



September 25, 2013

**VIA U.S. MAIL & FAX**

Tom King, Commissioner, Southern District  
Melinda McGrath, Executive Director  
Mississippi Department of Transportation  
401 North West Street  
Jackson, MI 39201  
Fax: (601)359-7834

Dear Commissioner King and Director McGrath:

AMERICAN CIVIL  
LIBERTIES UNION OF  
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P.O. BOX 2242  
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Our Constitution's guarantees of religious freedom and equal protection under the law mean that law enforcement officers must put aside their personal prejudices and strive to treat all members of the public – regardless of race, ethnicity, national origin, or faith – with respect. Unfortunately, Mississippi Department of Transportation ("DOT") officers stationed in Pike County appear to be unaware of these obligations. Earlier this year, during what should have been routine a traffic stop, DOT officers harassed and humiliated Jagjeet Singh, a practicing Sikh, because of his religious beliefs.

On January 16, 2013, Mr. Singh, a commercial truck driver, was pulled over in Pike County on I-55 North by a DOT officer. The officer informed Mr. Singh that he had a flat tire on his truck and directed him to report the Osyka Weigh Station. Mr. Singh drove to the station, as instructed. Once there, he was subjected to a series of degrading remarks and events because of his minority faith and ethnicity.

As a devout Sikh, Mr. Singh wears a turban and carries a kirpan. A kirpan is a small, spiritual sword that is sheathed and sewn to the waistband. It "is designed and worn as a religious symbol, much as a crucifix . . . is designed and worn as a religious symbol by Christians." *See State of Ohio v. Singh*, 117 Ohio App.3d 381, 384 (Ct. App. 1996).<sup>1</sup> It is worn to "remind Sikhs of their obligations to do justice," and is not a weapon. *See id.* at 387. Indeed, because a kirpan is an article of faith, it is never used by an initiated Sikh as an offensive weapon. One federal court has even affirmed the right of Sikh children to wear a kirpan in public elementary schools. *See Cheema v. Thompson*, 67 F.3d 883, 885 (9th Cir.1995), *overruled on other grounds by City of Boerne v. Flores*, 521 U.S. 507 (1997).

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<sup>1</sup> Initiated Sikhs wear five sacred articles of faith, which serve as a reminder of their spiritual commitment to God. These five articles of faith, known as the five ks, are: kesh (uncut hair) covered by a turban, kangaa (a comb), kara (a steel or iron bangle), the kachhaera (specially designed underwear) and the kirpan (a small spiritual sword). *See Santokh Singh, Fundamentals of Sikhism* 91-97 (1991). Sikhs are required to wear these articles of faith at all times, including at work or school, when bathing, and even when sleeping. The kirpan is generally hidden from public view as it is worn under clothing, secured in a holster-like sheath held by a gaatra (cloth belt).

Contending, wrongly, that his kirpan was illegal, the DOT officer demanded that Mr. Singh turn it over. Mr. Singh tried to explain that he was a Sikh and that the kirpan was a sacred religious article. He even showed him, and other officers present, videos stored on his phone and on YouTube about the Sikh faith. In response, however, the officers laughed at him and mocked his religious beliefs. One officer declared that all Sikhs are depraved and “terrorists.” He then forced Mr. Singh to circle his truck with his hands on his turban while the other officers searched his vehicle and continued to taunt and laugh at him. Then, not content with this humiliation, they called another DOT officer to arrest Mr. Singh, claiming that he had refused to obey a lawful command.<sup>2</sup>

The officers’ shameful treatment of Mr. Singh was an abuse of their authority and a betrayal of the public’s trust that law enforcement officials will carry out their duties free from prejudice. We believe that this matter requires a full inquiry and that the officers who harassed Mr. Singh should be reprimanded.

