



TESTIMONY IN OPPOSITION TO HB2751 HD2 SD1
Relating to Offenses Against Public Administration

SENATE COMMITTEE ON JUDICIARY AND LABOR

DATE: Thursday, March 28, 2012
TIME: 10:00 AM
PLACE: Conference Room 16, State Capitol
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Dear Chair and Members of the Committee:

Hawaii Citizens for the Separation of State and Church continues to oppose HB2751 HD2 SD1, the so-called "Stop Mitch Kahle" bill which "creates the petty misdemeanor offense of disrespect of a house of the legislature."

This "offense of disrespect" is by definition viewpoint discrimination! This bill is crafted to punish people who disagree with you. It would create a law that is content-based and therefore a violation of freedom of speech rights under the US Constitution.

Existing statutes, which prohibit "disorderly conduct" and the "obstruction of government operations," are already sufficient to maintain decorum while protecting the rights of citizens to participate in our democracy.

The disorderly conduct statute was carefully crafted not to limit free expression. Disorderly conduct "is meant to apply only to obscene and scatological language, and not to language that is politically or religiously offensive." It appears this bill is an attempt to circumvent those restrictions and directly limit free expression.

The House Sergeant-at-Arms has testified that the purpose of this bill is to strengthen Article III Section 18 of the Hawaii State Constitution, "Punishment of Nonmembers."

There is no evidence this obscure section of the Hawaii Constitution has ever been required or implemented. The House Sergeant at Arms admitted in committee hearings that he has never had reason to remove a member of the public.

In 30 years, the Senate Sergeant-At-Arms has only once removed a citizen.

As proponents of the First Amendment, the Hawaii Citizens for the Separation of State and Church believes there should be no statute outlawing "disrespect" any more than there should be a law against blasphemy.

We urge this committee to kill this bill.

If passed, the bill will only invite challenges and controversy.

Sincerely,

Holly J. Huber
Co-Founder