

Public-Source References to Impersonations

1. Examples of websites opened in names of individuals who are being criticized:

<http://keitholbermann.com> (criticism of political commentator Keith Olbermann);
<http://harrietmiers.blogspot.com/> (mocks former White House counsel Harriet Miers);
<http://patrickjfitzgerald.blogspot.com/> (mocks Patrick J. Fitzgerald);
<http://samuelalito.blogspot.com/> (mocks Justice Samuel Alito);
<http://tomdelay.blogspot.com/> (mocks Tom Delay); see also <http://www.algorelabs.com/> (mocks Al Gore).

Many such sites have been opened in the names of popular members of the academic community, e.g.:

Thomas Verenna, whose website is located at <http://tomverenna.wordpress.com/>, is the author of a book entitled *Of Men and Muses* and a student at Rutgers University. A site opened under his name, and containing criticism directed at his person and work, may be found at <http://thomasverenna.blogspot.com/>. See also <http://sirpeterscott.com> (criticism of Kingston University and of Sir Peter Scott, the former chancellor of that institution).

Raphael Golb and Norman Golb have themselves been impersonated; websites opened in their names, apparently by British science blogger Geoff Hudson, contain critical comments about many Dead Sea Scrolls scholars. See <http://raphaelgolb.blogspot.com/> and <http://normangolb.blogspot.com>.

Online Twitter accounts are frequently opened in the names of members of the academic community. A report on fake tweets impersonating University presidents explains that “fake presidential Twitter accounts have cropped up at Columbia University, Wesleyan University, Georgetown University, Brown University, the University of Texas at Austin, and Vassar College.” <http://www.usatoday.com/news/education/2011-04-18-college-presidents-impersonated-twitter.htm>. The article indicates that university officials have occasionally submitted requests to Twitter to remove some of these accounts. See also <http://chronicle.com/article/When-a-Twittering-College-P/47269/> (“Michael L. Wesch, an assistant professor of cultural anthropology at Kansas State University who studies Twitter and other social media, says he thinks the spoofs are revealing.” Wesch is quoted as saying: “I actually like how ‘authentic’ they seem...”).

2. Estimating the quantity of existing fake websites:

One social media law expert estimates that “there are tens of thousands of fake social media pages on social media platforms.” <http://www.shearsocialmedia.com/2011/11/nj-fake-facebook-page-case-may-open-up.html>. According to a recent New York Times article, “less than 4 percent of all social media interactions are false today.” The quantity represented by this figure may be estimated on the basis of the fact that literally billions

of people engage in social media interactions. See:

<http://www.nytimes.com/2012/11/13/technology/false-posts-on-facebook-undermine-its-credibility.html>. See also *Matot v. CH*, 2013 U.S. Dist. LEXIS 138327 (D. Ore. Sept. 26, 2013) (“in June 2011, Facebook predicted that approximately 83 million of 855 million active users were duplicates, false or undesirable. Twitter is also thought to have a large number of ‘fake’ accounts... Were this court to [civilly penalize online impersonation], millions of unsuspecting individuals would find that they are engaging in criminal conduct, in addition to any civil liability.”) (internal quotations and citations omitted).

3. Driving traffic to a website:

Some news reports have focused on websites using the names of popular individuals in racy URL addresses to drive traffic to the site, thereby generating attention for an idea or project unrelated to the name being used. See, e.g., <http://news.yahoo.com/naked-jennifer-aniston-helps-ben-stiller-195149683.html>.

4. Fake social networking accounts:

Fake accounts have been opened on a myriad of social networking sites including, e.g., Friendster and Facebook. See, e.g., Danah Boyd, “None of This is Real,” at <http://www.danah.org/papers/NoneOfThisIsReal.pdf> (describing the interactions between large numbers of “Fakesters” and “Pretendsters” on the Friendster site); <http://archive.news.softpedia.com/news/Facebook-s-Inner-Workings-Facilitate-Impersonation-160245.shtml> (bloggers from the “TechCrunch” site created a fake Facebook profile of Google’s CEO Eric Schmidt; “tens of friend requests started pouring [in] soon after the rogue account was created using a real email address that belonged to [Schmidt]. YouTube’s founder Chad Hurley and Facebook’s own Vice President Elliot Schrage were amongst the people who befriended the fake Eric Schmidt”). On fake Facebook accounts, see <http://www.businessinsider.com/are-a-third-of-facebooks-users-fake-2010-7>.

