

The Perpetuation of Racial Segregation in The United States and its Negative Impact on Education and Crime: A New Jersey Case Study

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I. Introduction

Education attainment in the United States has a direct causal link with economic success. In 2012, the plurality of unemployed persons is represented by those with less than a high school diploma; higher level of education has an undeniable negative correlation with unemployment.^[1] Furthermore, those with little or no educational attainment who are employed find themselves making wages significantly less than those with a higher level.^[2] An individual's level of educational attainment, therefore, has a direct correlation with his monetary earning, and distance away from the poverty threshold.^[3] With this in mind, it is not controversial to conclude that policies that promote greater educational attainment in impoverished areas should be a prioritized national focus in combatting poverty in the United States.

This paper will attempt to (1) briefly explain the history (and ongoing) educational reforms in the United States, (2) identify, and (3) resolve why education in certain minority-concentrated areas is severely underperforming despite a massive injection of monetary support into these "failing" schools. Specifically, this paper will aim to prove that there exists a strong correlation between crime, segregation, and educational deficiency, and that ways to improve the educational level of "failing" schools is to introduce measures that reduce crime and promote desegregation.

A. Brief Legal Background

The plaintiffs in Brown v. Board of Education, 347 U.S. 483 (1954) successfully argued that racial segregation of students violated the Equal Protection Clause of the 14th Amendment.^[4] While this ended the overt segregation of students by race, many districts today are still de facto segregated. Early battles against education level discrepancies (influenced heavily by racial disparity) focused on attacking the property tax based model by which schools were funded, which resulted in gross differences between per pupil spending from different localities.^[5] In the landmark case of San Antonio Independent School District v. Rodriguez, 411 U.S. 1 (1973), the Court held that the use of property taxes to fund public schools does not violate the Equal Protection Clause of the US Constitution, and that equality of funding is not required, because education is not a fundamental right.^[6] Despite this loss, San Antonio sparked major reforms for many state constitutions in America that resulted in significant changes to how schools are funded all over the country.^[7]

Abbot v. Burke 495 A.2d 376, (N.J.1985) is an example of New Jersey reform, which now guarantees additional funds to the most "needing" school districts, called the Abbot Districts.^[8] The result is that impoverished minority concentrated public school districts in New Jersey now receives more funding per pupil than even reasonably

affluent districts.^[9] One can rationally surmise that the issue-driven plaintiffs in San Antonio would be ecstatic to see such changes in school funding in many states such as New Jersey. However, if the assumption that greater funding per pupil equates to higher educational quality is correct, then why have Abbot Districts continuously fail to produce better results, despite a significant per pupil spending?

B. Methodology

To solve this conundrum, two data sets from the NJ cities of Camden and Tenafly will be the target of assessment. Comparing the differences and similarities for the data, this paper will establish that educational funding (or lack thereof) is not the primary cause for secondary school failure or success. After establishing this hypothesis, this paper will transition to show why racial segregation persistently exists. A strong correlation will be proven between racial segregation and poverty; poverty and crime; and finally, crime and educational failure. The paper will conclude by offering ideas for social change that may reduce crime and ultimately elevate the educational performance in even the most troubled areas. The author understands that no social issue exists in a vacuum; the aim is to prove that strategies that can effectively reduce crime can also increase educational attainment, not that crime related reforms are the only solutions.

II. The Two Contrasting Data Sets

A. Camden City

In the year 2009-2010, Camden High spent \$22,306 per average pupil in their high school, significantly greater than the national average.^[10] Yet in 2009, Camden High recorded an astonishingly low 39.9% graduation rate with an 7.2% HSPA passing rate^[11] (compare that to NJ's overall graduation and HSPA passing rate that year at 93% and 75.5%, respectively).^[12] Camden High's absentee rate is at 33% on any given school day.^[13] Camden High school boasts a better than NJ average of a 9:1 student to teacher ratio.^[14] The high school graduate level of Camden residents 25 years or older is 62.3%, and bachelor's degree or higher level of Camden residents 25 years or older is at a mere 7.2%.^[15] At face value, these statistics seem counterintuitive. Therefore, deeper correlation/ causal analysis are required to determine why Camden High is performing severely subpar when compared to other NJ schools.

