



2011 THE YEAR IN REVIEW

Protecting Rights and Freedoms Realizing the Promise of Our Constitution



The ACLU of Maryland and the National ACLU are dedicated to both protecting our freedoms and promoting our rights. Like other state affiliates, the Maryland ACLU has a decisive role to play because threats to liberty arise locally. But, significantly, we do our state-level work within the context of a nationwide 50-state strategy – filing cases in strategic venues around the country and pressing for state legislation that will become a model for the nation.

Thankfully, our work is underwritten by thousands of ACLU members who understand that no battle for civil liberties ever stays won. This year once again we saw fear used to restrict liberty. Fear never actually makes us safer. It only denies people their rights and ideas, limits debate, and scapegoats individuals from minority religions, races and political belief systems.

Take the case of Bel Air, Maryland school officials who decided to censor – in violation of the First Amendment – a scene from a student production of the play, “Almost, Maine,” because it featured two male friends who realize they have fallen in love. Students Julia Streett and Kristine Vogt knew immediately that it wasn’t right.

The scene is sweet and funny – their favorite in the play – and contains no sexual activity or innuendo. The students knew that the only reason to cut it was fear of same-sex romance. So, they organized with other members of the Bel Air Drama Company, and they came to the ACLU for help.

The ACLU took quick action, explaining to school officials that deleting the scene infringed on the students’ free speech. The censorship decision was reversed just in time for opening night.

Julia and Kristine – who are active in their school’s Gay-Straight Alliance – believe it is important to speak out against discrimination. Because of their courage and resourcefulness, the staging of the uncensored play gave the school community an opportunity to better appreciate diversity and understand that love is not something to be feared.

At the ACLU our goal is always to make the promises of the Constitution and the Bill of Rights real for everyone in Maryland. And, thanks to the support of our members, supporters, and clients, our ability to realize this dream is stronger than ever.



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Protecting Rights and Freedoms Realizing the Promise of Our Constitution



ACLU advocated for the First Amendment rights of local “Occupy Wall Street” protestors by distributing Know Your Rights materials on the street and online, and by encouraging Baltimore City officials to allow an ongoing demonstration at the Inner Harbor.

DEFENDING FREE SPEECH

“Occupy” Protests. The nation watched as protesters occupied a park near Wall Street in New York City for months, seeking attention for what they call a greedy and unjust financial system. We also watched the NYPD conduct mass arrests and use pepper spray and controversial crowd control tactics. When the movement came to Maryland, the ACLU educated “Occupy Baltimore” about its right to protest and passed out copies of ACLU’s Know Your Rights pocket card for encounters with police. We also reached out — with success — to lawyers for the Baltimore Police Department to prevent the kinds of abuses we’ve seen in New York. Our goal is to foster First Amendment-friendly situations wherever and whenever demonstrations happen in Maryland.

LBGT Censorship. The ACLU took quick action after drama students from Bel Air High School in Harford County came to us concerned that a sweet, funny scene in their production of “Almost, Maine” was censored because it featured two male friends who fall in love. The students and the ACLU scored a just-in-time victory after we sent a letter to school officials detailing how students’ First Amendment rights were violated.

Recording the Police. The Maryland ACLU filed suit against the Baltimore City Police Department for the detention and harassment of a man who took video of officers roughing up his acquaintance during the Preakness Stakes in 2010 and then deleting his personal videos, including irreplaceable ones of his young son. We are concerned that the city police routinely violate the First Amendment by threatening citizens who try to record police encounters.

Harassment of Photographers. The Maryland ACLU threatened to sue the Maryland Transit Administration on behalf of two hobbyist photographers for failing to address a disturbing practice of illegally harassing people for taking photos and videos. The ACLU wanted MTA officers and employees to know that photography in public places is perfectly legal and is in fact protected by the First Amendment. The MTA apologized to our clients and agreed to make sure officers respect the rights of photographers going forward.

Voter Registration. The Maryland ACLU scored a federal court victory on a Maryland Transit Authority regulation that severely restricted the First Amendment activities of volunteers who were attempting to register voters at bus stops and subway stations. Not only did the court find that the MTA’s regulation was unconstitutional, it awarded attorneys’ fees to the ACLU, holding up the case as an example of why awarding fees for civil rights cases is important.

“THE ACLU DOES MANY GREAT THINGS TO ENSURE THAT WE CONTINUE TO ENJOY FREEDOMS THAT ARE AFFORDED TO EACH & EVERYONE ONE OF US. ... I WOULD LIKE TO THANK EACH & EVERYONE OF YOU NOW FOR YOUR SUPPORT OF THE ACLU.”

