COMBATING BIAS, BIGOTRY, AND BACKLASH:
SIKH AMERICAN CIVIL RIGHTS POLICY PRIORITIES
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This policy memorandum outlines critical, long-term priorities for federal lawmakers, including the Biden-Harris Administration and the 118th Congress. The Sikh Coalition is the nation's largest Sikh American civil rights organization. Presented below are specific civil rights policy priorities highlighting many of the challenges that Sikh Americans face; however, the content often overlaps with the concerns of many Black, Arab, Middle Eastern, Muslim, and South Asian (BAMEMSA) and Asian American, Native Hawaiian, Pacific Islander (AANHPI) communities as well. Please note that these recommendations are not inclusive of all political issues that the Sikh community cares about, but instead reflect substantive civil rights areas that are the focus of the Sikh Coalition's work.
The Sikh identity includes five articles of faith. The most visible aspects of the Sikh identity include unshorn hair and the turban.

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).

Credible estimates on the Sikh American population range from about 300,000 to 700,000. The number most commonly cited is 500,000.
According to the Office of Personnel Management, only 20 percent of all Senior Executive Service federal employees are people of color. In congressional offices, staff composition also rarely aligns with the demographics of constituencies. Our government must model policies of inclusion and representation to ensure a workforce that reflects the communities that it serves. This includes recruiting and hiring qualified Sikh Americans. While the Biden-Harris Administration has made progress in appointing more qualified and diverse candidates, we must continue to advance practices of equitably addressing long standing exclusion for underrepresented communities.
SPECIFIC RECOMMENDATIONS TO MODEL AND IMPLEMENT POLICIES FOR INCREASING REPRESENTATION:

Administration

- Ensure that multiple Sikh perspectives are included on the White House Initiative on Asian Americans and Pacific Islanders, given that no community is a monolith.

- Resume the Obama Administration’s celebration of the founding of the Sikh faith to honor Guru Nanak Dev Ji’s Gurupurab by inviting Sikh community leaders and government officials to the White House with full religious accommodations.

- Issue a Presidential declaration recognizing and celebrating Vaisakhi to raise awareness of the Sikh community in the United States.

- Promote diversity, equity, and inclusion by evaluating senior nominees and appointees on their commitment and track record in advancing these values, including protecting the right to religious practice.

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

Administration & Congress

- Appoint a Sikh American to the U.S. Commission on International Religious Freedom to include the world’s fifth-largest organized religion and demonstrate our nation’s commitment to ensuring religious freedom for non-Abrahamic faiths.

- Declare April as National Sikh Awareness & Appreciation Month. Such a declaration would follow the model of 19 states. The official recognition of Sikh Awareness & Appreciation Month allows the Sikh community to forge better relationships with their government officials and educate the broader community as to the contributions Sikhs have made to American life.

Congress

- Recruit Sikh staff members to congressional offices in order to ensure that the community’s perspectives are consistently included in lawmaking. This naturally should hold more true in districts with a strong Sikh electorate and/or donor presence.

- Recognize Vaisakhi—one of the most historically significant Sikh celebrations, occurring annually every April—as an observed holiday for the Sikh community.
Sikhs have faced bias and discrimination in the United States for generations. In the early 1900s in Bellingham, WA, lumberjacks attacked hundreds of Sikh mill workers in their homes, beating them and forcing them out of the city. 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 on September 15, 2011. While some instances of anti-Sikh violence have been linked to mistaken identity, it is important to note that there have also been instances where Sikhs have been specifically targeted due to their religious and cultural identity.

Often, guns have been employed as tools to specifically target Sikhs and other minorities in deadly acts of mass casualty violence. Numerous mass shootings have seen individuals targeted for their race, religion, gender identity, sexual orientation, or other characteristics; aside from these mass shootings, too many individuals have been hurt or killed with guns in acts of hate. So long as all kinds of gun violence remain virtually unchecked in this country, our community’s fundamental rights to life, liberty, and the pursuit of happiness will be in peril.

The challenges that Sikhs face often foreshadow systemic problems for our nation. One of the worst attacks on an American house of worship in history occurred on August 5, 2012, when a white supremacist gunman murdered six Sikhs inside a gurdwara in Oak Creek, WI. The FBI’s annual hate crime report consistently categorizes anti-Sikh violence within the top five most targeted religious communities. Despite the systemic problems with underreporting all forms of hate crimes, this data validates the Sikh Coalition’s conservative estimate that Sikhs remain more likely to be targeted for hate crimes than any other minority in America once population size is accounted for.

