



# 2009 THE YEAR IN REVIEW

## Restoring the Rule of Law Keeping America Safe and Free



In times of economic exigency, the ACLU of Maryland, like other nonprofits, must work strategically to get the job done. We increased our cadre of ACLU volunteers, worked more closely with the National ACLU to protect all Americans' privacy rights, and combined our programs—litigation, legislation and public outreach—in synergistic ways.

Our usual core of volunteers was amplified by Maryland ACLU's Constituent Action Network (CAN)—members who, along with ACLU's National Legislative staff lobbied the state's powerful Congressional delegation about the government's unconstitutional surveillance of innocent Americans. House Majority Leader Steny Hoyer as well as Senators Barbara Mikulski and Benjamin Cardin all have key roles in correcting the Bush Administration's post 9/11 abuses of power.

Maryland was in a unique position to help move this national dialogue forward because we combine litigation with legislative efforts while educating the public. Last year, Maryland ACLU's lawsuit against the Maryland State Police revealed they had been spying and compiling dossiers on activists across the state. Thanks to our communication efforts, including hundreds of media stories and blog posts, our case turned eyes all across the nation, and even the world, to Maryland as we fought to gain full disclosure of police records, justice for the activists, and legislation to finally make such covert infiltration and dossier collecting on innocent Marylanders illegal. Then this past summer our lawsuit became "Exhibit A" in the National ACLU's testimony before Congress about abuses in law enforcement intelligence collection and sharing practices.

The ACLU of Maryland also takes seriously our role as educators of the general public on the most important civil liberties issues of our time. That's why, for instance, we placed several newspaper opinion pieces calling for reform of the Patriot Act, a halt to the U.S.'s unconstitutional indefinite detention and torture programs, and accountability for those who designed and implemented such un-American violations of civil liberties. We also brought National ACLU Legal Director Steve Shapiro to the Free State to discuss how the ACLU is challenging these programs and ensuring that our most basic due process and privacy rights are secure for the future.

We are honored to be part of such a vibrant and necessary cause as the ACLU's fight for liberty in a time that demands our highest vigilance. And we are particularly grateful for your partnership in the many endeavors the ACLU undertook this past year. As we enter a new year, we look forward to guarding freedom with you again, knowing that no fight for civil liberties ever stays won.



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# Restoring the Rule of Law Ensuring Our America Will be Safe and Free



**"IN SOME WAYS, I LEARNED MORE FROM MY SUMMER AT THE ACLU THAN I HAVE IN MANY OF MY COLLEGE COURSES, AND THOUGH THE LESSONS WERE DEEPLY TROUBLESOME AT TIMES, THEY WERE ALSO INSPIRING. ... THERE ARE ALWAYS OPPORTUNITIES TO MAKE POSITIVE CHANGE."**

*~ Ezra Miller, a, intern who worked with ACLU of Maryland's Education Reform Project during the summer of 2009*

Delray Fowlkes would like to be with Delray Jr. every day, but he is unable to visit him and his mother where they live in public housing because he was put on a ban list over of an arrest five years ago in which charges were dropped.

## KEEPING AMERICA SAFE AND FREE

**'CAN' Activists Take Action.** The ACLU of Maryland worked closely with the ACLU National Legislative Office to reform abuses of power perpetrated by the Bush Administration and to ensure that such policies never recur. As part of a renewed national "safe and free" campaign, the ACLU of Maryland's Constituents Action Network met with Maryland's elected officials in Congress to educate them on Patriot Act reauthorization, indefinite detention, and torture.

**Spying by Maryland State Police.** The ACLU of Maryland helped to pass the Freedom of Association and Assembly Protection Act of 2009. This new law was spurred by the revelation that the MSP had been covertly infiltrating peace and anti-death penalty groups, and covertly compiling information about a wide range of other peaceful political activist groups. The spying was uncovered through a Maryland Public Information Act lawsuit filed by the ACLU.

Now, Maryland forbids law enforcement from infiltrating political groups and prohibits the compilation and dissemination of political dossiers on activists' beliefs.

