

James O'Reilly

*Libels on Government Websites: Exploring Remedies for Federal Internet  
Defamation*

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Abstract by Brooksley Crisman

The Internet has dramatically changed the workings of administrative agencies. Technological advances have allowed agencies to present information to the public at an unprecedented speed. However, with the increased level of communication inevitably comes increased level of errors. Professor O'Reilly's article examines what happens when federal agency websites post inaccurate information online. The article focuses on remedies available for erroneous statements posted on federal agency websites.

There are limited legal remedies for a person or entity that wants to challenge information an agency has posted on their website. Challenges in federal court have been unsuccessful because federal case precedents do not sanction litigation as a remedy for inaccurate information on federal websites.

The article contemplates potential remedies without litigation such as post-publication mechanisms for corrections on the website. O'Reilly cites the Environmental Protection Agency's self-imposed system for investigating complaints of inaccuracies as a potential model for other administrative agencies.

In addition to potential remedies, the article discusses the benefits and drawbacks to legislation passed in 2002 that grants to the Office of Management and Budget the authority to require agencies to create guidelines that will ensure they maximize the quality of information on their website.