

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
(Northern Division)**

CAROLINE COUNTY BRANCH OF THE
NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE,
et al.,

Plaintiffs,

v.

TOWN OF FEDERALSBURG,
MARYLAND,

Defendant.

Civil Action No. 23-cv-00484-SAG

DECLARATION OF DR. WILLIE G. WOODS

1. I, Dr. Willie G. Woods, am over 18 years old and am competent to testify. I submit this declaration upon personal knowledge in support of Plaintiffs' motion for preliminary injunction in this matter.

2. I currently serve as the president of the Caroline County Branch of the National Association for the Advancement of Colored People ("NAACP"), and we have members who live across Caroline County, including residents of the Town of Federalsburg. For example, several of the Individual Plaintiffs in this case are among our Branch members, and Plaintiff Sherone Lewis serves as Branch Vice President.

Issues Faced by Federalsburg's Residents

3. As the president of the Caroline County Branch of the NAACP, I have had discussions with members across Caroline County, including residents of Federalsburg.

4. A major concern conveyed by the Federalsburg residents is the lack of direct representation of Blacks/People of Color in the elected governance structure of the Town.

5. Federalsburg residents have expressed to me a myriad of issues that the Black community faces. This includes a lack of clarity on issues related to voting, including Town boundaries, voting guidelines, and even such basic things as when the local election will take place. There is a significant lack of transparency and communication about Town events, healthcare, housing. There is reported misconduct committed by police, there are educational needs going unmet, and there are environmental issues and concerns that the community have that are not heard. And finally, there is an increased level of mistreatment toward the Black community, committed by some increasingly aggressive white community members.

6. Nevertheless, the Federalsburg community is one of enduring spirit, and will not be swept aside.

A Sense of Community

7. The Black community of Federalsburg is a beautiful fabric of longstanding families who have been in the Town for generations, and new families who are more recent additions to the community. Some of these families include the Butlers, the Hubbards, the Greenes, the Jones, the Magees, and the Hyans.

8. In one of the Town's most cherished locations that exemplifies the Black residents' sense of community, is the Community Civic League, a building of significant importance, standing as the former school for Black children during segregated America. It now serves as a community hub for the Federalsburg Black community to connect with one another and support each other in all ways that communities must: it serves as a food pantry, there are a

variety of classes held in the space, there are social activities, religious activities, and is one of the meeting places for our NAACP Branch with Town residents.

9. Federalsburg also sits as part of our broader Caroline County community, and although each town and city has its own cluster of families, we are all connected through a greater sense of community (a) through congregations where word is passed from church to church to community locals and (b) through various social, fraternal, and alumni organizations whereby each Black community supports one another throughout the entire area.

The Events Leading up to this Case

10. In stark contrast to how unified the Federalsburg Black community is, the Town itself has been divided since its inception, between the white community holding all of the government's power, and the Black community held back by an unlawful and discriminatory election system that guarantees their disenfranchisement.

11. Beginning in May 2022, in collaboration with the ACLU of Maryland, the Caroline County Branch of the NAACP began exploring a challenge to Federalsburg's at-large, staggered term, election system. Over the course of the summer, we had numerous discussions with Federalsburg residents, ACLU staff, and representatives of the Caucus of African American Leaders (CAAL) about civil rights issues in the community and specifically about discrimination and lack of fair representation as a result of the Town's election system. We also collaborated with the ACLU on considering possible solutions to this problem.

12. On August 18, 2022, a special NAACP branch meeting was held in Federalsburg. The meeting was attended by ACLU and CAAL's representatives, as well as branch members and Federalsburg residents, and included a presentation regarding Federalsburg's at-large election system, the history of voting rights and election reform in Federalsburg and the broader

Eastern Shore. It included showing of two possible district map solutions that would remedy the systematic discrimination created by the current election system. The two district-based plans, drawn by demographer William Cooper, consisted of a four-single member district plan, and a two district, two-member plan. Both plans would allow the African American community to vote for half of the council seats on the Town Council.

13. Members of the Federalsburg community were in attendance, and the group agreed on a plan to write to Town officials, present the district-based options, and seek a collaborative approach to reform the discriminatory election system.

14. On August 23, 2022, I alerted Mayor Abner, the current mayor of the Town of Federalsburg, that we would be sending her a letter detailing our concerns regarding Federalsburg's at-large election system. Mayor Abner responded amicably and with enthusiasm about addressing our concerns.

15. The next day, on August 24, 2022, the letter was sent, outlining the issues with the election system, and requested a meeting with the Mayor. The letter included the two illustrative districting plans from William Cooper. *See* attachment A.

16. Through a series of communications, the Mayor sought to delay our meeting with the Town. Although we had asked that this meeting occur no later than the end of September, we finally secured a meeting on October 5, 2022. At that meeting, those in attendance were myself, Reverend James Jones of the Caucus of African American Leaders, Deborah Jeon, Legal Director of the ACLU of Maryland, Nicholas Steiner, staff attorney of the ACLU of Maryland, Mayor Abner, Town Manager Lawrence DiRe, and Town Attorney Lyndsey Ryan.

17. The meeting was amicable, but we were clear in expressing the NAACP view that reform of the at-large, staggered term election system in advance of the September 2023

elections is necessary. At the conclusion the Mayor made a commitment promptly to seek input from the Town Council and residents to determine which of the two district plans would be the most appealing and appropriate.

