



2012 THE YEAR IN REVIEW

Liberty and Equality for All Realizing the Promise of the Bill of Rights



This year, the ACLU of Maryland has risen to new challenges to protect our precious rights and liberties. In doing so we found ourselves — for better or worse — on the cutting edge of the world wide web.

Opponents of equality now operate in a new political landscape of online organizing. This year's passage of the Civil Marriage Protection Act and the Maryland Dream Act spurred opponents to organize referenda drives to overturn both civil rights laws. And they quickly gathered the tens of thousands of signatures necessary, partly through an online petition website.

What will this mean for ACLU efforts to pass and secure important civil liberties legislation? The ACLU believes it is wrong to put the rights of minorities up for a popular vote. The new ease of challenging laws at the ballot box — where the will of the majority reigns — is a sea change and will affect our program for years to come.

Meanwhile, the ACLU's work this year has twice made Maryland a national model of how to protect personal privacy and freedom of expression — especially in the online world.

The ACLU of Maryland helped win passage of the nation's first law banning employers from demanding access to social media accounts of job applicants and employees. It all started when a Department of Corrections employee was forced to provide his Facebook password during a recertification interview after he took a leave of absence following the death of his mother. Then, it seemed a rare practice. But since then, press reports have revealed a growing problem. Now, other states have followed Maryland's lead in developing model legislation to use in protecting privacy and free expression online.

The ACLU also defended the right of citizen journalists to record police actions in public, which is increasingly common as smart phones become ever more ubiquitous. The Baltimore police had illegally detained our client at the 2010 Preakness Stakes horse race for capturing video of an incident of police brutality on his phone. The police then erased that video as well as other priceless personal videos, including of his young son. We were gratified when the Department of Justice decided to weigh in on the ACLU of Maryland's lawsuit — one of many ACLU suits across the country defending the First Amendment rights of photographers.

The ACLU cannot do this cutting edge work without your enduring and generous support. Together, we can remain vigilant for justice, liberty, and equality for many years to come.



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Liberty and Equality for All Realizing the Promise of the Bill of Rights



With the Baltimore Housing Mobility Program, families like Nyla's can apply to move to mixed-income neighborhoods in the Baltimore region, with better access to jobs and educational opportunities.

"THIS CASE IS ABOUT CREATING OPPORTUNITIES FOR PEOPLE, SPECIFICALLY POOR AFRICAN-AMERICANS, TO LIVE BETTER LIVES. IT HAS ALWAYS BEEN VERY PERSONAL TO ME. MY FATHER AND HIS SIBLINGS GREW UP IN SOME OF WEST BALTIMORE'S MOST ISOLATED PUBLIC HOUSING. BECAUSE OF A FEW UNIQUE OPPORTUNITIES AND A LOT OF PERSONAL INITIATIVE, MY DAD WAS ABLE TO LEAVE THAT SITUATION AND BECOME THE FIRST IN HIS FAMILY TO ATTEND COLLEGE, TO START A CAREER, TO BUY A HOUSE IN A SAFE NEIGHBORHOOD. ... I FIRMLY BELIEVE THAT KIDS WHO BENEFIT FROM THE REMEDY IN THIS CASE WILL BENEFIT NOT JUST FROM THE CONCRETE OPPORTUNITIES IT WILL CREATE, BUT ALSO FROM THE REALIZATION THAT MORE IS POSSIBLE IN LIFE THAN WHAT THE GHETTO PRESENTS TO THEM."

- Ryan Downer, co-counsel with the NAACP Legal Defense and Education Fund in Thompson v. HUD, remarking on the proposed settlement of the fair housing lawsuit originally filed by the ACLU of Maryland to eradicate the legacy of nearly a century of government-sponsored racial segregation in the Baltimore Region that left thousands of African-American families locked in neighborhoods of concentrated poverty.

DEFENDING FREE SPEECH

Recording the Police. The ACLU represents a man who was improperly detained by police and whose personal videos, including many of his young son, were deleted after he filmed Baltimore Police officers roughing up a female friend at the 2010 Preakness Stakes. This summer, the Department of Justice submitted an unprecedented legal statement in the case affirming that citizens have a Constitutional right to record police officers publicly performing their official duties. The ACLU has promoted the DOJ statement with law enforcement agencies throughout the state to encourage them to review and modify their policies and trainings.

