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Know Your Rights: Sikhs in the U.S. Army

This document provides information on religious apparel & grooming rules for Sikhs who are interested in joining or who are already serving in the U.S. Army. This information pertains *only* to the U.S. Army. (The Sikh Coalition does not have information about the rules of other branches of the military.)

1. What is the current U.S. Army policy regarding Sikh religious headwear and grooming?

Under current Department of Defense policy, the Sikh requirement of maintaining beards, unshorn hair and turbans is not permitted.¹ Likewise, the U.S. Army's uniform and grooming regulations disallow members from wearing turbans or keeping unshorn hair and beards.²

The U.S. Army recently provided individual religious accommodations (exceptions) for several Sikhs to serve with their Sikh articles of faith. *However, the general rule is that Sikhs still cannot serve with unshorn hair/beards and turbans.* In other words, the U.S. Army's uniform and grooming policies remain unchanged. The Army has indicated that it will consider exceptions to its policies on a *case-by-case basis only* – and exceptions will be determined based upon military necessity.

2. What if I am interested in joining the U.S. Army, but I do not want to enlist unless I am certain I can serve with my Sikh articles of faith?

Unfortunately, the U.S. Army does *not* have a formal procedure for individuals to make requests for religious accommodations *if*:

- They have *not yet* joined the Army – meaning they have not enlisted and signed a contract; or
- They have joined the Army (signed a contract), but have *not yet* started basic training.

One of the primary problems is that Army regulations require a soldier to submit a request for religious accommodation to their immediate commander. However, a soldier often is not assigned an immediate commander until *after* completing basic training.

Of course, soldiers may not want to join the Army or start basic training until *after* they receive a religious accommodation. This puts Sikhs in a difficult position – prospective soldiers should

¹ See Department of Defense Instruction No. 1300.17 (Feb. 10, 2009) available at <http://www.dtic.mil/whs/directives/corres/pdf/130017p.pdf>.

² See Army Regulation 670-1 §§ 1-7(b), 1-8(a) (p. 2-5) available at http://www.army.mil/usapa/epubs/pdf/r670_1.pdf.

obtain an accommodation prior to starting basic training, but there is no formal procedure to request such accommodations.

The Army has not given the Sikh Coalition any information on how new or prospective recruits can make a request for religious accommodation. As a result, there is a significant risk of denial of religious accommodation for new and prospective Army recruits.

Currently, the Army has granted individual requests for religious accommodation for *certain* Sikhs. *However, please be aware that the general rule is that Sikhs still cannot serve with unshorn hair/beards and turbans.*

3. What is the process for requesting a religious accommodation?

As outlined in Army regulations,³ enlisted soldiers must submit their requests for a religious accommodation to their immediate commander. Commanders must respond within 10 working days after they have received the request.

If the commander approves the request informally (not in writing), the issue is closed and the commander must take actions to ensure that the accommodation is implemented.

If the commander approves the request formally (in writing), the commander will provide written notice to the soldier. The written accommodation can be revoked (only in writing) by any of the following people: commander who originally granted it; subsequent commander of that unit; commander of the gaining unit if the soldier is transferred; or by a higher commander. The soldier can appeal the revocation as if the request was initially denied.

4. What happens if the religious accommodation request is denied?

The soldier will have the opportunity to appeal the decision denying a religious accommodation by submitting a memorandum through his chain of command. The memorandum must include:

- (a) Identifying information of the soldier: name, rank, social security number, unit and military occupational specialty (MOS); and
- (b) Information about the accommodation: nature of the accommodation request, religious basis for the request and endorsements by the commander(s).

Along with the soldier's memorandum, a soldier must ensure that two additional memos are submitted: 1) a memorandum from a chaplain and 2) a copy of legal review.

A chaplain must interview the soldier and write a memorandum stating that this interview occurred. The chaplain's memorandum will address the religious basis and sincerity of the soldier's request. The chaplain is allowed, but not required, to make a recommendation for approval or denial of the request. The chaplain's memorandum must be submitted to the soldier's chain of command, along with the soldier's memorandum.

³ See Army Regulation 600-20 § 5-6 (p. 45) available at: http://www.army.mil/usapa/epubs/pdf/r600_20.pdf.

