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## The Myth of Neutrality: U.S. Implication, the Kashmir Insurgency, and the American Public Sphere

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### Abstract

This research will argue for the historical significance of interconnectedness between the United States and Kashmir by using military aid archives, government records, and intellectual history. Together they provide the context needed to dispel the myth of the United States' neutrality and reveal how Kashmir's existence in American public life predates Indian Prime Minister Modi's revocation of Article 370. Additionally, the guise of neutrality hides the impact of the United States' military investments before and during the Kashmir Insurgency, even when the developments in Kashmir distinctly shaped debates in the United States public sphere.

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In August 2019, Prime Minister Modi's revocation of Article 370 of the Indian constitution was at the forefront of mainstream politics and news in the United States. Article 370 was written after the creation of India and Pakistan to give autonomy to the Indian state of Jammu and Kashmir and limit the power of India's central government over the territory. The revocation propelled Kashmir into public discussions in the United States, as Americans who had never heard of Kashmir and the struggles of Kashmiris were moved by their fight for independence and autonomy. Kashmir became a new cause that American progressives and leftists deemed worthy of standing behind and many began to learn of the complex and violent history surrounding Indian and Pakistani claims to Kashmir's territory. Even though it was not a new issue, Kashmir's struggle for independence felt new — almost as if the revocation of Article 370 was the start of unjust violence, and not actually a continuation.

Publications flooded with think-pieces about the subject. Take Arif Rafiq's "In Afghanistan and Kashmir, It's the 1980s All Over Again" in *Foreign Policy*. Rafiq discusses the 1989 Kashmir insurgency, which was an uprising in response to the Indian government's corrupt occupation of Kashmir. Rafiq says in the piece that the United States should leverage its working relations with Pakistan and India to "facilitate a diplomatic process to resolve the Kashmir dispute." During and after the Cold War, American presidents have had a consistent policy on Kashmir. They have held that the dispute should be resolved bilaterally between India and Pakistan, with the United States maintaining a neutral position. In making the comparison between the 1980s and now, Rafiq foregrounds the history of violence and mistrust that shapes the current crisis. However, in essentially calling on the United States to finally intervene in Kashmir, Rafiq misses the point. If anything, both United States policy and public life have been intimately connected to Kashmir, and more specifically, to the 1989 Kashmir insurgency. Underneath the guise of neutrality, there exist more complex and consequential histories that, my research argues, must shape contemporary conversations in the United States around Kashmir. This essay will argue for the historical significance of interconnectedness between the United States and Kashmir by using military aid archives and intellectual history which together provide the context needed to dispel the myth and reveal how Kashmir's existence in American

public life pre-dates the revocation of Article 370.

## Returning to the 1980s: Military Aid and Human Rights

In the decade spanning 1984 and 1994, after Pakistan had gained substantial military resources from the United States, the connection between Kashmir and the United States transitioned from one of strategic distance into one of increasing interconnectedness. The 1989 Kashmir insurgency was a turning point, as it revealed that the United States was actually implicated in the violence, thus dispelling the myth of neutrality. The first form of implication was the United States' direct relationship with, and military aid to, Pakistan. Declassified Central Intelligence Agency archives and American news coverage explain the mechanisms of how policy was decided in the context of military aid to Pakistan and how the military aid funneled through the Inter-Services Intelligence contradicts the United States' alleged neutrality. The Inter-Services Intelligence is Pakistan's largest intelligence service, and to this day is considered, by Pakistan's Prime Minister Imran Khan, as the country's "first line of defense." During the Cold War, United States funding that enabled the Afghan opposition to the Soviet army in the Soviet-Afghan War shaped the Kashmir insurgency in 1989. The United States, in the 1980s, was less concerned with how funding the Inter-Services Intelligence would affect the stabilization of Kashmir, and more concerned with the politics of "spreading democracy" and defeating the Soviet Union. Between 1984 and 1989, the Reagan administration's accommodation of Pakistan's military interests paved the way for United States-made weapons and money to find their way to Kashmir. Months after Reagan was first elected, the United States agreed to give \$3.2 billion in military and economic aid for the purpose of strengthening Pakistan's defenses against Soviet troops in Afghanistan — by 1985, the United States had fully paid the aid package. In 1985, Reagan, despite knowledge of Pakistan's production of a nuclear weapon, committed to providing \$4.2 billion in aid to Pakistan over the following six years. According to Hussain Haqqani, the former Pakistani Ambassador to the United States, before the insurgency had even begun, a branch of the Pakistani fundamentalist organization Jamaat-e-Islami was allegedly active in Kashmir, and Sikh militants were being trained and funded in Kashmir by the Inter-Services Intelligence.

