

# THE YEAR IN REVIEW

# **Energized For Another 75 Years Protecting Our Cherished Liberties**



elebrating our 75th Anniversary was the highlight of 2007. With the goal of reaching out to the entire state, we organized over 10 events that drew nearly 1,000 Marylanders, including nearly 500 at our June celebration at the Ravens Stadium where we saluted National ACLU Executive Director Anthony Romero and former National ACLU Legislative Director, Laura Murphy.

This report highlights the year's other activities, as well as the challenges we continue to face. Free speech, due process, and equal protection under the law continue to be the mainstay of our work. Since 9/11, government abuse of power has steadily eroded these rights and the ACLU has responded with a synthesis of litigation, lobbying, and public education. This year we added another tool, field organizing, when we launched "Maryland ACLU CAN" — a constituents' action network that teams up Maryland ACLU members/activists across the state with our National ACLU Legislative Office so that we can hold Congress accountable for correcting Bush Administration abuses. Top on our list? Insisting that Congress ban warrantless spying on Americans.

With your support, we tackled a broad array of other issues: challenging police arrests of motorists "driving while black," and ensuring fair housing for African American families, quality education in all public schools, fairness for gays and lesbians, and the rights of workers and disabled persons.

In 2007, Maryland ACLU boasted its first full-time State Legislative Director in the General Assembly, allowing us to craft more sophisticated political strategies, work with legislators in the off-season, and strengthen our issue and coalition leadership. We were able to fight invasions of personal privacy by the federal government's "Real ID" program and to make real progress on criminal justice reform, including movement toward death penalty repeal. We also racked up wins for equal rights at the ballot box and for reproductive rights.

But even as we celebrated victories this year, we knew that our work is far from over. Convincing Congress to reinstate the rights lost since 9/11 continues to be a challenge. Here in Maryland, with the highest court's ruling against civil marriage for gay and lesbian couples, the ACLU now turns to the legislature. And issues like racial justice, freedom of speech and religion, and youth rights are perennial.

As we mount each day's new challenge, it is your friendship and support that sustains us. We look forward to your partnership in the coming year.

American Civil Liberties Union of Maryland American Civil Liberties Union Foundation of Maryland 3600 Clipper Mill Road, Suite 350 Baltimore, MD 21211

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# Energized For Another 75 Years Protecting Our Cherished Liberties And Rights



Wanda Archer and Ronston Roberts, two of ACLU's clients in Archer v. Town of Elkton, a lawsuit filed in July seeking justice following the illegal "clearing" of a homeless campsite in Elkton, MD.

"IN THE SPIRIT OF ALL THOSE HEROES WHO WENT BEFORE US. AND TO THOSE WITH US NOW -TO ALL FREEDOM-LOVING ACLU MEMBERS AND FRIENDS ... WE HONOR YOU."

> - SUSAN GOERING, Maryland ACLU's Executive Director, raising a toast at our 75th Anniversary Celebration on June 3, 2007.



ACLU of Maryland staff and volunteers spread the word about civil liberties and LGBT rights at the Baltimore Pride Festival in June 2007.

# FIGHTING ABUSE OF POWER

"Maryland ACLUCAN." The Bush Administration has become increasingly bold in its campaign to sharply tip mously voted to abandon the law. the basic balance of powers in American government. Unchecked executive power is time and again asserted by the Bush Administration to justify its claim of authority to spy on innocent Americans, withhold public information we have a right to know, mine our personal information, and evade necessary judicial and congressional work to ensure the state fulfills that commitment. The oversight — all in the name of fighting terrorism.

These may be terrifying times, but the ACLU of Maryland believes Americans shouldn't also have to fear their own government. We are heeding the call of the National ACLU to pressure Maryland's Congressional leaders to stand up to the Bush Administration. They must In 2007, we saw the culmination of the annual \$1.3 bilsay "no" to abuses of power and "yes" to real oversight.

We've launched a new advocacy initiative called "Maryland ACL*UCAN*," a constituents' action network which will target both the state and federal seats of ing role in blocking some of the proposed cuts during the power. Working with the National ACLU, we will team Maryland ACLU staff with ACLU members and activists throughout the state to reach out to Congress to let them know that the attack on our most basic, fundamental lib- Meanwhile, ACLU successfully advocated for dilapidaterties must be stopped.

## EQUAL RIGHTS AT THE BALLOT BOX

ACLU on State Task Force on Voting Irregularities. Maryland ACLU Legal Director Deborah Jeon was FAIR HOUSING RIGHTS appointed to a newly created task force, which has been **Choices for Families.** Following a 2005 federal court holding public hearings across the state on irregularities in the 2006 elections. The task force will compile a assisted housing available throughout the entire report and make recommendations to the Maryland Baltimore region, the Maryland ACLU, joined by the General Assembly and Attorney General.

