

INSIDE: How Toxic Stress Feeds The Cycle of Poverty • The Urban Comeback • A Call To Volunteer Action

Delaware Lawyer

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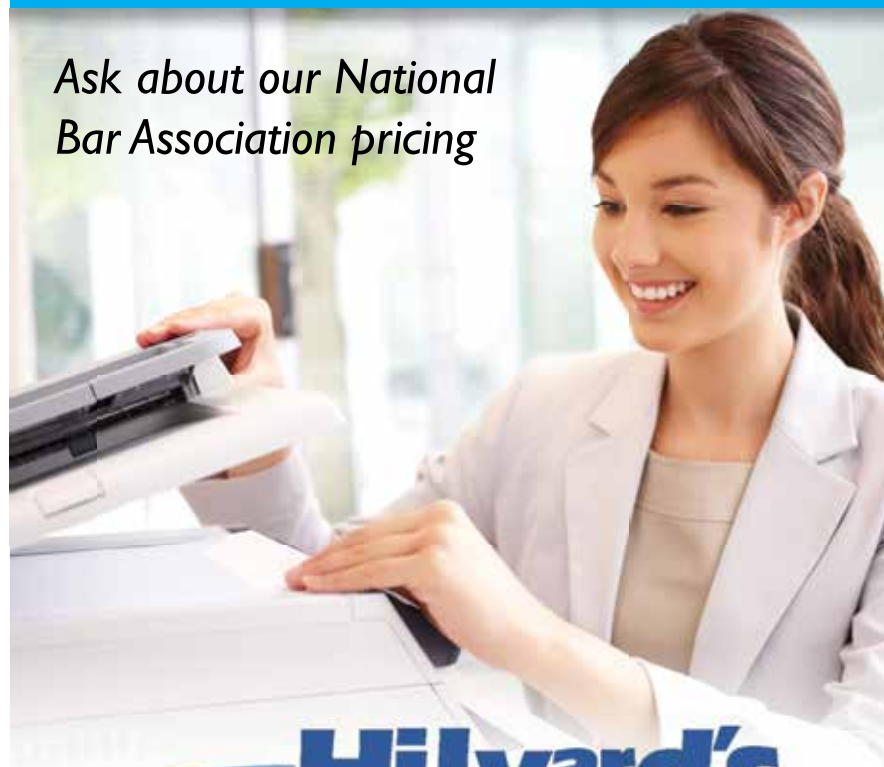
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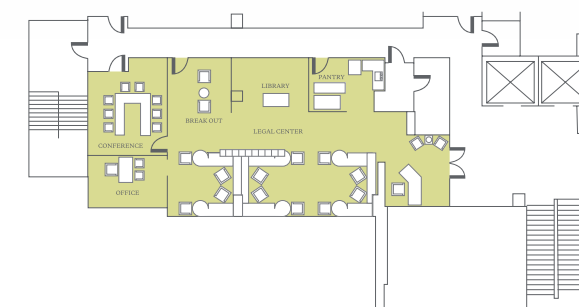
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EDITOR'S NOTE

Lawrence S. Drexler

This issue of *Delaware Lawyer* provides a thought-provoking look at the impact of violence that plagues parts of Wilmington on the children who live there. Our writers also provide thoughts regarding Wilmington’s future.

We challenge the Bar to rise up in response and ask members to personally commit to help break down the isolation of these communities.

In the first issue of the *Delaware Lawyer*, Harold Schmittinger, the Chair of the then newly-created Delaware Bar Foundation, described the purpose of the magazine as “fill[ing] a void and provid[ing] Delaware lawyers with an outlet for scholarly and responsible works of appeal to the professional and public alike.”¹

In this issue we honor the Bar Foundation’s mission and the original intent of the founders of *Delaware Lawyer*. Jane Stevens contributes an article on the “direct link” between childhood trauma and adult behavior, including mental and social problems that may lead to prison.

Understanding these connections is essential to determining how the justice system (including the agents of school discipline) can best respond to this population and chart a course to mitigate or minimize the long-term consequences of toxic stress events.

Lamont Browne, principal of the EastSide Charter School, brings real-world classroom experience to the theory of toxic stress, explaining both the manifestations and the school’s response. When Dr. Browne was hired as Head of School for the 2011-2012 year, students’ test scores were 30 points behind State averages. EastSide is rapidly closing that achievement gap under Dr. Browne’s leadership.

Ashley Widdoes is the Mentor Coordinator for EastSide Charter and writes about the benefits of mentoring. Mentoring is something we can each do to mitigate the impact of toxic stress on this generation of primary school children. Ashley is the point of contact for readers interested in making a difference as a mentor.

Dhazhea Freeman’s poem “Why I Write” gives us a view from an eighth-grader at EastSide Charter. Each time I read this poem, I am struck by the contrast of stark images — and her knowledge that opportunities for a better life do exist.

Richard Voith contributes a scholarly article of the past and future prospects for the City of Wilmington. While I appreciate Dick’s insights, I confess that I’m still stung by the memory of Dick hitting a buzzer-beating basket for Haverford College in 1977, defeating my alma mater Franklin & Marshall. Chuck Durante describes that win as the greatest in Haverford history, knocking the Diplomats out of the MAC tournament and denying them an invite to the NCAA Division 3 Championship.

Finally, I am pleased to have an article describing an earlier time in Wilmington from the best writer I know and a role model for all that I do, my father, Dave Drexler.



FOOTNOTES

1. *Delaware Lawyer* Volume 1, Number 1 Spring 1982 pg. 3.

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Dr. Lamont W. Browne



is a certified Principal in Pennsylvania and Delaware with 10 years of experience in education. Dr. Browne studied at the University of Delaware, earning a B.S. in Business and a Master's in Education. Upon graduation, he worked full-time at KIPP Philadelphia Charter School, while simultaneously earning a Doctorate in Educational Leadership from the University of Delaware. Dr. Browne then served as the principal at Boys' Latin and at HR Edmunds Elementary School, both in Philadelphia. He is currently the Head of School and Principal of EastSide Charter School. Under his leadership, the school's academic proficiency increased 30% in reading and 26% in math, the highest growth of any charter school in Delaware. In 2014, Dr. Browne was

recognized by the Delaware State Board of Education as one of five Award-Winning School Leaders of the Year. In April 2014, the school hosted U.S. Secretary of Education Arne Duncan, who touted EastSide as a model for school culture, staff commitment and innovative practices. Dr. Browne has become an active leader advocating for community development and educational reform and sits on the United Way's *Reviving our Village* commission, as well as the State of Delaware's Vision 2015: *The Next Decade*.

David A. Drexler



is contentedly retired after spending more than 40 years practicing law at Morris, Nichols, Arsht and Tunnell. He was a founding editor of, and, in its earlier years, an occasional contributor to, *Delaware Lawyer*.

Lawrence S. Drexler



is the General Counsel and Chief Privacy Officer for Barclays Bank Delaware. Larry serves as the Chair of Connections Community Support Programs, Inc. He also is a member of the Board of Delaware Volunteer Legal Services and a founding member of the Board of Delaware Financial Literacy Institute. In addition, Larry is proud mentor at EastSide Charter School.

Jane Ellen Stevens



is founder and editor of ACEsTooHigh.com, a news site for the general public, and its accompanying community of practice social network, ACEsConnection.com. The sites focus on research on adverse childhood experiences, and practices based on

that research. The sites are supported by funding from the Robert Wood Johnson Foundation and The California Endowment. A long-time health, science and technology journalist, Stevens has written for the *Boston Globe*, *New York Times*, *Washington Post*, *Los Angeles Times* and *National Geographic*. She has taught at the University of California, Berkeley's Graduate School of Journalism and received a Reynolds Journalism Fellowship from the University of Missouri.

Dr. Richard Voith



is President and Founding Principal of Econsult Solutions. He is an economist who provides economic analysis and advice to clients in both consulting and litigation contexts on matters relevant to real estate, transportation and valuation. A well-known expert in applied

microeconomics, he has published widely in the areas of transportation, real estate and metropolitan development. Dr. Voith has more than 15 years of experience in economic consulting and in the planning and development community. His experience includes a three-year term as Vice Chairman of the Board of the Southeastern Pennsylvania Transportation Authority (SEPTA).

Ashley Kaufman Widdoes




graduated from the University of Delaware with a degree in psychology and then attended Wilmington University, where she received her Masters of Education in Elementary and Secondary School Counseling. She then began working for Communities in Schools of Delaware with responsibility for overseeing the mentoring program at EastSide Charter School. Today, she works as an

independent consultant and continues to run the EastSide Charter Mentoring program. In addition, she provides individual support for students in and out of the classroom, works with students in small groups, and is part of the school climate team.

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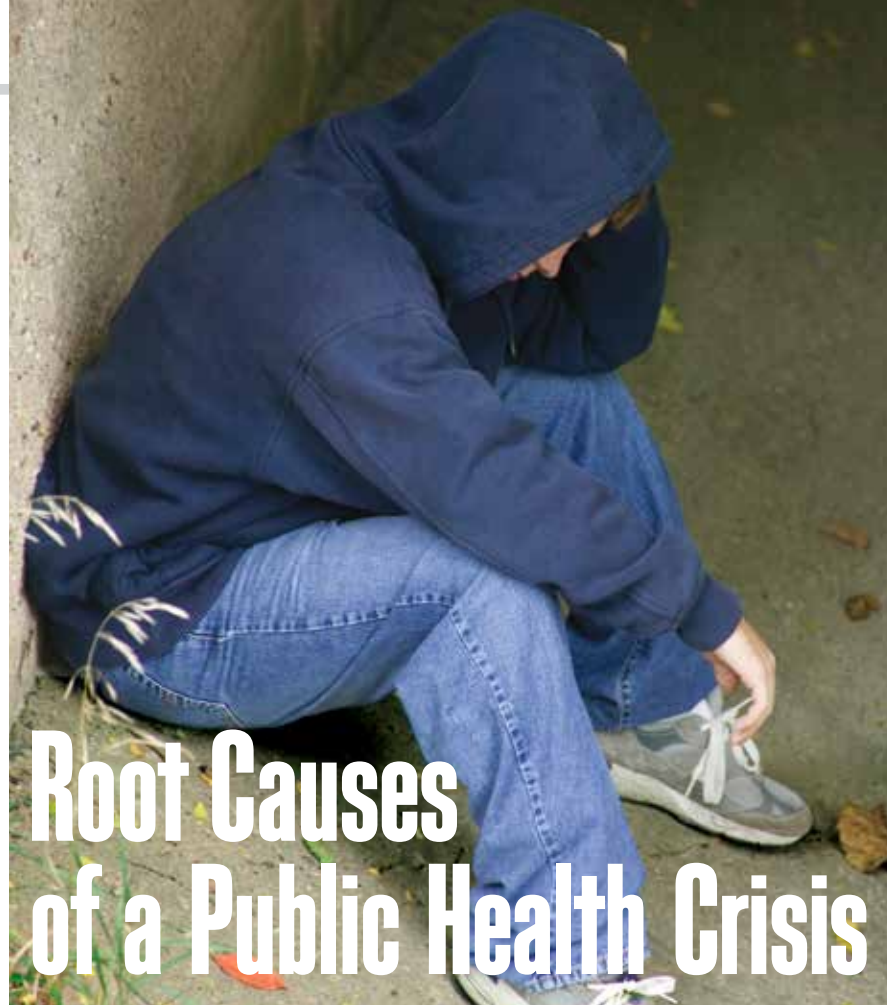
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Childhood Trauma: Root Causes of a Public Health Crisis

Children exposed to a wide range of stress and abuse suffer life-long physical and mental consequences.



