

**Hindu American Foundation (HAF)
Formal Comments on the Expansion of the FBI
Hate Crime's Anti-Religious Bias Motivation Categories**



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The Hindu American Foundation (HAF) is a 501(c)(3) advocacy group providing a voice for over two million Hindu Americans. The Foundation interacts with and educates leaders in public policy, academia, media, and the public at large about Hinduism and global issues concerning Hindus, such as religious liberty, the misportrayal of Hinduism, hate speech, hate crimes, and human rights. By promoting the Hindu and American ideals of understanding, tolerance, and pluralism, HAF stands firmly against hate, discrimination, defamation and terror.

Since its inception, the Hindu American Foundation has made legal advocacy one of its main pillars. From issues of religious accommodation and religious discrimination to defending fundamental constitutional rights of free exercise and the separation of church and state, HAF has educated Americans at large about various aspects of Hindu belief and practice in the context of religious liberty, either as a party to the case or an amicus (friend of the court). HAF has also consistently spoken out against hate speech, bias, and hate crimes, regardless of the religious or racial identity of the victims. The Foundation firmly believes that bigotry and violence impact all communities and must be collectively confronted.

We are a nation whose strength and unity derives from its diversity. As our Great Seal proclaims: E Pluribus Unum (“out of many, one”). This is a concept that mirrors beautifully one of Hinduism’s core teachings, the Truth is One, but is manifested in different ways. Like Hinduism itself, Hindu Americans constitute a growing and increasingly visible piece of America’s religious mosaic.

HAF respectfully submits that while Hindu Americans on the whole enjoy religious liberty and freedom in the United States, hate crimes continue to seriously concern the community. As a result, on September 17, 2012, HAF submitted written on the record testimony to a Senate Judiciary Subcommittee Hearing on “Hate Crimes and the Threat of Domestic Extremism,” in order to shed light on the impact of hate crimes on the Hindu American community.¹

Similarly, on October 18, 2012, HAF joined a coalition of civil rights and faith-based advocacy groups in recommending strengthening current Hate Crimes Statistics Act (HCSA) data collection programs and revisions to the Hate Crime Incident Report form through the inclusion of three new categories: (1) anti-Hindu, (2) anti-Sikh, and (3) anti-Arab.²

While we unequivocally support the addition of all three categories, this submission will focus on the importance of an anti-Hindu category.

Consequently, the following provides a brief overview of the urgent need to expand the FBI’s current hate crime categories on anti-religious bias motivation to include a new anti-Hindu classification. This is critical for both the protection of Hindu Americans and the ability of law enforcement to effectively track and confront such crimes.

¹ Hindu American Foundation Written Statement for the Record, Submitted to the U.S. Senate Judiciary Subcommittee Hearing on Hate Crimes and the Threat of Domestic Extremism, September 17, 2012
<http://www.hafsite.org/sites/default/files/SenateJudiciaryHearingonHateCrimesWrittenTestimony.pdf>.

² Coalition Letter to Attorney General Holder in Support of New Hate Crimes Statistics Categories, Anti-Defamation League, October 15, 2012, http://www.adl.org/combating_hate/Letter-to-AG-Holder-in-Support-of-New-Hate-Crime-Statistics-Categories.pdf.

I. Background

Hindu Americans represent diverse ethnic backgrounds, including but not limited to individuals of Indian, Pakistani, Bangladeshi, Malaysian, Indonesian, Afghani, Nepali, Bhutanese, Sri Lankan, Fijian, Caribbean, and European descent. The majority of Hindus, however are of Indian ethnic origin and are primarily an immigrant community. It was only after the lifting of the Asian Exclusion Act of 1924 in 1943 and the abolishment of quotas for immigrants based on national origin in 1965 that Hindus came to the United States in large numbers.

Many Hindus have come to the U.S. as students or in search of better economic opportunities, while others have arrived in this country after facing religious persecution in their country of origin, such as Afghanistan and Bhutan. In the last few years, for example, approximately 40,000 Bhutanese Hindus have been resettled across the country after being forcibly evicted from Bhutan in the 1990s and living in refugee camps in Nepal for nearly 20 years.³

Similar to other minority and immigrant communities, Hindu Americans have experienced episodes of religiously motivated discrimination, intolerance, and violence. In particular, Hindus have been subjected to verbal abuse, slurs, and physical attacks on an individual level, while Hindu places of worship have been targeted for acts of vandalism, arson, and graffiti.

