

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

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

*Plaintiffs,*

v.

Wicomico County, Maryland, *et al.*,

*Defendants.*

Civil Action No. 23-MJM-03325

**DECLARATION OF CARL O. SNOWDEN**

1. I, Carl O. Snowden, am over 18 years of age and am competent to testify. I provide this declaration based on personal knowledge in support of plaintiffs' Motion for Preliminary Injunction in this case.

2. Born and raised in Annapolis, I am a community activist, writer, former government official, and principal at Carl Snowden & Associates consulting firm. I am a founder and current Convener of the Caucus of African American Leaders, one of the Plaintiffs in this lawsuit. Additionally, I am a columnist with the Capital Newspapers, and author of a book collecting my columns, *Some People Watch Clocks To Tell What Time It Is, I Watch People To Tell What Time It Is*, which was published in June 2020.

3. I have been a civil rights activist and leader in Maryland throughout my life, beginning in childhood. As a young teenager in 1970, I was expelled from Annapolis High School along with 14 other students, after we organized a boycott of classes to protest the school's lack of African American teachers and African American studies courses. (Fortunately, local

benefactors raised funds for me to complete my high school education at the private Key School in Annapolis.) Also while a young adult, I organized a group called VOTE (an acronym for Voters Organized To Educate), in the aftermath of the acclaimed Alex Haley work *Roots*, that successfully advocated for Annapolis officials to create a memorial celebrating the triumph of the human spirit personified in the character Kunta Kinte, and acknowledging the City's role in the African slave trade.

4. My youthful civil rights activism brought me unwelcome and unlawful attention from the Federal Bureau of Investigation (FBI), which placed me under surveillance from the time I was aged 16 through 24, as part of its COINTELPRO program, through which the FBI illegally spied on civil rights proponents. As a result, I pursued legal action against the FBI, winning a \$10,000 settlement and forcing the FBI to expunge the files the government had illegally compiled about me.

5. Beginning in 1985, I served for three terms as an elected Annapolis City Alderman, after successfully resolving a legal challenge to the City's abuse of the electoral districting process to limit the influence of Black voters. Thereafter, I served under Governor Parris Glendening as an administrator in the Maryland Department of Juvenile Services, and as President of the Anne Arundel County Economic Opportunity Committee. Additionally, from 1998 to 2006, I served as Legislative Liaison and Special Assistant to Anne Arundel County Executive Janet Owens, working on intergovernmental relations for the County.

6. In 2007, I was appointed by Attorney General Douglas Gansler as the State of Maryland's first-ever Director of Civil Rights, where I served until 2012, conducting advocacy, investigation and mediation in civil rights matters statewide. While my work as Civil Rights Director spanned a wide range of issues, I was vigilant in that role about doing all I could to protect

Marylanders' fundamental voting rights, which I view as preservative of all of our constitutional freedoms. For example, from 2007-2008, I helped Mr. Gansler organize and served as convener for the Attorney General's Task Force on Voting Irregularities, which conducted hearings statewide and reported its recommendations to help ensure that election issues that occurred in connection with Maryland's 2006 elections were addressed and remedied in advance of the important 2008 Presidential Elections.<sup>1</sup> Among those serving on this Task Force were acclaimed voting rights lawyers Sherrilyn Ifill and C. Christopher Brown, and ACLU of Maryland Legal Director Deborah Jeon, who is one of the Plaintiffs' counsel in this case.

