



2010 THE YEAR IN REVIEW

“Watching the Watchmen” Protecting Our Rights and Freedom



“**S**ed quis custodiet ipsos custodes” (“Who watches the watchmen?”). That age-old question was posed by a Harford County judge after ACLU moved to dismiss the criminal wiretap charges brought against our client, Anthony Graber, by the Maryland State Police and Harford County State’s Attorney. Graber was arrested after posting a recording on YouTube of his encounter with an officer in plain clothes who stopped him on the interstate with his gun drawn. Thanks to the Maryland ACLU, Graber’s high profile case ended swiftly with a victory for the First Amendment.

Sometimes justice is swift. Sometimes it demands years of dedication and struggle. And always it demands constant vigilance.

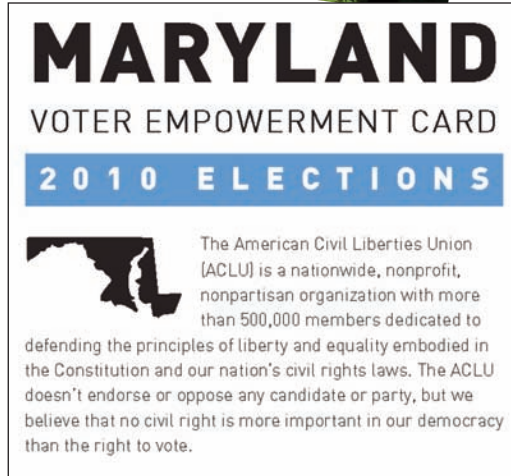
This year saw long-running cases bear fruit. We witnessed civil rights history-in-the-making when Somerset County swore in its first-ever African American County Commissioner, former ACLU client Craig Mathies. It was the culmination of three decades of ACLU work enforcing the federal Voting Rights Act on Maryland’s Eastern Shore, where the legacy of slavery left many counties with large black populations but no high level African American officials. Starting in the 1980s, ACLU, representing local NAACP Branches, changed the political landscape, with Somerset County being only the most recent victory.

We also celebrated a victory for Fourth Amendment rights with our lawsuit challenging Baltimore City Police’s widespread problem of improper arrests. Our clients were arrested for innocent conduct like talking with friends, sitting on their front steps, or picketing. They were strip searched, held for many hours and even days, and then released without charge. Under a court-monitored settlement, police agreed to an independent auditor and far-reaching reforms of their arrest and charging practices.

To expand our civil liberties coverage in the Free State, we opened a field office in Takoma Park in July, celebrating with a lively open house. We also expanded our virtual reach with big growth in Facebook “fans” and a new Twitter page. You can find us online and help us spread ACLU’s message and grow “fans of freedom and equality.” We’re keeping Maryland’s on-the-go civil libertarians informed!

Speaking of ACLU “reach,” the Maryland ACLU is proud of our vibrant national ACLU, which is celebrating its 90th year – from the Palmer Raids in 1919, to the post 9/11 abuse of federal power. Happy Birthday, ACLU. We’re glad you were born!

ACLU of Maryland is a passionate protector of the rights and liberties of everyone in the Free State, but we could not do it without you! We owe our successes to the support of foundations, individual donors, hundreds of pro bono attorneys and volunteers, and thousands of ACLU members across the state. It is stalwarts like you who help the ACLU, “watch the watchmen.”



“Watching the Watchmen” Protecting our Fundamental Rights and Freedom in M



Victory! ACLU of Maryland championed the rights of Anthony Graber, a motorcyclist who was prosecuted for criminal wiretap violations by the Maryland State Police and the Harford County State's Attorney for posting a recording on YouTube of an officer in plain clothes pulling him over with his gun drawn.

“THOSE OF US WHO ARE PUBLIC OFFICIALS AND ARE ENTRUSTED WITH THE POWER OF THE STATE ARE ULTIMATELY ACCOUNTABLE TO THE PUBLIC. WHEN WE EXERCISE THAT POWER IN PUBLIC FORA, WE SHOULD NOT EXPECT OUR ACTIONS TO BE SHIELDED FROM PUBLIC OBSERVATION.”

- Harford County Circuit Judge Emory A. Plitt Jr., in his decision to drop criminal wiretap charges against Anthony Graber.



Victory! In the state capital, ACLU staff and NAACP activists celebrate passage of the “No Representation Without Population Act,” an important civil rights bill that will ensure prisoners are counted in their home districts, not where they are incarcerated, for the purposes of election redistricting.



