



May 2, 2015

Via Electronic Mail

Mayor Stephanie Rawlings-Blake
Office of the Mayor
250 City Hall
100 N. Holiday Street
Baltimore, Maryland 21202

Dear Mayor Rawlings-Blake:

I write on behalf of the American Civil Liberties Union of Maryland to express our grave concern about the continuation of the curfew and the manner in which it is being enforced. It has now become clear that the curfew is serving as nothing more than a tool for curtailing the First Amendment rights of peaceful demonstrators, legal observers, and the news media. Indeed, the curfew itself has become the target of protest and the source of new problems rather than a solution. Further, the curfew is having a dramatic effect on the ability of Baltimore residents to simply go about their daily lives free from the fear of arbitrary arrest. We therefore once again strongly urge you to lift the curfew immediately.

For at least two days now there have been no reports, to our knowledge, of any significant violence at gatherings and demonstrations around the city. Nonetheless, last night police showed up at City Hall in great numbers, dressed in full riot gear, to break up a *peaceful* assembly of about 100 individuals. In total, police arrested at least 53 protesters yesterday, including at least 15 of the people gathered at City Hall. Police also interfered with news media outlets that were attempting to cover the arrests, even though the terms of the curfew allow them to be present in the street past curfew hours in order to cover events as they unfold.¹ Even more disturbingly, police suddenly revoked permits that had previously been issued to legal observers, forbidding them from witnessing and documenting police actions against peaceful demonstrators and the media after curfew hours.² These actions appear to serve no purpose other than to stop protected First Amendment activity and to quash coverage of police activity during the hours the curfew is in effect. Moreover, numerous residents have expressed concern that the curfew is being enforced arbitrarily and selectively. These actions raise serious constitutional concerns and needlessly engender the same kind of hostility and tension that have led to the breakdown of community/police relations in our city.

Reported incidents of discord over the past two days all seem to have a single feature in common: large numbers of fully-armed police officers appearing at a peaceful scene and turning citizen gatherings into scenes of flight, arrest, and chaos. At this stage, the curfew, particularly in

¹ Timothy Burke, Cops Shut Down CNN Broadcast. Reporter: "Are We Under Martial Law?" The Concourse, May 1, 2015, available at <http://theconcourse.deadspin.com/cops-shut-down-cnn-broadcast-reporter-are-we-under-m-1701657823/+bubbaprog>.

² Amnesty International Press Release, Baltimore: Human Rights Observers Must Be Allowed to Observe Past Curfew Hours, <http://www.amnestyusa.org/news/press-releases/baltimore-human-rights-observers-must-be-allowed-to-observe-past-curfew>

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conjunction with the visible presence of military personnel and vehicles, has clearly become a source of resentment and frustration among Baltimore residents. As Senator Bill Ferguson observed last night via Twitter, the “costs are outweighing the benefits.” Yesterday’s events highlight the urgency of ending these restrictions, which have become nothing more than a pretext for inappropriate police conduct and curtailment of the First Amendment rights of peaceful protestors, the media, and legal observers. The curfew is not necessary to allow police to intervene in acts of actual lawbreaking, nor is it a necessary tool to allow police to take peaceful and reasonable actions to ensure that protestors and traffic can co-exist on city streets. Instead, it is an extraordinary measure that has outlived any necessity and usefulness it may previously have had. We therefore once again join the chorus of voices calling for an immediate end to the curfew.

I ask that you please respond to this letter as soon as possible so that we may decide how to proceed.

AMERICAN CIVIL
LIBERTIES UNION OF
MARYLAND

Sincerely

Deborah A. Jeon
Legal Director

cc: Commissioner Anthony W. Batts
Suzanne Sangree, Esq.