

## RESOLUTION AGAINST HOUSE BILL 1

**WHEREAS**, in 1791, the First Amendment to the Constitution of the United States prohibited Congress from making a law "respecting the establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people peaceably to assemble, and to petition the (federal) Government for a redress of grievances"; and

**WHEREAS**, in 1864, the Fourteenth Amendment to the United States Constitution applied the First Amendment rights to the States, as confirmed by the United States Supreme Court in 1925 in *Gitlow v. New York*; and

**WHEREAS**, the rights of freedom of speech and to petition the government for a redress of grievances are integral parts of the democratic process, and that these rights should be liberally construed, as determined by the United States Supreme Court in 2011 in *Borough of Guryea v. Guarnieri*; and

**WHEREAS**, the right to peaceably assemble is a primary right, and that it should be broadly construed, as determined by the United States Supreme Court in 1875 in *United States v. Cruikshank*; and

**WHEREAS**, the right to peaceably assemble cannot be denied without violating the principles of liberty and justice which are the bases of civil and political institutions, as determined by the United States Supreme Court in 1937 in *DeJung v. Oregon*; and

**WHEREAS**, Florida HB 1 abridges these civil rights by criminalizing peaceful protests, significantly increasing sentences of existing crimes, and perpetuating racial disparities in Florida's prisons;

**NOW, THEREFORE, BE IT RESOLVED**, that the Executive Committee of the Palm Beach County Democratic Party stands in opposition to HB 1 and opposes the passage of this proposed statute because this is in direct violation of both the Florida Constitution and the Constitution of the United States.

Mindy Koch, Legislative Committee Chair; Ellen Baker; Vice Chair Phil Levitt, Vice Chair, Amelia Rose, Maria Torres-Lopez, Allen Robbins, Charles Bantel, Cameron Stempel, Drew Martin, Ira Raab, Tricia Mischler, Theo. Parsons, Joel Schlifer