

Michael Flynn's closing arguments transcribed from Friday, 1/28/98, the 2-hour section

Michael Flynn's closing argument was in two sections: a 2-hour section on 1-28-98 and a 40-min section on 1-29-98. This is the 2-hour section, 1-28-98.

This informal transcript was transcribed from an audio recording. Uneven taping quality resulted in some words missing, as indicated.

Ladies and gentlemen, obviously I have to tell you, first, thanks. On behalf of Ford Greene, and the plaintiff, we all thank you. You've been jurors that paid attention, with the utmost attentiveness. I can tell by watching you that you've been scrutinizing the evidence, scrutinizing the witnesses, listening to not only what a person said but the way they said it. You've been here, like me and the judge and the defense, for three months. It's been a long three months and I'm sure there are things that came up where one or more sides have made mistakes. If the plaintiff's counsel has made any mistakes, you can rest assured that they've been made in front of you. There's been no effort on the part of the plaintiff to hide, conceal, destroy, fabricate, take, engage confidential privileges. What you've seen, from us, whether good or bad, mistakes, or aggressive pursuit of truth, it's been right in front of you, and you can judge for yourselves. For some of you, I know it's been a hardship to be here. And for all of you, I know that sitting here for three months, listening to a case involving conduct between the spiritual leader of a closed religious community and a minister with one parishioner is something that at various times you've wondered, what are the issues here? What are we called upon truly to decide? Mr. Rockhill told you in his opening it was a love story. Well, I think after you've heard all of the evidence, you can safely conclude that what went on here could not possibly have been a love story. Love is ennobling, it's fulfilling, it's creative, it's productive, it causes happiness, it produces joy, it uplifts the human heart, it uplifts the mind, it causes productivity, it does not do what occurred here. It does not reduce a woman to living in a hut in a remote location, being assaulted in a gym, being sexually used for three months, while she loses 30 pounds, has a nervous breakdown, ends up with a counselor produced by the defendant, who produces notes that at best are highly suspect. I think, based on all of your collective and individual experiences, you can safely conclude that that is not love.

Now, we're going to get into a lot of issues about the nature of a minister, and the minister-parishioner relationship, and the nature of the ministry, and the type of things that they have in that. Before we do that, I ask you to kind of take a broad perspective of what's gone on in this courtroom the last three months. This is a very unusual case, and as I think we're going to develop in the argument, you're going to find that there are very substantial issues that should be addressed by you. Issues that are bigger than just this case.

So let's take a look at what's gone on in the courtroom for the last three months. You have a 28-year-old woman who joins a religious group to find God: (the plaintiff). She pursues meditation initially because she wants the reduction from stress. She finds in meditation an enormous benefit from a spiritual point of view. It's unquestionable. She finds that benefit. She then pursues, with the Ananda Church, the benefits that the Ananda Church represents are available to her through the pursuit of meditation. And who is the living example of the proof of the benefits of meditation? Swami Kriyananda. The person who everyone in the Church has vowed obedience to.

Now, in the short time that she's in the Church, we find out that one minister, xx his wife has fallen in love with another man. So, he's needy. As soon as Ms. (the plaintiff) joins the Church, what does Mr. xx do? He hits on Ms. (the plaintiff). Now, he's not a party in this case. But ask yourself, as soon as she joins the Church and moves in, because his wife's fallen in love with someone else, he hits on a parishioner. Now, she then tried to get out of that relationship immediately, as you know,

and leaves and goes to Ananda Village. During the course of the trial, they blame HER for not properly responding to xx.

She goes to Ananda Village, she gets in the monastic training program, and by April of 1993 she's hit upon by a second minister, Mr. XX Now, she's gone there to find God. Mr. Rockhill is right about one thing: this is a love story. But it's not a love story, obviously, between her and Levin. It's a love story, as reflected the declaration of spiritual intent, between her and God. That's what she was trying to do. That's what she was trying to accomplish. And the evidence is clear. Her contemporaneous writings at the time show you that she wanted to find God. She had given up a husband. For sure, it was a troubled marriage. All the more reason to go to a church. That's why people go to a church.

