



April 28, 2011

The Honorable Rep. Edith Ajello
Chairman, House Judiciary Committee
State House
Providence, RI 02903

Dear Chairman and Members of the Committee,

On behalf of the Rhode Island Press Association, I am writing to express opposition to Senate Bill H 5093 Sub A. This bill would authorize law enforcement officials to demand personal information about Internet users through administrative subpoena, and for such offenses as cyberbullying and cyberharassment.

As we understand it, a version of this bill has historically been aimed at helping law enforcement investigate and pursue distributors and purveyors of such heinous materials as child pornography. Bill H 5093 Sub A goes much further, however. It would extend this law enforcement authority to the crimes of "cyberstalking, cyberharassment and ... any other computer or electronic imaging crime."

In its description of criminal actions subject to the administrative subpoena process, Bill H 5093 Sub A refers to R.I.G.L. 11-52. A separate bill (H 5808) before this body would amend 11-52 to create an alarmingly low standard for what constitutes cyberstalking or cyberharassment. Someone could be considered in violation if they seriously "alarm, annoy or bother" another person; or if their actions cause "emotional distress." These are very low thresholds, with vague language subject to wide interpretation.

Taken together, H 5093 Sub A and H 5808 would give police officers the ability to demand personal, identifying information about a private individual if they are annoying or bothersome. Most importantly, law enforcement would be able to seek this information without judicial review. The established subpoena system in this state, and this nation, exists for very good reason. It wisely establishes the courts as an objective third party to review law enforcement actions that would infringe on the rights of free citizens. I cannot see any justifiable reason to circumvent this very healthy process to catch "criminals" who "annoy" or "bother" fellow citizens.

Our fear is that, armed with this power, law enforcement could demand information about those who engage in healthy public debate on blogs, news websites or other forums where citizens gather electronically. While these forums can occasionally turn nasty, they are fertile outlets for the free exchange of ideas and opinions. They are channels for our First Amendment right to free speech.

If the law enforcement community receives the power to circumvent the judicial review process to seek out users of the internet, access their computers and monitor their activities for such "crimes" as bothering or annoying fellow citizens, then free speech on the internet suffers – at least in Rhode Island. Few citizens will have the courage to state an opinion, knowing the long arm of the law might reach through the computer screen.

We ask that you please reject H 5093 Sub A as an unwarranted invasion of personal privacy. Please take whatever steps are necessary to catch child pornographers, but don't sweep everyone else into the same net.

Sincerely,

Scott Pickering
President, Rhode Island Press Association