



Written by [Joe Wolverton, II, J.D.](#) on November 7, 2012

Baltimore Begins Recording All Conversations on City Buses

When it comes to warrantless surveillance of citizens, Baltimore city managers apparently don't think the federal government should have all the fun.

In [a story published in October in the Baltimore Sun](#), it was reported that the Maryland Transit Administration has installed microphones in 10 buses to record passenger conversations. The microphones — which the city plans to install in 330 more buses by next summer — are attached to the existing video surveillance system monitoring the city's public transportation.



"We want to make sure people feel safe, and this builds up our arsenal of tools to keep our patrons safe," said Ralign Wells, MTA administrator, in the *Baltimore Sun* [article](#). "The audio completes the information package for investigators and responders," he added.

Per Wells' statement to the Sun, Maryland [Attorney General Douglas F. Gansler](#) approved the surveillance scheme.

According to coverage of the [story provided by Natural News](#), Gansler's ruling was based on a state appeals court decision from 2000 wherein an administrative judicial panel ruled such surveillance did not violate state wiretapping laws.

A curious opinion given Gansler's statement earlier this year regarding the need to protect privacy from government and corporate intrusion.

During [an appearance on the CSPAN program The Communicators](#), Gansler — recently elected to be the president of the National Association of Attorneys General — made the following remarks when asked about privacy on the internet:

"Everybody is susceptible to having their privacy rights infringed."

Especially, it seems, if they are riding the bus in Baltimore.

In response to the roll out of the listening devices, the American Civil Liberties Union (ACLU) reminded Marylanders concerned about the recording of their private conversations that a similar program "was rejected in 2009 by the state's highest-ranking transportation official and by the General Assembly on three occasions."

The *Sun* quotes David Rocah, staff attorney with the Maryland chapter of the ACLU. "People don't want or need to have their private conversations recorded by MTA as a condition of riding a bus," Rocah said. "A significant number of people have no viable alternative to riding a bus, and they should not be forced to give up their privacy rights."

As with so many violations of the constitutionally protected civil liberties of law-abiding Americans, the



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government officials abrogating these rights shield their statist schemes behind the unassailable shroud of safety.

In addition to the statement of the MTA administrator quoted above, state legislator Melvin Stukes, chief sponsor of one of the bills the ACLU rightly reports were rejected by lawmakers, is [quoted in the USA Today](#) flogging the safety excuse

"This is not your bathroom. This is not your bedroom," Stukes said. "I'm just trying to clean up problems (and) provide a more congenial, more cordial ride."

There may be a problem with security on Baltimore's buses and trains. According to data provided by the *Sun*:

MTA police dispatchers receive 45 to 100 daily calls for assistance from bus drivers for everything from an unhappy rider to criminal activity, said Capt. Burna McCollum, commander of the MTA police technical services division.

Video is a critical tool for investigators sorting out the details of an incident, but when witnesses walk away, are reluctant to cooperate or give conflicting accounts, an audio recording can fill in missing information, McCollum said.

In other words, the conversations saved on the MTA's surveillance equipment will be made available to police investigators who will use the information revealed on the recordings to force citizens to "cooperate" with law enforcement regardless of personal preference.

Not all of Maryland's state legislators support the state's warrantless surveillance of its citizens.

As reported by the *Sun*, two members of state Senate Judicial Proceedings Committee foresee constitutional challenges to the program.

"It's an end run and ripe for a court challenge," said Sen. [James Brochin](#), a [Baltimore County](#) Democrat. "They have absolutely no grounds to do this. If we can't get them to listen and change their minds, we'll deal with this ... and make them defend what's indefensible."

Sen. [Jamie Raskin](#), a [Montgomery County](#) Democrat and a constitutional law expert, said that while he understands the need to protect public transportation customers, "this sounds kind of Big Brotherish to me."

Raskin said bus patrons should have been consulted, and a clear policy on who has access to the recordings and how long they are kept should have been spelled out to the public before the program was initiated.

"This is such a giant step forward in dissolving the privacy expectations of people who ride the bus," he said. "Legislators are going to want to know what the compelling reason is for initiating this now."

State Senator Brian Frosh is the chairman of the state Senate Judicial Proceedings Committee and he believes that any effort to encroach on the constitutional rights of citizens must be approached by the people's elected representatives and not by way of decrees issued by unaccountable bureaucrats bent on spying.

"If this is something that's necessary and useful, standards must be set for oversight and accountability," Frosh said. "The job of figuring this out definitely should not be left to the agency doing the listening."



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As the surveillance state grows more powerful and more technologically sophisticated it will fall to the people and their elected representatives to consistently cut the strands of the web of surveillance being spun by state and federal agencies who claim liberty to be the fuel that fires the engine of safety.

Photo: Maryland Transit Administration bus

Related article: [Baltimore Adds Audio Recording Devices to Its Buses](#)



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