CITY OF PATERSON
DEPARTMENT OF LAW

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CITY OF PATERSON STATEMENT

Heffernan v. City of Paterson
United States Supreme Court

"The City of Paterson is disappointed in the Majority Opinion reversing the 3rd Circuit's decision and holding that a public employee can maintain a 42 U.S.C. Section 1983 cause of action under the First Amendment for a mistakenly perceived exercise of those rights," said Paterson Corporation Counsel Domenick Stampone.

"The Majority held that the employer's thoughts, impressions and rationale for the alleged adverse employment action are critical in determining whether there is a viable cause of action and that it does not matter whether the employee actually exercised his right and even denied exercising any right because in this factual framework it is the employer's actions that matter. This is disturbing because it calls into question the First Amendment free speech AND freedom of association causes of action despite the fact that certiorari was granted ONLY on the freedom of association claim," Said Stampone.

"It should be stressed that the majority decision still recognizes, as did the brief for the United States of America, that there was no ill intended evil motive to punish the Plaintiff for his perceived actions but a decision to reassign him from the Chief's office for his failure to abide and honor a policy of neutrality for police officers working within the Chief of Police's office," said Stampone. "Accordingly, the City is prepared and looking forward to presenting those proofs before the 3rd Circuit and not the District Court to show that its political neutral policy is legally consistent with the United States Constitution."