As of 2010, the city of Camden has approximately 77,000 residents.^[16] The population is approximately 48% Black, 47% Hispanic, and 5% White.^[17] Camden is an impoverished, working class city, with 38.4% of its residents living under the poverty line.^[18] Its median household income is at approximately \$26,000, homeownership rate is 40%, and the median value of owner occupied housing units is approximately \$89,000.^[19] The persons per square mile in Camden is approximately 8670.^[20] The rate of unemployment (those actively seeking employment) fluctuates at 9.5%.^[21] Camden's total incidences of [known] "serious" crimes in 2010 is 5311, of which 1841 are "violent" crimes.^[22]

B. Tenafly Borough

Tenafly Borough (classified by the census; essentially the borders of the city of Tenafly) tells a remarkably different story. As of 2010, Tenafly's per student spending constitutes \$14,101.^[23] Note that Camden High almost spends 57% more money per pupil than the Tenafly School District.^[24] Tenafly High School's graduation rate is at 97.43% for the year 2010, and its HSPA passing rate is over 90%.^[25] Tenafly High School is reviewed by US News as #23 in State ranking, and #316 at National ranking.^[26] Therefore, while it is one of the better schools offered in NJ, it is not a statistical outlier. Tenafly's average teacher to student ratio is 14.1:1.^[27] Note that Camden High has a much smaller teacher to student ratio. The high school graduate level of Tenafly residents 25 years or older is 95.2%, and bachelor's degree or higher level of Tenafly residents 25 years or older is at a high 71.1%.^[28] We can already infer without argument that spending per pupil and teacher to student ratio are not the only relevant factors when calculating educational success. At face value, it does not compute why a school with significantly less funding and teachers per student can perform leaps and bounds better in virtually every aspect than a school that spends significantly more.

Here is where the statistics outside of school begin to contrast significantly. As of 2010, Tenafly has approximately 14,500 residents.^[29] The population is approximately 1% Black, 5.4% Hispanic, 65.4% White, and 26.2% Asian.^[30] Tenafly is a well off, non-working class city, with only 4% of residents below the poverty line.^[31] Its median household income is at approximately \$130,000, homeownership rate is 75%, and the median value of owner occupied housing units is approximately \$730,000.^[32] The persons per square mile in Tenafly is approximately 3149.^[33] The rate of unemployment is 5.8%.^[34] The total instances of serious crime in Tenafly in 2010 is 106, of which only 3 are violent crimes.^[35] Accounting for population differentials, Tenafly's crime rate is only approximately one tenth of Camden's, with violent crimes at a mere one twenty-fifth.^[36]

III. Analysis of Why Education is Defunct in Camden City

A. How Racial Segregation Persisted after 1964, Generally

Camden City is racially segregated, with approximately 95% of its population either Black or Hispanic.^[37] "The concentration of low-income persons and people of color within the city of Camden is extreme compared to the rest of the county and the cities that surround it, and helps explain the indicators of disparity that suggest a de facto racial and economic segregation."^[38] Judging by the census data alone, it is clear that

Camden is racially, and economically segregated. The property value differential alone between the two cities is simply not even competitive.^[39] The average property owner in Tenafly has a property value that is worth approximately nine times the average property value in Camden.^[40] The wealth discrepancy between the two cities are staggering, both in income and in property value.^[41] The density of population is around two times greater in Camden than in Tenafly.^[42] Economic and racial segregation did not occur on its own; it is systematically and persistently maintained by federal and state governance, even after Brown v. Board of Education and subsequent cases in the 1960s stopped laws from using race as a reason for enforcement of segregation.^[43] Despite the Fair Housing Act of 1968 which was supposed to prevent discrimination by race, the Housing and Urban Development did not do much to conform to the Fair Housing Act, as it was largely a defunct act of Congress with no real power to enforcement.^[44] The real change between segregation is that it is no longer legally permissible to explicitly define race as the reason; instead, localities used the laws of economics as a tool to perpetuate segregation and to the disadvantage of Blacks and Hispanics. Worse yet, Washington v. Davis, 426 U.S. 229 (1976) crippled minorities in their ability to challenge discrimination, holding that the disparate impact factor alone is not sufficient to make the case for racial discrimination; “discriminatory purpose” must also be proven.^[45]

Racial segregation is specifically utilizing economic means to achieve its objectives. “It may even be opined that the Fair Housing Act presents a smokescreen behind which lawmakers can hide, pretending the consequences of our racism are being dealt with, while in truth the separation of races remains unchallenged.”^[46] Redlining, the intentional discrimination by monetary institutions against minorities, particularly African Americans, dealt severe and prejudicial economic damage to inner-city neighborhoods, which perpetuated economic inequity and hardships.^[47] Reform finally came in the form of the 1988 Amendments, but “[d]espite the promise of the 1988 Fair Housing Act, they cannot erase the past. For at least 50 years, from 1940 through 1990, African Americans were subject to a system of institutionalized housing discrimination. Each time that a legislative or judicial action was undertaken... it was fought tenaciously by a powerful array of people who benefited from the status quo.”^[48] In short, in virtually every major city in the United States, racial segregation exists as a direct result of the policies implemented by state and federal government.^[49] American social and economic policies, therefore, are directly responsible for the perpetuation of segregation. Desegregation is rarely possible, as “[w]hites consistently move out of neighborhoods with growing black populations, and very few new whites move in, ensuring that many of these newly integrated neighborhoods will soon become predominantly black.”^[50]

