

March 23, 2016

VIA EMAIL

The Hon. Robert S. Taylor
Acting General Counsel
United States Department of Defense
1000 Defense Pentagon
Washington, DC 20310-1000

The Hon. Alissa M. Starzak
General Counsel
United States Department of the Army
104 Army Pentagon
Washington, DC 20310-0104

Re: Unresolved ETP Religious Accommodation Requests for SPC Kanwar Bir Singh, SPC Harpal Singh, and PVT Arjan Singh Ghotra

Dear Counsel:

As you may know, in addition to representing CPT Simratpal Singh and SPC Kanwar Bir Singh, we also currently represent SPC Harpal Singh and PVT Arjan Singh Ghotra, both of whom have submitted exception to policy (“ETP”) religious accommodation requests that remain unresolved at this time. This letter responds to your March 18 email regarding SPC Kanwar Singh and reiterates ongoing concerns about the overall process that observant Sikhs must endure to obtain an ETP religious accommodation to serve in the U.S. Army.

While we appreciate that you promptly investigated the issues raised in our March 17 correspondence and confirmed that SPC Kanwar Singh does not face imminent threat of being separated from the Army on or around April 6, you did not address the issue of when SPC Singh’s religious accommodation request—which has been pending for over 220 days—will actually be resolved. It remains our understanding that the resolution of SPC Kanwar Singh’s ETP religious accommodation request is tethered to a final decision for our other client, CPT Simratpal Singh, expected on or before March 31. As you already know, SPC Kanwar Singh is scheduled to report for Basic Combat Training (“BCT”) on May 31.

SPC Harpal Singh enlisted in the U.S. Army Reserves in November 2015 through the Military Accessions Vital to the National Interest (“MAVNI”) program for his cultural and linguistic skills. Shortly after enlisting, he submitted a *pro se* ETP religious accommodation request on November 9, 2015, over 130 days ago. In January 2016, then represented by The Sikh Coalition and McDermott Will & Emery, SPC Singh submitted an addendum to his ETP religious accommodation request (a copy of which is enclosed as Ex. A). SPC Harpal Singh currently has orders to attend BCT on May 9.

PVT Ghotra enlisted in the Virginia Army National Guard in December 2015 and submitted his ETP religious accommodation request to his chain-of-command on March 16, 2016 (a copy of which is enclosed as Ex. B). PVT Ghotra is currently under orders to attend BCT on May 23.

In light of the extensive delays that SPC Kanwar Singh and SPC Harpal have experienced—coupled with the consistent segregation and discriminatory treatment all of our clients have experienced in the process of trying to serve their country—we have determined that the ETP religious accommodation *process itself* under A.R. 600-20 and A.R. 670-1 represents a substantial burden on our clients' ability to practice their Sikh faith while pursuing the opportunity to serve our country in the U.S. Army.

While PVT Ghotra has not been in limbo for as long as SPC Kanwar Singh or SPC Harpal Singh, we are concerned that his ETP religious accommodation request will similarly be dragged on for months regardless of impending deadlines. We are also deeply troubled by what appear to be forces at work in the Pentagon seeking to derail the historic progress that began with ETP religious accommodations granted to MAJ Kamaljeet Singh Kalsi, MAJ Tejdeep Singh Rattan, and CPL Simran Preet Singh Lamba starting in 2009. These subversive efforts—reflected in the discriminatory treatment of CPT Simratpal Singh and SPC Kanwar Singh in recent weeks—fly in the face of the honorable service of Sikh Americans in the U.S. military over the past century.

Based on these facts and circumstances and the quickly approaching deadlines for SPC Kanwar Singh, SPC Harpal Singh, and PVT Ghotra, we require confirmation that each of their outstanding ETP religious accommodation requests will be resolved in concert with CPT Simratpal Singh on or before March 31. If you are unable to provide such assurances by close of business on Friday, March 25, we will bring these matters to the attention of the U.S. District Court for the District of Columbia next week.

Please contact me or my co-counsel if you have any questions. You may reach me at asidhu@mwe.com or directly at 202-756-8380.

Sincerely,



Amandeep S. Sidhu

Enclosures

cc: The Hon. Rob Park, Principal Deputy General Counsel of the Army
Harsimran Kaur, Esq., The Sikh Coalition
Eric Baxter, Esq., The Becket Fund for Religious Liberty