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Litigation Committee Charge

Litigation Committee Summit for Civil Rights

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Litigation Committee Charge

Litigation Committee, Summit for Civil Rights

The assembled Representatives, drawn from advocates for civil rights, the American labor movement, faith communities, and elected political representatives, agree to jointly form a committee to collectively chart a judicial and legal strategy to promote an economically fair and racially integrated nation.

The Committee is charged with the authority and responsibility to develop a long-term strategy using the nation's courts, federal and state constitutions, statutes, and other laws, to eliminate racial segregation, and the discrimination it produces, from American life, and to guarantee all Americans the right to pursue happiness in communities of equal opportunity.

We find that:

1. Segregation causes inequality of opportunity—impairing the “right to pursue happiness.” It is inconsistent with state and federal constitutional guarantees of the equal protection of the laws and with the principles of fundamental fairness underlying democratic society and the republican form of government.

2. Segregation is caused by state action and private action, including the choices made by political, administrative, and legislative bodies, all creatures of law. Causes include land use law, the structure of local government, municipal financing, and the fragmentation of the nation's metropolitan areas, as well as private activities deeply interwoven with these factors.

We charge this committee with developing a strategy to pursue the following:

1. The protection and expansion of constitutional and statutory civil rights in the areas of housing, education, and employment, including the right to collectively organize;

2. The expansion and enhancement of equal protection and due process guarantees essential to the elimination of segregation, including rights guaranteeing an adequate education, fair and affordable housing, regional general welfare guarantees, and any other legal principle whose enforcement would reduce racial segregation and the inequality it produces;

3. The establishment of legal interrelatedness of otherwise separate governmental entities within a metropolitan area, such that certain obligations must be shared fairly between them;

4. The protection of the right to organize and collectively bargain; and

5. The prohibition of privatization of public services, where such privatization is likely to increase segregation, result in or exacerbate the unequal and discriminatory provision of public services, and undermine a living wage.

Models for these strategies can be found in litigation undertaken pursuant to the Civil Rights Acts of 1964,¹ 1965,² and 1968³; in school desegregation and school finance lawsuits pursuant to state constitutional educational guarantees; and in regional general welfare litigation and other litigation that establishes the constitutional interdependence of local governments within a metropolitan area, as embodied by landmark jurisprudence such as the *Mount Laurel* decision in New Jersey.⁴

1. Civil Rights Act of 1964, Pub. L. 88-352, 78 Stat. 241 (1964).

2. Voting Rights Act of 1965, Pub. L. No. 89-110, 79 Stat. 437 (1965).

3. Civil Rights Act of 1968, Pub. L. No. 90-284, 82 Stat. 73, 81-90 (1968).

4. S. Burlington Cty. NAACP v. Mount Laurel (*Mount Laurel I*), 336 A.2d 713 (N.J. 1975); S. Burlington Cty. NAACP v. Mount Laurel (*Mount Laurel II*), 456 A.2d 390 (N.J. 1983).