

Angela Stephi

From: Mara Kimmel [REDACTED]
Sent: Friday, March 15, 2024 5:51 PM
To: House Transportation
Subject: Testimony in opposition to HB 386

My name is Mara Kimmel. I am submitting this testimony on behalf of the American Civil Liberties Union (ACLU) of Alaska, where I serve as the Executive Director.

The ACLU of Alaska opposes HB 386, which is an unconstitutional and overbroad piece of legislation that would chill the rights of Alaskans' freedom of speech and assembly.

We oppose HB 386 because it creates a new crime and increases civil penalties when Alaskans exercise their fundamental rights to assemble and to speak. Likewise, the bill creates a new and unconstitutional framework to justify the government's intrusion into these fundamental rights.

Regarding criminal and civil penalties: The bill creates a new criminal offense for "Obstruction of free passage in public places." The impact of this expansion is to effectively punish Alaskans who choose to exercise their fundamental rights protest and engage in lawful speech if those actions create an obstruction that presents an "unreasonable inconvenience" - an impermissibly broad and subjective standard that could mean any number of things.

In addition, HB 386 increases civil liability creating outrageously high and unusual penalties in law. These penalties — which are not based on actual losses or damages, and would attach to each instance of obstruction — are the *minimum* penalties that could be imposed without having to prove a person acted negligently, unreasonably, or with bad intent – this form strict liability likely means that our constitutional right to free speech could not be a defense.

Likewise, the bill contains extremely broad personal jurisdiction provisions that seem constitutionally problematic - for example, it grants the Alaska court has jurisdiction over anyone, anywhere, who encourages the conduct, without more. The bill includes a private cause of action, meaning that an individual or company can sue an Alaskan for exercising their constitutional rights.

Regarding the bill's unconstitutional framework to infringe on the rights of Alaskans:

This bill seems to create a "right to free passage" in order to essentially curtail the fundamental rights of free speech and to assemble as found in our federal and state constitutions. The problem with this approach is that these rights are not equivalent; unlike the fundamental rights of speech and assembly guaranteed to every Alaskan, there is no right to freedom of movement articulated in either constitution.

Moreover, when the government imposes regulations on people's speech and expression, it must do so in a narrowly tailored way that satisfies a compelling government interest. This is an appropriately high burden for the government to bear and HB 386 does not meet that standard. Due process requires the government to clearly define conduct that is prohibited, so that ordinary people have adequate notice of acceptable behavior, and to avoid the possibility of uneven and discriminatory enforcement.

The concept of "obstruction of free passage in public places," as outlined in Section 9 of the legislation, is not narrowly tailored and is so vague as to be constitutionally overbroad. The language is subjective and potentially captures a broad range of unremarkable activity. It would rely on law enforcement and prosecutors to make

The concept of “obstruction of free passage in public places,” as outlined in Section 9 of the legislation, is not narrowly tailored and is so vague as to be constitutionally overbroad. The language is subjective and potentially captures a broad range of unremarkable activity. It would rely on law enforcement and prosecutors to make judgment calls about what conduct qualifies. HB 386 is too vague to clearly understand and too subjective to avoid uneven enforcement.

Similarly, the bill fails to identify a compelling governmental need. The Department of Law has indicated this is an anticipatory bill based on hypothetical scenarios, and not one that is responsive to actual situations that have occurred in Alaska. This is a solution in search of a problem, and the solution is very likely a violation of our constitutional rights.

For these many reasons, we urge the committee not to advance HB 386.

Mara Kimmel

Executive Director

pronouns: she, her, hers

American Civil Liberties Union of Alaska

1057 W. Fireweed Lane, Suite 207; Anchorage, AK 99503

M: 907-258-0044 | mkimmel@acluak.org

acluak.org  

Dena'inaq etnen'aq' gheshtnu ch'q'u yeshdu. (Dena'ina)

I live and work on Dena'ina land. (English)

This e-mail is for the sole use of the intended recipient(s) and may contain information which is confidential and/or legally privileged. If you are not the intended recipient, please notify the sender and destroy all copies of the original message.