President Bush's administration, between 1989 and 1993, differed from President Reagan's approach, emphasizing a zero-tolerance policy on Pakistan's support of terrorism. While the United

States did continue to disburse \$1 billion in economic assistance to Pakistan, Pakistan lost "approximately \$300 million in annual arms and military supplies." Although aid was suspended, it is important to note that Pakistan was still able to purchase military equipment from the United States until 1992 — the Los Angeles Times reported that year that the Bush Administration had "quietly permitted the Pakistani armed forces to buy American-made arms from commercial arms for the last year and a half." Subsequently, President Clinton did not declare Pakistan a state sponsor of terrorism, and agreed to reimburse Pakistan for the storage of twenty-eight planes at an American airbase that could not be delivered due to the sanctions. The agreement involved both military aid and cash. The military aid, worth \$358 million, would be "in the form of P-3 surveillance aircraft and TOW antitank missiles." During the Bush administration, it became evident that the Pakistani government supported, whether officially or unofficially, Kashmiri independence, and by 1989, the United States began obtaining intelligence of the Inter-Services Intelligence's role in the insurgency. While President Clinton was not responsible for disbursing significant amounts of military aid during his presidency, the effects of the actions taken during the 1980s unraveled throughout his term, and the exact authority of the Inter-Services Intelligence became apparent. In giving funds to the Inter-Services Intelligence, the United States has falsely claimed neutrality.

From the perspective of human rights activism and law, the tragedies that accompany the loss of human life due to state-funded violence is not a footnote or addendum to the history of nation-states or territories. Instead, they are the reason to view national histories in an alternative lens. A historical analysis on the United States' relationship to Kashmir must include an archive on who bore the costs of violence. Balraj Puri, described as an "intellectual, a journalist, a social and political activist, a human rights crusader and a keen political analyst," was on the frontlines of the Kashmir conflict in the 1980s and 90s. He helped negotiate government agreements and fought for progressive ideals, while interacting with Indian, Pakistani, and Kashmiri leaders. His intellectual work is critical to locating how human rights violations in Kashmir also implicated the United States. Puri's life and actions are a window into the insurgency as he focused his energy on writing and consulting policymakers to reduce the levels of violence. He was deeply critical of the militants, security forces, and the Inter-Services Intelligence. Puri's archive of the insurgency recorded events, people, and moments that have been neglected in the United States' official documents, as the United States was focused on neutrality

and strategic distancing when it came to the Kashmir dispute.

Before the rigged 1987 elections had even occurred, Kashmir was already on the road to insurgency. In 1983, after the Janata Party collapsed nationally, the Congress party emerged as a new opposition and was considered the “best organized and the most vocal channel for the expression of the people’s dissatisfaction against the government,” but it only ended up enforcing the same oppressive circumstances. Additionally, the Rajiv-Farooq Accord resulted in central aid being given to Kashmir only on “narrow political considerations.” The central Indian government essentially “had a right to buy a share in the political power in a state by promising aid.” In 1989, the first Kashmiri Pandit, from the minority Hindu population in the Kashmir Valley, was killed, followed by the murder of the retired judge who sentenced Maqbool Bhatt, the founder of the Jammu Kashmir Liberation Front, to death. In January 1990, security forces conducted a “house-to-house” search, rounding up over 300 people. The majority of those arrested were beaten or dragged out of their houses. The next day, people took to the streets in protest of the excessive use of force — 35 of them were shot. The district and sub-divisional courts were no longer functioning, and the social and welfare organizations such as the Red Cross were strained due to a lack of resources. Men, women, and children of all levels of society protested in the streets demanding azadi, or freedom. The government then enacted a curfew and “issued orders to shoot at sight.” Educational institutions did not remain open either — the only outlet left for the common people to express their anger was mosques.

