



**Episode 1,031: Lyn Ulbricht's Son Got Two Life Sentences After a Judicial Travesty Over a Victimless Crime; What Happened, And What She's Doing Now**

**Guest: Lyn Ulbricht**

**WOODS:** I'd like to start, before we get into the details, with, if you were to give a one- to two-minute basic overview of what happened from start to finish, and then we can get into details. But I'd like people to have a bird's-eye view of the whole thing.

**ULBRICHT:** Sure, I'll give it a try. It's a very complicated case. But basically, Ross is right now serving a double-life plus 40-year sentence at USP Florence in Colorado, which is where they put, besides the super max, their most violent offenders. And yet, all his charges are nonviolent and he hasn't a record of violence or criminal record at all. And essentially, Ross in his 20s was an ardent libertarian. He worked on the Ron Paul campaign and became very passionate about free markets. And ultimately, after designing a video game about that and not having it published, he decided to create a website that basically was intended to protect the anonymity and privacy of its users. It was product agnostic in that it was between buyers and sellers what they exchanged. They had to use the cryptocurrency bitcoin, which hardly anybody knew about then.

But there were some rules, because it was based on voluntary interaction. And so things that created victims, such as child pornography or stolen goods or violent services, were not allowed. However, otherwise, pretty much, as far as I've been told and learned, it was an open market. It was unregulated. And so ultimately, for creating this and allegedly running it – although the trial has so many flaws and Ross is pleading not guilty to that. He said that he passed it on. That can get into some weeds. But essentially, the conviction is, for running a website where other people did things that the government didn't want them to do such as buy and sell drugs, Ross was given a double life sentence plus 40 years, which is shocking and concerning for us all, this kind of excessive sentencing. So that's kind of it in a nutshell.

**WOODS:** Let's get the timeline on this. First of all, what year did he get in trouble with the law?

**ULBRICHT:** He was arrested October 1st of 2013.

**WOODS:** Okay, and then when did the trial conclude?

**ULBRICHT:** The trial took place in January and into the beginning of February of 2015. And then he was sentenced the following May of 2015.

**WOODS:** Okay, so what interests me here is — of course from a libertarian standpoint, he shouldn't even be on trial, but given that he was, it is interesting to me and I think to listeners just how many irregularities you find in the whole thing, from pretrial to all the way through to the end. And then discovering the corruption that was at work, it is a horror story. And for you to have endured that and seeing your own son endure it is just so overwhelming I can hardly put it into words. So I'd like to try and go through — I know we won't be able to probably hit absolutely everything, so first of all, people should check out — you can get the details at [FreeRoss.org](http://FreeRoss.org). That really is the information that you need, it's all there.

So let's start with — so you thought, *Oh my gosh, he's been arrested. But all right, we're going to get him a fair trial and we'll see how this goes.* Did you go into this with a kind of a — I don't want to say naiveté, but at least the reasonable expectation that the wheels of justice might at least turn impartially?

**ULBRICHT:** Yes. You know, I've always leaned libertarian and freedom, however — and so I was skeptical of the government to an extent. But I have been absolutely shocked at how I've seen it operate in this case and of course many others. And so I had my eyes opened over and over again, and I feel like what I've seen is so really concerning and frightening that everyone should care, because our justice system is so broken and our constitutional protections are being so eroded and there's so much unfairness that it really is shocking. And I've become a lot more skeptical and a lot more outraged, not only for Ross but for so many.

**WOODS:** Okay, so first of all, for six weeks he was held in solitary confinement and you were never told why?

**ULBRICHT:** We were never and he has never been told why. Maybe it's some sort of routine they do. Yeah, he was in solitary for six weeks. And then they let him out only at the bail hearing because the lawyers were saying, Hey, he can't even talk to his lawyers. His rights are being violated. And so they let him out. They didn't want that to be an argument, I guess.

**WOODS:** So bail was not an option for him?

**ULBRICHT:** Well, we had a bail hearing, and the prosecution brought up allegations of murder-for-hire and claimed that Ross was too dangerous to have bail, yet two months later, they dropped the charges. So they used those charges to keep him from having bail.

**WOODS:** I see, okay. And then let's say something about that murder-for-hire thing, because we heard about that in the news, then he was not actually charged with that, but yet nevertheless it was used against him?

**ULBRICHT:** Well, to be clear, there is an indictment in Maryland that's been there for four years unprosecuted that includes murder-for-hire allegations based on the work of Carl Mark Force, a corrupt DEA agent who provided supposed evidence of Dread Pirate Roberts, who is the pseudonym of who was running the site. And so based on

this evidence from a corrupt agent now in prison, Maryland has kept this indictment alive or at least sitting there stagnant for four years.

