United States Senate
WASHINGTON, DC 20510

February 19, 2013

The Honorable Eric Holder
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

The Honorable Robert Mueller
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, D.C. 20535

Dear Attorney General Holder and Director Mueller:

We write to respectfully request that you make three additions to the Hate Crime Incident Report form (1-699) as soon as possible. In short, we believe that the form should be revised to collect data on hate crimes motivated by bias against Sikh Americans, Hindu Americans, and Arab Americans.

We understand that the Civil Rights Division and the Community Relations Service have recommended that the Federal Bureau of Investigation's Criminal Justice Information Services Advisory Policy Board (APB) endorse these changes, and that the APB is currently considering the issue. We urge you to expedite approval of these revisions to the Hate Crime Incident Report form as soon as you receive the APB's recommendation. As detailed below, it is important that the federal government begin tracking information about anti-Sikh, anti-Hindu, and anti-Arab hate crimes as soon as possible so that law enforcement can more effectively respond to this threat.

On September 19, 2012, the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights held a hearing to examine hate crimes and the threat of domestic extremism. Among the witnesses who testified at the hearing was Harpreet Singh Saini, who lost his mother in the horrific massacre at the Sikh gurdwara in Oak Creek, Wisconsin on August 5, 2012. He testified that he came to the hearing "to ask the government to give [his] mother the dignity of being a statistic" because "we cannot solve a problem we refuse to recognize."

Through an outpouring of written testimony submitted to the Subcommittee for the hearing, a diverse coalition of organizations and individuals echoed this sentiment and requested that the FBI revise the Hate Crimes Incident Report form to include categories for crimes motivated by anti-Sikh, anti-Hindu, and anti-Arab bias. The addition of these categories is necessary to

effectively combat hate crimes. The frequent occurrence of hate crimes committed against Sikh Americans, Hindu Americans, and Arab Americans, as well as the deep impact that these crimes leave on each respective community, demonstrate the need for accurate tracking and reporting.

Hate Crimes Against Sikh Americans

Sikh Americans have frequently been the targets of hate-motivated crime due to the visible religious articles they wear, including uncut hair that men, and some women, wrap in a turban. Several organizations pointed out in their hearing testimony that the August 5 massacre in Oak Creek was not the first violent hate crime directed toward the Sikh community. Bias-motivated assailants have been responsible for brutal beatings, stabbings, shootings, and murders of Sikh Americans for many years, including Balbir Singh Sodhi, the victim of the first post-9/11 bias-motivated murder. Since 9/11, the Civil Rights Division has prosecuted three hate crimes against Sikhs. For example, Matthew John Burdick pled guilty to assaulting a federal employee while engaged in his official duties for shooting and severely wounding a Sikh postal carrier.

While some hate crimes against Sikhs may result from the perpetrator mistaking the victim for a Muslim, it is clear that Sikhs have been the targets of bias-motivated violence on the basis of their own religious identity in many instances. The hearing record included information regarding grassroots surveys indicating that nine percent of Sikhs in New York City have experienced physical assaults on account of their religion; similarly, in the San Francisco Bay Area, ten percent of Sikhs reported incidents of bias-based physical assaults or property damage. Bias attacks directed toward Sikh children appear to be even more prevalent – 74 percent of turbaned Sikh boys in the San Francisco Bay Area reported bias-based bullying and harassment. In the Queens borough of New York, 62 percent of turbaned Sikhs experienced bullying, and 42 percent of the students had been hit or involuntarily touched because of their turbans.

Despite the frequency of crimes directed toward Sikhs because of their distinct religious articles, hate crimes targeting the community continue to be inaccurately included in the "anti-Islamic" and "anti-other religion" categories on the Hate Crime Incident Report form. Without accurate, nuanced reporting of these crimes, it is more difficult for federal, state, and local law enforcement to assess and respond to the particular threat that the Sikh community faces.

Hate Crimes Against Hindu Americans

The Hindu-American community has also been impacted by frequent hate crimes that indicate a need for accurate tracking. In hearing testimony, organizations noted that acts of vandalism, graffiti, and arson are common at the approximately 700 Hindu temples across the United States. The testimony described a recent incident in which a man threw a Molotov cocktail at a Hindu temple in New York, as well as an incident that occurred in 2006, in which vandals inflicted $300,000 worth of damage in a Hindu temple in Minnesota, including toppling and dismembering sacred sculptures and breaking windows and walls.

