

# **2015:** Thinking Big and Standing Strong for Rights

FRONT COVER: ACLU of Maryland staff members Aisha Springer, Gary Therkildsen, Arletta Bussiere (now at law school), and Sonia Kumar, joined by volunteer Georgia Parker, center, demonstrate for justice following the death in police custody of Freddie Gray.

### **Dear Members and Supporters:**

As 2015 draws to a close, the American Civil Liberties Union of Maryland prepares to celebrate its 85th year. Since March 8, 1931, the ACLU of Maryland has been on a mission to breathe life into the U.S. Bill of Rights, the Maryland Declaration of Rights, and civil rights laws. This year we reflect on lessons learned.

In 1931, no criminally accused person in any state court had the right to appointed counsel. Threats of lynching were rampant on Maryland's Eastern Shore. A fledgling Maryland ACLU represented Euel Lee, a Black man charged with murder, threatened with lynching, and denied counsel. The ACLU won a change of venue, though sadly he was executed. The 1940s saw our first Supreme Court case, in which we argued that Smith Betts, a Black man who was tried and found guilty of robbery, should have had benefit of counsel. The court disagreed. Not until 1963 did it overturn Betts v. Brady.

Securing rights through the courts can be an important foundation for a civil rights movement. In 1939, the National ACLU convinced the Supreme Court in the case Hague v. CIO that a ban on political meetings violated the First Amendment. That early First Amendment case was a foundation for ACLU of Maryland victories in the 1960s and 1970s when we represented:

- Maryland Planned Parenthood, which was forced to cancel a meeting because the Catholic archdiocese objected;
- Protesters, including Jane Fonda, soliciting signatures on an anti-war petition among soldiers at Fort Meade;
- United Farm Workers picketing for a grape boycott;
- People for the Ethical Treatment of Animals protesting a circus;
- Students forced to say the Pledge of Allegiance;
- Homeowners touting political yard signs; and
- One fledgling filmmaker, John Waters, who was sprung from jail by ACLU Legal Counsel Elsbeth Bothe after filming a nude scene for the film Mondo Trasho.

We've learned that it's important to think big. Until the 1970s, our successes were largely modeled on vindicating individual rights. But Maryland's legacy of Jim Crow perpetuates institutional racism even in the absence of racist individuals. Beginning in the 1980s, the ACLU mounted cases on behalf of thousands of Black Marylanders, addressing institutional racism:

- Challenging the state police policy of stopping motorists for "driving while black;"
- Securing more than \$1.1 billion in additional state funding to help the state's poorest children get educated;
- Pressing HUD to cease decades of discrimination against Black families in public housing:
- Bringing voting rights suits that enabled Black candidates on the Eastern Shore to win elected seats for the first time.

ACLU founder Roger Baldwin warned "No battle for civil liberties ever stays won." The ACLU of Maryland was birthed amid abuses of power. Now we face new abuses in the form of police-involved killings, lack of police accountability, government secrecy, and more.

We are actors in a rerun, with many rights won in previous generations now threatened again. ACLU stands on the front lines, strong and edified by lessons learned over 85 years.

Coleman Bazelon, Board President Susan Goering, Executive Director



# Ongoing

ACLU defended the First Amendment rights of those across the state forced to say the Pledge of Allegiance.

# 1949-50

ACLU fought the
Maryland Subversive
Activities Act of 1949
(aka the Ober Law), the
most stringent loyalty
test in the United States.