Angela Stephl

From: Santa Claus [REDACTED]
Sent: Friday, March 15, 2024 12:54 PM
To: Transportation
Subject: TESTIMONY RE HOUSE BILL 386: (Text and video link)

Importance: High

SANTA CLAUS OPPOSES ALASKA HB 386 LEGISLATURE 3-14-24

Alaska House Transportation Committee Chairman and Members:

I am Santa Claus, former Mayor Pro Tem of the City of North Pole, Alaska, testifying in opposition to HB 386 because, as the American Civil Liberties Union, the ACLU of Alaska, emphasizes, it violates my First Amendment freedom of speech and my right to assemble freely in public places.

The ACLU notes that HB 386 would create the new crime of "obstruction of free passage in public places," which is constitutionally problematic; and, the language would capture a broad range of activity, contains no exceptions for lawful speech and protest, and proposes criminal consequences for everything from protests to homelessness.

Again, as ACLU Alaska points out, the First Amendment of our Constitution prohibits any laws that abridge the freedom of speech, interfere with the right to peaceably assemble, or prohibit citizens from petitioning for a governmental redress of grievances.

It was adopted into the U.S. Bill of Rights in 1791. Furthermore, the Court has interpreted the Due Process Clause of the Fourteenth Amendment as protecting the rights in the First Amendment from interference by state governments; and, that includes Alaska.

Alaska's Constitution's Declaration of Rights in Article 1, Section 5 reads, "Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that right." And, Section 6 reads, "The right of the people peacefully to assemble, and to petition the government shall never be abridged."

During his inauguration, Governor Dunleavy took this oath, "I do solemnly swear or affirm that I will support and defend the Constitution of the United States of America and the Constitution of the State of Alaska, and that I will faithfully discharge my duties as Governor for the State of Alaska to the best of my ability."

If HB 386 becomes law, as currently written, the Governor will have violated his oath and neglected his duty to support and defend the Constitutions and subjected himself to the prospect of a recall under Alaska's Constitution Section 11.8 for his neglect of duties, as provided in Alaska Statute 15.45.510.

Again, I respectfully request that you all **oppose House Bill 386**. Thank you!

Here is the link to a video of my TESTIMONY on HB 386:

<https://www.youtube.com/watch?v=9eP4Gswp41Y>

Angela Stephi

From: Zander Kotlarov [REDACTED]
Sent: Friday, March 15, 2024 12:31 PM
To: House Transportation
Subject: Written testimony against HB 386

Hello, my name is Zander Kotlarov, and I live in Juneau, Alaska. This bill that Dunleavy proposes is unconstitutional, anti-Alaskan and anti-free speech. The bill would criminalize people who protest if they "knowingly render a public place impassable or passable only with unreasonable inconvenience or hazard." However, the First Amendment of the United States Constitution states that we are granted the right to peaceful assembly. This bill infringes on our personal rights as U.S. citizens in order to criminalize those exercising their First Amendment rights as Americans. This is a step towards authoritarianism which is a terrifying precedent in America, supposedly a hallmark of freedom and democracy in the world. No one should be in jail simply for speaking their mind. I hope that Dunleavy will reconsider his proposed bill as it will help absolutely no one except those who would benefit from criminalizing dissent in opinion. I shouldn't have to point out how that would be bad.

Thank you,

Zander Kotlarov

Angela Steph!

From: Aviate your real estate dreams, with Angie Marie [REDACTED]
Sent: Friday, March 15, 2024 9:49 AM
To: Transportation
Subject: OPPOSE HB 386

Hello,

My name is Angela Marie, and I'm a resident of Anchorage. I am testifying in opposition to HB 386 because it violates my First Amendment freedom of speech and my right to assemble. This bill attempts to chill public protest and criminalize Alaskans who are exercising their constitutional rights. Please stop this bill from advancing to protect the most fundamental rights of all Alaskans.

This is Alaska not Los Angeles!!! Please stop the nonsense and taking away constitutional rights.

