

Statement for the Record from the Sikh Coalition

United States Commission on Civil Rights

Briefing on Protecting the Civil Rights of Our Veterans and Service Members

May 31, 2013

The Sikh Coalition respectfully submits this statement for the record in connection with the above-referenced briefing before the United States Commission on Civil Rights (“Commission”).

I. Background

By way of background, the Sikh Coalition is the largest Sikh American civil rights organization in the United States. We were constituted on the night of September 11, 2001 in response to a torrent of hate crimes against Sikhs throughout the United States. The Sikh religion was founded by Guru Nanak over five centuries ago in South Asia and is presently the fifth largest world religion, with more than 25 million adherents throughout the world and approximately 500,000 followers in the United States. The core teachings of the Sikh religion are that there is one God and that all human beings are created equal, regardless of distinctions such as their religion, race, sex, or caste. Devout Sikhs are distinguished by visible religious articles, including religiously-mandated turbans and unshorn hair (including facial hair).

Although the Sikh faith is committed to upholding freedom, justice, and dignity for all people, Sikhs have been ridiculed, stereotyped, and subjected to violence and discrimination because of their religious appearance, since as far back as the early 20th Century. In the United States, Sikhs are subjected to unusually high rates of racial profiling and employment discrimination, including within the United States military. The U.S. military is currently in a unique position to demonstrate its commitment to religious freedom and tolerance by amending its policy to ensure that Sikhs are no longer prohibited from serving their country with their articles of faith intact.

The Sikh Coalition hereby submits this statement in full support of Major Kamaljeet Singh Kalsi’s testimony to end the ban on Sikh service in the U.S. Armed Forces. In this statement, we provide additional information on Sikhs, the history of Sikh soldiers and their achievements in the U.S. Armed Forces, Army Grooming and Dress regulations, Army concerns about Sikh service and counter-arguments, and share our policy recommendations.

II. Sikh Articles of Faith

Sikhism is a monotheistic religion based on a definitive revelation. With over 25 million followers worldwide, it is the fifth largest religion in the world. Sikhism was revealed to Guru Nanak over 500 years ago in the Punjab, the Sikh Homeland in South Asia. Sikhism preaches a

message of devotion, remembrance of God at all times, truthful living, equality between all human beings, and social justice.

Sikhs wear an external uniform to bind them to the beliefs of the religion. Unlike some other faiths, where only the clergy maintain religious articles on their person, all Sikhs are required to wear external articles of faith. These articles of faith, such as unshorn hair and the turban, distinguish a Sikh and have deep spiritual significance. Maintaining uncut hair (including a beard) is an essential part of the Sikh way of life – one cannot be a practicing Sikh without it. The Sikh Code of Conduct, called the Rehat Maryada, outlines the requirements for practicing the Sikh way of life. This text prohibits the removal of hair from the body as one of four major taboos. One of the other taboos on this list is adultery. The fact that cutting one's hair is a moral transgression as serious as committing adultery speaks to the immense significance of uncut hair in the Sikh religion. The Rehat Maryada also mandates that Sikhs wear a turban. Unlike a hat, a turban must always cover a Sikh's head. The turban reminds a Sikh of his or her duty to maintain and uphold the core beliefs of the Sikh faith, which include working hard and honestly, sharing with the needy, and promoting equality and justice for all. When a Sikh ties a turban, the turban ceases to be simply a piece of cloth and becomes one and the same with the Sikh's head. It is a religious commitment without which the believer ceases to be a Sikh.

Historically, uncut hair and turbans have been central features of the Sikh identity. In the 18th Century, Sikhs in South Asia were persecuted and forced to convert their religion; the method of conversion was to remove a Sikh's turban and cut off his hair. Since then, denying a Sikh the right to wear a turban and maintain unshorn hair have symbolized denying that person the right to belong to the Sikh faith, and is perceived by followers as the most humiliating and hurtful physical injury that can be inflicted upon a Sikh.

