

# Can Anonymous Commenters Be Outed if They Do Something Newsworthy?



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A judge in Cuyahoga County, Ohio is suing the local paper, the *Cleveland Plain-Dealer*, for disclosing that certain comments on its website came from her email address. The paper says it had no choice. Does privacy trump news?

The judge, Shirley Strickland Saffold (pictured), is suing the *Plain-Dealer* for \$50 million. Two weeks ago, the paper **published a story** reporting that anonymous comments on its website by a user named "**lawmiss**" had come from the judge's personal email

account. Some of the comments concerned "some of the judge's high-profile cases," including a capital murder trial of an accused serial killer.

The paper felt that considering the circumstances, it had no choice but to publish the information. But how did the information come to the paper's attention in the first place? According to **today's story**, "A Plain Dealer online editor looked up lawmiss' e-mail address - which was accessible through software used to post stories to the Web site - after lawmiss posted a comment about the mental state of a Plain Dealer reporter's relative."

After the paper ran its story linking the judge to the comments, the judge said she had never made any of the comments herself. Her 23 year-old daughter took responsibility for writing all of them. But she declined to discuss them with the paper, **saying** "I know all of the people I spoke about . . . I don't see why I owe any explanations about my blogging activities."

The lawyer for the accused serial killer **asked the judge to step down** from the case over the comments. Things were now serious. And there was a backstory: earlier this year, Judge Saffold had ordered the arrest of a Plain-Dealer reporter who refused to disclose a source. (**The source eventually came forward**, and she dropped her request).

So, let's simplify the situation and say that the following things are true:

1. The paper had a motive for being vindictive towards Judge Saffold.
2. Judge Saffold's daughter wrote the comments, not the judge herself.

Was the paper right to report the commenter's identity? The legal case will probably come down to the vagaries of the site's privacy policy. But what about regular old journalism ethics—did the paper do the right thing?

It's a safe bet that regular old journalism ethics haven't caught up to **the internet** yet. The paper, seeing what it believed was a plain example of judicial misconduct, felt obligated to publish. They presumably cleared it with their lawyers. But they may not have reckoned on just how strongly the average internet commenter feels *entitled* to anonymity, privacy policies be damned. If the average reader who comments on news sites felt that there was even a chance of his identity being connected to his comments, then the comments on news sites wouldn't be so fucking hateful and asinine, in general.

There's already a movement—popular with columnists who frequently get trashed in their own comments sections—to do away with anonymous comments, and make everyone attach their name to what they say. Nice thought. But there's a reason that anonymous comments are the standard: they encourage free speech, creativity, and honesty. They also encourage *commenting*, period. Do you know what percentage of online comments come from people who should be engaged in something else, like their job? A high percentage.

An out-of-control, biased judge in a capital murder case does call for reporting, at almost all costs. A person's life is at stake. Of course, that's not exactly what this case turned out to be (assuming the daughter is telling the truth). And the fact that the paper only made the connection after the commenter said something about a relative of one of the paper's own employees indicates that the motive was more self-serving than public-minded. Commenters aren't automatically entitled to limitless anonymity. But if a news company wants to police its own comment section for stories, they should do it fairly. There are plenty of psychos on the internet who didn't threaten to lock up a reporter. They'd be happy to shoot a reporter, though. So just let them know whether you plan on outing them or not, so they can decide whether to tell you that.