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April 19, 2021

VIA EMAIL AND OVERNIGHT MAIL

Audrey Truschke, Associate Professor of South Asian History
Rutgers, The State University of New Jersey
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Re: Hindu American Foundation – Legal Demand for Retraction and Apology

Dear Professor Truschke:

This firm is litigation counsel for the Hindu American Foundation (“HAF”). We write regarding the false and defamatory statements of and concerning HAF (the “Defamatory Statements”) that you published on <https://twitter.com/AudreyTruschke> (“Your Twitter”), and republished from stories on www.aljazeera.com, one from on or about April 2, 2021, entitled *Hindu right-wing groups in US got \$833,000 of federal COVID fund [:] Five groups linked to Hindu nationalist organisations in India received direct payments and loans in federal relief fund[.]* (the “First Story”), and another from on or about April 8, 2021, entitled *Call for US probe into Hindu right-wing groups getting COVID fund [:] Following an Al Jazeera report, US-based Coalition to Stop Genocide in India demands investigation into federal funds given to ‘sponsor hate’[.]* (the “Second Story”) (collectively, the “Stories”).

You made the following Defamatory Statements of and concerning HAF on Your Twitter:

1. “Five organisations with ties to Hindu supremacist groups - - known for promoting religious bigotry, trying to stifle academic inquiry, and engaging in violence in India - - received US federal relief funds[.]” posted on or about April 2, 2021 in conjunction with your publication of the First Story.
2. “The 5 groups - - [¶] 1) Washington-based Hindu American Foundation (HAF)... [¶] The article details some of each group’s links with the RSS... [¶] Review on the RSS- [¶] A paramilitary organization [¶]; Promotes Hindu supremacy [¶]; Uses coercion and violence [¶]; Their most well-known contribution to world history is that an RSS man assassinated Mahatma Gandhi. [¶] (full disclosure, RSS people also may be involved in recent attacks on me)[.]” posted on or about April 2, 2021 in conjunction with your publication of the First Story.

3. “Brian Levin, professor of criminal justice and director of Center for the Study of Hate and Extremism at California State University, San Bernardino, raised concerns about COVID relief funds and loans being extending to organisations with ties to hardline groups[,]” posted on or about April 2, 2021 in conjunction with your publication of the First Story.
4. “‘Americans should be highly concerned that taxpayer-funded stimulus relief is being used by organisations and affiliates that have disturbing ties to those allegedly engaging in religious violence and bigotry overseas,’ Levin told Al Jazeera[,]” posted on or about April 2, 2021 in conjunction with your publication of the First Story.
5. “To add a personal note -- Some of the groups mentioned here, especially HAF, have participated in a recent coordinated effort attacking me. [¶] That efforts has involved targeted harassment of me and others and violent threats. [¶] This is a huge red flag for a US-based organization[,]” posted on or about April 2, 2021 in conjunction with your publication of the First Story.
6. “Indian Americans of diverse backgrounds call for probe of US-based Hindu nationalist groups. [¶] As a scholar of South Asia, I can attest that some of these groups spread hate & use intimidation tactics. [¶] These things are dangerous and unwelcome on US soil[,]” posted on or about April 8, 2021 in conjunction with your publication of the Second Story.
7. “Here we have a board member [Rajiv Pandit] of the Hindu American Foundation -- known to promote Hindutva ideology in the US -- employing aa anti-Semitic trope to attack the authors of a recent opinion piece on human rights abuses in India[,]” posted on or about April 13, 2021.
8. “On the Hindu American Foundation’s Hindutva agenda and its long-standing opposition to human rights concerns:
<http://www.coalitionagainstgenocide.org/press/cag.pr.07apr2014.php>[,]” posted on or about April 13, 2021.
9. “Full disclosure that the HAF Board member in question [Rajiv Pandit] has been going after me, along with a growing list of people, in recent days[,]” posted on or about April 13, 2021.

You are also liable for republication of the following Defamatory Statements from the First Story:

10. “Hindu right-wing groups in US got \$833,000 of federal COVID fund[.]”
11. “Five groups linked to Hindu nationalist organisations in India received direct payments and loans in federal relief fund.”

12. “Five organisations with ties to Hindu supremacist and religious groups have received COVID-19 relief funding amounting to \$833,000, according to data released by the United States’ Small Business Administration (SBA), a federal agency that helps small business owners and entrepreneurs.”
13. “Of the five organisations, the Hindu American Foundation (HAF), a Washington-based advocacy group co-founded by former VHPA activist Mihir Meghani, received the lion’s share of federal funds with \$378,064 in PPP loans and another \$10,000 in EIDLA.”
14. “Though the HAF claims to be a ‘non-partisan organisation’, it has open links with RSS members. Ramesh Bhutada’s son Rishi is a member of the HAF board of directors and its treasurer.”
15. “New York-based Sunita Viswanath, co-founder of Hindus for Human Rights, expressed concern that the US pandemic relief funds might end up furthering hate campaign against Muslims and other minorities in India.”
16. “All these organisations are sympathetic to the Hindu supremacist ideology. Their parent organisations continue to spread hatred in Hindu communities towards Muslims and Christians,” she told Al Jazeera.”
17. “Any American non-profit that perpetuates Islamophobia and other forms of hate should not receive federal relief funds in any form.”

