

## Donna Conkling

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**From:** Michele Braun <mxbraun@earthlink.net>  
**Sent:** Tuesday, October 09, 2018 8:11 PM  
**To:** Mayor; Clerk's Department  
**Subject:** Letter to the Mayor and Village Trustees

October 9, 2018

To the Mayor and Trustees of Scarsdale:

I am writing to urge you to revise Village Code Chapter 256 – Streets, Sidewalks and Public Places to eliminate interference with free speech in such a way to keep the code simple and straightforward, to eliminate additional processes or bureaucracy. This is important.

Several years ago, before we were redistricted, my family displayed a flimsy yard sign for an upstart Congressional candidate. No one complained and, I suspect, no one noticed because the candidate lost.

Two years ago, we again put a political sign in our yard. This time, the race was for Scarsdale mayor and trustees. By the next morning, the sign was gone. We called the police and reported the theft. That same morning I saw a Village pick-up truck with political yard signs for my preferred candidate piled in the back. I was appalled, but that's when I learned that Scarsdale restricts political speech.

It had never occurred to me that yard signs on private property violates Village code. After all, I routinely see signs supporting the local high school team, as well as signs for various contractors, builders, and tag sales. My observational analysis suggested that either political signs were not permitted – but other signs were – or that enforcement was highly selective.

On inquiry, I learned that Village staff would remove signs based on complaints. The result of this approach was selective enforcement, and selective in a way that violated my 1<sup>st</sup> Amendment right to free speech.

I also learned that the Village only removed signs on its “right of way.” Now I understand that a Village right of way through my front yard might facilitate repair work on curbs, pipes, and similar infrastructure. But there is no evidence that a flimsy sign would impede any such repair work. There is also no evidence that other uses for the Village right of way would be impeded by my signs. For example, emergency vehicles couldn’t use it as an emergency roadway because the Village plants trees in the right of way. These, needless to say, are harder to remove than my political yard signs.

Now, there are very few rights that I take more seriously than those of free speech and the right to vote for whatever candidate I choose. This past year, I again put a flimsy yard sign in my front lawn to support a candidate for Village office. This year, thanks to Bob Berg’s lawsuit, that sign remained in place, unmolested.

I urge the Mayor and Trustees to amend the existing, problematic Village code to eliminate any interference with the US Constitution’s 1<sup>st</sup> Amendment. The language should be simple and straightforward. The code should not require any additional processes. Prior approval, as in the current draft amendment, creates bureaucracy and opportunities for selective enforcement that could again result in unconstitutional restrictions on political speech. I ask our Village leaders to, please, fix the code to comply with the court order and keep it simple.

Sincerely,

Michele Braun

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