

Discrimination and Bias in New Jersey



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Human Relations Commission

- ▶ **Our mission:** The Middlesex Human Relations Commission shall promote “prejudice reduction” education and address the problem of bias and violent acts based on the victim’s race, color, religion, national origin, ethnicity, sexual orientation, gender or disability.
- ▶ The Council will develop policy proposals for the municipalities , assist with coordinating efforts to promote “prejudice reduction,” will work to prevent crimes based on race, color, religion, national origin, sexual orientation, ethnicity, gender, or disability. The Commission will also act as a clearinghouse for information and program ideas among other existing county and municipal human relations commissions.
- ▶ Among its many activities, the Commission will cooperate with state, county, and local government agencies to educate, encourage, develop, promote, and strengthen respect for human rights and cultural diversity and prevent and combat racism, intolerance and bigotry.

Metuchen-Edison Branch

NAACP

- ▶ Founded in 1909, the NAACP is the oldest and most effective civil rights organization in the country. No other organization has the history of striving for justice and equality and fighting for civil rights that the NAACP does.
- ▶ In 1942, when the United States was focusing its efforts on struggles abroad brought on by World War II, the Black residents of Metuchen and Edison were focusing on a different struggle: racial equality in their communities. As a result, on October 13, 1942, the charter for the Metuchen-Edison Area Branch of the NAACP was received. During the tumultuous Civil Rights Movement era of the '50s and '60s, members of the Metuchen-Edison Area NAACP branch were instrumental in bringing about changes relating to discriminatory housing practices and segregation in schools.
- ▶ The Metuchen-Edison area branch of the NAACP offers its members and the central New Jersey community information regarding the status of civil rights in their community – and the nation. Our members are the backbone of our organization!

New Jersey Bias Incident Report

Bias Incident Types	1/2020- 12/2020	1/2021- 12/2021	1/2022-5/2022
TOTAL BIAS INCIDENTS	1452	1867	879
Anti-white	72 (4.95%)	109 (5.83%)	50 (5.68%)
Anti-black	689 (47.45%)	876 (46.92%)	427 (48.57%)
Anti-Asian	70 (4.82%)	129 (6.9%)	53 (6.02%)
Anti-Arab	32 (1.98%)	37 (1.98%)	14 (1.59)
Anti-Hispanic	102 (7.02%)	109 (5.83%)	41 (4.66%)
Anti-Jewish	298 (20.52%)	346 (18.53%)	179 (20.36)
Anti-Muslim	48 (3.3%)	44 (2.35%)	22 (2.50%)
Anti-Gay	122 (8.4%)	170 (9.1%)	81 (9.21%)
Anti-Lesbian	29 (1.99%)	37 (1.98%)	18 (2.04%)
Anti-Bisexual/Transgender	51 (3.51%)	100 (5.35%)	36 (4.09%)
Anti-Male	11 (.75%)	1 (.05%)	0 (0%)
Anti-Female	15 (1.03%)	14 (.71%)	7 (.79%)
Anti-physical disability	9 (.62%)	6 (.32%)	5 (.56%)
Anti-mental disability	7 (.48%)	11 (.58%)	7 (.79%)

Reported Bias Incidents and Community Impact

About a quarter of Black students attend schools that are 99% non-white, and nearly one in four of New Jersey's 1.3 million public school attends an intensely segregated school or one where white students have few if any classmates of color.

School stats: As of February 2022

- ▶ 2019 Elementary/Secondary 245
College/University 48
- ▶ 2020 Elementary/Secondary 96
College/University 32
- ▶ 2021 Elementary/Secondary 205
College/University 30
- ▶ The dip in 2020 was due to COVID.

When you look at the numbers, incidents involving students were right under incidents against Black people and Jewish (the highest amount of incidents against a protected group) which is significant.

