

Law Against White Lies Repealed In Rhode Island

PROVIDENCE, R.I. (AP) — If you've ever lied to a potential Internet date about your weight, texted your spouse that you were someplace you weren't or emailed mom to say how much you love that ugly new sweater, you were breaking the law if you did it in Rhode Island.

But state lawmakers have now decided that white lies online should no longer be a crime. The General Assembly voted this month to repeal an obscure 1989 law that made fibbing on the Internet a misdemeanor punishable by fines of up to \$500 and as much as a year in prison. Gov. Lincoln Chafee signed the measure.

"This law made virtually the entire population of Rhode Island a criminal," said Steven Brown, executive director of the Rhode Island American Civil Liberties Union. "When this bill was enacted nobody had any idea what its ramifications were. Telling fibs may be wrong, but it shouldn't be criminal activity."

The law — which legal experts say was unusually broad compared to similar laws across the country — was written to stop fraud, con artists and scammers, but it also outlawed the "transmission of false data" regardless of whether liars stood to profit from their deception or not.

Only a handful of people were ever prosecuted for lying online, but legislators said it made no sense to keep a law on the books that is violated so often by so many people. Rep. Chris Blazewski, who proposed eliminating the law, said it was likely unconstitutional.

Lies may make you a scoundrel, cost you a relationship or get you fired, but they shouldn't make you a criminal unless you're trying to commit fraud or some other offense, he said.

"There are a lot of things we don't condone in our society that aren't crimes," Blazewski said. "We take freedom of speech very seriously in this country and we should be concerned about the real and serious possibility of further erosion to our First Amendment civil liberties."

While the right to lie about your waistline is not spelled out in the Bill of Rights, even despicable speech must be protected, according to Jonathan Turley, a law professor at George Washington University. Although Rhode Island's former law is unusual around the nation, Turley said a federal law making it illegal to lie about receiving top military honors brings up similar First Amendment questions. The U.S. Supreme Court could rule this week on that law, called the Stolen Valor Act.

"It's part of human nature to embellish and at times lie," Turley said. "It's not a redeeming characteristic maybe but it's a common one. When you give the government the power to criminalize lies, you give it the power to determine what is true and what is false, and which lies to prosecute. That's a dangerous tool."

The repeal of the Rhode Island law was prompted in part by a 2010 case in which a former prison guard was arrested for setting up a fake Facebook page in the name of his boss, the state's corrections director. The charges were later dropped, though the guard

lost his job. The man's attorney, John Grasso, said what his client was accused of doing "may not be bright, but it shouldn't be illegal."

"Everybody lies online," Grasso said. "You shouldn't be dragged into court and told that you can't tell people you're 6 feet tall when you're not."

By David Klepper