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“New Strategy for Resolving Baltimore’s Crisis”

We are certain that great African American minds have considered a variety of strategies for resolving the crisis in Baltimore that resulted from Freddie Gray’s death; we humbly submit yet another strategy for consideration. Our strategy is based on the fundamental American principle of “no taxation without representation.” In this case, we tweak that principle to make it, “no taxation without an appropriate type and level of service.” Clearly, the services that are being provided by Baltimore’s Police Department include egregious violations of the human and civil rights of African Americans that reside in Baltimore. While demonstrations in the form of marches apply certain pressures for change by local authorities, the strategy that we propose would certainly get local officials’ attention and would motivate them to act quickly to adopt changes that will help meet African Americans’ needs.

It is important to note that, while there appears to be no explicit State of Maryland law concerning denying taxes to a municipality for failure to provide an appropriate type and level of police services, the following sections of the Local Government Articles of the Maryland Annotated Code might be used to build a case: Section 4-103 (municipalities can be sued); Section 4-311 (funds can be withheld for a cause); Sections 5-302 and 5-303 (a municipality can be liable for certain tortious acts); and Section 21-626 (taxes should not be collected if certain services are not provided).

The strategy that we propose has three simple components. First, African Americans in Baltimore should seek the aid of the NAACP (headquartered in Baltimore) legal defense team and/or local lawyers who are willing to petition Baltimore courts for an injunction against the city. The injunction would prevent action against African American citizens who withhold property taxes until issues related to the police department’s detrimental services are resolved. It seems reasonable that the court would rule favorably on this issue due to the egregious failures in service delivery by Baltimore’s Police Department to areas occupied mainly by African Americans. The injunction would prevent the city from placing liens or assessing fines, fees, interest, and penalties on African American-owned property when taxes are paid after due dates in connection with this effort.

To be shielded by this injunction, African Americans should maintain property tax payments in appropriate escrow accounts. This should not be a problem because most property that is covered by mortgages include escrow accounts that accumulate property tax payments.

Second, after the injunction is in place, African American property owners should act to withhold property tax payments from the City of Baltimore until issues surrounding detrimental police services are resolved. This may entail writing a letter to an individual’s mortgage company that

cites the aforementioned court injunction, and requesting that property taxes not be released to the city until further notice is given.

Third, African Americans should actively engage the City of Baltimore in sorting out the types of changes to police services that are required, a process for evaluating the performance of effective services, and a timetable for meeting all requirements. Obviously, the court should also be a part of this process so that it can determine when the city has met its side of the bargain, which would, in turn, motivate a resumption of property tax payments by African Americans. When the city has fulfilled requirements, then African Americans should make all tax payments that are due—citing related escrow accounts and, thereby, avoiding repercussions from the city for late payments.

What we know is that money and budgets are critical to policy- and decision-makers at all levels of government. Consider that African Americans comprise over 60% of Baltimore's population. Also consider that Baltimore's 2015 budget is about \$3.3 billion; about \$0.8 billion of which is associated with property taxes. If African Americans are responsible for at least one-third of those property tax payments, and if 25% of African Americans participate in the above described strategy, then African Americans could withhold over \$65 million from Baltimore City coffers over the course of a year. This amount should be sufficient to motivate the city to act quickly to resolve issues related to the provision of police services to African Americans.

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