B. Racial Segregation in Camden and Problems Beyond School Funding

The concentrated racial segregation is evident in Camden. Racial Segregation is the key symptom of America’s economic disparity contrast. Predictably, America’s richest localities are predominantly white, while the poorest are predominantly black; African Americans (and less so Hispanics), victims of systematic governmental and

societal discrimination, often find themselves at a severe economic disadvantage, which forces many to attend inferior and segregated schools, because “residential segregation by economics and race is the principal reason for unequal educational resources”.^[51] However unlike many areas in the United States, this analysis (other than calculations for lingering historical effect) is moot in Camden High since the start of the Abbot Programs, because Camden city represents one of the better funded areas designated by the Abbot Districts. However, as previously established, the numbers in Camden High did not get better as significantly more amounts of money were poured into the schools. It is important to note here that this does not prove that more dollars per pupil is not correlated with better student performance. It merely challenges the notion that more money injected just into the education system can fix an already defunct school that was dysfunctional and failing due to previous racial and economic segregation.

If funding is not the only primary issue, at least in the Camden school district, other data must be analyzed to assess other possible problematic correlations. The 8670 person per square mile in Camden, coupled with an almost uniform disadvantaged minority presence is in stark contrast with Tenafly’s 3149 per square mile with a White majority and a strong Asian minority, and almost no Black presence. With extreme racial segregation comes concentrated poverty, and an elevated level of crime.^[52] . There are many detailed studies that show a strong mathematical correlation between poverty and crime.^[53] This helps explain the significantly greater crime rate in Camden than in Tenafly.

Taking the burden of proof piecemeal, the irrefutable correlation between segregation, poverty and crime must first be established. “High levels of segregation confined this increased poverty to a small number of racially isolated neighborhoods clustered around the urban core. As a result, the concentration of poverty was dramatically increased within segregated black communities to create an ecological niche in which crime was prevalent and violence was a logical adaptation to the harsh conditions of daily life.”^[54] Camden is a city that has long been segregated, poor, and economically irrelevant. People who cannot afford to live in other better areas are funnelled into ghettos like Camden; ethnic isolation of a social design, caused by American policies, directly destroy the potential for better economic opportunities and a better quality of life.^[55] Many correlational studies that establish a direct link of segregation, poverty, and violence use ecological data to show that by the virtue of living in a segregated area with intense poverty, one cannot avoid exposure to extreme violence where adaptability to the latter dictates the chances of survival.^[56] Furthermore, research concludes that “proclivity toward violence is produced by long-term poverty. By concentrating the persistently poor in certain neighborhoods, segregation has concentrated a ‘street orientation,’ creating a social world characterized by high levels of interpersonal hostility and aggression.”^[57] American policies that encouraged segregation are directly responsible for the elevation of crime.

C. How The US Penal System Encourages Segregation

We have established that places like Camden, NJ suffers from a high rate of segregation, both of race and class. Segregation causes poverty and crime in Camden that is not seen in places such as Tenafly. But it goes further than that. The American criminal institution itself perpetuates segregation. In the fiscal year of 2010, New Jersey paid approximately \$1.2 billion in prison related expenditures.^[58] This represents the biggest slice of the pie in NJ state spending.^[59] It further incentivises the state to continue locking up a disproportionate amount of African Americans and Hispanics, because it justifies the astronomic spending we use every year to keep people behind bars. There are now roughly 22,000 inmates in New Jersey State Correctional Institutions, with over 35% of its population stemming from non-violent drug offenders.^[60] Blacks and Hispanics constitutes the vast majority of inmates.^[61] With the Anti-Drug Abuse Act of 1986, as a result of the War on Drugs, there are mandatory minimums to drug related charges.^[62] The vast majority of those serving mandatory minimums for drug related charges are blacks and hispanics,^[63] and the vast majority of them live in segregated communities. The law enforcement community systematically and disproportionately targets low income, racially segregated areas for drug enforcement, even though there is no evidence to suggest that drug related problems are greater in those areas.^[64] Furthermore, classification of race by police is a large reason why many stops are performed in the first place, that has little to do with the situation resulting in a justifiable suspicion of crime.^[65] The assumption many make is that police make more arrests at where crime is more prevalent, and that more blacks and hispanics are arrested because they are more likely to commit crimes. Many findings seriously challenge that notion, as “the 7:1 disproportionate ratio of blacks to whites in prison is explained primarily by the corresponding rates of arrest, with 76% of that number accounted for by disproportionate arrest rates.”^[66] In America, you are simply much more likely to be arrested *because* you are black.

