

NEWS / MICHIGAN

# Armstrong's Harasser Ordered to Pay \$4.5 Million in Damages

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A U.S. District Court jury decided Thursday evening that former Michigan Assistant Attorney General Andrew Shirvell must pay \$4.5 million to gay student leader at the University of Michigan Chris Armstrong for having defamed and harassed him online and on campus.

Shirvell maintained a blog titled "Chris Armstrong Watch," where he accused Armstrong of pushing a "radical homosexual agenda" as well as a "viciously militant homosexual activist" who "mocked Christians."

After being identified <https://www.pridesource.com/article.html?article=41510> as an anti-gay heckler (with a sign reading "Chris Armstrong = Racist LIAR") at a rally in support of the Ann Arbor Civic Theatre's production of "The Laramie Project," Shirvell and his blog received national media attention in May 2010.

Shirvell defended his actions, claiming he was acting within his First Amendment rights, even agreeing to an interview with

Anderson Cooper that September.

As media attention escalated and Shirvell refused to accept culpability, Armstrong decided it was necessary to get a lawyer. He hired trial lawyer and the mother of two classmates of Armstrong's, Deborah L. Gordon. She has specialized in employment and civil rights law for over 30 years and was eager to assist Armstrong when she heard of Shirvell's harassment.

"Michigan has no laws protecting LGBT people in employment and discrimination, so this was the first case of this nature that I had handled," explains Gordon. "But the minute I heard of Shirvell's behavior I decided 'this is not going to happen. This won't stand.'"

Attorney General Mike Cox fired Shirvell in November 2010,

<https://www.pridesource.com/article.html?article=44036>

claiming Shirvell used state resources in his campaign against Armstrong and lied to investigators during a disciplinary hearing.

In April 2011, Armstrong and Gordon filed a lawsuit against

Shirvell, <https://www.pridesource.com/article.html?article=46291>

seeking damages for defamation of character and emotional

distress. Armstrong said Shirvell had even followed him, showed

up at his home and contacted current and future employers,

including at one point calling Nancy Pelosi's office in an attempt to have Armstrong fired from an internship.

Nearly a year and a half later, the jury awarded Armstrong with a \$4.5 million civil settlement.

Gordon says the jury was made up of a diverse group of people from different ethnic and religious backgrounds, but that they were of a similar mindset: This was defamation, unprotected by freedom of speech.

Currently unemployed, Shirvell told the Associated Press after the ruling, "There's no way I could possibly ever pay such a judgment."

"I'm just incredibly humbled by what happened today,"

Armstrong told The Associated Press. "This is truly a victory, not just for myself, but for a lot of other kids out there."

When asked if she predicts Shirvell will appeal, Gordon replied,

"Oh yes. (Shirvell) is out there – thinking he is right – so yes he will be appealing and no he will not be winning. For somebody to

think that literally anything you say is protected under the first amendment – I think somebody missed a couple of classes in law school."

If Armstrong's lawsuit continues to be appealed, it is possible rulings in his favor may set a precedent for future online bullying cases in Michigan; however, Gordon explains that, "for such a groundbreaking ruling, this really is an old-fashioned law in a way. Defamation is extremely old, but in this new cyber world we live in, things are happening differently and a message can be broadcast across the world. Classically daily newspapers would carefully discern free speech from defamation, but with the blogosphere in place there are no checks and balances."

Gordon continued, "I just have to say: I think the University of Michigan was phenomenal and I think they had a wonderfully supportive network and did their very best to help Chris. So he's come out of this okay. But think of the kids that maybe didn't come from a place where their school or family are supportive. It could've been a much more unfortunate result.

"After everything that he has been through, I think this ruling has really restored Chris' faith in people."