

From: Mat McDermott [REDACTED]
Date: Thu, Sep 5, 2024 at 6:57 PM
Subject: Re: Important: Request for Comment
To: Mukta Joshi [REDACTED]

Hi Mukta,

Our response is below. If you have any clarifying questions, let me know.,

HAF RESPONSE TO AL JAZEERA INQUIRY OF 8/31/2024

HAF is a nonprofit education and charitable organization described under Section 501(c)(3) of the Internal Revenue Code (IRC) that operates for the purpose of supporting the Hindu American community in the United States. HAF complies with all US laws, including laws that regulate lobbying and advocacy work for 501(c)(3) organizations, and laws that require foreign agents to register with the Department of Justice.

HAF's mission and operations are defined and directed by its Board of Directors, without the influence or involvement of any foreign entity, power, or principal, and furthermore, are not on behalf of any foreign principal.

HAF's IRS Forms 990 are publicly available, and it has a Platinum Seal for transparency from Guidestar.

HAF's funding primarily comes from individual US donors who deeply care about issues affecting the Hindu American community, including misrepresentation about Hinduism and Hindu Americans.

Issue Advocacy re: US-India Relations, Terrorism, and Human Rights Within Lobbying Limits

Under the IRC 501(c)(3) public charities (like HAF) are permitted to engage in lobbying and advocacy as long as those activities do not constitute a substantial part of their activities. Per IRS rules, lobbying is when an entity directly contacts, or asks the public to contact, members or staff of a legislative body for the purpose of proposing, supporting, or opposing legislation, or advocating for the adoption or rejection of legislation. Each year, 501(c)(3) organizations that engage in lobbying are required to report on their annual tax forms (IRS Forms 990) that their

lobbying and advocacy work complies with that “substantial part test.” Certain public charities (like HAF) have decided to proactively ensure that their lobbying activities comply with the IRS substantial part test by voluntarily filing the IRS Form 5768 (Election/Revocation of Election by an Eligible Section 501(c)(3) Organization To Make Expenditures To Influence Legislation). By filing the IRS Form 5768 each year, HAF confirms that its expenditures for lobbying are consistent with the IRS rules and permissible under the law.

Consistent with those IRS limitations, for the past two decades, HAF has engaged in lobbying and advocacy work on behalf of the Hindu American community. Part of our advocacy work aims to inform policymakers about issues that are of concern to the Hindu American community, including legislation and resolutions that demonize India, the spiritual homeland of Hindu Americans, and mischaracterize events and policies in India that depict Hindus and Hinduism in an inaccurate, hateful and bigoted manner. We undertake these efforts as an educational organization that supports a religious and cultural minority in the US and operates outside of the influence or involvement of any foreign principal and does not operate to support the interests of any foreign principal. In this regard, our work is no different than the hundreds, if not thousands of other nonprofits representing ethnic and/or religious communities that operate in the US. We do this because such demonization directly affects the lives of the Hindu Americans we serve.

Human rights work that is consistent with the interests of the Hindu American community has historically been a large part of HAF’s advocacy portfolio as well. This includes opposing legislation that rewards countries or military regimes who commit gross human rights violations or foment terrorism, that are of concern to the Hindu American community.

We reject the implied starting point of your questions that pro-Hindu education and advocacy is the same thing as advancing the partisan political goals of the BJP. Our education and advocacy on behalf of a diasporic religious or ethnic community is non-political and non-partisan advocacy and education on behalf of the Hindu American community.

In response to specific questions not addressed above:

Between 2010 and 2013, HAF reported lobbying expenditures totaling \$15,860 for direct lobbying and \$1,200 for grassroots lobbying. These amounts represent a small fraction of HAF’s total budget, which was approximately \$741,853 in 2013. That year, direct lobbying accounted for about 1.19% of our budget, while grassroots lobbying was only 0.16%. All of these data points are publicly available in our IRS Forms 990.

On H. Res. 417, in furtherance of the Hindu American community and independent from any influence or involvement of the Indian government, HAF has long advocated for a strong US-India bilateral relationship. HAF's work on H. Res. 417 was not on behalf of or in the interest of any foreign principal. H. Res. 417 was simply poor legislation. While the resolution praised the role of the Indian Supreme Court in achieving convictions related to the 2002 Godhra Riots, it curiously failed to acknowledge the Indian Supreme Court's Special Investigation Team (SIT) 2012 ruling that cleared then Gujarat Chief Minister Narendra Modi of wrongdoing. To put it mildly, a resolution containing language praising denying a visa to someone on the basis of allegations they were cleared of through India's own judicial process, and widely acknowledged as likely to become the next democratically elected leader of India, would seriously and unnecessarily undermine US-India relations, which would harm the Hindu American community that HAF supports. The resolution was opposed by many in the Indian community for its inaccuracies, blatant omissions, and flawed recommendations. While H. Res. 417 begins by praising India's religious diversity and commitment to tolerance, the remaining text draws a very skewed picture of religious freedom in India. Most egregiously, H. Res. 417 called for the empowerment of religious minority courts by giving the National Commission on Minorities power to conduct trials and hear appeals outside of the normal judicial process. This would have undermined the secular nature and independence of the Indian judicial system. Courts based on race and religion would be unthinkable in the United States, and are equally unworkable in India.