- One of the ACLU of Maryland’s many “friends” on the social media site Facebook. His unsolicited comment was in response to an ACLU online action alert in support of the freedom to marry for same-sex couples.



Sonia Kumar, directing attorney for the ACLU of Maryland juvenile justice project, is a winner of the Daily Record’s “Very Important Professionals, Successful by 40” award.

ments 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 is in court demanding that the state police hand over records concerning the department’s handling of an ACLU charge that a state trooper left racial slurs on the cell phone of a Somerset County woman.

Remembrance of Lynching. The Maryland ACLU joined with the George Armwood Remembrance Coalition to pay tribute to the memory of the last person lynched in Maryland. Armwood was an uneducated farm worker accused of assaulting a white woman in Princess Anne, MD in 1933. There has long been misunderstanding and misinformation about what happened, and the coalition event fostered education, understanding, and reconciliation.

RELIGIOUS LIBERTY

Vouchers. The ACLU of Maryland joined with a broad coalition to defeat a voucher bill, the “BOAST” bill. Disguised as a tax credit, it could have funneled tens of millions of dollars to private and religious schools. These schools have refused to adopt comprehensive nondiscrimination policies to protect access to education for all Maryland school children and could not guarantee quality education opportunities would be expanded for low-income students.

QUALITY EDUCATION IN PUBLIC SCHOOLS

Adequate and Equitable Funding. The ACLU’s Education Reform Project provided key leadership in a successful campaign to restore K-12 funding, which had been cut in the Governor’s proposed budget. The unprecedented reduction in per pupil allocations would have rolled education spending back to levels below those of FY08. This would have forced school systems to cut teacher positions and lose other important programs, such as after-school programs.

ACLU helped organize lobby nights, rallies, and calls to legislators, asking that the education budget be made whole. With passage of the alcohol tax to assist with additional funding, most of the budget cuts were turned back, although the General Assembly’s failure to include increases for inflation will necessitate some school system cuts. In the end the General Assembly and its budget committees bowed to the ACLU’s argument that the Maryland Constitution required restoring core education funding.

School Facilities. The Maryland ACLU played a key role in launching the Transform Baltimore Campaign,



Diverse speakers and guests joined hands at the George Armwood Remembrance in Princess Anne, MD in October. ACLU partnered with a local coalition in Somerset County to foster education and reform on the anniversary of the last lynching in Maryland, in 1933, of George Armwood, an uneducated farm worker.

along with a coalition of Baltimore educators and activists who are dedicated to a new vision for city school facilities. The campaign calls upon elected officials and decision-makers at city, state, and federal levels to adopt and implement a funding plan to renovate and modernize all public school buildings in Baltimore City within eight years.

RIGHTS OF YOUNG PEOPLE

Juvenile Curfew. The Maryland ACLU pressed the Montgomery County Council to reject a proposed juvenile curfew that would violate the fundamental liberties of innocent people. The ACLU also opposed a counter-proposal to enact an unconstitutional loitering law in the county. Curfews criminalize innocent conduct and infringe on the rights of both young people and their parents. Both proposals would also likely lead to racial profiling. The ACLU’s track record with such laws reveals that these laws are disproportionately used against minorities.

School Suspensions. The Maryland ACLU and the Open Society Institute-Baltimore confronted the Maryland State Board of Education about its harsh and ineffective discipline policies. There is a disproportionately high level of suspensions for students of color in Maryland public schools, and there had been little progress to address the problem. Suspensions increase a student’s likelihood of dropping out, increase juvenile justice involvement, and carry mental health and physical safety risks.

FAIR HOUSING

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 almost 2,000 families voluntarily move from racially isolated public housing developments and high-poverty neighborhoods in Baltimore’s inner city to communities of opportunity throughout the Baltimore region.

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

Discriminatory and Exclusionary Local Housing Policies. The Maryland ACLU joined the national NAACP and other groups in filing an administrative complaint

with HUD against Baltimore County. We are concerned that the county has accepted \$91 million in federal housing funds while perpetuating segregation and systematically discriminating against African Americans, families with children, and disabled families through a series of actions, such as excluding affordable housing from areas of opportunity in the county, failing to conduct a legally required analysis of impediments to fair housing in the county, steering federal funds to homeownership and senior housing to the exclusion of affordable and accessible family housing, and actively reducing the supply of rental housing in the county.