Following the violence in Kashmir, 10,000 Kashmiri youth went to Pakistan for training and procurement of arms. Although Pakistan denied funding the insurgency, “evidence supplied by the American satellites and intelligence agencies, foreign correspondents and admissions by militants attests not only to the regular supply of arms and to the existing training camps, but their precise location and number within Pakistan’s jurisdiction as well.” In 1991, 300 Indian army men raided Kunan and Poshpora in Indian-administered Kashmir. 150 girls and women were raped, and 200 men were tortured. The militants targeted not only security forces, but also civilian officials, political leaders, and common citizens — “out of about 1900 persons killed by the militants, less than 400 were security personnel” and they also “abducted 742 people of whom 71 were killed.” While terrorism originates from a host of issues, including economic or political reasons, terrorists must acquire their resources from somewhere — in this case, Pakistan. However, it is no question that India also significantly contributed to

the violence that occurred and has been occurring in Kashmir.

The Kashmiri nationalist movement contained various competing ideologies. While some upheld Islamic doctrine as the basis for a future independent state, others, such as Maqbool Bhatt, professed a secular nationalism that protected the interests of religious minorities. When Hindu-Muslim tensions flared in 1990, Pakistani officials decided that the secular constitutionalist Jammu Kashmir Liberation Front, which had “pioneered the militant movement,” was no longer of interest. Pakistan then restricted the flow of arms to the Jammu Kashmir Liberation Front. At this point, 20,000 Muslim families had been forced to migrate due to the violence, and an even larger number of Muslims had been murdered by security forces and militants.

### **Kashmir in the United States’ Public Sphere**

Claiming neutrality not only disconnects the United States from this conflict, it also hides the fact that the insurgency actually has a life in the United States’ public sphere. In 1991, the United States House of Representatives commented on the insurgency, saying that the Indian government should take significant steps to improve human rights by giving “unrestricted access” to human rights organizations, carry out recommendations of the United Nations Human Rights Committee, and curb human rights abuses “committed by its security and police forces.” Two years later, the United States Senate expressed concern regarding the human rights violations in Kashmir and “cataloged the excesses committed by the security forces against civilians.” While the House of Representatives was condemning the human rights violations taking place, it failed to note how the United States was a contributing factor to the violence.

Where the silence of congressmen and senators on the United States’ involvement in Kashmir was noticeable, the actions of ordinary constituents forced the Kashmir dispute further into public life in the United States. In 1993, the Los Angeles Times published a letter from the Kashmir American Mission, based in Diamond Bar, California. The letter thanked the Los Angeles Times for bringing attention to the violence occurring in Kashmir, and claimed that the Kashmiri people were asking for an “end to Indian occupational terrorism in Kashmir.” Ali Khajawall, a Kashmir-born American citizen and First Secretary of the Kashmir American Mission, went on to submit op-eds to multiple newspapers, including smaller publications such as The Daily Free Press at Boston University. The Kashmir American Mission also authored press releases which are now archived in Bill Clinton’s presidential library. The Kashmir American

Mission was not the only organization, however — Clinton's presidential library also included press releases from the Kashmiri American Council and the Kashmir American Foundation. In 1993, the Kashmiri American Foundation, based in Washington D.C., sent a letter to Bruce Riedel, the director of Near East and South Asian Affairs in the National Security Council. The letter cited human rights abuses reported by Amnesty International, Asia Watch, and Freedom House, and said a delegation of three Kashmiri women would be traveling to the United States in hopes of enlightening people in the United States "on the severe conditions under which the Kashmiri people are forced to live." In 1994, the Kashmiri American Council claimed, in a press release, that Clinton had "pledged to help bring peace to Kashmir" in a letter to the Kashmiri American Council.

