

MonProtAct_KEaton_Testimony_Feb2021.pdf

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Position: FAV

Ken Eaton
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February 7, 2021

The Honorable William C. Smith, Chairman
Judicial Proceedings Committee
2 East - Miller Senate Office Building
Annapolis, Maryland 21401

Re: SB 443 – Monument Protection Act of 2021
Monument Protection Act

Dear Mr. Chairman;

I am a member of the Sons of Union Veterans of the Civil War (SUVCW), the Sons of Confederate Veterans (SCV), Sons of the American Legion (SAL - membership pending approval), a motorcyclist, a coastal engineer, a farmer, and a registered voter in Maryland. As you may have figured out, I have a rather diverse background, my ancestors fought on both sides of the Civil War, and in many wars and conflicts before and afterwards. I also enjoy learning about all sides of history and frequently visit parks and other properties that have historical monuments and memorials.

Regarding SB 443 - Crimes - Malicious Destruction of Historically Significant Monument (Monument Protection Act of 2021). This bill will help to deter vandalism and other criminal acts that have been occurring in recent history. I understand that some may not like or appreciate the symbolism or content of a particular monument. However, that is not a good reason to damage or destroy it. History is the good, the bad and the ugly of our past. It cannot change just because it does not fit a narrative. It helps to explain how our nation was formed and the trials and tribulations that came along with that process. What is offensive to some may be interesting and valuable to others. We cannot make everyone happy, that is an effort destined to fail. We can try to learn and understand history. That will provide us with information upon which to make new decisions to move forward.

I am expressing my support for SB 443 – The Monument Protection Act of 2021 and urge the Committee to vote favorably.

Sincerely,



Kenneth B. Eaton
Email: 89lowrider@gmail.com

Senator West - SB 443 – Malicious Destruction of H

Uploaded by: West, Christopher

Position: FAV

CHRIS WEST
Legislative District 42
Baltimore County

Judicial Proceedings Committee

Vice Chair, Baltimore County
Senate Delegation



THE SENATE OF MARYLAND
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February 11, 2021

Senate Judicial Proceedings Committee
The Honorable William C. Smith, Jr.
2 East Miller Senate Building
Annapolis, Maryland 21401-1991

RE: SB 443 – Malicious Destruction of Historically Significant Monument (Monument Protection Act of 2021)

Dear Chairman Smith and Members of the Committee:

I am pleased to introduce Senate Bill 443. This bill is a response to innumerable cases this past year in which mobs of citizens attacked public monuments, toppled them and in many cases destroyed them.

For purposes of this bill, I am willing to accept that many members of those crowds had read their history, had studied the lives of the figures portrayed in stone or bronze and had concluded that such persons were undeserving of memorialization in a prominent public place. In some cases, I am willing to acknowledge sympathy with the strong feelings motivating the crowd to want to eliminate the statues from further public viewing.

But there is an old adage that people are not entitled to take the law into their own hands. A person may commit a heinous crime, but we don't permit a crowd of angry people to murder the culprit. Someone may have stolen valuable property, but we don't permit the owner of the property to subject the thief to grievous bodily harm. The same rule must apply across the board. Taking the law into your own hands, lashing out and injuring fellow citizens or destroying property cannot be tolerated. We are a nation of laws. It is for this reason that the FBI and other law enforcement agencies are bending every effort to identify, arrest, indict and ultimately prosecute the people who broke into the U. S. Capitol Building on January 6th and caused numerous deaths and substantial destruction of property.

We are a divided nation, but that does not justify lawlessness or the wanton destruction of public property.

Here in Maryland in recent years, we have seen a groundswell of objections to the continued presence of certain public monuments in prominent locations. This started several years ago when some people became indignant that statue of Maryland's only Chief Justice of the U. S. Supreme Court sat on the grounds of the Maryland State House. Responding to the strong views

of those citizens, the Governor, the Speaker of the House and the President of the Senate used the powers vested in them to cause the statue of Roger Brooke Taney to be removed and stored in a safe location.

At about the same time, some people in Baltimore City became upset that four statues erected following the Civil War honoring Confederate heroes continued to stand in prominent locations in Baltimore City. Responding to the strong views of those citizens, the Mayor of Baltimore, exercising the powers vested in her, arranged for all four statues to be removed and stored in a safe location.

One night last summer, however, a mob descended upon the statue that had been erected in the Little Italy neighborhood of Christopher Columbus. They attacked the statue, toppled it, broke it into pieces and threw the debris into the Inner Harbor. Members of the Baltimore City Police Department stood silently by observing the mob and the destruction of the statue and did nothing to either prevent the statue's destruction or to arrest the people responsible.

