



STOCKTON UNIVERSITY
Office of The Open Public Records Custodian
101 Vera King Farris Drive
Galloway, New Jersey 08205
Phone: 609-652-4874
OPRArequest@stockton.edu
www.stockton.edu

May 9, 2023

Via Email at opra+request-41608-6fb23431@requests.opramachine.com

Patrick Duff

Re: OPRA Request No. 041023-1

Dear Patrick Duff:

Stockton University's Open Public Records Act (OPRA) Custodian received your OPRA Request on April 10, 2023, and the seven (7) business day deadline to respond to your request was April 19, 2023. By letter letters dated April 19, 2023 and May 2, 2023 the University requested an extension until May 9, 2023 to complete the review of the records for responsiveness and completion of the index.

Your OPRA Request sought access to the following:

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

Records requested:

All emails and attachments from 2020 through today regarding the MLK study done for the NJ HPO, and or Patrick Duff, from following employees.

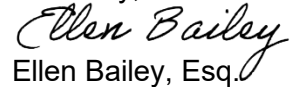
**Paul Schopp
Michelle McDonald
Harvey Kesselman
John O'Hara
Tom Kinsella
Cynthia Frazier**

This response is being timely provided and transmitted to you via email at **opra+request-41608-6fb23431@requests.opramachine.com**, as per your request. As applicable, the attached index identifies the records produced, redacted and/or denied, in whole or in part, as well as the legal basis for subject action, as required by N.J.S.A. 47:1A-6. A list of OPRA's exemptions is included with this response.

If your request for access to a government record has been denied, you have a right to challenge the decision to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council ("GRC") by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone (866-850-0511); by mail (P.O. Box 819, Trenton, NJ, 08625); by e-mail (grc@dca.state.nj.us); or, at its website (www.state.nj.us/grc). The GRC can also answer other questions about OPRA. All

questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County

Sincerely,

A handwritten signature in cursive script that reads "Ellen Bailey".

Ellen Bailey, Esq.

On behalf of the OPRA Custodian

Tel. 609.652.4874

OPRArequest@stockton.edu

www.stockton.edu

INDEX - OPRA Request No. 041023-1 DUFF

<u>Records Requested</u> – Your records request sought access to the following:	Responses and/or documents responsive to Request under OPRA and/or Common Law:	Bates Stamped #s of redacted pages	Justification for Redactions/Exemptions (Refer to LEGEND and EXEMPTIONS attachments) (see Responses column for common law justifications)
This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message. Records requested: All emails and attachments from 2020 through today regarding the MLK study done for the NJ HPO, and or Patrick Duff, from following employees. Paul Schopp Michelle McDonald Harvey Kesselman John O'Hara Tom Kinsella Cynthia Frazier	Response to request for “All emails and attachments from 2020 through today [i.e., April 10, 2023] regarding the MLK study done for the NJ HPO, and or Patrick Duff, from following employees. . . . Paul Schopp”:	001, 002, 003, 011, 022, 023, 025, 027, 045, 046, 050, 051, 052, 054, 055	Exempt pursuant to <u>N.J.S.A. 47:1A-1.1</u> –inter or intra agency advisory, consultative or deliberative process.
	Your request, as drafted, is vague and unclear. To perform a search on the University email system, specific search terms are required. The University made a good faith effort to determine a reasonable compromise, and without waiver of all applicable objections, your records request was interpreted as a request for records with the search terms “MLK Study” and or “Patrick Duff”. See attached records bates-stamped OPRA Request No. 041023-1 DUFF 012, 046-049, 050, 058.	011, 012, 013, 014, 019, 020, 047, 052, 056	Exempt pursuant to <u>N.J.S.A. 47:1A-1</u> – Personal email addresses and telephone numbers redacted to protect citizens’ reasonable expectation of privacy.
	Response to request for “All emails and attachments from 2020 through today [i.e., April 10, 2023] regarding the MLK study done for the NJ HPO, and or Patrick Duff, from following employees. . . . Michelle McDonald”: Your request, as drafted, is vague and unclear. To perform a search on the University email system, specific search terms are required. The University made a good faith effort to determine a reasonable compromise, and without waiver of all applicable objections, your records request was interpreted as a request for records with the search terms “MLK Study” and or “Patrick	013, 018, 019, 020, 021, 058	Exempt pursuant to <u>N.J.S.A. 47:1A-1</u> – The bodies of the email chain contain personal communications and are therefore not government records. <u>Lewen v Robbinsville Pub School Dist.</u>, GRC Complaint No. 2008-211 (February 2011). In addition, the redacted material is not responsive to the search terms.

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	Duff". See attached records bates-stamped OPRA 041023-1 DUFF 001, 003, 011, 013, 045-046.	001, 003, 011, 013, 045-046,	Exempt pursuant to <u>N.J.S.A. 47:1A-1(10)</u> – administrative or technical information regarding computer hardware, software and networks which, if disclosed would jeopardize computer security.
	Response to request for "All emails and attachments from 2020 through today [i.e., April 10, 2023] regarding the MLK study done for the NJ HPO, and or Patrick Duff, from following employees. . . . Harvey Kesselman": Your request, as drafted, is vague and unclear. To perform a search on the University email system, specific search terms are required. The University made a good faith effort to determine a reasonable compromise, and without waiver of all applicable objections, your records request was interpreted as a request for records with the search terms "MLK Study" and or "Patrick Duff". See attached records bates-stamped OPRA 041023-1 DUFF 006-010, 061.	06-010, 061	See redactions explanation previously provided for identified page numbers, if any.
	Response to request for "All emails and attachments from 2020 through today [i.e., April 10, 2023] regarding the MLK study done for the NJ HPO, and or Patrick Duff, from following employees. . . . John O'Hara": Your request, as drafted, is vague and unclear. To perform a search on the University email system, specific search terms are required. The University made a good faith effort to determine a reasonable compromise, and without waiver of all applicable objections, your records request was interpreted as a request	014, 022, 023, 024, 025, 026, 027, 029, 031-034, 036, 037, 038, 039, 040-041, 042-044, 045, 050	See redactions explanations provided above for previously identified page numbers, if any.

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	Response to request for “All emails and attachments from 2020 through today [i.e., April 10, 2023] regarding the MLK study done for the NJ HPO, and or Patrick Duff, from following employees. . . . Tom Kinsella”: Your request, as drafted, is vague and unclear. To perform a search on the University email system, specific search terms are required. The University made a good faith effort to determine a reasonable compromise, and without waiver of all applicable objections, your records request was interpreted as a request for records with the search terms “MLK Study” and or “Patrick Duff”. See attached records bates-stamped OPRA 041023-1 DUFF 002, 003, 018, 050, 054, 058.	002, 003, 018, 050, 054, 058	See redactions explanations provided above for previously identified page numbers, if any.
	Response to request for “All emails and attachments from 2020 through today [i.e., April 10, 2023] regarding the MLK study done for the NJ HPO, and or Patrick Duff, from following employees. . . . Cynthia Frazier”: Your request, as drafted, is vague and unclear. To perform a search on the University email system, specific search terms are required. The University made a good faith effort to determine a reasonable compromise, and without waiver of all applicable objections, your records request was interpreted as a request for records with the search terms “MLK Study” and or “Patrick Duff”. See attached records bates-stamped OPRA 041023-1 DUFF 004-005.	N/A	See redactions explanations provided above for previously identified page numbers, if any.

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	<i>Response to request for “records under the common law”: Your records request is invalid under the common law as it does not identify any common law interest in the materials. “Under the common law rule, a citizen is entitled to inspect public documents provided he or she “shows the requisite interest” in them. <u>Piniero v. New Jersey Div. of State Police</u>, 404 N.J. Super. 194, 205–06, 961 A.2d 1, 7 (App. Div. 2008) (internal citation omitted). Your failure to identify an interest in the requested material precludes the University from performing the required balancing of interests under the common law right-of-access principles.</i>	N/A	N/A

Sent: 1/1/2020 6:46:26 PM
From: McDonald, Michelle <Michelle.McDonald@stockton.edu>
To: Kinsella "Thomas"
Cc:
Bcc:
Importance: Normal
Subject: Re: Paul Schopp?

Hi Tom;

Thanks for passing along. Paul, John and I have received at least half a dozen emails from Duff recently. [REDACTED]

Best,
Michelle

Sent from Michelle McDonald's iPhone.

On Jan 1, 2020, at 3:37 PM, Kinsella, Thomas <Thomas.Kinsella@stockton.edu> wrote:

FYI,
I have made no reply to the email below, but thought to send it along to you,
To Kinsella
Get [Outlook for iOS](#)
From: Patrick Duff <101etm@gmail.com>
Sent: Wednesday, January 1, 2020 3:35 PM
To: Kinsella, Thomas
Subject: Paul Schopp?

*** **External email alert** ***

Hello Tom,
Why was Paul Schopp chosen to work on the mlk study? He had some pretty serious biases, including attempting to contact reporters and squash the story.
Get ready for some heavy media coming your way this MLK day.
Patrick Duff

Sent: 1/1/2020 3:37:33 PM
From: Kinsella, Thomas <Thomas.Kinsel@ >
To: McDonald "Michelle"
Cc:
Bcc:
Importance: Normal
Subject: Fwd: Paul Schopp?

FYI,

I have made no reply to the email below, but thought to send it along to you,

To Kinsella

Get [Outlook for iOS](#)

From: Patrick Duff <101etm@gmail.com>

Sent: Wednesday, January 1, 2020 3:35 PM

To: Kinsella, Thomas

Subject: Paul Schopp?

***** External email alert *****

Hello Tom,

Why was Paul Schopp chosen to work on the mlk study? He had some pretty serious biases, including attempting to contact reporters and squash the story.

Get ready for some heavy media coming your way this MLK day.

Patrick Duff

Sent: 1/1/2020 7:25:24 PM
From: Kinsella, Thomas <Thomas.Kinsella@stockton.edu>
To: McDonald "Michelle"
Cc:
Bcc:
Importance: Normal
Subject: Re: Paul Schopp?

[REDACTED] Thank you.

Happy new year. See you soon.

Tom Kinsella

From: McDonald, Michelle <Michelle.McDonald@stockton.edu>

Sent: Wednesday, January 1, 2020 6:46 PM

To: Kinsella, Thomas <Thomas.Kinsella@stockton.edu>

Subject: Re: Paul Schopp?

Hi Tom;

Thanks for passing along. Paul, John and I have received at least half a dozen emails from Duff recently. [REDACTED]

Best,
Michelle

Sent from Michelle McDonald's iPhone.

On Jan 1, 2020, at 3:37 PM, Kinsella, Thomas <Thomas.Kinsella@stockton.edu> wrote:

FYI,

I have made no reply to the email below, but thought to send it along to you,

To Kinsella

Get [Outlook for iOS](#)

From: Patrick Duff <101etm@gmail.com>

Sent: Wednesday, January 1, 2020 3:35 PM

To: Kinsella, Thomas

Subject: Paul Schopp?