7. In 2011, I founded and convened the Caucus of African American Leaders ("CAAL"), which serves as one of the organizational plaintiffs in this case, alongside the Wicomico County NAACP, the Watchmen with One Voice Ministerial Alliance, and individual Black voters of Wicomico County. CAAL is a membership-based consortium of organizations and individuals, including the NAACP, elected officials, and faith and community leaders, among others. We seek to raise awareness about current civil rights issues impacting the African-American community, particularly with respect to democracy and voting rights issues, by engaging in legal advocacy and encouraging the public to participate in local, state, and national elections to effect positive change. In addition to organizing demonstrations and participating in legal causes like this one, CAAL hosts monthly meetings to discuss issues affecting the community, and we solicit donations for other civil rights organizations. I have served as CAAL's Convener in Annapolis throughout the life of the organization. As our membership expanded on the Eastern Shore in recent years, I have also worked with Rev. James Jones, who serves as CAAL's Convener

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<sup>1</sup>See <https://msa.maryland.gov/megafile/msa/speccol/sc5300/sc5339/000113/005000/005368/unrestricted/20071452e.pdf>.

on the Eastern Shore. Both Rev. Jones and I have been involved extensively in supporting Black voters' efforts to address the challenged voting rights violations in Wicomico County.

### **History of Race Discrimination and Its Legacy in Wicomico County and the Eastern Shore**

8. As the Plaintiffs have detailed in this lawsuit and numerous historians have chronicled, Maryland's Eastern Shore has a long and disgraceful history of racial violence and discrimination, extending from the time of the first settlers until long after the heyday of the civil rights movement. Black residents have suffered through racial segregation and discrimination in all aspects of life, including in the areas of political participation, education, housing, government infrastructure and services, employment, and law enforcement abuse. The long shadow of this history has deeply affected the Shore's Black residents of today, including those in Wicomico County. In Wicomico County specifically, discrimination continues in many aspects of life, including in the form of election practices that deny Black residents equal rights to vote and to participate in self-governance in the County and its school system.

9. Over the course of four decades, I have worked extensively with civil rights lawyers to advance voting rights for Black and BIPOC Marylanders through enforcement of the landmark Voting Rights Act of 1965. Although this work included a Voting Rights Act lawsuit I participated in as a plaintiff successfully challenging the racially discriminatory election system in the City of Annapolis, the great majority of the voting rights work I have done has been to address violations that arose on the Eastern Shore. There, white residents for centuries have used the government and election rules to exert power and control over Black citizens by excluding them from the political process and from any role in their local governments.

10. My Eastern Shore voting rights work began in earnest in the mid-1980s, when I teamed up with veteran civil rights lawyer C. Christopher Brown – himself an Eastern Shore native

– and Maryland Attorney General Stephen Sachs to work with residents trying to address discrimination in election practices then pervasive across the Shore. It is no joke to say that when we crossed the Chesapeake Bay then to undertake this work, it was like stepping back in time. While just a short drive from the State capitol, the Eastern Shore was like a different world entirely – a world that felt more like 1960s Mississippi than it did 1980s Maryland, a world characterized by racial apartheid not seen in other parts of our state for decades. It was almost as if the civil rights movement had somehow missed Maryland’s Eastern Shore.

11. Decades had passed, and still the large Black populations of Shore communities remained completely absent from government, business and civic life. You could go into a government office or a local shop and never see a Black face; those who were employed were hidden in the back rooms, engaged only in service work or sweeping up after white people. Black Shore residents felt afraid, oppressed and hopeless.

12. Given the palpable fear Black residents had that those who rocked the boat would suffer retaliation, it took substantial time and encouragement for us to build community trust that change could come about through legal challenges. But slowly and surely, we did that, and courageous Black men and women committed to take a stand against racial oppression on the Shore – especially in the areas of voting rights and employment.

13. In one community after another, Black residents joined together and with us to file Voting Rights Act lawsuits like this challenge now being brought by Wicomico County’s Black voters. Like this lawsuit, these earlier actions challenged racially discriminatory at-large election structures. They also challenged other election features, some of which have historically existed in Wicomico County to enhance discrimination inherent in the at-large structure. These included dual registration requirements for local and state elections, anti-single-shot provisions like

staggered terms and designated posts, as well as practices that discourage Black participation in elections, like the siting of polling places at all-white volunteer fire companies that functioned like white men's clubs and often made Black voters feel unwelcome. As Maryland's federal court recognized in another voting rights case concerning Wicomico County in which I participated as a witness, all of these practices are legally problematic, in that they create obstacles to Black participation and reinforce the minority vote dilution inherent in at-large systems. *See Marylanders for Fair Representation v. Schaefer*, 849 F. Supp. 1022, 1061 (D. Md. 1994) (three-judge-court) (citing to my testimony on these points.)