WOMEN’S RIGHTS

Denial of Shelter Beds to Homeless Women. Concerned that homeless women’s lives were endangered because Baltimore City only provides overflow shelter beds to men, the Maryland ACLU and Homeless Persons Representation Project wrote to the Mayor asking for immediate intervention. The City has acted with disregard both for the safety of vulnerable women and for their equal protection rights guaranteed by the state and federal constitutions.

Domestic Violence Crimes. The Maryland ACLU supported the successful effort to pass legislation that bars property and casualty insurance companies from discriminating against victims of violent crimes. This practice particularly impacts women who are victims of domestic violence, and the bill helps ensure that victims are not punished for their batterer’s acts.

Anti-Choice Legislation. There was a new, more aggressive, and more dangerous wave of anti-women, anti-choice bills this session in Maryland that mirrors what ACLU affiliates have seen across the country. Yet, we defeated all of the attempts to infringe on women’s reproductive freedom and to limit access to abortion for all women, and we helped support long-awaited and much needed reproductive family planning protections for Maryland’s low-income women.

FAIR ELECTIONS

Property Ownership Requirement. The Maryland ACLU took action when we learned that the town of Mardela Springs was requiring that candidates for local office own property in the town. Some voters misinterpreted the law to mean that you had to own property even to vote. We demanded that officials immediately rescind the blatantly unconstitutional requirement, and the town complied.

Unconstitutional Barriers to Voting. The Maryland ACLU joined with the Dorchester County Branch of the NAACP to defeat a discriminatory voting law proposed in Hurlock, MD. The proposal would have

“I AM VERY BLESSED AND GRATEFUL FOR THIS PROGRAM. IT ALLOWED ME TO KEEP MY OWN HOME WHILE I WAS OUT OF WORK. MY CHILDREN ARE SUCCEEDING WELL THANKS TO A NEW COMMUNITY. I JUST CAN’T SAY THANK YOU ENOUGH.”

- A participant in the Thompson Housing Mobility Program, which was established as a result of the ACLU’s landmark civil rights case, Thompson v. HUD. Almost 2,000 families have voluntarily moved from racially isolated public housing developments in Baltimore’s inner city to communities of opportunity with access to jobs, transportation, and good schools for their children throughout the Baltimore region.

added unconstitutional hurdles to exercising the right to vote by requiring a photo ID to cast a ballot. Such requirements erect barriers to voting for those who are poor, elderly, and minority.

Online Referendum Petitions. The Maryland ACLU asked the State Board of Elections to scrutinize the online petitioning system used to gather signatures in a referendum campaign organized against the Maryland Dream Act. The ACLU questioned whether the first online system of its kind was legal and sufficiently protected against fraudulent signatures to warrant its present and future use. The system pre-fills information for voters based on very basic personal data and one person could easily generate petitions for multiple voters and submit them to the SBE for validation.

A MORE JUST CRIMINAL JUSTICE SYSTEM

Maryland’s Bloated Prison System. The Maryland ACLU is championing bills to tackle mass incarceration and to reduce our bloated prison system. The state’s incarceration rate has tripled since 1980, disproportionately affecting communities of color and significantly impacting the state’s financial resources.

Last session, conservatives and liberals came together on a number of bills aimed at spending less money on prisons. One proposal the ACLU successfully supported provides a system of graduated sanctions as alternatives to automatic incarceration for people who commit technical parole violations. That idea passed as a pilot program in two counties and will hopefully be expanded for the whole state.

The ACLU promoted legislation to require the Governor to make a timely decision on applications for parole by those serving life with the possibility of parole. The Governor has 180 days to veto the parole commission’s decision if he does not want the individual released. ACLU also supported two proposals that would steer the state away from locking up individuals for nonviolent offenses, a costly practice that is a significant factor in the overrepresentation of minorities in the criminal justice system. One bill would reform harsh mandatory minimum sentences for drug offenses and offer drug treatment as an alternative. Another bill would make possession of small amounts of marijuana a civil offense subject to a fine instead of prison time.

Equity for Girls. Due to Maryland ACLU’s advocacy, the Department of Juvenile Services must now report to the General Assembly about how they will use their existing resources to improve services and programs for girls and bring them up to at least the level provided to boys. Attention to this issue has already caused the DJS to open up evening reporting centers

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ACLU of Maryland staff attorney David Rocah was a recipient in the first annual James Baldwin Medal & Civil Rights Awards, given by The Anthony McCarthy Show for leaders who have been active in the ongoing pursuit of civil and human rights for all people.

for girls in Baltimore and to move the girls who are long-term in the system out of a troubled facility. Now, we are working with girls, advocates, and the state to expand alternatives to detention for girls and to identify how to reduce the number of girls going into residential placements for low-level offenses.

