

# ACLU OF MARYLAND

## LEGAL DOCKET

**2024-2025**

As 2025 unfolds, the ACLU of Maryland legal department is facing one of the most challenging times ever as we push back against the authoritarian offensive against civil rights being mounted by the second Trump Administration – while continuing our dedicated work advancing racial and social justice throughout Maryland. Many legal challenges to Administration policies – by the National ACLU and other civil rights advocates – are being filed in federal court in Maryland, giving us a unique opportunity to engage in some of the most impactful litigation of our time.

While this report focuses primarily on our work in the court system, litigation is just a part of what we do in the legal department: Our lawyers and advocates work on a myriad of legal projects beyond litigation. Our legal advocacy program integrates aspects of outreach, public education, investigations and analysis, and administrative advocacy to reinforce the value and agency of people our society unjustly pushes to the margins, providing the ACLU an important opportunity to equitably advance our mission outside litigation.

This includes reviewing requests for assistance, conducting in-depth research and investigations, developing and offering robust resources and referrals.

We also address civil rights violations and confront systems of white supremacy by conducting legal analyses to support our colleagues on public policy matters, and by drafting of legal policy reports, self-advocacy resources, and demand letters. Through all this work, we strive to offer our communities belonging, tools, and strategies to develop pipelines to partnership with their government, other advocates, and each other.

From fighting for voting rights, to pushing for transparency, accountability and systemic reforms in the tragic police killing of Anton Black, to the Maryland Parole Project's celebration of homecomings for people too long imprisoned, the legal team is committed to doing all we can to advance the interests of our clients and partners in Maryland's fight for justice.

Below we walk you through our recent and ongoing work in the courts, categorized by subject, highlighting some of our memorable legal efforts.



## Defending Democracy

*The phrase “democracy is on the ballot” has become a refrain amid spiraling threats to voting rights posed by voter suppression efforts, President Trump’s false claims of election rigging and voter fraud, abandonment of Voting Rights Act enforcement by the Trump Department of Justice, and a Supreme Court chipping away at legal protections for Black and brown voters. Maryland is immune to none of this, but for decades the ACLU of Maryland has been vigilant about protecting voting rights, and our current legal docket shows that.*



### ***History-Making Change Comes to Wicomico County***

Election reform decades in the making is coming to Wicomico County this year, after Black voters working with the ACLU and pro bono counsel from Arnold & Porter secured a federal consent judgment dismantling the County’s racially discriminatory hybrid election system and replacing it with a racially-fair single-member district structure. Filed in 2023 by the Wicomico County Branch of the NAACP, the Caucus of African American Leaders, the Watchmen with One Voice Ministerial Alliance, and individual voters Dr. Eddie Boyd, Luc Angelot, Amber Green, and Monica Brooks, the lawsuit charged that the County’s longstanding use of an at-large election feature for County Council and School Board elections unlawfully diluted the votes of Black residents in violation of the Voting Rights Act and 42 U.S.C. §1983.

Although BIPOC residents make up 42 percent of Wicomico's population, and a clear majority – 62 percent – of children in public schools, the County's longstanding use of a hybrid at-large/single member district election structure has limited Black candidates to just one majority-Black opportunity district in both County Council and School Board elections. Time after time over the course of four decades the County resisted and ignored Black residents' pleas to do away with the at-large feature of its election system. As described in court testimony by veteran activist Mary Ashanti, who came of age amid stark segregation and racism in Wicomico County, this was a calculated means of suppressing Black voices. She says it operates "just as it was designed to – keeping Black people in their place, confined to their one lonely opportunity" notwithstanding Black population growth.

Once faced with litigation and the need to actually defend its system in court, the County finally had no choice but to listen, and – given the Plaintiffs' compelling proof of the election system's racially discriminatory impact – to act. After 40 years of resistance, officials finally folded: They agreed to abolish the at-large structure and to create a racially fair plan of seven single member districts, with two majority Black in population, to be used both for County Council and School Board elections. This new system will, *for the first time ever*, allow the County's Black voters an equal opportunity to elect officials of their choice to County government.

But that's not all. Following the example set last year by Black voters and the ACLU in our Federalsburg litigation, the Wicomico Plaintiffs demanded more. Through mediation, the parties reached a sweeping agreement that not only reforms the electoral system but also delivers additional creative measures to begin repairing decades of racial exclusion from local government—marking the start of a new chapter a of equity and civic empowerment in Wicomico County. These include 1) formation of a Wicomico County Human Rights Advisory Committee to foster inclusion and equity; 2) establishment of the first-ever permanent Student Member seat on the Wicomico County Board of Education; 3) mandatory anti-bias training for local officials and school board members; and 4) biannual public work sessions between the County and the Plaintiff organizations to ensure continued accountability and dialogue regarding issues of importance to communities of color in Wicomico. The Defendants also reimbursed the Plaintiffs for \$135,000 in legal fees and litigation costs.

We consider this agreement – entered as an order of the Court – as a model for change that both transforms the County election system and enacts additional measures to improve race relations within the community. It serves as an extraordinary tribute all of the inspiring Black leaders of Wicomico County who rose up to challenge white supremacy deeply embedded in this community.

### ***Justice Ripples Through Federalsburg as Voting Rights Settlement Implemented***

Transformative justice continued to ripple through Federalsburg throughout 2024, as the remarkable settlement secured in Black voters' history-making voting rights case came to life. The settlement built upon court-ordered reforms abolishing the Town's longstanding at-large election system, which in 2023 had led to the election of the first Black officials in the Town's 200-year history. Through mediation overseen by U.S. Magistrate Judge Erin Aslan and with the help of

lawyers at Crowell & Moring, the Plaintiffs took the case a step further, negotiating and winning an unprecedented array of additional restorative measures to make amends to Black residents for past racism in the community. These included 1) a formal, written apology signed by the Mayor and Council acknowledging and expressing regret for the Town's racist history, now framed and displayed at City Hall; 2) a commemorative marker celebrating the Plaintiffs' historic voting rights victory; 3) Creation of a photo display at City Hall, in collaboration with the historical society, featuring Black community contributions to the Town; 4) Renaming of a street in the Black community as Brooklyn Avenue, to restore the name Black residents prefer, after it was misnamed for a white mayor against community wishes; and 5) a Proclamation naming September 26 of each year as Voting Rights Day in recognition of Black voters' historic win on that day in the Town's bicentennial year.

Residents celebrated as all of the pieces fell into place. One particular highlight was the unveiling of the wonderful and unique historical marker *"From Protest to Progress: Events That Changed the Face of Federalsburg,"* (shown below with several of the Plaintiffs.)