Thank you
Angela Marie

Sent from my iPhone

Angela Stephi

From: Earl Williams Jr <[REDACTED]>
Sent: Thursday, March 14, 2024 2:34 PM
To: Transportation
Subject: Regarding HB 386

Hello My Name is Earl Williams Jr
I'm from Sitka, Alaska

So regarding HB 386 The AntiProtest Bill. I encourage everyone to Vote No on it. Don't mess with my 1st Amendment Rights. Again Vote No on it thanks

Get [Outlook for iOS](#)

Angela Stephl

From: Anthony Bossler [REDACTED]
Sent: Thursday, March 14, 2024 2:14 PM
To: Transportation
Subject: Opposition to HB386

Hello,

If I live in Anchorage near Wonder Park Elementary. I'm writing to voice my opposition to HB386. It is an undermining of the first amendment and leaves to much grey area for harshly penalizing law abiding citizens exercising their right to protest. Under this proposed bill felony charges could be given out if the government or law enforcement deems "anything as an obstruction to public safety." I urge all members of the legislature to vote NO on this proposal.

Thank you
Anthony

Angela Stephl

From: Sonia Kumar [REDACTED]
Sent: Thursday, March 14, 2024 2:13 PM
To: House Transportation
Subject: I oppose HB 386, Gov Dunleavy's anti-protest bill

Dear elected officials,

I write to you opposing Governor Dunleavy's HB 386, which would effectively crack down on Alaskans' ability to protest, demonstrate and freely assemble in public places. This bill is vague, broad, and proposes criminal consequences for everything from protests to homelessness. It would hold Alaskans civilly liable for exercising their constitutionally afforded rights without consideration for protected speech and other First Amendment defenses.

HB 386 does not work to address a current issue within Alaska. This legislation does not make Alaskans safer or address a current problem for people protesting across the state. It sends a threatening message to protestors that effectively kills free speech.

Freedom of speech and freedom to assemble are fundamental rights enjoyed by all Alaskans and Americans. Please oppose HB 386 to protect Alaskans' First Amendment rights.

Sincerely,
Sonia Kumar

Angela Stephl

From: tosh bygosh [REDACTED]
Sent: Thursday, March 14, 2024 2:11 PM
To: Transportation
Subject: NyTauscha turner Ketchikan ak and I oppose HB386

To whom it may concern,

I am NyTauscha Turner from Ketchikan Ak and I am writing to testify against HB 386 as an Alaskan and as an American I believe this bill strips us of our rights to protest our freedom to express ourselves. With possible jail time and fines for opposing our government is just another nail in the coffin to a fascist state this bill protects no one but those in power. We as the American people are the Government you represent us you should not fear listening to our concerns and you should not be blocking us from voicing them through our fundamental right of protest.

Sent from my iPhone

Angela Stephi

From: Sarah Furman [REDACTED]
Sent: Thursday, March 14, 2024 2:10 PM
To: House Transportation
Subject: Testimony opposing HB386

Good Afternoon,

I am a Fairbanks constituent and am writing to share my opposition to HB 386. This bill is a clear violation of freedom of speech and assembly protected in the First Amendment. The language in the bill is vague and will criminalize people involved even indirectly in constitutionally protected protests. The ability for US citizens to assemble and protest is fundamental to our democracy. Attacks like this are written to deter large-scale protests. When in effect, they permit the government to take action in opposition to the will of the people without allowing for proper checks by the people themselves. It would be a clear step towards fascism for this bill to pass.

I appreciate you taking the time to read my concerns and hope you will take very seriously the implications of a bill like this.

Sarah Furman
Fairbanks, AK

Angela Stephi

From: Nithya Thiru [REDACTED]
Sent: Thursday, March 14, 2024 2:03 PM
To: House Transportation
Subject: I oppose HB 386

To the Members of the House Transportation Committee,

I am writing to you as a constituent and lifelong Alaskan in opposition of HB 386. This bill is a direct violation of our 1st Amendment rights, specifically free speech and our right to assemble. This bill would criminalize people who are simply using their 1st Amendment Rights to protest.

The ability to freely assemble is a hallmark of our society, and historically has allowed Americans to challenge injustice, and move our communities towards a more equitable future. This bill would silence dissent in a move that is authoritarian and not in alignment with the values of a democracy. I urge you to oppose this bill.

