



Legislative Testimony
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**Written Testimony Supporting Senate Bill 73, An Act
Repealing the Prohibition against Ridicule of Another Person on Account
of Creed, Religion, Color, Denomination, Nationality or Race**

Senator Winfield, Representative Stafstrom, Ranking Members Kissel and Rebibmas, and distinguished members of the Judiciary Committee:

My name is David McGuire, and I am the Executive Director of the American Civil Liberties Union of Connecticut (ACLU-CT). I am submitting this testimony in support of Senate Bill 73, An Act Repealing the Prohibition against Ridicule of Another Person on Account of Creed, Religion, Color, Denomination, Nationality or Race.

This bill proposes a total repeal of Connecticut General Statutes § 53-37, which makes “[a]ny person who . . . 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” guilty of a misdemeanor. Section 53-37 is an unconstitutional restriction on speech.

We are in a moment where hate-driven ideologies are increasingly common and harmful. White supremacy is on the rise in the U.S.¹ In Connecticut alone, there was just 1 reported incident of white supremacist violence in all the years between 2002 and 2016, while there were 2 in 2017, 6 in 2018, and 29 in 2019.² White supremacist ideologues are committing more violence, and they are also using intimidation, harassment, and fear as tools to squash the freedom of their targets based on their targets’ race, gender, sexual and gender identity, and religion.³

¹ Elisha Fieldstadt and Ken Dilanian, “White Nationalism-Fueled Violence Is on the Rise, but FBI Is Slow to Call It Domestic Terrorism.” NBC News (Aug. 5, 2019), *available at* <https://www.nbcnews.com/news/us-news/white-nationalism-fueled-violence-rise-fbi-slow-call-it-domestic-n1039206>.

² A.D.L. Heat Map, *available at* <https://www.adl.org/education-and-resources/resource-knowledge-base/adl-heat-map>.

³ “White Supremacist Violence and Crime.” New Hate and Old: The Changing Face of American White Supremacy, Center on Extremism, *available at* <https://www.adl.org/new-hate-and-old#white-supremacist-violence-and-crime>.

Though this kind of violence and intimidation has always been present in U.S. history,⁴ it is worsening right now. In the face of this kind of harmful conduct, Connecticut needs to use every constitutional law at its disposal to protect targeted communities from hate groups intent on harming people.

Section 53-37, though, is not the solution. This law represents a false promise – it cannot actually hold people accountable for hateful violence and intimidation, because the law is clearly unconstitutional content-based speech restriction.⁵ The existence of other lawful remedies, like anti-discrimination laws,⁶ punishments for harassment,⁷ and statutes criminalizing intimidations and threats,⁸ are all alternatives that demonstrate that Section 53-37 is unnecessary. In addition, the law’s use of the phrase “ridicule” is vague and does not put Connecticut residents on sufficient notice as to what is prohibited.⁹ With these problems, the restriction on speech in Section 53-37 is unconstitutional.

Because of this, the ACLU-CT supports Senate Bill 73 to repeal Section 53-37 of the Connecticut General Statutes. While ridicule on the basis of race or any other protected class is inherently harmful, Connecticut law already provides for numerous remedies when harmful speech rises to the level of a true threat or incitement to violence. We are also committed to continuing to fight the discrimination that people face on the basis of their creed, religion, color, denomination, nationality, gender, sexuality, and other protected classes. Nonetheless, because Section 53-37 of the Connecticut General Statutes is an unconstitutional restriction on speech and is vague, repealing this law is necessary. For these reasons, we encourage the committee to support Senate Bill 73.

⁴ See, e.g., Ana Radelat, “It May Not Be Ripe for a Large White Supremacist Rally, but There’s Hate in Connecticut.” CT Mirror (Aug. 14, 2017), available at <https://ctmirror.org/2017/08/14/it-may-not-be-ripe-for-a-large-white-supremacist-rally-but-theres-hate-in-ct/>.

⁵ *Morascini v. Comm’r of Pub. Safety*, 236 Conn. 781, 792 (1196); see also *R.A.V. v. City of St. Paul*, 505 U.S. 377, 395 (1992).

⁶ See, e.g., Conn. Gen. Stats. § 46a-58 (2019).

⁷ See, e.g., Conn. Gen. Stats. §§ 53-37b (2019).

⁸ Conn. Gen. Stats. §§ 53a-181j-1 (2019).

⁹ *F.C.C. v. Fox Television Stations, Inc.*, 567 U.S. 239, 253 (2012).