5. Social criticism:

Groups like the Yes Men open websites that look exactly like the sites of the companies and organizations they are criticizing. See, e.g., http://hoaxes.org/archive/permalink/the_yes_mens_bhopal_hoax (copycat versions of official website of Dow Chemical; reporter who called the fake Dow phone number listed on the site believed he was having a conversation with a Dow representative) and <http://fellowsblog.ted.com/2010/10/18/chevron-spoofed-in-a-fantastic-hoax-by-the-br/chevron-spoofed-in-a-fantastic-hoax-by-the-brilliant-yes-men-4> (copycat version of official website of Chevron).

After an anonymous group claiming to be Koch Industries posted a satirical “press release” that initially fooled various reporters, a NYTimes article on the incident pointed out that “on the Internet, parody and mockery have never been easier to pull off.” See <http://www.nytimes.com/2011/02/14/business/media/14link.html>. A copy of the fake release is available at: <http://green.blogs.nytimes.com/2010/12/10/a-koch-industries-climate-change-spoof/>. Koch filed a trademark suit; lawyers for the authors of the release argued that it was parody and that “lifting anonymity must be the purpose of the lawsuit”; the district court dismissed the suit. See Koch Industries v. Does (Youth for Climate Truth), 2011 WL 1775765 (D. Utah).

Even a highly respected political commentator has had the idea of purchasing a domain name and email address in the name of someone he wishes to criticize. See <http://observer.com/2010/11/tucker-carlson-has-some-fun-at-keith-olbermanns-expense/> (New York Observer reported that a “series of insane emails that purportedly came from Keith Olbermann were actually the work of Tucker Carlson’s conservative news site....” The journalist who received the emails, told *The Observer* that he “believed the emails to be coming from Olbermann.” The emails came from the address keith@keitholbermann.com, which was actually an email account and a website owned by Tucker Carlson).

In an elaborate hoax involving emails, press releases, and a website purporting to be official statements of the Canadian minister of the environment, an anonymous Internet group mocked Canada’s failure to reduce greenhouse gas emissions. The Wall Street Journal erroneously mistook one of the fake press releases for an authentic announcement. The Canadian minister responded by issuing statements explaining that the emails and press releases were hoaxes emanating from a fake website. See: <http://www.guardian.co.uk/environment/blog/2009/dec/14/environment-canada-spoof>.

The “Quaker school whose student body includes President Obama’s daughters... got pranked today with a fake e-mail to ... parents announcing that the school would henceforth make condoms available in school bathrooms and at ... school activities... Soon after, another e-mail went out.... It said the condom e-mail, while pretending to originate from the school administration, was ‘a prank and its contents are fiction. It was not authorized by any school personnel.’ It was signed by upper-school principal Lee Palmer.” See: <http://www.washingtonian.com/blogs/capitalcomment/local-news/malia-and-sasha-obamas-school-gets-hit-with-condom-prank.php#> and <http://news.yahoo.com/blogs/ticket/obama-daughters-school-hit-prank-email-sex-contraception-181555465.html>.

“An online hoax that falsely suggests McDonald’s discriminates against African-American customers is causing a PR headache....” The hoax took the form of a widely

disseminated image showing “what looks like an official McDonald’s notice in the window of a restaurant, telling customers that blacks will be charged \$1.50 extra.... In response, McDonald’s sent a tweet of its own.... ‘That pic is a senseless & ignorant hoax. McD’s values ALL our customers. Diversity runs deep in our culture on both sides of the counter.’” See: <http://news.yahoo.com/blogs/lookout/racial-hoax-causes-pr-headache-mcdonald-145623383.html>.

Statements falsely attributed to various public figures often circulate around the Internet. See, e.g., http://www.usatoday.com/life/people/2006-12-05-andy-rooney_x.htm, <http://urbanlegends.about.com/library/blbadamerican.htm> and http://urbanlegends.about.com/od/barackobama/a/obama_funds.htm (phony op-eds and racist commentary falsely attributed to Maureen Dowd, and to “Andy Rooney, George Carlin, Ted Nugent, Denis Leary, and others”).

A widely circulated Internet message purporting to be a statement from Facebook CEO Mark Zuckerberg claims that security experts at Facebook have traced the origin of recent Facebook pornographic spam attacks to the Philippines. It warns that users in the Philippines will be banned from Facebook if they do not stop sending the spam, and explains that “we at Facebook will not tolerate outlandish behavior and indecency.” See: <http://www.hoax-slayer.com/porn-attack-philippines-origin-hoax.shtml>.

Many websites specialize in “fake email” spoofing mechanisms, thereby facilitating the use of email to engage in internet hoaxes, satire and criticism. See, e.g., fakemailgenerator.com.

