

Comcast reveals subscriber in online comments case

August 21 2015, by David Mercer

Comcast Cable Communications has given a northern Illinois politician the identity of an Internet service subscriber whose account was used to post an anonymous comment online suggesting the politician molests children.

Comcast turned over the name of the subscriber on Aug. 14, attorney Andrew Smith said Thursday, almost two months after the Illinois Supreme Court upheld lower court rulings that Internet service providers have no obligation to withhold the identity of a commenter if their comments could be considered defamatory.

The U.S. Supreme Court declined to take up the case, which has played out in an environment of increasing concern about potentially damaging online comments made by anonymous Internet users. Experts generally agree that Internet commenters should know their identity won't be protected if their comments cross the line into defamation.

In the case, the commenter using the identity "Fuboy" was responding to a 2011 article in the Freeport (Ill.) Journal Standard about now-Chairman Bill Hadley's candidacy for the Stephenson County board.

"Hadley is a Sandusky waiting to be exposed. Check out the view he has of Empire (Elementary School) from his front door," the commenter wrote. The comment was a reference to former Penn State football coach Jerry Sandusky, who was convicted of numerous counts of child sex abuse in 2012.

A Stephenson County court, a state appellate court and the Illinois Supreme Court have all agreed the commenter's identity wasn't protected. The U.S. Supreme Court on Aug. 7 declined to take it up.

According to a letter sent from Comcast to Smith and obtained by The Associated Press, the Comcast subscriber is Franklin Cook of Freeport.

Hadley, a 57-year-old retired corrections officer, said Thursday that he was relieved but particularly angry given that he knows Cook, a Freeport attorney, from previous county business.

"I know him, and I'm very disappointed," Hadley said, estimating that he's spent \$36,000 so far trying to learn Cook's [identity](#). "This has been a nightmare for me."

Smith said he now intends to name Cook as the defendant in Hadley's lawsuit and continue to pursue a civil defamation case against a man Smith claims has "been hiding in the shadows for three and a half years."

An attorney for Cook acknowledged that Cook owns the account. But the attorney, Robert Fagan, said Hadley and Smith will now have to prove Cook actually wrote the comment. Fagan wouldn't say whether Cook was the writer.

"He's the gentleman that pays for the Internet access and the IP address," Fagan said of Cook. "But many, many people can use an IP address. He has a family and he has a wireless router."

Cook didn't return a call to his office from The Associated Press.

Fagan also believes established case law will make it difficult for Hadley, as a politician, to win any damages.

"If you're a political candidate, you've got a very, very steep hill," the attorney said.

Smith disagreed, saying that decisions already made in the case have found the comment to be damaging.

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