

Governor Phil Murphy

Governor Murphy and Acting Attorney General Platkin Oppose New York's Last-Minute Effort to Prevent New Jersey's Withdrawal from the Waterfront Commission

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New Jersey Files Opposition in the Supreme Court of the United States to New York's Request for a Preliminary Injunction

Under State Law, New Jersey Will be Withdrawing From the Waterfront Commission Compact March 28, 2022

TRENTON – In support of the State of New Jersey and Governor Phil Murphy's efforts to withdraw the State from the Waterfront Commission, Acting Attorney General Matt Platkin last night filed a legal brief (https://d31hzlhk6di2h5.cloudfront.net/20220322/72/4d/7e/3c/36248776751303633fb99464/220156_Brief_in_Opposition.pdf) in the Supreme Court of the United States opposing New York's request for an injunction that would prevent New Jersey from following its law to withdraw from the Waterfront Commission Compact and have the New Jersey State Police assume the Commission's responsibilities.

The two states created the Commission in 1953 to combat crime and regulate employment at the Port of New York and New Jersey. Over the ensuing decades, New Jersey has taken an increasingly prominent role on the Port, the third largest in the nation, with well over 90 percent of the economic activity at the Port now occurring on the New Jersey side. Today, instead of faithfully carrying out its original mission, the Commission stands as an impediment to economic growth in the region, frustrating both labor and industry alike. It also continues to operate without accountability, consistently refusing to abide by basic notions of transparency for the expenditure of public funds.

In January 2018, then-Governor Christie signed overwhelmingly bipartisan legislation, L. 2017, c. 324 ("Chapter 324"), withdrawing New Jersey from the Compact. In December 2021, after the U.S. Supreme Court declined a petition to hear a case brought by the Commission challenging that statute, New Jersey's law was allowed to enter into effect. As required by law, New Jersey then notified New York, Congress, and the Commission on December 27, 2021, that New Jersey would officially withdraw from the Compact 90 days later—on March 28, 2022. On that date, the New Jersey State Police will assume responsibility over the Port, with a mission to combat criminal elements and efficiently regulate employment practices at the Port.

Despite knowing for more than four years that New Jersey intended to withdraw from the Commission, New York waited until the eleventh hour to sue New Jersey in the U.S. Supreme Court. It filed its lawsuit just two weeks before New Jersey is scheduled to withdraw from the Commission. New York's last-minute request comes after the New Jersey State Police have spent many months preparing to ensure a seamless transition of responsibilities from the Commission to the State Police on March 28.

"Our withdrawal is long overdue," said **Governor Murphy**. "The Compact made sense in 1953. It makes no sense now. The Commission has long outlived its usefulness, and my Administration remains committed to extricating New Jersey from the Compact and allowing the New Jersey State Police, one of the nation's preeminent law enforcement agencies, to bring the oversight of the Port into the 21st century."

"The U.S. Supreme Court should reject New York's last-minute effort to keep New Jersey in the Waterfront Commission," said **Acting Attorney General Matthew J. Platkin**. "New Jersey followed the law when it decided to withdraw from the Waterfront Commission. And consistent with our statute, the State Police, the best in the nation, has spent months preparing to undertake oversight at the port, including to protect public safety and safeguard the port."

"With our vast array of resources, the New Jersey State Police is well prepared to take on the duties and responsibilities of the Waterfront Commission," said **Colonel Patrick J. Callahan, Superintendent of the New Jersey State Police**. "We stand committed to working with our partners to ensure a smooth transition and look forward to this new challenge."

New Jersey's legal brief, which Acting Attorney General Platkin filed with the Supreme Court last night, argues that New York is not entitled to an injunction. The brief emphasizes that New York waited far too long – over four years since the Legislature passed Chapter 324 – to object to New Jersey's withdrawal from the Compact and that the Court should reject New York's last-minute gambit. The brief also argues that nothing in the Compact's text, structure, or history limits New Jersey's ability to withdraw from the Compact and reclaim its sovereign police powers within its borders.

"It's past time to move beyond a commission that has outlived its purpose," said **Senate President Nicholas Scutari**. "The transition is needed for an industry that supports thousands of jobs and generates billions of dollars as a key part of New Jersey's economy."

"The bistate commission has done the job for almost 70 years, but it is a different world now and the commission has outlived its usefulness," said **Senate Republican Leader Steven Oroho**. "New Jersey has a robust plan in place that entrusts the State Police to serve in the watchdog role, providing the same level of security, and allowing a more efficient flow of cargo through the port."

"After years of litigation and bi-partisan legislative and gubernatorial support for New Jersey's decision to withdraw from the Waterfront Commission, it's time to move on," said **Assembly Speaker Craig Coughlin**. "Standing shoulder to shoulder with Governor Murphy, I hope the US Supreme Court will affirm our state's decision."

"The commission over-regulated business to justify its existence. It cost New Jerseyans too much, made it too

difficult to hire new workers, hurt our state's economic interests and long outlived its purpose," said **Assembly Republican Leader John DiMaio**. "Withdrawing from the commission is an important step forward in the secure and prosperous future for our ports."

"The New York Shipping Association strongly supports modernizing port oversight by moving it under the New Jersey State Police for activities in the State of New Jersey. Ninety percent of the activity in the port takes place in New Jersey," said **New York Shipping Association President John Nardi**. "The State Police are a professional well-respected organization with the resources, know-how and relationships to finally modernize the oversight of the port's workforce and businesses."

"New Jersey got it right and New York is wrong," said **International Longshoremen's Association President Harold Daggett**. "The ILA and most every stakeholder in the industry applauded New Jersey Gov. Phil Murphy and New Jersey Lawmakers who sought to replace the Waterfront Commission with the more professional, well-funded, New Jersey State Police and take over the duties of longshore background checks."

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