Sincerely,
Nithya Thiru

--
Nithya Thiru, they/them

நித்யா திருஞானசம்பந்தன்

Angela Stephi

From: Hannah Hill [REDACTED]
Sent: Thursday, March 14, 2024 2:02 PM
To: Transportation
Subject: Opposing HB 386

Good Afternoon House Transportation Committee -

My name is Hannah Hill & I am a resident of Fairbanks, Alaska. I am writing today to express my opposition to HB 386.

Not only does this bill invent thought crimes ("encouraging a protest"), violate Alaskan's First Amendment rights in at least two ways (assembly & speech) & threaten Alaskans who participate in democracy but its broadly unspecific language would criminalize homelessness in public spaces under the new "obstruction of free passage" crime.

For years, I have worked in homeless services here in Fairbanks & see how such thoughtless laws harm Alaska's most vulnerable residents every single day. I am deeply concerned at the impact this bill will have on my freedoms, the freedoms of my fellow Alaskans & the safety of Alaska's homeless residents. We do not need to invent new crimes for old actions that are already illegal (as civil disobedience - such as blocking roads, etc - already is).

HB 386 creates more problems than it solves & proposes to do so at the expense of Alaskan's protected freedoms. I encourage the Committee not to pass this overreaching, unconstitutional bill.

Thank you for your time,

-Hannah C. Hill
Fairbanks, Alaska

"Love is an act of will,
both an action & an intention."
-bell hooks

Angela Stephi

From: Brooks Banker [REDACTED]
Sent: Thursday, March 14, 2024 2:00 PM
To: House Transportation
Subject: HB 386

Dear House Transportation Committee,

My name is Brooks Banker, I am a resident of Anchorage, Alaska and I oppose HB 386.

This bill is not only unconstitutional, anti-American and a direct attack on Alaskans, it is also creating a “solution” to a non existent problem. This bill is obviously targeting gatherings and rallies that use sidewalks and public areas to express our first amendment right.

I have seen and participated in countless protests and demonstrations in Anchorage and they have all been peaceful and well received by the community. Making them a crime is wrong and potentially dangerous.

Thank you!

Brooks Banker

Dena'inaq ełnen'aq' gheshtnu ch'q'u yeshdu. (Dena'ina)

I live and work on the land of the Dena'ina. (English)

Translation by Joel Isaak and Sondra Shaginoff-Stuart

Angela Stephl

From: Doug Woodby [REDACTED]
Sent: Thursday, March 14, 2024 1:56 PM
To: House Transportation
Subject: HB 386: Oppose

Dear House Transportation Committee Members:

I am writing to oppose HB 386, the Governor's bill to criminalize obstruction of public places.

My primary opposition is because this bill seeks to criminalize first amendment rights with heavy penalties. This bill is a stepping stone on a path to an authoritarian state where dissent is criminalized.

Moreover, this bill is unnecessary. It is also overly broad and vague.

Thank you,

Doug Woodby
Juneau

Angela Stephl

From: Dan Poulson [REDACTED]
Sent: Thursday, March 14, 2024 1:37 PM
To: Transportation
Subject: HB 386

Hello, I am a lifelong Alaskan who would like to state my opposition to HB 386. This bill is anti-democratic, anti-American and offensive to the Alaska constitution. At a moment when our state is confronting existential crises ranging from climate change, rising healthcare costs, lack of affordable housing, underfunded schools, and statewide labor shortages, it makes no sense to spend taxpayer resources on an authoritarian law that silences and punishes free expression. We already have laws on the books that criminalize conduct that creates hazardous conditions for others. This law goes much further. By imposing new criminal and civil liabilities on public gatherings that inconvenience others, this law places unacceptable burdens on our collective right to assembly. Alaskans who wish to peacefully protest should be able to do so without the risk of criminal prosecution based on the remote possibility that someone may be disadvantaged. This law is simply too broad and sweeping to survive constitutional challenge, and if enacted, it will face a swift and immediate opposition from civil rights activists.

