

Michael Flynn - Closing Arguments - Part II

You remember the testimony of Woman #7. When she began to say no to Swami, several women came up to her and said, "Well, you don't really treat Swami that way." And they began to shun her, and she became more isolated. And then she went into a state of depression, and then went to a therapist.

Now, the reason society needs to have rules is to prohibit taking advantage of. It's like the plumber taking advantage of not being a plumber but getting work and getting money. There must be some prohibition society should impose to prevent someone in a position of power from taking advantage of someone else. Particularly when you have all the tools of power that Swami Kriyananda had in this case. And which came down to Mr. XX which we're going to talk about. Every amount of power you can put in a person over another person, Swami Kriyananda has in that community. Jobs, housing, spiritual direction, just his pure position in the community.

These people come in, as Asha Praver testified, their minds get changed. Their brains get changed. I submit to you, their minds get bent. They get distorted. They begin to believe in the face of just absolutely blatant evidence to the contrary -- Remember Mr. G, remember the fellow with the Western Athletic Clubs? Obviously a very sophisticated man. He comes and he testifies, "I have a 14-year-old and an 18-year-old. I haven't read the declarations." Remember that testimony? And I said, "Well, if you knew that Swami Kriyananda was using massage to have people then masturbate him, and give him oral sex, would you warn your 14-year-old daughter? Not only say, 'Don't go near the Swami,' would you warn her?" What did he say? He said, "No, she's intuitive."

Now, I suggest that common sense tells you, any parent whose mind has not been bent would say, "Of course, I'd warn my 14-year-old, if I knew facts like that." These facts are in front of this man, and he wouldn't even read them. That's the degree of reality that you as a jury have to confront in this case. In many ways, what's going on here is shocking. The degree of reality that needs to be dealt with, is that these people, blindly, do not care. They believe in Swami, period. They won't even read what went on, because they don't want their beliefs shaken. And yet that level of ignoring basic rules of society, basic issues that parents have to confront, that people have to confront when they're dealing with each other, they just ignore.

That's what you as the jury have got to confront in this case. Whether or not there should be some basic rules that apply to ministers, and, in this case, [to] the head of the community. You heard from Reverend Cooper-White that in Minnesota and Florida, it's a felony when you engage in sexual contact. There's a developing area of the law, with regard to this problem, and you as jurors have been thrust into it, the entire development of the process. In this case, you've got to deal with a level of reality that, I submit, 25 or more witnesses that came in from Ananda Village have not confronted.

Now, Reverend Cooper-White says a sexual predator's wants are his needs. Does that describe Swami Kriyananda? He's a rule breaker. The Swami had no rules all these years. He did with these women whatever he wanted. No empathy. You heard him on the witness stand. A sexual predator of this type has no empathy. Do you think he cared about these women? Do you think there was one ounce of affection that took place between him and these women? He had them sexually service him, good-bye.

A sexual predator has to be the center of things. Well, that's easy. He's the Swami. Takes no responsibility. You heard from Mr. XX and you heard from Swami. Swami said, "It's between me and God." The Ananda Church and its members are paying for the defense here, but he says it's

between him and God. Mr. XX said, "No, I don't think there should be any responsibility." He took that all the way to the people at Jonestown. "The ones who escaped, escaped." When challenged, he feels like a martyr. Well, Swami Kriyananda's been challenged in this case. And he feels like a martyr. He feels like a victim. He's been abused by the women. The women are coming in and lying about him. Poor Swami.

He has a need for greatness, to be a star. Well, he's the Swami. These are all characteristics of a sexual predator. In over a hundred cases, Reverend Cooper-White has seen it, and she listed them for you people.

He uses rhetoric to cover up the reality of his narcissism. She says, "Look at his deeds, not his words." I think the testimony of the women tell you about his deeds.

Vilify opponent as patterned response. Well, do you think his narcissism has spread to the entire Ananda community? (the plaintiff) shows up, joins the Church, and she's literally Satan when she tries to come in and expose what's going on.

When confronted with misconduct, the sexual predator has total denial. Do you think you've seen that?

