



**CITY OF ATLANTIC CITY**

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**CITY SOLICITOR'S OFFICE**

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October 24, 2011

Jonathan Scruggs, Esquire  
Alliance Defense Fund  
699 Oakleaf Office Lane  
Suite 107  
Memphis, Tennessee 38117

RE: Violation of Free Speech in Atlantic City

Dear Mr. Scruggs:

Please be advised that I am in receipt of your September 12, 2011 legal memorandum regarding violation of free speech in Atlantic City. I have reviewed Atlantic City Code §203-4 as well as applicable New Jersey case law. I have concluded that your analysis of that particular code section is correct and unenforceable in its present form. Accordingly, the City of Atlantic City will not enforce Atlantic City Code §203-4.

Atlantic City Code §203-4 appears to be an old section of the Code that the City intends to update. I thank you for bringing this issue to our attention and the Atlantic City Code will be revised in accordance with applicable case law. Should you have any questions or comments, please contact me.

Very truly yours,

  
Anthony A. Swan, Esquire  
Assistant City Solicitor

AAS/kbc

cc: G. Bruce Ward, City Solicitor  
Irving B. Jacoby, Deputy City Solicitor  
Deputy Chief Ernest Jubilee