

VIA EMAIL AND U.S. MAIL

Travis Kalanick
CEO/Co-Founder
Uber Technologies, Inc.
182 Howard Street, Suite 8
San Francisco, CA 94105

November 4, 2016

Dear Mr. Kalanick:

The Lawyers' Committee for Civil Rights Under Law ("Lawyers' Committee") writes to raise serious concerns regarding evidence of discrimination based on race by Uber drivers. The Lawyers' Committee is a nonpartisan, nonprofit organization formed in 1963 at the request of President Kennedy to involve the private bar in providing legal services to address racial discrimination. The principal mission of the Lawyers' Committee is to secure equal justice under law, particularly in the areas of voting, fair housing and community development, employment, and education.

We applaud Uber's commitment to anti-discrimination and the fact that Uber makes it easier and more affordable for all people to get around. That said, we are concerned by the report released earlier this week finding that "trip requests coming from African American riders take between 16 to 28 percent longer to be accepted" by Uber drivers. Yanbo Ge et al., *Racial and Gender Discrimination in Transportation Network Companies* 1-3 (National Bureau of Economic Research, NBER Working Paper Series, Working Paper No. 22776, 2016). This could translate into "African American riders waiting between 29 and 35 percent longer for a ride" than white riders in some areas. *Id.* Furthermore, the study found that "the probability a driver accepts a ride, but then subsequently cancels the ride, more than doubles for African American riders of UberX" in some areas, and that UberX drivers cancel on African American men at a rate three times that of white males. *Id.*

We are especially concerned by reports of discrimination by Uber drivers because, in many ways, the civil rights movement was rooted in challenging discrimination in transportation and other activities involving interstate commerce. See *Heart of Atlanta Motel Inc. v. United States*, 379 U.S. 241 (1964). Discrimination by Uber drivers raises potential violations of constitutional provisions aimed at ensuring all persons have the same right "to make and enforce contracts," 42 U.S.C. § 1981 (1994), as well as state laws protecting against race-based discrimination.

Unfortunately, even in 2016, some Uber drivers may make the decision not to pick up minority passengers due to racial animus. Other Uber drivers, however, may

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consciously reject racism but still be influenced by stereotypes of who is a “safe” or good passenger and therefore make a decision on who to accept as a passenger based on and because of race. “Implicit bias” is a psychological term referring to unconscious negative associations. Because we have conscious access only to about 5 percent of our brains, much of how we think, feel and act is determined at the unconscious level. This means that a person can consciously reject racism but still be unconsciously influenced by stereotypes. This isn’t a problem affecting just a few “bad apples”: research shows that while most Americans believe that they are able to treat everyone equally, more than seventy percent of Americans possess some level of implicit bias based on race. Brian A. Nosek et al., *Pervasiveness and Correlates of Implicit Attitudes and Stereotypes*, 18 EUR. REV. OF SOC. PSYCH. 1, 17 (2007).

The recent study builds upon work by other researchers concerning both conscious and unconscious bias. For instance, in one well-known study, entitled *Are Emily and Greg More Employable than Lakisha and Jamal?*, researchers found that a resume with a White-sounding name received 50 percent more callbacks for interviews than the exact same resume with a name associated with an African-American. Marianne Bertrand and Sendhi Mullainathan, *Are Emily and Greg More Employable than Lakisha and Jamal?* 94 AM. ECON. REV. 4, 991-1013 (2004). Similarly, a recent study concerning Airbnb found that applications from guests with distinctively African-American names are 16% less likely to be accepted relative to identical guests with distinctively White names. Benjamin Edelman et al, *Discrimination in the Sharing Economy: Evidence from A Field Experiment*, AM. ECON. J. (Sept. 2016). Because Uber drivers can cancel a ride after seeing the name and photo of a passenger, these studies – as well as the current study concerning sharing economy transportation providers – raise serious concerns for Uber users.

The recent study on discrimination in transportation network companies identifies a number of steps companies such as Uber can take to reduce discrimination. A few key steps listed by the study are included below. We encourage Uber to implement these strategies as soon as possible, in order to help ensure all Uber users are treated on an equal basis.

1. Rather than using names and pictures to identify passengers, provide a unique passcode that is given to the passenger and the driver to confirm the correct identity at the time of pickup.
2. Increase the disincentives for driver cancellations, including de facto cancellations where the driver makes no attempt at a pickup.
3. Perform periodic audits of driver behavior that appears to be discriminatory in nature.



4. Analyze data for evidence of discrimination in both cancellation and wait times. Researchers could also analyze the areas where drivers choose to serve and how this affects wait times.

We also encourage Uber to take additional steps to reduce bias:

1. Require drivers to complete a mandatory online course on how implicit bias may impact their decisions, especially their decisions on who to pick up or cancel on.
2. Provide drivers with the data concerning their decisions on cancellation rates and who to pick up, including a breakdown by race. This would, of course, require Uber to solicit a passenger user's race. This could be done on a voluntary basis when a user creates a passenger profile and include a short description of the purpose of the demographic information.
3. Require drivers to sign an anti-discrimination pledge, similar to the commitment Airbnb users are now required to sign.

As a transportation service, Uber must take action to end user discriminations in order to fully comply with basic civil rights protections. We believe Uber is at the forefront of the sharing company and can set an important example by implementing policies to reduce both conscious and unconscious discrimination. Please contact me at kclarke@lawyerscommittee.org or my staff, Arusha Gordon at agordon@lawyerscommittee.org, by November 15th to discuss strategies for improving Uber's anti-discrimination policies and practices.

Thank you,

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