

*If this nation is to remain true to the ideals symbolized by its flag, it must not wield the tools of tyrants even to resist an assault by the forces of tyranny.*

Justice John Paul Stevens

*IN HIS 2004 DISSENT IN  
RUMSFELD V. PADILLA*

# Dear Friends of Civil Liberties:

Hemmed in, fenced out, and covered up — the First Amendment has been having a hard time lately in America. In the midst of one of the most hotly contested presidential elections in recent memory, government officials and the two main political parties seemed increasingly hostile to the free exchange of ideas.

In Boston and New York City, huge fences kept dissenting voices away from delegates at the Democratic and Republican conventions. The New York Civil Liberties Union fought for months on behalf of protest groups in NYC in order to ensure permits would be issued for non-violent demonstrations. Even so, demonstrators were corralled into certain “free speech zones,” far away from delegates, as the only legal venue to voice their dissent.

**Public expression of sincere and deeply felt disagreement with government policies is one of the highest forms of patriotism and the lifeblood of a democracy.**

In Charlestown, WV, a couple was charged with trespassing for wearing anti-Bush t-shirts at a July Fourth rally at the state capital that was billed as an official presidential visit and open to the public. The couple was taken away in handcuffs for refusing to cover the t-shirts. The charges against them were dropped on a technicality.

Here in Maryland, the ACLU has fought back against the use of free speech zones for presidential visits. When President Bush came to Baltimore for a fundraiser in 2002, ACLU legal observers witnessed disturbing treatment of protesters. The Secret Service instructed the Baltimore City Police to grant a front row seat for Bush supporters near the hotel where the event was being held. Meanwhile, those who wished to express dissenting views were kept out of sight, blocks away.

This discriminatory treatment and hostility to rights was not tolerated in 2003, when Bush returned for a fundraiser in downtown Baltimore. The ACLU negotiated with Baltimore City and ensured that protesters were not cordoned off away from view.

The ACLU had other victories for speech rights this year — we won a significant victory for the right of students to protest on campus. The University of Maryland College Park had restricted free speech activity to a small area in front of the student union. University policy dictated that students had to get a permit to express themselves — even within the limited forum provided. The UMCP Chapter of the ACLU signed up as plaintiffs in the case and helped to ensure that students could freely participate in the marketplace of ideas.

The ACLU believes that when dissent is suppressed, this country suffers an immeasurable loss. Public expression of sincere and deeply felt disagreement with government policies is one of the highest forms of patriotism and the lifeblood of a democracy.

Details about the ACLU of Maryland’s free speech advocacy and so much more are in this

## Mission Statement

The ACLU of Maryland works to ensure that all people in the State of Maryland are free to think and speak as they choose and can lead their lives free from discrimination and unwarranted government intrusion. We are guided in our work by the United States Bill of Rights and the Maryland Declaration of Rights. The ACLU of Maryland acts without partisanship to achieve these goals.

(adopted April 3, 1993)

newsletter. Our legal, legislative, and public education work is making a real difference for thousands of Marylanders every day — from the schoolchildren in Baltimore City whose test scores have steadily been increasing due to our school funding lawsuit to the African American drivers on I-95 who are no longer subject to racial profiling to a single student on the Eastern Shore who protested unwanted religious messages from his coach and now can play with his team free from proselytization.

It is an honor to work with our talented staff, the members of our dedicated Board of Trustees, the inspiring activists in our ACLU chapters, the brave clients who seek to defend rights, and our committed members. Together, we are bringing the promises of the Bill of Rights and the protections of the U.S. Constitution to life everyday.

**Sally T. Grant**  
PRESIDENT

## ACLU Fights for Fair Elections in Maryland

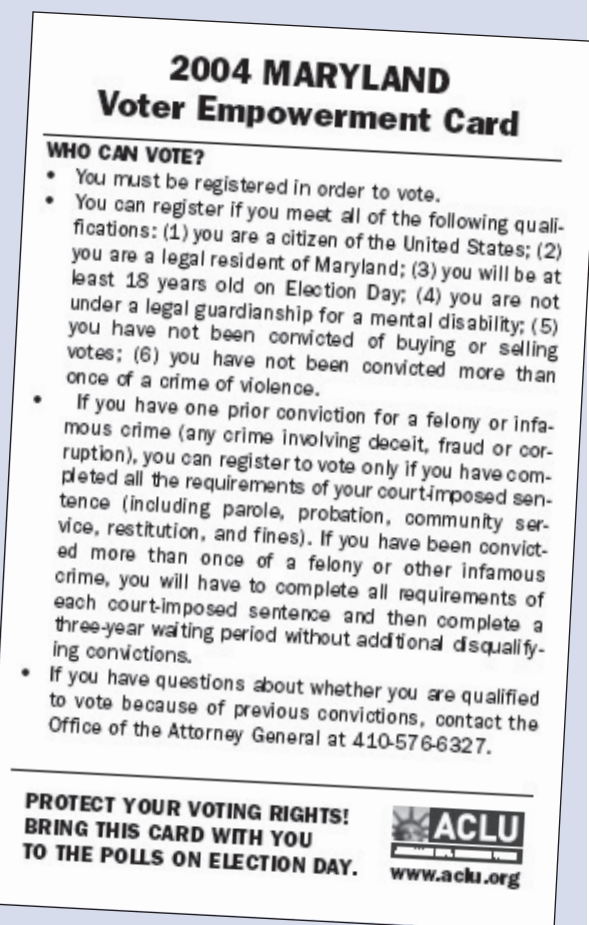
During this election year, the ACLU of Maryland worked to ensure fair elections by launching a project to educate voters about their rights, addressing minority voter intimidation and disenfranchisement, and solving problems at the polls.

The ACLU established an Election Day hotline, telling hundreds of community groups and campaigns across the state to contact the ACLU with election issues. We also distributed 10,000 Voter Empowerment Cards, specifically designed to inform Maryland voters of their rights and how to address potential problems when seeking to cast a ballot.

Election Day was busy for the ACLU as we worked to resolve problems and confusion at the polls while documenting election-related complaints received on our hotline. We received a steady stream of calls throughout the day, both from community organizers and individual voters. Volunteers for community based non-partisan organizations such as BRIDGE and NAACP called in from polling sites and referred individuals to the ACLU hotline.

Most of the issues that were raised involved poll workers and election judges who were improperly turning voters away from the polls, denying voters their right to cast a provisional ballot, or inappropriately denying voters their First Amendment right to carry literature into the polls. Other problems at the polls included sites that opened late, ran out of provisional ballots, or were not accessible to disabled voters. The ACLU was able to quickly respond to these complaints and, in most cases, ensure that election judges did not deprive voters of their rights.

The ACLU will be assessing voting problems from across the state in preparation for the 2005



General Assembly where we will advocate for simplifying standards for determining voter eligibility, buttressing the training that election judges receive, educating voters about their rights at the polls, and fighting voter intimidation. Stay tuned for the Voter Protection Act!

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# LEGAL DOCKET

August 2003–Present

The ACLU's docket features an array of cases touching on a wide range of civil liberties issues. The docket also reflects important themes. First, the ACLU of Maryland has been increasingly called upon to defend important federal civil rights laws, like the Americans with Disabilities Act, from challenges by courts increasingly hostile to enforcing the protections of federal law. Second, the ACLU is resolving legal issues with legislative remedies, bringing advocates, activists, and others together to effect social change. With actions ranging from a single phone call to complex litigation, the ACLU is bringing the force and intent of the U.S. Constitution, the Bill of Rights, and the Maryland Declaration of Rights to life for all Marylanders.

In this docket, cases in Prince George's and Montgomery counties are done in collaboration with the ACLU of the National Capital Area. ACLU of Maryland staff responsible for cases are noted in brackets.

## Children's Rights

BRADFORD V. MARYLAND STATE BOARD OF EDUCATION

Victory (in part)! In 1994, the ACLU, representing Baltimore City parents and school children, brought a lawsuit to challenge the state's failure to provide an adequate education to Baltimore City students as required by the Maryland Constitution. When the court agreed that the children were not getting an adequate education, the city, state, and ACLU entered a "Partnership Agreement" which required increased funding from the state and management reform by the city school system. Though these reforms catalyzed substantial increases in reading and math scores, in 2000 the ACLU went back to court arguing that the city schools required increased funding to bring further reform to the classroom. The judge agreed again, finding that an additional \$2,000–\$2,600 in funding per child was needed from the state. This decision helped spark creation of a blue-ribbon panel — known as the Thornton Commission — to study statewide funding formulas. The ACLU helped shape the commission's report, which then (after intensive lobbying, grassroots activism, and tremendous political will) passed the General Assembly in 2002, with funding similar to the judge's order scheduled to be phased in by 2008.

Despite these victories, the ACLU's lawsuit is far from over. In June 2002, Baltimore City Circuit Court Judge Joseph H.H. Kaplan extended the court's oversight of the Bradford case to ensure that the legislature's reforms will be fully funded and implemented. As a fiscal crisis in Baltimore City schools threatened to derail reforms, in the summer of 2004 the ACLU filed a motion with the court to ensure that progress toward adequacy will continue and that children's education remains paramount. Judge Kaplan agreed with the Bradford plaintiffs that progress could not be derailed by the fiscal crisis, ruling that \$30–45 million be made available to Baltimore schoolchildren for the 2004–05 school year. Despite this ruling, the state and the city have yet to provide the extra funding for this school year. At press time, various appeals from all parties are pending. ACLU will continue to represent the thousands of at-risk Baltimore school children who are constitutionally entitled to a "thorough and efficient" public education. Elizabeth McCallum, Helen Michael, and Danielle Oddo (Howrey Simon Arnold & White) and Lou Bograd, counsel. [Bebe Verdery, Susan Goering, Sue Fothergill, and Nancy Erwin]

## Free Assembly

PARKS ARE FOR ALL PEOPLE

Pending. The ACLU was contacted by several town residents in University Park concerned about proposed amendments to the town's parks rules that would have strengthened a ban on non-residents using the municipal parks, unless they were accompanied by a resident. We wrote to the council informing them that a ban on non-resident use of the parks is unconstitutional. Following receipt of our letter the University Park Town Council put the bill on hold, and is reconsidering the existing ordinance. [David Rocah]

## First Amendment—Establishment Clause

HOLY BASKETBALL!

