COMBATING BIAS, BIGOTRY, AND BACKLASH:
SIKH AMERICAN CIVIL RIGHTS POLICY PRIORITIES
This policy memorandum outlines several critical, long-term priorities for federal lawmakers, including the White House and Congress. The Sikh Coalition is the nation’s largest Sikh American civil rights organization and was founded in the immediate aftermath of 9/11. Presented throughout is a specific series of Sikh civil rights policy prescriptions that relate to the Sikh Coalition’s programmatic work and many of the extreme challenges that Sikh Americans face. However, the Sikh civil rights policies outlined in this document are not the only policies that the Sikh American community cares about. Policymakers must also address the broader needs of the Sikh and Asian American and Pacific Islander (AAPI) communities, including healthcare, labor protections, language accessibility, small business opportunities, and other critical policy issues impacting similarly situated groups of Americans.
INTRODUCTION: WHO ARE SIKHS

Sikhs have been in the United States for more than 130 years and are well established as active contributors to civic society. Sikhs primarily immigrate from Punjab, India. Sikhism, or Sikhi, is the world's fifth largest organized religion, with approximately 25 million adherents worldwide.

Sikhs are also a growing part of the influential Asian American Pacific Islander (AAPI) demographic group and our nation's quickly changing electorate. With nearly 300 gurdwaras (Sikh houses of worship) in 38 states, the Sikh population continues to expand as Sikh community members increasingly become more civically engaged. Large population centers of Sikhs exist in states like California and in major U.S. cities throughout the Atlantic Seaboard and the Midwest.

Sikhism is an independent faith with its own founders, scripture, worship, ceremonies, and traditions—it is not a blend of religions. Similar to other faiths, there are of course differences in observance, and we organizationally work to protect all Sikh Americans while placing no judgment on how any Sikh chooses to practice their faith. However, Sikhs who choose to maintain their outward identity tend to experience a unique set of challenges to their civil rights; when those rights are protected and enforced, the rights of all Sikhs--along with other religious minorities--are protected and enforced as well.

The Sikh identity includes five articles of faith. The most visible aspects of the Sikh identity include unshorn hair and the turban. There are more than 25 million Sikhs worldwide.

Guru Nanak, the founder of Sikhism, was born in 1469 A.D. in Punjab, a region in South Asia that spans modern-day Pakistan and northwest India. Most of the world’s Sikhs today continue to live in Punjab (India).

Like many minority communities in America, Sikhs have faced incredible challenges in our nation’s larger struggle for civil rights. Despite immense contributions to nearly every facet of American society, Sikhs continue to experience discrimination and hate. Cultural and religious illiteracy, coupled with the visible Sikh identity, has translated to bias, bigotry, and xenophobic violence against Sikhs for generations. After 9/11, this problem was exacerbated as Americans conflated the turban and beard with terrorism. These struggles continue during a renewed nationalist movement, and many translate into urgent civil rights concerns for Sikhs. Given these important challenges and the diversity of the Sikh community, it is important for any future administration to appoint a Sikh American Liaison in the White House Office of Public Engagement to ensure a wide range of Sikh American voices are heard and swift responses to these challenges are made.
Sikhs have faced hate crimes in the United States since the late 1800s. The first deadly hate crime in America after 9/11 targeted a Sikh American named Balbir Singh Sodhi, who was murdered outside his gas station in Mesa, Arizona on September 15, 2011. His murderer had told others that he had set out to “kill some towelheads.” Nearly 20 years later, many link anti-Sikh hate violence with “mistaken identity,” but defaulting to this framework fails to account for the other bias-related motivations behind violence against Sikhs, and often inadvertently implies that there is a group that should be targeted by those who lash out in hate.

The challenges that Sikhs face often foreshadow systemic problems. The worst attack on an American house of worship in nearly 50 years occurred on August 5, 2012 when a white supremacist murdered 6 Sikhs inside a gurdwara in Oak Creek, Wisconsin. The FBI’s most recent hate crime report shows a 200% increase in anti-Sikh hate crimes between 2017 and 2018, and identifies the Sikh faith as being the third-most targeted religious group in the country. This data validates the Sikh Coalition’s conservative estimate that Sikhs remain hundreds of times more likely to be targeted for hate crimes than their fellow Americans.

According to the Bureau of Justice Statistics, when violent hate crimes are reported, they are nearly three times less likely to result in an arrest than violent crimes that do not involve hate. Instances of discrimination and bias must be recognized, taken seriously, and addressed directly by law enforcement. Hate crimes traumatize the individual, but they also terrorize entire communities. Small business store owners and others at points of commerce, including taxi/rideshare drivers and those in the trucking industry, remain uniquely vulnerable.

