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California Civil Liberties Advocacy
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Monday, May 27, 2019

Assembly Judiciary Committee
1020 N Street, Room 104
Sacramento, CA 95814

RE: **Support for SB 188 (Mitchell)**

Dear Committee Members:

The California Civil Liberties Advocacy is writing to express **support** for SB 188 (Mitchell). SB 188 effectively strengthens anti-discrimination laws in California. The federal cases that have refused to extend such protections to racial stereotypes about grooming standards is disappointing, to say the least. Recently, prior to the introduction of SB 188, our group opened discussions about proposing just such a bill to the California State Legislature for the 2020 calendar. We were delighted to see that Senator Mitchell and the bill's sponsors are already working on the issue and gladly offer our support.

In *EEOC v. Catastrophe Management Solutions*ⁱ, the the Eleventh Circuit held that Title VII protections extend to a person's "immutable characteristics" but that a job applicant's hairstyle was a mutable characteristic and, therefore, an employer does not discriminate on the basis of race if employment is denied pursuant to an ostensibly race-neutral grooming policy. The U.S. Supreme Court denied certiorari in 2018, allowing the opinion to stand.ⁱⁱ

The CCLA disagrees with these decisions. One of our supporters spoke with us about this bill and related stories about family and friends having to spend hours in a salon, using all kinds of chemicals to straighten their hair so that they looked "more presentable" in searching for housing or employment. Recently, an article published in *Scientific American* related a study of "18 commonly used hair cosmetics such as relaxers (which chemically straighten hair), root stimulators and anti-frizz products detected 66 chemicals with potentially toxic effects." Some of the ingredients in these products have been linked to early puberty, obesity, and increased breast cancer risk. There is a word for requiring people to subject themselves to the use of toxic chemicals and invest time and money to make their hair appear "less black", it is called racism. The Eleventh

"Indifference to personal liberty is but the precursor of the state's hostility to it."

— Justice Kennedy, U.S. Supreme Court

Circuit's decision is wrong both legally and morally, and such jurisprudence has no place in California. We welcome Senator Mitchell's proactive approach to this issue and urge our lawmakers to join in condemning the Eleventh Circuit's decision and prohibiting such racist policies in our State.

For all of the abovementioned reasons, the CCLA strongly **supports** SB 188.

Very truly yours,



Matty Hyatt

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Cc:

Assemlymember Mark Stone (Chair)
Assemlymember James Gallagher (Vice Chair)
Assemlymember Ed Chau
Assemlymember David Chiu
Assemlymember Lorena Gonzalez
Assemlymember Chris Holden
Assemlymember Ash Kalra
Assemlymember Kevin Kiley
Assemlymember Brian Maienschein
Assemlymember Jay Obernolte
Assemlymember Cottie Petrie-Norris
Assemlymember Eloise Gomez Reyes

ⁱ *EEOC v. Catastrophe Management Solutions* (2016) 852 F.3d 1018

ⁱⁱ *EEOC v. Catastrophe Management Solutions* (2018) 138 S.Ct 2015.