



## UNITED STATES COMMISSION ON CIVIL RIGHTS

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1331 PENNSYLVANIA AVENUE, NW, WASHINGTON, DC 20425

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December 3, 2013

The Honorable Chuck Hagel  
Secretary of Defense  
U.S. Department of Defense  
1400 Defense Pentagon  
Washington, D.C. 20301-1400

Dear Secretary Hagel:

We write this letter on behalf of the United States Commission on Civil Rights (the "Commission") to request your response on a Department of Defense policy that appears to presumptively exclude Sikh Americans from serving in our nation's armed forces if they do not give up certain articles of their faith, or unless an individual accommodation is granted.

On May 31, 2013, the Commission held a briefing titled "Is the Federal Government Adequately Protecting the Civil Rights of Our Veterans and Service Members Who Have Fought for Our Rights?" At the briefing, we received testimony regarding a Department of Defense policy established in 1981 that prohibits Sikhs from wearing their religious headgear and maintaining their religious requirement of unshorn hair and beards. Specifically, Department of Defense Instruction Number 1300.17 states:

"Hair and grooming practices required or observed by religious groups are not included within the meaning of religious apparel."<sup>1</sup>

In addition, U.S. Army Regulation 670-1, "Wear and Appearance of Army Uniforms and Insignia," does not allow service members to keep their hair and beards unshorn, nor does it allow them to wear their turbans.<sup>2</sup>

1. See Department of Defense Instruction No. 1300.17 (Feb. 10, 2009) available at <http://www.dtic.mil/whs/directives/corres/pdf/130017p.pdf> (last accessed on June 13, 2013).
2. See Army Regulation 670-1 §§ 1-7(b), 1-8(a) (p. 2-5) available at [http://www.army.mil/usapa/epubs/pdf/r670\\_1.pdf](http://www.army.mil/usapa/epubs/pdf/r670_1.pdf) (last accessed on June 13, 2013).

It is our understanding that of concern to the military is the possible interference of the Sikh turban and facial hair with protective gear like gas masks or military headgear. One of our briefing panelists, Major Kamaljeep Singh Kalsi, a Sikh American who has received a personal accommodation, or exception, from the Army's policy-<sup>3</sup>helped the Commission understand the exclusionary impact of the military's policy on Sikh Americans service members. Major Kalsi is currently the Medical Director for the Department of Defense's largest stateside Emergency Management Services (EMS) system. Major Kalsi served as a First Lieutenant in the U.S. Army, Emergency Management Services Director at Fort Bragg, and served two deployments in Afghanistan, where he served as the officer in charge of an emergency room in Helmand Province, and then as the Chief of Disaster Medicine for the entire forward operating base. For his service in Afghanistan, Major Kalsi was awarded the Bronze Star.

Major Kalsi's service was not without controversy. Pursuant to military policy, he was asked to cut his hair, shave his beard and forgo wearing his turban—all articles of his Sikh faith. He had to compile 15,000 petitioners and get the support of over 50 members of Congress to request an accommodation. To date, only two other Sikh Americans have joined Major Kalsi in serving in our armed forces-- Captain Tajdeep Rataan, who also served in Afghanistan and was awarded both the U.S. Army Commendation Medal and the NATO Medal for his service, and Simranpreet Singh Lamba, an Army enlisted service member.

While we commend the Department of Defense's provisions to accommodate Sikh Americans wishing to serve their country, this is but a temporary and individualized solution. We understand that each base or unit reassignment requires the submission of a new petition requesting a new accommodation to serve while maintaining their articles of faith, a decision which is left to the discretion of their most recent commander.

Because we received testimony that Sikh service members can wear their helmets and gas masks properly while maintaining their unshorn hair and beards and wearing their turbans without compromising safety or decorum, the Commission is concerned that the aforementioned policies may result in the unnecessary exclusion of Sikh Americans and Americans of other religious faiths from military service based on their religious beliefs manifested in their dress and grooming.

Prior to the issuance of our final report on this matter, we request that you provide us with the Department of Defense's viewpoint on these regulations and the possible exclusion of Sikh Americans, and potentially other Americans, from service based on their religious beliefs.

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3. A relevant portion of the edited transcript of the Commission's May 31, 2013 briefing setting forth Major Kalsi's testimony is enclosed.

Sincerely,

Martin R. Castro, Chairman



Abby Thernstrom, Vice Chair



Todd Gaziano, Commissioner



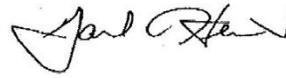
Michael Yaki, Commissioner



Roberta Achtenberg, Commissioner



Gail Heriot, Commissioner



Peter Kirsanow, Commissioner\*\*



\*Approved by a majority of the members of the Commission as of November 15, 2013

\*\*Term expired November 29, 2013

cc: Staff General Martin Dempsey, Chairman, Joint Chiefs of Staff