

WILL Launches Equality Under the Law Project

New litigation center will challenge race discrimination, quotas, and Critical Race Theory

The News: The Wisconsin Institute for Law & Liberty (WILL) announced the creation of a new litigation center, [The Equality Under the Law Project](#), to challenge unconstitutional race discrimination, quotas, and Critical Race Theory. The Equality Under the Law Project comes at a critical time when the federal government, states and cities, and even school districts are advancing policies and programs that discriminate on the basis of race – typically in the name of “equity.”

The Quotes: WILL President and General Counsel, Rick Esenberg, said, “In the last year, governments at all levels are instituting race discrimination in the name of progress and equity. But this radical ideology is incompatible with American constitutional law and undermines bedrock principles. The Equality Under the Law Project has already secured major legal victories, and will serve as a vanguard for the equal protection of all rights.”

WILL Deputy Counsel, Dan Lenington, “Equality is under attack by government officials and woke businesses all across our nation. Every day, Americans face the new threats of unlawful discrimination at school, at work, and by their own government. Now is the time to stand up and defend equal rights for all.”



Vitolo v. Guzman

A federal lawsuit filed on behalf of a Tennessee restaurant owner against the United States Small Business Administration (SBA) over race and gender discrimination in the administration of the Restaurant Revitalization Fund, a \$28.6 billion program authorized by the American Rescue Plan Act (ARPA).

Result: The Sixth Circuit Court of Appeals granted a motion for injunction barring the Biden administration from prioritizing COVID relief to restaurants based on race and sex.

Faust v. Vilsack

A federal lawsuit challenging the unconstitutional race discrimination in the American Rescue Plan's provision to offer loan forgiveness based on racial categories. WILL represents 12 farmers from 9 states who would be eligible for the federal government's loan forgiveness program, but for their race.

Result: U.S. District Judge William Griesbach issued a temporary restraining order halting payments in a federal farmer loan forgiveness program that allocates benefits on the basis of racial categories.

What's at Stake: The United States has long grappled with a history that includes the shameful treatment of different races and ethnic groups. But in every advance, legally and socially, reformers have looked to the American creed to demand equal justice and equality of opportunity. And through fits and starts, a bloody Civil War and an ugly aftermath, a Civil Rights Movement and legal victories, America has made progress towards "a more perfect union."

But there is a threat to equality under the law that has seeped into government, schools, and corporations. Some call it "woke" ideology. Others identify it as "anti-racism" or Critical Race Theory. It posits that equality is insufficient, even detrimental. That our institutions are structurally racist, and must be torn down and rebuilt with the goal of "equity" – a concept that when applied in practice, results in new forms of state-sanctioned racial discrimination, quotas, and unequal treatment. And if it succeeds, our Constitution and the Bill of Rights will have been hollowed out to make way for a new era of group rights and distinctions, eroding confidence in the rule of law and heightening racial tensions.

Our task is to uphold the rule of law and ensure that all Americans can confidently trust that their rights are not dependent on the color of their skin, their nation of origin, what God they worship, or who their ancestors happened to be.



Rabiebna et. al. v. Higher Educational Aids Board

A lawsuit filed 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.



Blaska et. al. v. Madison

A federal lawsuit in the Western District of Wisconsin against the City of Madison after the City established a Police Civilian Oversight Board that imposes unconstitutional racial quotas. WILL represents David Blaska, a Madison resident who applied for the Board, but who is ineligible for nine of the eleven seats because he is white. Madison's system of racial quotas is a clear violation of the Constitution's ban on racial discrimination. WILL is seeking an injunction requiring the City to reconstitute the board, as well as punitive damages.

Changing the Conversation: To defend the equality under the law, this Project will engage not just in the courtroom but in the arena of ideas and public opinion. Just this year, our cases and experts have been featured in the [Wall Street Journal](#), [Fox News](#), [National Review](#), [The Federalist](#), [USA Today](#), [CBS News](#), the [New York Times](#), the [Washington Post](#) and dozens of major news outlets.

Some of the interviews are hostile. Some of the reactions to our cases are over the top. But we are confident in these timeless principles, and this is not the time to back down.



Rick Esenberg and Adam Faust on Tucker Carlson, June 22, 2021

Rick Esenberg and Adam Faust on Tucker Carlson, May 5, 2021
