



FOR IMMEDIATE RELEASE:

This is in response to inquiries regarding the lawsuit filed by my office on behalf of Shelby Conklin against PinkMeth and The TOR Project Inc. Specifically, this press release should the questions that people have had with respect to TOR's involvement in this lawsuit and why they were named as a defendant.

The operators of PinkMeth.com and all related websites are felons. It is well-settled law that the First Amendment does not confer upon sexual predators (such as the operators of PinkMeth) the right to commit crimes and torts any more than it confers upon the rest of us a right to yell "Fire" in a crowded theater. PinkMeth's activities are not now, nor have they ever been, protected by the First Amendment and we are confident in the viability of our claim against them. In prosecuting our claims against them, we will make no distinction between PinkMeth, its operators, and those who give them aid or comfort. We will continue to do everything in our power not only to obliterate PinkMeth's internet presence, but also to identify those persons responsible for publishing the website so that they too may be brought to justice.

The TOR Project Inc. ("TOR") is a slightly different story. They were named as a conspirator in the lawsuit based upon our belief that they were hosting PinkMeth or providing it with services that have allowed its operators to continue to escape justice. This was not an unprecedented action by our office. Claims brought against hosting companies such as GoDaddy have survived dismissal in similar lawsuits. Just today it was reported that a TOR exit node operator in Austria was convicted of abetting the spread of child pornography. It is our position that, if TOR provided goods or services of any nature to PinkMeth, that they are liable to Ms. Conklin. A review of the TOR website further confirmed by belief that, although it may have been originally designed for legitimate uses, is now used almost solely to aid and abet criminal conduct.

The PinkMeth website certainly did nothing to dispel our belief that TOR provided them with material assistance. It states that:

“Pink Meth is a Tor Hidden Service that allows you to post anyone's nudes and info, anonymously (thanks to Tor), and without the fear of being hit with a phony lawsuit, or any legal repercussions for that matter.”

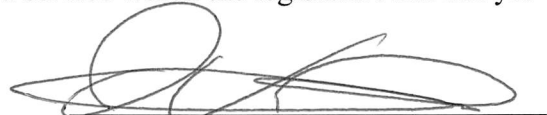
It includes links to donate to The TOR Project. TOR itself has an “About” page which states such things as

“Tor's hidden services let users publish web sites and other services without needing to reveal the location of the site” and “this hidden service functionality could allow Tor users to set up a website where people publish material without worrying about censorship. Nobody would be able to determine who was offering the site, and nobody who offered the site would know who was posting to it.”

When considering the totality of the evidence that we were able to obtain prior to filing suit, we concluded that TOR was providing services directly to PinkMeth and was, therefore, a liable co-conspirator.

Since the filing of our lawsuit and service of legal process on PinkMeth, evidence has emerged that TOR may not have provided any goods or services to PinkMeth. We are still working to determine what degree of control, if any, TOR has over those who use TOR hidden services and to what extent they may be able to provide us information regarding those responsible for publishing PinkMeth. Naturally, if TOR has played no role in PinkMeth's re-emergence, has not provided PinkMeth with goods or services of any kind, and is unable even to assist in identifying those responsible for publishing PinkMeth, they will be dismissed from our lawsuit. If and when that occurs, we will continue to fully prosecute all of our claims against PinkMeth.

This is not to say that we endorse the types of service that TOR is providing. We believe condemn them in the strongest possible terms and strongly disagree with their assertion that there is any “right” for the publishers of online content to remain anonymous. We believe that, when speech arises to the level of criminal or tortious conduct, there should be some method of identifying and punishing those responsible. However, we also believe that the continued legality of TOR hidden services is something that should be determined by the legislature rather than a court in Texas (or anywhere else for that manner). It is not our intention to continue legal action against TOR simply to obtain a *de facto* ban on a service which the legislature has not yet seen fit to regulate.



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