ACLU celebrated a state Attorney General legal opinion stating that marriages of same-sex couples validly entered into in other jurisdictions may and should be honored here at home. (Pictured are Martha Sullivan and Ginny Fornillo).

“THIS IMPORTANT OPINION IN SUPPORT OF RECOGNIZING THE MARRIAGES OF SAME-SEX COUPLES FROM OTHER JURISDICTIONS IS CONSISTENT WITH THE LONG-STANDING TRADITION OF LEGAL RECOGNITION OF VALID MARRIAGES ENTERED INTO IN OTHER STATES. AND IT IS A POSITIVE DEVELOPMENT THAT WILL MEAN GREATER SECURITY, STABILITY AND PEACE OF MIND FOR LEGALLY MARRIED SAME-GENDER SPOUSES WHOSE MARRIAGES SHOULD RIGHTFULLY BE HONORED HERE AT HOME.”

- ACLU of Maryland Executive Director Susan Goering, in appreciation of the legal opinion issued by Maryland Attorney General Douglas Gansler advising state agencies that same-sex couples legally married in another state should be treated as validly married in Maryland.

KEEPING AMERICA SAFE AND FREE

TSA Searches. The Maryland ACLU joined with national ACLU to distribute Know Your Rights “Hands Off” stickers and collected stories from people troubled by the new, intrusive Transportation Security Agency airport procedures. Guided by the notion that the government should enact effective procedures that pose the least threat to our civil liberties, ACLU opposes routine full body scanning, embarrassingly intimate pat-downs and racial profiling.

FBI Racial and Ethnic Profiling. The Maryland ACLU joined with ACLU affiliates nationwide to demand that FBI turn over its records used to track so-called “ethnic-oriented” businesses, behaviors, lifestyle characteristics and cultural traditions for targeting purposes in communities with concentrated ethnic populations.

Know Your Rights. The Maryland ACLU distributed updated Know Your Rights “Bust Cards” for Immigration and Customs Enforcement encounters.

DEFENDING FREE SPEECH

Motorcyclist Video on YouTube. In a high profile case that sparked outrage across the country, the Maryland ACLU successfully defended a motorcyclist – Anthony Graber – who faced criminal wiretap charges after he videotaped his encounter with a police officer and posted the recording to YouTube. We championed the First Amendment right to record similar police encounters and post the recordings online.

Right Not to Stand for the Pledge. The Maryland ACLU defended a Montgomery County middle school student who was harassed by her teacher for not standing for the Pledge of Allegiance. The teacher ultimately agreed to defer to the student and teach the rest of the class a lesson on the First Amendment right not to stand for the Pledge.

Offensive Speech. The Maryland ACLU joined the national ACLU to tell the U.S. Supreme Court that the First Amendment can only truly protect the rights of every American if it extends to all speech, even speech most people find offensive. The Westboro Baptist Church is a fundamentalist church whose members believe God is punishing America for its tolerance of homosexuality (particularly in the military), and for other things it considers sinful, including abortion and divorce. Church members often publicize their message with pickets held near the funerals of soldiers who have died in Iraq or Afghanistan. They promote ideas anathema to the causes of justice and equality ACLU cares so much about. But we believe they have a constitutional right to promote those ideas, however repellent.

Political Speech. The Maryland ACLU successfully requested state agencies repeal a Maryland law limiting political signs on private property in close proximity to highways, which suppressed free political speech.

Fortune Telling. The Maryland ACLU hailed a decision by the Maryland Court of Appeals that strongly defends fundamental free speech rights in a case involving fortunetelling in Montgomery County. In its decision, the state’s highest court, in keeping with rulings from the Supreme Court and courts around the country, ruled that a Montgomery County ordinance banning fortunetelling is an unconstitutional restriction on protected speech.

PROTECTING PERSONAL PRIVACY

Protection from Warrantless Surveillance. The Maryland ACLU advocated for bills that would require a warrant based on probable cause to obtain Marylanders’ cell phone location information and that would prohibit law enforcement from using a specified tracking device to determine an individual’s location without a valid search warrant.

Electronic Health Records. The Maryland ACLU is working to ensure that Maryland’s new electronic health records law will protect patients’ privacy and include strong information security measures. We serve on the Health Information Exchange Network Policy Board as well as a state task force working to set standards for the electronic maintenance and sharing of health information.

Medical Marijuana. The Maryland ACLU supported state legislation to provide pain relief to those with severe medical issues and will continue to advocate for it in the 2011 General Assembly.