*** External email alert ***

Hello Tom,

Why was Paul Schopp chosen to work on the mlk study? He had some pretty serious biases, including attempting to contact reporters and squash the story.

Get ready for some heavy media coming your way this MLK day.

Patrick Duff

Sent: 1/8/2020 9:03:25 AM
From: Frazier, Cynthia H. <Cynth[REDACTED]@[REDACTED]>
To: "OPRArequest"
Cc:
Bcc:
Importance: Normal
Subject: FW: OPRA request - Email communications to and from the following employees with the following queries.

-----Original Message-----

From: Patrick Duff [mailto:opra+request-8986-92ae3866@requests.opramachine.com]
Sent: Wednesday, January 08, 2020 9:02 AM
To: Frazier, Cynthia H.
Subject: OPRA request - Email communications to and from the following employees with the following queries.

Dear Stockton University,

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

Records requested:

Email communications to and from the following employees with the following queries from December 1st 2017 though January 8th 2020.

Employee:

John O'Hare
Paul Schopp
Sharron Musher
Michelle McDonald
Tom Kinsella
Harvey Kesselman
Brian Kowalski
Ellen D. Bailey
Brittany Medio

Queries:

"Patrick Duff"
"Mr Duff"
"753 Walnut"
"MLK House"
"Martin Luther King"

"MLK"
"Maple Shade"
"Camden"

Yours faithfully,

Patrick Duff

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:
opra+request-8986-92ae3866@requests.opramachine.com

Is Cynthia.Frazier@stockton.edu the wrong address for OPRA requests to Stockton University? If so, please contact us using this form:
https://opramachine.com/change_request/new?body=stockton_university

Disclaimer: This message and any reply that you make will be published on the internet.
Our privacy and copyright policies:
<https://opramachine.com/help/officers>

View this OPRA request & responses online:
https://opramachine.com/request/email_communications_to_and_from_2

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

Sent: 1/20/2020 5:55:48 AM
From: Kesselman, Harvey <Harvey.Kessel@
To: McDonald "Michelle"
Cc:
Bcc:
Importance: Normal
Subject: FYI
Attachments [NJ Officials Insult Dr. Martin Luther King Jr. 1,771 Ways - ThisCan't Be Happening!.pdf](#)
:

Good morning Michelle,

In case this one surfaces...

Best regards,

Harvey Kesselman
President
Stockton University



THIS CAN'T BE HAPPENING!

'...a major destabilizing influence'



The only news organization in the US to be labeled a threat by the Department of Homeland Security

NJ Officials Insult Dr. Martin Luther King Jr. 1,771 Ways

JANUARY 19, 2020 BY LINN WASHINGTON

Ask 100 New Jersey residents who is Dr. Martin Luther King Jr. and more than 90 will quickly reply, a civil rights leader.

Ask 100 New Jersey resident who is Peter McGuire and more than 90 will quickly reply, Peter who?

King and McGuire both made historic accomplishments. Both the Atlanta born King and the New York City born McGuire have connections to New Jersey. However, historic preservation authorities in New Jersey have treated King and McGuire as differently as black and white.

Peter J. McGuire is the late-1800s U.S. labor leader who many cite as the founder of Labor Day.

King, of course, is the iconic activist whose lauded influences extend beyond the United States. One example of King's global impact is the statute of King among the ten 20th-century religious figures whose importance produced their statue placement over the main door of London's majestic Westminster Abbey.

King and McGuire both have connections to the city of Camden, New Jersey.

McGuire spent the last years of his life in Camden. His grave is in Pennsauken, the small town located next to Camden. McGuire's accomplishments include founding the national carpenter's union, advocating for the eight-hour workday and co-founding the American Federation of Labor (AFL).

King plotted his first protest against racism in June 1950 at a house in Camden where he stayed occasionally with his close friend and fellow seminary student who lived at that house owned by his relatives.

A frequently overlooked fact about King is the birthplace of his society-changing activism was not Montgomery, Alabama where King's leadership of the legendary Montgomery Bus Boycott catapulted King to national prominence.

King's first protest took place in the Maple Shade, NJ, a small town located six miles from Camden and adjacent to Pennsauken. That first protest, at a café where the white owner forced King and his three companions from the premises with a gun, produced the first lawsuit King filed against discrimination.

On January 17, 2018 authorities with New Jersey's Historic Preservation Office (HPO) placed Peter McGuire's Memorial and Gravesite in Pennsauken on the state's Historic Register. That 2018 HPO action occurred 194-days after receipt of an application for McGuire's registry placement.

Unlike McGuire's placement on NJ's Historic Register, HPO authorities have failed to approve or reject an application for registry placement of the house in Camden where King plotted his first protest. That application for placement of 753 Walnut Street in Camden, filed in March 2015, has languished in HPO for 1,771-days as of the January 20, 2020 King National Holiday.

HPO's delay-fraught review of the registry application for King has lasted nearly five times longer than the 381-day-long Montgomery Bus Boycott.

In 2016 the HPO – where the decision makers are all white – rebuffed requests to place 753 on its Registry from Camden's Mayor, its Congressman and a Resolution calling for placement approved unanimously by the entire NJ State Legislature.

Ignoring these requests, the HPO embarked on a truly unprecedented action when it commissioned a \$20,000 study to determine the historic validity of King's presence at the 753 house. The HPO never required a formal study for any of the other 51,000-plus items then on NJ's Historic Registry inclusive of nearly 100 Registry listings in the city of Camden.

That study conducted by an all-white research team from Stockton University concluded that King did not officially 'live' at 753 Walnut Street – a point not in dispute. King, the persons who lived in 753 who confirmed King's plotting of that protest there plus award-winning biographers of King all stated King only 'stayed' at 753. King listed 753 as his address on a police report about the Maple Shade protest.

The professed expert on African American history in Camden County retained by the Stockton U. team had declared in a 2012 newspaper article that King "never set foot in Camden." That historically inaccurate declaration should have disqualified that person from the Stockton study team.

That Stockton study reached a truly startling conclusion.

The study declared that King's Maple Shade protest and his subsequent lawsuit were not pivotal in the development of King's activism. That conclusion contradicts King's own statements that cited the Maple Shade incident as an impetus for his activism.

That conclusion whites-out the historical significance of King's first protest and his first lawsuit.

Incredibly, both HPO and the Stockton team discount support King obtain in 1950 from two noted NJ civil rights luminaries: then state NAACP president Dr. Ulysses Wiggins and NAACP attorney Robert Burke Johnson. Wiggins went to King's aid the night of the Maple Shade protest. Johnson filed the lawsuit for King. (Wiggins and Johnson both lived in Camden in 1950.)

In another incredibly stance, HPO did not commission a study on the McGuire placement application despite vigorous dispute over whether Peter McGuire or New Jersey native Matthew McGuire actually founded Labor Day. The U.S. Department of Labor and the New Jersey Historical Society cite Matthew McGuire as the founder of Labor Day.

An HPO spokesman recently stated that the "significance of the Peter J. McGuire Memorial and Gravesite is not based upon the founding of Labor Day but rather on McGuire's contributions to the labor movement."

That rationale for approving registry placement for McGuire yet thus far denying placement for King seemingly indicates HPO does not consider King's 'contributions' to the civil rights movement worthwhile – a posture that is both inaccurate and insulting.

That HPO spokesman said the office is still "preparing a response" to the King registry application and HPO will provide "a response once it has been issued." That spokesman said there is no "timeline" on when the application for 753 will be approved or rejected.

New Jersey researcher Patrick Duff, who filed that 2015 application for recognition of 753 Walnut Street, said, "African-American history doesn't seem important to certain people."

The unusual HPO registry recognition process for 753 that began under New Jersey Governor Chris Christie, a Republican, has continued under current NJ Governor Phil Murphy, a Democrat.

Gov. Murphy and NJ Lt. Gov. Sheila Oliver (an African American) refer requests for comment about HPO actions/inactions to HPO. The Stockton study team refers requests for comment to their university's spokespersons who refer inquiries to HPO.

Officials in the city of Birmingham, Alabama recently approved a resolution to preserve the jail cell where Dr. King spent his last period of incarceration, five months prior to his assassination in April 1968.

New Jersey state government authorities have yet to provide any official historic recognition to the site of King's first protest and subsequent first lawsuit.

 **UNCATEGORIZED**

Sent: 2/16/2020 11:32:46 AM
From: McDonald, Michelle <Michelle.McDxxxxx@xxxxxxxxx.xxL>
To: Marcopul "Kate"
Cc:
Bcc:
Importance: Normal
Subject: Fw: MLK house in Camden

Dear Kate:

I hope you're well.

Patrick Duff has not contacted anyone at Stockton directly (beyond these group emails, of course). [REDACTED]

Best,
Michelle
Michelle Craig McDonald
Interim Provost and Vice President for Academic Affairs
Stockton University
101 Vera King Farris Drive
Galloway, NJ 08205
(609) 652-4515
michelle.mcdona@ [REDACTED]



From: Patrick Duff <101etm@gmail.com>
Sent: Sunday, February 16, 2020 10:47 AM
To: Green, Derrick <Derrick.Green@nj.gov>; Marcopul, Kate <Kate.Marcopul@dep.nj.gov>; Bob.craig@dep.nj.gov <Bob.craig@dep.nj.gov>; Commissioner@dep.nj.gov <Commissioner@dep.nj.gov>; Andrea Tingey <Andrea.Tingey@dep.nj.gov>; O'Hara, John <John.O'Hara@stockton.edu>; Paul W. Schopp < [REDACTED] >
McDonald, Michelle <Michelle.McDonald@stockton.edu>; Greenwald, Asm. D.O. <asmgreenwald@njleg.org>
Subject: Fwd: MLK house in Camden

*** External email alert ***

Dear NJ Officials,

I am writing you to make you fully aware of this email from 2015 that was sent by the main researcher on NJDEP's study into MLK's time in the NJ area. The study, along with your recent decision to deny the application to place the property on the NJ Registry, found that the incident that took place to Dr. King in Maple Shade was not historically significant. The major problem is that in this email exchange the main researcher claimed he tried to save it himself but the bulldozers won out. How can a person who claims he was well aware of what the building in Maple Shade meant to MLK's career as a civil rights activist go from getting ready to stand in front of bulldozers to 2 years later claiming the same incident is historically insignificant? This is intellectual dishonesty at the highest level.

Mr. Schopp, can you explain yourself as to how you can have two completely different opinions on the same incident?

A national news program contacted me about this story and it looks like they will be doing an expose on this entire situation.

