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Case #20CV372366
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9 Attorneys for Plaintiff, DFEH
10 (Fee Exempt, Gov. Code, § 6103)

11 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **IN AND FOR THE COUNTY OF SANTA CLARA**

13 CALIFORNIA DEPARTMENT OF FAIR
14 EMPLOYMENT AND HOUSING, an agency of
15 the State of California,

Case No.: 20CV372366

16 Plaintiff,

**DECLARATION OF SIRI THANASOMBAT
IN SUPPORT OF PLAINTIFF CALIFORNIA
DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING'S MOTION TO PROCEED
USING A FICTITIOUS NAME**

17 vs.

18 CISCO SYSTEMS, INC., a California
19 Corporation; SUNDAR IYER, an individual;
20 RAMANA KOMPELLA, an individual,

21 Defendants.

22 I, Sirithon Thanasombat, under penalty of perjury, do hereby state as follows:

23 1. I am a Senior FEH Counsel at the California Department of Fair Employment and
24 Housing (DFEH). I make this Declaration in support of DFEH's Motion to Proceed Using a Fictitious
25 Name.

26 2. I make this declaration on the basis of my own personal knowledge and my review of
27 DFEH's investigative files.

28 ///

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1 3. On July 30, 2018, complainant John Doe¹ filed a verified administrative complaint with
2 DFEH against defendant Cisco Systems, Inc. (Cisco). On or around October 9, 2018, Doe filed an
3 amended administrative complaint against defendants Cisco, Sundar Iyer, and Ramana Kompella.

4 4. The administrative complaints alleged that defendants unlawfully discriminated,
5 harassed, and retaliated against Doe in violation of the Fair Employment and Housing Act (FEHA).

6 5. After DFEH investigated Doe’s administrative complaint, the parties participated in a
7 mandatory mediation on February 11, 2020. The parties also participated in a private mediation on June
8 10, 2020. Both attempts at mediation were unsuccessful. The parties entered consecutive tolling
9 agreements to toll the statutory deadline for DFEH to file a civil action to June 30, 2020.

10 6. The EEOC issued a right to sue letter regarding the complainant’s federal claims on June
11 29, 2020.

12 7. DFEH filed an action in federal court on June 30, 2020. On October 16, 2020, DFEH
13 voluntarily dismissed the federal suit without prejudice pursuant to Federal Rules of Civil Procedure 41,
14 subdivision (a)(1).

15 8. On August 13, 2020, the Hindu American Foundation released on its website the article
16 titled, *California’s Lawsuit Against Cisco Uniquely Endangers Hindus and Indians*, Hindu American
17 Foundation (Aug. 13, 2020) <[https://www.hinduamerican.org/blog/california-cisco-lawsuit-uniquely-
18 endangers-hindus-indians](https://www.hinduamerican.org/blog/california-cisco-lawsuit-uniquely-endangers-hindus-indians/)> (as of Oct. 30, 2020). A true and correct copy of the on-line article is
19 attached as **Exhibit 1**.

20 9. On October 16, 2020, DFEH filed its state-court complaint pursuant to Government Code
21 section 12965 and 28 U.S.C. section 1367, subdivision (d).

22 ///

23 ///

24 ///

25
26 _____
27 ¹ Because of the stigma and threats of violence associated with a person’s status as Dalit, DFEH uses a
28 fictitious name for complainant to protect his safety and privacy and protect him from further
discrimination, harassment, or retaliation based on his caste and related characteristics. Through
DFEH’s administrative process, defendants have been made aware of Doe’s legal name.

1 10. On October 26, 2020, The Guardian published an article entitled, *As India Drifts Into*
2 *Autocracy, Nonviolent Protest is the Most Powerful Resistance* (Oct. 26, 2020)

3 <[https://www.theguardian.com/commentisfree/2020/oct/26/india-autocracy-nonviolent-protest-](https://www.theguardian.com/commentisfree/2020/oct/26/india-autocracy-nonviolent-protest-resistance)
4 [resistance](https://www.theguardian.com/commentisfree/2020/oct/26/india-autocracy-nonviolent-protest-resistance)> (as of Oct. 27, 2020). A true and correct copy of the on-line article is attached **Exhibit 2.**

5 11. On October 27, 2020, the Washington Post published an article entitled, *India's*
6 *Engineers Have Thrived in Silicon Valley. So Has Its Caste System* (Oct. 27, 2020)

7 <<https://www.washingtonpost.com/technology/2020/10/27/indian-caste-bias-silicon-valley/>> (as of Oct.
8 27, 2020). A true and correct copy of the on-line article and the full statement on caste bias linked to
9 therein are attached as **Exhibit 3.**

10 12. John Doe has requested that DFEH seek permission for him to participate in this
11 litigation anonymously.

