

Retired Air Force Major Accuses Cyberstalking Law of Violating First Amendment



Summary: A retired Air Force major and a UCLA attorney have filed a lawsuit, asking for Washington's cyberstalking law to be overturned.

Criticism is free speech, according to a retired Air Force major; and he wants the right to write whatever he wants online. On Tuesday, the internet troll filed a lawsuit against the Washington Attorney General, claiming that the state's cyberstalking law is unconstitutional.

Richard Lee Rynearson III filed the lawsuit against Washington Attorney General Bob Ferguson and Kitsap County Prosecutor Tina Robinson. He was responding to a threat of prosecution he received for repeatedly posting criticism online, *The Seattle Times* reported. Rynearson said he has been given a restraining order and threatened with a year in jail if he doesn't stop posting about a local community activist.

The activist in question is Clarence Moriwaki, who founded a memorial dedicated to the internment of Japanese-Americans in World War II. Rynearson disagreed with the fact that Moriwaki did not also condemn the United States' government's treatment of other minorities in the war on terror, and he posted frequent criticisms but not threats on Facebook.

Moriwaki obtained a temporary restraining order against Rynearson and filed a police report last spring. He said that Rynearson was persistent in his Facebook posts and text messages, and he claimed that the vet was cyberstalking him. No charges have been filed against Rynearson yet, but he said that it was against his right to free speech to be ordered to change his behavior.

Rynearson's First Amendment case is being represented by UCLA law professor Eugene Volokh who filed a similar lawsuit in Ohio.

"How can it possibly be constitutional to ban mean speech online?" Volokh said to *The Seattle Times*. "If someone is appalled by a local official and wants to embarrass them by posting things online, that's a crime?"

Washington passed its cyberstalking law in 2004 in order to curb online bullying. The law makes it illegal to send electronic communications repeatedly or anonymously with the intent to harm someone. The law applies to messages sent directly to the target or on a public forum such as a Facebook post.

Rynearson's criticism of Moriwaki included calling for him to resign as president of his organization and creating a Facebook page designed to pointing out Moriwaki's lack of addressing the 2012 National Defense Authorization Act, which allows for the indefinite detention of U.S. citizens in the fight against terrorism.

According to the *Seattle Times*, opponents of the cyberstalking law said that it criminalizes common online behavior that is protected by the First Amendment. Volokh said that online harassment laws have been struck down in New York and North Carolina for their unconstitutionality.

No matter what the outcome of Rynearson's case, Moriwaki appears fed up by his behavior.

"He just won't leave me alone," Moriwaki said to *The Seattle Times*. "I told him to stop posting about me, to stop contacting me, and he won't. He's a classic cyber bully."

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Source: *The Seattle Times*

What do you think of cyberstalking laws? Let us know in the comments below.

