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FRONTIER JUSTICE

On the Web, Vengeance Is Mine (and Mine)

By JOHN SCHWARTZ

YOU can almost hear the spurs jingling.

Self-appointed sheriffs scan eBay and Yahoo auctions looking for fraud. When they find it - or at least when they think they've found it - they warn buyers or make outrageously high bids themselves in order to end the auction and prevent potential victims from falling into the trap. Elsewhere, private crusaders cruise Internet chat rooms for pedophiles and report their findings to law enforcement - or even expose them online. And hackers release programs into cyberspace that repair the damage done by malicious computer viruses.

In the movies, it always looks so good and pure: the lone gunman rides into town to clean up the lawlessness committed by bad men. From Shane to Bronson, the vigilante theme runs deep in American culture. So it should come as little surprise that the online world - for good or ill - is teeming with vigilantes who take matters into their own hands.

"Cyberspace has turned from a village in which visionaries held that self-government will work into an urban jungle," said Amitai Etzioni, a sociology professor at George Washington University. "Large parts of it are beyond the law."

Which is perhaps why certain kinds of people feel the need to jump in.

"People get tremendously frustrated" with fraud and scams, said Ina Steiner, the publisher of AuctionBytes.com, an online newsletter. "There's a sense of urgency that victims have, and it just doesn't synch-up with the time that it takes law enforcement to pursue these matters."

So the vigilantes strike. Some, like John McGowan, simply hand over information about questionable activity to the proper authorities. Mr. McGowan, an unemployed mathematician in New York, makes it his business to track down hackers who use viruses to commandeer personal computers to send unsolicited e-mail, or spam. He gets in touch with Internet authorities and fills them in. "I do my part," he said in an e-mail interview. "When it helps, it feels good."

Others go further. One of the self-appointed auction cops, who asked that his name not be used so that he would not lose his eBay privileges, sends e-mail to potentially fraudulent sellers asking them about their auctions. But he attaches surveillance software that reveals information about the seller, and he uses that information to track them down and report them to the Internet service provider. If the account has been hijacked from a legitimate eBay member - a common practice of fraudulent sellers - he calls the owner of the account as well. "My goal is to help other people," he said.

And others go further still. Perverted-Justice.com, a Web site that tries to expose online predators, teams up with local television stations like WDIV in Detroit for stings in which men are lured by chat room messages to a meeting with, they are led to believe, a 14-year-old girl. Instead, they are greeted by television cameras. Perverted Justice, which claims as its mission a desire to imbue potential predators with "an extra bit of paranoia," also posts pictures of alleged "wannabe pedophiles" on its site.

Part of this do-it-yourself approach to justice flows directly from the same quality of online life that makes bad behavior so easy to pull off: anonymity. That's something that Internet advocates on both sides of the law jealously guard from regulation. "Historically and currently, anonymity is part of how constitutional democracies are supposed to operate," said Marc Rotenberg, president of the Electronic Privacy Information Center, "and it would be bizarre to say, 'Oops! Can't do that any more.' "

But even more broadly, the appeal of online vigilantism stems from the persistent sense that the Internet remains a very Wild West kind of place. One of the first groups formed to protect online civil liberties evokes that sense of prairie justice in its name: the Electronic Frontier Foundation. The name was the brainchild of John Perry Barlow, a co-founder of the group and a former lyricist for the Grateful Dead. Mitchell Kapor, the other co-founder and a high-tech entrepreneur, said the original idea was wrapped up in the "romantic myth of the frontier."

These days, however, he says he regrets that the organization's name suggests a subtle endorsement of " 'take the law into our own hands' behavior."

That's partly because, just as in the real world, cybervigilantism doesn't always work out for the best. Executives at eBay argue that vigilantes - well intentioned as they might be - can wrongly disrupt legitimate deals. Law enforcement officials aren't big fans of the stings, either. Ray Johnson, a deputy investigator with the Internet crime unit for the sheriff's department of Wayne County, which includes Detroit, said, "We thought it was nice that they were putting it out there, and let people know that there is a problem."

On the other hand, he said: "They embarrassed these people, but they didn't put them behind bars. When we do a case, we not only embarrass them, we also put them behind bars, or put them in treatment." The vigilante stings actually make prosecution more difficult, he said, since they put people on notice that the police might investigate them. Private crime fighters also don't follow the rules the police use to avoid issues of legal entrapment. If Mr. Johnson tried to use transcripts of the chat room come-ons in a criminal proceeding, he said, "they'd throw it right out in a heartbeat."

Still, at least some Internet do-gooders feel that law enforcement is too slow or too ignorant of the ways of the Web to handle the ever-shifting criminal element there.

Seth Pack is the director of the Counter Pedophilia Investigative Unit, a group made up of former hackers who search for online predators and turn over their names to law enforcement agencies. The problem, he said, is that "law enforcement is ill-equipped to handle these types of jobs, as far as tracking cybercrime, and particularly pedophilia."

Along those lines, the very presence of so much vigilantism on the Internet might well suggest that individuals are simply rising up where institutions fall short. Online auction sites, Mr. Kapor said, must clean their houses; Microsoft, he said, has to make its software secure against viruses and hackers. "Vigilantes are in many cases responses to real problems where you'd like to see a much stronger institutional response - where there has been an institutional failure," he said.

The lingering worry in all of this, says Jonathan Zittrain, a co-founder of the Berkman Center for Internet and Society at Harvard Law School, is that if neither institutions nor individuals can adequately police the Net, the government will be forced to step in even more than it already has. The online world, Professor Zittrain says, is in the process of asking Abraham Lincoln's core question in the Gettysburg Address, which he paraphrases as "are we capable of governing ourselves?"

The jury is still out on that question, but Professor Zittrain said, "It's clear that the status quo is not working."

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