



QUICK LINKS: Capt. Lou Albano | Bulls beat Bucks | Dow 10,000 | Breast cancer awareness | MLB playoffs | Halloween | Jaycee Dugard

TimeToTalk.org Talking to your kids about drugs and alcohol starts here. Go The Partnership for a Drug-Free America

Home > News

Free speech battle pits mom vs. Web

Buffalo Grove village trustee seeks identity of person who posted 'disturbing' comment about her son



Lisa Stone: "An adult doesn't talk to a child like this. It's vile." (Tribune photo by Chris Walker / October 9, 2009)

By John Byrne Tribune reporter

October 14, 2009

E-mail Print Share Text Size

During a rough-and-tumble election last spring, someone anonymously posted "deeply disturbing" online comments about the teenage son of Buffalo Grove Village Trustee Lisa Stone. Now, she is waging a legal battle to learn the identity of that person -- known to her as "Hipcheck16."

"It was shocking," she said of the comment on a newspaper Web site, declining to elaborate on what it said. "An adult doesn't talk to a child like this. It's vile."

Stone insists she is trying to protect her 15-year-old son and other children from a similar unnerving experience by creating a deterrent to online attacks, but to some First Amendment advocates, her crusade encroaches on a cherished protection of anonymous speech that stretches back to the American Colonies.

The ongoing case in Cook County Circuit Court also treads into the still developing arena of Internet speech protection, experts say. Stone acknowledges that she hopes it sets a precedent for protecting minors from potentially harmful chatter directed at them online.

Stone was embroiled in a tough campaign for the Village Board when the Daily Herald published an article about the race the day before the April 7 election. Stone won a seat. A Daily Herald story shortly after the election noted there had been "an unusually nasty tone" in the race as Stone and five other candidates vied for three seats.

On April 9, in online comments to the April 6 story on the newspaper's Web site, a person using the name Hipcheck16 wrote something directed toward Stone's son that Stone's attorney Bill O'Connor describes in court filings as defamatory.

Stone said her son had seen some comments critical of her posted by Hipcheck16 and went online to defend her with comments of his own. The anonymous poster's response to her son crossed a line, Stone said.

Taking steps toward possibly filing a defamation lawsuit against the online poster, Stone went to court in May, asking Cook County Circuit Judge Jeffrey Lawrence to order the Daily Herald to reveal the identity of Hipcheck16.

On Lawrence's orders, the newspaper's lawyers provided an Internet address, saying they had no information identifying the owner of that address, according to a court filing.

Related

Vote: Should anonymous online comments be allowed?

Vote and then tell us why. Your comments may be printed in the paper: Continue

- Yes No

Vote

Topics

- Children Thomas Paine Judges

See more topics >>

Ads by Google

DIY: Dog Training Dog Training Since 1995 Do It Yourself Course. Cheap. www.MyDogTutor.com

Top news stories

Kennedy damaged, motorists urged to stay off downtown expressways Updated 59 minutes ago

Thompson Center danger

Mom vs. Web: Who is Hipcheck16?



Today's offerings



Fresh Ink: Chicago's tattoo blog ChicagoNow: Talking about tattoos, including photos of some of the ugliest you'll ever see.



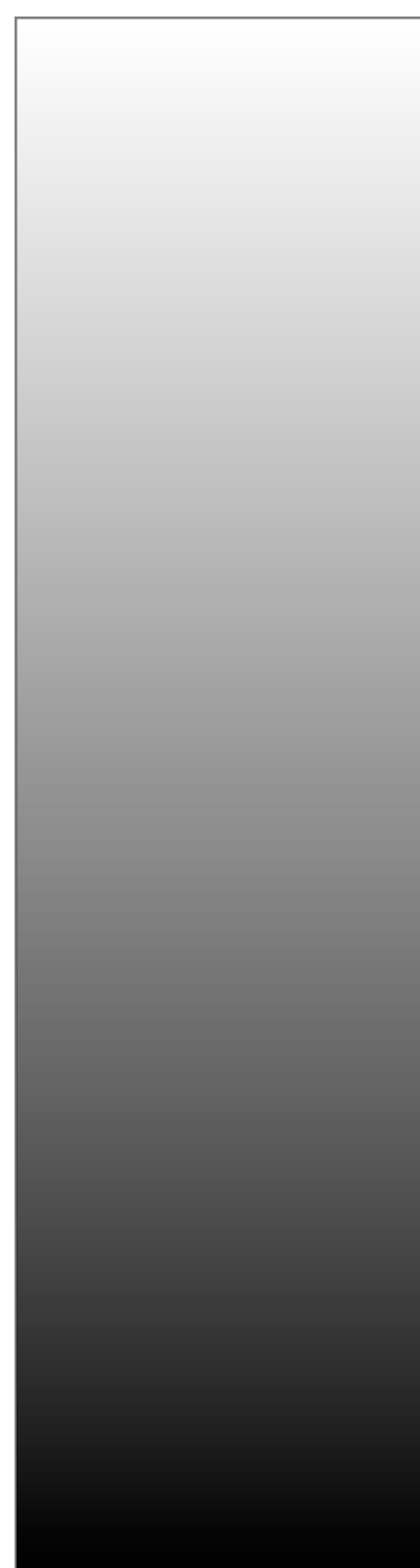
Sports Fan Shop Bears, Bulls, Cubs, Hawks, Sox: \$4.99 3-day shipping on any order.



