



Enfranchising Maryland During an Era of Disenfranchisement

Activists from the Baltimore County Coalition for Fair Maps gather at a press conference. Photo credit: Alicia Smith

By **Nehemiah Bester**

“Where you see wrong or inequality or injustice, speak out, because this is your country. This is your democracy. Make it. Protect it. Pass it on.”

Thurgood Marshall
Former Associate
Justice, Supreme Court
of the United States

Democracy is threatened without real access to voting for all. The ACLU of Maryland has long worked to stop voter disenfranchisement through state-wide initiatives like our Election Protection program. While tactics of ballot exclusion have evolved over the years, the path to overcoming this ailment and expanding fundamental suffrage is no modern idea.

In 1965, President Lydon B. Johnson signed into law the Voting Rights Act, which sought to realize the voting rights guarantees of the Fourteenth and Fifteenth Amendments to the U.S. Constitution, and prohibit the discriminatory voting practices fostered by many southern states, as well as some in the north, in the aftermath of the Civil War. The law, along with the Civil Rights Act signed a year earlier, was the most progressive civil rights legislation passed since the Reconstruction Amendments between 1865 and 1870. Despite the VRA’s longevity, the unfilled promises of fair voting districts, expansion of voter rights, and an accessible electoral system continue to be elusive for too many.

America has grappled with persistent, pernicious voter disenfranchisement since its founding. Thomas Jefferson wrote in the Declaration of Independence that “governments are instituted among men, deriving their just powers from the consent of the governed.” However, this dubious idea presented a dilemma with the right of suffrage exclusively held by white, male, Protestant property owners over the age of 21. This left out Black people, women, Indigenous people, non-English speakers – essentially everyone else. Voter exclusion is a centuries-old practice felt deeply in American

INSIDE THIS ISSUE

- Enfranchising Maryland
- 2022 Public Policy Report
- Working for Police Accountability Across Maryland
- Legal Briefs
- Staff Announcements

CONTINUED ON PAGE 4

Summer
2022

The newsletter of the American Civil Liberties Union of Maryland and the American Civil Liberties Union Foundation of Maryland.

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

Dear Friends of Civil Liberties –

**We're furious and we
know you are, too.
Let's do something about it.**

Our commitment remains: Despite the terrible *Dobbs* decision, the ACLU of Maryland will continue to support our communities, local partners, and member-donors to preserve abortion rights and access for any and all people who can get pregnant. We are focused and prepared to reinforce all the rights that together we have worked so hard to protect against threats – from the safety of LGBTQ+ people from harm to the rights of immigrants targeted by the deportation machine, and so many more.

Back in 2013, with the egregious *Shelby* decision, the Supreme Court started chipping away at our voting rights, when the majority invalidated two provisions of the Voting Rights Act of 1965. Section 5 of the VRA contained key protections for Black and Brown voters in southern states with long histories of voter suppression. That dangerous decision currently is having serious consequences in the redistricting process and voter laws and access more generally. But now the Supreme Court justices are even more “originalist” (which should never be a goal if you care about civil and human rights), meaning we have much more to fear in future decisions that imperil our voting rights and our democracy itself.

Thankfully, the ACLU of Maryland's strategic priorities encompass many of these pivotal issues. We're also ready to meet the evolving, intersectional demands that these attacks on our rights from the Supreme Court represent, particularly to Black and Brown individuals and communities that have long been denied full access to these rights, even before these devastating rulings.

We must keep in mind that we have never seen true democracy or full access to rights for all. These ideas remain elusive, both in Maryland and across America. But we must imagine it, and then work to realize our vision. We won't back down, we won't give up, and we won't be silent. Together we are stronger.

And let's remember: elections are happening right now in Maryland. If you want to make sure everyone in our state can exercise their rights so the law values and uplifts their humanity, you need to vote. Decisions we make for representation at the state, county, district, and local levels will determine if and how we can restore what has been lost, preserve what is essential, and advance rights for all in the future.