MSP spying also drew attention on Capitol Hill, when Senators Barbara Mikulski, Ben Cardin, and Russ Feingold called for a full accounting and a process for ensuring such unconstitutional spying never happens again. The Maryland spying case also served as "Exhibit A" in national ACLU testimony in Congress for how abuses can happen when there is not adequate oversight and accountability of law enforcement intelligence collection and sharing practices.

Meanwhile, the ACLU litigation continues, as we seek the full story about the spying we uncovered.

## DEFENDING FREE SPEECH

**First Amendment on the Fourth of July.** On July 4, Robin Ficker, a candidate for the Montgomery County Council, was threatened with arrest by Park Police officers because county rules forbid carrying signs and other political activities in parks. A campaign volunteer carried a sign and Mr. Ficker spoke with potential voters gathered at the Germantown Regional Park for a fireworks display. The ACLU of Maryland took action with the Maryland-National Capital Park and Planning Commission to ensure that political speech is protected in Montgomery and Prince George's County public parks.

**Divining the First Amendment's Future.** In a case involving important First Amendment rights, the ACLU of Maryland represents self-identified Gypsy

Nick Nefredo in appealing a ban on fortunetelling in Montgomery County. Put simply, it is not the role of the government to ban protected speech.

**Free Speech on the Boardwalk.** The ACLU of Maryland convinced Ocean City officials to stop enforcing unconstitutional limitations on the free speech of boardwalk performers.

**Baltimore Police Officer Whistleblower Case.** The ACLU of Maryland joined an amicus brief defending the free speech rights of government whistleblowers after a court ruling threatening whistleblower protections.

**Public Employees' Political Free Speech Rights.** In a decision quoting Niccolo Machiavelli, the ACLU of Maryland championed the political speech rights of public employees. The state's highest court unanimously ruled in favor of two public employees who were wrongfully fired by Caroline County State's Attorney Jonathan Newell when he was elected in 2002.

## EQUAL RIGHTS AT THE BALLOT BOX

**Voter Verified Paper Trail for 2010.** The ACLU of Maryland succeeded in protecting Maryland's move to a fully funded voter-verified, auditable paper trail voting system, while ensuring access for voters with disabilities—results that were threatened this year by the economy and limitations in developing accessibility technology.

**Early Voting Enacted.** After "early voting" received overwhelming support from voters in 2008, the General Assembly enacted legislation to pave its way in Maryland, starting with the 2010 elections. In polling places in every county, the new law permits an early voting period from the second Friday through the Thursday before an election from 10 am to 2 pm.

**Election Day Registration.** The ACLU of Maryland continued to fight for a bill to amend the state constitution to allow Marylanders to register and vote on Election Day.

**Voting Rights in Greenbelt.** The City of Greenbelt has taken positive steps to increase diversity on its city council and within the municipal electorate, after the ACLU of Maryland and Prince George's NAACP expressed concern. The first African American was elected and minority participation grew after the council added two additional council seats, held more candidate forums, and increased outreach to areas with a high proportion of minority residents.

## PROTECTING PERSONAL PRIVACY

The ACLU of Maryland monitored legislation affecting



Robin Ficker, right, a candidate for the Montgomery County Council, and a campaign volunteer. Mr. Ficker was told by park police that he could not have a volunteer carry a campaign sign while he spoke with potential voters gathered at the Germantown Regional Park for a fireworks display.

the privacy of Marylanders' personal information including privacy of genetic information and consumer records, as well as the practices of data brokers and data aggregators. One threat to privacy is in increased health care monitoring, data sharing, and electronic centralized storage and transmission of patient information.

**Electronic health records.** The ACLU of Maryland ensured Maryland's new electronic health records law will protect patients' privacy and include strong information security measures. Our legislative director was appointed to the Health Information Exchange Network Policy Board as well as to a state work group that will set standards for the electronic maintenance and sharing of health information.

