



July 18, 2022

Kristen Clarke

Assistant Attorney General for Civil Rights

U.S. Department of Justice

Civil Rights Division

950 Pennsylvania Avenue, N.W.

Washington, D.C. 20530

Dear Assistant Attorney General Clarke,

Please accept this letter from the Coalition Against Racial Exclusion (NJ-CARE) as notice of our intent to file a complaint with the U.S. Department of Justice Office for Civil Rights against the State of New Jersey, its Department of Education, and the Governor both as an agent of the state and in his individual capacity as candidate for public office using his great wealth to undermine the aims of civil rights organizations actively pursuing social justice. We will allege that the state is using federal funds to knowingly promote and perpetuate one of the most segregated and unequal public school systems in the nation. The state is well aware that they are presently being sued by various civil right plaintiffs under the state constitution, see *Latino Action Network v. State of New Jersey*. The state's conduct in response to this lawsuit has been exceedingly reprehensible, more like the conduct of one of the old states of the confederacy rather than a state under the control of so-called progressive Democrats. The state's obvious Jim Crow conduct is demonstrated by their knowingly, willfully, and purposefully ignoring every aspect of the claims of the plaintiffs and NJ-CARE, at the same time, actively supporting illegal secessions, allowing white districts to terminate their send-receive relationships with non-white districts. It is absolutely obvious that the state and its governor are seeking to perpetuate the segregated system of education and, indeed, to make the system worse and more unequal, rather than to work with civil rights, community leaders and legislators to enact reform. We will also allege that the governor has engaged in using state funds and his enormous personal wealth and personal campaign contributions to knowingly and willfully undermine plaintiff's position in the court and before the legislature. This is not only a violation of Title VI, but several other important provisions of federal civil rights law.

Our group, NJ-CARE is an affiliate of Building One America and the Summit for Civil rights. You are, no doubt, familiar with our issues based on your excellent work with the Lawyers Committee on Civil



Rights and with the NAACP LDF. Much of our work in New Jersey over the past 4 years has centered around addressing the abhorrent Civil Rights violations occurring daily against the children of New Jersey by the intense racial and economic segregation of our public schools. This problem is so severe that in 2018 plaintiffs, including the NJ State Conference of the NAACP, filed suit in state court to demand that the Governor begin to immediately take action to remedy it. New Jersey public schools are the recipient of federal funds and are, therefore, liable under Title VI of the Civil Rights Act of 1964, prohibiting discrimination on the basis of race, color, or national origin.

Our coalition has worked tirelessly before this lawsuit and throughout the pandemic to build a multi-racial constituency of parents, teachers, superintendents, school boards, congregations, NAACP branches, community groups and legislators to support a legislative remedy to end and begin to repair the damage of school segregation in our state. But rather than receiving any cooperation from the Murphy Administration, we have been forced instead to defend against more segregation by opposing a series of racialized and unconstitutional school district secessions - one of which is next door to the Atlantic City convention center where the 113th National NAACP Convention is being held. See *Pleasantville v. Absecon*.

Our governor has refused to engage in any dialogue of any kind with our coalition (or with the plaintiffs) about a realistic and meaningful policy-based and/or legislative remedy even though our coalition has already advanced such an approach with the New Jersey state legislature under the leadership of the New Jersey Legislative Black Caucus and a number of other courageous state legislators. The governor has remained silent on this issue other than to oppose the plaintiffs in the segregation lawsuit using the tactics of denial and resistance.

To be clear, our objective, and we believe that of most the plaintiffs, has been to seek a legislative remedy immediately rather than wait for a ruling from the court. The children of New Jersey public schools suffer daily from the stigmatizing effects and opportunity destroying impact of segregated schools. The governor, rather than act to end segregation, has used the lawsuit as a shield to delay justice for these children.

The governor has had help with shielding himself by people who purport to be civil rights advocates. Despite the broad coalition urging the governor to act, the NAACP State Conference President has positioned himself as the sole arbitrator and gatekeeper on this issue while excluding other organizations such as ours who have a legitimate interest in the remedying of school segregation in our state.



This is political or a product of organizational rivalries. There are very real and serious civil rights implications as the leader of the state NAACP is under [federal investigation by the Civil Rights division of the United States Justice Department for multiple civil rights violations](#) while he was the warden of Cumberland County Jail. This is in addition to a [federal class action suit brought by prisoners](#) and serious questions about the NAACP leader's silencing of and retaliating against NAACP rivals who have objected to the State Conference President's advocacy on behalf of business interests, private developers, and political leaders. At best, this creates a clear conflict of interest and may be much more serious if criminal referrals emerge from the Justice Department investigation or the case being overseen by Judge Noel Hillman.

In conclusion, we have a governor in New Jersey posturing as a champion of civil rights while protected from being held accountable for his civil rights failures by a documented civil rights violator posing as Murphy's personal civil rights gatekeeper. Meanwhile two of the most abused, helpless, and powerless groups of people in our society continue to have their civil rights violated.

We look forward to arranging a date and time for a delegation of our leaders to meet with you to discuss this matter further.

Sincerely,

The New Jersey Coalition Against Racial Exclusion, a project of Building One America

Please see attached letter to NAACP President Derrick Johnson

CC: Governor Phil Murphy

NAACP President Derrick Johnson