6. Political uses of impersonation:

At least one satirical news sites has created a fake email account in President Obama’s name. See <http://www.theonion.com/articles/inside-obamas-emails,16792/> (The Onion opened email account barry.obama1961@gmail.com and ran a story featured photographs of its “inbox” and “outbox,” with email subject headings mocking President Obama and other politicians).

The Democratic Congressional Campaign Committee has been using Jack Abramoff’s name in the URL of a website (www.JackAbramoff.com) devoted to gaining an advantage by attacking Abramoff and exposing “ethically-challenged Republicans.” See: <http://news.yahoo.com/blogs/ticket/democratic-group-buys-jackabramoff-com-183302418.html>.

“A fake Twitter account aimed at discrediting a prominent critic of state GOP leaders has been linked back to a senior official at the Republican Party of Florida.” The Party terminated the employment of the director of the field operations department who

authored the fake tweets. See:

<http://www.tampabay.com/news/politics/stateroundup/fake-twitter-account-republican-party-of-florida-feud-linked/1049455> and
<http://www.huffingtonpost.com/2009/11/05/gop-official-fired-for-fake-tweets-346768.html>.

Republican Party activists have also employed the technique of fake Twitter accounts to ridicule their democratic opponents. See, e.g., [http://articles.courant.com/2009-10-08/news/hc-fake-twitter-gop.art.artoct08_1_140-character-messages-budget-implementers-mr-donovan](http://articles.courant.com/2009-10-08/news/hc-fake-twitter-gop-art.artoct08_1_140-character-messages-budget-implementers-mr-donovan) (accounts impersonating Democratic representatives Chris Donovan and Denise Merrill; article comments that sometimes the satirical nature of the accounts is not “obvious..., so gullible people could be misled”).

Twitter closed “33 fake ... accounts created by Republicans using the names of Democratic state representatives. The Republican scheme was to send out posts under the Democrats’ names mocking [them].” See:

http://legalblogwatch.typepad.com/legal_blog_watch/2009/10/in-connecticut-political-attack-ads-via-fake-twitter-accounts.html;
<http://www.newrepublic.com/blog/the-plank/if-you-cant-beat-em-0>; and
http://www.thedemocraticstrategist.org/strategist/2009/10/twitter_shuts_down_connecticut.php.

Maryland Congressman Steny Hoyer’s old account, taken over by a new user after Hoyer created a new, “verified” account, “started expressing some unusually caustic views during the President’s State of the Union Address.” Tweets sent out included: “This is what happens when political offices pay for high-priced, money-sucking ‘social media’ firms that have no clue what they are doing.”

<http://www.zdnet.com/blog/security/congressman-steny-hoyer-twitter-impersonation-attack/7983>.

A New York Times headline explains that “Fake Identities Were Used on Twitter in Effort to Get Information on Weiner,” during the controversy that ultimately led to Representative Anthony Weiner’s resignation:

<http://www.nytimes.com/2011/06/18/nyregion/fake-identities-were-used-on-twitter-to-get-information-on-weiner.html>.

7. Satire that fools readers and causes controversy:

Newspapers have mistakenly printed satirical emails purporting to be from political figures who never sent them. See, e.g.,

<http://www.nytimes.com/2008/12/22/opinion/122kennedy.html> (New York Times editorial apology for printing an email that claimed to be from Bertrand Delanoë, the Mayor of Paris, in which Caroline Kennedy’s bid for a senate seat was criticized);

<http://thecaucus.blogs.nytimes.com/2011/01/09/live-blog-latest-developments-on-arizona-shooting/#preview> (New York Times correction stating: “A previous version of this post incorrectly attributed a Twitter message to Ms. [Sarah] Palin. The message was actually from a parody site designed to look like Ms. Palin's Twitter feed”).

See also <http://mashable.com/2007/08/25/msnbc-thought-fake-al-sharpton-was-real/> (after mistakenly treating the satirical Al Sharpton site as a reliable news source, MSNBC published a correction, stating: “An earlier version of this article quoted from a blog entry purportedly by the Rev. Al Sharpton. MSNBC.com has determined that the blog is a hoax”).

Professor David Mazella has described “an entire constellation of fake blogs” that impersonate Steve Jobs, John McCain and other figures; Dr. Mazella observes: “One of the keys to this kind of online writing is the strategic mystery surrounding its sources: the satire always works better, I think, when there is genuine uncertainty regarding its origins and therefore its purposes”). See <http://long18th.wordpress.com/2007/12/11/satire-and-the-fake-first-person-voice/>.

