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Countering Hatecrime Incidents Since 9/11 on Sikh Americans - A Challenge Needing Immediate Public Attention

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- A challenge needing immediate public attention**

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INTRODUCTION

Sikhism is a distinct religion that originated in Northern India approximately five hundred years ago. Adherents of the Sikh faith are often easily recognized because, as a matter of religious practice, Sikh men and some women wear a turban to cover their unshorn and uncut hair. Although its tenets of equality, justice, peace, and volunteer service have universal appeal, due to their turbans and beards on the face, Sikh men have often been confused with the popularly synthesized image in the media, of the terrorist groups behind the attacks of September 11, 2001.

There are over 22 million Sikhs, making Sikhism the fifth largest religion in the world and 2% of the world's population. Historians document that the first immigrant Sikhs arrived in the United States in the early 1900's. The early Sikhs started settling in the Imperial Valley of California due to the attractive agricultural opportunities since their ancestral profession is farming in the Northern Indian State of Punjab, which is also referred as the Bread Basket of India. At present, there are approximately half a million Sikhs living in the United States. The San Francisco Bay Area since known for its diversity and appeal amongst ethnic immigrant communities undoubtedly has the largest Sikh population in comparison to any other place in the United States of America. Here Sikhs have built a reputation of being a vibrant, friendly, loyal and prosperous community.

This project report encompasses a study undertaken to understand the reasons why the American Sikh community has and continues face extreme challenges

whenever there is a national crisis or terrorist activity against the United States of America. In order to keep the study focused, we have kept it restricted to the challenges faced by the Sikhs after the tragic events of September 11, 2001. Furthermore, in order to keep the study even more specific, we have confined its geographical walls within the San Francisco Bay Area? Another reason to geographically bound this research is because it is interesting to note that even though the San Francisco Bay Area has the most welcoming attitude towards immigrants and Sikhs have a higher population here, still the Bay Area Sikh community has faced major problems after September 11, 2001. Therefore most of the subjects and data used in this study are primarily from the San Francisco Bay Area.

The foremost challenge in conceptualizing this study was that whether the problems faced by the Sikh community after 9/11 are part of the study area of Public Administration or not. We would like to extend our gratitude to Dr. Alan Roper and Dr. J. Gonzalez in helping us conclude that this subject indeed is an important part of the Public Administration field. This is a serious societal problem and finding solutions to problems confronting a society are an integral part of a Public Administrator's job. As the title of this study suggests, this subject demands immediate attention by lawmakers, enforcers, media and the general public, if we sincerely believe and follow independence and diversity.

Before beginning any research study, it is paramount to determine the reason of that study or understand what are we infact trying to investigate. Secondly, we

must know what do we expect to achieve from this study or what is the goal of our study. Lastly, the goal of the study must support a larger objective.

Therefore, before proceeding further, now maybe a good time to identify the reason or research question, goals and objective of this study.

Research Question: What we (Public Administrators and citizens of the American society) can do to counter the problem of hatecrime incidents on the American Sikh community after 9/11 in a diverse area such as the San Francisco Bay Area?

Although abundant literature is available to prove that Sikh Americans have faced hatecrimes after every terrorist activity or situation of political conflict, in or upon America but to keep the focus of our study, the research question mentions only 9/11. Furthermore, this question becomes important because the events of 9/11 were the worst ever terrorist attacks on America and they have changed the way Americans used live, behave and think.

Now that we have a research question, it is important to define some terms used in the research question since they will be used through out this report

Definitions:

- **California State law provides the following definition of Hatecrimes:** No person, whether or not acting under color of law, shall by force or threat of force, willfully injure, intimidate, interfere with, oppress, or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him or her by the Constitution or laws of this state or by the Constitution or laws of the United States because of the other person's race, color, religion,

ancestry, national origin, disability, gender, or sexual orientation, or because he/she perceives that the other person has one or more of those characteristics.

All data collection for conducting this study has been done in alignment to the above definition of hatecrimes.

The broader objective of this study is to raise awareness of this problem confronting our society and how we all, irrespective of our status and race can jointly solve this problem and live the freedom and liberties, envisioned by the American forefathers. However, our immediate goal from this study is to come-up with suggested policy ideas for our elected representatives to pursue. The idea is that these suggested policies would empower the law enforcement and lawmakers to act more promptly and preemptively to counter the problems of hatecrimes. Also through this first study of its kind, we hope to inspire future more detailed studies on this problem.

The fact that there has been a sudden and extremely sharp increase in the number of hatecrime incidents on Sikh Americans after 9/11 and further, that many victims have testified that their assailants mentioned 9/11 during their verbal or physical assaults, testifies that this study is internally valid. Also, since the findings and suggested policies to counter this problem can be applied in states other than California, makes this study externally valid also.