This legal framework of “Anti-Drug” and police discrimination towards Blacks and Hispanics have led to a high rate of incarceration in the US. While the supposed reasoning behind the legal framework of war on drugs and war on crime is to reduce and discourage crime, and keep the streets safe, how much of that is true? The rate of recidivism in the United States is over 65%.^[67] Some type of criminals recidivate at a rate of over 70%.^[68] We spend an average of over \$40,000 a year^[69] per prisoner for the vast majority of them to recommit and re-enter the criminal justice system, so that we can pay \$40,000 a year again to see them recidivate. More likely, our criminal justice system operates in this manner because it is a convenient way for politicians to maintain their incumbent advantage during election time by providing jobs to their constituents at the expense of those who are criminally disenfranchised. By incarcerating minorities and ensuring a high rate of incarceration, politicians can justify the high fiscal costs dedicated to imprisonment. This system is unlikely to receive backlash, as disenfranchised criminals cannot vote.

D. Incarceration and Employment

Incarceration is the number one reason why people are denied better economic and educational opportunities. It is difficult to obtain employment with a criminal record, and far more difficult to stay out of prison without employment. In a study conducted by the Federal Bureau of Prisons, “inmates who arranged for post-release employment recidivated at a much lower rate (27.6 percent recidivated) than those inmates who did not make such arrangements (51.8 percent recidivated)”.^[70] Those with any criminal record, however, will find it much more difficult to find and retain a steady job. A notable sociological study found that a white male is 50% less likely to receive an offer after disclosing a criminal record on a job application; a black male with identical credentials disclosing the same criminal record is 64.3% less likely to receive the same offer.^[71] The offer rate of a black man with a criminal record for an entry level position is merely 5%.^[72] Even more disheartening, the research discovered that all other factors being equal, a white man with a criminal record is more likely to receive an offer than a black man without one.^[73] Since the majority of the incarcerated population is black, racial prejudice and the presumption some employers hold about minorities with criminal records prevents many from finding employment.

Aside from the stigma of a criminal record that may turn away many private employers, many occupations in NJ are barred to ex-offenders. “Individuals are statutorily barred from all public employment or office holding in New Jersey upon conviction of an offense involving dishonesty or crime of the 3rd degree or above. In addition, there are about 22 categories of jobs for which certain criminal convictions serve as an absolute bar, most under state law, some under federal law. With a couple of exceptions, these are lifetime prohibitions”.^[74] These jobs include many in the hospital, law enforcement, and public administration sector. As previously established, those who are racially segregated already experience a mass depreciation in the opportunity to find gainful employment. The lack of economic opportunity in racially segregated places is major factor of why crime is significantly more prevalent in those areas.^[75] Since the criminal justice system disproportionately targets African Americans and Hispanics, they are indirectly responsible for perpetuating and enforcing the economic and education strife of these minorities.

E. Incarceration and Housing

The culture of mass incarceration of African Americans and Hispanics is another way to keep those minorities segregated. People who have been convicted of a felony face severe difficulty in finding affordable housing. The Housing Opportunity Program Extension Act of 1996^[76] and the Quality Housing and Work Responsibility Act of 1998^[77] significantly impact the opportunity of those racially segregated and impacted by the criminal justice system to find affordable housing away from designated low income, segregated, and crime ridden areas. In some circumstances, these legal framework provides a lifetime ban on receiving aid and other federally subsidized

housing.^[78] Therefore, minorities who are newly released find themselves stuck in the same crime ridden areas, with the same dearth of economic opportunity. There is no way out. Even if a black man with a minor criminal record works a steady job and manages to save up for a downpayment to rent an apartment away from segregated areas, he would most likely be denied anywhere except the areas he came from.^[79] A study has found that 67% of landlords inquire about criminal history on rental applications, and 43% indicated that they blanket reject all applicants with a criminal record.^[80] It is virtually impossible, given these handicaps, to move away from poor, crime ridden, segregated areas once one is born into it. From law enforcement to housing, this is an institutionalised system designed to keep racial segregation of a similar profile to pre-1964.