Professional news reporters have, on occasion, been fooled by patent nonsense. For example, we read that “a report claiming Internet Explorer users scored lower on IQ tests... was released ... by what appeared to be a ... Web-consulting firm called Aptiquant. Major news outlets — including CNN, the BBC, NPR, CNET, Forbes and London’s Daily Mail and Telegraph — reported the story....” The report turned out to be an “elaborate hoax.” See:

<http://www.cnn.com/2011/TECH/web/08/03/explorer.report.faked/index.html>.

Subtle satire can easily be mistaken for a merely “false” report. For example, U.S. Capitol Police announced they were “investigating The Onion, a satiric media organization, for issuing false reports on Twitter claiming that there was a hostage situation inside the Capitol building.” In the end, the police issued a simple statement declaring the tweets concerning this “hostage” situation to be fake. The Onion, of course, was using the word “hostage” satirically, but this ambiguity was lost on the Capital Police. The incident sparked debate about the “limits of satire” on thousands of websites. See, e.g.: <http://mediadecoder.blogs.nytimes.com/2011/09/29/the-onions-hostage-tweets-draw-scrutiny/> and <http://www.theguardian.com/world/blog/2011/sep/29/the-onion-fake-congress-hostage-report>.

Another satirical Onion story duped the main Iranian news agency into reporting that according to one poll, rural whites prefer the Iranian president to President Obama. See: <http://news.yahoo.com/blogs/sideshow/iranian-news-agency-duped-onion-story-obama-poll-180154413.html>.

8. The popularity of “phony tweets”:

The New York Times reported that “the phenomenon of phony Twitter accounts... is nearly as old as social media itself. All it takes to create an identity is an e-mail address and a ripe target with an outsize personality... And observing the tightrope that the band of fake Twitter brothers must walk — parody is not easy, after all — can help salve the sting of a desultory contest.”

<http://www.nytimes.com/2012/06/14/sports/basketball/impostors-on-twitter-post-up-during-nba-finals.html>.

One report indicates that the continuing “proliferation” of impersonations, “usually satirical rather than supportive,” on Twitter is “obvious”; victims include the Prime Minister of Canada. <http://wrightresult.com/2011/12/help-impersonated-twitter/>.

Journalists have developed guidelines on how to authenticate tweets. See J. Dorroh, A journalist's guide to verifying news tips on Twitter, International Journalists' Network (October 5, 2011), at: <http://ijnet.org/en/stories/journalists-guide-verifying-news-tips-twitter>.

Twitter has set up a page providing “details on how to submit a ticket to get your Twitter Impersonation resolved.” <https://www.lisalarter.com/blog/twitter-impersonation-what-to-do-when-this-happens-to-you/>.

In January 2012, the “Twittersphere” was “hoodwinked” into believing the reclusive author Cormac McCarthy “had entered the world of social networking.” <http://www.theatlanticwire.com/technology/2012/01/unpublished-novelists-week-fake-cormac-mccarthy/48068/>. The victims of the hoax included not only McCarthy himself, but Twitter’s co-founder and executive chairman Jack Dorsey, who embarrassingly “announced to his 1.8 million followers: ‘Join me in welcoming @CormacCMcCarthy to Twitter!’” See: <http://www.scotsman.com/scotland-on-sunday/scotland/twitter-ye-not-for-cormac-mccarthy-1-2097625> (indicating that “Tom Royal, deputy editor of Computer Active magazine and a social media expert, said a series of high-profile bogus accounts had damaged Twitter’s credibility, but questioned whether impersonating a celebrity online was necessarily a bad thing”). See also <http://www.thewire.com/technology/2012/02/learning-cormac-mccarthy-twitter-hoax/48147/> (report on the incident by Atlantic Wire writer Rebecca Greenfield, noting that the “line” between parody and non-parody “blurs quickly”).

Victims have developed various strategies to deal with the phenomenon; “There are numerous Stephen Colberts, some of which ... actively pretended to be him ... until they were found out, but not by Colbert, who doesn’t have any interest in the issue. Pop musician Momus found his Twitter doppelganger amusing, as it fit into his ideas of

postmodernism and authorship.” <http://tweeteronix.com/blog/2011/watch-out-who-you-impersonate-you-could-be-sued/>.