All other charges were dropped and it was never charged at trial, which of course brings up a lot of legal questions, because you have the right to face your accusers, you have the right to defend yourself at trial, you have the right to the protection of a jury hearing evidence. None of that happened about the murder-for-hire and they dropped it, and yet at the sentencing, the judge referenced it and used it to justify her outrageous sentence. And the Second Circuit appellate court said yes, the murder-for-hire did – we might not have used it and we might not have allowed it, but it did bolster the sentence. So essentially, they're using uncharged allegations that were never proven at trial, never brought before a jury, that Ross denies categorically, to put him in a cage for life.

**WOODS:** Now let's talk about for a minute the government's story that they tell in the case, that they're trying to put forward about Ross and who he is. Their story about Ross leaves out inconvenient facts, and it's a cartoon that they're telling. What is the government's narrative here in this case?

**ULBRICHT:** Well, and the government had a very controlled narrative in the trial for the jury. For example, the only items allowed to be mentioned that were sold on Silk Road were drugs. And that is absolutely not true. It was a wide-open marketplace that people sold art and books and raw milk and all kinds of things. But that was not permitted to be known to the jury. The jury was not allowed to know of Ross' libertarian beliefs of philosophy. It was a very carefully constructed narrative that was – and they were allowed to talk about the murder-for-hire without charging him with it. They said we're not really charging him and no murders occurred, but he did it. Yeah, just take our word for it.

And so they constructed a narrative that is of a ruthless kingpin who will do anything to defend his kingdom. And of course Ross is the total opposite, and there's a hundred letters on FreeRoss.org from people who know Ross that they submitted to the judge attesting to his character, his integrity, his compassion. And yet none of that was allowed to be known to the jury, only the very carefully controlled narrative by the prosecution. And also, by the way, the corrupt agents, that they even existed and had run of the site and the ability to do all kinds of nefarious things on the site, was not allowed to be known to the jury. They did not know those people existed.

**WOODS:** Now, there are a couple of other things that, people, it would have been nice if they had known existed. Namely, a couple of what appear to me to be fairly important defense witnesses who were prevented from testifying, particularly a bitcoin expert and a computer expert. And the rationale for not allowing them was, in the case of the bitcoin person, *Oh, the jury understands bitcoin just fine*. Yeah, I'm sure a random cross-section of Americans already understands the functioning of bitcoin.

**ULBRICHT:** Well, I mean, it's absurd. It was one of the excuses. Look, 10 out of 12 of the jury were over 40. Some of them understood some tech things. A lot of them had no clue even about technical Internet issues, never mind bitcoin. And to say that they understand it just fine and that Andreas Antonopoulos, who's an expert on bitcoin,

could not at least tell how the government's last-minute witness, by the way, who was paid \$55,000 with their tax money to come and give their version – how his testimony was flawed, how it didn't make sense, that bitcoin didn't work that way. That was not allowed to be known.

As well as the tech expert, Steven Bellovin from Columbia University, and how open source networks are open to tampering, how timestamps can be altered, how anonymous websites are unreliable in terms of identifying anyone. None of that was permitted. And the excuse for that was, *Well, this case doesn't require special technical knowledge*. These are quotes in the transcript from this judge. So many things were blocked and carefully constructed for this trial, which led to a sentence that is outrageous beyond belief.

And Ross is, by the way – I'm not the only one who knows Ross is nonviolent. His designation score, which the prison gives each inmate, would put him in a low-security, one step up from a camp, and that is including the charges, which add points. And when he arrived, they went, *What are you doing in here?* And then they looked and said, *Oh, the sentence*. Because any sentence over 30 years, someone's automatically put in with violent criminals. And so that's where they put him, even though he's totally nonviolent, even by their measure.

**WOODS:** Let me ask you about that. What is it like for him in there?

**ULBRICHT:** Well, Ross is a very – he's the kind of guy who gets along with people. He really cares about people. He treats them as individuals. He's quite personable. And he's doing okay. He's got some concerns because violence happens there. It just does. I've met wives already who, one of them, their husband was stabbed. The other one, he was beaten up and had to go to the hospital with a concussion. Things happen in there. It's just a fact of life in a maximum-security prison. And he's doing okay now last I saw him, which was this past weekend, but I'm quite concerned about it. I mean, it's something on my mind all the time.