Every administration must condemn racially or religiously motivated hate crimes, and our leaders must also combat implicit bias by consistently communicating positive narratives of Sikhs and other religious minorities in a manner that is thoughtful and nuanced. Pursuing initiatives that reduce hate crimes, providing stronger mechanisms to document hate crimes, and addressing racial profiling remain critical to addressing hate. Furthermore, while hate crimes are traditionally prosecuted as state offenses, federal guidance remains essential with respect to implementing hate crime laws, providing law enforcement and prosecutorial cultural competency training, and emphasizing restorative justice methods.
SPECIFIC RECOMMENDATIONS TO REDUCE HATE CRIMES INCLUDE:

- Appoint leadership at the Department of Justice (DOJ) who will prioritize the prosecution of hate crimes. Increasing enforcement of federal hate crime laws beyond the miniscule number annually prosecuted by the DOJ annually is critical to promoting justice to targeted communities.\(^4\)

- Mandate that state and local law enforcement provide accurate and verifiable hate crime reports to the FBI. According to the Bureau of Justice Statistics, approximately 250,000 hate crimes take place annually, while only 6,200 incidents are reported to the Federal Bureau of Investigation on average.

- Develop better training in enforcing and responding to state and federal hate crime laws. Such training will better address the needs of hate crime victims and restore a sense of safety to the targeted community.

- Ensure that all vulnerable houses of worship, including Sikh gurdwaras, are provided with better assistance in obtaining federal funding such as the Nonprofit Security Grant (NSGP) to improve physical security, training, and other essential resources. Sikhs and other minority faith groups are too often left to navigate the complex grant system without assistance and therefore miss out on critical funding to protect their communities from acts of domestic terror.

- Create resources to protect minority-owned small businesses targeted by hate incidents and crimes. Similar to the Protective Security Advisor (PSA) Program offered to houses of worship, small business owners should be able to receive security assessments and develop threat mitigation strategies with the assistance of the Department of Homeland Security, along with state and local law enforcement. Funding should be made available to qualifying minority-owned small businesses that require improvements in security infrastructure.

- Establish a commission that will work with key community stakeholders to address gaps in federal hate crime legislation and swiftly implement preventative measures.

- Increase vital programs that promote greater understanding between communities and reduce misconceptions of Sikhs through greater funding to the DOJ’s Community Relations Service.

- Prioritize public acknowledgement, including White House events and Presidential Medals of Freedom, for those who experience hate crimes firsthand. This action will counteract victimhood frameworks while also acknowledging the courage, strength, and resilience of survivors in order to change the perceptions that drive hate crimes in the first place.
No American should face a false choice between their career and their faith, and this starts with laws that hold employers accountable. Under Title VII, employers are not required to reasonably accommodate an individual's request to practice their religious grooming observances (including headwear and facial hair); rather, the religious accommodation request has to meet a de minimis cost standard, for which the threshold is very low. As a result, employers can use virtually any excuse to discriminate against observant Sikhs, Jews, Muslims, and members of other faiths with grooming requirements. Current law also fails to provide religiously observant individuals with protections against workplace segregation. This allows employers to 'hide' employees with religious observances out of view, often in inferior roles that they did not apply for and have limited opportunities for advancement.

According to complaints received by the Sikh Coalition, federal safety regulations have also been used by employers to wrongfully demand Sikhs to abandon their religious observances. Despite federal laws providing guidance for religious accommodations and there being alternative personal protective equipment (PPE) solutions, the guidance is either not easily accessible or easily understood by employees and employers. In the new COVID-19 world, this problem has explicitly manifested in the healthcare industry by reducing first responder and medical service provider capacity as employers were forced to wade through human resource departments and interpreting regulations instead of deploying workers to combat the pandemic with functionally equivalent PPE to accommodate religious needs. This confusion must be recognized and fixed by the federal government.

Sikhs also represent thousands of drivers in the commercial trucking industry and have faced disparate challenges in obtaining and maintaining employment. In 2008, four observant Sikh truck drivers, who are mandated by the Sikh religion to never cut their hair, were wrongfully terminated from J.B. Hunt. In 2016, after a multi-year federal investigation, the Equal Employment Opportunity Commission (EEOC) brokered a settlement, concluding that J.B. Hunt had discriminated against the Sikh truck drivers by failing to provide religious accommodations. During the course of the investigation, J.B. Hunt revised its written policies and procedures regarding discrimination and religious accommodations, and established an effective alternative to drug testing by hair sample.