Banning Employers from Requesting Social Media Passwords.

The ACLU hailed the Maryland legislature's passage of the nation's first bill banning employers from asking for social media passwords from job applicants and employees. The new law will be the standard-bearer for reform protecting the online privacy of employees and their friends and family. Job applicants should not have to give up their First Amendment rights or the security of their private information in order to gain or maintain employment. In 2011, the ACLU of Maryland successfully represented Robert Collins, a former Division of Corrections Officer, who was required to provide his personal Facebook password during a re-certification interview after a leave of absence following the death of his mother.

FREEDOM TO MARRY

Marylanders for Marriage Equality. This year, Maryland took a huge step towards equality for all Maryland families when the legislature passed and Governor Martin O'Malley signed the Civil Marriage Protection Act – making Maryland the eighth state to grant gay and lesbian couples the right to marry. Opponents of this legislature sought to roll back this historic progress and have gathered enough signatures for a referendum on the ballot this November. The ACLU hired a Marriage Fairness Field Director and is working tirelessly with the Marylanders for Marriage Equality Coalition to guarantee freedom to marry in the Free State.

IMMIGRANTS' RIGHTS

Maryland DREAM Act. The ACLU is a member of Educating Maryland Kids, a coalition of education organizations, faith groups, labor unions, and civil rights advocates dedicated to defending the Maryland DREAM Act. The law, which passed in 2011, was put on the 2012 ballot by opponents. The ACLU helped to educate Marylanders about the law, which allows

Maryland students regardless of immigration status to pay in-state tuition at Maryland universities if they've attended and graduated from a Maryland high school and if their families have paid taxes for at least 3 years.

"Show me your papers." The ACLU hailed the Supreme Court's ruling this year on S.B. 1070, the anti-immigrant law from Arizona, which would serve as an open invitation to racial profiling. Maryland has rejected this controversial approach because it harms citizens and non-citizens alike. The Supreme Court decision struck down most of the law, showing that the Maryland legislature was wise in forging its own path and not joining the bandwagon in enacting copy-cat anti-immigrant legislation.

CHALLENGING POLICE PRACTICES

Illegal Arrests. The ACLU sharply criticized the Baltimore City Police Department for failing to comply with a 2010 settlement in the ACLU lawsuit challenging a pattern of improper arrests. The court-appointed auditor released a status report that revealed BPD officers did not or could not justify arrests for quality of life offenses in 35% of the cases examined. Additionally, the BPD is one and half years late in creating an effective database to monitor officer and supervisor behavior.

RACIAL JUSTICE

Police Racial Slur. The ACLU represents a Somerset County resident who is seeking information on how the Maryland State Police handled her complaint about a voicemail she received from a Maryland State Trooper in which he used a racial slur twice. We asked a Maryland appeals court to overturn a lower court ruling permitting the Maryland State Police to shield all records of complaint investigations from public scrutiny. The MSP has refused to disclose any information about her complaint and any corrective actions taken in response, which is illegal and undermines trust within the communities the police are sworn to serve.

RELIGIOUS LIBERTY

Government-Sponsored Prayer. At the request of Ministers and Citizens for Change and Growth, the ACLU advised Hurlock town officials that their practice of convening public meetings with overtly Christian prayers raised Constitutional concerns. We recommended that the town halt the practice, institute a moment of reflection, or ensure that the prayers are nonsectarian.

Religious School Vouchers. The bill previously titled "BOAST" bill was renamed by the sponsors, but it was the same scheme. The ACLU and coalition partners opposed the voucher bill, disguised as a tax credit, that could have funneled tens of millions of dollars to private and religious schools. These schools do not have to adopt the state's comprehensive nondiscrimination policies to protect access to education for all Maryland school children and teachers, and could not guarantee that quality education opportunities would be expanded for low-income students.

QUALITY EDUCATION IN PUBLIC SCHOOLS

State's "Doomsday" Budget. The Education Reform Project worked successfully to increase state funds for public education this year: the final budget package included full funding of the "Thornton" education formula with a 1% inflationary increase to help schools meet rising costs, a primary advocacy focus for the ACLU during the legislative session.