The Adverse Childhood Experiences Study (ACE Study) — probably the most important public health study you never heard of — had its origins in an obesity clinic on a quiet street in San Diego.

It was 1985, and Dr. Vincent Felitti was mystified. The physician, chief of Kaiser Permanente's revolutionary Department of Preventive Medicine in San Diego, CA, couldn't figure out why, each year for the previous five years, more than half of the people in his obesity clinic dropped out. Although people who wanted to shed as little as 30 pounds could participate, the clinic was designed for people who were 100 to 600 pounds overweight.

The 50-percent dropout rate in the obesity clinic that Felitti started in 1980 was aggravating. A cursory review of all the dropouts' records astonished him — they'd all been losing weight when they left the program, not gaining. That made no sense whatsoever. Why would people who were 300 pounds overweight lose 100 pounds, and then drop out when they were on a roll?

The mystery turned into a 25-year

quest involving researchers from the Centers for Disease Control and Prevention and more than 17,000 members of the Kaiser Permanente San Diego health care program. It would reveal that adverse experiences in childhood were very common, even in the white middle-class, and that these experiences are linked to every major chronic illness and social problem that the United States grapples with — and spends billions of dollars on.

But in 1985, all that Felitti knew was that the obesity clinic had a serious problem. He decided to dig deeper into the dropouts' medical records. This revealed a couple of surprises: All the dropouts had been born at a normal weight. They didn't gain weight slowly over several years. They gained large amounts over weeks or a couple of months.

He decided to do face-to-face in-

terviews with a couple of hundred of the dropouts. He used a standard set of questions for everyone. For weeks, nothing unusual came of the inquiries. No revelations. No clues.

The turning point in Felitti's quest came by accident. The physician was running through yet another series of questions with yet another obesity program patient: How much did you weigh when you were born? How much did you weigh when you started first grade? How much did you weigh when you entered high school? How old were you when you became sexually active? How old were you when you married?

"I misspoke," he recalls. "Instead of asking, 'How old were you when you were first sexually active?' I asked, 'How much did you weigh when you were first sexually active?' The patient, a woman, answered, 'Forty pounds.'"

He didn't understand what he was hearing. He misspoke the question again. She gave the same answer, burst into tears and added, "It was when I was four years old, with my father."

"I remembered thinking, 'This is only the second incest case I've had in 23 years of practice,'" Felitti recalls. "I didn't know what to do with the information. About 10 days later, I ran into the same thing. It was very disturbing. Every other person was providing information about childhood sexual abuse. I thought, 'This can't be true.'"

Of the 286 people whom Felitti and his colleagues interviewed, most had been sexually abused as children. As startling as this was, it turned out to be less significant than another piece of the puzzle that dropped into place during an interview with a woman who had been raped when she was 23 years old. In the year after the attack, she told Felitti that she'd gained 105 pounds.

"As she was thanking me for asking the question," says Felitti, "she looks down at the carpet, and mutters, 'Overweight is overlooked, and that's the way I need to be.'"

During that encounter a realization struck Felitti. It's a significant detail that many physicians, psychologists, public health experts and policymakers haven't yet grasped: The obese people

that Felitti was interviewing were 100, 200, 300, 400 overweight, but they didn't see their weight as a problem. To them, eating was a solution; it fixed their problem.

One way it was a solution is that it made them feel better. Eating soothed their anxiety, fear, anger or depression — it worked like alcohol or tobacco or methamphetamines. Not eating increased their anxiety, depression and fear to intolerable levels.

The other way it helped was that, for many people, just *being* obese solved a problem. In the case of the woman who'd been raped, she felt as if she were invisible to men. In the case of a man who'd been beaten up when he was a skinny kid, being fat kept him safe, because when he gained a lot of weight, nobody bothered him. In the case of another woman — whose father told her while he was raping her when she was seven years old that the only reason he wasn't doing the same to her nine-year-old sister was because she was fat — being obese protected her. Losing weight increased their anxiety, depression, and fear to intolerable levels.

Felitti didn't know it at the time, but this was the more important result — the mind-shift, the new meme that would begin spreading far beyond a weight clinic in San Diego. It would provide more understanding about the lives of hundreds of millions of people around the world who use biochemical and other coping methods — such as alcohol, marijuana, food, sex, tobacco, violence, work, methamphetamines, thrill sports — to escape intense fear, anxiety, depression, anger.

Public health experts, social service workers, educators, therapists and policy makers commonly regard addiction as a problem. Some, however, are beginning to grasp that turning to drugs is a normal response to serious childhood trauma, and that telling people who smoke or overeat or overwork that these are bad for them and that they should stop doesn't register when those approaches provide a temporary, but gratifying solution.

Ella Herman was one of the people who participated in the obesity clinic,

but had dropped out because any weight she lost, she regained. Herman owned a successful childcare center in San Diego. Herman said she was sexually abused by two uncles and a school bus driver; the first time occurred when she was four years old. She married a man who abused her repeatedly and tried to kill her. With the help of her family, she fled with her children to San Diego, where she later remarried.

"I imagine I've lost 100 pounds about six times," she recalled. "And gained it back." Every time she lost weight and a man commented on her beauty, she became terrified and began eating. But she never understood the connection until she attended a meeting at which Felitti talked about what he'd learned from patients. At this time, Herman was just over five feet tall and weighed nearly 300 pounds. "He had a room full of people," she said. "The more he talked the more I cried, because he was touching every aspect of my life. Somebody in the world understands, I thought."

The ACE Study came into its own when Felitti presented his results at a meeting of therapists in 1990, who not only weren't interested, but criticized his work.

But Dr. David Williamson, an epidemiologist from the U.S. Centers for Disease Control and Prevention, was intrigued. He "told me that people could always find fault with a study of a couple of hundred people," says Felitti, "but not if there were thousands, and from a general population, not a subset like an obesity program. I turned to him and said, 'That's not a problem.'"

Williamson invited Felitti to meet with a small group of researchers at the Centers for Disease Control. Among them was Dr. Robert Anda, a physician and public health expert who had been studying how depression and feelings of hopelessness affect coronary heart disease.

Dr. Robert Anda spent a year poring through the research literature to learn about childhood trauma, and focused on the eight major types that patients had mentioned so often in Felitti's original study and whose individual consequences had been studied by

other researchers. These eight included three types of abuse — sexual, verbal and physical. Also on the list were five types of family dysfunction — a parent who’s mentally ill or alcoholic, a mother who’s a domestic violence victim, a family member who’s been incarcerated, a loss of a parent through divorce or abandonment. Anda later added emotional and physical neglect, for a total of 10 types of adverse childhood experiences, or ACEs.

The initial surveys began in 1995 and continued through 1997, with the participants followed subsequently for more than 15 years. “Everything we’ve published comes from that baseline survey of 17,421 people” and what was learned by following those people for so long, says Anda.

When the first results of the survey were due to come in, Anda was at home in Atlanta. Late in the evening, he logged into his computer to look at the findings. He was stunned. “I wept,” he says. “I saw how much people had suffered and I wept.”

This was the first time that researchers had looked at the effects of several types of trauma, rather than the consequences of just one. What the data revealed was mind-boggling.

The first shocker: There was a direct link between childhood trauma and adult onset of chronic disease, as well as mental illness, doing time in prison, and work issues, such as absenteeism.

The second shocker: About two-thirds of the adults in the study had experienced one or more types of adverse childhood experiences. Of those, 87 percent had experienced two or more types. This showed that people who had an alcoholic father, for example, were

Adverse Childhood Experiences Are Common

HOUSEHOLD DYSFUNCTION:

Substance abuse	27%
Parental sep/divorce	23%
Mental illness	17%
Battered mother	13%
Criminal behavior	6%

ABUSE:

Psychological	11%
Physical	28%
Sexual	21%

NEGLECT:

Emotional	15%
Physical	10%

likely to have also experienced physical abuse or verbal abuse. In other words, ACEs usually didn’t happen in isolation.

The third shocker: More adverse childhood experiences resulted in a higher risk of medical, mental and social problems as an adult.

To explain this, Anda and Felitti developed a scoring system for ACEs. Each type of adverse childhood experience counted as one point. If a person had none of the events in her or his background, the ACE score was zero. If someone was verbally abused thousands of times during his or her childhood, but no other *types* of childhood trauma occurred, this counted as one point in the ACE score. If a person experienced verbal abuse, lived with a mentally ill mother and an alcoholic father, his ACE score was three.

Things start getting serious around an ACE score of 4. Compared with people with zero ACEs, those with four categories of ACEs had a 240 percent greater risk of hepatitis, were 390 percent more likely to have chronic obstructive pulmonary disease (emphysema or chronic bronchitis), and a 240 percent higher risk of a sexually-transmitted disease.

They were twice as likely to be smokers, 12 times more likely to have

attempted suicide, seven times more likely to be alcoholic, and 10 times more likely to have injected street drugs.

People with high ACE scores are more likely to be violent, to have more marriages, more broken bones, more drug prescriptions, more depression, more auto-immune diseases, and more work absences.