9. Fifty additional examples of fake Twitter accounts reported on in the media:

<http://www.foxnews.com/story/0,2933,518480,00.html> (fake Twitter accounts in names of Condoleezza Rice, Bill Gates, Tina Fey, Usama bin Laden, Rep. Don Young [R-AK], composer Steve Reich, and news commentators Geraldo Rivera, Bill O’Reilly, and Shepard Smith; article indicates that “sometimes the line can be blurry” between recognizable and unrecognizable parodies);

<http://www.christianpost.com/article/20090326/robert-h-schuller-joins-twitter-after-imposter-s-ouster/> (account in name of televangelist Robert H. Schuller attracted 1,000 readers in one week and was closed after Schuller complained to Twitter);

http://hoaxes.org/weblog/permalink/the_dalai_lama_twiters_and_then_is_gone/ (fake account in name of Dalai Lama had 20,000 followers within one week and was closed);

<http://www.sunbeltreporting.com/sunbelt-blog/bid/33449/Twitter-Identity-Theft-Parodies-and-Copyright-Infringement> (many fake Oprah accounts with her photo and tens of thousands of followers);

<http://mashable.com/2010/05/27/bp-public-relations-twitter/> (fake account purporting to be BP’s public relations group, @BPGlobalPR, “offers dark, satirical commentary” about Gulf of Mexico oil spill and is “run by an anonymous person”);

<http://gawker.com/5187725/twiters-fake-christopher-walken-silenced> (fake account in name of actor Christopher Walken had at least 73,000 “avid followers” by March 24, 2009, and was then closed);

<http://archive.mid-day.com/sports/2009/aug/310809-Mahendra-Singh-Dhoni-Sachin-Tendulkar-Yuvraj-Singh-Rahul-Draavid-Sourav-Ganguly-Twitter.htm> (all members of top Indian cricket team repeatedly impersonated; champion batsman Sachin Tendulkar has as many as seven accounts with one of them, which has his photo, having over 4,594 followers);

<http://sports.espn.go.com/mlb/news/story?id=4235409> (account in name of Dallas Cowboys linebacker DeMarcus Ware gave false updates on his contract negotiations; followers of fake Ben Roethlisberger were told that the Pittsburgh Steelers quarterback has skin cancer; NBA star Shaquille O’Neal’s name taken, “so he picked name The - Real-Shaq and accumulated more than 1.16 million followers”; half-dozen Michael Phelps accounts, “some of them obviously fake and some purporting to be real, even though the swimming star says none are genuine”);

http://www.pcworld.com/article/166151/Tony_La_Russa_Twitter_suit.html (St. Louis Cardinals manager Tony La Russa sued Twitter, claiming someone created fake account and sent out “derogatory” remarks under his name; suit settled when Twitter agreed to pay La Russa’s legal fees and to contribute a small sum to his Animal Rescue Foundation);

<http://www.justmeans.com/blogs/social-media-trends-introducing-you-to-world-of-phweeters> (Rick Sanchez, Kanye West, Karl Lagerfeld; article indicates that “phony tweets are considered a fun and lively social media trend... Some fake accounts are so convincing that celebrities have to publicly state that they are not in fact behind the account, while some have provoked anger, such as the @BPGlobalPR account”);

<http://www.forbes.com/2010/08/02/bp-angelina-jolie-technology-twitter.html> (“Users are impersonating everything and everyone from BP to Angelina Jolie... There’s a plethora of online social commentators masked as tongue-in-cheek versions of powerful CEOs and public figures on Twitter... And fake Microsoft chief @StevenABallmer seems to hate everything from the ‘definitely EVIL’ iPad to Wall Street Journal tech columnist Walt Mossberg”);

http://www.politico.com/click/stories/1103/rahm_meets_his_twitter_imposter.html (Rahm Emanuel offered 5,000 dollars to meet his Twitter impersonator; the money was donated to Young Chicago Authors group and the two appeared on the radio together);

http://www.pcworld.com/article/159492/15_fake_and_funny_twitter_accounts.html (Chuck Norris, Megan Fox, Nick Nolte, Roger Clemens, Stephen Colbert, Michael Bay, William Shatner, Abe Vigoda, CNN; article comments that “faux accounts are all the rage” and that “fake Twitter accounts have been in the news a lot lately”);

<http://techcrunch.com/2011/03/01/charlie-sheen-twitter/> (Charlie Sheen);
<http://www.fakeblog.de/2009/08/06/twitterjackers-and-phweeters-top-10-twitter-fake-accounts/> (David Hasselhof, Darth Vader, Roger Federer, Leona Lewis, Vanessa Hudgens, Adam Sandler, Franz Muentferfering);

<http://www.techxav.com/2009/07/27/top-5-famous-fake-twitter-profiles/> (Emma Watson and public relations firm Tanner Friedman);

<http://www.thewire.com/technology/2012/01/wendi-deng-twitter-account-fake/46889/> (For a while, “it appeared that Rupert Murdoch’s much younger wife Wendi Deng was helping him learn how to use Twitter, but now, News Corp. says it’s just another impostor.”);