So, she goes to find God, and the second minister preys upon her. She resists, writes a letter, complains, and we're going to get into the details of that. And then she gets blamed, she gets moved, the minister gets moved into, in effect, her home, and then she gets blamed, shamed, shunned, removed, loses jobs, loses weight, has a nervous breakdown. With the minister everything stays the same. Then what happened? To get some justice, she brings a case. She comes in court. And a parade of witnesses ends up in front of the jury. A parade of witnesses vilifying her, with everything, virtually, a person can be accused of. The ministers, their status, stays the same. She's the one responsible. That's the whole point of the defense: to blame (the plaintiff). These ministers, like Swami Kriyananda, according to their own members, have no accountability.

So, if you sit back and you look at what happened, and you look at the succession of witnesses that were brought in here to vilify her, I ask you to ask yourself, Why are they vilifying her to such a degree? She was a new church member who joined the Church obviously to find God, who practiced all their techniques religiously, believed in meditation. She gets hit upon by a succession of ministers, causing this total emotional devastation that you heard from other witnesses, and she comes to you and says, "This problem has got to be corrected. There's got to be some kind of accountability." And they come forward and they say, "It's all her fault."

Now, I simply ask you to use your common sense with regard to whether or not in this kind of a context, first of all, whether ANY fault can be contributed to (the plaintiff). Any fault whatsoever. She says she wants counseling with D and D, she complains to V, she writes Mr. XX letter, saying "Let's be brother and sister," and none of it works. And yet, she gets blamed.

Mr. XX (untranscribed). He cries repeatedly on the witness stand, nonstop. Why, we're never really told. Guilt? Guilty conscience? Where he ends up is enlisting your sympathy to some degree, because I could see it. His wife has cancer. Well, that's extremely sad. But to come in this court and say that his wife's breast cancer -- the way he couched it was clever. He said it may be the responsibility -- it may have been caused by the affair. Well, first of all, we know nothing about the life of Ms XX. We have no idea what could have caused her breast cancer. There was no medical testimony, there's nothing. There's a minister crying on the witness stand, saying his wife has breast cancer. And inferentially, (the plaintiff) is at fault. Because he hit on her. Now, I ask you to use your common sense. What evidence did you ever hear on the witness stand on that, that there's any linkage, scientific or otherwise, that K's breast cancer can be attributed to them? Who knows what Ms. X and his relationship with her was? Who knows what her involvement was with other people, or is involved with other people? To come in here and cry, and use the breast cancer as an effort to deal with his accountability, and his responsibility, I submit to you, without solid evidence, is just egregiously wrong.

So, what did they do? They came in and they basically said -- they threw mud. Mud was really thrown in the courtroom. I've been litigating cases for 28 years, and, incidentally, I apologize for my coughing during this case. I've never been sick before in a case. I don't know what happened in this one, but I apologize for all the coughing. But, I've been litigating cases for 28 years, and to see a parade of 25 or more witnesses come in and accuse (the plaintiff) of being -- well, you name it, she's been accused of it -- obsessive-compulsive, paranoid, passive-aggressive, histrionic, plug-pulling, blind-siding, competitive, selfish, just a parade of witnesses. And you'll notice that in every one of those witnesses, when I questioned every single one of those witnesses, "Did you read the women's declarations?" mostly no's, a few yes's. "Do you think Swami Kriyananda did anything wrong?" No. No, (the plaintiff)'s the bad person. Swami didn't do anything wrong. Mr. XX didn't do anything wrong. (the plaintiff)'s the bad person.