ACLU testified and organized public support to restore \$128 million in education funds that were originally cut in the "doomsday budget" during the regular legislative session. The budget package passed with a final vote in the General Assembly in the May "Special Session". School funds restored by this package include: \$22 million to Baltimore City, \$5 million to Baltimore County, \$33 million to Montgomery County, and \$38 million to Prince George's County.

"Transform Baltimore." The condition of school buildings affects student achievement and attendance, the health of children and staff, and teacher retention. As the legal representatives of Baltimore schoolchildren in the Bradford case, the ACLU is working to address the negative impact of school buildings in Baltimore, the oldest in the state. ACLU's 2010 report Buildings for Academic Excellence led to the launching of a coalition effort, the Transform Baltimore campaign. The campaign has built substantial support for an innovative financing plan that could rebuild all of Baltimore's schools in a 10-year timeline, using state and local funds more efficiently.

FAIR HOUSING

Housing Mobility. The families who joined with the ACLU of Maryland to bring the landmark Baltimore fair housing lawsuit, *Thompson v. HUD*, hailed an agreement with HUD that will end litigation in the case. Judge Garbis must approve this settlement, which will continue the successful Baltimore Housing



Laura W. Murphy and William (Billy) Murphy, Jr. testified in support of the Civil Marriage Protection Act in the General Assembly.

Mobility Program that began as a result of an interim agreement reached earlier in the case. Since 2003, the program has been connecting families to homes in safe neighborhoods, good schools, better economic opportunities, and communities that provide good environments to raise children. Each family receives housing and credit counseling, as well as support with the move and transition to their new neighborhood and schools. The ACLU looks forward to continuing its work with the Baltimore Regional Housing Coalition to implement the settlement.

State Policies that Perpetuate Segregation. The ACLU is a founding member of the Baltimore Regional Housing Coalition. We also are representing BRHC in an administrative complaint filed with the federal Department of Housing and Urban Development seeking to change the state's Low Income Tax Credit program policies that impede affordable housing development in integrated, high opportunity areas.

Discriminatory and Exclusionary Housing Policies. The ACLU joined the NAACP and other groups in filing an administrative complaint with HUD against Baltimore County. We are concerned that the county has accepted \$91 million in federal housing funds while perpetuating segregation and systematically discriminating against African Americans, families with children, and disabled families through a series of actions. For example, the county has excluded affordable housing from areas of opportunity in the county, failed to conduct a legally required analysis of impediments to fair housing in the county, steered federal funds to homeownership and senior housing to the exclusion of affordable and accessible family housing, and actively reduced the supply of rental housing in the county.

HOME Act. The ACLU teamed up with state-wide advocates for housing equality and fairness to press Maryland's legislature to pass the HOME Act. This bill would prohibit discriminatory practices in the sale or rental of dwellings based on a family's source of income. Currently, families trying to use Section 8 vouchers in particular face discrimination. Despite a large, well-coordinated campaign, significant opposition from landlords thwarted the bill this year.

WOMEN'S RIGHTS

Girls Parity in the Juvenile Justice System. The ACLU leads the effort to draw attention to the gross injustices facing girls in Maryland's juvenile justice system. In 2011, we helped pass legislation requiring the Department of Juvenile Services to report on how they

would use their existing resources to improve services and programs for girls. However, their report to legislators this year was deficient in indicating what services and programs were needed to achieve parity with boys. ACLU helped to ensure that the department added information about which services are currently only provided for boys. Additionally, strong budget language was added requiring the department to come up with a detailed plan to improve girls' services.

Reproductive Freedom. The ACLU continued to work successfully with coalition partners to defend women's rights to reproductive freedom. Maryland saw the reemergence of several bills that threaten women's reproductive rights, including ultrasound legislation and a bill that would have required the Department of Health and Mental Health to report abortion statistics.

FAIR ELECTIONS

Election Protection. The Election Protection Campaign held an Election Day hotline in order to address problems for voters across the state. We also distributed 20,000 Maryland Voter Empowerment Cards – in English and Spanish – through get-out-the vote campaigns and community groups throughout Maryland.

Redistricting. Over the last year, the ACLU has worked with Maryland residents to improve fair representation of minorities in the redistricting process in the cities of Annapolis, Cambridge and Salisbury. In addition, the ACLU has closely watched redistricting in Somerset County, where implementation of the state's new "No Representation Without Population Act" will have a big impact upon the alignment of districts, due to counting of Eastern Correctional Institution inmates at their home addresses, rather than the prison address.