Since this study involved human victims with emotions and grief, all data collection has been done through direct intensive interviewing. Four kinds of data sets were derived for studying. Data Set #1 being the victims of hatecrime

incidents in San Francisco Bay Area, after 9/11. In order to keep the study away from any biases, all victims that we choose had suffered one or more hatecrime incident in a totally different form than the other. Data Set #2 consisted of Law Enforcement officers. Their perspective was important to understand that what tools they would need to more actively prevent and punish such incidents. Data Set #3 included some policy experts and lobbyists who could give ideas on what policies could be legislated to deal with this problem. The last Data Set included people from the general mainstream American public. They were important to understand what was lacking in their knowledge about Sikhs and their religious and cultural beliefs, which makes Sikhs different from all other religions and especially from the popular image of the terrorist group with whom our country is at war.

Following the traditional flow of a research study, this report has also been divided in the following areas:

1. Review of Existing Literature
2. Research Methodology
3. Results and Findings
4. Conclusions and Policy Recommendations

LITERATURE REVIEW

A quantitative and comprehensive research study that can suggest policy recommendations or remedial action to counter this problem has unfortunately not been produced till date. We believe there are a couple of reasons for the lack of a detailed study on this subject. Firstly, the Sikh community being a very small and newer ethnic immigrant minority than the others has largely remained focused on its primary needs such as finding the appropriate livelihood for themselves in this immigrated land and raising their children in a totally new environment. Then also it has been noticed that there are only a handful of Sikhs in the field of research and writing. This we believe is linked to the common South Asian immigrant perception that it is wise to only choose career fields such as Medicine, Science and Engineering that are relatively safer in terms of security and growth options as opposed to creative arts and academics. Although a separate study maybe needed to truly conclude this and other similar immigrant perceptions about career options for themselves and their next generations. We feel the second reason for the unavailability of a detailed study on countering the problem of hatecrimes on Sikh Americans is that Sikhs being a small and perhaps also an isolated community from the mainstream have largely remained unknown to the eyes of mainstream American scholars, thinkers, researchers, writers and media operatives.

However there have been numerous articles and new reports published in the print media that document the stories and incidents faced by the Sikh community in various parts of the country immediately after September 11, 2001. All of these

new stories support the reason for this study of ours and the need for future comprehensive studies on this subject matter. Further, they also help us build a strong case for a need of policy legislation's and corrective actions to solve this problem.

In addition to these articles reporting incidents and stories of Sikh victims, we also found two East Coast based Sikh advocacy organizations that are highly involved in helping Sikh victims. We studied the goals of both these organizations.

Firstly we reference some of the articles that support the need of this study, published in the San Francisco Bay Area:

- The most recent and troubling one of them was published on June 09, 2005 in the San Jose Mercury News, when a Middle Eastern man in Lodi, California was arrested and charged for having links with an Al-Qaida Camp in Pakistan. This new story was published with a picture of an elderly Sikh man in the center. The picture of a Sikh with the story of a suspected terrorist being caught strongly evidence's that how mistaken and unaware our media is about the sharp differences between Sikhs and the cultural backgrounds of the terrorist.
- On September 27, 2001 Seattle Times published an article entitled *"Understanding turbans: Don't link them to Terrorist"*. The article mentioned that almost everyone in America who wears a turban is a Sikh and by mistake in the last few weeks one Sikh was killed in Arizona and a number of them attacked and harassed at airports and other public places. The article also

provided a graphical sketch of the various types of turbans wore by different eastern cultures. One of the sketches was a Sikh turban. The article was extremely helpful in clarifying some misconceptions about Sikhs.

- On October 4, 2001, the Indo-Asian News Service published a report entitled "200 attacks on Sikhs in U.S.: Amnesty". The report mentioned that almost 200 Sikhs and 500 Arab Muslims had been attacked in the United States following the attacks of September 11, 2001.

In addition to the above, there are numerous similar articles available on the Internet, published in various parts of the country describing the difficulties faced by the Sikhs since 9/11.

As mentioned above, goals and objectives of two organizations involved in documentation of hatecrime incidents, training's and policy advocacy were examined as part of existing Literature Review for validating the need of this and similar future studies:

- **SALDEF** (*Sikh American Legal Defense Education Fund*): This is a Washington, D.C. based organization which was until 9/11 only involved in correcting any negative or wrong portrayal of Sikhs in the media. Due to the hatecrime incidents on Sikhs after 9/11, this organization expanded its program areas to initiate the tasks of Policy Advocacy at the Capitol Hill and developing training materials in partnership with the U.S. Dept. of Labor for education of Law Enforcement Officials across the nation. This training need was felt because two days after 9/11, Law Enforcement officials in Boston, Massachusetts arrested a Sikh mistaking him as a terrorist due to his external

identity. After this incident, SALDEF with the assistance of some American Islamic Action Group's that had faced similar problems began advocating a policy that all Law Enforcement Officials receive training on Sikh heritage and articles of faith. After persistent advocacy of almost three years, the Dept. Of Justice under a division of its called CRS (*Community Relations Service*) authorized SALDEF to create training materials under a newly created program called "Cultural Competency for Law Enforcement" for training Law Enforcement Officers across the nation. The CRS Division has been active all across the nation through its branch offices in encouraging local Law Enforcement to receive "Cultural Competency Training". SALDEF is also actively involved in protecting the civil rights of Sikh Americans. Whenever a Sikh encounters a discrimination or hatecrime incident, he or she can report to SALDEF and SALDEF through its team of volunteer attorney's seeks justice for the victims. Lastly SALDEF is also conducting educational seminars for the Sikh community. These seminars are especially helpful in educating the newly migrated Sikhs to the United States.

