



Xavier Becerra
Attorney General of California
1300 I Street
Sacramento, CA 95814

May 21, 2018

Dear Attorney General Becerra:

The Lawyers' Committee for Civil Rights Under Law¹ and the Human Rights Campaign² write to ask you to ensure an investigation occurs following reports of a potential hate crime and invasion of privacy involving the harassment of a person, perceived to be transgender, trying to use the bathroom in a place of public accommodations.

According to news reports,³ Jazmina Saavedra, a political candidate running for the U.S. House of Representatives, recently posted a video on Facebook showing herself accosting a person using a bathroom at a Denny's restaurant in Los Angeles. The video and reports appear to show that Ms. Saavedra targeted this person for harassment on the basis of animus against their gender identity. It appears that the target of the attack was in the bathroom stall during the filming and verbal assault by Ms. Saavedra. On the video, Ms. Saavedra appears to say that she is filming and harassing this person because they identified themselves to a restaurant employee as female and used the women's restroom. "I'm trying to use the ladies' room right now," Ms. Saavedra allegedly said, "And there is a man here saying he's a lady."⁴ Ms. Saavedra allegedly displayed her stun gun and pepper spray to viewers at the end of the video.⁵

If the facts as described in the video and news reports are accurate, this may qualify as a hate crime and an invasion of the privacy of the targeted individual. We urge the California Attorney General's office to ensure an investigation occurs and support the district attorney as needed.

California law defines a "hate crime" as "a criminal act committed, in whole or in part, because of one or more of the ... actual or perceived characteristics of the victim" including gender,

¹ The Lawyers' Committee for Civil Rights Under Law is a nonpartisan, nonprofit organization formed in 1963 at the request of President Kennedy to mobilize the private bar to provide legal services to address discrimination and persecution of minorities. The Stop Hate Project at the Lawyers' Committee works to strengthen the capacity of community leaders, law enforcement, and organizations to combat hate by providing resources to these groups and victims of hate incidents through its reporting hotline (1-844-9-NO-HATE) and website (www.8449nohate.org).

² The Human Rights Campaign is the largest civil rights organization working to achieve equality for lesbian, gay, bisexual, transgender, and queer Americans, with more than 3 million members and supporters nationwide. By inspiring and engaging individuals and communities, HRC envisions a world where LGBTQ people are ensured equality and embraced as full members of society at home, at work, and in every community.

³ ABC7, *LA congressional candidate posts video of Denny's bathroom confrontation* (May 18, 2018), <http://abc7.com/politics/la-congressional-candidate-posts-video-of-dennys-bathroom-confrontation/3489200/>.

⁴ Cristina Cabrera, *GOP Candidate Films Herself Harassing Trans Woman in Bathroom*, TalkingPointsMemo (May 18, 2018), <https://talkingpointsmemo.com/livewire/republican-saavedra-harass-trans-woman-bathroom>.

⁵ *Id.*



gender identity, and gender expression.⁶ Recording video of someone inside a bathroom without their consent is a criminal act.⁷ In addition to potential criminal liability, there could be civil liability for invasion of privacy and violation of the Unruh Civil Rights Act,⁸ among other causes of action.

The events that allegedly occur in this video have an insidious effect beyond the harm inflicted upon this one targeted person. This is a deliberately public act of hateful intimidation of an entire vulnerable minority group. The actions of Ms. Saavedra send the message that violent or threatening discrimination and segregation of individuals based on their gender identity, expression, or sexuality is acceptable both in private action and as governmental policy. This extreme and outrageous behavior is contrary to our values as a nation and has no place in a civilized society.

Please contact us as soon as possible at kclarke@lawyerscommittee.org to discuss how we can be of assistance in this matter. We appreciate your ongoing commitment to addressing violence and discrimination against all Californians.

Thank you,

Handwritten signature of Kristen Clarke in purple ink.

Kristen Clarke
President & Executive Director
Lawyers' Committee for Civil Rights
Under Law
www.lawyerscommittee.org
202-662-8600

Handwritten signature of Chad Griffin in blue ink.

Chad Griffin
President
Human Rights Campaign
www.hrc.org
202-628-4160

CC:

Sean McCluskie
Chief Deputy Attorney General

Angela Sierra
Senior Assistant Attorney General

Kelli Evans
Special Assistant Attorney General

Nancy Beninati
Deputy Attorney General

⁶ Cal. Penal Code §§ 422.55(a), 422.56(c).

⁷ See, e.g., Cal. Penal Code § 647(j).

⁸ See Cal. Civ. Code §§ 51, 52.