

APPENDIX OF AMICI CURIAE

The **Anti-Defamation League** (“ADL”) was founded over one hundred years ago, in 1913, to combat anti-Semitism and other forms of discrimination, and to secure justice and fair treatment to all. Today, ADL is one of the world’s leading civil rights organizations. As part of its commitment to protecting the civil rights of all persons, ADL has filed *amicus* briefs in numerous cases urging the unconstitutionality or illegality of discriminatory practices. ADL is a steadfast supporter of antidiscrimination laws including Section 1981 of the Civil Rights Act of 1866.

Asian Americans Advancing Justice | AAJC (“Advancing Justice-AAJC”) is a national nonprofit organization working to advance and protect civil and human rights for Asian Americans and to build and promote a fair and equitable society for all. Advancing Justice-AAJC is one of the nation’s leading experts on issues of importance to the Asian American community, including immigration, voting, affirmative action, media representation, technology and telecommunications, and the census. Advancing Justice-AAJC works to promote justice and bring national and local constituencies together through community outreach, public policy advocacy, and litigation.

The **Center for Constitutional Rights** (“CCR”) is a national nonprofit legal and educational organization dedicated to advancing and protecting the rights guaranteed by the United States Constitution and international human rights law. Founded in 1966, in

support of the civil rights movement in Mississippi, CCR has a long history of litigating cases on behalf of those with the fewest protections and least access to legal resources, including numerous landmark civil and human rights cases fighting for racial justice. CCR's recent work on behalf of racial justice includes cases such as *Floyd v. City of New York*, 08 Civ. 1034 (S.D.N.Y.), *Black Love Resists in the Rust v. City of Buffalo*, 18 Civ. 719 (W.D.N.Y.), and *Ashker v. Governor of California*, 09 Civ. 5796 (N.D.Cal.).

The **Center for Popular Democracy** (“CPD”) works to create equity, opportunity, and a dynamic democracy in partnership with high-impact base-building organizations, organizing alliances, and progressive unions. CPD strengthens our collective capacity to envision and win an innovative pro-worker, pro-immigrant, racial and economic justice agenda. Applying a “but-for” evidentiary standard to mixed motive claims under Section 1981 would help enable corporations and other powerful actors evade accountability when they engage in race discrimination and conflicts with CPD’s commitment to racial and economic justice.

The **Equal Justice Society** (“EJS”) is transforming the nation’s consciousness on race through law, social science, and the arts. A national legal organization focused on restoring constitutional safeguards against discrimination, EJS’s goal is to help achieve a society where race is no longer a barrier to opportunity. As part of its mission, EJS endeavors to eliminate bias in all industries and institutions through legislative

advocacy, strategic impact litigation, implicit bias education, and counter-bias training.

The **Leadership Conference on Civil and Human Rights** (“The Leadership Conference”) is a diverse coalition of more than 200 national organizations charged with promoting and protecting the civil and human rights of all persons in the United States. It is the nation’s largest and most diverse civil and human rights coalition. For more than half a century, The Leadership Conference, based in Washington, D.C., has led the fight for civil and human rights by advocating for federal legislation and policy, securing passage of every major civil rights statute since the Civil Rights Act of 1957. The Leadership Conference works to build an America that is inclusive and as good as its ideals. Towards that end, we have participated as an *amicus* party in cases of great public importance that will affect many individuals other than the parties before the court and, in particular, the interests of constituencies in The Leadership Conference coalition.

National Action Network (“NAN”) is one of the nation’s leading civil rights organizations with chapters throughout the entire United States. Founded in 1991 by Reverend Al Sharpton, NAN works tirelessly within the spirit and tradition of Dr. Martin Luther King, Jr. to promote a modern civil rights agenda that includes the fight for one standard of justice, decency and equal opportunities for all and serves as a bulwark against societal regression in a nation faced with many challenges. NAN has made corporate responsibility, inclusion, and diversity an important part of its platform

and continues to fight for improved diversity in areas of corporate governance, employment/workforce recruitment and retention, procurement, programming, and philanthropy and community investments.

Founded in 1909, the **National Association for the Advancement of Colored People** (“NAACP”) is the country’s largest and oldest civil rights organization. The mission of the NAACP is to ensure the equality of political, social, and economic rights of all persons, and to eliminate racial hatred and racial discrimination. Throughout its history, the NAACP has used the legal process to champion equality and justice for all persons. See generally *NAACP v. Alabama*, 357 U.S. 449 (1958); *Morgan v. Virginia*, 328 U.S. 373 (1946); and *Town of Huntington v. Huntington Branch NAACP*, 488 U.S. 15 (1988).

The **National Coalition for Asian Pacific American Community Development** (“National CAPACD”) is a progressive coalition of nearly 100 community-based organizations spanning 21 states and the Pacific Islands. Our members advocate for and organize in low-income Asian American and Pacific Islander (“AAPI”) communities to improve housing security and preserve our neighborhoods. We disseminate national resources locally, share best practices and advocate for community needs at the national level. Our work improves the lives of the over two million AAPIs living in poverty nationwide. We strengthen and mobilize our members to build power nationally and further our vision of economic and social justice for all.

