



2008 THE YEAR IN REVIEW

Our Constitution, Our Commitment Restoring the Promise



Our work in 2008 proved the truth of ACLU Founder Roger Baldwin's axiom that "no battle for civil liberties ever stays won."

Half a century after the FBI's sordid history of COINTELPRO spying on civil rights and anti-war activists in the 1950's and 60's, the ACLU of Maryland this summer exposed the Maryland State Police for spying on peaceful activists — including nuns, pacifists, students and environmentalists — covertly infiltrating their gatherings, compiling dossiers on them and falsely labeling them in a criminal intelligence database as suspected terrorists. Our litigators uncovered this un-American affront to First Amendment rights and our legislative staff has been working with lawmakers to stop future police spying on peaceful activists.

This fall saw the Presidential and Congressional elections, and our Election Protection Campaign made sure that everyone's vote counted by deploying Maryland ACLU staff members and 75 volunteers to work on our voter hotline and on the ground in every county in Maryland. Prior to the election we persuaded several local jurisdictions, from the Eastern Shore to Montgomery County, to allow unfettered use of political yard signs designed to educate and persuade voters.

With our members' support, we fought to protect the religious liberty of a church dedicated to providing services to the homeless, launched a cutting edge immigrants rights project, and successfully challenged police profiling of motorists "driving while black." We also worked to ensure fair housing for African American families, a quality education for all children in public schools, fairness for gays and lesbians, and the rights of workers and disabled persons.

And, finally, your support has helped us to change the way we work by addressing civil liberties violations with multiple strategies, including litigation, more sophisticated legislative strategies, and strengthening our coalition leadership. We were able to fight invasions of personal privacy by the federal government's "Real ID" program and to make real progress on criminal justice reform, including working with a state commission that ultimately called for repeal of Maryland's death penalty. We also racked up wins for equal rights at the ballot box and for reproductive rights.

But even as we celebrate victories this year, we know our work is far from over. With a new President, next year is the time to press both the President and Congress to restore the rights lost since 9/11. You can add your voice by joining our "Maryland ACLU CAN" — a constituents' action network that teams up Maryland ACLU members/activists across the state with our National ACLU Legislative Office so that we can hold all elected officials accountable for correcting Bush Administration abuses.

As we mount each day's new challenge, we are extraordinarily thankful for your support. We look forward to your partnership in the coming year.

American Civil Liberties Union of Maryland
American Civil Liberties Union Foundation of Maryland
3600 Clipper Mill Road, Suite 350
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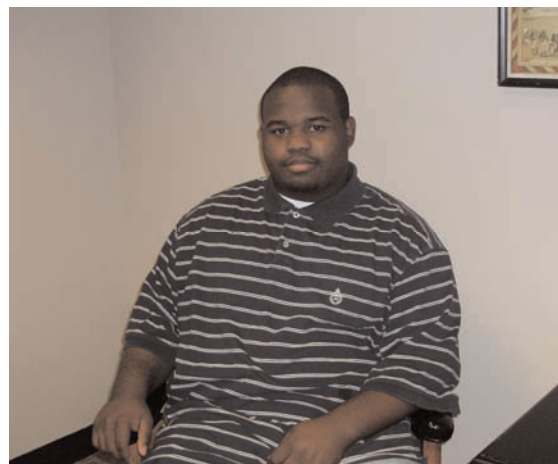
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OUR CONSTITUTION, OUR COMMITMENT

Restoring The Promise of Liberty and Equality



18-year-old Tavis Crockett was illegally arrested twice by Baltimore City Police, once while playing basketball with friends and then for littering, though when he asked if he could pick up the item the officer refused and took him Central Booking instead, where he was strip searched.

FIGHTING ABUSE OF POWER

Advocacy in Congress. In 2008, we worked closely with the ACLU National Legislative Office to preserve fundamental privacy protections and our system of checks and balances. Illegal government spying, overreaching of the Patriot Act and government-sponsored torture programs offend our most treasured values in the name of national security.

We fought hard to roll back Bush Administration initiatives that have unnecessarily undermined the protections of our Constitution. We also organized Marylanders to attend the 2008 National Membership Conference in Washington, DC, where we lobbied Maryland's members of Congress to take a stand against torture, FISA, and the federal Real ID Act.

