

March 7, 2019

Dear Governor Holcomb, Speaker Bosma, and President Pro-Tempore Bray:

We, the undersigned organizations, are part of a broad-based coalition of national civil rights advocacy organizations that represent a multitude of racial, ethnic, interfaith, and multicultural communities across the country. We write today, in many cases in support of the efforts of our state and local affiliates, to offer you facts around Indiana's Senate Bill 12, and we urge you to consider the implications of potential enactment of an unacceptable vague and weak state bias crime law in Indiana. We unanimously agree that, in 2019, to be taken off any list we maintain and promote of states without a hate crime law, a bill must be specific, clear, and include a comprehensive list of enumerated characteristics.

Furthermore, we have serious concerns that an over-generalized bill, such as Senate Bill 12 is currently drafted, could actually cause harm by being used to further marginalize communities of color and minority religious communities, the exact opposite of the bill's original intent.

Indiana reported 85 bias-motivated crime incidents in its 2017 Bias Crime Booklet, prepared by the Indiana State Police Department. These incidents were motivated by a variety of biases ranging from race, sexual orientation, religion, and national origin. A critical component of any enforceable bias crime law is the specific enumeration of those groups specifically targeted for bias-motivated violence. This has become increasingly apparent in Utah, where that state's hate crime statute does not include enumerated categories. We know that Utah has been identified in Indiana as a viable example of an alternative approach, but we should not look to Utah as a model for replication. Numerous commentators – including prosecutors and law enforcement officials – have recently concluded that Utah's law is virtually unenforceable because it lacks specific enumeration. Legislative efforts to update that law to include specific enumeration are underway and being supported by many of our organizations. That bill, Senate Bill 103, unanimously passed from a Senate committee on February 21<sup>st</sup>.

Just two weeks ago, Mustafa Ayoubi, an Afghan and Muslim American, was followed off a highway exit into an apartment complex where his attacker shouted anti-Muslim and anti-immigrant slurs before fatally shooting Ayoubi. His attacker, and so many others, cannot be charged with a hate crime without comprehensive legislation that includes specifically enumerated protected characteristics. As bias crimes continue to rise across the U.S., government surveys indicate that more than half of incidents continue to go unreported. Despite these alarming trends, some opponents of an Indiana bias crime law continue to erroneously argue that specifying categories in legislation will lend 'special statuses' to minorities. This notion is simply false. Hate crime statutes are color blind; anyone intentionally targeted because of their personal characteristics would be protected in a hate crime statute which includes enumerated categories. Indeed, bias crime statutes must outline specific identities to be constitutional and to provide clear legal guidance for law enforcement officials and prosecutors investigating these crimes and enforcing the law.

We strongly agree with Governor Holcomb's sentiment expressed in his January 15 State of the State address that, "Standing strong against targeted violence motivated to instill fear against an entire group is the right thing to do." We urge all members of the Indiana General Assembly to continue in your commitment to enact a strong bias crime law and, to ensure its effectiveness, to make clear your support for a law which includes specific enumerated categories.

We stand ready to provide you any assistance or support you may require to be successful in that endeavor.

Sincerely,

American Jewish Committee  
Anti-Defamation League  
Arab American Institute  
Bazelon Center for Mental Health Law  
Bend the Arc Jewish Action  
Center for the Study of Hate & Extremism – California State University, San Bernardino  
Hindu American Foundation  
Human Rights Campaign  
Interfaith Alliance  
Japanese American Citizens League  
Jewish Council for Public Affairs  
Lawyers’ Committee for Civil Rights Under Law  
Mathew Shepard Foundation  
Muslim Advocates  
Muslim – Jewish Advisory Council  
Muslim Public Affairs Council  
NAACP  
National Black Justice Coalition  
National Center for Transgender Equality  
National Council of Jewish Women  
National Disability Rights Network  
National LGBTQ Task Force Action Fund  
National Urban League  
Orleans Parrish School Board  
PFLAG National  
People for the American Way  
Sikh Coalition  
South Asian Americans Leading Together (SSALT)  
Southern Poverty Law Center  
Union for Reform Judaism  
Woman of Reform Judaism