

EXHIBIT D

DECLARATION OF LAWRENCE T. BROWN

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)**

Baltimore County Branch of the
National Association for the
Advancement of Colored People, *et al.*,

Plaintiffs,

v.

Baltimore County, Maryland, *et al.*,

Defendants.

Civil Action No. LKG-21-3232

DECLARATION OF LAWRENCE T. BROWN, PH. D.

1. I, Lawrence T. Brown, am over 18 years of age and am competent to testify. I provide this declaration in support of plaintiffs' motion for preliminary injunction in this case.

Introduction and Qualifications

2. I am a community research scientist at the Center for Urban Health Equity at Morgan State University. In this position, I lead the *Black Butterfly Rising Initiative*. I am also the director of the Black Butterfly Academy.

3. I graduated from Morehouse College with a B.A. in African American Studies in 2001, from the University of Houston with an MPA in Public Administration in 2006, and from the University of Tennessee Health Science Center with a Ph.D. in Health Outcomes and Policy Research in 2011. From 2010 to 2012, I was a Postdoctoral Research Fellow at Morgan State University, School of Community Health and Policy, as a W.K. Kellogg Health Scholar. From 2013–2019, I served as an assistant and associate professor at Morgan State University in the School of Community Health and Policy. In 2020, I became the Director of the County Health

Rankings and Roadmaps program in the University of Wisconsin Population Health Institute as well as Visiting Associate Professor at the School of Medicine and Public Health, University of Wisconsin-Madison. In 2021, I returned to Morgan as a community research scientist at the Center for Urban Health Equity.

4. I am the author of *The Black Butterfly: The Harmful Politics of Race and Space in America*, published by Johns Hopkins University Press in January 2021.

5. Among the awards I have received, The Root listed me on the list of the 100 most influential African Americans ages 25-45 in 2018 and Open Society Institute–Baltimore awarded me its Bold Thinker award in 2018 for scholarship and impact in Baltimore discussing Baltimore Apartheid and how it impacts community health and well-being.

Opinions

6. Based on my research, research by my research assistants that I have reviewed, and my knowledge of the history of the Baltimore region, I offer the following account of Baltimore County’s history of racial discrimination to a reasonable degree of professional certainty.

7. Baltimore County has a long and extensive history of excluding Black people from housing and seeking to exclude them from the County entirely. When Black people have become County residents, the County has a long and extensive history of discriminating against them and their communities/enclaves, not only in housing but also in the areas of education, infrastructure, government services, government employment, and police violence.

Housing and Zoning

8. Between 1950 and the mid-1960s, through the use of exclusionary zoning and openly discriminatory housing and development policies, Baltimore County contained its Black population within a small number of enclaves.

9. During those years, Baltimore County officials and residents were outspoken and consistent in refusing to create a public housing authority or to develop a workable program that would have allowed the County to receive federal funds to address the housing needs of low-income individuals and families, making clear that these refusals were intended to keep Black people out of the County.

10. The County's failure to establish a public housing authority caused thousands of poor, primarily Black, families to move from Baltimore County to Baltimore City. U.S.

Commission on Civil Rights, *Equal Opportunity in Suburbia* 34 (1974).

11. Baltimore County residents organized statewide referenda to fight state fair housing laws and creation of a state housing agency. Despite passage of the Fair Housing Act in 1968, the County continued its use of exclusionary zoning, continued to resist building public housing, and openly opposed any attempt to assist low-income families in moving to the County.

12. As a result of these racist practices and policies, a 1974 report by the U.S. Commission on Civil Rights described the County as a "white noose" around the City of Baltimore. U.S. Commission on Civil Rights, *Equal Opportunity in Suburbia* 7; see also Thomas B. Edsall, *County called 'noose': U.S. study blasts suburbs' racial policies*, Baltimore Sun, Aug. 13, 1974. The report chronicled how Baltimore County used its zoning powers to eliminate Black-suburban enclaves while purposefully failing to support construction of moderately priced housing as a means of preventing Black individuals from settling in the County. The

Commission's investigation found that most County apartment complexes refused to rent to Black renters and that Baltimore County used commercial rezoning, highway construction, and public works projects to eliminate Black enclaves or limit their growth, forcing even long-time Black residents of the County to find substitute housing in Baltimore City.

