EXHIBIT 11

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA	:	14 Cr. 68 (KBF)
- against -	:	
ROSS ULBRICHT,	:	DECLARATION OF TIM BINGHAM
Defendant.	:	

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TIM BINGHAM, pursuant to 28 U.S.C. §1746, hereby affirms under penalty of perjury:

1. I have worked for over twenty years in the field of addiction and mental health, and currently work in a variety of settings, which include delivering workshops and training courses to community projects on a diverse range of topics such as Motivational Interviewing, Brief Interventions, Harm Reduction, and others. I am an experienced Privileged Access Interviewer, and use these skills to reach and interview drug users for use in my own independent research and training.

2. My published work has appeared in numerous journals and conferences, including the International Journal of Drug Policy and the International Journal of Mental Health and Addiction. In addition, I recently co-authored a policy brief for the Global Drug Policy Observatory, addressed to the evolution and operation of hidden online markets and providing comparisons to traditional drug use frameworks. I also lecture at University College Cork (UCC) and other universities in Ireland, on a visiting basis.

3. I obtained a Bachelor of Arts, with Honours, in Applied Addiction Studies, from Athlone Institute of Technology in 2010, as well as Diplomas from UCC in the areas of Psychology of Criminal Behaviour and Youth and Community Work. I am also Ireland's Sub-Regional

Coordinator for the European Harm Reduction Network, through my work as Coordinator of the Irish Needle Exchange Forum, and I served as an Expert Contributor for the Internet Drugs Market Trend Spotter Seminar held by the European Monitoring Centre for Drugs and Drug Addiction.

4. Between September 2012 and August 2013 I conducted research both on and surrounding the Silk Road website regarding the user experiences of vendors and consumers on Silk Road. In order to prepare to conduct my research I spent six months simply navigating the Silk Road site and actively participating in the Silk Road forums. Once we were ready to formally begin data collection, I requested and received permission from the website administrator, Dread Pirate Roberts, to undertake research as to members' experiences and to upload information and recruitment threads to the site's forums. The study was undertaken as part of a longitudinal Silk Road site monitoring exercise which involved three phases: a holistic single case study with a Silk Road member; an integrated study of systematic site monitoring of forum activity and online interviewing of a cohort of Silk Road customers; and an interview study of vendor experiences of retailing on the site.

5. My research formed the basis for the following three papers, which I co-authored with Dr. Marie Claire Van Hout, and which were published in the International Journal of Drug Policy between mid-January and late October 2013:

- Hout, M.C.V., & Bingham, T., "'Silk Road,' The Virtual Drug Marketplace: A Single Case Study of User Experiences," *International Journal of Drug Policy* (January 14, 2013), http://dx.doi.org/10.1016/j.drugpo.2013.01.005, attached as Exhibit 1 to the Declaration of Lindsay A. Lewis, Esq.;

- Hout, M.C.V., & Bingham, T., "'Surfing the Silk Road:' A Study of Users Experiences," *International Journal of Drug Policy* 24 (August 30, 2013) 524 -529, http://dx.doi.org/10.1016/j.drugpo.2013.08.011, attached as Exhibit 2 to the Declaration of Lindsay A. Lewis, Esq.;
- Hout, M.C.V., & Bingham, T., "Responsible Vendors, Intelligent Consumers: Silk Road, the Online Revolution in Drug Trading," *International Journal of Drug Policy* (October 27, 2013), http://dx.doi.org/10.1016/j.drugpo.2013.10.009, attached as Exhibit 3 to the Declaration of Lindsay A. Lewis, Esq.;[1]

6. As established by my research, and set forth in the above-cited papers, I have reached the following conclusions about the Silk Road website:

a. the Silk Road website operated more similarly to "Ebay" than street drug markets by way of vendor and buyer ratings of drug products, and feedback on quality of transactions, speed of dispatch and profile of drug products;

b. in contrast to street drug markets, the Silk Road site operated a professional dispute resolution mechanism to resolve disputes between buyers and sellers as well as forums dedicated to drug safety and harm reduction practices;

[1] I also authored other pieces, including "The Rise and Challenge of Dark Net Drug Markets," with Julia Buxton, which deal with Dark Net Drug Markets more broadly, in contrast to these papers which focused exclusively on Silk road and my research as to the user experiences of vendors and consumers on the site. *See e.g.* Buxton, Julia & Bingham, T., "The Rise and Challenge of Dark Net Drug Markets," *Policy Brief 7, Global Drug Policy Observatory, Swansea University* (January 2015), http://www.swansea.ac.uk/media/The%20Rise%20and%20 Challenge%20of%20Dark%20Net%20Drug%20Markets.pdf.

