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May 15, 2008

STEPHEN W. TOWNSEND, CLERK
Supreme Court of New Jersey
R.J. Hughes Justice Complex
8th Floor, North Wing
25 Market Street
Trenton, New Jersey 08625-0970

Re: Abbott v. Burke, Docket No. 42,170

Dear Mr. Townsend:

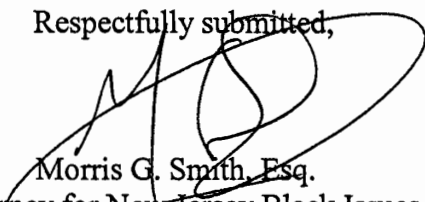
Enclosed please find the original and nine (9) copies of the following documents for filing:

1. Notice of Motion for Leave to Participate as Amicus Curiae;
2. Certification of Morris Smith, Esq. and attached exhibits in Support of Notice of Motion for Leave to Participate as Amicus Curiae
3. Letter Brief of [Proposed] Amicus Curiae, The New Jersey Black Issues Convention;
4. Proposed Order on Notice of Motion for Leave to Participate as Amicus Curiae

Kindly return one filed copy of the above documents in the self-addressed, stamped envelope provided.

Lastly, also enclosed please find the original and three (3) copies of the Certificate of Service and a check in the amount of \$30.00 to cover the costs of filing this motion.

Respectfully submitted,


Morris G. Smith, Esq.
Attorney for New Jersey Black Issues Convention

CC: Anne Milgram, Esq.
David G. Sciarra, Esq.
Michelle Lyn Miller, Esq.
Mary A. Ciccone, Esq.
Emily Goldberg, Esq.
Richard Shapiro, Esq.
Cecilia Zalkind, Esq.
Edward Barocas, Esq.
Rafael C. Haciski, Esq.
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Morris G. Smith

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422 West Browning Road
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By: Morris G. Smith, Esq.
Attorney for Amicus Curiae

RAYMOND ARTHUR ABBOTT, ET AL.,

Plaintiffs,

v.

FRED G. BURKE, ET AL.,

Defendants.

SUPREME COURT OF NEW JERSEY

DOCKET NO. 42,170

Civil Action

**NOTICE OF MOTION BY NEW JERSEY
BLACK ISSUES CONVENTION FOR LEAVE
TO PARTICIPATE AS AMICUS CURIAE**

To: STEPHEN W. TOWNSEND, Clerk
Supreme Court of New Jersey
R.J. Hughes Justice Complex
8th Floor, North Wing
25 Market Street
Trenton, New Jersey 08625-0970

ANNE MILGRAM, Attorney General of New Jersey
R.J. Hughes Justice Complex
P.O. Box 112
Trenton, New Jersey 08625

DAVID SCIARRA, Esq.
Education Law Center
60 Park Place, Suite 300
Newark, New Jersey 07102

PLEASE TAKE NOTICE that pursuant to Rule 1:13-9, the New Jersey Black Issues Convention applies for leave to appear *amicus curiae* in the above captioned matter to file a letter brief.

I. Applicants' Identities, Interest, Involvement, and Expertise

The New Jersey Black Issues Convention is a non-profit corporation governed by a Board of Directors. Often referred to as an organization of organizations, N.J.B.I.C. is molded after the National Black Leadership Roundtable as a consortium of forty-one African-American civil rights, labor, business, professional, foreign affairs, senior citizen, youth, social, educational, fraternal, artistic, urban policy research, women's, and religious organizations.

Recognizing the need for African American people to present a unified position on issues affecting public policy, N.J.B.I.C. was formed in 1983 to sponsor an Annual Convention. Each subsequent year, leaders from the African-American community have joined together at the Annual Convention to exchange views, share information and present public policy recommendations. Through the establishment of area task forces such as Education, Housing, Senior Citizens, Youth, Criminal Justice, Health, and Women, volunteers are drawn from member organizations to research and disseminate information on topics of concern and to plan strategies for implementation of major policy recommendations adopted at the Annual Convention. N.J.B.I.C. has also organized a statewide action alert network utilizing county caucuses to mobilize public opinion. In addition, N.J.B.I.C. has sponsored community seminars, workshops, and convened summits pertaining to specific areas such as education. N.J.B.I.C. is an organization uniquely qualified to speak to the concerns of the more than 1.25 million African American residents of New Jersey.