13. As a result, although suburbanization supported by public policies more than doubled the population of Baltimore County between 1950 and 1970 and jobs there almost doubled, the Black share of the County's population declined from 6.7% in 1950 to just 3% in 1970.

14. During the late 1960s and early 1970s (until he was convicted of corruption in 1974), Baltimore County Executive Dale Anderson made keeping Black individuals out of the County a central policy goal of his administration. According to the Baltimore Sun, as County Executive, Anderson "did everything except stand in the schoolhouse door to preserve his county as a white-only suburban enclave." Editorial, *In Search of Vindication*, Baltimore Sun, Aug. 1982.

15. As described in Antero Pietila's book, *Not in My Neighborhood: How Bigotry Shaped a Great American City* (2010) ("NIMN"), Anderson and his County government repeatedly demolished historically Black neighborhoods. In Towson, they constructed a bypass road through East Towson's Black community and replaced the Black community of Sandy Bottom with a high school, police and fire department headquarters, and eventually the county jail. NIMN at 231. In Catonsville, numerous gasoline stations and food outlets replaced Black homes on Baltimore National Pike just outside the Beltway. *Id.* "The removals of blacks in Towson and Catonsville were not isolated incidents but part of a pattern. Using their zoning powers, the County Council and the zoning commissioner decimated at least twenty old African-

American settlements throughout the county.” *Id.* 231-32. In addition to taking steps to drive out Black County residents, the County took steps to exclude new Black residents. County Executive Anderson required real estate agents to inform the police if they sold Baltimore County homes to Black people. *Id.* 235.

16. Mr. Pietila notes that the term “expulsive zoning” was coined by a professor at Massachusetts Institute of Technology to describe Baltimore County government’s actions toward Black residents. NIMN at 231, citing Yale Rabin, *Expulsive Zoning: The Inequitable Legacy of Euclid* (1989). He continues, “A textbook example of expulsive zoning was Turner Station, which had Baltimore County’s largest concentration of blacks, nearly nine thousand in the 1950s. By 1980 so much of the community was rezoned for industry that the black population was recorded at only 3,557. A nearby White residential area . . . was left untouched. The evicted blacks received no relocation compensation, and most were forced to seek housing in the city.” NIMN at 232. “Black areas were rezoned for business or industry while adjoining white neighborhoods were left intact. At the same time the county prevented existing black communities from expanding by zoning the surrounding land as low density and therefore too expensive for blacks to acquire. . . .” *Id.*

17. Due to the County’s record of race discrimination, the federal Department of Housing and Urban Development (HUD) froze its funding to the County, citing official failures to develop and implement housing and fair housing plans required to obtain federal funds. By 1979, the League of Women Voters estimated that the County had lost \$20 million in potential Community Development Block Grants (“CDBG”) because County officials refused to sign non-discrimination promises required for an “Urban County” to receive CDBG funds.

18. In 1975, a study commissioned by the League of Women Voters found that Baltimore County's housing practices increased racial segregation in the County. According to the *Sun*: "Low- and moderate-income families are being "forced out" of Baltimore County by high housing costs and a shortage of subsidized dwelling units, according to a housing study compiled by the county's League of Women Voters. In addition, racial segregation in housing appears to be increasing rather than dwindling, as blacks become more concentrated in the Woodlawn area and the Liberty Road corridor, while other areas show recent declines or no growth in the black population." Nancy Schwerzler, *County blacks, poor being 'forced out' because of housing shortage, study says*, Baltimore Sun, Dec. 5, 1975.

19. During the 1980s, Baltimore County designated Owings Mills and White Marsh as growth areas. In order to begin receiving CDBG funds, the County filed Housing Assistance Plans with HUD promising to locate affordable housing in those areas. Nevertheless, County officials failed to follow through on these commitments; little affordable housing was built in Owings Mills, and even less in White Marsh.

