

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

MARIO CERAME	:	:
Plaintiff, pro se	:	:
v.	:	:
Edward "Ned" Lamont, Jr., Governor of the State of Connecticut; and	:	:
Richard J. Colangelo, Jr., Chief State's Attorney of Connecticut; and	:	:
Defendants	:	:
In their official capacities only	:	NOVEMBER 10, 2021

COMPLAINT

INTRODUCTION

1. This is a civil rights action concerning the freedom of speech and an unconstitutional statute. The Plaintiff, Mario Cerame, a First Amendment and free speech advocate, seeks declaratory and injunctive relief to permanently enjoin enforcement of Connecticut General Statutes § 53-37, Ridicule on account of creed, religion, color, denomination, nationality or race (statute) as unconstitutional on its face.
2. The statute is plainly, facially unconstitutional under the First and Fourteenth Amendments to the United States Constitution. It is absurd to claim otherwise.
3. The Plaintiff has no intention of seeking fees if the State readily agrees the statute is facially unconstitutional and does not contest the Plaintiff's standing or service.
4. The action is brought in accordance with 42 U.S.C. § 1983, pursuant to the First and Fourteenth Amendments to the United States Constitution.

JURISDICTION AND VENUE

5. Jurisdiction rests on 28 U.S.C. §§ 1331 and 1343 as a matter of federal question

jurisdiction and to redress the deprivation of a federal right.

6. The Plaintiff has standing as speech he engages in and intends to engage in is proscribed or arguably proscribed by the statute, and the statute has a chilling effect on the Plaintiff.
7. This Court is authorized to issue the requested relief pursuant to 42 U.S.C. § 1983 and Federal Rules of Civil Procedure 65 and 69.
8. If necessary, this Court is authorized to issue reasonable attorneys' fees pursuant to 42 U.S.C. § 1988.
9. Venue is proper in the United States District Court for the District of Connecticut pursuant to 28 U.S.C. § 1391(b), being that the events giving rise to the claim occurred within the district.

PARTIES

10. Defendant Edward "Ned" Lamont, Jr., is the present Governor of Connecticut, and its chief executive officer. **He is sued solely in his official capacity.**
11. Defendant Richard J. Colangelo, Jr. is the Chief State's Attorney of Connecticut. Under Article XXIII of the Connecticut Constitution, he is charged with, among other things, investigation and prosecution of all criminal matters within the State of Connecticut, along with the thirteen State's Attorneys. **He is sued solely in his official capacity.**
12. Mario Cerame is a First Amendment and free speech advocate residing in Connecticut. He is a licensed Connecticut Attorney.
13. Cerame identifies as a person with Italian ancestry or nationality. He also identifies as being American. Nonetheless, Cerame sometimes ridicules or holds up to

contempt other individuals or himself or both on the basis of Italian heritage or on the basis of being an American national. Cerame intends to engage in such activity in the future as well.

14. With his **closest and dearest** friends, Cerame will sometimes ridicule others on the basis of their race, religion, creed, color, nationality, or denomination to express comradery and as part of play. Sometimes such ridicule occurs in an open forum with others present or on the internet. Cerame intends to engage in such activity in the future as well.

15. In his personal life, Cerame speaks critically of Scientology and religious practices he views as harmful to society. He will openly ridicule such religious positions to rhetorical effect, as part of reduction ad absurdum or to otherwise make a point. In this way, he sometimes ridicules others or holds them up to contempt on the basis of religion or creed. Cerame intends to engage in such activity in the future as well.

16. Cerame is a frequent advocate for speech rights and association rights, in both his professional life as well as outside of the workplace. He has presented on speech rights on panels, to bar local associations, and at know-your-rights trainings open to the public. He frequently advises other attorneys on speech issues, and has been quoted in the Connecticut Law Tribune and other Connecticut media regarding his views of speech issues in the news.

17. In advising others on speech rights, Cerame sometimes uses words that are not uttered in polite company, such as racial slurs or impolite terms for individuals of certain religious denominations. Cerame believes other individuals could construe his advocacy, language, and forceful expressions in these situations as derogatory

or demeaning, or as ridiculing others on the basis of race, color, denomination, or nationality. Cerame intends to engage in such activity in the future as well.

18. Cerame enjoys the work of a number of comedians from a number of different backgrounds. On occasion, he has republished material created by such comedians, either in the form of video clips or orally or otherwise, adopting their speech in his own in such republication. Such material sometimes includes material that ridicules on the basis of race, religion, creed, color, denomination, or nationality. Cerame intends to engage in such activity in the future as well.

19. Cerame believes that through such speech described in the foregoing paragraphs, he violates the statute on a weekly, if not daily, basis, and that many citizens of this state do as well. Though he believes most prosecutors and police conduct themselves in good faith, he further believes such speech could subject him to enforcement of the statute based on the arbitrary whims of a prosecutor or law enforcement officer.

20. This concern about the statute and enforcement chills Cerame in the speech he chooses to utter.

THE STATUTE

21. General Statutes § 53-37 states:

§ 53-37.

Ridicule on account of creed, religion, color, denomination, nationality or race

Any person who, by his advertisement, ridicules or holds up to contempt any person or class of persons, on account of the creed, religion, color, denomination, nationality or race of such person or class of persons, shall be guilty of a class D misdemeanor.

22. On information and belief, the statute continues to be enforced in all Judicial

Districts in the State of Connecticut.

23. On information and belief, enforcement of the statute has concerned interpersonal communications, not business advertisements.
24. The statute illegally punishes individuals for the content of their speech.
25. The statute illegally punishes individuals for the viewpoint of their speech.
26. The statute is facially vague in that it depends on an unascertainable standard, “ridicules or holds up to contempt.” The phrase has no discernable core meaning. There is no objective standard to making fun of someone or to holding another up to contempt.
27. Being facially vague, the statute illegally deprives individuals of liberty without due process of law under the First and Fourteenth Amendments.
28. The statute is enforced under color of law, by police and state’s attorneys, working independently and in combination with one another.

SINGLE COUNT—DEPRIVATION OF FIRST AMENDMENT RIGHTS

29. In their official capacities as constitutional officers charged with executing and enforcing the laws of the State of Connecticut, the Defendants act under color of state law to deprive the Plaintiff of his rights to the freedom of speech under the United States Constitution, First and Fourteenth Amendments.

PRAYER FOR RELIEF

30. The Plaintiff requests that the Court grant declaratory and injunctive relief, and if necessary, that the Court grant reasonable attorney’s fees, and such other relief as the Court deems just and proper.
31. To the extent proper, the Plaintiff demands a jury trial.

NOVEMBER 10, 2021

Respectfully submitted,

THE PLAINTIFF, pro se

/s/ Mario Cerame ct30125

Mario Cerame, pro se

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