

February 23, 2010

VIA E-MAIL

Mr. James M. Johnson, Esq.  
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**Re: U.S. ex rel. Anti-Discrimination Center v. Westchester County**

Dear Mr. Johnson:

As leaders of fair housing organizations and other civil rights advocates, we write to express our concern that you have described the “primary” problem in Westchester’s “Implementation Plan” as being one of vagueness. As the Anti-Discrimination Center (“ADC”) has made clear in *Prescription for Failure*, the submission was indeed plagued by vagueness and evasion, but the primary problem is that Westchester’s plan – if one could call it a plan – was not directed towards meeting the AFFH obligations of the Settlement Order.

We believe that it is essential that you require Westchester to remedy ***each and all*** of the deficiencies identified by ADC in *Prescription for Failure*. Without limiting the foregoing, it is especially important that you require that the Implementation Plan:

- (1) acknowledge the existence of segregation in Westchester, the fact that a principal goal of the Settlement Order is the end of de facto residential segregation in Westchester County, and the fact that a major impediment to affordable housing development in the whitest communities in Westchester has long been municipal resistance to development that may facilitate racial and ethnic integration;
- (2) actually *plan* for the County to acquire interests in land on the Census Blocks with the lowest percentages of African-Americans and Latinos; and
- (3) affirm both Westchester’s state-based and its federal-based authority to challenge zoning and other barriers to the development for affordable affirmative furthering of fair housing purposes in connection with the land it will acquire, and affirm Westchester’s intention to use that authority.

As Chair of the Brennan Center for Justice, you know that the Racial Justice page of the Brennan Center’s website quotes the late Justice Brennan for his crucial observation that, “We cannot let colorblindness become myopia which masks the reality that many ‘created equal’ have been treated within our lifetimes as inferior both by the law and by their fellow citizens.” **It is our belief that the proper implementation of the Settlement Order to affirmatively further fair housing and promote racial and ethnic integration is critical to the future of fair housing, integration, and regional equity.** At its core, the Settlement Order treats the need to overcome race-based barriers frankly and explicitly. The integrity of the Settlement Order requires two things most of all: (1) a willingness to speak the truth of the SO’s

desegregation focus; and (2) a determination to make clear to all parties that they must *fully* comply with all provisions, including those concerning desegregation.

Respectfully submitted,

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