Victory! When the coach of the boys' basketball team at an Eastern Shore high school announced that he wanted the team to "becom[e] one with Christ" and began leading the students in pre-game prayers, one of the basketball players and his family called on the ACLU for help. In addition to the prayers, it was discovered that the coach had inserted Bible quotations in the team handbook, told team members that it is important for them to attend church regularly, required students to sell "Holy Bears" (plush toys printed with Bible verses) to raise funds for the team, and pressured students to join the Fellowship of Christian Athletes. ACLU promptly contacted the school system demanding an end to all school prayer and other proselytizing as well as seeking assurances that there would be no retaliation against the student and his family. In response, the superintendent apologized and addressed each of our concerns. She assured us that corrective and preventative administrative actions were being taken and that no retaliation or future proselytizing would be tolerated. [Debbie Jeon and Amy Cruice]

BAD NEWS FOR RELIGIOUS FREEDOM:

CHILD EVANGELISM FELLOWSHIP OF MARYLAND V. MONTGOMERY COUNTY PUBLIC SCHOOLS

Closed. Child Evangelism Fellowship of Maryland (CEFM) is a local affiliate of a national organization that sponsors "Good News Clubs" in public elementary and middle schools — essentially a "Sunday school" that meets in the public schools after classes end during the week. CEFM requested that their "backpack flyers," asking parents to consent to their children's participation in their programs, be distributed by teachers to public school children in two elementary schools in Montgomery County. Montgomery County Public Schools currently allow distribution of backpack flyers from other community organizations. But parents, along with the ACLU of Maryland and the ACLU of the National Capital Area, felt that in this case teachers and students were, in effect, being forced to act as messengers for CEFM's proselytizing messages. CEFM filed suit in federal court asking that its flyers be entitled to "equal access" to student backpacks, and arguing that refusal to do so was viewpoint discrimination. The Federal District Court turned down CEFM's emergency pleading, and CEFM appealed to the U.S. Court of Appeals for the Fourth Circuit where the U.S. Justice Department filed an amicus brief supporting CEFM's position. The two ACLU affiliates also filed an amicus brief. In June 2004, the court ruled that the Montgomery County school system violated the Christian group's free speech rights when it refused to distribute the club's fliers to elementary school students, even though it had done so for more than 200 other groups. Arthur B. Spitzer (ACLU of the National Capital Area). [Rocah]

CITIZENS TAKE ACTION FOR PUBLIC SCHOOLS IN CHARLES COUNTY

See box on right.

## First Amendment—Freedom of Speech

POLITICAL PATRONAGE IN CAROLINE COUNTY:

RUNNELS V. NEWELL

Pending. The ACLU is pursuing legal action on behalf of two dismissed clerical workers who were fired because they had supported the re-election of their former supervisor. The lawsuit, filed in December 2003 in Caroline County Circuit Court, seeks damages, back pay, and employment reinstatement for Susan Runnels and Marge Cooper. Courts have held that political patronage dismissals are constitutionally permissible only when the employee holds a high-ranking policy-making position in which her political views might have a bearing upon her ability to perform the job. Runnels and Cooper were employed as Victim-Witness Coordinator and District Court Coordinator, respectively. Job descriptions for both positions make clear that they are clerical in nature and both require only a high school diploma. Employment records show that up until the time they were fired, Runnels and Cooper were stellar employees. Only one month before her termination, Ms. Runnels was rated "Outstanding," the highest rating possible. Likewise, Ms. Cooper was a highly rated employee who had been honored just two years earlier with the Governor's Victim Assistance Award. Thomas X. Glancy (Gordon, Feinblatt, Rothman, Hoffberger & Hollander). [Jeon]

ANTI-FLAG

Pending. A Maryland public high school has told several students that a new county-wide dress code policy prohibits clothing or accessories associated with Anti-Flag, a nationally known anti-war band. Published school policies bar apparel that is "offensive," but there is no formal county policy banning materials affiliated with the band. Students have worn similar articles for years at this and other schools without being punished or disciplined. During the 2003–04 school year, a high school student was suspended for insubordination after he refused to take off a band t-shirt. School administrators have told at least one other student that she would be suspended if she continues to wear the band's shirts or buttons. The ACLU is reviewing the case and will take action to prevent the school from continuing to silence students' political views. [Sonia Kumar and Rocah]

## Hundreds Stand for the First Amendment in Charles County Schools

Civil libertarians came out in force to a Board of Education of Charles County meeting in September to reject radical proposals intended to change the mission of public schools. At least 200 people came out to the meeting, the vast majority expressing outrage at the proposals, which included: distributing Bibles to students; teaching creationism, including requiring teachers to show biased videos; "[c]lean[ing] up" reading lists; removing anything that provides a neutral or positive view of immorality or foul language; "encourag[ing] uniforms for students and teachers;" establishing abstinence-only sex education; and teaching the "theological perspectives of the Founders." None of the proposals were successful.

The Washington Post reported that one of the board members pushing this agenda is a member of Gideons International, and another hosts a weekly religious radio show whose producer believes in the abolition of public schools and opposes women holding elected offices that exert authority over men.

Thanks to all who helped show a strong front against this attempt to roll back quality education for students in Charles County! The ACLU will continue to monitor any attempts to insert religious viewpoints into public schools.

#### THE RIGHT TO A BULL[Y]-HORN PULPIT

Victory! Over the past year, the ACLU of Maryland has repeatedly intervened on behalf of individuals and groups who contacted us after being denied the right to use sound amplification for free speech activities in Baltimore City. A preacher with a street ministry in the area around Lexington Market was being repeatedly harassed and cited by the police for violating a city noise ordinance that had no applicability to his activity. Nine demonstrators at a transit fair protest organized by the Citizen's Planning and Housing Association were cited for violating a Baltimore noise ordinance for using a bullhorn at the gathering. ACLU also worked with organizers of an anti-free trade demonstration in downtown Baltimore when they were told that they would not be able to use a bullhorn during their march. In each of these cases, once the ACLU intervened and reminded the Baltimore City Police Department of the free speech rights accorded to demonstrators by the First Amendment, all charges were dropped. [Rocah]

#### YOU SAY YES, I SAY NO—EQUAL ACCESS FOR POLITICAL SPEECH

Pending. At events attended by President Bush and other senior federal officials around the country, protestors have had their free speech rights violated. Local police, acting at the direction of the Secret Service, have violated the rights of protesters in two ways: people expressing views critical of the government were moved further away from public officials while those with pro government views were allowed to remain closer; or everyone expressing a view was herded into what is commonly known as a "protest zone," leaving those who merely observe, but express no viewpoint, to have closer access to the event. The ACLU of Maryland has monitored Maryland visits by the president to ensure that everyone is allowed to express their opinions equally. [Rocah]

#### SAY IT LOUD, PART I: CUNNINGHAM V. FLOWERS

Victory! The Women in Black, who stand in silent witness against war, reported being harassed by police in Baltimore City's Inner Harbor. We sued the City of Baltimore, seeking to overturn unconstitutional provisions in the City's Department of Recreation and Parks regulations, including a requirement that even a party of one person had to pay for a city permit prior to exercising his or her free speech rights in the Inner Harbor. The city immediately accepted a temporary agreement that dispenses with the permit requirement for any group of 25 or less. Plaintiffs have filed a motion for summary judgment concerning the legality of the city's permitting scheme. Legal action is on hold pending settlement discussions. Carmen Shepard (Buc & Beardsley). [Goering, Rajeev Goyle, and Rocah]

#### SAY IT LOUD, PART II: TEJADA V. CITY OF WESTMINSTER

Victory! Sylvia Tejada and other participants in Women in Black-Westminster were holding a silent vigil on the sidewalk in front of a public library in April 2003 when they were told by Westminster police that they were violating a local ordinance prohibiting demonstrations without a permit. The ACLU reviewed the ordinance and determined that it was unconstitutional. It required that all gatherings, regardless of size, seek a permit at least ten days in advance and vested the Westminster City Council with the responsibility to decide whether to issue permits. The ACLU represented Ms. Tejada and a Girl Scout who wanted to organize a similar vigil on Main Street. The City of Westminster agreed to adopt an emergency measure temporarily suspending enforcement of the ordinance. It further gave the Westminster City Clerk the power to decide whether or not to grant a permit, with the understanding that the content or viewpoint of the speech of permit applicants would not be part of the granting process. After negotiations with the ACLU, the city adopted a constitutional ordinance. Ava Lias-Booker and Jeffrey Evans (Saul, Ewing). [Goering and Rocah]

#### THE RIGHT TO SPEAK YOUR MIND ON THE WEB: STATE V. RIFFEE

Rachel Riffée was very surprised this past June, when she received a visit from a Maryland State Trooper asking her questions about her views on the death penalty, which she strongly opposes. She was even

more surprised when the trooper asked her whether she was the person who had sent several strongly worded e-mails to the operator of a pro-death penalty website by clicking on the "e-mail me" link on the site. Her surprise turned to horror, however, when she was charged with "misuse of e-mail" — an offense that makes it a crime to send "lewd or obscene" e-mail. Ms. Riffée's e-mail was neither lewd nor obscene, though it was certainly profane, as the charging document stated. The ACLU is defending Ms. Riffée because we believe that the statute is unconstitutionally vague and criminalizes a great deal of speech that could not be punished if it were said in person (there are no reported cases involving anyone prosecuted for violating the statute). We also believe that the First Amendment prohibits prosecuting people for sending strongly worded e-mails to the operators of web sites on political topics, particularly when those web sites invite comment from readers. Joshua R. Treem and Andrew M. Dansicker (Shulman, Treem, Kaminkow, Gilden & Ravenell). [Rocah]