12 I declare under penalty of perjury that the foregoing is true and correct to the best of my
13 knowledge.

14
15 DATED: November 2, 2020

By: 
SIRI THANASOMBAT

EXHIBIT 1



On The Issues

California's lawsuit against Cisco uniquely endangers Hindus and Indians

By HAF Legal Team August 13, 2020

California's lawsuit against Cisco uniquely endangers Hindus and Indians

The California Department of Fair Employment and Housing (CDFEH) sued the Silicon Valley tech giant Cisco Systems in June of 2020, accusing the company of discriminating against an Indian-American employee by allowing two managers, also of Indian origin, to harass him on the basis of his being from a lower caste. Cisco Systems is promising a vigorous defense, rejecting the claim of discrimination.

The CDFEH claim, however, goes beyond allegations of caste discrimination.

The complaint promotes anti-immigrant bias and false and dangerous stereotypes about Indian Americans that will perversely lead to increased targeting of and discrimination against Indian-origin, and particularly Hindu, workers.

Here's how.

1) CDFEH has blown a dog-whistle for anti-immigrant bigotry.

The CDFEH [frames](#) the beginning of its complaint in blatantly racist and anti-immigrant terms. It alleges that Indians are "significantly overrepresented" at Cisco, and implies that similarly qualified non-Indian immigrants are being ignored in hiring there and at other tech companies:

"Cisco has a significant **overrepresentation** of Asian employees compared to other companies in the communications, equipment and manufacturing industry (NAICS 3342) in the same geographic area, which is statistically significant at nearly 30 standard deviations. Such overrepresentation is also present in management and professional job categories...."

Such framing — that hordes of Indians are overrepresented, taking away American jobs — is common rhetoric amongst anti-immigrant extremists and hate groups. It should never find sanction in a progressive state whose economy is significantly bolstered by its immigrant and foreign worker supported tech sector.

Predictably, news of the lawsuit is stoking a spate of xenophobic attacks targeting Indian and Hindu Americans. A recent story covering the case in [Breitbart](#) evinced comments like these:

- "Cuts both ways however. After India was colonized by the English and they achieved independence. The Indians booted every white out of the place. Same will happen in the west. The day will come when the Indians [sic] etc get re-immigrated."
- "Then south Asia - India specifically - talk about a racist society! My god... it's a part of their bloody religion!"
- "We don't want too many Indians in the USA. After all, look what those geniuses did to India. Too many geniuses in one place seems to be a bad thing."

2) CDFEH has unconstitutionally defined Hindu religious doctrine and perpetuated false and dangerous stereotypes conflating caste-based discrimination with Hinduism and Hindus.

The CDFEH perpetuates dangerous and false stereotypes about Hindus and Hinduism. The complaint states:

"As a strict **Hindu social and religious hierarchy**, India's caste system defines a person's status based on their religion, ancestry, national origin/ethnicity, and race/color—or the caste into which they are born—and will remain until death." (emphasis added)

In connecting caste and caste-based discrimination to Hindu teachings and practice, the CDFEH suit explicitly defines and ties Hinduism to inequality.

The CDFEH's assertion here is a clear violation of the First Amendment's right to religious freedom, as the State is seeking to define the philosophy and practices of Hinduism for Hindus, rather than allowing Hindus to define their religion for themselves.

Such unconstitutional overreach by the State of California should be concerning for all Americans.

To make matters worse, not only are CDFEH's actions unconstitutional, they are theologically incorrect.

Any assertion that caste discrimination is integral to Hindu teachings and practice is not only [wrong](#), it trafficks in anti-Hindu hate (see [here](#), [here](#), and [here](#)).





Every major sampradaya (Hindu religious tradition) and Hindu socio-religious organization rejects caste-based discrimination. Moreover, numerous Hindu saints and reformers have opposed caste-based discrimination over the millennia and have brought about and promoted the dignity, mutual respect, and the equal worth of all people.