EQUAL RIGHTS AT THE BALLOT BOX

Election Protection. 2008 saw a historic election, following eight years of the Bush Administration's assault on our basic rights and liberties. The Maryland ACLU was there to champion the right to vote by launching our non-partisan Election Protection Campaign. The effort was officially kicked off at a special Constitution Day event on voting rights held at the Maryland Institute College Art. The forum — "Whose Democracy Is This Anyway? Voting Rights and Electoral Reform in 2008" — featured speakers Greg Palast, Rev. Jesse Jackson, and David Simon, with Marc Steiner moderating.

On Election Day, we held a toll-free hotline and we also distributed 20,000 Voter Empowerment Cards, in English and Spanish. We also held an ex-offender voter education workshop in Prince George's County, and registered eligible voters at jails around the state.

'Paper Trail.' The Maryland ACLU monitored implementation of paper trail legislation, which requires the state's voting system to produce a separate, durable, auditable voter verified paper record. We are dedicated to ensuring that the new system protects the right to vote of all Marylanders, including those with disabilities.

Voting Rights Act. The ACLU of Maryland worked with municipalities in Central Maryland and the Eastern Shore on district reapportionment and to ensure Voting Rights Act compliance.

PROTECTING PERSONAL PRIVACY

Forced Warrantless Seizure of DNA. The ACLU of Maryland joined with other civil rights groups to oppose an O'Malley Administration initiative to authorize the warrantless seizure of DNA from innocent people, in violation of the Fourth Amendment's privacy guarantee against forced searches and seizures without a warrant

"THE SURVEILLANCE UNDERTAKEN HERE IS INCONSISTENT WITH AN OVERARCHING VALUE IN OUR DEMOCRATIC SOCIETY — THE FREE AND UNFETTERED DEBATE OF IMPORTANT PUBLIC QUESTIONS. SUCH POLICE CONDUCT OUGHT TO BE PROHIBITED."

~ FORMER ATTORNEY GENERAL
STEPHEN H. SACHS, IN HIS REPORT TO GOVERNOR MARTIN O'MALLEY, WHO APPOINTED SACHS TO INVESTIGATE STATE POLICE SPYING ON PEACEFUL POLITICAL ACTIVISTS IN MARYLAND.

and probable cause. Even while pushing the bill, however, the Administration refused to provide the funding required to ensure the accuracy and efficacy of analyzing crime scene DNA evidence.

Our swift, unwavering opposition prompted leadership by the Legislative Black Caucus to take up the issue. Together, we secured significant changes, including limiting the risk of abuse of DNA records and removing barriers to claims of wrongful conviction for those cases where DNA evidence may prove innocence. In addition, samples cannot be analyzed or entered into any databank until arraignment, and samples must be destroyed and databank records expunged automatically where charges do not result in conviction.

Real ID is a Real Nightmare. For another year, the Maryland ACLU blocked implementation of the federal Real ID Act, which would turn our state driver's license into a national identity card that would enable tracking of individuals and increase the threat of identity theft. The Motor Vehicle Administration also must assess the risks to personal privacy and data security posed by Real ID and propose security standards and legislation to address those risks.

Medical Privacy. We protected patient confidentiality and personal privacy by defeating a host of troubling bills, including legislation that would have mandated disclosure to law enforcement of private medical tests for blood alcohol concentration, legislation authorizing disclosure of personal information from those with infectious diseases and those involved in infectious disease investigations, and legislation stigmatizing the treatment of pregnant women with HIV/AIDS.

Genetic Discrimination. The Maryland ACLU helped win passage of a bill that prohibits the use of genetic information in issuing long-term care insurance. The legislation closed a significant loophole in Maryland's model anti-discrimination statute.

DEFENDING OUR FREE SPEECH RIGHTS

Political Spying. Uncovering activities reminiscent of former FBI Director J. Edgar Hoover's infamous COINTELPRO program, the Maryland ACLU exposed the State Police for years of spying on peaceful political activists and compiling dossiers of their activities and affiliations in a criminal intelligence database that labeled them as suspected terrorists. We have been using every tool at our disposal to bring to light the full scope of the spying and data collection, including public information requests on behalf of more than 30 groups and 250 individual activists.