- **Sikh Coalition:** The Sikh Coalition is a New York based organization formed a few days after 9/11 to fight the sudden hatecrimes on Sikhs due to the mistaken identity. The Coalition can be most accredited for developing and regularly updating a database of hatecrime incidents on Sikh Americans since 9/11. The database, accessible from the Coalition website has over 500 such incidents entered in its database, reported from all across the world. The latest one is from New York, where a group of tourist Sikhs was arrested

because they looked suspicious from their external identity to some fellow tourist who called the Emergency Services Department out of fear. The Emergency Services Officials immediately arrested the group of Sikhs with the simple reason that due to the recent London Bombings, we must take extra precautionary measures to insure that New York remains safe. Although the Sikh tourist group was immediately released free from all charges and the New York Mayor Michael Bloomberg offered an apology to the Sikh community, but this incident once again proves how ignorant both the general public and our Law Enforcement is about Sikh Americans.

In addition to the above, a few short documentary films have been made depicting the plight of Sikh Americans after 9/11. All of these documentary films interview victims and key leaders of the American Sikh community on these problems. Some of the films have even been telecasted on channels such as PBS but however, none of them recommend a comprehensive plan or policy recommendation to deal with this problem, which is the foremost objective of our study.

In the following sections, we will provide more details on the recommendations to deal with this problem, we got in our data collection process.

RESEARCH METHODOLOGY

As mentioned in the introduction section all data for this study was collected using intensive face-to-face interviewing techniques. Considerable thought was given in deciding the groups of respondents that could provide reasonable data for the success of this study. Also this is a subject where lot of personal opinions and assumptions would be provided as answers and some respondents would respond emotionally, especially the victims and their families. Thus, extensive work was done in order to finalize the questions that should be asked. It was felt that each question should have the right balance – the questions should not be too restrictive, nor should they allow the respondent to astray from the subject in question.

After careful considerations, it was decided the following four types of respondent groups must be interviewed in order to get the necessary information:

- **Victims of Hatecrime incidents:** Although lot more victims exist in the San Francisco Bay Area, but too keep this study in focus, we only chose three victims, with each one of them having a unique story to tell us.
 1. Amardeep Singh, A Sikh student at U.C. Berkeley
 2. Kulwant Singh, A Sikh cab driver in San Mateo
 3. Dr. Atamjit Singh, Language Studies Professor at San Jose State Univeristy
- **Law Enforcement Officers:** In this category, we only interviewed one person. As mentioned earlier, Law Enforcement Officers were important to this study because if there has to be any policy suggested to counter

hatecrimes, the Law Enforcement must suggest what would help them in such cases. Our respondent under this category was Chief of Police, Lynne Johnson at the City of Palo Alto

- **Policy Advocates and Experts:** We felt the need to interview some people in this category since they could recommend what kind of policy already existed and how that could be strengthened to deal with this problem.

1. Professor Jack Glaser, Goldman School of Public Policy, U.C. Berkeley
2. Mr. Manjit Singh, President, SALDEF (*Sikh American Legal Defense & Education Fund*)

It was important to have Mr. Singh's perspective under the above category since he is in active lobbyist in the exact area of our study. However, we purposely included Professor Glaser with Mr. Singh so that the study remains bias free.

- **General Mainstream American Public:** Two respondents unknown to us were picked for a 20-minute interviewing at public places. The first one was a white male in his late 60's, taking a walk inside Summerwood Apartments in Santa Clara City on a weekday evening. This gentleman is a resident of that apartment complex. Our second respondent was also a white male, but a high school going teenager. We spotted and interviewed him at a local Starbucks Coffee place on the corner of Saratoga Avenue and San Tomas Expressway in Santa Clara.

In addition to the above respondents, we also briefly interviewed *Carol A. Russo, Reconciliation Specialist at Community Relations Service, U.S. DOJ, San Francisco office*

The following questions were asked from each of the three victims:

1. When and where did the incident occur?
2. Please describe the incident in some detail?
3. Has this or a similar incident ever happened in your life? If yes, please provide details?
4. What were your immediate reactions to this incident?
5. Did you contact any law enforcement or legal agency? What did the process involve?
6. What is their reaction to your situation? What is the current status on your case? Can I contact an individual in that agency?
7. What is your reaction now to the incident and what precautionary steps are you and your family taking, if any?
8. Has this incident changed your daily life in a certain way? Please give an example
9. Is there a message you would like to give to the person (s) behind this incident? If yes, please give?
10. Are there some general comments that you would like to make to the American people about this incident?

