

MEMORANDUM

To: Governor James E. McGreevy; Richard J. Codey, Democratic President, New Jersey State Senate; John O. Bennet, Republican President, New Jersey State Senate; Albio Sires, Speaker, New Jersey State Assembly; Senator John S. Corzine; Senator Frank Lautenberg; Attorney General Peter C. Harvey; Dr. William L. Librera, Commissioner, New Jersey Department of Education; Frank Vespa-Papaleo, Director, New Jersey Division on Civil Rights; Hester Agudosi, Chief, Office of Bias Crime and Community Relations; New Jersey County Prosecutors Association; Christopher J. Christie, United States Attorney; Marie E. Tomasso, Director, Philadelphia District Office, Equal Employment Opportunity Commission; Daniel Cassidy, Secretary's Regional Representative, United States Department of Education; Reinaldo Rivera, Regional Director, Community Relations Service, Department of Justice, Herb Gilsenberg, Chairman, New Jersey Governor's Ethnic Advisory Council, Colonel Joseph Fuentes, Superintendent of New Jersey State Police; Chief Michael G. Mastronardy, President, New Jersey State Association of Chiefs of Police; Thomas E. Culp, Sr., President, New Jersey Bias Crime Officers Association; Ed Dickson, Assistant Special Agent in Charge, Federal Bureau of Investigation

From: Garden State Sikh Association (Bridgewater, New Jersey), Sri Guru Singh Sabha (Glen Rock, New Jersey), Khalsa Darbar of South Jersey, Inc. (Burlington, New Jersey), The Singh Sabha, Inc., (Port Reading, New Jersey), The Sikh Sabha of New Jersey (Lawrenceville, New Jersey), Guru Nanak Society of Delaware Valley (Deptford, New Jersey), Central Jersey Sikh Association (Robbinsville, New Jersey), Dashmesh Darbar, (Carteret, New Jersey), The Sikh Coalition

Date: December 9, 2003

Re: Civil Rights Concerns of New Jersey Sikhs and Recommendations and Requests to State and Federal Executive Agencies

On behalf of the eight gurdwaras of New Jersey, the Sikh Coalition has drafted this memorandum to communicate the collective concerns of New Jersey's Sikhs to the state and federal agencies that are responsible for ensuring the realization of our civil rights. The aftermath of September 11, 2001, during which New Jersey Sikhs have endured misguided hate crimes, employment discrimination, school harassment and other forms of bias, has compelled us to come together to endorse the concerns and recommendations outlined herein.

In the Sikh tradition, the gurdwara is not only a place of worship, but the focal point of Sikh community activity and activism. The eight gurdwaras that are signatories to this memorandum therefore represent the thoughts and concerns of New Jersey's estimated thirty thousand Sikh-Americans.

From past experience, we have full faith that federal and state government representatives in New Jersey are willing to work with us to ensure our concerns are appropriately addressed. With optimism, we are mindful that representatives from New Jersey's federal and state civil rights agencies have reached out to our community since September 11, 2001. We are hopeful that this memorandum will clearly delineate our concerns and our recommendations for each agency that is charged with enforcing our rights.

The purpose of this memorandum, therefore, is to: 1) outline the concerns of the Sikh-American community in New Jersey; and 2) respectfully suggest recommendations to the specific state or federal agency that we believe is charged with addressing a particular area of concern. We look forward to continuing our dialogue as we work to guarantee that every New Jerseyean lives a life free of bias and discrimination.

I. Hate Crimes and Bias Incidents

For the year to date, there has been an over 90% increase in bias incidents against Sikhs in the United States from the previous year as reported to the Sikh Coalition. Much of this increase occurred during the period of active combat operations in Iraq where the bias incidents during a two month period almost equaled the number bias incidents against Sikhs during all of 2002. During this period a Sikh American was shot and others were beaten and verbally harassed.

This summer has also seen an increase in bias against Sikhs in the United States. Bias incidents have increased six fold from the summer of 2002 as reported on the Sikh Coalition website. We also believe this increase to be a result of the ongoing tensions in the Middle East. In New Jersey, an elderly Sikh woman is reportedly being harassed by a neighbor this summer. The neighbor has thrown garbage and cigarette butts at the woman.

Despite this increase in reported hate crimes, we are fully aware that the vast majority of hate crimes in the Sikh community go unreported because of language barriers and lack of familiarity with the justice system and hate crime laws among Sikhs in New Jersey.

Given the increase in hate crimes against Sikh-Americans this year and what we believe to be an acute underreporting of hate crimes, we request renewed efforts to protect Sikhs in New Jersey from criminal acts of bias. We therefore suggest the following measures:

To the New Jersey Attorney General and the United States Attorney's Office for the District of New Jersey:

Designate a Contact Person in Your Office Who Can Regularly Communicate With the Sikh Community on Hate Crime Issues:

We request regular communication about hate crime reporting, investigation and prosecution in New Jersey. To that end, it would greatly help our community to know who we should contact to: a) report bias crimes; b) find out about the status of ongoing bias crime investigations and prosecutions; c) discuss larger bias crime concerns as they arise.