The unique damage and danger posed to Indian and Hindu Americans as a result of the Cisco lawsuit is being compounded by bigoted rhetoric from certain activist quarters and activist-scholars. See, for example, how [Vice News](#) covered the story, quoting a law professor from Indiana who repeats the outright error and false stereotypes.

"What Modi is doing is pushing India toward a Hindu nation," Brown said. "He's doubling down on those Hindu beliefs, which untouchability is an aspect of it. India is beginning to embrace its Hindu traditions, which by definition leads to discrimination against Dalits because of the history of Hinduism."

Untouchability is NOT an aspect of Hindu beliefs. And what Professor Brown and the article gloss over are compelling facts about caste dynamics and empowerment in India — namely, that Prime Minister Narendra Modi and President Ram Kovind both come from historically disadvantaged, so-called low castes.

3) CDFEH inaccurately ties skin color to caste.

CDFEH complaint goes on to say:

"At the bottom of the Indian hierarchy is the **Dalit, typically the darkest complexion caste**, who were traditionally subject to "untouchability" practices which segregated them by social custom and legal mandate." (emphasis added)

This statement promotes the blatantly false perception that's widely held in the West: that [colorism](#) (and even racism) is a product of caste, and that the contemporary view of social stratification within India is somehow linked to skin color. It is not.

The [conflation](#) of caste with color is a direct product of a 19th-century [racist European theory](#) that claimed that light-skinned invaders, who would become the so-called 'upper castes', took over dark-skinned indigenous groups or 'lower castes' on the subcontinent, despite a complete lack of archaeological or genetic evidence supporting the claim. This theory also fit neatly with the British colonial project to justify rule in India (and around the world) over people of color as a superior light-skinned race.

This is not to say colorism, or a preference for fairer skin, is not a real fixation for many South Asians. One example is the multi-billion industry for skin-lightening patronized across countries and cultures. Another is the Pakistani leadership's perception of cultural superiority over their darker Bengali Muslim co-religionists in Bangladesh (formerly the eastern wing of Pakistan). These attitudes fueled, in part, the discrimination and marginalization of the Bengali population in the run up to Bangladesh's independence struggle in 1971.

Bottom line: Colorism has nothing to do with Hinduism.

4) CDFEH cites and amplifies misleading claims of an anti-Hindu hate group.

Equality Labs is an anti-Hindu hate group. It denies the very existence of Dalit Hindus, who make up the lifeblood of Hindu society in India and throughout South Asia, and whose ancestors are amongst the most revered saints for all Hindus.

The organization and its allies have also [testified](#) to Hinduism being "an evil social construct," have bullied and heckled young Hindu students and their parents who were testifying for greater equity and accuracy in the way Hinduism is taught in public schools; have [attacked Hindu celebrations](#) of sacred holidays; and have a track record of hateful and bigoted social media posts and public statements about Hindus and Hinduism (it uses Hinduism and Brahminism interchangeably).

Sharmin Hossain is Equality Labs' Policy Director and identifies as a Bangladeshi-American Queer Muslim

CDFEH and numerous media outlets reporting on the Cisco lawsuit are republishing statistics from a survey this group purportedly conducted two years ago to survey caste discrimination in the U.S. HAF's [analysis](#) of the survey highlights significant methodological, statistical, sampling, and confirmation bias errors.

We do know anecdotally that the earliest waves of Indian immigrants to the United States came to pursue higher education, and were thereby likely to be from communities and families which had greater access to education and opportunity.



Conclusion

The CDFEH Cisco lawsuit centers its professed anti-caste activism in deeply flawed, erroneous language that perpetuates the most dangerous stereotypes about Hinduism and its one billion global adherents.

Caste is not intrinsic to Hinduism. Caste is not color. Defining Hindu religious belief and practices for Hindus themselves is unconstitutional.

California must reject the claims and unverified assertions of anti-Hindu groups, such as Equality Labs, that first make the claim that caste is fundamental to Hinduism — then predicated on that false contention — target Hindus and their religion for claims of discrimination. To not do so, uniquely targets only Hindu Americans for policing and ethnic profiling in the pursuit of caste-related enforcement, and that too in the absence of any universally accepted understanding of what “caste” is..

In light of the CDFEH action and related media coverage parroting CDFEH's anti-Hindu contentions that are unleashing waves of xenophobia and anti-Hindu vilification not seen in a generation, HAF has written to the CDFEH demanding redactions and revisions of the complaint.

California and all states should enforce existing anti-discrimination statutes. But cultural awareness and competency training specific to South Asia and its religious traditions is a prerequisite.