You are also liable for republication of the following Defamatory Statements from the Second Story:

18. “Call for US probe into Hindu right-wing groups getting COVID fund[:] Following an Al Jazeera report, US-based Coalition to Stop Genocide in India demands investigation into federal funds given to ‘sponsor hate’.”
19. “Last week, Al Jazeera reported how five Hindu right-wing groups with links to Hindu nationalist organisations in India received more than \$833,000 in direct payments and loans, according to data released by the Small Business Administration (SBA), a US federal agency that helps small business owners and entrepreneurs.”
20. “A statement issued by the Coalition to Stop Genocide in India this week said the Hindu groups that received the funds have ‘existential links’ with the Rashtriya Swayamsevak Sangh (RSS), the ‘fountainhead of Hindu supremacist ideology’ and ‘ideological parent’ of Prime Minister Narendra Modi’s Bharatiya Janata Party (BJP).”
21. “The coalition’s statement said the five groups – Vishwa Hindu Parishad of America (VHPA), Ekal Vidyalaya Foundation, Infinity Foundation, Sewa International and

Hindu American Foundation (HAF) – are ‘US-based front organisations for Hindutva, the supremacist ideology that is the driving force behind much of the persecution of Christians, Muslims, Dalits and other minorities in India’.”

22. “‘US taxpayers’ money being used to keep hate groups in business is absolutely unacceptable and should concern all who believe in fairness, justice and government accountability,’ said Rasheed Ahmed, executive director of Indian American Muslims Council (IAMC).”
23. “‘There are families across America still reeling from the human and economic toll of COVID-19, while groups that seem to be essentially serving as front organizations for a violent and supremacist ideology are raking in the windfall from federal COVID funding.’”
24. “‘The rise of HAF and other organisations linked with Hindutva has emboldened Hindu supremacist organizations in India, while also stifling the moderate Hindu voices here in the US,’ said Rajagopal.”
25. “‘Government watchdog groups as well as human rights organisations need to take serious note of the misappropriation of COVID funding by Hindu supremacist groups the United States,’ said John Prabhudoss, chairman of Federation of Indian American Christian Organisations (FIACONA).”
26. “‘A comprehensive probe and corrective action is needed to ensure that hard-working American taxpayers’ money is not funneled towards sponsoring hate, persecution and the slow genocide of minorities and marginalised communities in India.’”

The Defamatory Statements falsely accuse HAF of contributing to and/or perpetuating heinous and despicable crimes against humanity – acts of massacres, ethnic cleansing, terrorism, forced-conversions, and other forms of violence against, and subjugation of, religious minorities in India. The Defamatory Statements falsely accuse HAF of participating in a coordinated effort to attack you, including falsely stating that HAF made violent threats against you. The Defamatory Statements falsely claim that HAF not only serves as a “front” for the Hindu nationalist and supremacist organizations, but that it used U.S. Government COVID relief funds to funnel money to those organizations. These false accusations are defamatory *per se* and are highly damaging to HAF.

In truth, HAF is a wholly independent, non-partisan and non-profit American organization. HAF was founded by second-generation Hindu Americans born and raised in the United States, and has no affiliation or ties to any organizations or political parties in the U.S. or abroad. HAF is not a lobbying organization. As a 501(c)(3) non-profit under the IRS, HAF is a regulated advocacy group dedicated to a charitable purpose, and educates policymakers on relevant issues. HAF abides by the strict 501(c)(3) mandates limiting lobbying and other legislative activity. Neither HAF nor Rishi Bhutada are members of RSS. Indeed, HAF seeks to serve Hindu Americans across all sampradaya (Hindu religious traditions), regardless of race,

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color, national origin, ancestry, citizenship, gender, sexual orientation, age and/or disability. HAF is committed to and actively engaged in promoting dignity, mutual respect, pluralism, and the greater good of all. HAF does not contribute any funds, whether COVID relief or otherwise, to subvert minorities and/or spread Hindu nationalism and supremacy in India. HAF does not provide money to RSS or anyone affiliated with RSS. HAF only donates to two organizations abroad: one that assists Hindu refugees from Pakistan and another that assists Hindu minorities in Pakistan. No HAF staff or board member, or any other person authorized to speak on behalf of the organization has made or been involved in making violent threats against you.

