



*AUSTRALIAN TAMIL
MANAGEMENT SERVICE*

Michigan State University Interfering in Sri Lankan Politics?

I write in response to the **Sri Lanka Guardian** article ‘**Devananda Fails to Move Michigan State University Against Hoole**’ by **Professor Ratnajeevan Hoole**

A very interesting interaction that raises the issue of Intellectual Sovereignty vs Political Sovereignty. After concluding my reading, the net thought in my mind – was a subjective vote against Michigan State University.

I started paying special attention to the part about the University of Jaffna. I have invested in many ways in the University of Jaffna. During the pre-appointment time of the current Vice Chancellor of the University of Jaffna, I wrote actively about my feelings and when the elected candidate was appointed I felt that my true energy had added itself to the forces that manifested as the appointment. My strongest contribution was through my prayers at the Parameswara (Shiva) temple within the campus. I prayed with feelings and hence believe that the energies connected as if I was the University. Towards this the active forces that would have produced outcomes and structures that had the potential to damage my own investment had to become weak. We needed inactive time by the decision makers and hence the natural outcomes suitable for Jaffna at that time happened.

I felt as if someone WAS reading my messages and was delivering outcomes through which I could identify with my investment in that University. I believe that all our genuine feelings and work that represent those feelings go to the core energies to develop the structure / facility within which we could derive the returns of our work. The University of Jaffna has become one of the structures that provide me with the facilities needed to share my wisdom with Tamils – especially in Resource Management. Unlike Professor Hoole, I did not need the Vice Chancellor’s position towards this. If it had come my way as Advisor to the Vice Chancellor – fine. But that did not happen. Even that position form of Advisor to the Vice Chancellor is in my mind due to my experience with the University of New South Wales – where the Director of Human Resources – Mr. Neil Morris said that I ought to be the Advisor to the Vice Chancellor. When only two people interact naturally – their energies combine more easily than otherwise when they have to think and act – for better or for worse. Mr. Neil Morris gave form to his Truth when only the two of us were interacting genuinely. But when others joined in – Mr. Morris himself produced a totally different answer – confirming that the gap between Truth and Reality even at a prestigious University such as the University of New South Wales – was wide.

My assessments of Professor Hoole’s experience and his use of Michigan State University for private purposes are based on my own experience with the University system. When dealing with Sri Lankan University system I do not apply my Australian reality – as is. To do so

would be like equating the dollar to the rupee. This is where my belief in rebirth has helped me bring only the essence of the past into my present. In contrast – Professor Hoole seems to be bringing realities as they are – without ensuring that they represent the common value at global level. Likewise his representative - Attorney Dr. Michael Kiley, Associate General Counsel (Legal) of Michigan State University. To me the parallel of Attorney Michael Kiley - at the University of New South Wales is Ms Carol Kirby – the University’s Legal Officer. When I wrote my response to Professor Alan Pettigrew who was then the Deputy Vice Chancellor of the University of New South Wales Ms Carol Kirby sent me a letter by express post - threatening legal action against me. When I sent an email back – asking under which law? there was no direct response. When we went eventually to Court – Ms Kirby needed an external barrister even at the Administrative Decisions Tribunal - against me – a lay litigant. That was the Truth – that I was operating at the Vice Chancellor’s level whereas Ms Kirby had the position. The gap to me is confirmation of the low status allocated to me and is read by me as racial discrimination, until known otherwise.

In contrast to the above is Professor Hoole’s narrative about himself as follows: *‘I presently teach at Michigan State University as a professor. I keep up my interest in Sri Lanka and write regularly of the government’s and its Tamil stooges’ work against Tamils. My articles usually appear in the Lankan print media so that they are subject to the legal system, however eviscerated and in its death throes.....*

These articles have angered the Devananda-Rajasingam duo. K.T. Rajasingham went so far as to call up my friends after my article on his Asian Tribune as a propaganda sheet. He claimed that I am interested in the University of Jaffna Vice Chancellor’s post coming vacant in March 2014, and have therefore apologized to Devananda and asked for his blessings to return for the position.

