



## MEMORANDUM

TO: Members of the Troy City Council  
FROM: Lori Grigg Bluhm, City Attorney *LG*  
DATE: February 16, 2012  
SUBJECT: Allowable Restrictions on Public Comment

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After the last City Council meeting, I received a number of inquiries about the possibility of restricting offensive or abusive public comments. The First Amendment guarantees the freedom of speech, but only if exercised responsibly. Judges have ruled that derogatory, degrading, offensive, humiliating, vulgar and physically threatening comments are not protected by the First Amendment. Libelous or defamatory statements or speech that rises to the level of an invasion of privacy may subject the speaker to civil lawsuits and personal liability.

The Open Meetings Act also allows for restrictions on speech to promote decorum. As long as the rules are time, place and manner restrictions and are applied equally to all public commentary, the enforcement of these rules is allowed and encouraged.

Mayor Daniels has prepared a statement that is intended to notify all meeting attendees that offensive or abusive speech is not acceptable. A recitation of this type of advanced warning is recommended for every City Council meeting, and can also be incorporated into the Rules of Procedure, the Agenda booklet, the City's web page, or any other location designed to notify the public of the rules of public decorum and the consequences of any violation.