“Some of the increases are enormous and are of a size that you rarely ever see in health studies or epidemiological studies. It changed my thinking dramatically,” says Anda.

One in six people had an ACE score of 4 or more, and one in nine had an ACE score of 5 or more. This means that every physician probably sees several high ACE-score patients every day, notes Felitti. “Typically, they are the most difficult, though the underpinnings will rarely be recognized.”

The kicker was this: The ACE Study participants were average Americans. Eighty percent were white (including Latino), 10 percent black and 10 percent Asian. They were middle-class, middle-aged, and 74 percent were college-educated. Since they were members of Kaiser Permanente, they all had jobs and great health care. Their average age was 57.

As Anda has said: “It’s not just ‘them.’ It’s us.”

Changing Our Understanding of Human Development

The ACE Study became even more significant with the publication of parallel research that provided the link between why something that happened to you when you were a kid could land you in the hospital at age 50. The stress of severe and chronic childhood trauma — such as being regularly hit, constantly belittled and berated, watching your

father often hit your mother — releases hormones that physically damage a child’s developing brain.

Flight, fight or freeze hormones work really well to help us accelerate when we’re being chased by a vicious dog with big teeth, fight when we’re cornered, or turn to stone and stop breathing to escape detection by a predator. But they become toxic when they’re turned on for too long.

This was determined by a group of neuroscientists and pediatricians, including neuroscientist Martin Teicher and pediatrician Jack Shonkoff, both at Harvard University, neuroscientist Bruce McEwen at Rockefeller University, and pediatrician Bruce Perry at the Child Trauma Academy.

As San Francisco pediatrician Nadine Burke Harris explained to host Ira Glass on the radio program, “This American Life,” if you’re in a forest and see a bear, a very efficient fight or flight system instantly floods your body with adrenaline and cortisol and shuts off the thinking portion of your brain that would stop to consider other options. This is very helpful if you’re in a forest and you need to run from a bear. “The problem is when that bear comes home from the bar every night,” she said.

If a bear threatens a child every single day, that child’s emergency response system is activated over and over and over again. He’s always ready to fight or flee from the bear, but the part of his brain — the prefrontal cortex — that’s called upon to diagram a sentence or do math becomes stunted, because, in our brains, emergencies — such as fleeing bears — take precedence over doing math.

For Harris’ patients who had four or more categories of adverse childhood experiences “their odds of having learning or behavior problems in school were 32 times as high as kids who had no adverse childhood experiences,” she told Glass.

Together, the two discoveries — the ACE epidemiology and the brain research — reveal a story too compelling to ignore.

Children with toxic stress live much of their lives in fight, flight or fright (freeze) mode. They respond to the world as a place of constant danger.

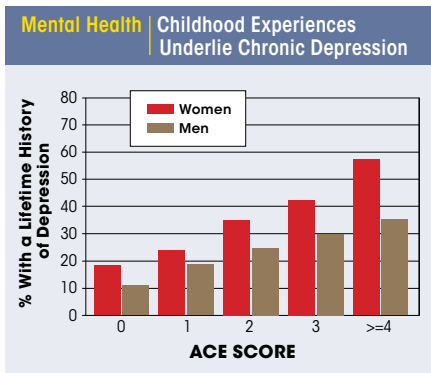
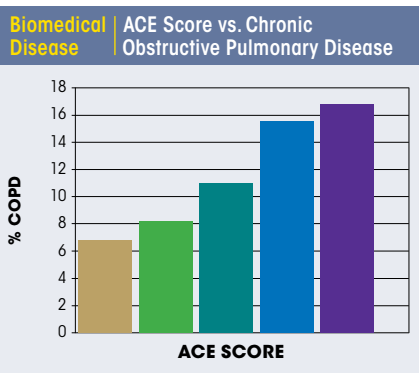
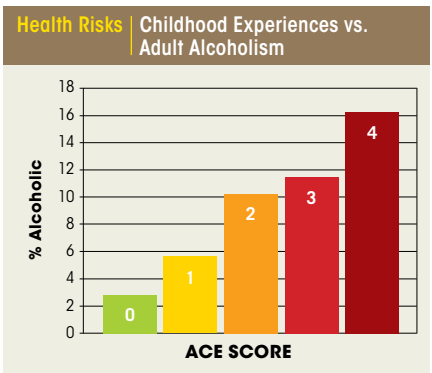
With their brains overloaded with stress hormones and unable to function appropriately, they can’t focus on learning. They fall behind in school or fail to develop healthy relationships with peers or create problems with teachers and principals because they are unable to trust adults. Some kids do all three.

With despair, guilt and frustration pecking away at their psyches, they often find solace in food, alcohol, tobacco, methamphetamines, inappropriate sex, high-risk sports, and/or work and overachievement. They don’t regard these coping methods as problems. Consciously or unconsciously, they use them as solutions to escape from depression, anxiety, anger, fear and shame.

What all this means, says Anda, is that we need to prevent adverse child-

hood experiences and, at the same time, change our systems — educational, criminal justice, healthcare, mental health, public health, workplace — so that we don’t further traumatize someone who’s already traumatized. You can’t do one or the other and hope to make any progress.

But our society has tended to treat the abuse, maltreatment, violence and chaotic experiences of our children as an oddity, notes Anda, instead of commonplace, as the ACE Study revealed. And



our society believes that these experiences are adequately dealt with by emergency response systems such as child protective services, criminal justice, foster care and alternative schools.

“These services are needed and are worthy of support — but they are a dressing on a greater wound,” he says.

“A hard look at the public health disaster calls for the both the prevention and treatment of ACEs,” he continues. “This will require integration of educational, criminal justice, healthcare, mental health, public health and corporate systems that involves sharing of knowledge and resources that will replace traditional fragmented approaches to the burden of adverse childhood experiences in our society.”

As Williamson, the epidemiologist who introduced Felitti and Anda, and also worked on the ACE Study, says: “It’s not just a social worker’s problem. It’s not just a psychologist’s problem. It’s not just a pediatrician’s problem. It’s not just a juvenile court judge’s problem.”

In short, this is everybody’s problem.

According to a CDC study , just *one* year of confirmed cases of child maltreatment costs \$124 billion over the lifetime of the traumatized children. The researchers based their calculations on only confirmed cases of physical, sexual and verbal abuse and neglect, which child maltreatment experts say is a small percentage of what actually occurs.

The breakdown per child is:

- \$32,648 in childhood health care costs
- \$10,530 in adult medical costs
- \$144,360 in productivity losses
- \$7,728 in child welfare costs
- \$6,747 in criminal justice costs
- \$7,999 in special education costs

You’d think the overwhelming amount of money spent on the fallout of adverse childhood experiences would have inspired the medical community, the public health community and federal, state and local governments to integrate this knowledge and fund programs that have been proven to prevent ACEs.

But adoption of concepts from the ACE Study and the brain research has been remarkably slow and uneven.

Some cities have set up ACE task forces. Trauma-informed practices are popping up around the U.S., Canada, and countries in Europe, Asia and Central and South America in schools, prisons, mental clinics and hospitals, a few pediatric practices, crisis nurseries, local public health departments, homeless shelters, at least one hospital emergency room, substance-abuse clinics, child welfare services, youth services, domestic violence shelters, rehab centers for seniors, residential treatment centers for girls and boys, and courtrooms.

In these dozens of organizations, the results of the new approach are nothing less than astounding: the most hopeless of lives turned around, parents speaking about “ACEs” and determined not to pass on their high ACEs to their children, and a significant reduction in costs of health care, social services and criminal justice. ♦

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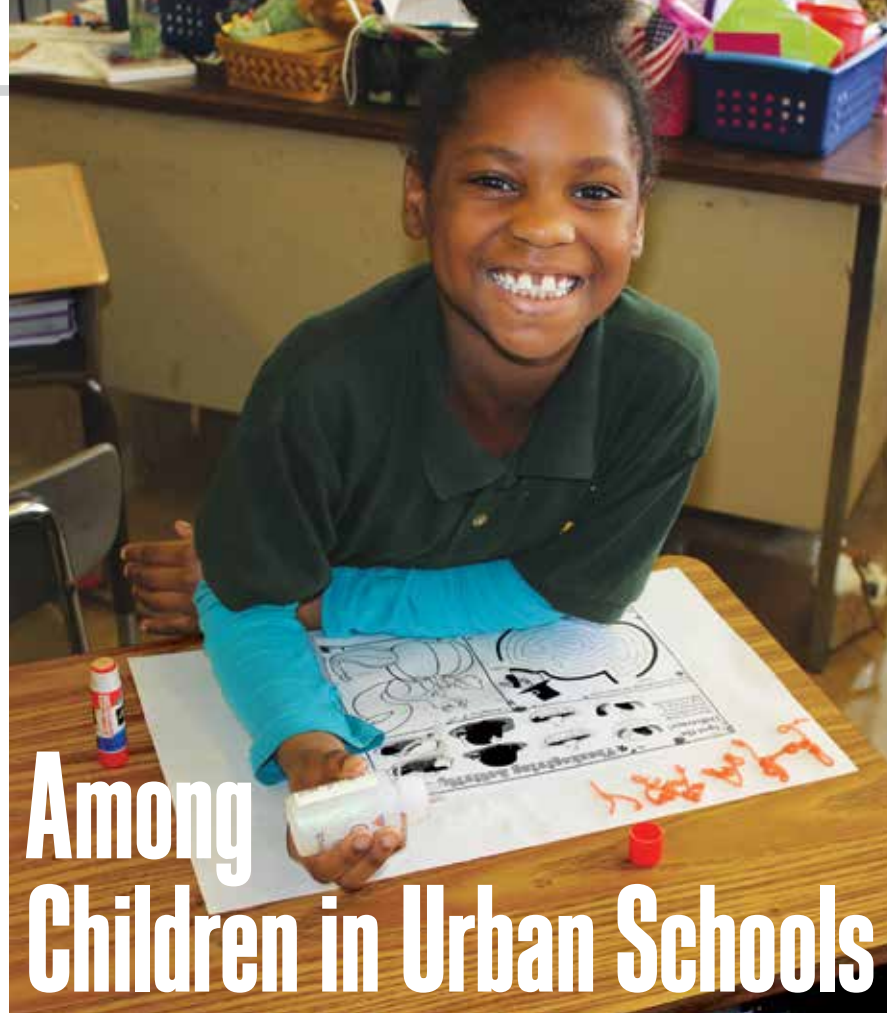


Lamont W. Browne, Ed.D.