III. Sikhs in the Military before 1981

The Sikh community has a long and robust tradition of military service, from the time of the religion's founding in the early 16th Century to the present. Tales of Sikh courage and valor date back at least as far as their defeat of the Afghans in 1813 at the Battle of Attock.¹ Sikh soldiers famously defeated the British at the Battle of Chillianwala in 1849 before being overpowered six weeks later by superior British weapons.² Sikh soldiers soon became "among the sturdiest and trustiest men of the British army,"³ with approximately 100,000 Sikhs – a disproportionately high number among Indian volunteer soldiers – fighting for the British in World War I.⁴ More than 83,000 Sikh soldiers died, and over 109,000 were wounded for the Allied cause during both World Wars.⁵ Five Sikhs were awarded the Victoria Cross for their bravery in these wars.⁶ Observant Sikhs still serve with their articles of faith intact in militaries around the world, most notably in India, Canada, and the United Kingdom.

The first observant Sikh to serve for the U.S. Army on record, Bhagat Singh Thind, was recruited in 1918 to fight in World War I.⁷ He was discharged honorably and given an "excellent" character rating.

Later in the 20th Century, observant Sikhs served in the U.S. military in the Vietnam, Korean and Persian Gulf Wars.⁸

Sergeant Kirnbir Grewal served from 1977 to 1984 at the E6 level as a Nuclear, Biological, and Chemical NCO and instructed companies on how to survive nuclear and biological attacks.

Sergeant Sevak Singh Kroesen served from 1976 to 1991 with the Signal Company, 11th Special Forces Group, where he completed paratrooper, Radio Teletype Transmission Operator, and Special Forces Qualification training and served overseas.

Major Parbhur Singh Brar is an ophthalmologist who served in the U.S. from December 1978 to October 1981. He was commissioned as a Reserve Officer, but then moved to Active Duty and was stationed at Ft. Eustis in Newport News, Virginia.

Colonel Gopal S. Khalsa joined the Army as a private in 1976 and continues serving in the Reserves. While on active duty, Colonel Khalsa served in the Special Forces Unit for 10 years on Parachute Status, and as a Battalion Commander overseeing a 800-person intelligence group. He received a Meritorious Service Medal with Silver Oak Leaf Cluster Award, among many other honors.

Colonel Gurbhajan Singh, a dentist, served from 1979 until 2007. During his 28-year tenure, Colonel Singh was stationed around the United States as well as in Korea. He was awarded several honors, including the “A” Prefix, the U.S. Army Medical Department’s highest award for professional excellence.

Colonel Arjinderpal Singh Sekhon, a medical doctor, served from 1984 until 2009. During his 25 years of commissioned service, Colonel Sekhon was stationed around the country. During the First Persian Gulf War, he was called to active duty and served stateside as a doctor at the United States Army Hospital in California. He rose through the ranks to Colonel and was given a Battalion Commander position, through which he oversaw a unit of 600-700 soldiers. Before retiring from service, he was decorated with various awards, including a Presidential Unit Citation, Joint Meritorious Unit Award, and an Army Flight Surgeon Badge.

All of these Sikhs served valiantly and honorably in the U.S. Army with their articles of faith, including their turbans and unshorn hair and beards, intact. Their articles of faith did not in any way prevent them from accomplishing their military and professional objectives, nor did they interfere with the forging of strong bonds with their fellow soldiers and supervisors. To the contrary, these soldiers have been recognized for their superior service to their country.

IV. Policy Change in 1981 and Current Regulations

Sikhs were allowed to serve with their turbans and unshorn beards intact through the 1970s; indeed, Army appearance regulations contained an exemption for observant Sikhs.⁹ But in 1981, the Army reversed its policy and removed the exemption for Sikhs and other religions, citing ‘slippery slope’ concerns with allowing exceptions to the uniform policy for multiple religious groups.¹⁰ Following political pressure and congressional action that provided for the wear of religious apparel with military uniforms, the Department of Defense issued a Directive in 1988 to ensure accommodation of religious apparel in all branches of the military.

