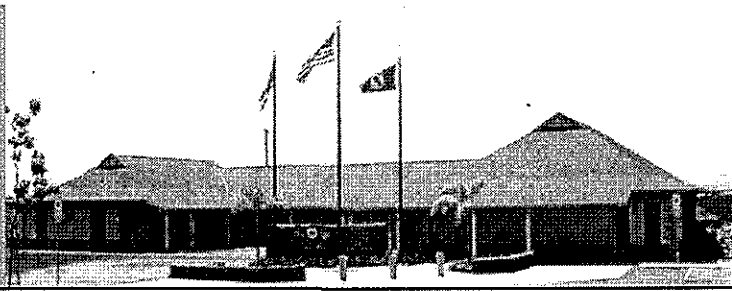
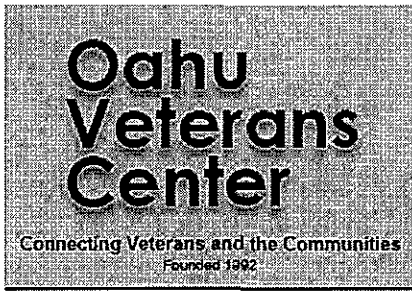


SB 542

RELATING TO VETERANS RIGHTS AND BENEFITS.

Prohibits demonstrations within 300 feet of the entrance or within 150 feet from routes of entry or exit of any state or county veterans cemetery from 60 minutes before to 60 minutes after the funeral.



January 29, 2013

**TESTIMONY IN SUPPORT OF SENATE BILL 542
RELATING TO VETERANS RIGHTS AND BENEFITS.**

**SENATE COMMITTEE ON PUBLIC SAFETY AND MILITARY
HEARING ON TUESDAY, JANUARY 29TH AT 2:50 PM, IN CONFERENCE
ROOM 224**

Aloha Chair Espero: The Oahu Veterans Council is delegates are honored to serve at the pleasure of our veterans and their families. On January 26th, our delegates reviewed and voted unanimously to support Senate Bill 542.

We are extremely grateful for your efforts to prohibit demonstrations within 300 feet of the entrance or within 150 feet from routes of entry or exit of any state or county veterans cemetery from 60 minutes before to 60 minutes after a veterans funeral.

The Oahu Veterans Council does not distinguish between the term Veteran and Military Personnel in this context, for the purpose of enforcement.

Providing this legislative protection in state law is much appreciated by grieving loved ones of our deceased veterans and service personnel. They ask for no more respect than we would expect for ourselves.

The Oahu Veterans Council respectfully urges your committee to consider passing Senate Bill 542 as written. Mahalo, for allowing us to testify, regarding this extremely important issue.

Dennis Egge

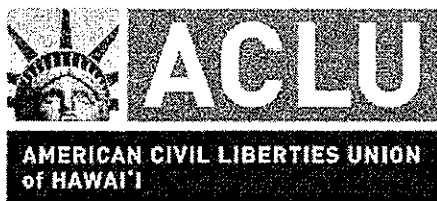
Dennis Egge; Chairman, Legislative Committee



1298 Kukila Street, Honolulu, Hawaii 96818

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Committee: Committee on Public Safety, Intergovernmental and Military Affairs
Hearing Date/Time: Tuesday, January 29, 2013
Place: Senate Conference Room 224
Re: Testimony of the ACLU of Hawaii in Opposition to S.B. 542, Relating to Veterans' Funerals and Demonstrations

Dear Chair Espero and Members of the Committee on Public Safety, Intergovernmental and Military Affairs:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in opposition to S.B. 542, Relating to Veterans' Rights and Benefits, which seeks to prohibit individuals from protesting at or near funerals.

Funeral protest bans are routinely struck down as unconstitutionally vague and overbroad. *See e.g. Lowden v. Clare County*, 2011 WL 3958488 (E.D. Mich. 2011); *Phelps-Roper v. County of St. Charles, Mo.*, 2011 WL 227561 (E.D. Mo. Jan. 24, 2011); *Phelps-Roper v. City of Manchester, Missouri*, 2010 WL 3614182 (E.D. Mo. Sept. 8, 2010) (striking down ban); *cf. Madsen v. Women's Health Ctr., Inc.*, 512 U.S. 753, 775 (1994) (holding that a 300 foot buffer zone around residences was unconstitutionally broad).

