



**PRESS RELEASE**  
**September 18, 2013**

Contact: Kit Grant, ACLU of Hawaii  
(808) 522-5904

## **State Settles Lawsuit, Will Revise Rules for Demonstrations at State Capitol and other state properties**

### **Plaintiffs call settlement “A win for freedom of speech”**

HONOLULU, HI – 9/18/14 – Advocates are pleased with the promise of new rules for free speech activities on state land – including at the State Capitol – in the wake of a federal First Amendment lawsuit, *ACLU v. Seki*, settled on 9/5/14.

As part of the settlement agreement, the State is agreeing to wholesale revisions to its rules regarding demonstrations on State property. Effective immediately:

- Individuals or groups (of any size) wishing to demonstrate at the State Capitol (or other property controlled by the Department of Accounting and General Services (“DAGS”)) no longer need a permit.
- Demonstrators can have a small table to distribute literature, no permit needed.
- Demonstrators can get a permit, if desired, to reserve a space, but will no longer have to indemnify the state and will not have to obtain insurance if they cannot afford it.

The settlement concludes a lawsuit filed by the ACLU of Hawaii Foundation (“ACLU”) and the law firm of Chun Kerr, LLP (“Chun Kerr”) on behalf of plaintiffs Pamela G. Lichty and the ACLU in March 2014, documenting burdensome requirements for obtaining a permit – including requirements that small groups get the government’s permission before holding a protest; that individuals have to agree to indemnify the State for any injuries arising from their protest (even if the injuries are caused by the protesters’ opponents); and that individuals or groups apply for a permit weeks in advance (with no exception for spontaneous demonstrations in response to sudden events or news). The ACLU had been trying to resolve these issues with the State informally since 2010, but the State did not agree to change these permitting requirements until after the lawsuit was filed.

**Pamela G. Lichty**, President of the Drug Policy Action Group, whose organization ran up against these regulations while planning a rally at the Capitol said: “This settlement is a win for freedom of speech, and for grassroots organizations like ours that need to respond to current events quickly and without layers of government bureaucracy getting in the way of our message.”

Attorney **Alexandra Rosenblatt** of Chun Kerr said: “Objective, consistent standards for access to Hawaii’s public spaces will better safeguard equal treatment and equal protection for all community voices – a critical responsibility of government. We are relieved that DAGS will now have policies that uphold the rights to free speech and assembly as guaranteed in the First Amendment”

**###**

*The American Civil Liberties Union (“ACLU”) is our nation’s guardian of liberty, working daily in courts, legislatures and communities to defend and preserve the individual rights and liberties that the Constitution and laws of the United States guarantee everyone in this country.*