

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MARYLAND
GREENBELT DIVISION

MS. PATRICIA FLETCHER,
et al.,

Plaintiffs,

v.

LINDA LAMONE in her official
capacity as State Administrator of
Elections for the state of Maryland;
And ROBERT L. WALKER in his
official capacity as Chairman of the
State Board of Elections,

Defendants.

Civ. Action No.: RWT-11-3220

DECLARATION OF THOMAS PENNY III

I, Thomas Penny III, declare based on personal knowledge and experience and pursuant to 28 U.S.C. § 1746:

1. I am an African-American resident of Upper Marlboro, in Prince George's County, Maryland. I am thirty-six years old and grew up in Maryland, going to school, college and working in the State, and am a registered voter in Maryland. I currently work as the General Manager of the Courtyard by Marriott Convention Center in Washington, D.C.
2. I have routinely felt discrimination based on my race beginning as a child in Maryland and continuing today.
3. Some of my most vivid memories growing up in Maryland are treatment I received by police because I am African-American. On four separate occasions while I was at locations such as restaurants or lounges where African-American adolescents hung out, I was mistreated by

police officers who treated me with disrespect and used brute force. On each occasion I was cursed at by the police officers and on three of the occasions the police used the term "nigger" during their rough treatment of me. Each time I received bruises resulting from their brute force. On one occasion during the course of being beat up by the police they also sprayed my mother's van with pepper spray. The use of excessive force by the police was because I am African-American.

4. I attempted to report the police abuse three separate times to the State Police Barracks. Twice, after speaking to the state employee who answered the phone and explaining my complaint I was told that there was no one who could hear the complaint but they would take my name and phone number and get back to me. I gave them my information and no one ever called me back. The third time I remained on the phone to speak with someone but waited on hold for at least 40 minutes before I became discouraged and hung up. Following these experiences I believed that as an African-American it was impossible for me to have my police brutality complaint heard and gave up.
5. My schooling in Prince George's County also reinforced negative racial stereotypes. In school we learned about the historical accomplishments of mostly white people of European descent. Our history books did not speak about the accomplishments of African Americans or their contribution to the state or country.
6. This negatively reinforced African Americans by not giving them role models to look up to outside of the athletic field. I saw firsthand how African American boys felt superior and performed with confidence on the athletic field because they saw other men who looked like them have success in athletics. However these same African American boys felt inferior in the classroom because they were not taught the contributions of African Americans in

academics. This reinforcing of racial stereotypes by the schools in how and what they taught led to a lack of confidence in African American children that they can succeed anywhere but the athletic field.

7. I graduated from Crossland High School in Prince George's County, Maryland, in 1992.

During my time in high school I had friends who attended schools that were not in African American neighborhoods or where the school was majority white. I also played sports in high school and had the occasion to visit other school facilities outside Prince George's county to compete in sports. When I visited friends or spoke to them about their schools or when I saw other schools with my own eyes I saw the great disparity between schools in white areas and schools in African American areas. My high school had no air conditioning which made it unbearably hot in the fall and spring. My friends in Montgomery County were using textbooks that did not exist in Prince George's County. In Montgomery County my friends took calculus while it was not even offered at my school. I was regularly eating pizza and potatoes in Prince George's county while in Montgomery County they had choices including gourmet meats and salmon. The school buildings where I attended school were old and not renovated while the schools I visited in Montgomery County looked like college campuses. The grass was rarely cut at Crossland and there was no landscaping to speak of. There was always trash strewn about the grounds of my school.

8. I came to the realization that the public schools in in Potomac or Rockville were sending the message that they were preparing future doctors and engineers. While the schools in African American neighborhoods in Prince George's County where I attended were simply a cradle on the prison superhighway.

9. Five years ago I was checking into a hotel on the Maryland eastern shore with my family and got to the hotel late at night. The white man behind the desk asked me if I had already checked in because I “look like a colored guy who checked in earlier.” I was shocked at the use of the racial term.
10. One of my first jobs in the hotel industry was as the Food and Beverage Director at a hotel across from Edwards Air Force Base when I was 19 years old. All other managers at my level were white and all were offered health insurance by the hotel. When I asked why I was not offered health insurance I was told I didn’t need it without further explanation. However, I believe it was because of my race.
11. There is a lack of resources in the African American community in Prince George’s County. For example I live fifteen minutes from Prince George’s Hospital. The quality of care and the facilities there are widely recognized as subpar. Because of that I drive forty-five minutes to an hour to a Montgomery County Hospital even when I or my children need emergency care.
12. As an adult I have seen that the political system in Maryland does not respect the African American community. No governor in recent history has been successful with the vote of Baltimore and Prince George’s County and yet the Democratic Party has not allowed African Americans at the top of the ticket and the Democratic Party has worked against it. I recall when Kweisi Mfume ran for U.S. Senate he publicly stated state leaders were working against his candidacy because of his race. The Baltimore Sun ran an article on July 14, 2005 entitled “Mfume Sees Plot to Block Candidacy, ‘Democratic operatives’ lining up rivals, he claims; Argues Black Votes May be Lost” a true and correct copy of which is attached as Exhibit A to this Declaration.

