

# **ADL testimony Senate Bill 790.pdf**

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Position: FAV



**Maryland General Assembly  
Senate Judicial Proceedings  
March 8, 2022**

Testimony of Meredith R. Weisel  
Regional Director, ADL Washington D.C.

ADL (the Anti-Defamation League) is pleased to submit this testimony in **support of SB 790, Criminal Law – Executive or Legislative Proceedings – Obstruction**, which aims to prohibit a person from violently obstructing or impeding an official proceeding of the executive or legislative branch.

Since 1913, the mission of ADL (the “Anti-Defamation League”) has been to “stop the defamation of the Jewish people and to secure justice and fair treatment to all.” For decades, one of the most important ways in which ADL has fought against bigotry and antisemitism has been by investigating extremist threats across the ideological spectrum, producing research to inform the public of the scope of these threats, and working with law enforcement, educators, the tech industry, and elected leaders to promote best practices that can effectively address and counter threats to communities.

ADL passionately defends free speech. We recognize that the First Amendment protects even hateful or offensive speech, and we believe that the best answer to hate speech is not censorship, but more speech. That being said, there is a fine line between protected speech and the violent disruption or obstruction of executive or legislative proceedings—the very conduct that we witnessed on January 6, 2021 at our nation’s Capitol.

Unfortunately, those who perpetrated the January 6th attack, and those who continue to pose a threat to our democracy, will not readily abandon their principles, nor will those who support acts of domestic terrorism from afar. We cannot expect there to be a change unless we change something about our approach. The trauma of January 6th must not be in vain.

ADL accordingly supports efforts like **SB 790** that seek to ensure accountability for those who use force or violence to undermine executive or legislative proceedings. This bill is consistent with our whole-of-government and whole-of-society approach to combating domestic extremism and our **PROTECT** plan — a comprehensive, seven-part plan to mitigate the threat posed by domestic extremism and domestic terrorism in a way that protects civil rights and civil liberties — and an important step forward towards deterrence. We support and encourage all efforts to ensure that this bill will be implemented in a way that ensures safeguards for protected speech and protest.

**For all these reasons, we urge the Senate Judicial Proceedings Committee to give SB 790 a favorable report.**

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# PROTECT Plan to Fight Domestic Terrorism



On January 6, Americans watched as an insurrection fueled by violent conspiracy theories and white supremacy gripped the nation and attacked our democracy. This was a predictable act of political violence fueled by years of increasing extremism; the forces that led to the attack on our Capitol continue to pose a threat to American security and democracy.

To address this challenge, ADL is announcing the PROTECT plan to mitigate the threat of domestic terrorism while protecting civil liberties. It is a whole-of-government and whole-of-society approach, including actions for federal, state and local officials, as well as the tech industry. Together, these seven actions should significantly help prevent and counter domestic terrorism – more so than any one policy or law – and should do so while protecting vulnerable people and communities against the risk of government overreach.

- **Prioritize Preventing and Countering Domestic Terrorism**
- **Resource According to the Threat**
- **Oppose Extremists in Government Service**
- **Take Domestic Terrorism Prevention Measures**
- **End the Complicity of Social Media in Facilitating Extremism**
- **Create an Independent Clearinghouse for Online Extremist Content**
- **Target Foreign White Supremacist Terrorist Groups**

## THE PROTECT PLAN

### **Prioritize Preventing and Countering Domestic Terrorism**

A whole-of-government strategy must be accompanied by a whole-of-society approach. This requires interagency coordination, as well as coordination among federal, state and local stakeholders, civil society and the private sector. The Biden-Harris Administration should ensure civil society input by kicking off the strategy process with a Preventing Domestic Terrorism Summit with civil society, and then creating a comprehensive interagency strategy that calls out domestic terrorism and prioritizes preventing and countering it.

State governments should determine a point person – ideally at least one full office with federal support – to specialize in domestic terrorist threats and oversee work across state government offices, law enforcement, and with partners in government and civil society to address domestic terrorism.

