

NEW JERSEY COMMISSION ON CIVIL RIGHTS

RESOLUTION OPPOSING BUDGET & STAFFING CUTS THAT WILL INCREASE DISCRIMINATION IN N.J.

RESOLUTION NO. 2006-12-12 (01)
(December 12, 2006)

WHEREAS, by an Act of the Legislature of the State of New Jersey the New Jersey Commission on Civil Rights was created; and

WHEREAS, the Commission on Civil Rights is charged under the law with consulting and advising the Attorney General with respect to the work of the Division on Civil Rights, surveying and studying the operations of the Division, and reporting to the Governor and the Legislature with respect to such matters relating to the work of the Division and at such times as it may deem in the public interest; and

WHEREAS, the Legislature has historically shown extraordinary leadership and vision in protecting the civil rights of the citizenry of New Jersey by charging the Division on Civil Rights with preventing and ending discrimination in New Jersey and whereas New Jersey is seen as one of the “safe havens” for protecting people from discrimination; and

WHEREAS, the Legislature has traditionally provided the Division with the fiscal and staffing resources to properly enforce the New Jersey Law Against Discrimination and the New Jersey Family Leave Act, including staffing to perform the necessary investigative, legal, mediation, training, management and support functions; and

WHEREAS, we recognize that the State of New Jersey is under very severe fiscal constraints, which translate into even greater constraints on the residents of the State who look to their government to protect their rights and look to the Division on Civil Rights to protect their civil rights; and

WHEREAS, the Commission on Civil Rights would eschew its mission if it did not inform and advise the Governor, Attorney General, and the leaders of the Legislature that reducing the Division on Civil Rights’ budget and staffing in the current or upcoming fiscal year will increase discrimination in New Jersey and will disproportionately hurt people of color, persons with disabilities, immigrants, women, renters with Section 8 vouchers and parents with children, the GLBT community, children who are victims of bias-based bullying, and small businesses; and

WHEREAS, any additional reductions in budget or staffing of the Division could force the agency to eliminate training and outreach programs, eliminate or drastically reduce technical/legal compliance functions that assist operators of small businesses, dramatically reduce the expenditure of funds on improving accessibility to persons with Limited English Proficiency (LEP) and disabilities, reduce the agency’s undercover “testing” program to combat section 8 housing discrimination, eliminate the filing of many complaints with the agency, reduce or eliminate special initiatives, and closure of the Housing/MDRR Investigations Unit and the Disabilities/Public Accommodations Unit, thereby increasing a backlog of investigations and slowing down the administration of justice to victims of discrimination; and

WHEREAS, it would drastically curtail outreach, investigative and legal staff; thus undermining the

agency from carrying out its statutory mission to eliminate discrimination in New Jersey; and

WHEREAS, New Jersey's Law Against Discrimination mandates prevention as well as prosecution, the proposed budget cuts, would silence the voice that educates employers, business proprietors and others and would obstructs the Division's efforts to prevent discrimination and victimization before it happens; and

WHEREAS, it would completely disembowel legal and prosecution staff who are nationally recognized experts in Civil Rights law and will quickly result in a substantial backlog of Division investigations, legal review practices, and policy development work; and

WHEREAS, it would dramatically reduce remedies afforded to constituents who are victims of discrimination, including financial awards, such as the nearly \$26 million in awards and settlements the Division has obtained for constituents in the past 10 years alone; and

WHEREAS, it would restrain the Division from investigating broad-based systemic discrimination and filing, and prosecuting Director's Complaints to eliminate pattern and practice discrimination, in addition to substantially curtailing undercover testing which is successful at finding discriminatory practices in housing, employment and public accommodations; and

WHEREAS, it will result in reduced federal funding to the Division if the Division is forced to close its Housing Unit and end its contractual relationships with the United States Department of Housing and Urban Development; and

WHEREAS, it will result in reduced federal funding to the Division if the Division is forced to close its Disabilities Unit and Mediation Unit and end its contractual relationships with the United States Equal Employment Opportunity Commission; and

WHEREAS, a reduction in civil rights staffing and fiscal resources, at a time when the citizenry needs greater protections—especially those individuals who file with the Division because they have no attorneys—will result in an increase in discrimination in New Jersey; and

WHEREAS, the Division obtains nearly 20,000 inquiries annually—by phone, email, in person, and on writing-by individuals and employers on their rights and responsibilities, and the Division investigates thousands of Complaints, requiring the use of governmental resources, legal staff, cutting-edge equipment, and other necessary resources; and

WHEREAS, the Commission on Civil Rights fully endorses and supports the mission of the Division on Civil Rights and knows that despite the leadership and the innovative programming and aggressive intervention, discrimination continues to breed and proliferate and cutting edge civil rights experts are needed to combat the cancer of discrimination, and to reduce staffing or budget to this critical agency would be seen as an abandonment of people of color, women, immigrants, people with disabilities, seniors, Section 8 recipients, the GLBT community, and others who most traditionally utilize the Division and often have nowhere else to go to seek redress; then

NOW, THEREFORE, BE IT RESOLVED on this date, December 12, 2006 the New Jersey Commission on Civil Rights opposes any more budget cuts for this venerable hard-working, and successful agency and opposes the elimination or reduction of the Division's workforce any more than has already occurred, at a time more resources are needed to end discrimination; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Division shall transmit a copy of this Resolution to the Legislative leadership, Attorney General, and the Governor, and that a copy be posted on the agency's website.

John C. Campbell, *Chairman/Commissioner*
Nita Raval, Esq., *Vice-Chair/Commissioner*
Richard T. Smith, *Secretary/Commissioner*
Salena P. Carroll, *Commissioner*
Clara C. Fernandez, *Commissioner*
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