## KEEPING GOVERNMENT OUT OF RELIGION

**Public \$\$ for Public Schools.** With public education advocates, the ACLU of Maryland once again defeated a handful of school voucher bills masquerading as tax credits that would primarily benefit religious schools. However, these initiatives are gaining support in the legislature, even though they are costly, lack oversight or accountability, and have not been demonstrated to be an effective use of public funding.

**Homeless Center Open for Business.** The ACLU of Maryland won the right of The Meeting Ground, a church dedicated to serving the poor and homeless as part of its religious mission, to open a daytime homeless shelter and worship center. We sued the Town of Elkton after it declined to grant a permit for the center and refused to recognize the religious nature of the mission.

## WOMEN'S RIGHTS AND REPRODUCTIVE RIGHTS

**Equal Pay Guaranteed (Again!).** The ACLU of Maryland helped to pass the state Lilly Ledbetter Fair Pay Restoration Act of 2009, which ensures that victims of wage discrimination will receive full restitution. This basic right was threatened by a recent Supreme Court decision, but Congress responded immediately to correct federal law and this year, Maryland followed suit.

**Reproductive Freedom.** The ACLU of Maryland maintained its vigilance in defending women's right to reproductive freedom and health care. We successfully defeated bills attempting to limit women's access to full reproductive healthcare services, including safe and legal abortions.

**Girls in Juvenile Justice Project.** The ACLU of Maryland was proud to announce a new initiative to address the plight of girls caught up in Maryland's juvenile justice



A photo of undrinkable water at a Baltimore City public school fountain, one of many by students that were organized by the ACLU and accepted in an exhibit in Congress. "Through Your Lens," spotlighting pictures and stories of our nation's dilapidated school buildings.

system. Arthur J. Liman Fellow Sonia Kumar will establish a pilot project for child-centered advocacy, the goal of which is to provide adequate services to the girls and to return them to their homes and communities as quickly and effectively as possible.

## FAIRNESS FOR LGBT COMMUNITY

**Civil Marriage Equality.** The ACLU of Maryland worked with Equality Maryland to advocate for full rights and much-needed legal protections for same-sex couples and their families. We pushed for a bill that would have established civil marriage for same sex couples while confirming the freedom of religious groups to define and recognize religious marriage consistent with their beliefs and practices without state interference.

**Maryland Black Family Alliance.** The ACLU of Maryland teamed up with the Maryland Black Family Alliance—a growing group of straight African American leaders the ACLU helped to found who educate and empower allies in the black LGBT community. We produced a unique documentary film featuring prominent MBFA leaders from across the state speaking from personal experience about the important of fighting for equal rights under the law for all families.

**Domestic Partner Benefits.** The ACLU of Maryland was thrilled that the General Assembly approved funding for Governor O'Malley's proposal to extend healthcare and other benefits to state employees' domestic partners and dependent children. The new law extends the exemption from inheritance tax paid on primary residences after death to both same-sex and opposite-sex domestic partners.

**Discrimination Based on Gender Identity.** The ACLU of Maryland was disappointed again this year when the General Assembly failed to add gender identity and expression to Maryland's anti-discrimination statute. The fight will continue for this compassionate measure to close an unjustifiable loophole in Maryland's anti-discrimination law.

## MORE JUST CRIMINAL JUSTICE

**Death Penalty Reform.** The ACLU of Maryland worked in coalition with advocates and with the Governor to push for death penalty repeal in the wake of a strong recommendation from the Maryland Commission on Capital Punishment. The final bill restricts the death penalty to cases where the State presents the court or jury with specified biological or DNA evidence, a videotaped confession, or a video recording that conclusively links the defendant to the murder. It also prohibits the death penalty in cases where the State would rely solely on evidence provided by eyewitnesses. However, these measures were rejected by

**"THIS PROGRAM IS ONE OF THE BEST THINGS THAT EVER HAPPENED TO MY FAMILY AND I. I AM LESS STRESSED ABOUT FINANCIAL ISSUES AND CAN FINISH COLLEGE. WE LOVE THE BEAUTIFUL QUIET NEIGHBORHOOD AND THE SCHOOL SYSTEM. WE COULD BE NO HAPPIER. THANK YOU!! THIS WAS A BLESSING AND I APPRECIATE THE HELP."**

*~ ACLU client, who moved to a new neighborhood with the Thompson Housing Mobility Program, which has helped more than 1,400 families voluntarily move from racially isolated public housing developments and other high-poverty neighborhoods in Baltimore's inner city to communities of opportunity throughout the Baltimore region.*

the state commission as not effective enough to reduce the risk of executing an innocent person.

