

François Furstenberg  
2122 E Pratt St.  
Baltimore, MD 21231  
410-878-2734

February 19, 2021

**Re: HB 336/ SB 276**

Dear Senators and Delegates:

I am writing this testimony in strong support of BH336/SB276, to repeal and prohibit private institutions of higher education. I write as a Baltimore City resident and as a faculty member at Johns Hopkins University. There are many reasons to support this legislation. Here are the ones I would like to highlight.

**1. The creation of a JHPD does not reflect the best interests of the institution.**

When Johns Hopkins University's leadership pushed this bill through the Maryland legislature, they did so in the face of vocal opposition from within the university and in affected neighborhoods. The university's leadership hired high-priced lobbyists, engaged in a public relations blitz, and exerted pressure on local leaders. There was **no grassroots support** for the legislation that authorized the private police. Speakers at the public forums organized by Johns Hopkins overwhelmingly expressed their opposition to the plan. On the Homewood campus, the undergraduate and graduate student associations voted to oppose the bill; a referendum organized by the student government found that 75% of undergraduates opposed the creation of a JHPD. Unionized university employees testified against the legislation, over 130 faculty members signed a letter against the bill. Meanwhile, several local neighborhood community groups expressed their firm opposition to a plan that would put armed officers on their streets unaccountable to their elected officials.

The university leadership that pushed this legislation through with their sheer political muscle **did not speak for any constituency other than the JHU Board of Trustees**, most of whose members do not live in Baltimore or in Maryland. The whole episode reflected extremely poorly on the university leadership.

**2. Private policing goes against the tide of current politics.**

The bad judgement of the university's leadership is attested to by the fact that it forced this legislation through just as a giant movement was gaining force against overpolicing and overincarceration of Black communities. From the very beginning, it was or should have been clear that there would be **no security benefit from a private police force**. Johns Hopkins already has more than one thousand security officers, including 63 off-duty police (who carry guns and have full power of arrest). They could hire as many more off-duty police as they wish. There are already an unknown number of Campus Police who have full arrest power on JHU property as "Special Police" under Maryland Law (Md. Code, Pub. Safety § 3-301 *et seq.*). These security officers can already carry guns if they have an individual state firearm permit. It is very hard to know how a new police force would improve campus security. Hopkins says that they can't make arrests, but this is misleading, since anyone in Maryland can forcibly detain someone if they have probable cause that the person has committed a felony, or has committed a misdemeanor breach of the peace in their presence. Meanwhile, since Hopkins will likely hire most, if not all, of their new police officers from the Baltimore Police Department, the immediate effect will be

to further exacerbate the problems of an already understaffed department charged with protecting the entire city.

### **3. A JHPD gains extreme protections.**

Currently, Johns Hopkins is strictly liable for the negligence or misconduct of its security officers. As a state-chartered police force, JHU officers will have qualified immunity from liability under federal law, thus dramatically reducing the university's liability. Additionally, a state-chartered JHPD would gain all the protections of Maryland's very controversial Law Enforcement Bill of Rights. Even if Johns Hopkins were to believe officers were guilty of misconduct they would be unable to fire or discipline them unless a trial board composed of other JHU police, including one of the same rank, agrees with JHU's assessment. In other words, these officers would have extraordinary protections denied even to tenured faculty.

### **4. Lack of accountability to the community.**

Johns Hopkins would gain police powers that extend well beyond university borders. Baltimore's majority Black residents living or simply passing through these areas would suddenly find themselves under the jurisdiction of a law enforcement outside of the control of their elected representatives. This **highly undemocratic arrangement** would have major ramifications on the relationship between the university and its neighbors for decades to come. Despite the university's protests to the contrary, the new police force would lack any meaningful oversight. The same university leadership that has pushed this bill in the face of student, faculty, and community opposition would be the one staffing the oversight board. I'll let you decide how meaningful and independent that oversight will be.

### **5. Finally: the symbolism.**

Johns Hopkins and so many of its employees and students have worked hard for many years to create a university that understands itself as part of, and bound up with, Baltimore city. The creation of a private police force charged with protecting some of the safest parts of the city sends precisely the wrong message. It conveys the very clear message that Hopkins Lives matter more than others.

Our reckless university leadership has undermined the credibility of the institution with their misguided push to create a private police force. The leadership lacks the wisdom or maturity to admit that it made a catastrophic mistake. I suspect they are looking for a way out of the mess they created and even if they do not see it, repealing the legislation that made the police force possible would be a huge favor to them. It clearly would be to the community.

Thank you in advance for your attention and consideration.

Sincerely yours,

A handwritten signature in blue ink, appearing to read 'F. Furstenberg', with a stylized flourish at the end.

François Furstenberg  
Professor of History