It is incorrect to characterize HAF's "India: Democracy in Diversity" paper and briefing as intended to defend the current Government of India's record on treatment of religious minorities. The purpose of this report and briefing was to highlight the fact that India has, for many centuries to this day, been a remarkably religiously diverse region of the world, one which has historically welcomed religious refugees and provided a home for religious minorities from many faiths. While there have been religious conflicts in India, without a doubt, India has correctly prided itself on integrating people of many religious traditions into its society and culture. There is indeed a unique Indian take on each religious tradition that has found a home within its lands, even for faiths that did not originate there. And given the amount of misinformation about Hindus and India more broadly, which then impacts how Hindu Americans and Indian Americans are viewed in the US, it was important to address inaccuracies about the ground realities in India through this report. This report furthered HAF's mission to support and provide education in furtherance of the Hindu American community. HAF's activities related to this report were undertaken without the influence or involvement of a foreign principal and not taken in the interest of or on behalf of any foreign principal.

On the “India’s Democracy in Action” briefing we have no additional comment beyond what was already stated in our publicly available press statement. The event was not recorded by HAF, and as such we do not have a specific account of what Dr. Thelma John David, First Secretary Political, Embassy of India said during the event. We have no knowledge of what if any communication took place between any Indian embassy staff and Congressional staffers either at this event or meetings which might have occurred afterwards, nor are we concerned about that. Our goal was to allow the speakers from diverse religious backgrounds to present their views on Indian democracy and the importance for US foreign policy in furtherance of the Hindu American community. HAF hosted this event in conjunction with the House India Caucus, not the Indian Embassy, as such there was no coordination with the Embassy for this event. A representative from the Embassy was invited to present their views on Indian democracy as part of a panel of speakers. This event was held to further HAF’s mission to support the Hindu American community.

On H.Res 745, HAF advocated against this resolution, because it was factually inaccurate and harmful to the Indian American community in that it condemned India for taking life-saving steps following the repeal of the discriminatory Articles 370 and 35A of the Indian constitution on August 5, 2019. H.Res. 745 also ignored the ethnic cleansing of 350,000 Kashmiri Hindus and Sikhs by a Pakistan-sponsored insurgency. This bill contained language that was outrightly false and no longer relevant, given the government of India's near-immediate lifting of communications restrictions, restoration of freedom of assembly, and lifting of precautionary curfews. In addition, H. Res. 745 did not mention the fact that terrorist organizations, such as Lashkar-e-Taiba and Jaish-e-Mohammed, were the ones imposing the curfews, and had targeted apple farmers, their families and workers who are just trying to provide for their families. What is worse is that H.Res. 745 glossed over the fact that terrorism is the number one killer in Kashmir. More innocent people have died because of terrorist attacks in Kashmir than for any other reason. Congress has a duty to respect democracies who take steps to protect their people and stand strong in the face of terrorism. H.Res. 745 did the opposite. HAF’s work on this bill furthered its charitable purpose, and was directed by its Board of Directors, without the influence or involvement of any foreign principal nor did HAF’s work represent the interests of any foreign principal.

In terms of passage of the amendment in the 2019 NDAA you mention and H.Res 408, just like many other American organizations who care about the human rights of innocent civilians victimized by terrorist groups, in furtherance of its charitable mission, HAF has always taken a strong stand against terrorism in the Indian subcontinent and beyond. Our advocacy on H.Res. 408 was no different.

Similarly, as an American organization that operates to support the Hindu American community, we have advocated for strong US-India relations between the world's two largest democracies. Diverse scholars associated with reputable American organizations such as the Carnegie Endowment, Center for a New American Security, the Wilson Center, or the Council on Foreign Relations have put forth cogent arguments for a strong US-India relationship grounded in American interests, American values, and geopolitics, some explicitly supporting elevation of India to major non-NATO ally status. None of those scholars, nor the cases they make, could be even remotely described as "Hindu nationalist" or a product of BJP influence. Since bipartisan support for stronger US-India relations goes back almost three decades, it's unclear why you seem to believe HAF is so exceptional in this regard. HAF's Board of Directors has determined that its mission to support and educate the American public about the Hindu American community would be furthered by strong US-India relations. This mission is Board driven, without the involvement or influence of any foreign power.