OPRA Request No. 041023-1 DUFF

Patrick Duff

----- Forwarded message -----

From: **Paul W. Schopp** <[REDACTED]>
Date: Thu, Jan 29, 2015 at 4:48 PM
Subject: RE: MLK house in Camden
To: Patrick Duff <101etm@gmail.com>

Patrick:

Thanks for contacting me about your MLK work. I should tell you that when I found out NJDOT intended to demolish the old tavern on Camden Avenue, I made an 11th hour effort to save it, but the bulldozers won out. I was well aware of what that building meant to MLK's career as an activist for civil rights.

Regarding the house in Camden, I remain a bit of a skeptic. I had viewed the police report and the Nichols statement a couple of years ago and noted that the crossed-out address for MLK was the same as McCall's address. I have heard the stories from the Hunts that he lived at 753 while attending Crozier Seminary, but I have also heard they recanted the accounts of MLK's days in Camden. I have extensive experience working on black history in southern New Jersey, but as a documentary historian, I have learned that I cannot rely solely on the oral traditions of people, which is more often than not incorrect. What I have suggested to several people now concerning MLK and 753 Walnut is to contact the newly minted Congressman, Donald Norcross, and work with his staff to have the United States Census Bureau research the address in the 1950 federal decennial census population schedules for Camden. This story is too important not to dot all the I's and cross all the t's. The event at the tavern and the 1950 enumeration should coincide and it would be vitally important to find documentation to back up the story. The 1950 census will not be released for public access for another seven years, but the census bureau will conduct limited research if a compelling reason arises—and MLK's presence in the city is very compelling, in my opinion.

If there is anything I can do to assist in your documentation effort, please let me know.

Best regards,
Paul

From: Patrick Duff [mailto:101etm@gmail.com]
Sent: Thursday, January 29, 2015 3:02 PM
To: [REDACTED]
Subject: MLK house in Camden

Hello Paul, my name is Patrick Duff and I am the one who has been doing the investigation on the house that King once lived in at 753 Walnut in Camden. I wanted to let you know that I have spoken with the owner of the home and have her testimony that King once lived there. She also had a copy of a very old Courier Post, with an article written by Eileen Stillwell, called "Camden Man Housed Activist". I see that you may have some questions about the information and wanted to make sure you had an open line of communication with me.

Regards,
Patrick Duff

Sent: 2/29/2020 7:39:43 AM
From: McDonald, Michelle <Michelle.McDo@nj.gov>
To: "Christopher Paladino"
Cc:
Bcc:
Importance: Normal
Subject: Fwd: Thanks for the doubt...

[REDACTED]

Best,
Michelle

Sent from Michelle McDonald's iPhone.

Begin forwarded message:

From: Patrick Duff <101etm@gmail.com>
Date: February 28, 2020 at 11:07:43 PM EST
To: "Marcopul, Kate" <Kate.Marcopul@dep.nj.gov>, "Bob.crai@nj.gov" <Bob.craig@dep.nj.gov>, Andrea Tingey <Andrea.Tin@nj.gov>, "Commissioner@dep.nj.gov" <Commissioner@dep.nj.gov>, "O'Hara, John" <John.O'Hara@stockton.edu>, "McDonald, Michelle" <Michelle.McDonald@nj.gov>, "Paul W. Schopp" <[REDACTED]>, "Green, Derrick" <Derrick.Green@njleg.org>, "Greenwald, Asm. D.O." <asmgreenwald@njleg.org>
Subject: Thanks for the doubt...

*** External email alert ***

Dear NJDEP Officials,
Your Attempt to permanently defame my work has officially failed. I have identified something that is irrefutable and changes the history of MLK in the area. Here is a question I ask of you historical professionals... When and where did Dr. King learn about Gandhi from Mordecai Johnson?

Sent: 1/22/2021 12:50:05 PM
From: O'Hara, John <John.O'Haxx@xxxxxxxxx.xxx>
To: Clapp "Stacey"
Cc:
Bcc:
Importance: Normal
Subject: FW: My Book release is next month.
Attachments: [image002.jpg](#)

Hi Stacey: FYI, here is one of two emails from Patrick Duff written after July 2020 falsely claiming "payoffs" were made, mischaracterizing the research team's findings, accusing us of racism, and insulting us.

Best,

John

From: Patrick Duff <101etm@gmail.com>
Sent: Tuesday, September 22, 2020 9:12 PM
To: Bob.craig@dep.nj.gov; Marcopul, Kate <Kate.Marcopul@dep.nj.gov>; Andrea Tingey <Andrea.Tingey@dep.nj.gov>; McDonald, Michelle <Michelle.McDonald@stockton.edu>; O'Hara, John <John.O'Hara@stockton.edu>; Paul W. Schopp <[REDACTED]>; McVarish, Doug <Doug.McVarish@dep.nj.gov>; catherine.mccabe@nj.dep.gov; Green, Derrick <Derrick.Green@nj.gov>; Madden, Rowena <rowena.madden@sos.nj.gov>; Hawkins, Eldridge <Eldridge.Hawkins@sos.nj.gov>; Cruz, Mary <mary.cruz@mail.house.gov>
Subject: My Book release is next month.

EXTERNAL EMAIL ALERT: The sender is not using a Stockton email address. Please use caution.

This book will be available in November and it will be revealing the true origins of Dr Martin Luther King Jr's civil rights career and the truth about how he found nonviolence. For decades historians have only been able to guess about the date and time the speech Dr King heard by Dr Mordecai Johnson, and they have been wrong about where it happened.

Learn about the figures who helped him navigate his very first planned civil rights protest and sit in, which didn't happen in the deep south, rather South Jersey.

The ugly discrimination he faced in 1950 in NJ by a racist restaurant owner, has only been compounded by the racist NJ Government officials (that's you) who attempted to do a modern day lynching on the legacy of Dr King by hiring a group of professors from Stockton University who, after some payoffs, found the first civil rights incident and court battle of Martin Luther King Jr was not historically significant, hence, the title.

If you are receiving this email that means you are in the book and since I have not gone to print yet, I wanted to give you a chance to explain why you failed so miserably at your jobs. If you have any comments you'd like to make to help explain why you acted in the way you did, now is your chance to make them.

Best,

Patrick Duff

AKA by the Stockton hit team as the self avowed historian.

SIGNIFICANT!

THE ORIGINS OF AN AMERICAN KING

by patrick duff

SIGNIFICANT!

THE ORIGINS OF AN AMERICAN KING



OPRA Request No. 041023-1 DUFF

by **patrick duff**

Sent: 1/30/2021 12:29:29 PM
From: Kinsella, Thomas <Thomas.Kinsella@stockton.edu>
To: "William Sprouse"
Cc: "PAUL"
Bcc:
Importance: Normal
Subject: Walking, Social Media and other stuff

Bill,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Please don't add or open up the site before our meeting on Tuesday. Paul and I have to discuss Patrick Duff with you.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: William Sprouse [REDACTED]
Date: Saturday, January 30, 2021 at 9:19 AM
To: Kinsella, Thomas <Thomas.Kinsella@stockton.edu>
Subject: Re: Administrative details of Bill's position

EXTERNAL EMAIL ALERT: The sender is not using a Stockton email address. Please use caution.

Tom,

[REDACTED]

[REDACTED]

Thanks again,
Bill

On Thu, Jan 28, 2021 at 2:41 PM Kinsella, Thomas
<Thomas.Kinsella@stockton.edu> wrote:

>

> Bill,

>

>

>

>

[REDACTED]

>

>

>

[REDACTED]

>

>

>

> Tom

>

>

>

>

>

>

>

>

> From: William Sprouse <[REDACTED]>
> Date: Thursday, January 28, 2021 at 1:55 PM
> To: Kinsella, Thomas <Thomas.Kinsella@stockton.edu>
> Subject: Re: Administrative details of Bill's position

>
> EXTERNAL EMAIL ALERT: The sender is not using a Stockton email address. Please use caution.
>
>
> Tom,
>
> [REDACTED]
> [REDACTED]
>
>
> On Thu, Jan 28, 2021 at 10:01 AM Kinsella, Thomas
> <Thomas.Kinsella@stockton.edu> wrote:
>>
>> Bill,
>>
>>
>>
>>
> [REDACTED]
> [REDACTED]
>>
>>
>>
>> [REDACTED]
>>
>>
>>
>> Thanks,
>>
>>
>>
>> Tom
>>
>>
>>
>> [REDACTED]
>>
>>
>>
>> From: William Sprouse <[REDACTED]>
>> Date: Thursday, January 28, 2021 at 8:49 AM
>> To: Kinsella, Thomas <Thomas.Kinsella@stockton.edu>
>> Cc: PAUL <[REDACTED]>
>> Subject: Re: Administrative details of Bill's position
>>
>> EXTERNAL EMAIL ALERT: The sender is not using a Stockton email address. Please use caution.
>>
>> [REDACTED]
>> [REDACTED]
>>
>> [REDACTED]
>> [REDACTED]
>>
>> On Wed, Jan 27, 2021 at 4:50 PM Kinsella, Thomas
>> <Thomas.Kinsella@stockton.edu> wrote:

>>>

>>> Hello Bill and Paul,

>>>

>>>

>>>

>>> [REDACTED]

>>>

>>>

>>>

>>> [REDACTED]

[REDACTED]

>>>

>>>

>>>

>>>

>>> Hang in there,

>>>

>>>

>>>

>>> Tom

>>>

>>>

>>>

>>>

>>> _____

>>>

>>> stockton.edu/stories/

>>>

>>> stockton.edu/alliance-heritage/

>>>

>>> stockton.edu/sjchc/

>>>

>>> _____

>>>

>>> Thomas Kinsella

>>>

>>> Professor of Literature

>>>

>>> Elizabeth and Samuel Levin Director, Alliance Heritage Center

>>>

>>> Director, South Jersey Culture & History Center

>>>

>>> Stockton University

>>>

>>>

>>>

>>>

3/24/2021 7:56:46 PM

From: O'Hara, John <John.O'Hara@

To: Clapp "Stacey"

Cc:

Bcc:

Importance: Normal

Subject: Paul Lyons Lecture Trolling by Patrick Duff

moreover disturbing. [REDACTED]

Best,

John

Sent: 3/24/2021 9:14:26 PM
From: O'Hara, John <John.O'Ha@□□
To: Gregg "Robert"
Cc:
Bcc:
Importance: Normal
Subject: Re: Nicely done

We know who he is. He has a lawsuit against the U, he's harassed me, Michelle and Paul Schopp for a couple years now ... he misquotes our study, slanders us (especially Paul) and more. Would be glad to talk about it. He also runs OPRA requests on our emails periodically so he'll probably get this one too.

Sent from my iPhone

On Mar 24, 2021, at 8:09 PM, Gregg, Robert <Robert.Gregg@□□ wrote:

Have you had this Duff fellow at other events? Do we think he is a student?