#### HEAR THE TURTLE! ACLU STUDENT CHAPTER, UMCP V. MOTE

Victory (in part)! In 2001, the University of Maryland, College Park (UMCP) enacted a policy that banned public speaking anywhere on campus except in four designated spaces outside the Adele H. Stamp Student Union. On its face, the policy applied to any speech or literature distribution that was not sponsored by the university or a campus organization. In practice, it was inconsistently enforced. During the 2002 spring semester, for example, supporters of Lyndon LaRouche were passing out political literature on a public sidewalk running along the main street on campus. Campus security personnel instructed them to stop literature distribution because they were violating the campus ban on public speaking. In response to this incident and the chilly atmosphere for free speech on the campus of the state's largest public university, the ACLU of Maryland and the ACLU of the National Capital Area sent a letter to UMCP's attorney asking the university to change its policy. When the university refused, we filed suit. Negotiations have resulted in the ban being lifted for students, faculty, and staff. The ACLU continues to litigate the constitutionality of restrictions applicable to those from outside the campus. That issue was argued in U.S. Federal District Court but the court found that the policy was reasonable. We appealed that decision to the Fourth Circuit Court of Appeals and are awaiting oral argument to be scheduled. Anthony Epstein and Michael Drew (Stephens & Johnson), and Arthur B. Spitzer (NCA). [Rocah]

#### STATE V. BROOKINS

Victory! During the 2002 gubernatorial election, an obscure Maryland law enacted in 1979 surfaced. It barred individuals, political campaigns, or organizations from engaging in or paying for so-called "walk-around services" on election day. The statute prohibited "communicating a voting preference or choice in any manner" (i.e. wearing an "I Like Ike" button or a "vote for Proposition X" t-shirt, or telling someone that voting for a particular candidate will be good for the environment); distributing sample ballots; "electioneering" (which has been interpreted by Maryland's attorney general to mean urging people to vote for a favored candidate); or "canvassing" (which is generally understood to mean going door-to-door soliciting votes), if any of the prohibited activities are done on election day and for pay. Violators were subject to incarceration for up to one year, and/or a fine of up to \$25,000.

When then-Maryland State Prosecutor Stephen Montanarelli indicted several people hired by the Ehrlich gubernatorial campaign for violating the statute, the ACLU of Maryland and the ACLU of the National Capital Area filed amicus briefs contending that the charges should be dismissed because the statute violates the First Amendment. We argued that the statute restricts a campaign from paying people to engage in core political speech on the day when it can be most useful. In April 2003, the Circuit Court in Prince George's County dismissed the charges in all three cases, finding the statute to be facially violative of the First Amendment. The state appealed the case to the Maryland Court of Appeals, which unanimously struck down the law as unconstitutional the same day it heard oral arguments. Arthur B. Spitzer (NCA). [Rocah]

## Discrimination—Disability

#### WAIT A MINUTE, MR. POSTMAN

Pending. Bill White, a disabled retiree who mails out letters for his church organization three times a week, is unable to use his local post office in Aberdeen because the building does not have accessible entrances or parking available. The ACLU has served extensive information requests upon both the federal and local governments to determine what steps each has taken to comply with federal anti-discrimination laws to accommodate disabled individuals in Aberdeen. Due to concerns raised during these inquiries, we toured Aberdeen with a disability rights expert to look at accessibility issues in the community generally. We were pleased to see that the city is in substantial compliance with the public access provisions of the Americans with Disabilities Act (ADA). We are making further inquiries into the few problems we observed in Aberdeen, while assisting Mr. White with his efforts to petition the U.S. Postal Service to construct an accessible ramp to the post office. [Cruise, Rick Griffiths, and Jeon]

#### GET ON THE BUS

Victory! In January 2004, the ACLU of Maryland was contacted by the parents of an autistic nine-year-old girl who attends a public elementary school in Baltimore County. Every school day, her parents dropped her off at a day care center where she was cared for until a county school bus arrived to pick her up and take her to school. Unfortunately, as a result of her disability, the third grader wasn't always able to make it outside at the exact time the bus arrived and was sometimes left at the curb as the bus pulled away. On one occasion, the bus arrived at an unscheduled time without warning to the day care center, leaving the little girl stranded, unable to go to school until one of her parents was able to leave work, pick her up, and drive her there. The ACLU contacted the Baltimore County school system on behalf of the student — they agreed to require the driver to wait several minutes for the student to get outside to the bus and to notify the day care center if the bus would be late. [Kumar]

## Discrimination—Gender

#### TROOPER DAD: KNUSSMAN V.

#### MARYLAND STATE POLICE

Victory! Kevin Knussman, a former Maryland State Trooper and paramedic, was denied family leave to care for his then-newborn daughter and seriously ill wife. The ACLU filed suit in 1995, alleging that the Maryland State Police wrongfully denied Knussman's leave requests solely because of his gender in violation of the Equal Protection Clause and the Family and Medical Leave Act. We prevailed at trial in 1999, securing complete declaratory and injunctive relief, as well as substantial monetary damages. Appeals pursued by the defendants to dodge responsibility for the discrimination have kept the case alive. And so, as the newborn daughter at the heart of the case approaches her 10th birthday, we remain mired in litigation concerning the amount of attorneys' fees Mr. Knussman is due. Robin C. Cockey (Cockey, Brennan & Maloney) and Andrew D. Freeman (Brown, Goldstein & Levy). [Jeon]

## Discrimination—Health Status

#### IT'S DÉJÀ VU ALL OVER AGAIN

Pending. In October 2004, Comptroller William Donald Schaefer called for a names registry for individuals with HIV/AIDS. A coalition of AIDS service groups and privacy advocates, including ACLU, met with the Comptroller to remind him that the General Assembly specifically rejected such a registry many years ago, and that decision has proven to be sound public policy. Following the meeting, Comptroller Schaefer backed off from his earlier statements, saying he meant specifically a registry for people who have been convicted of intentionally spreading the disease (though this has not been a major issue in Maryland). We will continue to monitor this issue to ensure that the privacy rights of those with HIV/AIDS are protected. [Rocah]

# ACLU Goes Back to Court to Win Education Adequacy for Baltimore City Schoolchildren

The ACLU of Maryland's campaign to ensure that all children in Maryland receive an adequate education began in 1992 with the filing of *Bradford v. Maryland State Board of Education* on behalf of parents and children in Baltimore City. That lawsuit led, in part, to restructuring public education funding throughout Maryland, passed into law in 2002 as the "Thornton" plan. While the effort to provide full funding for Thornton continues to bear fruit for public school children in the state, challenges remain in the fight to protect adequate resources for our original plaintiffs as the Baltimore City Public School System (BCPSS) struggles with debt.

The ACLU went back to court this summer to demonstrate that Baltimore City schoolchildren were still not receiving the education guaranteed to them by the state constitution. In a resounding affirmation of the children's rights, Baltimore City Circuit Court Judge Joseph H. H. Kaplan ruled in August that public education in Baltimore was in danger of being shortchanged to pay down the school system's debt. The Court agreed with the Bradford plaintiffs' contention that a two-year payback schedule for resolving the BCPSS' financial crisis would roll back the marked academic progress shown in the last several years by Baltimore City students.

"Judge Kaplan has been clear — the children must come first," said Bebe Verdery, director of the ACLU of Maryland's Education Reform Project.

Judge Kaplan voided the two-year payback plan that BCPSS reached with the City of Baltimore and the State of Maryland as being contrary to sound public policy. He also declared that the City and State should ensure the reinstatement of the \$30–\$45 million that has been stripped from the 2004–05 school budget to meet debt obligations. These funds were to be dedicated to programs and services that benefit at-risk children.



Activists with the Algebra Project, a student-run mentoring and advocacy group, protest outside of the Maryland State Board of Education in October. Members of the Algebra Project testified during hearings in the ACLU's Bradford case — saying loud and clear that severe budget cuts in Baltimore City schools was threatening their constitutional right to an adequate education.

In addition, Judge Kaplan found that the State has continued to unlawfully underfund public education in Baltimore City by \$439–834 million since 2001. This finding stems from his 2000 ruling that the State owed BCPSS an additional \$2,000–2,600 per child per year. Under the Thornton plan, full funding for BCPSS will not be reached until 2008, which Judge Kaplan found to be a contributing factor in their present fiscal crisis. He declared that it would be appropriate for the State to accelerate increases in full Thornton funding to BCPSS.

"It is a relief to hear that even if you are not a political person, those with power understand your plight," said Keith Bradford, the lead plaintiff in the case who has sons in Baltimore City public schools. "Everyone agrees — the revenue is definitely needed. There's still hope."

Since Judge Kaplan's August decision, however, additional funding has not been forthcoming and the ACLU has been fighting efforts to stall the flow of resources to the Baltimore City schoolchildren. As the school year rolls on, the recent double-digit gains in academic achievement shown by students in Baltimore City are imperiled as class sizes grow beyond capacity, enrichment programs are cut, and the needs of at-risk children are not being met. The ACLU is committed to providing every child in Maryland with the educational resources they need to be successful and will continue to fight on their behalf.

## ACLU Champions "Thornton" Education Funds

Over 10,000 Marylanders joined with education advocates from across the state, including the ACLU's Education Reform Project, this past February at a rally in Annapolis to support full funding of the Bridge to Excellence Act, better known as "Thornton." It was the largest demonstration in the state capital in more than a decade, and the ACLU played a key role in making sure the voices were heard loud and clear by legislators.

The ACLU's major victory this past legislative session was amending the Thornton bill to delete "trigger" language found by the Office of the Maryland Attorney General to likely be unconstitutional. This section of the law, requiring passage of a joint legislative resolution to continue full funding (or, if the resolution failed, to revert to only a 5 percent funding increase), threw a constitutional cloud over continued funding.

