



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

*950 Pennsylvania Ave., N.W.
Washington, D.C. 20530*

September 8, 2025

Mr. James Staudt
McCullough, Goldberger & Staudt, LLP
Village Counsel
Village of Croton-on-Hudson
1311 Mamaroneck Avenue, Suite 340
White Plains, New York 10605

Re: Potential Violation of Federal Law – Content-Based Restriction on Political Speech

Dear Mr. Staudt:

The Civil Rights Division of the U.S. Department of Justice has received allegations regarding the enforcement of a municipal ordinance against a village resident to prohibit him from displaying a flag with a political message—support for President Trump. Without opining on the veracity of the allegations, we write to inform your clients of the Division’s authority to ensure that municipalities do not use law enforcement to unlawfully discriminate on the content of Americans’ peaceful expression of their viewpoints protected by the First Amendment.

Reportedly, on July 22, 2025, Village of Croton-on-Hudson (“Village”) Code Enforcement Officer served Mr. Leonard Amicola with a Notice of Violation and a Ten-Day Order to Remedy for allegedly violating Village zoning code Section 230-44(M)(5) which prohibits, “Banners, flags, strings of balloons, flags or lights, or similar outdoor advertising, except on a temporary basis with respect to the opening, reopening or remodeling of the business (that is, limited to a maximum duration of 45 days).” Mr. Amicola alleged that the Village’s Notice and Order pertain to a flag he has hung between two trees located at his private property. The flag concerns core political speech—i.e., Mr. Amicola’s expression of support for the President. However, the Village has not enforced its code against similar displays expressing different points of view. For example, a pride flag has been displayed for months on hooks attached to the front porch of the residential rectory of a nearby Episcopal Church. Additionally, a yard sign with a different political viewpoint has been displayed for some time on the front yard of a nearby residential property. Accordingly, Mr. Amicola raises the prospect of a potential use of law enforcement to punish his viewpoint.

Viewpoint restriction on expression raises substantial concerns under the First Amendment to the U.S. Constitution. Political expression is afforded the highest level of constitutional protection. The U.S. Supreme Court has long recognized that political speech lies “at the core of what the First Amendment is designed to protect.” *Boos v. Barry*, 485 U.S. 312, 318 (1988). Restrictions that distinguish speech based on subject matter or viewpoint are subject to strict scrutiny, and “may be

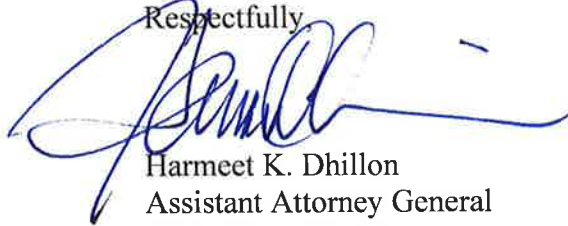
justified only if narrowly tailored to serve compelling state interests.” *Reed v. Town of Gilbert*, 576 U.S. 155, 163 (2015).

If these allegations concerning Mr. Amicola are true, such selective enforcement would suggest that the Village is enforcing its ordinance in a discriminatory manner targeting Mr. Amicola’s political speech. While municipalities may have broader leeway to regulate commercial speech, the First Amendment sharply limits the government’s ability to restrict political speech, which is at the heart of constitutional protection. *See Central Hudson Gas & Elec. Corp. v. Public Serv. Comm’n*, 447 U.S. 557 (1980). Therefore, where enforcement targets specific viewpoints—such as political expression in support of a particular candidate or party—it constitutes content-based discrimination and is presumptively unconstitutional. *Reed*, 576 U.S. at 163.

The Division is authorized under 34 U.S.C. § 12601 to initiate civil action against local governments engaged in a pattern or practice of conduct through its law enforcement that deprives individuals of rights protected by the Constitution. A municipality that selectively enforces ordinances to suppress political viewpoints risks falling within the scope of the statute. The Department expects municipal ordinances to be enforced in a manner consistent with the First Amendment’s protection of political expression. Should evidence demonstrate that Village enforcement was undertaken in a content-based or discriminatory manner, the Department will consider all available remedies under federal law. We encourage the Village to review its ordinance and enforcement practices promptly to ensure compliance with constitutional requirements.

Thank you for your prompt attention to this matter.

Respectfully,



Harmeet K. Dhillon
Assistant Attorney General
Civil Rights Division
U.S. Department of Justice