Campaign Finance Reform. The ACLU supported several Task Force on Campaign Finance Reform bills, including one that would have required campaigns to disclose the employer and occupation of donors that contribute over \$500. We also supported public financing of elections as a way to ensure a level playing field without impinging on free speech.

Voter Restrictions. The ACLU once again successfully fought attempts to restrict voter participation by imposing unnecessary and onerous requirements on voters before they can vote at polls. These voter suppression attempts took the form of restricting access to polling places for targeted voters and requiring

"ONE OF KEY LESSONS I HAVE LEARNED IN MY WORK AS AN ADVOCATE, BOTH PERSONALLY AND PROFESSIONALLY, IS THAT FOR EQUALITY TO HAVE MEANING, LEGAL RIGHTS MUST EXTEND TO EVERYONE. SEPARATE CAN NEVER BE EQUAL."

- Testimony of Laura W. Murphy, Director of the ACLU Washington Legislative Office and native Marylander, in support of the Civil Marriage Protection Act. The Murphy family has a long tradition as civil rights leaders, including her ancestor, John Murphy Sr., a former slave, who started the Afro-American newspaper, which played a vital role in the civil rights movement. She testified for the marriage equality legislation alongside her brother, prominent Baltimore attorney William (Billy) Murphy, Jr.

photo identification for voters, which creates barriers to voting for the poor, minorities, and the elderly.

A MORE JUST CRIMINAL JUSTICE SYSTEM

Parole and Probation Reform. Conservatives and liberals in Maryland came together on a number of bills aimed at reducing over-incarceration and spending less money on our bloated criminal justice system. The parole and probation reform bill that passed has been demonstrated in other states to reduce recidivism. It will provide an incentive system to encourage low risk probationers and parolees to earn compliance credits through good behavior, ending their supervision early, and avoiding behavior that lands them back in jail.

Marijuana Sentencing. Arrests and convictions for the nonviolent drug offense of marijuana possession is a costly practice that is a significant factor in the overrepresentation of minorities in the criminal justice system. This year, the process of reforming these laws began. One proposed bill would have reduced the maximum jail time for possession of 10 grams of marijuana from 1 year to 90 days, reduced the fine from \$1000 to \$500, and provided for a stay of judgment if a conviction is appealed so that the individual will not be jailed while awaiting an appeal.

Fiscal Note Reform. The ACLU worked alongside our National Legislative Office to support a bill that would have strengthened the fiscal notes on criminal justice bills by including more in-depth analysis and racial impact statements.

Life Imprisonment. The ACLU and coalition partners supported legislation to remove the Governor's authority over the parole approval process for two categories of individuals sentenced to life imprisonment with the possibility of parole: juveniles and felony murder accomplices. Until recently, the Governor has not approved any of the parole applications before him. While the bills were not successful, we believe that the two bills were influential in the Governor's recent decision to commute the sentences of two individuals who fell within these categories.

Death Penalty Repeal. The ACLU again worked with coalition partners to advocate for legislation to abolish the death penalty in Maryland, which was unfortunately unsuccessful.

Criminalization of HIV Transmission. The ACLU successfully opposed bills that would have imposed dra-

conian penalties for the knowing transmission of HIV, even if there was no intention to transmit the disease. Nationally, efforts are underway to decriminalize HIV transmission to help encourage detection and treatment of the disease.

YOUTH RIGHTS AND JUVENILE JUSTICE

Flash Mobs. The ACLU successfully opposed a bill that would authorize all individuals that act “in concert” to commit a theft to be charged with the total value of the theft. This bill arose out of two incidents in Montgomery County in which teens went into convenience stores together and shoplifted candy bars and soda. Under this bill, they could possibly have been charged as felons and faced significant jail time for this non-violent act.

Youth Detention. The ACLU opposed a bill that initially would have eliminated judicial recommendations for youth placement, infringing on the due process rights of youth within the juvenile justice system. We successfully advocated to amend the bill, giving the judge discretion to make youth placement recommendations and requiring the Department of Juvenile Services to provide notice to the child’s counsel, parent or guardian, the State’s Attorney, and the Court prior to changing a child’s placement.

The ACLU also supported a bill that, though amended, still requires a report from the Department of Juvenile Services on several issues, including the manner in which the department can utilize existing resources to house youth charged as adults.

