, bullying and harassment that has ripped Tor's community apart.

Jacob Appelbaum is one of the world's most prominent advocates of freedom of speech, and an outspoken opponent of government surveillance. He has spoken to the European parliament civil liberties committee about government spying, used classified documents leaked by Edward Snowden to report on Nato's Taliban "kill lists" and collaborated with the dissident Chinese artist Ai Weiwei.

His ascent to tech stardom was far from smooth. He was born near San Francisco, California, in April 1983 to troubled parents. In an interview in 2005, he described a childhood spent dealing with his father's heroin addiction and suicide attempts, and periods in homeless shelters. He became obsessive compulsive for a time, showering up to eight times a day and unable to eat in his own kitchen. As a teenager he began to find salvation, as he described it, in sex, and discovered computers at around the same time. Programming and hacking, he later told Rolling Stone, began to make him feel "like the world was not a lost place". At Santa Rosa Junior College he gained recognition for publicly hacking a number of his professors, something he claimed "earned him a few A grades".

Appelbaum started to build credibility through his work as a security specialist for non-profit organizations including Greenpeace, the Open Society Institute, Tactical Tech, the Ruckus Society, Rainforest Action Network and Kink.com, a San Francisco BDSM porn site.

Then in 2004, he started volunteering as a developer for the Tor Project, the prestigious organisation behind the anonymity tool regarded as one of the crown jewels of the information security community. He soon became a prolific public speaker, his profile soaring in 2010 when he stood in for Julian Assange as the keynote speaker at the Hackers on Planet Earth (Hope) conference in New York. But the association with WikiLeaks - which has released classified documents that triggered several major global news stories - led to him being held at US airports, his apartment being searched and his mother subjected to arbitrary questioning, and in June 2013 he chose to exile himself in Berlin.

Appelbaum quickly joined the illustrious inner circle of Berlin's cyberactivist scene. Professionally and socially he was the center of attention. "You would always notice if Jake entered a room, usually followed by a cluster of people, because he simply talks and laughs louder than everybody else," one former friend said, who - like most of the sources the Guardian spoke to - did not want to be named. Former colleagues say that Appelbaum acted as a gatekeeper for Assange, controlling access to him through a live stream or on his phone during parties or dinners. "It was sociology textbook 101 regarding the distribution of informal power and reputation," says a former friend. "For some in the community Julian is still the superhero. Jake, by publicly associating with him, increases his own importance. By offering access to himself, he distributes the credit points of social value down to others."

Appelbaum's friends say he can be kind, generous and supportive, and that he has real power as an evangelist. "He is a great salesman ... as proficient as some hackers are, they cannot necessarily sell their ideas very well." He truly believes he is a defender of the small and weak, says the source. Another says: "If somebody can be useful to him ... then Jake can be very charming."

Appelbaum has always polarized the community around him. Complaints about his abrasive comments and "alpha male behavior" accompanied his rise to fame from the beginning, yet did not seem to harm his reputation within WikiLeaks or Tor. For a long time, nobody in the community dared to speak up. "If you praise him, he can be your best friend," says a former co-worker at Tor. Another talks of months of distress, afraid to leave the house in case of meeting Appelbaum or his followers. A third says: "Wherever he goes, he leaves a trail of destruction."



Jacob Appelbaum speaking in Berlin. Photograph: Alamy Stock Photo

He has been described as “the perfect bully”, and in 2015 Tor suspended him for 10 days for implying that new volunteers were recruited in a “sexually charged manner”. “Jake has targeted, abused and silenced many close friends of mine,” wrote security specialist Nick Farr. “Somehow we all felt powerless to do anything about it.”

Then on 3 June 2016, a website was published at jacobappelbaum.net detailing multiple, anonymized allegations of sexual assault and bullying. It included one allegation of rape. After years of rumours and secretive allegations in the community, the claims were suddenly very public. “We wanted other people to be aware of how Jake behaves,” a statement on the site explained. “Open secrets do not protect people ... We have heard lots of complaints about his behaviour over the years and have

experienced it first hand. We want it to stop.”

