

January 25, 2011

The Honorable Kamala Harris
Attorney General's Office
California Department of Justice
Attn: Public Inquiry Unit
P.O. Box 944255
Sacramento, CA 94244-2550

Re: Protecting the Religious Freedom of California's Civil Servants

Dear Attorney General Harris:

We, the undersigned civil rights organizations, write to bring your attention to your office's decision to pursue litigation in the *Trilochan Singh Oberoi v. California Department of Corrections and Rehabilitation* (CDCR) case on behalf of the defendant CDCR. We are extremely troubled by this stance, and given your history of support for civil rights, we hope that you are equally concerned and will counsel your client CDCR to stop discriminating.

Mr. Oberoi, a California Sikh and otherwise qualified Correctional Officer (CO) candidate, was denied employment by the CDCR for his refusal to shave off his religiously-mandated beard in order to complete a Respirator Fit Test, a prerequisite to employment.

On November 10, 2008, the California State Personnel Board held that the CDCR's failure to consider alternative accommodations for Mr. Oberoi before denying him employment constituted unlawful religious discrimination. The Board also found that the CDCR failed to consider such accommodations despite the fact that the evidence "strongly suggested" that alternative accommodations were available. Indeed, the CDCR's own operations manual allows COs with skin irritations or disorders to wear a beard, and CDCR witnesses at the Board hearing even acknowledged that it was possible that there were currently-employed COs who had beards.

The above begs the question that if bearded COs can and have likely been accommodated by the CDCR, why should those who cannot shave for religious reasons be treated differently from those who cannot shave for medical reasons? This distinction is all the more baffling considering that even the United States Army was able to make simple accommodations for Sikh American men that allowed them to maintain their beards while wearing gas masks *in combat*. In short, it is difficult to understand this differential treatment as anything other than religious animus.

As you know, discrimination against Sikhs in the workplace is hardly a new phenomenon, but it has taken on frightening new vigor in the post-9/11 context. Given this constant attack on Sikh Americans' sense of belonging, it is disturbing that instead of protecting Mr. Oberoi's religious freedom, the state instead chose to defend the discriminatory actions of the CDCR, which is currently in violation of Board's order. Further, Sikh Americans are not the only ones who would suffer from an affirmation of the CDCR's stance. In addition to Sikhs, many Muslims and Orthodox Jews maintain beards in conformance with their faith.

It is our ardent hope that you will reaffirm the civil rights and religious freedom of Mr. Oberoi and similarly affected Californians. We look forward to partnering with you in pursuit of a California that protects and nurtures religious diversity.

Sincerely,

Asian Law Caucus
American Civil Liberties Union of Northern California
Council on American Islamic Relations (CAIR) - California
Sikh Coalition
Asian American Bar Association
Bay Area Association of Muslim Lawyers