Know Your Rights: Wearing a Kirpan into a Federal Building

In December 2012, the U.S. Department of Homeland Security's (DHS) Federal Protective Service (FPS) released the "Prohibited Items Program" Directive (Directive Number 15.9.3.1).[1] This policy documents procedures for possibly allowing otherwise prohibited items – like kirpans – into an FPS-protected federal facility[2] under an approved:

1) exception *(temporary in nature and granted for specific occurrences or a defined time period)*, or
2) exemption *(permanent until rescinded)*, to accommodate religious exercise, or other civil rights and civil liberties.[3]

The FPS policy differentiates between blades that are less than 2.5 inches, and blades that are 2.5 inches and greater, which may impact the carrying of kirpans into a FPS-protected federal facility.[4]

I. KIRPAN BLADES LESS THAN 2.5 INCHES

- If your kirpan’s blade is less than 2.5 inches, then in most cases you may wear it into all of the 9,000+ federal facilities that FPS secures. (However, per FPS policy, the right to wear a kirpan with a blade of any size will be revoked if a Sikh uses it as a dangerous weapon).
- In some cases, a Facility Security Committee (FSC)[5] for a particular building may prohibit all knives – including kirpans and regardless of blade length – if that building is classified at a high-risk facility security level.
- Note: When you arrive at an FPS-secured facility, you may be required to show your kirpan to the security officer, show government-issued picture identification (such as a driver's license or a passport), and walk through a metal detector.

→ To prevent misunderstanding, the Sikh Coalition does not recommend that you unsheath your kirpan unless a security officer asks you to do so.

II. KIRPAN BLADES 2.5 INCHES OR LONGER

If your kirpan’s blade is 2.5 inches or longer, then you may or may not be able to wear it into a federal facility secured by FPS. The policy is discretionary.

**Step 1: Request a Religious Exception/Exemption**

- When you arrive at an FPS-secured facility, you may be required to show your kirpan to the security officer, show government-issued picture ID, and walk through a metal detector.

→ To prevent misunderstanding, the Sikh Coalition does not recommend that you unsheath your kirpan unless a security officer asks you to do so.

- If you are told by an FPS screening officer that you cannot wear your kirpan into the
facility, you must tell the officer that you would like to request religious exception (temporary, granted for a specific occurrence or time period) or exemption (permanent, until rescinded) from the Facility Security Committee (FSC).

• The FPS Screening Officer will contact a Federal Security Committee representative who should be able to meet with you on-site.

• Tell the FSC representative that your kirpan is a religious article of faith, that you wear it at all times, and that you seek to enter the federal building while carrying it.

• An FSC representative may consider a number of factors in deciding whether to allow a Sikh to enter a federal facility with a kirpan. For example, s/he may take into account the mission of the facility, whether the facility is at risk, or whether the requesting Sikh has passed a federal background check. [6]

• The FSC may:
  (1) grant an exception (temporary),
  (2) grant an exemption (permanent, until rescinded), or
  (3) deny your request.

• If the FSC denies your request to wear your kirpan into a federal building, proceed to Step 2.

**Step 2: Appeal**

• If the Federal Security Committee representative denies your request to wear your kirpan into a federal facility, then you may appeal the decision to FPS by:
  (1) Making a verbal or written complaint on-site to an FPS guard or other FPS official; or
  (2) Emailing your complaint to FPS Headquarters at FPSRMD@dhs.gov.

• In either case, be sure to explain that your kirpan is a Sikh article of faith, that you carry it at all times and wish to enter the federal facility with it, and whether you are requesting an exception (temporary) or exemption (permanent, until rescinded).

• After review, FPS will provide you a response granting or denying your request. However, the appeal may not be resolved on-site during your visit. (The policy does not state a time limit for a response from FPS. There may be several levels of internal review, up to the Department of Homeland Security’s Office of General Counsel.)

**Limitations**

• In some cases, a Facility Security Committee (FSC) for a particular building may prohibit all knives – including kirpans and regardless of blade length – if that building is classified at a high-risk facility security level.

• An exception/exemption only applies to FPS protective security checkpoints allowing you to enter the building – but it may not ensure your ability to enter the offices within the building. (These offices may be controlled by other government agencies and/or
building tenants.)

- **Federal Courthouses:** An FPS kirpan accommodation does *not* provide access to a federal court (even if it is within an FPS-secured facility). FPS does *not* have authority over federal courts.[71]
- Temporary exceptions or more permanent exemptions are granted facility by facility. If FPS grants you access with your kirpan to one federal facility, there is no guarantee that they will grant you access with your kirpan to another federal facility.
- FPS will revoke a Sikh’s right to wear a kirpan with a blade of any size if that Sikh uses it as a dangerous weapon.

### FREQUENTLY ASKED QUESTIONS

1. *Does this policy apply to every United States government facility?*
   
   No. This policy only applies to the government facilities that are secured by the Department of Homeland Security’s Federal Protective Service (FPS). FPS guards over 9,000 federal facilities across the United States – but it does not guard every federal facility. (For example, FPS is not responsible for guarding federal courthouses.)

