

Wisconsin Institute for Law & Liberty: Sues State Board for race discrimination

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The News: The Wisconsin Institute for Law & Liberty (WILL) filed a [lawsuit](#) in Jefferson County Circuit Court against the Higher Educational Aids Board, a state agency responsible for administering the [Minority Undergraduate Retention Program](#), for violating the Wisconsin Constitution by discriminating based on race and national origin. WILL represents five Wisconsin taxpayers who object to the state of Wisconsin administering this race-based scholarship program.

The Quotes: WILL Deputy Counsel, Dan Lenington, said, "The state of Wisconsin is engaged in race discrimination, pure and simple. Many students are denied scholarships based on their race or where their family comes from. This program violates the state Constitution and basic notions of equality and fairness."

"America is a land of opportunity," said Kiki RabiEbna, a WILL client. "Government programs must be available to everybody, not just certain racial groups."

"When government discriminates by race, it pits different groups against each other," said Rick Freihoefer, a WILL client. "That isn't progress. That just fans the flames of our divisions."



Background: The Wisconsin Higher Educational Aids Board administers the Minority Undergraduate Retention Program, a taxpayer-funded scholarship available to minority undergraduates enrolled in private, nonprofit higher educational institutions or in technical colleges in Wisconsin.

The minority undergraduates eligible for the taxpayer-funded program, according to [state law](#), are: Black American, American Indian, Hispanic, and those specifically from Laos, Vietnam, and Cambodia who immigrated after 1975. These narrow racial and national origin criteria mean other students—Thai, Chinese, Japanese, Indian, North African, Native Hawaiian, Pacific Islander, resident aliens from Africa, or White, for example—are ineligible to receive a scholarship.

The eligibility categories in the Minority Undergraduate Retention Program amount to discrimination based on race, national origin, and alienage, a practice clearly forbidden by the Wisconsin Constitution. The state of Wisconsin can offer aid based on need, income-level, family background, or even location – but not race. WILL's clients are seeking a declaration, from the court, that this program is unconstitutional and an injunction preventing its race-based qualifications.

Read More:

- [WILL Complaint](#), April 15, 2021