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Civil Rights Groups File Lawsuit Challenging Florida's Anti-Protest Law

Today, the NAACP Legal Defense and Educational Fund, Inc. (LDF), ACLU of Florida, and Community Justice Project filed a federal lawsuit in the U.S. District Court for the Northern District of Florida challenging a recently enacted state law (H.B. 1) designed to chill Floridians' First Amendment right to free speech and peaceful assembly in the wake of last summer's demonstrations against police violence. The law targets Black protestors and their allies who demand racial justice and has already slowed protest activity among Black organizers in Florida. The law was passed in direct response to national protests – the vast majority of which were non-violent – demanding justice for the police killings of George Floyd and Breonna Taylor, and a reimagining of public safety.

Among other things, the law creates new criminal penalties for protestors, intensifies criminal and civil penalties for various protest activities, and allows Governor DeSantis to override a municipality's decision to reduce the operating budget of its police department if the budget is appealed by a State Attorney, county, or city commissioner.

The lawsuit was filed on behalf of the Black-led organizations The Black Collective, Black Lives Matter Alliance Broward, Chainless Change, Dream Defenders, the Florida State Conference of the NAACP, and the Northside Coalition of Jacksonville. The law firm of Akin Gump Strauss Hauer & Feld LLP is serving as counsel with the civil rights groups. The lawsuit argues that H.B. 1 violates the First and Fourteenth Amendments to the United States Constitution by chilling protected speech and criminalizing protest activity.

“This unconstitutional and dangerously broad law is in direct response to the 26 million people who protested over the summer of 2020, spurred by the police murder of George Floyd,” **said Nailah Summers, interim co-director of the Dream Defenders, a civil rights organization based in Florida.** “Our governor used this outrageous tragedy as a political opportunity to silence his critics, play politics, and legislate racism. This law puts our lives, futures, and movement in danger, so we are continuing this fight, along with our partners, in the courtroom.”

“Public protests have always been a core component of American movements that resulted in real change,” **said Marq Mitchell, chief executive officer and founder of Chainless Change.** “Legislation that prohibits or dissuades people from exercising their right to free speech is un-American and is in stark contrast to the democratic ideals on

which our country was founded. We are committed to doing our part to safeguard the First Amendment rights of Floridians.”

“A white governor and predominantly white legislature signed a bill into a law which silences the anger, frustration and cries of Black voices, as our communities demand our lives be acknowledged and valued,” **said Francesca Menes, co-founder and board chair of The Black Collective.** “H.B. 1 is an unjust law seeking to strike fear among marginalized groups, criminalize us, and harm our quality of life.”

“In a system that is built and operating on the exploitation of Black bodies, protesting is our birthright. In the Alliance, we regularly protest in the streets for people who have been killed by the police such as Michael Eugene Wilson Jr., Linda Sue Davis, Damain Martin and James Leatherwood,” **said Tiffany Burks and Michael Howson of Black Lives Matter Alliance.** “The law could allow law enforcement to declare our future protests a riot and potentially create another hashtag while trying to fight for justice for the current hashtags. The very purpose of a protest is to disrupt the status quo. This isn’t democracy.”

“A protest is the voice of the unheard,” **said Adora Obi Nweze, president, Florida State Conference of NAACP Branches and Youth Units.** “For decades, Black and Brown people have taken to the streets to make their voices heard. H.B. 1 is filled with criminalization and civil rights disenfranchisement aimed at Black and Brown Floridians. Rather than look for ways to support these constituents, Governor DeSantis’ priority legislation is designed only to harm them. Peaceful protests will continue to speak for the many.”

“H.B.1 has inhibited, restrained and stifled the day-to-day operation of our business, and thrown into disarray our business plans for the future,” **said Ben Frazier, founder and president of the Northside Coalition of Jacksonville.** “Enactment of this egregious law stands in direct opposition and violation of our first amendment rights. It has instilled fear in the hearts and minds of our volunteers, members and supporters. As community organizers, participants, and peaceful protestors, we are fearful that this law puts us in harm’s way.”

“This law was enacted with the clear intention of silencing Black voices and calls for racial justice,” **said Rachel Kleinman, senior counsel, director of professional development at LDF.** “The Governor and Florida legislators are targeting Black organizers at the forefront of the movement for racial justice – and this law will no doubt result in racially disproportionate arrests of activists who are guaranteed their right to peacefully protest by our Constitution.”

“Our First Amendment right to peacefully assemble is essential to our democracy,” **said Anya Marino, deputy legal director of the ACLU of Florida.** “H.B. 1 has a chilling effect on all Floridians’ First Amendment rights — it chills free speech, silences dissent, and criminalizes peaceful protesters. It harkens back to the Jim Crow era, which sought to

intimidate people for exercising their rights. The provisions in this law are clearly unconstitutional, and we cannot let them stand.”

“HB1 is yet another attempt to silence Black Floridians and is a direct threat to those who dared to dream of a safe and just world for all people,” **said Denise Gharthey, attorney at the Community Justice Project.** “Passed in the name of law and order, H.B. 1 is actually positioned to uphold white supremacy, strip Floridians of their constitutional rights and will subject all who dare to exercise their constitutional rights to the extra-judicial legal interpretations of law enforcement.”

In addition to the above measures, the law also provides special protection to monuments, memorials, and “historic” objects and allows vigilantes and counter-protesters to escape civil liability for killing or injuring a protester with their car or by any other means. By emboldening white supremacist vigilantes, H.B. 1 increases violence against protesters and thus make protests more dangerous to the public. In its entirety, H.B. 1 criminalizes demonstrations, especially those calling for police accountability in Black communities.

Read the lawsuit challenging H.B. 1 [here](#).

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization. LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF. Follow LDF on [Twitter](#), [Instagram](#) and [Facebook](#).