**Basic Medical Care for Detainees.** The ACLU and the Public Justice Center reached a settlement with the State for dramatic improvements in medical and mental health care provided to detainees at the state-run Baltimore City Jail. The agreement settles major portions of a longstanding class-action lawsuit, and requires that detainees receive responses to sick calls within 72 hours, jail officials provide ongoing treatment to detainees with chronic diseases, an on-site psychiatrist be available to detainees five days a week, and detainees with disabilities receive necessary housing supplies.

## SECURING RACIAL JUSTICE

**Racial Disparities in Somerset County Government.** The ACLU of Maryland and the Somerset County NAACP released a report questioning how and why Somerset County—with the third largest African-American population (42%) in Maryland—maintains a government that is all white at the upper levels, just as it has for centuries. With the help of the Attorney General's Director of Civil Rights, we held a large town hall meeting and helped establish a task force that proposed strong recommendations for reform.

**"Driving While Black".** Joined by the Maryland NAACP, the ACLU fought to obtain Maryland State Police records under the Maryland Public Information Act. We are concerned that the state police may still be stopping and arresting a disproportionate number of African American motorists. The police have been improperly withholding documents that would show whether they have meaningfully investigated complaints of racial profiling as required by a federal court consent decree in the ACLU's "Driving While Black" case.

## QUALITY EDUCATION IN PUBLIC SCHOOLS

**Restoring "Thornton" Funding.** The ACLU of Maryland has long been an advocate for the proposition that the State Constitution guarantees all children in Maryland—including the most disadvantaged and educationally at-risk—an adequate education. This year, our Education Reform Project protected state aid to public education funding under the Bridge to Excellence Act, known as "Thornton," which is a vital tool to ensure that all our schools have the resources they need to provide an adequate education.

**Great Public School Buildings.** The ACLU of Maryland's Education Reform Project works to ensure that every public school student in Maryland has a safe, healthy, and modern learning environment. Many students attend crumbling and outdated school buildings, which

have a detrimental impact on student achievement and teacher retention, and undermine innovative reform initiatives. In addition to protecting state funding for school construction and renovation, this year the ACLU advocated for federal funding on Capitol Hill to help low-wealth districts alleviate school facility deficiencies.

**Pre-Kindergarten.** The ACLU of Maryland called upon the Maryland State Department of Education to address the long waiting lists of pre-K eligible children we documented after surveying a number of Maryland school systems. MSDE agreed to begin collecting waiting list data from the school systems to evaluate how many eligible students were placed on waiting lists and then developed a statewide system for tracking waiting lists for low-income pre-K students.

**No Suspensions for Attendance Offenses.** ACLU supported successful a bill prohibiting out-of-school suspensions of children solely for attendance related offenses, such as class cutting, tardiness, and truancy.

## FAIR HOUSING RIGHTS

A fair housing program created through *Thompson v. HUD*, the ACLU of Maryland's landmark case filed in 1995 on behalf of 14,000 African American families in public housing, has been quietly helping more than 1,400 families voluntarily move from racially isolated public housing developments and other high-poverty neighborhoods in Baltimore's inner city to communities of opportunity throughout the Baltimore region.

A special 2009 ACLU report shows most families are staying in their new "opportunity neighborhoods," where they feel safer, healthier, less stressed, more motivated and more confident in the future facing their children. And because the program focuses on high opportunity areas, families are not clustering in a few struggling neighborhoods.