Your publication and republication of the Defamatory Statements of and concerning HAF was made with knowledge of their falsity, or reckless disregard for the truth. There is extensive, publicly available information, contradicting the Defamatory Statements. Indeed, HAF has a page on its website specifically dedicated to its financials, which offers its Form 990s, Audited Financial Statements, reports on “Your Dollars in Action,” a video regarding its Annual Report, the more recent editions of the Semi-Annual Newsletter, and a Statement on Grants Issued ensuring compliance with the Office of Foreign Assets Control (OFAC) of the US Department of the Treasury.

As a tax-exempt non-profit, HAF is required to annually submit Form 990s to the IRS, which document HAF’s mission, exempt and other activities, finances, governance, compliance with certain federal tax filings and requirements, and compensation paid to certain persons. These filings, which must be made public, ensure that non-profits like HAF conduct their organization in a manner that is consistent with its public responsibilities. They include, at minimum, detailed breakdowns and schedules of financials such as: 1) Compensation of Officers, Directors, Trustees, Key Employees, Highest Compensated Employees, and Independent Contractors; 2) Statement of Revenue; 3) Statement of Functional Expenses; 4) Balance Sheet; 5) Reconciliation of Net Assets; 6) Schedule of Contributors; 7) Political Campaign and Lobbying Activities; 8) Supplemental Financial Statements; 9) Statement of Activities Outside of the United States; and 10) Grants and Other Assistance to Organizations, Governments, and Individuals in the United States. These Form 990s document HAF’s compliance with the lobbying restrictions for 501(c)(3) non-profits. Further, HAF’s financials have been annually audited and reviewed by a third party controller for the past five (5) years, the most recent Reports of which are publicly available on HAF’s website.

HAF’s publicly available and readily accessible financials and other documents directly contradict the Defamatory Statements and establish that no funds were provided by HAF to any alleged Indian nationalist or supremacist organizations. HAF’s Form 990s are also available on GuideStar.org, a watchdog platform regarding charities. HAF has proudly been awarded the 2021 Platinum Seal of Transparency, the highest level of recognition offered by GuideStar, due to HAF’s extensive reporting on contact and organizational information, in-depth financial data, qualitative metrics about goals, strategies, and capabilities, and quantitative results and progress towards achieving HAF’s mission. Because there were obvious reasons to doubt the accuracy of the Defamatory Statements, you had an obligation to verify the truth, which you failed to do, thereby demonstrating that you published and republished the Defamatory Statements with actual malice.

Your publication and republication of the Defamatory Statements constitutes libel *per se*. Remedies for your legal violations include, among others, actual damages, special damages, punitive damages, and injunctive relief.

In light of the foregoing, demand is hereby made that you:

1. Promptly remove the foregoing false and defamatory statements from Your Twitter and any other publication under your direction or control, including Your Website;
2. Publish a full, fair and conspicuous retraction, correction and apology on your website(s) and social media account(s), including but not limited to <https://twitter.com/AudreyTruschke> and <https://www.audreytruschke.com/>, in a form approved by our office, with as prominent placement as the original statements; and
3. Cease and desist from publishing further false and defamatory statements about HAF relating to the subject matter of the Stories.

Please confirm in writing within **twenty-four (24) hours** of the transmission of this letter that the foregoing demands will be, and are being, fully complied with. Failure to do so will leave our client with no alternative but to consider instituting immediate legal proceedings against you. Should that occur, HAF will pursue all available causes of action and seek all available legal remedies to the maximum extent permitted by law.


You are officially on notice of this dispute and therefore you are required to undertake steps to affirmatively preserve, and not delete, any and all physical and electronic documents, materials, information, and data that pertain in any way to the Stories and/or our client, including without limitation all emails, text messages, instant messages (IMs), letters and memoranda, articles, and social media postings (including all drafts as well as final versions of all written communications), as well as all other types of written, physical and digital materials including handwritten notes, typewritten notes, summaries, charts, receipts, audio recordings, video recordings, photographs, telephone call logs, calendar entries of all types, financial data and information, etc. that pertain in any way or might otherwise be relevant or related to the foregoing matters. All sources of documents, materials, information, and data should be preserved, including without limitation, physical files, electronic and digital files, computer servers, email servers, backup tapes, cloud storage, personal computers, hard drives, smart phones, tablets, and other types of storage devices including external drives, thumb drives, zip drives, disks and DVDs. Failure to affirmatively preserve such documents and materials could result in severe sanctions imposed by a court which could include, among other remedies, monetary sanctions, evidentiary sanctions, issue sanctions and/or the striking of an answer and entry of a default judgment.

This letter is not intended as a full or complete statement of all relevant facts, applicable law, causes of actions or legal remedies, and nothing herein is intended as, nor should it be deemed to constitute, a waiver or relinquishment of any of our client's rights, remedies, claims or causes of action, all of which are hereby expressly reserved.

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We look forward to your immediate response to this letter.

Very truly yours,



RYAN J. STONEROCK OF
HARDER LLP

cc: Gary D. Farney (gfarney@rutgers.edu)
Client
Jordan A. Gonzales, Esq.