Unfortunately, although the Directive and current Army regulations allow members of some faiths to remain faithful to their religious practices while in uniform, they still do not allow observant Sikhs to serve with their articles of faith intact.¹¹ The Directive allows service members to “wear visible items of religious apparel while in uniform, except under circumstances in which an item is not neat and conservative or its wearing shall interfere with the performance of the member’s military duties.”¹² “Religious apparel” is defined as “articles of clothing worn as part of the doctrinal or traditional observance of the religious faith practiced by the member.”¹³ However, the Directive does not include “[h]air and grooming practices required or observed by religious groups” in its definition of “religious apparel.”¹⁴

Similarly, current Army Regulation 600-20 states that “[t]he Army places a high value on the rights of its Soldiers to observe tenets of their respective religious faiths” and “[t]he Army will approve requests for accommodation of religious practices unless accommodation will have an adverse impact on unit readiness, individual readiness, unit cohesion, morale, discipline, safety, and/or health.”¹⁵ However, the maintenance of unshorn hair is specifically excluded from the Army’s efforts to allow people of all faiths to serve. Army Regulation 600-20, Ch. 5-6(g)(4)(g)(1) clearly states that “[r]equests for religious accommodation of wear and appearance of the uniform and personal grooming practices will not be entertained.”¹⁶ Additionally, although yarmulkes (and, presumably, Muslim skullcaps) are permitted under uniform headgear, turbans are categorically prohibited because they cannot “be completely covered by standard military headgear” and are meant to be worn “in place of military headgear” when protective equipment is not required.¹⁷

Therefore, despite complying with every other part of Army appearance regulations, including maintaining a neat and conservative appearance, Sikhs who maintain their religiously-mandated turbans, unshorn hair, and beards (as well as members of other religions that mandate the maintenance of a beard) cannot satisfy the Army’s current religious apparel regulations.

V. Sikhs Who Have Been Granted Accommodations After 1981

Despite the Army’s categorical prohibition of their articles of faith, observant Sikhs have not been discouraged in their desire to serve their country and to carry on the Sikh community’s tradition of military service. Since 2010, three practicing Sikhs have applied for and been granted special religious accommodations to serve in the U.S. Army with their turbans and unshorn hair and beards intact.

Captain Tejdeep S. Rattan, a dentist, entered active duty in January of 2010 after receiving a religious accommodation. In 2011, he was deployed to Afghanistan where he volunteered to serve in a remote forward operating base. While deployed, he accounted for approximately 25% of all dental procedures performed throughout the 673rd Dental Company. He was awarded an Army Commendation Medal for his “outstanding performance, technical expertise, and unwavering commitment to mission accomplishment in a hostile environment,” and a NATO Medal for defusing a tense confrontation with Afghani civilians.

Major Kamaljeet S. Kalsi is a physician specializing in emergency and disaster medicine. Major Kalsi joined the U.S. Army Reserves in 2001 and in 2009 became the first Sikh to receive a

religious accommodation for his articles of faith since the policy change in 1981. He began active duty in July of 2010. Major Kalsi deployed to Afghanistan in 2011. He was awarded a Bronze Star medal and promoted upon his return. In support of the award, an official recommendation from Major Kalsi's superiors cited his resuscitation back to life of two patients who were clinically dead on arrival; his expert emergency care of over 750 soldiers and civilians; coordination of five mass casualty exercises; and his general "commitment and leadership above and beyond that of his general duties." He currently serves as medical director to the largest stateside EMS directorate in DoD at Fort Bragg, N.C.

Specialist Simran Preet S. Lamba began active duty in August of 2010. Fluent in Punjabi and Hindi, he was recruited for his cultural and language skills. He serves in a medical battalion as a Soldier Medic. Specialist Lamba is known for his dedication, enthusiasm, and initiative. One of his superiors noted that "he has been instrumental in helping others to accomplish their own personal and professional goals by setting the example for others to emulate."