11. What do you think should or can be done to eliminate this problem from our society? Should the Sikh community, the mainstream American people or our Government take these actions?

Professor Atamjit Singh was interviewed in person, in his office at the San Jose State University, whereas both Kulwant Singh and Amardeep Singh were interviewed over the phone. The above questionnaire was sent to them in advance so that they would be prepared for the interview.

The following questions were asked from Lynne Johnson, Chief of Police, City of Palo Alto

1. What are the laws under which an incident like this can be persecuted and the victim may get justice? Can you please name an Act or Bill?
2. Is that act/bill/law enough? If yes then why so many incidents like this one don't get persecuted as a hatecrime under this act/bill/law and ultimately the victim often never gets justice?
3. What do you suggest as a policy legislation to strengthen this bill/act/law and empower you, the law enforcement community?
4. How can this policy be advocated? Who needs to advocate this policy?
5. At what level should this policy be enacted – Federal, State or Municipal?
6. What can we do about the ignorance about the Sikh community?
7. Is there a policy legislation you suggest to educate mainstream Americans about Sikhs so that this ignorance can be removed?
8. How and who needs to advocate this policy?

The questionnaire was sent ahead of time to Ms. Johnson by email and she sent her responses by email, a week after the questionnaire was sent.

The following questions were asked from Mr. Manjit Singh, President and founder of SALDEF

1. What are the laws under which currently a hatecrime victim can seek justice?
Can you please name an Act or Bill?
2. Is that act/bill/law enough? If yes then why so many such incidents don't get persecuted as a hatecrime under this act/bill/law?
3. What do you suggest as a policy legislation to strengthen this bill/act/law and empower the law enforcement community including police, lawyers and judges?
4. How can this policy be advocated? Who needs to advocate this policy?
5. At what level should this policy be enacted – Federal, State or Municipal?
6. If you feel different policies are needed at the above three levels, then please provide specific examples.
7. What can we do about the ignorance about the Sikh community?
8. Is there a policy legislation you suggest to educate mainstream Americans about Sikhs so that this ignorance can be removed?
9. How and who needs to advocate this policy?
10. Is there a policy that can be enacted to compel or authorize the media to play a role in the education role about the Sikh community?
11. How and who needs to advocate this policy?

The questionnaire was sent ahead of time to Mr. Singh by email and he was interviewed over the phone a few days later after he received the questionnaire.

The following questions were asked from Professor Jack Glaser

1. Do you personally know of a hatecrime incident case on the Sikh community?
2. Tell us a little bit about this case?
3. What are the laws under which a hatecrime victim can seek justice? Can you please name an Act or Bill?
4. Is that act/bill/law enough? If yes then why so many such incidents don't get persecuted as a hatecrime under this act/bill/law?
5. What do you suggest as a policy legislation to strengthen this bill/act/law and empower the law enforcement community including police, lawyers and judges?
6. How can this policy be advocated? Who needs to advocate this policy?
7. At what level should this policy be enacted?
8. What can we do about the ignorance about the Sikh community?
9. Is there a policy legislation you suggest to educate mainstream Americans about Sikhs so that this ignorance can be removed?
10. How and who needs to advocate this policy?

Professor Glaser was also sent the questionnaire by email and he sent his responses by email a few days later.

All the findings are being presented in the next section, after extensive editing and compilation.

RESULTS AND FINDINGS

❖ Story of Professor Atamjit Singh

Prof. Singh and his wife have faced three such incidents, each within a few weeks from the other. Firstly, on the morning of September 17, 2001, he was traveling on the Light Rail going from his home to his work, San Jose State University. Seated next to him, a white male in his mid 50's, started abusing him and said "I am surprised that how are we tolerating you Muslims after what you did in New York last week – Go back to your country". He then started abusing Prof. Singh, who kept listening and ignoring this person. After persistent abuse and yelling, when he felt, Prof. Singh was not reacting, this person got up from his chair and raised his hand to hit Prof. Singh. At this point, a woman passenger seating opposite to Prof. Singh and this white male intervened and said "We are civilized people, we should not generalize people" Upon this remark, Prof. Singh calmly said "Looks like you all don't know that I am not a Muslim, I am a Sikh – a separate religion from India. The white male, in a surprised tone asked Prof. Singh, "Are you against Muslims?" Prof. Singh responded: "No, I am not against any religion but I certainly condemn the actions of those responsible for last week's tragic incidents" The white male responded "Then either you are lying or you should be against them". After realizing that this man will not give-up, Prof. Singh got down at a station before his actual destination but alas, this man followed him. One hour, after persisting his questions and making remarks such as "Your people have destroyed our country", this man finally gave up on Prof.

