

*A Citizen Fights for His Civil Rights after 9/11:
Amric Singh Rathour*



PHOTO COURTESY OF CORKY LEE

A Citizen Fights for His Civil Rights after 9/11: Amric Singh Rathour

KAREN K. NARASAKI

Every one of us has the capacity and the responsibility to step forward to protect our most cherished freedoms.

–Karen K. Narasaki
President, Asian American Justice Center

In August of 2001, Amric Singh Rathour, a newly sworn-in officer of the New York Police Department (NYPD), was abruptly fired by his employer. The cause for Amric's termination was not any moral delinquency, but rather a violation of the NYPD's dress code. A practicing Sikh American, Amric was fired from his job because he refused to remove his turban while on police duty, an act that would have violated a major tenet of the Sikh religion. I understood personally the kind of suspicion, distrust and hostility these communities were facing. I myself am an American citizen of Japanese descent; my parents and their families were interned during World War II without due process despite the fact that they were also born here and also were citizens.

What I find inspiring about Amric's struggle to oppose the discriminatory uniform policy of the NYPD was the courage it took to assert his civil liberties at a time when individual rights were under siege and racial and religious discrimination were on the rise.

Weeks after Amric's termination, our nation suffered a great tragedy when terrorism struck our country on September 11, 2001. The terrorist attacks, however, triggered a new backlash of discrimination against members of Arab, Muslim and South Asian American communities. In 2001, there were 481 anti-Islamic hate crime incidents, a far greater figure than the 28 incidents that had occurred in 2000. Sikh Americans, often mistaken as Muslim due to their wearing of turbans and beards as part of their religious practices, were the victims of 133 reported hate crimes in just the first five days following the September 11 attacks.

Why Was an NYPD Police Officer Dismissed for Wearing a Turban?

Amric had a desire to serve his community. He decided to pursue this goal by becoming a New York City police officer. After passing his civil service exam, as well as a psychological and physical test, Amric was sworn in as a member of the NYPD.

When he began his police training, Amric was informed that the uniform dress code of the NYPD would not permit him to wear his customary turban. As a practicing Sikh, Amric wore a traditional turban in accordance with the observation of his religious faith. A police representative told Amric that instead of his traditional turban, he would have to wear a smaller turban under a standard issue officer's hat. As the training program continued, however, his superior officers began to express that even the smaller turban would not be acceptable.

Accepting his superior officers' previously stated position on the uniform policy, Amric believed he had the right to keep wearing his turban. He continued to wear his turban to police training sessions until one day his superior officers removed him from his class. "I was shocked that they would show so little respect to me, right in front of my fellow officers," Amric said. Amric was then placed in another room and told that he would not be able to join his fellow classmates until he removed his turban.

The next day, Amric returned to work wearing not only a turban, but the traditional, full-sized turban he had worn prior to the beginning of the training program. "At that point, I felt as though there was no point in changing how I practiced my religion if the police force was not going to honor its end of the bargain." His superior officers again removed him

Diversity in the United States: South Asian Americans

South Asian Americans represent a small but growing population within the United States. Although South Asian Americans comprise of less than one percent of the population, the South Asian American community has close to 2,000,000 members.¹ The group represents a diverse cross-section of ancestral national origins. More than 1,600,000 of the South Asian American community are of Indian descent. The next largest group is the Pakistani American community which has more than 155,000 members. Smaller segments of the South Asian American community are comprised of people with ancestry from Bangladesh, Nepal, Sri Lanka, Bhutan and the Maldives.²

The South Asian American community is a very diverse group spiritually as well. Members of the community practice a wide variety of religions, including Buddhism, Christianity, Hinduism, Jainism, Judaism, Islam, Sikhism and Zoroastrianism.³

1. Terrance J. Reeves and Claudette E. Bennett. "We the People: Asians in the United States." U.S. Census Bureau. Dec. 2004. 10 Sept. 2007. <<http://www.census.gov/prod/2004pubs/censr-17.pdf>>.

2. "Who Are South Asian Americans?" South Asian American Leaders of Tomorrow. 10 Sept. 2007. <http://www.saalt.org/pdfs/Who_are_South_Asians.pdf>.

3. Ibid.

from his class and, soon after, the NYPD fired him from the police force.

