
A BILL FOR AN ACT

RELATING TO LIBERTY AND JUSTICE DAY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the Declaration of
2 Independence proclaims as self-evident that all people are
3 endowed with unalienable rights, including rights to life,
4 liberty, and the pursuit of happiness. These rights are
5 manifest in the Bill of Rights enshrined in the United States
6 Constitution. To secure these rights, governments derive their
7 just powers from the consent of the governed. Whenever any form
8 of government becomes destructive toward these ends, it is the
9 right and the duty of the people to alter or abolish that form
10 of government and to provide new guards for their future
11 security.

12 The legislature finds that constitutional rights and
13 democracy are eroded when government power goes unchecked or
14 without accountability. Ensuring liberty and justice requires
15 eternal vigilance and the reaffirmation of consent by the people
16 freely exercising the rights that the United States Constitution
17 guarantees to them, especially the right to protest when a



1 government attempts to curtail those constitutionally guaranteed
2 rights.

3 The legislature finds that there is a long history of
4 government-sponsored abuses and usurpations of power afflicting
5 the rights of the people. These abuses and usurpations have
6 only been corrected when the government has been held to
7 account.

8 On March 5, 1770, government soldiers fired into a crowd of
9 people in Boston, killing five individuals and catalyzing
10 widespread protests that led to the American Revolution,
11 Declaration of Independence, and the enumeration of rights, due
12 process, justice, and checks and balances being enshrined in the
13 United States Constitution.

14 Numerous incidents of government violence, injustice, and
15 oppression have occurred since that time, including such notable
16 examples as the forced internment of Japanese Americans during
17 World War II, the intimidation and arrest of civil rights
18 advocates, shootings of protesting college students at Kent
19 state university, the unjustified use of force by law
20 enforcement officers throughout the country, and, more recently,
21 the arrest or deportation of citizens and immigrants without due



1 process, and acts of unjustified violence by federal agents and
2 agencies without independent investigation or an ability to
3 bring these agents and agencies to account.

4 The legislature finds that establishing a day of liberty
5 and justice will serve as a solemn reminder that the
6 preservation of freedom requires continued vigilance against the
7 abuse of government authority, particularly when directed at
8 people engaging in civic participation or dissent. This
9 observance would recognize that the exercise of constitutional
10 rights, especially speech, protest, and assembly, must never be
11 met with violence, repression, or punishment by the government.

12 The legislature further finds that Liberty and Justice Day
13 would serve as a memorial to all those who have suffered or died
14 as a result of government-sponsored violence, injustice, and
15 oppression. Its observance would also acknowledge that when a
16 government violates constitutional rights and is not held
17 accountable, the harm is not only personal and tragic but also
18 corrosive to democracy itself. Finally, Liberty and Justice Day
19 would reaffirm the duty of a free people to ensure that no
20 person is deprived of the unalienable rights guaranteed to them



1 by the United States Constitution, and that those responsible
2 for violating those rights must be held to account.

3 Accordingly, the purpose of this Act is to establish
4 Liberty and Justice Day, to be recognized on March 5 of every
5 year.

6 SECTION 2. Chapter 8, Hawaii Revised Statutes, is amended
7 by adding a new section to be appropriately designated and to
8 read as follows:

9 "§8- Liberty and Justice Day. March 5 of every year
10 shall be known and designated as "Liberty and Justice Day";
11 provided that this day is not and shall not be construed to be a
12 state holiday. All flags flown on the grounds of state lands
13 shall be flown at half-staff on Liberty and Justice Day to
14 recognize lives lost as a result of government-sponsored
15 violence, injustice, or oppression. The day shall be
16 commemorated to reaffirm the duty of a free people to ensure
17 that no person is deprived of the unalienable rights guaranteed
18 to them by the United States Constitution and that anyone
19 responsible for violating those rights is held to account; and
20 to honor and remember those who have suffered or whose lives



1 were lost as a result of government-sponsored violence,
2 injustice, or oppression."

3 SECTION 3. New statutory material is underscored.

4 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Liberty and Justice Day; Day of Observance; March 5; Flags

Description:

Designates March 5 of every year as Liberty and Justice Day. Requires all flags flown on state lands to be flown at half-staff on Liberty and Justice Day. (SD1)

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