In recognition of these achievements, the Caucus of African American Leaders and ACLU convened a celebration for the Federalsburg activists before a large and appreciative crowd in Annapolis, presenting framed keepsakes and gubernatorial citations to each participant. The ceremony also featured a reading by ACLU Executive Director Dana Vickers Shelley of the Town's official apology for its historical racism, captured here on video: <https://www.aclu-md.org/en/publications/aclu-maryland-executive-director-reads-apology-letter-town-federalsburg>. Calling further attention to the importance of this work, Legal Director Debbie Jeon published a moving reflection in *The Afro*, "Racial Reckoning Comes to Maryland's Eastern Shore," <https://afro.com/eastern-shore-racial-inequality/>

## ***Continuing the Fight for Election Fairness in Baltimore County***

Building upon our 2021 Voting Rights Act challenge to Baltimore County's decennial redistricting plan, residents, community groups and government officials promoted legislation to expand the size of the County Council to further enhance election opportunities for BIPOC voters and to provide fairer representation for the County's increasingly diverse population. The citizen-led movement to expand the Council to 11 members fell short of passage, but the Council did move forward with a ballot measure expanding the Council from seven to nine, which was passed overwhelmingly by voters in November 2024. While this was a positive move in theory, the Council sabotaged the measure by linking it to a racially discriminatory redistricting plan and map for the expanded council, in violation of the Voting Rights Act and state election laws.



We contacted the County on behalf of several voting rights groups, Black voters and State legislators from Baltimore County warning that the ballot measure as written violated the Voting Rights Act and urging amendments to rectify the problem before the measure was submitted to voters. Despite the efforts of several Council members and numerous activists warning of legal difficulties ahead, the

Council majority refused to amend the measure, instead choosing to obscure the plan's legal frailties by simply omitting their mention of the illegal plan from the ballot language. Rather than putting the illegal map before voters, the measure simply asked voters to weigh in on whether the Council should be expanded and whether a Redistricting Commission should be formed to consider plans for implementation if the measure passed. Under the surface, there remains concern that the redistricting process may be a fig leaf, with the Council retaining the option of rejecting the Commission's recommendation in favor of the Council's original map or another option.

Nevertheless, we worked hard to persuade the Redistricting Commission to consider Voting Rights Act compliance as a key factor in its plan. Collaborating with a coalition of voting rights activists, we engaged in legal analysis, public education, and organizing to put public pressure on the County to realize the equity goals of Council expansion by implementing a system that advances fair election opportunities for all in compliance with the Voting Rights Act. As a result, the Commission ultimately recommended a compromise plan that – while not perfect – advances equity and meets minimum legal requirements.

Even before the Commission could present its map to the Council however, Republican members announced their opposition, telling the media the Commission's plan was "dead on arrival." Casting aside the Commission's transparent, community-led process the Council proposed Bill 55-25, a radically different and deeply unjust map created by the Council in secret to entrench white political power.

Rather than ensuring fair and equal representation, Bill 55-25 egregiously packs Black voters into just two districts while preserving seven solidly white-majority districts—a textbook example of racial gerrymandering designed to dilute Black political power. The plan also fails to establish a BIPOC coalition district on the east side, blatantly ignoring both the Commission's recommendations and the clear demands of the communities most impacted.

BIPOC residents from across Baltimore County are rightfully alarmed that their views are being ignored, and have spoken out in strong opposition to Bill 55-25. We stand with these communities, continuing to work alongside them in trying to ensure that every resident, regardless of race, has a fair and equal opportunity to elect representatives of their choice.

### ***Breakthroughs to Expand Election Fairness in the City of Frederick***

Frederick, Maryland is a rapidly diversifying municipality west of Washington, D.C. Over the last decade, the Latine population there has expanded dramatically, and Latine residents have increasingly become engaged in community activism. When the City undertook a charter review process, local activists urged officials to expand voting opportunities by affording municipal voting rights to undocumented residents, as is authorized in several other Maryland cities and towns. This recommendation was adopted by the committee, and recommended to the Council, along with a separate recommendation to expand the size of the City Council to provide more robust representation for the community's growing population. With these changes under consideration and debate, our voting rights team saw an opportunity to diversify the government in the process, so as to better align with racial equity considerations under the Voting Rights Act. We conducted legal analysis and mapping possibilities within an expanded council, and contacted the City to present this analysis and offer to collaborate to ensure legal compliance. As a direct result of our analysis, City officials followed our recommendations and voted to incorporate five single-members districts into the new expanded council election plan – two majority BIPOC in composition, consistent with our proposal.

The first elections under the new plan will be held this Fall. In one of the new opportunity districts, a prominent representative of the Latine community was encouraged to run as a consensus candidate, and ultimately was the only candidate who entered the race in that district. All eyes are on this election, as this would mark the first time in history a Latine official has been elected to City office in Frederick.

# **Upholding Free Speech in an Era of Authoritarian Threats**

*The ACLU of Maryland seeks to reclaim the First Amendment as a tool for all people, not just those who espouse hateful speech. The Trump administration has engaged in unprecedented attacks on free speech in cracking down on speech with which Trump supporters disagree, including everything from truth-telling about American history to speech related to diversity, equity, inclusion and accessibility, primarily by unilaterally imposed executive orders carrying out threats and retaliation against those who dare to speak up. Many of the challenges to these orders are being filed in federal court in Maryland, giving us fulsome opportunities to contribute to the fight.*

## ***Challenging Censorship by the Trump Department of Education***

In February 2025, the U.S. Department of Education issued a “Dear Colleague” letter directing schools to eliminate all programs and teaching that included any mention of diversity, equity and inclusion, on threat of federal investigation and enforcement. While purporting to combat discrimination, the so-called guidance adopts vague and sweeping prohibitions on discussions of race and diversity, imperiling core First Amendment rights in education.

The American Federation of Teachers and others sued in federal district court in Maryland to block the guidance, warning that it functions as a gag order targeting disfavored ideas under the guise of anti-discrimination enforcement. PEN America and the ACLU of Maryland filed an amicus brief supporting the AFT’s request for a preliminary injunction, explaining that the guidance is part of a broader national “Ed Scare” campaign—aimed at silencing speech on race, gender, and identity through book bans, curriculum restrictions, and intimidation of educators.

Our brief detailed how the DOE’s viewpoint-based restrictions would chill truthful discussion of history and current events, from slavery to civil rights, and even students’ own lived experiences. It warned that the policy would force schools to self-censor and dismantle diversity, equity, and inclusion efforts, harming students and undermining academic freedom. We argued that this censorship violates the Constitution and urged the court to block the policy before it inflicts further harm on educators and students nationwide.

In April, U.S. District Judge Stephanie Gallagher joined two other federal courts considering similar cases in preliminarily enjoining the DOE policy as inconsistent with the Constitution and Administrative Procedures Act. Judge Gallagher followed up this preliminary ruling in August, granting final judgment for the plaintiffs. An appeal is expected.

## ***Fighting for Those Promoting Equity in Federally-Funded Programs***

In a second case initiated in Maryland, *National Association of Diversity Officers in Higher Education v. Trump*, the ACLU of Maryland, together with the Public Justice Center and the Union of Concerned Scientists, filed a powerful friend of the court brief supporting the plaintiffs before the U.S. Court of Appeals for the Fourth Circuit.