Death Penalty. The Maryland ACLU joined allies in continuing to advocate for repeal of capital punishment.

PROTECTING PERSONAL PRIVACY
Facebook Friends with Government? The Maryland ACLU called on the Maryland Division of Corrections to rescind a policy demanding personal social media passwords from individuals applying for jobs or interviewing for recertification. We represented a man who had to turn over his private Facebook login information when he was recertified after taking leave when his mother died. Maryland's prison agency revised its policy, and now the ACLU is championing passage of a bill that would prohibit employers from asking for personal user names and passwords.

Electronic Health Records. The Maryland ACLU is working to ensure that the state's new electronic health information exchange will protect patients' privacy and will include strong information security measures. The ACLU serves 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.

IMMIGRANTS' RIGHTS
Anti-Immigrant Initiatives. The Maryland ACLU worked with partner groups to successfully defeat numerous anti-immigrant bills, from an Arizona-style bill allowing officers to ask anyone for their citizenship papers to a bill requiring all Maryland police agencies to deputize their officials to enforce federal immigration law as part of the flawed 287(g) program. We helped pass the Maryland Dream Act, which would allow talented students, regardless of immigration status, to attend Maryland colleges and Universities at in-state tuition rates. Students who qualify for in-state tuition rates under this legislation must have attended and graduated from a Maryland high school, must have paid taxes and must promise to file an application to become a permanent resident.

The Maryland ACLU also spoke out in support of a Montgomery County resolution against participating in the anti-immigrant "Secure Communities" program. The resolution sought to condemn the federal deportation program that requires officers to run fingerprints through an immigration database when individuals are arrested and booked for any offense, even minor traffic infractions.

THANK YOU

ACLU of Maryland is deeply appreciative of all our donors who help us bring the promise of liberty and justice to life. The gifts acknowledged below are those \$1,000 and above made to the ACLU during fiscal year 2011 plus a portion of calendar year 2011—April 1, 2010 to September 30, 2011. We also thank donors who made gifts below \$1,000 as well as those who wish to remain anonymous. Every effort has been made to ensure accurate and complete listings of contributors. Apologies are extended for any inadvertent errors or omissions. Please advise us of any corrections.

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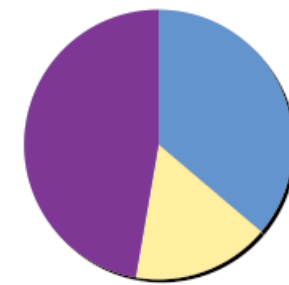
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ACLU OF MARYLAND OPERATING INCOME AND EXPENSES 2006-2007

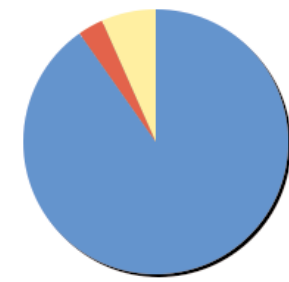
SUPPORT AND REVENUE:

Membership	\$237,200
Investment Income and Other	\$108,483
Transfer to Reserves	(\$309,957)
Total	\$35,726



EXPENSES:

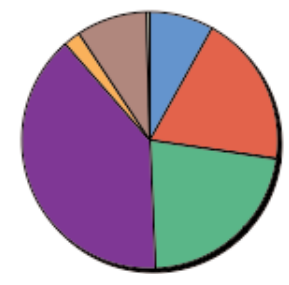
Program Services	\$32,244
Fundraising	\$1,105
Management and General	\$2,377
Total	\$35,726



ACLU FOUNDATION OF MARYLAND OPERATING INCOME AND EXPENSES 2006-2007

SUPPORT AND REVENUE:

Contributions	\$310,023
Restricted Foundation Grants	\$736,527
Bequests	\$3,166
Court Awarded Attorney Fees	\$841,782
In-Kind Legal Contrib.	\$1,504,308
Investment Income and Other	\$81,643
Transfer to Reserves	(\$341,955)
National ACLU Share	\$16,987
Total	\$3,152,481



EXPENSES:

Program Services	\$2,626,892
Fundraising	\$192,561
Management and General	\$333,028
Total	\$3,152,481



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

MONTHLY GIFTS: Your gift of \$10, \$25 or \$50 per month goes 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 Susan Morseth at (410) 889-8550 ext. 126 or (240) 472-6976 when you do, so your gift can be properly acknowledged.

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

THANK YOU

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

We thank all our supporters, including volunteers who join us out of a deep sense of justice and fairness. The ACLU is much more than an organization—it is a movement of people fighting for a better society. Thanks for standing along with us.

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