Despite the 2021 passage of the COVID-19 Hate Crimes Act, much work remains to fully implement that historic legislation while continuing to focus on other ways to further protect all communities from hate incidents and intimidation. Every elected official must condemn racially or religiously motivated hate speech and hate crimes, and our leaders must also address 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 incidents, providing stronger mechanisms to document hate, and addressing racial profiling remain critical. Furthermore, while hate crimes are traditionally prosecuted as a state offense, federal guidance remains essential with respect to implementing hate crime laws, providing law enforcement and prosecutors with cultural competency training, and emphasizing restorative justice.
SPECIFIC RECOMMENDATIONS TO REDUCE HATE CRIMES:

Administration

- Ensure that local, state, and federal hate crime laws are meaningfully enforced. Doing so will reduce emboldening violent offenders to escalate their attacks on vulnerable communities and improve victim reporting to law enforcement. The Department of Justice (DOJ) must increase federal enforcement beyond the small number of hate crimes annually prosecuted to better acknowledge the systemic impact hate violence has on targeted communities.[9]

- Mandate that local and state law enforcement provide accurate and verifiable hate crime reports to the Federal Bureau of Investigation (FBI). According to the Bureau of Justice Statistics, approximately 250,000 hate crimes take place annually—yet on average, only 6,200 incidents are reported to the FBI. Law enforcement agencies routinely report zero hate crimes, which often runs contrary to media reports and the Sikh Coalition’s own verifiable legal work. This effort should include audits by state agencies with oversight of law enforcement at state, local, and tribal levels to ensure that hate crimes reported are true and accurate.

- Meaningfully implement provisions of the Non-Profit Security Grant (NPSG) Improvement Act of 2022 to ensure that all houses of worship, including gurdwaras, are provided with better direct resources and assistance in obtaining federal funding to improve security, training, and other essential resources. Sikhs and other minority faith groups are too often left to navigate the NPSG on their own without assistance and funding to protect the community from acts of domestic terror.

- Create resources to protect minority-owned small businesses targeted for 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 (DHS), along with state and local law enforcement. Funding should be made available to qualifying minority-owned small businesses that require improvements in security infrastructure.

- Build upon the United We Stand Summit commitments announced in September of 2022 to strengthen interagency coordination not just for religious communities but all communities impacted by hate and bigotry. The commitments must continue to be kindled and diligently fostered to realize a whole of society approach to reduce hate crimes and incidents.

Administration & Congress

- Ensure effective implementation of the COVID-19 Hate Crimes Act and the Jabara-Heyer NO HATE Act to meaningfully improve hate crime reporting and victim assistance and support. However, the implementation of this law should still consider the following:

  - States that are awarded grants to establish hate crime reporting hotlines must make them language accessible, including in Punjabi. The Attorney General should also issue guidance on data sharing and best practices for online hate crime reporting.

  - Online reporting systems created under the new law should also be language accessible and annually share anonymized data with community advocates to ensure communities remain aware of the threats
against them. The Attorney General should condition grants to state hate crime reporting hotlines and websites that regularly share hate incident data with community stakeholder organizations.

- The law requires the collection of hate crime data that is disaggregated. To ensure the data helps better inform impacted and targeted communities, it is imperative that disaggregation captures the ethno-religious identity of hate crime victims. Such information would permit the targeted and impacted communities to better understand the true extent of the risk they face and the solutions that are necessary to better protect them against hate crimes and incidents.

- The law requires additional training in enforcing and responding to hate crimes, but the Attorney General should ensure that awards of grant funding that bolster hate crime training programs will incorporate a broad spectrum of community stakeholder perspectives to help state, local, and tribal law enforcement agencies better protect communities targeted and impacted by hate.

**Congress**

- Correct a loophole in federal hate crime legislation that currently requires an act of bigotry to be the singular motivating factor to prosecute offenders for federal hate crime charges, given that bias is often only one of many factors in the targeting of an individual for a hate crime.

- Establish a permanent commission that will work with key community stakeholders to address gaps in federal hate crime legislation and swiftly implement preventative measures. The commission must include community advocates and routinely meet with the White House’s Domestic Policy Council to further collaborate after the 2021 DOJ interagency review on hate crimes.

- Increase programs that promote greater understanding between communities and reduce misconceptions of Sikhs through greater funding to the DOJ Community Relations Service. The agency must also work to update their training content to be applicable to policing reforms and the real-world needs of the community.

- Support initiatives to research and study gun violence and prevention by passing bills like the Gun Violence Prevention Research Act of 2023 (H.R.2390 / S.1026) and reintroducing the Safe Workplaces Act (H.R.7540).

