

The Role of the California Attorney General in Enforcing Civil Rights Statutes

by Kathryn Lodato, Krista Joy Martinelli,** Larissa Ng,***
Richard Todd Schwartz*** and Lara Vinnard***

Abstract

This paper examines the California Attorney General's scope of authority in enforcing California's civil rights statutes. It examines the sources of that authority, including the California Constitution, the Government Code #12511, the Unruh and Bane Acts, the Fair Employment and Housing Act, and the Unfair Competition Law. Because federal civil rights laws are often analogous to California laws, this paper also looks at the role of the federal Attorney General in enforcing those federal laws. The paper then compares the authority of the State Attorney General and the federal Attorney General in the areas of housing, lending, employment, public accommodations and education. The paper concludes that the California Attorney General has very broad and significant authority to enforce California's civil right laws. But such authority is not clearly spelled out in any one place in the statutes; it must be inferred from looking at the whole picture. Given the ongoing problems of discrimination in our society, it would be helpful to clarify the situation.

* Research Fellow, Public Law Research Institute

** Hastings College of the Law, Class of 1998

*** Hastings College of the Law, Class of 1999