A MORE JUST CRIMINAL JUSTICE SYSTEM

Ending the Death Penalty. After significantly narrowing application of Maryland’s death penalty in 2009, the Maryland ACLU this year successfully opposed all attempts to broaden the statute and to circumvent due process rights.

Basic Medical Care for Detainees. The ACLU and the Public Justice Center celebrated a partial settlement with the State to bring important improvements in medical and mental health care provided to detainees at the state-run Baltimore City Jail. The agreement settles major portions of a longstanding class-action lawsuit. It requires that detainees receive responses to sick calls within 72 hours, jail officials provide ongoing treatment to detainees with chronic dis-

eases, an on-site psychiatrist be available to detainees five days a week, and detainees with disabilities receive necessary housing supplies.

STUDENTS’ RIGHTS

Student Military Testing Information. The Maryland ACLU helped enact legislation that ensures student Armed Services Vocational Aptitude Battery (ASVAB) test information is released to military recruiters only with parental consent. This ensures that students’ privacy rights are protected and that parents are the ones making the decision to release the information to military recruiters, not the schools.

Student Data Clearinghouse. The Maryland ACLU ensured that the state’s new student data clearinghouse – the Longitudinal Data System – is governed by strong protections for student privacy and security safeguards with meaningful oversight. Initially, the bill established a broad, open-ended, mandate to amass cradle to grave information on public school children with no defined purpose, limits, public oversight, accountability, or protections against misuse, abuse, or theft.

Bad Gang Bills. The Maryland ACLU supported legislation to strengthen gang prevention in Maryland without punishing young victims of gang violence and intimidation, or further eroding communities where gangs dominate.

KEEPING GOVERNMENT OUT OF RELIGION

Pork, or Parents? The Maryland ACLU defended a Muslim woman from Baltimore County who was denied a license to provide foster care for children because of her religious prohibition on pork products in her home. The case made national headlines and was even profiled on the “The Daily Show with Jon Stewart” on the cable network Comedy Central.

Religious School Vouchers. With broad grassroots support, the Maryland ACLU defeated a voucher bill disguised as a tax credit that would have funneled tens of millions of public dollars to private and religious schools. These schools have refused to adopt comprehensive nondiscrimination policies that protect access to education for all Maryland school children, and could not guarantee quality education opportunities would be expanded for low-income students.

Bearded Fire Medics. The Maryland ACLU represents three Orthodox medics from Baltimore County whose religious liberties were violated by the Pikesville Volunteer Fire Company when they were barred from

riding on calls because they refused to shave their beards on religious grounds.

EQUAL RIGHTS AT THE BALLOT BOX

Election Protection. The Maryland ACLU’s Election Protection program held an Election Day hotline in order to address problems for voters across the state. We also distributed 15,000 Maryland Voter Empowerment Cards through get-out-the vote campaigns and community groups throughout Maryland.

“Prisoners of the Census”. The Maryland ACLU partnered with the NAACP to win passage for first-in-the-nation civil rights legislation requiring that prisoner populations be counted in their home districts, not where they are incarcerated, to ensure fair representation during redistricting.

WOMEN’S RIGHTS AND REPRODUCTIVE RIGHTS

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

Girls in Juvenile Justice Project. The Maryland ACLU’s new initiative released a report by girls incarcerated at the Waxter Center in Laurel in order to shed light on poor treatment, services, and conditions of confinement, in an effort to address the plight of girls caught up in Maryland’s juvenile justice system. In Annapolis, ACLU also highlighted gender disparities in the juvenile justice system and promoted legislation mandating equal treatment. This work will continue in the coming year.

Victims of Domestic Abuse. The Maryland ACLU stood up for victims of domestic violence by working with the ACLU National Women’s Rights Project and Maryland advocates to pass a bill to enable victims of domestic violence or abuse to break their leases without penalty when they need to move for their safety.

SECURING RACIAL JUSTICE

Racial Disparities in Somerset County Government. The Maryland ACLU and the Somerset County NAACP advocated for long-overdue racial diversity in Somerset County government and celebrated history as the first African American ever was elected to county office in Somerset. This work was made possible by a report we released in 2009 questioning how and why Somerset County – with the third largest African-American population (42%) in Maryland –

maintained a government that was all white at the upper levels, just as it had for centuries.

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

In addition, the Maryland ACLU filed suit against the state police to demand records concerning its handling of a complaint about racial slurs left by a state trooper on the cell phone of a Somerset County woman.

