



Global Nonviolent Action Database

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Newark residents and students campaign to stop the building of 279 MW power plant (2013-2014)

Time period notes: *The campaign began in June of 2013, but did not fully organize and become strong till September.*

June
2013
to: July
2014

Country: United States

Location City/State/Province: Newark, Delaware

Goals:

To stop the construction of a 279 Megawatt power plant at the University of Delaware STAR campus

Methods

Methods in 1st segment:

- 008. Banners, posters, and displayed communications
- 015. Group lobbying
- 047. Assemblies of protest or support

Methods in 2nd segment:

- 003. Declarations by organizations and institutions
- 004. Signed public statements
- 006. Group or mass petitions
- 007. Slogans, caricatures, and symbols › Stuart the Direct Action Dog served as a symbol for the movement
- 008. Banners, posters, and displayed communications
- 009. Leaflets, pamphlets, and books
- 010. Newspapers and journals
- 015. Group lobbying
- 047. Assemblies of protest or support

Methods in 3rd segment:

- 007. Slogans, caricatures, and symbols › Stuart the Direct Action Dog served as a symbol for the movement
- 008. Banners, posters, and displayed communications
- 009. Leaflets, pamphlets, and books
- 010. Newspapers and journals
- 015. Group lobbying
- 047. Assemblies of protest or support
- 048. Protest meetings

Methods in 4th segment:

- 007. Slogans, caricatures, and symbols › Stuart the Direct Action Dog served as a symbol for the movement
- 008. Banners, posters, and displayed communications
- 009. Leaflets, pamphlets, and books
- 010. Newspapers and journals
- 034. Vigils
- 047. Assemblies of protest or support
- 048. Protest meetings

Methods in 5th segment:

- 007. Slogans, caricatures, and symbols
- 008. Banners, posters, and displayed communications
- 009. Leaflets, pamphlets, and books
- 010. Newspapers and journals
- 047. Assemblies of protest or support
- 048. Protest meetings
- 175. Overloading of facilities
- 193. Overloading of administrative systems › Appealing the zoning permits at every stage

Methods in 6th segment:

- 007. Slogans, caricatures, and symbols › Stuart the Direct Action Dog served as a symbol for the movement
- 008. Banners, posters, and displayed communications
- 009. Leaflets, pamphlets, and books
- 010. Newspapers and journals
- 047. Assemblies of protest or support
- 048. Protest meetings
- 193. Overloading of administrative systems › Appealing the zoning permits at every stage

Classifications

Classification:

Defense

Cluster:

Environment

Group characterization:

- residents
- students

Leaders, partners, allies, elites

Leaders:

Newark Residents Against the Power Plant (NRAPP)

Amy Roe

Jen Wallace

Partners:

Blue Hens for Clean Air

Delaware Chapter of Sierra Club

Delaware Audubon Society

University of Delaware's Sustainability Task Force

University of Delaware Students

University of Delaware Alumni

External allies:

John Kowalko

Councilman Mark Morehead

ACLU

Involvement of social elites:

None

Joining/exiting order of social groups

Groups in 1st Segment:

- Amy Roe
- Delaware Chapter of Sierra Club
- Jen Wallace

Groups in 2nd Segment:

- John Kowalko
- Newark Residents Against the Power Plant (NRAPP)
- University of Delaware Alumni
- University of Delaware Students

Groups in 3rd Segment:

Groups in 4th Segment:

Groups in 5th Segment:

- Blue Hens for Clean Air
- Councilman Mark Morehead
- University of Delaware's Sustainability Task Force

Groups in 6th Segment:

Additional notes on joining/exiting order:

University of Delaware Students were active participants in the campaign from the start of the school year. However, the first conclusive date of involvement for Blue Hens and the Task Force are in segment 5. It could be possible that these organizations were active earlier in the campaign.

Segment Length: 65 Days

Opponent, Opponent Responses, and Violence

Opponents:

The Data Center

Nonviolent responses of opponent:

Series of articles and opinion pieces in local newspapers. Mobilized union workers to public city meetings on TDC construction.