The intentions of these organizations came into question in 2011, when Syed Ghulam Nabi Fai, the executive director of the Kashmiri American Council, pleaded guilty to conspiracy and tax violations "in connection with funneling at least \$3.5 million from Pakistan's government and major spy agency to influence U.S. policy on Kashmir." The United States Attorney for the Eastern District of Virginia said Fai was a "paid operative of the ISI," as he "did the bidding of his handlers in Pakistan while he met with U.S. elected officials, funded high-profile conferences, and promoted the Kashmiri cause to decision-makers in Washington." According to campaign finance records, Fai had given \$28,165 to federal candidates in political parties since 1990. Fai admitted "taking directions from ISI handlers and giving ISI contacts annual strategy documents, which showed how he would lobby on behalf of Kashmir." The Kashmir American Foundation is the lobbying arm of the Kashmiri American Council, and tax records found that they are sister organizations. In his op-eds in 2002, Khajawall identified himself as one of the founders of the Kashmiri American Council. Even when the Inter-Services Intelligence had stopped funding the insurgency, the United States did not suddenly become a neutral figure. The history of such outreach efforts by the Inter-Services Intelligence shows the ways in which the Kashmir insurgency was mobilized toward obtaining a voice in the United States' presidential administrations.

The insurgency also had a life in judicial proceedings in the United States. In 1997, Anjam Parvez Khan entered the United States on a nonimmigrant visitor visa and applied for asylum. Khan, a citizen of India, was born in Kashmir and worked with the Jammu Kashmir Liberation Front. Before 1994, the Jammu Kashmir Liberation Front had separate militant and political factions. In 1994, "the two factions split into different organizations when half

of the JKLF renounced violence." The political wing advocated "nonviolently for an independent Kashmir," and the militant wing was responsible for operating the armed insurgency. Khan testified that he was only affiliated with the political wing, and "his work with the JKLF was entirely nonviolent in nature, and that he had no knowledge of the activities of the military wing." Khan said he worked on planning political activities, distributing aid, and raising funds. In 2005, the immigration judge denied Khan's request for asylum because he "engaged in terrorist activity," but granted him relief under the Convention Against Torture. In 2009, the case went to the Ninth Circuit of the United States Court of Appeals after Khan petitioned for a review of the decision of the Board of Immigration Appeals, which affirmed the immigration judge's denial of asylum and withholding of removal. The court denied the petition for review. The result of the Khan v. Holder decision reveals the irony surrounding the situation concerning the United States' foreign policy in South Asia. The case is not just an example of how the insurgency entered American public life, but also shows the United States' hypocrisy regarding terrorism. The United States' funding supported terrorism in Kashmir, just as Khan's actions were deemed as supporting terrorism in Kashmir, and yet Khan was considered unworthy of asylum.

Domains of government in the United States continue to reflect on Kashmir in significant ways. In October 2019, the United States House of Representatives Committee on Foreign Affairs held a hearing on human rights in South Asia. The hearing took place a few months after the revocation of Article 370, and primarily concerned the human rights abuses committed by the Indian government in Kashmir. Throughout the hearing, members of the United States House of Representatives cited restrictions on the freedom of assembly, the freedom of the press, phone services, and internet services in Kashmir. While much of the conversation centered around current events, certain moments in the deliberations reflected the United States' history regarding Kashmir. Just as they did in 1991, members of the House of Representatives publicly stated their concern for human rights in Kashmir. Congressman Sherman, the chairman of the hearing, referred to Kashmir as "the most dangerous geopolitical flashpoint in the world." He claimed that he has strongly condemned terrorist attacks in Kashmir for years and for many years, "those opposed to Indian control in the Kashmir Valley have used terrorism." Sherman referenced the history of terrorism in Kashmir, showing how even in 2019, the shadow of the insurgency and the unacknowledged role of the United

States underlie conversations about Kashmir.