Well, I submit to you, ladies and gentlemen, that this gives you a clue about why we are here, and what the case is about. This case is not about sex. It's about the use of sex to get power. Reverend Cooper-White's testimony -- we're going to get into the details of why it was power. It hit the nail on the head. The power imbalance that exists between a minister and in this case the head of a religious community, and a novice parishioner, is obvious. It's just obvious. Common sense tells you that it's there. So why engage in sex repeatedly for 30 years like Mr. Kriyananda did, with novices, young female devotees, or what Mr. X did? If you really look into this testimony, and what went on between Mr. X and Ms. (the plaintiff), it is plain: it had nothing to do with love. It had a lot to do with abuse, and it had a lot to do with power.

The reason we're here, the reason we've spent three months together, must have some cosmic ordination, there must be some reason for a case to go for three months. It kind of developed, as you know, on its own. And I submit that there's probably a fairly simple reason. (the plaintiff) came here not only to get justice for (the plaintiff), because no one could have withstood what she's withstood for three months in this courtroom, for three years in litigation, if it were just about her: she couldn't have done it. She came to get justice for all of the women, not only the ones who testified, but the ones who didn't testify. She came to protest. And make no mistake about it. And when I get into the last phase of my argument, of what we're going to ask you people for, (untranscribed). She came to protect people who would be repeatedly subjected to the sexual predations of not only Swami Kriyananda, but the system that he created that allows other ministers to sexually prey on young parishioners like Mr. X did. A system with no rules, no accountability, no responsibility, nothing. The supreme arbiter, the supreme decision maker, was Swami Kriyananda. It's proved when (the plaintiff) went to him for help, and her head ends up in his lap. It's proved right there. It's proved when he sent XX into her home and sent her away. That's power. (Untranscribed).

We're here to make sure that in the future there are rules, there is accountability, there is responsibility. It's not simply a question of Swami Kriyananda dictating whatever Swami Kriyananda wants to dictate, and whatever he wants to do. There are rules that society imposes. As you heard from Reverend Cooper-White, there are rules that churches impose on their ministers. In this community, there were no rules but those created by Kriyananda. That's what we're here to do. That problem, imposing appropriate rules, will deal with a whole sequence of problems that you've heard about in the evidence in this case. A whole sequence of problems with regard to Swami Kriyananda and the way he gets worshipped.

Now, the defense spent a month to parade 25 or more witnesses saying, "Swami's not the guru, Yogananda's the guru." Mr. XX got up there and said that as early as 1981, he gave his unconditional love, surrender, and obedience to Swami Kriyananda. Now, I ask you to use your common sense with regard to that amount of transfer of power to one person. If Mr. XX is, in effect, representative of transferring that degree of unconditional love, surrender, and obedience to a

person who he also testified that he thought was a swami the whole time -- Do you recall that testimony? Mr. XX said he always thought Swami Kriyananda is a swami. Even though just before that they had witnesses on the witness stand, I think it was S who testified that, no, he stopped being a swami in 1981. That little contradiction right there, we're going to get into in the fraud count, and it's going to tell you a lot about what the nature of the fraud was in this case. But with regard to that transfer of power to Swami Kriyananda -- unconditional love, surrender, and obedience -- that is what fueled the environment of sexual misconduct that took place over 30 years in this case. No accountability, no rules, whatever Swami wants, Swami gets.

The last reason we're here is simply to stop the fraud. A verdict in the fraud count in this case will just stop it. There'll be no more holding out of Swami Kriyananda as Swami Kriyananda. There'll be no more young women going in there thinking that Swami Kriyananda is this perfect, celibate holy man of the highest degree of integrity, character, honesty. It'll end. Society needs to end it. Those are the reasons we're basically here.