Laws like HB 386 diminish our state's long-cherished history of celebrating individual freedom and the right to dissent. We can do better than play these kinds of games with Alaskan's civil liberties. Free speech is under attack at home and abroad, and we should not cave into the mindset of reactionary extremists who subscribe to the notion that free speech only matters if it is inoffensive. That is a mere shadow of freedom. Kill this legislation -- and focus on laws that actually aim to improve the lives of Alaskans.

Sincerely,

Dan Poulson

[REDACTED]
Anchorage, Alaska

Angela Stephl

From: Amy Vail <[REDACTED]
Sent: Thursday, March 14, 2024 1:11 PM
To: Transportation
Subject: OPPOSE HB386

I am a resident of Anchorage. I am writing in opposition to HB 386. I believe I am an intelligent individual, yet after reading the language of the bill I can't interpret exactly what its purpose is. The bill is vague in where it should be applied, and leaves open to interpretation what "obstruction" would mean. This gives too much power to local law enforcement. They could say blocking a portion of entry on a sidewalk (staying out of the street) is unreasonable, which would call into question people standing on corners with signs in favor of this or that political candidate.

This infringes on the rights of people to not only protest but campaign as well!

There is no impetus in Alaska for these changes since we haven't had major issues of obstruction. So why is this being brought forward now?

Amy Vail

Angela Stephi

From: Daniel King [REDACTED]
Sent: Thursday, March 14, 2024 12:56 PM
To: Transportation
Subject: Oppose HB 386

Hello,

I'm a resident of Anchorage. I am writing in opposition to HB 386. After reading the language, I think portions are too vague in where they would apply and leave open to interpretation what "obstruction" would mean. This gives too much control over local policy officers enforcing this to decide whether they will or won't arrest someone, since "unreasonable inconvenience" in passing is very vague. They could say blocking a portion of entry on a sidewalk (staying out of the street) is unreasonable, which would call into question people standing on corners with signs in favor of this or that political candidate. If the officer supports the candidate, maybe they let it slide. If they oppose the candidate, maybe they arrest the people or at least disperse them under this new law.

This infringes on the rights of people to not only protest but campaign as well!

There is no impetus in Alaska for these changes since we haven't had major issues of obstruction. So why is this being brought forward now?

Daniel King

Angela Stephl

From: Katie Mulder [REDACTED]
Sent: Thursday, March 14, 2024 12:48 PM
To: House Transportation
Subject: Oppose HB 386

I oppose HB 386. We all have a constitutional right in the US according to our first amendment.

Kathryn Mulder

Angela Stephl

From: Meneka Thiru [REDACTED]
Sent: Thursday, March 14, 2024 12:32 PM
To: House Transportation
Subject: Opposition to HB 386

To the House Transportation Committee,

I am unable to call in today at 1pm so I wanted to submit my testimony via email. I am writing in opposition to HB 286. This bill directly targets Alaskans' right to free speech in the form of protest, demonstration, and assembly. It holds Alaskans liable for exercising our constitutional rights and proposes criminal consequences for things ranging from protests to homelessness. It is clear that this bill's goal is to silence Alaskans. I have a right to assemble and I do not endorse any bill that curbs my freedom of speech.

Protest has been a part of our country's fabric since its inception. To criminalize it in this way is unconstitutional. I urge the members of this committee to stop this bill from advancing in order to protect our most fundamental rights.

Thank you,
Meneka Thiru
Anchorage, 99504

Angela Stephl

From: J Campbell [REDACTED]
Sent: Thursday, March 14, 2024 12:30 PM
To: House Transportation
Cc: J Campbell
Subject: Oppose HB386

House Transportation Members,

I write to you to strongly oppose HB 386 in it's entirety. This bill is a thinly veiled attempt to crack down on Alaskan's ability to protest, demonstrate, and freely assemble in public places. This bill is vague and broad and proposes criminal consequences for everything from protests to homelessness. It would hold Alaskans civilly liable for exercising their constitutionally afforded rights without consideration for protected speech and other First Amendment defenses.

There is no current issue this bill attempts to correct. It merely restricts Alaskan's ability to practice our First Amendment rights. Civil discourse and disagreement are fundamental rights in a democracy and make our state and country a better place to live.

