

Anti-online annoyance law may have no legs

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At first it seemed like an Internet hoax. "There is a new law against annoying someone on the Internet, but it can be repealed if you forward this to 25 people." If you ask prominent online community leaders, the real law is about as legitimate as that.

"This is an example of the usual reactions that happen when politicians get involved in technology that they don't understand," said Drew Curtis of Fark.com.

"I do think there are going to be some large hurdles to overcome," said YTMND.com's Max Goldberg.

"I'm very hopeful that not much will come of this," said Kurt Opsahl, Electronic Frontier Foundation staff attorney.

Last Thursday President Bush signed into law the Violence Against Women and Department of Justice Reauthorization Act of 2005. Included in the law is a clause that outlaws anonymously using the Internet "with the intent to annoy, abuse, threaten, or harass."

"The law is different from the final versions of the bill in the House and Senate," Opsahl said. "It was a bill addressing a lot of other things, and this part was slipped in."

The chief problem with the law, Opsahl said, was the word 'annoy.'

"The word covers a much wider range of speech than threats," Opsahl

said. "It goes beyond the cyber-stalking that proponents were worried about."

Curtis, whose Fark.com is a popular community to discuss various types of news, said the law merely addresses things that already have been settled legally.

"It's not illegal to be annoying in the United States," he said, "and physical threats are already illegal."

Matt Cerrone, proprietor of baseball blog and community site Metsblog.com, said the law's terminology is too vague to be understood.

"A clearer definition of the technology it applies to, as well as the definition of 'annoy,' is vital to the true heart of the law," Cerrone said. "As it is, without these clarifications, it comes extremely close to violating First Amendment rights."

First Amendment rights are precisely the reason the law may not stand up, Opsahl said.

"The courts historically have been very protective of the right to speak anonymously," he said.

Curtis concurred.

"The first time it gets taken out for a spin, it will get shut down legally," he said.

Opsahl said that even if the law is not enforced, it may have a chilling effect on speech.

"People may feel they cannot express their thoughts anonymously," he

said. "Fear of this law might stop them from engaging in dialogue."

Goldberg echoed his concern.

"There are a lot of things people say using the anonymity shield of the Internet," he said, "and I hope that the law doesn't spill over and cause people to not voice their opinions."

Opsahl noted that America was founded on the sanctity of anonymous criticism.

"Ben Franklin wrote under a pseudonym in a way that probably annoyed the established British government," he said.

Aside from the new law, each community site has personal standards for the type of commenting that is and isn't allowed.

Curtis said he deletes comments that are not consistent with the thread of discussion, in order to keep the discussion on-topic. He also deletes unauthorized sharing of another user's personal information as well as any discussion of killing the president.

"Secret Service men read my site," he said. "That must be quite a job."

Goldberg said when users complain of harassment, "my policy has always just been to delete (the offending posts), even if they did fall under free speech."

Goldberg said that when his site first started, he allowed users to say and do anything that wasn't illegal. Now, he occasionally deletes racist or gruesome content.

"As time goes on, I think my patience for free speech has dwindled

somewhat," Goldberg said.

Cerrone, like Curtis, aims to keep discussion as on-topic and insult-free as possible.

"Should a reader personally attack a fellow reader, in anyway, the reader's IP address will be banned from posting," Cerrone said.

"Swearing, racial slurs, violent remarks and hateful comments ... do not belong on a Web site about baseball."

Cerrone noted that the money-making aspect of his site can have an effect on the way he runs it.

"I consider myself a libertarian, so I am not a fan of banning people on the grounds of what they say," he said. "However, I am also trying to run a business that is sustained on advertising, and advertisers are less likely to pay a site that features racial slurs and violent content."

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