We have also organized sponsors to champion the Free



This June, the ACLU of Maryland organized members to attend the National Membership Conference in Washington, DC, where we lobbied Congress to take a stand against torture, FISA, and the Real ID Act.

Speech Protection Act during the 2009 General Assembly session. Legislation is needed to ensure that such an affront on the First Amendment never happens again in Maryland. Our democracy depends on the ability of individuals to advocate on issues important them.

The Political Lawn. After winning a key legal victory in a 2007 Baltimore County case that essentially declared the lawns of Americans as hallowed ground for political speech, the ACLU of Maryland sought to expand this right. We sought and won repeal of unconstitutional restrictions on political speech in the form of yard signs in counties and municipalities across Maryland.

Free Speech Blocked at Bus Stops. We won cases protecting people's First Amendment rights on Maryland Transit Authority property. The first was spurred after individuals were blocked from taking any pictures near MTA property. The second was the victorious resolution of a case in which two advocacy groups, Project VOTE and ACORN, were banned in 2006 from registering low-income and minority voters on public property near buses and trains.

Public Employees Can Speak Too. The ACLU of Maryland secured an important preliminary victory for the political free speech rights of public employees in the case of two clerical workers on the Eastern Shore wrongfully fired for supporting the campaign for reelection of their former boss.

Stand for the Penguins! The ACLU of Maryland took action when parents in Calvert County tried to remove an award-winning and critically acclaimed children's book from the children's section of the library. They objected to the true story of a penguin family. "And Tango Makes Three," because it showed two male penguins raising a healthy chick at New York's Central Park Zoo. After receiving our letter, the Library's Board of Trustees voted unanimously to keep the book in the children's section of county libraries.

KEEPING GOVERNMENT OUT OF RELIGION

Mandatory Prayer. The right to practice religion, or no religion at all, is among the most fundamental of the freedoms guaranteed by the Bill of Rights. That is why, on behalf of midshipmen, the ACLU of Maryland championed religious freedom by opposing mandatory prayer at the U.S. Naval Academy. The Academy still requires students to be present during mandatory prayers, despite a Supreme Court ruling that found the practice unconstitutional at another military school.

Bibles in Public Schools. The ACLU of Maryland believes that our public schools should not be used to promote sectarian beliefs. So, after we heard from a



Bebe Verdery, director of ACLU of Maryland's Education Reform Project, speaking at a press conference to protect public education funding, before an audience of school board members, principals, administrators, and parents.

concerned parent, we convinced Somerset County Public Schools to reverse course on allowing Gideon Bibles to be distributed to middle school students.

Defending Christian Ministry for the Homeless. The Maryland ACLU also won a preliminary victory on behalf of a Christian ministry for the homeless in Elkton. The Meeting Ground serves the poor and homeless as a central tenet of members' religious faith, but town officials had unconstitutionally blocked the group from using the church's own building to conduct its ministry.

Private School Vouchers. The Maryland ACLU believes that public funds should be preserved for public schools and that vouchers for private and parochial schools are part of an ideological crusade, not a plan for education reform. So, we strongly opposed a bill masquerading as a tax credit for private school scholarship donations that would have ushered in private school vouchers for the first time in Maryland.

WOMEN'S AND REPRODUCTIVE RIGHTS

Preserving Choice. The ACLU is dedicated to protecting everyone's right to make informed decisions free from government interference about whether and when to become a parent. This year, the Maryland ACLU ensured continued defeat of all attempts to limit women's access to full reproductive health care. We will always remain vigilant in protecting a woman's right to choose.

Fair Treatment of Women and Girls. The Maryland ACLU advocated for wage equity and against wage discrimination by supporting the Lily Ledbetter Fair Pay Act, which would allow women to sue the companies who discriminate so long as they sue promptly after discovering the discrimination. We also began investigating discriminatory treatment of girls in Maryland's juvenile justice system.

FAIRNESS FOR GAYS AND LESBIANS

Civil Marriage Equality. In 2007, the Maryland Court of Appeals issued a devastating decision denying committed same-sex couples the right to marry. That ruling left it to the legislature to amend the state's discriminatory marriage statute, so we helped to take the fight for civil marriage to the General Assembly. Though the bill did not pass this year, it had unprecedented support and received favorable hearings in both the state House and the Senate.