Our brief backs a legal challenge to two executive orders signed by President Trump that seek to demonize, delegitimize and dismantle all diversity, equity, inclusion, and accessibility (DEIA) efforts in public and private life, by claiming they are “illegal DEI.” Contrary to the false premise inherent in the Executive Orders that DEI is somehow at odds with merit-based opportunity, we emphasize that the Orders actually reflect an ideological crackdown on viewpoints the administration disfavors. Here, they are targeting viewpoints held by those who believe that diversity, equity, and inclusion are fundamental American values. We emphasize that the administration’s branding of DEIA efforts as inherently discriminatory is a political tactic disconnected from any rational interpretation of federal civil rights law—rather, it aims to chill such speech and activities by creating unwarranted chaos, confusion and doubt about what is legal. We also warn that, by labeling all DEIA efforts as “illegal,” the government has created a climate of fear that deters schools, scientists, and nonprofits from engaging in lawful and urgently needed work to address structural inequality.

By cataloguing the sweeping consequences of these Executive Orders, the brief shows how the orders are being used to intimidate public and private institutions into abandoning equity initiatives. The complete lack of limiting factors has resulted in terminations of grants that merely use words like “equity” or “women,” threats to withhold federal funding from schools that discuss race and equity in the classroom, and investigations of private companies that have any diversity-related expression at all. These threats are existential to researchers, educators, and non-profits who rely on federal funding. These actions contradict the government’s in-court contentions that the orders merely enforce existing anti-discrimination law and demonstrate that the orders are unmoored from any judicial precedent or regulatory authority.

“The government claims these orders only target so-called ‘illegal DEI,’” said Sonia Kumar, Senior Staff Attorney at the ACLU of Maryland. “But outside the courtroom, these orders are being used to shut down scientific research, cut off educational and nonprofit funding, and silence discussions of race and equity in classrooms and communities. That disconnect is both dangerous and unconstitutional.”

The brief urges the Fourth Circuit to uphold the lower court’s decision granting injunctive relief and to reject the government’s attempt to mask unconstitutional overreach behind narrow legal justifications. Oral argument in the case is scheduled for September.

### ***Pushing back against Book Banning***

As calls for restrictive school book bans continue to ripple across the country, the Maryland ACLU is hearing more and more from students and community members around our state about restrictions proposed and promoted by so-called “parents’ rights” groups like Moms for Liberty that infringe on students’ access to information in their schools, particularly where books touch upon issues concerning racism or sexuality.

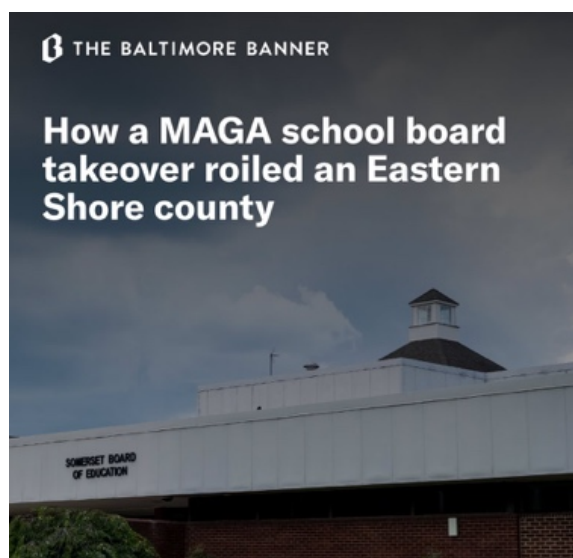
As Pen America reports:

Books are under profound attack in the United States. They are disappearing from library shelves, being challenged in droves, being decreed off limits by school boards, legislators, and prison authorities. And everywhere, it is the books that have long fought for a place on the shelf that are being targeted. Books by authors of color, by LGBTQ+ authors, by women. Books about racism, sexuality, gender, history.

Newspaper headlines around Maryland demonstrate clearly that Maryland is not immune to this worrisome trend. In Carroll County, for example, Moms for Liberty pushed through a 2023 book policy that resulted in 58 books being removed immediately from school library shelves for reassessment as to whether they violate the policy's prohibition on sexually explicit content. Months passed as the school system reconsidered each book to decide about permanent restriction, with most of the books remaining off-limits until a decision is made. This led to the Maryland General Assembly's 2024 passage of the Freedom to Read Act, a state law intended to reinforce protections, establish educator-guided review procedures for local book removal challenges, and require that books be kept on the shelves unless and until educators upheld a challenge and approved removal. The State Education Department enacted regulations to implement the Act in 2025, which take effect on October 1, and has been vigilant in monitoring the law's enforcement.

### ***MAGA School Board Takeover Challenged in Somerset County***

After a new all-white school board dominated by opponents of diversity, equity and inclusion took office in Somerset County in 2024, the ACLU of Maryland, the Caucus of African American Leaders, the Somerset County Branch of the NAACP, Watchmen with One Voice Ministerial Alliance, and concerned Somerset parents are demanding transparency and accountability for an unprecedented pattern of conduct infected with race discrimination and intolerance.



In the past seven months, the School Board has unveiled a political agenda to censor books that affirm Black and LGBTQIA+ experiences while blocking approval of a state-endorsed English Language Arts curriculum that the local Board spent over a year developing. These actions threw the school district into upheaval just weeks before the school year began. The Board sought to execute these actions through secretive meetings, unlawful firing and blatant disrespect for the Black Superintendent of Schools, hiring of an extremist political ally as legal counsel without proper vetting, and threats aimed at silencing parents and educators, which have fractured public trust and placed student rights and funding at grave risk.

The Maryland Office of the Inspector General for Education and the State School Superintendent have already intervened, citing the Board's book policy, intolerance for dissent, and curriculum rejection as potential violations of the First Amendment and the Maryland Freedom to Read Act. Meanwhile, the Board's lack of transparency—hiring political friends as counsel in secret,



retaliating against librarians, and silencing community voice by removing dissenting individuals from school board meetings—has sparked public outrage and formal administrative complaints.

Somerset students deserve classrooms and libraries that reflect the full richness of their identities, histories, and voices. Their freedom to learn must be the School Board's top priority. With the school year upon us, we sent a letter and detailed information request calling on the Board to rescind the unconstitutional book removal policy, adopt an updated curriculum in compliance with the law, and restore transparency, equity, and respect in the operations and actions of the Somerset County School Board.

### ***U.S. Supreme Court uses Maryland case to promote intolerance in schools***

In *Mahmoud v. McKnight*, we joined with the national ACLU in filing an amicus brief – first in the U.S. Court of Appeals for the Fourth Circuit, and then in the U.S. Supreme Court – supporting the Montgomery County Public Schools (MCPS) in its effort to ensure that its English curriculum is inclusive for LGBTQ+ students. In 2022, MCPS added storybooks featuring LGBTQ+ characters to its elementary-school English curriculum. Soon thereafter, some parents requested that their children be excused from class when the books were used. Although schools initially accommodated these objections, the growing number of opt-out requests became unmanageable and undermined the schools' educational obligations toward inclusion, equity, and respect. MCPS informed parents that opt-outs would no longer be permitted in the new school year.

