

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)**

Caroline County Branch of the
National Association for the
Advancement of Colored People, *et al.*,

Plaintiffs,

v.

Civil Action No. 23-cv-00484-SAG

Town of Federalsburg, Maryland,

Defendant.

DECLARATION OF LYWANDA JOHNSON

1. I, Lywanda Johnson, am over 18 years of age 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 moved to Federalsburg in 1998 from the Greensboro area in Caroline County. Since living here, I have raised my four sons in the town.

3. In 2011, I started an assisted living business that I run out of my home, inspired by my time helping my mom at another assisted living facility. I've worked in many different nursing homes, and being a caregiver is all I know, and is who I am. At this time, I have about five people who I'm caring for, and although I currently do not have anyone from the Town in my care, I have cared for Federalsburg residents over the years through my business.

4. I found the process to start my business to be unnecessarily difficult. I had to attend two separate Town Council hearings, and collect signatures from others in my neighborhood to plead my case. It felt like the Town Council was trying to stop me, despite there being no ordinances or laws or anything prohibiting me from starting such a business.

5. The Town Council did not treat me with respect. When I was required to submit physical copies of my business's policies and procedures, the Town Council returned them to me in complete disarray. However, I did not speak up because I felt outnumbered and found it easier to simply comply.

6. Despite the initial trouble I had with the Town Council approving my business, my business is now thriving.

7. However, this is not the only experience I have had where my family and I are treated as second-rate citizens in the town because we are Black, and have to advocate for ourselves beyond what should be necessary.

8. Throughout their education at Federalsburg schools, my children had little to no Black teachers to look up to at school, and were not properly taught about Black history. This persists with my youngest, seven-year-old child, who is currently in the school system. For example, the Black History Month lesson he received at school this year included an explanation that Michael Jackson was "whiter than a paper plate" and that he had a disease, which was why he always wore a glove.

9. My other children, who are now adults, also experienced deplorable incidents of racism when they were in the Federalsburg school system. One of my children came home one day with a cotton sample and cotton seed in a plastic bag from one of his teachers, without explanation. Another time, one teacher picked up one of my sons by his collar and told him he's "going to be just like his father." I requested meetings with principal of the school, and reported this incident—but instead of having my concerns taken seriously, I endured a terrifying and extremely intimidating experience. A police officer and someone from social services came to my house while my kids were in school, and took me with them downtown. They brought me into a

room and interrogated me about my feelings toward the school principal; they asked me nothing about the situation that had occurred with my son, about him being hit, or about any of the racism that we experienced. There was no point to this meeting with the police officer and social services that I can tell, except to intimidate me. I later received a letter in the mail that there were no findings of wrongdoing about the teacher that grabbed my child.

10. My seven-year-old son has also experienced violence at school, not by students, but by the school officer. About two years ago, the school officer smacked him on his behind with a broom in the school cafeteria. When the incident occurred with the school officer, I reported it – yet my son received no support, protection or concern from the school. They instead only showed support to the police officer, and left me having to fight for my son’s right to be safe at school. I organized an investigation into the police officer, but it was ultimately found that there was not enough evidence. I was upset with the school and the principal for leaving us alone in these times. The principal transferred to another school directly after this incident.

11. My seven-year-old was also unjustly suspended from the first grade. Because the school code of conduct states that a first-grade child cannot be suspended, I appealed his suspension to the superintendent, and it was ultimately removed from his records. Unfortunately, the damage had already been done, as my son felt pain and confusion associated with his rejection by the school. My son was also denied an IEP, despite his obvious need for one. I had to appeal this decision, and put pressure on the schools. My son is now thriving. The school officials, including the principal, vice principal, and IEP chairperson no longer work at my son’s school, and I have received no complaints about my son since they have left. This is clearly no coincidence.

12. I am tired of having to fight just to be granted what my child is entitled to.

13. Having a Black elected official would alleviate some of the stress I experience living and raising a family in Federalsburg. I want equal opportunity, and for someone to level the playing field so that I can achieve the dreams I have for myself and for my children.

14. I wish that the community was educated more about elections. We often do not know what is going on with elections, or when and where they are occurring. When I do vote, I get hard looks like I'm not supposed to be there, and I do not feel welcome downtown. It is very intimidating.

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

Executed on:

Date: March 8, 2023



Lywanda Johnson