According to the testimony, violent assaults against Hindus also occur with frequency, and Hindu-American children often encounter bias-motivated bullying in schools. One of these tragic assaults occurred just over a month ago, when Sunando Sen, a 46-year-old Hindu man, was

killed after an assailant pushed him in front of an oncoming subway train in Queens, New York. The suspect in the case allegedly told police that she targeted Sen because she "hate[s] Hindus and Muslims ever since 2001." Like the violence that Sikh Americans face, incidents of violence directed toward the Hindu-American community are nothing new. In the fall of 1987, a New Jersey street gang known as the "Dotbusters" assaulted several Hindu Americans, and killed one Hindu man after beating him with bricks.

Despite this history, we understand that Hindu Americans have underreported the occurrence of these incidents to authorities, fearing backlash and repercussions. Through testimony submitted to the Subcommittee, Hindu-American organizations noted that a separate identification category on the Hate Crime Incident Report form would help the community to understand the importance of reporting incidents of hate crime and help both the community and authorities to better identify and respond to crimes motivated by bias against Hindus.

Hate Crimes Against Arab Americans

For many years, and especially since 9/11, Arab Americans have also experienced a significant number of bias-induced crimes. According to the Justice Department, "of the 43 '9/11 backlash' prosecutions that the Civil Rights Division has brought ... 16 involved attacks in whole or in part based on the fact that the victim was Arab or Middle Eastern." For example, Eric Kenneth Nix pled guilty to blowing up the van of a Palestinian-American family that was parked in front of the family's home in Burbank, Illinois.

Many Arab-American Muslims have been the victims of hate crimes, and such crimes could be reported as "anti-Islamic" on the Hate Crime Incident Report form, but that might not accurately capture the motivation of the perpetrator. Moreover, at this time there is no appropriate place on the Hate Crime Incident Report form to record a hate crime against an Arab-American Christian motivated by anti-Arab bias. This is a significant omission because it is our understanding that more than 60 percent of the Arab-American community is Christian and many Arab-American Christians have been the targets of bias-motivated violence. For example, Patrick Syring, a State Department official, was prosecuted by the Justice Department and pled guilty to sending several email and voice mail threats to the President of the Arab American Institute, an Arab-American Christian. According to a recent survey by the Arab American Institute, 40 percent of Arab Americans have personally experienced discrimination because of their ethnicity or country of origin, including 30 percent of Catholic Arab Americans and 42 percent of Orthodox or Protestant Christian Arab Americans.

Given that Arab Americans, regardless of their religion, face intolerance and violence motivated by bias against their ethnicity, revising the Hate Crime Incident Report form to include an anti-Arab category would allow law enforcement to better track and respond to hate crimes against the Arab-American community.

These senseless acts of hate-fueled violence committed against individuals and groups leave a deep impact on the targeted community as a whole. Communities shaken by hate crimes experience widespread fear and terror in the aftermath of bias-motivated crimes. We must continue our efforts to promote tolerance and prevent hate crimes. We can more effectively

respond to hate crimes against Sikh Americans, Hindu Americans, and Arab Americans with accurate measurements of those crimes.

The organizations and individuals that contributed testimony to the September 19th hearing repeatedly indicated the need to add anti-Sikh, anti-Hindu, and anti-Arab categories to the Hate Crime Incident Report form. We believe that these changes would be a significant step forward in assessing and responding to the threat to these communities. Again, we urge you to make these three revisions to the Hate Crime Incident Report form as soon as possible.

Thank you for considering our views on this important matter. We also request that you share a copy of this letter with every member of the APB.

Sincerely,

Richard J. Durbin
United States Senator

Dianne Feinstein
United States Senator

Patrick Leahy
United States Senator

Charles E. Schumer
United States Senator

Sheldon Whitehouse
United States Senator

Amy Klobuchar
United States Senator

Al Franken
United States Senator

Christopher A. Coons
United States Senator

Richard Blumenthal
United States Senator

Mazie K. Hirono
United States Senator

Carl Levin
United States Senator

Tom Harkin
United States Senator

Barbara Boxer
United States Senator

Patty Murray
United States Senator

Maria Cantwell
United States Senator

Frank R. Lautenberg
United States Senator

Robert Menendez
United States Senator

Benjamin L. Cardin
United States Senator

Sherrod Brown
United States Senator

Tom Udall
United States Senator

Mark R. Warner
United States Senator

Kirsten E. Gillibrand
United States Senator

Tammy Baldwin
United States Senator

Martin Heinrich
United States Senator

Tim Kaine
United States Senator

Elizabeth Warren
United States Senator