Singh and left him alone. Prof. Singh, told us during this entire incident, several times, the white male came close to hitting him

Then on October 10, 2001, during late afternoon hours, Professor Singh and his wife had come to visit a friend admitted for surgery at the San Jose Regional Medical Center. By the time the couple departed from the hospital it had gotten dark. Although the street was lonely and dark when they came out of the hospital, they continued to walk towards the bus stop to catch a bus to home. Suddenly a group of high school boys came riding on skateboards. They surrounded Prof. Singh and his wife and started swearing at them, with comments such as "You swines, get out of our country" and "today we will teach you a lesson for September 11th". Then one of the boys threw his skateboard on Prof. Singh. Prof. Singh ducked but the board still hit his shoulder. At this time, a white male in a driving by van stopped. The male got out of his car and immediately dialed 911 from his cellphone. Seeing this the boys left immediately. Few minutes later, a Police Officer came to the incident. Prof. Singh and his wife thanked the white male in the van for his help and the Police Officer dropped the couple to their home. A few weeks later, the Police Officer called Prof. Singh that he had arrested a high school going boy very close to that same spot, while harassing another, but this time a non-Sikh immigrant. He asked Prof. Singh that if he could come for identification of this arrested boy. Prof. Singh replied that since this incident, his wife has had to undergo trauma therapy and he did not feel comfortable facing the boy, if he was the same person who attempted to

attack him the other night. He also said "I leave it to you – the law enforcement people, to figure out a suitable punishment, if any for this young boy"

Then a week later, Prof. Singh and his wife were traveling on Bus to the San Jose Eastridge mall. A Black female seated opposite to Prof. Singh started yelling at the couple and saying "Kill them, they have killed thousands of innocent Americans" and "He is Osama Bin Laden's follower". Prof. Singh and his wife ignored this woman. The Bus Driver stopped the bus and asked this Black female to exit the bus or else, he would not take the bus any further. After persuasion from all passengers, she left the Bus. When Prof. Singh's stop came, the Driver very kindly got down from the Bus and escorted both of them till inside the mall to make sure, they are not troubled anymore.

Prof. Singh told us that due to these incidents he had his wife had seriously thought of moving back to India. He said "if I have to move, after living here for 42 years and raising my children here, I think we should understand that the roots of this country, which are freedom, independence and liberty are under a huge test". He also told us that for several months after these incidents his wife would not let him go out in the dark and had asked him to call her as soon as he reached his work. Furthermore, she had undergone trauma therapy for a full year. He concluded that the Sikh community, local Law Enforcement and an appropriate Government agency should become partners to undertake a plan to educate the American public about Sikhs and their external identity.

❖ **Story of Kulwant Singh**

Kulwant Singh, a cab driver by profession and resident of San Mateo, on the evening of September 15, 2001 decided to go to the local Walmart store to

purchase an American flag to join in solidarity and support with his fellow American citizens, against the terrorist attacks of last week in the east-coast. While he was out shopping, someone threw a molotov cocktail-type device into the living room window of his home, shattering the glass and hitting his 3-year-old son, Mantej, on the head while he was playing with his toys on the sofa. The bottle, which was recovered by police, had a piece of cloth in it and a "faint odor" of liquid that appeared to be lamp oil according to the San Mateo City Police. The culprit of this incident has not been caught till date and the Police have not been able to report this incident as a hatecrime incident since there is no proof of bias motivated crime.

Kulwant Singh told us that for several months after this incident, he would not let Mantej play in the living room. He said, "Anything that happens to America happens to me". "When I heard what happened last week I was sad for our nation", he added. Kulwant Singh -- who moved to the United States in 1992 -- said he left India to live a more peaceful life where he would have freedom and the liberty to practice his religion without being judged. He has lived in San Mateo for nine months, he said, adding that he has no enemies. "I'm not afraid, I'm just a little more cautious," Singh said. "I'll always enjoy my American freedom but I'll do it with a turban on my head." Similar to our first interview, he also concluded with the recommendation that education on Sikhs must be a joint partnership. His specific comments were "that we Sikhs have remained confined to ourselves, it is high time we start mingling with our mainstream American friends so that they better understand us".

❖ **Story of Amardeep Singh**

On late evening May 12, 2003, Amardeep Singh, a University of California-Berkeley student was assaulted by a man who yelled "Taliban" at him.

It was about 8 P.M. Monday night when Amardeep was walking westbound on Bancroft Way opposite to the Recreational Sports Facility on Campus. This man punched Amardeep in the nose. He first shouted "Taliban" on Amardeep and then struck him on his nose with a closed fist and wrestled him to the ground. Amardeep described that two other individuals were with this man. All three of them fled eastbound toward Telegraph Avenue while Amardeep stumbled into the Recreational Sports Facility with a bloody nose. Although the U.C. Berkeley Police registered this incident as a hatecrime, based on Amardeep's testimony but the assailants have not been found till date. Amardeep mentioned to us that only a month ago, the war with Iraq started and we have recently seen some deaths of our American soldiers. Amardeep felt that the attack on him might have been a repercussion of the war with Iraq. He also told us that from now he would not be alone on the campus, especially in the dark. When asked what would he recommend to be done to make sure this or similar incident does not happen on anyone else, Amardeep responded that the University Administration must re-visit its security policies. Additionally the University Police should strengthen itself by undertaking extra vigilance activities and review its process of interrogation so that they are able to catch the culprits. Further the Administration should devise stronger punishments for the culprits such as immediate termination from the University. He concluded that these and other stricter steps would send a clear message to everyone, that the University will not tolerate such activities on its campus. Amardeep strongly felt that it is the University's sole responsibility to provide the appropriate security for its student and they feel assured about their

safety so that they can focus on the reason why they are at the University i.e. education instead of worrying about their life.