In response, some parents filed a lawsuit against MCPS, claiming the elimination of opt-outs violated their religious freedoms under the U.S. Constitution and Maryland law. The district court denied their motion for preliminary injunction, holding that the parents could not establish a burden on their religious exercise. The Fourth Circuit affirmed on appeal, sending the case back to the trial court for resumption of the litigation. However, the parents secured review in the U.S. Supreme Court, where a conservative majority elected to use the case to further its weaponization

of Christian religion against LGBTQ+ families. Going forward, schools now must allow parents to opt children out of classes employing materials they object to on religious grounds.

### ***Decades-Long Struggle for Equity in Baltimore Schools***

Over a period of more than 30 years, the ACLU of Maryland advocated alongside families fighting for adequate educational opportunities for Baltimore City schoolchildren. This included litigation with partners NAACP Legal Defense Fund and Baker Hostetler in *Bradford v. Maryland State Board of Education*, a case in which Baltimore parents sought to make real the Maryland constitutional guarantee of a “thorough and efficient” education.

Over the course of this litigation – in 1996, 2000, 2002, and 2004 – Maryland courts repeatedly found funding for Baltimore City schools to be constitutionally inadequate. Yet, a permanent plan was never put in place to address the violations, meaning one is still needed to realize structural equity for students in Baltimore City, where generations of Black and Brown children have been denied adequate and equitable resources compared to the wealthier school systems that surround them.



As a result of the gross inequities experienced by Baltimore schoolchildren, we reopened the *Bradford* litigation in 2019, arguing that the State had not funded constitutionally adequate school operations and instructional functions, nor provided the amounts needed to fix all the deteriorated school facilities in Baltimore City. Generations of underfunding has meant that Baltimore City children attend schools that are subject to large class sizes, inadequate staff, including teachers, guidance counselors, school psychologists, librarians, library aides, and teachers’ aides, and grossly inadequate facilities.

After initially rebuffing the State’s efforts to dismiss the case, in February of 2023 Baltimore City Circuit Judge Audrey Carrion issued a devastating ruling granting judgment to the State and dismissing the Plaintiffs’ claims in their entirety. In this ruling, the Court reversed course from earlier rulings in the case over decades, and reinterpreted Maryland’s Constitution to protect educational rights in only the most constrained and stingy way. The Plaintiffs appealed to the Maryland Appellate Court, but that Court affirmed the lower court ruling on procedural grounds, holding that any substantive constitutional challenge would have to begin anew, rather than as a continuation of the *Bradford* case. This put an end to the *Bradford* litigation, while leaving open the option of a new lawsuit raising constitutional issues with underfunding of City schools.

### ***Protecting Rights of Students to Speak Out Against Violence in Gaza***

At a time of rampant Islamophobia, anti-Palestinian rhetoric, and anti-Semitism, the ACLU of Maryland has been monitoring and taking action to support individuals and organizations who experience First Amendment violations for speaking out against the violence in Gaza, advocating for peace, or criticizing the actions and policies of Israel and the U.S. government's involvement in the crisis.

### ***Challenging censorship of Arab and Muslim students in Howard County public schools:***

In spring of 2024 we sent a letter to the Howard County Public School System (HCPSS) on behalf of students from River Hill High School, and their parents, to demand that the school system protect the First Amendment rights of Arab and Muslim students and work to repair the harm caused by their school administration. The letter made clear that HCPSS must cease censoring student speech in support of Palestine in accordance with the First Amendment, and remedy the past harms done to these Arab and Muslim students and their families. We urged the school system to take measures to protect AMEMSA students from Islamophobia, including taking suggestions from the students themselves.

Response from the school system was swift and conciliatory, allowing us to work with school officials to resolve the students' claims and prevent recurrence of such violations in the next school year. Toward this end, in early September 2024, we accompanied the impacted students and families to a meeting with the County School Superintendent, who acknowledged the harms the school system had caused, apologized, and committed to healing measures over the course of the 2024-25 school year.

### ***Supporting student activists at the University of Maryland:***

In Fall of 2024 we collaborated with the National ACLU in filing a friend-of-the-court brief supporting University of Maryland Students for Justice in Palestine, who were suing the University for censorship in connection with a planned candlelight vigil scheduled for October 7, 2024. The student vigil was originally approved by the UMD administration but then the school revoked its approval, with President Darryll Pines explaining that the revocation resulted from an "overwhelming" number of complaints he received from people calling on the university to cancel or limit events on October 7. Instead, the school announced plans to permit only university-sponsored events that promote reflection on that day. There were no immediate or active threats to justify the decision.

The Plaintiffs – represented by Palestine Legal and CAIR – argued that Dr. Pines had essentially created a First Amendment blackout day, and in so doing violated the students First Amendment rights through a viewpoint, content, and speaker-based restriction. National ACLU took the lead in drafting amicus brief which the ACLU of Maryland joined, supporting the students' rights to protest as originally approved by the university. In a sweeping decision for the students, the district court found the University's action to be unconstitutional viewpoint-based speech censorship, and ordered that the October event planned by the students be allowed. The event then went forward without incident.

## ***Defending Affirmative Action in Military Academies***

In 2023, the U.S. Supreme Court overturned its prior holdings protecting affirmative action in college admissions, effectively ending race-conscious admissions practices in most colleges and universities and, consequently, restricting the ability of schools to address systemic racial inequalities that persist in higher education. But the court's decision left one exception: military service academies. As a result, the same group that brought the Supreme Court the case that overturned affirmative action, Students for Fair Admissions (SFFA), sued the U.S. Naval Academy (as well as West Point) alleging that the military academies' use of race in their admissions processes is unconstitutional.

Affirmative action at service academies is essential for confronting our military's discriminatory history, which continues to impact service members of color. The ACLU, the ACLU of Maryland, along with our partners NAACP Legal Defense Fund and the National Association of Black Military Women, filed an amicus brief in support of affirmative action at the Naval Academy, highlighting the experiences of people of color, specifically the unique experience of Black women in the military.

After denying SFFA's motion for a preliminary injunction, Judge Richard Bennett held a trial in 2024 and strongly rebuffed the SFFA demands, ruling that the Naval Academy's admissions program was grounded in evidence demonstrating its need to protect America's national security interests, and thus was consistent with the Constitution. SFFA appealed, and once Trump took office, he ordered that the Naval Academy abandon its court-approved admissions system, leading to its dismantling. The appeal has now been dismissed.