VI. The Army's Commitment to Religious Freedom

Allowing observant Sikhs presumptively to serve in the U.S. Army would demonstrate the Army's commitment to upholding one of the most fundamental and precious values of this country – freedom of religion. The military policy established under President Truman demands "equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion or national origin,"¹⁸ and disallowing religious exemptions from certain aspects of the uniform policy serves as a discriminatory mechanism inconsistent with this policy, precluding observant Americans of certain faiths – including Sikhism, Islam, and Orthodox Judaism – from serving their country. Where religious practices do not interfere with the service or safety of the individual or unit concerned, such prohibitions serve only as an invidious means of limiting the military participation of members of disfavored minorities. As Congresswoman Carolyn Maloney has noted, "No American should have to choose between their religion and their service to our nation."¹⁹

The issue of religious exemptions to Army headwear and facial hair regulations was litigated at least twice soon after the 1981 policy change – one suit was brought by an Orthodox Jewish rabbi, the other by a practicing Sikh. In *Khalsa v. Weinberger*, the Ninth Circuit Court of Appeals agreed that forcing a Sikh man to cut his hair constituted a significant burden on the free exercise of his religion.²⁰ However, the court determined that the question of Army appearance regulations was nonjusticiable, noting that "Appellant expresses understandable concern that if the Army prevents him from enlisting and the courts refuse to review that decision, he will be deprived of any means whatsoever of challenging the Army's appearance regulations. It is true that his only recourse may be through the political process..."²¹

The following year, the Supreme Court held in *Goldman v. Weinberger* that military policy prohibiting the wearing of a yarmulke under military headgear was not subject to strict scrutiny, despite the First Amendment issue clearly raised by the prohibition.²² Similar to the Army's current concerns with allowing observant Sikhs to serve, the Court expressed its concern with overriding the military's determination of what is necessary to "foster instinctive obedience, unity, commitment, and esprit de corps."²³ Given that the judiciary has deferred the issue of

religious exemptions to the other branches of the government, respect for religious freedom within the military must either come from within the military itself or be encouraged by congressional statute, as with the passage of 10 U.S.C.A. § 774 (discussed below) in response to the decision in *Goldman v. Weinberger*.

VII. The Army's Concerns

A. Discipline, Esprit de Corps, and Uniformity

After the Court's decision in *Goldman v. Weinberger*, Congress passed 10 U.S.C.A. § 774 in 1987, which permits military service members to wear religious apparel that is "neat and conservative" and that does not "interfere with the performance of the member's military duties."²⁴ Since the passage of this statute, observant Jewish service members have been allowed to wear yarmulkes, but Sikh religious headgear is still categorically prohibited.²⁵ Given that a yarmulke serves as a religious identifier to the same extent that a Sikh turban does, banning turbans while allowing yarmulkes both reflects inconsistency in military policy regarding respect for the religious practices of all service members, and indicates that claims of interference with uniformity and unit cohesion are unfounded. Additionally, given that grooming regulations allow for moustaches, and the Army routinely allows exceptions to the facial hair policy for service men with pseudo-folliculitis barbae and other medical conditions that make shaving difficult, the presence of facial hair itself cannot be said to be so distracting as to prohibit neat and conservative exceptions.²⁶

B. Neatness Standards

Major Kalsi and Captain Rattan, who are both presently serving in the U.S. Army, have used standard-issue Army cloth to develop turbans that conform with Army uniform requirements – including Army Combat Uniform (camouflage) headgear and turbans with their Army flash (insignia patch). Major Kalsi has even had the opportunity to provide information to Army leadership on "the proper wear of the turban with the Army uniform."²⁷ The Sikh soldiers currently serving in the U.S. Army have also been commended for adhering to the uniform standards of neatness and conservativeness.²⁸