20. Zoning is particularly affected by the County Councilmember of the district being zoned, as the other members of the council generally defer to him or her on that issue.

21. In 1984, in response to opposition from predominantly White local residents, the Council deferred to the wishes of the White Councilmembers from Districts 5 and 6 on the east side of the County and down-zoned White Marsh, which had been previously designated as a high-growth residential area, by 40%. Amy Goldstein, *Council damps White Marsh growth*, Baltimore Sun, Nov. 25, 1984.

22. In 1992, Baltimore County's Consolidated Plan admitted that the County's land use policies and procedures have limited the amount of land available for residential development and have inflated land costs in both growth areas and existing communities.

23. In 1994, racist demagoguery by White Baltimore County politicians and White community leaders in opposition to the "Moving to Opportunity" demonstration program that provided housing vouchers to 285 families, a minority of whom moved to the County, received national attention, including a segment on Sixty Minutes, and resulted in an end to funding for the MTO program. Ed Brandt, *Scare tactics bring down federal housing program*, Baltimore Sun, Oct. 30, 1994.

24. In 1996, Councilman Vincent Gardina, who represented Council District 5 in Northeastern Baltimore County from 1990 to 2010, obtained a down-zoning of the Honeygo growth area of White Marsh to substantially reduce the construction of multifamily housing. Multifamily housing that was constructed consisted of condominiums rather than rental apartments, again favoring White residents. Letter from K. Brown, Baltimore County Office of Planning, to K. Dickard, Nov. 13, 1997. In 1997, Councilman Gardina secured a commitment from the developer of Perry Hall Farms, the largest residential development in Honeygo (which had been grandfathered in before the 1996 downzoning) to eliminate rental housing and back-to-back townhouses and to replace some townhouses with condominiums for the elderly. Councilman Gardina referred to these concessions, which had the effect of limiting the number of affordable units in the region, as helping Honeygo become a "quality" community. Jay Apperson, *Apartments limited at Honeygo: Developer agrees to drop rental housing to assure 'quality'*, Baltimore Sun, Mar. 6, 1997.

25. Over the period from the 1990s through the early 2000s, Baltimore County continued efforts to keep Black people out of the County by demolishing 4,100 apartment units, including a substantial portion of its supply of federally assisted units occupied by families. These sites were redeveloped as parks or used to build housing solely for homeownership or elderly renters, most of whom are White. No replacement multi-family housing was built elsewhere in the County.

26. In 2017, a Black church sued Baltimore County asserting that officials unlawfully used their zoning powers to prevent the location of a house of worship on Old Court Road, after white neighbors opposed the church, made openly racist remarks about the pastor and congregants, and vandalized the church. After the United States Court of Appeals for the Fourth Circuit ruled in favor of the plaintiffs, Baltimore County settled the litigation in 2019, paying \$375,000 in damages and allowing the church to locate on its chosen site.

27. Today, Baltimore County does not own or operate any public housing or low-income housing. As a result, Baltimore County's performance in meeting the fair, affordable housing needs of low-income family households, most of whom are African American and/or Latino, Latina, or Latinx, is worse than similar suburban counties in Maryland. While ignoring the housing needs of Black and other non-White family households, the County leads its suburban neighbors in aggressively collecting federal and state rental housing subsidies for senior housing, which in Baltimore County serves mostly Whites.

28. Because of these and other racially discriminatory Baltimore County policies, as well as private actions, Baltimore County is the most segregated major county in Maryland and one of the most hypersegregated metropolitan areas in the country.

29. Due to the County's record of race discrimination, in 2011 civil rights organizations, including Plaintiff Baltimore County NAACP, and individual BIPOC residents, filed an administrative action against the County with HUD, alleging extensive violations of the Fair Housing Act, Title VI of the Civil Rights Act, the Rehabilitation Act, and the Americans with Disabilities Act. In March 2012, HUD entered into a binding agreement with the complainants and the County, requiring the County to undertake a myriad of actions, monitored by HUD, to address the race discrimination and segregation its policies perpetuated.