The consequences of CDFEH religious illiteracy are all too clear.

NOTE: This post has been edited since its original publication.

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Promoting dignity, mutual respect, and pluralism.



EXHIBIT 2

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Opinion

As India drifts into autocracy, nonviolent protest is the most powerful resistance

Amartya Sen

The Hindu nationalist regime has cultivated religious animosity - undermining the nation's secular traditions

Mon 26 Oct 2020 08.00 EDT



1,209



othing is as important, the philosopher Immanuel Kant claimed, as the “freedom to make public use of one’s reason on all matters”. Unfortunately, as Kant also noted, the opportunity to argue is often restrained by society - sometimes very severely. A disturbing fact about the world today is

N that authoritarian tendencies have been strikingly on the increase in many countries - in Asia, in Europe, in Latin America, in Africa and within the United States of America. I fear I have to include my own country, [India](#), in that unfortunate basket.

After India secured independence from British colonial rule, it had for many decades a fine history of being a secular democracy with much personal liberty. People showed their commitment to freedom and their determination to remove authoritarian governance through decisive public action, for example in the general elections in 1977, in which the despotic regulations - dressed as “the emergency” - were firmly rejected by the people. The government obeyed promptly.

However, in recent years the priority of freedom seems to have lost some of its lustre for many people, and the current government gives striking evidence of the inclination to promote a different kind of society. There have also been strong attempts to stifle anti-government protests, which, strangely enough, have often been described by the government as “[sedition](#)”, providing grounds for arrest and for locking up opposition leaders. Aside from the despotic tendencies implicit in this approach, there is also a profound confusion of thought here, since a disagreement with the government need not be a rebellion to overthrow the state, or to subvert the nation (on which the diagnosis of “sedition” must depend).

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When I was in school in British-ruled colonial India, many of my relations, who were nonviolently agitating for India’s independence (inspired by Mahatma Gandhi and other champions of freedom), were in British Indian jails under what was described as “preventive detention”, allegedly to stop them from doing anything violent. After India’s independence, preventive detention as a form of incarceration was halted; but then it was reintroduced, initially by the Congress government, in a relatively mild form. That was bad enough, but under the [Hindutva-oriented BJP](#) government now in office, preventive detention has acquired a hugely bigger role, allowing easy arrests and imprisonment of opposition politicians without trial.

Indeed, from last year, under the provision of a freshly devised Unlawful Activities (Prevention) Act (UAPA), the state can unilaterally declare someone to be a terrorist, which allows them to arrest this

alleged terrorist and place them in incarceration without trial. A number of human rights activists have been designated as terrorists and [are in jail](#) already under this arrangement.

When someone is described as being “anti-national”, this can be seen as a big philosophical denunciation anywhere in the world, but in today’s India it may mean nothing more than the person has made some critical remarks about the government in office. The confusion between “anti-government” and “anti-national” is typical of autocratic governance. The courts have sometimes been able to stop such abusive practices, but given the slow movement of the Indian courts, and the differences of opinion within India’s large supreme court, this has not always been an effective remedy. One of the most prominent defenders of human rights in the world, Amnesty International, has been [forced to leave](#) India as a result of governmental intervention.

The pursuit of authoritarianism in general is sometimes combined with the persecution of a particular section of the nation - often linked, in India, with caste or religion. The low-caste former “untouchables”, now called Dalits, continue to get the benefits of affirmative action (in terms of employment and education) that were introduced at the time of India’s independence, but they are often very harshly treated. Cases of [rape and murder](#) of Dalits by upper-caste men, which have become shockingly common events, are frequently ignored or covered up by the government, unless pressed otherwise by public protests.

The Indian authorities have been particularly severe on the rights of Muslims, even to the extent of [restricting](#) some of their citizenship rights. Despite centuries of peaceful co-existence between Hindus and Muslims, there have been striking attempts in recent years by politically extremist Hindu organisations to treat indigenous Muslims somewhat like foreigners and to accuse them of doing harm to the nation. This has been fed by cultivating disaffection and inter-religious animosity through the rapidly increased power of extremist Hindu politics. The fact that the celebrated poet Rabindranath Tagore had a Hindu background was not contradicted by his [self-description](#) in Oxford (when giving the Hibbert lectures) that he came from the confluence of three cultural streams, combining Hinduism and Islam, in addition to western influence.