Furthermore, the public sphere is replete with hate speech and pejorative and disparaging language denigrating Hinduism, which creates an atmosphere conducive for hate crimes against Hindu Americans. Violence and bigotry are often fuelled by such speech that can be construed as hateful and intolerant. While such speech does not rise to the level of criminal behavior and is protected under the 1st Amendment, if left unchallenged, it can perpetuate discrimination and in some cases, breed violence.

Unfortunately, incidents of bias and hate crimes against Hindu Americans have traditionally been difficult to track for a multitude of reasons. These include the conflation of religious and ethnic identity, attacks categorized as “Anti-Islamic” due to mistaken identity, underreporting by victims due to fear, a lack of informal tracking mechanisms within the community, and limitations in the FBI’s current data collection process (i.e., there is no separate anti-Hindu category). As a result, accurate statistics on the number of hate crimes against Hindu Americans are currently unavailable.

The absence of comprehensive statistics, however, by no means diminishes the very real threat that Hindu Americans face. The next section, therefore, outlines the type and nature of hate crimes that have historically affected the Hindu American community.

II. History of Hate Crimes Against Hindu Americans

The recent tragic shooting at the Sikh gurudwara in Wisconsin represented the worst fear for all religious communities across America. The attack, fueled by extremist views, also demonstrated the urgent need to address hate crimes at a systemic level. This horrific incident, however, was just one of many hate crimes that continue to plague American society.

³ Hindus in South Asia and the Diaspora: A Survey of Human Rights, 2011, Hindu American Foundation, http://www.hafsite.org/resources/human_rights_report.

Although it is difficult to ascertain the number of attacks that have specifically targeted the Hindu community, there have been several incidents against Hindu individuals and temples in recent years. Moreover, racially motivated attacks against Indian Americans may also include an anti-Hindu component, as most ethnic Indians belong to the Hindu tradition.

Attacks on Individuals

Attacks on Hindu Americans have encompassed a wide range of incidents and involved a variety of motivations. In many instances, especially after 9/11, bias crimes against Hindus have been based on the perpetrator's mistaken belief that the victim is Muslim or Arab. For example, in April 2012, two Asian individuals allegedly assaulted an Indian man in New York, while using an anti-Arab slur.⁴

Similarly, in November 2011, a Hindu man was attacked and called a "terrorist" in a Lucky shopping center parking lot in San Jose, California after picking up groceries for a family Thanksgiving dinner.⁵ Additionally, in 2007, a Hindu man of Indian descent was attacked in South Lake Tahoe, California after being called "Indian garbage," a "terrorist," and being told to "...go back where [he] came from." After suffering facial fractures and a broken orbit bone in one eye from the attack, the perpetrators were convicted of a hate-crime by a federal judge.⁶

And, in the summer of 2003, an Indian graduate student was beaten in Boston by perpetrators who shouted "go back to Iraq" and similar anti-Arab slurs.⁷ A 2005 report by Harvard University's Pluralism Project noted that the student was "...robbed, beaten, burned with cigarettes, stuffed in a trunk and stabbed twice before finally being dumped along a road. Police suspect that the attackers mistook the Hindu man for a Muslim."⁸

In other cases, such as a 2010 attack on two Hare Krishna devotees (sect of Hinduism) outside of a Florida Gators football game in Gainesville, Florida, the Hindu religious garb and singing of the victims was a clear motivating factor.⁹

Furthermore, in the immediate aftermath of 9/11, there were several reported hate-crimes against Indian Americans, many of whom were also Hindu. The following provide a few representative examples:¹⁰

⁴ 2012 Hate Incidents, Southern Poverty Law Center, <http://www.splcenter.org/get-informed/hate-incidents?page=20&year=2012&state=All>.

⁵ "SJ Hate Crime Victim Talks About Attack," (January 28, 2012), ABC Local News, http://abclocal.go.com/kgo/story?section=news/local/south_bay&id=8522432.

⁶ "Hate-Crime Charges Dropped in Tahoe Beating," July 31, 2008, SF Gate, <http://www.sfgate.com/bayarea/article/Hate-crime-charges-dropped-in-Tahoe-beating-3201839.php#ixzz2EieVpCEL>; South Asian Americans Leading Together Blog, July 8, 2012, <http://blog.saalt.org/?p=1076>.