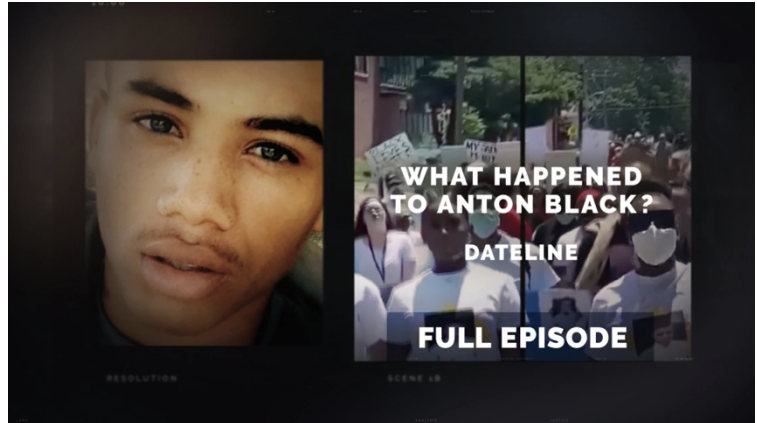
## **Holding Government Accountable**

### ***Stepping Toward Accountability in the Police Killing of Anton Black***

At the end of 2023, Anton Black's family and the Coalition for Justice for Anton Black put in place the final element of a landmark settlement in their federal court litigation charging police and government officials with the unconstitutional killing of their beloved son Anton, and its unlawful cover up aimed at thwarting accountability. The settlement agreement with the Maryland Medical Examiner – the first of its kind ever in Maryland – brought concrete changes to help ensure that deaths in law enforcement custody are evaluated objectively, without special treatment for police departments.

This tragic case began on September 15, 2018, when white police officers from three different municipalities on Maryland's Eastern Shore chased, tased, pinned, and ultimately, killed Anton Black on his mother's front steps. Anton cried out to his mother as officers pressed down on his face, chest, and stomach for six minutes, causing him to die by positional asphyxiation, while his mother was held back, looking on in horror. The encounter was so gruesome it would later receive national attention from NBC's News Anchor Lester Holt on Dateline in an episode titled "What Happened to Anton Black."

In December 2020, Anton's family and the Coalition for Justice for Anton Black filed a lawsuit in federal district court in Baltimore, challenging Anton's killing as discriminatory and unconstitutional, and charging an array of police, municipal and state officials both in taking part and in conspiring to cover up wrongful actions by police. The Plaintiffs first reached settlement with police and municipal officials responsible for Anton's killing, securing significant monetary relief and reforms to police practices. A year later, we resolved our innovative remaining claims alleging unlawful conspiracy and cover up by the Office of the Maryland Medical Examiner. This included making necessary changes to the process for autopsies conducted on people killed in law enforcement custody and requiring notification to families about the results and their rights to challenge the results.



Meanwhile, as an outgrowth of the *Black* case, the Maryland Attorney General commissioned an unprecedented review of Medical Examiner findings statewide with respect to deaths in custody, after longtime Maryland Medical Examiner David Fowler made national headlines with "expert" testimony seeking to excuse Derek Chauvin's murder of George Floyd in Minneapolis. Public outrage about Fowler's testimony led over 500 medical and public health professionals nationwide to call for review of Fowler's findings related to any in-custody or police-involved deaths that occurred during his tenure from 2002 to 2019.

In May 2025, this analysis culminated in an explosive independent audit report confirming what Black families and communities have said for decades: the Maryland Medical Examiner's Office has been systemically misclassifying police-involved deaths, concealing the role of law enforcement and violating professional standards. The 70-page report concluded that at least 36 deaths that occurred in police custody between 2003 and 2019 were wrongly classified as "undetermined", "accidental", or "natural"—despite clear evidence they were homicides. Conducted by a panel of more than a dozen independent forensic reviewers, the audit documented patterns of pro-police bias and racial disparities. The reviewers also issued recommendations for preventing such abuses and ensuring compliance with national standards going forward.

“The report validates years of advocacy by family members, communities, and survivors,” said lead ACLU attorney Sonia Kumar. “Maryland’s official records have long protected police from accountability while families begged for the truth about what happened to their loved ones. That ends now.”

### ***An Examination of Fatal Police Encounters in Maryland 2015-2023***

Complementing our work seeking reforms in the Office of the Maryland Medical Examiner, this Fall the ACLU will be releasing a report examining fatal police encounters in Maryland from 2015 to 2023. The report analyzes the systemic failures and institutional complicity that have allowed deadly police violence to persist, with disproportionate harm to Black residents and people experiencing behavioral health crises. The report situates police violence not as a series of isolated incidents, but as the predictable result of interlocking systems - including law enforcement, prosecution, and forensic investigation - that too often shield officers from accountability and obscure the truth. By highlighting these entrenched patterns, the report calls for transformative, cross-sector reforms to reduce unnecessary police encounters, strengthen transparency, and build community-based approaches to safety that prioritize equity and accountability for all Marylanders.

### ***Defending Anton’s Law and Police Transparency from FOP Attacks***

Acting to defend the police accountability and transparency obligations created by Anton’s Law – a police accountability measure named in honor of police violence victim Anton Black – we are representing intervening party, the Maryland Coalition for Justice and Police Accountability (MCJPA), in a once-sealed lawsuit brought by the Fraternal Order of Police (FOP) in Montgomery County. The FOP lawsuit seeks not only to block the County’s release of police disciplinary records but also to have Anton’s Law declared unconstitutional, while also blocking public access to court proceedings in the case.

Along with media intervenors and others, we successfully unsealed materials in the case and have since engaged fully to defend Anton’s Law, urging the court to reject the FOP’s lawsuit. Further, we challenge the FOP’s collusive “side deal” with the county that enabled the FOP lawsuit by giving the union notice of all requests for police disciplinary records, delaying release of responsive records so that the FOP can review them and file a legal challenge to block release. If the FOP’s claims in this case succeed, they will eviscerate the hard-won legislative mandate for transparency – achieved through a five-year advocacy effort, led by the MCJPA and the ACLU – meant to build trust between police and community members.

In early 2023, the trial court permitted the intervention and granted our request to unseal documents. After procedural delays, in mid-August 2024, the Circuit Court resolved disputes among the parties as to what parts of court papers must be unredacted and made available to the public as the case moves forward through litigation. In the spring of 2025, the Court held several hearings on a series of motions, most notably motions by MCJPA and others urging the Court to find that the lawsuit lacks any merit and to further find that the Side Deal was an unlawful

runaround of the Maryland General Assembly's legislative intent. The judge is expected to rule in the fall of 2025. Whichever side prevails, an appeal is expected.

### ***Seeking Justice for Korryn and Kodi Gaines***

In 2016, Baltimore County Police Officer Royce Ruby shot and killed 23-year-old Korryn Gaines, a Black woman, and in the process also critically wounded her son, five-year old Kodi Gaines. Young Kodi was left without a mother and with searing memories of that deadly day. What led up to this unacceptable tragedy was a minor traffic violation.

