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LDF, ACLU and NWLC File Amicus Brief in Title VI Compensatory Damages Case

On Monday, the NAACP Legal Defense and Educational Fund, Inc. (LDF), along with the ACLU, the ACLU of Texas, and the National Women’s Law Center (NWLC), filed an amicus brief in the U.S. Supreme Court arguing that Title VI of the Civil Rights Act of 1964, and the anti-discrimination statutes that incorporate its remedies, permit individual plaintiffs to recover emotional distress damages.

The brief supports the petitioner in *Jane Cummings v. Premier Rehab Keller, P.L.L.C.*, which asks whether the Rehabilitation Act and the anti-discrimination provision of the Affordable Care Act — both of which incorporate Title VI remedies — permit individual victims of intentional discrimination to recover emotional distress damages. The U.S. Court of Appeals for the Fifth Circuit held that the plaintiff could not recover emotional distress damages under these statutes because state and local governments were not, in the Court’s view, on notice that they may be liable for those types of damages.

In the amicus brief filed today, LDF, the ACLU, the ACLU of Texas, and the NWLC explain why the appeals court decision is inconsistent with settled precedent, which recognizes that Congress passed Title VI for the explicit purpose of addressing the humiliation and emotional distress caused by intentional race discrimination. The brief further points out that courts have accordingly permitted plaintiffs to recover emotional distress damages under the statute for decades, and that damages for the emotional distress caused by racial discrimination were recoverable under other laws prior to Title VI as well.

“Even before Congress passed Title VI, courts throughout the country acknowledged the mental anguish and obvious affront to human dignity that results from acts of intentional race discrimination by routinely allowing plaintiffs to recover for emotional distress caused by such discriminatory acts,” said Mahogane Reed, the John Payton Appellate and Supreme Court Advocacy Fellow at LDF. “Similarly, Congress has long put Title IX recipients on notice that victims of intentional sex discrimination are entitled to recover emotional distress damages. A ruling upending this remedy would undermine the purpose of these landmark statutes and amount to a denial of the full rights and citizenship to which we are all entitled.”

LDF has litigated numerous cases under Title VI of the Civil Rights Act of 1964 and its implementing regulations, helping to ensure that victims of discriminatory acts by recipients of federal funds are fully compensated for the harms they experience and that federal financial recipients are held to their obligation to not discriminate.

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation's first civil and human rights law organization. LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF. Follow LDF on [Twitter](#), [Instagram](#) and [Facebook](#).