# 1960s

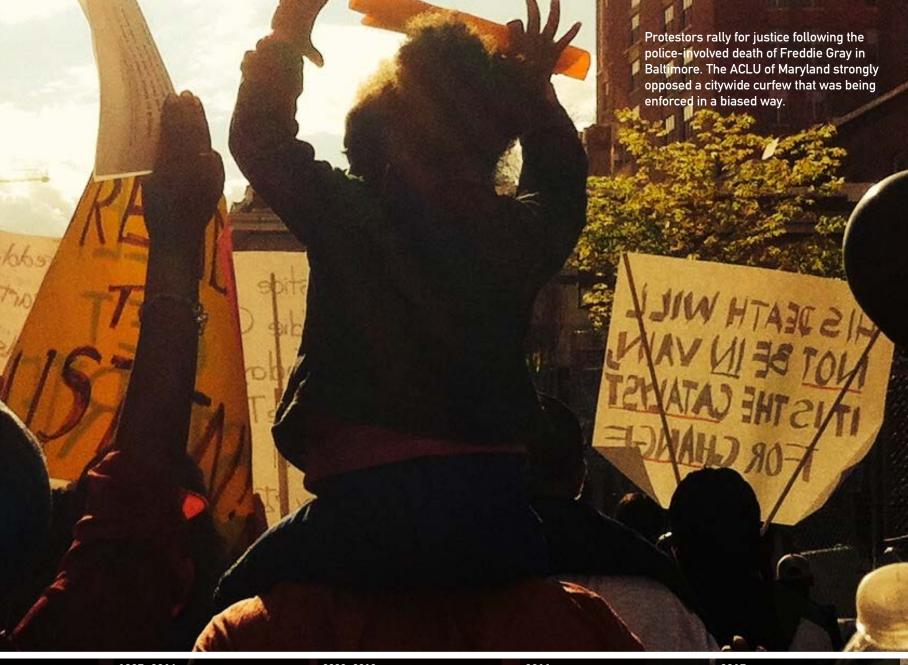
ACLU defended many picketers arrested for demonstrating against segregated conditions at parks, restaurants, and other public venues.

# 1970s

ACLU defended the right of Black Panthers to distribute printed materials that advocated the overthrow of government.

# 1988

John Norf right to se alternative Anonymou judge's DV



olk won the cular to Alcoholics us as part of VI sentencing. 1995-2014

ACLU successfully – and repeatedly – sued to defend the rights of entertainers to perform for beachgoers on Ocean City's famous Boardwalk.

2003-2013

ACLU sued on behalf of peace group Women in Black, reaching settlement that greatly expanded the right to protest in Baltimore.

2011

ACLU saved the production of a high school play in Harford County that had censored a scene that featured a same-sex couple.

2015

ACLU called on Baltimore mayor to lift citywide curfew following the police-involved death of Freddie Gray and subsequent protests.



# 1931

Maryland Civil Liberties Committee formed partly in response to arrests and deportations of immigrant workers (particularly Russians) for labor organizing activity.

# 1992-1993

ACLU successfully represented 13 Mexican migrants who were exploited by their crab-packer employer, who threatened them with deportation for complaining.

### 2002

ACLU monitored "special registration" of immigrants from predominantly Muslim countries in the wake of post-9/11 "War on Terror" activities.

### 2005-2013

ACLU helped ensure that as many immigrants as possible have access to driver licenses under the federal "REAL ID" Act. 2011-2012
ACLU sup
DREAM A
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# 2013-Present

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ACLU issued report, "Restoring Trust," and initiated a statewide campaign to end enforcement of immigration detainers by local police agencies in Maryland.

ACLU successfully persuaded many local police departments to heed federal court advice making clear that they may not arrest or detain individuals solely based on a civil immigration warrant.

ACLU successfully advocated for Maryland counties to stop participating in ICE detentions without a warrant.

2015-Present **ACLU** represents individuals being held in detention for long periods and threatened with deportation, all for minor infractions.



ACLU won change of venue for Orphan Jones (aka Yule Lee), a Black man charged with murder, threatened

with lynching in jail, and denied counsel.

1942

ACLU challenged denial of counsel for Smith Betts, a Black man charged with robbery.

1970s

**ACLU** sued Prince George's County jail for overcrowding, censorship, poor conditions.

1987-90

ACLU got three Eastern Shore jails closed down, two of which dated back to the civil war and one of which once imprisoned Frederick Douglass.