To make matters worse, the federal government may soon implement hair drug testing that will lead to increases in these discriminatory employment incidents. Traditionally, drug testing has been conducted through urine analysis; under the Fixing America's Surface Transportation (FAST) Act, however, the federal government plans to issue guidance on using hair samples for drug testing in federal workplaces and federally regulated industries. While the FAST Act allows an individual with religious observances to take a urine analysis test in lieu of hair testing, accommodations like these are only required of the Department of Transportation--but not of the 430 other federal agencies and departments. As such, the rules promulgated by the federal government could create a patchwork of inconsistent and unclear testing standards.

Further End Employment Discrimination in the Military

The Department of Defense is the nation's largest employer, and ensuring equality of opportunity within the military is an issue of employment discrimination. After more than 10 years of advocacy work, which included successful litigation, a landmark U.S. Army policy change in 2017 significantly improved the standards for Sikhs and other religious minorities who seek to serve their country with their religious articles of faith. In 2019, the U.S. Air Force followed suit with a similar policy change, leaving the Navy, Marine Corps, Space Force, Coast Guard, and National Guard with policies that still prohibit Sikhs from serving their country freely.
SPECIFIC RECOMMENDATIONS TO ENSURE EQUAL EMPLOYMENT OPPORTUNITIES INCLUDE:

- Close the Title VII loophole that lets employers discriminate against workers with religious grooming requirements. This can be accomplished by reintroducing and fully supporting the Workplace Religious Freedom Act, which would correct the Supreme Court’s action in Trans World Airlines, Inc. v. Hardison to provide dignity and respect for religiously observant employees with reasonable employment accommodations.

- Revise and clarify federal workplace safety regulations to make it explicitly clear that religious accommodations are scientifically and legally appropriate. Far too often, religiously observant employees are wrongfully excluded from workplaces as a result of unclear and ambiguous policies on health and safety.

- Ensure that employers and educators cannot use religious objections as grounds to discriminate by passing the Do No Harm Act (HR 1450 / S 593). No one should use their religion as an excuse to undermine another’s rights or otherwise cause them harm.

- Outlaw the practice of workplace segregation, which permits employers to hide religious minorities from customers.

- Encourage federal hiring goals to grow minority religious employment. Increasing the percentage of religious minorities will help balance decades of workplace inequality and promote a greater general understanding of diverse religious observances.

- Increase funding for the EEOC, the U.S. Labor Department’s Office of Federal Contract Compliance Programs, and the DOJ’s Civil Rights Division to increase the number of investigators.

Recommendations to Further End Employment Discrimination in the Military

- Ensure that the Secretary of Defense is committed to adopting policies across all military branches that permit military personnel to observe grooming requirements that are compatible with individuals’ sincerely held religious beliefs. Having Sikhs and other religious minorities serve openly in the U.S. military underscores the ideals of democracy and religious freedom that the Armed Forces fight to preserve and protect.

- Codify that all branches adopt specific policies that accommodate religious grooming requirements that are promptly decided by O-6 command and endure throughout a service member’s career in order to ensure full equality of opportunity.

- Mandate that all military chaplains are educated about Sikhism to better understand the faith and inform commanders on appropriate religious accommodations.
According to the Sikh Coalition’s research, Sikh youth face bullying rates up to twice the national average of their peers. Left unmitigated, bullying can escalate to brutal violence, which routinely leaves Sikh children across the United States with permanent physical injuries, mental trauma, and post-traumatic stress. Less violent but more pervasive verbal bullying and harassment also affects thousands of Sikh children per year, going mostly unaddressed by teachers, administrators, and public officials. To make matters worse, federal bullying legislation has not kept pace with the ubiquitous use of technology that children rely on to communicate and learn. Cyberbullying has become a difficult challenge for parents and school administrators to confront as many states lack laws to address off-campus cyberbullying, despite the ease of access and anonymity that it affords bullies.
SPECIFIC RECOMMENDATIONS TO KEEP CHILDREN SAFE FROM BULLYING:

- Appoint leadership at the DOJ who will prioritize the prosecution of hate crimes.

- Allocate additional funding for the DOJ and Department of Education for anti-bullying initiatives, including programs specifically opposing the bullying of religious youth.

- Support the mandate for school curriculums to address faith communities, including Sikhs, to reduce misconceptions and promote unity. The Sikh Coalition has developed constitutionally appropriate curriculum and instructional materials for schools.

- Provide funding for educator professional development so that community organizations can raise cultural awareness for teachers and their school districts.

- Ensure that any school that receives any public funds, including charter and private schools, are not permitted to exclude students on the basis of religion. Private and charter schools should not be permitted to use taxpayer funds to exclude students from classrooms on the basis of differing religious beliefs.