And in Mr. XX, do you think you saw that? Remember the declaration of Mr. XX dated February 1995? -- where it was all (the plaintiff). (the plaintiff) jumped up on a bar this high -- which, incidentally, 42 inches comes to about here. I'm roughly XX's height. That's above my belt, up near my belly button, and she's sitting up -- her legs would be up around here (indicating). (the plaintiff) jumped on the bar. (the plaintiff) laid him down in the undergrowth, remember that? And then he says, "Well, I've kind of modified that position because I no longer really feel -- I'm now taking responsibility for myself." Well, does that mean that he lied in his declaration? -- when he wrote it? And if he lied once, admittedly, should he be believed now? Minimize the importance of it. "Oh, it was just a sexual encounter."

Well, Woman #1, Woman #2 have carried it around inside them all of these years. Reverend Cooper-White described it as "soul devastation." (the plaintiff) 's been through three years of therapy, with her soul and her heart devastated, because she trusted to such a degree this individual, Swami Kriyananda, his ministers, his Church, to take her to God. She trusted to such a degree (untranscribed). And all of the other women described a similar thing. Woman #1, Woman # 2, M (another woman) who had a simple little encounter and she never went back to pursuing the spiritual path.

The sexual predator, when faced with misconduct, blames the victim. The accuser is the perpetrator. Remember him blaming woman #2? Blaming these other women.

Then he finally says, "Forgive, forget, and move on." Well, fine. I'm all for forgiveness, forgetting and moving on. There's one problem. If you keep forgiving, forgetting and moving on, the conduct continues -- it's never stopped. The rules are forever broken. The problems are never addressed, and society is damaged, and people get hurt.

The sexual predator in a ministerial capacity gets the congregation to circle the wagons, because they would leave if the truth was known. Because they've made such an investment of their own power into the verdict of the minister. And the disillusionment that they would have to face, if they face the facts, is worse than having to not confront the truth. Isn't that what you saw with all these witnesses on the witness stand? In the faces of these women? -- these Ananda witnesses coming up

and saying, "It wasn't Swami, it was (the plaintiff)." Right down to -- remember that witness, Ms. W? Plug-pulling, and blind-siding, and (the plaintiff) being competitive? Well, she was only there a total of, what, 15 hours? She spoke to (the plaintiff) on the phone, but she was only there...?

Well, if (the plaintiff) was all those things, why didn't they call her coworkers at Crystal Clarity -- K.I., E, all of the people listed on one of these charts over here -- why didn't they call all those people at Crystal Clarity to describe those things about (the plaintiff)? Did P even say, a leader of the Church, that (the plaintiff) was those things? No. Why did they call one person, Ms. W.?

Which raises another issue. another minister (H). You will recall former member testified about a conversation she had with H, who's been at Ananda since 1970 or so, now the head of the seclusion retreat. Former member testified that H told her that he had counseled numerous women who've been sexually abused by Kriyananda over the years. Numerous women. Woman #1 testified that she spoke to H -- In fact, put two and two together. After Swami Kriyananda was finished with Woman #1, in 1983, he sent her to H. Woman #1 became the girlfriend of H, after she'd been sexually servicing Swami Kriyananda for two years. H, in the ensuing years, and during that time frame, was a counselor to numerous women after having been the boyfriend of one of the abused women. Where was H ?

Woman #1 testified that she spoke to him after she read Swami Kriyananda's November 25, 1994 letter -- Do you recall that? She was so upset because Swami Kriyananda in that letter said it's all lies, and nothing ever happened; he didn't do it. She knew that he was lying, so she began to call community leaders. Remember she called Jyotish and Devi and a woman named NP and some other people? A bunch of different people. One of the people she called, and I'm sure it's in some of your notes, was H. And H said, "Woman #1, you don't want to expose this issue because it'll take people off the path." It'll take people off the path. In other words, they won't believe in Swami Kriyananda anymore. Here's a man whose girlfriend got molested, a counselor -- where at least two witnesses have come in front of you and said, "He counseled women who've been molested." And they never called H. They called Ms. W. They called L. They called D, J.. People with virtually no knowledge of the events-- Showpiece witnesses. For the Swami. But a critical witness like H, no. Same with S. and K.

Remember the testimony of J.M. ? J. M. testified that Kriyananda told her that he had sex with S. and K. Where were S. and K.? They never called them. K -- massaging Swami at the same time that, or during the same time period as E. Well, if E. was massaging Swami, why did he need K. to do it? Why didn't K get called? We specifically challenged them to call her. Remember when I asked V? She was never called. Instead, these showpiece witnesses come in and say, in some cases, relatively innocuous nonsensical things. Critical witnesses [were] not brought in front of you.