**WOODS:** Yeah, no doubt, no doubt. How often are you able to see him or speak to him?

**ULBRICHT:** Well, it's all changed since he was moved to Colorado. It's actually better that way, and we're going to relocate to be able to see him often, because we feel it's very important for him to have visitors. So many of these guys have no one. It's so sad. Because their families are far away and the Bureau of Prisons doesn't take that into consideration where they put them. By the way, the people that decide where you go, they're called the Hotel Team.

**WOODS:** Oh, geez.

**ULBRICHT:** You can't make this stuff up, really.

**WOODS:** Yeah.

**ULBRICHT:** But they have all kinds of euphemisms – well, it's a "correctional" institute. I'm like, no, it's more like a criminal manufacturing center. You go in and you might go in fairly peaceful, and Ross of course is. But you know, you have to survive too. I mean, I'm not talking about Ross. I'm just saying in general. But anyway, we'll be able to visit him or someone will three days a week for five to six hours each day when we move, so that's a lot better, because it was only an hour a week in New York because it was a transitional facility.

**WOODS:** Right, okay, well, that is something.

**ULBRICHT:** Yeah.

**WOODS:** The longest section on Free Ross that talks about the case itself is the blocked cross-examination section, which talks a lot about the actual proceedings of the trial. And there are a lot of details in here, but as you think back on it, were there especially egregious or outrageous moments or things that happened in the actual conduct of the trial? Not things like blocking the appearance of witnesses, but as it actually played out, what were the problems?

**ULBRICHT:** Yeah, I mean, the third day of the trial, the DHS agent at the core of the investigation, Jared Deryeghiayan, had been questioned by the government for a couple of days. And then the cross-examination by the defense happened, and it was coming out through the government's own witness, Jared Deryeghiayan, a DHS agent with their own evidence, that he first of all believed there were many DPRs, that he believed that another person, was DPR, Mark Karpeles, and was going into that. He talked about how he had gotten a subpoena for Mark Karpeles' Gmail account, that he had probably cause to believe he was Dread Pirate Roberts, and that what happened was his investigation was undermined by Maryland, where the corrupt agents resided, and that DHS Maryland had a meeting with Karpeles' lawyers, because he was pursuing Karpeles, and Karpeles' lawyers said, *Hey, we'll give you a deal. You back off our client, Karpeles, and we'll give you DPR's name.* And out of the blue, two weeks later, Ross was arrested.

And what happened was the prosecution – this was all coming out in cross-examination. The prosecution leaped up and objected and objected and even argued with the judge because she was like, *Well, this is valid. This is an alternate perpetrator. This is what defense does.* And she shut down the whole thing for the day, and after a long weekend, she came back, we all came back, and she said, *No, anything about Mark Karpeles is off limits. The jury is instructed to forget anything they heard about it. It's out of the record, and you may not reference it at all going forward.* It was – and then she said, *I'm going to flag everywhere the prosecution should have objected to the cross-examination and sustain it retroactively* – which I've never even heard of.

**WOODS:** Wow.

**ULBRICHT:** Yup. It's all in the transcripts, and I'm going to be getting all those up and commented on soon, because it's – you know, but they're available publicly. It's shocking. I've had people who go to trials regularly and they said they had never seen anything like it.

**WOODS:** How much time passed between when he was found guilty and the sentencing?

**ULBRICHT:** Okay, so he's convicted February 4th of 2015, and his sentencing was I believe on May 29th of 2015.

**WOODS:** All right, so those must have been a few very difficult months also —

**ULBRICHT:** Oh, yeah, of course.

**WOODS:** — just wondering with all these different scenarios running through your mind.

**ULBRICHT:** Yeah, I mean, I'm always hopeful for — I mean, I really, frankly, Ross said to me, "I think she's going to give me life." And I said, "She won't give you life. There's no violence." I mean, when I was growing up, you didn't get life unless you were a mass murderer who was a real danger. And he said, "I think she might." And I just really didn't believe it. But she did. And double life, just in case — plus 40 years, just in case. It made headlines around the world. People were shocked. And in fact, some commenters on Reason.com said some very negative things about her, and the government issued a grand jury subpoena to *Reason* to get those people's names, presumably so they could go after those people.

**WOODS:** Wow.

**ULBRICHT:** And issued a gag order to *Reason*. And *Reason* I think resisted and stood up to them. Ultimately, they dropped it. But this was a big First Amendment issue, but they didn't like those comments about this sentence.

**WOODS:** That is unbelievable. You find yourself saying that over and over and over again about everything you hear in this case.

