

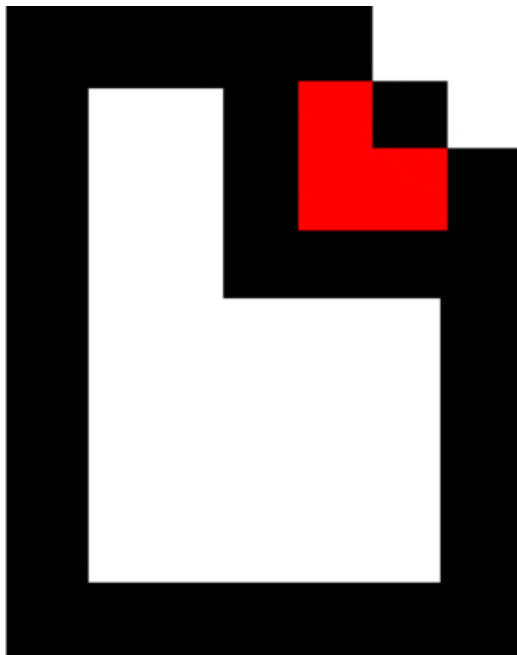


US & WORLD

# US wants \$10,000 from Lavabit owner for dodging order for Snowden's email

By [Adrienne Jeffries](http://www.theverge.com/users/adrienne) (<http://www.theverge.com/users/adrienne>) on November 13, 2013 09:11 am Email (<mailto:adrienne@theverge.com>) @adrjeffries  
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Ladar Levison, owner of the secure email provider Lavabit, did everything he could to frustrate the government's attempt to access real-time data on National Security Agency (NSA) leaker Edward Snowden's messages.

That included slipping out the back door of his apartment and driving away when the feds showed up with a subpoena; turning over encryption keys as an 11-page printout in 4-point font (<http://www.theverge.com/us-world/2013/10/2/4796292/lavabit-fought-government-surveillance-with-tiny-font>); and ultimately [shutting down his business](http://www.theverge.com/2013/8/10/4608664/lavabit-founder-closed-his-secure-email-service-to-protect-the) (<http://www.theverge.com/2013/8/10/4608664/lavabit-founder-closed-his-secure-email-service-to-protect-the>) so the FBI would have no data to collect.

Levison was held in contempt of court and fined \$5,000 for every day he did not turn over the keys after the FBI installed a monitoring device on his servers. Without the keys in a "usable electronic format," the FBI could not read any of the data it was collecting.

Levison waited two days, racking up \$10,000 in sanctions, then turned over the keys and immediately shut down his company. He's appealing the fine now, arguing that requesting

**LEVISON WAS HELD IN CONTEMPT OF COURT**

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a master set of encryption keys was excessive if the FBI only wanted to monitor one user.

He also claims the order violated the Fourth Amendment and clashed with his business model, which promised users a secure email service. The government's attorneys say these arguments are invalid on appeal because they were not raised in a lower court.

In a brief filed yesterday, the Justice Department argues that its surveillance order was lawful and not unduly burdensome, and therefore Levison should have complied:

The pen/trap order and the search warrant issued by the district court were plainly lawful. The information used by Lavabit to encrypt communications on its systems, what has been referred to as SSL or encryption keys, was both necessary to the installation and operation of a lawfully ordered pen register/trap and trace device as well as subject to disclosure pursuant to 18 U.S.C. § 2703. As such, it was within the district court's power to compel the production of those keys.

Furthermore, the government argues that data would be electronically filtered "without reaching any human eye," ensuring that only the information requested in the warrant would be collected.

A \$10,000 fine actually seems like a small price to pay given Levison's shenanigans and the high profile of the target, who is not named but is almost certainly Snowden. Unless some additional charge is forthcoming, Levison may set a precedent for civil disobedience in the age of electronic surveillance — especially since he was able to **raise \$100,000** (<http://www.theverge.com/2013/8/16/4627278/lavabit-raises-100k-for-defense-fund-as-it-prepares-for-legal-showdown>) for his legal defense fund.

VIA WIRED

SOURCE

US APPELLATE BRIEF ([HTTP://WWW.DOCUMENTCLOUD.ORG/DOCUMENTS/825107-LAVABIT-GOVERNMENT-REPLY-BRIEF.HTML#TEXT/P1](http://www.documentcloud.org/documents/825107-LAVABIT-GOVERNMENT-REPLY-BRIEF.HTML#TEXT/P1))

IMAGE CREDIT LAVABIT (THE FULL WIKI) ([HTTP://WWW.THEFULLWIKI.ORG/LAVABIT](http://www.thefullwiki.org/LAVABIT))

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or they could just take that from our taxes, like usual.

Nov 13, 2013 | 10:22 AM (#197152011)

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This guy, along with Snowden, is an American hero.

lov 13, 2013 | 11:26 AM (#197163243)

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If Lavabit hadn't been shut down, I would be using it right now. Just because of the guy who owns it. In fact, if I had 5 grand, I would give it to him on the condition that he mail it to the President with the memo "Anything else you want? My arms, so I can just walk around talking and doing nothing? Like everyone in the government?"



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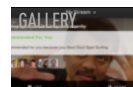
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