

A Brief History of the ACLU in Delaware

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For many years the directory of American Civil Liberties Union (ACLU) representatives throughout the United States listed only one representative in Delaware, the late William Prickett, Sr. In those days, Delaware did not have a chapter or branch, let alone an affiliate directly linked to the national organization. For territorial purposes, Delaware was deemed part of ACLU's Greater Philadelphia affiliate, which received a portion of the dues paid by members of the ACLU residing in Delaware. Fortunately for Delaware, the Executive Director of the Greater Philadelphia affiliate in the late 1950's (and for many years thereafter) was Spencer Coxe, one of the most gifted and devoted professionals laboring in the civil liberties field in this country. For some time before 1961 Mr. Coxe had been urging Irving Morris and other noted Delaware civil rights advocates to form a chapter here to address local needs. From an organizational point of view, the chapter would remain a part of the Greater Philadelphia affiliate, but with its own board of directors and officers chosen by Delaware ACLU members.

Hopes for a Delaware chapter became a reality on March 2, 1961, when the first meeting of the Delaware chapter was held at the YMCA on Delaware Avenue and Washington Street. The meeting was attended by Irving Morris, Gilbert and Sonia Sloan, L. Coleman Dorsey, Jacob Kreshtool, Ruth Kolber, and Joan and Joseph Rosenthal, among others. They elected a seven-member board of directors, with Louis Finger as the first president.

Irving Morris and Jacob Kreshtool, respectively, succeeded Mr. Finger as president. Monsignor Thomas Reese, then Director of Catholic Social Services, followed them and, as Irving Morris claims, the Delaware chapter became "the only ACLU chapter in the country with an active member of the Roman Catholic hierarchy as our president." Thomas Hughes was the next president, and, in 1971, Gerald E. Kandler began

what would become a 14-year tenure as president until his untimely death in 1985. The huge void left by his death has been filled by Max S. Bell, Jr., the current president.

Membership grew, along with the number and magnitude of controversies handled by the Delaware ACLU and its cooperating attorneys. (Some of those controversies are described elsewhere in this issue.) Spencer Coxe and leaders of the Delaware chapter began to explore the feasibility of establishing a separate affiliate in Delaware. There were extensive deliberations to determine whether Delaware could support its own affiliate, without the financial and administrative backing of Philadelphia. The optimists prevailed and, on January 1, 1978, the Delaware chapter was reborn as the newest affiliate of ACLU. Kendall Wilson was named Executive Director and Joan Rosenthal, Administrative Director. On March 10, 1982, Ms. Wilson resigned as Executive Director and Ms. Rosenthal was appointed in her place. She served until this past summer when Judith Mellen became the first salaried Executive Director. Ms. Rosenthal has been elected to the board of directors and will concentrate her efforts on a newly-formed special task force.

Gerald E. Kandler, the long-time president of Delaware ACLU, and in many ways "Mr. Delaware ACLU", died of leukemia in October, 1985. The highlight of the 25th Anniversary Dinner of the Delaware ACLU, to be held October 1, 1986, will be the first presentation of the Gerald E. Kandler Memorial Award. The honorary co-chairmen of the dinner, Charles Welch and Richard Heckert, head a dinner committee comprising a Who's Who of leading citizens from all walks of life.

Today, Delaware ACLU has about 700 members. They share a 25-year commitment to civil liberties in Delaware, proud of the foundation they have built to give meaning to the guarantees promised by the Bill of Rights. ■

Gerald E. Kandler

C. E. Welch and Geoffrey Gamble

*"Sweet are the uses of adversity,
Which, like the toad, ugly and venomous,
Wears yet a precious jewel in his head;
And this our life, exempt from public haunt,
Finds tongues in trees, books in the running brooks,
Sermons in stones, and good in every thing.
I would not change it." (As You Like It, Act II, Scene 1)*



Shakespeare could have been commenting on the life of Gerry Kandler. Adversity produced a wise counselor, but there are many of those. It produced in Gerry much more: a devoted husband and father, a formidable advocate for civil liberties, an inspiring teacher, an indefatigable worker on behalf of the mentally retarded, and a caring friend. Since his untimely death a year ago, he has been sorely missed. Adversity and his own magnificent spirit made Gerry much more than the sum of his parts.

He was born Gerhard Ernst Kahn in Stuttgart, Germany, to a comfortable Jewish middle class family whose roots in the area stretched back at least to 1529. His grandfather developed one of the first linen factories in Germany, and his father continued in this family business.

All this changed for Gerry at a time in life when most of us experience the utmost in security. As a boy of six, he heard the shattering of glass on Kristallnacht. Shortly thereafter, he and his brother were kicked out of school, following a Gestapo search of the family apartment. The Nazis confiscated the linen factory, and his father and both of his grandfathers were arrested and sent to Dachau.

