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11 COALITION AGAINST COMMUNALISM
EKTA
12 FEDERATION OF TAMIL SANGAMS OF NORTH AMERICA
FRIENDS OF SOUTH ASIA
13 GURU RAVIDASS GURDWARAS OF CALIFORNIA

14 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

15 COUNTY OF SACRAMENTO

16 HINDU AMERICAN FOUNDATION,
17 ARJUN BHAGAT, YASHWANT
18 VAISHNAV, and RITA PATEL,

19 Petitioners/Plaintiffs,

20 v.

21 CALIFORNIA STATE BOARD OF
EDUCATION, and DOES 1-10,

22 Respondents/Defendants.

Case No. 06 CS 00386

**DECLARATION OF UNIVERSITY
FACULTY & SCHOLARS IN SUPPORT
OF BRIEF OF AMICI CURIAE
AMBEDKAR CENTER FOR JUSTICE &
PEACE, CAMPAIGN TO STOP FUNDING
HATE, COALITION AGAINST
COMMUNALISM, EKTA, FEDERATION
OF TAMIL SANGAMS OF NORTH
AMERICA, FRIENDS OF SOUTH ASIA,
AND GURU RAVIDASS GURDWARAS OF
CALIFORNIA IN SUPPORT OF
DEFENDANT CALIFORNIA STATE
BOARD OF EDUCATION'S OPPOSITION
TO PETITIONER'S MOTION FOR
PRELIMINARY INJUNCTION**

DATE: April 21, 2006
TIME: 10:30 a.m.
DEPT: 19 (Hon. Patrick Marlette)

1 We, the undersigned scholars of South Asia and its diasporas that instruct and conduct
2 research on South Asia, declare as follows:

3 1. We have personal knowledge of the facts stated herein, unless stated on
4 information and belief, and if called upon to testify to those facts we could and would
5 competently do so.

6 2. We are tenured and tenure-track faculty and research scholars at universities across
7 the United States and the world, including at California colleges and universities. Collectively,
8 we have expertise in historical and contemporary religious, social, economic, and political issues
9 about South Asia and South Asian diasporas.

10 3. As scholars of South Asia, we share concerns regarding textbook materials on
11 Hinduism and Indian history, and support curriculum that seeks to fairly represent multiple
12 cultures in the classroom. We contend that such curriculum must be accurate from a scholarly
13 perspective and mediated by the historical, anthropological, and sociological record, along with
14 the lived experience of diverse groups. While we may not completely agree with all of the
15 changes to the proposed textbooks approved by the California State Board of Education (SBE) on
16 March 8, 2006, we believe that the changes in the proposed textbooks are an important and
17 positive step in providing California school children with more accurate information on Hinduism
18 and Indian history than in the current textbooks, and, contrary to plaintiffs' claim, are not
19 derogatory.

20 4. Many of us have previously written and expressed our concerns to the SBE, see
21 attached Exhibits A & B.

22 5. We wish the Court to note that the plaintiffs' do not, indeed cannot, speak on
23 behalf of all Americans who are Hindus (numbering around one million), or for the global Hindu
24 community, with a membership of nearly 900 million individuals worldwide. The plaintiffs'
25 viewpoint presents a narrow, sectarian reading of Hinduism; moreover, the ideology represented
26 by their vision of India and Hinduism is demonstrably not shared by every member of the Indian-
27 American community, not to mention the larger global community of Hindus.

28 6. We object to plaintiffs' claims concerning the representation of Hinduism on the
basis of four broad principles. In making these points, we draw upon, and refer the Court to,
Exhibit C, which is a true and correct copy of the South Asia Center Title VI Textbook
Committee report on the existing textbooks and the proposed editorial changes as submitted to the
SBE, and available on the website: <http://southasiafaculty.net/catext/index.php>. **First**, Hinduism,