No one in the community wanted to report the allegations to the authorities, blaming a lack of confidence in the police and persistent claims of surveillance and harassment by law enforcement agencies.

Statements of other reputed victims followed, some outing themselves publicly. Leigh Honeywell, a security engineer from Toronto, became the first to publish an account of the alleged sexual assault by Appelbaum using her name, claiming he had publicly exposed details of their sexual relationship, ignored safewords and turned violent. American journalist Violet Blue and Icelandic politician Ásta Helgadóttir both detailed accusations against Appelbaum for inappropriate sexual behaviour and public shaming.



Violet Blue (left) and Ásta Helgadóttir (right) both accused Jacob Appelbaum of inappropriate sexual behaviour. Photograph: Courtesy of Pirate Party & Violet Blue

Fellow Tor developer Isis Agora Lovecruft is a former friend of Appelbaum who started working with him in 2011. She claims that Appelbaum touched her without her consent when she stayed at his apartment in 2014. She spent two years, she says, alternating between trying to inhibit her rage and trying to convince herself that she hadn't been hurt. But in 2016, she began to seek out other victims, and when Appelbaum found out he confronted her in an online chat. Lovecruft says she felt he was trying to ruin her life for standing up to him: "Attempting to blackmail me into silence whilst I was defending others is really not a good look for an 'anarchist' 'free-speech advocate'."

Alison Macrina, another Tor volunteer and founder of the anti-surveillance Library Freedom Project, tried to confront Appelbaum about her own experience. At his apartment in January 2016, she says that he repeatedly pressured her to take a bath with him and eventually pulled her into the tub in a kind of "nonconsensual washing". More than a month passed until Macrina was able to talk to a friend about what had happened. When she met Appelbaum again in Berlin he insisted that he was the real victim because other people were making "false claims" about him. "He put on such a show on this little bench we were sitting on. It wasn't that cold but he ostensibly shivered, asking repeatedly why I didn't want to come over for tea." Hoping for an apology was futile, she realised. "It was all about him trying to get me into his thrall with stylizing himself as the victim," she says.

Yet some female friends, former partners and colleagues, including WikiLeaks editor and journalist Sarah Harrison and human rights lawyer Renata Avila, stood up for Appelbaum, publishing a site in support of him and claiming he had been the subject of "egregious character assassination". One woman claimed that an inaccurate version of her story had been included on the site of anonymous allegations without her knowledge. German newspaper Die Zeit claimed to have discovered inconsistencies in the most serious allegations made against Appelbaum, and the Guardian also found some conflicting accounts in at least three of the allegations of sexual assault.

Appelbaum himself denies all the accusations of sexual misconduct, saying the claims are "entirely false" and part of a "calculated and targeted attack". He has not said publicly why he might be targeted, or why he is the subject of what his German lawyer describes as "a hate campaign". "Typically, people who come forward with these kinds of allegations are said to be doing it for money or fame," says Anne Roth, psychologist at Berlin's Lara Rape Crisis and Counselling Center. "In fact they gain nothing but negative attention."

Roth says Berlin's close-knit cyberactivist community is likely to be no different to any other dysfunctional organisation or business that fails to properly address allegations of sexual assault and harassment. Sexual violence, she explains, is about the exertion of power, whether the power is defined by official rank or by social status, and in both cases it is difficult for the victims to speak up. "That relies on the goodwill of the aggressor, so without a formal allegation, victims often prefer to remain silent."

The Tor Project began in the mid-1990s at the US navy research lab, which was exploring ways to protect military communications online. Short for "The Onion Router", which describes the layers of anonymity it is able to pile on top of a user's online activity, Tor was

spun out into a non-profit company in 2006 led by Roger Dingledine, Nick Mathewson and six others from its base in Massachusetts. By 2014 it had annual revenue of \$2.5m. Appelbaum began as a volunteer and joined the staff in 2008.

