

Exhibit C

From: DGO-LPRAB CHAR /BDG-DGPLAR DOB (CRA/ARC)
Sent: May-09-19 01:12 PM
To: Duval, Kimberly
Cc: DGO-LPRAB CHAR /BDG-DGPLAR DOB (CRA/ARC); Manconi, Tony; Shaughnessy, Melissa
Subject: FW: Meeting - charity revocation
Attachments: JNF_Speaking points_Revocation_2019-05-09_clean.docx; 30 day vs 90 day revocation_one-pager_2019-03-06.docx

Categories: Protected - Entrusted, Kim

Hi Kim,

Please find attached the speaking points for this afternoon's call. We've also attached the one-pager comparing 30 day and 90 day revocations, since it may be helpful.

Thank you,
Kim C.

From: Duval, Kimberly <Kimberly.Duval@cra-arc.gc.ca>
Sent: May 9, 2019 12:27 PM
To: DGO-LPRAB CHAR /BDG-DGPLAR DOB (CRA/ARC) <LPCHDGOG@cra-arc.gc.ca>
Subject: RE: Meeting - charity revocation

Yes, for sure... and thank you!

From: DGO-LPRAB CHAR /BDG-DGPLAR DOB (CRA/ARC) <LPCHDGOG@cra-arc.gc.ca>
Sent: May 9, 2019 12:24 PM
To: Duval, Kimberly <Kimberly.Duval@cra-arc.gc.ca>
Cc: DGO-LPRAB CHAR /BDG-DGPLAR DOB (CRA/ARC) <LPCHDGOG@cra-arc.gc.ca>; Manconi, Tony <Tony.Manconi@cra-arc.gc.ca>
Subject: Meeting - charity revocation

Hi Kim,

A question – can Melissa Shaughnessy come with Tony to the 2:30 call for the charity revocation?

We're planning on sending up the speaking points for Geoff within the hour.

Kim C

006218

Speaking points – JNF Canada revocation

- Our legislated authority to revoke an organization’s registration in 30 days is generally exercised in cases of serious non-compliance where there is a risk to donors, the public, or the tax base.
- In the remainder of cases the CRA has adopted an administrative position to allow organizations to remain registered while exhausting their rights of recourse.
- Accordingly, in the majority of cases where revocation is proposed, we allow an organization 90 days to avail itself of its objection rights, as set out in the Income Tax Act, before taking any further action.
- The decision to revoke in 30 or 90 days is made on a case-by-case basis.

16(1)(c)

For this particular case we considered the following factors in deciding on a 90-day revocation

- Trends in revenue, tax receipting, and gifts from other charities is consistent with how charities typically operate:
 - Revenue was stable and averaged approximately \$20,000,000 per year
 - Received donations last year was \$7,500,000 or 38% of total revenue
 - No gifts were received from other charities
- JNF Canada has the capacity (staff and limited purported agents):
 - JNF Canada operates with a staff of approximately 50 employees
 - Compensation expense is approximately \$2,000,000 per year
 - JNF Canada works primarily with one agent, but has not been able to demonstrate that the activities are those of JNF Canada
 - JNF Canada has many directors able to potentially provide oversight
- The CRA has made efforts to bring JNF Canada back into compliance:
 - Significant communication between the CRA and JNF Canada including two AFLs several responses and provided with an opportunity to meet with CRA representatives to discuss non-compliance issues
- JNF Canada has offered commitments to comply in the future, but provided no documentation to show that it presently maintains records to show that it should not be revoked.
- JNF Canada underwent multiple previous audits; however, the audits were closed without a compliance outcome.

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Activities in support of the Israel Defense Forces (IDF)

- It is the CRA's role to apply the ITA and common law as it pertains to registered charities.
- The courts have stated that some activities may not be charitable when carried on in a different country. For example, increasing the effectiveness and efficiency of Canada's armed forces is charitable, but supporting the armed forces of another country is not. (Canadian Magen David Adom for Israel v MNR, 2002 FCA 323)
- Given our obligation to apply relevant statutory and common principles, decisions such as the above must factor into our considerations.