- Support initiatives for responsible gun ownership by enhancing background checks, training, and licensing. Concrete steps must also be taken to reduce gun accessibility to dangerous individuals, including by addressing gaps in red flag laws. Additionally, reintroducing the Disarm Hate Act (H.R.3929 / S.2090) will restrict access to guns for hate crime offenders; passing the End Gun Violence Act of 2023 (H.R. 2897) will do the same for misdemeanor offenders.
According to the DHS, racially and ethnically motivated violent extremists—particularly white supremacist extremists—have been deemed “the most persistent and lethal threat in the Homeland.” Political rhetoric focused on Islamophobia, xenophobia, and most recently COVID-19-driven anti-Asian bigotry has increased the risk of white nationalists and supremacists targeting minority communities, including Sikhs, for violence.

On April 15, 2021, four Sikhs were murdered by a former employee at a FedEx facility in Indianapolis, IN. The shooter killed eight, injuring several more, and knew that he was targeting a place largely employed by Sikhs. On August 5, 2012, six Sikhs were murdered at the Oak Creek, WI, gurdwara, with a seventh victim later dying from injuries sustained at the shooting. A common theme that resurfaces in acts of mass casualty violence is the willingness of dangerous individuals influenced by white supremacist ideology to use guns to kill racial and religious minorities.

Our federal policymakers must continue to recognize—and act on—this fact that white supremacist ideology plays a role in the loss of life among minority communities across the nation.
SPECIFIC RECOMMENDATIONS TO ADDRESS THE THREAT OF WHITE NATIONALIST AND SUPREMACIST VIOLENCE:

Administration

- Prioritize the enforcement of the more than 50 existing federal laws to hold white nationalists and supremacists accountable for their crimes against society. We do not need new domestic terrorism charges that could be used to further harm Muslim, Arab, South Asian, and Black communities—instead, we need leadership that will guide the DOJ and FBI to better coordinate existing resources to utilize existing criminal statutes to hold perpetrators of domestic terror responsible.

- Include the Sikh community perspective with the Domestic Policy Council to address the threat of white nationalist and supremacist violence in accordance with President Biden’s National Strategy for Countering Domestic Terrorism.

- Publicly denounce the harmful actions of surveillance programs that targeted minority communities through programs like Countering Violence Extremism (CVE) and the Targeted Violence and Terrorism Prevention Program (TVTP). Experts and advocates have identified that these programs were predisposed towards Muslim communities with limited transparency or accountability.

Administration & Congress

- Prohibit and end harmful surveillance programs that unfairly target minority communities by specifically prohibiting the use of programs including but not limited to CVE and TVTP programs. Experts and advocates have cited concerns that such programs are not effective, lack transparency, and erode trust within communities.

Congress

- Pass the Domestic Terrorism Prevention Act (S.1591). This legislation would create standards for appropriate investigation of white nationalist and supremacist groups and implement several common sense processes to combat white supremacy while not falling into tropes of racial and religious groups who may become unintentional targets of national security responses.

- Conduct hearings to pursue legislation to address the role of social media platforms becoming the conduit for white nationalist and supremacist groups to communicate, recruit, and fund their activities.
No person should face the false choice between career and faith. Avoiding this starts with enacting policies that allow for equitable access to employment and hold employers accountable. Under the current Title VII legal standard, employees should be accommodated for religious practices unless an employer can demonstrate that doing so would result in substantial increased costs to the conduct of their business. Because this standard is new and not sufficiently defined by case law, it is incumbent on our government to enact policies and regulations that protect employees, including observant Sikhs, Jews, Muslims, and other minority faiths with specific religious requirements. Current law also fails to fully protect religiously observant employees with protections against workplace segregation, allowing some employers to ‘hide’ employees with visible religious articles such as turbans or beards out of view, often in inferior roles that they did not apply for and with limited opportunities for advancement, to comply with discriminatory corporate image policies.

In one industry-specific example of workplace discrimination challenges, Sikhs represent thousands of drivers in the commercial trucking industry, yet have faced disparate challenges in both obtaining and maintaining employment. In 2008, four observant Sikh truck drivers who maintained their unshorn hair as Sikh articles of faith 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 in the form of alternative drug testing procedures. As part of the case resolution, 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. Sadly, incidents like these continue today: in December of 2020, a Sikh truck driver was not permitted to complete a routine urine analysis test unless he removed his Sikh turban out of fear that he may smuggle urine into the bathroom in his article of faith. Clearly, employers are failing to balance the protected religious rights of their employees with their non-inclusive policies.

To make matters worse, the federal government will soon implement hair drug testing policies that may lead
to increases in such discriminatory employment practices. 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 pursuant to the Department of Transportation’s policies, and do not exist in any of the 430 other federal agencies and departments. As such, the rules promulgated by the federal government may be inconsistent with unclear testing standards, resulting in disparate impact against racial and religious minority groups.