The September 11 Attacks: Discrimination and Hate Crimes

Several weeks after Amric was fired from the police force, the terrorist attacks of September 11, 2001 tragically took the lives of nearly 3,000 people. The attack brought out the best and, sadly, also the worst in some people. Hundreds of hate crimes were perpetrated against Muslim Americans, as well as people who were mistaken to be Muslim.

Just four days after the terrorist attacks, the unthinkable occurred in Mesa, Arizona. On September 15, 2001, Balbir Singh Sodhi, a turbaned Sikh American, was murdered by an American citizen attempting to lash out against the Muslim community. Sodhi was targeted because of his turban, an article of clothing incorrectly considered by some to be exclusively associated with the Islamic faith. It was in this environment of prejudice and intimidation that Amric Singh Rathour, himself a turbaned Sikh American, faced the question of how to respond to the NYPD's termination of his employment on the basis of his religious observation.

Amric Singh Rathour: Practicing Sikhism in America

Amric had lived his entire life in the United States. Born in Queens, New York, Amric loved his country and his community. Amric was also very proud of his Sikh heritage. Sikhism is a religion of South Asian origin that promotes the values of devotion to God, truthful living and social equality for all. For male Sikhs, wearing a turban, or *dastar*, is both a privilege and a critical responsibility of their faith. It serves as a constant reminder of their commitment to embody the tenets of Sikhism in their everyday actions.

Although there are more than 500,000 Sikh Americans in the U.S., many communities have few or no Sikh residents. As a result, there is little understanding of the Sikh religion and the people who practice it. As a result many Sikhs who wear turbans are often harassed. In many schools in the United States, turbaned Sikh boys are often teased by other students for dressing differently. As a child, Amric had experienced such treatment while attending elementary school in New York. As adults, Sikhs and



PHOTO COURTESY OF THE SIKH COALITION

*“People should not have to
choose between their work
and their religion.”*

“If I didn’t act, then my family members and friends were going to be that much more likely to face similar discrimination later in their lives.”



From *“Asian Americans on War and Peace”*, edited by Russell Leong and Don Nakanishi (UCLA Asian American Studies Press, 2002).

other religious and racial minorities continue to face racism, unequal treatment in the workplace and even the threat of physical violence. In the wake of September 11, these incidents increased dramatically.

Amric believed that becoming a police officer would be an ideal way to give back to his community and share the values of Sikhism, Amric quit his old job and began to prepare for the numerous tests he would need to pass to become a member of the New York Police Department.

Then the police department notified Amric that they had changed their position and decided that the wearing of any turban at all would violate the NYPD uniform code. He was shocked.

Because Amric and his wife were raising a newborn child at the time, this threat to his job security could not have struck at a worse time. Amric’s plan for his family’s financial security had been founded upon the police department’s promise.

With his familial responsibilities, Amric had to decide how to respond to his firing. On one hand, he knew that he could simply give up, either by looking

for a different job or agreeing to no longer follow his religious observation requirements.

On the other hand, by challenging the NYPD uniform policy before a court of law, Amric could assert his right to freely practice his religion without being subjected to discrimination at the workplace.

Taking Action against Discrimination

Amric faced the difficult decision. Initially, Amric was unsure of how to proceed. However, after he was fired from the NYPD, Amric learned of Jasjit Singh Jaggi, another Sikh American police officer who was faced with the same situation. Initially, Jaggi went along with the uniform code while he made a request for a religious exemption to wear his turban. However, when this request was denied, Jaggi resigned from his post rather than give up his religious obligation.

When Amric learned of this, he became more convinced that he should challenge the police department’s uniform policy. Until then, he hadn’t realized that other people might also be facing the same un-

fair treatment. Amric saw that the NYPD's policy as systematic discrimination against all Sikh Americans. With this knowledge, Amric saw the need for him to challenge the policy became more urgent. "I've known many Sikhs who have chosen to stop wearing a turban because of the mistreatment they have received from others in the workplace and in other social contexts," said Amric. "I've always believed that this was not right. People should not have to choose between their work and their religion."

Seeing that the challenge he faced was not specific to him, Amric also believed that he had a personal responsibility to take action. "I couldn't be dependent upon others to take a stand for my rights," Amric said. "If I didn't act, then my family members and friends were going to be that much more likely to face similar discrimination later in their lives."