Speaking of Captain Rattan, Capt. John Lopez, Company A, 187th Medical Battalion, has said, **"From day one, Captain Rattan has been an ideal individual... He has done everything in his power to keep within the regulation (AR 160-1), and I sometimes have a hard time getting other Soldiers to follow it... I wish some other Soldiers had the personal pride and willingness to go the extra mile as he does, so those young Soldiers have someone to look up to."**²⁹

C. Unit Cohesion and Morale

Although unit cohesion and morale are integral to the proper functioning of the military, they should not be used as excuses to restrict Army enlistment of members of a disfavored minority; similar concerns were historically cited to justify the exclusion of women and racial minorities in the U.S. armed forces.³⁰ The U.S. Army has made great progress in opening up its ranks to

previously-excluded sections of American society. LGBT service members can now serve openly in the military.³¹ By 2016, women will be able to serve in all Army units and in every military occupational specialty.³² The Army has recognized that allowing these traditionally disfavored demographic groups to serve does not negatively impact morale or esprit de corps. It should also recognize that presumptively allowing observant Sikhs to serve with their articles of faith intact will not lead to a breakdown in discipline, morale, or unit readiness.

Although the Joint Service Study Group on Religious Practice, established by the Department of Defense in 1984, indicated that “it is possible that non-uniformity can ‘create an impression that [an] individual is unwilling to subordinate personal desires to traditional military values,’” the same Study Group also found that this impression is less likely when the individual is known to the other group members.³³ **The fact that a Sikh who is an integral member of an Army unit will not be perceived as ‘outside of regulations’ has been borne out by the careers of the Sikhs service men who served in previous generations, those who were grandfathered in after the policy change in 1981 and, more recently, of Captain Rattan, Major Kalsi, and Specialist Lamba.**

Specifically, any concerns about assimilation have been allayed by these Soldiers’ performance during training and in the field. Sgt. 1st Class Michael Hildebrand, who oversaw Spc. Lamba’s training, noted that not only did he integrate well into the unit and excel in his training, but “the other Soldiers in the platoon actually love Spc. Lamba. Their family members have found out that we have a Sikh Soldier, and they have asked if they could write to Spc. Lamba to find out more about where he comes from. There has been no negativity expressed by the Soldiers toward Spc. Lamba.”³⁴ As has been demonstrated with the inclusion of women, racial minorities, and LGBT people in the armed forces, embracing diverse individuals within the Army strengthens our military force, rather than weakening it. Speaking of Captain Rattan, Col. Roger Fiedler, Fort Drum DENTAC commander, has said, “While his dental skills are the same as any other dentist, his unique status as a practicing Sikh U.S. Soldier and dental provider add to the diversity that makes our military so strong.”³⁵

The observant Sikhs who served in the military before the 1981 policy change and those who are currently serving with religious accommodations have posed no disruption to troop morale, esprit de corps, or unit discipline. To the contrary, they have served alongside their fellow Americans and encouraged camaraderie and respect for the diversity of the U.S. Army. It is clear that the Army’s need for uniformity has in no way been undermined by allowing observant Sikhs to serve with their turbans and unshorn hair and beards intact. As a matter of principle, allowing more Sikhs to serve – without having to request individual accommodations – would not affect military interests any differently.³⁶

D. Combat Readiness and Gas Masks

Closely linked with unit cohesion is the question of combat readiness. It is important to note that after the change of military policy in 1981, Sikhs who were already in the Army were grandfathered in, because there was no real safety concern with their articles of faith.³⁷ The justification for the policy change, rather, was that allowing religious headgear in the military would begin the military down the ‘slippery slope’ to excessive individualization and a

breakdown of discipline within the ranks.³⁸ However, the Army has recently expressed concern that Sikh soldiers' unshorn beards will prevent an effective seal from forming on gas masks, and that their turbans will not fit under battle helmets. Both of these concerns have been disproved by Sikhs serving in militaries around the world, as well as in the preparedness tests that Major Kalsi and Captain Rattan and Specialist Lamba had to undergo before being granted their religious accommodations.