**Further End Employment Discrimination Related to Personal Protective Equipment**

In April 2021, then-Centers for Disease Control (CDC) Director Rochelle P. Walensky declared that racism was a serious public health threat affecting the health of the entire nation, and announced that the CDC was redirecting its efforts to address the structural and systemic challenges of racism, discrimination, and historical disenfranchisement that still impact many minority communities today.[18] While the steps CDC and other agencies have taken to begin seriously addressing this longstanding, complex issue are admirable, there are still many disparities between the policies currently in place and their impact on underserved communities.

Throughout the COVID-19 pandemic, workplace safety has repeatedly been used as an excuse to discriminate against Sikhs and other religious minorities with appearance-related requirements in workplaces.[19] In the most comprehensive study to date assessing health equity considerations—particularly in relation to masking and Personal Protective Equipment (PPE) policies throughout the pandemic—workplace barriers for racial and religious minority groups were rampant.[20] Per the study, even where equity considerations in workplace standards and policies were present, they were relatively one dimensional and failed to account for the needs of underserved and minority communities. Moreover, the Sikh Coalition and other civil rights organizations specializing in employment discrimination law saw a significant increase in intakes regarding PPE matters in the workplace. Many employers required their employees to wear readily available N95 respirators, which pursuant to National Institute for Occupational Safety and Health (NIOSH) and Occupational Safety and Health Administration (OSHA) policies may not be worn with facial hair. For religious minorities like Sikhs, shaving their beards would violate their faith, and so employees continue to be faced with having to choose between practicing their religion or staying employed when employers are unwilling to provide reasonable accommodations for the wear of alternative respirators.

Sikhs in any industry which requires the wear of PPE (including but not limited to healthcare professionals, first responders, and commercial airline pilots) have disproportionately reported complaints of employers failing to provide accommodations for alternative forms of PPE.[21] Unfortunately, the federal government has not prioritized the research and development of updated technology which could alleviate many of the challenges racial and religious minorities who must maintain facial hair experience in the workplace. The relevant agencies, including OSHA, CDC, the Federal Aviation Administration (FAA), and Department of Defense (DOD) must conduct this research and encourage the development and certification of evolving equipment to meet the needs of these minority communities to combat the systemic discrimination caused by employers’ interpretation of their current policies and regulations.[22]

When providing employees with PPE products, employers often approach their obligation in a ‘one size fits all’ manner by choosing a single product and offering it in one size, regardless of their employees’ individual face shapes, sizes, or religious or medical requirements for facial hair. This approach presents a significant risk of poorly fit PPE that can result in harm or injury. Requiring an inclusive PPE program, however, will consider and address diversity of religious and medical requirements, face shape and size, and other factors to ensure that all individual employees’ needs are met. Until the agencies tasked with certifying
and monitoring PPE standards in workplaces are updated, this will remain a problem. And without clear guidance, education, and resources that instruct employers on their obligations to provide employees with reasonable and available accommodations, they will continue to fail to meet the needs of marginalized communities.

Further End Employment Discrimination in the Military

The DOD is the nation’s largest employer, and ensuring equality of opportunity within the military is an issue of employment discrimination. After more than 12 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.[23] In 2020, the U.S. Air Force made a similar policy change.[24] And in 2022, the Sikh Coalition and its co-counsels (Winston & Strawn LLP, the Becket Fund for Religious Liberty, and BakerHostetler, with assistance from the Sikh American Veterans Alliance) filed suit against the U.S. Marine Corps for failing to accommodate the Sikh articles of faith and continues our litigation to ensure that the service branch complies with its obligations under the Religious Freedom Restoration Act (RFRA).[25] Despite DOD instructions to provide religious accommodations, the Navy and the Marine Corps maintain policies that still prohibit Sikhs from serving their country freely.

SPECIFIC RECOMMENDATIONS TO ENSURE EQUAL EMPLOYMENT OPPORTUNITIES:

Administration

• Ensure that the Department of Health and Human Services (HHS) does not implement federal workplace drug hair testing (DOCKET NO. SAMHSA-2020-0001), which would lead to disparate impact and perpetuate workplace discrimination in federally regulated industries.

• Promote workplace diversity and inclusion by encouraging federal agencies to adopt policies promoting diversity and inclusion in their own workforce, and provide incentives for private employers to do the same. This should include publishing best practices guidelines for employers to promote religious diversity and educate employees about different faith traditions.

• Implement training programs for employers and employees to raise awareness about religious diversity, address stereotypes and biases, and foster understanding and respect for religious practices. To ensure accuracy and efficacy, these programs should be developed collaboratively with community stakeholders.