Stopping Gender-Based Discrimination. We were successful in helping to establish comprehensive hospital visitation and medical decision making rights for same-sex couples. And we advocated for a bill that

"WORDS CAN'T BEGIN TO EXPRESS OUR DEEP SENSE OF GRATITUDE FOR WHAT YOU HAVE DONE ON BEHALF OF THE PERSONS WE CARE ABOUT SO MUCH. TO SAY THAT OUR PRAYERS HAVE BEEN ANSWERED IS ALMOST AN UNDERSTATEMENT. ... WE HOPE THAT THE CASE WILL BE A PRECEDENT WHICH WILL OPEN THE DOORS FOR OTHERS, AND RELIEVE MUCH SUFFERING IN OUR WORLD."

~ REV. CARL MAZZA, PASTOR OF THE MEETING GROUND, WHICH HAS BEEN BLOCKED BY ELKTON OFFICIALS FROM ENGAGING IN ITS RELIGIOUS MINISTRY TO INDIVIDUALS EXPERIENCING HOMELESSNESS IN CECIL COUNTY

will provide to domestic partners the same exemption from recordation and transfer taxes for jointly owned property as is provided to spouses. In addition, we continued to fight for legislation that would include gender identity in the state's anti-discrimination statute to provide much-needed protection from cruel and persistent acts of discrimination experienced by transgendered individuals in Maryland.

Maryland Black Family Alliance. The Maryland ACLU helped to create a model initiative of African American leaders in Maryland who promote a clear distinction between what civil marriage means legally and what spiritual marriage means from a religious perspective. The MBFA's goal is to foster dialogue within the black community on principles of fairness and support for all black families, including those headed by LGBT individuals.

QUALITY EDUCATION IN PUBLIC SCHOOLS

Since 1987, the ACLU of Maryland has been an advocate for the proposition that the State Constitution guarantees all children in Maryland — including the most disadvantaged and educationally at-risk — an adequate education.

This year, we continued to fight to preserve equitable funding and meaningful educational opportunities for all children in public school. The ACLU's Education Reform Project played a leading role in blocking \$50 million in proposed cuts to mandated "Thornton" Bridge to Excellence funding, including a key component in the funding formula that recognizes higher costs of living and educational services in some counties. Our advocacy for the Aging Schools program and capital budget boosted funds for public school facilities.

Advocating for the most at-risk children, the Maryland ACLU led a statewide campaign to ensure that all children from low-income/homeless families had access to public school Pre-Kindergarten and pressed the state to provide support for students facing the now-mandatory High School Assessments.

FAIR HOUSING RIGHTS

Choices for Families. The *Thompson* case — brought on behalf of 14,000 families who live in public housing confined to the poorest, most segregated neighborhoods — is part of the key to restoring balance in the housing market. It has already helped over 1,200 families move to communities of opportunity, where jobs are growing and families can get on their feet.

In 2005, a federal court ruled in our lawsuit that the U.S. Department of Housing and Urban Development had violated federal law by not making assisted

housing available throughout the entire Baltimore region. Joined by the NAACP Legal Defense Fund, we went back to court for a remedy hearing.

Pending the judge's ruling, we have been working with the Baltimore Regional Housing Coalition to make sure that housing opportunities will be available for our client families in areas of opportunity throughout the region. The BRHC advocates for policies that boost the production of low income housing for working families.

Source of Income Discrimination. In 2007, the Maryland ACLU filed an *amicus* brief in a lawsuit that successfully defended a Montgomery County fair housing law prohibiting landlords from discriminating against renters or prospective renters based on their source of income, specifically including their status as voucher recipients. The landlord appealed to the Supreme Court, and this year the high court declined to hear the case, securing this important fair housing victory.

SECURING RACIAL JUSTICE

African American Motorists "Driving While Black." After being one of the first to call attention to police targeting of motorists for "driving while black" back in 1993, the ACLU of Maryland this year finally reached a landmark settlement with the Maryland State Police on behalf of individuals who were racially profiled on I-95. The settlement provided substantial damages to our clients, as well as a requirement that the MSP retain an independent consultant to assess its progress towards eliminating the practice of racial profiling.

