

Setback for HAF, injunction motion denied

SAM RAO

Sacramento, Calif

IN another twist to the controversy over changes in the social science and history textbooks distributed by the California State Board of Education (SBE) for sixth grade students, the Hindu American Foundation (HAF) suffered a major setback on April 21. A Superior court, presided by Judge Patrick Marlette, denied an injunction motion forwarded by HAF seeking to stop SBE from printing the textbooks until its case against SBE is tried. The foundation had asked the court to reverse a March 8 decision by the board to reject several edits and changes submitted by HAF and others.

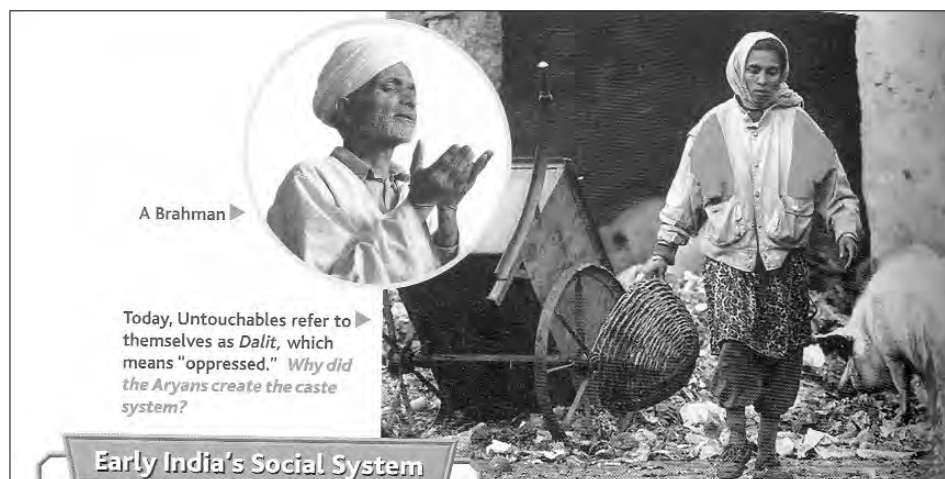
Earlier, on March 21, a Superior court judge denied another temporary restraining order (TRO) sought by HAF to stop the textbook approval process itself. The judge also rejected a plea by HAF to be allowed to attend closed meetings between the CSBE and the publishers.

The latest court decision means that now the publishers can implement edits and corrections approved by the SBE. It is expected to be resubmitted to the state by the end of June, before they are released to schools for distribution.

Interestingly, the court verdict has brought out in the open the countours of this faction-ridden campaign. While various leftist groups, like the Friends of South Asia (FOSA), Coalition against Communalism (CAC), EKTA, Campaign to Stop Funding Hate (ASFH), among others, have welcomed the decision, a number of Hindu-oriented groups, including the HAF, the Hindu Education Foundation and the Vedic Foundation have criticised the decision.

FOSA, for instance, released a statement soon after the verdict applauding the decision and claimed that the SBE's March 8 was supported by a majority of the South Asian community as well as over two hundred scholars and university teachers specializing in Asian history and religion.

TEXTBOOK CONTROVERSY



Hindu Brahmin wrongly shown as a Muslim praying in CA textbook for 6th grade students

FOSA claimed that the scholars' declaration challenged the changes sought by HAF as historically inaccurate, and also alleged that the foundation was trying to impose its Hindu nationalist ideology with the changes. Signatories to the scholars' declaration include D.N. Jha, president of Indian History Congress, Suvir Kaul, Director of the South Asia Center at the University of Pennsylvania, and Stephanie W. Jamison (Watkins), Professor of Asian Languages and Cultures, and Head of the Program in Indo-European Studies, University of California, Los Angeles.

To oppose HAF injunction, FOSA and others filed a Friends of the Court brief (Brief Amici Curiae) on April 18 questioning HAF's legitimacy to speak on behalf of Americans who profess Hinduism. "The Amici directed the court's attention to the sectarian political ideology driving the changes being demanded by the HAF, HEF & VF, and the fact of these organizations being the US-based institutional fronts of the broader Hindutva movement, a supremacist movement whose cur-

rent interest in rewriting school textbooks in the United States demonstrably comes from the movement's failure to impose its textbook agenda in India," said FOSA in an official press statement.

The HAF too released a statement on the court injunction, asserting that Judge Marlette, in his ruling, said he was "troubled" by the process followed by the SBE. HAF further said that Judge Marlette requested that the Hindu groups and the SBE confer to, among other things, provide a schedule to resolve the case before the textbooks in question are distributed this fall. "For that reason, Judge Marlette denied the injunction in favor of a schedule that will bring this case to a resolution before the school year," said the statement.

"We are pleased that Judge Marlette agrees that the procedure followed thus far by the SBE in relation to Hindus is problematic," said Suhag Shukla, Esq., legal counsel of HAF. "We are disappointed that the preliminary injunction was denied, but remain confident that we will prevail in our goal of providing California

schoolchildren a fair and balanced depiction of Hinduism and intend to continue with the legal process to its completion."

HAF released another press release on April 26, seeking to correct "false media reports on the court hearing". Citing several media reports declaring "defeat of Hindutva forces etc", HAF stated that they actually "relied on motivated and biased interpretations of an amateur writer who gained recent notoriety for his anti-Hindu blog".

