

Too Many Words

May 19, 2022

The Institute for Justice (IJ) asks a question: “Does the First Amendment protect your right to criticize public officials without being subject to frivolous lawsuits?”

Kelly Gallaher is an activist in Mount Pleasant, Wisconsin, who provoked the ire of Village Attorney Chris Smith.

Seeking punitive damages, Smith has sued Gallaher for inflicting “emotional distress.” Her sin is penning “hundreds of posts on social media” criticizing Smith and other officials and their

Gallaher didn't want to retract, but did, fearing a lawsuit. Smith sued her anyway.

policies. (Hundreds! So many scribblings by just one person?)

The issue that apparently caused him to say “By Gawd, this is the last dang straw!” is term limits.

Recently, the town's board of trustees voted to lengthen their elective term from two to three years. Gallaher and others called for a referendum to reverse the term-fattening.

To assuage concerns, Smith claimed that changing



term limits had been discussed since 2018; in other words, the change wasn't something being sprung without prequel. When Gallaher, remembering no such previous discussion, found no evidence of it, she suggested that Smith had lied.

Smith demanded a retraction. Gallaher didn't want to retract, but did, fearing a lawsuit. Smith sued her anyway.

“The village attorney thinks he can use his law license to bully a political opponent into silence,” says Robert McNamara, the IJ attorney assigned to defend Gallaher. “But government officials are not in charge of how members of the public talk about politics, which is something we'll be happy to explain to him in court.”

A politician so far from the spirit of American free speech is a politician who needs something more than a withering rebuttal in court. Think: recall vote.

This is Common Sense. I'm Paul Jacob.