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## Web sites become a cheap avenue for personal attacks

*The Internet can host worldwide retribution*

**By Stephen T. Watson and Jay Tokasz - News Staff Reporters**

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Jeff Muir claims his former wife's attorney maligned his religion during a recent legal meeting. Muir wanted to get back at the lawyer, so he set up a Web site to let the world know how he feels.

Now, a Google search for the name "Sheldon Benatovich" brings up Muir's Web site and attacks posted by Muir on Craigslist.

"[The Web] affords a guy like me the opportunity to fight back against a Sheldon Benatovich," said Muir, a Williamsville father who has worked in computers and public relations. "That gives me a little power, and that's a good thing."

Benatovich denies making a bigoted remark to Muir. But that hasn't stopped Muir, one of a small but growing number of people who have gone online to publicly grind an ax.

Not satisfied with attacking someone in a message board or on a blog, people have set up Web sites blasting a telecommunications giant, a law firm and even their own relatives.

In the past, someone with a grievance could picket a person or a company's office, write a letter or put an ad on a billboard.

Now, the Web offers a convenient, cheap and constant way to complain about someone or some company.

"Anybody can go to the Web and post a message with the possibility of a worldwide audience," said Alex Halavais, an assistant professor of communication at Quinnipiac University who once taught at the University at Buffalo. "You buy the domain and set up the site in half an hour if you have the skills."

Some academics say that, at its best, the Web gives the average person the chance to challenge a powerful opponent and connect with supporters. One site with a national reach encourages unsatisfied customers to take on Comcast.

 A vertical yellow advertisement for TBN Interactive. At the top, it says "Now Hiring" in large blue and white letters, followed by "Join" in smaller black text. Below that is the "TBN INTERACTIVE" logo. The text "The BuffaloNews.com" and "Buffalo.com" is displayed. A list of job openings is provided:
 

- Managing Editor, Multi-Media
- Interactive Media Operations Director (MOD)
- Senior Interactive Designer
- Web Programmer
- Interactive Product Manager

 At the bottom, there are three small portraits of people (two men and one woman) and the text "Click for more information."

“My gut reaction is, people are using this technology for something fairly democratic and participatory, and that’s a good thing,” said Michael Stefanone, a UB assistant professor of communication.

Experts say electronic forums are subject to the same rules of free speech as anywhere else. Internet service providers generally are considered distributors, not publishers, and, therefore, can’t be held responsible for online statements.

If a damaging accusation is false, the person who posted it on a Web site could be liable for defamation of character. Truth, however, is an absolute defense.

“The situation for that is no different than if they had published it in a newsletter, said it on TV or shouted it in the public square,” said Kurt Opsahl, senior staff attorney for the Electronic Frontier Foundation. “People accusing other people is as old as history. In the modern era, people are using modern tools.”

Unlike other forums, the Internet allows a much greater opportunity for someone who feels aggrieved by statements posted online to fire back in the same manner, Opsahl said.

“The answer to bad speech is more speech — to get your side of the story out there,” he said. “The tradition amongst bloggers is to allow people to respond.”

Still, targets of online attacks might have a hard time defending themselves, leaving some feeling frustrated and defamed.

“There’s no truth at all,” said Remi Gonzalez, a Niagara Falls man accused on a Web site of sexual abuse. “I know it’s out there, and it’s devastating. It’s totally mind boggling.”

Police did not charge Gonzalez, 53, who didn’t go through a trial and wasn’t convicted.

But his accusers have been doling out their own brand of justice in recent months on a Web site that pops up near the top of a Google search of Gonzalez’s name, just below Gonzalez’s own Web site. A link to it also has been e-mailed around Niagara Falls, where Gonzalez is well-known.

Gonzalez adamantly denies sexually abusing anybody, and he has hired a lawyer to try to get the attack Web site shut down.

The creators of the site said they took their allegations to the Internet in reaction to recent Gonzalez actions.

Last summer, Gonzalez publicly accused the Catholic Diocese of Buffalo of ignoring its policy to deal with child sexual abusers. He contends the diocese overlooked the inappropriate behavior and sexual advances of a middle school teacher who later was convicted of possessing child pornography and endangering the welfare of a child.

“It struck us as shocking and hypocritical and really disturbing,” said Sarah Webster, who claims she was abused in 1978 and 1979. “Here he is out in the community presenting himself in a certain way, and, in my mind, that’s not how he is at all.”

Webster, who lives in Detroit and is Gonzalez’s niece by marriage, and two of Gonzalez’s sisters-in-law said they established their Web site in September to provide an “accurate portrayal” of Gonzalez.

Gonzalez contends the diocese is using the women’s allegations to retaliate against him. A youth group Gonzalez runs no longer may use Catholic Church property in the Falls, he said.

The online attacks have had varying effect.

In Muir’s case, the online target, Sheldon Benatovich, represented Jodi Benatovich — Muir’s then-wife and the lawyer’s cousin — in a custody matter. At a custody proceeding in September, Muir and Sheldon Benatovich agree the discussion became heated.

Then, according to Muir, Benatovich said, “You need to get a real job, and you need to get a real religion.” No transcript of

the session was available.

Muir, who is Mormon, said he was offended and responded online.

His Web site urges visitors to complain about the remark to the Erie County Bar Association. It also includes a Google map with directions to Benatovich's office if anyone wants to deliver a personal protest.

"I don't have thousands of dollars to hire an attorney to harass him. But I know how to set up a Web site. And I know how to get it ranked high [in Google searches]," Muir said.

Muir also filed a formal complaint about Benatovich with the attorney grievance committee for the State Supreme Court's 8th Judicial District.

Benatovich said he never told Muir to get a "real" religion.

"His comments are half-truths, and his Internet statements about me are totally false," Benatovich said.

The grievance committee recently concluded its investigation and informed both parties that it would not take disciplinary action against Benatovich. The lawyer has tried to get Muir's site removed, but he mostly just ignores it.

"I really don't care what he posts on the Internet," he said. "Little people do little things."

The Damon & Morey law firm has been defending itself against online attacks from a former client, D.A. Elia Construction Co. in Niagara Falls.

D.A. Elia claims on a Web site that the law firm hid a contingency fee, lied to courts about a conflict of interest and worked against its client in bankruptcy proceedings by also representing one of its creditors.

A Damon & Morey representative has called the online campaign by David and Daniel Elia, the brothers who co-owned the defunct company, "ridiculous, childish behavior."

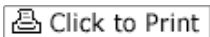
The law firm was able to get the operator of the computer server where the brothers' initial Web site was located to take it down by pointing out it contained copyrighted material.

But the successor Web site continues to operate.

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