A legal advisor will review the appeal packet for legal sufficiency and inclusion of all required documentation as required by Army regulations and may make a recommendation for approval or denial of the request. A soldier must make sure that a copy of the legal review is submitted to his chain of command.

A soldier may submit optional enclosures with his request for religious accommodation, such as: statements by peers or officials of the soldier's faith group; copies of religious writings, statements or doctrinal declarations bearing on the soldier's request; documents pertaining to the character of the soldier's service, and (if appropriate) a statement from the soldier explaining in more detail the nature of the request.

If any commander approves the appeal, written notice will be sent to the soldier. If any commander denies the appeal, the packet will be sent to the next level of command. If all levels of command deny the request, the packet will be sent to the Office of the Deputy Chief of Staff (DCS), G-1 for final decision. The DCS, G-1 must respond within 30 days of receipt of the packet. If DCS, G-1 grants the accommodation, then only DCS, G-1 can revoke it.

5. Can the Sikh Coalition represent me if I want to request a religious accommodation from the U.S. Army?

The Sikh Coalition will not be able to represent every Sikh who wants to join the U.S. Army. The Coalition's goal is to end the thirty-year policy of Sikh exclusion from the Army. To do this, we need to present the strongest individual cases to the Army. Choosing the individual cases that will have the strongest likelihood of success is a common civil rights technique. This is because the facts and individual circumstances of some cases are stronger and more likely to succeed than other cases. A strong case will force the Army (or a court) to focus on the heart of the issue – discrimination against Sikhs. A weaker case will allow the Army (or court) to make a negative decision on a technicality and avoid the issue of discrimination.

Thus, the Sikh Coalition will assess each case on its merits, and we will only move forward with the strongest cases. Although the Sikh Coalition cannot represent every Sikh who wants to serve in the Army, we are happy to provide information (such as this Know Your Rights document) to community members about the process of requesting a religious accommodation.

Sample Request for a Religious Accommodation
[Please edit as needed]

[Date]

Dear [Name of commander],

I respectfully request a religious accommodation for my Sikh articles of faith, so that I may proudly serve my country in the U.S. Army. My Sikh religion mandates that I wear a turban and keep my hair and beard unshorn. All devoted Sikhs maintain these distinctive articles of faith, which have deep spiritual significance for me. It is my earnest intent to serve in the U.S. Army with distinction and pride while maintaining my Sikh articles of faith.

[Here, you may want to describe your relationship with the Army: when did you join; what is your position/rank; did you believe that you would be able to serve with your Sikh articles of faith; did anyone tell you that you could serve with your articles of faith; during your time with the Army, have you maintained your articles of faith; have your articles of faith ever hindered your performance of your duties?]

I have been greatly encouraged to learn that the U.S. Army recently provided accommodations for two other Sikhs, Captain Kamaljeet S. Kalsi and Captain Tejdeep S. Rattan, allowing them to serve with their Sikh articles of faith intact. In addition, I know of several Sikhs who have served lifetime careers in the Army with their Sikh articles of faith intact. Colonel Gopal S. Khalsa joined the Army as private in 1976 and continues serving in the Reserves. Colonel Gurbhajan Singh served from 1979 until 2007. Colonel Arjinderpal Singh Sekhon served from 1984 until 2009. During their entire course of service, all three men maintained their Sikh articles of faith. Their turbans, hair and beard were never an impediment to their honorable service to their country.

For centuries, Sikh soldiers and officers have served in armies across the globe, fought bravely in wars, and achieved the highest level of military distinction with their Sikh articles of faith intact. Sikhs served as part of the Allied Forces in both World Wars. Sikhs currently serve in the militaries of Great Britain, Canada, India, and the United Nations. In serving the United Nations, Sikh troops currently work hand in hand with U.S. troops serving in Iraq and Afghanistan.

If you have any questions about Sikhs or Sikh practices, I am eager to provide any and all information you require. Additionally, the Sikh Coalition's website (www.sikhcoalition.org) provides a wealth of information about Sikhism and the accommodation of Sikh religious practices in the United States.

I am submitting this request with the earnest hope that I too will continue this proud tradition and contribute to the Army's mission as a dedicated Soldier who is also a Sikh. Thank you for your consideration.

Sincerely,

[Your name]