❖ **Interview with Chief Lynne Johnson, City of Palo Alto**

Chief Johnson told us California Penal Code Title 11.6 Civil Rights and Section 422.55 and 422.56 defines hate crimes. Other Sections such as 422.6, 422.7, 422.75, 422.76 go in-depth about the various penalties. She mentioned that she felt that the above laws were enough to prosecute hatecrimes but the problem is that often due to vivid description of the culprit from the victim, it is difficult to catch culprits and convict them. Further, as in the example of Kulwant Singh, without any evidence, it was difficult to report that incident as a hatecrime. Since the culprit gave no indication in his attack that the attack was racially motivated, Police was not able to record it as a hatecrime. That is why many such incidents do not get prosecuted. She said, however if other policies are needed towards strengthening laws to prosecute hatecrimes, then they should be enacted from the state level. She concluded that instead of policy enacting, more could be done by initiatives from the Sikh community for example training of Law Enforcement Officers on Sikhs and their challenges so that they are sensitive to this unique problem. Also, cosponsored forums by the Municipal Government and community leaders to brainstorm solutions to hatecrimes and exchange perspectives of each side would be helpful. She concluded that finally and probably most importantly some education in schools on Sikh Americans would be very helpful in dealing with this problem since this would mean our youth come out of schools, educated about Sikhs and Sikhism.

❖ Interview with Professor Jack Glaser

Firstly Professor Glaser provided us with the same codes in California laws, defining hatecrimes. However he added that some Municipal Governments, especially in the case of hatecrimes on trans-gender individuals have taken proactive outreach measures to make sure crimes do not occur on the trans-gender population. Then he also told us that nationally the focus was on data collection and the most relevant legislation on data collection was Hatecrimes Statistics Act.

He then mentioned, many minority group advocates do indeed argue that hate crimes are under-prosecuted. One of the primary explanations for this would be the relatively high threshold for proving hate motivation in court. The prosecution typically has to provide compelling evidence that the perpetrator not only had bias against the group to which the victim belonged, but that s/he was motivated to commit the crime by that bias at the time of the crime. This usual requires some kind of verbal articulation, which is rarely witnessed. There is also concern that some law enforcement agents are not sympathetic to hate crime victims.

Same as Lynne Johnson, Professor Glaser also said that he felt that the current laws were enough to prosecute hatecrimes. However the Hatecrimes Statistics Act would do a better job than it is doing at present, if the FBI were more aggressive in pressuring local law enforcement agencies to comply (i.e., report hate crimes). There are whole states that report no hate crimes in a given year, which is statistically impossible. He thought that if there was a stronger policy enforcing data collection of hatecrimes at all levels – Federal, State and

Municipal, it would mean that local County District Attorney's could more easily and forcefully pursue the guilty behind these acts since there would be more evidence through better documentation. He concluded that any new policy would have to be advocated through strong interest groups but it would get more easily presented to the House of Representatives of the State Assembly if a Politician such as a Congress member or State Senator would endorse it.

❖ **Interview with Manjit Singh**

Mr. Singh felt that although all states have different laws on persecuting hatecrimes but most of them are inadequate. That is why, currently there is a strong lobby at the Federal level in favor of creating a legislation to counter the problem of hatecrimes. He explained that a new law namely "LOCAL LAW ENFORCEMENT ENHACEMENT ACT is under consideration by the U.S. House of Representatives and enjoys the endorsement of some prominent politicians. This law would allow the U.S. Department of State to get involved in prosecuting hatecrime victims if for some limitations, State and Municipal Governments could not or did not pursue those crimes. Under the current law, 18 U.S.C. Sec. 245 Federal involvement can only be triggered if the victim was engaged in a specified federally protected activity – such as serving on a jury or attending public school. The LLEEA would eliminate these overly restrictive obstacles to federal action, which have prevented the federal government from involvement in many cases in which individuals kill or injure others because of bias. However, Mr. Singh felt that even if the LLEA got accepted and enacted in its present form, it would not be much help in reducing or seeking justice for hatecrimes since

these kind of matters are ultimately left on State Courts to make final decisions. Therefore his thought was more work needs to be done in strengthening laws against hatecrimes at the State level.

When asked about how could the problems on the Sikh community be addressed, his response was that "much cannot be done from policy enhancements and legislation's, but this is more about education and awareness about the Sikh community and its distinct differences from other religions". He added "in order to resolve the problem of the Sikh community, more emphasis needs to be on collaboration and partnership with the public sector as opposed to lobbying and legislation. He concluded " obviously legislation's such as LLEEA would send out a strong message to the people behind some crimes but more results would be gained from education and support programs".