In the area of public education, N.J.B.I.C. has been especially active. This Court's decades-long involvement in the provision of a constitutional education in the Abbott districts is of particular interest to N.J.B.I.C., as the school children in these districts are predominantly African-American and Latino. This is the sixth *Amicus Curiae* brief N.J.B.I.C. has filed in the

Abbott litigation.

II. Issues to be Addressed and Nature of Public Interest Therein.

The proposed *amicus* will demonstrate how the School Funding Reform Act of 2008 (“SFRA”) fails to ensure the provision of the State’s twin educational obligations under the New Jersey Constitution – a thorough and efficient education and the provision of such an education in a de-segregated school district. Specifically, the proposed *amicus* will argue that the State has set forth, on the record, deceptive data regarding the current racial demographics within the Abbott school districts. Furthermore, the proposed *amicus* will provide this Court with accurate statistical information on the continued poverty and isolation of African American and Latino students in the thirty-one Abbott districts – an issue this Court identified as of great concern in Abbott v. Burke, 119 N.J. 287 (1990). In addition, the proposed *amicus* will show that the SFRA, the Commissioner, and the State, in its brief in support of its Motion for Review of the Constitutionality of the SFRA, fail to address the continued de jure segregation in the Abbott school districts – a violation of the New Jersey Constitution’s prohibition on segregation in the public schools.

An equitable and adequate school funding formula and an integrated public school learning environment, are both necessary to provide a “through and efficient” education to the Abbott district school children. As proposed *amicus* will argue, this Court’s past concerns about the Abbott districts’ extreme concentration of poverty and racial isolation remain extant and thus this Court’s continued mandate of the Abbott remedies is as necessary now as ever.

WHEREFORE, the proposed *amicus curiae* requests that it be permitted to appear on behalf of Plaintiffs in this matter, and to file the annexed letter brief with this application.

Respectfully submitted,

NEW JERSEY BLACK ISSUES CONVENTION

By:



MORRIS G. SMITH, Esq.

Attorney for Proposed *Amicus Curiae*

DATE: 5/15/08

LAW OFFICE OF MORRIS G. SMITH, ESQ.
422 WEST BROWNING ROAD
COLLINGSWOOD, N.J. 08107
By: Morris G. Smith, Esq.
Attorney for Amicus Curiae

RAYMOND ARTHUR ABBOTT, ET AL.,

Plaintiffs,

v.

FRED G. BURKE, ET AL.,

Defendants.

SUPREME COURT OF NEW JERSEY

DOCKET NO. 42,170

Civil Action

CERTIFICATION

I, MORRIS SMITH, of full age, do hereby certify as

follows:

1. I am an attorney at law of the State of New Jersey. I submit this Certification in support of the Motion for Leave to Participate as *Amicus Curiae* filed on behalf of the New Jersey Black Issues Convention, an organization that I represent in this matter.

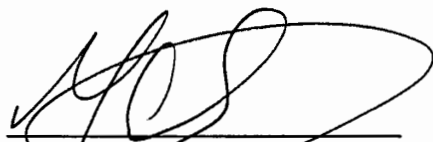
2. As counsel for *Amicus Curiae* New Jersey Black Issues Convention, I consulted with the Education Law Center, attorney for Plaintiffs, the Abbott schoolchildren. The Education Law Center assisted me in gathering the Abbott district racial and ethnic enrollment data found in the exhibits attached to this certification.

3. Annexed hereto as Exhibit A is "Enrollment in Public Elementary and Secondary Schools, By Race/Ethnicity in New Jersey, Fall 1986." The data in Exhibit A reflects the racial concentration of enrollment in public elementary and secondary schools in New Jersey in the Fall of 1986. The source of this data was the United States Department of Education's, Office for Civil Rights', 1986 State Summaries of Elementary and Secondary School Civil Rights Survey

and the National Center for Education Statistics', Common Core of Data Survey. The original table from which the data in Exhibit A was extracted was prepared in May 2001. The original table can be accessed at <http://nces.ed.gov/programs/digest/d01/dt042.asp>.