FAIRNESS FOR THE LGBT COMMUNITY

Out-of-State Marriages of Same-Sex Couples. This year marked an important victory for LGBT rights. In February, Attorney General Doug Gansler issued a legal opinion that Maryland should recognize the valid marriages of same-sex couples performed in other states. Almost immediately, foes of fairness tried to reverse this gain through an ongoing legislative assault. But thanks to a hard-hitting response by Maryland ACLU and our allies, these attempts were swiftly defeated. The fight for full marriage equality will be continued in 2011, with many new friendly faces in the General Assembly following the fall statewide elections.

Access to LGBT Websites at Schools. The Maryland ACLU advocated for Harford County students by successfully demanding schools stop censoring educational websites on LGBT issues. In the aftermath of that victory we have been gathering information about filtering practices in school systems statewide, in order to address any other improper censorship.

Bullying. The Maryland ACLU helped re-write the Maryland State Code of Conduct and reviewed discipline issues surrounding bullying. This year we persuaded the Maryland Department of Education to develop a statewide bullying prevention conference. There, ACLU and its partners trained staff, teachers and administrators across the state on LGBT cultural competency and anti-bullying strategies.

Discrimination Based on Gender Identity. The Maryland ACLU was disappointed again this year when the General Assembly failed to expand

Maryland’s anti-discrimination statute to include gender identity and expression. The fight will continue for this compassionate measure to close an unjustifiable loophole in Maryland’s anti-discrimination law.

QUALITY EDUCATION IN PUBLIC SCHOOLS

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

Great Public School Buildings. The Maryland ACLU’s Education Reform Project works to ensure that every public school student in Maryland has a safe, healthy, and modern learning environment. Many students attend crumbling and outdated school buildings, which have a detrimental impact on student achievement and teacher retention, and undermine innovative reform initiatives. We developed and promoted an innovative plan to modernize antiquated and dangerous public school buildings in Baltimore City. The ACLU also organized parent groups to maintain a program that funds improvements for the state’s oldest school buildings.

FAIR HOUSING RIGHTS

Baltimore Housing Mobility Program. A fair housing program created through *Thompson v. HUD*, the Maryland ACLU’s landmark case filed in 1995 on behalf of 14,000 African American families in public housing, has been quietly and successfully helping more than 1,800 families voluntarily move from racially isolated public housing developments and other high-poverty neighborhoods in Baltimore’s inner city to communities of opportunity throughout the Baltimore region.

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

Families Banned. With national ACLU Women’s Rights Project, the Maryland ACLU successfully challenged the City of Annapolis Housing Authority over its policy of

Maryland



ACLU clients Tyrone Braxton and Evan Howard join Legal Program Administrator Amy Cruice at a picnic held in celebration of the victory we reached in the illegal arrests lawsuit against the Baltimore City Police Department, which includes important police practices reforms.

unlawfully banning residents’ family members and friends from visiting on the properties. Individuals were banned if they had been arrested, whether or not convicted or even charged with a crime. Worse still, banned individuals could be arrested again for trespassing if they were found on or near public housing. Residents allowing banned family members into their homes were subject to eviction, no matter the reason. Just in time for Thanksgiving, the parties reached a settlement that lifted the ban and allowed all of clients to enjoy the holiday together in their homes.

IMMIGRANTS RIGHTS

Immigrants Rights Project. The ACLU believes the U.S. immigration system is broken and that it is the responsibility of the federal government to fix it. We have been fighting local government anti-immigrant initiatives that threaten public safety by denying public services to immigrant communities, and targeting the communities for dragnet detentions and harassment. In Maryland, we successfully defeated several state anti-immigration bills, including the E-Verify program – a defective system that erroneously denies work to individuals who are eligible for those jobs – and legislation requiring all Maryland police agencies to deputize their officials to enforce federal immigration law as part of the flawed 287(g) program.

CHALLENGING POLICE PRACTICES

Stopped “Illegal Arrests.” The Maryland ACLU claimed victory with a court-ordered settlement of our lawsuit against Baltimore City Police Department for its policy of illegal arrests that affected tens of thousands of individuals. The settlement, which culminated more than a year of negotiations between the Baltimore City Police and our 13 clients, ensures outside monitoring and far-reaching reforms of the police department’s arrest policies.

Taser Review Project. The Maryland ACLU developed recommendations for law enforcement use of Tasers, especially in schools, and served on the Maryland Attorney General’s Task Force on Electronic Weapons, which produced strong recommendations for reform that we will advocate for in the 2011 Maryland General Assembly.