The notion that an effective gas mask seal cannot be created without clean-shaven skin is a fallacy. In fact, in one gas mask test for firefighters, candidates with beards were able to repeatedly create an effective seal, while many with clean-shaven faces were repeatedly unable to do so.³⁹ Sikhs serve in combat positions in armies around the world, including in the militaries of Great Britain, Canada, and India. Sikhs fought with the Allies in both World Wars, and they served in the U.S. military in Vietnam and Operation Desert Storm.⁴⁰ They currently serve alongside the U.S. military as UN Peacekeepers in Iraq and Afghanistan.⁴¹ The three observant Sikhs who currently serve in the U.S. Army have undergone rigorous safety testing, including being placed in a chamber filled with tear gas, to determine whether their gas masks form an effective seal with their beards and religious headgear intact. Not only did they pass these tests with flying colors along with their fellow soldiers, but they have also demonstrated that helmets and other safety gear can be worn safely over a *patka* (a smaller turban worn by Sikh boys and under the larger turban by Sikh men; also used, for example, while playing sports).

When Under Secretary of the Army Joseph W. Westphal visited the Joint Readiness Training Center at Fort Polk in October, 2012, where Major Kalsi was participating combat training, he noted specifically that he was “absolutely impressed with [the soldiers’] intellect, their knowledge, and their easy disposition” and that the Army was on “good footing” with its readiness training.⁴² **Capt. John Lopez, Company A, 187th Medical Battalion, who was Captain Rattan’s commanding officer during training, has said of Captain Rattan, “He knows what he is doing and he's doing a phenomenal job. I'd go to battle with him.”**⁴³

In the field, Major Kalsi and Captain Rattan have been recognized and decorated for their honorable service in the most difficult duty stations in the world. In 2011, Major Kalsi served as the Officer-in-Chief of a tented emergency room in Helmand Province in Afghanistan and as the Chief of Disaster Medicine for his entire Forward Operating Base. In the course of his deployment, he personally treated over 750 combat casualties, including successfully resuscitating two patients who were clinically dead upon arrival, and coordinated five mass casualty exercises. He was awarded the Bronze Star Medal (and 12 other military service awards) for his exceptional service, dedication to his country, and “commitment and leadership above and beyond that of his general duties.”

Captain Rattan served as a dentist in Afghanistan, where he volunteered to serve in a remote forward operating base. In the field, he performed approximately 25% of all dental procedures in the 673rd Dental Company and was awarded an Army Commendation Medal for his “outstanding performance, technical expertise, and unwavering commitment to mission accomplishment in a hostile environment,” and a NATO Medal for his service.

Soldiers of the Sikh faith currently serving in the U.S. Army have proven that Sikhs can not only comply with all safety regulations with their turbans and unshorn beards intact, but they can do so in the most difficult of duty stations, and have served their country courageously in overseas deployment. Allowing other Sikh Americans to make the same commitment to serve their country while keeping their articles of faith intact would indicate the Army's respect for the service of those who have already demonstrated their willingness to lay down their lives for their country.

E. Safety in Overseas Deployment

In units that serve overseas, having service members who are familiar with other languages and cultures – particularly those of the Middle East and South Asia – can only benefit the Army's understanding of local context and engagement with local people. This cultural understanding has already proven to be an asset in the case of Captain Rattan, whose NATO Medal was granted for defusing a tense situation with Afghan locals.

VIII. Policy Recommendations

A. Case-by-Case Accommodations Are Not Sufficient

While the Army should be commended for granting accommodations to Captain Rattan, Major Kalsi, and Specialist Lamba to serve with their articles of faith intact, these soldiers must still submit a new request for an accommodation every time they are transferred to a new unit,⁴⁴ and their current accommodations can be rescinded at any time at the pleasure of Army command.⁴⁵ To grant these soldiers the dignity of knowing that they will not be forced to choose between their religion and their continued military service, and to allow other Sikh Americans the opportunity to serve their country, the Army should amend its appearance regulations to allow observant Sikhs and members of other faiths who are required to maintain a beard or religious headwear to serve without having to request individual accommodations.