I urge you to oppose HB386 and protect our fundamental constitutional rights.

Respectfully,
Jennifer Campbell
Fairbanks, AK

Angela Steph!

From: Nikki Davis [REDACTED]
Sent: Thursday, March 14, 2024 12:14 PM
To: House Rules; House Transportation
Cc: Rep. Zack Fields
Subject: HB 386

To the Governor, the House Rules Committee and the House Transportation Committee:

I am writing to express my deep concerns and vehement opposition to House Bill 386, which you have sponsored. This bill, ostensibly focused on the obstruction of airports and highways, is nothing short of a thinly veiled assault on our fundamental rights to freedom of speech and the right to protest.

While the safety of public spaces is undoubtedly important, the language and provisions of HB 386 go far beyond addressing legitimate safety concerns. Instead, it seeks to criminalize peaceful assembly and protest under the guise of maintaining public order. By broadening the definition of obstruction and trespassing, this bill effectively stifles dissent and suppresses the voices of those seeking to hold their government and institutions accountable.

Moreover, the inclusion of felony charges as punishment in HB 386 serves as a fear tactic, aiming to deter individuals from exercising their constitutional rights. Such heavy-handed measures not only undermine the principles of justice and fairness but also create an atmosphere of intimidation and coercion, where citizens are reluctant to speak out against injustice for fear of facing severe legal consequences.

As a resident of Alaska, I am deeply troubled by the implications of HB 386 on our democracy and civil liberties. Rather than fostering a healthy and inclusive public discourse, this bill fosters an environment of fear and repression, where individuals are hesitant to speak out against injustice for fear of legal repercussions.

I urge you to reconsider your support for HB 386 and instead focus on legislation that upholds our cherished freedoms and safeguards the right to peaceful protest. It is imperative that we protect the foundational principles of our democracy and ensure that all voices are heard, regardless of political persuasion or ideology.

Thank you for considering my perspective on this crucial issue. I trust that you will stand on the side of justice and oppose any legislation that threatens our fundamental rights and freedoms.

Sincerely,

Nikki Davis
Anchorage, AK
[REDACTED]

Angela Stephi

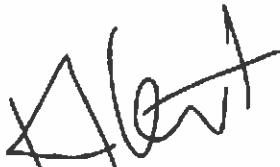
From: Kimberly Hunt [REDACTED]
Sent: Thursday, March 14, 2024 12:01 PM
To: House Transportation
Subject: I'm against the anti-protest bill

Good Afternoon, Alaska Legislators--

As a Journalism major in college, and as a fan of John Lewis and other demonstrators whose Good Trouble moved us forward into the civil rights era, I am writing to say that I support free speech-- specifically, I support protest as an element of free speech.

I am testifying in opposition to HB 386 because it violates free speech and people's rights to assemble. HB 386 attempts to criminalize people exercising their constitutional rights. Organizing, protesting, demonstrating, and keeping representatives accountable by participating in their government are things I respect most about Alaskans and part of what I appreciate most about Alaska.

I oppose HB 386.



Kimberly Hunt (Kim)
[REDACTED]

Angela Stephl

From: M. Silvia Capezio [REDACTED]
Sent: Thursday, March 14, 2024 11:36 AM
To: Transportation
Subject: Opposition to HB386

Good morning,
My name is Maria Capezio Crookes, and I am a resident of Anchorage, AK (99504).

I am emailing you today in opposition to HB 386. This bill is undemocratic, it violates my 1st Amendment rights of freedom of speech and my right to assembly, and will criminalize Alaskans who exercise these rights.

Also, since moving here in 2018, during so many times of national unrest, I've never seen a protest that justifies the writing of this bill.

Respectfully,

Maria Capezio Crookes
United Methodist Church Deaconess
Consultant (Office of Deaconess and Home Missioner)

Angela Stephl

From: Alysha McGuire [REDACTED]
Sent: Thursday, March 14, 2024 11:31 AM
To: Transportation
Subject: HB 386

Good afternoon, my name is Alysha McGuire and I live in Anchorage, AK and have been an Alaskan resident my entire life.