The ACLU helped lead a coalition of advocates and legislators to successfully remove the provi-

sion. Our victory took the option of cutting Thornton funding in half off the table. Governor Robert Ehrlich opposed the bill but allowed it to become law without his signature.

Meanwhile, efforts to restore funding for the Geographic Cost of Education Index (GCEI) stalled as the legislature grappled with overall budget deficit issues. The GCEI, an integral part of the Thornton Commission's recommendations to provide funding adequacy for those districts with above-average costs, would have provided between \$50–100 million in additional aid to targeted jurisdictions. Education funding increases also were reduced as other education line items were cut.

The ACLU, representing schoolchildren in Baltimore City in *Bradford v. Maryland State Board of Education*, calculates that Baltimore City schools, while gaining \$47–48 million in increased state education aid for FY2005, would have garnered another \$14–26 million had the GCEI and other programs not been cut. This denial of needed funds is proving disastrous

for Baltimore City schoolchildren, who have recently shown double-digit improvements in academic achievement.

Also during 2004, the ACLU set the stage for a ramped up campaign to improve school facilities statewide. After two years of work, the state Task Force to Study Public School Facilities found nearly \$4 billion in facility needs statewide that must be met in order to bring Maryland's public schools up to a minimum level of adequacy; for Baltimore City, the total need was over \$500 million.

Amidst divisive budget debate, legislators and the governor sidestepped the Task Force's findings and passed a much more modest bill that did not come close to the actual amount of funding needed. The ACLU's Education Reform Project is firm in the belief that school facilities play a vital role in the state's ability to provide an adequate education for children, and we will continue this fight in the 2005 General Assembly.

## Discrimination—Homeless Individuals

### CRIMINALIZING HOMELESSNESS

Victory (in part)! Two troubling Baltimore City Council bills aimed at criminalizing the activities of homeless people in Baltimore met with differing fates in the spring of 2004. The first bill would have prohibited lying down or sleeping on the sidewalk in downtown Baltimore and throughout many neighborhoods north of the city center. The bill also would have outlawed sitting on the sidewalk for more than two hours. All these conditions for arrest would be in effect regardless of whether the person is blocking pedestrian traffic (which is already illegal). We argued that this bill would violate a 1994 consent decree resolving an earlier ACLU lawsuit concerning harassment of the homeless by the Baltimore City Police Department. The ACLU also maintained that it would illegally criminalize conduct inherently associated with homelessness. The City Council killed the bill, largely due to ACLU opposition. We weren't so persuasive with respect to the second bill, which bars begging anywhere in Baltimore between sunset and sunrise. We

argued that this bill violates the right to free speech, as well as the 1994 decree. The Baltimore City Council adopted the bill despite our objections. We are considering litigation. [Rocah]

### BANNED IN ELKTON

Victory! Homeless individuals who were improperly banned from the Big Elk Mall in Elkton can once again use the mall and access its businesses after the ACLU challenged the ban imposed by the Elkton Police Department (EPD). Beginning in December 2003, the EPD and owners of the Big Elk Mall issued notices to homeless men who camp near the mall, indefinitely banning them from entry and threatening prosecution for criminal trespass if any of the men entered the property. Police arrested at least one man who was on his way to the mall-based Social Security Administration office for his Social Security card. Another man who was employed at a business on the property was unable to continue his employment because of the ban. One of the homeless men also uses a dentist whose office is in the mall. Neither the Social Security Administration, the dentist, nor the many other merchants had ever refused the men's business or banned

them from entry. A few days after receiving a letter from the ACLU, the Town of Elkton agreed to abandon the trespass policy and to drop any outstanding charges pending against the men. [Cruise and Jeon]

## Discrimination—Race

### ON-THE-JOB HARASSMENT

Victory! When co-workers of Jane Doe, a white woman employed as a service adviser at a car dealership, learned that her husband was black, they repeatedly subjected her to racial epithets, chimpanzee noises, and verbal abuse. In May 2002, she entered the service shop and found a noose hanging from the ceiling. She filed a complaint with her supervisor, but it was ignored. Several months later, the same foreman who hung the noose (and about whom Doe had complained) was promoted to service manager, supervising Doe. The next month, he fired her — despite her exemplary work record. She appealed to the owner of the dealership, but the owner did nothing. When Ms. Doe contacted the ACLU, we helped her file a complaint with the Maryland Commission on Human

# ACLU Files Lawsuit Seeking Marriage Equality for Same-Sex Couples in Maryland

In July of 2004, the American Civil Liberties Union filed suit charging that the state law denying same-sex couples the right to marry violates the Maryland constitution's guarantees of equality.

"Lesbian and gay couples make the same commitments to each other and their children that straight couples do. Their families need and deserve the same protections," said staff attorney David Rocah. "Excluding lesbian and gay couples from marriage denies them and their children important safeguards and discriminates against families when they are most vulnerable."

The lawsuit was filed on behalf of nine same-sex couples and a man whose partner recently passed away. They live throughout the state: Baltimore, the Washington suburbs, the Eastern Shore, Western Maryland and Southern Maryland. They come from all walks of life, ranging from a former civil rights worker, a bus driver and a paramedic to a teacher, a dentist and a former police officer. Some have been together for decades, some are already raising children and one couple has had a baby since the lawsuit was filed.

Each of the plaintiffs represents some of the harms posed by the state's denial of marriage equality. Under Maryland law, it is possible for same-sex couples to be barred from visiting their partners in the hospital

and left out of conversations about emergency medical care. Maryland inheritance laws refuse to recognize same-sex couples, often leaving surviving partners with nothing if their partners die without valid wills. Similarly, it is possible for surviving partners to be barred from making funeral arrangements.

Since the lawsuit was filed in Baltimore City Circuit Court, outside parties have sought to intervene, putting off a hearing on motions for summary judgment. These include Robert Duckworth, Anne Arundel County Clerk of the Court, along with Dels. Don Dwyer, Jr., Herbert H. McMillan, Emmett C. Burns, Jr., Christopher B. Shank, and Joseph C. Boteler, III, and Sens. Alexander X. Mooney, Andrew P. Harris, and Janet Greenip.

While their motion was denied by the trial court, those seeking to intervene have been granted a hearing by the Maryland Court of Special Appeals, scheduled for January 13, 2005. Pending the outcome of this hearing, we expect to have our hearing in trial court by spring 2005.

Plaintiffs are represented by David Rocah of the ACLU of Maryland and Ken Choe from the ACLU's Lesbian and Gay Rights Project as well as by the ACLU of the National Capital Area and cooperating attorneys Andrew H. Baida, formerly Solicitor General in the Maryland Attorney General's office, and Caroline D. Ciralo of the Baltimore law firm Rosenberg Martin Funk Greenberg, LLP.



Mikki Mozelle and Lisa Kebreau, Prince George's County



John Lestitian, Washington County



Nigel Simon and Alvin Williams, Prince George's County



Maria Barquero and Donna Meyers, St. Mary's County



Glen Dehne and Charles Blackburn, Baltimore City



Takia Foskey and Jo Rabb, Baltimore City



Patrick Wojahn and Dave Kolesar, Prince George's County



Stacey and Jodi Kelber-Kaye, Baltimore City



Ryan Kilough and Steve Palmer, Dorchester County



Lisa Polyak and Gita Deane, Baltimore City

Visit [www.aclu-md.org](http://www.aclu-md.org) to read the biographies of our clients in ACLU's marriage equity case. (Photos by Chris Hartlove)

Relations and subsequently represented her in mediation, through which she secured a substantial monetary settlement. [Goyle]

#### THE OLD SOUTH AND THE NEW SOUTH

Victory! ACLU joined with the Anne Arundel County Branch of the NAACP this year to inquire about allegations of race discrimination made against Old South Country Club, an exclusive club in southern Anne Arundel County whose membership currently includes just three African-Americans among its 400-plus members. In response to the ACLU and NAACP inquiries, Old South committed to welcome and admit any African-American applicants and invited any assistance the organizations can offer to attract African-Americans to its membership. [Jeon]

## Discrimination—Religion

#### THE RIGHT NOT TO SALUTE

Victory! At the urging of the ACLU, the Maryland Natural Resources Police reversed course and exempted Officer Jeffrey Sizemore from the department's requirement that he salute superiors. The exemption is because, as a Quaker, he has a religious objection to the practice. Although Sizemore — a decorated 24-year veteran of the force — had been exempted from the salute requirement since becoming a Quaker in 1987, a new administration eliminated the exemption and ordered him to start saluting or face termination. Fearful that he would lose his job and his retirement benefits just one year short of retirement, Sizemore contacted the ACLU. We wrote to the superintendent of the Maryland Natural Resources Police, explaining that their refusal to accommodate Sizemore's documented religious objection constituted unlawful religious discrimination under the Civil Rights Act. The superintendent then contacted Sizemore personally to apologize and reinstate his exemption. [Jeon and David Rocah]

#### ALMOST CUT MY HAIR: CHAMBERS AND EDWARDS V. BALTIMORE CITY POLICE DEPARTMENT

Victory! Shortly after assuming his job in 2000, then-Baltimore City Police Commissioner Edward Norris issued a ban on certain hairstyles for police officers, including "rows, locks, and braids." The ACLU represented two officers who wear locks for religious reasons and who were subjected to disciplinary action because they refused to change their hairstyle. An agreement was reached with the Baltimore City Police Department to allow the officers to return to uniformed duty. In September of 2001, the entire ban was revised to permit greater freedom in hairstyle choices. In 2004, following extensive negotiations, a settlement with the city was reached and both clients received damages. [Dwight Sullivan and Rocah]

## Discrimination—Sexual Orientation

#### DEANE AND POLYAK V. CONAWAY

See box on page 6.