From: "O'Hara, John" <John.O'Hara@stockton.edu>
Date: Wednesday, March 24, 2021 at 7:59 PM
To: Robert Gregg <Robert.Gregg@stockton.edu>
Subject: RE: Nicely done

Thanks, Rob . . . appreciated the info you sent earlier. That guy Patrick Duff was trolling the event and posting off topic questions (about the study he disputes and misquotes). Distracting but moreover disturbing. [REDACTED]

[REDACTED]

[REDACTED]

John

From: Gregg, Robert <Robert.Gregg@stockton.edu>
Sent: Wednesday, March 24, 2021 6:07 PM
To: O'Hara, John <John.O'Hara@stockton.edu>
Subject: Nicely done

Excellent introduction! Smart and interesting and respectful.

Thanks.

Rob

Robert Gregg

Dean, The School of General Studies
Stockton University

Sent: 3/24/2021 7:59:51 PM
From: O'Hara, John <John.O'Ha@□□
To: Gregg "Robert"
Cc:
Bcc:
Importance: Normal
Subject: RE: Nicely done

Thanks, Rob . . . appreciated the info you sent earlier. That guy Patrick Duff was trolling the event and posting off topic questions (about the study he disputes and misquotes). Distracting but moreover disturbing. [REDACTED]
[REDACTED]
[REDACTED]

John

From: Gregg, Robert <Robert.Gregg@stockton.edu>
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To: O'Hara, John <John.O'Hara@stockton.edu>
Subject: Nicely done

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Thanks.

Rob

Robert Gregg
Dean, The School of General Studies
Stockton University

Sent: 3/24/2021 9:11:07 PM
From: O'Hara, John <John.O'Haxx@xxxxxxxxx.xxx>
To: "Patrick Duff" <101etm@gmail.com>
Cc: "Linn Washington"
Bcc:
Importance: Normal
Subject: Re: Why are you lying?

The tone of your email and your insults and harassment is why I don't respond to you, never mind misquoting the report ("minimal historic important") as you did tonight (while intruding off topic issue at a lecture about disability studies), and as you have in other venues. In short, I don't trust you.

Sent from my iPhone

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>
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>
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>
> BTW: This news piece went National this morning:
>
> <https://www.youtube.com/watch?v=Eq-Urmca3AM>
>
> Sincerely,
> Patrick Duff

Sent: 3/25/2021 2:43:52 PM
From: O'Hara, John <John.O'Ha@□□
To: Gregg "Robert"
Cc:
Bcc:
Importance: Normal
Subject: Re: Nicely done

Thanks Rob — [REDACTED]
[REDACTED] Appreciate the help!

John

Sent from my iPhone

On Mar 25, 2021, at 7:29 AM, Gregg, Robert <Robert.Gregg@□□ wrote:

Restraining order? Just reread what you wrote before – now I understand it.

From: "O'Hara, John" <John.O'Hara@stockton.edu>
Date: Wednesday, March 24, 2021 at 9:14 PM
To: Robert Gregg <Robert.Gregg@stockton.edu>
Subject: Re: Nicely done

We know who he is. He has a lawsuit against the U, he's harassed me, Michelle and Paul Schopp for a couple years now ... he misquotes our study, slanders us (especially Paul) and more. Would be glad to talk about it. He also runs OPRA requests on our emails periodically so he'll probably get this one too.

Sent from my iPhone

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Date: Wednesday, March 24, 2021 at 7:59 PM
To: Robert Gregg <Robert.Gregg@stockton.edu>
Subject: RE: Nicely done

Thanks, Rob . . . appreciated the info you sent earlier. That guy Patrick Duff was trolling the event and posting off topic questions (about the study he disputes and misquotes). Distracting but moreover disturbing. [REDACTED]
[REDACTED]

Anyway . . . felt like a good event, well-attended with 90 participants.

John

From: Gregg, Robert <Robert.Gregg@stockton.edu>

Sent: Wednesday, March 24, 2021 6:07 PM

To: O'Hara, John <John.O'Hara@stockton.edu>

Subject: Nicely done

Excellent introduction! Smart and interesting and respectful.

Thanks.

Rob

Robert Gregg
Dean, The School of General Studies
Stockton University

Sent: 3/25/2021 1:52:02 PM
From: O'Hara, John <John.O'Ha@
To: "Patrick Duff" <101etm@gmail.com>
Cc: "Linn Washington"
Bcc:
Importance: Normal
Subject: RE: Why are you lying?

Hit team? Hand in the cookie jar? More name calling and baseless accusation.

The subject you used here is "Why are you lying?" This, after you disrupted an unrelated event at Stockton and used it as a platform to repeat the false claim that our report referred to Mary's Place as having "minimal historic import." Neither the final draft nor any previous draft contained those words, as you know. Yet you have quoted and attributed these words to our report in many venues, including the national broadcast you just sent. I don't name-call, but I take umbrage at being accused of something you could just as easily be accused of on the very same grounds.

This kind of conversation invites more back-and-forth, more vitriol. I haven't communicated with you because I find that disturbing. When I debate people, I assume mutual respect and good intentions. Mudslinging, paranoia, vile accusation, self-serving distortions, half-veiled threats . . . that's not debate.

As to the interview with Mrs. Hunt, no one called you a "con man." Those are your words. We say the opposite in the report: we call you "well-intentioned." There was interview evidence before us and we evaluated the quality of the evidence based on the line of questioning, it's that simple.

Sincerely,

John

From: Patrick Duff <101etm@gmail.com>
Sent: Thursday, March 25, 2021 7:33 AM
To: O'Hara, John <John.O'Hara@stockton.edu>
Cc: Linn Washington <lwashing@temple.edu>
Subject: Re: Why are you lying?

EXTERNAL EMAIL ALERT: The sender is not using a Stockton email address. Please use caution.

You don't trust me? That's rich. You were a part of a academic hit team that got caught with your hand in the cookie jar and now you want to cry foul on me???

John, you defamed myself and work with your paper that you nor your University will stand behind. In your report you allude to the fact that I tempted Mrs. Hunt with financial gifts so she would embellish her story more.

"The focus of the interview then shifts to the property itself, when Duff suggests that historic significance might help alleviate the interviewee's current financial difficulties"

What are you calling me here, John? This looks like you are calling me a con man, would you agree?

I have taken it easy on you up till now, but that is about to seriously change. I have inquired about renting a theater at Stockton to haul you and your team in for a debate in front of students and whoever wants to zoom in. What do you think?

As to the "minimal historic import" quote, you are correct, I could not find it in the second version of the report that you had to change after I corrected your team on Dropbox and also secured the interview that you lazy researchers were paid to get. You had over a year to get her interview that your team failed to get that took me less than 24 hours to acquire.

So what do you say, John? Is the team ready to debate your findings on stage? I am.

Patrick Duff
609-314-9413

On Wed, Mar 24, 2021, 9:11 PM O'Hara, John <John.O'Hara@stockton.edu> wrote:

The tone of your email and your insults and harassment is why I don't respond to you, never mind misquoting the report ("minimal historic important") as you did tonight (while intruding off topic issue at a lecture about disability studies), and as you have in other venues. In short, I don't trust you.

Sent from my iPhone

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>

> BTW: This news piece went National this morning:

>

> <https://www.youtube.com/watch?v=Eq-Urmca3AM>

>

> Sincerely,

> Patrick Duff

Sent: 4/5/2021 6:29:11 PM
From: O'Hara, John <John.O'Ha@□□
To: "Patrick Duff" <101etm@gmail.com>
Cc: "Linn Washington"
Bcc:
Importance: Normal
Subject: RE: Why are you lying?

I assure you, you do not matter enough to me to make me angry. Bothered? Okay. Enough to reply here anyway, even though I vowed not to. Bothered at a.) your disruption of our event on disability studies (as if no one audience has interests or issues bigger than your own); and b.) you misrepresenting the facts there in the same breath as making accusations of others' lying. I think you're unwell.

Symptoms of Paranoia

The symptoms of paranoia can include:

- Being defensive, hostile, and aggressive
- Being easily offended
- Believing you are always right and having trouble relaxing or letting your guard down
- Not being able to compromise, forgive, or accept criticism
- Not being able to trust or confide in other people
- Reading hidden meanings into people's normal behaviors

I'm no clinician but check, check, check, check, check and double check, in my opinion.

I also don't think you understand libel.

Read the report. What it is "about" speaks for itself. You're fishing for lines so you can make more dishonest claims on your desperate "blog" and "news" interviews. Your calculus about what constitutes a "lie" is awful, illogical, and transparent (and doesn't apply to you!).

You misrepresented the facts at the Lyons lecture and elsewhere, you misrepresented much below, and you have mischaracterized people's motives and intentions for years. Your method is to sling shit in all directions and hope it sticks to someone. You didn't ask me anything about the RFP. You claimed the report said something about Mary's Place that it did not say. That makes you the liar.

Now goodbye Patrick. You might as well not respond, because I will not read any more communication from you.

From: Patrick Duff <101etm@gmail.com>
Sent: Monday, April 5, 2021 5:32 PM
To: O'Hara, John <John.O'Hara@stockton.edu>
Cc: Linn Washington <lwashing@temple.edu>
Subject: Re: Why are you lying?

EXTERNAL EMAIL ALERT: The sender is not using a Stockton email address. Please use caution.

Yes, you seem angry.

You made a public claim that the study did not include the event, but when presented with the facts from the RFP that prove you to be lying, you now are claiming that I have threatened you? Come on, answer why you claimed that the study was not focused on the event when I proved through the RFP that it was?

I take very seriously your claims that I have made threats towards you in anyway. That is also a lie. Please show me when and how I threatened you in anyway. When you cannot provide me with such threats I want you to apologize and retract your statements. I have never threatened you other than to a debate, which still stands.

I admitted that your study didn't use the words "minimal historic import", that was the DEP's conclusion based on your study. Don't you understand that? Your study is what they based that conclusion on. If you did not agree with their conclusion why haven't you come out and said so?

It is libelous to claim a person made threats when they have not. Again, please show me where I have ever made threats against you, John?

Regards,
Patrick

On Mon, Apr 5, 2021, 5:00 PM O'Hara, John <John.O'Hara@stockton.edu> wrote:

I seem angry? My polite and measured response to your vitriol leads you to say I seem angry?

That would be funny if you hadn't been sending me threatening letters for three years and causing me to wonder if I am being stalked by a deranged person. Then showing up at unrelated public event I hosted to make your own admitted false claims while at once calling me a liar?

Patrick, I don't want to be involved in talking to you, do you understand that? You have precluded any possibility of a conversation on these matters through your menacing behavior. I am off this case. You're still on it. Good for you. Good luck in your searches for further evidence that helps you attain your goals.

Please stop contacting me, and please stop disrupting public events where I appear.

John

From: Patrick Duff <101etm@gmail.com>
Sent: Monday, April 5, 2021 10:06 AM
To: O'Hara, John <John.O'Hara@stockton.edu>
Cc: Linn Washington <lwashing@temple.edu>
Subject: Re: Why are you lying?

EXTERNAL EMAIL ALERT: The sender is not using a Stockton email address.
Please use caution.