I am sending this email today because I am in opposition of HB386 because it violates my First Amendment right to freedom of speech and my right to assemble.

Protesting has been a way of capturing the attention of the general public and public officials since the start of US history. Protests are not meant to be passive and easy to ignore. They are meant to disrupt the status quo because that's how you get people talking. Especially, in the age of social media.

Opposing HB386 isn't just about preserving our right to protest the issues of today but also about protecting our right to future freedom.

Thank you for your time.

Angela Stephl

From: Tristan Glowa [REDACTED]
Sent: Thursday, March 14, 2024 11:14 AM
To: House Transportation
Subject: Opposition to HB 386

Dear Members of the House Transportation Committee,

As a Fairbanks community member grateful for and active in our local civic life, I am quite alarmed to see the legislature considering HB 386 – **a bill clearly intended to use feigned concern about traffic safety to give the state powers to repress Alaskans' First Amendment right to free assembly and expression.** This bill would represent a major step in an anti-democratic and authoritarian direction for our state, and I urge you in no uncertain terms to reject this bill from further advancing.

There are countless issues with this bill, including its prioritization of automobile traffic over the integrity of public civic life, the broad interpretability of its provisions to apply penalties as harsh as felonies, and the fact that it seems clearly aimed at cracking down on social movements that have spontaneously used public space as expressions of free speech.

But my primary question is, why is there a need for this bill in Alaska if not for simply the further concentration of power in the hands of a government that doesn't want to tolerate dissent? What paranoia around hypothetical traffic disruptions could warrant those steps towards authoritarianism?

Needless to say, the fact that this bill is being seriously considered only makes me even more certain that we need to prioritize and protect Alaskans' freedom of assembly and expression. **Shame on any legislator who would attempt to undermine that basic constitutional right.**

Tristan Glowa

[REDACTED]
tkglowa@gmail.com

Angela Stephl

From: Christin Swearingen [REDACTED]
Sent: Thursday, March 14, 2024 11:10 AM
To: Transportation
Subject: Oppose HB 386

Hello,

I'm writing to express strong opposition (shock and horror) at HB 386.

I can only assume the governor is unaware of the protection of the freedom of assembly. The first amendment protects the individual right to come together and collectively express and defend their shared ideas. There have been multiple Supreme Court cases that uphold the right to assemble in public places.

The intent of this bill seems to be criminalizing Alaskans who are exercising their rights. Please stop this bill from advancing.

-Christin

Angela Stephi

From: Tonia Blumer [REDACTED]
Sent: Thursday, March 14, 2024 10:05 AM
To: Transportation
Subject: I oppose HB386

Hello, my name is Tonia Blumer and I live in Sterling, AK. I am writing in opposition to HB 386 because it violates my First Amendment freedom of speech and my right to assemble. This bill attempts to quiet public protest and criminalize

Alaskans who are exercising their constitutional rights. Please stop this bill from advancing to protect the most fundamental rights of all Alaskans."

Thank you for your time,
Tonia Blumer
Sent from my iPhone

Angela Stephi

From: Alicia O'Brien [REDACTED]
Sent: Thursday, March 14, 2024 9:57 AM
To: House Transportation
Subject: I oppose HB 386

Hello,

My name is Alicia and I live in Anchorage, Alaska. I am sending this e-mail in opposition of HB 386. This bill is NOT democratic, it is unconstitutional and therefore ANTI-American. I am sending this because it is an attack not only on our country, but on Alaskan individuals as well. Removing our freedom to speak is removing a basic human right and a foundational tenet of our nation and state.

It is hard enough to be heard by those who are supposed to represent us. We shouldn't have to go into any street and obstruct anything in order to simply be heard. The issue is how difficult it is to be listened to in our democracy, not us shouting in whatever way we can to be heard and spoken to as constituents.

I hope you are able to enjoy the sunshine today, and that you respect the voices of those you're meant to represent and listen to.