### **Resource According to the Threat**

Congress should insist on immediate passage of the Domestic Terrorism Prevention Act (DTPA) to enhance the government's efforts to prevent domestic terrorism by formally authorizing offices to address it and requiring law enforcement agencies to regularly report on domestic terrorist threats. Congress and the Administration must ensure that those offices have and deploy resources proportionate to the threats.

State legislatures should consider a state equivalent of the Domestic Terrorism Prevention Act, and states should work toward transparently sharing an annual report on the state of domestic terrorism and apportioning state resources according to the lethality of those threats.



### **Oppose Extremists in Government Service**

Federal and state officials must take steps to ensure that individuals associated with violent extremist movements or engaged in violent extremist activity are deemed unsuitable for government employment in positions responsible for public safety or well-being – including law enforcement and military – and are not given security clearances, to the extent permitted by law. Federal and state officials should conduct a review and take appropriate steps against any current such employees.

Leadership must identify any elected officials who have endorsed, given credence to, or intentionally promoted QAnon or other dangerous conspiracy theories, and decline to assign them to positions of authority.

### **Take Domestic Terrorism Prevention Measures**

Congress and state legislatures must fund civil society and academic programs to address violent extremist radicalization and recruitment. These initiatives, which might include education, counseling, and off-ramping, require careful oversight and safeguards that ensure they do not stigmatize communities and are responsive to such concerns.

### **End the Complicity of Social Media in Facilitating Extremism**

Congress must investigate any complicity between social media companies and extremists, and make social media platforms more transparent and accountable for dangerous disinformation and misinformation, as well as hate content. A menu of options should include the careful reform, not elimination, of Section 230, the law that currently affords social media platforms unprecedented immunity from legal accountability. It also should include measures to independently and transparently verify the amount, nature and impact of extremism online, as well as the effectiveness of current efforts.

States should ensure that law enforcement understands the nature of online extremism and how to process digital evidence, and provide better recourse for victims of doxing, swatting and other forms of online harassment.

### **Create an Independent Clearinghouse for Online Extremist**

#### **Content**

Congress should work with the Biden-Harris Administration to create a publicly funded, independent nonprofit center, modeled in part on the National Center for Missing & Exploited Children (NCMEC), to help streamline national security tips and resources while preserving civil liberties.

State governments should work with federal partners to create a centralized nationwide clearinghouse, and then create complementary efforts at the state level.

### **Target Foreign White Supremacist Terrorist Groups**

The National Security Council should urgently hold a Deputies Committee meeting to review terrorist designations to ensure that any foreign extremist groups, particularly white supremacist groups, that have reached the threshold for the designation should be so designated.

The Biden-Harris Administration must ensure consistent analysis of the global nature of the white supremacist terrorist threat, such as by empowering the National Counterterrorism Center to analyze the threat to the fullest extent permitted by law.

State law enforcement should report suspicious white supremacist behavior to the FBI's Terrorist Screening Center to determine whether a suspect is on the terrorist watch list. If and when a white supremacist terrorist group is designated as a Foreign Terrorist Organization, states should enhance their capabilities to address the threat and coordinate with federal entities.

# **SB790 FAV BJC Obstruction of Exec or Legis Proceed**

Uploaded by: Sarah Miicke

Position: FAV

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Simon E. Sobeloff Jewish Law Society  
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Temple Beth Shalom  
Temple Isaiah  
Zionist Organization of America  
Baltimore District



## Written Testimony

### Senate Bill 790 – Criminal Law – Executive or Legislative Proceedings – Obstruction Judicial Proceedings Committee - March 8, 2022

## Support

**Background:** Senate Bill 790 (SB790) would prohibit obstructing, impeding, or trying to obstruct or impede an official proceeding of the executive or legislative branch by threat, force, or corrupt means. The legislation would expand the existing criminal law that already prohibits obstructing, impeding, or trying to obstruct or impede the administration of justice in court. Violators would be guilty of a misdemeanor, punishable by imprisonment for up to five years and/or a \$10,000 maximum fine.