⁷ "Know your Rights," A Guide Produced by the Hindu American Foundation, http://www.hafsite.org/sites/default/files/HAF_KnowYour%20Rights_Expanded.pdf.

⁸ "Post 9/11 Hate Crime Trends: Muslims, Sikhs, Hindus and Jews in the U.S.," 2005, The Pluralism Project, Harvard University, <http://pluralism.org/reports/view/104>.

⁹ "Man Arrested for Assaulting Hare Krishna after UF Game Saturday," October 10, 2010, *The Gainesville Sun*, <http://www.gainesville.com/article/20101010/ARTICLES/101019959>.

¹⁰ "American Backlash: Terrorists Bring War Home in More Ways Than One," A Special Report by SAALT, South Asian Americans Leading Together, <http://www.saalt.org/attachments/1/American%20Backlash%20report.pdf>; "Anti-Muslim Incidents Since September 11, 2001," Submitted to the Subcommittee on the Constitution, Civil Rights and Human Rights, Committee on the Judiciary, U.S. Senate, March 29, 2011, Southern Poverty Law Center, <http://www.splcenter.org/get-informed/news/splc-testifies-about-increase-in-anti-muslim-bias/anti-muslim-incidents-since-9-11>; Diana L. Eck, "A New Religious America - After September 11"

- A man leaving a Hindu temple in Queens, New York was shot in the forehead with a BB gun.
- An Indian Hindu man told police he was assaulted by a group of men in Richardson, Texas, who called him an Arab.
- A man called in a bomb threat to a hotel in Augusta, Georgia owned by Indians, whom he insisted were Muslim.
- In Salem, Oregon a hate sign, "Towell (sic) Heads Go-Home!" was left outside a convenience store owned by an Indian American.
- An Indian owned gas station in Kalamazoo, Michigan was vandalized and spray painted with ethnic slurs on its windows and walls, including "White Power," "Arab" and derogatory epithets about Arabs.
- An Indian man was cut by a knife-wielding assailant at a Broken Arrow, Oklahoma convenience store.
- Andrew E. Savagae was charged with a hate crime in Racine, Wisconsin for allegedly yelling at an Indian store owner thought to be of Middle Eastern descent.
- Several Asian men in Anaheim, California shouted ethnic slurs and allegedly assaulted a man of Indian descent who they thought was Middle Eastern.
- John Bethel was sentenced to nearly two years in prison for assaulting a man of Indian descent in Kent, Washington.
- Robert Rowland was charged with two hate crimes after allegedly threatening three people of Indian descent while spraying them with bug spray in Gainesville, Florida.
- A Indian-owned convenience store was fire-bombed by three teenagers in Somerset, Massachusetts. The teens reportedly told police officers that "they wanted to get back at the Arabs for what they did in New York."

Even prior to 9/11, Hindus were subjected to harassment and violence. In the fall of 1987, a street gang in Jersey City, New Jersey calling itself the "Dotbusters" assaulted a number of Indians, including Navroze Mody who was beaten into a coma with bricks while the gang chanted, "Hindu, Hindu!" The gang also committed acts of vandalism and harassed Hindu and Indian men and women.¹¹

The name of the gang, "Dotbusters," clearly made reference to forehead markings worn by both Hindu women (bindi) and men (tilak).

The attack on Mody was preceded by a letter to a local newspaper from the "Dotbusters" openly advocating violence against Hindus and Indians. The letter stated in part, "We are an organization called dot busters. We have been around for 2 years. We will go to any extreme to get Indians to move out of Jersey City. If I'm walking down the street and I see a Hindu and the setting is right, I will hit him or her."¹²

Shortly after Mody's death, another Hindu man "was assaulted by three young men with baseball bats as he walked home late one night. One of the young people yelled, 'There's a dothead! Let's get him!' as

Frontline, <http://www.pbs.org/wgbh/pages/frontline/shows/faith/neighbors/excerpt.html>; "Hate Crimes Legislation," Open Congress, http://www.opencongress.org/wiki/Hate_crimes_legislation

¹¹ "Know your Rights," A Guide Produced by the Hindu American Foundation, http://www.hafsite.org/sites/default/files/HAF_KnowYour%20Rights_Expanded.pdf.