**Families Banned.** With the national ACLU Women's Rights Project, the ACLU of Maryland challenged an Annapolis Housing Authority policy that bans individuals from being on or near public housing property if they have been arrested, whether or not they are convicted or even charged with a crime. If individuals violate the ban, they are arrested and prosecuted for trespassing. Residents who allow banned family members into their homes are subject to eviction, no matter the reason.

## IMMIGRANTS RIGHTS

**Immigrants Rights Project.** The ACLU believes the U.S. immigration system is broken and it the responsibility of the federal government to fix it. We have been fighting local government anti-immigrant initiatives that threaten public safety by denying public services to

# 2009 YEAR IN REVIEW



ACLU's Niambi Murray and clients Terreal Grant and Iris Bradford, on their way to speak at an Annie E. Casey Foundation forum on the release of the report: "New Homes, New Neighborhoods, New Schools: A Progress Report on the Baltimore Housing Mobility Program."

and targeting immigrant communities for dragnet detentions and harassment. Our immigrants rights project was made possible by the prestigious Skadden fellowship program, which is underwriting an attorney for two years to lead our work.

**REAL ID.** The ACLU opposed a new state law requiring Maryland to comply with the wrong-headed federal REAL ID Act. Despite the lack of adequate federal funding and privacy regulations, and after years of pressure from anti-immigrant forces, the General Assembly capitulated to fear mongering by passing a bill creating strict requirements for proof of lawful presence for persons seeking a driver's license. The new law affects immigrants and non-immigrants alike, making licenses much more difficult to obtain and bringing us one step closer to a national identity card.

#### CHALLENGING POLICE PRACTICES

**Basic Accountability for SWAT Teams.** The ACLU of Maryland supported legislation developed in response to a horrifying incident where a special weapons and tactics team illegally raided the home of the Berwyn Heights Mayor and killed his two dogs. The new law requires that law enforcement agencies with SWAT teams issue reports every six months to the Governor's Office on Crime Control and Prevention on the number, purpose, authorization, county and/or municipal corporation and zip code, and results of SWAT team deployments.

**Taser Review Project.** The ACLU of Maryland launched a Taser Review Project, resulting in a strong new policy on electronic weapons that calls for better training programs, standards for appropriate use, basic oversight and accountability for law enforcement, and more attention to the use of such electronic weapons in schools. The project helped to shape recommendations of a state task force created to study the use of electronic weapons by law enforcement.

#### RIGHTS OF THOSE WITH DISABILITIES

**Voting Rights.** Following new American Bar Association standards ensuring full access to the vote, the ACLU of Maryland successfully advocated for a review of the state's antiquated voting laws as they are applied to voters with cognitive disabilities and voters under guardianship.

**Bus Access for the Blind.** The ACLU of Maryland secured the rights under the Americans with Disabilities Act for bus patrons with visual disabilities. Previously, Maryland Transit Authority bus drivers regularly failed to announce bus stops and transfer points so that visually impaired riders could navigate the system on par with other passengers.

ACLU of Maryland is deeply appreciative of all our donors who help us bring the promise of liberty and justice to life. The gifts acknowledged below are those \$1,000 and above made to the ACLU during fiscal year 2009 and a portion of calendar year 2009 — April 1, 2008 to September 30, 2009. We also thank donors who made gifts below \$1,000. Every effort has been made to assure accurate and complete listings of contributors. Apologies are extended for any inadvertent errors or omissions. Please advise us of any corrections.