Yours in liberty and equity,

**DANA
VICKERS
SHELLEY**

**Executive
Director
ACLU of
Maryland**



**HOMAYRA
ZIAD**

**Board
President
ACLU of
Maryland**



2022 Public Policy Report

The 90-day Maryland General Assembly session has come to an end. Every action alert you signed, every phone call and email you sent to legislators, every meeting or rally you attended to demand better for all Marylanders, has made a difference.

Thank you for raising your voice in support of more accountability in policing, reparations in marijuana legalization, protection for children's due process rights, education equity, and other important priorities.

Here are some highlights from the 2022 session:

LEGALIZE MARIJUANA AND ESTABLISH COMMUNITY REPARATIONS

Two marijuana bills passed, HB 1 and HB 837, to start addressing racially biased marijuana enforcement. HB 1 is a ballot measure, and HB 837 would do some important things, including establishing a Community Reinvestment and Repair Fund that will bring resources back to the communities most impacted by the "war on drugs" when the marijuana industry is legalized. HB 837 also would allow the convictions for possession with intent to distribute marijuana to be expunged after three years and the completion of any mandatory supervision, probation, or parole. And it will allow automatic expungement of records for simple possession of marijuana, allow for up to two homegrown plants per household, and will increase the allowed personal amount from 10 grams to 1.5 ounces. We do still have more work to do to ensure that marijuana legalization is equitable, addresses past harms, and protects against ongoing racial bias.

PROTECT DUE PROCESS RIGHTS FOR CHILDREN IN THE LEGAL JUSTICE SYSTEM

The Child Interrogation Protection Act (SB 53/HB 269) successfully passed. It requires that a child has an opportunity to consult an attorney about their rights before law enforcement can interrogate them. The bill also ensures that parents/guardians are notified when the child is taken into custody. And it allows the Maryland Courts to create age-appropriate language for when children are read their rights by police.

SECURE CONSTITUTIONALLY ADEQUATE AND EQUITABLE EDUCATION FUNDING

Maryland's constitution protects the right to education, which is why we are celebrating that the Blueprint for Maryland's Future (HB1300, 2020 & HB1450, 2021) is expected to add \$3.8 billion to public schools statewide, phased in over 10 years. In addition to general state aid for education, The Maggie McIntosh Art Fund (HB 1469) passed, which will provide \$250,000 annually in grants to help public schools in Baltimore City that meet the threshold for the Concentration of Poverty grant as defined in the Blueprint

law to purchase art supplies for their classrooms. Finally, the Blueprint for Maryland's Future – Implementation Plans and Funds (HB 1450), extends the date for the Blueprint Accountability and Implementation Board to adopt its Comprehensive Implementation Plan from February 2022 to December 2022. The bill also requires MSDE to implement a new methodology for calculating students whose families have the lowest income, which has significant implications for making school funding more equitable statewide.

GET POLITICS OUT OF PAROLE

Last year, the General Assembly successfully removed the Governor from parole, which had long been a problem that unnecessarily politicized the process. That was a huge win! However, due to a bill drafting error, the bill that passed and has since been enacted excludes medical parole, making medical parole the only type of parole that would require gubernatorial action. A medical condition should not determine a person's access to parole, and in some cases, these delays are subject to a waiting period of up to six months. Next session, we will resume work to ensure this technical fix bill is passed. **FSL**

↑ Photo credit: Amber Taylor



ADVOCACY SPOTLIGHT Working for Police Accountability Across Maryland

Members of the Prince George's County Coalition for Police Accountability at a rally to pass a strong Police Accountability Board bill. From left to right: Nikki Owens, Qiana Johnson, Marion Gray-Hopkins, Dorothy Elliott, NeeNee Tay. Photo credit: Sergio España

From Wicomico to Prince George's, and from Baltimore County to Montgomery County – and many more – the ACLU of Maryland is working together with our partners in the 100+ organization Maryland Coalition for Justice and Police Accountability to organize and sound the alarm as many jurisdictions across Maryland face persistent, dangerous efforts to block community participation and independent oversight in the creation of Police Accountability Boards (PABs).