Median Price Heat Map Current home prices for Chicago neighborhoods & suburbs.



Chronicles of the Cursed Hades has risen. Dare to face the nightmare? Buy your tickets now to Chicago's premier haunted experience.



So Stone pressed to have Comcast, the Internet provider that administered the e-mail address, turn over the name.

Comcast initially declined. But after Lawrence ordered the company to give him the name, it did so late last month, spokesman Rich Ruggiero said. The judge has not released the name to Stone.

Comcast also contacted Hipcheck16. Known in court documents only as "John Doe," he has hired attorney Michael Furlong to fight to stop his name from being publicized. Furlong, who declined to comment about the case, refers to his client in court documents as a "he."

Lawrence has scheduled Stone's attorneys and Furlong to present arguments Nov. 9 on whether the judge should provide Stone with the man's identity.

Ed Yohnka, spokesman for the American Civil Liberties Union of Illinois, said Stone's case has broader implications than the search for one person's name. Anonymous Internet commentary is simply the latest technological manifestation of the often biting but important anonymous political pamphlets distributed by Benjamin Franklin, Thomas Paine and others chafing against British rule in the Colonies.

"We sometimes get frightened by the technology and try to use it to limit speech," Yohnka said.

Since there have been relatively few cases like this in U.S. courts, University of Notre Dame law professor Patricia Bellia said there is a strong probability the court proceeding will become an important part of emerging case law.

Recent court rulings have tended to side with anonymous posters and against those who want their identities revealed, Bellia said. And judges are more likely to set a higher threshold when ruling on identifying anonymous sources in newspaper stories, although in this case the newspaper was merely hosting an online forum, not providing the content, Bellia said.

The trend, she said, hasn't been in the direction Stone probably would like it to go.

"There have been just a handful of these cases around the country," said Bellia, who teaches a class on cyberlaw. "I think there is a high likelihood judges will be looking back at this case as we go forward."

Don Craven, general counsel for the Illinois Press Association, said federal law shields publications from liability stemming from the comments that readers make on the publications' Web sites. The law was intended to foster openness and innovation online, he said.

Craven added, however, that the shield does not extend to those who make the comments. Those people do bear liability for their statements, he said.

Stone, who agreed free speech is a key right, said she believes that this case touches on the need to protect children from being attacked on the Internet.

"Had people known there was a strong law and they could get in trouble, that might have influenced their behavior and this wouldn't have happened," she said.

jebyrne@tribune.com

Copyright © 2009, Chicago Tribune

Recommended for you:

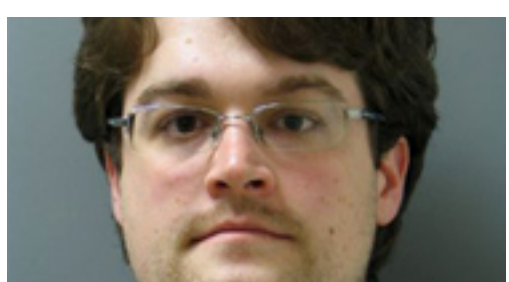
- Wis. legislator wants to restrict online records (Chicago Tribune)
Chicago Cubs file Ch. 11 bankruptcy (Chicago Tribune)
Cubs file for bankruptcy (Chicago Breaking News)
We're failing the marshmallow test (Chicago Tribune)
Proposed Cubs sale clears first of a two-step bankruptcy court approval (Chicago Tribune)

E-mail Print Digg Twitter Facebook StumbleUpon Share

Also on chicagotribune.com



Photos in the news



Mugs in the news



Celebrity sightings



Your travel photos



Get your Bears on

TimeToTalk.org Talking to your kids about drugs and alcohol starts here. Go The Partnership for a Drug-Free America