

CALIFORNIA LEGISLATURE

STATE CAPITOL
SACRAMENTO, CALIFORNIA
95814

October 3, 2023

The Honorable Gavin Newsom
Governor of California
1021 O Street, Suite 9000
Sacramento, CA 95814

RE: Request for Veto - SB 403 (WAHAB) Caste Bill

Dear Governor Newsom:

We respectfully request your veto on Senate Bill 403, a discriminatory bill that will not only target and racially profile South Asian Californians, but will put other California residents and businesses at risk and jeopardize our state's innovative edge.

By adding the term "caste" to the definition of "ancestry," this bill puts our state on track to add the first and only explicitly racially discriminatory term to California law, resulting in the denial of constitutional rights of equal protection and due process for South Asians, and Hindus in particular.

The California Education Code and every major dictionary including Merriam-Webster, Oxford and Cambridge, define caste as being a part of Hinduism. Even the state Civil Rights Department (CRD), which will be tasked with enforcing SB 403, defines caste as "a strict Hindu social and religious hierarchy." The bill's sponsor, Equality Labs, says in sworn court documents, "Caste derives from Hindu scripture," and that "caste exists in all South Asian religions."

In the Assembly Judiciary Committee analysis, there are letters and background information that "reinforce the association of caste and South Asians." Knowingly targeting a particular group for disparate treatment is un-American and constitutionally impermissible.

Notably, no concrete evidence or data has been provided to date to show that caste discrimination is in fact extensive in the state. The oft-quoted survey by Equality Labs was thrown out by the judge in the Cisco Systems case in 2021, and refused as evidence. In fact, the Cisco case is the only case of caste litigation in California.

Despite a lack of evidence, SB 403 proceeds on the presumption that South Asians are inherently bigoted. To not foresee that some employers will now be wary of hiring South Asians, thereby impacting businesses and innovation in the state, is irresponsible.

Beyond the discriminatory intent and impact of SB 403, the definitions of “caste” and “inherited social status” in SB 403 are so overly broad that it will open a variety of interpretations and leave millions of Californians vulnerable and subject to accusations of discrimination.

According to the bill, “ancestry includes, but is not limited to, lineal descent, heritage, parentage, caste, or any inherited social status.” Caste is defined as “an individual’s perceived position in a system of social stratification on the basis of inherited status.” This system of social stratification on the basis of inherited status” is defined by open ended factors such as the inability or restricted ability to alter inherited status, socially enforced restrictions on marriage, private and public segregation, and discrimination, and social exclusion on the basis of perceived status.

For these reasons, we respectfully request your veto on SB 403 which will have disastrous consequences for California for years to come.

Thank you for your consideration of this matter. If you have any questions, please feel free to contact us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian Jones".

Brian Jones
40th Senate District

A handwritten signature in blue ink, appearing to read "Shannon Grove".

Shannon Grove
Senator, 12th District