Annexed hereto as Exhibit B is "2006-07 Abbott District Enrollment Data by Race." The data in Exhibit B reflects the racial concentration of enrollment in public elementary and secondary schools in New Jersey from the 2006-07 school year. The numbers in Exhibit B were reached by extracting the Abbott district specific data from the New Jersey Department of Education's 2006-07 Fall Survey Enrollment Data. The original data can be accessed at http://www.state.nj.us/education/data/enr/enr07/stat_doc.htm.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



Morris G. Smith, Esq.
Attorney for *Amicus Curiae*
New Jersey Black Issues Convention

Dated: 5/14/08

MORRIS G. SMITH
ATTORNEY AT LAW

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May 15, 2008

Stephen W. Townsend, Esq., Clerk
Supreme Court of New Jersey
Richard J. Hughes Justice Complex
25 Market St.
P.O. Box 970
Trenton, New Jersey 08625-0970

Re: Abbott v. Burke Docket No. 42,170

Dear Mr. Townsend:

The New Jersey Black Issues Convention (NJBIC) respectfully submits this letter brief in support of its Motion for Leave to Appear as *Amicus Curiae* in the above-captioned case.

PROCEDURAL HISTORY AND STATEMENT OF FACTS

Amicus, the NJBIC, adopts the Procedural History and Statement of Facts as provided by Plaintiffs on this Motion. In addition, the NJBIC sets forth the following relevant facts that relate specifically to African American and Latino school children in the Abbott school districts. The State asserts that New Jersey's demographic landscape has changed. Db77. In doing so, the State cites the fact that, in the current year, just under half of New Jersey's African American and Latino schoolchildren attend school in the Abbott districts. Db77; see Certification of Lucille Davy ("Davy Cert."), ¶50 (stating 54% of African-American and Latino public school students

are enrolled in non-Abbott districts). There is no doubt that the concentration of Latino and African American students outside of the Abbott districts has increased in recent years, due to a swell in minority school children statewide. See Exhibits A and B attached to the Certification of Morris G. Smith, Esq. (showing statewide enrollment percentages by race in 1986 and 2006, with notable decrease in white students from 69.1% to 55.7%, and notable increase in Latino students from 10.7% to 18.8%).

However, as set forth below, the demographic landscape within the Abbott districts has not changed. See Exhibit B (noting that Abbott district enrollment is 87.7% minority students, compared to 32.6% in non-Abbott districts). In fact, the only change in the racial makeup of the Abbott districts is a slight increase in the concentration of minority school children in the Abbott districts this Court specifically recognized in Abbott v. Burke, 119 N.J. 287, 343, n. 19 (1990) (“Abbott II”).

In Abbott II, this Court exemplified the dramatic racial make-up of seven Abbott school districts: Camden, East Orange, Jersey City, Trenton, Newark, Paterson, and Irvington. Ibid. In the 1986-87 school year, “Camden’s school enrollment was 95% minority; East Orange, 99% minority; Jersey City, 85%; Trenton, 88%; Newark, 91%; Paterson, 90%; and Irvington, 94%.” Ibid. In looking at the Department of Education’s (“DOE”) fall survey enrollment data for the 2006-07 school year, it is apparent that the dramatic concentration of minority students in the Abbott school districts remains. In the 2006-07 school year, Camden’s school enrollment was 99.3% minority; East Orange, 99.95%; Jersey City, 90.6%; Trenton, 97.1%; Newark, 92.5%; Paterson, 94.6%; and Irvington Township, 99.7%. Exhibit B. Thus, while the demographic landscape outside of the Abbott districts may have shifted since this Court’s consideration of the 1986-87

statistics, the isolation and intense concentration of minority students in the Abbott school districts remains the same.

LEGAL ARGUMENT

I. BECAUSE THE ABBOTT DISTRICTS REMAIN RACIALLY ISOLATED AND POOR, THE ABBOTT REMEDIES THAT ENSURE THE NECESSARY RESOURCES TO PROVIDE A THOROUGH AND EFFICIENT EDUCATION MUST REMAIN IN PLACE

The State asserts that the “Court’s prior remedial orders entered on behalf of [the Abbott districts] are no longer necessary,” Db56, relying, in significant part, on an increase in the concentration of minority students attending non-Abbott districts, Db76 77; Davy Cert., ¶50. However, to the extent that the State is asking this Court to end the Abbott remedies because the “demographic landscape has shifted,” Davy Cert., ¶51, its argument must be rejected. As argued below, the State ignores New Jersey Department of Education data showing that the concentration of African American and Latino school children within the Abbott districts has grown more intense since the beginning of the Abbott litigation, see Exhibit B, and presents no alternative on the record of its motion or within the School Funding Reform Act of 2008 (“SFRA”) for addressing this continuing concern.

