

September 3, 2009

The Honorable Joseph Lieberman
The Honorable Susan Collins
Committee on Homeland Security and Governmental Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, D.C. 20510

Re: Religious Freedom and the PASS ID Act of 2009 (S. 1261)

Dear Chairman Lieberman and Senator Collins:

We, the undersigned organizations, respectfully request your support—and the support of the full Senate Committee on Homeland Security and Governmental Affairs—in the cause of amending the PASS ID Act of 2009 (S. 1261) so that it explicitly protects the right of individuals to wear religious headcoverings without removal or modification in driver’s license and other identification photographs. Our request relates specifically to turbans, yarmulkes, hijabs, and other religious *headcoverings*; it does not relate to items that conceal the face.

Although S. 1261 contemplates that the U.S. Department of Homeland Security (DHS) will implement “procedures and requirements that ... protect the constitutional rights and civil liberties of individuals who apply for and hold a driver’s [license] or personal identification card,” DHS has indicated that they are constrained from affirmatively requiring states to guarantee the right of individuals to wear religious headcoverings in the course of obtaining photographic identification.

During the last year, three states—Nevada, Oklahoma, and Minnesota—have defended rules or proposed laws that would have required individuals to remove religious headcoverings as a condition to receiving a driver’s license photograph. But for the intervention of interfaith civil rights groups in each of these states, observant Sikhs, Jews, and Muslims would have faced a false choice between their religious freedom and their full participation in a society in which identification documents are more and more frequently required. Because only a few states have enacted robust religious freedom legislation, individuals who wear religious headcoverings stand on precarious ground in most states and remain vulnerable to future threats to religious freedom.

The amendment requested herein is fundamentally rooted in our desire that the United States remain a haven of equal opportunity for all individuals, regardless of their faith. We do not want the United States to follow in the footsteps of France, where religious headcoverings are strictly banned in identification photographs, and where religious minorities consequently find themselves in a state of socio-economic paralysis. The PASS ID Act of 2009 offers us all an opportunity to reaffirm our commitment to religious freedom in the United States, and we look forward to working with you to fulfill this commitment.

Respectfully submitted,

American Islamic Congress
American Islamic Forum for Democracy
American Jewish Committee
Asian American Justice Center
Asian Law Caucus
The Becket Fund for Religious Liberty
Bill of Rights Defense Committee
Counselors Helping (South) Asians/Indians, Inc. (CHAI)
Discrimination and National Security Initiative
Interfaith Alliance
Michigan Asian Indian Family Services
Sikh American Legal Defense and Education Fund (SALDEF)
The Sikh Coalition
South Asian Americans Leading Together (SAALT)
United Sikhs

cc: Members of the Senate Committee on Homeland Security and Governmental Affairs

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