Dingledine and Appelbaum began to work closely together, with Appelbaum encouraged to speak as Tor's public evangelist - marking the beginning of Appelbaum's ascendancy into an influential figure in the tech community. He was one of only a handful of activists with the confidence and technical knowledge to publicly challenge the US government's pervasive surveillance regime. In August 2013, he even accepted a Whistleblower Award on behalf of Edward Snowden. "He asked me to speak about individuals and about the hope for change," Appelbaum, according to Deutsche Welle. "He said everyone had the strength to stand up against corruption, war crimes and lies - every day and at any time."



Jacob Appelbaum at the Chaos Computer Club, a European hacker gathering, during a video conference with Julian Assange. Photograph: Angelika Warmuth/AFP

Allegations against Appelbaum were first brought before the Tor board in March 2015, when a female employee approached her bosses with concerns about sexual misconduct and bullying. Tor suspended her and Appelbaum for 10 days but, sources say, the employee was unable to present any evidence to support the claim. The employee then left the company.

When Shari Steele came on board as Tor's executive director in December 2015, one of her priorities was to deal with the allegations, Dingledine wrote in an internal email. Steele, a trained lawyer, had worked at the Electronic Frontier Foundation (EFF) since 1992 and has a reputation for being fair and effective - if a little prone to impatience and threats when under pressure, according to former colleagues. "Shari's original plan was to develop a process that we could use for these situations: we'd put the new process in place, ask everyone to start fresh, and then follow the process moving forward. In the meantime, we have been sending concerned people to her, so she can keep track of the big picture," Dingledine told Tor's inner circle just after the allegations were published on jacobappelbaum.net. "Unfortunately, events have overtaken us."

In February 2016, Lovelcraft sent an encrypted email to Tor executives detailing more allegations of sexual abuse and harassment she had gathered from multiple victims. Tor is said to have consequently banned Appelbaum from its developer meeting at the Internet Freedom Festival in Valencia. Appelbaum claims that Steele asked him to resign on 25 May, and later sent him "separation agreement" which would remove any liability from Tor.

Appelbaum didn't sign. He says that he had also agreed to undertake anti-harassment training, but left Tor before that could happen.

Tor announced his departure on 2 June and began an internal investigation. When it concluded on 27 July, Steele thanked those who had come forward to report Appelbaum's behaviour. "Many people inside and outside the Tor Project have reported incidents of being humiliated, intimidated, bullied and frightened by Jacob, and several experienced unwanted sexually aggressive behavior from him ... I am grateful you spoke up, and I acknowledge and appreciate your courage."

The claims against Appelbaum, as well as Tor's treatment both of him and of the alleged victims, have thrown Tor and its network of staff and dedicated volunteers into chaos. Tor has been accused of mishandling the investigation and of failing to give information about their process, and of failing to protect and support victims as well as some who say they have been unfairly implicated as accomplices of Appelbaum. Tor, a small organisation with a laser focus on internet anonymity and privacy, seems overwhelmed by the intensity of the infighting and lacking the skills to handle the severity of the accusations among its staff and volunteers.

Appelbaum told the Guardian that Tor did not speak to him to ask his version of events during its internal investigation, while Tor claims he declined to be interviewed over the encrypted channels its investigator proposed. Another witness to the rape allegation also claims not to have been interviewed by Tor. Some of Appelbaum's supporters feel he was not treated fairly by the organisation, and have called for a boycott or stopped working with the organisation. "Tor has changed from being an organization run by cypherpunks to being run by American professional activists, who care more about securing funding and their job security than the cause," says one longstanding community member. "People are afraid to speak up in case they are ousted like the people interviewed in the investigation," says another insider. "We have very little information from Tor's leadership about the investigation and the nature of the allegations. Rather ironic for an organization promoting free speech."

Long-term community member John Gilmore, who also co-founded EFF, claimed on an internal mailing list that Appelbaum had been put through "trial-by-rumour". "The numerous victims that this process creates are not helped at all; the innocent along with the allegedly guilty are savaged and rejected without ever getting a chance to defend themselves."



