



A Sikh Wearing a Turban: Exercising Religious Freedom

By Kulvinder Singh

As an observant Sikh practicing law in northern California, wearing my turban to court has been readily accepted in California courts because of this state's tremendous diversity and the legal community's respect for the religious beliefs of my faith. I have been recognized years after an initial appearance in small northern counties of California as "Mr. Singh, the lawyer" because of my distinctive turban and the good impression I try to leave. In fact, in November 2000, I even wore my turban for a swearing-in ceremony at the Supreme Court of the United States, where my motion to be admitted to practice before that court was granted by Chief Justice **Rehnquist**. However, such respect and appreciation for the turban does not exist everywhere in the United States.

Take for example, the recent lawsuit the American Civil Liberties Union (ACLU) filed last year in Texas on behalf of a Dallas Sikh, **Amardeep Singh**. The case began in early 2006 when Mr. Singh was charged with speeding. Wearing his turban, he appeared in court without incident and was told to complete a defensive driving class. He failed to complete the class and the court issued an order to show cause (OSC).

When Mr. Singh appeared for the OSC, the bailiffs told him no hats were allowed, regardless of what his religion required. Nonetheless, he was allowed to remain until court was in session so that he could ask the judge if he could keep his turban on. When his case was called, the judge told him: "Get out. Everyone is equal in court and nobody can wear a hat." Outside the court, Mr. Singh was told by a clerk that if he did not return without his turban, he would be charged with the additional offense of failure to appear in court, and that if he re-entered with his turban on, he could be charged with contempt of court. It was very traumatic for Mr. Singh having to choose between being charged with failure to appear in court or to take his turban off. After consulting with his uncle, a devout Sikh, he took his turban off and tied his hair in a ponytail and returned to the courtroom. By that time, the judge had already made a ruling in Mr. Singh's case by default, ordering him to pay a large fine.

In August 2006, the Sikh American Legal Defense Fund (SALDEF) intervened and wrote a letter to the judge asking him to modify the court's no-hats policy to allow turbans. An assistant district attorney, writing as counsel for the judge, wrote back that the judge "could not confirm the facts as portrayed." In June 2007, Mr. Singh sent a followup letter, reiterating the facts in more detail. This time there was no reply. So SALDEF and the Texas chapter of the ACLU brought an action for violation of the Texas Religious Freedom Restoration Act, seeking to enjoin discriminatory treatment in the future by this judge and others, of Mr. Singh and other observant Sikhs. The

petition seeks to stop that court from unlawfully compelling those who wear religiously mandated headcoverings to remove them as a condition to entering a courtroom.

In the Eastern culture, the turban has religious and cultural significance that represents one's identity, tradition, and self-respect. The three wise men bringing gifts for Mary's baby Jesus wore turbans, as did nobles and kings. For a Sikh, taking off his turban in public is humiliating because it is considered one of the most invasive acts imaginable. In the Punjabi language, if a person says that somebody touched his turban or took off his turban, then it means somebody humiliated him or tried to humiliate him.

Due to the long presence of the British in India, Britons know all about the Sikhs and the turban. In fact, the British had regiments fighting in the World Wars dressed in turbans. But Americans, for the most part, have yet to learn about the religious and cultural significance of the turban—many view turbans as mere headdress, just like a hat. If a man enters a church or other place of religious worship, a courtroom, or other place of respect, he is expected to remove his hat. Even the expression "hats off" connotes a showing of respect or appreciating something.

In early 2006, a probate judge in Laurens County, Georgia, denied a Sikh man entry into the courtroom because his turban was considered a hat, and no hats were allowed in his courtroom. An action was brought by SALDEF to inform the judge of the Sikh faith and its traditions. In response, the judge issued an apology to that litigant and modified the court's no-hats policy to allow an exception for religious apparel. In another Georgia case in early 2007, there was an identical incident in the City of Lawrenceville, Georgia. Here, too, with the intervention of SALDEF, the court revised its policy to allow certain so-called "religious garb". The court even had SALDEF train court personnel on how to screen people wearing turbans or any other religious headcovering.