Now, the fundamental legal basis, the fundamental legal justification for (the plaintiff) being able to bring this case, is trust and representation, statements made, promises made, being held out, Swami being held out to be a swami, a community being safe, protected. Swami being a person of integrity, honesty, a minister, a spiritual director. That all involves a relationship of trust, when a parishioner comes in, believes all that and trusts all that. The judge is going to instruct you in the nature of what they call fiduciary and confidential relationship, and you will hear that instruction. It imposes a higher degree of duty on the person to be responsibility, and to hold the interests of the other person. It's like going to a doctor. To hold the other person's interests in the first place, rather than this person's interests. In this case, the trust is so egregiously violated and raped, that it's almost -- it describes years of rape of the trust. It's not only not holding these other women's interests first, he used them for his own interest. That is the fundamental justification for this case. If this relationship existed, it was fiduciary or confidential in nature, meaning that this responsibility was owed by these ministers to Ms. (the plaintiff), and it was breached.

Now, the specifics of the breach bring up what I find to be an incredibly interesting irony in connection with the fraud claim. It's almost ironic beyond the three months we spent here looking at it. The fraud claim has been conclusively proven by the defense and its conduct and its witnesses. And let me explain why. The fraud claim is based upon the fact that (the plaintiff) believed that Swami Kriyananda was a celibate holy man of (untranscribed), with the highest character. She believed she'd be protected in this community. She believed it was a safe place. How do you know she relied on that? How do you know those representations were made? Aside from all the exhibits, the stationery saying "Swami Kriyananda," the books saying "Swami Kriyananda," the books she bought saying "Swami Kriyananda," everything identifying Swami Kriyananda for what he is; aside from the flyers, the brochures; aside from all that, we had blatant proof right in front of us. Every witness who's been on the stand. Every one of the defense witnesses got up there and tried to protect Swami Kriyananda. Every one of them said he was a person of the highest integrity, he would never do anything to violate his trust, he would never do anything to hurt or abuse these women. In fact, Vidura Smallen came right out and told you: he said, "I've spent 25 years there, and Swami is perfect." That's virtually what he said to you. He said Swami would never do these things. Do you remember my examination of Mr. S? He said Swami is incapable of doing these things. Incapable of abusing women. "I've spent 25 years helping to build this Church; he'd never do it." Every other defense witness said the same thing. Every single one of them. Well, that's exactly what (the plaintiff) thought. When (the plaintiff) joined the Church, she believed the same things about Swami that every single defense witness testified to. The only difference is, they never confronted the facts yet. They won't even read the declarations.

For combinations of reasons, she was forced to deal with what happened to her, and she dealt with it. She didn't run off to Seattle or Assisi like they wanted her to. If she had done that, she would have lost her soul. She would have given in to Kriyananda's wishes and his dictates. She would have been gone. You wouldn't have heard from (the plaintiff) for years. That's what happened to the other women. That's why they don't come forward. That's one of the reason they don't come forward within the one year statute of limitations, and do something about (untranscribed). It takes a composition of events, of strength of character, of courage, and confrontation to come forward and deal with these problems. These other people just simply haven't faced it yet. But they've all been up there and they've told you by telling you their stories, in fact, and their belief in Kriyananda, and their reliance on Kriyananda, and his integrity, celibacy, modesty, and everything they said -- they basically validated exactly what (the plaintiff) believed and relied on. That's the proof, aside from all of the documents, the exhibits, and the testimony of all the plaintiff's witnesses: JM, former member, former member, Woman #1, Woman #2, Woman #3, MS, Woman #4, Woman #6, Woman #7, all of these women who came in and said, "Yeah, he was a swami, I trusted him, I believed in him." You don't even have to rely on their testimony. You can infer from the defense witnesses' testimony on the fundamental claim in this case, the fraud claim.

Now, it presents -- The proof of the fraud is not only with what they said about Swami; for example, remember when S said, she testified that Swami got up and left the movie theater because the movie Victor/Victoria had low sexual vibrations? Remember that testimony? They all believe that Swami was this lofty person of perfect integrity and character who didn't have sexual problems.