This Court, in Abbott II, recognized poverty and racial isolation as critical characteristics shared by the State’s urban areas, and prescribed correction of the severe educational deficiencies existing in those districts as essential to improving those conditions:

The devastation of the urban poor is more significant in New Jersey than in most states both because of our demographics and the structure of our society. Our large Black and Hispanic population is more concentrated in poor urban areas and will remain isolated from the rest of society unless this educational deficiency in poorer urban districts is addressed.

[Abbott II, 119 N.J. at 392.]

Acknowledging that children in the Abbott districts “face, through no fault of their own, a life of poverty and isolation that most of us cannot begin to understand or appreciate,” 119 N.J. at 394, the Court expressed particular concerns about the State’s failure to remedy the “severe educational deprivation” facing its poor and minority citizens who reside in urban municipalities, 119 N.J. at 392. Noting “cities [that] have deteriorated,” and the presence of “crime,” “addiction,” “teenage pregnancy,” and “unemployment,” 119 N.J. 391, the Court foresaw a future in which a “continuing constitutional failure,” would serve to further isolate a “substantial segment of our population,” in “a separate culture,” defined by “despair,” and “sometimes bitterness and hostility, 119 N.J. at 392-393. Moreover, the Court recognized that, not only the fate of the students, but also the entire “state’s future,” depends on ensuring that the urban poor receive an education that enables them “to compete in the marketplace,” and “to assume their proper roles as citizens.” Ibid.

Contrary to the State’s misleading suggestion that changing demographics have eliminated the need for the Abbott remedies, the Court’s concerns about concentrated poverty, racial isolation, and educational deprivation remain valid today. First, the racial data presented by the State are tremendously deceptive. While it is correct that just over half of New Jersey’s African American and Latino school children attend schools in non-Abbott districts, Db77, the complete truth is that the racial shift in New Jersey’s demographic landscape has occurred - outside of the Abbott districts. See Statement of Facts, supra; Exhibits A and B (demonstrating that, from 1986 to 2006, the statewide percentage of New Jersey’s white schoolchildren

decreased from 69.1% to 55.7%, while the statewide percentage of its Latino schoolchildren increased from 10.7% to 18.8%).

When one actually examines the data reflecting the racial composition of the Abbott districts, it is immediately apparent that the only change within the Abbott districts is a slight increase in the percentage of African American and Latino school children. See Exhibit B. In Abbott II, this Court specifically recognized the dramatic racial make-up of seven Abbott school districts: Camden, East Orange, Jersey City, Trenton, Newark, Paterson, and Irvington. 119 N.J. at 343, n. 19. Yet, today, the racial composition of those districts has only intensified. See, Statement of Facts, supra, (noting increase in minority school enrollment from 1986-87 to 2006-07 of 95% to 99.3% in Camden, 99% to 100% in East Orange, 85% to 90.6% in Jersey City, 88% to 97.1% in Trenton, 91% to 92.5% in Newark, 90% to 94.6% in Paterson, and 94% to 99.7% in Irvington Township); Exhibit B.

Moreover, as demonstrated by Plaintiffs, 29 of the 31 Abbott districts still fall within the State's two lowest socioeconomic groupings, all have concentrations of student poverty over 40%, with twenty-four over 60%, and they still fall below statewide educational adequacy indicators. Goertz Cert., ¶18, ¶¶22-27. Thus, while the demographic landscape outside of the Abbott districts may have shifted since this Court's consideration of the 1986-87 school years, the racial isolation of minority students in the Abbott school districts has increased, and the concentrated poverty and educational inadequacy of their districts remain.

Second, despite strong State constitutional prohibitions against segregation in the public schools, N.J. Const. Art. I, par. 5, the State has presented nothing on the record of this motion providing that SFRA will address the extreme isolation of minority students in the Abbott

districts. Nor has the Commissioner done anything of significance to meet her affirmative responsibility to increase diversity and integration among the Abbott school districts.