1991

**ACLU** brought or the nation's first under the Ameri with Disabilities representing inn a Hagerstown pi



cases cans Act by nates at ison.

Maryland's first execution in 32 years.

pushed for a state study on racial disparities in death sentences, which led to temporary moratorium. Death penalty was abolished in 2013. reform Maryland's system of solitary confinement, especially for individuals suffering from mental illness.

Odell Newton, sentenced at 16 to life with the possibility of parole, but still in prison decades after he was first recommended for parole.



March 8, 1931 ACLU founded as Maryland Civil Liberties Committee partly in response to several police complicit lynchings on the Eastern Shore.

1970s **ACLU** represented people jailed for violating Baltimore City-imposed curfew following the death of Martin Luther King, Jr. and the uprising

that occurred.

1993-2006

**ACLU** sued Maryland State Police for written policy and practice of racial profiling of African American motorists ("Driving While Black").

2006 **ACLU** sued Baltimore Police Department over the "illegal arrests" of tens of thousands of individuals, mostly Black.

2008 ACLU exposed M State Police's spy peaceful protesto illegally gatherin information abou in databases sha federal agencies

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TO THIS :





aryland ving on ors and g ut them red by 2010
ACLU sued on behalf of
Eastern Shore woman
unable to find out what
discipline the Maryland State
Police imposed on a trooper
who left racial slurs on her
phone.

2011
ACLU successfully
challenged Baltimore
police officers' seizure
of a man's phone, which
contained video of misconduct. The case set a
national precedent.

2013
ACLU published, "The Maryland War on Marijuana in Black and White," a report exposing racial bias in marijuana possession law enforcement.

2015
ACLU published a briefing paper detailing 109 deaths in police encounters in Maryland over a 5 year period, 70 percent of whom were Black and 40 percent of whom were unarmed.

1944-45
ACLU represented
Maryland League for
Planned Parenthood
after it was forced to
cancel a Baltimore
City-funded "Marriage
Counseling" meeting due
to Catholic opposition.

1987-90 ACLU pressed large and influential private clubs to cease discriminating on the basis of gender, race and religion.

1992
ACLU successfully
helped defend against
the "Question 6"
referendum, which
challenged a recent
Maryland law supporting
a woman's right to make
abortion decisions.

2002-2003
ACLU sues to keep
women detainees from
dying in overheated
Baltimore City jail.





ACLU successfully advocated for marriage equality for lesbian (and gay) couples and their families in the courts, the legislature, and ultimately at the ballot box.

#### 2010

ACLU published "Caged Birds Sing." a report by girls detained in the dangerous Waxter facility in Laurel.

2013-Present ACLU fights to protect pregnant workers from discrimination in the workplace.

#### 2014

ACLU won reform of Maryland's practice of shackling pregnant incarcerated women during labor, delivery and post-partum recovery.

#### 2014

ACLU helped push for state law protecting transgender women (and men) from discrimination in employment, housing, places of public accommodation.

# Realizing a future of opportunity for families

Thousands of families have applied for and successfully moved through the Baltimore Housing Mobility Program, which provides access to quality housing in mixed-income neighborhoods with low poverty rates, quality schools and access to employment and increased quality of life throughout the region.

1995

ACLU sued HUD,
Baltimore City and
Housing Authority to
remedy nearly a century
of government-imposed
segregation in public
housing.

### 1996

That lawsuit partially settled with a plan to demolish high rise projects and create replacement housing throughout the Baltimore region.

# 2003

The Baltimore Housing Mobility Program launched to provide low-income families with new housing choices and greater mobility throughout the Baltimore region.

# 2005

Federal court held HUD responsible, ruling that racial segregation is "a regional problem."

# 2006

ACLU and N Legal Defer went to cou regional ho solutions.



IAACP se Fund rt seeking using

# 2011

The ACLU and allies filed a complaint against state use of federal affordable housing funding in ways that perpetuate segregation in the Baltimore region.