Thanks,

Alicia OBrien

Angela Stephl

From: Lisa Bricker <[REDACTED]>
Sent: Thursday, March 14, 2024 7:32 AM
To: Rep. Kevin McCabe; Rep. Sarah Vance; Rep. Thomas McKay; Rep. Craig Johnson; Rep. Jesse Sumner; Rep. Louise Stutes; Rep. Genevieve Mina
Subject: HB 386

Greetings,

I am concerned by the vagueness of "Sec. 11.61.155. Obstruction of free passage in public places. (a) A person commits the crime of obstruction of free passage in public places if, under circumstances not proscribed under AS 02.20.050, AS 11.61.150, or AS 38.05.128, the person knowingly renders a public place impassable or passable only with unreasonable inconvenience or hazard".

I fail to see how "unreasonable inconvenience" outweighs the rights of free speech and assembly.

I'm also curious what circumstances precipitated the proposal of this bill in the first place as I haven't seen any news about obstructive protests.

This seems like a fundamentally flawed solution in search of a nonexistent problem.

Based on these issues, I oppose HB 386 and hope that you will reconsider the wording before moving forward with it.

Thank you,

Lisa Bricker

Anchorage resident



Alliance Advocates - Alaska

House Transportation Committee
Alaska State Capitol
Juneau, AK
99081

Re: HB 386 - Obstruction of Public Passage

March 13, 2024

Dear Chair McCabe and Members of the House Transportation Committee:

Planned Parenthood Alliance Advocates strongly opposes HB 386, a bill that would criminalize Alaskans who exercise their freedom of speech and assembly. The language of the bill is both so broad that it renders constitutionally protected speech illegal and so vague that those who wish to follow or enforce the law are unclear as to the legislation's scope.

HB 386 would create the new crime of "obstruction of free passage in public places," a provision that is not only constitutionally problematic but also deeply concerning in its potential to stifle lawful speech and protest. Under the First Amendment, laws that restrict speech must be "narrowly tailored to serve a significant government interest." This bill is clearly not. Under HB 386, people could be charged for "obstruction of free passage in public places" if they "knowingly [makes] a public place impassable or significantly inconvenient or hazardous for passage." It is unclear what "impassable", "significantly inconvenient", or "hazardous for passage" means. The vague language of this bill is an attempt to crack down on Alaskans' ability to protest, demonstrate, and freely assemble in public places.

Moreover, the language of the bill is overly broad and lacks exceptions for lawful activities, making it a clear violation of the First Amendment. The Constitution requires that a law be clear enough for a person of ordinary intelligence to understand what conduct is prohibited. This is the overbreadth doctrine under the Constitution that prohibits overly broad language like in HB 386. This bill would hold individuals liable for damages, with no First Amendment defenses, for associating with a protest in almost any way – including aiding, encouraging, or authorizing conduct. For example, such broad language would allow a person to be held liable for sharing information about a protest or other protected First Amendment activity on social media. The bill would also allow a person anywhere in the world to be dragged into an Alaska court for nothing more than "encouraging a protest." Such broad application of the bill's provisions is likely unconstitutional and another illustration of the bill's intent to chill speech.

Vague and overly broad laws can be applied selectively by law enforcement against parties engaged in disfavored speech. There is no way for the state to neutrally apply this bill, which could be used to target politically disfavored speech and it raises more questions than answers about what conduct is permissible in public. Moreover, new "obstruction of free passage" crime appears to criminalize homelessness in public spaces and could be weaponized by law enforcement to target marginalized groups, including the unhoused, exacerbating rather than alleviating Alaska's housing crisis.

The penalties and civil liability provisions under this bill are unreasonable and will create chilling consequences for protesters and organizations involved in protests. Individuals could be fined



\$10,000 to \$500,000 for a violation. This is simply egregious. Under the civil liability provisions, the bill would hold individuals liable for damages for associating with a protest in almost any way, which would encourage frivolous litigation. The bill is wildly out of step with existing Alaska law and would create enormous judgments unrelated to actual losses.

This legislation does not make Alaskan's safer or address a current problem for people protesting across the state. Instead, it is government overreach that sends a threatening message to protesters in order to chill free speech. Please oppose HB 386.

Thank You,

Morgan Lim
Alaska Government Relations Manager
Planned Parenthood Alliance Advocates