

**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 MONICA BROOKS

1. I, Monica Brooks, am over 18 years of age and am competent to testify. I am a Black registered voter residing in Wicomico County, Maryland, and an individual named plaintiff in the above-captioned case, as well as being the President of the Wicomico County Branch of the NAACP, an organizational plaintiff. I submit this Declaration upon personal knowledge, in support of plaintiffs' motion for a preliminary injunction in this matter.

2. A native of Southern California, I have made my home in Wicomico County since 2006, when I married my husband, Pastor Robert Brooks, who lived here already. Together, we run a small business and have been raising three children, two now young adults, one of whom attended and graduated from Wicomico County public schools. Our third child currently attends a private school in Salisbury.

3. A graduate of the University of California, Santa Barbara, I have been employed in different capacities over time, including as a teacher, but my work is currently focused on our family business and community activities. Since moving to Wicomico, I have put down roots here, investing my time and my heart into efforts to preserve the local environment, civil rights

advancement, education, business development, and capacity building in the Black community. I am a person of faith committed to service, fairness, integrity, kindness, care for others and bridge building. Throughout my life I have believed that we are put here on earth to give back – to make the world better and to help people. And I try to live in that spirit every day.

4. While Wicomico County is my home and I am happy here, as a Black woman, wife, parent, business owner and community activist, I cannot ignore that there exist many County practices and policies that disrespect and have caused real harm to members of our Black community. As discussed more fully below, this includes, but is by no means limited to, the County's exclusion of Black residents from full participation in the political life of our community, by use of an election system structured to dilute the votes of Black residents and to strictly limit the opportunities for Black people to hold public office. This discriminatory structure overarching the County government and school system enables and perpetuates other forms of discrimination throughout public life here.

5. Candidly, the race-based oppression prevalent in Wicomico County and across the Lower Eastern Shore were quite jarring to me when I first moved here, having lived most of my life in California, then in central Maryland. The region's history of racism and segregation throughout the 19th and 20th centuries have left a deep legacy in inequality that remains to an alarming degree. Even today, the race-based discrimination and disparities throughout the community are glaring. Indeed, in many respects it seems that with respect to race relations, time has just stood still here. Black residents feel the oppressive legacy of Wicomico County's racist history every day in myriad ways, such as: 1) in public schools, where racial harassment, including use of racial slurs proliferate and gaping racial disparities persist, from the lack of Black teachers and administrators, to the dearth of Black and brown students in advanced classes or specialized

programming, while overrepresented in school disciplinary actions; 2) at public meetings, where Black residents who dare to speak often are disrespected, and their needs dismissed, discouraging others from engaging; 3) in police interactions, rife with racial profiling and abuse; and 4) with respect to environmental justice, a movement I have been very involved in, where we see the Black community targeted for environmental hazards and burdens in a way wealthier white residents would never abide.

The Role of the NAACP in Advancing Fairness in Elections

6. As noted, I am named as a plaintiff in this lawsuit both individually and as a representative of the National Association for the Advancement of Colored People (NAACP), where I currently serve as the President of the Wicomico County Branch. I first came to the Wicomico NAACP through my environmental justice work, after connecting with state NAACP leaders on initiatives I was working on locally and in Annapolis to limit toxic waste from big agriculture on the Shore. In time, this led to a position as Environmental Justice Chair for the Branch, and more recently to my position as President.

7. The Wicomico County NAACP is a non-profit membership-based civil rights organization, open to all county residents, though our membership is predominantly Black. Members pay annual dues to the organization, which are shared with the National NAACP and used to support the work of the branch. The Wicomico County NAACP is a small but committed branch within the state and national NAACP structures, with membership including myself, Mary Ashanti, and plaintiffs Eddie Boyd, Amber Green and Luc Angelot, among many others. Our members reside throughout Wicomico County and many send their children and grandchildren to Wicomico County public schools. The votes of Black branch members are diluted in elections conducted for Wicomico Council and School Board through the Defendants' use of the partial at-

large structure. Due to the race discrimination this system imposes on our members, the NAACP sues on their behalf, in addition to suing in its own right.

8. Historically, the Wicomico NAACP has focused on work pushing back against race discrimination all too prevalent in Wicomico County, including by promoting diversification of the overwhelmingly white leadership of Wicomico County government and school system amid diversification of the County's population. The mission of the NAACP is to secure the political, educational, social, and economic equality of rights in order to eliminate race-based discrimination and ensure the health and well-being of all persons. The vision of the NAACP is to ensure a society in which all individuals have equal rights without discrimination based on race.