Adds Shukla: "According to some reports, the judge rejected HAF's claims 'on the merits'. In truth, the judge never decided any such thing. Clearly there is a fundamental lack of understanding as to the standard of proof required for preliminary injunctive relief. It's difficult to obtain-particularly against the government. More importantly, this particular denial has no bearing on the ultimate outcome of the case."

Meanwhile, Fremont physician Mihir Meghani, also HAF founder and president, said he was disappointed by the court's verdict and insisted the court ruling was not based on the merits of the case. He expressed hope that the foundation's lawsuit could still be successful in preventing publication of the textbooks because the court is yet to select a date for further hearings on the lawsuit.

According to media reports, Meghani said: "The standard for an immediate injunction is actually higher than it would be at a trial. The judge felt the books could still be changed (after the lawsuit goes to trial). We were also happy that the judge said he was troubled by procedural problems." Meghani also revealed that fundraising will continue to meet the expenses of the legal team and ongoing campaign. While HAF's declared goal is to raise \$200,000 for its legal defense fund, so far only about \$42,000 has been raised.

In all this, says a concerned parent of a sixth grader: "Why can't we focus on the nearly 70 percent edits and corrections all sides agreed on. Looks like (our) children are being used as pawns in a political and ideological battle."

California Al-Qaeda case: Son found guilty, mistrial for father

SAM RAO

Lodi, Calif

A FEDERAL jury convicted US citizen Hamid Hayat (23) on April 25 for supporting terrorists by attending an Al-Qaeda training camp in Pakistan three years ago. A separate hearing for his father, 48-year-old Umer Hayat, ended in a mistrial as the jury could not reach consensus. The father-son duo have been in custody since June 2005.

Lodi, an agricultural town about 40 miles south of the state capital Sacramento, has seen its share of investigations in the past with dozens of Federal Agents descending on the town and questioning residents, especially of Pakistani and South Asian origin. Lodi also has a 2,500-member Pakistani population with an Islamic mosque also embroiled in illegal fundraising activities and controversial management practices. The investigations by federal agencies started after a tip-off in 2001 that local Muslim businessmen were sending money to terrorist groups abroad.

Investigation led to the arrests of Hamid Hayat, a seasonal farm worker and his father Umer Hayat, an ice-cream truck driver. While Hamid was convicted of one count of providing material support to terrorists and three counts of lying to the FBI, on the same day, a separate jury deadlocked on a case against his father was declared a mistrial. Umer has been charged with two counts of lying to the FBI about his son's involvement in the training camp.

Although it was one of the most sensational cases last year, with some calling it the "busting of a possible sleeper terrorist cell in California", no evidence of a terror network was presented during the trial. The conviction was obtained based on videotaped confessions the men gave to FBI agents and a government informant, Pakistani-American Naseem Khan, who was recruited by the FBI in 2001 to infiltrate the Pakistani community in Lodi and later to secretly record hundreds of hours of conversations. The informant's credibility was severely challenged in

court by defense attorneys. Court documents also revealed that the FBI hired Khan as an informant after giving him about \$220,000 in pay and expenses.

Prosecutors asserted that Hamid had "a jihadi heart and a jihadi mind", and was trained in Al-Qaeda camps in Pakistan for two years, and possible targets in the US included hospitals, banks and grocery stores. In closing arguments, a prosecutors said the case was intended to prevent terrorist attacks "long before anybody is hurt". However, no evidence was presented to show that such attacks were imminent or even planned.

The videotaped confessions used against the men sealed the son's fate, which defense lawyers said was a result of extreme stress and prolonged questioning, which made the father and son confess to anything the interrogators wanted. At least one jury was not convinced by the argument. Reports indicate that prosecutors and defense attorneys will meet in court on May 5 to decide on a retrial for the father.

John K. Galbraith, who held a mirror to society, dies at 97

JASON SZEP

Boston

JOHN Kenneth Galbraith, an influential liberal economist, best-selling author and former presidential advisor, died on April 29. He was 97. He also served as the US ambassador to India in the 1960s.

A Harvard professor emeritus and advisor to presidents Bill Clinton, John F. Kennedy and Lyndon Johnson, Galbraith died at Mount Auburn Hospital in Cambridge, Massachusetts, where was admitted two weeks ago, his biographer said.

"He had been in failing physical health for several years but his mind was incredibly alert right up until the last couple of months," Harvard economist and biographer Richard Parker, who was with Galbraith when he died, said.

The Canadian-born economist, one of the towering economic thinkers of the century, often found himself at odds with

the mainstream ideas of the day but delighted in his stubborn defense of principle.

A lifelong Democrat, Galbraith saw the widening gap between the richest and the poorest as a threat to economic stability and a "moral crime," said Parker, author of *John Kenneth Galbraith: His Life, His Politics, His Economics*.

Galbraith's best-selling work, *The Affluent Society*, published in 1958, advocated large government investment in parks, transportation, education and other public amenities to narrow disparities between rich and poor.

An early opponent of the Vietnam War and outspoken critic of supply-side economics which dominated the 1980s, Galbraith taught for more than a half a century at Harvard University where few colleagues—with the marked exception of Henry Kissinger—had as much influence on American policy.

—Reuters

