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Alleged Silk Road Creator's New Lawyer Defended Guantanamo Detainee, NSA Target

For an attorney who's spent a career defending some of the most high-profile terrorism cases, a client accused of merely running a billion-dollar online narcotics market and money-laundering scheme may be a welcome change.

New-York-based lawyer Joshua Dratel has been hired to defend Ross Ulbricht, the 29-year-old man [arrested earlier this month and accused of creating and managing the Silk Road](#), the anonymous online black market for drugs that generated as much as \$1.2 billion in Bitcoin-based sales according to the FBI's criminal complaint against him. Ulbricht has until now been represented by San Francisco-based public defender Brandon LeBlanc, but is expected to be extradited this week from San Francisco to stand trial in New York.

Reached by phone at his office, Dratel declined to share many details about the case, but reiterated the statement made by Ulbricht's public defender in San Francisco last week that Ulbricht denies the charges against him. "When the discovery process begins, we'll develop a more articulate strategy," Dratel says. Until then, he calls the prosecution's criminal complaints against Ulbricht "naked allegations" without formal evidence, which "in my business are meaningless."

"From what I've heard I feel pretty good about the case," says Dratel. "Part of the reward [of being a defense attorney] is taking a case that's defensible. That's one of the reasons this case is attractive."

"Among the people I've spoken to who know him in any way, all are firm in



Ross Ulbricht's newly-hired defense attorney, Joshua Dratel (right) at a New York University Center for Law and Security event in 2010.

their belief that Ross is not guilty of the charges,” Dratel later added.

Dratel says he’s not taking the case pro bono, and that a defense fund is “in the works.” He wouldn’t comment on whether he’d been in contact with the [Ross Ulbricht Defense Fund](#) established earlier this month, which has so far raised around \$776 in Bitcoin donations.

If Ulbricht were to be convicted, the charges against him could potentially carry a sentence of as much as life in prison. On top of his narcotics and money-laundering conspiracy charges, the young man who was allegedly [known as the Dread Pirate Roberts within Silk Road’s bustling e-commerce community](#), is also [accused of paying for the attempted murder of both a potential witness against him and a blackmailer who threatened to reveal the identities of Silk Road customers](#).

Even so, some of clients Dratel has taken on since graduating from Harvard Law School in 1981 have faced far more serious allegations. In 2001, Dratel defended Wadih el Hage, an Al Qaeda associate convicted of helping to orchestrate the bombings of U.S. embassies in Kenya and Tanzania that killed 224 people. Two years later, Dratel also took the case of Australian David Hicks, who was tried in Guantanamo Bay as an enemy combatant accused of fighting for the Taliban in Afghanistan—and claimed to have been tortured during his time in detention—which made Dratel the first civilian attorney to defend a Guantanamo case.

More recently, Dratel is also currently serving [as the defense attorney for Basaaly Moalin](#), a Somali immigrant cab driver living in San Diego who has in the past months become one of the National Security Agency’s favorite examples of alleged national security threats discovered with domestic phone record surveillance. The NSA claims that its controversial Patriot Act-enabled collection of millions of Americans’ cell phone records allowed it to discover that Moalin had allegedly sent \$8,500 to the Somali terrorist group Al-Shabaab, which most recently killed 72 people in an attack on a Kenyan shopping center. Dratel was also [hired by Katherine Russell](#), the widow of Boston Bomber Tamarlane Tsarnaev, though no charges have since been filed against her.

“Defending a terrorist is a very complicated situation to get into, and he does it over and over,” says Karen Greenberg, director of the Center on National Security at Fordham Law School, who with Dratel co-edited both the *The Torture Papers*, an award-winning book published in 2004 that collected government documents revealing American torture policies. She calls Dratel “incredibly intelligent and educated, and committed to the right of defendants.

“He’s chosen to be the person testing the power structure,” Greenberg says. “That’s how he thinks of himself, standing up to it.”

Dratel has taken on cases in the online realm, too. He served as a U.S. legal expert in the case of British hacker Gary Mackinnon, whose extradition to the U.S. was sought after he allegedly hacked into American military and NASA computers in 2001 and 2002. And Dratel also defended Richard O’Dwyer, another Brit sought for extradition for copyright infringement after he created the website TVshack.net, which linked to pirated streaming videos online.

None of those clients seem to offer an exact parallel to the case of Ulbricht, who the Department of Justice says earned as much as \$80 million in Bitcoin commissions from his Silk Road black market, and hid its location as well as

users' identities with the anonymity software Tor. But Dratel says he's eager to start delving into the case's details. "I like the challenge of these new issues, whether it's Bitcoin or Tor," he says. "It merges with some of the other things I'm doing on the NSA. And it's a fascinating case."

Reporting contributed by Kashmir Hill in San Francisco.

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