You seem angry..why?

Attached below is a section of the RFP that the DEP sent you and you responded to. It is very clear the questions that also sought to be answered in the RFP were about the event that took place to Dr. King in Maple Shade. In the Zoom chat you claimed "The study I worked on was not focused on the event but the question of residency at a specific address.", which is a bold faced lie. Let me help refresh your memory as to what the RFP said that was the basis of your study. None of the members of your team, which somehow you were the head of, has an expertise on African American History as set forth in the qualifications stated on page 1 of the RFP.

You falsely claimed your study was focused just on residency and not the event in Maple Shade, but again, that is just not true. On page 2 of the RFP under the section entitled "Research Questions", the second set of questions asks the following questions:

1. Did King engage in any significant activities during the periods of stay at 753 Walnut; can these be documented in detail? He was engaged in his first civil rights battle where he was assisted by the President of the NJ NAACP, Dr. Ulysses S. Wiggins and NJ's first African American Superior Court Judge, Robert Burke Johnson, who helped Martin Luther King file his first civil lawsuit against racial discrimination. Your "study" failed to even mention that these two local luminaries helped a young Martin Luther King the night of the incident and also in subsequent court appearances. It failed to mention the lawsuit filed by the NAACP on King's behalf. It failed to mention the fact that King asked his brother to postpone his wedding for 2 days just so King could be in court in Maple Shade. So, John, was this a significant activity? If so, why didn't your report say such? Why didn't you answer this question in your study? Do you believe it was a significant event in Dr. King's life or do you agree with the DEP's conclusion of "minimal historic import" that was based on your study?

2. Did King comment upon any such activities in any contemporary record that has survived? Yes, he did comment on the event, as did Walter McCall, yet your study said since there was no mention of Camden they were somehow excluded. The only problem for that is McCall did mention Camden in his interview and your team missed it, or intentionally omitted it. On page 2 of the interview he said he worked for 3 months in the Camden School District during the first semester King went to Crozer.

"The study I worked on was not focused on the event but the question of residency at a specific address."

Let's turn to page 3 of the RFP, John. 3 out of 5 paragraphs have to do specifically with the event you claimed that the study was not focused on, correct? Did you answer a different RFP the one made public in my OPRA request?

[RFP MLK proj.pdf](#)

Let me know why you are lying.

Patrick

On Thu, Mar 25, 2021, 1:52 PM O'Hara, John <John.O'Hara@stockton.edu> wrote:

Hit team? Hand in the cookie jar? More name calling and baseless accusation.

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OPRA Request No. 041023-1 DUFF

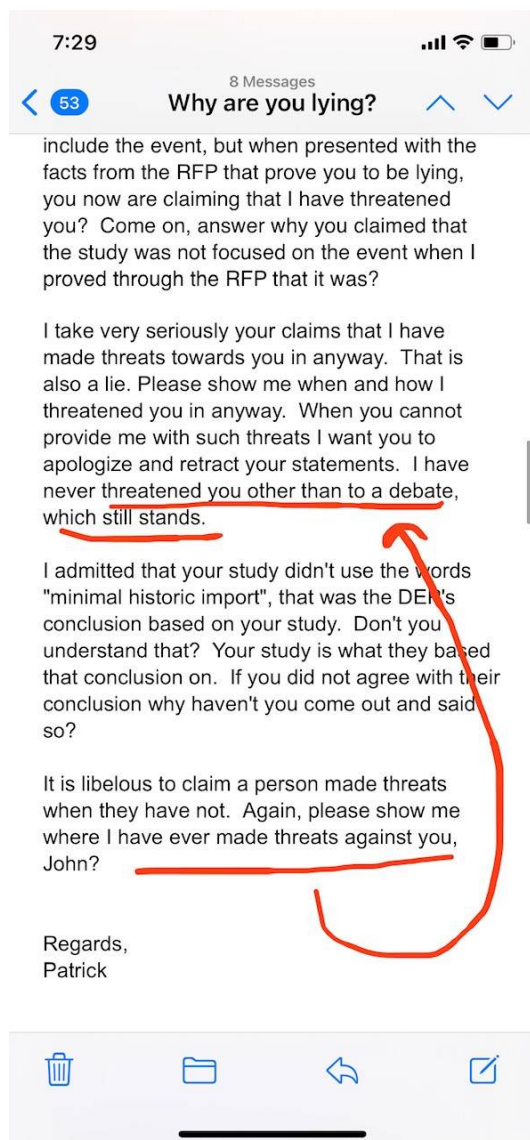
>
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Sent: 4/5/2021 7:49:20 PM
From: O'Hara, John <John.O'Ha@...>
To: "Patrick Duff" <101etm@gmail.com>
Cc: "Linn Washington"
Bcc:
Importance: Normal
Subject: RE: Why are you lying?
Attachments: [image002.jpg](#)

Also, you just threatened me in your own words in the very same message you deny doing so (pic below). You said you were going to "haul me in" in THIS email thread. In a previous message, you said you were going to "haul my butt in" to a debate.

How are you going to do that, Patrick? How are you going to "haul me in?" That sounds physical to me.

And why are you now lying about not threatening me? It was right in your email.



From: O'Hara, John
Sent: Monday, April 5, 2021 6:29 PM
To: Patrick Duff <101etm@gmail.com>
Cc: Linn Washington <lwashing@temple.edu>
Subject: RE: Why are you lying?

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- Reading hidden meanings into people's normal behaviors

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Read the report. What it is "about" speaks for itself. You're fishing for lines so you can make more dishonest claims on your desperate "blog" and "news" interviews. Your calculus about what constitutes a "lie" is awful, illogical, and transparent (and doesn't apply to you!).

You misrepresented the facts at the Lyons lecture and elsewhere, you misrepresented much below, and you have mischaracterized people's motives and intentions for years. Your method is to sling shit in all directions and hope it sticks to someone. You didn't ask me anything about the RFP. You claimed the report said something about Mary's Place that it did not say. That makes you the liar.

Now goodbye Patrick. You might as well not respond, because I will not read any more communication from you.

From: Patrick Duff <101etm@gmail.com>
Sent: Monday, April 5, 2021 5:32 PM
To: O'Hara, John <John.O'Hara@stockton.edu>
Cc: Linn Washington <lwashing@temple.edu>
Subject: Re: Why are you lying?

EXTERNAL EMAIL ALERT: The sender is not using a Stockton email address. Please use caution.

Yes, you seem angry.

You made a public claim that the study did not include the event, but when presented with the facts from the RFP that prove you to be lying, you now are claiming that I have threatened you? Come on, answer why you claimed that the study was not focused on the event when I proved through the RFP that it was?

I take very seriously your claims that I have made threats towards you in anyway. That is also a lie. Please show me when and how I threatened you in anyway. When you cannot provide me with such threats I want you to apologize and retract your statements. I have never threatened you other than to a debate, which still stands.

I admitted that your study didn't use the words "minimal historic import", that was the DEP's conclusion based on your study. Don't you understand that? Your study is what they based that conclusion on. If you did not agree with their conclusion why haven't you come out and said so?

It is libelous to claim a person made threats when they have not. Again, please show me where I have ever made threats against you, John?

Regards,
Patrick

On Mon, Apr 5, 2021, 5:00 PM O'Hara, John <John.O'Hara@stockton.edu> wrote:

I seem angry? My polite and measured response to your vitriol leads you to say I seem angry?

That would be funny if you hadn't been sending me threatening letters for three years and causing me to wonder if I am being stalked by a deranged person. Then showing up at unrelated public event I hosted to make your own admitted false claims while at once calling me a liar?

Patrick, I don't want to be involved in talking to you, do you understand that? You have precluded any possibility of a conversation on these matters through your menacing behavior. I am off this case. You're still on it. Good for you. Good luck in your searches for further evidence that helps you attain your goals.

Please stop contacting me, and please stop disrupting public events where I appear.

John

From: Patrick Duff <101etm@gmail.com>
Sent: Monday, April 5, 2021 10:06 AM
To: O'Hara, John <John.O'Hara@stockton.edu>
Cc: Linn Washington <lwashing@temple.edu>
Subject: Re: Why are you lying?

EXTERNAL EMAIL ALERT: The sender is not using a Stockton email address.
Please use caution.

You seem angry..why?

Attached below is a section of the RFP that the DEP sent you and you responded to. It is very clear the questions that also sought to be answered in the RFP were about the event that took place to Dr. King in Maple Shade. In the Zoom chat you claimed "The study I worked on was not focused on the event but the question of residency at a specific address.", which is a bold faced lie. Let me help refresh your memory as to what the RFP said that was the basis of your study. None of the members of your team, which somehow you were the head of, has an expertise on African American History as set forth in the qualifications stated on page 1 of the RFP.

You falsely claimed your study was focused just on residency and not the event in Maple Shade, but again, that is just not true. On page 2 of the RFP under the section entitled "Research Questions", the second set of questions asks the following questions:

1. Did King engage in any significant activities during the periods of stay at 753 Walnut; can these be documented in detail? He was engaged in his first civil rights battle where he was assisted by the President of the NJ NAACP, Dr, Ulysses S. Wiggins and NJ's first African American Superior Court Judge, Robert Burke Johnson. who helped Martin Luther King file his first civil

OPRA Request No. 041023-1 DUFF

038

lawsuit against racial discrimination. Your "study" failed to even mention that these two local luminaries helped a young Martin Luther King the night of the incident and also in subsequent court appearances. It failed to mention the lawsuit filed by the NAACP on King's behalf. It failed to mention the fact that King asked his brother to postpone his wedding for 2 days just so King could be in court in Maple Shade. So, John, was this a significant activity? If so, why didn't your report say such? Why didn't you answer this question in your study? Do you believe it was a significant event in Dr. King's life or do you agree with the DEP's conclusion of "minimal historic import" that was based on your study?

2. Did King comment upon any such activities in any contemporary record that has survived?

Yes, he did comment on the event, as did Walter McCall, yet your study said since there was no mention of Camden they were somehow excluded. The only problem for that is McCall did mention Camden in his interview and your team missed it, or intentionally omitted it. On page 2 of the interview he said he worked for 3 months in the Camden School District during the first semester King went to Crozer.

"The study I worked on was not focused on the event but the question of residency at a specific address."

Let's turn to page 3 of the RFP, John. 3 out of 5 paragraphs have to do specifically with the event you claimed that the study was not focused on, correct? Did you answer a different RFP the one made public in my OPRA request?

[RFP MLK proj.pdf](#)

Let me know why you are lying.

Patrick

On Thu, Mar 25, 2021, 1:52 PM O'Hara, John <John.O'Hara@stockton.edu> wrote:

Hit team? Hand in the cookie jar? More name calling and baseless accusation.