Indian culture is a joint product of people of different religious faiths, and this can be seen in different fields - from music and literature to painting and architecture. Even the very first translation and propagation of Hindu philosophical texts - the [Upanishads](#) - for use outside India was done on the active initiative of a Mughal prince, Dara Shikoh, the eldest son of Mumtaz (in whose memory Dara’s father, Emperor Shah Jahan, built the Taj Mahal). Led by the government’s current ideological priorities, many school textbooks in India are being rewritten now to present a thoroughly revisionist history, reducing - or ignoring altogether - the contributions of Muslim people.

Amnesty specialises in hard truths. No wonder Modi froze it out of India
Simon Tisdall

Despite the government’s power, armed with the UAPA, to call anyone a terrorist, those accused are typically committed to nonviolent protests in the way that Gandhi had advocated. This applies particularly to newly emerging secular resistance in India, led by student leaders. For instance, Umar Khalid, a Muslim scholar from Jawaharlal Nehru University who has been [arrested and imprisoned](#) as an alleged “terrorist” through the use of the UAPA, has eloquently expressed this secular movement’s commitment to peaceful protest:



“If they beat us with *lathis* [sticks], we will hold aloft the Tricolour [the Indian national flag]. If they fire bullets, then we will hold the constitution and raise our hands.”

→ [Read more](#)

While the growth of authoritarianism in India demands determined resistance, the world is also facing a pandemic of autocracy at this time, which makes the Indian lapses look less abnormal than they in fact are. The justification for imposing tyranny varies from country to country, such as reducing drug trafficking in the case of the Philippines, curtailing the flow of immigrants in Hungary, suppressing gay lifestyles in Poland, and using the military to control allegedly corrupt behaviour in Brazil. The world needs as many different ways of defending freedom as there are attacks upon it.

Dr Martin Luther King Jr noted in a letter written in 1963 from Birmingham jail: “Injustice anywhere is a threat to justice everywhere.” He also insisted that all resistance has to be nonviolent. So do the young student leaders of today’s India. If there is a commonality in the distinct manifestations of autocracy, there is also a shared reasoning in the resistance.

Amartya Sen is a Harvard professor and Nobel-prize winning economist.

This is an edited extract of a speech that he gave upon winning the [2020 Peace prize of the German Book Trade](#)

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EXHIBIT 3

India's engineers have thrived in Silicon Valley. So has its caste system.

Engineers and advocates of the lowest-ranked castes say that tech companies don't understand caste bias and haven't explicitly prohibited caste-based discrimination.

By **Nitasha Tiku**

Oct. 27, 2020 at 6:45 p.m. PDT



Whenever Benjamin Kaila, a database administrator who immigrated from India to the United States in 1999, applies for a job at a U.S. tech company, he prays that there are no other Indians during the in-person interview. That's because Kaila is a Dalit, or member of the lowest-ranked castes within India's system of social hierarchy, formerly referred to as "untouchables."

Silicon Valley's diversity issues are well documented: It's still dominated by White and Asian men, and Black and Latino workers remain underrepresented. But for years, as debates about meritocracy raged on, the tech industry's reliance on Indian engineers allowed another type of discrimination to fester. And Dalit engineers like Kaila say U.S. employers aren't equipped to address it.

In more than 100 job interviews for contract work over the past 20 years, Kaila said he got only one job offer when another Indian interviewed him in person. When members of the interview panel have been Indian, Kaila says, he has faced personal questions that seem to be used to suss out whether he's a member of an upper caste, like most of the Indians working in the tech industry.

"They don't bring up caste, but they can easily identify us," Kaila says, rattling off all of the ways he can be outed as potentially being Dalit, including the fact that he has darker skin.

The legacy of discrimination from the Indian caste system is rarely discussed as a factor in Silicon Valley's persistent diversity problems. Decades of tech industry labor practices, such as recruiting candidates from a small cohort of top schools or relying on the H-1B visa system for highly skilled workers, have shaped the racial demographics of its technical workforce. Despite that fact, Dalit engineers and advocates say that tech companies don't understand caste bias and have not explicitly prohibited caste-based discrimination.

In recent years, however, the Dalit rights movement has grown increasingly global, including advocating for change in corporate America. In June

In recent years, however, the Dalit rights movement has grown increasingly global, including advocating for change in corporate America. In 2016, California's Department of Fair Employment and Housing filed a landmark suit against Cisco and two of its former engineering managers, both upper-caste Indians, for discriminating against a Dalit engineer.

