

Examiner, NJ Mayor Charged with hacking for allegedly taking down recall site (5.25.12)

Felix Roque, the mayor of West New York, N.J., isn't the first politician to dislike posts made by critics. But he might well have been the first to resort to hacking to take down a negative site.

Roque was charged this week with violating computer fraud laws by allegedly shutting down the site RecallRoque.com. Roque, along with his son, allegedly accessed the email account of the site's creator, and then sent a message to GoDaddy canceling the account's domain.

The two men were arraigned in federal court in Newark on Thursday and released after posing \$100,000 bail each. The site operator wasn't identified by the feds, but The Jersey Journal reports that the person behind the recall site was another government official, Jose Munoz, who had supported the prior mayor in an election last year.

Though Roque's alleged tactics undoubtedly were extreme, many people have resorted to questionable strategies to remove online content. A litany of companies, ranging from Wal-Mart to Goldman Sachs to Forever21, have responded to online criticism by sending cease-and-desist letters that allege trademark infringement. While these types of allegations are usually bogus, they still require Web users to either take down content or spend time and energy sorting out the legal issues.

Some targets of anonymous Web commenters simply file libel lawsuits against their unknown critics and then ask judges for unmasking orders. Those cases tend to turn on whether the comments express opinions (in which case they're not libelous and there's no reason to unmask the author) or statements of facts, which can be defamatory. Either way, the litigation can be a drain on Web users who create content.

And in New York state, some lawmakers have taken their dislike of online criticism to a new level. State legislators recently proposed a (blatantly unconstitutional) bill that would outlaw anonymous speech. The measure would require Web site administrators to remove anonymous comments upon request, unless the author "agrees to attach his or her name to the post."

Never mind that the Supreme Court ruled decades ago that people have the right to speak anonymously. Or, as Wired points out, that the Federalist Papers were published anonymously.

Read more: <http://www.mediapost.com/publications/article/175626/nj-mayor-charged-with-hacking-for-allegedly-taking.html#ixzz1wIMUBbWN>