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Judicial Proceedings Committee

Vice Chair, Baltimore County  
Senate Delegation



**THE SENATE OF MARYLAND**  
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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 6<sup>th</sup> 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.