So, let's go to the second part of the proof: right from the defendant's mouth. The Swami got up there and said, "Yeah, I have a sexual weakness." All of the women who have come in to testify -- and you can draw an inference that these women who have come in -- that is a PORTION of the women over these years. You can draw that inference because of the pattern of Swami's conduct. It's a fair inference to draw. The pattern of his conduct and his sexual weakness, which he said "only stopped several years ago." Remember that testimony? Well, you can ask yourself, When he admitted that, who did it stop several years ago with?

Now, again from these defense witnesses: Since they came in and they denied, they concealed, they minimized, they blamed (the plaintiff). Remember the testimony about evil? The embodiments of evil, the lawyers -- (the plaintiff)'s lawyers, the satanic forces that drove these women, that are driving this lawsuit? You can infer from that, that because we're being, supposedly, the satanic forces, they must be the forces of light, and truth, and goodness, etc. What does that mean? That means the Swami's right. The Swami didn't do these things. He wouldn't engage in low sexual vibrations, like S testified they saw in the movie. Right there is the problem. Right there, proved by their own witnesses, is their reliance and belief in Swami Kriyananda that they inculcated into the community for 30 years. That's a hornet's nest. That's a cesspool that (the plaintiff) unwittingly walked into. Because it was true. You heard from a battery of women that it was true, that Kriyananda did what he did to Woman #, Woman #, Woman #, Woman #, Woman #, Woman #. You heard from all of those women. You heard from his own mouth that he has a sexual weakness. The way they presented him was not true.

Now, and of course, you've got (the plaintiff)'s own testimony. But now it's corroborated by all of the defense witnesses and all of the plaintiff's witnesses. She came in and, just like these other people, she believed in Swami Kriyananda. She believed all of the representations.

While we're on that subject, let's talk a little bit about KM and the two marriages. Now, let's really think about that: these two marriages. In the first marriage, as we know, Kriyananda writes in Exhibit 32, and you've heard this repeatedly, "It's not a physical union." He said that to the entire

community. "It's not breaking [his] monastic vows." His minister comes down and relies on this "It was almost too spiritual" to mean, "Well, they must have been having sex." A little bit of holding hands; it could have been anything. If you gaze into the minds of some of these witnesses on the defense, here's what you come up with. Take Jyotish Novak. Remember Jyotish Novak's testimony? He didn't learn Swami was not celibate until this lawsuit.

Now you've got all of our witnesses who came in: D, V, T, they all believed he was a swami. They all believed that this marriage was this Golden Age spiritual union. The ideal of renunciation in marriage. Because he was going to hold himself out to be the ideal renunciate.

Now, let's look at it. You hire a plumber. You look up in the yellow pages under "Plumbing," and you see a plumber. Call him up, you've got a leak in your house, to fix the leak. (the plaintiff) goes into the Church, Swami Kriyananda, buys his books, sees Swami Kriyananda, thinks he's a swami. [She] reads about what a swami is in his books, in the Autobiography of a Yogi, says he's a swami. Remember the testimony that we read into the record? -- the defense said, well, we were distorting - - where it showed there's no difference between Jesus, Kriyananda, and Yogananda? We read it right out of the meditation class? In the same class that (the plaintiff) said he had this powerful sexual magnetism, referring to Kriyananda? Remember the testimony of David Praver, or the classes by David Praver, where he said he'd be nitpicking to find any difference in consciousness between Yogananda, who they consider to be an avatar, and Kriyananda? Now, you hire a plumber. You pick up the yellow pages, take the name out of the book, says he's a plumber. You have him come over to fix your house -- fix the leak in your house. Just like (the plaintiff) picks up a book, "Swami Kriyananda." The plumber gets up there. He completely screws it up. One little leaky faucet turns into cut pipes, [the] house floods, and the house is ruined. You're very upset. You ask him, "Well, where did you get your plumbing license?" You find out, on further inquiry, he's not a plumber. He comes in and defends and says, "Well, after I took the ad in the yellow pages, I told a bunch of people I wasn't a plumber. So people knew I wasn't a plumber."

