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Steadfast in His Turban, A Lawyer Raises Awareness

By **RONALD SMOTHERS (NYT)** 1046 words

NEWARK, Jan. 27 -- When guards at Brooklyn's Metropolitan Detention Center demanded last September that a Newark lawyer let them search his turban before being admitted to visit a client, they may have not have known much about the traditions of his Sikh faith.

"To a Sikh, removing his turban in public is the same as a strip-search and as intrusive as asking a woman to remove her blouse," said the lawyer, Ravinder Singh Bhalla.

But Mr. Bhalla knew quite a bit about the traditions of American law. Born in New Jersey of immigrant parents and educated at the University of California, the London School of Economics and Tulane University Law School, he knew his rights and was not afraid to list them, one by one.

There was his First Amendment right to practice his religion, including the ritual public wearing of the head covering, he told the guards. Then he expounded on his Fourth Amendment right against unreasonable searches, since he had already passed through the metal detector without setting off alarms. Finally there was his client's Sixth Amendment right to the attorney of his choice -- a right that could be exercised only if Mr. Bhalla forfeited his own rights.

Mr. Bhalla refused to remove his turban, and the guards refused to let him in. But on Jan. 17, the Federal Bureau of Prisons issued a clarification of its search policy, after Mr. Bhalla asserted all of these rights in Federal District Court here, before the Office of the Inspector General of the Department of Justice in Washington and, armed with letters of support from a host of Sikh groups, directly to the Bureau of Prisons hierarchy.

Dan Dunn, a spokesman for the bureau, said that religious garments like turbans, prayer shawls or yarmulkes need not be considered part of the routine searches of personal effects that prison guards must make of visitors. They could be searched, he said, if there is a "reasonable suspicion that the person is about to engage in or is engaging in criminal activity."

What Mr. Dunn described as a simple clarification of policy is being hailed as a milestone by Mr. Bhalla and others. They say that by treating searches of religious garments as distinct from other personal-effects searches and subjecting them to stricter requirements, the agency is recognizing their intrusiveness.

"This marks a significant improvement in agency policy," said Harpreet Singh, the director of the Sikh Coalition, an amalgam of groups representing the nation's estimated 500,000 Sikhs. The group was founded just after Sept. 11, 2001, when many Sikhs found themselves the objects of suspicion at airports and elsewhere.

Since the terror attacks, he said, his group has won concessions from the federal Department of Transportation on airport security searches of Sikhs, given the faith's prohibitions against removing turbans, as well as the requirement among the more devout that they carry a "kirpan," or dagger.

Under the revised procedures, turbans will not be searched unless there is a positive reading on a metal detector. For their part, Sikh groups have agreed that it is legitimate to require those carrying daggers to secure the items in their checked luggage.

"But the broader significance of all of this is that we are educating a broader range of people about Sikhs and our rights," Mr. Singh said.

Sikhism, a monotheistic religion, dates back to the 15th century in the Punjab region of what is now India. Its doctrine has evolved through a succession of prophets or gurus, and in an atmosphere of persecution by the larger numbers of Hindus and Muslims in South Asia. One of Sikhism's main requirements is that adherents not cut their hair, which is considered a visible testament to their connection with their creator.

Mr. Bhalla said many people mistakenly believe that the Sikh turban is a hatlike garment molded in one piece. It is actually a long swath of cotton, 3 feet by more than 15 feet, which takes Mr. Bhalla 15 minutes each morning to fold and carefully wind onto his head.

In taking on Mr. Bhalla at the gates of the Metropolitan Detention Center, guards may have picked the wrong person, said Gerald Krovatin, a New Jersey criminal lawyer in whose firm Mr. Bhalla works. Mr. Krovatin said that last November his colleague was one of the founding members of the national Sikh Bar Association and the only one among the estimated 50 Sikh lawyers in the country who is a criminal litigator.

Mr. Bhalla, 29, is also the lawyer handling a lawsuit brought by a Sikh graduate of the New York City Police Academy who was denied permanent employment as a policeman because he refused to shave his beard and cut his hair.

Perhaps the seminal moment for Mr. Bhalla came in a federal courtroom in Newark when he was just 13. He and his father were attending a hearing for two Sikh community leaders whom the United States attorney's office was trying to extradite to India as suspected terrorists.

Mr. Bhalla recalled that SWAT teams and snipers were stationed outside the court, and plainclothes agents shadowed his and his father's every step because the judge and the prosecutor had reported receiving death threats. It turned out that the prosecutor in the case was the one sending the death threats, apparently in an effort to heighten the sense of danger.

Mr. Bhalla said the incident taught him how "ridiculous" stereotyping and prejudice could be.

"Right now Sikhs are going through some of the same things that African-Americans went through, and like them we are learning the importance of having some political power and knowing how the system works," he said. "But we are just starting."