Education

30. Until the 1940s, the County refused to provide Black students with a high school education in the County. That is, there was no high school at all that allowed enrollment of Black students. Baltimore County operated 10 all-White high schools and no high schools for (then called) Negro children. The NAACP, led by attorney Thurgood Marshall, sued Baltimore County for operating a patently racist school system in the fall of 1936. Black students were educated only to seventh grade by County schools, and Black County students who passed a special Blacks-only test qualifying them to attend high school could only attend a segregated Black high school in Baltimore City, if they were able to travel there. *Williams v. Zimmerman*, 192 A.2d 353 (Md. 1937). *Pittsburg Courier, Maryland high discrimination case in court*, October 3, 1936.

31. As recently as 2017, when school boundaries have been redrawn, efforts at desegregation have been defeated. See Editorial, *Baltimore County's long legacy of segregation*, Baltimore Sun, Mar. 20, 2017; Liz Bowie & Erica Green, *Bridging the Divide*, Baltimore Sun, Mar. 17, 22, 25, & 28, 2017.

32. According to a 2015 study by the University of Maryland, Baltimore County continues to have among the most segregated schools in the State.

Infrastructure, Government Services, and Government Employment

33. In 1973, the Maryland Human Relations Commission found that Baltimore County's government provided substandard and inferior infrastructure and service to Black areas in the county. According to the *Sun*, the Commission found that, "aside from 'small pockets of old established black communities . . . past discriminatory practices have created the present all-White composition of the county.' The black enclaves, moreover, are shortchanged in terms of sidewalks, storm drains and other county government services and are 'slowly being eliminated' by zoning practices that hem them in, according to the report." Stuart Taylor Jr., *County faulted on bias: State assails housing, job policies*, Baltimore Sun, Aug. 9, 1973.

34. The same Maryland Human Relations Commission report also found that Baltimore County engaged in discriminatory hiring practices with respect to Black workers. "The commission also faults the county government for failing to hire enough blacks for county jobs and for relegating the few it does employ to low-level jobs." *Id.* In addition to the county itself, the Baltimore County school system was also charged with discriminatory hiring and labor practices. "The Justice Department suit charges the school system with a "pattern and practice of discrimination" against Black people in hiring and promoting teachers and administrators." *Id.*

35. The next year, in 1974, the U.S. Commission on Civil Rights found that Baltimore County intentionally maintained an underfunded and ineffective Baltimore County Human Relations Commission which had been unable to address and enforce civil rights laws since it was founded in 1963. U.S. Commission on Civil Rights, *Equal Opportunity in Suburbia* 35 (1974).

36. In 2019, the United States Department of Justice sued Baltimore County for race discrimination in its employment policies, asserting that the County's police department engaged

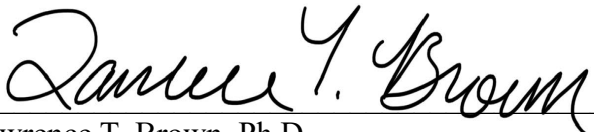
for years in a “pattern and practice of discrimination” that kept its ranks White by disqualifying Black applicants through use of a racially discriminatory test. In November 2020, the County entered into a court-supervised agreement with the Department of Justice requiring the County to revamp its hiring procedures to root out discrimination, meet hiring goals, and pay \$2 million in damages to Black employment applicants who had been discriminated against.

Police Violence

37. Police violence against Black community members has also plagued Baltimore County. In a 2015 study by the ACLU of Maryland examining civilian deaths at the hands of police, Baltimore County ranked third among Maryland jurisdictions for police violence over the years 2010-2014. Among those killed, 70 percent were Black (compared to the County’s Black population which is approximately 30 percent of the total). In 2016, County police officers killed Black County resident Korryn Gaines in her home and badly injured her five-year-old son with shrapnel from the police’s gunfire. Although County officials declined to bring criminal charges over the racially charged killing, a civil jury awarded the family \$38 million in damages.

I declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information, and belief.

Executed on January 18, 2022



Lawrence T. Brown, Ph.D.