18. On October 17, 2022 at the regular Town Council meeting, the agenda included discussion of the two maps prepared by William Cooper. In preparation for the October 17 meeting, I, as well as a couple of Branch officers, communicated with several community members and encouraged them to share their stories, their thoughts, and their experiences with the Town Council.

19. At the meeting, I testified in support of reforming the at-large election system, and said I looked forward to continued dialogue with the Town to ensure that a new election plan could be implemented in time for the 2023 elections. I commented about the fundamental need for representation of the African American community, and the promising discussions with the Town seemed to indicate that change was near.

20. Members of the Black community came out and spoke with heartfelt testimony, including many of the plaintiffs in this case.

21. After the meeting, the Town Council unanimously agreed to change the election system, and it felt as though change were nigh.

22. Over the remaining months of 2022, I continued regular communication with the Federalsburg's town residents, and visited the Town Hall and Town Council the week of November 7, 2022, and the week of December 5, 2022, but oddly, it did not appear that the Town was engaged in any kind of community outreach to gain input on the two district plans.

23. On January 10, 2023 the Caroline County Branch NAACP held another meeting with Federalsburg residents, and the residents decided that Federalsburg would be better with the

two-district plan, instead of the four-district plan, and there was excitement about the possibility of potentially having some of those in attendance at the meeting be elected as part of the next Town Council. There were three people who showed interest in running for office in 2023 if the election system was changed.

24. On January 19, 2023, I spoke with the Town Manager, Lawrence DiRe, and was told that if a consensus could be reached at the January 23, 2023 meeting, changes to the charter would be presented to the public for review at a public meeting where the public may comment. Curiously, Lawrence DiRe also communicated that another option of having “three districts” was on the table, and that the 2023 elections would still be scheduled for September 2023. It was unclear what he meant by having “three” districts.

25. At the January 23, 2023 Town Council meeting, I testified again in support of a district-based system. I expressed that the Town advocates working toward a more equal election system, will remain clear eyed and vigilant. I conveyed the positive effect of fighting for the voting rights of Federalsburg’s Black community, which was already empowering the community because they finally felt seen and heard, versus the status quo of being present yet invisible.

26. Former Town officials testified against the district plans, saying they did not want to see the town divided by race, and thought that the current at-large system should remain.

27. In response, the Town Council echoed these refrains and proposed new kinds of election reform, including cumulative voting, limited voting, and ranked choice voting.

28. One Town Council member stated that part of the issue with the lack of Black representation was that so few Black community members came out to vote, blaming the Black Federalsburg residents for the lack of Black representation.

29. In utter disbelief and disappointment, we sent a follow up letter on January 26, expressing serious concern over the backtracking of the Town's commitment to election reform. *See attachment B.*

30. On February 6, 2023, I attended the Town Council meeting, but I was not allowed to speak. I tried to comment during the Town meeting when the agenda item on election reforms came up. My intent was to give advance notice of the bulleted items in the proposed reform which were of concern. The Mayor stopped me from speaking, saying that the time for public comment was over, and that if I had additional comment I wished to make, that I could make it at the next community meeting on February 21, 2023.

31. Nevertheless, others were allowed to speak at times other than at the beginning during public comment. Only two of the people at the meeting who were allowed to speak, spoke at the beginning of the meeting, and I believe they were the same white former Town officials who spoke at the meeting on January 23.

32. The Town Council made various proposals to amend the Town Charter that would cancel the 2023 elections so as to allow for alignment of the Town's elections with other elections, thereby extending the white Town Council to extend its term by 14 months, extending the Mayor's term from two to four years, and creating a district voting plan that had two seats elected at-large, and two single member districts.

33. On February 15, 2023, we held another NAACP meeting with Federalsburg residents where the group overwhelmingly and vehemently rejected the Town's proposed changes to the election system as failing to make the system fair. It was overwhelmingly clear to us that the Town's proposed plan does not take into consideration the voice of Federalsburg's Black community.

34. In advance of the February 21, 2023 Town Council meeting, we sent a letter rejecting the Town's proposal, on grounds that it does not adequately address the voting rights concerns of Federalsburg's Black community.

35. I did not attend the February 21, 2023 Town Council meeting because I did not feel that the Town was taking the Black community's concerns seriously, or that my voice was being heard. Additionally, the proposed resolutions to reform the election system in Federalsburg would not remedy the discriminatory election system, and would continue diluting the Black vote, limiting representation to only a single Town Council person who is the Black community's candidate of choice.

Securing Candidates for Federalsburg Office

36. Over the past few months, I have spent time encouraging Black Federalsburg community members to participate in future municipal elections by voting and running for Town office.

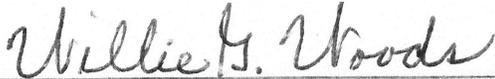
37. The predominant feedback from people I have spoken to has been that despite believing they or others would be good councilmembers, they ponder "what's the use" of putting themselves out there if the system is structurally unfair. Nevertheless, they love their hometown and its possibilities, and they are determined to fight for representation. They must push for reform, for they feel the system is stacked against them, and past efforts by Black candidates have been for naught as a result.

38. At the January 10, 2023 NAACP meeting with Federalsburg residents, three individuals expressed interest in running for Town Council in the 2023 September election, *but only if the system is changed to make it fair for all community members.*

39. Without a free and fair election system that allows for equal voting rights for Black residents and a fair chance at Black representation on the Town Council, extremely capable people who would do well as Town Council members remain at high risk of never being elected, or are discouraged about running because of the stacked system that prevents their election.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on March 8, 2023


Dr. Willie G. Woods, President
Caroline County Branch of the NAACP