❖ Interviews with Mainstream American public

Our interview with the elderly gentleman revealed that he did know a little bit about Sikhs and Sikhism. He was also broadly aware of the problems that Sikh Americans had faced after 9/11. His response was "most hate filled activity happens due to fear and ignorance". He explained that "people, who are used to a certain type of living and environment around them for last 50 some years, are not so easily willing to accept some different looking people around them – they feel vulnerable and invaded upon by immigrants who have quickly become prosperous, sometimes even more than them". When probed further on what can be done to solve this problem, he did not have any specific suggestions except that to reach out to those people who do not know enough about Sikhism and

associate it with some Middle Eastern terrorist group. He also shared with us, until the incidents on Sikhs after 9/11, he himself always thought of Sikhs as a sect within the larger dominant Indian religion, Hinduism.

Our second interview with the High school student revealed that he did not know anything about Sikhs. He said that a few years ago, he had a Sikh student in his school but he did not have any interaction with this Sikh student. Then we asked him what would be first impression, when he saw a Sikh. He responded that he would mistake him as an Arab Muslim. We asked him why would he take a Sikh as a Muslim and we were told because on the television, it is frequently shown that Muslims (such as the terrorist behind 9/11) wear turbans and have beards. When asked what could be done to solve this ignorance and confusion, he responded that more dissemination through television and the Internet would help. He also suggested some education in school curriculum's on different cultures of the world be helpful in eliminating ignorance.

As you would agree that a lot of important and relevant information was collected from the above direct interviews. Our suggestions and recommendations to counter this problem, based on the analysis of the above responses, are presented in the next and final section of this report.

CONCLUSION AND RECOMMENDATIONS

We start this section with some of the serious concerns, these hatecrimes incidents on Sikh Americans are raising. We believe that such incidents are putting the freedom, independence and civil liberties of this country at stake – the very basic philosophies on which America stands. We have two examples to support this belief of ours. Firstly from the interview of the elderly mainstream American male, we learnt that people fear change, in this context meaning different looking people around them. If this is true, then there is severe resentment towards new and lesser-known immigrant minorities such as Sikhs and if the larger general American public does indeed has a feeling resentment then it is challenging for minorities to foster and survive in America. Secondly, from Professor Atamjit Singh's interview we learnt that after these three incidents, he and his family seriously considered moving back to their homeland. If that is truly the case then indeed American civil liberties are at a stake since after 40 years of making this place a home, they feel vulnerable to the extent that they think of going back to the same place which they left to pursue the American dream.

Then, the fact that a prominent and well-established newspaper like San Jose Mercury News puts a picture of a Sikh in-front of a Muslim Mosque and while referencing a story of a terrorist cell raid is highly disturbing. The media being ignorant about the basic differences in two cultures exhibits the level of ignorance about the world outside America, prevalent in this country. Further, the very fact that there was a hatecrime in a prestigious American Educational Institution (U.C.

Berkeley) supports our point that the how uneducated people are about the different cultures and ethnic communities in the world.

Here on one hand, America has taken on a global war on terrorism but on the other hand, the above discussions reflect how easily our diversity can be challenged.

Having presented you with the above concerns and highlighted the seriousness of this problem of repeated hatecrimes on Sikh Americans, we present to you a few immediate action items and we recommend they must be taken without any delay and with consistency.

In the list of these action items, we firstly present the recommended policy legislation's. Then we move to collaborative approaches to solve this problem. Since the later are actions that should be taken in collaboration and partnership, they should be implemented with directives from the hierarchy, rather than an authoritative policy enactment.

- ◆ **Enactment of LLEEA:** We believe this would be a major milestone achievement in the history of laws against hatecrimes. This would help in faster prosecution of criminals behind these acts. The Federal government would be able to step-in wherever it is felt that other branches of government for some reason or the other are unable to provide justice to any such case. Also as described by Mr. Manjit Singh, the current federal laws only cover individuals involved in a federal activity such as Jury Duty or School Visits. The passage of LLEEA will include all members of the public, which until now have remained unprotected from the federal hatecrime law.

◆ **Enhancement of current "Safe and Drug-Free Schools and Communities Act":**

During the course of this study we also learnt that a lobbyist group has been advocating the enhancement of the "Safe and Drug-Free School and Communities Act" to include the issue of Bullying and Harassment in Schools. We have no further information on this lobbying activity other than this bill is currently before Congress for consideration. If indeed actions against Bullying and Harassment's in Schools were included, it would greatly help this problem of hatecrimes against Sikh Americans since there have been several incidents reported throughout the country in public schools. The enhanced act would mean that immediate and strict action is taken against those teenagers who indulge in Bullying and Harassing upon their immigrant classmates.