# and Free

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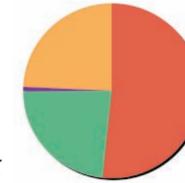
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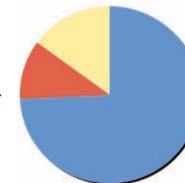
# FINANCIAL REPORT

## ACLU OF MARYLAND OPERATING INCOME AND EXPENSES 2008-2009

SUPPORT AND REVENUE:	
Contributions	\$0
Membership	\$208,993
Restricted Grants	\$0
Investment Income and Other	(\$94,228)
Bequests	\$3,261
Transfer to Reserves	(\$98,188)
<b>Total</b>	<b>\$19,838</b>

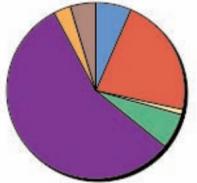


EXPENSES:	
Program Services	\$14,729
Fundraising	\$2,143
Management and General	\$2,966
<b>Total</b>	<b>\$19,838</b>

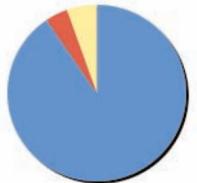


## ACLU FOUNDATION OF MARYLAND OPERATING INCOME AND EXPENSES 2008-2009

SUPPORT AND REVENUE:	
Contributions	\$361,675
Restricted Foundation Grants	\$1,232,016
Bequests	\$53,375
Court Awarded Attorney Fees	\$365,492
In-Kind Legal Contrib.	\$3,159,410
Investment Income and Other	(\$174,479)
Transfer to Reserves	(\$259,614)
<b>Total</b>	<b>\$5,257,103</b>



EXPENSES:	
Program Services	\$4,758,745
Fundraising	\$212,720
Management and General	\$285,638
<b>Total</b>	<b>\$5,257,103</b>



Documents and information filed under the Maryland Charitable Organizations Solicitation Act may be obtained from the Maryland Secretary of State, State House, Annapolis, MD 21401.

## GIVING TO THE ACLU

The ACLU and the ACLU Foundation are separately incorporated nonprofit organizations operating in Maryland. The ACLU 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, and is supported primarily by membership dues. It is a 501(c)4 organization, which is tax-exempt, but donations to it are not tax-deductible.

All gifts and membership dues are shared between the national ACLU Foundation and the ACLU Foundation of Maryland. A portion of the national ACLU's share is allocated to help smaller affiliate offices around the country.

You can support the work of the ACLU or ACLU Foundation in any of these ways:

**CASH OR CREDIT CARDS:** The organization is pleased to accept your donation or your monthly, quarterly or annual pledge via cash, check or credit card at any time. Gifts can be made online at [www.aclu-md.org](http://www.aclu-md.org).

**MONTHLY GIFTS:** Your gift of \$10, \$25 or \$50 per month goes along way to help the ACLU sustain our work. Your gift — made in small, affordable installments — means you can easily give more to support vital ACLU programs throughout the year. Be sure to select "per month" on the enclosed reply envelope.

**GIFTS OF STOCK:** To make a gift of stock via DTC transfer, ask your broker to send the securities to our Foundation account (30A121398) at T. Rowe Price, DTC #0443. Please call Natasha Lewis at 410-889-8555 when you do, so your gift can be properly acknowledged.

**BEQUESTS:** In your will or revocable living trust, you may designate the ACLU or ACLU Foundation as beneficiary of part or all of your estate. Naming the ACLU as a beneficiary could result in a cash

gift today. Be sure to take a look at the special opportunity below.

**GIFT ANNUITIES:** You may use cash or securities to make a gift to the ACLU Foundation and receive fixed annual payments for life (a portion of which is tax-exempt) and a substantial tax deduction.

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To get information about the many ways to support the ACLU, contact our Director of Development, Natasha Lewis at (410) 889-8550 ext. 126 or [lewis@aclu-md.org](mailto:lewis@aclu-md.org).

## THANK YOU

The ACLU of Maryland is vibrant and influential because of its creative and multifaceted strategies to protect freedom — and because of the generous support of its card-carrying members. We accept no government support nor do we charge fees when we litigate. We depend instead on membership dues, individual gifts, foundation grants and court-awarded legal fees.

As we celebrate the Maryland ACLU's successes and prepare for future challenges, we thank all our supporters, including volunteers who join us out of a deep sense of justice and fairness. The ACLU is much more than an organization — it is a movement of people fighting for a better society. Thanks for standing along with us.

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