It has been more than a year now since Amardeep Singh's incident in the Dallas court. But until the ACLU case is decided, an observant Sikh cannot go to that judge's courtroom wearing a turban without suffering humiliation. One can only hope that Texas judges will learn from communities like Georgia and California about Sikhs and their religious observances. If the British still wear wigs in English courtrooms, why all the fuss about a turban in a Dallas court? Maybe observant Sikh attorneys practicing in Texas courts can assist in reminding Texas jurists of the need to respect religious freedoms guaranteed by the United States Constitution. ⚖️

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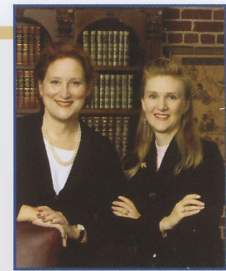
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Diversity in Hiring & Retention

Summer Associates Workshop



California's Determinate Sentencing Law



Helene Friedman &
Heather Cline Hoganson

Evolving Into a Diverse Profession

I grew up in the Bronx, a melting pot, and never realized that the rest of America was not integrated. Nevertheless, I watched the 60s civil rights movement on television as well as coverage of the assassinations of **John F. Kennedy**, **Dr. Martin Luther King, Jr.** and **Robert Kennedy**. I recall the *Freedom Summer of 1964* when student volunteers from around the US traveled to Mississippi to register Black voters. Many from my high school volunteered. Also, I remember the 1965 Selma to Montgomery march and the resulting passage of the *Voting Rights Act of 1965*. I presumed that the ugly prejudices of racism and discrimination against persons of certain ethnicities, national origins were region-specific. The south had the problems, I surmised.

I did not blame on gender-based discrimination the fact that no woman with whom I graduated college went on to law or medical school. They married men who did. That was the way it was. And gay persons? Well, they were in the theatre with me. Gay doctors, lawyers? I never considered it. Yet, I have a relative, a lawyer, who was closeted for years.

Our world has gone through fundamental changes and continues to change for the better. These changes are reflected in the growing diversity in the legal profession. **Heather** and I have identified this issue's theme as *Diversity in Hiring and Retention* and we include articles about what is being done, what needs to be done and that educate us about the status of the hiring and retention of minority and underrepresented attorneys in Sacramento.

See **Ruthe Ashley's** article "*The Leaking Pipeline: Diversity in the Legal Profession*" on why Black and Hispanic students are underrepresented in law schools and efforts to remedy this. Also **Larry Duran** and **Ian Rambarran** write about the *SCBA Fellowship Program* which for 17 years has provided work experience for minority and other disadvantaged law students in Sacramento law firms. **Marcia Augsburger's** article goes beyond 'the glass ceiling,' writing about efforts to promote work-place equity by developing programs that make it possible for women to continue working. She identifies solutions to the dilemma unique to young women that make them choose between children and professional advancement.

Carol Livingston's profile on the life of former California Supreme Court Justice and Professor **Cruz Reynoso** will inspire even the most cynical societal observer.

Additionally, *Sacramento Lawyer* thanks Judge **Loren McMaster** for his prolific, reliable submissions, essential to all California litigators. I am particularly partial to this issue's article on civility in the profession. And finally, this magazine thanks Larry Duran and Ian Rambarran who met with us and worked hard to recruit authors and topics to fill the pages of this magazine with articles that enlighten you, our readership. We all hope you enjoy them. ✍️

Helene

Letter to the Editors - We wanted to share this letter with our readers and thank the SCBA Board, the SCBA Nominating Committee and all of you who submit articles.

Re: November/December 2007 issue

Dear Eds:

Your recent issue was extraordinary and reached the epitome of sensitivity and breadth.

I was away from Sacramento when Karen Stevens Pedersen regretfully had to leave us. She was so properly directed and so eager to serve SCBA goals. I am very saddened. Your choice to distinguish and honor her as the Distinguished Attorney of the Year was most appropriate. I had the good fortune to know her skills and desires when we worked together on bar related issues many years ago. May her husband and family be proud.

In addition, the presentation by Justice George Nicholson, who I have always admired . . . [h]is article on civil rights reaches the essence of climbing the ladder of justice. But there are still many rungs to climb, especially on the most important achievement level of education. Our gains are well portrayed by your photographs in that issue of the bi-monthly SCBA report.

Thank you very much for your hard work.

Robert C. Schleh
Court Commissioner (Ret.)
SCBA, Past President