#### THE IMPACT OF SEXUAL ORIENTATION ON DRIVING SKILLS

Pending. A lesbian couple whose longstanding car insurance policy was canceled because they are not married contacted the ACLU, asking us to address the fundamental unfairness of this action. We have assisted the couple with an administrative appeal filed before the Maryland Insurance Administration and are awaiting a response. [Rocah]

## Fair Housing

#### THOMPSON V. HUD

Victory (in part)! The ACLU represents over 14,000 Baltimore families in this landmark class action challenge to six decades of discrimination in public housing. The case was propelled by the demolition of high-rise housing projects in downtown Baltimore and by the city's plan to rebuild all of the demolished units in the same segregated, economically depressed locations. In 1996, a federal court judge approved a partial consent decree that required the city and federal governments to make available certificates for some of the

dislocated families to move to areas with low concentrations of poverty and minority residents, primarily in the surrounding suburbs.

In December 2003, the ACLU participated in a month-long trial before U.S. District Court Judge Marvin J. Garbis on the core issues of decades of illegal discrimination and segregation. At press time, the court had not yet issued a ruling as a result of the December 2003 trial. If the court finds the government agencies liable, in whole or in part, for creating and maintaining segregated public housing, a second "remedial phase" of the trial will be held to determine appropriate solutions. Meanwhile, progress is now being made in carrying out an earlier "partial settlement" of the case, including a regional plan to demolish and replace 3,000 units of high-rise public housing. Additionally, since June 2003, more than 300 poor families have moved to better housing in low-poverty and integrated neighborhoods throughout the Baltimore metropolitan region. Over 4,000 families have applied for the new desegregative housing programs. Finally, in December 2004 the Fourth Circuit Court of Appeals will hear an appeal of a lower court decision extending HUD's participation in the 1996 partial consent decree and the courts enforcement authority over HUD. Wilma Lewis and David Haga (Crowell & Moring), Susan Podolsky, Brian Hauck, and Olivier Sylvain (Jenner & Block), and C. Christopher Brown and Andrew Freeman (Brown, Goldstein & Levy). [Barbara Samuels, Eleanor Montgomery, Claire Pierson, and Pete Cimboic]

## Criminal Justice System Abuses

#### JAILED FOR BEING IN JAIL

Closed. Theodore Graves was incarcerated in state prison when the Queen Anne's County Circuit Court sent a jury qualification form to his last known home address. He never received the jury questionnaire. Because he did not respond, the court issued an order summoning him to court to complete the form. Although a sheriff's deputy who attempted to serve this order on Graves noted that it could not be served because he was incarcerated, the clerk mistakenly recorded that it had been served. When Graves failed to appear in response to the order, the judge ordered him hauled into court. Immediately upon Graves' release from prison, Queen Anne's deputies transported him to the circuit court in response to this order. The judge told Graves he was there because he "was basically in contempt" for not having appeared for jury duty, and asked for his excuse. Mr. Graves explained that he had been in prison and thus had been unable to comply with the court order. Notwithstanding this explanation, the judge imposed a \$1,000 bond and sent Graves back to jail, where he remained incarcerated for two weeks. Only after a public defender got involved did the judge release Graves from custody. Although judicial immunities barred the ACLU from pursuing legal action to remedy the violation of Graves' rights, we did submit a detailed complaint about the case to the administrative law judge overseeing Queen Anne's County. The judge promptly responded to us about the matter and sent a copy of our complaint and his response reinforcing the import of our letter to every judge hearing cases in the district. [Cruise, Jeon and Rocah]

## Jails/Prisons

#### YEARS OF CRUEL AND UNUSUAL PUNISHMENT IN BALTIMORE DETENTION CENTERS

Victory (in part)! When substandard living conditions aggravated by the scorching summer of 2002 led to a crisis inside the Women's Detention Center (WDC) in Baltimore — with indoor surface air temperatures above 117 degrees — the ACLU re-opened a long-standing case and consent decree against the WDC to demand court intervention on behalf of at-risk female inmates. After securing a temporary restraining order to require immediate measures to cool the facility, we negotiated a comprehensive consent decree requiring emergency heat procedures to be in place during the summer months, revised medical protocols, and required study of the physical plant. The decree empowered lawyers and advocates to closely monitor conditions at the jail. In the summer of 2003, we found that despite the court's order, women at WDC were once

again subjected to excessive heat with recorded surface air temperatures reaching up to 108 degrees. The ACLU returned to court to enforce the consent decree, and following court hearings, the court assisted the parties in crafting amendments to the decree to provide greater protection for women inmates.

Continued monitoring by the ACLU and Public Justice Center led to a December 2003 filing of a motion to reopen the original consent decree reached in *Duvall v. Glendening* and require ongoing court monitoring of the detention center. In addition to seeking to ameliorate conditions at WDC, the motion asked for improvements in conditions for all detainees at the Baltimore City Detention Center (which houses all Baltimore City detainees and includes WDC). The motion highlighted multiple cases of serious medical neglect at the jail that have resulted in aggravation of inmates' chronic medical conditions and in some cases caused their untimely death. For example, a doctor ordered a re-evaluation of a detainee with asthma but there-evaluation never occurred. The detainee eventually died of an acute asthma attack when his inhaler failed to work because of overuse. In another case, a woman committed suicide after a physician's order regarding suicide precautions was not followed. In addition to medical complaints, the motion highlighted serious physical plant and sanitation risks, including multiple incidents of raw sewage flooding inmate dorms due to broken plumbing systems, a dysfunctional ventilation system, and food preparation in insect and mouse-infested kitchens.

A hearing on the motion was held on August 25, 2004, before U.S. District Judge J. Frederick Motz. He rejected the detention center's motion to terminate the consent decree, ruling that the ACLU had demonstrated that constitutional violations are ongoing despite the jail's claims otherwise. His decision moves the case into discovery, which will provide the ACLU access to records to support our contentions and the potential to ameliorate the unconstitutional conditions at the jail. Elizabeth Alexander (ACLU National Prison Project) and Wendy Hess and Sally Dvorak-Fisher (Public Justice Center). [Kumar and Jeon]

#### UNTREATED HERNIA AT EASTERN CORRECTIONAL INSTITUTION

Pending. Since arriving at Eastern Correctional Institution (ECI) in April of 2002, inmate "John Doe" has suffered from an extremely painful inguinal hernia. Doe has been repeatedly denied surgery necessary to repair the problem despite numerous requests from the inmate and the ACLU. According to prison officials, surgical hernia repair is "elective" treatment that they are not required to provide. The ACLU had a physician review the inmate's medical records and submit an affidavit advising prison authorities that surgery should be offered to the inmate to prevent serious medical problems or even death. We are awaiting a response and may consider litigation to force ECI to provide necessary medical care to Mr. Doe. [Cruise]

#### OPACITY IN GOVERNMENT FOR PRISONERS: MASSEY V. GALLEY

Pending. In May 2004 the Maryland Court of Appeals granted review of an appeal filed by the ACLU and the Public Justice Center (PJC) on behalf of a Maryland inmate who was barred from seeking documents under the Maryland Public Information Act (MPIA) because of his status as a prisoner. The appeal stems from a document request made under the MPIA by Western Correctional Institution (WCI) inmate Richard L. Massey to WCI Warden Jon P. Galley. When Galley ignored Massey's request, the inmate filed a pro se enforcement lawsuit in Allegany County Circuit Court. That court dismissed the suit and the Court of Special Appeals affirmed, holding that inmates had to satisfy special requirements under the federal Prison Litigation Reform Act (PLRA) before they could seek information under the MPIA. The ACLU and PJC petitioned the Court of Appeals on Massey's behalf, seeking reversal of the lower court decisions on grounds that the MPIA provides access to information for everyone. Oral arguments were made in a October 2004 hearing and we anticipate a positive decision. [Jeon]

#### DON'T TELL IT TO THE WARDEN

Pending. The warden of an Eastern Shore detention center has enacted a policy that prohibits inmates from filing grievances without pre-approval of jail adminis-

## New Documentary Features Families from ACLU's Public Housing Case

On Sept. 23, the ACLU of Maryland held the premiere of a short documentary about *Thompson v. HUD* — our landmark civil rights case addressing segregation in Baltimore City's public housing.

The film, produced by Paul Santomena of the Megaphone Project, highlights a history of the segregationist policies in public housing that continued through the 1990s in Baltimore City. The ACLU filed suit in 1995 on behalf of families in public housing as plans for demolishing high-rise developments revealed that the government planned to replace all the public housing units in the same segregated areas.

Ike Neal, a client in the case, spoke movingly at the premiere about the hardships his family faced while living in segregated public housing. Today, he and his family are living in their new home in Northwest Baltimore, a move made possible by a partial consent decree reached years ago in the case.

Want to see the film? We want to speak with community groups in the Baltimore region about the families we represent in the case and how they are finally recovering from the impact of segregation in public housing. For more information, please contact Meredith Curtis at [curtis@aclu-md.org](mailto:curtis@aclu-md.org) or 410-889-8550 ext. 115.