Once a hate crime is reported to state and federal authorities, Sikhs in New Jersey are often not informed of the results of the ensuing investigation or prosecution. Regular communication on the status of hate crime investigation and prosecution in cases involving New Jersey Sikhs, as well as other targeted groups, will substantially engender confidence that hate crimes are investigated and prosecuted, leading to more reporting of bias crimes to state and federal authorities. We therefore request that the state Attorney General's office and the U.S. Attorney's office designate a representative to acts as a liaison to the Sikh community.

Encourage Sikhs-Americans in New Jersey to Report Hate Crimes By Visiting Our Gurdwaras and Translating Materials to Punjabi:

We believe that the underreporting of hate crimes is particularly acute in our community because many Sikhs in New Jersey are first generation immigrants who are not familiar with hate crime laws or the face significant language barriers to reporting.

We therefore request, as a low cost but effective measure to boost the confidence of Sikhs in New Jersey, that federal and state officials visit Sikh houses of worship or gurdwaras to assuage concerns about hate crimes.

In addition, so that the message that hate crimes should be reported is widely and consistently disseminated in our gurdwaras, we request the Attorney General's office and the U.S. Attorney's office to translate its materials to Punjabi, the language of most Sikh immigrants. Such materials should encourage Sikhs to report hate crimes. If our assistance is needed, we would be happy to develop and translate these materials with you.

To the New Jersey State Police, New Jersey State Association of Chiefs of Police, Federal Bureau of Investigation Field Office in New Jersey, and the New Jersey Bias Crime Officers Association:

Train Officers and Agents on Sikh Americans:

Many police officers are not aware that Sikhs have been targeted for hate crimes in the recent past. They are therefore less likely to understand that a crime may have been motivated by bias when it is directed towards a Sikhs. In addition, many officers are not aware that Sikhs are in particular danger during times of heightened tension in the Middle East or when terrorism in the United States is attributed to Muslim or Arabs. Finally, many officers are not aware of the differences between a Sikh, Muslim or Hindu or of cultural factors that may make Sikhs hesitant to report hate crimes.

We therefore request that during training on hate crimes, officers and agents in New Jersey receiving training on these issues so that they may do a better

job protecting our communities. We have done such training in the past for federal agencies, we would be happy to do it for state agencies.

II. Schools

Since September 11, 2001 there has been a distressing increase in harassment of young Sikhs in schools because of their religion. Here in New Jersey, a Sikh middle school student in Middlesex County was physically attacked and called “Bin Laden” by classmates. His family felt compelled to leave his school and move back to his native country of England to avoid physical and verbal abuse from other classmates. Unfortunately, school officials were unable to adequately punish, or stop the harassment in this instance.

Many incidents of verbal harassment reported to the Sikh Coalition are perpetrated by young children or adolescents. We are genuinely concerned that many school children view Sikhs as terrorists or sympathizers of terrorist groups because they are not educated about our religious background and heritage and they do not see images to counter the prevalent image on television of the terrorist with a turban and beard.

Harassment and abuse of Sikh children can significantly impede their educational opportunities. Accordingly we request the following:

To the New Jersey Attorney General, New Jersey Division of Civil Rights, New Jersey Department of Education, and United States Department of Education:

Meet with Sikh Representatives to Discuss Our Concerns:

With the exception of the New Jersey Division on Civil Rights, our community has had no interaction with state and federal officials regarding bias-motivated harassment of Sikh school children. We often do not know who to contact when a child is harassed in schools. As an introduction to our community and our concerns we suggest that state and federal officials meet with representatives of our community to discuss our concerns.

All School Children in New Jersey Should Receive Education on Sikhs

It is our hope that through education, the next generation will realize that their Sikh peers are in most ways, just like them. Sikhs have been in the United States since the early 1900s. There are over 250,000 Sikhs in the United States. It is time that school children learn about their Sikh-American peers so that they can become more acclimated and comfortable with our community

Designate a Contact Person in Your Office Who Can Regularly Communicate with the Sikh Community on School Harassment Issues:

Our interaction with state and federal agencies that combat bias in schools is new. We would like regular communication with government agencies about school harassment concerns in New Jersey. To that end, it would greatly help our

community to know who we should contact to: a) report bias-motivated school bullying; b) find out about the status of ongoing school bias-motivated harassment bullying; c) discuss larger bias-motivated bullying concerns as they arise.

III. Employment Discrimination

Before September 11, 2001, employment discrimination was likely the most pressing civil rights issue for the Sikh-American community. Now that hate crimes have decreased significantly since the period immediately after September 11, 2001, we are concerned that more subtle, private acts of discrimination will increase.