• Launch public awareness campaigns to educate both employers and employees about the rights and responsibilities related to religious freedom in the workplace in light of the Supreme Court’s holding in Groff v. DeJoy.[26]

Congress

• Update the interpretation of Title VII protections so employers are held accountable for discriminating against workers who require religious accommodations. This can be accomplished by reintroducing and fully supporting the Workplace Religious Freedom Act to provide dignity and respect for religiously observant employees with reasonable accommodation requests.
• Ensure employers who engage in workplace discrimination are held accountable. Conduct like retaliation for complaining about discrimination, segregating employees with accents or visible articles of faith (such as a Sikh turban and unshorn beard), and failing to make reasonable accommodations must end to enable our nation to showcase that diversity is our greatest strength and equity.

• Increase funding for the EEOC, the U.S. Labor Department’s Office of Federal Contract Compliance Programs (OFCCP), and the DOJ’s Civil Rights Division to increase the number of investigators to adequately respond to civil rights violations in workplaces.

• Take legislative action to address caste discrimination. Caste discrimination, a deeply rooted social issue, persists in various forms within multiple communities in the United States, including South Asian faith communities. Action on this front is essential for promoting equality, social justice, and upholding human rights.

SPECIFIC RECOMMENDATIONS RELATED TO PERSONAL PROTECTIVE EQUIPMENT

Administration

• Revise and permanently clarify federal OSHA and CDC workplace safety regulations (beyond Emergency Temporary Standards) and make it explicitly clear that 1) religious accommodations are scientifically and legally appropriate and 2) employers must engage in a reasonable accommodation review process. This will further ensure that employers do not misinterpret OSHA or CDC workplace regulations in a manner which supersedes federal equal employment laws. Accommodations must be provided if reasonable alternatives to the general practice exists. Such a policy change ensures that religiously observant employees are not wrongfully and discriminatorily excluded from workplaces.

• Develop and implement standards to ensure that state, local, and tribal authorities responsible for receiving, storing, staging, distributing, and dispensing assets from the Strategic National Stockpile (SNS) maintain stockpiles equipped to meet the specific needs of underserved communities.

• Prioritize continued and further collaboration between NIOSH, OSHA, FAA, EEOC, and stakeholder organizations to produce and distribute information to employers on available reasonable accommodations and alternatives to the N95 respirator. This should include educating employers on the need to have various types of respirators on hand as well as maintaining multiple sizes to ensure they are appropriately meeting the needs of their employees and addressing any job hazards.

• Proactively consider and review regulations and rules surrounding PPE and respirators as technology and community needs evolve.

• Ensure that CDC’s plan to invest $2.25 billion and $300 million to address PPE fit discrepancies, increasing equity and meeting the needs of overlooked and underserved communities, includes specific projects and grants geared toward creating workable PPE for those with religious or medically required facial hair.

Administration & Congress

• Invest in research and development for NIOSH and OSHA compliant respirators for employees with facial hair that are cost-effective and suitable for a broader range of industries and roles, including, but not limited to, airline pilots, healthcare professionals, firefighters, paramedics, correctional and police officers, military personnel, and other first responders in underserved communities.
Congress

- Update Title VII’s interpretation to hold employers accountable for failing to reasonably accommodate employees’ religious requirements. Making it clear that the substantial increased cost standard as set forth by the Supreme Court in Groff v. DeJoy does require a showing of an undue hardship consistent with the Americans with Disabilities Act would immediately further protect the rights of Sikhs and other religious minorities in the workplace.

- Appropriate funds specifically for the HHS Administration for Strategic Preparedness and Response (ASPR), FAA, and the DOD to ensure equitable and diverse PPE products are included as a part of the SNS for distribution amongst the civilian population in the event of a future national emergency. Specifically, the SNS must consider the needs of underserved and vulnerable populations including religious and racial minorities and those with disabilities or facial structures that require alternative PPE to the N95. The SNS must account for employers’ obligations to reasonably accommodate employees with religiously or medically mandated facial hair, deformities, or size variations, or other disabilities.

**SPECIFIC RECOMMENDATIONS RELATED TO EMPLOYMENT DISCRIMINATION IN THE U.S. MILITARY**

Administration

- Ensure that the DOD is committed to adopting policies across all military branches that permit military personnel to observe uniform and 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.

- Include Sikh chaplains within the DOD to more inclusively support military personnel and mandate that all military chaplains be educated about Sikhism to better understand the faith, support military officers, 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. Left unmitigated, bullying can escalate to brutal violence, which has left 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 affects thousands of Sikh children and goes mostly unaddressed by teachers, administrators, and public officials. To make matters worse, state and 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 address as many states lack laws regarding off-campus cyberbullying, despite the ease of access and anonymity that it affords bullies.