'Paper Trail.' Maryland ACLU played a key role in passing a bill to require the state's voting system to pro- In anticipation of the judge's ruling, we have been workduce a separate, durable, auditable voter verified paper ing with the Baltimore Regional Housing Campaign to record. Thanks to our advocacy, the bill also contains make sure that housing opportunities will be available for model standards for voters with disabilities. ACLU was our client families in areas of opportunity throughout the instrumental in bringing together election integrity advocates and disability advocates to craft landmark legislation protecting the voting rights of all voters.

Ex-Offender Voting Rights Restoration. Over 50,000 Marylanders are newly eligible to vote, after ACLU of poorest, most segregated neighborhoods — is part of the Maryland and our coalition partners realized victory in the long battle to restore voting rights to ex-offenders who have successfully completed parole and probation. of opportunity, where jobs are growing and families can

Land Ownership Requirement. Maryland ACLU took quick action upon learning of a new Sudlersville town Source of Income Discrimination. Maryland ACLU charter amendment requiring all candidates for Town office to own real property. Before the law's effective defended a Montgomery County fair housing law prodate, we sent a letter to local officials letting them know hibiting landlords from discriminating against renters or

that such candidate eligibility requirements are unconstitutional. The following week the Town Council unani-

# QUALITY EDUCATION IN PUBLIC SCHOOLS

The framers of Maryland's Declaration of Rights said that children in the state should receive a "thorough and efficient" education. Maryland ACLU continued our effort began in 1994 with the filing of Bradford v. Maryland State Board of Education. After signing a consent decree in 1996, with subsequent trips to court, hundreds of millions in crucial school aid have been provided to the state's poorest school system in Baltimore City.

lion statewide increase in public school funding, required by the "Thornton" law, a funding formula created in 2002 after positive rulings in the Bradford case. Even as the funding reached its promised level, ACLU played a leadspecial session on the budget in the Maryland General Assembly this year.

ed school buildings to receive renovations. The state increased its funding for school facilities to a record \$400 million for schools across Maryland.

ruling that HUD had violated federal law by not making NAACP Legal Defense Fund, went back to court for a

region. The BRHC advocates for policies that boost the production of low income housing for working families.

The Thompson case — brought on behalf of 15,000 families who have lived in public housing confined to the key to restoring balance in the housing market. It has already helped over 1,000 families move to communities get on their feet.

filed an amicus brief in a lawsuit that successfully

prospective renters based on their source of income, including specifically their status as a voucher recipient.

# FAIRNESS FOR GAYS AND LESBIANS

Civil Marriage Equality. In a devastating opinion this fall, the Court of Appeals upheld Maryland's discriminatory law denying same-sex couples the right to marry. Now, the fight for equal protection for all Maryland families moves to the General Assembly, where the Maryland ACLU in partnership with Equality Maryland will call for passage of the Religious Freedom and Civil Marriage Protection Act. However, the ACLU saw success this spring when we joined efforts to defeat proposed constitutional amendments to preemptively deny to same-sex couples the right to civil marriage. ACLU also helped launch a landmark initiative, the Maryland Black Family Alliance, a group of straight African American allies who support the LGBT community and the struggle for civil marriage equality in Maryland.

Adoption of Children by Same-Sex Couples. Maryland ACLU filed an *amicus* brief in a case championing the ability of gays and lesbians to have a legal relationship to children raised together. We argued that once de facto parenthood is established, even parents who have not legally adopted a child have a constitutional right equal to that of legal parents to maintain a relationship with their children.

PROTECTING OUR FIRST AMENDMENT RIGHTS **Rights of Protestors.** ACLU of Maryland continues to protect the rights of protestors, including the right of peace group "Women in Black" to demonstrate in Baltimore's Inner Harbor and in Annapolis during the Middle East peace conference in November. We also defended animal rights protestors in Baltimore who were wrongfully arrested while they were lawfully picketing a restaurant

The Front Lawn: Hallowed Free Speech Ground. Across the state, Maryland ACLU defended speech in the form of political signs. From small towns to large counties, including Montgomery and Baltimore Counties, we stopped governments from curbing the display of signs on lawns and other legitimate public areas. In Baltimore County, ACLU celebrated a huge victory, when a judge struck down a county regulation that unconstitutionally restricted the right of residents to display political signs in their own front yards.

Right to Register Voters. ACLU of Maryland protected the quintessential political act — the right to vote by stopping the Maryland Transportation Authority from banning two advocacy groups, Project VOTE and ACORN, from registering low-income and minority voters on public property near buses and trains.