This State has twin obligations to its public school children: first, to provide a thorough and efficient education, and second, to prevent segregation in the public schools. This Court has recognized that these two concerns are interdependent, concluding that, “We know that racial balance and education are not “isolated factors,” but “different sides of the same coin.” Bd. of Educ. Of Englewood Cliffs v. Bd. of Educ. Of Englewood, 257 N.J. Super. 413, 464 (App. Div. 1992) *aff’d*, 132 N.J. 327 (1993).

The New Jersey Constitution’s prohibition of segregation in the public schools has been interpreted by this Court not only to outlaw State-sponsored segregation, but also to hold the Commissioner responsible for taking affirmative steps to correct “[d]e Facto segregation or imbalance which is frustrating our State constitutional goals.” Jenkins v. Morris Tp. School Dist., 58 N.J. 483, 506 (1971), citing Booker v. Board of Education of Plainfield, 45 N.J. 161, 178 (1965) (emphasis omitted).¹ Yet, New Jersey is on the “list of the most segregated states for black students. [It has] paid lip service to the idea of diversity in our schools, but in the real world [it has] not succeeded.” See In Re Petition for the Authorization to Conduct a Referendum on the Withdrawal of North Haledon Sch. Dist. from the Passaic Cty. Manchester Regional High Sch. Dist., 181 N.J. 161, 179 (2004) citing Gary Orfield & Chungmei Lee, Brown at 50: King’s Dream or Plessy’s Nightmare, 27-28 (2004), (indicating that “New Jersey ranks fifth in the

¹ The United States Supreme Court decision in Parents Involved in Community Schools v. Seattle School Dist. No. 1, 551 N.J. ___, 127 S.Ct. 2738 (2007), in which a plurality of the Court rejected certain racial classifications by local school boards, does not govern the Commissioner’s obligation under the State constitution.

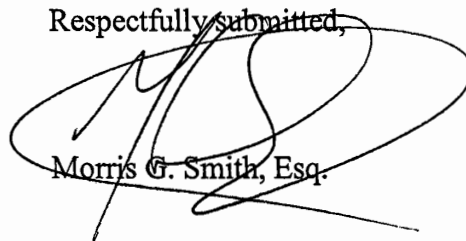
nation in the percentage of black students attending ninety to one-hundred percent minority schools, and fourth in the nation in respect of Hispanic students”). Neither on this motion nor through SFRA, does the State provide any alternative remedy through which the Commissioner of Education will address the continued racial isolation of African American and Latino students in the Abbott districts.

In sum, the racial composition of the Abbott districts continues to be startling in contrast to the remainder of the State, with an overall average minority concentration of 87.7% -and twelve Abbott districts with a concentration of African American and Latino students over 95% - as compared to an overall average minority concentration in the other districts of just under one-third. Exhibits A and B. The African American and Latino communities remain largely “isolated” in the “poorer urban districts,” making the continued attention to the “educational deficiency” in the Abbott districts imperative. Abbott II, 119 N.J. at 392. Thus, it is clear that this Court’s commitment to the students in the Abbott districts must remain steadfast, strong.

CONCLUSION

For the reasons stated above, *Amicus*, the NJBIC, respectfully requests that this Court deny the State's motion for review of the constitutionality of SFRA, and continue its mandate of the Abbott remedies – regular education funding at parity with the State's most successive school districts, mandated K-12 supplemental programs, high-quality needs-based funded preschool, assured funding independent of local taxing board will or ability, and the opportunity for Abbott districts to apply for supplemental funding – to ensure a thorough and efficient education to the Abbott school children.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to be 'M. G. Smith', is written over the typed name below.

Morris G. Smith, Esq.

Encls.

Cc: Anne Milgram, Attorney General
Michelle Lyn Miller, Senior DAG
David G. Sciarra, Esq.
Edward Barocas, Esq.
Mary A. Ciccone, Esq.
Emily Goldberg, Esq.
Richard E. Shapiro, Esq.
Cecilia Zalkind, Esq.

EXHIBIT A

ENROLLMENT IN PUBLIC ELEMENTARY AND SECONDARY SCHOOLS, BY RACE/ETHNICITY IN NEW JERSEY, FALL 1986

	Percent distribution, fall 1986					
	Total	White*	Black*	Hispanic	Asian or Pacific Islander	Alaskan Indian or Alaskan Native
United States	100.0	70.4	16.1	9.9	2.8	0.9
New Jersey	100.0	69.1	17.4	10.7	2.7	0.1

* Excludes persons of Hispanic origin.