**ULBRICHT:** Yeah, it is. It's jaw-dropping.

**WOODS:** So why do you think they went out of their way — because obviously, if there are one or two irregularities, well, it's the government and you've got to expect that. But this is shot through with — and to call them irregularities is even to be too kind. And then of course the severity of the sentence, what do you think is the why of this?

**ULBRICHT:** Yeah, I've thought about that a lot, and I don't think it's drugs. I don't think that because, first of all, the person, Blake Benthall, who started Silk Road 2.0 — which was a copycat, exact thing, except bigger per-month sales than Silk Road of drugs — he's free. He got out in 2014. I don't know if he even did any time. I'm not sure why, but he's free. So if they think Ross is so dangerous, why is he free? Not that I think he shouldn't be, but you know, it's — Also, every drug offender who actually sold drugs, which Ross is not convicted of, the worst sentence was 10 years, and it goes down from there. So I'm pretty sure it's not about drugs.

I believe that, since Chuck Schumer was the impetus behind this whole thing and he was on the Senate Finance Committee and the Banking and Housing and Urban Affairs Committee – so very much involved with banking and finance – I think bitcoin was very alarming to them. I don't think they liked having an alternative currency out of their control.

And also, I think Tor and the privacy aspect of the Internet was very alarming. They even said in their papers in some of their motions, they said anyone who uses Tor has criminal intent. They are very much concerned about privacy. They don't want privacy on the Internet. And I think him – They even said with the sentencing, they go, *Because you were the first to use the Internet "in this way," you have to take the brunt for everyone who's done it since.*

They also claim it's a deterrent. Of course it had the opposite effect. There's more darknet markets that have much fewer restrictions than Silk Road did out there. But I believe it's to set an example. He's kind of like the head on the spike of the medieval castle, you know, that's up there and goes, *This will happen to you.* It didn't work. And I think it's about bitcoin and Tor and Internet privacy. I don't think it's about drugs at all.

**WOODS:** Tell me about the appeal, because there was an attempt to appeal the sentence and it was not successful.

**ULBRICHT:** No. And you know, the appeal from the Second Circuit, I don't think they really liked the sentence. At least that was my impression from the oral arguments. But they said that – but they still testified what the judge did partly with referencing the uncharged allegations of murder-for-hire and said, *Well, we might not have given this sentence, but she was within her discretion to do so.*

And they brought up some other issues that are very important precedents being set with this case. One is the use of general warrants to search Ross' laptop, which are the kind of warrants we fought the Revolutionary War over and wrote the Fourth Amendment over, as well as the use of warrantless pen register and trap-and-trace devices, which they basically punted it to the Supreme Court and said, *Hey, we can't rule on this. The Supreme Court needs to change this if they want to change things.* It's based on the third-party doctrine that was ruled on four decades ago based on the dial telephone, and basically, the government has free rein on surveillance because of this third-party doctrine, when in actuality of course they have access to a whole lot more information than they would with a dial telephone. But it continues to be the law until it's changed.

There were other issues that were brought up, as well. The sentence and that they again said it was well within her discretion and we can't change the law. The sentencing laws need to be changed. And you know, I will be working on all of that, but it takes time, and in the meantime, not only is Ross serving life, but there are 17,000 nonviolent people in the prisons now serving life sentences. And this has quintupled since the '80s. It didn't used to be that life sentences were quite so prolific. And this is a real concern. I mean, life sentences now are given for all kinds of things. And then if you add virtual life sentences, where someone's going to die in there with such a long sentence, you're talking about over 200,000 nonviolent people. So they're

filling the prisons to overflowing with nonviolent offenders. Over 60% of the prisons now are nonviolent, mostly drug offenders.

**WOODS:** Now that the appeal is over, what – let me just be blunt – what is there that you can do at this point?

**ULBRICHT:** Oh, well, the next step in the system is you petition the Supreme Court. So that's what Ross and his team are going to do. We're going to petition the Supreme Court.

**WOODS:** Wow.

**ULBRICHT:** That's the next step. You start running out of options, but we're not going to give up, not only for him, but there's very important issues at stake, and I've got a whole list of precedents that are potentially being set here that should concern everybody. I don't know if we have time to just touch on them, but I've touched on a few. But one of the things I think should be of interest to libertarians is that the judge used Ross' political philosophy as justification for this sentence. She said, *We know you started the site for philosophical reasons, and I'm just not sure you've given that philosophy up. And I find it troubling and dangerous that you think that there's posts on this site that call the government the oppressor.* She said this in the sentencing, and it's absolutely violating the First Amendment protections of free speech.