Jacob Appelbaum at a Berlin demonstration in support of press freedom in 2015. Photograph: Britta Pedersen/AFP/Getty Images

In July 2016, shortly before the internal investigation concluded, Dingledine and the six other members of Tor's board of directors all stepped down. They did not acknowledge the Appelbaum controversy, saying only that Tor deserved "the best possible leadership". "It is time that we pass the baton of board oversight as the Tor Project moves into its second decade of operations," Tor wrote on its blog.

In a statement released to the Guardian, Tor said that the investigation had been handled "thoroughly and professionally". "The board's resignation was part of a larger effort on their part to bring more professional leadership to the organization. This included hiring Shari Steele to the executive director role and bringing on a board with more nonprofit oversight experience."

When the employee came forward with concerns in March 2015, Tor conducted an internal investigation and took action, it says, yet there were no formal procedures in place to deal with allegations of sexual harassment among staff or volunteers. Tor has since introduced an anti-harassment policy, a conflicts of interest policy, procedures for submitting complaints and an internal complaint review process.

Tor defended its handling of the second investigation in 2016. "Tor handled the investigation carefully and ethically. We posted information about what we were doing on our blog, and we have supported and protected victims throughout this process."

Many in the tech community have distanced themselves from Appelbaum. Even the San Francisco hackers' workspace he co-founded has blocked him online and from its building after implementing a new harassment policy. "Everybody knew that Jake used sexually charged language to upset people in work meetings," says one former co-worker. "There were many rumors, but Jake was allowed to win every argument and Tor was letting him get away with every little whim."

Appelbaum says that he has stopped drinking and begun therapy. "I have obviously seriously hurt people's feelings unintentionally and I deeply regret this," he said. He hopes to focus on his doctoral work on cryptography in the Netherlands, claiming he can't return to America because he could be investigated over his work with WikiLeaks and Der Spiegel about classified US surveillance.

“I’ve dedicated my life as a journalist, activist, and longtime member of the Tor Project to advocating for the transparency of public processes and to speaking out about the necessity of privacy, security, and anonymity. These are ideals that I will continue to uphold, despite the vicious campaign that is currently being waged against me,” Appelbaum said. He told the Guardian that he acknowledged the importance of addressing rape culture and violence against women. “I have always felt these topics needed to be discussed and that hasn’t changed. It is more urgent than ever.”

Jacob’s charisma and authority, wrote Leigh Honeywell, make him hard to challenge. “Many of our friends and colleagues saw the way he treated me and did nothing about it, so it took me years before I realized how abusive he was to me.”

Violet Blue claims that it was Assange and Snowden who helped to elevate Appelbaum to a position of power, whether or not they knew about his behaviour. “We need look no further for proof that hero worship and the cult of belief is pure poison,” she writes. “This didn’t happen because we’re broken as a hacker culture, or because we’re hackers and thus too undeveloped to comprehend empathy.”

But others do feel the episode presents a challenge to the tech community. “We need to ask ourselves which values we stand for,” says a former friend of Appelbaum. “In Germany we used to be connected by mutual trust and support, so taking advantage of someone’s vulnerabilities damaged this safe space.

“Our priority should be to rebuild it, and concentrate on friendship and doing good work rather than hero worshipping.”

If you have been affected by sexual assault, you can find support and advice at Rainn in the US, Rape Crisis in the UK and Lara in Berlin

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EXHIBIT “6”

GIZMODO

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PRIVACY AND SECURITY

Developer Tells Her Story Publicly as Hacker Community Struggles to Address Sexual Assault