1 it is widely recognized by scholars and most practitioners alike, is constituted of diverse and
2 plural traditions, and consequently the religion cannot be reduced to a narrowly defined group of
3 texts and precepts. Many of the changes that plaintiffs seek will distort the distinctive character of
4 Hinduism by defining it exclusively as a monotheistic religion. Such a monolithic concept of
5 Hinduism, with Brahminical texts at its core, has been used extensively by Hindu supremacists in
6 recent years to delegitimize the various folk and syncretic traditions that give Hinduism its
7 vibrant, lived form. **Second**, Hinduism is an evolving tradition. To present Hinduism as formed in
8 the ancient period is misleading given the continual and ongoing transformation of Hindu
9 religious practice through its interaction with other religions including Buddhism, Christianity,
10 Islam, Jainism, and Sikhism, not to mention the vigorous debates among practitioners of the
11 Hindu faith itself. Moreover, principles we now associate with Hinduism such as “ahimsa” (non-
12 violence), while conceptually present in the early Upanishads, significantly draw from Buddhism
13 and Jainism that emerged as more egalitarian traditions in response to the caste hierarchies of
14 Hinduism. We believe that textbooks should enable students to discern both continuities and
15 changes in religious traditions from ancient times to the present. **Third**, Hinduism is implicated in
16 a complex system of social organization to which caste and gender hierarchies are integral. Social
17 relations in the ancient period should not be elided or romanticized since they have an important
18 bearing on how we understand South Asian society in subsequent historical periods. We note with
19 serious concern the attempts to eliminate references to groups historically exploited and
20 oppressed by the caste system, such as Adivasis (so-called “tribals”) and Dalits (formerly
21 “untouchable” groups). While we acknowledge that the textbooks do not adequately represent
22 some of the positive and enabling aspects of women’s roles in the Hindu tradition, we object to
23 the attempt to erase evidence of women's unequal treatment in ancient society in Vedic and other
24 texts. **Finally**, there is an overwhelming scholarly consensus that people speaking an Indo-
25 European language and known to history as Aryans came to India from elsewhere. Though there
26 is some debate over the specific nature of migration in the ancient period, reputable scholars are
27 convinced on the basis of linguistic and archaeological evidence that Indo-European language and
28 culture came into South Asia from outside.

7. The curriculum on Hinduism and Indian history as approved by the SBE represents a sizeable improvement over the earlier texts in attempting to present responsible scholarship that is sensitive to, and respectful of, religious and cultural difference. California schoolchildren are poorly served by textbooks that present skewed and doctrinaire views of a

1 major religion and ancient civilization, and the changes demanded by the plaintiffs will result in
2 the misrepresentation of the history of ancient India, and of the historical and contemporary
3 practice of Hinduism.

4 8. We certify under penalty of perjury under the laws of the State of California that
5 the foregoing is true and correct.

6 Executed this 18th day of April, 2006, at San Francisco, California.
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17 Angana P. Chatterji
18 Associate Professor of Anthropology, California
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1 **PROOF OF SERVICE**

2 I am a resident of the State of California, over the age of eighteen years, and not a party to
3 the within action. My business address is _____. On April 17, 2006, I caused to
4 be served the within document(s):

5 DECLARATION OF UNIVERSITY FACULTY & SCHOLARS IN SUPPORT OF BRIEF OF AMICI
6 CURIAE AMBEDKAR CENTER FOR JUSTICE & PEACE, CAMPAIGN TO STOP FUNDING HATE,
7 COALITION AGAINST COMMUNALISM, EKTA, FEDERATION OF TAMIL SANGAMS OF NORTH
8 AMERICA, FRIENDS OF SOUTH ASIA, AND GURU RAVIDASS GURDWARAS OF CALIFORNIA IN
9 SUPPORT OF DEFENDANT CALIFORNIA STATE BOARD OF EDUCATION'S OPPOSITION TO
10 PETITIONER'S MOTION FOR PRELIMINARY INJUNCTION; & PROOF OF SERVICE THEREOF

- 11 **BY FAX:** by transmitting via facsimile the document(s) listed above to the fax
12 number(s) set forth below on this date before 5:00 p.m.
- 13 **BY HAND:** by personally delivering the document(s) listed above to the person(s)
14 at the address(es) set forth below.
- 15 **BY MAIL:** by placing the document(s) listed above in a sealed envelope with
16 postage thereon fully prepaid, in the United States mail at Sacramento, California
17 addressed as set forth below.
- 18 **BY OVERNIGHT MAIL:** by causing document(s) to be picked up by an
19 overnight delivery service company for delivery to the addressee(s) on the next
20 business day.
- 21 **BY PERSONAL DELIVERY:** by causing personal delivery by _____ of
22 the document(s) listed above to the person(s) at the address(es) set forth below.

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22 I am readily familiar with the firm's practice of collection and processing correspondence
23 for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same
24 day with postage thereon fully prepaid in the ordinary course of business. I am aware that on
25 motion of the party served, service is presumed invalid if postal cancellation date or postage
26 meter date is more than one day after date of deposit for mailing in affidavit.

27 I declare under penalty of perjury under the laws of the State of California that the above
28 is true and correct.

Executed on April 17, 2006, at Sacramento, California.

[INSERT NAME]