Next steps

- briefing with senior management
- Notice of Intention to revoke will be signed in June 2019
- In the case of 90-day revocations, the CRA will allow a charity to exhaust its objection and appeal rights before revoking registration, and as such, section 241 of the Act prevents the CRA from disclosing any information publicly.
- PAB and MINO are therefore not consulted until if/when we are proceeding with revocation, at which time it will become public information.
- Should the JNF Canada choose to publicize our Notice of Intent to Revoke, section 241 of the Act prevents us from providing any comment. Media relations and MINO should rely on standard 241 wording.

Exhibit D

Revocation of charitable registration of Jewish National Fund of Canada (Keren Kayemeth Le'Israel) Inc.

Month XX, 2019

Canada Revenue Agency MEDIA LINES

For use by CRA spokespersons only

ISSUE:

The Canada Revenue Agency (CRA) revoked the charitable status of the Jewish National Fund of Canada (Keren Kayemeth Le'Israel) Inc. (the Organization), effective XXXX, 2019.

OBJECTIVES:

- To confirm the compliance actions taken with respect to this charity; and
- To inform the public about the CRA's options when a registered charity is found to be non-compliant with the Income Tax Act.

MEDIA LINES:

- An audit of the Organization was conducted for its fiscal periods from January 1, 2011, to December 31, 2012.
- The CRA sent a Notice of Intention to Revoke to the Organization on XXX, and revoked its status as a registered charity effective XXX.
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- When a charity is revoked it can no longer issue receipts for donations it receives, it is no longer tax exempt, and its name is published in the CRA's List of charities.

SUPPLEMENTAL MESSAGES:

- Charity law requires a charity to take all necessary measures to direct and control the use of its resources, whether the activities are carried out in Canada or abroad, and whether they are carried on by the charity itself or through an intermediary.
- A registered charity can use its resources to conduct its own charitable activities, or it may gift resources to qualified donees, when operating either inside or outside of Canada.
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CRA STORYLINE:

- The CRA takes any abuse of Canada's tax laws very seriously.
- The CRA registers charities in Canada, and is responsible for making sure they continue to comply with the requirements of the Income Tax Act and common law.
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BACKGROUND [PROTECTED B – CONTAINS CONFIDENTIAL TAXPAYER INFORMATION]:

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The Organization responded to the second AFL on May 17, 2018, and an additional response was provided on October 5, 2018. After considering the responses provided, it was determined by the CRA that revoking the Organization's charitable registration was the most appropriate outcome, given the facts of the case. The CRA issued a Notice of Intention to Revoke (NITR) letter to the Organization on XXX, 2019.

Over the years, the Organization has been the subject of media attention, various letter writing campaigns, and public complaints criticizing its activities and policies, which are perceived to be in violation of Canadian public policy and international law.

The audit found that the Organization supported activities that were being carried out in the Occupied Territories. The CRA initially took the position that these activities serve to encourage and enhance the permanency of the infrastructure and settlements, and thus appears to be contrary to Canada's public policy and international law. The stated Canadian public policy we initially relied upon was the Global Affairs Canada policy, "[Canadian Policy on Key Issues in the Israeli-Palestinian Conflict](#)." However, our position regarding the Organization's activities in the Occupied Territories changed prior to issuing the NITR.

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The audit also found that the Organization's resources were used to conduct activities in support of the Israel Defense Forces, which is not charitable.

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<i>Prepared by:</i> Alexandre Chapados Technical Policy Advisor Charities Directorate LPRAB March 25, 2019	<i>In consultation with:</i> Shane Byrnes Senior Policy Analyst Compliance Division Charities Directorate LPRAB March 29, 2019	<i>Approved by:</i>
<i>Designated Spokesperson:</i>	Media Relations, Headquarters	

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THE ATIA
A-2019-114996

Revocation of charitable registration of Jewish National Fund of Canada (Keren Kayemeth Le'Israel) Inc.

Month XX, 2019

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 A-2019-114996

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Canada 

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- The CRA achieves this through a balanced program of education, client service, and responsible enforcement, including audits.