Kate Conger
12/29/17 8:05pm

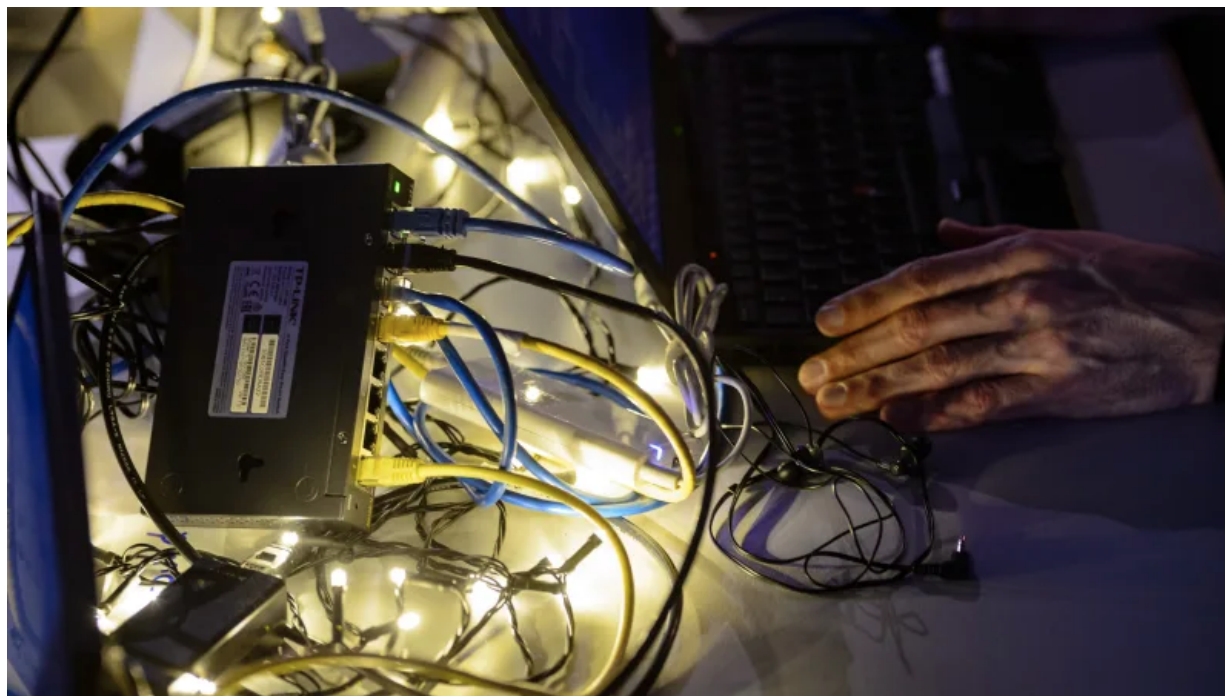


Photo: Getty

After several attendees of this year's Chaos Communication Congress (CCC) in Germany said organizers have continued to downplay or ignore issues of harassment and sexual assault, Chelsea Komlo, an open-source software developer and Tor contributor, is speaking out publicly about the rape and assault she says she experienced in an attempt to help combat the toxic environment that some say has plagued the annual privacy and security

The Chaos Computer Club, which organizes CCC, faced pressure in 2016 to bolster its response to harassment after multiple women came forward to accuse former Tor developer Jacob Appelbaum of rape and sexual assault. Appelbaum had delivered talks at CCC and been a prominent member of the security community.

Komlo told Gizmodo that CCC's inaction this year in response to previous allegations of assault prompted her to speak publicly about her experience with Appelbaum for the first time. Komlo says Appelbaum raped her after CCC in 2015, an incident she previously described publicly under the pseudonym "River" in mid-2016.

"We've seen at CCC that the same things are continuing, and I felt like doing this was really important to prevent future harm to other people," Komlo told Gizmodo.

At this year's CCC, which runs through December 30, attendees have said that the conference organizers allowed a person who allegedly assaulted another attendee last year to attend this year's conference and rejected talks about harassment. Dirk Engling, a spokesperson for CCC, told Gizmodo that the conference received very few submissions for talks about harassment but added that there are several lightning talks and self-organized sessions about these topics occurring at the conference.

Thomas Covenant, a programmer attending CCC, revealed this week that the conference had chosen not to ban their abuser even after Covenant provided medical records and police reports detailing the assault. Engling said that CCC reviewed the materials provided by Covenant and chose not to issue a ban.

"I said no every single time and was extremely clear. He worked to earn my trust, and when I was alone with him and his male

“The process, in this case, had several unfortunate delays that led to the decision taking way too long. This is an issue we are discussing internally and will address in the future,” Engling said.