Additionally, over the last decade, several states have worked to update their state social studies standards to better reflect a more accurate teaching of American history, as well as improve student understanding of the diverse racial, ethnic and religious backgrounds of all Americans. The Sikh Coalition has led efforts to ensure Sikh inclusion in these updates, as well as developed constitutionally appropriate curriculum and instructional materials for schools. However, this work to create more inclusive and safer classrooms for all students is at risk of being undermined and undone by the renewed push in multiple states to enact legislation supposedly addressing “Critical Race Theory” and enacting book bans, both of which are hindering the important work of learning about diverse communities in our nation’s classrooms. We must teach and discuss systemic racism and matters of racial justice in public schools: For Sikhs and other minorities, the stakes are high—and intrinsically linked to the future progress to combat bullying, bigotry, and hate.
SPECIFIC RECOMMENDATIONS TO CREATE SAFE AND INCLUSIVE CLASSROOMS:

Administration

- Ensure that any school that receives any public funds, including charter and private schools, are not permitted to exclude or otherwise discriminate against students on the basis of religion.

- Re-establish a White House interagency Bullying Prevention Task Force with representative community stakeholder organizations.

- Provide funding for school district Chief Diversity Officers so that community organizations and community members can raise cultural questions and concerns with a trained and qualified administrator.

- Develop clear guidance and resources for public schools and federally-funded education institutions to accommodate religious garb such as the Sikh turban in extracurricular activities or events sponsored by public funding.

- Instruct HHS to provide Punjabi language access to the Sikh community by translating StopBullying.gov and ensuring that all printable resources are translated and disseminated in partnership with community organizations to better serve the Sikh community.

Congress

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

- Support initiatives and funding for educator and administrator professional development so that community organizations can raise cultural awareness for teachers and their school districts. This must also include opposing the Stop CRT Act of 2023 (H.R.1229 / S.558) or other similar bills to impose vague restrictions to limit classroom discussions of our nation’s deeply rooted challenges with racism.

- Reintroduce and support the Safe Schools Improvement Act of 2021 (H.R.4402 / S.2410) to require school districts in states that receive Elementary and Secondary Education Act funds to adopt codes of conduct specifically prohibiting bullying and harassment, including on the basis of race, color, national origin, sex, disability, sexual orientation, gender identity, and religion. It would also require that states report data on bullying and harassment to the DOE to better address bullying.

- Reintroduce and support the Tyler Clementi Higher Education Anti-Harassment Act of 2021 (H.R.5342 / S.2791) to outlaw cyberbullying and ensure higher education institutions put in place anti-harassment policies based on sexual orientation, gender identity, and religion.

- Continue to provide federal funding for higher education institutions to establish and maintain a Diversity, Equity, & Inclusion (DEI) office. DEI offices are often on the front lines of providing much needed support services to students from marginalized backgrounds and communities, while simultaneously improving academic performance of students from underrepresented communities.
Profiling and policing structures that permit racism to continue in a systematic manner by 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 hands of law enforcement agencies demands comprehensive federal policy reforms.

Policy reform demands must also include solutions to address the unique profiling and policing challenges facing minority religious communities. For example, Sikhs who maintain articles of faith 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 on the basis of their race, religion, nationality, gender, or other protected class identifications.

*End TSA Profiling at Airports*

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. To make matters worse, these biases have also been reinforced in screening technologies deployed at our nation’s airports that virtually guarantee that specific kinds of travelers will be subjected to unnecessary additional screening. Such complaints have been noted by travelers with religious headwear, disabilities, and thick hair as a result of their race, as well as transgender travelers. 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 Protection (CBP) employees with the expectation that screening procedures should improve cultural competency and reduce misunderstandings. Despite these initiatives, which have catalyzed congressional inquiry into TSA practices, Sikhs and other travelers continue to report discriminatory treatment.
SPECIFIC RECOMMENDATIONS TO REFORM PROFILING AND POLICING TO PROTECT ALL MINORITIES:

**Administration**

- Address longstanding profiling exceptions that were unaddressed in the DOJ 2023 Guidance For Federal Law Enforcement Agencies Regarding The Use Of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, Gender Identity, And Disability. Federal law enforcement agencies (including DHS), as well as contractors, deputies, and federal task force participants must not be allowed to rely on discriminatory profiling at our nation’s borders or for broad security reasons. This initiative must be accomplished in close consultation with community stakeholders like the Sikh Coalition.