<http://krugman.blogs.nytimes.com/2012/01/17/the-golden-age-of-impersonation/> (In a New York Times article entitled “The Golden Age of Impersonation,” Nobel Prize

winner Paul Krugman explains that he, just like the Italian banker Mario Draghi, has been impersonated on Twitter, and also on Google Plus; Krugman comments that in “the old days, impersonating someone was hard,” but that “these days, anyone can do it on social media.”);

<http://movieline.com/2009/07/15/anatomy-of-a-twitter-identity-theft-fake-jonah-hill-tells-all/> (fake Jonah Hill account);

http://www.cleveland.com/movies/index.ssf/2011/04/madness_is_an_art_for_filmmake.html (fake Werner Herzog accounts; the director commented: ““There are a dozen fake Herzogs posing as me on Twitter and Facebook,” he said. “I don’t mind — I look at them as my unpaid bodyguards.”).

http://www.kfbk.com/pages/p_walsh.html?article=10555221 (UCLA defensive back Randall Goforth).

<http://www.buzzfeed.com/jtes/a-handy-guide-to-the-very-fake-twitter-accounts-of-glenn-gre> (Glen Greenwald and Eric Snowden).

10. Academic experiments and commentary on the frequent lack of verifiability and authenticity of Internet identities:

Academics have created fake twitter accounts which are actually “bots,” i.e. computer-generated robotic texts, conning 500 people into interacting with them in the mistaken belief that they’re real people:

<http://www.guardian.co.uk/commentisfree/video/2011/dec/14/esc-ctrl-jon-ronson-twitter-bots-video>.

Discussing the phenomenon of fake Internet accounts and communications, one legal commentator has written that the “inability to authenticate ‘real-world’ identity means that people who use the Internet should be, and largely are, skeptical that people are not who they represent themselves to be.” K. Malone, “Parody or Identity Theft: The High-Wire Act of Digital Doppelgangers in California,” in 34 *Hastings Communications and Entertainment Law Journal* 275, at 308 (Winter 2012).

Similarly, in her report on the Cormac McCarthy incident (see *supra*), Rebecca Greenfield quoted the statement of one commentator: “If an account is not verified, assume it’s a fake,” as well as the opinion of Viktor Mayer-Schönberger, professor of internet governance at the Oxford Internet Institute: “We’re in a ... postmodern world where we can’t tell the truth from fakery.” According to Greenfield, “some argue... these misrepresentations are a part of our own identities. The Internet is what Philosopher Slavoj Žižek called a ‘space of false disidentification.’”

<http://www.thewire.com/technology/2012/02/learning-cormac-mccarthy-twitter-hoax/48147/>.

10. Online impersonation used as a tool by law enforcement agents:

The Department of Justice is reported to be arguing “that a federal agent had the right to impersonate a young woman online by creating a Facebook page in her name without her knowledge... and to post photographs — including racy pictures of her and even one of her young son and niece — to the phony social media account, which the agent was using to communicate with suspected criminals.” See:

<http://www.buzzfeed.com/chrishamby/government-says-federal-agents-can-impersonate-woman-online#42ptzx8>.

Similarly, an AP spokesman has stated that the agency is “extremely concerned and find(s) it unacceptable that the FBI,” during the course of a criminal investigation, “misappropriated the name of The Associated Press and published a false story attributed to AP.” See: http://seattletimes.com/html/localnews/2024894799_fbifakestoryxml.html.

See also Matot v. CH, 2013 U.S. Dist. LEXIS 138327 (D. Ore. Sept. 26, 2013) (indicating that “police departments have taken to creating false profiles for the purpose of law enforcement”).

11. Examples of Internet impersonation dealt with in civil lawsuits:

Rall v. Hellman, 284 A.D.2d 113 (2001) (author Ted Rall sued cartoonist Danny Hellman when Hellman attributed statements to Rall in a series of emails that went out under Rall’s name; court called the emails an “act of literary impersonation” and case never went to trial); New York Stock Exchange, Inc. v. Gahary and Zito, 196 F.Supp2d 401 (S.D.N.Y. 2001) (New York Stock Exchange sued for trademark infringement when emails were posted in online forum in various forms of director’s name, Richard Grasso; lawsuit was dropped); Leser v. Penido, 62 AD 3d 510 (N.Y. Appellate Div., 1st Dept., 2009) (plaintiff sued defendants claiming that they sought to destroy her business (i) by making false allegations about her on the Internet, and (ii) by using her name, photo and e-mail address on the Internet, including on a pornographic site, to cast her and her business in a negative and false light); Draker v. Schreiber, 271 S.W. 3d 318 (Tex. Ct. App. 2008) (upholding summary judgment for defendants where plaintiff, assistant principal Anna Draker, sued defendants for defamation and intentional infliction of emotional distress, alleging that they posted a fake Myspace page which appeared to have been created by Draker, contained her name, photo, and place of employment, as well as explicit and graphic sexual references); Layshock v. Hermitage Sch. Dist., 496 F. Supp.2d 587 (WD Pennsylvania 2007) (student’s opening of an offensive fake Myspace profile in name of high school principal was an exercise of the student's “First