Covenant’s story of CCC not taking action to remove an accused abuser rang eerily similar to Komlo’s own experience and motivated her to speak about her experience, she said. “It mirrored the environment that allowed abuse to happen to me—people knowing about abuse and still allowing that person to come to the conference and be welcome and be around vulnerable people,” Komlo said. “That environment is what resulted in my rape by Jacob.”

Komlo was attending her first CCC in 2015 when she briefly met Appelbaum. He later propositioned her for group sex within minutes of seeing her at a social event, she said, and she declined.

Komlo had previously seen Appelbaum give a talk about privacy, which inspired her to become more involved with the security community. She looked up to him, and when others laughed off his sexual comments, she followed their lead.

After each CCC, which is held at the end of December, many attendees travel to Berlin to celebrate New Year’s Eve. Komlo went on the trip in 2015 and stayed with Appelbaum for several days in Berlin. During the trip, they had consensual sex, Komlo said. Appelbaum also raped her one night while she was intoxicated and argued with her when she asked him to stop, she said.

“What has always stood out to me is that when I met him, he asked me several times to participate in an orgy with his male friends. And I said no,” she explained. “I said no every single time and was extremely clear. He worked to earn my trust, and when I was alone with him and his male friends, he crossed those boundaries.”

In her 2016 pseudonymous statement, in a recent interview with Gizmodo,

raped her in front of several male friends while she was intoxicated. One of the other men present also assaulted her, she said.

“I didn’t understand what was happening, but I eventually said no. The next thing I remember was him having sex with me in front of his friends,” she said. “I had never expressed consent and what happened was something I explicitly told Jake I didn’t want to do. I wasn’t able, at the time, to stop what was happening to me. It wasn’t a misunderstanding or me wishing later it hadn’t happened.”

Two individuals confirmed to Gizmodo that Komlo told them about the incident in the months after it occurred. One individual asked not to be named out of concern for their personal safety. The other is Isis Lovecruft, a Tor developer who has called attention to CCC’s handling of abuse and spoken out about their interactions with Appelbaum.

Komlo also participated in the Tor Project’s internal investigation into Appelbaum’s behavior, which concluded in his resignation from the organization, Tor Project’s executive director, Shari Steele, said.

“My reasoning for asking him to resign was broader than just Chelsea,” Steele said. “Chelsea was finally the straw that broke the camel’s back, but I had heard numerous accounts. When I asked him to resign, it was over a pattern of behavior.” Appelbaum resigned from the Tor Project on May 25 of last year. Tor hired an independent investigator to look into the allegations against Appelbaum, including Komlo’s, and found them to be credible, Steele explained.

Appelbaum did not respond to a request for comment from Gizmodo. In a 2016 statement, issued when the allegations against him became public, Appelbaum said that his accusers were participating in “a calculated and targeted attack” designed “to spread vicious and spurious allegations against me.”

Komlo considered publishing a statement about her experience in 2016, using

retaliation and because it seemed that organizations with which Appelbaum was affiliated were taking action. The Tor Project, the privacy non-profit where Appelbaum had worked, conducted an internal investigation into his behavior and replaced its entire board.

The second individual involved in Komlo's assault went through a community justice process, apologizing to her and engaging in a genuine effort to make things right, she said. "I forgave this person, and I firmly believe that individuals (and organizations) who have committed mistakes should be forgiven if they truly understand the harm done and genuinely work to make things right for the future," Komlo wrote in her statement.

Lovecruft said that the community justice process can sometimes be helpful for groups reckoning with abuse. "An accountability process is a process," they said in a message to Gizmodo. "Just like any process, as in software, there are edge cases, unexpected inputs. It needs maintenance, and sometimes patches, to keep it working as designed—just like any software. It is also important that both these processes have logic for handling fatal errors when the programme cannot continue, when something goes horribly wrong."

CCC announced last year that Appelbaum would no longer be welcome at its events, although it did not mention him by name, instead describing him as "a regular visitor and speaker."

But the renewed allegations of ignored misconduct at CCC led Komlo to believe that CCC isn't taking abuse seriously.