- Re-establish a White House AAPI Bullying Commission with community stakeholder organizations that include Sikhs to continue where prior such commissions left off.
Profiling and policing structures that permit racism to persist in a systematic manner among law enforcement remain a deadly and desperate problem for racial and religious minorities throughout the United States. Anti-Black discrimination that routinely leads to the disproportionate marginalization, criminalization, and murder of Black Americans at the and hands of law enforcement agencies demands comprehensive federal policy reforms. At the same time, the unique profiling and policing challenges facing minority religious communities must not be lost in policy reform demands either. For example, observant Sikhs remain targets for additional screening at airports and other public and private venues. In addition to disproportionate secondary screening, Sikhs are also more likely to experience invasive screening. All communities, including Sikhs, must be able to trust law enforcement, but that trust is undermined when state and federal law enforcement agencies employ policing policies that target and harm minority communities.
SPECIFIC RECOMMENDATIONS TO REFORM LAW ENFORCEMENT POLICIES TO PROTECT ALL MINORITIES:

- Prioritize and pass the End Racial Profiling Act (HR 4399 / S 2355) to prohibit federal, state, and local law enforcement from targeting a person based on actual or perceived race, ethnicity, national origin, religion, gender, gender identity, or sexual orientation without trustworthy information that is relevant linking a person to a crime.

- Demilitarize law enforcement agencies and correctional facilities with respect to equipment, training, and culture.

- Ban the excessive use of force by law enforcement officers, including by implementing policies that hold officers accountable for the use of excessive force against individuals or groups.

- Provide training to raise the cultural competency of law enforcement and prosecutors at the federal, state, and local levels.

- Ensure that automations in security and surveillance by devices used by federal, state, and local governments meet anti-bias standards.

- Support measures that provide better statistics on police-community relations.

- Require all federal law enforcement agencies to implement the most current DOJ guidance on racial profiling, which must in turn be updated to provide clear anti-profiling instruction in close consultation with community stakeholders like the Sikh Coalition.
In the years after 9/11, Sikh Americans have been subjected to profiling on the basis of their actual or perceived race, religion, ethnicity, and national origin at airports across the nation. Profiling of this kind not only stigmatizes its victims--it also makes our nation less safe, as it redirects law enforcement resources away from detecting and preventing actual criminal behavior. Travelers who are subjected to profiling by the Transportation Security Administration (TSA) are left with no meaningful recourse to hold the agency accountable.

The Sikh Coalition has documented close to 1,000 TSA complaints and trained thousands of TSA and Customs and Border Patrol employees with the expectation that screening procedures that target Sikhs diminish. Despite the Sikh Coalition’s initiatives for the past 19 years and even congressional inquiry, Sikh Americans continue to report discriminatory treatment at our nation’s airports. The sad reality is that Sikhs continue to face disproportionately higher rates of secondary screening by the TSA in comparison to the average traveler.
SPECIFIC RECOMMENDATIONS TO END TSA PROFILING AT AIRPORTS:

- Require the TSA to log statistical data on secondary screening practices to eliminate inconsistencies, gauge the efficacy of secondary screenings, and identify disproportionate enforcement and non-compliance with civil rights protections.

- Require the TSA to adhere to consistent and transparent standards of discretionary criteria that reduce the likelihood of profiling. Criteria that requires a clear and articulable suspicion of an individual and imminent security threat is sufficient to thwart credible security threats and reduce the likelihood of discretionary abuse.

- Require the TSA to adopt consistent and mandatory anti-discrimination training for all employees to promote systemic, agency-wide change (as opposed to training and disciplining officers only when complaints arise).

- Ensure that any new technology or procedures reduce the use of pat-downs and that travelers are not singled out based on their race, religion, or gender.

- Mandate regular and independent Civil Liberties Impact Assessments at all airports, including unannounced audits that identify discriminatory screening practices.

- Amend the Airline Passengers’ Bill of Rights to establish clear guidelines limiting the ability of airlines to forcibly remove passengers solely based on generalized concerns of personal safety without any specific information. All airline crew members must undergo training focusing on behavioral forces like implicit bias and stereotype threats.
U.S. immigration policies should not exploit discrimination and hate, but should instead be grounded in the fair, equal, and humane treatment of all people regardless of their immutable characteristics, such as race, religion, nationality, gender, ethnicity, and sexuality. How we treat those who come to our nation is not just a policy or political issue—it reflects who we are. Unjustly punitive immigration policies violate the spirit of this nation’s founding, laws, and values.

