

AG Kaul, Sen. Johnson, Rep. Anderson: Propose civil rights enforcement legislation

Posted on Thursday, Apr 8, 2021

>> WisPolitics is now on the State Affairs network. Get custom keyword notifications, bill tracking and all WisPolitics content. [Get the app or access via desktop.](#)

MADISON, Wis. – Attorney General Josh Kaul, Senator LaTonya Johnson, and Representative Jimmy Anderson, today announced proposed legislation to provide the attorney general of Wisconsin with the authority to investigate and bring civil causes of action in instances in which civil rights violations are alleged to have occurred.

“We must ensure that, for every Wisconsinite, our civil rights are more than simply rights on paper,” said Attorney General Kaul. “This legislation would significantly enhance the protection of our rights by authorizing the Wisconsin Department of Justice to take action when significant violations occur.”

“All too often people of color are denied equal opportunity and protection under the law,” said Sen. LaTonya Johnson (D-Milwaukee). While some would prefer to deny this reality, it still holds true – racism and discrimination is alive and well in the United States, making it harder for underrepresented communities to secure adequate housing, employment, or education. All Wisconsinites deserve the opportunity to thrive, and this bill ensures that the constitutional rights of our state’s citizens are duly and justly enforced.”

“This legislation is nothing short of transformative. By giving the Attorney General’s office the authority to protect our civil rights in areas like housing, education, employment, and public accommodations, Wisconsinites can trust that discriminatory actions, even those taken by the most powerful amongst us, will be fully investigated and punished. We cannot tolerate discrimination in any form, whether on the basis of race, sex, disability, or immigration status. This legislation

moves us closer to a world where every Wisconsinite can be guaranteed equality and justice under the law,” said Rep. Jimmy Anderson.

Under this bill, the attorney general would be able to bring a civil action in the name of the state when there is cause to believe that certain civil rights violations have occurred. Under the bill, the attorney general has authority to investigate potential violations and may bring a civil action when there is reasonable cause to believe that either:

1. A person has engaged in a pattern or practice of conduct that violates any of the rights secured by the United States Constitution or by the Wisconsin Constitution, or any right secured by the laws of Wisconsin relating to housing, employment, education, or public accommodations; or,
2. A person has been denied a right secured by the United States Constitution or by the Wisconsin Constitution, or a right secured by the laws of Wisconsin relating to housing, employment, education, or public accommodations, and that denial raises an issue of general public importance.

Under the bill, in such an action, a court may award injunctive relief and other appropriate relief, including court costs, reasonable attorney fees, and damages, and, to vindicate the public interest, assess a civil forfeiture against the defendant of up to \$50,000 for a first violation and up to \$100,000 for each subsequent violation committed within a 7-year period.

Other attorneys general with similar authority include those from Arizona, California, Delaware, the District of Columbia, Florida, Massachusetts New Hampshire, New York, Oklahoma, Pennsylvania, Washington and Virginia. This list is not exhaustive. In these states, this authority has been used to bring [racial discrimination civil cases against employers](#), [companies redlining in the provision of services](#), [racial discrimination against tenants](#), and a [municipality that had denied employment to a firefighter due to a perceived disability](#).

[Read the proposed legislation.](#)

“When citizens’ civil rights are violated, the courts must provide a way to compensate, and the proposed legislation will provide that avenue. The Wisconsin Conference of Branches NAACP feels that this law has the potential to assist in securing justice for those that cannot afford the legal cost and court fees,” said Wendell J. Harris, President of the Wisconsin State Conference NAACP.

“Protecting our civil rights as granted by the United States Constitution and Wisconsin Constitution is of the utmost importance for all of us individually and collectively. We support those that abide by our civil rights laws and we support any administration’s efforts to enforce penalties upon those that do not,” said Lupe Martinez, President and CEO of UMOS.

“A right awarded without an enforcement mechanism is simply an empty promise. Many of the Wisconsinites intended to be protected by the civil rights enshrined in law are also the least empowered to stand up for themselves and litigate when their rights are encroached upon. As a society, we only truly move forward together. We cannot abandon a portion of our society and turn a blind eye to their plight. This legislation will empower the Attorney General and the Department of Justice to be the voice and champion for those that need one the most. This will ensure that societies promise of civil rights is not an empty promise but a promise actively monitored and enforced for the good of all,” said Shannon Holsey, president of both the Stockbridge-Munsee Community and the Great Lakes Inter-Tribal Council.

“Unfortunately, discrimination against people with disabilities is all too common in the work place, housing and places of public accommodation, and Disability Rights Wisconsin receives many more calls from individuals at risk of losing their jobs, homes or being denied access to public places based on disability discrimination than our small organization can handle. The ability of the Attorney General to intercede and challenge systemic rights denials and blatant discriminatory practices would certainly benefit the disability community that experiences them daily. This proposed legislation sends an important message that disability rights matter and people with disabilities matter in Wisconsin,” said Kit Kerschensteiner, Director of Legal and Advocacy Services at Disability Rights Wisconsin.

“This legislation provides the people of Wisconsin with an important tool to uphold our values of fairness, equity and justice. We are proud to partner with the Attorney General to protect and defend the civil rights of LGBTQ+ Wisconsinites and all the people of Wisconsin,” said Megin McDonell, Executive Director of Fair Wisconsin.