After the lawsuit was announced, Equality Labs, a nonprofit advocacy group for Dalit rights, received complaints about caste bias from nearly 260 U.S. tech workers in three weeks, reported through the group's website or in emails to individual staffers. Allegations included caste-based slurs and jokes, bullying, discriminatory hiring practices, bias in peer reviews, and sexual harassment, said executive director Thenmozhi Soundararajan. The highest number of claims were from workers at Facebook (33), followed by Cisco (24), Google (20), Microsoft (18), IBM (17) and Amazon (14). The companies all said they don't tolerate discrimination.

And a group of 30 female Indian engineers who are members of the Dalit caste and work for Google, Apple, Microsoft, Cisco and other tech companies say they have faced caste bias inside the U.S. tech sector, according to a statement shared exclusively with The Washington Post.

The women, who shared the statement on the condition of anonymity for fear of retaliation, argue that networks of engineers from the dominant castes have replicated the patterns of bias within the United States by favoring their peers in hiring, referrals and performance reviews.

"We also have had to weather demeaning insults to our background and that we have achieved our jobs solely due to affirmative action. It is exhausting," they wrote. "We are good at our jobs and we are good engineers. We are role models for our community and we want to continue to work in our jobs. But it is unfair for us to continue in hostile workplaces, without protections from caste discrimination."

The tech industry has grown increasingly dependent on Indian workers. According to the State Department, the United States has issued more than 1.7 million H-1B visas since 2009, 65 percent of which have gone to people of Indian nationality. Close to 70 percent of H-1B visa holders work in the tech industry, up from less than 40 percent in 2003, says David J. Bier, an immigration policy analyst at the Cato Institute.

Devesh Kapur, a professor of South Asian studies at Johns Hopkins University, found that in 2003, only 1.5 percent of Indian immigrants in the United States were Dalits or members of the lower-ranked castes.

Big Tech's annual company diversity reports typically don't distinguish between East Asian or South Asian workers and do not delve into caste, class, or socioeconomic distinctions of any race or gender. And the immigration status of Dalit workers, including visas and green cards that require being sponsored by their employers, made it difficult for them to speak out against the discrimination they allege, says Soundararajan from Equality Labs, which is conducting a formal survey to follow-up on the claims they received this summer.

"Just like racism, casteism is alive in America and in the tech sector," said Seattle-based Microsoft engineer Raghav Kaushik, who was born into a dominant caste but who has been involved in advocacy work for years. "What is happening at Cisco is not a one-off thing; it's indicative of a much larger phenomenon."

In a statement, Cisco spokesperson Robyn Blum said: "Cisco is committed to an inclusive workplace for all. We have robust processes to report and investigate concerns raised by employees which were followed in this case dating back to 2016, and have determined we were fully in compliance with all

investigate concerns raised by employees which were followed in this case dating back to 2010, and have determined we were fully in compliance with all laws as well as our own policies. Cisco will vigorously defend itself against the allegations made in this complaint.”

Dalit engineers said that most Indian workers from upper castes do not seem aware of their caste privilege and believe caste bias is a thing of the past, despite the fact that high-profile tech CEOs and board members, such as Microsoft CEO Satya Nadella and Amazon board member Indra Nooyi, the former CEO of Pepsi, are Brahmins, or members of the highest caste.

In a statement, Facebook spokesperson Nneka Norville said: “To build services for the whole world, we need a diverse and inclusive workplace. We train managers to understand the issues team members from different backgrounds may face and have courses to help employees counter unconscious bias.”

Apple spokesperson Rachel Tulley said: “At Apple, we are dedicated to providing employees with a workplace where they feel safe, respected, and inspired to do their best work. We have strict policies that prohibit any discrimination or harassment, including based on caste, and we provide training for all employees to ensure our policies are upheld.”

Google spokesperson Jennifer Rodstrom said: “Our policies prohibit harassment and discrimination in the workplace. We investigate any allegations and take firm action against employees who violate our policies.”

Microsoft spokesperson Frank X. Shaw said there are no official complaints of caste bias at Microsoft in the United States.

Amazon spokesperson Adam Sedo said, “We do not tolerate any kind of discrimination in the workplace, and our code of conduct explicitly prohibits discrimination against any employee or candidate on the basis of creed and ancestry.” (Amazon chief executive Jeff Bezos owns The Washington Post.)