14. Following election challenges brought by the U.S. Justice Department against the City of Cambridge and Dorchester County in 1984, the first private lawsuits I recall were in 1985. Working with attorneys Chris Brown, Alan Legum and me, Black residents in the Towns of Easton, Princess Anne and Snow Hill simultaneously filed lawsuits on the same June day, challenging at-large municipal election systems that shut them out of government.<sup>2</sup> Looking back now, the response by white officials in these communities to Black voters standing up for their rights is so appalling it is almost laughable. For example, Princess Anne Town Attorney Logan Widdowson assured the *Washington Post* that no problem existed *because* the town had "never had a black to file for public office since at least 1972 when I became city attorney." The white Town Manager agreed, proprietarily adding: "There's been no discrimination here . . . . *We have a very good rapport with our black people.*" These comments seem outrageous now, but they accurately depict the white supremacist mindset then firmly in place.

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<sup>2</sup> See P. Valentine, *Voting Rights Suit Names 3 Maryland Towns*, *Washington Post*, June 13, 1985, available at: <https://www.washingtonpost.com/archive/local/1985/06/13/voting-rights-suit-names-3-md-towns/e8fb3e7d-d8f9-45ad-b10a-1afeb759152f/>

15. Notwithstanding their initial contention that all was well and that these lawsuits were doomed to fail, all three Towns quickly settled, with the challenged discriminatory at-large election structures being replaced with racially fair district systems. Thereafter, similar legal challenges followed in towns and counties across the Eastern Shore, with Black voters and DOJ ultimately securing reform of at-large elections systems in Somerset, Worcester, and Dorchester Counties, Pocomoke City, Salisbury, Berlin, and Hurlock, in addition to Cambridge, Easton, Snow Hill and Princess Anne.

16. Some white officials resisted this change more than others. For example, even a decade after those 1985 lawsuits, white officials in Worcester County resisted reform, contending there was no problem with all-white government – that it was just happenstance that no Black person had won election to county office in 250 years. See E. Meyer, *Suing to Gain A Voice for Blacks*, Washington Post, November 8, 1993.<sup>3</sup> Echoing the 1985 comments of Princess Anne officials, the white Worcester County Commission President “Sonny” Bloxom proclaimed: “Maybe we're blind, but we can't see why the plaintiffs don't feel they have access to the government now. We don't feel that blacks have been shut out of the political process.” *Id.* Fortunately, the federal judge hearing that case, *Honiss Cane v. Worcester County*, saw things more clearly than Mr. Bloxom; after a long and drawn out legal battle, Judge Joseph Young required Worcester County to replace its at-large election system with districts, just as all the other Eastern Shore governments had done without wasting hundreds of thousands of taxpayer dollars fighting to keep discriminatory systems in place.

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<sup>3</sup> Available at: <https://www.washingtonpost.com/archive/local/1993/11/08/suing-to-gain-voice-for-blacks/63e797c9-d920-44c9-808e-6dfe969fe66f/>

17. Over time, these lawsuits and the reforms implemented through court rulings and settlements brought historic and transformative change to the affected communities – literally changing the face of local Eastern Shore politics and affording Black residents an equal voice in their government for the first time. This is the same transformative change Black voters of Wicomico County seek to achieve through their pursuit of this action.