NOTE: The 1986-87 data were derived from the 1986 Elementary and Secondary School Civil Rights sample survey of public school districts. Detail may not sum to totals due to rounding.

SOURCE: U.S. Department of Education, Office for Civil Rights, 1986 State Summaries of Elementary and Secondary School Civil Rights Survey; and National Center for Education Statistics, Common Core of Data survey. (The table from which this data was extracted was prepared in May 2001).

EXHIBIT B

2006-07
ABBOTT DISTRICT ENROLLMENT DATA BY RACE

DISTRICT*	WHITE	PERCENT	BLACK	PERCENT	HISPANIC	PERCENT	OTHER	PERCENT	MINORITY	PERCENT	TOTAL
0100-ASBURY PARK CITY	43.5	1.8%	1,812.5	76.7%	503.5	21.3%	3.0	0.1%	2,319.0	98.2%	2,362.5
0540-BRIDGETON CITY	546.5	11.9%	1,931.5	42.2%	2,068.5	45.2%	30.5	0.7%	4,030.5	88.1%	4,577.0
0600-BURLINGTON CITY	743.0	39.5%	1,003.0	53.3%	97.0	5.2%	38.0	2.0%	1,138.0	60.5%	1,881.0
0680-CAMDEN CITY	107.0	0.7%	8,019.0	52.6%	6,888.0	45.2%	230.0	1.5%	15,137.0	99.3%	15,244.0
1210-EAST ORANGE	5.0	0.0%	9,757.0	95.3%	463.0	4.5%	14.0	0.1%	10,234.0	100.0%	10,239.0
1320-ELIZABETH CITY	2,006.0	9.5%	5,179.0	24.4%	13,664.0	64.4%	365.0	1.7%	19,208.0	90.5%	21,214.0
1700-GARFIELD CITY	2,415.5	52.6%	326.5	7.1%	1,762.0	38.4%	87.0	1.9%	2,175.5	47.4%	4,591.0
1770-GLOUCESTER CITY	1,902.0	90.3%	63.0	3.0%	105.0	5.0%	36.0	1.7%	204.0	9.7%	2,106.0
2060-HARRISON TOWN	618.5	33.0%	19.0	1.0%	1,075.0	57.4%	161.0	8.6%	1,255.0	67.0%	1,873.5
2210-HOBOKEN CITY	318.0	16.8%	332.0	17.6%	1,204.0	63.7%	37.0	2.0%	1,573.0	83.2%	1,891.0
2330-IRVINGTON TOWNSHIP	21.0	0.3%	6,698.0	92.3%	511.0	7.0%	23.0	0.3%	7,232.0	99.7%	7,253.0
2390-JERSEY CITY	2,707.0	9.4%	10,250.0	35.5%	11,298.0	39.1%	4,655.0	16.1%	26,203.0	90.6%	28,910.0
2400-KEANSBURG BORO	1,366.0	71.3%	233.5	12.2%	275.5	14.4%	40.0	2.1%	549.0	28.7%	1,915.0
2770-LONG BRANCH CITY	1,625.5	33.5%	1,288.0	26.5%	1,843.5	38.0%	96.5	2.0%	3,228.0	66.5%	4,853.5
3230-MILLVILLE CITY	3,356.0	52.4%	1,887.5	29.5%	1,058.0	16.5%	98.0	1.5%	3,043.5	47.6%	6,399.5
3510-NEPTUNE TWP	1,290.5	25.6%	3,217.0	63.9%	460.5	9.1%	65.0	1.3%	3,742.5	74.4%	5,033.0
3530-NEW BRUNSWICK CITY	107.0	1.6%	1,561.0	23.0%	5,032.0	74.1%	94.0	1.4%	6,687.0	98.4%	6,794.0
3570-NEWARK CITY	3,100.0	7.5%	24,358.0	59.0%	13,444.0	32.6%	364.0	0.9%	38,166.0	92.5%	41,266.0
3880-CITY OF ORANGE TWP	19.0	0.4%	3,826.0	83.2%	715.5	15.6%	36.0	0.8%	4,577.5	99.6%	4,596.5
3970-PASSAIC CITY	187.0	1.5%	1,107.0	9.0%	10,540.0	86.1%	413.0	3.4%	12,060.0	98.5%	12,247.0
4010-PATERSON CITY	1,357.0	5.4%	8,803.0	35.3%	14,114.0	56.6%	676.0	2.7%	23,593.0	94.6%	24,950.0
4050-PEMBERTON TWP	2,943.0	56.3%	1,550.0	29.7%	589.0	11.3%	144.0	2.8%	2,283.0	43.7%	5,226.0
4090-PERTH AMBOY CITY	288.0	3.0%	696.0	7.3%	8,473.5	88.9%	77.0	0.8%	9,246.5	97.0%	9,534.5
4100-PHILLIPSBURG TOWN	2,847.0	76.5%	397.0	10.7%	392.0	10.5%	87.0	2.3%	876.0	23.5%	3,723.0
4160-PLAINFIELD CITY	32.5	0.5%	3,910.5	59.0%	2,642.0	39.9%	39.0	0.6%	6,591.5	99.5%	6,624.0
4180-PLEASANTVILLE CITY	73.0	2.1%	1,927.0	56.3%	1,393.0	40.7%	30.0	0.9%	3,350.0	97.9%	3,423.0
4630-SALEM CITY	360.0	24.0%	1,056.0	70.5%	79.0	5.3%	2.0	0.1%	1,137.0	76.0%	1,497.0
5210-TRENTON CITY	350.0	2.9%	7,689.0	63.8%	3,900.5	32.4%	108.0	0.9%	11,697.5	97.1%	12,047.5
5240-UNION CITY	244.0	2.5%	84.0	0.9%	9,344.0	95.7%	88.0	0.9%	9,516.0	97.5%	9,760.0
5390-VINELAND CITY	2,968.0	30.8%	2,062.5	21.4%	4,421.0	45.9%	189.5	2.0%	6,673.0	69.2%	9,641.0
5670-WEST NEW YORK TOWN	357.5	5.0%	58.0	0.8%	6,603.0	92.8%	100.0	1.4%	6,761.0	95.0%	7,118.5
TOTALS	34,304.0	12.3%	111,101.5	39.9%	124,959.0	44.8%	8,426.5	3.0%	244,487.0	87.7%	278,791.0