"The fact that this happened to me and is happening now, the negligence of the people who are around reported abusers—that's what I would like to call attention to," Komlo said. "The CCC says, 'all creatures welcome.' That's fine until someone is abusive. You need punishment; you need clear boundaries about what is and isn't acceptable in your community. When things aren't drawn out, and there aren't processes in place, and there's not a clear structure for acting on abuse, people don't know what to do, so they're

“Make sure victims can feel protected if they come forward and you are true to that, not simply that you are providing lip service or have something on the books. You believe them, you act on it, you protect them.”

According to Engling, CCC does prohibit harassment and assault. In 2005, it denounced “chauvinism and nationalism.” In 2012, the organization announced that it was developing an anti-harassment policy and endeavoring to respond more quickly to reports of harassment. And in its current code of conduct, CCC says it has three teams in place for mediating conflicts, preventing violence, and engaging in crisis intervention. Although the code of conduct does not explicitly prohibit sexual harassment or assault, it does say that participants are expected to keep the environment safe and that “lifefoms not ascending to this level of dignity are not welcome.”

“The CCC’s stance on violence, harassment or discrimination is crystal clear and has been stated repeatedly,” Engling said.

Until CCC and other organizations set firm anti-harassment policies and name individuals like Appelbaum who have been banned from attending, Komlo and Steele say that women entering the privacy community for the first time run the risk of being harmed.

“For a long time, there were people in our information security community who were doing harm to people, and it was almost seen as expected,” Steele explained. The Tor Project’s reckoning last year was a painful but necessary process to eliminate abuse, she said. “We are seeing societally that this notion of men behaving badly has gone rampant. It is pretty wonderful to see women feeling strong enough now that they can say something. The best thing I can say for an organization is, take a look at your policies and

you are true to that, not simply that you are providing lip service or have something on the books. You believe them, you act on it, you protect them.”

Tor’s action on the issue may have led to the organization being penalized by CCC. In a blog post, Lovecruft said that CCC had purposefully rejected talks that dealt with harassment—a claim CCC denied through its spokesperson.

“You can look at the facts and make your own determinations. For years and years, Tor would do its ‘State of the Onion’ talk at CCC,” Steele said. “The year after Jake was no longer employed at Tor, all of our talks, including ‘State of the Onion,’ were rejected.”

CCC’s denial of allegedly rejecting talks related to harassment or from Tor presenters shows that the organization is not focused on addressing its harassment issue, Lovecruft said. “They’re doing the same pattern again: to do whatever they can in private to shut down conversations and stop progress, and do whatever they can in public to save face,” they said.

Chasing out participants who speak out about abuse, rather than abusers themselves, puts community members at risk, Komlo said.

“I saw [Appelbaum] as a leader in the community and so I trusted him. That’s why it’s so painful to see abusers tolerated in the community. I know new people are going to walk in having no idea and be taken advantage of,” Komlo said. “You don’t want the only new people to be ones who can survive that kind of thing.”

Additional reporting by Melanie Ehrenkranz

RECOMMENDED STORIES



Major Hacker Conference Organizers Accused of Ignoring Harassment, Enabling Abusers



Tor Project Completely Replaces Board After Sexual Assault Scandal



Tech Writer Robert Scoble Accused of Sexual Harassment, Assault by Multiple Women

ABOUT THE AUTHOR



Kate Conger

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Kate Conger

CLIMATE CHANGE

Update on Our 2020 Climate Summit



Maddie Stone
14 minutes ago



Illustration: G/O Media/Getty

On Friday, The New Republic published an an offensive, homophobic attack on Democratic candidate Pete Buttigieg. The article was swiftly condemned for being inappropriate, and it was taken down from the site Saturday. In light of these events, The New Republic is withdrawing its participation from our recently announced 2020 Democratic presidential forum on climate change, a decision that Gizmodo supports. This incident was entirely inconsistent with our values as journalists and with the inclusive atmosphere we intend to foster at the event.

The forum itself will go on, for all of the reasons outlined in our initial announcement. Climate change is simply too important to be ignored or

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