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

**Administration & Congress**

- Create a robust national use of force standard, including that deadly force may be used only when necessary and as a last resort to protect against an imminent threat to life. It is imperative that this standard applies to federal law enforcement, and that the receipt of federal grants is also conditioned on state and local law enforcement adopting such a standard.

**Congress**

- Prioritize and pass the End Racial and Religious Profiling Act of 2023 (S.1084) 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 to linking a person to a crime.

- Promote community-oriented policing and rehabilitation by implementing measures to reduce the militarization of law enforcement agencies and correctional facilities. This includes reassessing equipment, training, and fostering a culture of accountability and engagement.

- Promote accountability and prevent the excessive use of force by law enforcement officers through the implementation of policies that hold officers accountable for their actions, specifically targeting the use of excessive force against individuals or groups.

- Establish anti-bias standards to govern the use of automated security and surveillance devices by federal, state, and local governments.

- Support measures to enhance the collection and reporting of statistics on police-community relations.
SPECIFIC RECOMMENDATIONS RELATED TO ENDING TSA PROFILING AT AIRPORTS

Administration

• 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.

• Mandate that the TSA 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 with community stakeholder input 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 ensure travelers aren’t singled out based on their race, religion, gender, disability, or other protected characteristics.

Congress

• Re-introduce and pass the Screening with Dignity with Act (H.R.4249) to ensure that travelers screened by the TSA will not be discriminated against in security screening on the basis of their religion, race, disability, gender, or gender identity.

• 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 bias and discrimination. Instead, they must 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 advocated against the mistreatment and deprivation of due process rights of those held in Immigration and Customs Enforcement (ICE) custody. Sikhs and other Indian nationals continue to request asylum in the United States. Immigration judges and attorneys are often unaware of the challenges Sikhs have faced abroad, including religious persecution in India, Afghanistan, and other countries. To remedy this knowledge gap, the Sikh Coalition published a report, *Well-Founded Fear: Understanding Legal Challenges and Best Practices for Sikh Asylum Applicants and Their Attorneys*. With the prevalent denial of bond requests, many Sikhs spend months or years in detention while their cases work their way through the immigration system. Due to the lack of adequate language access, including interpreters and/or translated resources, Sikh detainees cannot meaningfully defend their cases in court. During the Trump Administration, Sikh asylum seekers were denied vegetarian meals, wear of their articles of faith, and language access; others were coerced to cut their hair, denied access to congregate for prayers with other Sikhs, and were forced to pray next to an open toilet in a dirty jail cell.

The Biden Administration’s actions to reverse the Muslim Ban and close some federal detention centers have started to undo the harm inflicted upon individuals and families seeking a better life in the United States. However, policymakers must ensure that adequate protections are in place so that our nation does not repeat this horrific and unjust treatment for detained migrants and their families.
SPECIFIC RECOMMENDATIONS TO SUPPORT HUMANE IMMIGRATION POLICIES:

Administration

- Ensure language access is meaningfully available to all detainees. 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.

- Establish guidelines, training, and accountability measures for all federal agents and officers involved in immigration and borders to ensure compliance with the Religious Freedom Restoration Act, allowing for the accommodation of religious garb worn by individuals apprehended or placed into custody and detention.

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

Congress

- Reintroduce and pass the NO BAN Act (H.R.1333 / S.1891) to make critical changes to the Immigration and Nationality Act, creating a more stringent standard for presidents to invoke suspension or restriction of entry into the country on the basis of religion.

- Invoke a moratorium on civil and criminal denaturalization until data can be gathered via a study or other means to determine whether such proceedings have a disparate impact on minority communities based on their race, ethnicity, nationality, or religion, and whether enforcement of these proceedings occurs on pretextual grounds.

- Ensure that migrants and asylum-seekers are afforded due process, including a full and fair hearing with adequate language access to determine if they should be released from custody based upon whether or not they are a flight risk or pose a danger to the community.
This guide has focused on specific civil rights challenges faced by the Sikh community and other marginalized groups in the United States. At its conclusion, we pause to acknowledge that there are much broader—yet complex and interconnected—challenges pertaining to religious freedom and democratic backsliding that may defy discrete, bulleted policy prescriptions but nonetheless require swift and demonstrable leadership from our federal government.

As originally intended, the core American value of religious freedom was meant to allow everyone to practice their faith fearlessly—and specifically to protect minority groups from the tyranny of the majority. In recent years, however, a competing and corrupted version of religious freedom has emerged in the United States. This interpretation seeks to use the trappings of belief as a justification for the further marginalization and persecution of specific groups, most often religious minorities, the LGBTQ+ community, and women. Through our pro-bono litigation, we have been able to address religious discrimination Sikhs and other religious minorities face with equal employment opportunities, religious accommodations while in government custody, and access to public accommodations and publicly funded services. Thus, as we champion the cause of religious freedom, we must also recognize its potential for misapplication when it intersects with the accidental or deliberate potential to cause harm to or infringe on the rights of protected classes. To continue to ensure that religious freedom is a positive force in our country, the administration must bolster the Office of Faith-Based and Neighborhood Partnerships to foster collaboration with religious communities in addressing societal challenges and promoting interfaith understanding and tolerance of minority religious communities.

