



May 18, 2021

Mr. James R. Williams
County Counsel

Ms. Mary E. Hanna-Weir
Deputy County Counsel

Santa Clara County Human Rights Commission
70 West Hedding Street, East Wing
San Jose, CA 95110

Re: Request to Amend HRC Ad Hoc Committee Report on Caste Discrimination

Dear Mr. Williams and Ms. Hanna-Weir,

We write on behalf of the Hindu American Foundation (HAF), a national nonprofit advocacy and civil rights organization, to thank you for your letter dated 5.12.21 that explains the process the Human Rights Commission and Board of Supervisors will utilize going forward as they consider the topic of caste discrimination.

We are encouraged that the Commission understands that caste is a complex issue that requires far greater research and input before it can consider any recommendations that may misrepresent the subject and have unintended consequences for the Hindu, Indian, and broader South Asian communities.

While we appreciate the Ad Hoc Committee's work and summary of findings in its report presented at the Commission's Public Meeting on 5.13.21, we would like to formally request that two sections of the report be amended to more accurately reflect the record.

HAF's Arguments/Position

In the Ad Hoc Committee report, HAF's presentation on 4.29.21 is summed up as being against the addition of caste to anti-discrimination policies because it may lead to "Hinduphobia and anti-India sentiment."

Importantly, this summary glosses over the main thrust of our arguments -- 1) that protection against and remedy to caste discrimination exists in enforcing existing laws and; 2) the addition of a separate caste category would wrongly single out and target only the Indian American



community for scrutiny and discrimination, and have serious equal protection and due process ramifications.

We are including a link to those arguments that we presented here for your convenience and request that the report be amended to reflect that.

<https://www.hinduamerican.org/press/santa-clara-county-caste-hearing-haf-testimony>

It is also important to note that two of the speakers during our presentation - Sandeep Dedage and Milind Makhwana - both identified themselves as representing a marginalized caste group organization and opposed the addition of caste as a separate anti-discrimination category as presented by the panelists and Equality Labs.

Accurate Count of Written Comments

While the Ad Hoc Committee report accurately reflects the percentages of oral public comments in favor and against the addition of a caste category at the 4.29.21 Public Meeting, it does not indicate the breakdown of the thousands of written comments submitted to the Commission. We know for a fact that approximately 3,000 written comments (utilizing our email software platform alone), along with several coalition letters, were emailed expressing opposition to the addition of caste as a separate category up until the 5.13.21 Meeting.

We therefore request that an accurate number of written comments for and against be noted in the Ad Hoc Committee report. We understand that there has been no actual formal recommendation or proposal by the Ad Hoc Committee or Commission to add such a category, but recording these numbers to gauge public sentiment would be important to ensure a complete record.

Finally, we would like to strongly condemn the public comments and language used by an individual directing his comments towards Commission Chair Bryan Franzen during the 5.13.21 Public Meeting. The individual's comments in no way represent the views of the Hindu American Foundation or the broader Hindu and Indian American communities, who patiently and respectfully expressed their views at the 4.29.21 and 5.13.21 Public Meetings.

We look forward to continuing to constructively engage with the public process as it moves forward over the next several months and present more perspectives from our diverse community as well as subject matter experts for the Commission's consideration.

HINDU AMERICAN FOUNDATION
910 Seventeenth St., Suite 316A
Washington, D.C. 20006
hinduamerican.org | 202.223.8222



Thank you in advance and we look forward to your response.

Sincerely,

A handwritten signature in blue ink that reads 'Suhag Shukla'.

Suhag Shukla, Esq.
Executive Director
Hindu American Foundation

A handwritten signature in blue ink that reads 'Samir Kalra'.

Samir Kalra, Esq.
Managing Director
Hindu American Foundation

Nikhil N. Joshi, Esq.

Nikhil Joshi, Esq.
National Leadership Council Member
Hindu American Foundation

CC: Santa Clara County Board of Supervisors