Okay. Now, the defense's theory of it being a love story. Well, it's refuted by judgment. The collection of judgment. Your common sense insight in knowing what a love story is. Knowing what abuse and manipulation are, as opposed to a love story. First of all, how does that even fit in -- this defense of a love story? Well, on the fraud count, it doesn't really fit in at all. Because obviously if (the plaintiff) knew what now you, the jury, knows, and what anyone who cares to look at the facts in this case knows, any person with half a brain would never get involved with this organization. If they knew that the head of the organization has been lying, concealing, manipulating, abusing, exploiting, having Swiss bank accounts, they'd never get involved. So, on the fraud count, she would have left if she had known the truth.

Had she known the truth, or if the truth had been exposed at any time during the previous years, there'd be no Swami Kriyananda. Swami Kriyananda would have had to give up his position of

power. That's why the battle line here is not sex, it's power. That's what it wields (untranscribed). Sex is just the tool. If sexual weakness was his problem, and if he really wanted to address it, he'd give up being a swami -- then he wouldn't have the problem of sexually exploiting young female devotees, because he'd no longer be a swami. If he wanted to take a sincere approach to dealing with something that (untranscribed) in his life, he'd give it up. But it's the Swami position that he wanted, and the women were his tools to keep the position.

Now, that imbalance of power is what funneled down into the ministers, and Levin, who happened to live right next to Swami Kriyananda. Mr. XX, in his relationship with (the plaintiff), according to (the plaintiff), got her the job at Crystal Clarity. According to XX, Swami Kriyananda got her the job at Crystal Clarity. Either way, she ends up at Crystal Clarity. P (untranscribed) of power, she gets in that position. Mr. Levin then all of a sudden after his wife leaves for Italy begins to hit on (the plaintiff). The very first time it occurs, the very first time, she writes a letter. And I suggest to you the testimony of (the plaintiff), in light of all the contradictions I'm going to go into in XX's testimony, is more highly probative (untranscribed) and more credible, when Mr. XX hasn't produced a document in [support of] Mr. XX's testimony. She writes -- and it's consistent, her testimony [that "she wrote a letter"] -- "Let's be brother and sister." That's consistent with the next event which takes place on that Sunday after he gives the sermon about making physical love to God. He claims he didn't use the teachings to influence her -- He gives a sermon about making physical love to God, and then that day he fondles her breasts? And right after that, she says, "I want to talk to D and D." He says no.

Now put yourself in (the plaintiff)'s position. You're out in the middle of nowhere, living in the seclusion retreat, you've dedicated your life to God and this community. You know you don't want to alienate Swami Kriyananda. One of the top guys at the Crystal Clarity, the vice president, even though he's denying that, too, now -- he's got authority over her position. She's going to alienate him? And what he is then going to say to other people in the community and the other leadership about her? She's got to be careful.

(skip in recording)

....Saying, "That's all evil, we're all good." Well, there are the rudiments of that here. There's a foundational structure of that. You saw it in evidence. "This is ruled by satanic force." "We represent light. They represent evil." "That entitles us to use a shredder, trespass to take documents, fabricate evidence." Even on the witness stand they say, "Swami is wonderful, and the women are all liars." "It entitles us to do it." Well, that's the road you start down, when you start dominating and controlling the human mind by pledging unconditional love, surrender, and obedience to someone like Swami Kriyananda. All critical thinking is left at the door.

Now, (skip in recording)

Power versus sex. Violation of trust, which is the bottom line reason we are here. The bottom line reason -- I can tell you personally, I've been living in a hotel for three months.

Mr. Rockhill: I object to that, your Honor. That's irrelevant.

The Court: Proceed. Sustained.

Mr. Flynn: (to the jury)

If there is love, if there's legitimate sexual interaction, notwithstanding the potential issues that arise in marriage, generally there's affection. Generally, in both male and female. Obviously, there are exceptions. There are all kinds of different aspects of relationships, as we know. But in general, with legitimate love is legitimate affection. Well, here, either with Swami Kriyananda and all these women, or Minister XX and (the plaintiff), there's zero affection. I mean, he, in his part, lays there like a zombie, getting masturbated and getting oral sex. There's no affection. With (the plaintiff), he comes down to the seclusion retreat and he uses her for sex and he goes home. I mean, there's no normal, affectionate, loving behavior, either by Swami Kriyananda toward the women, or Minister XX toward (the plaintiff). In impact on the women of the conduct, particularly in this environment, where there's such control and such power wielded over these people, particularly the women -- the impact on the women is simply ignored.