Amendment right to freedom of expression”; he was therefore entitled to damages against the school district for disciplining him in violation of his rights); Buckles v. Brides Club, Inc., Case No. 2:08-cv-00849 CW (D.Utah, 2010) (Ash Buckles sued defendant who allegedly created a fake blog and “linkedkin” account in Buckles’ name).

See also <http://www.spike.com/blog/steven-tyler-sues/68987> (Steven Tyler, singer in the Aerosmith rock band, “sued unknown bloggers who ... impersonated him on the Web, writing about the death of his mother and other ‘intimate details’ from his life”); <http://www.newyorkpersonalinjuryattorneyblog.com/2009/11/new-york-attorney-sues-internet-poster-for-defamation-after-impersonation-psych-hospital-sued.html> (Glen Feinberg, an attorney in New York, sued the SLS Residential psychiatric hospital and Andrew Rath, a producer of videos, claiming that they “defamed him by impersonation in an internet forum”); http://torontoist.com/2010/09/rob_ford_parody_blog_is_back_under_a_new_name_despite_legal_threats/ (former Toronto Mayor Rob Ford sent cease-and-desist letter to owner of satirical “RobFordMayor.com” blog mocking him; blog contained first-person entries written in Ford’s voice, and was “strewn liberally with references to bizarre sexual acts”); <http://www.citmedialaw.org/blog/2009/will-glenn-beck-sue-defamatory-website-2009> (Glenn Beck filed WIPO claim against creator of allegedly defamatory site glennbeckrapedandmurdereda_younggirlin1990.com).

The activist group Invisible Children threatened to sue a website featuring parodies of them; according to Invisible Children, the website was creating “public confusion.” See: <http://www.guardian.co.uk/world/us-news-blog/2012/jun/20/kony-2012-group-lawsuit-parody> and <http://www.wired.com/dangerroom/2012/06/kony-2012-lawsuit/>.

A plaintiff sued “to get to the bottom of an apparent impersonation on Twitter,” in which he was portrayed as making racist statements. <http://www.seattlepi.com/local/sound/article/Racism-and-Twitter-impersonation-prompt-lawsuit-893555.php>.

Even when personification itself is not an issue, the Internet satire provokes civil disputes. “Birthers” Joseph Farah and Jerome Corsi sued Esquire over an article ridiculing them. See: <http://blogs.forbes.com/jeffbercovici/2011/06/29/birthers-sue-esquire-over-parody-seeking-120-million/> (“As often happens with satire on the internet, the article was received by many readers ... as straight news, forcing Esquire to add an update ‘for those who didn’t figure it out yet’: ‘We committed satire this morning....’”). The United States District Court for the District of Columbia dismissed the suit on First Amendment grounds. Farah v. Esquire, Memorandum Opinion, <http://www.scribd.com/doc/95916577/FARAH-et-al-v-ESQUIRE-Memorandum-Opinion-Dismissing-Case>.

12. Voice impersonators (telephone and radio):

Use of the telephones wires to impersonate people for critical purposes is another frequent phenomenon. See, e.g. http://www.mcclatchydc.com/2009/12/23/81200_karzai-impersonator-tests-limits.html (a “crass impersonation of ... President Hamid Karzai ... bounces from cell phone to cell phone around the nation’s capital”; the anonymous impersonator “has become the newest voice of underground political dissent.... For 150 seconds, Karzai hurls some startling insults ... at political challenger Ashraf Ghani... [T]he audio clip has boomeranged around Kabul, bopping from Bluetooth to Bluetooth. Inside the presidential palace, it’s caught the ears of Karzai aides, who privately scolded the would-be comedian for pushing the boundaries of the country’s shaky free speech protections ... ‘[F]reedom of speech should have its limits,’ [an] aide said. ‘I don’t think cursing one’s wife — or insulting someone’s personality — should have a place in freedom of speech’”).