Carmen Thompson (center) — a named plaintiff in *Thompson v. HUD* — shares a laugh with friends and family at a bowling party last winter in celebration of arguments closing in the liability phase of the case. We are still awaiting a decision.

trators. This raises concerns about due process, and about inmates' ability to satisfy the strict standards of the Prison Litigation Reform Act, which requires inmates to exhaust grievance procedures before they may challenge prison conditions in court. We have contacted the warden to address legal concerns with his policy and to request that it be abandoned. [Cruice and Griffiths]

### INMATES SHACKLED INSIDE CELLS

Victory! The ACLU investigated two cases of prison misconduct in two different state prisons where inmates were shackled or chained inside their respective cells, restricting their movements and forcing them to urinate on themselves. In one case, the inmate was left chained to a bed, lying in his own urine for 18 hours. In the other case, the inmate was chained to the cell door, forced to stand in an awkward position for more than four hours. Due to the physical harm and humiliation suffered by these individuals, ACLU contacted the state's Division of Correction (DOC) to demand that this issue be investigated. Shortly after receiving our complaint, DOC informed ACLU that officials had taken immediate corrective action. As a result of our complaint, the DOC immediately ceased the use of chains for punishment, revised its policy, and undertook training of prison staff. [Cruice and Kumar]

### HEPATITIS C IN THE STATE'S PRISONS

Pending. Since receiving numerous complaints from Maryland inmates who were not receiving treatment for hepatitis C, the ACLU of Maryland — in consultation with specialists at the ACLU's National Prison Project — has been investigating the health threat posed to Maryland's prison population by the disease. We first collected and compiled hepatitis C policies from prisons around the country to see how other states handle this problem. We then surveyed Maryland inmates suffering from hepatitis C to ascertain what sort of treatment they are receiving. During our investigation, we learned that the Prisoner Referral and Information Services of Maryland (PRISM) had recently filed suit against the Maryland Division of Correction over their lack of attention to hepatitis C

treatment. PRISM attorneys have agreed to follow up with the inmates who contacted us and our organizations are coordinating work on the issue. [Kumar]

## Police Practices

WILKINS V. MARYLAND STATE POLICE / MARYLAND NAACP V. MSP

Victory (in part)! ACLU continues its fight against race-based traffic searches in these two long running cases. The Wilkins case, one of the first to call national attention to police targeting of motorists for "driving while black," was filed in 1993 on behalf of an African-American public defender and his family who were wrongfully stopped and searched in western Maryland by state troopers using a racial profile. Under a settlement reached in 1995, the Maryland State Police (MSP) agreed not to use racial profiles and to keep detailed records of all motorist searches for review by the court and the ACLU. The MSP data provided strong evidence that race-based searches were continuing; along some stretches of Interstate 95, for example, 73% of the drivers stopped and searched were African-American, even though black motorists accounted for only about 17% of highway traffic in those areas. In 1997, the federal court agreed with the ACLU that the MSP was continuing to engage in a pattern and practice of race discrimination in violation of the 1995 settlement.

Armed with MSP data and the court's ruling, ACLU then filed a class-action lawsuit on behalf of the Maryland NAACP and 18 individual minority motorists who had been discriminatorily searched as a result of MSP's highway drug interdiction efforts. In a nationally important 1999 opinion, Federal District Court Judge Catherine Blake rejected the MSP's request for dismissal of the NAACP case. Following several years of contentious settlement negotiations, the state agreed to make comprehensive changes in police policy to address ACLU concerns. In May 2003, the consent decree was entered by the court, resolving all equitable claims in the case, and providing a national model for resolution of racial profiling litigation.

Since entry of the decree, we have been both monitoring MSP compliance and forging ahead with a new

stage of litigation aimed at resolving the individual motorists' claims for monetary damages. In October 2003, Federal Judge Paul W. Grimm issued a crucial procedural ruling preliminarily adopting the ACLU's proposed trial plan and rejecting that of the MSP. In April 2004, the plaintiffs filed a third amended complaint withdrawing class allegations in the case and seeking to add 18 new named plaintiffs. Discovery in the damages case is now underway with trial expected in 2005. William Mertens (Law Office of William J. Mertens), Reginald T. Shuford and Corey Stoughton (ACLU National Office), and C. Christopher Brown (Brown, Goldstein & Levy). [Jeon]

### MARYLAND V. PRINGLE

Closed. The ACLU of Maryland signed onto a U.S. Supreme Court amicus brief arguing that the Fourth Amendment prohibits police from arresting everyone in a car after they discover hidden drugs even when they have no basis to believe that the drugs belonged to any one of the individuals in the car. The case was heard by the high court during its 2003–2004 term. The court upheld the arrests' constitutionality, stating that the police had probable cause to believe that any one or all of the individuals in the car could be responsible for possession of the drugs. (ACLU National Legal Department) [Rocah]

### WHO LET THE DOGS OUT?

Pending. The ACLU is currently working with the families of several Kent County High School students subjected to a drug sweep in which the Kent County Sheriff's Department locked students in their classrooms and brought in police dogs to search for drugs. Several of the students endured intrusive personal searches, and two of the female students were illegally strip-searched. After an initial sweep through the halls with dogs, sheriff's deputies and school officials selected particular classrooms to search more thoroughly. Students in those rooms were separated from their purses, bookbags, and other belongings that were subsequently moved to another location. The dogs then sniffed through the students' belongings, alerting — falsely, as it turns out — on 18 book bags. Those 18 bags were then searched by hand, but no contraband was found. Nevertheless, the students who owned those bags were subjected to thorough pat-down searches, while two girls were improperly made to strip their clothing for humiliating personal searches. Again, no drugs or other contraband were found. When the ACLU attempted to address the concerns of parents and students, we were rebuffed by the school board and county sheriff. Pro bono legal counsel has been retained and legal action is expected. [Cruice and Jeon]

## Right to Counsel

### FRASE V. BARNHART

Closed. The ACLU joined with other non-profit legal service providers in this much-publicized parental rights case to submit an amicus brief arguing that Maryland's constitution guarantees indigent civil litigants the right to appointed counsel in cases involving fundamental rights and the basic necessities of life. Although the plaintiff won a personal victory on appeal, the Court of Appeals declined to reach the right-to-counsel issue, leaving that matter for another case and another day. [Rocah]

### ELIGIBILITY FOR PUBLIC DEFENDER SERVICES

Pending. After receiving repeated complaints from legally indigent people denied services by the Maryland Public Defender due to alleged financial ineligibility, we are investigating how eligibility determinations are made by public defenders around the state. The state statute governing eligibility requires that the individual's personal circumstances be taken into account, including the liquidity and nature of any assets, the disposable net income, as well as the nature of the offense, the complexity of the proceedings, and the likely potential costs of the defense. However, it appears to us that many public defender offices are instead applying mechanical determinations of eligibility based strictly on comparing income to federal poverty guidelines. If further review bears out our concerns, the ACLU will take appropriate action, including pursuit of litigation. [Rocah]



## Voting Rights

PROTECTING THE RIGHT TO VOTE  
IN 2004 ELECTIONS  
See box on page 2.

**WHERE'S YOUR PARTY? UNAFFILIATED VOTERS IN MARYLAND BARRED FROM JUDICIAL ELECTIONS**  
Pending. Less than two weeks before Maryland's primary elections in March 2004, the ACLU was contacted by Michael Suessman, a St. Mary's County attorney who had filed a pro se lawsuit seeking to bar certification of the primary results on the grounds that they unconstitutionally disenfranchised independent Maryland voters from judicial elections. Unaffiliated voters in Maryland are barred from voting in Maryland's primaries, even those for judicial candidates who run in non-partisan elections. The ACLU took over the case, asking the court to ensure that registered voters who opt to have no party affiliation can vote in judicial primaries. The case was put on a fast track and heard before a three-judge panel of Circuit Court judges. When the panel ruled against the plaintiffs, the ACLU appealed to the Maryland Court of Appeals. The court agreed to hear the case, again on a fast track, and the case was briefed and argued three weeks after the March 2 primary. Although the court quickly issued an order denying the motion to block certification of the results, we are still awaiting decision on the wider issue of whether voters unaffiliated with a major party should be allowed to cast ballots in future judicial primaries. [Rocah, Griffiths, Jeon, and Kumar]

**TAKE ME TO THE RIVER: DOOLING V. TOWN OF PORT DEPOSIT**  
Victory! Michael Dooling, a longtime resident of Port Deposit, lives on a houseboat moored to a riverbank in the town. In the spring of 2001, he declared his candidacy for Port Deposit Town Council and filed all the necessary paperwork to run in the May 2001 election. Prior to the election, however, the council declared Dooling ineligible to run on the grounds that he was not a resident of the town. After the town ignored the ACLU's efforts to resolve the matter amicably, we filed suit in federal district court on Dooling's behalf, challenging the town's determination of his ineligibility. Federal District Court Judge Andre M. Davis determined that Mr. Dooling is eligible to vote and run for public office in Port Deposit. In a memorandum to counsel, Judge Davis wrote that the attorney for the defendants had produced a "deeply flawed analysis of the relevant issues," provided "an unfortunate piece of advice" to his clients that led to the lawsuit, and employed "distracting red herrings" in formulating the town's defense. Thomas Glancy (Gordon, Feinblatt, Rothman, Hoffberger & Hollander). [Jeon and Goyle]

**TALBOT COUNTY REDISTRICTING**  
Pending. Over the past two years, the Talbot County NAACP and ACLU have repeatedly urged the county council to switch voluntarily from at-large elections to a system of single member districts. Although they are the largest minority group in the county, no African-American has ever been elected to the Talbot County Council. Over time, public education about voting rights has garnered public support for the proposal, with local organizations and both major political parties urging that the matter be put to a public vote. In May 2004, the NAACP asked the county council to vote in favor of placing a question on the November 2004 ballot, which would allow residents to vote on the proposed single-member districts. The council recently voted down this request, leaving local activists with no other option than to seek this change through a petition effort. [Jeon and Cruice]

**CHARLES COUNTY REDISTRICTING**  
Pending. No African-American has ever been elected to county-wide office in Charles County, even though this group constitutes almost 30% of the county's population. Ironically, racial integration of the county's population makes a Voting Rights Act challenge more difficult, because it is harder to remedy the problem by changing the current at-large election system to a districted system with a majority African-American district. We are exploring whether the local government would entertain creating an "influence



Protestors were able to speak their minds in Baltimore's Inner Harbor, across the street from the hotel where President George W. Bush was attending a fundraiser.

district," that would enable minority voters to forge a coalition with white crossover voters to elect candidates of their choice. Lawsuits are pending to create such districts to boost minority representation in government in Rhode Island and Virginia. [Jeon and Goyle]