You'll remember Mr. XX's testimony when he's bawling every five minutes, where he went on vacation with Karin and his mind was in turmoil. That's because he was lusting after (the plaintiff). (the plaintiff)'s mind wasn't in turmoil at that point. His mind was in turmoil. So he had to go into seclusion. [That's] when the Swami puts him in her home. The impact on the women, the impact on (the plaintiff), is negated. If the Swami was really concerned, there'd be a duty to investigate. Find out what's going on. Call Minister Levin in and say, "What are you doing?" He couldn't do that because he'd been doing it for 30 years. The fox, literally, was in the hen house.

He couldn't do any legitimate investigation, any legitimate inquiry, make any legitimate decisions to correct it, because he's been a perpetrator himself all these years. So the impact on Woman #1, Woman #2, M-- all these women -- they're just ignored. Woman #2 and Woman #1, as soon as they're used -- they're used up, they're thrown out.

The same thing happens to (the plaintiff). They come in here and they say, "Oh, well, she could have gone to Seattle or Assisi." That would have been the end of (the plaintiff). So they're just blind to the impact on the women. That's the power. That's not even about sex. Accountability and responsibility. In most love relationships, if there's some degree of legitimacy, there's some accountability and responsibility, one for the other. Swami just used his position, in his case, to use these women. And he denies any accountability or responsibility. He sat back in that witness stand and said, "It's between me and God."

He's been soliciting contributions to defend the case for two years based on saying that it's all a bunch of lies. But it's between him and God. Well, I submit, ladies and gentlemen, now it's between him and you. And it's a huge responsibility to put on you. It's a huge responsibility. But it's a responsibility. After sitting here for three months, we believe in our hearts you're going to meet it.

Devoid of empathy -- similar issue. All power. Empathizing with that happened to these women. In (the plaintiff)'s case, Woman #2's case, Woman #1 and Woman #7's case, look what happened to these women. Swami remained Swami. Minister XX remains Minister XX. The women, it's their fault. Compassion. How much real compassion ever took place toward any of these people? Zero.

He admitted to J.M. that innocent people have been hurt. Well, that's a significant admission. He's known all along, as a swami -- I mean, Swami Kriyananda's a very intelligent and clever man. He's known all along what has gone on here. He's known, when he said he has a sexual weakness, that he shouldn't have been doing this. He's known it.

But, what did he do to correct it? Nothing. What did the Church do to correct it? Nothing. Claiming, "Well, we didn't know." Well, you heard Reverend G one of the last witnesses. G.said, "Jyotish told me this is not a brand new issue in the community; it's been around for some time." It's hard to

believe that with all of this conduct going on all this time -- and they admit way back with Woman #5 and all of this took place with Woman #3, and with Woman #2, and Woman #1, and Woman #7 -- that they didn't know. The other members of the Ananda leadership. That's not what happened. They had transferred their power to Swami Kriyananda. They'd be horribly disillusioned if they confronted it, what the Swami was doing to these women, so they didn't confront it, as rebutted (untranscribed) in Exhibit 5. No accountability or responsibility.

Now, if it was about love, or something legitimate, you can ask yourself, "Would there be lies? Cover-ups? Concealment? Why would they have to do it?" The only reason you'd do that is to preserve your position of power. What is your position of power based upon? It's based upon being Swami Kriyananda. If people felt, "Well, he's just like -- he's a normal human being." But, because he's got all this power.... You know, you've heard the statement, "Power corrupts, and absolute power corrupts absolutely"? If he's got all this power, he doesn't want to give it up. That's why the lies, the concealing, the cover-up. That's why there's dualism. That's why the other side is driven by a satanic force: "They represent darkness, we represent pure good." Because he's got to preserve the position of power.

If they confront the facts, any legitimate group of people would impose rules, remove him from his position. Can you imagine this happening at United Airlines? Can you imagine this happening at Racion (sp) or Xerox? Where the president and the CEO starts engaging in this type of conduct? What would be done? But he, in his own isolated community and his own power structure, he's got it so reinforced, that no one can penetrate it. The people right around him wouldn't even dare to begin to penetrate it. Do you remember the story Victoria Kelly (untranscribed) got to tell you that there's be no women's group? Do you remember the June 29th satsang that's one of the exhibits? Swami discouraged women's groups. That would preserve his position of power. Swami takes off for Italy, builds another home over there, while his defense is paid for here. Power.