Head of School/Principal,
EastSide Charter School

Toxic Stress Among Children in Urban Schools

The negative effects of troubled homes and neighborhoods wreak havoc on the lives and learning of children.



The Adverse Childhood Experiences Study (ACES) reveals the significant adverse impacts of childhood trauma on the health and well-being of adults. However, those adverse effects are also exhibited in earlier years and are quite prevalent in many low-income and minority children attending urban public schools.

As a life-long educator whose entire career has been devoted to urban schools serving students from under-represented groups, I have worked with an incredibly large number of young people who come from family situations and neighborhoods where they experience all of the types of trauma mentioned in the ACES report: abuse (verbal, physical and sexual), family dysfunction (mentally ill or substance-abusing parent, mother who is a domestic violence victim, incarcerated family member, loss of a parent through divorce, abandonment or violent death), and neglect (emotional or physical).

The following are a sampling of case studies from my time working in district and charter schools in both Philadelphia and Wilmington:

Ebony and Jamaal

(all names have been changed for this article)

Ebony (10) and her brother Jamaal (12) have been victims of a transient lifestyle. Their mother has been their primary caregiver their whole lives, with no indication of an active father figure in the picture. However, their mother has been involved in serious criminal activity for years, moving frequently, dealing drugs out of the house and often having suspicious guests at the house.

One night, in the middle of their sleep, the police stormed into the children's bedroom. They forced the kids to quickly get out of bed and move into the living room, where they had to stay put while the police searched the home. They found substantial amounts

of drugs and weapons and their mother was ripped away from them in the blink of an eye, carried away in the back of a police car.

Their mother was sentenced to five years in prison and the children now have to live with their grandmother, who does not have the financial means to care for them. Their small, two-bedroom house is now home to seven people, including other children the grandmother has to care for.

Ebony's and Jamaal's behavior changed dramatically. Both struggle with accepting redirection from adults as they begin to realize that the accountability that they were once held to has been lost. Grandmother struggles to keep Jamaal attracted to his academic studies as he instead leans toward having fun with his peers. Both students have received therapeutic services in regard to their mother being incarcerated.

The stress of not having a father and losing the only parent that they've known since birth has taken a significant toll on both children.

Kyra and Selma

Imagine living in a neighborhood where drugs and violence are the norm. Many nights, when you go to bed, you hear gunshots in the night. Sometimes, on the walk to school, older, scary looking men proposition you. There are rumors of rapists and murderers living down the street from you, but you don't know for sure.

When you get home from school, your parents do not let you play outside like other kids do. Instead, you are forced to stay in the house and play with your siblings, although your games are limited and often missing pieces. Your mother does the best that she can, but with four children and limited employment, she has no hope that she will ever escape the perils of project housing.

One day, it seems like a regular day at school. Mom picks up younger sister Selma to go to a doctor's appointment, but instead detours to meet her boyfriend. As the boyfriend gets in the car, men emerge from around the corner and start shooting. Mom is killed immediately and a bullet grazes Selma.

In a flash, the lives of these children completely change. After the death of Mom, the adults decide that it's best that the two girls live with their much older grandmother in the same violent neighborhood. A year later, Kyra is now a middle school student, going through the emotional changes that all young girls experience, but with no mother to guide her.

Kyra suffers from the loss of her mother; she consistently breaks down in tears in class and displays a general decline in her behavior. The family lives in public housing projects where violence is a way of life. Grandmother is not equipped to move at the speed of two growing and questioning young ladies in today's society.

Kanya

Kanya is a nine-year-old girl whose mother had never been involved in her life; she lived with her father since birth. One day, while Kanya was on the bus coming home from school, her father was shot and killed at the neighborhood store. When she reached home, her aunt gave her the tragic news.

Immediately following her father's sudden death, the young girl is forced to leave the comfort of her home and move in with her mother, whom she barely knows. The girl's mother is not warm or understanding to the daughter's needs during this grieving time.

Although Kanya sometimes appears to have taken the loss well she often exhibits signs of feeling overwhelmed. Kanya has received in-school grievance counseling one-to-two times per week and she also meets regularly with a licensed clinician to discuss the significant adversity she has faced with the loss of her father.

Desiree

Desiree is a fifth grader who has never known her real father. Her stepfather has always played that role, and has been a source of constant support for her. One day, she walked into the front door of her home and found her loving stepfather dead on the floor. With no one home, she was the one who had to run to the neighbor's to call 911. A year later Desiree presents at school as

defiant, explosive and very emotional, often crying at the first redirection. Her teachers often describe her as "nasty" and "disrespectful."

Desiree still struggles with the loss of her stepfather and often relives her traumatic experience. She has a struggling relationship with her mother who has two other kids, one a young baby. Desiree requires a lot of attention and her mother is not always available. The school has encouraged her mother to spend more personal time with Desiree, which she has attempted. This seems to sometimes help the fifth-grader's classroom performance.

It also appears that Desiree is attracted to some of the women at school as she seeks the attention that she does not receive at home. She is in constant conflict with some students in her class and has loud and uncontrollable outbursts and arguments with these students.

William

William looks up to his father, who is cool, athletic and fun to be around. He wants to grow up to be just like his dad. One day, his father is taken away to prison and the boy doesn't understand why or for how long. He becomes depressed and unable to function at school, often crying for hours.

Weeks later, his father returns home and the boy is back to his normal self. The father volunteers at school and spends time with William after school.

Then, as quickly as he came back into his life, his father is involved in a shooting one night and is taken back to prison. Again, the boy does not understand what happened or if he will ever see his father again. His behavior quickly declines and he refuses to go to school, crying uncontrollably and becoming violent with staff members trying to help.

This young man was referred to a community-policing program, which he refused to attend because he simply wanted to be with his father. His mother works at a fast food restaurant and depended on the William's father to keep him under control. She now struggles with her son's behavior so, in turn, their relationship takes a turn for the worse.

Ashley Kaufman Widdoes
Mentoring Coordinator, EastSide Charter School

Mentoring at EastSide Charter

One strategy that we have employed for a number of years at EastSide Charter School to create a positive experience for our students is a mentoring program that pairs an adult mentor with a student for a one-on-one weekly mentoring/ tutoring session.

We typically have more than 100 mentors who come during the lunch hour on Tuesday, Wednesday or Thursday for 45-minute sessions with their mentees. The program is well structured, with a Mentoring Coordinator serving as the liaison between the mentors, mentees and their teachers. All students from a particular class are assigned a mentor so that each student is mentored at the same time, as opposed to pulling some students out of class.

The students’ teacher provides a work assignment so there is a structured tutoring opportunity. However, probably the biggest benefit for the student is the creation of a regular, caring relationship with an adult.

Mentors are able to support the students and give them guidance. For example, one current eighth-grade student, Jamere (all names have been changed), recently said, “I used to think fighting was okay. I’ve seen fights and violence in my community. My mentor not only helps me with schoolwork but has given me an outlet to talk when I’m upset. He has helped me in stressful situations and helped me manage my anger. If I didn’t have a mentor I think I would be getting in a lot more trouble.”

Mentoring also has been effective in improving students’ attendance. When students know they will see their mentor, they are eager and excited to be in school. Unfortunately, for the many who lack personal transportation, missing the school bus can mean staying home. A student’s scheduled mentoring session may be just the push they need to get them to school. “I missed the bus so I wasn’t going to be able to come to school,” recounts Nadine. “I made my mom call my aunt. She came to pick me up and brought me to school because I knew today was the day I got to see my mentor.”

The greatest impact comes when an individual has mentored a student for numerous years. Samir came to EastSide Charter in the third grade. He lives across the street in the Riverside housing project. He is raised by his mother; his father is in and out of incarceration. When Samir first enrolled at EastSide Charter he was in trouble regularly, disrespected staff members and often shut down when he was angry. He acted out violently by kicking and throwing objects.

Once he started in the mentoring program, he began to open up and develop in ways that would not be possible without his dedicated and caring mentor. Samir has had the same mentor for the past five years. The mentor has been a positive role model and continues to give him guidance and support. Samir is currently an eighth-grade honor roll student and is busy applying to high schools. His aspirations have been raised so that he is applying to independent schools that may have scholarship funds to support him.

We have known for many years that our mentoring program has a very positive impact on the student mentees. During the last year, as we have received training to become a trauma-informed school, we have a much better understanding of how the toxic stress that many of our students have experienced in their home lives affects their social, emotional and cognitive development, and how a caring mentoring relationship can have such a positive impact on their lives.

Mentoring also has proved to be a very rewarding activity for our mentors. Our mentors routinely acknowledge that they benefit as much from the relationship as do their mentees. We have plenty of room for new mentors and encourage any interested persons to contact Ashley Kaufman-Widdoes at Ashley.Widdoes@escs.k12.de.us to join our team making a vital difference in these students’ lives.

As he adjusted to his father’s absence, his school performance slowly declined. His interests are not school related; they are more connected to his environment outside of school. Rap music and negative influences attract him and he doesn’t feel the need to participate in school. When he was home, William’s father would pick him up in different cars with loud music blaring. Now William wants to emulate what he experienced while with his father.

These case studies provide examples of the toxic stress that many urban students experience. I estimate that nearly 70% of the students I have educated over the past 12 years have experienced one or more types of childhood trauma and are in need of ongoing counseling to deal with the effects on their behavior and their ability to concentrate and learn in class.

When you add in the effects of generational poverty, one can easily understand the significant challenge that is presented to urban school educators. For example, my present school, EastSide Charter in northeast Wilmington, draws primarily from some of the poorest neighborhoods in the State, with the following demographic profile:

High School Graduates	66.9%
Unemployment	21.6%
Single-Parent Families	58.6%
Average Household Income	\$19,992
Total % Living in Poverty	49.5%
% of Children living in Poverty	61.2%

Unfortunately, the American public school system is not designed to cope with these significant needs. In order to help our students, we have to think outside the box. At EastSide Charter we’ve implemented a school plan designed to provide a full support system.

