



April 16, 2021

Santa Clara County Human Rights Commission
Santa Clara County Board of Supervisors
70 West Hedding Street
East Wing, 10th Floor
San Jose, CA 95110

Re: HRC Public Comment April 2021

Dear Commissioners and County Supervisors,

We write on behalf of the Hindu American Foundation (HAF), a national nonprofit advocacy and civil rights organization with a significant number of supporters in Santa Clara County, regarding the Human Rights Commission's recent discussions and upcoming hearing on April 29, 2021 about the potential inclusion of caste as a specific protected category.

We share your admirable goals of standing up for human rights and eliminating prejudice and discrimination. Accordingly, we strongly condemn all forms of discrimination including caste-based discrimination and support holistic, community-based solutions that incorporate education, upliftment, and empowerment.

When incidents of caste-based discrimination do occur, they should be brought to light, thoroughly investigated, and rectified. We believe that caste is already covered under existing law, and by extension company policies, and thus **the solution to eradicating caste-based discrimination is not to create a separate category or specific legal protection, but rather to enforce existing laws.**

Discrimination based on national origin is already prohibited under US law and discrimination on both national origin and ancestry are prohibited under California state law. National origin and ancestry have been interpreted by the courts to include birthplace, ancestry (lineage), culture, or linguistic characteristics closely associated with an ethnic group -- all of which can be characteristics of caste.

By creating a separate protected category just on caste or passing any resolutions or pronouncements to that effect, it will unfairly target the Hindu American and broader Indian American community, and lead to the unintended consequences of jeopardizing their well-being, safety, and rights to equal protection in Santa Clara County.



Perpetuating Racist Stereotypes

Caste is one of the most complicated and misunderstood concepts encountered when attempting to understand India and Hinduism. The idea of an Indian caste system, as an unchanging, oppressive, and hereditary social hierarchy that is religiously mandated by and for Hindus, is the product of European conceptions about Indians and Hinduism. Yet caste and a caste system have become the primary markers of the Western understanding of Indian and Hindu society and culture.

Hindus Americans, estimated at 3.2 million, already face significant stereotypes and misconceptions about their religious beliefs. According to a recent survey by Pew Research Institute, Americans as a whole know little about Hinduism, and many that do have negative impressions of Hindu Americans.¹

The Commission's actions may thus unwittingly further exacerbate the misconceptions about Hinduism and lead the broader American public and private companies to view Hindus of Indian descent and origin and Hindu practices with suspicion. This will leave Hindu Americans vulnerable to discrimination, prejudice, and hate crimes, and Hindu children subject to bullying in schools.

For instance, according to a study of Hindu American students across the country, one in three Hindu students reported being bullied because of their faith. A secondary analysis of the survey found strong evidence for a correlation between the intensity with which a school's Hinduism unit focuses on caste and the likelihood both that the child will perceive that Hinduism has been taught negatively and that she/he will be bullied for her/his faith.

If caste centric policies are adopted by the Commission, schools in Santa Clara County are then increasingly likely to focus on caste outside the scope of the textbooks, leaving Hindu children even more vulnerable to bullying.

Denying Indian Americans Equal Protection and Due Process

The adoption of any policy that singles out or applies to only one community based on race, ethnicity, national origin, religion, or any other factor will unfairly target only members of that community. The potential adoption of any policy or resolution on caste will consequently leave Hindu Americans and people of Indian descent and origin vulnerable to discrimination by the County or subject to hostile work environments in companies based in Santa Clara County.

¹ "How Americans Feel About Religious Groups," July 16, 2014, Pew Research Forum, <https://www.pewforum.org/2014/07/16/how-americans-feel-about-religious-groups/>.



We have already received reports of Indian origin employees at a large technology company in San Jose feeling unsafe in their workplace due to anti-Hindu posts related to caste being made in internal company chat channels. These employees fear accusations in the midst of general ignorance about Hinduism, widespread stereotypes and misinformation about caste in India, and the lack of cultural context of HR professionals, are endangering their jobs and impacting their mental well-being.

Moreover, companies following the County's lead on caste related policies might inadvertently encourage widespread discrimination against hiring, firing, or promoting of people of Indian origin and/or descent by wrongly assuming that all Indian workers identify by caste and engage in caste-based discrimination. This will subject them to additional scrutiny by employers and co-workers and place the burden on them to prove that their actions in the workplace are not motivated by caste prejudice or discrimination, instead of presuming their innocence.

Finally, it would be nearly impossible for the County or private companies to accurately ascertain the caste identity of an individual based on appearance, name, or any other cognizable characteristic without engaging in a form of racial profiling or other intrusive measures. Even sociologists, anthropologists, historians, and other scholars do not agree on what caste is and how it should be defined.

Ultimately, the Commission and County's commendable efforts to address discrimination will only lead to more discrimination.

As a result, we strongly urge the Commission not to adopt any policies or resolutions that would unfairly target the Hindu American community and people of Indian descent or origin, subject them to additional scrutiny, leave them vulnerable to bullying in schools, and deprive them of their fundamental civil rights in the workplace or elsewhere.

Thank you for your consideration and please feel free to let us know if you have any questions or require more information.

Sincerely,

Mihir Meghani
Co-Founder and Board Member
Hindu American Foundation

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