F. How Crime And Poverty Ties to Defunct School Performance

We have previously established how the legal framework and the criminal justice system perpetuates segregation, the dearth of economic opportunity, and the lack of opportunity to move away from troubled areas. Now we will show how these actions directly negatively impact the school performance of places like Camden, NJ, and how that perpetuates the cycle of poverty and racial segregation.

The serious crime rate in Camden,^[81] caused by racial and economic segregation, is directly a reason why Camden High School perform significantly worse than Tenafly High. The prevalence of gangs in Camden per capita, as a result of segregation, is exorbitantly high.^[82] There are over ninety reported gangs in Camden, and a high gang presence in Camden High.^[83] There are no reported gang presence in Tenafly High.^[84] School violence and gang activity are the keys to understanding why segregated schools do poorly.^[85] The first thing to understand is that “school crime is linked closely to community crime rates”^[86] Therefore, to reduce the crime in the community is a sure way to reduce crime in schools. This causal link was noticed when crime rates dropped in certain communities, their respective schools followed suit.^[87] Crime in school directly affects academic performance.^[88] There is a strong correlation between the likelihood of incarceration the rate of crime in a school that a student attends.^[89] Therefore, the key to improving Camden High School performance is to reduce community crime. School performance and personal educational attainment is the number one way to move out of poverty. In order for Camden High School to perform more closely to a district such as Tenafly High, there must be a method designed to reduce crime and recidivism in the neighborhood.

IV. Solving this Dilemma: A Proposal to Reduce Crime and Increase School Performance

A. Outlaw the Discrimination of those with Criminal Records For Employment Reasons

As previously noted, the disproportionate incarceration has much to do with discriminatory policing. Because of the current laws and system that encourage discrimination for job positions based on criminal history, those who do have a criminal record are fated to stay in a community where poverty and crime is rampant. The real result here is that potential employers have an excuse to deny opportunities to African Americans and Hispanics. Instead of “we don’t hire blacks”, it is now “we don’t hire those with criminal records”- in a country where being black significantly increases your chance of incarceration, what is the difference?

In that same context, we need to change the expungement laws in the United States. In the State of New Jersey, an expungement of record means that by court order, all State agencies of NJ is to clear the expunged record from their database (with limited exception), allowing the person to live as if the event never occurred.^[90] A person with an expunged record may legally (with limited exceptions) swear under oath and state in applications that the event had never occurred.^[91] The current expungement law in NJ is fairly limited in scope. Expungement of an offense generally requires that an ex-offender remains crime free for 5 or 10 years.^[92] In 2010, the New Jersey amended the Expungement statute, N.J.S.A. 2C:52-1 et seq. to reduce the waiting period for to expunge a felony from 10 years to 5 years. In the current legal schematic, the expungement laws benefit mostly whites, as they are the ones with the monetary means and the legal know-how to get one record removed. This does not benefit minorities, because most do not have the know-how or the access to legal assistance to get it.^[93] Expungement should be automatic, should not be limited to one offense, and a criminal record should not adversely impact job applicants. If segregated communities can remove some of the barriers and more can find opportunities towards meaningful employment, the rate of crime will surely decrease. We have previously linked the lack of employment opportunities to a high potential rate of crime. If a community such as Camden can have similar economic opportunities to a city like Tenafly, then the wealth discrepancy gap between the two places would shorten. Crime would decrease, and therefore crime in schools would decrease. Gangs exists mostly in places of extreme lack of legal economic means.^[94] If discriminatory practices were no longer implemented in the United States, economic opportunities would naturally become available to more minorities in areas such as Camden; gang presence and crime would reduce, and the quality of education in these schools would increase. The prevalence of crime and the dearth of economic opportunities are the two key fundamental differences between the localities of Camden and Tenafly. It is what keeps Camden from becoming a locality such as Tenafly.

B. Change the Legal Framework that Denies Housing Opportunities to Minorities

Reforms must be made to the Housing Opportunity Program Extension Act of 1996 and the Quality Housing and Work Responsibility Act of 1998. Legislation must be passed (such as adopting HOPE VI) that give impoverished minorities a tangible opportunity to move away from segregated areas. Changes in legislation must also be made to

discourage discrimination in the private work and housing sectors. Incentivise in the form of tax breaks companies that hire disadvantaged minorities. Provide an accessible legal remedy for those who have been discriminated while searching for housing; penalize landlords that use criminal records or race and a reason to deny housing through a court system that utilizes a more lax standard to prove housing discrimination.