Lastly, Amric also believed that in the post-September 11 environment it was more important than ever that Sikhs were represented on the police force. Sikh representation on the police force held the potential to both improve relations between the NYPD and the Sikh community and to serve as a symbolic reminder to the public of the contributions to the community that were made by Sikh Americans. For all of these reasons, Amric decided to take action against the NYPD's discriminatory uniform policy and fight for his former job.

Finding Allies for Activism

Although Amric had decided to appeal the police department's uniform policy, he was unsure of what steps to take next. Like most Americans, Amric had never before taken political or legal action to secure his rights. He had limited resources and no previous experience in activism.

Fortunately, Amric soon found a vital ally in a group called the Sikh Coalition. The Sikh Coalition — or the Coalition of Sikh Organizations, as it was known at the time — was founded immediately after September 11, 2001, in response to the flood of hate crimes which targeted Sikh as well as Arab and Muslim Americans after the terrorist attacks.

Anticipating the occurrence of more hate crimes against the Sikh community in the days to come, the Sikh Coalition organized affiliates across the country to encourage the government to take actions to protect Sikh Americans from violence and provide public advocacy services to members of the Sikh community who faced discrimination.

Sikhism

Sikhism is a religion practiced by more than 23 million people. Most followers of Sikhism are from the Punjab region of India, however Sikhs can be found around the world. In the United States, Sikhism is practiced by more than 500,000 people.

Sikhism is a religion based upon the principles expressed through the teachings of Sikhism's founding Ten Gurus. These principles include equality of all people before God, virtuous living and philanthropy.

Sikh Guru Nanak first laid the teachings of Sikhism out more than 500 years ago. Guru Nanak was followed by nine more Gurus who continued to preach the principles of Sikhism. The last Guru, Guru Gobind Singh determined that no more living Gurus were necessary to further the teachings of Sikhism. Instead, Guru Gobind Singh said that the spiritual manifestation of the Guru would henceforth be within the Sikh scriptures and the worldwide community of Sikhs.

In addition to the principles of Sikhism, practicing Sikhs also observe the maintenance of five articles of faith. The articles of faith are objects that Sikhs should always have with them as reminders of their responsibility to God and the teachings of Sikhism. The five articles are the Kesh, the Kangha, the Kara, the Kirpan, and the Kachh. The Kesh, or uncut hair, signifies human life in a natural state in harmony with God. This uncut hair must be covered by a turban that serves as a symbol of love for and commitment to Sikhism. The Kangha is a small comb worn to remove tangles from hair. Symbolically, it is meant to serve as a reminder to rid oneself of impure thought. The Kara is a steel bracelet meant to remind wearers of the service they owe to Sikhism. The Kirpan is a small religious sword meant to represent a Sikh's obligation to strive to be courageous and self-reliant. It also represents the obligation to have the strength and capacity required to defend those in need. Lastly, the Kachh is a type of under-shorts meant to remind Sikhs of their obligation to maintain self-restraint and high moral character.



PHOTOS COURTESY OF THE SIKH COALITION

ALLIES: from above, Amric and wife Prabhjot Kaur Rathour; Sikh police officers from Canada and Great Britain; members of the Sikh Coalition.

First Action Against Discrimination

When the Sikh Coalition learned of Amric’s firing, the organization offered to provide free legal representation to him so that he could challenge the discriminatory NYPD uniform policy. Even with the legal assistance to go to court, however, Amric still faced an uphill battle. Amric’s first action was to bring his case before the Equal Employment Opportunity Commission (EEOC), the federal government agency charged with the responsibility of ending employment discrimination in the United States. In December 2002, the EEOC ruled that the NYPD had not unlawfully discriminated against Amric by prohibiting him from wearing his turban.

In response to this setback, Amric and the Sikh Coalition redoubled their efforts. With the Sikh Coalition’s experience in public advocacy, Amric was able to effectively tell his story to various media outlets. Many newspapers published stories and favorable editorials about his struggle to overcome the discriminatory effects of the NYPD’s employment practices. Amric also pleaded his case directly to elected government officials. Through an online petition, he gained 6,000 signatures in support of his cause and sent them to the mayor of New York.

In addition, Amric and the Sikh Coalition reached out to other communities in order to build a larger coalition of support. Amric gained the support of law enforcement agencies from around the world in which turbaned Sikhs have been welcomed and functionally integrated within the police force, including the Los Angeles County Sheriff’s Department, the Royal Canadian Mounted Police and the London Metropolitan Police.