Funeral protests by Fred Phelps and members of the Westboro Baptist Church have become notorious for the protests' cruel and distasteful message, and public opinion overwhelmingly rejects this type of conduct. Nevertheless, even uniformly unpopular speech is protected by the First Amendment. S.B. 542 will invite legal challenges; if these legal challenges are successful, the State will be liable for the protesters' attorneys' fees (meaning that the State will be funding the very speech it is trying to suppress).

Furthermore, S.B. 542 is particularly troublesome because it begins by banning *all* protests at cemeteries, followed by vague language about obtaining "approval" from the appropriate County Council. A requirement that protesters obtain advance approval under *all* circumstances – even when no funeral is scheduled – is facially unconstitutional. *See, e.g., Long Beach Area Peace Network v. City of Long Beach*, 574 F.3d 1011, 1038 (9th Cir. 2009) (striking down a 24-hour notice requirement because the ordinance in question was "not narrowly tailored to regulate only events in which there is a substantial governmental interest in requiring such advance notice"), *cert. denied*, 130 S. Ct. 1569 (2010).

In sum, we respectfully request that the Committee defer this measure.

American Civil Liberties Union of Hawaii
P.O. Box 3410
Honolulu, Hawai'i 96801
T: 808-522-5900
F: 808-522-5909
E: office@acluhawaii.org
www.acluhawaii.org

Chair Espero and PSM Committee Members
January 29, 2013
Page 2 of 2

Thank you for this opportunity to testify.

Sincerely,
Laurie A. Temple
Staff Attorney and Legislative Program Director
ACLU of Hawaii

About the American Civil Liberties Union of Hawaii

The American Civil Liberties Union of Hawaii ("ACLU") has been the state's guardian of liberty for 47 years, working daily in the courts, legislatures and communities to defend and preserve the individual rights and liberties equally guaranteed to all by the Constitutions and laws of the United States and Hawaii.

The ACLU works to ensure that the government does not violate our constitutional rights, including, but not limited to, freedom of speech, association and assembly, freedom of the press, freedom of religion, fair and equal treatment, and privacy.

The ACLU network of volunteers and staff works throughout the islands to defend these rights, often advocating on behalf of minority groups that are the target of government discrimination. If the rights of society's most vulnerable members are denied, everyone's rights are imperiled.

American Civil Liberties Union of Hawaii
P.O. Box 3410
Honolulu, Hawaii 96801
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SB542

Submitted on: 1/27/2013

Testimony for PSM on Jan 29, 2013 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Golojuch	Individual	Support	No

Mike Golojuch, Lt Col, USAF (Ret)
92-954 Makakilo Drive #71
Kapolei, Hawaii 96707-1340

January 27, 2013

The Honorable Will Espero, Chair
and Members
Committee on Public Safety, Intergovernmental and Military Affairs
Hawaii State Capitol
514 Beretania Street
Honolulu, Hawaii 96813

RE: Support of SB542

As a retired military service member and a member of the State Advisory Board for Veterans' Services, I strongly support the prohibition of demonstrations within 300 feet of the entrance or within 150 feet from routes of entry or exit of any state or county veterans cemetery from 60 minutes before to 60 minutes after the funeral.

Thank you for the opportunity to provide my support for this measure.

Sincerely,

Mike Golojuch

SB542

Submitted on: 1/27/2013

Testimony for PSM on Jan 29, 2013 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Keith Ribbentrop	Individual	Support	No

To: COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS, Senator Will Espero, Chair

Date: Tuesday, January 29, 2013, 2:50 p.m., Conference Room 224 State Capital

Re: SB 542 - Relating to Veterans

Chair Espero and Committee Members:

Thank you for the opportunity to submit written testimony in STRONG SUPPORT of SB 542 Relating to Hawaii's Veterans. My name is Keith Ribbentrop and I am retired from the United States Air Force and disabled combat veteran of the Vietnam War, I live in Volcano Hawai'i.

I feel that demonstrations at funeral ceremony are akin to dragging a dead body through the streets; it is just wrong on so many levels. It would seem that prohibition of this type of activity shouldn't even have to be codified in a civilized nation. This bill ensures venerated honor and recognition to the service of Hawai'i veterans, armed service members and their dependents.

I urge you to support our military members and family by voting yes on SB 542.

Keith Ribbentrop
Volcano Hawai'i

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 28, 2013 11:27 AM
To: PSMTestimony
Cc: Kfe@aloha.net
Subject: Submitted testimony for SB542 on Jan 29, 2013 14:50PM

SB542

Submitted on: 1/28/2013

Testimony for PSM on Jan 29, 2013 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Edward Kawamura	Individual	Support	No

Comments: I solicit committee support. S/Edward Kawamura Veteran Helping Veterans

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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