The tendency towards suppression and oppression, however, is not just a problem in religious freedom but also in our government's approach to civil rights as a whole. At a time when our government should be doing more to protect us and enhance our freedoms as enumerated in this guide, we are instead seeing a number of regressive policies, from rollbacks in reproductive and voting rights to attacks on academic freedom and xenophobic alien land laws. This regression of individual freedoms, combined with a political and rhetorical
assault on the idea of a diverse, pluralistic American society, amounts to a harmful democratic backsliding that must be addressed with comprehensive, whole-of-government reforms. The most urgent means for Congress to answer this challenge is to enhance the Voting Rights Act to ensure equal access to the ballot box, prohibit discriminatory voting laws, and restore protections against racial and ethnic discrimination in voting.

Democratic backsliding is far from unique to the United States. As Sikhs, we remain deeply concerned about the authoritarian turn underway in India, which is both ostensibly the world’s largest democracy and home to the vast majority of the global Sikh population. India’s decline in press freedom,[45] willingness to use excessive force against peaceful protestors,[46] arrest and detention of dissidents,[47] and efforts to curtail the free flow of information[48] all directly affect its religious minorities—including Sikhs in Punjab. The historical experience of our community in India has left Sikhs all too aware of how authoritarianism, discrimination, and prejudice can lead to tragedy on the scale of genocidal violence.[49] One way that Congress can continue to engage on this issue is by permanently reauthorizing the U.S. Commission on International Religious Freedom to ensure independent and bipartisan analysis of international religious freedom issues in India and around the world.

Finally, we note that this democratic backsliding in India affects our community in the United States as foreign interference increasingly targets Sikhs and other religious minority communities here at home. The Indian government’s behavior in this realm, including exercising influence to censor peaceful social media conversations[50] and expelling[51] and harassing[52] non-India-based journalists, are all deeply concerning. It is also troubling to see the proliferation of Hindu supremacist ideology within the United States[53] targeting Sikhs in Connecticut,[54] Muslims in New Jersey,[55] and even state legislators in California.[56] To address these issues, it remains essential that the administration engage in diplomatic discussions with the government of India to raise concerns about foreign interference and disinformation campaigns, emphasizing the importance of respecting democratic processes, freedom of speech, and the rights of American citizens and Sikhs in India. The administration must also be prepared to swiftly and forcefully condemn narratives of discrimination, hate speech, or other attempts to falsely portray entire minority religious communities in the United States as extremists, as well as explore the establishment of international agreements or frameworks that promote responsible behavior in cyberspace and deter foreign interference.

While these challenges are immense and complex, we know that the United States has demonstrated leadership on both civil rights and democracy before. In this moment, it is essential that our government and civil society work together to push for inclusive religious freedom, meaningful civil rights protections, and accountability for human rights violations in India. As the Sikh Coalition leans further into these issues, we will continue to articulate both the problems themselves and policy solutions at every applicable level of government within the United States.
CONCLUSION

The history of Sikhs in America is a shared story of resilience. For more than 130 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, sexual orientation, or gender identity.

To that end, it is critical that the federal workforce across all branches of government represent the true composition of America. Our nation must also use a whole of government approach to tackling the threat of hate crimes and white nationalist and supremacist violence. Sikhs and all other religious minorities must have the opportunity to be free from workplace discrimination. Our nation’s schools require greater commitments to protect youth against bullying and include curricula that accurately shares America’s diversity. We must also address systemic racism by reforming policing and ensuring that communities are not profiled on the basis of their identity. We must also make sure that our nation continues to be a beacon of hope for refugees and asylum seekers. And finally, all of this must be accomplished as we rise to profound challenges to religious freedom and democracy itself, both here at home and around the world.

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

CONTACT

For additional information on the Sikh community and faith or policy recommendations, 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.
ENDNOTES


[8] Sandhya Dirks, Remembering the Oak Creek killings, a harbinger of white supremacist violence, NPR, August 5, 2022, available at https://www.npr.org/2022/08/05/1159315555/remembering-the-oak-creek-killings-a-harbinger-of-white-supremacist-violence


[16] 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.


[26] Ibid.
Working towards the realization of civil and human rights for all people.

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