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MARJORIE R. ESMAN
EXECUTIVE DIRECTOR

September 7, 2010

OPEN LETTER REGARDING "BAGGY PANTS" PROPOSED RESOLUTION

via email metro council@brgov.com

To the Members of the
East Baton Rouge Metropolitan Council

Dear Mayor-President Holden and Members of the Council:

This office has reviewed the proposed Resolution "To Urge and Request the City of Baton Rouge and East Baton Rouge Parish Government to Adopt a Public Awareness Campaign to End Public Exposure to Baggy Pants," scheduled for hearing on September 8, 2010. This proposed resolution is discriminatory on many levels and would send the message to law enforcement and the public that profiling is acceptable. It also sends the message that people should expect to be judged by their clothing and not on their individual merits. For the reasons that follow, the ACLU of Louisiana urges you not to adopt this resolution and instead to focus scarce resources on the protection of the Constitutional rights of those in your community.

Government should use its resources to encourage people to look behind the clothing, not to judge people by what they wear. Wearing pants that sag is often attributed to young African-American men. If those whose pants sag are at risk for their "safety," as the resolution suggests, the duty of the government is to protect them, not to target them. If the community holds negative stereotypes of those young men because of their clothing, the problem is with those who hold those stereotypes, and not with the people in the clothing. The Council should encourage members of the community to teach tolerance, not intolerance. It is not the obligation of anyone to dress to suit anyone else. It is, however, the duty of government to protect all members of the community, including those whose choice of clothing may not match the taste of council members.

The resolution says that "sagging pants is harmful to the social, cultural and human development of . . . the person wearing the exposed undergarments." It further states that "wearing saggy pants creates negative stereotypes of certain residents and can be harmful to their future as it relates to employment, schooling and safety." No evidence is provided for either of these assertions. In what way is a clothing style harmful to human development? How does it affect schooling and safety? Would the social, cultural, and human development be changed if the person simply pulled up his (or her) pants? How is schooling affected by clothing worn outside of school? What evidence is there that those whose undergarments show are not gainfully employed, wearing different clothing while at work?

The resolution appears to focus on male attire only, by addressing "saggy" or "baggy" pants. It does not address women's undergarments, such as bra straps, which also are sometimes revealed. If the goal is to eliminate the showing of undergarments, it should address all forms, and would then seek to prohibit women from running in sports bras. This, of course, would also

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be unacceptably restrictive of the rights of those in Baton Rouge to choose their own clothing – but it would be more equal.

The resolution also fails to address the common affliction known as “plumber’s crack” or “carpenter’s crack,” which often exposes undergarments of men working in certain occupations. Contrary to the assumptions set forth in the resolution, men who work in occupations in which their pants may ride down are, by definition, employed despite the exposure of their undergarments. The resolution makes no distinction between men whose undergarments show because they are working and those whose undergarments show although they may not be at work at the time. Nor does it account for those who wear “sagging pants” when off the job, while complying with dress codes at work or at school. Instead, it makes the unfounded assumption that anyone whose pants “sag” is by definition undereducated, unemployed and unemployable.

The resolution is self-contradictory, because on the one hand it says that “residents of East Baton Rouge Parish should not have to endure the public display of undergarments” and then claims its purpose as “to help residents understand the less likelihood of their success if they choose to wear saggy pants.” If this is to protect the sensibilities of those who dislike a particular clothing style, the Council must recognize that it has no right to dictate or influence style, nor does anyone have the right to be protected from seeing clothing they dislike. If its purpose is to enhance opportunities for success, that goal would be better met by providing job training and by encouraging members of the Baton Rouge community not to engage in stereotyping.

If the government can affect the height of someone’s waistband, it can control other aspects of dress and personal appearance. Instead of entering the world of fashion commentary, the Council should protect the rights of all people of Baton Rouge to wear what they choose and know that they will be judged by the “content of their character” and not by their choice of clothing.

We therefore urge you not to adopt this misguided resolution, and to focus the energy and resources of East Baton Rouge Parish on promoting an environment of tolerance and equality.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marjorie R. Esman', written in a cursive style.

Marjorie R. Esman
Executive Director