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## Security

# Judge orders FBI to reveal whether White House launched 'Tor pedo' torpedo exploits

## Alleged Playpen perverts win a concession

25 Oct 2016 at 00:56, [Richard Chirgwin](#) 64

A US judge overseeing an FBI "Playpen case" has told agents to reveal whether or not their investigative hacking was approved by the White House.

The case is one of several the Feds are pursuing against more than 100 alleged users of the child sex abuse material exchange network called the Playpen. The prosecutions have become test grounds over investigators' use of hacking tools to unmask Tor users – Playpen was hidden in the Tor network and agents injected tracking software into Playpen visitors' browsers to identify users.

In June, a judge hearing one of the Playpen cases in Virginia ruled that the FBI can [hack any computer](#) in any country, if it wants.

During its investigation, the FBI compromised Playpen's Tor-protected distribution servers, leaving them in operation to keep users visiting the service. The Feds then hacked the targets' computers to identify the owners.

Three defendants in a Washington case – David Tippens, Gerald Lesan, and Bruce Lorente – are challenging the legality of the G-mens' techniques in the case.

In an [order](#) filed October 24 in Tacoma, Washington, the defendants have landed a partial win. While some of their discovery requests have been denied by US District Court Judge Robert Bryan, the judge has ordered that the FBI tell the court whether or not its use of "Network Investigative Techniques" (NITs) was okayed by the White House.

The defendants had asked the court to order discovery about whether the exploit used in the Playpen operation was submitted to the White House's Vulnerabilities Equities Process (VEP), and what decision the VEP made.

Judge Byran ruled that as it was framed, the request relating to the VEP was too broad to be allowed. However, rather than ditching the request outright, the judge says the "The Government should inform Defendants and the Court in a brief memorandum or similar format two issues: (1) whether the "exploit used in the Playpen operation . . . [was] submitted . . . to the [VEP]," and (2) the decision or outcome, if any, made by the VEP. If answering these two simple questions requires the Government to reveal classified information, the Government may make a showing to persuade the Court of proposed limitations."

*The Register* expects between now and Friday, when the FBI has to file its memorandum, there will be a counter-filing.

The Playpen investigation also sparked last year's controversy over Carnegie-Mellon University's part. It was accused of revealing de-anonymisation research to the FBI in 2014, and [last November said](#) it wasn't paid for the research, but rather, served with a subpoena. @

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