

## Free Speech WIN in "FCANCER" Case

*The arbitrary DMV standards for vanity license plates have been deemed discriminatory*

ESHA SHAH, COMMUNICATIONS COORDINATOR



In a massive win for free speech, the ACLU of Delaware secured a long-fought victory on May 14 in the case of Kari Lynn Overington, whose vanity license plate "FCANCER" was recalled by the Delaware Department of Motor Vehicles in 2021.

It has long been understood that our First Amendment rights are the cornerstone on which our democracy operates. The freedoms of speech and expression allow people to fully define their place within our society, and for Kari, that place

is as a fierce survivor and vocal advocate in the ongoing fight against cancer.

Needless to say, it was a shocking disappointment when the Delaware Division of Motor Vehicles (DMV) sent Kari a letter in 2021 recalling her "FCANCER" license plate while claiming "it does not represent the division or the state in a positive manner."

But Kari would not go down without a fight.

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## We The People



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**Letter from the Executive Director**

*Dear Friends —*

The very foundation of the ACLU is built on advocacy for the First Amendment, and the rights guaranteed under it are no less critical today. The right to speak freely and worship the religion of your choice—or no religion at all—will always be relevant.

As seen in our recent legal victory combatting free speech infringements by the Delaware Department of Motor Vehicles, as well as our latest filing involving the right of Muslim, Orthodox Jewish, and other religious officials to practice funeral services according to their religious tenets, commitment to these First Amendment freedoms infuses the work of the ACLU-DE's legal and legislative advocacy.

Our advocates also spoke out forcefully at a recent Milford School Board meeting, where

officials were considering a new policy to address “controversial/ sensitive topics” that would threaten to chill discussion on those very issues. The ACLU-DE sent a letter advising school board members that such a policy could violate students’ and teachers’ protected First Amendment rights. As of July 15, the school board tabled the proposal after strong community pushback.

Finally, ACLU-DE spoke out against a proposed ordinance in Wilmington that would make it difficult for activists to protest outside the residences of public officials. City council members decided to hold the ordinance after scores of constituents expressed concern that it would infringe upon protected political speech.

At the ACLU, the First Amendment never goes out of style, and we will never stop advocating for every person’s right to express themselves.

**Need Continuing Legal Education (CLE) Credits?**

Visit [aclu-de.org/events](https://aclu-de.org/events) to see upcoming virtual and in-person

CLE events! Amicus Society members receive free CLE credit for attendance. Admission for attorneys who seek CLE credit but are not Amicus Society members is \$50.



**ACLU Delaware**

# KANDLER 2024

**OCTOBER 15 | 6-9PM**

**KANDLER 2024 IS RIGHT AROUND THE CORNER!**

MELISSA BRYSON, DEVELOPMENT DIRECTOR

**M**ark your calendars and join us on Tuesday, October 15th to celebrate the 39th annual Kandler Awards Celebration! We are thrilled to be recognizing both Dr. Ann M. Aviles and La Esperanza with a Kandler Award for their tremendous contributions to freedom and justice in the First State.

Dr. Aviles is an Associate Professor in the Department of Human Development and Family Sciences at the University of Delaware and Co-Chair of the HOMES Campaign DE. La Esperanza, founded in 1996, is now the second largest multi-service agency for Hispanic immigrants in Delaware and a bi-cultural and bilingual agency specifically dedicated to serving Hispanic communities in Sussex County and the surrounding areas.

Peta Gordon of Arnold & Porter is also being awarded this year's Darrow Award to

celebrate her dedication to securing essential school funding through the *Delawareans for Educational Opportunity vs Carney*.

Past ACLU-DE President Gerry Kandler, this award’s namesake, had the most inspirational commitment to civil rights and his indelible mark on our community lives on through these recipients.

Celebrate with us in Wilmington, Ocean View, or from home with our virtual livestream option. We hope to see you there!



**FOR TICKET & SPONSORSHIP INFO, SCAN THE QR CODE OR VISIT:**

[aclu-de.org/kandler2024](https://aclu-de.org/kandler2024)

# NEW STAFF HIGHLIGHTS

Meet our two new Immigrants' Rights Organizers representing Delaware's Spanish and Haitian Creole-speaking communities!



**HULDA BELLANGE**  
IMMIGRANTS' RIGHTS ORGANIZER

**H**ulda joined the team as a Haitian Creole organizer. She has been active in the Haitian community by helping families overseas and locally get back on their feet. She prides herself on doing her work anonymously, ensuring that the spotlight remains on the issues and families at hand.