V. Conclusion

If our criminal justice system and policies have done anything in the US these past 20 years, it was legitimising the draining of taxpayers dollars, perpetuating the mass incarceration of minorities, and furthering the segregation of communities such as Camden. While injection of funds into the Abbot Districts is well intended, it cannot help until other issues are addressed. We must change the culture of incarceration and the culture of segregation and instead focus on ways to promote equality and ways to undue the damage Americans have done to minorities, particularly African Americans. Until we can change our culture of discrimination, we cannot reduce crime. If America cannot offer real economic opportunities to those in segregated communities, and better housing options away from racially segregated areas, we cannot reduce crime. If we cannot reduce crime, no matter how much money we inject into these schools, they will not become better.

^[1] United States Department of Labor Bureau of Labor Statistics, *Employment Projection Education Pays*, (2013) http://www.bls.gov/emp/ep_chart_001.htm (Graph shows data that suggests that the relationship between higher education and unemployment is negative. Therefore, the higher the education a random sample receives, the more likely he is to be employed.)

^[2] *Id.*

^[3] United States Department of Commerce United States Census Bureau, *Poverty Thresholds*, (2010) <http://www.census.gov/hhes/www/poverty/data/threshld/> (Provides data for income amount to be considered impoverished; Conclusion can be logically inferred, since the average person with the higher education would have the higher pay, therefore less likely to be closer to the poverty threshold.)

^[4] Brown v. Board of Education, 347 U.S. 483(1954) (Broke a long legal string of cases since the 19th century that held a narrow reading of the Equal Protection Act.)

^[5] San Antonio Independent School District v. Rodriguez, 411 U.S. 1 (1973) (Plaintiffs argued against gross discrepancies between fundings to schools in different localities, which resulted in vastly different per pupil spending in communities of different racial makeup.)

^[6] Id.

^[7] Jeffrey S. Sutton, *San Antonio Independent School District v. Rodriguez and its Aftermath*, Virginia Law Review, V94, 16, (2008) <http://www.virginialawreview.org/content/pdfs/94/1963.pdf> (The author suggests that although the plaintiff's personal case ended in failure, it may have very well paved the way for reforms to take place.)

^[8] Abbot v. Burke 495 A.2d 376, (N.J.1985)

^[9] Id.

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^[10] NJ State Board of Education, 2010 to 2011 Camden High School Report Card, (2011) <http://education.state.nj.us/rc/rc11/rcreport.php?c=07&d=0680&s=030> (Lists detailed reports regarding Camden High School student statistics and state spending.)

^[11] Camden Connect, *2008-2009 Camden School Performance*, 2, (2009) <http://www.camconnect.org/datalogue/School%20Report%20Card%202009.pdf> (Fact sheet containing useful stats)

^[12] Id.

^[13] Id.

^[14] Id.

^[15] US Department of Commerce United States Census Bureau, *State and County Quick Facts Camden NJ*, (2013) <http://quickfacts.census.gov/qfd/states/34/3410000.html>

^[16] Id.

^[17] Id.

^[18] Id.

^[19] Id.

^[20] Id.

^[21] US Department of Labor Bureau of Labor Statistics, *Economy at a Glance Camden NJ*, (2013) http://www.bls.gov/eag/eag.nj_camden_md.htm (Roughly averaged using data from the last 12 months)

^[22] City Rating, *Camden Crime Rate Report*, (2010) <http://www.cityrating.com/crime-statistics/new-jersey/camden.html> (Shows data from 2010, and has a crime breakdown by type of serious crime committed.)

^[23] Tenafly Public Schools, *Preliminary Operating Budget, 7*, (2013) <http://tenafly.k12.nj.us/modules/groups/homepagefiles/cms/1610200/File/BOE/Budget%20Information/2012-13/Preliminary%20Budget%202012%20-%202013.pdf>

^[24] Calculated by subtracting Camden's per pupil spending from Tenafly's per pupil spending, and dividing the result by the latter.

^[25] NJ Department of Education, *Tenafly High 2010-11 School Report Card*, (2011) <http://education.state.nj.us/rc/rc11/rcreport.php?c=03;d=5160;s=050>

^[26] US News & World Report, *Tenafly High School Overview*, (2013) <http://www.usnews.com/education/best-high-schools/new-jersey/districts/tenafly/tenafly-high-school-12776>

^[27] Id.

^[28] US Department of Commerce United States Census Bureau, *State and County Quick Facts Tenafly NJ*, (2013) <http://quickfacts.census.gov/qfd/states/34/3472420.html>

^[29] Id.

^[30] Id.

^[31] Id.

^[32] Id.

^[33] Id.