The law in our society obviously imposes a duty on a plumber, an electrician, a lawyer, a doctor not to misrepresent who we are. I can't say I'm licensed to practice law when I'm not. I can't say I'm a lawyer when I'm not. A doctor can't say "I'm a doctor" when he's not a doctor. A swami can't say he's a swami when he's not. He can't hold it out and then come in and say, "Well, I had this marriage, a spiritual union; I had this other marriage to R. And some people knew I was married and some people didn't." Well, if that's true, why didn't he simply notify people coming in and say, "I'm no longer a swami"? He didn't do it. He left the ad in the yellow pages. So people would come in and participate in his community that he had total dictatorial control of. Should a minister, a spiritual director with the power and authority that he wielded, have less responsibility than the plumber to tell the truth? If you're not a swami, say you're not a swami. If you're not a minister, say "I'm not a minister." You don't put ads in your brochures saying, "Our ministers can sensitively guide you to do this and to do that, and we'll take care of all your spiritual needs." You say, "Oh, we're not ministers." Another one of the games that were played in this case. Vice presidents who aren't vice presidents, ministers who aren't ministers, swamis who are not swamis.

Well, if it was you or I, in normal, everyday society, can you put something on your resume that was false and then you got caught? There'd be serious repercussions. If you held out yourself to be something and it wasn't, there'd be serious repercussions. To hold yourself out for 30 years in a community to be a swami, a spiritual director, a living representative of God, that's the Ananda line -- a living representative of the Ananda line of gurus including Jesus Christ. And to have taken these formal, solemn vows to do that, when in fact you're not, it's fraudulent. And everything that goes with that representation, the integrity, the character, the concern for other people -- It's fraudulent. You're holding yourself out for something that you're not.

And is there any question that people relied? You heard every one of their witnesses and their attitude towards Swami. I read from D[testimony] where a young child put the Swami's picture on an altar because they believed he was a swami. The repercussions of not being a swami, in truth, are what he did to all those women. That's how the fraud flows into the (untranscribed) in this case.

Now, in addition to the inferences to be drawn from the attitude and beliefs of all these people are the actual exhibit where he's held out to be a swami that (the plaintiff) relied on: the book, *The Path*. You've seen that throughout the trial. The *Spiritual Marriage* book, where you have a whole "About the Author" section in which he's called repeatedly "Swami Kriyananda." The *Autobiography of a Yogi*, where there's a description that we read into the record several times of what a swami is and the solemn vows that are taken.

The stationery. Remember the stationery of Swami Kriyananda? It says "Swami Kriyananda" right on it. So what did he do? He came to court and he said, "Oh, it's old stationery." How old? 1981? It's just more of the fraud. It's more of the misrepresentation. It's more of the concealment. It's more of the game playing. He sends a "Swami Kriyananda" stationery to Ms. (the plaintiff), and then comes in to be deposed and says, "It's old stationery." It's in his books, it's in his writings, it's in the flyers.

Remember the last witness? She just happens to go to an open house and they're calling him Swami Kriyananda. In June, 1995, they're holding him out -- that's about four months before he hops on a plane, because he knows he's in trouble, and runs back to India to renew his vows. Just from that little act by Swami Kriyananda, you can draw an inference of where his mind is, in terms of what he had been doing wrong. That little act you can infer consciousness of guilt from. All these years not being a swami, abusing these women, he runs back to India and renews his vows right after we deposed him for six days about every woman we could find out about and his conduct with. He runs to India and renews his vows.