I emphatically deny this. I have not communicated once with him over 2 years. In my eagerness to serve my beleaguered Tamil people, I once thought that I could do some good by leading the university. But that experience diminished me. To hold even the most minimal administrative position in a Sri Lankan university one has to submit to the murderers in authority. An engineer cannot function ethically in a job where the political authorities are implicated in murder and corruption of all sorts. Though I may still wish I could do some good for the University of Jaffna, I cannot compromise my personal integrity by dealing with the unsavory characters who control appointments. I will return to Jaffna when I am ready to retire.’

As my Spiritual Guru Swami Sai Baba says, we should not offer our leftovers to the Lord. Likewise to our Nation – whatever form our Nation may take in our mind – from Vattukottai through USA to the UN/Global Community.

If indeed Jaffna is Professor Hoole’s Intellectual Superannuation – then he needs to go deep through his own experiences in the University system at Global level and not ‘show’ what he is capable of publishing to get credits from his academic world. The investment into such research needs to have started yesterday. Given that Professor Hoole is not the Vice Chancellor / President of the Michigan State University – one needs to conclude that he gave himself a ‘failure’ in this regard - in USA. It would now be wrong of him to unfairly take that position from locals.

In January 2010, when Dr. Noel Nadesan invited me to attend the Conference he was organizing at the University of Jaffna, I accepted the invitation on the basis that I was doing so as a professional with University experience and that any active work I performed as a consequence of this meeting would be strictly on ‘business’ (merit based reward) basis. Where we seek to contribute to the structure of a University system and hence seek Administrative / Management positions – we need to ‘show’ that work through our positions. Otherwise our work develops a position for us as part of the elected Governing Council. On that basis – after retirement Professor Hoole would need to win a Council position. That is the Do It Yourself way.

To the global mind, the truly earned position that Professor Hoole has earned currently at the University of Jaffna is the one parallel to his current position – Senior Academic at Michigan State University. We are all equal until known otherwise. What others say is just hearsay – even if it is about ourselves – for higher or lower purposes. As per my experience with Asian Tribune it is NOT for higher purposes.

Professor Hoole writes further : *‘With Rajasingham’s intrigues failing, on 07.06.2013 Devananda lengthily wrote a complaint with strategic untruths to Prof. T.H. Curry, the Associate Provost of Michigan State University. Devananda introduced himself as MP and longstanding Cabinet Minister for four terms, Secretary General of the EPDP and continuously [sic.] elected as MP. He alleged that I was appointed VC on his recommendation despite coming third in the Council elections; that after my appointment, I made a deal with LTTE terrorists and on LTTE instructions fled without assuming my duties; and that I later, returned and applied again, but this time he refused to interfere because “such interference would be ultra vires [sic.] and undemocratic.”*

Devananda continued, after the person with the highest votes was appointed, I wrote articles “containing fabricated and concocted facts attributed to [him] and [his] party ... for the purpose of tarnishing [his] image and [his] party’s popularity;” that in “one unsubstantiated, baseless, defamatory piece of writing” I had insulted a section of the society supportive of him “in an obscene language [sic.] instigating social disharmony.” He went on that “such provocative writing that would cause to break the public peace [sic.] is a criminal offence punishable under section 484 and 485 [sic.] of the penal code. Accordingly the law enforcement authorities filed a lawsuit against him in the magistrate’s court of Kayts, Jaffna. ... On being served with the notice to appear before the court ... he fled the country [sneakily] and sought sanctuary in the US.”

Devananda ended his letter saying “I respectfully request you to reconsider your decision to continue employing a person who has been issued with an open warrant for a criminal offence. ...Further by allowing him to use the office of your university [sic.] as a protective cover to carry out malevolent activities against others is in violation of the moral code of conduct and ethics of a high ranking institution like Michigan State University.” The letter, he says, was copied to “all Board of Trustees [sic.]”, Vice President and Secretary of the Board of Trustees, President [sic.],” my Dean and Department Chairperson, and numerous others, including the US Embassy and the Sri Lankan Embassy in Washington DC.....

