

CITY OF BANGOR

POLICY REGARDING ACTION AGAINST DEFAMATORY STATEMENTS: THE FIRST AMENDMENT DOES INCLUDE THE RIGHT TO COMMIT LIBEL, SLANDER, OR DEFAMATION

The City of Bangor encourages all comments about the city, its governing council, and how things are going in Bangor. This type of comment is essential to local government. The city understands that the comments might be complimentary and might be critical. The right to use free speech to criticize the government is a fundamental right, and the City recognizes this.

But the United States Supreme Court and the Michigan Supreme Court have held that ***the right to free speech does not include the right to commit libel, slander, or defamation.*** A trend has developed in which people are publishing statements that ***they know are false and that cause serious damage to the reputation of City Council members and City employees.*** The law does not require the city to tolerate this. In fact, the State of Michigan has adopted statutes that acknowledge the city's right to take action to stop this practice. MCL 600.2911 explicitly acknowledges the right of public officials to sue for libel if they can establish by clear and convincing evidence that false statements are made maliciously. Individuals who are the subject of these lies have the right to collect damages from those who have harmed them.

The City has been accused of violating the First Amendment rights of the people who publish defamatory statements about the City and its representatives. These accusations have no basis in the law. The City policy regarding defamation is exactly what courts have authorized – nothing more and nothing less. If someone expresses a critical opinion about the City without making false statements that are malicious the City recognizes that it has no right to take action against that person. But if criticism includes a false statement made with malice, and if the statement harms the reputation of a City representative, the City and that person have the right to take action to stop such statements and to recover damages.

In summary, the City policy encourages all comments about the City and its representatives unless those comments include statements that are knowingly false. When false statements are made, the City is entitled to take the precise action that courts have identified and approved. Any description of the City policy that is different than this is in itself false.