^[34] USA City Facts, *Tenafly NJ Income and Economy*, (2010) <http://www.usacityfacts.com/nj/bergen/tenafly/economy/>

^[35] City Rating, *Tenafly Crime Rate Report*, (2010) <http://www.cityrating.com/crime-statistics/new-jersey/tenafly.html>

^[36] Calculated by using standard ratio formulas: found the ratio of Camden to Tenafly population, multiplying the resulting ratio to Tenafly's respective crime rate, and dividing it by Camden's crime rate to find the fraction provided above

[37] Data calculated by adding the percentages (previously mentioned) of Hispanic and Black demography in Camden.

[38] Legal Services of New Jersey, *Poverty in the City of Camden*, 16, (2007) <http://www.lsnj.org/PDFs/budget/PovertyCityOfCamden041107.pdf> (Article that analyzes the segregation, housing indescrpeny, dirth of legal economic opportunities, lack of nutrition, welfare, to establish the case of extreme poverty and segregation.)

[39] Comparison of census data

[40] (Census data) Tenafly: \$730,600 median value of property:: Camden: \$89,400

[41] (Census data) Tenafly: \$130,000 household income:: Camden: \$26,000 (Household size differentials negligible)

[42] Comparison of census data

[43] Myron Orfield, *American Metropolitcs The New Suburban Reality*, Brookings Institution Press. (2002) (Entire book discusses the decline of American metropolis, and the worsening of poverty in areas of heavy segregation that has not, contrary to popular belief, dissipated since 1964).

[44] Douglas Massey and Nancy Denton, *American Apartheid: Segregation and the Making of the Underclass*. Harvard University Press. 205 (1993)

[45] Washington v. Davis, 426 U.S. 229 (1976)

[46] Deborah Kenn, Institutionalized Legal Racism: Housing Segregation and Beyond, Boston University Law Journal, 37, (2001). <http://www.lexis.com/research/retrieve?cc=&pushme=1&tmpFBSEL=all&totaldo..>

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[47] Supra N 44. at 52

[48] Supra N 44. at 212

[49] Supra N 41, maps between pages 17-18 (Indicates signs of severe racial segregation in different major cities in the United States.)

[50] Lincoln Quillian and Devah Pager, *Black Neighbors, Higher Crime? The Role of Racial Stereotypes in Evaluations of Neighborhood Crime*, Princeton University. 3, (2001) (Authors argue in this section that while segregation comes easily, as whites have a strong tendency to move out of minority integrated areas, desegregation is nearly impossible, as whites tend not to move into minority heavy areas; once a neighborhood is integrated, whites are likely to move out)

^[51] Thomas Shapiro, *The Hidden Cost of Being African American: How Wealth Perpetuates Inequality*, Oxford University Press, 132, (2004) (Shapiro does not simply mean resources as monetary resources in this context. Although that is a significant portion of what he means, he takes into account other factors as well, which is ignored, for now)

^[52] Alan Berube, *Enduring the Challenges of Concentrated Poverty in America: Case Studies from Communities Across the US*, Brookings Institution & The Federal Reserve System, 16, (2008) http://www.brookings.edu/~media/research/files/reports/2008/10/24%20concentrated%20poverty/1024_concentrated_poverty.pdf (Paper establishes the effects of concentrated poverty in the United States. One of the major negative effects proposed by this paper is the significant elevation in crime)

^[53] Haiyun Zhao, Zhilan Feng, and Carlos Castillo-Chavez, *The Dynamics of Poverty and Crime*, Stevens Institute of Technology & Purdue University & Arizona State University <http://math.la.asu.edu/~chavez/CCCPUB/dynamics%20of%20poverty%20and%20crime,%20The.pdf> (Mathematical study correlating rate of crime with poverty, hypothesizes a mathematical model which attempts to predict the rate of crime simply by using the rate of poverty)

^[54] Douglas Massey, *Shaping American Communities: Segregation, Housing & The Urban Poor: Getting Away with Murder: Segregation and Violent Crime in Urban America*, University of Pennsylvania Law Review, 1217, (1995) (Discusses sociological reasons of why people turn violent in places where a culture of survival is necessary)

^[55] Ed Glaeser, *Ghettos: The Changing Ethnic Consequences of the Ethnic Ghetto*, Federal Reserve Bank of Boston, (1997) http://www.bos.frb.org/economic/nerr/rr1997/spring/glsr97_2.htm (Argues that policies in Boston [much like anywhere else] is directly responsible for ethnic segregation, and its resulting negative impacts on the populace)

^[56] *Supra* N 53 at 1218

^[57] *Supra* N 53. at 1219

^[58] Vera Institute of Justice, *The Price of Prisons: What Incarceration Costs Taxpayers*, 10, (2012) http://www.vera.org/sites/default/files/resources/downloads/Price_of_Prisons_updated_version_072512.pdf

^[59] *Id.*

^[60] New Jersey Department of Corrections, *Offenders Characteristic Report*, (2011) http://www.state.nj.us/corrections/pdf/offender_statistics/2011/Entire%20...