The jury determined that Officer Ruby acted unreasonably when he killed Korryn and injured her son, awarding Kodi \$34 million in damages to try to compensate for his irreparable loss. However, Judge Mickey Norman, himself a former police officer, has repeatedly attempted to swap the jury's decision with his own, pro-police view, disregarding the constitutional rights of Korryn and Kodi.

In defense of their rights and the broader constitutional issue, the ACLU of Maryland has filed two amicus briefs in appeals from adverse appellate rulings, and written a compelling newspaper piece about the case in the Baltimore Sun, <https://www.aclu-md.org/news/no-ones-life-collateral-damage-qualified-immunity-police-must-be-stopped/>

After a divided Maryland Supreme Court nevertheless wiped out the verdict for Kodi based on a misguided assessment of qualified immunity under federal law, we recruited Supreme Court specialists from the University of North Carolina Law School's Supreme Court Clinic and the Wiley Rein law firm to directly represent Kodi in seeking review of this ruling in the United States Supreme Court. Regrettably, however, the Supreme Court denied review – an outcome decried as unjust in the Washington Post, even by conservative columnist George Will, "On Qualified Immunity, Supreme Court Commits and Unqualified Error," <https://www.washingtonpost.com/opinions/2025/03/12/supreme-court-qualified-immunity>

### ***Challenging Excessive Fees for Public Information***

After the ACLU received a series of disturbing complaints from Black Calvert County residents about invasive police searches by the Calvert Office, we requested documents related to these searches under the Maryland Public Information Act. The Sheriff delayed responding to our request for months, and ultimately agreed to respond only if we would pay more than \$12,000 to see the documents.

After our efforts to resolve the matter amicably were rejected, the ACLU – working with pro bono counsel from Zuckerman Spaeder – sued Evans and his office under the MPIA to access this vital information. We contended the Sheriff's use of burdensome fees to withhold public information that might reveal police misconduct is part of a troubling new statewide pattern, in response to Anton's Law – the 2021 law named for Eastern Shore teenager Anton Black who was killed in 2018 by an officer with a long record of past misconduct concealed by local officials. Anton's Law

amended the Maryland Public Information Act to make records of policing complaints and discipline more transparent and available, to help guard against police abuse.

Once that law took effect, however, police departments around the state started looking for other means to avoid disclosure of damaging information, and many settled on the use of high monetary fees to make the requests financially untenable for organizations like ours. After the Baltimore City Circuit Court ruled in 2023 that the Calvert County Sheriff's Office wrongfully withheld public records through imposition of thousands of dollars in fees, the Sheriff appealed. The case was argued before the Appellate Court of Maryland, where a spirited panel of three judges peppered the Sheriff's attorney with questions about his apparent failure to consider how access to these records would serve the public interest in rejecting our request for a fee waiver.

Late last summer, the appellate court forcefully affirmed the lower court's ruling that the Sheriff's denial of the fee waiver was arbitrary and capricious. On remand, a settlement was reached, with the Sheriff's office agreeing to produce the records to the ACLU free of charge, and to reimburse a share of our attorneys' fees and expenses necessitated by the legal fight.

### ***Upholding Access to Attorneys' Fees in Public Records Requests***

In 2021, Sugarloaf Alliance – an organization dedicated to protecting the natural and historical aspects of Sugarloaf Mountain in Frederick County – became concerned that the County was secretly meeting with representatives of Amazon to build two data centers without public input. Sugarloaf filed records requests and, when the County failed to provide them, filed a lawsuit to compel production.

Under the Maryland Public Information Act, government officials must provide requested records unless the records are protected under statute. After years of litigation, the Circuit Court for Frederick County found that the County had violated the MPIA and both ordered production of the records and granted an award of attorneys' fees. However, the trial court arbitrarily slashed the fee award by half. The Public Justice Center took the case to the Appellate Court to clarify the legal issues but, unfortunately, the Appellate Court upheld the Circuit Court's decision.

Joined by Common Cause, Disability Rights Maryland, Baltimore Action Legal Team, and the Maryland Delaware D.C. Press Association, we led the filing of an amicus brief supporting PJC's petition for certiorari in the Maryland Supreme Court. The brief discusses the importance of the MPIA and emphasizes the crucial role that attorneys' fees play in ensuring nonprofits, individuals, and the media can use the MPIA to advance the public interest. The brief highlights that the lower court's decision imperils our ability to continue to do work pursuing government accountability, upholding protections for Marylanders with disabilities, safeguarding free and fair elections, and informing the public about other critical issues. A decision on the petition is expected this fall.

## Immigrants' Rights

*The centerpiece of the Trump Administration's agenda has been an all-out attack on immigrants of color. Since the start of 2025, the federal government has moved at breakneck speed to strip entire communities of their rights, demonize immigrants of color and circumvent the rule of law. Although it was expected that a second Trump Administration would be harsh on immigrants, few could have foreseen the full extent of the horrors we are now witnessing. The president has attempted to assert war-time authorities to disappear people to foreign prisons without due process based on their tattoos and clothing. He has arbitrarily punished students who are non-citizens, jailing some and forcing others to flee the country. He put U.S. citizen children on Immigration and Customs Enforcement (ICE) deportation flights, including those receiving cancer treatment. The National ACLU Immigrants' Rights Project has been in the forefront of fighting back against this onslaught. On the ground in Maryland, we are coordinating with immigrants' rights partners, state and local officials and supporting our federal court in seeking to ensure that constitutional due process and the rule of law survive in this terrifying time.*

### **Combatting ICE's cruel and illegal "Bait and Switch"**

After years of waiting, in 2024 we secured a nearly complete win in one of the ACLU of Maryland's most dramatic legal cases ever. The 2018 case, which we call the "ICE Bait and Switch" case, challenged an inhumane Trump practice in which ICE agents lured immigrants in to "marriage interviews" dangling the possibility of legal residency, then used their presence to capture them, place them into immigration detention, and deport them.

The litigation arose initially in the case of Wanrong Lin, a noncitizen originally from China, who had been married for 14 years to a naturalized U.S. citizen and living in Southern Maryland with the couple's three U.S. citizen children.

Mr. Lin had been trying for years to find a path to legal residency but had been unable to do so until 2016, when President Obama put in place a procedure through which Mr. Lin could gain legal status by showing his bona fide marriage to a citizen spouse. The first step in this process was for the couple to undergo an interview with US Citizenship and Immigration Services (USCIS) to establish the validity of their marriage. The couple, accompanied by their counsel and three children, attended such a meeting in late 2018 where USCIS confirmed the validity of the marriage.



After the couple got USCIS confirmation, officials said they had additional questions for Mr. Lin and asked him to stay behind for a few minutes. After his wife had left the room, Mr. Lin was seized by ICE agents, placed in handcuffs and taken away to jail, without any opportunity to even say goodbye to his family. His lawyer was informed that he would briefly be held in ICE custody in Anne Arundel County until his imminent deportation to China.