The StoryCorps Project, which is affiliated with National Public Radio, recently came to Maryland. Three of our clients got a chance to tell their own stories: Ike Neal (pictured with friend Caroline Queale), Charles Blackburn, and Ted Pugh. The interviews will be archived at the National Library of Congress, and can be heard at our website: www.aclu-md.org.

for redress of grievances.

Fortune Tellers. Maryland ACLU successfully fought Wicomico County's denial of a fortune-teller's permit to a Romani resident. Back in 1999, the county had amended its fortune telling ordinance after discovering the property ownership and residency requirements violated the Equal Protection Clause and unconstitutionally restricted free speech. Still, this year the county council again tried to use these very same criteria to deny the resident's request.

searched the school.

cy, which would have swept truant children into the who will have access to that information. state's dangerously dysfunctional juvenile justice system.

Suspended for a Candy Dispenser? Maryland ACLU Ending Illegal Arrests. ACLU of Maryland continued successfully defended a Prince George's County fiveyear-old who was suspended for bringing a candy dispenser squirt gun to school. We argued against such harsh and inappropriate discipline for a child so young he could not possibly understand the gravity of the offense. All records of the incident and discipline imposed have been removed from the boy's file.

# WORKERS' RIGHTS

# **"IT WAS AN HONOR FOR DICKSTEIN SHAPIRO TO** HAVE REPRESENTED TWO SUCH OUTSTANDING AND COURAGEOUS YOUNG LADIES."

- FORMER SENATOR JOSEPH TYDINGS, speaking about the victory his law firm helped ACLU secure for Heather Gore and Jessi Bedell, who were illegally strip searched at Kent County High School in 2004. Each year, the ACLU of Maryland doubles our legal program with the assistance of pro bono attorneys.

**Right to Petition the Government**. Maryland ACLU successfully opposed a Frederick County Commissioner's proposal to authorize retaliation — in the form of "disciplinary action" — against county employees who pursue legal action against the county government. The proposal was a fundamental threat to the basic right of Americans to petition the government

Campaign Speech. ACLU of Maryland defended free, unfettered political speech in the face of legislative attempts to restrict it by outlawing political campaign "robo calls" and criminalizing some campaign speech.

# STANDING UP FOR STUDENTS' RIGHTS

Illegal Student Search. Three years after taking a courageous stand against excessive police action at their public high school, two young women from Kent County won the most significant settlement of a school search case in Maryland history. ACLU of Maryland represented the young women who had been wrongly subjected to strip searches during a drug sweep in which students were locked in their classrooms while drug sniffing dogs

State Attorney General regarding an anti-day laborer

free speech activity engaged in by a narrowly targeted group — day laborers asking for work and their employers offering jobs. Such singling out of speech deemed by some to be undesirable is unacceptable in a free society.

Political Patronage. ACLU of Maryland appealed a Circuit Court judge's dismissal of a lawsuit brought by two Eastern Shore clerical workers who were fired because of their open political support for their supervi- the new state law. sor, who lost his re-election bid as State's Attorney. The lawsuit, filed in 2003, argues that the two women, who both had stellar work records, were within their rights in engaging in non-disruptive, off-duty political speech, and should not have been subject to a patronage dismissal.

## SAVING LIVES, SAVING CHOICE

Following the disturbing and patronizing Supreme Court decision Carhart v. Gonzales, which upheld the federal so-called partial birth abortion ban, ACLU of Maryland worked with the Marylanders for the Right to Choose a successful campaign to address a root cause of wrongcoalition to mitigate the effects of the decision for Maryland women and the doctors treating them. We are also working with the coalition on pro-choice initiatives for the upcoming legislative session. The goal is to ensure that the Free State continues to be committed to women's reproductive health, freedom, and autonomy.

# PROTECTING PERSONAL PRIVACY

Fighting Federal Real ID Implementation. Maryland ACLU worked to stop a federal government scheme to turn State driver's licenses into, for all practical purposes, federal identity papers. The Real ID Act, if implemented, would create an unfunded mandate that dictates how state driver's licenses will look, to whom they can be **RACIAL JUSTICE** Criminalization of Truancy. ACLU of Maryland sup- given, and how personal driver's information will be African American Motorists "Driving While Black." ported statewide legislation to address the problems of managed and used. It also forces states to link their dataschool suspensions and truancy. Meanwhile, we suc- bases — containing every licensed driver's personal cessfully opposed a bill attempting to criminalize truan- information — with other states, with no guidelines as to

## A JUST CRIMINAL JUSTICE SYSTEM

to seek justice in the courts on behalf of thousands of individuals - virtually all in poor, minority neighborhoods — who have been unlawfully arrested by Baltimore City police. Those swept into the net are taken to the state-run Central Booking, where they are illegally strip-searched and incarcerated in overcrowded, filthy, and inhumane conditions, and are then released without charges.

