



*People First In the First State
It's About Time!*

Attacking Civil Liberties

(Senate Bill 286)

**Gov. Minner and Attorney General Jane Brady
attack civil liberties (again....)**

Green Delaware Alert:

Senate Bill 286 would amend the Delaware Constitution to allow evidence obtained in illegal search warrants to be admitted in Delaware courts. Evidence gathered in objectively reasonable reliance on a warrant issued by a judicial officer or magistrate shall not be excluded from introduction at trial as a consequence of the warrant being subsequently invalidated. SB286 is a bill promoted by Governor Minner and Attorney General Jane Brady. It was debated for more than an hour on the floor of the Senate on April 24th. Testimony for the bill came from lawyers Matt Denn, representing Minner, and Steve Woods, representing Brady. Their arguments were basically that police, prosecutors, and judges can be counted on to do the right thing. Woods said the police are very well trained ... self-policing goes on. Denn said the Governor thought it was important to give the police the maximum flexibility.... (But in the real world, police and prosecutorial misconduct is one of the main reasons cases are overturned on appeal.) Senator Harris McDowell, speaking against the bill, said we are throwing a bucket of ice water on protections against illegal searches and seizures. Senator Robert Venables said it changes the courts to give less protection to the average citizen ... I think if the average citizen knew about it he or she would not be particularly in favor of it...we are not upholding the oath that we made when we took office. Senator Gary Simpson said, "Aren't we lessening the standards?" A magistrate who might be overruled by a higher court is going to be a little more careful. Senator Dallas Winslow (who is a public defender!) said, "Send her [the Governor] my congratulations for proposing the amendment.

Because it is a constitutional amendment, both houses by a two-thirds majority must pass the bill in two subsequent General Assemblies. The vote this time in the Senate was 16 yes, 5 no.

The honor role of those voting no was Patricia Blevins, Colin Bonini, Harris McDowell, Gary Simpson, and Robert Venables.

Those voting yes were Thurman Adams, Steve Amick, George Bunting, Cathy Cloutier, Dorinda Connor, Nancy Cook, Tony DeLuca, Robert Marshall, Margaret Henry, Dave McBride, Thomas Sharp, David Sokola, Liane Sorenson, John Still, James Vaughn, and Dallas Winslow. If only two more senators had voted no the bill would have failed.

Vivian Houghton, Green Party candidate for Attorney General (her official announcement will be on April 29th), told Green Delaware: would be completely against such an amendment, and I am shocked by some of the arguments offered in favor of it.

ACTION: SB 286 will now go to the House of Representatives. PLEASE let your legislators and Governor Minner know how you feel about this legislation.

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