The **National Consumer Law Center** (“NCLC”), a non-profit public interest organization, is recognized nationally as an expert in consumer issues. For over 50 years, NCLC has drawn on this expertise to provide information, legal research, policy analyses, and market insights to federal and state legislatures, administrative agencies, and the courts. A major focus of NCLC’s work is to increase public awareness of discriminatory practices perpetrated against low-income consumers and to promote protections against such practices, often through enforcement of private rights of action under applicable civil rights laws. NCLC frequently appears as *amicus curiae* in consumer law cases before trial and appellate courts throughout the country. NCLC has an interest in seeking strong and effective enforcement of civil rights laws and insuring equal access to justice.

The **National Council of Jewish Women** (“NCJW”) is a grassroots organization of 90,000 volunteers and advocates who turn progressive ideals into action. Inspired by Jewish values, NCJW strives for social justice by improving the quality of life for women, children, and families and by safeguarding individual rights and freedoms. NCJW’s Resolutions state that NCJW resolves to work for “The enactment, enforcement, and preservation of laws and regulations that protect civil rights and individual liberties for all.” Consistent with our Principles and Resolutions, NCJW joins this brief.

The **National Employment Law Project** (“NELP”) is a nonprofit organization with 50 years of experience advocating for the employment and labor

rights of workers in low wage industries, including independent contractors, domestic workers and unemployed workers. NELP seeks to ensure that all workers receive the basic workplace protections guaranteed in our nation's laws. NELP also prioritizes work place equity and ensuring that workers are not discriminated against due to their race, sex, sexual orientation or criminal conviction status is high priority. To that end, NELP has litigated and participated as amicus curiae in numerous cases in federal and state courts and the Supreme Court of the United States addressing the importance of equal access to justice and labor and employment protections for all workers.

The **National Organization for Women Foundation** ("NOW Foundation") is a 501(c)(3) entity affiliated with the National Organization for Women, the largest grassroots feminist activist organization in the United States with chapters in every state and the District of Columbia. NOW Foundation is committed to advancing equal opportunity, among other objectives, and works to end discrimination based on race or ethnicity.

The **National Partnership for Women & Families** (formerly the Women's Legal Defense Fund) is a national advocacy organization that develops and promotes policies to help achieve fairness in the workplace, reproductive health and rights, quality health care for all, and policies that help women and men meet the dual demands of work and family. Since its founding in 1971, the National Partnership has worked to advance women's equal employment opportunities and health through several means, including

by challenging discriminatory employment practices in the courts.

The **National Urban League**, established in 1910, is the Nation's oldest and largest community based movement devoted to empowering African Americans to enter the economic and social mainstream. Today, the National Urban League, headquartered in New York City, spearheads the non-partisan efforts of its local affiliates. There are 90 local affiliates of the National Urban League located in 36 states and the District of Columbia providing direct services to more than 2 million people nationwide through programs, advocacy, and research. The mission of the Urban League movement is to enable African Americans to secure economic self-reliance, parity, power and civil rights. The Urban League seeks to implement that mission by, among other things, promoting and ensuring our civil rights by actively working to eradicate all barriers to equal participation in all aspects of American society, whether political, economic, social, educational or cultural.

The **Service Employees International Union** ("SEIU") is an international labor union representing approximately 2 million people in healthcare, property services, and public service employment in the United States, Canada and Puerto Rico. SEIU's Racial Justice Center has developed a union-wide analysis of structural racism against African Americans, its connection to economic inequality, and to make recommendations on SEIU's role in dismantling it. The Center seeks to understand the key elements of structural racism

against African Americans, including its effects on jobs and wages as well as housing, and how these elements fuel economic injustice for everyone. SEIU is participating in this case to advance its mission of helping working people and working people of color achieve the American dream.

As the SEIU Constitution provides, SEIU is “dedicated to improving the lives of workers and their families and creating a more just and humane society,” a society where “union solidarity stands firm against the forces of discrimination.” SEIU believes it “ha[s] a special mission to bring economic and social justice to those most exploited in our community – especially to women and workers of color.”

The **Southern Poverty Law Center** (“SPLC”) is a nonprofit organization founded in 1971 that throughout its history has worked to make the nation’s constitutional ideals a reality for everyone. The SPLC’s legal department fights all forms of discrimination and works to support society’s most vulnerable members in defending their rights. SPLC’s interest in the outcome of this case arises from its years of experience representing clients in discrimination cases, including those arising under 42 U.S.C. § 1981.

The **Union for Reform Judaism**, whose nearly 850 congregations across North America include 1.5 million Reform Jews; the **Central Conference of American Rabbis**, whose membership includes more than 2,000 Reform rabbis; **Women of Reform Judaism**, which represents more than 65,000 women in nearly 500 women’s groups in North America and

around the world; and **Men of Reform Judaism** come to this issue out of our longstanding commitment to civil rights and racial justice. In the Torah, Jews are taught to accept others without prejudice or bias. We work across lines of difference to fight the structural racism that is embedded in our society and to advance justice for all people.