The Columbus statue had been paid for by private subscription, largely from the City's Italian American community. It had only been erected several years before its destruction. Many of those who worked so hard for the statue's creation and erection and who had attended its dedication are very much still alive and were appalled and furious that it had been destroyed. To this day, I am unaware that anyone responsible for the destruction of the statue has been arrested or in any way held to account.

Senate Bill 443 is intended to make it perfectly clear that the destruction of public monuments in Maryland is a crime. It applies to monuments, memorials and statues which have been dedicated or are maintained by the State or by a local government, and it states that it is a crime to willfully and maliciously destroy, damage, vandalize or desecrate such a public monument, memorial or statue. It further provides that a person who causes damage of at least \$1,000 to such property is guilty of a misdemeanor and that the penalty for such a crime will be a fine of up to \$2,500 or a jail term of between 1 and 10 years or both. Damage of less than \$1,000 will result in lesser penalties.

Let me draw special note to the fact that if this bill should be passed, a court will have the power to simply impose a fine and no jail term for a violation of the law. This will give a court discretion to tailor the punishment to fit the crime.

There is no question that statues and other monuments erected in the past do not have some sort of inalienable right to continue to sit in prominent public view. Times change; attitudes change; history is re-evaluated. But in passing SB 443, we will make it abundantly clear that in this State, it is illegal to take the law into your own hands and attack, damage or destroy public property. There are legal ways to effectuate change. We do it every day here in the Maryland General Assembly. Our county and municipal governments also do it every day. Our elected officials at all levels of government are available 365 days a year to listen to citizen complaints and act upon them. There is no excuse for public lawlessness.

For these reasons I request a favorable report on Senate Bill 443.

MD Judiciary - Testimony SB 443.pdf

Uploaded by: Elalamy, Sara

Position: UNF

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 443
Crimes - Malicious Destruction of Historically Significant
Monument
DATE: January 27, 2021
(2/11)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 443. Senate Bill 443 would add a new § 6-301.1 to the Criminal Law Article. The new section does not appear to criminalize behavior that would not already be illegal under § 6-301, but it establishes greater potential penalties if a person willfully and maliciously damages a monument, memorial, or statue that the defendant does not own and that a State or local government has dedicated or maintains. A court may not suspend any part of the mandatory minimum sentence and the person is not eligible for parole during the mandatory minimum sentence.

The Judiciary traditionally opposes legislation that includes mandatory penalties. The Judiciary believes it is important for judges to weigh the facts and circumstances for each individual case when imposing a sentence. Provisions that place restrictions on the judge prevent the judge from factors unique to the case. Recognizing that lawmakers are responsible for enacting penalties for crimes, judges are mindful of various mitigating factors in crafting a sentence that most appropriately fits the individual defendant and the crime.

In addition, the Judiciary is concerned with the bill's statement that the "value of damage is not a substantive element of a crime under this section and need not be stated in the charging document." Since the bill distinguishes between a felony and a misdemeanor charge solely by the value of the "historically significant monument" that is damaged, the value of the property appears necessary in the charging document to give the defendant notice of whether the felony or misdemeanor is being charged.

cc. Hon. Chris West
Judicial Council
Legislative Committee

Kelley O'Connor

HB438-SB443 - Malicious Destruction of Historically

Uploaded by: Niemann, Doyle

Position: UNF



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To: Members of The House Judiciary Committee and Senate Judicial Proceedings Committee

From: Doyle Niemann, Chair, Legislative Committee, Criminal Law and Practice Section

Date: February 9, 2021

Subject: **HB438 – SB443 – Malicious Destruction of Historically Significant Monument (Monument Protection Act of 2021)**

Position: **Oppose**

The Legislative Committee of the Criminal Law & Practice Section of the Maryland State Bar Association (MSBA) **Opposes HB438 – SB443 – Malicious Destruction of Historically Significant Monument (Monument Protection Act of 2021).**

This bill creates a new crime for the malicious destruction of a monument or memorial.

Destruction of property is already a crime. There is not need to create a new crime to address it in the context of monuments and memorials. At a time of significant social upheaval, passage of the bill will only increase divisions and undermine public support for the criminal justice system.

For the reasons stated, we **Oppose HB438 – SB443 – Malicious Destruction of Historically Significant Monument (Monument Protection Act of 2021).**

If you have questions about the position of the Criminal Law and Practice Section's Legislative Committee, please feel free to address them to me at 240-606-1298 or at doyleniemann@verizon.net.

Should you have other questions, please contact The MSBA's Legislative Office at (410)-269-6464 / (410)-685-7878 ext: 3066 or at Richard@MSBA.org.