c. vendor authenticity and commitment to providing quality goods was controlled by the purchasing of new vendor accounts through auctions to the highest bidder;

d. while perhaps the largest of its kind, Silk Road was not the first site which offered Internet drug sourcing. For instance, in conducting our single case study, the findings of which were published in January 2013, our participant – a 25-year-old male in professional employment who had commenced using drugs at age 15 and whose drug use included use of cannabis, ecstasy, cocaine, and hallucinogens – recalled increased awareness of the possibilities of Internet drug sourcing in 2010 via his use of social media with various sites appearing to offer a legitimate, safe, opportunistic channel for sourcing a variety of drugs. He described Silk Road as the only trusted place to get both information on the available drug products and in contrast to street purchasing, the opportunity to receive quality products.[2] Overall quality of consumer experience and assistance in product and vendor decision-making was supported by visible online vendor reviews, vendor accountability, buyer-vendor negotiations and resolution modes;

e. the single case study also led to certain observations about the cyber communities that ultimately formed on the Silk Road site. As per my research, cyber communities appeared to provide a series of "nested support systems" which in turn fuelled information sourcing and exchange, user connectivity, identification of trusted and reliable sourcing routes, and mutual user supports. Accordingly, the single case study

[2] While this user and others I have come across in my research also found that Silk Road provided them the opportunity to try drugs they would otherwise not have known to try or had access to, this adverse factor is overridden by the fact that Silk Road simultaneously provided such users the chance to source drugs from vendors located in countries renowned for producing quality forms of the drugs they sought to purchase as well as the other facets of the site's harm reduction ethos. Moreover, even with an expanded drug horizon available for purchase, participants on the whole remained loyal to street drugs based on their customer purchase portfolios.

we found held some promise in illustrating Silk Road's capacity to encourage harm reduction within a very hard to reach drug using population, considering the lack of scientific knowledge around pharmacological properties and toxicity of available substances on the net;

f. following the single case study, we embarked on a case study of multiple Silk Road members which revealed additional information as to makeup of Silk Road drug users and their experiences on the site. Observational data revealed that Silk Road users were predominantly male and in professional employment or tertiary education. In addition, participant drug trajectories ranged from 18 months to 25 years, with popular drugs including cannabis, mephedrone, codeine, cocaine, nitrous oxide, MDMA, 2C-B, ketamine, heroin, LSD, amphetamine, NBOME, methylone, benzodiazepines, methamphetamine, morphine, PCP, 2C-I, and psilocybin. In my many months of interacting with users on the Silk Road site, I did not encounter a single customer whose first drug purchase was on the Silk Road website. Patterns of drug use were described as typically recreational and confined to weekend consumption. Several participants in the study described themselves as "pyschonauts," defined as a persons who intelligently experiment with mind-altering chemicals, sometimes to the extent of taking exact measurements and keeping records of experiences. Few participants reported daily drug use;

g. while the majority of participants reported commencing internet drug sourcing and purchasing on Silk Road and happening upon it by chance, with little prior experience of cyber drug retailing prior to 2011, several drug sites were described as popular resources for Silk Road members, *i.e,*, Erowid, Bluelight, Shroomery, Pill Reports,

Pharmacy Reviewer, Gwern and OVDBer. These sites along with the Silk Road forums were observed as useful in providing informative "trip reports," and assisting individuals with questions about optimum dosage, lab testing and harm reduction practicalities;

h. participant reasons for accessing and using Silk Road appeared centered on the site's anonymity, its member forums, the wide variety of products advertised, its transaction system supported by dispute resolution modes and vendor feedback ratings. Users also expressed concern for poor drug quality in their locality and fears for personal safety when buying drugs in the street. Observational site data further revealed member comments around the avoidance of adverse health and social consequences associated with street drug sourcing when purchasing drugs on Silk Road;

i. those participants with purchasing experience on the Silk Road commented on the perceived levels of insular trust within the Silk Road member communities, which assisted them in consumer decision-making and openly contrasted with the unknowns associated with street drug-dealing. For instance, according to one Silk Road customer who had stopped purchasing drugs elsewhere, "[t]his type of market significantly lowers the chances of a scam or buying contaminated products. Like Amazon or eBay, I have a market of sellers to choose from and product reviews to satisfy my own requirements before I purchase. A street market in comparison is based on a 'take it or leave it' approach which gives no rights to a buyer. This form of regulation ensures safety and harm reduction for the buyer;"

