

State's Facebook subpoena targets hate crime

Written by Cris Barrish The News Journal

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A state subpoena demanding the identity of an anonymous owner of a Facebook page critical of Wilmington and New Castle County officials stems from a county investigation of a suspected hate crime that included references to County Executive Tom Gordon and his deputy, police said Wednesday.

"We're investigating the possibility they're connected," said Col. Elmer Setting, the county's police chief.

An unsigned note that disparaged Gordon and his top aide, David Grimaldi, was placed in the mailbox of a home in the Autumnwood development near Hockessin on Oct. 29. A week later, Setting said, two Frisbees with Nazi references that again ripped Gordon and Grimaldi were left outside the house.

The woman who lives in the house with her husband and children in the upscale neighborhood has said her family has no connection to Gordon or Grimaldi, neither of whom live in the neighborhood.

The missives called Grimaldi a "goon." One disc had a swastika drawn on top with the words, "Anti-Gordon Gang."

The Facebook page, started last February by a group called the Peaceful Rioters for Wilmington, Delaware, has criticized both Gordon and Grimaldi, as well as Wilmington Mayor Dennis Williams and other city officials.

Gordon and Grimaldi would not comment, but Setting, whom former police chief Gordon appointed as chief last year, said detectives argue that learning the identity of the page's owner could help solve the mystery.

Setting would not say why county investigators think the author of the hateful messages delivered to Autumnwood might be connected to the owner of the Peaceful Rioters page.

"We have no idea who the creator of the Peaceful Rioters is," Setting said. "But if our investigators determine that that person is the person who sent the threatening messages and victimized that family, that person will be arrested."

Setting stressed that the victims in the criminal case, which is being investigated as harassment or possibly a hate crime, are the Autumnwood family – not Gordon or Grimaldi.

"She didn't even want her husband to go to work," Setting said.

Setting emphasized that he's not trying to curtail the free speech rights of the Facebook page, which often chastises officials and has made scurrilous accusations about Grimaldi.

"If the Peaceful Rioters author isn't connected to the crime we're investigating, then that author can do or write whatever they want," Setting said.

The American Civil Liberties Union intervened Monday on behalf of the anonymous blogger who started

the page, petitioning Superior Court to quash the subpoena by Attorney General Beau Biden's office.

The subpoena, issued Dec. 11 to Facebook officials in Menlo Park, Calif., seeks "the registered owner or other identifying account information" for the Peaceful Rioters page.

ACLU officials said the page's owner, whom the motion identified only as "John Doe," was notified by Facebook about the subpoena, leading him to ask the civil liberties lawyers to block it.

The ACLU's motion said the subpoena must be quashed unless a Superior Court judge determines it "has reasonably been issued to investigate matters of public peace, safety or justice" and doesn't violate the blogger's constitutional rights to free speech and unreasonable search and seizure.

Kathleen MacRae, the Delaware ACLU's executive director, said the fact that the subpoena stems from the county investigation doesn't change her office's bid to quash it.

"We need a lot more information about the details of the case," MacRae said.

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