Stronger US-India relations benefit the Hindu American community and all Americans for several reasons: India is the largest nation on the planet by population; it is the largest democracy, with a robust democratic system as recent elections indicate; it provides regional stability and counterbalance between Iran (an Islamist republic which wants to destroy the US), Afghanistan (a repressive Islamic regime where women were just ordered to literally not be heard on the street), Pakistan (whose significant human rights issues concerning ethnic and religious minorities living there are well attested), and on the other side China (which though the manufacturing powerhouse of the world, has regional territorial ambitions of conquest, represses all political dissent, is profoundly anti-democratic, arguably genocidal against ethnic minorities, and frankly stands against nearly everything the US is founded upon in terms of political ideals.)

On our advocacy in 2022 against sale of maintenance parts for F-16s the US previous sold to Pakistan (the assertion about HAF opposing sales of full F-16 planes to Pakistan in this year is inaccurate): In compliance with laws and regulations that govern 501(c)(3) organizations, and just like hundreds of other nonprofit organizations, HAF engaged the services of Tiger Hill Partners, to represent the interests of Hindu Americans on Capitol Hill and meet with a number of Congressional offices on issues ranging from immigration reform to international human rights to stronger US-India relations, all in furtherance of our charitable purpose. HAF undertook these activities at the direction of its Board of Directors and management in furtherance of its independent charitable mission, without the involvement or influence of any foreign principal.

Furthermore, these activities were in furtherance of HAF's charitable purpose, and not for the benefit or the interest of any foreign principal.

HAF's Issue Advocacy Does Not Require FARA Registration

The Department of Justice has made clear that FARA does not require an organization to register as a foreign agent merely because their views are favorable to or coincide with the interests of a foreign principal. The threshold question for FARA registration is whether an organization is acting in furtherance of its own interests, or as an agent for a foreign principal. HAF has critically examined this question and determined time and time again that it is acting at the direction of its Board of Directors, in furtherance of its charitable purpose on behalf of the Hindu American community, and not for the benefit of, in the interest of, nor at the request of any foreign principal.

HAF is an independent organization and does not coordinate with or receive money from any foreign government or entity, whether India or anyone else. Our interactions with the Indian Embassy or their staff in Washington, D.C. has been similar to our interactions with the Embassies of many countries, including Bangladesh, Malaysia, Trinidad and Tobago, Pakistan, Germany, and many others and has been based on education and advocacy around issues of concern to the Hindu American community and Hindus around the world. We have similarly invited representatives from other countries to attend and speak at relevant events in the past. Each of these invitations and interactions are for the sole purpose of furthering HAF's charitable mission, which is directed entirely by HAF's Board of Directors without the involvement or influence of any foreign principal.

HAF defines and executes on its own mission to advocate on behalf Hindu Americans. Our positions on issues are the result of our independent assessment of the facts, our values, and our direct consultation with the Hindu American community. Insinuating that our mission is "interchangeable" with foreign agents such as the BJP or the Government of India, merely because we support a strong bilateral US-India relationship, and oppose inaccurate and biased coverage of India, Indians, or Hindu Americans is an extraordinary, and quite frankly xenophobic claim.

Based on your line of inquiry, do you believe the following organizations that (like HAF) 1) represent a religious, ethnic, or diaspora community in America, and 2) take public stances on various aspects of the bilateral relationship(s) between the USA and their spiritual/ancestral homeland(s) have the same FARA obligations as you clearly believe HAF has?

1. Anti Defamation League
2. Buddhist Churches of America
3. Council on American Islamic Relations (CAIR)

4. Committee of 100
5. Formosan Association for Public Affairs (FAPA)
6. Japanese American Citizens League
7. Jewish Voice for Peace
8. National Iranian American Council
9. Somali American Peace Council
10. Taiwanese American Citizens League
11. Turkish American National Steering Committee

None of these groups are registered under FARA, many advocate regularly for or against US weapons sales to other nations, or for or against specific pieces of US foreign policy, as well as issuing the very same sort of statements from their particular ideological position as does HAF. As you undoubtedly know, “Foreign Principals” within the FARA framework are not limited to foreign ruling parties or foreign government agencies. Since you brought up FARA registrant Overseas Friends of BJP-USA, it’s curious why your focus is on HAF instead of their direct partisan counterpart, Indian Overseas Congress (IOC), USA. IOC, USA describes itself as an American 501(c)(3) nonprofit organization in its [bylaws](#), prominently (albeit erroneously) features Sonia Gandhi as INC President on its website, and lists allegiance to the Constitution of the Republic of India as one of its key values. Yet to our knowledge, neither the Indian National Congress, nor IOC USA have registered as Foreign Principal or Registrant respectively. Furthermore, there is also plenty of publicly available evidence they directly interact with, and espouse the same partisan rhetoric as, organizations such as [Hindus for Human Rights](#) and the [Indian American Muslim Council](#). Have you reached out to INC regarding why they haven’t registered as a Foreign Principal, or IOC, USA, Hindus for Human Rights, and IAMC regarding why they haven’t filed as a FARA Registrant?