IBM declined to comment.

Caste is often discovered through questions, not always through appearance. (Although Dalits may have a darker complexion, skin color is not synonymous with caste.) Questions about whether someone is a vegetarian, where they grew up, what religion they practice or who they married may be used as a “caste locator,” seven Indian engineers working in the United States said in interviews with The Post, unrelated to the statement shared by 30 female Indian engineers.

Other tests include patting an Indian man on the back to see whether he is wearing a “sacred thread” worn by some Brahmins, the highest-ranked caste. (This gesture is sometimes referred to as the “Tam-Bram pat,” in reference to Tamil-speaking Brahmins.)

Internal Microsoft emails from 2006 obtained by The Post indicate that caste bias is a long-standing problem within the industry. That year, after the Indian government announced affirmative action measures for marginalized castes, a debate broke out on a company thread about whether the bar was being lowered for Dalit candidates and about their inherent intelligence and work ethic. HR intervened but only to temporarily shut down the thread.

No employees faced consequences for expressing bias against Dalits, according to Kaushik and Prashant Nema, currently a performance and capacity engineer at Facebook, who worked at Microsoft at the time. Shaw said Microsoft encourages and facilitates dialogue and feedback from all employees but

declined to comment on the specifics of the 2006 thread.

“If anything, it’s probably gotten worse” since then because of the election of Narendra Modi as prime minister, whose administration has tried to roll back protections for Dalits, Kaushik says. “A lot of the previously repressed ideas, now South Asians feel more emboldened to say it out loud.”

Recent discussion threads about the Cisco case on the anonymous app Blind show tech workers raising the same questions about Dalit engineers in 2020.

In the Cisco suit, the complainant, an Indian engineer identified as John Doe, alleges he was paid less and denied opportunities because both managers knew he is Dalit. It also claims that Doe faced retaliation after he complained about facing a hostile work environment.

The lawsuit, which was initially filed in federal court before being refiled last week in state court in Santa Clara County, where Cisco is headquartered, alleges that Cisco violated the California Fair Employment and Housing Act, which prohibits employment discrimination based on race, religion, national origin, and ancestry.

If Doe wins, it will be the first major case to prove discrimination against Dalits in the private sector, says Kevin Brown, a law professor at Indiana University at Bloomington, who has been traveling to India and studying the Dalit rights movement for more than 20 years. Brown says the decision would have a clear impact on tech companies’ U.S. operations but also raise the importance of the issue for multinational companies operating in India.

The 30 female engineers are urging their employers, as well as corporate America at large, to include caste as a protected category, so that they feel comfortable reporting this type of bias to human resources. The group includes a few engineers who worked on contract for U.S. tech companies — both in the United States and India through multinational outsourcing companies. However, most of the women are currently tech employees living in the United States.

The female engineers described Indian engineering managers from dominant castes who excluded them from opportunities for promotion, made inappropriate jokes about Dalit and Muslim women and about Dalit reservations (the Indian government’s term for affirmative action), and, in the worst cases, subjected them to sexual harassment.

The Dalit women said they immigrated to the United States hoping to escape bullying and abuse they endured at India’s top engineering schools, where members of the dominant castes questioned their competence as developers. But elite academic centers, such as the Indian Institutes of Technology (IITs), also act as a feeder system for tech talent to Silicon Valley.

In the Cisco case, for instance, both John Doe and the manager who outed him graduated from IIT Bombay.

Harvard professor Ajantha Subramanian, author of “The Caste of Merit: Engineering Education in India,” says the IITs have an “outsized influence in U.S. tech culture” through powerful alumni networks that have facilitated the entry of a younger generation into Silicon Valley.

“While caste bias is not unique to the IITs, it is pervasive on the campuses because of widely shared assumptions among upper-caste faculty and students about upper-caste merit and lower-caste intellectual inferiority,” Subramanian says. “Such assumptions were quite clearly in play in the Cisco case.”

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The consequences of being identified as Dalit can also lead to social exclusion by co-workers, even outside the office. One engineer and former contractor for Cisco said he was temporarily removed from a WhatsApp group with other Cisco workers after sharing a news story critical of Brahmin supremacy.

Indian engineers said they did not always trust that Americans would comprehend the power dynamics underlying caste oppression. In interviews, many Indian engineers referenced journalist Isabel Wilkerson's best-selling new book, "Caste: The Origins of Our Discontents," which argues that treatment of Black people in the United States is the result of a caste-based hierarchy.