### **Past Voting Rights Litigation involving Wicomico County residents**

18. The one Eastern Shore voting rights case during this earlier era in which litigation was not wholly successful – and where the work still remains unfinished – concerns Wicomico County. Prior to 1990, Wicomico County had a five-member County Council, elected at large, that was all white throughout history with the single exception of a short period from 1978 to 1981 when a Black Councilman named Emerson Holloway (who died midway through his single term) served. The Council was then the governing body of the County, with no elected County Executive, only an appointed County Manager. In 1987, the United States Department of Justice sued Wicomico County challenging the five-member at-large system under Section 2 of the Voting Rights Act. The County vigorously defended the lawsuit, but part way through the litigation altered its election system through a popular referendum, expanding the County Council to seven members, with five elected from single member districts – one majority-Black in population – and two members elected at-large. This is the system still in place today. Although this change did not provide the full relief Black residents were hoping for, and we were concerned that the County’s retention of two at-large seats would deny full equality to Black residents, it did at least provide a realistic opportunity for Black residents to gain one seat at the table of County government. Immediately following the change to the partial district system, Black candidate Rudolph C. Cane won election to the County Council in 1990 from the



single majority-Black district. In every election since, a Black candidate has won election and served in that one position, which has been an improvement over the all at-large system which consistently shut out Black candidates and maintained an all-white Council.

19. In addition to discrimination faced from Wicomico County itself, Black Wicomico residents have also suffered discrimination with respect to elective state and municipal offices through use of at-large and non-resident voting schemes. Most notably, until the *Marylanders for Representation* case, no Black person had ever been elected to the Maryland General Assembly from the Eastern Shore. Late in 1992, the State's use of at-large multi-member legislative districts on the Lower Eastern Shore was challenged by the NAACP under Section 2 as racially discriminatory— a case in which I testified as a witness for the Plaintiffs. The Court agreed, ruling that the at-large structure unlawfully diluted the Black vote across the Lower Shore, in violation of the Voting Rights Act. *Marylanders for Fair Representation, supra*. To resolve the challenge, the State created a new single-member delegate district spanning portions of Wicomico and Dorchester Counties, leading to the election of former Wicomico Councilman Rudolph Cane as the first African American in history elected to the Maryland General Assembly from the Eastern Shore. To date, however, no Black Eastern Shore resident has ever been elected to the Maryland Senate, nor has any Black resident been elected to the House outside this single majority-Black district.

20. Wicomico County's seat, the City of Salisbury, also has a history of discrimination in the area of voting rights. In 1986, I worked with Black voters, including Billy Gene Jackson, Rudy Cane, and other activists with a group called New Directions, in challenging Salisbury's at-large election system as violative of Section 2.<sup>4</sup> At the time, nearly

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<sup>4</sup> *Billy Gene Jackson v. City of Salisbury*, Civil Action No. Y-86-587 (D.Md.)

20 percent of the City's population was Black, but no African American had ever been elected to one of the City Council's five at-large seats, nor to the Mayor's office. The case settled in 1987 by entry of a Consent Decree in which the City conceded that the at-large structure violated Section 2, and established a new minority opportunity district for one of the council seats. Since that time, a Black candidate has run and been elected to represent the district in every election – including Mr. Jackson's daughter April Jackson, who still serves on the Council today.

21. Even after the 1986 challenge, however, the City of Salisbury, as well as the Wicomico County municipalities of Fruitland and Delmar, continued to employ non-resident voting schemes that empowered non-resident property owners – the great majority of whom were white – to vote in municipal elections, thus diluting the voting strength of resident Black voters. In 1993, a group of resident Salisbury voters working with the ACLU challenged Salisbury's non-resident voting scheme under the U.S. Constitution and Voting Rights Act; the case settled with the City amending its charter to discontinue the practice.<sup>5</sup> Thereafter, in the wake of the Salisbury litigation and under pressure from Black voters, neighboring Wicomico County municipalities also amended their charters to discontinue the non-resident voting practice.