Dissenters, like former member, [are] asked to leave. Anything that obstructs the power. Pamela Cooper-White says that the profile of the predator, in addition to the narcissism, is they create a bogus climate of safety. A sexual predator. A bogus climate of safety -- Ananda Village. All these young women coming there. This is a safe place. They singled out certain women. They tested them: how far they could go. Remember (the plaintiff) sitting up. Other women who were vulnerable, they submit more readily. That goes to the boundary issue that Reverend Cooper-White talked about. If you have less boundaries, for whatever reasons --

Let's take sexual abuse as a child. They bring in that (the plaintiff) was sexually abused by her brother, as some of the mud they throw in this case. And they say, "Therefore, it must be (the plaintiff)'s fault because Swami Kriyananda put her head in his lap and Minister XX abused her." Now, follow that one through. First of all, it's them as the ministers who have the duty to help her assuming she was abused and was seeking spiritual consolation and solace to solve that problem. That's why you go to a doctor, a minister, or whatever -- I'm sorry -- a therapist. The duty was on them, if that was her problem, to help her with that problem, not to perpetuate it. But the magnitude of the way that has been blown up in this case, after she came out of the organization and was trying to find a karmic reason, and she mentions to this therapist.... I submit to you, it got blown up, but even if it didn't get blown up the way it got blown up, the duty was on them, if she had these issues, to help her. Not to use her for sex.

The predator exposes women to shame and blame. Well, we saw three months of that. They blame the victim and scapegoat them. In other words, the victim becomes the seductress. Well, you've seen three months of that. You're not (untranscribed) in dealing with those basic sets of facts, dealing with just (the plaintiff). You've seen the whole pattern of it in regard to all the women.

(To the judge): You're Honor, do you want to break?

The Court: Would this be a good time?

Michael Flynn: Yes.

The Court: Okay.

Break

Michael Flynn continued:

With regard to M XX, we're going to ask you to hold him liable on one count, regarding intentional infliction of emotional distress, and award whatever damages you think are appropriate, perhaps thinking about the cost of Ms. (the plaintiff)'s therapy, which was only \$10,000. With regard to the Ananda Church, we're going to ask you for a deliberative, measured amount of damages to fairly compensate Ms. (the plaintiff) for everything she's been through: the years, 1992, 1993, 1994 that she's lost, the -- having to go through this, and the enormous pain and suffering that she's endured. And I flesh that out further, but it includes the shame, the rage, the anger, the depression, the suicidal ideation, fatigue -- all of the results testified to by Dr. Kessler, Dr. Aliotto, Pamela Cooper-White. Everything relating to what was discussed by Pamela Cooper-White. We have no intention of trying to hurt other members of Ananda who are still in the organization who chose not to read the declarations. The Church, however, as a unit, should be held accountable for a specific, measured, deliberate amount of fair compensation.

Swami Kriyananda -- he's a different story. We're going to ask you for compensatory and punitive damages against Swami Kriyananda. Now, interestingly, Swami Kriyananda says, and he testified in front of all of you, that he has nothing. That he's a monk. There's some evidence of a Swiss bank account. If it's true, that he's a monk and he has nothing, and you render an award on compensatory and punitive damages, to deter this kind of conduct in the future, so the message goes out from you as the conscience of this community, that this conduct is not allowed --

Mr. Rockhill: Your Honor --

The Court: This is not a subject of the juror's concern.

Mr. Flynn: Okay, we'll go to (untranscribed), your Honor.

Mr. Flynn: (To the jury)

There will be instruction from the Judge with regard to a finding you're going to have to make in connection with whether or not we proceed to punitive damages. In connection with that instruction by the Court, we will ask you as to Swami Kriyananda to, following the Judge's instruction, make a finding that there is clear and convincing evidence of this fraud in this case. And at this juncture, all I have to say is, if he told you the truth on the witness stand, then the Plaintiff will never get any of those funds, but the message will go out. If he lied to you, then we will recover.

This is the end of the informal transcript of Michael Flynn's 2-hour Closing Statement of Jan. 28, 1998. He concluded with a 40-minute Closing Statement on Jan. 29, 1998.