In late 1938, Gerry's father had the good fortune to be released from Dachau. His parents, having tasted the horrors that lay ahead for millions of others, tried desperately to leave Germany. The waiting lists for most countries, however, were years long. After much agonizing, they decided to send Gerry and his brother to an aunt in England. This was possible because children were exempt from the usual visa restrictions. The two boys left Germany in January, 1939, never expecting to see their parents

again. In fact, they weren't reunited with them for half a decade.

England meant relative safety for the seven year old boy but was a strange place with a new language. In September, 1939, when Britain declared war on Germany, Gerry and his brother were not only foreigners in England but labeled enemy aliens as well. They were shipped from place to place, school to school, as the war and bombings progressed.

In 1941, his parents managed to get to the United States. Gerry and his brother were reunited with them in Philadelphia in 1944. It was here that they all changed their family name to Kandler to fulfill a promise made to their grandfather in Dachau and to signal a new beginning in a new land.

It was a frightening and lonely childhood. Instead of becoming cynical and filling up with hatred, or dwelling morbidly upon it and expecting sympathy, Gerry chose a different path. He appreciated the opportunities and made the most of them. In his last days in the hospital, he spoke of having had a good life and of having made the right choices in that life.

Following his immigration, Gerry became an American with a passion. He was a good student and he worked hard. There was Central High School in Philadelphia, then a degree in economics from Antioch College followed by the University of Pennsylvania Law School, and, in 1959, a master of comparative law degree from the University of Chicago. Gerry also went back to Germany for a year to study German law at the University of Frankfurt on a Ford Foundation Fellowship.

His professional career began with the Antitrust Division of the U.S. Department of Justice. Gerry's responsi-

bilities included trial work in civil and criminal antitrust cases and the drafting of legislation and testimony to be given before Congressional committees. It was here that he continued to develop his life-long professional love of comparative law and gained experience with the application and interpretation of the antitrust laws to foreign commerce.

In July, 1965, Gerry moved to Wilmington and joined the Du Pont Company Legal Department. For almost twenty years, he was counsel in various capacities to the International Department. He became a mainstay in advising on legal aspects of the great international expansion program upon which the Du Pont company embarked beginning in the sixties.

Beyond his very considerable international work, Gerry also advised several of Du Pont's operating departments on general legal matters and became so well known and effective with his guidance that one department used to refer to having its papers "Kandlerized". This meant that when Gerry reviewed a document he did it quickly, efficiently, and always constructively.

Although he had a very successful career at Du Pont and was regarded by all his colleagues as a superb lawyer, his life and his influence extended far beyond the corner of Tenth and Market. At the time of his death, Gerry was president of the Delaware Affiliate of the American Civil Liberties Union—a position he had held for over a decade. It was upon his recommendations that students were guaranteed their constitutional rights as citizens, and that due process with appeal procedures was established to deal with students accused of wrongdoing. His efforts resulted, in 1971, in the State Board of Education's

adopting a resolution endorsing the establishment of clear and precise policies on student rights and responsibilities.

Gerry was also a superb *constitutional* lawyer. He recognized in 1978 that a proposed consolidation plan for state school districts that excluded Wilmington was unfair to minorities and unconstitutional as well. This realization led to the desegregation of county schools, to increased opportunities for all of our students, and ultimately to the benefit of all Delaware citizens. Throughout his years in Wilmington, Gerry repeatedly found the help and the lawyers that were needed for those in our community whose liberties and rights were in jeopardy. Gerry was not only always concerned, he was always there.

Since 1974, he had been a member of the board of directors of the Camphill Special Schools in Glenmore, Pennsylvania. Camphill is a village for mentally retarded children. Gerry later became president of Camphill as well as a member of the Beneficiaries Committee of the Delaware Foundation for Retarded

Children. Gerry's concern for the mentally handicapped was personal and intimate. Under his guidance, the Camphill curriculum was enlarged to include older students in the 18-21 age group in work experiences and prevocational training.

Gerry loved to teach. He was a popular and dynamic Adjunct Professor in the MBA program at Widener University. He taught the role of government in business and especially enjoyed analyzing the relationship between industrial states and the military-industrial complex, and how conglomerate mergers affect market structure.

Last and most important, Gerry was proud of his family and very devoted to them. He married Joan Desiderio in 1958 and they were blessed with three children, Susan, Brian, and Hilary. Even during his last days in the hospital, his primary concern was for Joan and how difficult his illness was for her and their children.

Few of us have been confronted with the dramatic forces that shaped Gerry

Kandler's life. Few of us will have the opportunity to make those fundamental and irrevocable interior choices, as he did, that lead to an abundance of community spirit he possessed. This spirit made him return hatred and neglect with love and concern. It caused him to offer to those forces in the world, that would abridge our rights, a vigorous protection and defense of those rights. And that, perhaps, is the hidden tragedy of Gerry's untimely passing. Who among us, in our complacency, will take up his work? Most of us care. Few of us are willing to transform Gerry's caring into action for those less fortunate than we are.

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