Hulda has made it her mission to help children focus on their education and bridge the communication gap between child and parent. She plans on helping her fellow Haitians be aware of their rights to protect themselves and their family.

**C**harito is a Restorative Justice international consultant, and a passionate promoter of racial justice and the Latin/Hispanic causes and culture. She has spent her professional career studying, mastering and implementing Peacemaking Circles as an established method to promote peace and justice within society.



**CHARITO CALVACHI-MATEYKO**  
IMMIGRANTS' RIGHTS ORGANIZER

She has had rich and diverse experiences such as being a radio show host, an author, a storyteller, and a Delaware Humanities presenter and facilitator. Currently, she is the

cohost of Entre Nosotr@s Radio, supported in part by ACLU-DE, a segment that promotes immigrant stories connected to civic engagement.

## LISTEN TO THE ENTRE NOSOTR@S SPANISH RADIO SHOW NOW:

ENTRE NOSOTR@S es el segmento radial con la voz de la población hispana indocumentada de Delaware. El programa, financiado por ACLU-DE, el Fondo Arsht Cannon y Justicia Inmigrante de la Iglesia Presbiteriana de New Castle, es una iniciativa de *Votamos / We Vote*, una coalición de 12 organizaciones de derechos civiles y humanos.



## FREE SPEECH WIN IN 'FCANCER' CASE, CONT. FROM FRONT PAGE

After Kari filed a lawsuit without legal counsel, the ACLU-DE stepped in to represent her in 2022 and ensured she had someone in her corner. Legal Director Dwayne J. Bensing has been the primary attorney representing her, along with Terry Loscalzo of Dilworth Paxson, LLP.

While the State initially attempted to have the case dismissed, a federal judge denied this motion in August of 2022, citing the "significant constitu-

tional issue" at play. The U.S. District Court agreed with our position that the DMV's practice of issuing and prohibiting certain vanity plates discriminated against some peoples' speech based on their viewpoint.

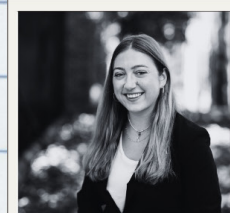
When asked what the win means to Overington, she responded: "This win is confirmation that a single person standing up for their rights can make real change. I've lost count of the many wins since the beginning, but the conclusion of this case is the best win of all."

I'm looking forward to receiving my updated vehicle registration, so I can reinstall my FCANCER license plate on my car and show the world once again that there is a fighter behind the wheel."



THE ORIGINAL "FCANCER" LICENSE PLATE THAT WAS ISSUED AND LATER REVOKED BY THE DMV

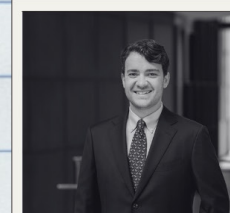
## MEET OUR SUMMER LEGAL INTERNS



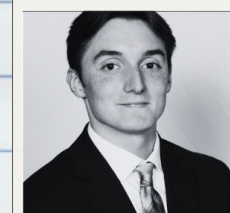
Cayla



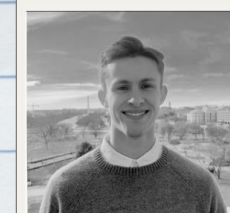
Hannah



Kyle



Maxwell



Simon

**Cayla Kaplan** is a rising 2L at University of Pennsylvania Carey Law School. This summer she is working on ACLU-DE's legal team's ongoing litigation against the Delaware prison system, coordinating over 40+ plaintiffs and 20+ defendants who have experienced abuse in Delaware prisons.

**Hannah Goldston** is a full-time rising 2L at Wilmington University School of Law and a part-time Public Affairs and Politics student at Rutgers University. This summer, she is focused on expanding ACLU-DE's involvement in environmental justice legal cases in Delaware by researching the intersections of civil rights violations and the fight for environmental justice.

**Kyle Jacobson** is rising 2L at the University of Pennsylvania Carey Law School. This summer, he is researching pre-k special education enrollment — focusing on issues related to the state's compliance with the federal Individuals with Disabilities Education Act (IDEA).

**Maxwell Poruban** is a rising senior at the University of Delaware studying anthropology, political science, and Spanish. He is returning to the ACLU-DE legal team for his second year this summer, conducting research and factual analysis for the legal team's ongoing investigations and litigation, as well as continuing a long-term project focused on increasing equity in education across the state.