Significantly, the settlement also included a joint statement by the parties condemning racial profiling and highlighting the importance of taking preventative action against the practice in the future. Another aspect of the settlement provides for semi-annual meetings between MSP officials, the NAACP and ACLU, for discussion of any issues that arise going forward.

Immigrants Rights Project. In 2008, the ACLU of Maryland was proud to welcome a new Skadden Fellow to our office for two years, who will be heading our first-ever Immigrants Right Project. The ACLU believes that the U.S. immigration system is broken and it is the job of the federal government to fix it. That is why our project will fight against local government initiatives that threaten public safety by denying public services and targeting immigrant communities for dragnet detentions and harassment.

Not Allowed to Ask for a Job? Maryland's Attorney General this year issued an opinion finding unconstitutional an anti-solicitation law in Gaithersburg that

2008 YEAR IN REVIEW



Maryland ACLU staff and volunteers at our 2008 Election Protection command center, after a full day of fielding calls from voters and investigating problems at the polls.

targeted the right of immigrants to ask for jobs and employers to offer jobs in public areas. The ACLU sent a letter detailing the law's problems to the AG, as well as the fact that no legitimate public safety concerns existed. Thankfully, the AG agreed with us that seeking employment was a protected free speech activity.

CHALLENGING POLICE PRACTICES

Ending Illegal Arrests. The Maryland ACLU continued to challenge the Baltimore City Police Department's practice of wrongfully arresting tens of thousands of individuals each year – virtually all in poor, minority neighborhoods. Our plaintiffs, along with the many others swept into the net, were taken to the state-run Central Booking, where they were illegally strip-searched and incarcerated — for as long as 54 hours — in grossly overcrowded, filthy, and inhumane conditions, before prosecutors released them without charges.

Homeless Camp Destroyed. In 2007, the ACLU of Maryland sued on behalf of homeless individuals whose rights to due process were trashed along with their tents and belongings when police "cleared" their campsite in the rural woods of Elkton in Cecil County. Those who tried to retrieve their meager belongings were threatened with arrest. Within months of filing, we won a part of the suit, when the Town repealed an unconstitutional loitering law targeting the homeless. Now we are seeking justice for the individuals.

RIGHTS OF THOSE WITH DISABILITIES

Disability of Drug Addiction. The ACLU of Maryland defended right of disabled patients to receive methadone treatment by helping to keep open a clinic that Baltimore County officials tried to prevent from serving patients in the community. The clinic can now remain open for another two years while the case proceeds regarding whether the county's actions violated the Americans with Disabilities Act.

Blind Bus Patrons. The Maryland ACLU won a victory on behalf of blind bus patrons, ensuring the Maryland Transit Authority's compliance with the ADA. We sought to ensure MTA complied with a consent decree reached in a case filed because Baltimore City bus drivers regularly failed to announce bus stops and transfer points so that visually impaired riders would know where to get off.

Forced Medical Care. The ACLU of Maryland protected personal autonomy by defeating a legislative proposal to authorize forcible medication of psychiatric patients in state psychiatric facilities. We also successfully fought provisions of several bills that would have eroded informed consent for HIV/AIDS testing.

ACLU of Maryland is deeply appreciative of all our donors who help us bring the promise of liberty and justice to life. The gifts acknowledged below are those \$1,000 and above made directly to the ACLU of Maryland during fiscal year 2008 — April 1, 2007 to March 31, 2008. We also thank donors who made gifts to the national ACLU and below \$1,000. Every effort has been made to assure accurate and complete listings of contributors. Apologies are extended for any inadvertent errors or omissions. Please advise us of any corrections.

and Justice

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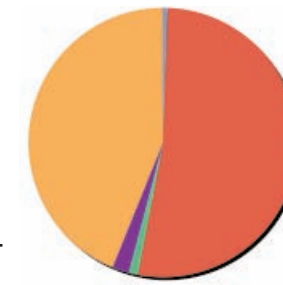
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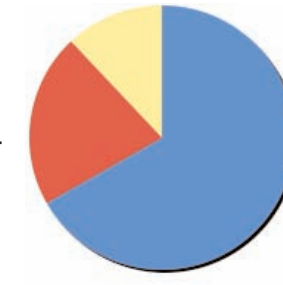
FINANCIAL REPORT