**Written Comments:** While existing law protects proceedings of the judiciary from obstruction, recent events have made it clear that such protection should be extended to proceedings of the other two branches of government. The insurrection in the U.S. Capitol on January 6, 2021, is the most prominent such event, but there have been other examples in states around the country over the past year.

SB790 draws a clear distinction between appropriate political discourse, including protests in the spirit of the late Congressmen Elijah Cummings and John Lewis, and the type of obstruction or impediment that our nation saw on January 6<sup>th</sup>, 2021. The courts have established precedent on this distinction in enforcing existing law related to the obstruction of judicial proceedings, and it should not be difficult to extend this precedent to enforcing the new law.

The Maryland Association of Counties, representing local governments, has advocated amending this legislation to extend the protection to local government proceedings as well, and the Baltimore Jewish Council supports this important change.

To ensure that the activities of our executive and legislative branches are better protected, the Baltimore Jewish Council asks for a favorable report on SB790.

*The Baltimore Jewish Council, a coalition of central Maryland Jewish organizations and congregations, advocates at all levels of government, on a variety of social welfare, economic and religious concerns, to protect and promote the interests of The Associated: Jewish Federation of Baltimore, its agencies and the Greater Baltimore Jewish community.*

BALTIMORE JEWISH COUNCIL

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Baltimore Jewish Council is an agency of The Associated



**SB790\_Hettleman\_FAV.pdf**

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Judicial Proceedings Committee

Joint Committee on Children, Youth,  
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Joint Committee on the Chesapeake  
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**TESTIMONY OF SENATOR SHELLY HETTLEMAN**  
**SB 790 CRIMINAL LAW –EXECUTIVE OR LEGISLATIVE PROCEEDINGS – OBSTRUCTION**

Section 9-306 of the Criminal Law Article states, “A person may not, by threat, force, or corrupt means, obstruct, impede, or try to obstruct or impede the administration of justice in a court of the State.” These same provisions do not apply to the Executive or Legislative branches of government.

The events of January 6th, 2021 and events at other state capitals around the country demonstrate that acts violence against the Executive and Legislative branches of government are no longer hypothetical. These tumultuous times demand that our Legislative and Executive branches of government - co-equal branches to the Judiciary - deserve the same protections.

SB790 holds individuals accountable for obstructing or impeding an official proceeding of the executive or legislative branch of government through threat, force, or corrupt means. It adopts the current legal standard imposed for interference of court proceedings and only applies in circumstances of actual interference in a proceeding, and does not apply to dissent, debate, or opposition to policies.

Expanding Maryland’s obstruction of justice statute to include all branches of government would afford necessary protections to participants in the executive and legislative branches of government.

In this time of political tension, by expanding current protections, SB 790 will ensure that our government functions are protected, and that the longest operating state capital continues operating according to the democratic ideals our country and state were founded on.

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Uploaded by: Kevin Kinnally

Position: FWA



## Senate Bill 790

### *Criminal Law - Executive or Legislative Proceedings - Obstruction*

MACo Position: **SUPPORT WITH  
AMENDMENTS**

To: Judicial Proceedings Committee

Date: March 8, 2022

From: Dominic J. Butchko and Kevin Kinnally

The Maryland Association of Counties (MACo) **SUPPORTS SB 790 WITH AMENDMENTS**. Current law protects the official proceedings of state courts from interference or impediment. SB 790, as written, would extend those protections to the state's executive and legislative branches. MACo seeks an amendment to extend this provision to apply to local governing bodies.

This bill would make it a misdemeanor to seek to impede the business of the executive or legislative branches through threat, force, or corrupt means. Current law already imposes this standard for interference of court proceedings and SB 790 further recognizes the importance of governing bodies conducting public affairs. The bill does not apply to mere dissent, debate, or opposition to policies, but to a higher standard of actual interference.

The rationale for the bill applies equally to local governing bodies and their own proceedings. MACo requests amendment language to add local governing bodies to this section of state law.

SB 790 seeks to protect the proceeding of the state executive or legislative branches. An amendment could reasonably extend this same protection to local government proceedings as well. Accordingly, MACo requests a **FAVORABLE WITH AMENDMENTS** report on SB 790.