Voice impersonations are a common part of radio shows. See, e.g., http://en.wikipedia.org/wiki/Evil_Dave_Letterman (the individual known as “Evil Dave Letterman” earns a living by satirizing Dave Letterman on the Howard Stern show; unwitting listeners might actually believe that they are hearing Mr. Letterman’s voice). Hoax phone calls to various public figures, designed to ridicule both the “victims” of the calls and the impersonated individuals, are a common variation on this theme. See, e.g., <http://news.bbc.co.uk/2/hi/uk/618065.stm> (caller pretending to be British opposition leader William Hague spoke with Prime Minister Tony Blair; caller pretending to be Canadian Prime Minister Jean Chretien spoke for fifteen minutes with the Queen of England); <http://news.bbc.co.uk/2/hi/americas/2637395.stm> (Miami radio hosts pretending to be Fidel Castro spoke with Hugo Chavez); <http://www.latinamericanstudies.org/fidel/transcript.htm> (Miami radio hosts pretending to be Hugo Chavez spoke with Fidel Castro); <http://www.huffingtonpost.com/huff-wires/20081101/canada-palin-prank-call/> (caller pretending French President Nicolas Sarkozy spoke to Sarah Palin); <http://www.theguardian.com/world/2011/feb/24/scott-walker-governor-wisconsin-prank-called> (caller pretending to be billionaire David Koch spoke with Wisconsin governor).

According to an Associated Press report, two well-known Australian disk jockeys impersonated the Queen Elizabeth and Prince Charles in a call to the hospital where Kate Middleton was being treated. They succeeded in obtaining personal information about the state of Middleton’s health, and broadcast a recording of the conversation live on the Internet. See: <http://news.yahoo.com/aussies-sorry-crank-call-kates-hospital-170538530.html>.

Similarly, a Christopher Walken radio impersonator fooled the Associated Press into believing statements about things that Walken purportedly saw during the night of Nathalie Wood's death. "Upon realizing they'd been punked, the AP promptly retracted their story and issued a correction." See: <http://news.yahoo.com/christopher-walken-impersonator-fools-ap-corrections-ensue-232404260.html>.

These types of pranks also occur in other venues apart from the radio. The BBC and Reuters reported that a spoof of Kazakhstan's national anthem was mistaken for the real anthem and played by mistake at a medal ceremony in Kuwait: <http://www.reuters.com/article/2012/03/24/us-shooting-boratiUSBRE82N05820120324>.

13: Pseudonyms and anonymity:

The New York Times reported on a controversy that erupted when the Internet user named "Sophia Walker," who had been "surfing across the Internet, vigorously defending the leader of the State Assembly, Sheldon Silver, and his handling of sexual harassment charges against Vito J. Lopez, the assemblyman and fallen leader of the Democratic Party in Brooklyn," turned out to be "an employee of Mr. Silver's office, Bill Egger." <http://www.nytimes.com/2012/09/26/nyregion/sock-puppetry-time-honored-tradition-thrives-online.html>.

Another report in same newspaper focused on a website featuring anonymous accusations of bad real estate broker behavior, abusive landlords and run-down apartments; the article indicates that the "cloak of anonymity can help harsh commentary escalate" on the Internet. <http://www.nytimes.com/2011/06/21/nyregion/the-appraisal-legal-battles-are-woven-over-tangled-real-estate-web-gossip.html>.

According to yet another New York Times article, "Facebook...doesn't always practice what it preaches... The social network requires people to use their real identity.... Now, Facebook is being taken to task for trying to conceal its own identity as it sought to coax reporters and technology experts to write critical stories about ... Google. [...] Facebook is by no means the first to promote critical stories about a rival anonymously. The practice is common in political circles..., and it has a long history in Silicon Valley." <http://www.nytimes.com/2011/05/14/technology/14facebook.html>

14. Age of the phenomenon:

Most of the above examples are relatively recent; however, controversies about online anonymity and Internet hoaxes have been a feature of Internet culture almost since the creation of the worldwide web.

For example, in 1999, George W. Bush tried to have the satirical website GWBush.com blocked, claiming it was “malicious” and stating: “There ought to be limits to freedom.” The Federal Exchange Commission dismissed Mr. Bush’s complaint without ruling on the issue. Many news articles discussed the controversy, e.g.:

<http://articles.latimes.com/2000/apr/23/news/mn-22599> (noting of a similar “Al Gore” blog that “the satire is lost on some visitors”).

Five years earlier, in 1994, an “AP news release” announced that Microsoft had agreed to acquire the Roman Catholic Church in exchange for “an unspecified number of shares of Microsoft common stock.” When Rush Limbaugh read the fake release on his national television program, “the company found itself fielding calls from outraged viewers.”

<http://groups.csail.mit.edu/mac/classes/6.805/articles/anonymity/short-pieces/lewis-nyt-dec3194.txt>.