



**PRESS RELEASE**

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**ACLU OF HAWAII AND THE CITY AND COUNTY OF HONOLULU ANNOUNCE  
WIN-WIN SETTLEMENT ON BEHALF OF PROTESTORS AT CITY HALL**

FOR IMMEDIATE RELEASE

December 14, 2006

HONOLULU – The American Civil Liberties Union of Hawaii Foundation (“ACLU of Hawaii”) and the City and County of Honolulu (“City”) announced today that they have resolved their disputes stemming from the protests by advocates for the homeless at City Hall (Honolulu Hale), which took place from March 27, 2006-April 28, 2006. The settlement reaffirms the basic principle that public spaces such as the grounds of City Hall are open on an equal basis to all who engage in lawful protests regardless of the content of the message or the identity of the messenger.

Today’s settlement is a response to two federal lawsuits filed by the ACLU of Hawaii. The City’s Department of Parks and Recreation, with the support of the area Neighborhood Board and the City Councilmember who represents the area, made a decision to close Ala Moana Beach Park for 6 hours nightly in response to concerns of residents regarding usage of the park.

The displacement of homeless individuals staying at the park inspired scores of individuals to march to City Hall in protest. The first lawsuit sought damages on behalf of advocates for the homeless Utu Langi and Julia Matsui Estrella who were arrested during a peaceful protest at City Hall. The second lawsuit, filed on behalf of Reverends Bob Nakata and Sam Cox and The Interfaith Alliance Hawaii sought damages and a court order to reaffirm that the grounds of City Hall are open equally to all who are engaged in activities protected by the First Amendment. That lawsuit charged that the City discriminated against free speech by subjecting protests by people experiencing homelessness and their advocates to more restrictive conditions than other members of the public.

In response to the issue of homelessness, the City, among many other efforts:

- Has secured over \$37 million over the past five years to develop facilities for homeless persons and to provide services to them, including a 34-unit transitional housing project currently underway in Waianae.

- Has pursued partnerships and leveraged opportunities to put together an inventory of emergency shelters, transitional housing, and permanent supportive housing for people experiencing homelessness that now exceeds 2,800 beds.
- Allocates a substantial portion of its current HUD grant allocation to fund projects addressing homelessness, including facilities development and program assistance to victims of domestic violence, homeless youth, and persons who are homeless with HIV/AIDS, mental illness, and substance abuse.
- Funds outreach and basic services by nonprofits to homeless persons living in parks and on beaches, helping those homeless to find housing or transitional shelter.
- Participates in several homeless planning groups, including the Hawaii Interagency Council on Homelessness, which is the focal point of the State's efforts on homelessness, and the Partners In Care planning committee.
- Has implemented changes in its Section 8 rental assistance program to provide a preference category that assists persons transitioning from homelessness.
- Has established an outreach component within Oahu WorkLinks, the City's employment service program, to assist people who are experiencing homelessness in participating in either life skills or work readiness training programs.

Under the terms of the agreement:

- The City will pay \$65,250 to settle of claims for damages, attorney's fees, and other costs. Significantly, the majority of the money due to the Plaintiffs will be paid by the City to one or more non-profit organizations, including H-5 Project (Hawaii Helping the Hungry Have Hope), whose mission is to assist Honolulu's homeless population;
- The City will, by the end of 2006, implement training for Honolulu law enforcement personnel on the use of trespass laws on public property and recent changes in the law; and
- The City has agreed to notify and consult with the ACLU of Hawaii in the future concerning the public's right of access to the grounds of City Hall.

Plaintiff Utu Langi said, "These cases brought significant public attention to the homelessness crisis that is now facing Oahu. I am honored to have been a part of these cases because our actions gave a needed voice to the homeless population — a voice to which the City has responded in an admirable manner. We look forward to the City's continued efforts to address the causes of homelessness in the Aloha State."

"These cases are a reminder that protesting at City Hall is a long-standing and traditional way for members of the public to express their political views. All peaceful political demonstrators should be treated equally and with dignity and respect. Today's settlement reaffirms the right for

the public to engage in peaceful protests in public spaces, which is a victory for all of us,” added ACLU of Hawaii Legal Director, Lois Perrin.

“We welcome any and all peaceful demonstrations on the grounds of City Hall,” said City spokesman, Jeff Coelho. “Our move to clean our parks has provided the needed catalyst for much more meaningful action on the part of the state to address the homeless issue on our island. We will continue to partner with the state and our island’s homeless service providers in addressing that concern”

The settlement was approved unanimously by City Council on December 13, 2006, and is in the process of being finalized.

*The mission of the ACLU and its Hawaii affiliate is to protect the fundamental freedoms contained in the state and federal constitutions through litigation, legislative and public education programs statewide. The ACLU is funded primarily through private donations and provides its service at no cost to the public. The ACLU does not accept any government funds.*

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