

CIVIL RIGHTS VIOLATION COMPLAINT FORM

Name of complainant: _____

Address: _____

Phone: _____ Email: _____

The Law: “Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State ...subjects, or causes to be subjected, any citizen of the United States or other person ... the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law...” 42 USC § 1983.

The wearing of colors by members of motorcycle clubs is a means of identifying Club Members and symbolizes their common interests and beliefs. Prohibiting speech of this nature constitutes an attack on a particular viewpoint. *Sammartano v. First Judicial District Court, in and for the County of Carson City*, 303 F.3d 959, 971-72 (9th Cir. 2002).

In *Sammartano*, the Carson City courthouse enacted a rule to prohibit admission of those with “clothing, attire or ‘colors’ which have symbols, markings or words indicating an affiliation with street gangs, biker or similar organizations,” because “such clothing or attire can be extremely disruptive and intimidating, especially when members of different groups are in the building at the same time.” 303 F.3d at 964. The Ninth Circuit reasoned that the rule singles out bikers and similar organizations for the message their clothing is presumed to convey, and held that the rule impermissibly discriminates against a particular point of view – the view of biker clubs as opposed to garden clubs and gun clubs. *Id.* at 971-72.

Complaint Information

Provide names, address, phone number, organization, business, or any other identifying information of the PERSONS ACTING UNDER COLOR OF LAW to violate your rights. (Example: Officer Dom Foke, Small Town Police Department, badge #0666).

Describe in detail what the person acting under color of law (the police or their agents such as business proprietors) did and said regarding your wearing colors or being present at the location wearing colors. State date, time, location, names of persons present and what they might be able to testify to. Be prepared to make a truthful, accurate statement under oath.

Complete and email to: WhatAboutBob bpenna@coxinet.net / fax 405-384-3070