Already aware of this problematic ICE practice, our legal team sprang into action, working frantically over a weekend to put together and file federal court papers before ICE could execute its deportation plan, while navigating language barriers and gaining the trust of the Lin family despite the chaotic situation. Likely tipped off by a weekend ACLU visit with Mr. Lin in immigration detention, ICE appeared to expedite their plan in what seemed to be an effort to evade any legal challenge.

As we readied to file suit first thing Monday morning, we got word that overnight Mr. Lin had been whisked away to New Jersey, where he was scheduled to be placed on a flight to Shanghai. At 9 a.m., we found out Mr. Lin was already on board the plane as we rushed to file all the necessary papers, and to alert the court clerk's office of the urgent filing and Mr. Lin's imminent departure. At 9:35 a.m., the case was filed, and the clerk's office immediately called the assigned judge, George Hazel. But before Judge Hazel could respond, the plane took off, with Mr. Lin on it. The plane winged its way to Shanghai as the court held emergency hearings – promising to rule before the court lost jurisdiction over the case when Mr. Lin's plane landed in Shanghai, near midnight.

Shortly before 10 p.m., Judge Hazel issued his ruling calling the ICE tactics arbitrary, capricious, abusive, and unlawful, and granted an emergency injunction requiring the government to return Mr. Lin home to the United States. Pursuant to this order, Mr. Lin was returned home, and the court issued an injunction releasing him from detention while he worked through his path to legal residency.

As other immigrants faced the same bait and switch practices, we filed a related but separate class action on behalf of six more people challenging the practice. The court certified the new case as a class action, and in early 2020 issued a preliminary injunction prohibiting federal immigration officials from arresting or deporting non-citizens in Maryland who had started the process to obtain legal immigration status based on their marriage to a U.S. citizen spouse. The order also required ICE to release anyone currently in detention who was detained before they could complete even the first step of that process. This order prevented thousands of Marylanders from being arrested at their marriage interviews at USCIS.

*Fast forward to 2024*, after a change in administrations and in judges, we at last secured final judgment outlawing the ICE bait and switch policy that initially snagged Mr. Lin in 2018. In March of 2024, Judge George Russell – newly assigned to the case after retirement of Judge Hazel from the bench – granted plaintiffs summary judgment, finding that the government's conduct violated the Due Process Clause, the Immigration and Nationality Act, and the Administrative Procedure Act.

The government appealed to the U.S. Court of Appeals for the Fourth Circuit. The appeal is now fully briefed, with oral argument expected to take place in October 2025.

# Individual Autonomy

## ***Advocating for Trans Kids – in Maryland and Nationwide***

Soon after returning to office in January 2025, President Donald Trump issued a series of sweeping executive orders targeting the rights, speech, and health care of transgender people. One order signed by the president directed federal agencies to withhold funds from medical providers and institutions that provide gender-affirming medical treatments such as puberty suppressants and hormone therapies to anyone under 19, threatening to shut down access to essential health care that is already out of reach for many. If enforced, the order would deny critical federal funds to hospitals, clinics, doctors, and other providers, leading some provider networks to prematurely cancel appointments with transgender youth and announce they are ceasing care altogether.

In February 2025, we joined with the National ACLU, Lambda Legal, and law firms Hogan Lovells and Jenner & Block in filing suit in federal district court in Maryland on behalf of two transgender young adults and five transgender adolescents and their families whose health care has been disrupted by President Trump's order, along with organizations PFLAG and GLMA, the country's largest organization of LGBTQ+ and allied health professionals.

Early on, we won a major victory when U.S. District Judge Brendan Hurson issued a temporary restraining order prohibiting federal agencies from conditioning or withholding federal funding based on the fact that a healthcare entity or health professional provides gender-affirming medical care to a patient under 19. The TRO was later extended and converted into a preliminary injunction.



Following the court's TRO and preliminary injunction, the defendants appealed, but did not seek to stay the injunction at that time. Rather, they sought to pause briefing on the appeal until the Supreme Court issued its decision in *Skrametti*, a National ACLU challenge to a Tennessee ban on gender affirming care for those under 18. Following that devastating ruling in June, the defendants filed their brief in the Fourth Circuit opposing the underlying preliminary injunction and also belatedly sought a stay of the preliminary injunction, which we oppose. Both the stay motion and appeal are pending.

## ***Akers v. State – Reproductive Freedom***

This case from Maryland's highest court overturned a lower court ruling that had allowed prosecutors to admit evidence that a woman exercised her right to decide whether to terminate her pregnancy as proof of intent to murder. Moira Akers conducted internet research

for information about terminating her pregnancy and consulted with her doctor about her termination options. Ultimately, she continued her pregnancy and later gave birth to a stillborn baby in her home.

Despite Ms. Akers' reporting that the infant was stillborn, she was prosecuted, convicted of second-degree murder and sentenced to a 30-year term of imprisonment. At trial, Howard County prosecutors introduced her search history and evidence that Ms. Akers was advised about termination options by her healthcare provider as proof that she intended to commit homicide.

The ACLU's Abortion Criminal Defense Initiative, alongside the ACLU of Maryland, filed an amicus brief arguing that allowing admission of this evidence not only violated Ms. Akers' rights but would chill the right of all Marylanders to freely decide whether to continue or end their pregnancies. The Maryland Supreme Court agreed, invalidating the conviction as tainted by prosecutors' improper use of this evidence.

### ***Protecting Rights of Disabled Children in Foster Care***

We are collaborating with Children's Rights, Inc., Disability Rights Maryland, and Morgan, Lewis & Bockius LLP in a federal lawsuit against the Maryland Department of Human Services and Social Services Administration on behalf of minor children in the State's foster care system, alleging that for over a decade, Maryland officials have failed to exercise adequate oversight of children in foster care who are given potentially dangerous psychotropic drugs.

As many as 34 percent of children in Maryland's family regulation system are given psychotropic drugs, and more than half of those children are prescribed multiple drugs at the same time. Nearly 75 percent of the children who are taking psychotropic drugs do not have a psychiatric diagnosis. Black children, disproportionately represented in Maryland's foster care system, are at greater risk of being subjected to these dangerous drug practices in many counties.

The lawsuit outlines the State's reckless failures as an effective custodian for the children in their care, including failing to compile and maintain adequate medical and mental health records, failing to implement an adequate informed consent process, and failing to operate an adequate secondary review system to conduct second opinion evaluations when necessary.

The case was in extended mediation until recently, but active litigation has now resumed.