In order to help students deal with the traumas in their backgrounds, we have a seven-person “Climate Team” consisting of a Dean of Students, three counselors, a Behavior Support Specialist, a Family Crisis Therapist and a School Nurse. We estimate that, outside of the nurse, team members spend about 90% of their total time dealing

with issues relating to toxic stress. That translates into a cost of about \$240,000 per year to the public education budget in our Pre-Kindergarten to 8th grade school of just 478 students.

In addition, it is well documented that the need for special education services is directly proportional to the frequency and diverse types of trauma to which a child is subjected. Our Special Education population ranges from 15%-to-20% of our total student body. Approximately 80% of our Special Education students also receive counseling for socio-emotional issues. The combined annual cost for special education and mental health services is about \$120,000.

This is over and above the aforementioned \$240,000 expense, and does not include the cost of the external therapy many students receive outside the school, for those lucky enough to have access to such services.

Finally, I estimate that in any typical urban public school, between 10% and 40% of instructional time in an average classroom is interrupted and lost because of challenging behaviors related to toxic stress. This highlights the negative impact that toxic stress has on all students – even those who have not suffered childhood trauma.

We know that many inner-city students arrive at school well behind their peers from more affluent neighborhoods in academic skills, a situation commonly referred to as the achievement gap. However, their gap in socio-emotional development is even larger and poses a significant obstacle to creating an environment that is conducive to academic development.

At EastSide we continually strive to increase our knowledge and skills in this area. During our annual mid-year retreat in January 2014, my entire staff of 60 adults participated in an eight-hour professional development session on trauma and its effects on the brain. We gained insight into how trauma causes emotional dysregulation of executive and cognitive functioning, which in turn affects how our students act and react to certain triggers within our

classrooms.

Our overall vision and goal during this professional learning opportunity was to become a trauma-informed school that excels in supporting our students in emotional regulation techniques. Through this time of training and reflection, we began to identify ways trauma affects our students on a daily basis and learn to practice strategies to support trauma-affected students.

Delaware taxpayers expend considerable resources assisting us in dealing with these challenges. One of the counselors previously mentioned as part of our Climate Team is a Family Crisis Therapist (FCT), provided by the Delaware Department of Services for Children, Youth and Their Families to work with our “at-risk” students and their families in the area of child mental health. One of the FCT’s main functions is to act as a liaison between the school and outside agencies. The program focuses on providing a “System of Care” by enhancing collaboration among state agencies and communities to meet the needs of children and their families.

Our FCT carries a 20-student caseload and meets with these students on a regular basis. The FCT also communicates and visits with the families as needed to ensure consistency and that outside therapy is being provided. During ongoing treatment, the FCT develops and implements treatment plans both in school and home, and assesses progress and recommends appropriate strategies for continual functional improvement within the family.

EastSide Charter also partners with The Center for Child Development in order to provide superior mental health services through a combination of cognitive, behavioral and positive reinforcement strategies to assist students in problem solving. Through weekly psychotherapy sessions, performed by licensed clinical social workers, the therapist and patient work together to find ways to deal more effectively with feelings and behaviors.

See **Toxic Stress:** continued on page 26

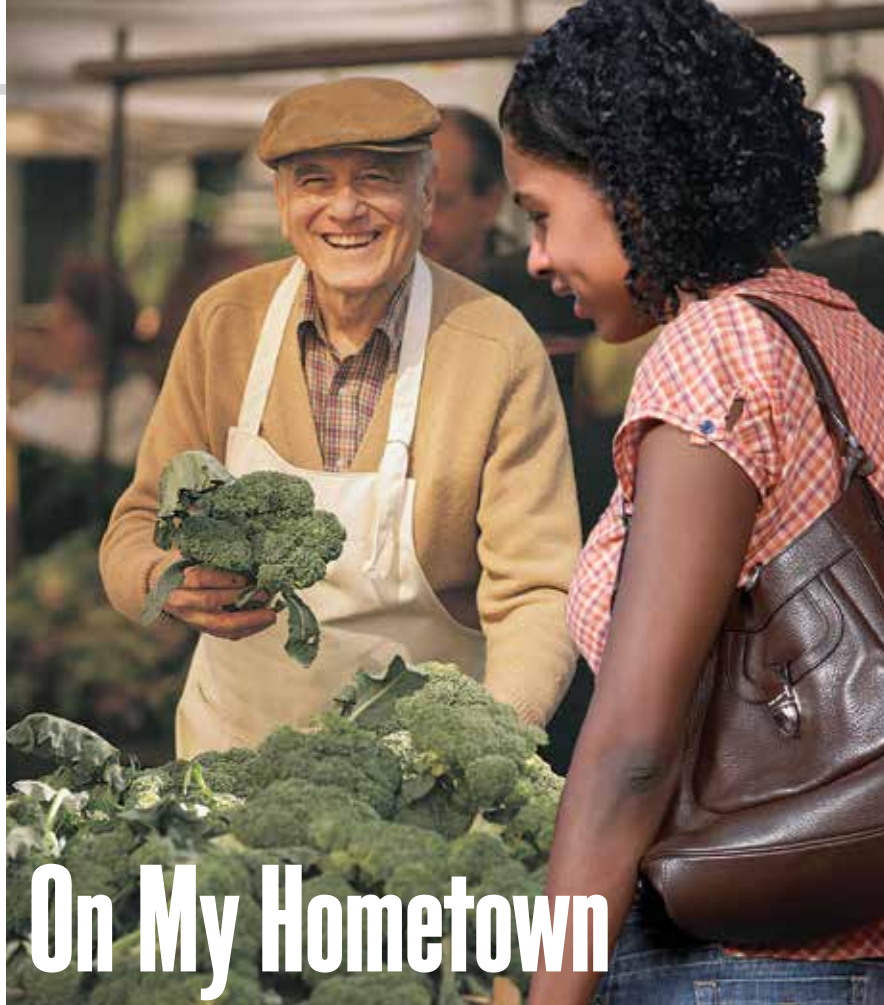
Why I Write

By Dhazhea Freeman
8th Grade Student,
EastSide Charter School

*I shout in the dark an oblivious voice,
Supernova in my head a painted choice.
Theoretic pictures of a golden scribe,
Within the light there’s nowhere to hide.
I write for the deceased, who didn’t get
to share,
For my EastSide teachers who showed me
they care.
I write to 9-11 and all the lost faces,
You can try to track it down
But the past leaves no traces.
I write for the 911 calls that tune in too late
For all my friends who just want to be
great.
Shout out to statistics...
They kill our best before we try.
It portrays a negative future and that’s
a huge lie.
I write because school don’t prep you for
the hood,
And for the communities around us who
try to make it all good.
Ever met a gun and you think, “That’s
the killer”
No, you don’t cause the killer is the one
behind the trigger.
I write for the innocents, who were sent
away,
For that 15-year-old-girl from Philly who
just met her last day.
How would you feel if you lost a special
gift?
Imagine hugging and kissing it before its
last trip.
I write to the money - it’s the root of
earth’s rotation,
Leaving those in poverty, in hunger and
dehydration.
To the lust and infatuation that’s
deceiving the eyes.
Because death’s the hated truth and life’s
the loved lie.
I write for the kids in this horrid game,
Find a finish line and your life will
drastically change.
I write thanks to oblivion it’s empty
But they’re listening.
They send signs my way,
Opportunities glistening.
I write to the teens seduced in money,
drugs, and sex
Content in the madness,
Won’t leave the mess.
I write because it’s wrong these kids
playing in grave yards.
Drug dealers handle their business in
these kids play park.
I write to speak reality because it can’t
always be sweet,
I’m tired of the cover ups, just let the
truth be seen.
Through infinite times I won’t put my
future aside,
I learn to strive for excellence and
with hold my pride.*

Meditations On My Hometown

Wilmington's narrative is not a "tale of two cities," but of one community where all classes are inextricably linked.



The Journey Begins

In early 2013 I attended a funeral. I sat in the next to last row. From the row behind me I overheard the following conversation between two older African-American men:

Gentleman One: "Where do you live?"

Gentleman Two: "In the Northeast. Where are you?"

Gentleman One: "Still on the West Side. What is it like where you live?"

Gentleman Two: "It is Ok, a little rough, but Ok. You?"

Gentleman One: "It is bad; we cannot even walk to the store with all this craziness. Doesn't matter if it is day or night, we are scared."

I was astounded. At a church on the east side of Wilmington, two adults were discussing that they are scared to walk the streets of their neighborhood. It wasn't a city in a Third World country, it was Wilmington. These are neighborhoods two to three miles from where we work, less than 10 miles from where I live. The fear wasn't offered as hyperbole, nor was it expressed for my consumption. It was a matter-of-fact statement of daily existence.

The conversation triggered a number

of questions. How could this happen in America in 2013? In an area of relative prosperity, how does this gap in income and opportunity exist? What can I do? Is there a way that I can improve the situation?

These questions simmered until I received a call from Chuck Durante asking if I would consider editing an issue of *Delaware Lawyer*. I pitched the idea of an issue on Wilmington. Typical cliché, a tale of two cities, On one side stories about all the great things going on in

Wilmington, *e.g.*, Buccini/Pollin, the renaissance on the Riverfront, a description of East Side Rising. The other side would describe the violence plaguing our poorest neighborhoods.

A Tale of One City

I realized, however, that by accepting the dichotomy of two cities, I was missing the point, and reinforcing the false notion that the two communities are disconnected. We are not two cities, our communities are absolutely connected and if we do not find a way to solve the problems in our poorest communities, we will all pay the price as the manifestations of poverty and despair inexorably creep into mainstream Wilmington.

Economics, not race, illuminate the issues at the heart of Wilmington's problems. Unfortunately, our black and brown faces most often reflect the duress suffered by the poorest families — those trapped in economic ghettos with little means to escape.

Wilmington has historically been a city of neighborhoods. Comparing the attributes of those neighborhoods is instructive to help us understand why the city faces the challenges of this economic disparity. Formerly, neighborhoods were economically heterogeneous; the upper class, middle class and lower classes lived side-by-side. Some of us will remember when established doctors, dentists, bankers, lawyers, teachers, government employees and merchants lived within blocks of, if not next door to, laborers and immigrants.

Moreover, these neighborhoods had their own sub-economies. Each neighborhood had its own merchants. The residents shopped at stores owned and staffed by their neighbors. Tailors, butchers, TV repair shops, grocers and bakeries were anchors of the neighborhood. Doctors and dentists operated out of home offices. Religious institutions were the blenders, where the classes stood shoulder-to-shoulder. Visit Little Italy today and the vestiges of these businesses remain. Money that was earned in the neighborhood stayed in the neighborhood to the benefit of the whole community.

