

HINDU AMERICAN FOUNDATION

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September 22, 2020

The Honorable James Lankford
U.S. Senate
316 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Lankford:

We write to you to express serious concerns about your September 4, 2020 letter to Secretary of State Mike Pompeo regarding recommendations made by the United States Commission on International Religious Freedom (USCIRF) when determining designations of Countries of Particular Concern (CPC). We ask that you reconsider your request to the State Department regarding India and also ask that you conduct a review of USCIRF recommendations prior to adopting them as your own given that body's troubled past and inherent challenges.

USCIRF's attempt to categorize the secular and democratic Republic of India as a CPC, and falsely equate it with countries like Afghanistan, Pakistan, Saudi Arabia, Iran (all nations that have an official religion that renders non-adherents as second class citizens) and China (a brutal communist state that institutionally restricts religion and is currently committing religious genocide against its Uighur Muslim population), raises serious questions about the legitimacy of USCIRF's research, analysis, and conclusions in this instance. In that light, we encourage Congress to seek greater insight into USCIRF, a non-elected, quasi-governmental, taxpayer funded bureaucracy with little oversight.

India is by no means perfect. But USCIRF's framing of the country's challenges in religious freedom terms belies ground realities, especially for a nation that is the only safe haven for persecuted religious minorities in South Asia. Moreover, it has specifically censured India for its Citizenship Amendment Act (CAA), a law nearly identical to our country's Lautenberg-Specter Amendment, which creates a presumption of religious persecution for certain religious groups from select countries. The key difference between our law and India's is that the CAA provides a shorter residency requirement for citizenship and has a cutoff date so it applies to only those persecuted refugees who fled to India before December 31, 2014. The Lautenberg Amendment is indefinite.

To put the world's largest secular democracy on the CPC list and ask for sanctions would be unprecedented, and could not only damage the vital US-India bilateral partnership but impact America's interests in stability in the region.

USCIRF's misrepresentation of India is a symptom of a much deeper problem stemming from that organization's lack of transparency and, quite frankly, lack of expertise, made worse by personal

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agendas driven by part-time, politically appointed Commissioners, who very often lack the requisite credentials or experience.

For example, a 2017 *Foreign Affairs* article, *How the U.S. Promotes Extremism in the Name of Religious Freedom*, aptly observed the process behind USCIRF's reports:

“An inherent problem with the current system concerns the accuracy of the evidence on which USCIRF bases its conclusions. Because the commission's mandate is to cover the entire globe, it rarely conducts original research, relying instead on reports from local and international NGOs. It then recycles these reports, without independently verifying their accuracy, and puts the U.S. government's stamp of approval on them. Worse, the USCIRF provides no specific information on the sources of their data beyond naming NGOs and opposition media. In other words, the reader has no basis for verifying the commission's data. A further problem with this approach is that many NGOs are highly partisan groups that make no pretense of hiding their agenda, whether it is to actively support a government or to bring it down.”

As you may know, USCIRF is not subject to the Freedom of Information Act, thus their meetings, internal communications, and proceedings are not available to the public. According to many objective observers, USCIRF's ability to operate in the shadows allows commissioners the space to steer the noble and benevolent intentions of the body towards personal interests, thus making their research and findings vulnerable to charges of bias and arbitrariness by foreign governments and faith communities.

These inherent problems have led to releases like USCIRF's 2017 special report, *Constitutional and Legal Challenges Faced by Religious Minorities in India*. The Commission hired a known Pakistani political operative by the name of Iqtidar Cheema to author the report. Numerous factual errors in the report led our Foundation to conduct some background research on Cheema. We uncovered that Cheema worked for a front organization of Hamas-affiliated Muslim Hands UK (please see attached fact sheet). Cheema also has a public record of promoting the Pakistan Inter-Services Intelligence agency's violent terrorist-separatist movements in India's Kashmir and in Punjab. USCIRF administrators and commissioners have yet to clarify their vetting process to us or explain to the American people how it hired a Pakistani agent to write a report on India for a U.S. government body and why it hasn't withdrawn the report even after learning about the dubious and dangerous affiliations of its author.

Very often USCIRF recommendations are at odds with well-known and widely-accepted U.S. foreign policy priorities such as democracy and secular governance, that, while the primary aims may not be religious freedom, are integral to supporting it. For example USCIRF's censure of Tajikistan and Kazakhstan has been reported as undermining the State Department's counterterrorism efforts and ties with these countries.

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As an advisory body whose sole purpose is to produce non-binding recommendations to the State Department and President, USCIRF's currency is credibility. But credibility for the commission has been elusive since its inception for the reasons highlighted above.

As requested above, we urge you to seriously reconsider your call on the State Department to consider USCIRF's recommendations regarding India, and to conduct a thorough review of USCIRF recommendations prior to adopting them. We welcome the opportunity to speak with you further on this and other matters of mutual concern and interest.

Sincerely,

A handwritten signature in black ink, appearing to read 'Suhag A. Shukla', written in a cursive style.

Suhag A. Shukla, Esq.
Executive Director

CC:

- Sen. Chris Coons (D-DE)
- Sen. Chuck Grassley (R-IA)
- Sen. Marco Rubio (R-FL)
- Sen. Lindsey Graham (R-SC)
- Sen. Thom Tillis (R-NC)
- Sen. Tim Scott (R-SC)
- Sen. Joni Ernst (R-IA)
- Sen. Jacky Rosen (D-NV)
- Sen. Kevin Cramer (R-ND)
- Sen. Roger Wicker (R-MS)
- Sen. Steve Daines (R-MT)
- Sen. Chris Van Hollen (D-MD)
- Sen. Joe Manchin (D-WV)

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