

An Update on Our Education Lawsuit

Just over two years ago the ACLU of Delaware, along with Community Legal Aid Society (CLASI), filed a lawsuit in the Delaware Court of Chancery on behalf of Delawareans for Educational Opportunity and the Delaware NAACP. The lawsuit, in support of underserved public school children, consists of two separate claims with one big aim: getting our state and counties to do what they must to ensure that all students will have a meaningful opportunity to receive an adequate education, regardless of their geographic location, language, income, or ability status.

A lot has happened since we filed on January 18, 2018.

After we prevailed against motions to dismiss from all defendants, the Court split the case into two “tracks,” one addressing claims brought primarily against the 3 counties, and the other focused on claims regarding state funding for education.

In the piece of the suit focused on local money for schools, we went to trial in July 2019 and concluded post-trial submissions to the court in mid-January 2020. During trial, we argued that the counties’ outdated property assessments violate the Delaware Code and the Uniformity Clause of the State’s Constitution by collecting taxes based on property assessments from



the 1970s and 80s—therefore creating disparate outcomes for property owners and constant funding crises for schools whose tax base has remained artificially stagnant for decades.

We hope to see a ruling on liability in the county track of this lawsuit by summer. The ruling should determine whether each county

is responsible for reforming their tax collection practices to comply with the law—likely by reassessing.

On the state track of our lawsuit, we are currently engaged in intensive pre-trial preparation and we’re scheduled for a three-week trial beginning on November 4, 2020.

CONT. ON PAGE 3



WINTER 2020 // WHAT'S INSIDE:

- 2 ACLU-DE Team Updates
- 5 Remembering Joan Rosenthal
- 7 It's Time for Guest Bartender Again!

and more!

CONNECTION

ACLU-DE Officers & Staff

Kathryn M. Jakabcin
President, ACLU-DE

Desmond Baker
Vice President, ACLU-DE

Rev. Patricia Downing
Treasurer, ACLU-DE

Tom O'Brien
Treasurer, ACLF-DE

Peggy E. Strine
National Board Rep

Dwayne J. Bensing
Legal Staff

Shannon Griffin
Community & Project Organizer

Angela Harris
*Operations & Administrative
Coordinator*

Sucharita C. Iyengar, Esq.
Director of Legal Intake

Morgan Keller
Communications Manager

Karen Lantz
Legal & Policy Director

Erica L. Marshall
Smart Justice Campaign Manager

Dubard McGriff
*Smart Justice
Campaign Organizer*

Javonne Rich
Policy Advocate

We invite you to exercise
your free speech rights by
sending suggestions, letters,
questions, or comments.



aclu@aclu-de.org

302-654-5326

100 West 10th St., Ste. 706
Wilmington, DE 19801

Newsletter Design
by Morgan Keller

Team Updates at ACLU-DE

**Dwayne J. Bensing*****New Team Member: Legal Staff***

Pronouns: He, Him

Dwayne joined the ACLU of Delaware as Legal Staff in 2020, after serving for three years with the U.S. Department of Education's Office for Civil Rights and two years with the U.S. Department of Justice's Civil Rights Division. After graduating from the University of Pennsylvania Law School, Dwayne began his legal career at Fried, Frank, Harris, Shriver & Jacobson, LLP, in Washington D.C. Prior to attending law school, Dwayne was selected as a Truman Scholar in 2006 and taught middle-school Science and Social Studies in Philadelphia Public Schools as a Teach for America corps member. 🇺🇸

**Javonne Rich, MSW*****Promoted To: Policy Advocate***

Pronouns: She, Her

Javonne started at the ACLU of Delaware as an intern in 2018, where she reignited her commitment to serving and advocating for communities impacted by unfair and inequitable criminal justice policy. She joined the staff as Policy Advocate in 2020. Javonne has an extensive background in providing advocacy and clinical counseling for communities impacted by a myriad of social challenges including criminal justice involvement, child abuse, violence, and trauma. Additionally, she is passionate about empowering people to create the future that they would like to see through voting and political activism. She currently serves as a founding Board member of Delaware Alliance Against Sexual Violence. Javonne earned a Bachelor's Degree in Criminal Justice/Sociology and Psychology, and a Master's in Social Work. 🇺🇸