B. Army Regulations

Army Regulations 600-20, Ch. 5-6(g)(4)(d), (g)(4)(g), and (g)(4)(h)(1) should be altered to allow soldiers to wear religiously-mandated headgear that is neat and conservative, tailored to conform with uniform style and color, and does not interfere with the functioning of safety equipment such as a helmet and gas mask. In the case of observant Sikh soldiers, the Army can look to the uniform standards of other militaries in which Sikhs are presumptively allowed to serve for examples of how to provide for standard-issue, uniform turbans and *patkas*. The Sikh soldiers currently serving in the U.S. Army have already laid the groundwork for such a uniform standard by developing headwear that both resembles standard-issue Army headgear and allows them to comply with their religious mandate.

C. Congressional Action

Additionally, and especially in the absence of an initiative from within the Department of Defense, Congress should revise 10 U.S.C.A. § 774(d) to include religiously-mandated grooming

practices within the definition of “religious apparel.” Alternatively, Congress should amend § 774(a) to protect the maintenance of religiously-mandated hair and beards in addition to the wearing of religious apparel.

Our nation’s military leadership should modernize its regulations without delay so that operational excellence becomes the principal criterion by which soldiers are judged. In 21st century America, race, color, religion, national origin, sex, and sexual orientation should not presumptively disqualify anyone from serving their country. To that extent, we thank the Commission for highlighting these vital issues.

We also thank the Commission for allowing Major Kalsi to testify and for working diligently to ensure the civil rights of all Americans who wish to serve or have served in the U.S. Armed Forces, including Sikh Americans.

¹ Pico Iyer, *The Lions of Punjab*, TIME, Nov. 12 1984, at 53, *discussed in* Rajdeep Singh Jolly, *The Application of the Religious Freedom Restoration Act to Appearance Regulations That Presumptively Prohibit Observant Sikh Lawyers From Joining the U.S. Army Judge Advocate General Corps*, 11 CHAPMAN LAW REVIEW 155, 157 n.13 (2008).

² *Id.*

³ *Id.*

⁴ Jolly, *supra* note 1, at 157.

⁵ *Id.*

⁶ *Id.*

⁷ Sikh Coalition, *Sikhs in the U.S. Army*, <http://www.sikhcoalition.org/army-campaign/sikhs-in-the-us-army/>.

⁸ For more information, see *Id.*

⁹ Captain Thomas R. Folk, *Military Appearance Requirements and Free Exercise of Religion*, 98 MIL. L. REV. 53, 62 (1982), *discussed in* Jolly, *supra* n. 1, at 158 n.21.

¹⁰ See *Khalsa v. Weinberger*, 759 F.2d 1411, 1412 (9th Cir. 1985) (“In the late 1970’s, the Army received requests from other groups for similar exemptions. It reviewed the problem and concluded that allowing exemptions for numerous groups would adversely affect the Army’s discipline, morale, esprit de corps, and public image. The Army also evaluated the impact of beards and long hair on the effectiveness of gas masks, and concluded that they impair the ability of U.S. troops to survive chemical attacks by aggressor forces. The Army therefore amended its appearance regulations in 1981 to eliminate the blanket exemption for Sikhs.”).

¹¹ Department of Defense Directive Number 1300.17, Feb. 3, 1988 [hereinafter DoD Directive]; Army Regulation 670-20.

¹² DoD Directive; see also Jolly, *supra* note 1, at 165.

¹³ DoD Directive.

¹⁴ *Id.*

¹⁵ Army Regulation 600-20, Ch. 5-6(a).

¹⁶ Army Regulation 600-20, Ch. 5-6(g)(4)(g)(1).

¹⁷ Army Regulation 600-20, Ch. 5-6(g)(4)(d).