9. For decades the Wicomico NAACP has fought against racial discrimination and oppression in Wicomico County perpetuated through practices and systems that promote minority disenfranchisement, specifically including the Defendants' use of an at-large feature in its election system. In the 1980s, we aligned with the U.S. Department of Justice in seeking to abolish the all-at-large Council system, resulting in partial success, when the County altered that system to one which combines the at-large feature with single-member districts. While this change reflected an improvement in establishing one realistic opportunity for Black voters to elect a candidate of their choice, retention of the partial at-large structure was opposed by the NAACP from the outset.

10. The so-called "5-2 system" with five members elected from single member districts and two at large, now has been in place for County Council elections since 1988, and for School Board elections since 2016. As expert analysis shows, and the NAACP has long argued, racial polarization among Wicomico County voters and discrimination suffered by Black residents throughout history cause this system to consistently place the at-large positions off limits to Black voters and candidates, even as the County's Black population share has increased over time.

That is, despite Black population growth from 22.3% in 1990 to nearly 30% in 2020, white voters and officials have continued to dominate government and marginalize Black voters, with 86% of elected Council and School Board members being white officials preferred by white voters, and just 14% Black officials preferred by Black voters.

11. A memorable example illustrating the racially discriminatory impact of the County's continued use of the partial at-large structure played out in 2010, when an extremely well-qualified candidate, Edward Taylor, ran for an at-large seat on the County Council, after having served three Council terms representing the majority Black district. Mr. Taylor, who passed away in 2020, was a beloved figure in Wicomico County's Black community, and highly respected as a public official who pushed for racial equity throughout his career. He was a Wicomico County native, and veteran who earned two bronze stars for heroism in the U.S. Army during the Korean War. Later, Mr. Taylor explained his lifelong civil rights activism by recalling being sent to the back of the bus on his trip back from the war. He related the devastation he experienced in returning home to see how the freedoms he had fought for abroad were still denied outright to Black people like him at home on the Eastern Shore. He put his principles to work as a teacher and school administrator in Wicomico County schools, then was appointed to the Wicomico County Board of Education. After his retirement, Mr. Taylor ran for Wicomico County office, replacing Rudy Cane as the District 1 representative on the County Council in 1994. Later, Councilman Taylor was reelected twice, with near-unanimous Black support. After stepping down from the Council for a term while writing a book, in 2010, Mr. Taylor sought to return to office, but did not wish to displace the Black representative who had replaced him in District 1. So, he instead decided to run for an open at-large seat. But notwithstanding his superb qualifications and overwhelming support in the Black community, Mr. Taylor placed last among four candidates for

the two at-large seats, losing to three white opponents. To me and most Black people I know, the message was clear: Ed Taylor lost that election because he was a Black man. And the rest of us should take note.

12. Prompted in part by the minority vote dilution we saw as obvious in Edward Taylor's 2010 experience, in 2013 the Wicomico NAACP worked with Black County residents, including Mr. Taylor and Dr. Eddie Boyd, along with the American Civil Liberties Union of Maryland, in raising complaints about the continuing discrimination inherent in Wicomico County's 5-2 election system, by submitting a formal request that the United States Department of Justice reopen its investigation of Wicomico County elections. Unfortunately, no action was taken either by DOJ, or Wicomico County in answer to this request. Instead, during the years that followed, County officials doubled down, joining with School Board leaders by importing this racially discriminatory plan into the Wicomico County Public School system's governing structure, as codified in Md. Ann. Code, Educ. Art. §3-13A-02. Prior to this, the seven-member Board of Education had been appointed by the governor, a system that in practice had allowed fair representation by Black members. The NAACP strongly opposed adoption of an elected system that employed the discriminatory at-large structure, and our then-President, Mary Ashanti testified against this change, asserting the it would result in racial vote dilution and a lack of fair representation on the Board. Nevertheless, the County pushed through a legislative bill that put the 5-2 election plan up for popular referendum with Wicomico's majority-white electorate in 2016, where it was adopted.

13. Following these failed NAACP reform efforts in 2013 and 2016, evidence of discrimination inherent in the at-large system continued to mount, as shown in numerous state and local elections analyzed by Political Science Professor Kassra Oskooii. Locally, whenever Black

candidates contest at-large County Council and School Board positions, they fail. Most recently, during the 2022 election, this happened when Black candidate Ernest Davis ran unsuccessfully for County Executive against white candidate Julie Giordano. This happened even though Mr. Davis was an experienced County Councilman, while his white opponent was a newcomer who had never before held elective office – in Wicomico County, or anywhere (although Ms. Giordano was a member of the 2021 redistricting committee that recommended this unlawful system despite concerns expressed by other members about its illegality.) The same occurred in 2018 elections – both in at-large County Council and School Board races. In the at-large Council race, Black candidate Jamaad Gould placed last to three white candidates competing for two positions. Likewise, in the 2018 School Board election – the first conducted in the new elective system – Black candidates Talana Watson and Tyrone Cooper both lost at-large to two white candidates. As Professor Oskooii attests, each of these local elections was characterized by extreme polarization between preferences of Black and white voters.