### ***Ensuring Safe Haven for Families in Distress***

We are joining with the National ACLU, Civil Rights Corps, Movement for Family Power, and others in challenging a ruling by Maryland's intermediate appellate court faulting a Maryland Mom criminally for invoking the state's Safe Haven Law. This law promises immunity from civil and criminal prosecution for parents who seek to give up their newborns by bringing them to designated sites. But when the appellant (Ms. C.) brought her healthy, unharmed newborn twins to a local hospital to be cared for in accordance the law, she was nevertheless prosecuted for

neglect by Maryland's family policing system. The Appellate Court of Maryland affirmed the neglect finding, and opined that the Safe Haven Act does not preclude this finding. Ms. C now appeals, and is seeking certiorari in Maryland's Supreme Court.

We are joining amicus brief in support of Ms. C, urging the Maryland Supreme Court to grant certiorari and clarify that the Safe Haven law includes immunity from family policing prosecution, and that allowing the Appellate Court's ruling to stand will disproportionately harm poor families and families of color.

## Legal Justice

### ***Striking Back Against Modern Day Enslavement of Incarcerated Workers***

Working with local civil rights and racial justice groups, and leading ACLU affiliates from throughout the Fourth Circuit, we supported incarcerated workers as *amicus curiae* in winning a precedent-setting ruling from the Fourth Circuit that opens the door to federal labor law protections in a Baltimore County jail work program. Our brief highlighted the way modern-day prison labor practices in Baltimore County and elsewhere descend from the enslavement of Black people and urged the United States Court of Appeals for the Fourth Circuit to reject dehumanizing assumptions about incarcerated workers, who are disproportionately Black.

Baltimore County took the highly unusual step of opposing our friend-of-the-court filing, contending that the racist history of the jail's prison labor practices is "inflammatory" and "irrelevant." However, the Court promptly rejected the County's contentions, and accepted the brief for consideration as part of the appeal.

In a major ruling, the Fourth Circuit ruled the federal Fair Labor Standards Act likely applies when incarcerated workers are working alongside other workers in the community, so that prisons and jails do not have a blank check to exploit people who are incarcerated for the government's financial benefit. The County sought review by the full Fourth Circuit, but the request was summarily denied. Next, the County sought to freeze the case while to seek review in the U.S. Supreme Court, but again, the Court rejected the request. Shortly thereafter, the Supreme Court denied review.

The parties subsequently reached a settlement through mediation, with district court review of the settlement pending.

### ***Paving the Path to Freedom***

Maryland leads the nation in the racial disparities in our prisons; 70 percent of state prisoners are Black. The racial disparities are worse for those with extreme sentences; 77 percent of people serving life sentences are Black and that number rockets to 84 percent for those sent to prison as children. More than 2,200 people are serving life-with-parole sentences in Maryland. For nearly a decade, the legal team has partnered with people serving parole-eligible life sentences and their

loved ones to end Maryland's *de facto* abolition of parole for lifers. This work has involved several key dimensions, including organizing, litigation, legislative advocacy, and representation before administrative bodies.

One of our core vehicles for change following the resolution of the *MRJI v. Hogan* litigation has been directly representing lifers in parole and related court proceedings and developing the Maryland Parole Partnership to organize *pro bono* legal assistance for lifers. Currently, there is no right to counsel in parole, and the MPP's goal is to fill that gap.

The overarching vision of the Maryland Parole Partnership is to foster authentic partnerships between parole candidates and the legal professionals who volunteer to work with us. In our experience, these relationships are transformative both for the person seeking their second chance, the legal professionals who sign up to do a case, and, over time, the system itself. Throughout, we work towards a legal support model that moves away from white savior lawyering and better recognizes the actual leadership of people serving extreme sentences and their loved ones in their efforts to obtain freedom. The past several years have been times of homecoming, as we saw more and more people reuniting with their families after spending many decades in Maryland prisons.

In February 2025, we premiered Communications Strategist Nehemiah Bester's celebratory *Life After a Second Chance* film series with an incredible event at the Reginald F. Lewis Museum bringing together many of those engaged in this life-changing work over the past decade.



### ***Defending Our Transformative Parole Reform Settlement***

A decade ago, we brought a path-breaking civil rights lawsuit in which we joined people sentenced to life imprisonment as children and pro bono counsel from Wiley Rein in challenging Maryland's

dysfunctional parole system, *Maryland Restorative Justice Initiative v. Hogan*. At the time that case was filed, no young person serving a parole-eligible life sentence had been paroled absent an act of executive clemency in nearly a quarter of a century. The lawsuit was resolved through a settlement in which the State of Maryland implemented changes aimed to remedying the most egregious barriers to meaningful consideration.

During the MRJI litigation the Maryland Crime Victims Resource Center unsuccessfully sought to intervene, in part to prevent the State from settling. After the federal court rejected these attempts as meritless, MCVRC subsequently filed its own lawsuit challenging a state regulation implemented as part of the agreement. In a first round of litigation, the Appellate Court of Maryland ruled that MCVRC had failed to join a necessary party by failing to include people whose parole chances would be impacted by any court rulings. The ACLU of Maryland, joined again by Wiley Rein, jumped in to defend the important Constitutional interests at stake and represent the interests of people seeking a fair parole process. Through representation of five potential parole candidates, alongside the State, we are opposing MCVRC's attempt to invalidate a regulation that emphasizes the parole commission should give less weight to the crime itself as time passes, so that it can consider other factors like how the person has demonstrated their rehabilitation over time.

Both we and the State are moving to uphold the regulation and dismiss the challenge, with a hearing scheduled in Charles County in late September.

## **Legacy Fair Housing Work**

In addition to our strategic priorities, we continue legal work on decades-long fair housing litigation the ACLU undertook starting in the 1990s. One remaining project is our work with the federal Department of Housing and Urban Development (HUD), the Baltimore County Branch of the NAACP, and a team of lawyers from partner organizations, we continue to push Baltimore County to comply with its "Voluntary Compliance Agreement" (VCA) stemming from a 2011 administrative fair housing complaint.

That complaint detailed the long history of residential segregation caused by official County policies that excluded affordable housing, sought to minimize Black migration from Baltimore City to the County, and steered Black people moving into the County exclusively into Woodlawn/Randallstown/Owings Mills corridor. This discrimination included the active use of federal and state affordable housing programs to build senior-only housing for the white elderly, while denying local support for general occupancy housing that tends to serve families of color and disabled persons.

To resolve the complaint, the County agreed to provide \$30 million toward the development of affordable housing for families and the disabled, to create 1,000 such units in high opportunity areas of the County, and to create a housing mobility program to assist at least 2,000 families with housing vouchers in moving from lower opportunity areas to higher opportunity areas. The County

also agreed that it would no longer allow County Council members to veto affordable housing in their districts.

Making good on a key part of the agreement, in 2019 County Executive Johnny Olszewski introduced a bill banning Source of Income discrimination and the County Council passed it after several prior failures. On other portions of the agreement the County has failed to meet its obligations, requiring significant support and monitoring from HUD and our legal team. Now, given how far behind the County has fallen in meeting the agreement's requirements that it has become clear extension of the agreement, or an enforcement action is needed. Unfortunately, under the Trump Administration HUD has largely abandoned fair housing work.