¹² "Dot Busters in New Jersey," The Pluralism Project at Harvard University, http://pluralism.org/ocg/CDROM_files/hinduism/dot_busters.php.

they set out with their bats. [He] was beaten severely and left unconscious with a fractured skull. He was in a coma for a week, in the hospital for three weeks, and suffered permanent neurological damage.”¹³

Attacks on Hindu Institutions

Beyond attacks on individuals, Hindu places of worship and institutions have also been targeted. With over 700 temples across the United States, the Hindu American community has witnessed acts of vandalism, graffiti, and arson on their religious sites. Earlier this year, for example, a New York man threw a Molotov cocktail at a Hindu temple housed in a residential property. The attack was part of a series of firebombings in Queens, New York, that also targeted a mosque and Islamic cultural center. The 40-year old perpetrator allegedly told police of his “dislike of Muslims, Arabs and Hindus,” and was indicted by federal and state grand juries with committing hate crimes in connection with the incidents.¹⁴

Furthermore, in April 2006, vandals destroyed a Hindu temple in Maple Grove, Minnesota, inflicting over \$300,000 in damage, toppling and dismembering sacred sculptures, and breaking windows and walls.¹⁵ And in November 2003, a teenager was convicted for defacing a Hindu temple in Ashland, Massachusetts by spray painting hateful messages.¹⁶

And shortly following 9/11, there were several reported attacks on Hindu temples. For example, on September 17, 2001, a Hindu temple was firebombed in Matawan, New Jersey, while another one was subsequently attacked in Medinah, Illinois.¹⁷

The above examples are only intended to demonstrate the type and nature of attacks endured by Hindu Americans over the past several years, and they do not reflect the full extent of bias crimes faced by the community.

III. Necessity of an Anti-Hindu Hate Crime Category

Lack of Data/Tracking Mechanisms on Anti-Hindu Attacks

As noted above, Hindus are relative newcomers to the U.S. and consequently have not yet developed effective mechanisms to collect data on specifically anti-Hindu hate crimes. Little formal or informal statistical information is therefore available and any previous collection efforts have been ad hoc at best.

Most of the community data collected to date has focused instead on the generic category of “South Asians,” which is problematic for a number of reasons. For one, it is far too broad and has largely

¹³ *Ibid.*

¹⁴ “American Charged with Hate Crime for Attacks on Temple, Mosque,” March 20, 2012, Indian Express, <http://www.indianexpress.com/news/american-charged-with-hate-crime-for-attacks-on-temple-mosque/925997/>; “Man Indicted in Firebombings,” March, 23, 2012, Times Ledger, http://www.timesledger.com/stories/2012/12/newyearsfirecharges_jt_2012_03_22_q.html.

¹⁵ “Know your Rights,” A Guide Produced by the Hindu American Foundation, http://www.hafsite.org/sites/default/files/HAF_KnowYour%20Rights_Expanded.pdf.

¹⁶ “Post 9/11 Hate Crime Trends: Muslims, Sikhs, Hindus and Jews in the U.S.” (2005), The Pluralism project, Harvard University, <http://pluralism.org/reports/view/104>.

¹⁷ “American Backlash: Terrorists Bring War Home in More Ways Than One,” <http://www.saalt.org/attachments/1/American%20Backlash%20report.pdf>; “A New Religious America - After September 11,” <http://www.pbs.org/wgbh/pages/frontline/shows/faith/neighbors/excerpt.html>.

concentrated on documenting hate crimes against Muslims and Sikhs of South Asian heritage, with relatively little attention paid to attacks on Hindus or Hindu places of worship. In addition, the category often conflates ethnicity, national origin, and religion, and is thus hard to ascertain the motivating factors. And finally, it fails to account for attacks on Hindus of non-South Asian heritage. Many Hare Krishna devotees (a sect of Hinduism), for example, are Caucasian or of non-Indian origin.

In contrast, other religious groups have been far more successful in internally tracking the frequency and nature of attacks impacting their respective adherents. For instance, the Anti-Defamation League has been at the forefront of monitoring hate crimes and anti-semitism against Jewish Americans.

As a result, the creation of a formal FBI category for anti-Hindu crimes is paramount for Hindu Americans, who currently lack mechanisms to understand and systematically track hate crimes against community members.

Insufficient Scope of Current FBI Hate Crime Categories

The FBI's existing categories for religious bias, which are currently focused on Jews, Catholics, Protestants, Muslims, and Atheists/Agnostics, are significantly limited in scope and have failed to address the nation's growing religious diversity. Accordingly, a number of religious groups, such as Hindus, Sikhs, Buddhists, Jains, Zorostrians, Mormons, and Orthodox Christians are collectively subsumed under the overly-broad "Anti-Other Religion" category.