Campaigner violence:

None

Repressive Violence:

None

Success Outcome

Success in achieving specific demands/goals:

6 points out of 6 points

Survival:

1 point out of 1 points

Growth:

3 points out of 3 points

Notes on outcomes:

The campaign had complete success. In addition, the campaign built an advocacy network that continued to different issues after winning the initial campaign.

The Science, Technology and Advanced Research (STAR) campus, a satellite campus of the University of Delaware (UD) is located just half a mile from the primary campus in Newark, Delaware. During the efforts to fully develop the STAR campus, UD offered to lease 43 acres of the campus to The Data Center (TDC) to build a 900,000 square foot data center with an attached 279 megawatt natural gas power plant, an amount five times the energy demand of the city of Newark. The objective of TDC was to build an innovative data center that would be one of the data industry's largest while simultaneously offering near perfect reliability due to the data center having its own electric supply. Supporters of the TDC project also highlighted that it would provide thousands of high paying construction jobs and 250 full time positions in the long run, a strong stimulus for the the local community. On 6 June 2013, TDC approached the Delaware chapter of the Sierra Club seeking the club's endorsement of the project. Due to the local environmental damage the project would cause, The Sierra Club refused to endorse the project, and members of the club immediately began a campaign against the construction of the data center.

Members of the Sierra Club had concerns about air pollution, both the CO2 emissions and the emissions of other industrial air pollutants. Furthermore, they were concerned about the noise pollution to residential neighbourhoods because the powerplant would sit only a couple hundred feet from residential neighbourhoods. In addition, members found the lack of transparency and community engagement around the project contradictory to the democratic values of their community. While many of the early activists were members of the Sierra Club, the campaign was not exclusively organized by the Sierra Club. Dr. Amy Roe and Jen Wallace led the campaign, and they spent the summer of 2013 focused on canvassing their neighbourhoods to educate their neighbors on TDC's impending project and staging some small protests. In an effort to gain more information on the project, Roe and State Representative Kowalko (D) went to town meetings on 22 July and 12 August and demanded that town release more information. The town eventually agreed to have a public meeting on 3 September.

Roe ran for mayor during the summer and fall until her electoral defeat on 26 November, and she became the primary spokesman for the anti powerplant campaign for the next year. Over the course of the summer, the campaigners unified their

efforts under Newark Residents Against the Power Plant (NRAPP). NRAPP launched their website on 3 September. They produced memes, graphics, flyers, and yard signs that supported their cause. NRAPP then protested on 21 September outside a UD football game.

On 26 September 2013, Representative Kowalko and State Representative Paul Baumbach (D) hosted an open town forum to allow Newark Residents to express their concerns about the TDC Project.

Pro-business interests tried to counteract the pressure applied by NRAPP. Union supporters and pro-business advocates published articles and letters to support the TDC project, and the letters also accused the activists of acting against the better interests of Newark. Governor Markell (D) signalled his support of the TDC project when he recalled a discussion about the TDC project: "When asked at a recent town hall meeting how we can attract more middle-class jobs, I said the first thing we need to do is 'stop saying no' when employers want to invest millions of dollars in our state." One pro-TDC activist, Ken Grant, launched his own blog on 3 October. There, he posted information and articles that supported the project. He also circulated a pro-TDC petition that collected a couple hundred signatures. In addition, Grant interviewed local community members in favor of the project and posted videos of the interviews.

NRAPP continued to keep up the pressure, and they protested against the powerplant at the UD Homecoming on 12 October. For Homecoming, NRAPP lined the street leading to the football stadium with signs and protesters. Their protests continued regularly for the rest of the movement; a common attendee at their protests was Stuart the Direct Action Dog (a literal dog). NRAPP delivered a petition with 1200 signatures against the project on 12 October. On 16 October, they attended en masse an open city meeting on TDC's project. NRAPP members questioned the merits and the validity of arguments made by TDC about the project.

In November, NRAPP's movement continued to pick up steam. They had another protest at the UD Parents' Weekend, 8 November to 10 November. In addition, on 11 November nineteen activists gave comments against TDC's project at the Newark Council Meeting. During the meeting, Representative Kowalko stated his support for his constituents and their efforts to oppose TDC's project; NRAPP claimed a victory when at the end of the night on 11 November the city council voted to not give TDC zoning approval until it submitted a complete plan for the project.