In his struggle for religious freedom, Amric’s support did not come exclusively from the Sikh community. Amric was joined in his efforts by a wide variety of religious leaders from all walks of faith. Christian, Muslim and Buddhist leaders showed public support for Amric and spoke out against his unfair treatment.

Filing a Federal Lawsuit

Finally, in March 2003, Amric and the Sikh Coalition filed a federal lawsuit challenging the NYPD’s “no turban” policy. In support of his claims, Amric submitted testimony to the court from Sikh police officers from around the world in

“I’ve known many Sikhs who have chosen to stop wearing a turban because of the mistreatment they have received from others in the workplace and in other social contexts. I’ve always believed that this was not right.”

opposition to the NYPD’s uniform code. Soon after, the New York attorney general spoke out against the police department’s ban on turbans. As support for Amric continued to grow among members of the media, elected officials and ordinary citizens alike, the prospect of a legal victory for Amric’s right to wear a turban while on duty as a police officer became more and more likely.

Several weeks later, a decision in another lawsuit provided the critical push to help Amric win his cause. Jasjit Singh Jaggi, the Sikh American had also filed a legal challenge to the uniform code. In April of 2004, the judge presiding over Jaggi’s case ruled that the NYPD’s policy was a violation of its member officers’ civil rights. After the decision, the police department declared that it would change its uniform code to allow for religious turbans and offered to reinstate both Amric and Jaggi back onto the police force. After three long years, Amric could finally serve his community and support his family while staying true to his religious principles.

Safeguarding Your Civil Rights

In America, threats to our civil liberties have taken different forms. The threats to civil rights in the United States after 9/11 are unique in the forms of the bigotry they have elicited and the people whom they have targeted. However, these new threats to civil liberties can only be overcome in the same way: by the actions of ordinary citizens — you and I — answering the call to safeguard all of our rights.

Today, Amric Singh Rathour continues to serve his community as a New York City police officer. As an officer, Amric has received the respect and support of his colleagues. Since his legal challenge to the police department’s uniform policy, Amric has

remained active in the field of civic engagement by sharing his story and continuing to speak out against religious discrimination.

William Lauro and Aditi Eleswarapu, 2007 summer interns at the Asian American Justice Center, contributed to this article.

References:

Federal Bureau of Investigation. “Crime in the United States, Uniform Crime Reports, 2001.” Washington, D.C.: U.S. Department of Justice. 2001.

“Hate Crime Reports Up in Wake of Terrorist Attacks.” CNN.com. Sept. 17, 2001. Sept. 10, 2007. <<http://archives.cnn.com/2001/US/09/16/gen.hate.crimes/>>.

National Commission on Terrorist Attacks Upon the United States. “The 9/11 Commission Report.” Sept. 10, 2007. <<http://www.gpoaccess.gov/911/pdf/fullreport.pdf>>.

Haidar, Suhasini. “Immigrants Fear Backlash to Terror Attacks.” CNN.com. Sept. 19, 2001. Sept. 10, 2007. <<http://archives.cnn.com/2001/US/09/19/gen.hate.crimes/index.html>>.

“Why Sikhs Wear a Turban.” The Sikh Coalition. Sept. 10, 2007. <<http://www.sikhcoalition.org/Sikhism11.asp>>.

Prakash, Kanwal. “In Search of Rightful Place and Opportunity to Serve.” SikhCouncilUSA.org. Sept. 10, 2007. <<http://www.sikhcouncilusa.org/article.aspx?article=kpsinghdinner05>>.

“Amric Singh – Equality Challenges Continue.” The Sikh Coalition. Sept. 10, 2007. <http://www.sikhcoalition.org/ar2002_major_amric.asp>.

“Amric Singh – Federal Discrimination Lawsuit Against the NYPD.” The Sikh Coalition. Sept. 10, 2007. <http://www.sikhcoalition.org/ar2003_major_amric.asp>.

Castellani, Anne. “Judge Rules in Favor of Turban-Wearing Officer.” CNN.com. May 3, 2004. Sept. 10, 2007. <<http://www.cnn.com/2004/LAW/04/30/turban.cop/>>.

SikhCouncilUSA.org. Sept. 10, 2007. <<http://www.sikhcouncilusa.org/article.aspx?article=kpsinghdinner05>>.

“Sikhism at a Glance.” The Sikh Coalition. Sept. 10, 2007. <<http://www.sikhcoalition.org/SikhismGlance.asp>>.