The economic cross-pollination

brought a number of benefits that led to stable neighborhoods. Role models abounded and they willingly invested in local youth, serving as mentors. A poor child growing up in one of these neighborhoods saw first-hand the benefits of improving one's lot in life. In addition, the local sub-economy presented opportunities to move up the economic ladder. A disadvantaged child saw the benefits of education and hard work.

Contrast this with the east side of Wilmington today. There is no economic diversity. There is no local economy. There are fewer positive role models for the area's youth. The opportunities to improve are not readily accessible. The stability created by economic diversity and the associated societal hierarchy is missing.

This economic isolation — and resulting instability — follows two changes to the area: one long-term, the other occurring over the last 20 years. The long-term change is the flight to suburbia. The other is a transformed economy that has inexorably altered the kinds of opportunities available to the poor.

After the Korean War, the economic mixture of the city's neighborhoods began to change. Economic success brought moves to the tract housing being built on the farms surrounding Wilmington. What began as a trickle accelerated in the 1960s and became a flood by the 90s. Each new subdivision became a step on the ladder of perceived success. Economic success meant leaving the old neighborhood.

At the same time, the local commerce followed the successful resident to the suburbs, moving to strip malls. Or they simply closed.

This did not impact all communities. Some became starter neighborhoods, where those embarking on their careers could afford a first home, starting a cycle that would take them up the economic and residential ladder.

The other change has been the disappearance of jobs that provided stability and opportunity to the economically disadvantaged. Prior to the new millennium, the Delaware economy featured many employment opportunities that

provided a pathway for the poor to become wage earners. These industries — two auto plants, a steel mill, construction companies, and related firms — provided stable jobs that were the foundation for stable neighborhoods and that offered the promise of upward mobility.

Since the dawn of the 21st century, many of those "pathway jobs" have disappeared, creating additional unemployment. Those newly unemployed became candidates for the fewer remaining pathway jobs, effectively closing routes out of the poorest neighborhoods. Moreover, the growth of the Delaware economy has been in the new economy, which requires education and skills-based training.

As a result of the economic segregation caused by the rise of suburbs and changes to our economy, we have seen the rise of neighborhoods with no societal infrastructure, increased pressure on the family unit, and no opportunity for upward mobility. The children in these neighborhoods are continually exposed to toxic stress and are suffering an achievement gap in schools compared to their peers from other neighborhoods and the suburbs.

How Will We Respond?

History will judge us by how we manage these challenges. The Delaware Bar has always been at the forefront of responding to the needs of our community. While we cannot create jobs nor police the streets, we can help bring stability to the lives of children by becoming mentors at the schools in and around downtown Wilmington, each of which is dedicated to eliminating the achievement gap.

Mentoring is a powerful tool. Teachers report that 68% of mentored students get better grades and 93% believed the school climate improved with the presence of mentors.¹ Mentoring introduces positive roles models and helps bring a sense of stability to the mentee.

We as a Bar must accept the challenge of bridging both the economic and achievement gaps to give Wilmington a fighting chance to break the cycle.

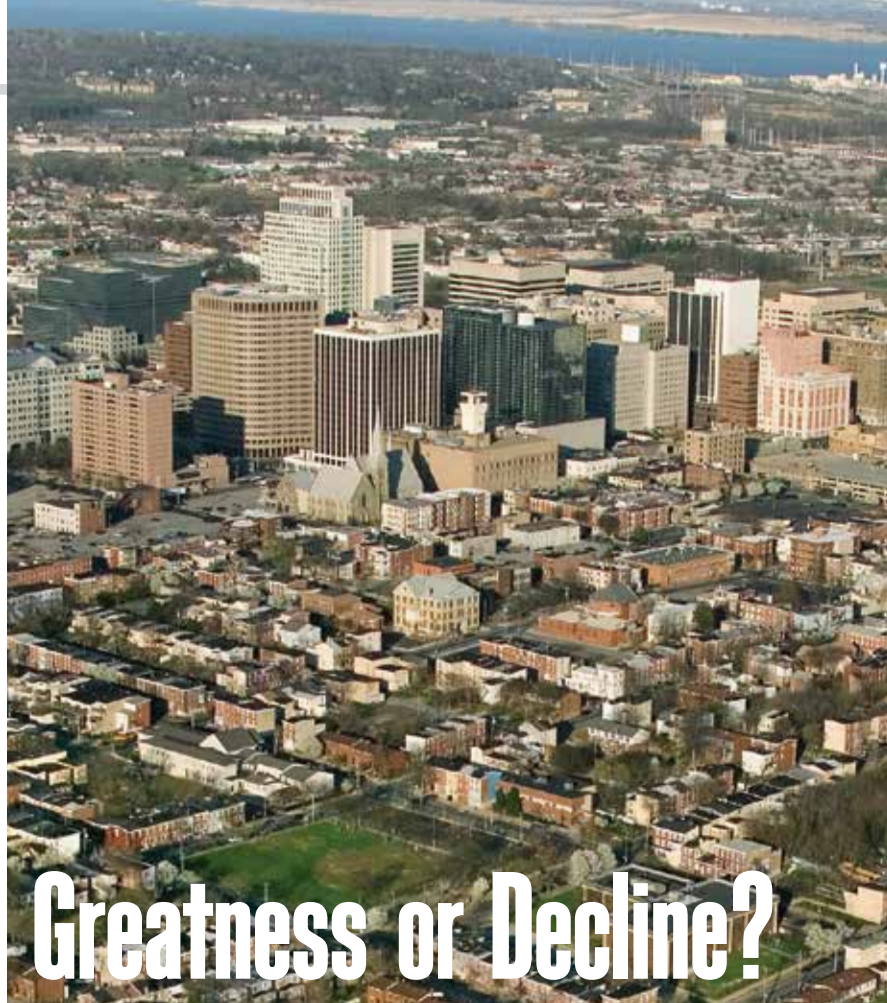
See **Meditations**: continued on page 26

Richard Voith

President and Founding Principal
Econsult Solutions, Inc.

Wilmington on the Edge: Greatness or Decline?

As urban areas
make a comeback,
Downtown
Wilmington has
the potential for growth
and new vitality.



Wilmington is a story of two cities, both of which have promise but still have to confront significant challenges. Downtown Wilmington has a strong employment base and has benefitted from significant private investment in the commercial and residential sectors. Major financial institutions anchor the downtown, where nearly 32,300 people work. Over the last decade, there has been a small but important increase in the number of people living downtown, which has contributed to its vitality.¹

Despite the increasing number of residents, however, downtown Wilmington has yet to reach the critical mass of activity that characterizes vibrant downtowns. Moreover, it remains isolated from nearby Wilmington neighborhoods despite their close proximity.

Central Wilmington neighborhoods adjacent to downtown have not fared as well. Residents of these neighborhoods have low or modest incomes and education, confront real and perceived public safety issues and have seen their neighborhood populations decline while the neighborhoods remain disconnected from the more prosperous downtown.

Both the East Side and West Side neighborhoods adjacent to downtown saw double-digit declines in population from 2000-to-2010, and that trend continued from 2010-to-2013.² Residents of these neighborhoods have a median income less than half that of downtown residents, although there is considerable variation in income within the neighborhoods.³

Both the East Side and West Side are primarily minority neighborhoods and both neighborhoods have been adversely affected by Wilmington's high violent crime rate. The city reported 903 violent crimes (per 100,000 people) in 2012, far above the national average of

214. Still, both East Side and West Side neighborhoods have the advantage of being favorably located relative to the employment opportunities downtown.

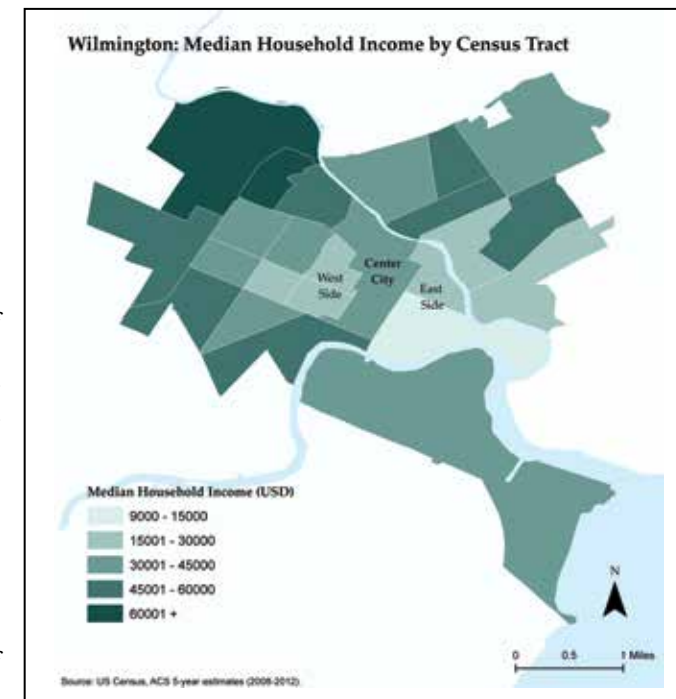
Because Wilmington is a small city with just 71,000 people and only 17 square miles of land,⁴ the fates of the downtown and nearby neighborhoods are tightly linked economically, fiscally and socially. How Wilmington copes with the challenges currently confronting the city's central neighborhoods will determine, in part, whether the city participates in the broader renaissance of American cities in the 21st century.

Understanding the Urban Prospect: *The American City in the 21st Century*

Until at least the 1990s, people of the Baby Boom generation experienced decades of urban decline for most of their adult life. After New York City narrowly avoided bankruptcy in the late 1970s, no one was predicting growth or prosperity for cities. Deindustrialization and loss of manufacturing jobs, racial animosity and social problems, and the development of efficient highway systems coupled with deteriorating urban transit made continued city decline and corresponding rapid suburban growth seem inevitable.

This was particularly the case in the older Midwest and the Northeast regions, which were developed earlier than the newer, suburban-style, auto-dependent cities in the Southern and Western parts of the nation that continued to grow without interruption.