We issued a statewide call to action to demand that community participation and independent investigatory powers are fully implemented in local legislation to establish PABs. PABs are mandated in every county and Baltimore City by the Maryland Police Accountability Act of 2021, which was passed after the police murder of George Floyd.

For many months, the ACLU has collaboratively worked to try to ensure we do not have a situation where, due to pressure from the Fraternal Order of Police and many local and state leaders, Maryland has repealed the extreme Law Enforcement Officer's Bill of Rights but moved backward to where police are once again investigating themselves. **FSL**

Learn more: mcjpa.org

Read the full version on our website:
aclu-md.org/news

traditions. Disenfranchisement is as American as the Fourth of July.

The process of redistricting, around since colonial times, was established to assist in political participation by periodically re-drawing electoral district boundaries. In 1967, two years after the passage of the Voting Rights Act, Congress required that Congressional representatives be elected from single-member districts, which is how most states operate today. The ACLU of Maryland has been advocating for single-member districts in many county and local jurisdictions in Maryland as well. As the United States continues to expand in population, electoral maps must reflect a voting system representative of its people.

The dwindling regard for the Voting Rights Act throughout the United States is at the base of increased voter suppression. Now, as challenges to racial gerrymanders in congressional plans from across the South work their way to a seemingly hostile Supreme Court, signs of further voting rights cutbacks are on horizon, leading us to consider new strategies for legislative reforms to protect voting rights here in Maryland.

The ACLU of Maryland is fully committed to protecting and expanding voting rights, particularly for those who are most marginalized. If we've seen anything this past year, it's that fundamental rights, including voter rights, remain vulnerable to political ploys and threats. Protecting and ensuring access to voting remains a top priority of the ACLU of Maryland because the ideals of justice in America fail when our voting rights are undermined. **FSL**

Legal Briefs

LAST CONFEDERATE MONUMENT ON MARYLAND PUBLIC LAND IS FINALLY GONE!

In March, after years of residents pushing the local government to do the right thing, the last Confederate monument on public

land in the state was finally removed. The Talbot County Council was compelled to vote to remove the statue by the growing groundswell of local opposition, and by the lawsuit brought by Talbot County Public Defender Kisha Petticolos, community activist and ACLU-MD Board Member Richard Potter, the Maryland Office of the Public Defender, and the Talbot County

Branch of the NAACP. Their case challenged as racist and illegal Talbot County's placement and retention of a Confederate monument on the grounds of the county courthouse in Easton, which sent a message to Black residents that they could not expect fairness or justice there.

REAL ACCESS TO PAROLE

The ACLU has continued to work with people serving life sentences and their families to obtain the second chances they have worked hard to earn – on parole and in the courts – working to ensure that gains in the legislature and in courts are realized. We are thrilled to have welcomed home clients like Calvin McNeill, Nathaniel Foster, Kenneth Tucker, and Mancil Clark, who collectively served 150 years in prison and are now actively contributing to our communities, working, strengthening their families, and advocating for social justice. They represent the broader community of life-sentenced individuals who could be contributing to make our communities safer, stronger and more just – many of whom are actively being considered for parole or other release for the first time in decades.

DEFENDING THE RIGHT TO EDUCATION

The Maryland constitution guarantees the right to an education and the ACLU is committed to fully realizing that right in an equitable way for all children. That's why we were thrilled with appellate court rulings in the *Bradford v. Board of Education* case dismissing the State of

← The last Confederate monument on public land in Maryland was finally removed. Photo credit: Kisha Petticolos, Move the Movement Coalition



CONTINUED ON PAGE 6

LEGAL BRIEFS cont.

Maryland's appeal that sought to block the lawsuit brought by Black families seeking to defend their children's right to get a fully-funded education in public schools in Baltimore City, which have been underfunded for generations by the State. Our legal work, together with our legislative advocacy in the General Assembly to ensure the Blueprint for Maryland's Future bill is fully and equitably funded, is determined to ensure that funding for the schools with the least resources is prioritized.