That gets into the issue of Swami's spiritual motivation. It just so happens that his last deposition was on September 22nd, 1995, in that series of depositions. On September 22nd, the same day, the Church wrote a memo to take trash from my property and trespass onto my property. On September 23rd, Swami wrote the memo saying that the lawyers of (the plaintiff) are the embodiments of evil. Shortly after that, in early October, Swami hops on an airplane and renews his vows. You can infer, you can draw a fair, legal inference that the Swami had a consciousness of guilt in doing that. He knew he shouldn't be holding himself out to be a swami. "All right, I'll go over and renew my vows. Then I'll be a swami again." So, interestingly, he said on the witness stand that he hasn't had this sexual weakness problem for the last several years. Well, he gave that testimony in November of 1997. For the last several years, and dating back roughly to November of 1995, he renewed his vows in October of 1995, you can infer that right up to the renewal, the Swami's sexual weakness was being exhibited.

Now, you remember the flyer, the 1995 flyer, where he held out to be Swami Kriyananda? I can't specifically recall -- I think I asked him about that. I know I did in his deposition. I can't recall specifically in this trial whether I did. But every exhibit, virtually, that you've seen, that comes from the Church and comes from and was written by Swami Kriyananda, virtually every one of them -- I can't think of one that is not -- is signed, "Swami." This one is the one where he said it was between he and God, so he wasn't going to read the women's declarations. This is after he signed the declaration under oath which you saw in which he denied all the allegations of all the women. Signed, "Swami." You heard all of their witnesses refer to him as Swami. Well, they say, "Well, that's just a nickname." Well, the plumber could say, "I call myself a plumber, but it's just a nickname."

In this case the name, Swami Kriyananda, is a very significant thing. This was the name given to him when he took his vows. It's a Sanskrit name, the name "Kriyananda," you remember came into evidence, means "bliss through kriya." Reaching -- "[Yoga]nanda" is basically "yoga" and "ananda" -- reaching God union, with, in this case, with "kriya"? It's a solemn vow and there's solemn significance in the name, in this Hindu order, and they knew it. They knew it, they knew it, they knew it. You don't hold yourself out as a swami unless you're a swami. Remember, I read from the Autobiography of a Yogi? Unless you're really a swami, you shouldn't wear the other robes because it's "misleading to society"?

Imagine Jyotish getting up in front of you people after he's been with him since 1968 and saying, "Well, I didn't really know whether a swami was celibate, or what the word celibacy meant, or what kind of vow he took." Ladies and gentlemen, I submit that's just completely ridiculous. It says in the books, it says in Kriyananda's writings what a swami is. It states in Autobiography of a Yogi, which they virtually use as a bible, what a swami is and the vows he takes. For the number two man in the community to come up here and say, after all these years, "Well, I wasn't really sure," and at the same time he says, "I didn't learn he wasn't celibate until this lawsuit." That's a perpetuation of the fraud. That's perpetuation of the fraud. That's what needs to be corrected. And they never wanted to correct it on their own, and chose not to correct it on their own, so now it takes a jury to correct it.

Now, on this point, the April 24th [document] we've heard from, we've seen repeatedly throughout this lawsuit. It says the declarations are "filled with lies and distortions." He had to. The women have to be driven by a satanic force. The women have to be lying. (the plaintiff) has to be lying. She has to be driven by a satanic force. It can't be the Swami. The Swami can't have this kind of character. He can't have lied to us. He doesn't have the capacity to have lied to us. That's what all their witnesses said. These women had to be lying.

They had, therefore, to conceal the declarations, or do their utmost to prevent the community from reading them. Well, that's what this document says: "Don't read them." Sure, you could hide them under a mattress if you're fearful, like Victoria Kelly testified. But basically, you're not to read the declarations. Read Swami's declarations. That's what the document said. Because Swami can't be a liar. Swami can't have defrauded us. We've invested all our lives in Swami Kriyananda. We've been there for 20 years investing our lives in Swami Kriyananda. We've transferred our unconditional love, surrender, and trust and obedience to Swami Kriyananda. He can't be wrong. Therefore, the women are lying. Therefore, it's wrong to read the declarations. Read Swami's.