13. I attended a hearing of the Governor's Redistricting Advisory Council in Largo, Maryland.

When discussion of the overwhelming position of African American Marylanders in support of having three African American majority-minority congressional districts was raised it was met with indifference. Senate President Mike Miller showed a deafening level of arrogance towards the pleas of African Americans. It was obvious to the audience through his body language that he was there to check the box that they held the hearing but that he was not remotely willing to take African American concerns for a third congressional district into account. He was called out by name by witnesses at the hearing and he responded with arrogance. He was told that he had wielded great power in the state at the expense of minorities and that now it was time to do the right thing in redistricting. He did not respond to the plea and his body language continued his arrogant attitude and made clear he intended to do whatever was in his best interest at the expense of African Americans.

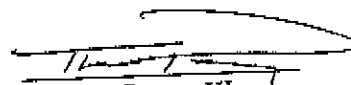
14. During the presidential election in 2008 I routinely received mailings at my house telling me the election was on a different day. I understand these mailings were targeted to African American neighborhoods.

15. I vote in a majority African American precinct and the lines at the poll are always long. I have never been able to vote in less than an hour and a half. There are never enough resources in my precinct or enough people working to assist everyone. I have seen many people leave without voting because they could not wait long enough and I have gone to vote and left because I could not wait the hour and a half it would have taken me to vote. Over multiple experiences it is clear to me that this is not a one election or rare occurrence in my

precinct. My colleagues who live in Charles County where the population is majority white often tell me how they vote very quickly without any delay.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on December 7, 2011.


Thomas Penny III

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Mfume sees plot to block candidacy

'Democratic operatives' lining up rivals, he claims
Argues black votes may be lost

July 14, 2005 | By David Nitkin and Andrew A. Green | David Nitkin and Andrew A. Green, SUN STAFF

Senate hopeful Kweisi Mfume said yesterday that unnamed Democratic Party "operatives" were trying to block his nomination by orchestrating which candidates ran against him, and he said the party risked losing traditional support from black voters as a result.

"I think there may be some Democratic operatives in and out of the official party that would like to guide the process, much like they have guided other processes in the past," Mfume said in an interview last night.

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The party, he said, could lose its long-standing support from minority groups if leaders actively work against the candidacy of a prominent black politician, he said.

This week, Rep. Chris Van Hollen of Montgomery County, who is white, announced he would not enter the race. That leaves Rep. Benjamin L. Cardin and Mfume as the most prominent Democrats in the contest.

Many political observers have said Mfume's best chance at victory would be if several white candidates were in the race, dividing the non-African-American vote.

Mfume, a former Baltimore congressman and past president and chief executive officer of the National Association for the Advancement of Colored People, made his comments after similar remarks at a conference of minority media executives in Chicago yesterday. There, Mfume said he senses "a huge effort to sort of guide the process" in next year's Senate race, to "create the perception that I can't win."

"I don't take it personal," Mfume said, according to the Associated Press. "However, many voters in the state who are black or progressive might."

State Democratic leaders rejected the allegations, saying the party's nomination for the U.S. Senate seat being vacated by longtime incumbent Paul S. Sarbanes would be a hard-fought contest among well-qualified candidates.

Kweisi Mfume
Enter The Race

Maryland is blessed to have two candidates the caliber of Kweisi Mfume and Glenn Cardin, said Terry Lierman, the state party chairman. "I would be proud to have either one of those candidates represent me."

Republicans are rallying around Lt. Gov. Michael S. Steele, Maryland's first black statewide elected official.

Mfume was the first candidate to enter the race this year after Sarbanes' announcement that he would not run again. But his candidacy has been hampered by reports that he fostered a hostile work environment as head of the Baltimore-based NAACP, creating a perception that women who dated him or his son who worked there would receive promotions and favorable treatment.

Mfume acknowledges briefly dating an NAACP worker and later adopting her son, but he calls the relationship with a subordinate a "bone-headed" mistake. He said he has a strong record of hiring and promoting women, and denies any other allegations.

The allegations - contained in a confidential legal document - have slowed his fund-raising. Mfume raised \$150,000 in the most recent filing period, compared with Cardin's \$1 million.

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Mfume would not name which operatives were working against him, but he said that Lierman, the chairman, has been supportive of his candidacy. Asked about two other top Democrats active in Maryland politics, state Senate President Thomas V. Mike Miller and Rep. Steny Hoyer, the House minority whip, Mfume said: "I'm not talking Mike Miller, but I cannot speak for Steny Hoyer."

A call to Hoyer's office was not returned last night.

Former Maryland Democratic Party Chairman Isiah Leggett, who is African-American, said he thinks Mfume's allegations are born out of frustration, not reality.

"I wish the Democratic Party was so well-organized it could choose top-to-bottom leaders and what they're running for," he said.

Arthur W. Murphy, a political consultant who has managed Mfume's congressional races, said he sees no conspiracy.

"I think the democratic process is just what it is," Murphy said. "This is for the brass ring, and everybody wants the brass ring."

Both Murphy and Leggett said Cardin needed no urging to get in the race.

With Steele's potential candidacy as a Republican, "more voters in Maryland are carrying the impression that the Democratic Party talks the talk but doesn't always walk the walk," Mfume said in the Chicago comments. In an interview, Mfume said the Democratic Party cannot repeat its roster of 2002, when it did not present a statewide African-American candidate.

GOP officials agreed with the sentiment. "The Democratic Party has just spent the last week slamming [Gov. Robert L. Ehrlich Jr.] and Lieutenant Governor Steele on racial issues," said Audra Miller, spokeswoman for the Maryland Republican Party, referring to news accounts of an Ehrlich fund-raiser at an all-white country club. "Yet one of their own candidates acknowledges the Democratic Party does not promote African-Americans."

Sun staff writer William Wan contributed to this article.

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