14. There is no question that these consistent failures by Black candidates running at large for Wicomico County offices send a message that these races cannot be won unless you are white. In saying this, I speak not only as an NAACP official and political observer, but also from my own personal experience. Given my civic activism as a Wicomico County resident over 15 years, in 2022 I decide to run for Wicomico County Council myself. As someone who regularly attends government meetings to advocate for environmental justice measures and other civil rights causes, I have grown frustrated with the dismissiveness and disrespect frequently shown by government officials to me and other members of the Black community. I knew I could do better at treating all people equitably and paying attention to community needs if given that power, and so resolved to put myself out there as a candidate. In so doing, however, I was also acutely aware

that racially polarized voting patterns in the County limited my options as to what position I could realistically seek. I knew, as a Black woman, it would not be possible for me to be a competitive candidate against white candidates running at large. So, as sad as that made me, I could not justify even trying to pursue election for any at-large County position. Moreover, I know for a fact that such reasoning is not unique to me and that other would-be Black candidates are discouraged from running at large or in majority-white districts, where the prospects for success are negligible. Due to the historical exclusion of Black officials from the upper tiers of Wicomico County government, consistent losses by the few Black candidates who risked running countywide or in majority-white districts have reinforced the strong view among Black residents and prospective candidates that such races are unwinnable, discouraging others from undertaking long-shot contests.

15. For me, this meant if I wanted to run for County Council I would have to do so in the majority Black district where I live. Although this was an open seat, because Black candidates' options are limited to this one opportunity among the seven, it meant I would have to compete against other eminently qualified Black candidates, as each of us felt this was our only option. Thus, in the Democratic primary, I had to face off against my friends and fellow NAACP members Shanie Shields and Amber Green, which I found painful. Ultimately, I narrowly lost that race in the Democratic Primary – falling just 33 votes short – to Ms. Shields, who went on to win the seat in the General Election. I know each of us felt that by forcing Black residents into a single opportunity among the seven council seats when we represent almost a third of the County's population, the system is terribly unfair.

Present Effects of Discrimination on Wicomico's Black Residents

16. The effects upon Black residents of the vote dilution inherent in the system and their lack of equal representation in County and school system government are profound.

Members of the County’s Black community bear present-day effects of longstanding societal discrimination, effects that are apparent across a wide spectrum of civic and economic life, including in the areas of economic opportunity, housing, education, health, and the criminal justice system. These discriminatory outcomes reflect our government’s continuing failure to address its long history of discrimination, and they hinder Black voters’ ability to participate effectively in the political process. My family and I experience this ourselves, and I hear regularly from Black NAACP members about race discrimination they encounter and the myriad ways they are made to feel “less than” in their daily lives.

17. As demographer William Cooper confirms, racial discrimination and disparities in Wicomico County persist in many ways. For example, Black families and children live in poverty at far greater levels than whites, Black family incomes are less than two thirds those of whites, Black unemployment is double that of whites, and Black residents are only half as likely as whites to own their own homes.

18. In school, diversity is tokenized, and very few Black teachers and professionals are present for children to look up to and learn from. It is difficult for Black children to go to school and not see themselves represented by teachers and others in positions of power. Instead of considering policies to promote diversity, debate during the most recent school board elections centered on censorship of books and restrictions on teaching the truth about Black history. In practice, this has meant that that these days Black children are only taught platitudes around Black History Month and Martin Luther King Jr., and education about Black culture is completely forgotten amid false allegations about “critical race theory.” One heartbreaking example of the consequences of this: Black children who attend my church asked me what to do when they are openly taunted by white children with racial epithets, especially the vicious slur “N****r”, at their

school. This isn't something from long ago, it happens still: Black children casually confronted with this disgusting slur. The dismissive way such harassment is responded to – or more accurately, NOT responded to – is testament to the total disconnect between white officials in power and the needs of the Black community. A person of color would indisputably take such hurtful and demeaning misconduct extremely seriously, so the exclusion of Black people from positions of power within the school system makes enormous difference to the wellbeing of these children.

19. Wicomico County's Black residents also regularly confront race discrimination with respect to police practices and law enforcement. Wicomico County Sheriff Mike Lewis – the County's most powerful law enforcement official – has made a national name for himself via Fox News with racially divisive threats of “all out civil war” if gun safety laws he disagrees with are enacted at the state or federal level, and Lewis has publicly condemned people like me and other NAACP members who peacefully protest for civil rights by asserting that Black Lives Matter, asserting in social media posts: "Shame on every one of you who continues to blame the police and our state and federal government for refusing to accept responsibility for your own failures and your own perceived inequities."