This summer, a prominent New Jersey employer ordered a Sikh employee at a store in West Hempstead, New York to work in the back of a store because his turban made customers apprehensive. After moving to the back of the store, the Sikh employee was eventually fired.

In response to cases like the one described above, the federal Equal Employment Opportunity Commission developed a "Questions and Answers" sheet about the workplace responsibilities of employers towards Sikhs and other communities affected by post-September 11, 2001 discrimination. This fact sheet describes common workplace scenarios that employers may encounter with their Sikh employees and provides answers on the equal opportunity responsibilities of employers.

In order to combat workplace discrimination against Sikhs in New Jersey, we therefore request the following:

To the State Division on Civil Rights and the Philadelphia District Office of the Equal Employment Opportunity Commission:

Designate a Contact Person in Your Office Who Can Regularly Communicate With the Sikh Community on Employment Discrimination Issues:

We request regular communication about employment discrimination issues New Jersey. To that end, it would greatly help our community to know who we should contact to: a) report employment discrimination; b) find out about the status of ongoing employment discrimination investigations; c) discuss larger employment discrimination concerns as they arise. We therefore request that the state Division on Civil Rights and the Philadelphia district office of the Equal Employment Opportunity Commission designate a representative to act as a liaison to the Sikh community.

Encourage Sikhs-Americans in New Jersey to Report Employment Discrimination By Visiting Our Gurdwaras and Translating Materials to Punjabi:

We believe that the underreporting of employment discrimination is particularly acute in our community because many Sikhs in New Jersey are first generation immigrants who are not familiar with employment

discrimination laws, face significant language barriers to reporting, and are afraid of retaliation by their employer if they report employment discrimination.

We therefore request, as a low cost but effective measure to boost the confidence of Sikhs in New Jersey, that federal and state officials visit Sikh houses of worship or gurdwaras to assuage concerns about employment discrimination. We also request that materials on reporting employment discrimination be translated to Punjabi. We would be happy to assist the Division with this translation.

IV. Religious Profiling

We are concerned that prejudicial assumptions against Sikhs-Americans arising from our appearance have led members of our faith to become more frequent objects of suspicion since September 11, 2001. It is our belief that this prejudice has created the new post-September 11, 2001 phenomena of kirpan harassment and prosecution.

Those who are initiated Sikhs, wear five mandatory articles of faith, one of which is called a kirpan. A kirpan is a religious sword that reminds a Sikh of their duty to defend justice. It is customarily a few inches in length and is sheathed. For an initiated Sikh, it is a mandatory article of faith that must be worn on the body at all times.

Before September 11, 2001, Sikh-Americans in New Jersey were able to wear their kirpan freely without fear of arrest. In the climate of fear since then, however, Sikhs are being more frequently stopped by law enforcement officers or more frequently reported to law enforcement as suspicious persons by fellow citizens. During these stops, law enforcement officers are now sometimes choosing to charge Sikhs with crimes for carrying the kirpan.

Two representative examples include:

- A Sikh-American was arrested at Brookdale Community College in Lincroft, NJ for wearing a kirpan. He was detained for one hour and given a summons to appear in court. The case was ultimately dismissed once the prosecutor's office understood the religious significance of the kirpan and that it is not intended to be a mere weapon.
- At JFK Airport a Sikh-American was stopped for wearing a kirpan. Local police incarcerated him for two nights. He was prosecuted for carrying a concealed weapon. The Queens DA dismissed the case after the Sikh Coalition made his office aware of the religious significance of the kirpan.

The kirpan is an article of faith. There is no criminal intent in carrying it. Its removal or the prosecution for wearing it is insulting and injurious to initiated Sikhs and likely violates constitutional norms protecting the free exercise of religion. Accordingly, a handful of jurisdictions in the United States exempt from criminal prosecution those who carry a knife or

sword as a “recognized religious practice.” Ann Arbor, Michigan and Los Angeles, California are examples of such jurisdictions. We therefore request the following measures:

To the New Jersey Attorney General and County Prosecutor’s Association:

Provide Guidelines On How To Handle The Prosecution Of “Kirpan” Cases
Where A Sikh Is Charged With Unlawful Possession Of Weapon Under N.J.S.A.
2C:39-5

Sikhs should not be prosecuted for wearing the kirpan. It is injurious to the Sikh community and waste of the state’s prosecutorial resources. There is no unlawful intent in carrying the kirpan. It is less dangerous than many of the instruments that average citizens may carry such a scissors or hammers or nail files. Just as it is recognized that these instruments may be freely carried without prosecution because there is no unlawful intent in carrying them, we request that Sikhs not be prosecuted for carrying an article of faith. We therefore request the Attorney General to provide guidelines directing country prosecutors not to prosecute Sikhs for carrying the kirpan.