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ACLU challenges council's criticism policy at meetings

The American Civil Liberties Union of Delaware has lodged a complaint with Sussex County over its policy banning speakers at County Council meetings from personal criticism of county officials.

The ACLU wrote a letter to the county this week arguing that the policy, adopted in 2009, is unconstitutional because it discriminates against certain viewpoints. The group asked the county to strike the policy.

The county, which received the letter Thursday, will have its legal staff review the letter. It would be premature to comment in advance, spokesman Chip Guy said.

Before 2009, the county did not have a policy governing speakers at County Council meetings, Guy said. The policy was approved unanimously by the current council -- four Republicans and one Democrat.

It sets time limits for speakers during the "additional business"

portion of the council's weekly meetings, requires residents to speak about county business -- not state or municipal matters -- and bars criticism related to personnel decisions or "matters ... that are personal in nature." It does not prohibit residents from criticizing county decisions or council members' actions.

ACLU of Delaware Executive Director Kathleen MacRae said the council is within its rights to limit the general topics to be discussed.

"But they cannot stop someone from speaking their mind within that framework," she said.

Delaware's Freedom of Information Act does not require a public body to allow public comment during meetings.

The ACLU's letter, written by legal director Richard H. Morse, cited a 2005 federal court ruling in New Jersey that struck down a school board bylaw barring statements that were "personally directed."

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