As the movement grew, NRAPP worked on its organization. It continued to improve its website and also began community meetings at a local church in December. They held monthly community meetings throughout the movement. As resistance to the project grew, Gene Kern, CEO of TDC, wrote an open letter in the Newark Post that extolled the virtues of the powerplant and accused activists of misinformation.

As the new year rolled in, NRAPP waited for the town to make a decision on the zoning permit. After Newark announced they would give a ruling on 17 January, NRAPP held an emergency candlelight vigil outside the city hall on 16 January. The following day, the zoning board gave TDC approval.

After the city issued the zoning permit, NRAPP entered a new stage of the fight. On 12 February 2014, NRAPP and Delaware Audubon Society appealed the permit given to TDC. Their argument centered around the zoning bylaws, and they pointed out that the power plant would fundamentally alter the surrounding areas.

As the legal battle grew in size, NRAPP started to fundraise more aggressively, and on 9 March, they held a Jazz Concert fundraiser. In March of 2014, Blue Hens for Clean Air, a student group at UD, grew to be a major supporting force of NRAPP. The students helped raise awareness on the UD campus, and while NRAPP focused on pressuring the town to change policy, Blue Hens channeled their efforts towards influencing school policy. Members of the organization organized several of their own actions, such as protests on the UD campus. They also attended NRAPP events.

On 19 March, the town held a public follow up meeting for the appeal. More people showed up than the organizers could admit to the 700 person venue, and police had to deny entry to people due to fire codes. Nevertheless, the zoning board's decisions stood. Shortly thereafter, NRAPP and the American Civil Liberties Union (ACLU) filed a lawsuit against the zoning board and

its decision on the grounds that large swathes of the public were unable to attend and therefore violated the requirements for a public meeting. Five days later, the city issued the first construction permits for demolition at the site. However, the city council members made it clear that the permits did not imply final and unconditional support for the project.

Despite the project's approval, NRAPP kept up the pressure with more protests and meetings. At the end of the month, 28 March, Blue Hens released a YouTube video on the risks of TDC project. It racked over 2,500 views. On 19 April, NRAPP and Blue Hens protested during UD Accepted Students weekend; and on 23 April, the University of Delaware's Sustainability Task Force led a teach-in. The following day, the campaign scored another victory when Councilman Mark Morehead spoke out against the project arguing that the TDC had not been forthcoming with the facts.

For the month of May, NRAPP continued to organize. NRAPP received more support when UD Faculty voted 43-0 (8 abstentions) on a resolution opposing the TDC project. On 15 May, UD students and alumni protested together focusing on the damage that the plant would do to air quality. Furthermore, Blue Hens for Clean Air and UD alumni stood outside with signs at the UD Spring Board Meeting.

The movement took a blow on 17 June, when the Delaware Attorney General's Office finally ruled against the ACLU and NRAPP. Deputy Attorney General Edward K. Black stated in his ruling that "it cannot be said that the public at large was denied the opportunity to attend and observe the hearing, nor can it be said that the presence of those persons who may have been turned away would have changed the outcome of the hearing."

The campaign came to an end on 10 July, when the University of Delaware announced that they would terminate their lease with TDC. Interestingly, the TDC never lost their permits, and in the eyes of the city had the right to build the powerplant and data center. In the aftermath of NRAPP's victory, TDC sued the University for this decision as a breach of contract. City officials decided to update zoning laws to prevent future issues similar to the TDC case, and on 15 April, 2016, an appeals judge issued a ruling that upheld these changes and stated that the approval for the TDC could not be used as precedent for future cases. NRAPP maintained some momentum in the following years, especially during the case on the changes in zoning laws. However, the group slowly declined over time.

Research Notes

Influences:

None

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Additional Notes:

The campaign made extensive use of the court system in tandem with non violent action.

Name of researcher, and date dd/mm/yyyy:

Zach Lytle, 10/5/2019

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