# 2011

The ACLU and allies challenged Baltimore County's longstanding exclusion of affordable housing that serves African Americans, families with children, people with disabilities.

The settlement of ACLU's long-running fair housing lawsuit, Thompson v. HUD, ensured the continuation of the successful Baltimore Housing Mobility Program.

# 2015

The Supreme Court upheld Fair Housing Act protections that make possible diverse, prosperous, inclusive communities.



# 1992-1997

ACLU successfully sued Somerset County after the contract with its first African-American school superintendent was not renewed, with no reason given.

# 1994

ACLU brought class action lawsuit, Bradford v. Maryland State Board of Education, under the state constitution for failure to provide an adequate education to children in Baltimore City, whose test scores and graduation rates were far below state standards.

1998-Present **ACLU formed "Public Funds** for Public Schools Coalition" and spearheaded effort to fight statesubsidized texts, other government funds for private/religious schools.

# 2002

The ACLU's success in the Bradford lawsuit propelled passage of the historic \$1.3 billion Bridge to Excellence in **Education Act** ("Thornton" formula).

2010 ACLU r "Buildi Excelle an inno plan fo renova

Baltim



released a report, ngs for Academic ence," outlining ovative, ambitious r rebuilding and ting schools in ore City.

2012

ACLU played a key role in passage of new state school discipline regulations that seek to eliminate zero tolerance policies.

# 2013

The ACLU celebrated victory when landmark \$1 billion Baltimore City public school construction bill was passed by General Assembly.

# 2014

ACLU joined the State Stakeholder Group to advise on a study re-evaluating Maryland's education funding formula.

#### 2015

ACLU called for restorative justice approach to student discipline in wake of Freddie Gray uprising and challenged arming the Baltimore school police with guns.



# C560



Altitude

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(C560)



Aircraft Cessna 560 Citation V

Vertical Speed

7,812 ft	-1280 fpm	
Speed 204 kt	Track 117°	
Latitude	Longitude	

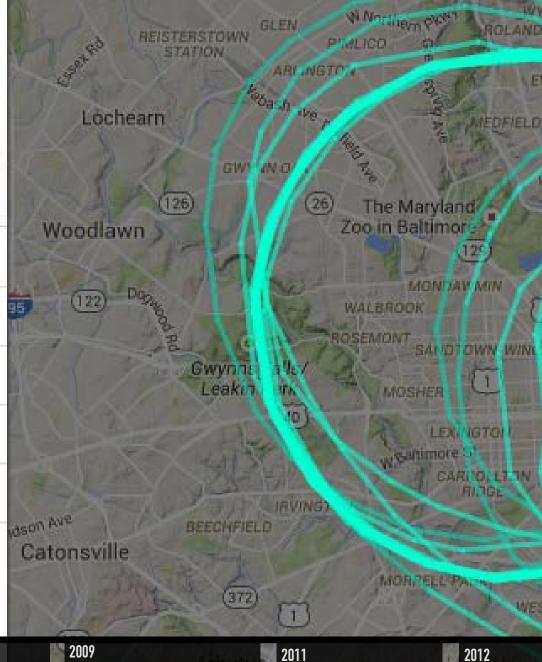


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# 2007 ACLU opposed HIV testing without consent.

2008-Present
ACLU opposed law
mandating that DNA be
collected without a warrant
whenever an individual is
arrested.

ACLU fought for privacy protections in Maryland's electronic health records program.

ACLU spoke out against web programs in government schools that filter out LGBT content.

2012
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interview.

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ate during an of license plate scanners.

track a person's location using an electronic device. such as a cell phone.

**Baltimore Police** Department.

international internet communications.