Civil rights organizations, including the Sikh Coalition, have ongoing concerns about the mistreatment and deprivation of due process rights of those held in Immigration and Customs Enforcement (ICE) custody. Sikhs and other Indian nationals are increasingly seeking asylum in the United States, and are now one of the largest non-Spanish speaking detainee populations.[17] With requests for bond denied, many Sikhs spend months or years in detention while their cases work their way through the system. Without any interpreters or translated resources, detainees cannot meaningfully defend their cases in court. Sikh asylum seekers have also been denied vegetarian meals, wear of their articles of faith, or language access; still others have been coerced to cut their hair, denied access to congregate for prayers with other Sikhs, or forced to pray next to an open toilet in a dirty jail cell. Detention centers have also not provided important documentation or complaint forms in Punjabi and language interpreters often do not fluently speak Punjabi, limiting the effective correspondence with detention centers, judges, or lawyers.

**Prevent the Genocide of Afghan Sikhs and Hindus**

Our nation must also work to uphold religious freedom around the world so that religious minorities are not forced to flee their home countries. Sikhs and Hindus in Afghanistan, for instance, have long faced targeted violence. Most recently, in March 2020, ISIS-affiliated gunmen attacked a gurdwara in Kabul, killing 25 Sikhs; this was followed by an attempt to bomb funeral services and plant additional explosives the next day.[18] The few hundred remaining Sikh and Hindu families have been told to leave their homes or face death, and the removal of U.S. forces will further exacerbate these families’ risk of genocide if the United States does not grant immediate refugee protections to and resettle them.
SPECIFIC RECOMMENDATIONS TO SUPPORT HUMANE IMMIGRATION POLICIES:

- Pass the NO BAN Act (HR 2214 / S 1123) to make critical changes to the Immigration and Nationality Act to create a more stringent standard for presidents to invoke suspension or restriction of entry into the country on the basis of religion.

- Ensure language access is meaningfully available to all detainees, because far too often, interpreters do not provide accurate Punjabi translations. Detention centers and interpreters must be subjected to routine and unannounced audits to ensure language access meets expectations of being intelligible and accurate—and all audit findings must be binding, to ensure language access is meaningfully provided.

- Ensure that migrants and asylum-seekers are afforded due process, including a full and fair hearing to determine whether they should be released from custody based upon whether they are a flight risk or pose a danger to the community.

- Provide a pathway to obtaining legal status for Deferred Action for Childhood Arrivals (DACA) recipients. Vulnerable individuals who are involuntarily brought to the United States, such as children, should be afforded solutions that reward a commitment to becoming law-abiding members of our society.

- Safeguard families from unlawful separation and children from indefinite detention in accordance with the Flores agreement.

Recommendations to Prevent the Genocide of Afghan Sikhs and Hindus

- Provide Sikhs and Hindus in Afghanistan, who face systematic targeting and eradication, with safe and expeditious relocation into the United States through the U.S. Refugee Admissions Program by way of Priority 1 or 2 embassy referrals.
CONCLUSION

The history of Sikhs in America is a shared story of resilience. For more than 125 years, Sikhs have worked hard and sacrificed to contribute to the fabric of this nation; through their perseverance, they have only asked for equality in return. Sikhs will remain at the forefront of ensuring that every American can practice their faith freely and that no one is discriminated against on the basis of race, religion, gender, disability, or sexual orientation.

To that end, it is critical that senior staff positions and political appointments include the Sikh community to ensure that the future administration looks like the rest of America. Specifically, the White House should create a Sikh American Liaison in the White House Office of Public Engagement to ensure a wide range of Sikh American voices are heard within the administration. This will ensure that Sikhs impacted by policies are an essential part of the decision-making process.

For nearly 20 years, the Sikh Coalition has worked with Sikh communities across the nation to provide nonpartisan policy guidance in areas pertaining to hate crimes, bullying, racial profiling, civic participation, discrimination, equal employment, and school education initiatives. Moving forward, we look forward to working on bipartisan solutions to Sikh policy issues, guaranteeing that Sikh issues are well represented, and ensuring that your staff know where to find our policy resources and expertise.

CONTACT

To obtain additional information about the Sikh community, faith, or traditions, please visit www.sikhcoalition.org. For more specific information regarding policy prescriptions, Sikh civil rights, or referrals to other Sikh organizations, please contact the Sikh Coalition’s policy staff at advocacy@sikhcoalition.org.
FOOTNOTES


[8] Note that the challenges posed by hair testing are not limited to observant Sikhs in the federally regulated transportation industry. The Sikh Coalition has received requests from observant Sikhs in the medical, technology, and pharmaceutical industries for help to advance their rights vis-a-vis workplace hair testing requirements.