**Karen Lantz*****Promoted To: Legal & Policy Director***

Pronouns: She, Her

Karen joined the ACLU of Delaware as Staff Attorney and Policy Counsel in 2018, after serving for seven years as legislative counsel in the Delaware House of Representatives. In 2019, Karen graduated to ACLU-DE's Legal & Policy Director. After graduating from the University of Pennsylvania Law School, Karen began her legal career at Young Conaway Stargatt & Taylor. She also served as a clerk for the Honorable Theodore A. McKee on the U.S. Court of Appeals for the Third Circuit, and as a federal prosecutor in the District of Delaware. Prior to attending law school, Karen interned and worked at the Latin American Community Center in Wilmington and Domestic Violence Center of Chester County. 🇺🇸



An Update on Open Positions at ACLU-DE

The ACLU of Delaware Board of Directors' Search Committee has been hard at work meeting with candidates to find the perfect fit for our open Executive Director position. We hope to have an exciting update for you in the next newsletter!

The Development Director search is on hold until we hire our next Executive Director. We'll provide information on how to apply for that position once we begin the search.

Thank you for your continued support through this transition period!

ED LAWSUIT UPDATE CONT. FROM FRONT PAGE

Outside of the courtroom, this lawsuit has already made an impact on Delaware's education funding. Since we filed, we've seen a shift in the conversation about the urgent need to reform our schools' education funding systems. This shift in urgency, combined with our pending lawsuit, put pressure on state lawmakers and other stakeholders to take action to address student needs that have gone unmet, despite having been the focus of numerous reports, task forces, and recommendations over the last 20 years. Since 2018, Governor Carney, with support from legislative partners, has:


- Proposed a three-year \$75 million Opportunity Funding Initiative to target resources toward Delaware's most disadvantaged students, including additional funding for mental health supports; and
- Announced a plan to invest \$50 million to build a new school on the East Side of Wilmington and to renovate Bayard on the West Side.
- Announced an expansion of 50% in the number of seats available in a state-funded early childhood program for low-income families.

Delaware has a
**CONSTITUTIONAL
COMMITMENT**
to adequately
**EDUCATE ALL
STUDENTS.**



These reforms are important steps, and we support the investment in meeting the needs of some of Delaware's most vulnerable children. We will keep fighting until the investments are more substantial and become permanent parts of our education

funding system. Our children, and the future of our state, depend on it.

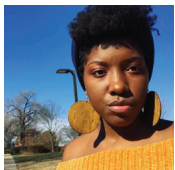
We'd like to extend a special thank you to the team at Arnold & Porter, who have been indispensable cooperating attorneys on this case. 

Meet ACLU-DE's Volunteers & Interns



Sarah Hutton *ACLU & Campaign for Smart Justice Volunteer*

Sarah Hutton has worked at institutions of higher education and nonprofits in Delaware for the past 8 years. She is certified in nonprofit management, has a master's degree in global and international education, and a doctorate in educational leadership. She is extremely passionate about volunteering and in addition to her time volunteering with the ACLU, she also volunteers for local animal shelters, and with the State of Delaware as an Educational Surrogate Parent and a Court Appointed Special Advocate for Children. Sarah began volunteering with the ACLU after the 2016 election because she believes that now, more than ever, we must ensure that all American citizens' constitutional rights are being respected. She first got involved with the ACLU doing research and writing for an education-related project, and recently joined the Campaign for Smart Justice because she has seen first-hand the way the criminal justice system impacts many of the students and families with whom she works. 🇺🇸



Katrina Nix *Campaign for Smart Justice Intern*

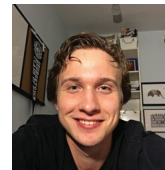
My name is Katrina Nix and I am an intern at the ACLU of Delaware, specifically for the Smart Justice Campaign. Currently I am in a gap year as I await the start of my freshman year at Princeton University in the fall. During the first semester, I was living in Bolivia and Peru in a cultural immersion and service program via Princeton. Through my upbringing, I learned to love helping people and always look for any opportunity to do so. In high school I was the president of the Black Student Union, Gender Sexuality Alliance, a ranking member of the student government, and much more. I also captained (and love) volleyball and basketball. I binge watch entirely too much TV but most of the time, especially during summer, I am working a few jobs in order to save up from college. I wanted to intern at the ACLU/ Campaign

for Smart Justice due to my innate passion for social justice, specifically racial justice. I will be majoring in African American Studies during my time at Princeton and then plan to become a civil rights lawyer in order to help reform the criminal justice and racial inequality in the U.S. The work done here is important to me because it means the betterment of the lives of my people and others who need someone to support them and because it is the kind of change that I want to make as a lawyer. 🇺🇸



