



August 27, 2015

National Headquarters
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Governor Jerry Brown
State Capitol, Suite 1173
Sacramento, CA 95814

Re: SB 600 (Pan) – Discrimination: Citizenship, Language, Immigration Status – SPONSOR SUPPORT

Atlanta
Program Office
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Suite 2500
Atlanta, GA 30303
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Fax: 678.559.1079

Dear Governor Brown:

On behalf of MALDEF (Mexican American Legal Defense and Educational Fund), I write to express strong support for Senate Bill 600 (Pan), which would clarify that the State of California prohibits discrimination by business establishments based upon citizenship, primary language, and immigration status, except where federal law may require such discrimination. California depends upon developing the full potential of every contributor to our state; and that goal is jeopardized if the state permits business owners to discriminate against any group of people. Such ostracism of any group disserves the unity and success of our state. California will benefit from a law that plainly and clearly protects vulnerable populations from unwarranted discrimination in doing business. MALDEF urges you to sign and approve SB 600.

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The Unruh Act has long ensured that California businesses do not engage in arbitrary discrimination. While the California Supreme Court has held that the listed prohibited grounds for discrimination are “illustrative rather than restrictive,” *In re Cox*, 3 Cal. 3d 205, 216 (1970), it has also concluded that the prohibited basis of discrimination must be similar to the kinds of characteristics listed in the statute. Thus, in rejecting coverage of discrimination based on financial or economic status, the Court held that the Unruh Act prohibits discrimination based on “the classifications listed in the Act . . . or similar personal traits, beliefs, or characteristics that bear no relationship to the responsibilities of consumers of public accommodations.” *Harris v. Capital Growth Investors XIV*, 52 Cal. 3d 1142, 1169 (1991).

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While many might conclude that citizenship, primary language, and immigration status are personal characteristics like those specified in the act, others might well determine that these characteristics, which are changeable and, in other circumstances, relevant considerations under the law, are more akin to the financial and economic status addressed in *Harris*. In any event, it helps no one – least of all the businesses required to comply with the Unruh Act – to require Californians to parse court opinions to reach a debatable conclusion about how to comply with the law.

Washington, D.C.
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Governor Jerry Brown

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Clear and understandable law barring discrimination on the basis of citizenship, primary language, and immigration status is particularly important in an era in which the nation's elected leaders and prominent candidates for public office debate contentious issues like immigration reform. In an age when too many political leaders engage in unduly harsh, judgmental, and dehumanizing rhetoric about immigrants, California should provide clear notice to business proprietors that they should not allow overheated political demagoguery to lead them to the erroneous conclusion that they may discriminate in public accommodations.

By clarifying the Unruh Act, SB 600 will provide clear notice to business proprietors and clear protections to some of the most vulnerable Californians. MALDEF urges you to sign SB 600. Thank you for your leadership on this important matter.

Sincerely,

A handwritten signature in black ink, reading "Thomas A. Saenz". The signature is fluid and cursive, with the first name "Thomas" being more prominent and the last name "Saenz" following in a similar style.

Thomas A. Saenz
President and General Counsel

TAS:jaa