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March 3, 2006

**VIA MESSENGER DELIVERY**

California State Board of Education  
1430 N Street, Suite 5111  
Sacramento, CA 95814

RE: TEXTBOOK ADOPTION / SIXTH GRADE SOCIAL SCIENCE

Dear Board Members:

I write once again on behalf of the Hindu American Foundation. To say that HAF was extremely disappointed at the conduct of the Board subcommittee on February 27, 2006 would be understated. It was apparent from the complete lack of deliberation that the "public hearing" portion of the meeting was a complete sham and that the critical decisions had been made privately in advance of that meeting. We expect that the Board will be requested to approve the subcommittee's recommendations at its March meeting without any real further deliberation. We urge you to deny this request. **Taking such action to approve the subcommittee's recommendations will almost certainly trigger litigation over the Board's approvals of these textbooks, delay their submission to the publishers and involve the courts in a detailed review of the Board's textbook approval process.**

On November 9, 2005, this body took final action on these texts and referred the matter back to the Curriculum Commission to complete the edit and corrections process. We have no doubt that the direction to the Commission was the result of the letter received from Prof. Witzel and a conclusion by SBE/CDE staff -- reached without subjecting the letter to any critical public review -- that the edits and corrections previously approved by the Ad Hoc Committee should be reversed. Fortunately from the point of view of the public and the Hindu community, the Curriculum Commission did not treat the issue as simply siding with either the Ad Hoc Committee or Professors Witzel and Heitzman; instead the Commission actually reviewed the edits and corrections under consideration, one by one --- an action never taken by this body. It is critically important that you understand that **the only time that the views of Professors Witzel and Heitzman were subjected to public scrutiny and debate, they were largely rejected.** After engaging in a lengthy discussion about the nature of these edits, the Commission determined that most of the edits and corrections recommended by the Ad Hoc Committee were, in fact, required by the California standards. We expect that a court of law would come to precisely the same conclusion.

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**All actions taken since the December 2, 2005 Curriculum Commission meeting have been in violation of the law.** Private determinations have been made and implemented to subvert the public process. The January 6, 2006 meeting was illegal. Determinations reached in that meeting formed the basis of the president's motion on January 12, 2006 to convene a five person subcommittee in one more attempt to reverse the public determinations. That motion was not properly agendaized nor was advance notice given as required by law. The January 12 action to form the subcommittee was illegal. We have detailed the actions taken and the violations of law that have occurred in a lengthy letter sent February 21, 2005. We will not repeat those details here, but attach the letter. Suffice it to say, the actual record varies significantly from the chronology presented by staff and should be reviewed carefully before the Board makes its final decision in this matter.

The February 27 meeting was not only illegal, but was yet another clear illustration that no real public deliberation on these matters has been contemplated since staff received the Witzel letter in early November. The public hearing period was nothing more than theater provided so that staff could later claim that there had been an "opportunity" for public comment. Nothing made this more evident than the complete absence of deliberation following the public comment, culminating in an obviously pre-arranged motion approved unanimously without discussion.

Although HAF has commented about these procedural irregularities at each stage, it has also endeavored to give the Board the benefit of the doubt at each stage, and tried to work constructively to improve the quality of the textbooks. These efforts have been completely rebuffed.

HAF has reached the end of efforts to cooperate and is prepared to litigate whether the Board acted properly in approving these textbooks. We have identified five areas (18 edits) where the staff recommendations are not only inadequate or internally inconsistent, but also inconsistent with the approach to edits and corrections taken with other religious groups. The following areas continue to require editing:<sup>1</sup>

- 1) Descriptions of the role and status of women in Hinduism should be neutral and consistent with the treatment accorded this issue in the context of other religions;
- 2) Descriptions of the caste system and "untouchables" should be historically accurate, placed in proper context and consistent with descriptions of those aspects of other religions or religious practices that have been rejected over time because deemed to be inequitable or inconsistent with the religion's core tenets;

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<sup>1</sup> These areas require editing throughout all texts. To the extent that the Vedic Foundation or Hindu Education Foundation have proposed edits on these issues that continue to be ignored by SBE, those edits are similarly required to make these texts legally compliant.

3) Descriptions of Hindu theology and its understanding of divinity must be consistent with the understanding of practicing Hindus;

4) Hinduism should not be unfavorably compared with other religions or made to appear as a more regressive or archaic belief system that evolved positively into other religious beliefs, particularly Buddhism;

5) The texts should only present the Aryan invasion or migration theories as one possibility, along with the alternative view that Hinduism is indigenous to India.

HAF reminds the Board that Hinduism is actually the third largest religion in the world, in terms of numbers of followers. California is the largest and most influential American audience for these texts. Accordingly, HAF considers the portrayal of Hinduism in these texts to be an issue of great importance to Hindus throughout the country, and is prepared to initiate litigation to correct the abuses of process that have occurred and to secure judicial assistance in ensuring that these texts meet the standards set by law.

Very truly yours,

**OLSON HAGEL & FISHBURN LLP**



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