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AnonymousEmail.com Sues Attorney General Alberto Gonzales to Enjoin Enforcement of the New 'Annoyance Law'

SCOTTSDALE, Ariz.--(BUSINESS WIRE)--Feb. 7, 2006--TheAnonymousEmail.com, operated by The Suggestion Box Inc., continues its efforts to support freedom of anonymous speech on the Internet by challenging as unconstitutional the new "Annoyance Law."

On Jan. 5, 2006, President Bush signed into law The Violence Against Women and Department of Justice Reauthorization Act of 2005 (the "Act"). Section 113 of the Act made a technical amendment that essentially added electronic communications through the Internet (e.g. email) to the scope of communications affected by an existing criminal statute, 47 U.S.C. 223 (the "Annoyance Statute"). Among other things, the Annoyance Statute imposes criminal penalties upon anyone who sends an anonymous communication with an "intent to annoy." Now, with the recent technical amendment, anyone who sends an email with an intent to annoy could be subject to criminal penalties. The Annoyance Statute does not define "annoy."

TheAnonymousEmail.com advertises and provides services through which persons can send anonymous emails for a variety of personal and business-oriented needs. Under the Annoyance Statute, TheAnonymousEmail.com could become subject to criminal penalties where it knows that persons use its facilities to send emails that could be deemed to have been sent with an intent to annoy. Although the Annoyance Statute provides for a limited defense, this defense becomes unavailable to any person who advertises the availability of anonymous communications prohibited by the Annoyance Statute.

Because of the uncertainty under the Annoyance Statute as to its criminal liability for advertising and providing anonymous email communications, TheAnonymousEmail.com has challenged the Annoyance Statute as being unconstitutional on its face and as applied to it. TheAnonymousEmail.com has also challenged the Annoyance Statute as a user of anonymous email communications. It alleges that the Annoyance Statute violates the First and Fifth Amendment right to communicate anonymously. It also specifically alleges that the Annoyance Statute violates the First and Fifth Amendment as unconstitutionally vague.

Howard R. Baer, president of The Suggestion Box Inc., stated, "It appears that this law slipped under the door and nobody in Congress with any common sense looked at it. I'm also the chairman of a public company and the Sarbanes-Oxley Act, passed by this same Congress three years ago, requires me to provide for 'the confidential, anonymous submission by my employees any concerns regarding questionable accounting or auditing matters.' The new 'annoy' law essentially requires the exact opposite. Basically, if someone files a complaint under the SOX act accusing the president of a public company of wrongdoing and the president believes it was sent to annoy him, the accuser can be thrown in jail for two years under the 'annoy' law. This new version of the 'annoy' law appears to completely contradict the intent of the Sarbanes-Oxley Act and violates our First and Fifth Amendment rights."

Chicago-based Mudd Law Offices will be representing The Suggestion Box Inc. as lead counsel. Charles Lee Mudd Jr., lead counsel, has experience in representing individual and corporate clients in litigation involving the Internet and electronic communications.

Charles Lee Mudd Jr. stated, "The statute at 47 U.S.C. 223 always had ambiguity and vagueness issues, particularly with the undefined term 'annoy.' However, the recent amendments to the statute exponentially increase the application of the statute and all of its deficiencies considering the sheer number of electronic communications sent each and every day. Without any guidance on what 'annoy' might encompass or how one would define and determine an 'intent to annoy,' the statute unconstitutionally chills protectable anonymous speech. The 'Annoyance Law' is without question unconstitutional on its face and must be ruled as such."

On Feb. 6, 2006, The Suggestion Box Inc., through its legal counsel, filed a complaint seeking declaratory judgment in the United States District Court, District of Arizona. "My client, The Suggestion Box, Inc., had no choice but to file suit and seek an order declaring 47 U.S.C. 223, the Annoyance Statute, unconstitutional with respect to the term 'annoy.' My client has no means of gauging whether its conduct violates the statute or whether its conduct exempts it from the statute's defenses. It has no basis on which to guide its customers. It's in the business of providing a valuable tool to individuals, as well as businesses, in which to communicate anonymously and foster

free speech on the Internet. The 'Annoyance Statute' has cast significant ambiguity on the legality of its business and its customers communications."

Christopher T. Whitten, of Phoenix-based Whitten and Berry, PLLC, will serve as local counsel for The AnonymousEmail.com in this litigation.

TheAnonymousEmail.com is operated by The Suggestion Box Inc., a privately held corporation headquartered in Scottsdale, Ariz. TheAnonymousEmail.com was created as a new vehicle of self expression. In the spirit of the First Amendment, it aspires to extend the freedom of speech to everyone, without forcing anyone to identify themselves.

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