ABBOTT DISTRICT PERCENTAGES 12.3% 39.9% 44.8% 3.0% 87.7% 100.0%

NON-ABBOTT DISTRICT PERCENTAGES* 67.4% 11.0% 12.1% 9.5% 32.6% 100.0%

STATEWIDE PERCENTAGES 55.7% 17.4% 18.8% 8.1% 44.3% 100.0%

*Excludes charter schools.
Source: Department of Education 2006-07 Fall Survey Enrollment Data.

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By: Morris Smith, Esq.
Attorney for Amicus Curiae

RAYMOND ARTHUR ABBOTT,
et al.,

Plaintiffs,

v.

FRED G. BURKE, *et al.*,

Defendants.

:
:
: SUPREME COURT OF NEW JERSEY
:
:
: DOCKET NO. 42170
:
:
:
: ORDER
:
:
:
:
:

It is ORDERED that the Motion for Leave to Appear as *Amicus Curiae* by New Jersey Black Issues Convention, in the above-captioned matter is granted, and the *amicus* letter brief is accepted as filed.

Dated: _____

LAW OFFICE OF MORRIS G. SMITH, ESQ.

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By: Morris Smith, Esq.

Attorney for *Amicus Curiae*

RAYMOND ARTHUR ABBOTT, *et al.*, : SUPREME COURT OF NEW JERSEY
Plaintiffs, : DOCKET NO. 42,170
v. :
FRED G. BURKE, *et al.* : CIVIL ACTION
Defendants. :
: **CERTIFICATION OF SERVICE**

I, Morris Smith, an attorney for the proposed *amicus curiae*, hereby certify that on this date, I served two copies of the NOTICE OF MOTION TO APPEAR AS *AMICUS CURIAE*, the attached LETTER BRIEF of *Amicus Curiae* New Jersey Black Issues Convention, and certification of Morris Smith, Esq., in this matter on the following parties by **regular mail delivery**:

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I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



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Date: 5/15/04