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March 15, 2010

Via Facsimile (202-225-4381)

The Honorable John Culberson
1514 Longworth House Office Building
Washington, DC 20515

Re: Comments on Racial Profiling during March 4th House Appropriations Subcommittee on Homeland Security hearing

Dear Congressman Culberson:

I write to you today on behalf of the Sikh American Legal Defense and Education Fund (SALDEF), regarding comments you made during the March 4th, House Appropriations Subcommittee on Homeland Security hearing regarding racial profiling.

Founded in 1996, SALDEF is the oldest Sikh American civil rights and advocacy organization in the United States. As you may be aware, the Sikh religion was founded in South Asia over 500 years ago. There are more than 25 million Sikhs throughout the world and approximately 700,000 adherents of the Sikh religion in the United States. Observant Sikhs are distinguished by *dastaars* (Sikh turbans), uncut hair, and other articles of faith, and are regrettably subjected to hate crimes, workplace discrimination, denial of public accommodations, and school bullying because of their religious practice

We are concerned about some of the assertions you made during the March 4, 2010, House Appropriations Homeland Security Subcommittee hearing on the Transportation Security Administration budget request for FY 2011. In particular, we are concerned that you termed the decision of the US Government not to engage in racial or religious profiling “disturbing[.]. . something that needs to change[, and that]. . .defies common sense.”

The profiling that you proposed based on perceived racial or religious background runs counter the laws of the United States. As the Department of Justice has noted, the Supreme Court has determined that selective profiling based on characteristics such as race or religion is impermissible. See U.S. Dept. of Justice, *Guidance Regarding the Use of Race by Federal Law Enforcement Agencies* (June 2003).

Screening all airline passengers is not a “very frustrating” act as you suggest. Rather, it is part of a comprehensive and effective security strategy. Selective profiling based on race and religion is not.

Furthermore, we are disappointed that you would engage in the politics of division and support the selective screening of persons perceived to be Muslim because they are “the population that’s the problem” since “[w]e do not have a problem with Baptists or Hindus or Buddhists blowing up airplanes”. Such antagonism has no place in an America that respects the right to worship according to one’s own conscience.

We call on you to clarify your comments immediately and apologize for the negative implications your statements have created. We also ask that you acknowledge that selective profiling based on race or religion is an illegal and ineffective law enforcement and security strategy.

Sincerely,

Jasjit Singh
Associate Executive Director