



March 4, 2019

The Honorable Eric J. Holcomb
Governor of Indiana
Office of the Governor
Statehouse
Indianapolis, Indiana 46204-2797

Dear Governor Holcomb,

I write to you on behalf of Muslim Advocates, a national civil rights organization working in the courts, in the halls of power and in communities to halt bigotry in its tracks. We are deeply disturbed by the recent fatal shooting of Mustafa Ayoubi, an Afghan and Muslim American. Family and witnesses recount that Ayoubi's attacker, Daniel Passarelli, followed his car off a highway exit into an apartment complex and shouted anti-Muslim and anti-immigrant slurs right before shooting Ayoubi multiple times in the back.¹

Passarelli was charged with murder on February 22, though witness accounts suggest that the shooting was motivated by bias and should be investigated as a hate crime. However, as you know, law enforcement officials and prosecutors cannot pursue a hate crime in this case without meaningful hate crime legislation in Indiana. We thank you for your unequivocal past support for a hate crime law in Indiana: "It's not only the right thing to do, it's long overdue. I'm convinced the overwhelming majority of Hoosiers feel the same way."² We urge you now to reiterate your commitment to enacting such a law by working with the state legislature to pass a comprehensive bill.

¹ Kurt Darling, *Friends Of Man Killed In Road Rage Shooting Say It Was A Hate Crime*, WIBC, February 19, 2019, *available at* <https://www.wibc.com/news/local-news/friends-man-killed-road-rage-shooting-say-it-was-hate-crime>.

² Brian Slodysko and Tom Davies, *Indiana governor says passing hate crime law 'long overdue'*, Associated Press, December 15, 2018, *available at*: <https://www.apnews.com/2867369f36f84dd0b0ecb3ee3c0f6af7>.

The 2017 Bias Crime Booklet³ documented 85 bias incidents in the state of Indiana, including thirteen incidents involving religious bias - five of which targeted Muslim victims. Examples of anti-Muslim attacks in Indiana over the last several years include:

- The Islamic Society of North America building in Plainfield was vandalized in February 2016 with anti-Muslim, ethnic slurs, and labels like “terrorist” spray painted on its walls.⁴ Just four months later, the center was vandalized again, when their front sign was riddled with bullet holes.⁵
- In July 2017, a Muslim family in Floyds Knobs had their mailbox vandalized with bacon because they were presumed to be Muslim.⁶
- The FBI investigated an incident in October 2018 where an Indiana University student attacked a Muslim woman as she sat outside a Bloomington cafe with her daughter. The attacker shouted slurs, “white power,” and “kill them all” before grabbing the woman by the neck, slamming her head into the table, and attempting to rip off her headscarf.⁷

With hate crimes continuing to rise at an alarming rate across the country, it is more important than ever for every state to have comprehensive hate crime legislation that: 1) protects victims of hate violence, 2) calls for comprehensive training for law enforcement to identify bias incidents, and 3) requires full reporting of all departments to the state and the FBI.

Indiana was positioned last month to pass meaningful hate crime legislation, moving to the full Senate a bill that would allow for bias against protected characteristics such as religion, race, sexual orientation, sex, gender identity, and disability to be considered in criminal sentencing. Unfortunately, the version of the bill that ultimately passed in the Indiana Senate was stripped of specific protections which would be critical to prosecuting Ayoubi’s attacker - as well as many others - under a hate crimes statute.

³ Indiana State Police, 2017 Bias Crime Booklet, September 24, 2018, *available at*: https://www.in.gov/isp/files/Bias_Crime_Updated_Report_2017.pdf.

⁴ Amanda Rakes, *FBI investigates vandalism at Plainfield Islamic Society headquarters as hate crime*, Fox 59, March 3, 2016, *available at*: <https://fox59.com/2016/03/03/fbi-investigates-vandalism-at-plainfield-islamic-society-headquarters-as-hate-crime/>.

⁵ Trevor Shirley, *Islamic Society of North America in Plainfield finds bullet holes in sign*, Fox 59, June 17, 2016, *available at*: <https://fox59.com/2016/06/17/islamic-society-of-north-america-in-plainfield-finds-bullet-holes-in-sign/>.

⁶ Aprile Rickert, *In Southern Indiana, victims of hate say it's a crime in need of a law*, News and Tribune, August 18, 2018, *available at*: https://www.newsandtribune.com/news/in-southern-indiana-victims-of-hate-say-it-s-a/article_ba78e3ec-a0d0-11e8-a104-5bc813c7cce4.html.

⁷ Kylee Wierks, *FBI opens up hate crimes investigation in case of Indiana University student who attacked Muslim woman*, CBS4Indy, October 18, 2015, *available at*: <https://cbs4indy.com/2015/10/18/police-indiana-university-student-attacked-muslim-woman-bit-officer/>.

As the bill moves to the Indiana House of Representatives, it is crucial that the legislature adopt language that specifically enumerates classes provided protection by the legislation. We hope you will work with your colleagues in the state legislature to ensure that a robust hate crime law is enacted in Indiana. In doing so, Indiana will send a strong message against hate violence and join 45 other states and the District of Columbia that have enacted hate crimes legislation. Finally, we also request that you instruct state law enforcement officials to cooperate with any potential Department of Justice hate crime investigation of Mustafa Ayoubi's murder.

Thank you for your attention to this important matter. Please do not hesitate to contact me with any questions at 415-692-4932 or madihha@muslimadvocates.org.

Sincerely,

A handwritten signature in black ink, consisting of a circled 'M' followed by a stylized, cursive name.

Madihha Ahussain
Special Counsel for Anti-Muslim Bigotry
Muslim Advocates