- ▶ Anti-Black: 768
- ▶ Anti-Jewish: 300
- ▶ Anti-LGBTQ: 145

Workplace Discrimination



Getting Around Affirmative Action: Pink and Black Ghettos in NJ Corporations 1975-1985

- ▶ Affirmative Action refers to a set of policies and practices within a government or organization seeking to include groups based on their gender, race, sexuality, creed, or nationality in areas in which they are underrepresented, such as education and employment.
- ▶ One major corporation would train their minority employees as specialist and make them department head. They would train and rotate their white employees from one department to another then promote them to corporate managers. Minority employees were denied this opportunity because their salary as a department head made any transfer difficult.

Workplace Discrimination:

NAACP, Newark Branch v. Harrison, 749 F. Supp. 1327 (D.N.J.), aff'd 940 F.2d 792 (3rd Cir. 1991)

- ▶ On September 6, 1990, NAACP sued the Town of Harrison under Title VII of the Civil Rights Law, seeking to invalidate the Town's policies and ordinances which limit hiring for municipal jobs to residents of the Town. The population of Harrison is 99.8% non-black. Private employers in Harrison have a workforce that is approximately 22% black. The Town has a workforce of 189 persons which is 0% black. This disparity, the plaintiff's charge, is caused by the discriminatory impact of Harrison's residents-only requirements.
- ▶ Decided: The court found **disparate impact** comparing the percentage of African-Americans in Harrison's public uniformed positions with that in its private workforce.

Workplace Discrimination:

Hester v. NJ Transit

- ▶ Metuchen Edison Area Branch of the NAACP retained the services of Nancy Erika Smith to represent 10 minority New Jersey Transit Workers who were harassed, faced discrimination and denied job opportunities and promotions.
- ▶ **In 2012**, NAACP achieved a settlement against the NJ Transit Police Department for 10 minority transit police officers in the amount of \$5.8 million.
- ▶ The terms included training for all superior officers, reinstatement of the only plaintiff not still employed, and the appointment of an Ombudsman to hear future discrimination complaints.

Law Enforcement

Driving While Black in 1990

- ▶ In *State v. Soto*, 324 N.J. Super. 66 (1996), a case where Superior Court Justice Robert E. Francis consolidated 17 claims of racial profiling in traffic stops, Dr. John Lamberth of Temple University conducted a study to determine the level to which racial discrimination occurred on the highway in the state of New Jersey. Lamberth found that cars driven by African Americans accounted for about 42% of the total drivers pulled over out of a total of 43,000 cars.
- ▶ NJ State NAACP had the US Department of Justice monitor the State Police for several years. Today, NAACP is considering legal action against the New Jersey State Police for their low numbers of **Black state troopers**. The lawsuit would call for more minority representation within the police force, after this year's class of new recruits had only five Black members out of 123.

Police Brutality

- ▶ A 25-year-old New Brunswick man was fatally shot by a police sergeant after an early-morning chase through city alleys. The man, Shaun Potts, was killed when Sgt. Zane Grey's gun apparently discharged was accidental. But some of Mr. Potts's friends say the shooting was racially motivated. Sergeant Grey is white; Mr. Potts was black. Mr. Potts had been arrested on cocaine possession charges in East Brunswick in January 1990, and New Brunswick police had issued a warrant for his arrest in February on charges of drug possession with intent to distribute.
- ▶ This incident resulted in the appointment of the first African American Superior Court Justice in Middlesex County. Travis Francis was appointed to the bench in 1992.

Criminal Justice:

State V. Ferguson (1988)

- ▶ In this case defendant, James Ferguson was convicted of knowing and purposeful murder and sentenced to a 30-year term with no parole eligibility. He was 14 years plus 8 months of age, in tenth grade, at the time of the homicide on October 7, 1988. The homicide charges arose from a fight between the defendant, and the victim, Steven Fulcher age 16, on October 7, 1988, after a school dance at Edison High School. The defendant was armed with a knife. The record suggests that the older and stronger victim who participated in the fight may have been the initial aggressor.
- ▶ There may well have been racial overtones to the sad incident. As obvious from the verdict, the jury rejected the defendant's claims in defense, i.e., accidental homicide or self-defense, or in mitigation of the degree of the homicide through imperfect self-defense or passion-provocation. Attorney Barry Albin headed the appeal.