**NOT-SO-SECRET BALLOTS**  
Closed. After the March 2004 primaries, the ACLU of Maryland was contacted by a voter in Prince George's County who was concerned that the voting machines at his precinct did not provide adequate voter privacy, imperiling the right to cast a secret ballot. He alleged that the voting machines lacked a privacy curtain and that the layout of the machines in his polling place made it possible for others to see individual voters cast their ballots. We contacted the Prince George's County Election Board and the Maryland State Board of Elections on his behalf. In response, both boards committed to providing improved training to election judges to ensure that voters can cast secret ballots in Maryland. [Kumar and Jeon]

**BLIND VOTERS CAST TRUE SECRET BALLOTS: POOLE V. LAMONE**  
Victory! Blind and visually impaired Maryland voters were able to cast secret ballots for the first time in this year's presidential primary elections as a result of long-running litigation spearheaded by Baltimore County blind voter William Poole. In part to address the concerns of disabled voters, elections officials installed electronic voting machines in every jurisdiction across Maryland in time for the March 2004 primaries. The machines are equipped with an audio feature that talks visually impaired voters through the ballot, permitting them to vote independently. Negotiations continue to work through remaining glitches, as well as to address claims pertaining to the ability of blind and visually impaired voters to cast secret absentee and provisional ballots as well as enabling voters to write in candidates. Gabrielle Moses and Jason Sayers (Venable) and Paul Grace. [Jeon, Goering, Goyle]

### The New Federalism— Enforcing Rights in the Face of "States' Rights"

From the U.S. Supreme Court down to local courts, it is becoming increasingly difficult for those with discrimination claims to use federal law to hold the state responsible for civil rights violations. The ACLU is fighting against this trend in the courts, as reflected in the cases below, and in the General Assembly.

**I'LL TAKE BACK PAY WITH MY PUNITIVE DAMAGES**  
Pending. Wendy Shabazz, a waitress, lost her job after filing a complaint against her employer for discrimination. Alleging she was wrongfully terminated in retaliation for filing the complaint, Ms. Shabazz took her claim to court in Prince George's County where a jury found in her favor and awarded her \$85,000 in punitive damages (but no compensatory damages). Ms. Shabazz filed a motion requesting back pay for the several weeks she was out of work after being fired. But the trial judge denied the motion, saying back pay was an issue that should have been present-

ed to the jury. The judge then nullified the entire punitive damages award, holding that Maryland law prevents a jury from awarding punitive damages to a plaintiff who has not been awarded any actual damages. Ms. Shabazz appealed, and the ACLU of Maryland joined the Public Justice Center and the ACLU of the National Capital Area in filing an amicus brief asserting that the judge should have considered and granted Shabazz's back pay request and should not have voided the punitive damages award. The case was argued in September 2004 and we are awaiting a decision. Joshua Auerbach (Public Justice Center) and Arthur B. Spitzer (NCA). [Jeon]

**EDWARDS SYSTEM TECHNOLOGY, ET AL V. CORBIN**  
Victory! In a big win for victims of employment discrimination, the Maryland Court of Appeals ruled in February that home rule counties with their own local anti-discrimination ordinances, such as Montgomery, Prince George's and Howard counties, can give their residents the right to take workplace discrimination claims seeking monetary damages directly to state court. The court rejected Edwards System Technology's contention that state law — which affords no private right of action and no damages remedy — pre-empts local laws. In conjunction with the ACLU of the National Capital Area and the Public Justice Center, the ACLU of Maryland filed an amicus brief supporting the plaintiff (and the counties) in the case. Jonathan Frankel, Jeffrey Schomig, Ron Katwan, and Brian Murray (Wilmer, Cutler & Pickering), Debra Gardner and Wendy Hess (Public Justice Center), and Arthur B. Spitzer (NCA). [Rocah]

## ACLU Building State Coalition to Push Passage for SAFE Act

The Maryland Bill of Rights Coalition has launched a campaign to win endorsements from the state's congressional delegation for the federal Security and Freedom Ensured Act, a USA Patriot Act "fix" bill, intended to roll back that act's provisions attacking rights.

Rep. Elijah Cummings, head of the Congressional Black Caucus, is working with the ACLU to pass this important measure. Congressman Cummings is currently the sole sponsor of the SAFE Act from Maryland and he is enlisting support from other members of the Maryland delegation.

The Coalition plans to meet with all of Maryland's Congressional delegation in 2005. We need your help! The Coalition will hold a strategy meeting on January 15, 2005 at the Howard County Central Library to bring together individuals and groups from across the state to plan district meetings with our representatives.

Want to get involved? Contact Meredith at [curtis@aclu-md.org](mailto:curtis@aclu-md.org).

LEE V. CLINE

Pending. ACLU awaits a decision by the Maryland Court of Appeals in this police practices case in which sheriff's deputies claim that they have "good faith" or qualified immunity when sued for state constitutional violations. If upheld on appeal, the intermediate appellate court decision would significantly restrict the ability of Maryland residents wronged by government misconduct to recover for their injuries. In this case, a motorist was subjected to an illegal, humiliating, and fruitless search for drugs simply because he was an African-American male driving a late-model BMW. Based on the conclusion that the officers involved had good faith immunity from suit, the Court of Special Appeals tossed out the driver's claim of police misconduct on the grounds that he could not show that the officials had sufficient ill will toward him. The ACLU, joined by the Public Justice Center, filed an amicus brief arguing that there is no immunity under state law for claims alleging state constitutional violations. Ralph S. Tyler, Elizabeth F. Harris, and Tonya M. Osborne (Hogan and Hartson). [Rocah and Jeon]

NORVILLE

Pending. In 1998, David Norville was terminated from employment with the Anne Arundel County Board of Education for what he alleges was age discrimination. After following the appropriate administrative channels, Mr. Norville filed suit in federal court in Maryland. The court dismissed the case on the grounds that the Eleventh Amendment and "sovereign immunity" protect the board from federal suits filed by private individuals. Still trying to have his day in court, Mr. Norville refiled his claim in state court. The Circuit Court for Anne Arundel County dismissed the case before ever reaching the merits of

Mr. Norville's complaint, applying the same sovereign immunity argument used by the federal court. The case is now on appeal to the Maryland Court of Special Appeals, where the ACLU joined the Public Justice Center in filing an amicus brief asserting that the lower court erred in extending sovereign immunity to the Anne Arundel Board of Education, because the board is a local, rather than a state, entity. The case was argued earlier this year and a decision is pending. [Jeon]

MCNULTY

Pending. Ryan McNulty, a high school student in Calvert County, was diagnosed with Attention Deficit Hyperactive Disorder (ADHD) when he was in second grade and received a plan intended to accommodate his disability. When this plan was implemented during Ryan's middle school career, he enrolled in honors classes, played on school athletic teams, and did not have any disciplinary problems. When Ryan entered the ninth grade at Northern High School, however, the plan, which continued to be in effect, was not implemented and he began having trouble at the school. Ryan was subjected to repeated disciplinary actions, assigned to a program that segregated him from other students, and eventually he had to enroll in a private school for part of his high school

career. His mother, a teacher for Carroll County public schools, filed a civil rights complaint against the school system alleging that Ryan's difficulties stemmed from the school's failure to accommodate his disability. The McNultys allege further that the school system retaliated against both Ryan and his mother in response. The McNultys retained a private attorney to help them in their disputes with the school system and, after Ryan graduated, filed suit against the school board in federal court. The suit alleged that he was denied his constitutional right to a free and appropriate education and that the school system discriminated against Ryan in violation of the Americans with Disabilities Act. In response, the school board argued that, under the Eleventh Amendment to the U.S. Constitution, it enjoyed "sovereign immunity" or protection against federal suits brought by private individuals and was therefore immune to the lawsuit. The ACLU and the Public Justice Center provided substantial research assistance to the plaintiffs' attorney on the immunity issue, arguing that because school boards are local, rather than state, entities, they cannot take advantage of a sovereign immunity defense. The district court nevertheless rejected McNulty's claims, in part on sovereign immunity grounds, and an appeal is being evaluated. Joshua Auerbach (Public Justice Center). [Jeon]

## Remembering Dick Bieniasz, a Champion for Civil Liberties in Maryland

The ACLU of Maryland lost a true champion of civil liberties when Dick Bieniasz died on November 1, 2004.

Dick joined the ACLU of Maryland's Board of Directors in the 1980s and became Treasurer in 1996. He was also the President of the Prince George's County Chapter of the ACLU, where he motivated other activists with his determination and passion for justice.

Dick worked tirelessly in Prince George's County to fight police brutality, protect religious liberty, and most recently to pass "Safe and Free" resolutions against the USA Patriot Act.

Attending one town council meeting after another, Dick tenaciously sought to win resolutions in Prince George's County. He once sat for four hours through discussions of potholes and curb placement in his hometown of Cheverly to make his pitch that the threat to civil liberties posed by the Patriot Act warranted action by the council.

Dick remained committed to the ACLU even after his health began to fail due to leukemia. Although very sick, he still drove to Baltimore for ACLU meetings.

Dick's wife Susan said that he was determined to live long enough to cast his ballot in the presidential elections this year: "I'm going to vote, whatever happens." Sadly, he died the day before Election Day.

Activists like Dick Bieniasz are the lifeblood of the ACLU. His dedication to our mission of protecting and furthering rights is an inspiring example to all people who love liberty. He will be missed.



ACLU's Yolande Gregory Memorial Student Intern and Young Volunteer Program interns for fall 2004 are (left to right) Steve Link, a senior at Towson University, and Frank Tisano, a senior at Centennial High School in Columbia. Also pictured is volunteer Elliott Wolf, a freshman at Duke University. Not pictured is Steven Dashiell, a graduate of Washington College now attending the University of Baltimore.