Jerry Northington *Legal Intake Volunteer*

Jerry, an ACLU-DE volunteer since 2016, was born in Kentucky and is a retired veterinarian and a Vietnam veteran. Jerry and his wife moved to Delaware in 1998 after various times in Alabama, Oklahoma, and Pennsylvania. He's a longtime supporter of human rights and civil rights! 🇺🇸



Ryan Nowaczyk *Communications Intern*

Ryan is an aspirant political reporter who started with the ACLU-DE Communications wing in January 2020. Currently on a year of personal leave from Georgetown University, he will continue studying government and journalism when he returns to college and begins his sophomore year in Fall 2020. In his free time, when not reading articles or in a social media rabbit hole, he is usually listening to 1. National Public Radio or 2. his favorite artists, including Rage Against the Machine, Bruce Springsteen, Radiohead, and a bunch of emo/hardcore bands that will not be disclosed here.

"I was drawn in by the slick aesthetics and punchy slogans that will be partly my job to craft, and I was inspired by the organization's historical stature in SCOTUS cases, but my desire to help ACLU-DE runs much deeper. This is the organization that most staunchly defends democracy in the United States, and, with it, everything that we might want our democracy to be in the future. That's why I'm here." 🇺🇸



Remembering Joan Rosenthal

One of the founders of the ACLU of Delaware has died. Joan Rosenthal (nee Langer) died on January 11, 2020. She was 85 years old.

Joan was a great mentor to all she worked with at the ACLU. Her knowledge was deep, her passion strong, and her willingness to help quick.

She was the Administrative Director from 1978 to 1982 and the Executive Director from 1982 until 1986. She also served on the ACLU national board. She and her husband, Joseph (Joe) were among our most deserving Kandler Award recipients, receiving the award in 1996.

She received the Delaware Bar Association's Liberty Bell Award in 1985 for her commitment to civil rights and justice. It is the highest award given by the Bar to someone who is not a lawyer nor a judge.

We at the ACLU of Delaware honor her memory, wish comfort for her family and friends, and are very grateful for the years of gracious and hardworking service she provided. 🌱

Wilmington Upholds First Amendment Right to Panhandle

Last year the ACLU of Delaware in partnership with counsel at Paul, Weiss, Rifkind, Wharton & Garrison LLP and the National Law Center on Homelessness & Poverty (NLCHP) sent a letter to the City of Wilmington, calling on the City to repeal its panhandling ordinances. In response, the City committed to stop enforcement of those laws and work to repeal them. We commend the City of Wilmington and City Council for following through on that commitment.

On January 16, 2020, the majority of Wilmington City Council approved an ordinance to remove portions of the city code criminalizing panhandling in ways that were violations of the First Amendment. The ordinance repeals panhandling laws that banned panhandling when the sun is down, at bus stops, and at certain times of day, and repeals a provision that requires a permit for panhandling.

This action came in response to the demand letter that we sent the city council last year, reminding officials that it is unconstitutional and it is bad policy to ban particular kinds of speech and criminalize people for asking for help. You can find the full letter on our website.

“No one wants to see low-

income and unhoused individuals have to beg for money,” said Eric Tars, legal director at NLCHP. “But communities that meet people’s basic needs for income, housing, and services are solving the problem permanently and help humanize those who need to ask for help. We’re happy to see the proposed panhandling ordinance removed from the Wilmington city code and would welcome the opportunity to work with them toward more constructive solutions: housing not handcuffs.”

Striking down these portions of the city code is a win for First Amendment rights in Delaware and an important step in criminal justice reform in Delaware, but there’s more work to do. Every city and town in Delaware should be a place where everyone is welcome, regardless of their income or housing status.

We’d like to thank the team at the NLCHP and the attorneys from Paul, Weiss, Rifkind, Wharton & Garrison LLP for their help in the effort to strike down Wilmington’s troubling panhandling prohibitions.

Please visit housingnohandcuffs.org to learn more about the #HousingNotHandcuffs campaign. 🌱



2020 Election Dates You Should Know About

This is an overview of important election dates this year in Delaware. For the full list, please visit elections.delaware.gov.

April 4:

Registration Deadline for Presidential Primary

April 28:

Presidential Primary Election (Polls open from 7am to 8pm; Only registered voters from participating parties may vote)

May 12:

School Board Elections (Polls open from 7am to 8pm)

May 28:

Deadline to change party affiliation before State Primary

August 22:

Registration Deadline for unregistered citizens to register to vote before State Primary

September 15:

State Primary Election (Polls open from 7am to 8pm; Only registered voters from participating parties may vote)

October 10:

Deadline to register before General Election

November 3:

General Election (Polls open from 7am to 8pm)

Other Important Election Notes:

Delaware is a closed primary state. That means you may not vote in a state or federal primary election unless you are affiliated with a party that's represented in that primary.