Young Children. The ACLU spoke out against the appalling actions of Baltimore City Police in an incident where eight- and nine-year-old children were arrested and handcuffed at school – in plain violation of state regulations regarding school arrests. There was no evidence that it was necessary to handcuff the children at school, with no notice to parents or guardians, for an incident that occurred nine days earlier and off school grounds.

PROTECTING PERSONAL PRIVACY

Automatic License Plate Readers. The ACLU joined 38 other ACLU affiliates to file requests with local police departments and state agencies for more information on how Automatic License Plate Readers are being used to track and record Marylanders movements. ALPRs are cameras, mounted on police patrol cars or on the side of the road, that record the car’s license plate every time it passes by and can act as a warrantless tracking tool. There are more than 320 in Maryland, many of which are linked to Maryland’s fusion center, the Maryland Coordination and Analysis Center, where this information is recorded and stored, possibly indefinitely.

Audio Recording on MTA Vehicles. The ACLU successfully opposed a bill that would have violated First Amendment rights by allowing audio recordings of passengers on all MTA vehicles.

OPEN GOVERNMENT

John Leopold’s “Enemies List”. The ACLU filed information requests with Anne Arundel County and state agencies to learn whether the individuals on County Executive John Leopold’s “enemies list” were subject to illegal searches in criminal databases. We learned that employees of Leopold improperly accessed state and federal criminal history databases. Troubled by these findings, the ACLU called on Leopold and the police chief to answer for the illegal searches and called for state public safety officials to hold the county police department accountable.

SAFE AND FREE

Takoma Park NDAA Resolution. The ACLU joined several other organizations to endorse and help pass the Montgomery County Civil Rights Coalition’s Takoma Park resolution against amendments to the National Defense Authorization Act that would codify indefinite military detention without charge or trial into law. For the first time in American history, NDAA could permit the president – and all future presidents – to order the military to imprison indefinitely civilians captured far from any battlefield without charge or trial.

2012 YEAR IN REVIEW

THANK YOU

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 2012 plus a portion of calendar year 2012—April 1, 2011 to September 30, 2012. We also thank donors who made gifts below \$1,000 as well as those who wish to remain anonymous. Every effort has been made to ensure accurate and complete listings of contributors. Apologies are extended for any inadvertent errors or omissions. Please advise us of any corrections.

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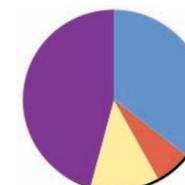
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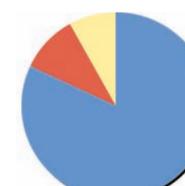
FINANCIAL REPORT

ACLU OF MARYLAND OPERATING INCOME AND EXPENSES FISCAL YEAR 2012

SUPPORT AND REVENUE:	
Membership	\$258,833
Restricted Grants	\$46,062
Investment Income and Other	\$89,147
Transfer to Reserves	(\$333,417)
Total	\$60,625

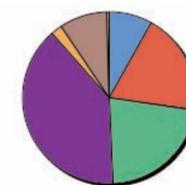


EXPENSES:	
Program Services	\$49,700
Fundraising	\$6,030
Management and General	\$4,895
Total	\$60,625

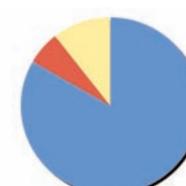


ACLU FOUNDATION OF MARYLAND OPERATING INCOME AND EXPENSES FISCAL YEAR 2012

SUPPORT AND REVENUE:	
Contributions	\$407,915
Restricted Foundation Grants	\$864,037
Bequests	\$129,928
Court-Awarded Attorney Fees	\$37,209
In-Kind Legal Contributions	\$1,443,489
Investment Income and Other	\$56,362
Transfer from Reserves	(\$296,195)
National ACLUF Share	\$35,175
Total	\$3,270,310



EXPENSES:	
Program Services	\$2,855,620
Fundraising	\$191,953
Management and General	\$222,737
Total	\$3,270,310



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CASH, CHECKS, 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.

MONTHLY GIFTS: Your gift of \$10, \$25 or \$50 per month goes a long 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.

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For information about the many ways to support the ACLU, contact Susan Morseth, Director of Development, at (410) 889-8550 ext. 126, (240) 472-6976, or morseth@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.

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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