ACLU OF MARYLAND OPERATING INCOME AND EXPENSES 2007-2008

SUPPORT AND REVENUE:	
Contributions	\$2,240
Membership	\$223,066
Restricted Grants	\$0
Investment Income and Other	\$4,703
Bequests	\$8,541
Transfer to Reserves	\$(186,420)
Total	\$52,130



EXPENSES:	
Program Services	\$34,807
Fundraising	\$11,057
Management and General	\$6,266
Total	\$52,130

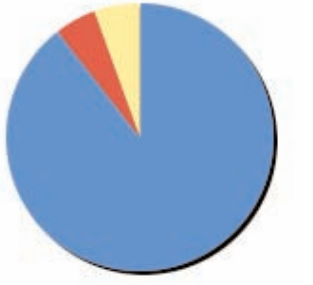


ACLU FOUNDATION OF MARYLAND OPERATING INCOME AND EXPENSES 2007-2008

SUPPORT AND REVENUE:	
Contributions	\$557,382
Restricted Foundation Grants	\$769,896
Bequests	\$281,783
Court Awarded Attorney Fees	\$228,632
In-Kind Legal Contrib.	\$3,027,723
Investment Income and Other	\$32,363
Transfer to Reserves	\$(305,018)
Total	\$4,592,761



EXPENSES:	
Program Services	\$4,108,588
Fundraising	\$230,021
Management and General	\$254,152
Total	\$4,592,761



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

GIVING TO THE ACLU

The ACLU and the ACLU Foundation are separately incorporated nonprofit organizations operating in Maryland. The ACLU Foundation conducts litigation and public education in support of civil liberties. The Foundation is a 501(c)3 tax-deductible organization, and contributions to it are deductible to the extent allowed by law. The ACLU conducts membership outreach and organizing, legislative advocacy and lobbying, and is supported primarily by membership dues. It is a 501(c)4 organization, which is tax-exempt, but donations to it are not tax-deductible.

All gifts and membership dues are shared between the national ACLU Foundation and the ACLU Foundation of Maryland. A portion of the national ACLU's share is allocated to help smaller affiliate offices around the country.

You can support the work of the ACLU or ACLU Foundation in any of these ways:

CASH OR CREDIT CARDS: The organization is pleased to accept your donation or your monthly, quarterly or annual pledge via cash, check or credit card at any time. Gifts can be made online at www.aclu-md.org.

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BEQUESTS: In your will or revocable living trust, you may designate the ACLU or ACLU Foundation as beneficiary of part or all of your estate. Naming the ACLU as a beneficiary could result in a cash gift today. Be sure to take a look at the special opportunity below.

GIFT ANNUITIES: You may use cash or securities to make a gift to the ACLU Foundation and receive fixed annual payments for life (a portion of which is tax-exempt) and a substantial tax deduction.

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CHARITABLE TRUSTS: You can establish a charitable trust which benefits the ACLU Foundation while providing tax advantages and a variety of financial planning options for you and your family.

SPECIAL OPPORTUNITY (THE LEGACY CHALLENGE): If you designate the ACLU Foundation as a beneficiary in your will, or living trust, or if you establish a charitable remainder trust, gift annuity or pooled income fund gift before May 31, 2009, a generous ACLU supporter will provide a current cash gift to the organization to match a percentage of your gift or bequest intention.

To get information about the Legacy Challenge or about the many ways to support the ACLU, contact our Director of Development, Natasha Lewis at (410) 889-8550 ext. 126 or lewis@aclu-md.org.

THANK YOU

The ACLU of Maryland is vibrant and influential because of its creative and multifaceted strategies to protect freedom — and because of the generous support of its card-carrying members. We accept no government support nor do we charge fees when we litigate. We depend instead on membership dues, individual gifts, foundation grants and court-awarded legal fees.

As we celebrate the Maryland ACLU's successes and prepare for future challenges, we thank all our supporters, including volunteers who join us out of a deep sense of justice and fairness. The ACLU is much more than an organization — it is a movement of people fighting for a better society. Thanks for standing along with us.

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