If you have a felony conviction in your past, you may still be eligible to vote! A person convicted of a felony may register and vote if he/she meets the conditions below:

- Has completed his/her sentence and
- Was not convicted of a disqualifying felony as stated in the State's Constitution. These felonies are:
 - Murder or manslaughter, (except vehicular homicide);
 - Any felony constituting an offense against public administration involving bribery or improper influence or abuse of office, or any like offense under the laws of any state or local jurisdiction, or of the United States, or of the District of Columbia; or
 - Any felony constituting a sexual offense, or any like offense under the laws of any state or local jurisdiction or of the United States or of the District of Columbia.

Starting last year, Delaware has new voting machines. Learn how to use them before you go to the polls by visiting elections.delaware.gov/technology.

Raise a Glass (or Several) for Freedom & Justice!

We're Back at it Again with the Annual Guest Bartender FUNdraiser!

Join us for ACLU-DE's Guest Bartender Event at BBC Tavern & Grill on Wednesday, March 11, 2020 from 6:00 - 9:00 p.m. We've lined up a mix of new and familiar faces to serve you drinks and smiles in the name of charity!

How It Works:

The guest bartenders compete for prizes based on how much they collect in tips prior to the event, and that's where you come in! Just send your favorite bartender a tip online, then share the donation link and event with your networks to help spread the word. And don't forget to come out and watch them at work on March 11! You can also support the event by bringing cash to the event for a 50/50 raffle and a "Basket of Cheer" raffle. And if you're planning to grab food while you're at BBC that night, just write ACLU-DE on your tab and we get 10% of your bill!

More Information:

For more information, contact Morgan Keller, Communications Manager, at mkeller@aclu-de.org or by phone at (302) 654-5326, ext. 109. 



Support Your Favorite Bartender(s)

Check out our amazing team of bartenders and when they'll be on tap! Support your favorite(s) by heading to alturl.com/9u3u8 and "tipping" them with a donation!

<i>Aaron Goldstein</i>	<i>6:00 - 6:20pm</i>
<i>Trinidad Navarro</i>	<i>6:00 - 6:20pm</i>
<i>Gary Aber</i>	<i>6:20 - 6:40pm</i>
<i>Erik Raser-Schramm</i>	<i>6:20 - 6:40pm</i>
<i>Valerie Longhurst</i>	<i>6:40 - 7:00pm</i>
<i>Brendan O'Neill</i>	<i>6:40 - 7:00pm</i>
<i>Dustyn Thompson</i>	<i>7:00 - 7:20pm</i>
<i>Vij Iyengar</i>	<i>7:00 - 7:20pm</i>
<i>Kerri-Evelyn Harris</i>	<i>7:20 - 7:40pm</i>
<i>Melissa (Mimi) Brown</i>	<i>7:20 - 7:40pm</i>
<i>Sarah Grace Fulton</i>	<i>7:40 - 8:00pm</i>
<i>Sarah McBride</i>	<i>7:40 - 8:00pm</i>
<i>Dwayne Bensing</i>	<i>8:00 - 8:20pm</i>
<i>Javonne Rich</i>	<i>8:00 - 8:20pm</i>
<i>Desmond Baker</i>	<i>8:20 - 8:40pm</i>
<i>Leland Kent</i>	<i>8:20 - 8:40pm</i>
<i>Rachel Blumenfeld</i>	<i>8:40 - 9:00pm</i>
<i>Zoë Patchell</i>	<i>8:40 - 9:00pm</i>



Delaware

100 West 10th Street, Suite 706
Wilmington, DE 19801
www.aclu-de.org

Nonprofit Organization
US Postage Paid
Wilmington, DE
Permit No. 106



ACLU-DE.org



@ACLUDelaware



@ACLUDelaware



ACLU Delaware



ACLU_DE



ACLUDelaware



ACLUDelaware

Did You Know We Have Volunteer Opportunities for Smart Justice in Every County?

*We have an active Smart Justice Chapter in
New Castle County and chapters starting in
Kent and Sussex Counties.*

*The New Castle County chapter meets at the
Appoquinimink Community Library the second
Monday of every month at 6:30 pm.*

*For more information on getting involved in any of the
Smart Justice Chapters, email SmartJustice@aclu-de.org.*