Over the last two decades, a regime shift has been taking place in the historical centrifugal pattern of urban population and employment trends in American cities. The systematic economic and demographic decline of central cities that was prevalent from the 1960s to the 1990s has slowed, and in many cases, reversed. New York



City did, in fact, increase its population by 1,334,198 (18 percent) from 1980 through 2013.⁵ Many other formerly declining cities, both small and large, including Philadelphia, Wilmington's neighbor, have stabilized and begun to grow once again.

While suburbs are still growing, the "inevitable" decline of American cities appears not to be inevitable at all, but rather a particular historical moment that coincided with the growth of the auto-oriented suburbs and the transition from an industrial economy to a service-oriented economy.

A New Urban Era

Urbanism in the United States has reached a new equilibrium. Cities are once again becoming places where job creation, innovation and economic opportunities arise. Moreover, many cities are developing residential neighborhoods that offer a higher quality of life than has ever been possible in American cities. The cultural images of cities have changed from hugely negative ones depicted in movies such as *Fort Apache* the *Bronx* to more positives ones in movies such as *Sex in the City*, although the Baltimore-based television show *The Wire* is a reminder that all is not well in the city.

Evidence for the broad trend of past

divergence of cities and suburbs and recent convergence is seen in the relative growth rates of cities and suburbs. The share of metropolitan residents living in suburbs increased from 23 percent in 1950 to 45 percent in 1980. It has since stabilized after it rose to 50 percent in 2000 and only increased by one percentage point over the last decade.⁶

Additionally, the continued improvement in cities is evident in the most recent population data from 2010-2013. Central cities in large metropolitan areas saw their population increase by 1.1 percent annually, a higher

rate than seen in the respective suburbs of each area, which grew by 0.9 percent annually over the same period.⁷

Wilmington may be beginning to share in the positive trends. Although Wilmington lost 2.5 percent of its population from 2000-2010, its population is estimated to have increased slightly from 2010-2013.

Some of the reasons why cities have seen improving fortunes are shaped by the actions of the cities, while others are not under their control. The reasons U.S. cities have stabilized and begun to grow include:

- Many suburbs are nearing their maximal development given the limitations of suburban zoning.
- Local suburban governments often discourage new development for fiscal and environmental reasons.
- Highway capacity expansion has dramatically slowed as enormous capital expenditures are required to rebuild existing roads.
- The millennial generation is less auto-oriented and more city-oriented than recent prior generations and find cities more attractive for access to amenities, jobs, housing and friends.
- Many Baby Boomers have

downsized into high-amenity urban neighborhoods with convenient proximity to healthcare.

- Highly skilled workers are more productive in cities, and consequently want to work in cities as U.S. cities have transitioned to a “knowledge-based” economy.
- The decline in household sizes across all age groups also has contributed to an increase in demand for smaller central city residences.
- Immigrants have greatly helped with the revitalization of urban neighborhoods.

The emergence of these forces that have been driving the revitalization of U.S. cities have important implications for the future of Wilmington. Despite the extended national period of slow growth since the financial-induced recession of 2008, current-day Wilmington can benefit from the trends that have favored cities.

Wilmington: Opportunities and Challenges

Although cities are better positioned to compete in the modern economy than they have been in 50 years, Wilmington faces challenges to fully take advantage of positive urban trends. These challenges fall into three broad categories:

- Creating an excellent urban quality of life.
- Building on and diversifying beyond the current strong finance-based employment base.
- Ensuring that improvements benefit a broad base of the Wilmington population.

Urban Quality of Life

Successful cities are ones that provide an alternative, complementary option to the car-oriented suburban lifestyle that has dominated American development over the last half-century. Cities that provide safe, walkable and diverse environments are attractive to significant segments of the population, including the millennial generation, empty-nesters and families.

This means that basic services, such as public safety, are prerequisites for

creating a vibrant city. The current reality and perception that Wilmington’s violent crime is far too high must be addressed, first and foremost. Providing basic public services are necessary but not sufficient for the city to reach its potential.

Because successful cities depend, in part, on vibrant walkable environments, land use and design become key policy considerations. Creating these vibrant urban environments often requires rethinking prior preconceptions. Density is not necessarily bad, and often it is good. Mixed-uses are good. Travel options — walking, bicycling, transit and cars — all play important roles.

Cities need vibrant downtowns. A vibrant downtown is a city’s calling card to the world. The density of economic activity in a vibrant downtown provides the fiscal resources necessary to support healthy neighborhoods. Downtowns also have the potential to provide employment and income to neighborhoods.

Neighborhoods, on the other hand, can provide affordable, convenient and attractive places to live with easy access to the opportunities of a vibrant downtown. Thus, it is in the interest of Wilmington as a whole to have a prosperous downtown that is well connected to its neighborhoods.

Although Wilmington benefits from a very strong base of major employers and institutions and has the potential to have a vibrant urban core, it still lacks the residential density and diversity of activities to create the perception that downtown Wilmington is an attractive place to be, and, just as importantly for neighborhoods, an attractive place to be near. Moreover, there is an insufficient physical and perceptual connection between downtown and the neighborhoods.

Wilmington needs to continue to create a vibrant center and forge a more cohesive relationship between its neighborhoods and the downtown area. Wilmington residents also would benefit from improved transit connections with Philadelphia, which would offer residents of both cities a broader array of opportunities for work, culture and play.

Economic Diversity

The Wilmington economy is heavily dependent on the finance industry.⁸ The city of Wilmington’s Annual Budget report noted Wilmington’s reliance on the finance, banking and credit card industries that make up its economic base. However, many of the employees in those industries are not Wilmington residents.⁹

In order to provide opportunities for a broader array of residents, Wilmington should seek to build upon its strong finance base with other industries, including hospitality, retail and other service sector jobs that may be better suited to the skills of current residents. To the extent that it is possible to increase specialty manufacturing and provide training, this may prove a viable avenue for improving opportunity in the city.

There has been much written about the “creative class” and their role in creating vibrant cities. In recent years, many cities have seen a revitalization of urban neighborhoods by entrepreneurs in the creative, information technology and hospitality sectors. People with dreams and visions have taken root in cities and positively transformed neighborhoods. These smaller-scale activities should be encouraged in addition to larger-scale economic development.

Sharing Benefits of Revitalization

Neighborhood residents are often skeptical of downtown and neighborhood revitalization — and for good reason. Housing affordability is crucial to fostering social inclusivity, but urban revitalization can drive up both rents and house values, which would diminish the supply of affordable housing. The conflict between urban growth and housing affordability can lead to the displacement of longtime residents. Growing and revitalizing cities can respond to this issue by understanding and explicitly planning for housing affordability.

The preservation and production of affordable housing in a growing city may require significant intervention in the housing market, especially to protect longtime and fixed-income residents. Approaches to ensuring afford-

able housing run the gamut from publicly produced and managed housing to publicly subsidized housing, through down-payment assistance and low-interest mortgages to low-income tax credits and housing vouchers, to rent control. Other options include municipal-level regulatory requirements, such as zoning and inclusionary housing mandates, project-specific requirements to include affordable housing, market-rate developments and protections against rising property tax increase for longtime homeowners. Each of these approaches has its own set of challenges, and, if approached too aggressively, may prevent private investment in neighborhood improvements.

Essentially, there needs to be a balance in protecting the quality of life of existing residents with the inevitable influx of new residents that will come with improvements in urban centers.

Another approach to preserving affordable housing in the face of growing

attractiveness of cities is the non-profit community land trust (CLT). These have been established to acquire and manage properties with the goal of providing perpetually affordable housing (and other community amenities) to existing residents. CLTs facilitate the preservation of affordable housing by removing the cost of land from the purchase price and by limiting the future price for which the home can be resold if the homeowner leaves the trust.¹⁰

In planning for affordable housing and inclusive development, communities have to balance the demand for affordable housing with the need to preserve and enhance home values, which fund the production of public services. Wilmington will need to enhance its capacity to provide urban amenities, such as public safety and quality infrastructure, in order to retain existing residents and to attract new ones across various income groups, education levels and cultural backgrounds. ♦

Econsult Solutions’ Gabrielle Connor, Ashley Motta, Leslie Parker and Greg Paone all contributed to this article.

FOOTNOTES

1. “Population Distribution and Change: 2000 to 2010,” U.S. Census (2011).
2. The population of the combined East Side and West Center City downtown areas declined from 11,545 to 10,027 (15 percent) from 2000 to 2010.
3. The American Community Survey estimates median income for the four relevant tracts in 2013 inflation-adjusted values: Tract 9 (\$27,179), Tract 16 (\$29,028), Tract 21 (\$24,977), and Tract 29 (\$14,906).
4. U.S. Census Bureau 2012.
5. U.S. Census Bureau.
6. Jackson 1985, NHGIS 2014.
7. U.S. Census Bureau.
8. As of 2012, 12 percent of jobs available in Wilmington were in a finance-related industry.
9. American Community Survey (2008-2012) reported that only 7.5 percent of the civilian employed population of Wilmington’s downtown area work in a finance-related industry.
10. For a more detailed look at the housing affordability challenge, see “The affordability Challenge: Inclusionary Housing and Community Land Trusts in a Federal System.”

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Meditations: continued from page 21

Imagine the Bar and employees of local businesses (e.g. Barclays, Chase, Bank of America, DuPont and their newly-spawned progeny, Ashland, M&T Bank, Capital One and Astra Zeneca to name a few) providing a mentor for each student at these schools. Grades and schools would improve and our children would receive the education they need for the 21st-century economy. It is easily with-

in our reach if we take up the cause.

The investment for each mentor is relatively small, 45 minutes a week plus travel. The payback is immense. The cost of doing nothing is more than we can afford. ♦

FOOTNOTES

1. <http://www.connecting-generations.org/creative-mentoring/statistics-and-evaluations/>.

Toxic Stress: continued from page 19

The clinicians serve as a part of our staff and collaborate with all team members in order to provide students with well-rounded solutions and viable options for discovering ways to change unwanted behaviors. Some of the most commonly treated conditions are: Anxiety Disorder, ADHD, Conduct Disorders, Mild Depression, Mood Disorders, and Oppositional Defiance Disorder.

EastSide Charter also receives signifi-

cant help from many adults in the community in treating the socio-emotional issues of our students. More than 100 adults come to our school once a week for 45-minute, one-on-one tutoring/mentoring sessions. The regular caring relationships that are created during these sessions (highlighted in the accompanying article on our Mentoring Program) have proven to be extremely important in the lives of our students. ♦



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Recollections: continued from page 28

stressful circumstances.