The letter was replied by Attorney Michael Kiley, Associate General Counsel for the university on 10.06.2014:’

I smiled as I read the part that the letter was copied to those with higher responsibilities to protect. I smiled because I recognized Gaja’s path in that. I consider myself a pioneer in this system of copying all who have the responsibility to protect. Again – came the confirmation that someone somewhere is not only reading my work but also using my structures and paths.

In terms of the University itself – the University carries with it the responsibility to be bound by the Principles of Governance of the State that funds it. Minister Devananda as per his choice chose his parallel in that University system to be – the Associate Provost. To me a Provost is the parallel of the Deputy Vice Chancellor. It was the Deputy Vice Chancellor, Professor Alan Pettigrew who was entrusted by Chancellor Sir Anthony Mason - with the investigations into my complaints. I had the confidence to write to the Chancellor as the head of the Governing Council. My official position through which I had the experiences was – Management Accountant. I elevated myself as per my own assessment. Similarly as Minister in Sri Lanka, I would have written to the Chairperson of the Board of Trustees of Michigan State University. But we have the responsibility to accept the assessed position taken by our officers.

Despite this lower positioning that ought to have facilitated Prof. T.H. Curry, the Associate Provost of Michigan State University to ‘adjust’ the position of the Minister to the level taken by their nation(America) in relation to Sri Lankan Government, the response has been written by their Associate General Counsel (As per the official listing) – Dr. Michael Kiley. That at the Sri Lankan Government level is the Deputy Attorney General. The gap between the position taken by Minister Devananda and his respondent Associate General Counsel (Legal) - Dr. Michael Kiley is the subjective element which I take as racial discrimination element until proven otherwise. It also confirms why Professor Hoole who expected to be the Vice Chancellor of the University of Jaffna – has not shown signs of expecting to be the Vice Chancellor/ President of Michigan State University. For similar reasons I could not also expect to be the Director of Finance of the University of New South Wales. My services however were of the standard of the Chief of Finance as per the status taken by the University in the Democratic world. If Professor Hoole’s were likewise of the standards of the President of the Michigan State University – then he would have escalated the matter to that level – as I did – and got unlawfully arrested. Our true standards must be upheld to benefit our Nation/s.

In his response Dr. Michael Kiley states ‘*Secretary General Devananda: I write regarding the commentary about Dr. Hoole that you addressed to associate Provost T. Curry in an email that was copied to scores of other persons.*’

The word ‘scores’ confirms that Dr. Kiley was stating that it was inappropriate to do so. Here in Australia, Professor Damien Kingsbury also threatened me with legal action for similar emails copied to scores of other persons – scores of times. I asked him to go ahead so I could learn. I am still waiting. I am continuing to write with the same purpose – education. Professor Kingsbury’s threats manifested for similar interference in Sri Lankan politics when General Fonseka was placed under arrest. To me the path through which we express

ourselves is more important than the outcome we expect from our work. In both instances – the wrong paths were used to ‘bully’.

Dr. Kiley writes to Mr. Devananda ‘*You offered no factual support for your characterization of Dr. Hoole's language as "obscene". More salient, the asserted bad conduct would in this country implicate the exercise of "free speech". Such is protected, not criminalized.*’

That brings to mind, my own experience in Mallakam Courts recently where the lawyer for the opposition stated about my publishing work (similar to Dr. Hoole’s) – that it was in contempt of court. To me it was intellectual freedom – well within the law and my conscience. I was arrested in Australia for exercising that freedom but in Sri Lanka I was softly chastised by the Judge through my lawyer. I wrote as follows to the lawyer who complained – in an attempt to share my wisdom:

‘In terms of your latest accusation, I looked for the Sri Lankan legal definition of Contempt of Court. Didn't find any. I did however, find an interesting article on this by Ms Kishali Pinto Jayawardene whose work is often published in Sri Lanka Guardian – a medium through which I am able to share my experiences with wider world including the Sri Lankan Diaspora. This article confirmed some of my own thinking as per my own legal experiences. More importantly, it highlighted the risk of curtailing Freedom of Speech by inappropriate application of the principles governing ‘Contempt of Court’. Even as you uttered your complaint in Court – I asked myself on the basis of my direct legal experiences – whether any of my actions qualified as actions in Contempt of Court? The response from within me said ‘no’. Towards this being valid, I needed to be above average investor in the legal system. You yourself clarified that I was an ‘eternal litigant’ Hence I concluded that in general terms using majority rule, I had the authority of my investment in the legal system to judge myself as to whether or not I was acting in contempt of court – until proven otherwise by someone else through Due Legal Process. Anything short of this – is to my mind in effect an action in abuse of Court Process. In relation to this matter in particular, I believe I have greater wisdom in Thesawalamai than anyone else involved in this matter. Under such circumstances the Court, including the Judge, needs to be a ‘facility’ through which we – the higher practitioners of the relevant law - derive our own outcomes. When the litigant is wise – the Court under the leadership of the Judge has the responsibility not to administer but to ‘facilitate’. Otherwise, in terms of Judicial Governance, our society would be limited to the contributions of the legal profession led by Judges who often would not actually practice the laws relevant to lower level of society.’

The person using ‘Contempt of Court’ and abuse of legal titles held by legal personnel for ‘internal bullying’ has the responsibility to accept on Equal Opportunity basis that to the Sri Lankan Minister subjective accusations would seem right in a ‘Sri Lankan’ environment. If one is blind to the ‘other’ side (the pain of the effect) then one must accept that the other side also would be blind to one’s pain through their actions. That is subject to subject – Equal Opportunity. The person who is taking the position of judge in this matter ought to have also ensured that the writings by Professor Hoole are fully supported by objectively verifiable facts – especially in relation to his current media work through which for example – Professor Hoole accuses as follows: ‘*I fled Sri Lanka first under LTTE death threats in March 2006 and a second time in August 2011 after detailing election malpractices*

in Pitfalls in the President's Alliance with the EPDP – A Visit to Kayts on Elections Day (Leader 24.07.2011)

Did Professor Hoole detail those alleged malpractices by the President's side – through objectively verifiable evidence? If yes, then the above expectation expressed through the Attorney would have been valid and ethical. We are entitled to use subjective powers within our respective local areas – where we have developed trust over a long period of time. To the extent we take the other side as 'outsiders' we need objective evidence and that applies equally to both sides. Tamil leaders for example have the subjective right to find fault with the Sri Lankan government over the loss of lives during the 2009 battle. But outsiders – even if they are the US Government – need objective evidence – says the principle of Equal Opportunity.

Dr. Michael Kiley writes to Mr. Devananda *'You asserted that Dr Hoole fled the jurisdiction. Some would make a similar claim directed at you in connection with kidnapping and other unlawful conduct affecting Stanley and Mary Allen in 1984, the Choolaimedu incident in 1986, and the allegations stemming from Kilpaul, Madras in 1990. Michigan State University will not presume to sort through the particulars of personal and/or political differences between you and Dr. Hoole. There is no properly issued court order emanating from a tribunal recognized as having jurisdiction here. We decline to credit assertions having an adjudicative character.'*

The above passage is very reactive and confirms interference by Michigan State University not only in the Political affairs in Sri Lanka but also in the legal affairs of India. One who requires an American court order, needs to limit himself to American verdicts unless the two countries have bilateral agreements on such matters.

To my mind, Mr. Devananda was using the path of global management to settle scores with Professor Hoole – through the path taken by Professor Hoole. Professor Hoole went to the People of Sri Lanka who have the power to dismiss Mr. Devananda through elections. Mr. Devananda wrote to Professor Hoole's boss in return. Like the Deputy Vice Chancellor of the University of New South Wales who used the Legal Officer to threaten me with legal action, Professor Hoole's boss also seems to lack wisdom in Global Resource Management. Mr. Devananda needs to ask the Associate General Counsel (Legal) of the Michigan State University to stay within his legal portfolio or explain why he in his particular level position, undertook the task of responding, if he was convinced that Professor Hoole's actions were NOT unlawful in USA. Threatening legal action without the jurisdiction to do so is abuse of power – and where the parties are of different races / ethnicities – it amounts to racial discrimination.

Mr. Devananda has the duty to take this up at UN level.

Gajalakshmi Paramasivam 19 June 2013