RIGHTS OF THOSE WITH DISABILITIES

Voting Rights. The Maryland ACLU, with our partners at the Maryland Disability Law Center, restored voting rights to individuals under guardianship for mental disability by getting repealed the outdated, illegal, and unconstitutional provision of state law that summarily barred such individuals from voting.

2010 YEAR IN REVIEW

ACLU of Maryland is deeply appreciative of all our donors who help us bring the promise of liberty and justice to life. The gifts acknowledged below are those \$1,000 and above made to the ACLU during fiscal year 2010 and a portion of calendar year 2010—April 1, 2009 to September 30, 2010. We also thank donors who made gifts below \$1,000 as well as those who wish to remain anonymous. Every effort has been made to assure accurate and complete listings of contributors. Apologies are extended for any inadvertent errors or omissions. Please advise us of any corrections.

and Freedom

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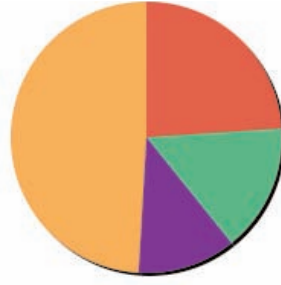
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FINANCIAL REPORT

ACLU OF MARYLAND OPERATING INCOME AND EXPENSES 2009-2010

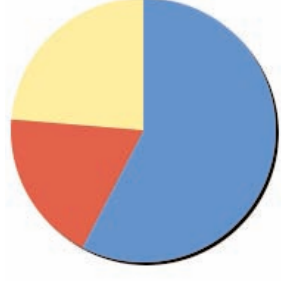
SUPPORT AND REVENUE:

Contributions	\$57
Membership	\$218,752
Restricted Grants	\$0
Investment Income and Other	\$139,342
Bequests	\$106,875
Transfer to Reserves	(\$448,041)
Total	\$16,985



EXPENSES:

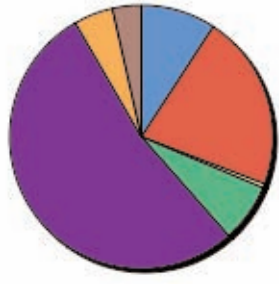
Program Services	\$9,789
Fundraising	\$3,172
Management and General	\$4,024
Total	\$16,985



ACLU FOUNDATION OF MARYLAND OPERATING INCOME AND EXPENSES 2009-2010

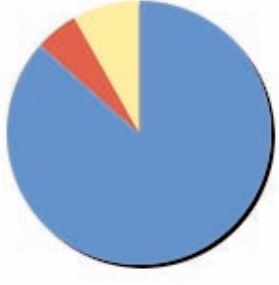
SUPPORT AND REVENUE:

Contributions	\$325,215
Restricted Foundation Grants	\$762,158
Bequests	\$18,074
Court Awarded Attorney Fees	\$253,495
In-Kind Legal Contrib.	\$1,875,859
Investment Income and Other	\$170,186
Transfer from Reserves	\$124,947
Total	\$3,529,934



EXPENSES:

Program Services	\$3,056,912
Fundraising	\$184,409
Management and General	\$288,613
Total	\$3,529,934



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

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GIVING TO THE ACLU

The ACLU and the ACLU Foundation are separately incorporated nonprofit organizations operating in Maryland. The ACLU Foundation conducts litigation and public education in support of civil liberties. The Foundation is a 501(c)3 tax-deductible organization, and contributions to it are deductible to the extent allowed by law. The ACLU conducts membership outreach and organizing, legislative advocacy and lobbying, and is supported primarily by membership dues. It is a 501(c)4 organization, which is tax-exempt, but donations to it are not tax-deductible.

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

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

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

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

GIFTS OF STOCK: To make a gift of stock via DTC transfer, ask your broker to send the securities to our Foundation account (30A121398) at T. Rowe Price, DTC #0443. Please call Natasha Lewis at (410) 889-8550 ext. 126 or (240) 274-5295 when you do, so your gift can be properly acknowledged.

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Foundation as beneficiary of part or all of your estate.

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

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CHARITABLE TRUSTS: You can establish a charitable trust which benefits the ACLU Foundation while providing tax advantages and a variety of financial planning options for you and your family.

For information about the many ways to support the ACLU, contact Natasha Lewis, Director of Development, at (410) 889-8550 ext. 126, (240) 274-5295, or lewis@aclu-md.org.

THANK YOU

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

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

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