

ROBINSON v. CAHILL (Supreme Court of
New Jersey, Docket No. A-8618) Brief
by Melville D. Miller, Jr., State
Office of Legal Services, amicus curiae.

In this appeal from the decision of Superior Court Judge Theodore Botter invalidating the financing scheme for education in New Jersey so far as it depends on the local property tax, the State Office of Legal Services has filed an amicus curiae brief with the New Jersey Supreme Court. Rather than simply duplicating arguments in favor of sustaining Judge Botter's ruling already advanced by counsel for the plaintiffs-respondents and by amici curiae NAACP and ACLU of New Jersey, the State Office brief argues in support of the constitutional validity and requirement of compensatory educational treatment for children who are disadvantaged. The State Office brief seeks recognition and affirmance of each of the grounds recognized by Judge Botter, namely denial of equal protection to the children by offering unequal educational opportunity, denial of equal protection to taxpayers by requiring them to assume unequal burdens in regard to a state function, and the failure of the current system to fulfill the New Jersey constitutional requirement of a "thorough and efficient" education. The State Office brief also argues strongly against the principle of "local leeway" for individual school districts, a euphemism for the process of allowing rich districts to continue to spend a great deal more on the education of their students while poor districts still do not have the resources to provide their children with even a minimally adequate education.

Brief.