Aside from concerns of human rights violations, other comments were reminiscent of the past. Congressman Ted Yoho asserted that the Kashmir dispute should “stay between India and Pakistan,” and the United States should be “facilitating partners in any capacity that we’re asked to.” The Chair of the National Advisory Council for South Asian Affairs, Ravi Batra, spoke in favor of the right-wing government of Narendra Modi in India and noted that “this panel is to figure out what American foreign policy should be and I’m here as an American citizen looking through an American lens... I don’t want to import the violence and the unhappiness that exists on that subcontinent.” While Batra meant to say this as justification for not discussing the chaos that led to human rights abuses, he seemed to be the only one to acknowledge that he is, in fact, an American, looking at the situation through an American lens. The United States did not acknowledge its role in the insurgency because the violence was never imported to the United States. It remained across the world, and therefore Americans did not face the consequences of its government’s actions. American government officials were not imprisoned and American journalists were not killed as a result of the insurgency. The conflict is always seen as distant from the United States, and conversations surrounding the conflict are just that — conversations. The United States has definable relationships with Pakistan and India, while Kashmir continues to be more abstract.

In reality, Kashmir and the events of the insurgency are not distant, and there is no fence blocking the territory, or protecting it, from the United States. Pretending like there is one only further hides the consequences of the United States’ actions, thus perpetuating the myth of neutrality. The idea of neutrality simplifies a relationship that is actually much more complex. The guise of neutrality also hides the ways in which the insurgency entered public life in the United States, and allows the United States and its citizens to be ignorant of their investments in the costs and outcomes of the United States’ foreign policy.

## Conclusion

For Kashmiri Americans living in the diaspora, the United States-Kashmir relationship is impossible to ignore, as they have watched loved ones face violence and therefore are directly invested in how the violence continued to sustain itself. Majority of Americans have the privilege to accept the myth of neutrality, as the violence in Kashmir has not directly impacted them. Amongst this majority are Indian Americans, many of whom immigrated to

the United States in the 1960s and have often favorably navigated the oppressive consequences of institutional racism in the United States due to the widely accepted idea that they are “model minorities” performing white collar labor. With the abuses of the Indian government in Kashmir on full display, many Indian Americans’ support of investing in violence has been uncovered, thus tainting the comfortable story. These observations, after the revocation of Article 370, are what fueled my curiosity for the United States-Kashmir connection. Evidently, the relationship and its ties to the Kashmir insurgency has been a part of the American public sphere and Indian Americans, specifically, have avoided it through the perpetuation of an intentionally incomplete narrative. However, the revocation of Article 370 was a turning point — Indian Americans now have to confront what they support, which is, in turn, leading many to reflect on the narratives that define their identities.

The United States-Kashmir connection not only destroys these comforts of Indian American identity, but also contributes to destroying the comfort of the broader American identity centered on individualism, capitalism, and multiculturalism. When one looks hard enough, the realities of violence and tragedy do not provide a comfortable story. Writing history is inarguably uncomfortable, but discomfort is the point — progress is impossible without nation-states coming to terms with the consequences of their investments. The guise of neutrality hides the impact of these investments, even when the events unfolding across the world are present in the American public sphere. Change, in whatever form, begins with identifying the roots, echoes, and causes of violence.

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#### **About the Author**

Simren Verma is a senior majoring in History of Public Policy and Law at UC Santa Barbara, and will be graduating in Spring 2020. As an Indian American, Simren has always been interested in South Asian history, and her own family history and identity is what inspired her research on the United States-Kashmir connection. While at UCSB, Simren also developed a passion for journalism; she served as the University News Editor and then the Managing Editor at the Daily Nexus, UCSB's independent, student-run newspaper. After graduating, Simren plans to attend law school.