

Biden abandons quest to unmask Facebook page blogger

Written by Cris Barrish The News Journal

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Attorney General Beau Biden's office on Friday withdrew a subpoena to Facebook seeking the identity of the person who created the Peaceful Rioters page critical of Wilmington and New Castle County officials.

Biden's office wrote that "the information originally sought was no longer necessary" in a criminal investigation of a possible hate crime.

The American Civil Liberties Union of Delaware had filed court papers last week to quash the subpoena, which county Police Chief Elmer Setting said was sought by detectives probing caustic messages about County Executive Tom Gordon and top aide David Grimaldi.

Those messages were contained in a note and scrawled on two Frisbees that were left outside a house near Hockessin.

With the withdrawal by Biden's office, the blogger behind the year-old "Peaceful Rioters for Wilmington, Delaware," identified in the ACLU's motion only as "John Doe," can continue to post anonymously.

"I called John Doe and John Doe said, 'Thank you for your help,'" ACLU attorney Richard H. Morse said Friday after Deputy Attorney General Matthew B. Frawley filed paperwork in Superior Court rescinding the demand for the blogger's identity.

Though Frawley rescinded the subpoena, issued Dec. 13, he wrote that his office had "authority to issue the subpoena" to prosecute the crime.

A reporter sent a message requesting comment to Peaceful Rioters through Facebook, but no one immediately responded.

After News Journal stories last week about the subpoena battle, the blogger put up a post denying any connection to the messages left in late October and early November at the home in the upscale Autumnwood development.

The blogger also took a shot at the attorney general for pursuing his identity, writing, "Nice try Beau Biden" and asked supporters to sign a petition urging state lawmakers to investigate Biden's "motive" in issuing the subpoena.

Kathleen MacRae, the ACLU's executive director, called the withdrawal by Biden's office a victory for free speech and against unreasonable search and seizure.

"They decided it wasn't essential to the investigation and that's a good thing," MacRae said. "They have to be very discriminatory when they seek private information like that."

Joseph S. Grubb, the chief New Castle County prosecutor, said Biden's top supervisors decided this week to withdraw the subpoena because the information would not further the criminal case – not because of criticism or opposition.

“The investigation kind of took a turn,” Grubb said. “It’s proven less likely there’s a relevant connection” between the creators of Peaceful Rioters and the Hockessin-area missives about top county officials.

Police and prosecutors continue investigating the missives with Nazi references about Gordon and Grimaldi, Grubb said. One note called Grimaldi a “goon.” One disc had a swastika drawn on top with the words, “Anti-Gordon Gang.”

While police and prosecutors have refused to say why investigators suspected Peaceful Rioters might be connected to the messages, the page has been critical of Gordon and made scurrilous accusations about Grimaldi.

Most posts, however, concern the administration of Wilmington Mayor Dennis Williams and crime and policing in the city plagued by violence.

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