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- ¹⁸ President Harry Truman, Executive Order 9981, July 26, 1948, *available at* <http://www.trumanlibrary.org/9981a.htm>.
- ¹⁹ Sikh Coalition, *Lawmakers and Media Celebrate Sikhs in the Army* (2010), <http://www.sikhcoalition.org/advisories/2010/lawmakers-and-media-celebrate-sikhs-in-the-us-army>.
- ²⁰ *Khalsa v. Weinberger*, 759 F.2d 1411, 1416 (9th Cir. 1985).
- ²¹ *Id.* at 1417.
- ²² *Goldman v. Weinberger*, 475 U.S. 503, 507 (1986).
- ²³ *Id.*
- ²⁴ 10 U.S.C.A. § 774 (2006).
- ²⁵ Dawinder S. Sidhu & Neha Singh Gohil, *CIVIL RIGHTS IN WARTIME: THE POST-9/11 SIKH EXPERIENCE* 139, Ashgate Publishing, Ltd., 2009.
- ²⁶ Army Regulation 670-1, Ch. 1-8 2(c); Jolly, *supra* note 1, at 177.
- ²⁷ Steve Elliott, *Second Sikh Doctor Allowed to Wear Articles of Faith; Enlisted Soldier in Training*, Official Homepage of the United States Army, Sept. 9, 2010, <http://www.army.mil/article/44944/>.
- ²⁸ Army Regulation 670-1, Ch. 1-7(a).
- ²⁹ Steve Elliott, *Sikh Soldiers Allowed to Serve, Retain Their Articles of Faith*, Official Homepage of the United States Army, Mar. 25, 2010, <http://www.army.mil/article/36339/>.
- ³⁰ Sidhu & Gohil, *supra* note 25, at 140.
- ³¹ Tina Ray, *Fort Bragg Gay Soldiers Serve Openly*, Official Homepage of the United States Army, Feb. 8, 2013, http://www.army.mil/article/96139/Fort_Bragg_gay_Soldiers_serve_openly/.
- ³² C. Todd Lopez & Julia Henning, *Army Describes Plans for Integrating Women into Combat*, Official Homepage of the United States Army, June 18, 2013, http://www.army.mil/article/105814/Army_describes_plans_for_integrating_women_into_combat/.
- ³³ Jolly, *supra* note 1, at 159 & n.38.
- ³⁴ Susanne Kappler, *Keeping Faith: Sikh Soldier Graduates Basic Training*, Official Homepage of the United States Army, Nov. 10, 2010, <http://www.army.mil/article/47924/keeping-faith-sikh-soldier-graduates-basic-training/>.
- ³⁵ Paul Steven Ghiringhelli, *Traditional Sikh Serves as Army Dentist on Fort Drum*, Official Homepage of the United States Army, May 20, 2010, <http://www.army.mil/article/39536/>.
- ³⁶ Jolly, *supra* note 1, at 176.
- ³⁷ Sidhu & Gohil, *supra* note 25, at 137.
- ³⁸ *Id.*
- ³⁹ *Id.* at 140.
- ⁴⁰ *Id.* at 137.
- ⁴¹ *Id.*
- ⁴² C. Todd Lopez, *JRTC Rotation Demonstrates Force of Future*, Official Homepage of the United States Army, Oct. 20, 2012, <http://www.army.mil/article/89623/>.
- ⁴³ Elliott, *Sikh Soldiers Allowed to Serve, Retain Their Articles of Faith*, *supra* note 29.
- ⁴⁴ Army Regulation 600-20, Ch. 5-6(f).

⁴⁵ For further discussion, see Rajdeep Singh, *Land of the Free, Home of the Beards?*, Guest Voices Blog, WASHINGTON POST, Dec. 6, 2011, http://www.washingtonpost.com/blogs/guest-voices/post/land-of-the-free-home-of-the-beards/2011/12/06/gIQAEkVGZO_blog.html.