The subject you used here is "Why are you lying?" This, after you disrupted an unrelated event at Stockton and used it as a platform to repeat the false claim that our report referred to Mary's Place as having "minimal historic import." Neither the final draft nor any previous draft contained those words, as you know. Yet you have quoted and attributed these words to our report in many venues, including the national broadcast you just sent. I don't name-call, but I take umbrage at being accused of something you could just as easily be accused of on the very same grounds.

This kind of conversation invites more back-and-forth, more vitriol. I haven't communicated with you because I find that disturbing. When I debate people, I assume mutual respect and good intentions. Mudslinging, paranoia, vile accusation, self-serving distortions, half-veiled threats . . . that's not debate.

As to the interview with Mrs. Hunt, no one called you a "con man." Those are your words. We say the opposite in the report: we call you "well-intentioned." There was interview evidence before us and we evaluated the quality of the evidence based on the line of questioning, it's that simple.

Sincerely,

John

From: Patrick Duff <101etm@gmail.com>
Sent: Thursday, March 25, 2021 7:33 AM
To: O'Hara, John <John.O'Hara@stockton.edu>
Cc: Linn Washington <lwashing@temple.edu>
Subject: Re: Why are you lying?

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You don't trust me? That's rich. You were a part of a academic hit team that got caught with your hand in the cookie jar and now you want to cry foul on me???

John, you defamed myself and work with your paper that you nor your University will stand behind. In your report you allude to the fact that I tempted Mrs. Hunt with financial gifts so she would embellish her story more.

"The focus of the interview then shifts to the property itself, when Duff suggests that historic significance might help alleviate the interviewee's current financial difficulties"

What are you calling me here, John? This looks like you are calling me a con man, would you agree?

I have taken it easy on you up till now, but that is about to seriously change. I have inquired about renting a theater at Stockton to haul you and your team in for a debate in front of students and whoever wants to zoom in. What do you think?

As to the "minimal historic import" quote, you are correct, I could not find it in the second version of the report that you had to change after I corrected your team on Dropbox and also secured the interview that you lazy researchers were paid to get. You had over a year to get her interview that your team failed to get that took me less than 24 hours to acquire.

So what do you say, John? Is the team ready to debate your findings on stage? I am.

Patrick Duff
609-314-9413

On Wed, Mar 24, 2021, 9:11 PM O'Hara, John <John.O'Hara@stockton.edu> wrote:

The tone of your email and your insults and harassment is why I don't respond to you, never mind misquoting the report ("minimal historic important") as you did tonight (while intruding off topic issue at a lecture about disability studies), and as you have in other venues. In short, I don't trust you.

Sent from my iPhone

> On Mar 24, 2021, at 8:25 PM, Patrick Duff <101etm@gmail.com> wrote:

>

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> I have attached your comments as well as a portion the RFP for the study we are talking about.

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> I again challenge you to a debate on your findings...or lack thereof. What do you think? Care to explain why you just lied about the scope of the investigation?

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>

> <https://www.youtube.com/watch?v=Eq-Urmca3AM>

>

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7:29



8 Messages

< 53

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It is libelous to claim a person made threats when they have not. Again, please show me where I have ever made threats against you, John?

Regards,

Patrick

OPRA Request No. 041023-1 DUFF

Sent: 4/5/2021 5:00:51 PM
From: O'Hara, John <John.O'Ha@□□
To: "Patrick Duff" <101etm@gmail.com>
Cc: "Linn Washington"
Bcc:
Importance: Normal
Subject: RE: Why are you lying?

I seem angry? My polite and measured response to your vitriol leads you to say I seem angry?

That would be funny if you hadn't been sending me threatening letters for three years and causing me to wonder if I am being stalked by a deranged person. Then showing up at unrelated public event I hosted to make your own admitted false claims while at once calling me a liar?

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[RFP MLK proj.pdf](#)

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>

> BTW: This news piece went National this morning:

>

> <https://www.youtube.com/watch?v=Eg-Urmca3AM>

>

> Sincerely,

> Patrick Duff

Sent: 3/21/2022 3:44:44 PM
From: O'Hara, John <John.O'Hara@stockton.edu>
To: Kinsella "Thomas"
Cc: McDonald "Michelle C." Schopp "Paul"
Bcc:
Importance: Normal
Subject: Re: 753 Walnut Street, Camden
Attachments: [image001.png](#), [image001\[1\].png](#)

[REDACTED]
[REDACTED] — I just shook
off Patrick Duff for a whole year and happy to be relieved of the periodic menacing, and
am reluctant to enter the fray anew. [REDACTED]

Best,
John

Sent from my iPhone

On Mar 21, 2022, at 3:05 PM, Kinsella, Thomas <Thomas.Kinsella@stockton.edu>
wrote:

Hi Michelle, John and Paul,

[REDACTED]
[REDACTED]
[REDACTED]

Tom

From: McDonald, Michelle C. <Michelle.C.McDonald@stockton.edu>
Date: Monday, March 21, 2022 at 1:38 PM
To: Schopp, Paul <Paul.Schopp@stockton.edu>
Cc: O'Hara, John <John.O'Hara@stockton.edu>, Kinsella, Thomas <Thomas.Kinsella@stockton.edu>
Subject: Re: 753 Walnut Street, Camden

Hi Paul and John:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Michelle

Sent from Michelle McDonald's iPhone.

On Mar 21, 2022, at 1:33 PM, Schopp, Paul <Paul.Schopp@stockton.edu> wrote:

Michelle and John:

I hope you are both doing well.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Best regards,
Paul

Paul W. Schopp
Assistant Director
South Jersey Culture & History Center
Stockton University
101 Vera King Farris Drive

Galloway, NJ 08205





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Sent: 3/21/2022 4:02:51 PM
From: Schopp, Paul <Paul.Schopp@stockton.edu>
To: Kinsella "Thomas" O'Hara "John"
Cc: McDonald "Michelle C."
Bcc:
Importance: Normal
Subject: Re: 753 Walnut Street, Camden
Attachments: [image001.png](#)

John:
Duff will have no input on this project and will likely have no knowledge of our work until it is completed, if then.

Paul

Sent from my Verizon, Samsung Galaxy smartphone

Get [Outlook for Android](#)

From: Kinsella, Thomas <Thomas.Kinsella@stockton.edu>

Sent: Monday, March 21, 2022 3:47:18 PM

To: O'Hara, John <John.O'Hara@stockton.edu>

Cc: McDonald, Michelle C. <Michelle.C.McDonald@stockton.edu>; Schopp, Paul <Paul.Schopp@stockton.edu>

Subject: Re: 753 Walnut Street, Camden

Understood. Thanks.

From: O'Hara, John <John.O'Hara@stockton.edu>

Date: Monday, March 21, 2022 at 3:44 PM

To: Kinsella, Thomas <Thomas.Kinsella@stockton.edu>

Cc: McDonald, Michelle C. <Michelle.C.McDonald@stockton.edu>, Schopp, Paul <Paul.Schopp@stockton.edu>

Subject: Re: 753 Walnut Street, Camden

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Sent from my iPhone

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Cc: O'Hara, John <John.O'Hara@stockton.edu>, Kinsella, Thomas <Thomas.Kinsella@stockton.edu>
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[REDACTED]

[REDACTED]

[REDACTED]

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Sent from Michelle McDonald's iPhone.

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[REDACTED]

[REDACTED]

[REDACTED]

Best regards,
Paul

Paul W. Schopp
Assistant Director
South Jersey Culture & History Center
Stockton University
101 Vera King Farris Drive
Galloway, NJ 08205



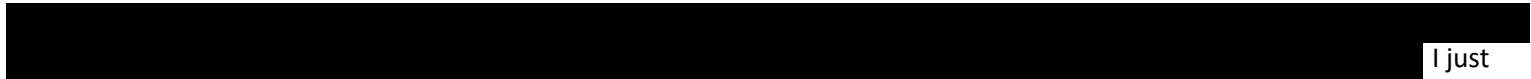


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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Best regards,

Paul

Paul W. Schopp
Assistant Director
South Jersey Culture & History Center
Stockton University
101 Vera King Farris Drive
Galloway, NJ 08205





STOCKTON
UNIVERSITY

Sent: 9/20/2022 9:54:46 AM
From: Schopp, Paul <Paul.Schopp@stockton.edu>
To: "Linda Shockley"
Cc:
Bcc:
Importance: Normal
Subject: RE: Mount Peace Lecture
Attachments: [~WRD0000.jpg](#)

Linda:

[REDACTED]

If someone named Patrick Duff signs up for the program, please let me know.

Best regards,
Paul

From: Linda Shockley <lhs@petermotthouse.org>
Sent: Monday, September 19, 2022 10:25 AM
To: Schopp, Paul <Paul.Schopp@stockton.edu>
Subject: Mount Peace Lecture

EXTERNAL EMAIL ALERT: The sender is not using a Stockton email address.
Please use caution.

Hi, Paul

[REDACTED]

Thanks,
Linda

P.O. Box 608
Lawnside NJ 08045-0608
Tele: 856-889-7152
Tele: 856-546-8850 (Peter Mott House Underground Railroad Museum)
W: petermotthouse.org **E:** lhs@petermotthouse.org
[DONATE](#)

Sent: 4/6/2023 11:21:04 AM
From: Kesselman, Harvey <Harvey.Kesselxxx@xxxxxxxxx.xxx>
To: rabblrouserblog@gmail.com
Cc:
Bcc:
Importance: Normal
Subject: RE: controversial MLK research study emails to be released.

Good morning Mr. Duff:

Thank you for your outreach and request for comment, however, please note that the University does not comment on litigation matters.

Best regards,

Harvey Kesselman
President
Stockton University

-----Original Message-----

From: rabblrouserblog@gmail.com
Sent: Thursday, April 6, 2023 8:58 AM
To: Kesselman, Harvey
Subject: controversial MLK research study emails to be released.

[You don't often get email from rabblrouserblog@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

EXTERNAL EMAIL ALERT: The sender is not using a Stockton email address. Please use caution.

Hello Mr. Kesselman,

I am not sure if you aware or not, but the Atlantic County court just ruled to release 95% of the MLK research study emails to me, and I am sure they will not be a good look for your university. I am sure that the emails will show an attempt to purposely debunk my research and the attempts to cover it up, and your emails will be a part of that.

I have yet to decide what avenue I will pursue, but I want to give you a chance to explain to me what I am about to see when these emails are uncovered in 29 days. Will it show a conspiracy to defame and discredit me? If so, why? Who put you up to this?

I assure you that I will be making more Opra requests for the other emails that came fully redacted previously to me, and I would hope that the custodian gives them in their whole minus any legitimate redactions, if not, I will bring the University back in front of

OPRA Request No. 041023-1 DUFF

061

the judge.

Sincerely,
Patrick Duff
609-314-9413

Sent from my iPhone

OPRA EXEMPTIONS

(Exceptions are noted in italics)

N.J.S.A. 47:1A-1 (Legislative Findings)

- 1) Privacy Interest - “a public agency has a responsibility and an obligation to safeguard from public access a citizen's personal information with which it has been entrusted when disclosure thereof would violate the citizen's reasonable expectation of privacy.” See Burnett v. Cnty. of Bergen, 198 N.J. 408 (2009).