BACKGROUND [PROTECTED B – CONTAINS CONFIDENTIAL TAXPAYER INFORMATION]:

The Organization was selected for audit by the CRA for its fiscal periods from January 1, 2011, to December 31, 2012. The CRA issued an Administrative Fairness Letter (AFL) to the Organization on May 12, 2016, and, following a review of the Organization's initial response, the CRA sent a second AFL to the Organization on April 19, 2018.

The Organization responded to the second AFL on May 17, 2018, and an additional response was provided on October 5, 2018. After considering the responses provided, it was determined by the CRA that revoking the Organization's charitable registration was the most appropriate outcome, given the facts of the case. The CRA issued a Notice of Intention to Revoke (NIR) letter to the Organization on **XXX**, 2019.

Over the years, the Organization has been the subject of media attention, various letter-writing campaigns, and public complaints criticizing its activities and policies, which are perceived to be in violation of Canadian public policy and international law.

The audit found that the Organization supported activities that were being carried out in the territories occupied in 1967 (the Golan Heights, the West Bank and East Jerusalem) Occupied Territories. The CRA initially took the position that these activities serve to encourage and enhance the permanency of the infrastructure and settlements, and thus appears to be contrary to Canada's public policy and international law. The stated Canadian public policy we initially relied upon was the Global Affairs Canada policy, "Canadian Policy on Key Issues in the Israeli-Palestinian Conflict."

However, our position regarding the Organization's activities in the territories occupied in 1967 Occupied Territories changed prior to issuing the NIR. Specifically, we agreed that the stated Canadian public policy from Global Affairs Canada does not meet the judicial requirement as established by the Federal Court of Appeal (Eynowman's Health Centre Society (1988) v. Minister of National Revenue, [1992] 2 F.C. 52 at para. 16), which found that "...for an activity to be considered as 'contrary to public policy,' there must be a definite and somehow officially declared and implemented policy". The NIR advised that the nature of the Organization's activities in the territories occupied in 1967 were not considered in our decision to propose revocation of its charitable status. CRA withdrew its previous position that the Organization's activities in the Occupied Territories are contrary to Canada's public policy, as there was no officially declared and implemented policy supporting this position. While this finding was vacated, other non-compliance issues still remained.

21(1)(b)

The audit also found that the Organization's resources were used to conduct activities in support of the Israel Defense Forces, which is not charitable.

Additional Background – Media Coverage of the Organization

Over the years, the Organization has been the subject of media attention, various letter writing campaigns, and public complaints criticizing its activities and policies, which are perceived to be in violation of Canadian public policy and international law.

On January 4, 2019, the CBC published an article claiming that the Organization used charitable donations to build infrastructure for the IDF. In addition, CBC further questioned the Organization's financial transparency in relation to the amount of resources devoted by it for activities in Israel such as planting trees, irrigation, educational activities, and the amounts allocated to projects for the IDF.

On January 11, 2019, the Canadian Jewish News posted the Organization's rebuttal against the January 4, 2019, article. The Organization responded that it is "continuing to collaborate with the CRA on its review of our activities, and as a

result we are limited in what we can say for the time being.” The Organization further noted that with regards to projects “in disputed territory,” The Organization is committed to continuing to work with the CRA “to ensure we are in full compliance.”

On May 15, 2019, the House of Commons was presented with a Petition signed by 3,514 Canadians. This petition called for an investigation of the Organization’s activities to determine if those activities were in violation of the Income Tax Act rules and regulations regarding charities. The sponsor of this Petition stated, “This petition, in my view, is in no way anti-JNF Canada. It is to make sure that the laws are followed regarding charities, and that every charitable organization follows the rules and regulations.”

On July 17, 2019, the National Revenue Minister issued a response to the Petition, “The confidentiality provisions of the Income Tax Act prevent the CRA from commenting on specific cases.” JNF did not respond to requests for comment on the government’s response.

Currently, Independent Jewish Voices has an open [public petition / complaint to Minister Lebovitz](#) claiming that the Organization is the fundraising arm of the Kerem Kayemeth Le’Israel-Jewish National Fund in Israel, which practices institutional racial discrimination against Israel’s non-Jewish population in the provision of land and housing, through the displacement of Palestinians.

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March 25, 2019 <u>Revised: July 19, 2019</u>	March 29, 2019	
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