**Simon Brand** recently completed his time at the University of Delaware, graduating with a degree in Public Policy. This summer he is focused on school discipline disparities in Delaware and how disciplinary action disproportionately impacts Black and brown students and students with disabilities. Once Simon completes his internship, he'll be heading to London this fall to begin his master's in Human Rights at the London School of Economics.

## ACLU-DE Steps in to Address Religious Discrimination in Delaware Funeral Industry

*We must ensure that religious freedom is upheld in the state of Delaware*

CASIRA COPES, COMMUNICATIONS DIRECTOR



As the very first declaration of the First Amendment, we have a key responsibility to recognize the significance of religious freedom and fight to uphold it in the state of Delaware. For this reason, the ACLU of Delaware has recently filed a lawsuit challenging religious discrimination in Delaware's funeral industry.

On June 21 ACLU-DE filed in Federal District Court on behalf of a Muslim Imam who has been unconstitutionally denied access to download and file death certificates and body transfer paperwork by the the Delaware Board of Funeral Services (DBFS). This denial stems from the Imam's religious tenets, which prevent him from becoming a licensed funer-

al director in Delaware.

In order to become a state-licensed funeral director, a person must complete a minimum of 25 embalmings as part of their study. According to the Muslim faith, however, embalming is considered a desecration of the body. Instead, funerary services involve a simple cleansing of the body, covering the body with a shroud, and then immediate burial with little to no viewing of the body by family or friends. Because of the religious tenets prohibiting embalming, the Imam objects to the unreasonable prerequisites of becoming a licensed Delaware funeral director.

Due to DBFS' refusal to allow him access to the necessary paperwork, the Imam has had

to work with licensed Delaware funeral directors who oftentimes charge hundreds, sometimes thousands, of dollars to file the simple paperwork needed. It typically only costs licensed funeral directors \$25 to file a death certificate in Delaware.

"Funerals are among the most sacred rituals in any faith tradition," says legal director Dwayne Bensing. "Muslim Delawareans should be able to practice their religion without fear of being punished nor gouged by exorbitant and unnecessary fees."

The case is co-counseled by Mark Billion of Billion Law.

## OUR 2024 LEGISLATIVE RECAP

*What we accomplished this session and the work we still have left to do*

MEERA DEVOTTA, CAMPAIGN COMMUNICATIONS MANAGER

HB 110

HB 70

SB 4

The 152nd General Assembly has come to an end. Since January, we've been working hard on issues like reproductive freedom and justice reform. Here's a quick snapshot of what we accomplished, and what's left to be done.

As our country marked the two-year anniversary of the Supreme Court's shameful decision to overturn *Roe v. Wade*, Delaware took a historic step toward guaranteeing that our state remains a leader in protecting and expanding abortion access for all who need it. **With just days left in the legislative session, the Delaware General Assembly passed House Substitute 2 for House Bill 110 (HS 2 for HB 110)**, legislation that ensures abortion access by reducing financial barriers for people covered by Medicaid, private insurance, and state insurance plans. By reducing financial hurdles to accessing care, HS 2 for HB 110 will play a critical role in breaking down socioeconomic barriers and racial disparities in reproductive care across our

state. The bill now heads to the Governor's desk to be signed into law.

Delaware also took strides towards meaningful justice reform by passing **House Bill 70 (HB 70), which will end the use of death penalty in our state.** This victory against what we've known for too long to be an unconstitutional, ineffective, and inequitable practice is a significant step towards a more just and humane legal system that respects the rights and dignity of all individuals. The bill now awaits the Governor's signature.

This is tremendous progress – but when it comes to justice reform, Delaware still has a long way to go. The state's current probation system subjects over 10,000 Delawareans to extreme obstacles preventing many recently released from prison from successfully reentering the community and restarting their lives. **This year, lawmakers missed a critical opportunity to take steps toward repairing our**

**broken probation system through Senate Bill 4 (SB 4)**, legislation that would eliminate unnecessarily burdensome reporting requirements, tailor probation conditions to the needs and circumstances of individuals on probation and limit the use of incarceration for violations when no new crime has been committed. It's past time to transform our broken probation system from surveillance and punishment to a system that encourages support, guidance, and true rehabilitation. We remain committed to making 2025 the year probation reform becomes a reality in Delaware.

As we continue the fight in the second half of 2024 and prepare for the 2025 legislative session, we want to say **thank you**. Thank you for sending messages, showing up, and making your voice heard — our work is not possible without civil liberties advocates like you. With your continued support, we're not backing down and we know neither are you.