22. Concerns about minority vote dilution in Salisbury resurfaced in 2012, as the City prepared to undertake redistricting following the 2010 Census. Although the City's BIPOC population had grown to nearly 50 percent of the overall municipal population, the Mayor and Council were proposing to keep in place a system that afforded minority voters just one opportunity district on the five-member council. The NAACP intervened, arguing that the

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<sup>5</sup> *McLaughlin v. Caldwell*, Civil Action No. 93-Y-1599 (D. Md. 1993).

Voting Rights Act required that at least two council members should be elected from minority opportunity districts, and threatening a court challenge. After negotiations with the Salisbury Mayor, City Council and City Attorney, however, Salisbury altered its election system from a two-district system with one single-member majority-Black district and a majority-white at-large four-member district, to a five-district system with five single-member districts, two majority BIPOC in population. As a result, representation on the City Council has been more diverse in recent years, with two current Black members, including the Council President.

23. Just as the 1986 half-measure required additional reform in Salisbury in 2012 to ensure fairness amid demographic change, additional reform is now urgently needed in Wicomico County to overcome persistent vote dilution caused by the partial at-large structure. Three decades of elections since the 5-2 system was put into place in 1990 confirm that the at-large structure submerges Black voters in the larger electorate of white voters, enabling the white majority to minimize the influence of the Black minority by overriding Black voter preferences so that their candidates of choice are always defeated when running for the at-large seats. Indeed, throughout the period since 1990, the County has continued to maintain a government in which 86% of elected Council members are white officials preferred by white voters, and just 14% are Black officials preferred by Black voters. Tragically, almost half a century later, Emerson Holloway remains the only Black person ever elected at large to the Wicomico County Council, despite numerous Black candidacies for the at-large positions in the decades since Mr. Holloway's 1978 election.

24. Importantly, Wicomico County has long known of the race discrimination inherent in its election system, but has refused to address the problem. Over a decade ago, in 2013, I worked with Black Wicomico County residents, the Wicomico County Branch of the NAACP and the

American Civil Liberties Union of Maryland, in asking the U.S. Department of Justice to reopen its investigation of Wicomico County elections. Our request traced the history of vote dilution in the County since 1990, and included detailed analysis of racial polarization in voting patterns since the 5-2 system was put into place. It further demonstrated that a fairer election plan of seven single member districts could overcome this pattern of discrimination, with two majority-Black election opportunities for Black voters. Our efforts garnered significant publicity and substantial public support for reform; but neither the Department of Justice nor Wicomico County took any action, thus leaving the discriminatory system in place.

25. Instead of collaborating in reform of its discriminatory system, in 2016 County officials went from bad to worse when they put the 5-2 election system into place for the Wicomico Board of Education. Prior to this change, the School Board was appointed by the Governor and it was common for the 7-member Board to have more than one Black member. But now, due to the use of the at-large structure for two of the seven Board seats, only a single Black official serves, with efforts of Black candidates to win at large positions consistently failing. In a school system that is more than 60 percent BIPOC, this lack of fair representation in the school system's governing body sends a terrible message to Black and brown children and families.

26. Overall, since the 5-2 election system was put into place for the County Council in 1990, and for the School Board in 2016, every single candidate elected at large to each body has been white, as has every official elected to any district except the single majority-Black district. Although maintenance of a racially discriminatory system like this in and of itself discourages Black candidates from running for office, the overwhelmingly white composition of Wicomico's government has continued throughout this period notwithstanding the candidacies of strong Black candidates. The pattern is clear: Wicomico's racially dilutive at-large election structure has been

and continues to be employed to retain white control, and to prevent election of any more than one Black candidate at a time, both for the County Council and School Board.

27. Through this action, Wicomico County's Black voters seek to right this wrong, asking the Court to overhaul Wicomico's election system and to order a racially fair system in its place. By replacing the County's partial at-large election system with a racially fair plan of seven single-member districts, as Black voters request, all community members can begin to share in governmental systems that have for too long been run by and for the benefit of white residents. It may have been a long time coming, but I believe the chimes of justice are finally tolling for Wicomico County.

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 June 11, 2024

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Carl O. Snowden