[61] Id.

[62] Govtrack, H.R. 5729 (99th): Anti-Drug Abuse Act of 1986, <http://www.govtrack.us/congress/bills/99/hr5729#summary/libraryofcongress> (Summarizes the bill)

[63] Supra N 59

[64] Supra N 46 at 60. (Suggests that law enforcement vehicle stops, and searches oftentimes stems from racially charged biases and that enforcement is stronger in certain minority areas.)

[65] Id.

[66] Id. at 59

[67] Bureau of Justice Statistics, *Recidivism*, <http://www.bjs.gov/index.cfm?ty=tp&tid=17>

[68] Id.

[69] Supra 58.

[70] Miles Harer, *Recidivism among Federal Prisoners Released in 1987*. Washington, DC: Federal Bureau of Prisons, 34, (1994). http://149.101.37.70/news/research_projects/published_reports/recidivism/oreprrecid87.pdf

[71] Devah Pager, *The Mark of a Criminal Record*, *The American Journal of Sociology*, (2003) http://www.princeton.edu/~pager/pager_ajs.pdf

[72] Id. (Calculated by establishing the ratio of callbacks, and determining the difference between the white probability and black.)

[73] Id. (See graph on 22).

[74] Nancy Fisherman, *Legal Barriers to Prisoner Reentry in NJ*, NJ Reentry Round Table, 1, (2003). http://www.revenue.state.pa.us/portal/server.pt/gateway/PTARGS_0_2_1037827_0_0_18/doc78_Fishman_2003.pdf

[75] Supra N 54.

[76] 42 U.S.C. 1437, House Opportunity Program Extension Act of 1996 <https://bulk.resource.org/gpo.gov/laws/104/publ120.104.pdf>

[77] Louise Hunt, Mary Schulhof, Stephen Holmquist, *Summary of The Quality Housing and Work Responsibility Act of 1998*, Office of Policy, Program and Legislative Initiatives

[77] Office of Public and Indian Housing, (1998) <http://portal.hud.gov/hudportal/documents/huddoc?id=titlev.pdf>

[78] *Id.*

[79] Clark, Lynn. *Landlord Attitudes Toward Renting to Released Offenders*. Department of Housing and Urban Development, Office of University Partnerships (2007). <http://www.uscourts.gov/uscourts/FederalCourts/PPS/Fedprob/2007-06/landlord.html>

[80] *Id.* at 3

[81] See census data above.

[82] New Jersey Department of Law and Safety Department of State Police Intelligence Division, *Gangs in New Jersey*, http://www.njsp.org/info/pdf/gangs_in_nj_2010.pdf#page=25

[83] *Id.* at 1

[84] *Id.*

[85] Philip J. Cook, Denise C. Gottfredson, and Chongmin Na, *School Crime Control and Prevention*, The University of Chicago Crime and Justice, (2010) <http://www.lexis.com/research/retrieve?cc=&pushme=1&tmpFBsel=all&totaldocs=&taggedDocs=&toggleValue=&numDocsChked=0&prefFBsel=0&delformat=CITE&fpDocs=&fpNodeId=&fpCiteReq=&expNewLead=id%3D%22expandedNewLead%22&fpSetup=0&brand=ldc&m=4e4347d517b45cb56e78bf4bda161293&docnum=1&fmtstr=FULL&startdoc=1&whp=dGLzVzV-zSkAA&md5=d047e1c92bcd4cead117e3e1e2097b5&focBudTerms=&focBudSel=all>

[86] *Id.* at 313

[87] *Id.*

[88] *Id.*

[89] *Id.*

[90] N.J.S.A. 2C:52-1 et seq

^[91] David DeMatteo, et al. *Drug Court Review*. Virginia: National Drug Court Institute, 16, (2005) http://d20j7ie7dvmqo0.cloudfront.net/sites/default/files/ndci/DCRV5_1.pdf

^[92] State of New Jersey 212th Legislature, Assembly No. 3684, (2006)
ftp://www.njleg.state.nj.us/20062007/A4000/3684_11.PDF

^[93] Supra, N 90

^[94] Supra N 52