**WOODS:** Yeah, that's outrageous. That's another outrageous thing.

**ULBRICHT:** It is. It's opening the door for political prisoners to be sentenced in this country.

**WOODS:** Well, then tell us what you would like us to do. What can we do?

**ULBRICHT:** Well, we have FreeRoss.org. Of course all of this is very expensive, because that's one way the government blocks people from finding justice. It crushes them. We've had a lot of wonderful support. We've been able to get this far. You were so kindly, as well as Bob Murphy and many others, were on the Free Rossathon. We raised enough money to keep going here. And so that's always helpful. There's lots of ways on our site to contribute, including a tax-deductible option to a group that supports political prisoners. So that's one way.

There's an action page there. You know, I'm an older woman who's been thrust into this tech world. I'm learning, but it's like learning a foreign language. And I can always use help, volunteer help, and also contacts, because, you know, what do you do after the Supreme Court? Well, you seek help in Washington. I want to go in Washington and knock on doors of congress people. And any kind of help in opening a door or getting me an audience or any of that, any kind of contacts would really be good. I had spoken briefly to Senator Mike Lee at Freedom Fest, and he said – I asked him a question about what can I do. And he said, *You know, statistics, they're hard to relate to, but you're someone who's credible. Congress needs to see your face and hear your story.* And I'm like, okay, that's what I – I need to get the attention of people who can actually change things.

And unfortunately, we are somewhat constrained, not losing sight of the moral issues here of putting people in cages for basically victimless crimes, but as well, though, being practical, that we need to get some help from Congress, the government. I think what Michael Boldin's doing that he talked about on this cruise was so good, the Tenth Amendment issue with states and talking to states about taking a stand against this expanding federal government that's becoming more and more draconian.

**WOODS:** So FreeRoss.org is where to go. As I said, this must be – I mean, geez, I've got five girls and I would just – I know – well, I don't know the pain that you're feeling, but at least I'm on the wavelength where I could imagine it.

**ULBRICHT:** Yeah, it is. It's very, very tough emotionally, physically, mentally, all of that. Ross is worth fighting for. He's a good person. He's really quite an exceptional person. And I love him very deeply, and I can't just not do anything, right? And it's kind of opened up – it's taken on a life of its own, especially as I meet other families who are suffering and hear other stories and see the abuses. And so it's become a greater cause, as well, to speak out not only for us, but for them. It has taken its toll. I won't deny that. But it's also – I see it as an opportunity and really almost a duty. I've been put in this position, foisted into it. But at the same time, I feel like it's for a reason, and I do ultimately see this fight for our freedoms worldwide as a battle of good and evil. I do see it that way, and we all need to step up and do what we can or we're going to lose it.

**WOODS:** Well, listen, after we go off the air, I'm going to ask you a quick thing about somebody maybe you know and see if there's anything we can do to help.

**ULBRICHT:** Sure.

**WOODS:** But anyway, listen, this is a message to the listeners here. I recommend a lot of websites. We talk a lot about – I talk about a guest's website and I say if you want to learn more, you should go here. But this time, I really, really, really, super-duper mean it, that you really should go to FreeRoss.org and read about this. And as we've said, this is about more than just one person, as valuable as that person is. This is something that should be of concern to everybody, and it's a cause that it's not that difficult to bring people onto because there are so many miscarriages of justice, you can barely catalog them. We should be aware – just when you think you know how rotten the state can be, well, you thought you knew, but wait till you see what's at FreeRoss.org. You really, really owe it to yourself and to Lyn, frankly, who's been doing wonderful work really not just for Ross, but for all of us out there talking about all this stuff. Do check it out at FreeRoss.org. Any final word you'd like to share?

**ULBRICHT:** Well, thank you so much for that, Tom. The support of people like you and others has brought us to this point. We couldn't do it without that support. And I do believe we're at a tipping point in history. I think the courts are grappling with a lot of this 20th-century law being applied to the digital age, and they're trying to figure it out, and the results of cases like this, which are going to set precedent, is going to impact all of us going forward. There's a crossroads in history. We're going to take either the way towards more government intrusion and oppression and control, or the other way towards more innovation and freedom. And it's happening right now at the crux of that crossroads in the courts, and so it is an important case and we're going to

do everything we can to push back on losing our constitutional protections and putting people in cages for victimless crimes.

**WOODS:** Well, Lyn, thanks so much for your time, for your heroic efforts. I'm so sorry you have to exert yourself in this way, but as I've said, one thing about my mom I know is that, if I were ever in this situation, she would be a Lyn Ulbricht, which is about the best compliment I can pay her. So again, thanks so much.

**ULBRICHT:** Thank you, Tom.