N.J.S.A. 47:1A-1.1

- 2) Inter-agency or intra-agency advisory, consultative or deliberative material (Note: refers generally to draft documents or documents used in a deliberative process).
- 3) Legislative records. Specifically:
 - a. information received by a member of the Legislature from a constituent or information held by a member of the Legislature concerning a constituent, including but not limited to information in written form or contained in any e-mail or computer data base, or in any telephone record whatsoever, *unless it is information the constituent is required by law to transmit*;
 - b. any memorandum, correspondence, notes, report or other communication prepared by, or for, the specific use of a member of the Legislature in the course of the member's official duties, *except that this provision shall not apply to an otherwise publicly-accessible report which is required by law to be submitted to the Legislature or its members.*
- 4) Medical examiner records – photographs, negatives, print, videotapes taken at the scene of death or in the course of postmortem examination or autopsy, *except*:
 - a. *when used in a criminal action or proceeding in this State which relates to the death of that person,*
 - b. *for the use as a court of this State permits, by order after good cause has been shown and after written notification of the request for the court order has been served at least five days before the order is made upon the county prosecutor for the county in which the post mortem examination or autopsy occurred,*
 - c. *for use in the field of forensic pathology or for use in medical or scientific education or research, or*
 - d. *or use by any law enforcement agency in this State or any other state or federal law enforcement agency.*
- 5) Criminal investigatory records - records which are not required by law to be made, maintained or kept on file that are held by a law enforcement agency which pertain to any criminal investigation or related civil enforcement proceeding. (Note: N.J.S.A. 47:1A-3.b. lists specific criminal investigatory information which must be disclosed).

The portion of any criminal record concerning a person's detection, apprehension, arrest, detention, trial or disposition for unlawful manufacturing, distributing, or dispensing, or possessing or having under control with intent to manufacture, distribute, or dispense, marijuana or hashish in violation of paragraph (11) of subsection b. of N.J.S.A. 2C:35-5, or a lesser amount of marijuana or hashish in violation of paragraph (12) of subsection b. of that section, or a violation of either of those paragraphs and a violation of subsection a. of section 1 of N.J.S.A. 2C:35-7 or subsection a. of section 1 of N.J.S.A. 2C:35-7.1 for distributing, dispensing, or possessing, or having under control with intent to distribute or dispense, on or within 1,000 feet of any school property, or on or within 500 feet of the real property comprising a public housing facility, public park, or public building, or for obtaining, possessing, using, being under the influence of, or failing to make lawful disposition of marijuana or hashish in violation of paragraph (3) or (4) of subsection a., or subsection b., or subsection c. of N.J.S.A. 2C:35-10, or for a violation of any of those provisions and a violation of N.J.S.A. 2C:36-2 for using or possessing with intent to use drug paraphernalia with that marijuana or hashish;

6) Victims' records

- a. an individually identifiable file or document held by a victims' rights agency which pertains directly to a victim of a crime except that a victim of a crime shall have access to the victim's own records. "Victims' rights agency" means a public agency, or part thereof, the primary responsibility of which is providing services, including but not limited to food, shelter, or clothing, medical, psychiatric, psychological or legal services or referrals, information and referral services, counseling and support services, or financial services to victims of crimes, including victims of sexual assault, domestic violence, violent crime, child endangerment, child abuse or child neglect, and the Victims of Crime Compensation Board.
- b. any written OPRA request by a crime victim for a record to which the victim is entitled to access, including, but not limited to, any law enforcement agency report, domestic violence offense report, and temporary or permanent restraining order;

7) Personal firearms records:

- a. *Except for use by any person authorized by law to have access to these records or for use by any government agency, including any court or law enforcement agency, for purposes of the administration of justice.*
- b. Personal identifying information received by the Division of Fish and Wildlife in the Department of Environmental Protection in connection with the issuance of any license authorizing hunting with a firearm. For the purposes of this paragraph, personal identifying information shall include, but not be limited to, identity, name, address, social security number, telephone number, fax number, driver's license number, email address, or social media address of any applicant or licensee.

- 8) Trade secrets and proprietary commercial or financial information obtained from any source. Includes data processing software obtained by a public agency under a licensing agreement which prohibits its disclosure.
- 9) Any record within the attorney-client privilege. *This paragraph does not allow for a denial of attorney invoices in their totality*; however, redactions may apply for information contained in the invoices that are protected under the privilege.
- 10) Administrative or technical information regarding computer hardware, software and networks which, if disclosed would jeopardize computer security.
- 11) Emergency or security information or procedures for any buildings or facility which, if disclosed, would jeopardize security of the building or facility or persons therein.
- 12) Security measures and surveillance techniques which, if disclosed, would create a risk to the safety or persons, property, electronic data or software.
- 13) Information which, if disclosed, would give an advantage to competitors or bidders.
- 14) Information generated by or on behalf of public employers or public employees in connection with:
 - a. Any sexual harassment complaint filed with a public employer;
 - b. Any grievance filed by or against an individual; or
 - c. Collective negotiations, including documents and statements of strategy or negotiating position.
- 15) Information which is a communication between a public agency and its insurance carrier, administrative service organization or risk management office.
- 16) Information which is to be kept confidential pursuant to court order.
- 17) Certificate of honorable discharge issued by the United States government (Form DD-214, NBG-22, or other form) filed with a public agency, *except that a veteran or the veteran's spouse or surviving spouse shall have access to the veteran's own records.*
- 18) Any copy of an oath of allegiance, oath of office, or any affirmation for incoming, current, and former officers and employees in State, County, or municipal government, and including members all members of the Legislative, Executive, and Judicial branches of government, *except that:*

Full name, title, and oath date are not confidential.
- 19) Personal identifying information. Specifically:
 - a. Social security numbers, *except that a social security number contained in a record required by law to be made, maintained or kept on file by a public*

agency shall be disclosed when access to the document or disclosure of that information is not otherwise prohibited by State or federal law, regulation or order or by State statute, resolution of either or both houses of the Legislature, Executive Order of the Governor, rule of court or regulation promulgated under the authority of any statute or executive order of the Governor.

- b. In accordance with section 2 of N.J.S.A. 47:1B-2, commonly known as “Daniel’s Law”, that portion of any document which discloses the home address, whether a primary or secondary residence, of any active, formerly active, or retired judicial officer, prosecutor, or law enforcement officer, or, as defined in section 1 of N.J.S.A. 47:1B-1, any immediate family member thereof
- c. Credit card numbers
- d. Unlisted telephone numbers
- e. Drivers’ license numbers.

Except for:

- a. Use by any government agency, including any court or law enforcement agency, in carrying out its functions,*
- b. or any private person or entity acting on behalf thereof,*
- c. or any private person or entity seeking to enforce payment of court-ordered child support; except with respect to the disclosure of driver information by the Division of Motor Vehicles as permitted by section 2 of P.L.1997, c.188 (C.39:2-3.4);*

- 20) List of persons in need of special assistant during an emergency maintained at either the municipal or county level in accordance with section 1 of P.L.2017, c.266 (C.40:48-2.67) or section 6 of P.L.2011, c.178 (C.App.A:9-43.13).
- 21) Certain records of higher education institutions:
 - a. Pedagogical, scholarly and/or academic research records and/or the specific details of any research project, *except that a custodian may not deny inspection of a government record or part thereof that gives the name, title, expenditures, source and amounts of funding and date when the final project summary of any research will be available.*
 - b. Test questions, scoring keys and other examination data pertaining to the administration of an examination for employment or academic examination.
 - c. Records of pursuit of charitable contributions or records containing the identity of a donor of a gift if the donor requires non-disclosure of the donor's identity as a condition of making the gift provided that the donor has not received any benefits of or from the institution of higher education in connection with such gift other than a request for memorialization or dedication.
 - d. Valuable or rare collections of books and/or documents obtained by gift, grant, bequest or devise conditioned upon limited public access.
 - e. Information contained on individual admission applications.

- f. Information concerning student records or grievance or disciplinary proceedings against a student to the extent disclosure would reveal the identity of the student.

N.J.S.A. 47:1A-1.2

- 22) Biotechnology trade secrets.

N.J.S.A. 47:1A-2.2

- 23) Limitations to convicts - personal information pertaining to the person's victim or the victim's family, including but not limited to a victim's home address, home telephone number, work or school address, work telephone number, social security account number, medical history or any other identifying information. *Information may be released only if the information is necessary to assist in the defense of the requestor. A determination that the information is necessary to assist in the requestor's defense shall be made by the court upon motion by the requestor or his representative.*

N.J.S.A. 47:1A-3(a)

- 24) Ongoing investigations – any records pertaining to an investigation in progress by any public agency if disclosure of such record or records shall be detrimental to the public interest. *This provision shall not be construed to allow any public agency to prohibit access to a record of that agency that was open for public inspection, examination, or copying before the investigation commenced.*

N.J.S.A. 47:1A-5(k)

- 25) Public defender records that relate to the handling of any case, *unless authorized by law, court order, or the State Public Defender.*

N.J.S.A. 47:1A-9(a)-(b)

- 26) Upholds exemptions contained in other State or federal statutes and regulations, Executive Orders of the Governor, Rules of Court, Constitution of this State, or judicial case law.

N.J.S.A. 47:1A-10

- 27) Personnel and pension records, *except specific information identified as follows:*
 - a. *An individual's name, title, position, salary, payroll record, length of service, date of separation and the reason for such separation, and the amount and type of any pension received,*
 - b. *When required to be disclosed by another law, when disclosure is essential to the performance of official duties of a person duly authorized by this State or the United States, or when authorized by an individual in interest.*

- c. *Data contained in information which disclose conformity with specific experiential, educational or medical qualifications required for government employment or for receipt of a public pension, but not including any detailed medical or psychological information.*

In accordance with OPRA's "catch-all" exemption at N.J.S.A. 47:1A-9, the following executive orders also apply as exemptions under OPRA:

Executive Order No. 21 (McGreevey 2002)

- 1) Records where inspection, examination or copying would substantially interfere with the State's ability to protect and defend the State and its citizens against acts of sabotage or terrorism, or which, if disclosed, would materially increase the risk or consequences of potential acts of sabotage or terrorism.
- 2) Records exempted from disclosure by State agencies' promulgated rules are exempt from disclosure by this Order.
- 3) Executive Orders No. 9 (Hughes), 11 (Byrne), 79 (Byrne) and 69 (Whitman) are hereby continued to the extent that they are not inconsistent with this Executive Order.