20. Since becoming NAACP President just over a year ago, I have worked hard to show up for Black residents and make our positions known to those in power, always reminding officials the Black community is impacted by their actions and that we want the opportunity to be heard. Toward this end, I attend public meetings regularly, and often testify on behalf of the NAACP and myself about matters under consideration. Frequent however, despite my efforts, I am left feeling unheard, or that our views will be disregarded. This has certainly been my experience with the current County Executive, Julie Giordano – seemingly because the NAACP spoke out against one

of her proposals. Shortly after her election, Ms. Giordano proposed the very controversial appointment of Dan Cox as Wicomico County Attorney. Mr. Cox, a Republican who lost 2022 gubernatorial election by a wide margin, does not live in Wicomico County or anywhere on the Eastern Shore, and works for a Republican legislator in Pennsylvania. Moreover, he has a record of white supremacy and extremism, having funded and encouraged participation in the January 6 insurrection at the Capitol. As such, the NAACP was among those speaking out against this appointment, which was eventually voted down by the Council. Since then, however, and seemingly because the NAACP challenged the Cox appointment, the County Executive cut off all communication with our branch. Time after time I contacted the Executive to schedule meeting for us to discuss topics of interest for Black residents, and could not get a return call or communication. Finally, I went personally to the County Building, seeking to go to the office and speak with Ms. Giordano. In an extraordinary departure from past practice, however, I was barred from taking the elevator up to the County Executive's office, and told that the only way that would be allowed would be if I scheduled an advance appointment, which I had been completely blocked from doing due to her non-responsiveness. This is no mere personal snub: The County Executive's refusal to meet with me or the NAACP for over a year despite repeated requests silences us with respect to any influence we might have over the County administration led by Ms. Giordano.

Solutions to Overcome Race Discrimination in Wicomico Elections

21. History shows the obvious answer to overcoming the unfairness of Wicomico's election systems – eliminate the at-large seats, and create a second majority Black district in a seven-district plan. If such action is taken, opportunities for Black residents will open up, just as has happened in towns and counties across the Eastern Shore, including in Salisbury's second

round of election reform in 2015, and just as occurred when Wicomico County created its first-ever majority-Black district in District 1 to resolve the 1987 DOJ lawsuit. The consistent election of Black candidates once opportunity is offered through creation of majority-Black districts shows what a difference a racially fair plan can make in encouraging greater participation among minority candidates and in allowing Black voters to elect a candidate they consider representative of their interests. This is what the NAACP, all of the plaintiffs in this case, and many others have argued now for decades – that population changes in Wicomico County since 1990 clearly justify abolition of the at-large seats and addition of at least one more majority Black district in a seven-district election system.

22. Wicomico County leaders know their election system is racially discriminatory, but have ignored calls for change to this discriminatory system – seeking to hold on to white power as long as possible. Indeed, beyond warnings by the NAACP, ACLU and Black residents over the course of years, the County’s own redistricting officials warned that the election system was unlawful and needs to change during the 2021 redistricting process following the decennial Census. Wicomico County Redistricting Committee meeting minutes show that, during deliberations, Redistricting Committee members Dr. William Nagel (a former School Board member) and Mark Danderson repeatedly expressed concerns about the inequity in the system, noting that the County is 30 percent Black but is consistently limited to 14 percent representation. Minutes from Committee Meetings of Sept. 22, 2021, Oct. 19, 2021, Oct. 27, 2021, and Nov. 10, 2021 are appended hereto as Attachments A-D respectively. During Committee meetings, Dr. Nagel openly admitted that the hybrid at-large, single member districts map diluted Black representation. He repeatedly argued that unless the County adopted a system with no at-large seats, it would be unable to improve equity, and he recommended that

the County consider changing its Charter to create a new, fairer electoral system. Importantly, County Executive Julie Giordano was a member of the Redistricting Committee, and engaged in debate with these members about their concerns. As with all prior warnings however, defendants disregarded and ignored Dr. Nagel's counsel as well, knowingly conducting 2022 elections for Council and School Board in a way that violates the fundamental rights of Wicomico's Black residents.

23. Wicomico County's refusal to reform its election systems despite years of advocacy from the NAACP, ACLU, and others – including a stern recommendation from the County's own redistricting committee – demonstrates better than I ever could in words the disrespect for Black voices, and the unresponsiveness to community concerns with which Wicomico County officials too often conduct themselves. The notion that Black residents should wait longer still – that we acted precipitously in filing this lawsuit – is absurd. For over a century, Wicomico County's Black residents were shut out of public office through the County's at-large election system, then for 35 years more we have put up with vote dilution under the 5-2 hybrid system, and now we suffer the same discrimination in School Board elections as well. The time has come for change. And respectfully, we believe only a Court order can at last vindicate the rights of Wicomico County's Black voters and afford us the relief we are due.

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: July 7, 2024

A handwritten signature in cursive script that reads "Monica Brooks". The signature is written in black ink and is positioned above a horizontal line.

Monica Brooks