j. moreover, while some participants interviewed indicated that they would never go back to sourcing drugs from the street after turning to Silk Road, I also did not encounter any Silk Road user who would have stopped purchasing drugs entirely if unable to do so on Silk Road. Some Silk Road users, in fact, indicated that while Silk Road had for the most part replaced their local street dealer, a few used street and closed market (friend and peer networks) sourcing when waiting for Silk Road products to arrive;

k. in addition, observational data as to the users on the site revealed an active forum community. The usefulness of the Silk Road forums was emphasized in providing information, product and vendor reviews, transaction feedback, forums for harm reduction, tutorials, guides, and book/film reviews. One participant described the site as a "great community with lots of information." Comments were made about member education and know how, with forum participants appearing well read and well informed about drug use, with members sharing advice, stories, experiences and general chit chat;

l. many comments centered around a perceived sense of "belonging" in the Silk Road community. This occurred irrespective of whether members were purchasing or only accessing the forums. Thus, risks and harms traditionally posed by illicit open and closed drug markets were replaced by insular online communities interacting within Silk Road's built in quality of information exchange, where protected by screen pseudonyms and anonymity, members could converse freely about their drug use. In this way Silk Road as novel technological drug subculture, potentially minimized drug-related stigma by reinforcing as sense of community;

m. along these same lines, site forum postings also included member support for those requiring assistance in quitting their drug habit. As one user described it, "[t]he community is awesome here. There is a Drug Safety forum. The whole philosophy behind the place is that if you want to put heroin in your body, go ahead. But hey, if you want to get off that nasty drug, we're here to help you too. It's not like real life where street dealers might coerce you into keeping your addiction;"

n. based on my study of multiple users I therefore concluded that Silk Road forums, both for purchasers and for those who had not yet purchased, appeared to act as an information mechanism for the promotion of safer and more acceptable or responsible forms of recreational drug use. Likewise, Silk Road's member subcultures offered a viable means of enmeshing safer drug use and encouraging hard reduction amongst a very hard to reach and informed drug-using population;

o. my research revealed a similar ethos among drug vendors. As with Silk Road buyers, participants in a study of Silk Road vendors described themselves as possessing a personal interest in the intelligent and responsible use of drugs.[3] All reported intense use of the internet to research drug information and use of sites like Erowid, Bluelight, and Topix—the same sites Silk Road buyers had frequented. As with purchasers on Silk Road, vendors commented on the supportive safety net provided by member communication via TOR messaging and in Silk Road forums;

[3] Of the ten vendors that participated in our study, nine were male. They ranged in age from 25 to over 50. Four participants reported being in fulltime employment, one reported part time employment, one was in tertiary education, and four participants were unemployed. Only two out of ten participants had not sold drugs prior to becoming vendors on Silk Road.

p. from a vending perspective, Silk Road's harm reduction ethos appeared centered on informed consumerism and responsible vending by availability of high quality products with low risk for contamination, vendor-tested products, trip reporting, and feedback on the vending infrastructure. Quality of drug products sold was ensured by use of proper reagents, lab work and analytics, personal research and testing, freebie testing by long term customers, feedback from other vendors, and sourcing from reliable suppliers;

q. several vendors also cited the lack of personal safety involved in street sales as a reason for vending online. As one stated, "[t]he street market is more risky for everyone. It doesn't have feedback or rating available for every buyer to read. You are more likely to be involved with people who might not be concerned in your welfare,"

r. however, for the vast majority of vendors, Silk Road's libertarian ethos and embedded online culture appealed to them in terms of its revolutionary ethos and mechanism for the responsible vending of personally tested high-quality products, informed consumerism, and controlled safe retail infrastructure;

s. ultimately, drug markets are incredibly resilient and adaptable to changes in the environment, market driven, law enforcement, and otherwise. Challenges do exist in disembedding drug markets, and are reliant on the complexities of relationships between vendors, markets, and communities, both online and in reality. Operating on Silk Road appeared to present vendors and consumers with a novel way to circumvent drug market violence and create distance between vendor and buyer. The drug trade represents a key cause of violence, particularly in urban settings, and

especially as a means for individuals and groups to secure and maintain market share. One of the more positive side of Silk Road was that it prevented such violence, in addition to its general harm reduction ethos.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. 28 U.S.C. §1746. Executed May 14, 2015.

TIM BINGHAM