

ROBINSON V. CAHILL
by Debbie Babcox

Students and faculty of Rutgers played a considerable role in Robinson v. Cahill, the case in which the New Jersey Supreme Court last spring held the state system of school finance unconstitutional.

The Court's decision was based on the New Jersey Constitution's requirement that a "thorough and efficient" education be provided to every child in the state between the ages of five and eighteen. In view of the great disparities in funds expended by school systems throughout the state, the Court found that the existing system, which relies heavily on local property tax revenues, does not provide the kind of equality of educational opportunity implicit in the "thorough and efficient" requirement.

The importance of Robinson and hardly be overestimated; implementing the decision will probably require the overhaul of New Jersey's entire system of taxation.

Students from the Public Education Law Seminar and from the Constitutional Litigation Clinic worked with Professors Paul Tractenberg and David Lubell on all phases of the litigation, representing the Newark Chapter of the NAACP and the ACLU of New Jersey.

Serious consideration had been given for some time to bringing a separate suit on behalf of Newark children who were suffering from the inequities of the educational system. However, shortly after the California Supreme Court's decision in Serrano v. Priest, which struck down California's school financing system on the basis of equal protection, it became evident that the Robinson case would move to decision before any newly-filed suit.

Tractenberg and Lubell and the students in their clinics were concerned that the interests of children would be overlooked, since the Robinson plaintiffs, taxpayers, public officials and public bodies as well as parents and students, focused their case on tax equalization. The student-faculty team explored intervening as plaintiffs but the original plaintiffs objected, and an amici brief was filed instead.

Eight students worked on the brief to be submitted to the trial court, and according to Professor Tractenberg, it was the handling of the thorough and efficient constitutional requirement in that brief that led Judge Botter to incorporate that clause into his decision in the way he did. This was an important contribution to the case, for Judge Botter, and by implication Chief Justice Weintraub in the Supreme Court decision, accepted the interpretation that "thorough and efficient" must mean something more than "merely adequate" education and must require greater quality of expenditures among districts.