
SENATE 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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30 WHEREAS, even if a public demonstration or other event does
31 not require a permit, local governments may still require
32 participants to follow traffic and public safety ordinances; and
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1 WHEREAS, law enforcement, including sheriffs with the
2 Department of Public Safety, direct traffic during public
3 demonstrations, which sometimes impede traffic unnecessarily,
4 causing unsafe conditions for pedestrians and motorists; now,
5 therefore,

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7 BE IT RESOLVED by the Senate of the Twenty-ninth
8 Legislature of the State of Hawaii, Regular Session of 2018,
9 that organizers and participants in marches, rallies, and public
10 demonstrations are requested to follow traffic laws and public
11 safety ordinances; and

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13 BE IT FURTHER RESOLVED that law enforcement, including the
14 sheriffs of the Department of Public Safety, are urged to
15 consider the safety and convenience not just of demonstrators
16 but of motorists as well; and

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18 BE IT FURTHER RESOLVED that this request does not apply to
19 permitted events such as marathons and parades; and

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21 BE IT FURTHER RESOLVED that certified copies of this
22 Resolution be transmitted to the Director of Public Safety,
23 Office of the Mayor of each county, and Chief of Police of each
24 county.