2. *How do I know which U.S. government facilities this policy applies to?*
   
   The Department of Homeland Security advises that members of the public contact the building manager of the federal facility they plan to visit, and ask whether the Federal Protective Service (FPS) provides security for the building. If FPS provides security, then this policy applies.

3. *Can I let FPS know in advance that I will be wearing a kirpan when I visit a government facility?*
   
   If you wear a kirpan and have an appointment with a government office or official, the Department of Homeland Security recommends that you:
   
   (a) inform your government contact that you wear a kirpan, and
   
   (b) ask that contact to let Federal Protective Service (FPS) on-site staff know of your appointment.

   If you plan to wear your kirpan into a federal facility, the Sikh Coalition recommends that you print out this document and keep a copy with you.

   As always, the Sikh Coalition urges all Sikhs to practice their faith fearlessly. If you need help requesting an accommodation to wear your kirpan into a federal facility, or are denied an accommodation, please contact the Sikh Coalition at legal@sikhcoalition.org or (212) 655-3095.
Endnotes:


[2] FPS controls access to most – but not all – federal buildings around the country. For example, FPS does not control entry to federal courthouses.


[4] This distinction reflects federal law (18 U.S.C. §930(g)(2)) which prohibits the entry of knives with blades 2.5 inches or greater into federal facilities.

[5] A Federal Security Committee is a committee that makes decisions about security issues. Each federal building has its own FSC. FSC's are comprised of representative from FPS and the federal agency tenants in each particular facility.


Sikhism is a religion that originated in South Asia during the 15th Century; it is distinct from both Hinduism and Islam. The *Kirpan*, a religious sword, and the *Kara*, a metal bracelet, are both Sikh articles of faith.

**Kirpan:** The *Kirpan* typically has a wooden or steel handle, with a blade that may or may not be dull, and signifies the duty of a Sikh to stand against injustice. There is no prescribed blade length for the *Kirpan*; its size varies based on personal choice. The majority of *Kirpan* blades range in size from 3 to 6 inches, but blades may be as small as 2 inches. Unless used during a religious ceremony, *Kirpans* are always sheathed. There are some Sikhs who believe a *Kirpan* must be worn at all times, so they may not want to leave it at the checkpoint.

**Kara:** The *Kara* is an iron or steel bracelet worn on the wrist. The circle signifies the oneness and eternity of God and serves as a reminder to Sikhs to watch their actions and to use their hands for the benefit of humanity. Some Sikhs will have worn their *Kara* for many years and so may not be able to remove it from around their wrist.

<table>
<thead>
<tr>
<th>Considerations when Presented with Articles of the Sikh Faith</th>
<th>Exceptions and Exemptions for Otherwise Prohibited Items</th>
</tr>
</thead>
<tbody>
<tr>
<td>Show respect to all variations of the articles of the Sikh faith during inspections.</td>
<td>Individuals requesting to bring in an otherwise prohibited item, which may include a <em>Kirpan</em> with a blade of 2.5 inches or longer, should be referred to a Facility Security Committee (FSC) representative to determine if an exception (temporary in nature and granted for specific occurrences or a defined time period) or exemption (permanent in nature until rescinded) to the general prohibition is appropriate.</td>
</tr>
<tr>
<td>A <em>Kara</em> that cannot be removed may be searched while on the person and/or may be scanned with a handheld metal detector.</td>
<td>If the FSC issues an exception or exemption, the individual would be allowed to enter with the item unless the possession is in violation of Federal law.</td>
</tr>
<tr>
<td>A <em>Kirpan</em> may qualify as a “dangerous weapon” under 18 U.S.C. § 930, which generally prohibits knives with blades 2.5 inches or longer, unless otherwise authorized. Before such a <em>Kirpan</em> may be carried into a Federal facility, an exception or exemption to the prohibited items policy would be necessary; procedures are described in FPS Directive 15.9.3.1.</td>
<td>An individual may enter a facility, absent any other security impediment, if the prohibited item is removed and stored off the premises.</td>
</tr>
<tr>
<td>A <em>Kirpan</em> with a blade of less than 2.5 inches may be permitted in a Federal facility without an exception or exemption, unless it is used as a dangerous weapon.</td>
<td>If the FSC denies entry with the prohibited item, then the individual may request that FPS review FSC’s decision by either making a verbal or written complaint to an on-site Protective Security Officer or other FPS official, or through e-mail to FPS Headquarters at <a href="mailto:FPS-RMD@dhs.gov">FPS-RMD@dhs.gov</a>.</td>
</tr>
</tbody>
</table>

*This training document does not apply to a Federal court within a FPS secured facility; the chief judge or designee has authority to promulgate rules or orders regulating, restricting, or prohibiting the possession of weapons within any facility housing the Federal court or any of its proceedings, or upon any grounds adjacent to the facility.*