Fighter, then victim, of cyberstalking

Lawyer pushes for accountability

Joan Lukey, a prominent Boston lawyer who has fought cyberstalking and harassment in the courtroom, is fighting back at her own stalker.

The attorney at Ropes & Gray said she is being targeted by the same person who harassed - and continues to harass and threaten - her former client, author Patricia Cornwell. So Lukey is...
pushing to close what she believes are loopholes in federal law that prevent victims from tracking down their stalkers and holding them accountable.

Specifically, Lukey said plaintiffs in civil suits and victims of cyberstalking need to be able to identify their attackers and trace their whereabouts.

"You can't stop someone you can't find, and no one ever intended it so that you can use the Internet to harass someone," said Lukey. "When they know they can't be found, they have no accountability. As long as they have no accountability, they can publish anything they darn well want, and that's wrong."

The case involves Leslie Sachs, a Harvard University graduate who alleged on Internet postings that Cornwell, a renowned crime novelist, had plagiarized from his book, "The Virginia Ghost Murders," in her 2000 novel "The Last Precinct."

Sachs used websites to attack Cornwell and others he accused of conspiring with her; a federal "rogue judge"; his own lawyer; the Bush administration; the FBI; the media; and US corporations. According to his own Internet writings, he fled to Brussels as a "political refugee."

With Lukey representing her, Cromwell sued Sachs for libel in Virginia, where both had previously lived. A federal judge ruled in 2007 that at least 45 of Sachs's statements were libelous and ordered him held in contempt of court. But in defiance of the judge's ruling, Sachs remains in an unknown location, attacking Cornwell, and now Lukey, on various websites. He has accused Lukey of being an anti-Semite out to persecute him and says she has worked with the CIA.

Cornwell's civil judgment is still standing. The problem is, no one knows where Sachs is. And, Lukey said, federal laws restrict ways to find out.

"Because we can't find him, we can't do anything about this," Lukey said.

Lukey proposed first to amend the Communications Decency Act to require - with a judge's order - Internet service providers and Web browsers to delete any postings or shut down sites that are ruled libelous. Companies would not be liable for the posting, and it would be the victim's responsibility to alert the company of the posting.

Also, Lukey proposed letting judges order law enforcement agencies to track the location of people posting libelous material. Currently, law enforcement can conduct such traces - seen recently with the arrest of the so-called "Craigslist Killer" - only in criminal prosecutions.

In laws relating to criminal offenses, Lukey proposes clarifying the federal Interstate Stalking Act so that harassment on the Internet - when it mounts to the criminal level - is automatically considered an interstate offense, and therefore subject to federal prosecution. Currently, federal law allows for prosecutions only when officials can prove the offense crossed state lines.

Lukey, a noted First Amendment lawyer, said the proposed changes would not hold Internet companies liable for postings. But she said that the laws would hold anonymous Web posters to the same libel standards as traditional media outlets. Judges would continue to serve as "gatekeepers" in determining what constitutes libel or harassment.
"My thought here is the libel law is supposed to be applicable to any word, spoken or on the Internet," Lukey said. "You can't sit at a computer and use it to harass someone and cause it to put someone in fear."

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