PUBLICIZING INFORMATION ABOUT POLICE MISCONDUCT

Compelled by disturbing accounts from local residents about invasive police searches of Black

people, and the Sheriff's demand that more than \$12,000 be paid to see documents related to searches, the ACLU in March sued Calvert County Sheriff Mike Evans and his office in order to access this vital information that should be made public under Maryland's Public Information Act. Support and organizing for local police accountability are growing in Calvert County, and the community has a right to know how law enforcement treats all residents. In positive news, the court in June denied the County's motion to dismiss the case. **FSL**

Learn more about our legal work:
aclu-md.org/cases

Staff Announcements



HOMAYRA ZIAD

Board President, ACLU of Maryland

Congratulations!

Dr. Homayra Ziad has been elected the ACLU of Maryland's new Board President. Dr. Ziad joined the board in 2016 and was elected vice president in 2017. After receiving a doctorate in Islamic Studies from Yale, she was Assistant Professor of Religion at Trinity College in Hartford. She then spearheaded education on Islam and engagement with Muslim communities at an interfaith educational non-profit in Baltimore (the Institute of Islamic, Christian and Jewish Studies), where she helped teachers, activists and emerging religious leaders explore the intersections of religion and social justice. In a new blog and video available on our website, Dr. Ziad said, "I think of the ACLU's move towards broadening its activism beyond litigation by pulling in and working alongside rather than for or on behalf of impacted communities."



YANET AMANUEL

Public Policy Director, ACLU of Maryland

Congratulations!

Yanet Amanuel has been appointed Public Policy Director. Amanuel began her advocacy career as a student at the University of Maryland, College Park, where she received her B.A. in Sociology. She continued to pursue her passion for advocacy and organizing in several roles, including as Chief of Staff for a Prince George's County delegate, Region 7 (Washington, D.C., Maryland, and Virginia) Adult Representative on the NAACP National Youth Works Committee, Young Adult Chair of the Prince George's County NAACP and as a Policy Advocate at Job Opportunities Task Force. Most recently, ACLU-MD Policy Advocate, Yanet co-led the Maryland Coalition for Justice and Police Accountability and led the ACLU's legislative advocacy efforts to repeal the Law Enforcement Officers Bill of Rights, reform the Maryland Public Information Act to allow public disclosure of police misconduct records, and remove the Governor from the parole process for Marylanders serving life with parole sentences. Amanuel served two stints at Interim Public Policy Director before she was promoted to her official new role.

JARED SCHABLEIN



**Regional
Community
Organizer,
ACLU of
Maryland**

Welcome!

Jared Schablein is the Regional Community Organizer for Maryland's Eastern Shore at the ACLU of Maryland. In this role he supports broader organizational efforts across the Eastern Shore. Born and raised in the rural town of Pittsville in Wicomico County and with family ties on the Shore dating back 300 years, Jared has dedicated his life to rural organizing. Jared has a BA in Political Science from Salisbury University. Following college, Jared spent several years working with various community-based roles in the public and private sector before joining the ACLU-MD team in late 2021.

WAYS TO GIVE

What will you give to ensure “WE THE PEOPLE” means all of us?

Want to learn more about ways to give? Our Development staff welcomes the chance to meet and talk with you about supporting the work of the ACLU.

SOME FEEDBACK WE’VE RECEIVED FROM MEMBER-DONORS:

“I have found my time with my ACLU liaison to be delightful and anything but high pressure fundraising. She’s been informative on where our donations are directed and has provided insights into how the donations are being used. What a refreshing approach to connect with this great organization.”

“We are not losing sleep because we know the ACLU is working hard to protect the pursuit of liberty and justice for all even in these trying times. So, keep on keeping on, fighting the good fight.”

“We were traveling when the Roe ruling came down and we immediately sent \$ knowing there would be many more battles to fight.”

“Democracy is under continued assault on many fronts. We need to be vigilant to protect democracy and correct historical injustices.”

ONLINE

Give securely at www.aclu-md.org and click ‘Donate’.

MAIL

Mail your contribution using the enclosed envelope. Checks can be made out to **ACLU Foundation of Maryland** (tax-deductible donations) or the **ACLU of Maryland** (membership contributions).

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