◆ **Mandatory Training Programs:** All Law Enforcement, Judicial, Legal and law-making agencies at all levels must receive training on Sikh culture and its distinct beliefs. Before going into more details about this program we would like to state the intention of this training should not be impressing or convincing any participant on Sikh traditions, rather it is a matter of "Cultural Competence". Since there have been cases where the Law Enforcement, Judicial and Legal agencies of the government have themselves arrested Sikhs, mistaking them as terrorist, it is imperative that all these agencies are themselves trained on the various types of populations they serve. As mentioned earlier in this report, a division called Community Relations Service, (CRS) of the U.S. Department of Justice had undertaken a program to instigate local Law Enforcement Agencies to receive training on Sikh and

Arab Muslim Cultures since these two communities faced the problems of hatecrimes and racial profiling after 9/11. The term "Cultural Competency" was used under this program for the first time. However, since the training was not a mandatory program, its popularity has slowly died down. We learnt from Carol Russo that as time has passed and 9/11 continues to become history and other priorities take over, many Law Enforcement Officers do need to see the importance of this bridging and cultural competency. Therefore we believe that if a policy enforced this training, then it would be mandatory for everyone to complete such training. We have first hand seen the benefits of this training. Not only does the training provide important information to Officers in the field but also opens up several doors of mutual cooperation between community leaders and Law Enforcement Agencies. This policy legislation would also insure that either funding is made available from the federal level to local law enforcement or funding is provided from the State budget for this type of training. As a cost-effective approach, this training program could be built into to the new recruit officer training.

- ◆ **Mandatory Education:** As per Chief Johnson's suggestion, we believe that education should start as early in life as possible. Therefore, we recommend a small but meaningful segment of elementary and middle level curriculum should be dedicated towards teaching on different religions and cultures of the world including Sikhism. This has several advantages. Firstly, as the world becomes a smaller place than ever due to growing technology and current business practices, this type of an inclusive curriculum would insure

are children are already educated about the different types of people they would work with, before they even step into the real professional world. Secondly, this would also mean that our children are sensitized on the religious beliefs of others, with whom they coexist.

In accordance to Mr. Manjit Singh's comment, we believe that this problem will have more stronger and better results, if approached with a collaboration and partnership approach as opposed to a legal policy making methodology.

- ◆ Our first suggestion under the collaborative approach is that some sort of a directive be issued to all media agencies by the State Government advising them to take education on Sikh Americans as well as other existing minorities in their locally covered areas. This will insure that no community is misrepresented or wrongly portrayed by the media. Also, media has a social responsibility of helping their local communities in their challenges. By educating themselves on the traditions and challenges of their local communities, the media is better serving its constituents. Although, laws governing responsible and rightful journalism could be explored to see how the media could be challenged under the law, if they were misrepresenting any religious or social group, intentionally or unintentionally. However we wish to take the collaborative and partnership route instead of prosecution as we have learnt throughout the journey of this study that in order to advocate the cause of peaceful coexistence for all, the better approach is of harmony and mutual collaboration.

- ◆ **Seminars and Workshops:** Municipal Governments in collaboration with Sikh community leaders should organize workshops such as "Know your rights", especially for newly migrated Sikhs who do not have any knowledge of rights and protections available in this country. Also, the Sikh community itself should undertake forums on its own to educate its new immigrants on the various social, economic and cultural differences between America and their homeland. These kinds of forums will help immigrants understand the culture of their new home better and quicker.
- ◆ **Creation of Bias Crimes Task Forces:** At the local level, we propose the creation of bias crimes task forces with community organizations and law enforcement agencies who meet on a regular basis to discuss issues of common concern. All Cities and Counties with Sikh population should form such a Task Force. The goal of these Task Forces should be to provide assistance to the victims of hatecrimes, bring those responsible for these crimes to justice, and strengthen the partnership between law enforcement and the community in preventing and responding to hatecrimes. At the same time, the Task Force would seek to educate the community about applicable hatecrime legislation, procedures for reporting incidents, and victim assistance resources. Most importantly, the Task Force should impress the need to diligently report such crimes.
- ◆ Our last recommendation is that the Sikh community seeks grants from the media, especially Television to grant them subsidized airtime for education and outreach purposes. Local Sikh festivals and functions could be covered

on Television to include the community within the larger American mainstream population.

All the above actions would result in three strong messages. Firstly these and other similar steps would send a strong message to the people who commit hatecrimes that the government will not let them get away with such acts and will make sure that they are brought to justice. Secondly, these initiatives would also send a message to the Sikh community that the American government and people are with them and embrace them as fellow Americans, with open arms. Lastly, America would be sending out a clear message to the terrorist behind the attacks of 9/11 and the rest of the world that incidents such as 9/11 maybe damaging but shall not shake our underlying philosophies of freedom, independence, respect for diversity and equal opportunities.

With this we conclude this study and hope that the readers will review it objectively. Every effort has been made to keep this study bias free. While this research study may have been completed for this particular subject, but our journey of learning as efficient and responsible Public Administrators is far from over. We hope this study will meet its two objectives i.e. inspire similar and more detailed research projects and help in creating a consistent and long-term plan to deal with this societal problem.

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RECOMMENDATIONS FOR FURTHER RESEARCH

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