
SENATE CONCURRENT RESOLUTION

REQUESTING THAT PARTICIPANTS IN PUBLIC DEMONSTRATIONS OTHER THAN
PERMITTED EVENTS SUCH AS MARATHONS AND PARADES FOLLOW
TRAFFIC LAWS.

1 WHEREAS, the First Amendment to the Constitution of the
2 United States of America grants the right of free expression,
3 including the right to peaceably assemble; and
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5 WHEREAS, public demonstrations have a long history in the
6 United States as a means by which the public may express support
7 for policies, voice outrage for injustices, and call for action
8 on the part of elected officials and other public figures; and
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10 WHEREAS, although the right to peaceably assemble is a
11 valuable and vital component of public engagement in the United
12 States, it is not absolute; and
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14 WHEREAS, the Supreme Court of the United States of America
15 has consistently held in numerous cases, including *Ward v. Rock*
16 *Against Racism*, 491 U.S. 781, 109 S.Ct. 2746 (1989), that the
17 government may impose restrictions on the time, place, and
18 manner of peaceable assembly, provided that constitutional
19 safeguards are met; and
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21 WHEREAS, the right of demonstrators to assemble and express
22 their position must be fairly and justly balanced against the
23 government's interest in providing for the safety and security
24 of the public; and
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26 WHEREAS, many counties, municipalities, and other local
27 governments require the organizers of public demonstrations and
28 other public events to apply for and be granted a permit; and
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1 WHEREAS, even if a public demonstration or other event does
2 not require a permit, local governments may still require
3 participants to follow traffic and public safety ordinances; and
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5 WHEREAS, law enforcement, including sheriffs with the
6 Department of Public Safety, direct traffic during public
7 demonstrations, which sometimes impede traffic unnecessarily,
8 causing unsafe conditions for pedestrians and motorists; now,
9 therefore,
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11 BE IT RESOLVED by the Senate of the Twenty-ninth
12 Legislature of the State of Hawaii, Regular Session of 2018, the
13 House of Representatives concurring, that organizers and
14 participants in marches, rallies, and public demonstrations are
15 requested to follow traffic laws and public safety ordinances;
16 and
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18 BE IT FURTHER RESOLVED that law enforcement, including the
19 sheriffs of the Department of Public Safety, are urged to
20 consider the safety and convenience not just of demonstrators
21 but of motorists as well; and
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23 BE IT FURTHER RESOLVED that this request does not apply to
24 permitted events such as marathons and parades; and
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26 BE IT FURTHER RESOLVED that certified copies of this
27 Concurrent Resolution be transmitted to the Director of Public
28 Safety, Office of the Mayor of each county, and Chief of Police
29 of each county.