In addition, this incident makes clear that the DOT desperately needs to educate its officers regarding minority faith communities. Sikhism is a well-recognized religion that dates back to the fifteenth century. There are currently over 26 million Sikhs around the world, including as many as 500,000 Sikhs in the United States. Sikhs believe in a single supreme God and that universal love above is the key to truth. Sikhism’s basic teachings state that Sikhs should earn an honest living, share their earnings, and contemplate the essential truth. The turban, kirpan, and other religious articles serve as important reminders of these religious dictates. The officers’ ignorance of these basic facts likely contributed to their discriminatory treatment of Mr. Singh.

Of course, the fact that officers may be unfamiliar with Sikhism or other minority religions does not give them license to harass and degrade members of the public who follow those faiths. In light of this incident, the DOT should also conduct regular trainings that emphasize an officer’s duty to treat every person with dignity and to remain respectful of religious diversity.

Please let us know by October 15, 2013, how you intend to address the matters discussed in this letter. In addition, pursuant to Mississippi Public Records Act of 1983 (Miss. Code Ann. § 25-61-1), please produce the documents identified in the attached public records request so that we can determine whether it is necessary for us to take additional action regarding this incident.

Sincerely



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<sup>2</sup> Because of the cost attendant to refuting this charge and the fact that he lives in California, Mr. Singh pleaded guilty to the misdemeanor offense and paid the required fine. However, the officers’ treatment of Mr. Singh strongly suggests that his arrest was not based on anything that he *did*, but rather was based on who he *was* and the officers’ bigoted beliefs about Sikhs and the Sikh faith.

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Dear Commissioner King and Director McGrath:

This is a request under the Mississippi Public Records Act by the ACLU of Mississippi. The ACLU defends and promotes the fundamental principles embodied in the Bill of Rights and the US and Mississippi Constitutions. Pursuant to the Mississippi Public Records Act of 1983 (Miss. Code Ann. § 25-61-1), please provide the ACLU of Mississippi with the following public records pertaining to the detainment and arrest of Jagjeet Singh on January 16, 2013, in Pike County on I-55 North.

1. All notes, reports, citations, logs, forms, emails, or other documents or communications referring or relating to the detainment and/or arrest of Mr. Singh on January 16, 2013.
2. A copy of any audio or video recording reflecting Mr. Singh's detainment and/or arrest on January 16, 2013.
3. All complaints filed with or against the Mississippi Department of Transportation (MDOT) in the past five (5) years regarding alleged or actual violations of civil rights or civil liberties on the basis of race, ethnicity, nationality, or religion by officers assigned to patrol the stretch of I-55 North associated with Pike County and/or the Osyka Weigh Station or officers assigned to the Osyka Weigh Station.
4. A copy of the disciplinary record for each of the MDOT officers assigned to patrol the stretch of I-55 North associated with Pike County and/or the Osyka Weigh Station and MDOT officers assigned to the Osyka Weigh Station on January 16, 2013.
5. All MDOT policies, rules, guidelines, regulations, or other documents governing MDOT officers' interactions with people of minority races, ethnicities, nationalities, and religions.

If you decline to provide copies of any of the requested documents, please provide a written statement, as required by Mississippi Code § 25-61-5 (2), stating the basis for your contention that any such withheld records are exempt from public inspection. Please include the citation to an exemption created or afforded by statute for any record that is withheld. In addition, please include, with particularity, the reason for your conclusion that the cited exemption is applicable to the records you have withheld. If any exemption that you assert applies only to a portion of the records, please redact the



portion you claim is exempt and produce copies of the remainder of the document or documents.

If your office has a policy requiring payment for research/copying records, and the estimated cost is over \$50.00, I ask that you inform me of that charge and advise me of the estimated cost prior to copying the documents. If it would be more convenient for you to provide the documents electronically, please email them to my attention at [bearatwood@aclu-ms.org](mailto:bearatwood@aclu-ms.org).

Mississippi Public Records Act § 25-61-5 (1) (a) requires you to respond to this letter within seven (7) working days from the date of this request. I appreciate your prompt attention to this matter. In the meantime, please do not hesitate to contact me if you have questions or concerns regarding the above requested documents.

Sincerely



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