I believed I might convince Frank that there was no profit to the City in a full airing of what plainly had been a staged police overreaction in utterly benign circumstances, motivated arguably by political, not public safety, concerns.

Unhappily, the hoped-for subsidizing of public passions did not occur. Although normality returned to Wilmington's streets, the National Guard remained on nightly patrol in its black neighborhoods. Nineteen-sixty-eight was an election year and the Governor's refusal to order the Guard's withdrawal became a hot-button political issue. That made it appear futile to broach the prospect of what might be publicly perceived as special treatment of white suburbanites.

Somewhat ruefully I turned to research to find whether there was a legal route out of my dilemma.

About this time I was approached at a dinner party by a woman who identified herself as the mother of one of my college student clients. She had been on the Courthouse steps that morning, she told me, but had remained behind when the group paraded into Rodney Square. She had a dinner date that Saturday night and didn't know how long getting arrested would take.

Research uncovered considerable authority, judicial and academic, about the "shouting 'Fire' in a crowded theater" exception to the First Amendment's freedom of speech provision, but an argument — to push the metaphor — that my clients had been shouting in a vacant theater could be made only after a trial in Municipal Court which established the underlying factual premise, the course I hoped to avoid. So somewhat out of desperation I glanced at the Delaware Constitution and it was a Eureka moment.

Section 16 of Delaware's Bill of Rights reads as follows:

Although disobedience to laws by a part of the people, upon suggestions of impolicy or injustice in them, tends by immediate effect and the influence of example not only to endanger the public welfare and safety,

but also in governments of a republican form contravenes the social principles of such governments, founded on common consent for common good; yet the citizens have a right in an orderly manner to meet together, and to apply to persons intrusted with the powers of government, for redress of grievances or other proper purposes, by petition, remonstrance or address.

There was the path I was seeking. I would not have to contend in generic terms that the Emergency Ordinance was invalid or had been improperly invoked. Section 16 on its face made it constitutionally inapplicable to my clients, who were indisputably remonstrating in an orderly manner for the redress of a grievance, namely the Vietnam War. The City Solicitor's office agreed to a formal stipulation as to my clients' purpose, and, invoking an arcane procedure called a writ of prohibition, I moved in Superior Court to prevent further prosecution of the case.

The brief I submitted in support of issuing the writ was one of the shortest and tautest of my career. Section 16 on its face read as if prescient draftsmen in 1897 had had precisely in mind what had happened in Rodney Square in 1968. I bolstered it with language from a U.S. Supreme Court opinion suggesting that peaceful behavior could not be criminalized solely because it might arouse violent passions in onlookers.¹

There were no violence-prone onlookers in Rodney Square that morning, but the rules for prosecuting the writ required hypothesizing *arguendo* a worst-case scenario.

The City Solicitor's response was, in essence, that, given the totality of the extraordinary circumstances giving rise to the adoption of the Emergency Ordinance, Section 16 should not be read literally.

It was mid-Summer when we argued the case before Superior Court Judge, Robert O'Hora, who took the matter under advisement and mid-October when he issued his written opinion.

I lost.² The case was remanded to Municipal Court for trial.

Section 16 on its face read as if prescient draftsmen in 1897 had had precisely in mind what had happened in Rodney Square in 1968.

A few weeks later came the election and it was a debacle for the incumbent Democrats on the national, state and municipal levels.

I waited for the dust to settle and then called Frank Biondi, who was busy working on an orderly turnover of his office to his Republican successor. We met and I asked him to drop the charges against my clients as a waste of time and public funds, making three points: (1) Although Judge O'Hora's opinion had thoroughly misunderstood the thrust of my argument and was potentially reversible on that ground alone, he had upheld the validity of the Emergency Ordinance, which I assumed was the City's primary objective; (2) There was little point in a show trial of peaceful advocates for an end to the Vietnam War, a policy that President-elect Nixon had pledged to pursue; (3) My clients might be acquitted at trial because the order to disperse had been totally unwarranted and arbitrary in the actual circumstances.

Frank agreed, though probably less from acceptance of my arguments than out of sympathy for his successor to whom he would now be bequeathing one fewer headache. On the day after Christmas, we appeared in Municipal Court and the cases were formally dismissed.

Subsequently I received a call from a *News-Journal* reporter seeking a comment. Without much thought I said I

was "gratified" by the outcome, adding a platitudinous hope that an occasion for invoking the Emergency Ordinance might never again arise, words which duly appeared in the next day's newspaper.

A day or two later — my recollection is that it was New Year's morning — I opened the paper to the headline "We're Not Gratified" over an article containing the comments of some of my now-erstwhile clients. Their case had been dismissed, they opined, by a craven City Solicitor, who had backed down when confronted by steadfast white people willing to accept jail for their beliefs, a privilege he did not afford to the poor blacks who were his usual adversaries. Their comments didn't make much sense, but it was a helluva note on which to start a new year.

In subsequent years, the Biondi and Drexler families became neighbors and a friendship developed between us, a bond that deepened in 1979 when Frank joined Morris, Nichols. In all these 45-plus years he has never let me forget that the only public criticism he ever received of his tenure as Wilmington's City Solicitor came from defendants whose case he had voluntarily dismissed at my behest.

As for me, I accepted my clients' repudiation silently, although at some much later date I may have commented off the record to Irv Morris or some other ACLU Board member that I was bemused — to put it charitably — by clients ostensibly willing to accept jail for their beliefs, but unencumbered by any thought that they might open their wallets, even slightly, to the lawyer they had retained to prevent that from happening.

The ACLU never again asked for my legal assistance. ♦

FOOTNOTES

1. A holding made explicit some years later when a Supreme Court decision upheld the right of Nazi sympathizers to parade through Jewish neighborhoods of Skokie, Illinois. (*National Socialist Party of America v. Skokie*, 432 U.S. 43 (1977).
2. See *Taylor v. The Municipal Court for the City of Wilmington*, 247 A.2d 914 (1968).

Recollections: Wilmington '68 Riots, Protests and My Brief Stint With the ACLU

My acquaintance with and appreciation for the work of the American Civil Liberties Union goes back to my college days when I attended a lecture by Roger Baldwin, one of its founders. My favorable view was reinforced during law school when the ACLU became an active force opposing the excesses of the anti-communist crusade known as McCarthyism. But it took almost 15 years before I had an opportunity to do volunteer legal work for the ACLU. The result my efforts achieved provided no glory either for me or the ACLU.

April 1968 was an unhappy and stressful time for Wilmington. The April 4 assassination of Reverend Martin Luther King, Jr., led to widespread rioting, looting and arson in the city's black neighborhoods over a several-day period, which sorely taxed the city's government, police and firemen. The National Guard was mobilized to patrol the streets. Although violence ended in less than a week, the calm that followed was tentative and uneasy.

During this time, Wilmington's City Council enacted an ordinance that declared it a misdemeanor for members of a group of 10 or more assembled in a public place to fail to disperse at police command during a declared emergency, and, simultaneously, proclaimed that such an emergency existed.

In the face of these troubling circumstances, a national coalition of anti-Vietnam War committees fixed Saturday, April 20, as a day of nationwide public demonstrations, and its Delaware affiliate announced its intention to participate in Rodney Square. The city administration in response issued a statement that any such gathering would be subject to the provisions of the Emergency Ordinance.

April 20 turned out to be a miserable day, overcast, drizzly and windy, with temperatures in the 40s. The offices of Morris, Nichols, Arsht and Tunnell were then on the third floor of the Dupont Building overlooking Rodney Square and provided me, there for a regular workday, with a front-row seat for what occurred.

Early on, the Square was completely empty. A few men, whom I surmised were plain-clothed policemen, lounged casually around its fringes. Gradually people began assembling in the entrance to the U.S. Post Office and Courthouse (now the Wilmington Trust Tower) until there were a dozen or so gathered. At 10 a.m., the pre-announced hour for the protest, they walked single-file into the empty square and formed a row facing the then-Public Building. Some may have been carrying anti-war placards, but my clearest memory is of the last in line, a young man in a wheelchair vigorously waving an American flag.

A minute or two later, the City Hall (south) door of the Public Building opened and a phalanx of policemen in full

riot gear dogtrotted into the Square, forming a row facing the protesters, roughly one Officer per protester. One read from a sheet of paper what was presumably a command to disperse. After a minute or so each Officer moved forward and gently guided a protestor toward the Public Building door, the last one being the lad in the wheelchair still waving his flag, but now being pushed by a Officer.

The next Saturday I received a call from Irving Morris, whom I then knew primarily as an adversary in corporate litigation, asking me to come to his office. When I arrived I was confronted by a crowded anteroom, the occupants of which Irv introduced as the Rodney Square protestors who had come to him as a representative of the local ACLU chapter. After some small talk, he asked if I would represent them. Allowing me a few minutes to collect my thoughts, he led us into a conference room and departed. My prospective clients were a group of men and women ranging from middle-aged to college students, all of them white suburbanites.

I first told them that I had been an eyewitness to their arrests, which might become problematic if a dispute arose over what had actually occurred in Rodney Square. I further explained that I had recently become a partner at Morris Nichols, and that, while the firm encouraged its lawyers to undertake pro bono matters, it would be unfair to my partners to take an extended cause celebre through the various levels of the judicial system solely on a matter of abstract principle.

But, on the other hand, I said that once the immediate passions over the King assassination had subsided, there was a reasonable possibility that I could have the charges dropped or negotiate a slap-on-the-wrist plea deal. If the group agreed to this goal, I would take their case. I left the room to permit free discussion of my proposal and in a few minutes they recalled me to say that they would retain me on my terms. I asked them to designate one of their number through whom I could communicate with them all. I have no recollection of ever conferring face-to-face again with any of them, but I kept them fully informed through the designated liaison.

My belief that I might negotiate an acceptable resolution had not been drawn from whole cloth. The City Solicitor was Frank Biondi with whom I had been working closely on a complex civil matter. I knew him to be a dedicated civil servant, zealous in furtherance of the public interest. But he was also fair-minded and sincerely respectful of civil rights. During the worst nights of the rioting, he had asked two ACLU-affiliated lawyers to come to City Hall to ensure that the rights of arrestees were fully respected in those intensely

See **Recollections:** continued on page 26



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