Unfortunately, grouping such a wide range of religions into one single category disregards the unique challenges and types of hate crimes each of these respective faith traditions face. For instance, a hate crime directed against a Hindu individual or place of worship may look considerably different than one targeting a Mormon or Greek Orthodox Christian, and may stem from distinct motivations.

Consequently, the "Anti-Other Religion" classification not only does little to accurately track or understand the nature of hate crimes against various religious groups, but also ill-prepares law enforcement to effectively implement strategies to deal with such crimes or work with affected community members. On the other hand, a distinct anti-Hindu category would allow the community to build relationships with law enforcement, be better informed about hate crimes and protect itself, and implement appropriate security measures in places of worship.

Furthermore, although the total number of reported hate-crime incidents in 2011 (6,222) was slightly lower than in 2010 (6,628), the number of "Anti-Other Religion" incidents and victims actually increased from the previous year. Specifically, in 2011, there were 130 "Anti-Other Religion" incidents with 155 victims, while in 2010, there were 123 incidents and 141 victims.¹⁸ And the actual numbers for the "Anti-Other Religion" group may be much higher, since many faith traditions encompassed within this classification are largely immigrant communities and frequently do not report such crimes out of fear or language impediments.

Similarly, according to official 2011 statistics, the number of reported "Anti-Other Religion" hate-crimes was nearly double the number of "Anti-Catholic" incidents (67), almost three times the number of "Anti-

¹⁸ U.S. Department of Justice Federal Bureau of Investigation Hate Crime Statistics 2011, Table 1, <http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2011/tables/table-1>; U.S Department of Justice Federal Bureau of Investigation Hate Crime Statistics 2010, <http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2010/tables/table-1-incidents-offenses-victims-and-known-offenders-by-bias-motivation-2010.xls>.

Protestant” attacks (44), and only slightly less than the number of “Anti-Islamic” incidents (157). Moreover, there were significantly fewer “Anti-Atheism/Agnosticism” incidents (4) compared to “Anti-Other Religion.”¹⁹

Overall, this data seems to suggest that those religious groups under the “Anti-Other Religion” heading, including Hindus and Sikhs, are being increasingly targeted and thus require their own separate categories. Additionally, given the comparative numbers noted above and the increasing population and visibility of Hindu Americans, for instance, “Anti-Other Religion” has outlived its utility as a collective overarching category.

Besides the inadequacy of the “Anti-Other Religion” label, many attacks on Hindu Americans may also be recorded as “Anti-Islamic” if the victim was misidentified as Muslim and the perpetrator held an anti-Muslim bias. This further obfuscates the collection of accurate data on crimes against Hindu individuals and institutions, and underscores the importance of creating a new category for anti-Hindu crimes.

IV. Conclusion and Recommendations

From its primarily immigrant roots, the Hindu American community has for the most part, achieved considerable financial success and is now beginning to play an increasingly important role in American society. Yet, it still continues to confront a number of challenges, including religious bias, discrimination, hate speech, and hate crimes. Unfortunately, Hindu Americans lag far behind other faith communities in addressing such obstacles and are often unaware on how to effectively deal with them. This is particularly true of efforts, or the lack thereof, to internally track and collect data on hate crimes against Hindu individuals and institutions, despite a relatively long history of enduring attacks.

Compounding the issue is the absence of a formal category dedicated to specifically anti-Hindu crimes within the FBI’s current anti-religion bias motivation classifications. As noted above, the existing categories have proven inadequate in scope and ineffective in accommodating the unique needs of Hindu Americans. They also hinder the efforts of law enforcement in accurately tracking and understanding the nature of hate crimes against Hindus.

Therefore, HAF submits that the creation of a new anti-Hindu hate crime category on the FBI’s Hate Crime Incident Report form is of the utmost importance for both the Hindu American community as well as law enforcement. Furthermore, while this submission has focused on establishing an anti-Hindu hate crime category, HAF also strongly supports the additions of anti-Sikh and anti-Arab classifications to the Hate Crime Incident Report form.

¹⁹ U.S. Department of Justice Federal Bureau of Investigation Hate Crime Statistics 2011, Table 1, <http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2011/tables/table-1>.