Executive Order No. 9 (Hughes) exemptions that are still active:

- a. Questions on examinations required to be conducted by any State or local governmental agency;
- b. Personnel and pension records (same as N.J.S.A. 47:1A-10);
- c. Records concerning morbidity, mortality and reportable diseases of named persons required to be made, maintained or kept by any State or local governmental agency;
- d. Records which are required to be made, maintained or kept by any State or local governmental agency which would disclose information concerning illegitimacy;
- e. Fingerprint cards, plates and photographs and other similar criminal investigation records which are required to be made, maintained or kept by any State or local governmental agency;
- f. Criminal records required to be made, maintained and kept pursuant to the provisions of R. S. 53:1-20.1 and R. S. 53:1- 20.2;
- g. Personal property tax returns required to be filed under the provisions of Chapter 4 of Title 54 of the Revised Statutes; and
- h. Records relating to petitions for executive clemency.

Executive Order No. 11 (Byrne) exemptions are the same as N.J.S.A. 47:1A-10.

Executive Order No. 79 (Byrne) exemptions are the similar to # 8, 9, 10 above under N.J.S.A. 47:1A-1.1.

Executive Order No. 69 (Whitman) exemptions that are still active: Fingerprint cards, plates and photographs and similar criminal investigation records that are required to be made, maintained or kept by any State or local governmental agency.

Executive Order No. 26 (McGreevey 2002)

- 1) Certain records maintained by the Office of the Governor:
 - a. Any record made, maintained, kept on file or received by the Office of the Governor in the course of its official business which is subject to an executive privilege or grant of confidentiality established or recognized by the Constitution of this State, statute, court rules or judicial case law.
 - b. All portions of records, including electronic communications, that contain advisory, consultative or deliberative information or other records protected by a recognized privilege.
 - c. All portions of records containing information provided by an identifiable natural person outside the Office of the Governor which contains information that the sender is not required by law to transmit and which would constitute a clearly unwarranted invasion of personal privacy if disclosed.
 - d. If any of the foregoing records shall contain information not exempted by the provision of the Open Public Records Act or the preceding subparagraphs (a), (b) or (c) hereof then, in such event, that portion of the record so exempt shall be deleted or excised and access to the remainder of the record shall be promptly permitted.
- 2) Resumes, applications for employment or other information concerning job applicants while a recruitment search is ongoing. *The resumes of successful candidates shall be disclosed once the successful candidate is hired. The resumes of unsuccessful candidates may be disclosed after the search has been concluded and the position has been filled, but only where the unsuccessful candidate has consented to such disclosure.*
- 3) Records of complaints and investigations undertaken pursuant to the Model Procedures for Internal Complaints Alleging Discrimination, Harassment or Hostile Environments.
- 4) Information relating to medical, psychiatric or psychological history, diagnosis, treatment or evaluation.
- 5) Information in a personal income or other tax return
- 6) Information describing a natural person's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness, except as otherwise required by law to be disclosed.
- 7) Test questions, scoring keys and other examination data pertaining to the administration of an examination for public employment or licensing.

- 8) Records in the possession of another department (including NJ Office of Information Technology or State Archives) when those records are made confidential by a regulation of that department or agency adopted pursuant to N.J.S.A. 47:1A-1 et seq. and Executive Order No. 9 (Hughes 1963), or pursuant to another law authorizing the department or agency to make records confidential or exempt from disclosure.
- 9) Records of a department or agency held by the Office of Information Technology (OIT) or the State Records Storage Center of the Division of Archives and Records Management (DARM) in the Department of State, or an offsite storage facility outside of the regular business office of the agency. Such records shall remain the legal property of the department or agency and be accessible for inspection or copying only through a request to the proper custodian of the department or agency. In the event that records of a department or agency have been or shall be transferred to and accessioned by the State Archives in the Division of Archives and Records Management, all such records shall become the legal property of the State Archives, and requests for access to them shall be submitted directly to the State Archives.

LEGEND: Legal explanation and statutory citation for the denial of access to records

A. Advisory, Consultative, Deliberative (general)

Content redacted includes “inter-agency or intra-agency advisory, consultative, or deliberative material” and therefore exempt from disclosure pursuant to N.J.S.A. 47:1A-1.1. See also Educ. Law Ctr. ex rel. Abbott v. N.J. Dep’t of Educ., 198 N.J. 274 (2009) (quoting In re Liquidation of Integrity Ins. Co., 165 N.J. 75 (2000)), finding that the deliberative process privilege permits the government to withhold documents that reflect advisory opinions, recommendations, and deliberations comprising part of a process by which governmental decisions and policies are formulated; and that the privilege exists to ensure free and uninhibited communication within governmental agencies so that the best possible decisions can be reached.

B. Advisory, Consultative, Deliberative (draft)

Content redacted is “inter-agency or intra-agency advisory, consultative, or deliberative material” and therefore exempt from disclosure pursuant to N.J.S.A. 47:1A-1.1. See also Parave-Fogg v. Lower Alloways Creek Township, GRC Complaint No. 2006-51 (August 2006) finding that draft meeting minutes that had not been approved by the governing body constitute inter-agency, intra-agency advisory consultative, or deliberative material and are exempt from disclosure.

C. Student E-mails

Student email(s) have been redacted pursuant to the Family Educational Rights and Privacy Act of 1974 (“FERPA”), 20 U.S.C. §1232g (implemented by regulations at 34 CFR Part 99) which regulates the disclosure of student information. Your request under OPRA must also be read in conjunction with FERPA. Though electronic mail addresses may be disclosable if designated by an institution as “directory information” under FERPA, the University, as permitted, elected not to include students’ electronic mail addresses as directory information. Accordingly, because under FERPA this information is protected, student electronic mail addresses are exempt from disclosure under OPRA.

D. Personal Identifying Information

The redacted content (e.g., home address, private/unlisted telephone number, social security number, etc.) contains “personal identifying information” and is therefore exempt from disclosure pursuant to N.J.S.A. 47:1A-1.1 and Burnett v. County of Bergen, 198 NJ 408 (2009) (holding that OPRA imposes an obligation on public agencies to protect against disclosure of personal information which would run contrary to reasonable privacy interests).

E. Job Applicant, Prior Employment, and/or Personnel Information

The redacted content references a candidate who never accepted employment with the College or details prior employment information. Except for an individual’s name, title, position, salary, payroll record, length of service, date of separation and the reason therefore, and the amount and type of any pension received, personnel records shall not be considered a government record and shall not be made available for public access. N.J.S.A. 47:1A-10. See also Toscano v. New Jersey Department of Human Services, Division of Mental Health Services, GRC Complaint No. 2010-147 (May 2011). Additionally, Executive Order 26 (McGreevy 2002) provides: “The résumés of successful candidates shall be disclosed once the successful candidates is hired. The résumés of unsuccessful candidates may be disclosed after the search has been concluded and the position has been filled, but only where the unsuccessful candidate has consented to such disclosure.”

F. Attorney-Client Privileged Communication¹

Content redacted is “within the attorney-client privilege” and therefore exempt from disclosure pursuant to N.J.S.A. 47:1A-1.1. See also Farneski v. Hunterdon County Prosecutor’s Office, GRC Complaint No. 2010-20 (October 2011), finding that the attorney-client privilege protects communications between a lawyer and the client made in the course of that professional relationship, and particularly protects information which, if disclosed, would jeopardize the legal position of the client. N.J.S.A. 2A:84A-20; RPC 1.6. Also confidential are mental impressions, legal conclusions, and opinions or theories of attorneys. In Re Environmental Ins. Actions, 259 N.J. Super. 308, 317 (App.Div.1982).

And/or, the content was redacted pursuant to the “common interest rule” which extends the confidentiality of attorney-client communications and attorney work product to information shared with attorneys representing separate clients, in the context of a request for production of public records pursuant to OPRA, and the common law right to access government records. O’Boyle v Borough of Longport, 218 N.J. 168 (2014) [Adopting the common interest rule articulated in Laporta v Gloucester County Board of Chosen Freeholders, 340 N.J. Super. 254 (App. Div. 2001), and recognizing that the common interest exception to waiver of confidential attorney-client communications or work product due to disclosure to third parties applies to communications between attorneys for different parties if the disclosure is made due to actual or anticipated litigation for the purpose of furthering a common interest, and the disclosure is made in a manner to preserve the confidentiality of the disclosed material and to prevent disclosure to adverse parties.]

G. Information which, if disclosed, would give an Advantage to Competitors or Bidders

Content redacted is “information which, if disclosed, would give an advantage to competitors or bidders” and therefore exempt from disclosure pursuant to N.J.S.A. 47:1A-1.1.

H. Records in Pursuit of Charitable Contribution

Content redacted includes information concerning the pursuit of charitable contributions. N.J.S.A. 47:1A-1.1 provides “a government record shall not include, with regard to any public institution of higher education, the following information which is deemed to be privileged and confidential: records of pursuit of charitable contributions.”

I. Privacy Interest

A public agency has a responsibility and an obligation to safeguard from public access a citizen’s personal information with which it has been entrusted when disclosure thereof would violate the citizen’s reasonable expectation of privacy. N.J.S.A. 47:1A-1 (Legislative Findings); N.J.S.A. 47:1A-6. See also Burnette v. County of Bergen, 198 NJ 408, 436 (2009); Andrew J. Mayer v. Borough of Tinton Falls (Monmouth), GRC Complaint No. 2008-245 (April 2010) (“There is also a privacy interest in non-disclosure of an individual’s e-mail address because e-mail addresses maintain an individual’s anonymity. Anonymity could be compromised if e-mail addresses are released to the public, especially when an e-mail address is contemporaneously coupled with or later used to obtain other personal identifying information such as a name and home address.”).

¹ Relative to this records production, attorneys representing Stockton University include: Brian Kowalski, Esq., and Ellen Bailey, Esq.

- J. Certain records of higher education institutions
Pedagogical, scholarly and/or academic research records and/or the specific details of any research project, except that a custodian may not deny inspection of a government record or part thereof that gives the name, title, expenditures, source and amounts of funding and date when the final project summary of any research will be available.
- K. Redactions of Stockton IT email addresses to obtain new computer accounts
[newaccounts@stockton.edu and information.security@stockton.edu] under N.J.S.A. 47:1A-1.1 exemption for “administrative or technical information regarding computer hardware, software and networks which, if disclosed, would jeopardize computer security”; and “security measures which, if disclosed, would create a risk to the safety of persons, property, electronic data or software.”
- L. Signatures
Exempt from disclosure under N.J.S.A. 47:1A-1 exemption for “privacy interests” as disclosure may facilitate fraudulent use to compromise agency security and employee safety, and/or increase the risk or consequences of potential fraudulent acts, including identity theft.
- M. Financial Account Numbers
Exempt from disclosure under N.J.S.A. 47:1A-1.1(8) exemption for “ . . . financial information” as credit card numbers, debit card numbers, bank account numbers, Federal Employer Identification Number, security codes, passwords and other account information, if disclosed, may be used for identity theft or fraud to obtain items of value or to initiate a transfer of funds.