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# 2014-2015 FINANCIAL REPORT

# ACLU OF MARYLAND FOUNDATION SUPPORT & REVENUE

# Contributions \$466,063 Restricted Foundation Grants \$1,472,804 Bequests \$0 Court Awarded Attorney Fees \$2,186,910 In-Kind Legal Contributions \$697,659 Investment Income and Other \$119,827 Transfer to Reserves \$3,183,307

# **EXPENSES**

Program Services	\$2,686,210
Fundraising	\$215,524
Management and General	
Total	\$3,183,307

# ACLU OF MARYLAND SUPPORT & REVENUE

Membership	\$235,290
Contributions	\$0
Restricted Grants	
Bequests	\$40,000
Investment Income and Other	\$163,447
Transfer to Reserves	(\$421,210)

Total ...... \$17,527

### **EXPENSES**

Program Services	\$13,418
Fundraising	\$1,755
Management and General	\$2,354
Total	\$17.527

# Make a Gift

A contribution to the ACLU of Maryland is a powerful action. It ensures the defense of justice, liberty, and the freedoms guaranteed by THE BILL OF RIGHTS. You support it. We defend it.

The ACLU of Maryland comprises two organizations:

- Gifts to the American Civil Liberties Union of Maryland qualify for ACLU membership and for support of our legislative work, including the lobbying of the Maryland State Legislature and of Congress. These gifts are not tax deductible. To make an online membership donation, please go to: aclu-md.org and click, "BECOME A MEMBER."
- Gifts to the American Civil Liberties Union of Maryland Foundation support our litigation, public education,

and non-public policy advocacy. These gifts are tax deductible. To make an online Foundation donation please go to: aclu-md.org and click, DONATE NOW.

To donate via mail, please make your check payable to American Civil Liberties Union of Maryland or American Civil Liberties Union of Maryland Foundation and send to:
ACLU of Maryland
Ste. 350, 3600 Clipper Mill Rd.
Baltimore, MD 21211-1995.

To give a gift of stock via DTC transfer, please ask your broker to send securities to our Foundation account (30A121398) at T. Rowe Price, DTC #0443 or to our Union account (30Q051390) at T. Rowe

Price, DTC #0443. Please contact the ACLU of Maryland office (410-889-8550 x126) to advise us of your gift.

# **Leave a Lasting Legacy**

Join a special group of ACLU of Maryland supporters who have included the ACLU in their estate plans, thus ensuring the future of our work.

For information about additional giving opportunities, please contact Susan L. Morseth, Director of Philanthropy, at 410–889–8550 x126, morseth@aclu-md.org.

# **DeSilver Society Members**

The ACLU of Maryland is grateful for the foresight of its DeSilver Legacy Society members. Their future bequests or life income gifts will help ensure that the ACLU will continue to serve as the nation's frontline defender of the Bill of Rights through the years to come.

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# **Mission Statement**

The Maryland ACLU works to ensure that all people in the state of Maryland are free to think and speak as they choose and can lead their lives free from discrimination and unwarranted government intrusion. We are guided in our work by the United States Bill of Rights and the Maryland Declaration of Rights. The Maryland ACLU acts without partisanship to achieve these goals.



**ACLU of Maryland staff and interns during the summer of 2015** 

(From left to right) Cordou Keita, Bebe Verdery, Frank Patinella, Meredith Curtis, Elizabeth Leman, Kaitlin Leary, Nazanin Salehi, Sara Movahed, Taisha Gainor, Brittany Oliver, Susan Goering, Aisha Springer, Sonia Kumar, Deborah Jeon, Susan Morseth, Kimberly Humphrey, Crystal Lee, Tyshania Campbell, Isabella Lee, David Rocah, and Toni Holness. Not included in photo: Amy Cruice, Jordan Dorsey, Gina Elleby, Donté Kess. Sara Love, Barbara Samuels, Hakim Scott, Sirine Shebaya, Nick Steiner, and Gary Therkildsen. Photo credit: Jason Lee, father of intern Isabella Lee, www.jasonleephotography.com.

For nearly 85 years, the ACLU of Maryland has been a champion of liberty, justice, and equality.

Thank You for Standing with Us.



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