In response to specific questions not mentioned above:

As for tracking anti-Hindu elements in the media, HAF does not comment on individual donors. However, broadly speaking, as do many religious community organizations, HAF does regularly monitor media for how our community is portrayed in the news, entertainment, and social media. We aim to correct inaccuracies, point out stereotypes, shine a light on biases or bigotry in presentation of Hindu beliefs and of Hindus as a community whenever we see them. We have proactively worked with numerous shows, creators, and writers to present Hinduism with nuance and accuracy. In this regard, our work is no different than the hundreds of other education and advocacy focused nonprofits representing diverse ethnic, religious, or diaspora communities throughout the US. HAF is hardly the only such organization that sees direct links between the demonization of their ancestral or spiritual homeland and the welfare of their community here in the US.

Regarding the Dismantling Global Hindutva conference, there was no coordination between HAF and Ram Madhav nor the RSS on any aspect of our advocacy outreach regarding that event, or any other issue for that matter. HAF's activity regarding this conference was in furtherance of its charitable purpose, as directed by its independent Board of Directors. Social media statements decrying Hinduphobic events such as Dismantling Global Hindutva conference were commonplace by hundreds of thousands if not millions of Hindus from diverse backgrounds across the globe, as was recognition of the efforts of Hindu Americans in standing up for their rights and pushing back against such hateful conferences. The "situation" referred to by Suhag Shukla in the video you reference was that a conference organized by several scholars with demonstrated anti-Hindu and anti-India activism, to the point of bigotry in many cases, was being falsely promoted as having official backing or endorsement of the 60+ universities listed, when in fact it didn't. This is why within 48 hours of HAF launching our letter writing campaign to the over 60 universities listed, the organizers were forced to take down every single university logo, which were likely used without permission.

To your question asking for clarification on the differences between the Overseas Friends of the BJP (registered under FARA), HAF is an independent, mission-driven, non-political 501(c)(3) organization that defines and executes on its own mission to educate and advocate for Hindu Americans. Our positions on issues are the result of our independent assessment of the facts, our values, and our direct consultation with the Hindu American community. We believe that FARA registration is not required merely because an organization's positions overlap with those of a foreign principal.

Regarding the June 2017 Indian embassy event you reference, HAF participated along with numerous other community organizations in this event celebrating the Indian American diaspora. This is no different than the involvement of other ethnic/religious organizations participating in similar events. HAF did not receive funding from a foreign source for this event nor does this event demonstrate a relationship between HAF and any foreign principal.

As for HAF's internship program, now discontinued, HAF provided a wide range of opportunities for student interns to work in diverse policy spaces in Washington DC. As for the specific intern in question, prior to spending three months as a summer intern with the Embassy of India, she also interned with the Kurdistan Regional Government Representation in the United States, the United States House Committee on Foreign Affairs, Congressman Edward R Royce, and the US Department of Commerce. She went on to intern with APCO Worldwide.

HAF and HAPAC Are Two Distinct Independent Legal Entities

As a point of fact, regarding the relationship of HAPAC and HAF, you have made a basic error of research. Though there are people named Sheetal Shah involved in each, these are two different people, one male (at HAPAC), one female (at HAF).

There is no functional overlap between these two independent organizations, nor meaningful communication. It is common and completely within the confines of US 501c3 law for members of nonprofit boards to also serve on boards of political action committees in their personal time.

Miscellaneous Questions and Comments

As to the nature of the relationship between HAF and Bharat Barai: Mr. Barai has made donations to HAF and organized one fundraiser in furtherance of HAF's general charitable purpose to support the Hindu American community. Mr. Barai has never served as an officer or director of HAF, and has had no influence over HAF operations, nor has Mr. Barai's communication with HAF given rise to any arrangement in which HAF served the interests of a foreign principal.

As a point of fact, your description of Yana Mir as an activist is inaccurate. Yana Mir is primarily a journalist. Because she may have a different viewpoint on Kashmir, and the abrogation of Article 370 of the Indian Constitution, than you or Al Jazeera very well may makes her no less of a reporter. Your description of Mir as an activist here comes across as condescending and pejorative, and we believe is intentional.

Regarding the final questions presented to us: Our advocacy efforts are self directed and mission driven. We operate in furtherance of the Hindu American community and not as an agent of, in the interest of, or on behalf of any foreign principal. The mere fact that our positions overlap with those of a foreign principal is not enough to show that we are a foreign agent. We have never coordinated with the Indian government, through the Indian Embassy in DC or otherwise. HAF has never received any money from the Indian government; all of our tax returns are publicly available as required by applicable US law. HAF is not affiliated with the Indian government or the BJP in any manner.

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