## Farewell to Claire Pierson

The ACLU of Maryland extends a fond farewell to Claire Pierson, who served as our legal program administrator since 2001. Claire worked closely with the families we represent in our landmark case, *Thompson v. HUD*, which seeks to address illegal

segregation in Baltimore City's public housing. She also helped to secure pro bono attorneys to help bring cases on a variety of important issues. We will miss Claire's dedication to our clients and mission. Best of luck Claire!



Claire Pierson (left) and Carmen Thompson — the namesake client for *Thompson v. HUD* — at a picnic hosted by Thompson clients Ike and Veronica Neal in the backyard of their new home in Northeast Baltimore.

## THANK YOU, ACTIVISTS!

Your e-mails, phone calls, and letters made an impact on anti-terrorism legislation, voting rights, education funding, abortion rights, and many other important issues during this year's legislative session.

You CAN make and HAVE made a difference.

E-mail is a great way to voice your opinions on issues. Join the ACLU-MD E-mail Activist Network today!

You will receive issue updates and action alerts so you can contact lawmakers about proposals that threaten freedom.

To join, simply e-mail Meredith at [curtis@aclu-md.org](mailto:curtis@aclu-md.org).



A wonderful time was had by all at the ACLU of Maryland's Eastern Shore Picnic this summer, where we honored the courage of our clients and the dedication of our General Counsel, Chris Brown. Pictured above: ACLU of Maryland President Sally T. Grant, Case Investigator/Community Organizer Amy Cruice and Chris Brown.

## Foundation Support

The ACLU gratefully acknowledges the support of the following foundations. Through their commitment to civil liberties, these institutions enable the ACLU to monitor, protect, and further civil rights and civil liberties in Maryland.

Abell Foundation

American Civil Liberties Foundation

American Civil Liberties Foundation, Reproductive Freedom Project

William G. Baker, Jr. Memorial Fund

Baltimore Community Foundation

Jacob and Hilda Blaustein Foundation

The Annie E. Casey Foundation

Fund for Change

The Hazen Foundation

Zanvyl and Isabelle Krieger Fund

Maryland Legal Services Corporation

Open Society Institute, Baltimore

The St. Paul Companies Foundation, Inc.

Aaron Straus & Lillie Straus Foundation

Lockhart Vaughan Foundation

## A Legacy of Liberty

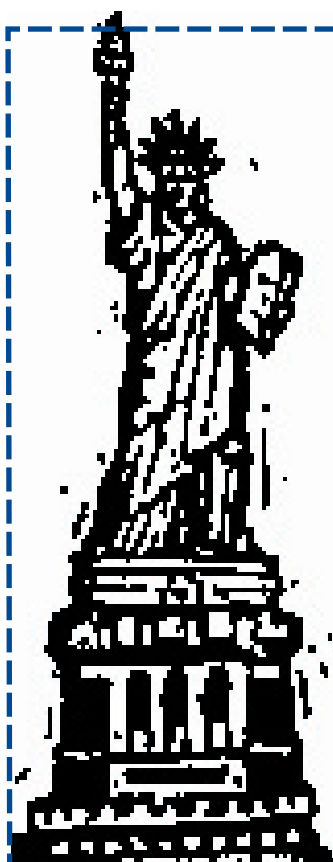
Create a legacy of liberty by investing in the future of the ACLU Foundation through a planned gift such as a bequest or life income plan. Join the ACLU supporters who have become members of The DeSilver Society by making a legacy gift.

A Legacy Gift Can:

- Create a Legacy of Liberty for the ACLU
- Provide More for Your Loved Ones
- Reduce Estate and Income Taxes
- Minimize Probate Costs for Your Family
- Increase Your Income

Your gift will provide the ACLU Foundation, at the national and local level, with the resources it needs to protect civil liberties for future generations.

For more information, please contact:  
 ACLU Foundation Office of Gift Planning  
 125 Broad Street, New York, NY 10004  
 Toll-free: 877-867-1025  
 E-mail: [DeSilver@aclu.org](mailto:DeSilver@aclu.org)



## Support the Organization that Supports Your Freedom!

Enclosed is my contribution of \$ \_\_\_\_\_

I want to join. Credit my contribution towards membership:

\$20 Individual  \$35 Joint  More

I want to donate appreciated stock to ACLU account (#30A121398) at T. Rowe Price (DTC #0443)

I want to volunteer. Please let me know how I can help.

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_ Zip \_\_\_\_\_

Send this coupon with your check to ACLU of Maryland, 3600 Clipper Mill Road, Suite 350, Baltimore, MD 21211

# Development and Financial Report

Substantial financial resources are essential to pursue the wide-ranging legal and educational activities of the ACLU of Maryland. Fortunately, we are able to rely on a diversified base for that support, including membership dues, individual contributions, and foundation grants. We receive no government funds.

The ACLU and the ACLU Foundation of Maryland are separately incorporated nonprofit organizations. The Foundation conducts litigation and public education in support of civil liberties. The Foundation is a 501(c)(3) tax-deductible organization, and contributions to it are deductible to the extent allowed by law.

The ACLU conducts membership outreach and organizing, legislative advocacy, and lobbying. It is supported primarily by membership dues. It is a 501(c)(4) organization, which is tax-exempt, but gifts are not tax-deductible.

## Fundraising Campaigns and Volunteers

The ACLU Foundation of Maryland conducts an annual fundraising campaign that seeks support from individual donors to underwrite the work of the organization. ACLU fundraising is grounded in the firm belief that personal outreach and one-on-one conversations with members and potential supporters are the most cost-effective and friendly way to raise funds. As a result, the ACLU seeks to maintain strong ties with its members and to be informed about their current civil liberties concerns.



## The Fight for Civil Liberties Needs You!

Please tell us about your background, experience, and interests, and we'll let you know how you can help protect our Bill of Rights:

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\_\_\_\_\_

\_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

Zip \_\_\_\_\_

Phone(home) \_\_\_\_\_

Phone (work) \_\_\_\_\_

Phone(cell) \_\_\_\_\_

Best time to call \_\_\_\_\_

E-mail \_\_\_\_\_

Send to: ACLU of Maryland,  
3600 Clipper Mill Road, Suite 350  
Baltimore, MD 21211  
phone: 410-889-8555 / fax: 410-366-7838  
e-mail: [aclu@aclu-md.org](mailto:aclu@aclu-md.org)

## Sharing

All gifts and memberships are shared between the national ACLU and the Maryland ACLU according to a financial formula. A portion of the national ACLU's share is allocated to other, smaller affiliate ACLU offices around the country, especially in the South, that otherwise would be unable to address the serious civil liberties needs in their states.

## Ways of Giving

The ACLU is as strong as the volunteers and donors make it. Every lawsuit and civil liberties activity is the direct result of the participation and gifts of people who care about protecting the Bill of Rights. You can make a contribution to the ACLU or ACLU Foundation in any of these ways:

**Cash, check, or credit card:** We are pleased to accept your donation at any time. Monthly, quarterly, or annual pledges are welcome. You may also support the ACLU with your Visa or Mastercard.

**Workplace Giving:** The ACLU's United Way Campaign number is 1709. Our Combined Charity Campaign number is 6509. Our MD Charity Campaign number is 6509.

**Gifts of Stock or Securities:** You may make a gift of appreciated stock or securities without paying the capital gains tax that would accompany a sale of stock by asking your broker to transfer it to the ACLU's account (# 30A121398) at T. Rowe Price (DTC# 0443.) If you do so, please call Stacey Mink at the ACLU (410-889-8550, ext. 103) and inform her so that we can record your identity, provide tax information to you, and properly thank you for your gift.

**Matching Gifts:** If your employer has a matching gift program for charitable giving, please consider a gift to the ACLU to be matched by your workplace.

**Insurance:** You may choose to name the ACLU or ACLU Foundation as a primary or secondary beneficiary of your life insurance.

**Bequests:** In your will or revocable trust you can designate the ACLU or ACLU Foundation as a beneficiary of all or part of your estate.

**Gift Annuities:** By donating cash or securities, you can receive income on the gift for your lifetime, while still providing support for the ACLU Foundation in the future. Tax advantages can be substantial, depending on your individual situation.

**Charitable trusts:** Charitable trusts can be arranged to benefit the ACLU Foundation while providing tax advantages and a variety of financial planning options to you and your family.

For more information about ways to support the ACLU, contact Director of Development Stacey Mink (at 410-889-8550, ext. 103) or Executive Director Susan Goering (at 410-889-8550, ext. 107).

## ACLU Foundation of Maryland Statements of Activities 2004

SUPPORT AND REVENUE:	
Grants unrestricted	\$521,424
Contributions—general	328,864
Attorneys' fees	264,030
Donated legal services	2,200,011
Investment Income	119,307
Total support and revenue	\$3,433,636
OPERATING EXPENSES:	
Program services	\$3,290,966
Supporting services:	
Management and general	267,161
Fundraising	81,090
Total operating expenses	\$3,639,217
INCREASE (DECREASE) IN UNRESTRICTED NET ASSETS	(205,581)
Unrestricted Net Assets, beginning of year	1,724,117
UNRESTRICTED NET ASSETS, END OF YEAR	\$1,518,536

## ACLU of Maryland Statements of Activities 2004

SUPPORT AND REVENUE:	
Membership shares	\$135,428
Contributions and fees	1,000
Total support and revenue	\$136,428
OPERATING EXPENSES:	
Program services	\$90,964
Supporting services:	
Management and general	16,456
Fundraising	5,005
Total operating expenses	\$112,425
INCREASE (DECREASE) IN UNRESTRICTED NET ASSETS	24,003
Unrestricted Net Assets, beginning of year	126,107
UNRESTRICTED NET ASSETS, END OF YEAR	150,110

Source: Audited Financial Statements for the year ending March 31, 2004 by T. R. Klein & Company. Complete copies available by writing: ACLU, 3600 Clipper Mill Road, Suite 350, Baltimore, MD 21211.

American Civil Liberties Union of Maryland  
American Civil Liberties Union Foundation of Maryland  
3600 Clipper Mill Road, Suite 350  
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