Right to Ask for a Job. Maryland ACLU wrote to the Expungement for Those Arrested, Then Released Without Charge. Maryland ACLU helped to liberate and ACLU. ordinance passed in Gaithersburg. We believe the law is thousands of individuals who are arrested but released unconstitutional because it targets a particular type of without charges from the permanent taint a groundless In 1997, the court ruled that the police were still discrim-

arrest leaves on their record. We helped pass a bill requiring automatic expungement of the arrest record for those who are released without charges. ACLU also made sure that anyone who has already been arrested and released without charge is entitled to the same expungement as those who are arrested after the bill's effective date of October 1. By November, however, we had to challenge the Baltimore Police Department for not complying with

Death Penalty Repeal. Maryland ACLU fought to maintain an effective moratorium on the death penalty in the state, following a Court of Appeals ruling in 2006 that the Department of Corrections protocol for administering executions is not in compliance with the state's Administrative Procedure Act. ACLU also applauded Governor Martin O'Malley for taking a strong public stand in support of repealing the death penalty.

Crime Lab Oversight. ACLU of Maryland was part of ful convictions by passing a forensic laboratory oversight bill. This bill makes Maryland the first state in the country to adopt a comprehensive oversight statute modeled on successful clinical lab oversight.

Reforming Eyewitness ID Procedures. Maryland ACLU also succeeded in passing legislation requiring all Maryland police departments to adopt best practices for obtaining accurate eyewitness identification. That bill was important because erroneous science and mistaken eyewitness identification are involved in most of the wrongful convictions nationwide and in Maryland.

One of the first to call national attention to police targeting of motorists for "driving while black," Maryland ACLU's landmark case to stop racial profiling on the highways proceeds now on two tracks. First, we are preparing for trial on the individual plaintiffs' claims for monetary damages. Second, we are in court alleging that the Maryland State Police are illegally refusing to produce information concerning the agency's compliance with the 2003 consent decree in the case.

The case originated with a 1993 suit filed by the ACLU on behalf of an African-American public defender and his family who were wrongfully stopped and searched in western Maryland by state troopers using an explicit racial profile. Under a 1995 settlement of that case, MSP agreed not to use racial profiles and to share detailed records of all motorist searches with the court



ACLU of Maryland staff, law clerks, interns, and volunteers during the summer of 2007. Our precious civil liberties have been in good hands during the past year!

inating in violation of the settlement agreement, prompting ACLU to file a second class-action lawsuit on behalf of the Maryland NAACP and 18 individual motorists. In 2003, the state agreed to make comprehensive changes in police policy, providing a national model for resolving racial profiling litigation.

But questions have arisen about MSP's compliance with the consent decree, and MSP's refusal to provide information to allay the concerns has led to a new lawsuit under the Maryland Public Information Act.

# **RIGHTS OF THE POOR**

Homeless Individuals "Cleared" in Elkton. ACLU of Maryland sued on behalf of a group of homeless individuals living in the woods of Elkton in Cecil County. Their campsite and all their personal property were "cleared" without a warrant and with no warning by city employees who trashed their meager belongings. Those who tried to retrieve their belongings were threatened with arrest. We already won the second part of the case, which challenged an unconstitutional loitering law targeting the homeless.

# HEALTH RIGHTS

Lending 'A Helping Hand.' Maryland ACLU won a case protecting the right of individuals disabled by opiate addiction to get the medical treatment they need at a methadone treatment clinic in Baltimore County. The jury returned a verdict against the county for intentionally discriminating against the clinic and patients, in violation of the Americans with Disabilities Act. ACLU is now defending the ruling on appeal to ensure that those seeking medical drug treatment are not discriminated against because of public distaste for their disability.

**HIV/AIDS Testing.** ACLU of Maryland has been working to ensure that informed consent is not lost in Maryland's HIV testing program as the state attempts to remove barriers to expanded testing, counseling and treatment under new CDC guidelines. ACLU also helped stave off attempts to impose mandatory HIV testing on prisoners with no guarantees of adequate prevention counseling or treatment.

# PRISONERS' RIGHTS

Maryland ACLU represented a host of individual prisoners around the state on various constitutional claims, including medical negligence, substandard conditions, and First Amendment violations. ACLU staff met with the new Secretary of the Department of Public Safety and Correctional Services to discuss our most serious concerns, including wheelchair accessibility at an Eastern Shore prison and the department's policy preventing inmates with hernias from receiving surgery.

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# And Rights

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# FINANCIAL REPORT

# ACLU OF MARYLAND **OPERATING INCOME AND EXPENSES 2006-2007**

# ACLU FOUNDATION OF MARYLAND **OPERATING INCOME AND EXPENSES 2006-2007**



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# THANK YOU

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

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

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