Despite the risks of speaking out, Dalit engineers and their allies have seized on the discussion around historic racism to share their individual observations and experiences about workplace discrimination.

The prevalence of caste bias makes the outcome of the Cisco case more urgent, Microsoft's Kaushik says. "Then it doesn't matter what Microsoft thinks, it doesn't matter what Google thinks, it doesn't matter what Amazon thinks. They have to pay attention to the law."

Dalit Women Technologists' Statement about Caste in Silicon Valley

We write this statement, proudly, not only as a collective of 30 Dalit feminist software engineers, but also as pathbreakers who have made a difference in education and achievement for our communities. Through a great deal of sacrifice, we have come to the United States and work across numerous companies in and beyond Silicon Valley, including Google, IBM, Cisco, Apple, Microsoft, Infosys, and Wipro, as well as small and mid-tier start-ups. Collectively, we have decades of experience in tech and we know this field like the back of our hands.

This letter is an anonymous effort, because many of us are still employed by our workplaces and not all of us are citizens. To speak out in this tenuous environment would not just mean losing our jobs, but also our immigration status. Despite these barriers, we will not be silent.

We thank John Doe from Cisco for speaking out, because his experience echoes our own. As Dalit women, we have already seen both casteism and sexism during our tech education in India. Many of us have the burden of proving ourselves to our male peers, while also facing multiple casteist assumptions that we are not competent developers. We are always having to dodge difficult caste locator questions about where we are from, what religion we practice, and whom we have married—questions designed to place us into the caste hierarchy against our will. We also have had to weather demeaning insults to our background and accusations that we have achieved our jobs solely due to affirmative action. It is exhausting.

We struggled silently through this because we did not have any other option. We are the first generation of learners from our communities. If we did not break through, the sacrifices for our families would have amounted to nothing. School was no different, as dominant caste networks often bullied Dalit students and workers. Many of us also faced some hazing and

that treatment makes you doubt yourself. We had to struggle to be able to push through.

Being women in STEM is even harder when you have the added component of caste. We are also discouraged by the level of misogyny present in these schools, due to the incessant passing of inappropriate comments and the overly forward way in which dominant caste men would approach us. They have grown up abusing us and they expected to continue this shameful behavior in schools. We survived this only to be hurled into the casteist networks of Silicon Valley Tech.

We have seen casteist bias dominate the hiring, referrals, and peer review processes in our respective workplaces. None of us were hired through those dominant caste “boys clubs” networks (we were employed through a general hiring process). As a result, working with Indian managers is a living hell. Their gender and caste politics leave a lot to be desired. Dominant caste men make jokes about Dalit reservation, as well as inappropriate jokes about Dalit and Muslim women. Hindu nationalist chauvinism has also been on the rise, following the election of India’s current Prime Minister Narendra Modi.

It is dominant caste locker room culture at its worst, and these men refuse to see or regard anybody else as their peers. They often leave women engineers out of social meetings and underestimate our capabilities, promoting their caste network friends before Dalit engineers. We cannot say with certainty that they knew we were Dalit women at every instance. However, we do know that for those of us whose last names, and caste and religious identities were apparent, we faced some sort of casteist comment (used as an excuse to classify our programming as shoddy). The worst cases resulted in sexual harassment.

The manner in which dominant caste men misbehave with our women is common. But, again, we did not have a lot of options to report these

incidents to our respective HR departments because caste was not a protected category. The worry about losing our immigration status if we were fired was another barrier. Sadly, many of us left jobs, but not tech, because of these dynamics.

We know that we thrive when we work under a non-Indian boss. Our work is seen and evaluated on merit, and we are integrated rather than being excluded. Nonetheless, Silicon Valley is far from perfect, as diversity issues across race and gender loom large. Based on our own experience, we at least have a fighting chance to advance in our companies, as long as we are freed from these casteist bosses and networks.

We need things to change. We are good at our jobs and we are good engineers. We are role models for our community and we want to continue to work in our jobs. But it is unfair for us to continue in hostile workplaces, without protections from caste discrimination.

That is why we are asking all American corporations to adopt caste as a protected category and HR departments to practice cultural competencies related to caste. A good place to begin is the Ambedkar principles for corporate responsibility. We are optimistic for what the future has in store for us. We are here to be heard, and have our voices join the demand to end caste discrimination now.

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