Remember we went through Swami's February 22nd, '95 declaration, referring to KC -- All the women are lying, he hasn't sexually abused anyone. He hasn't been with numerous women at Ananda. Well, you just heard from some of the women. But [what] is significant, is the women you heard from, the ones we were able to get (untranscribed) to testify, or did declarations, they are liars. Swami's telling the truth, we've invested all our lives in Swami, they must be liars.

Well, here, just use your common sense. You heard from all of those women. You saw D,. You saw Woman # 3. You saw Woman #2, you saw Woman # 1. You saw Woman #4 , Woman #6. You heard about the declaration of David Kimmel. You heard about C. He admitted C. He also admitted to some woman named "P" [another woman who didn't file a declaraiton] remember that from the witness stand, Kriyananda did?

Now, when they said on April 24th the women are lying, it was damage control time. Because they had invested their lives in Kriyananda.

Now, with respect to the women, let's talk for a minute about Woman #3. She says she was raped. There's testimony that's all over the place. She was tucked in the attic room, she was supposedly his wife at the time, he said he had sex with her before. For purposes of our case, it's irrelevant whether she was raped or not. Because the only reason we even brought her in is to show that he had sex with her. And he admitted it. He's not a swami. When he wrote that it wasn't a physical union and he didn't break his monastic vows, he was lying to the community back in 1982. And he admitted it to you folks. He admitted that he had sex with Woman # 3. Whether it was a rape or just sex became a red herring in this case. Now, Woman #3 was obviously strongly impacted by this man. It was almost like she was psychologically stalked since 1982 by Swami Kriyananda. And how it's bent her mind is hard to say. As you know, she was still believing in Marcie's reading that she was a Divine Mother to the community, or something.

Now, the important thing, though, from the point of view of proof in this trial, both sides agree on. He had sex with Woman #3. Which raises the issue of Swami's not only celibacy, but his character. She's a married woman, living with her husband, in Kauai, in Hawaii, and Swami arrives on the scene when she's working in I guess it was a gift shop or a flower shop. And if you believe Swami's story, while she was living with her husband, he had sex with her in Hawaii. She says no, but he says he did. So for the purposes of this case -- and I think by the way there's probably a reason that Kriyananda admitted, or wanted the sex to have taken place in Hawaii. Frankly, I submit that the reasons that Woman #3 submitted are more compelling, in the overall analysis of the testimony, as to who's telling the truth there -- but for our purposes it's irrelevant. He's committing adultery, as the Spiritual Director of the community, with a married woman who's living with her husband. Now, as we know he says it was not a physical union, and that he didn't break his monastic vows. He now, 16 years later, had to admit that he did, in front of you people. So he was lying then, he was concealing all of these years when he was telling that there was not a physical union, and then when the declarations came out, they were "lies and distortions." But the critical issue is the adultery. And the sex.

The next critical issue is, for purposes of analyzing Swami Kriyananda and the fraud, the next critical issue is that he represented to the community that it was a spiritual marriage. Now what, in God's earth, is a spiritual marriage? When questioned, he said, "Well, it's not marriage in the usual sense." He said, "It was a marriage, but like in the Golden Age of India. The ideal of renunciation." He had just spiritually married a married woman. It's so fraught with ambiguity, deception. Imagine a bishop of a legitimate -- of a religious organization. Imagine one of you acting in that capacity, having a superior position in a large corporation, and acting like that. There was deception, and there was fraud, and it was obvious.

And that is the cesspool that (the plaintiff) walked into. She didn't even know who Woman #3 was. Like the plumber who put the ad in the yellow pages. Who's Woman #3 ? I read about Swami Kriyananda, or I do the techniques, I get benefits from the techniques, I'm trying to find God, I believe in this whole thing. I believe in the Swami's ability to bring us to God. And they now come forward and say, "Well, he was married 16 years ago to Women #3, therefore he wasn't what he pretended to be"? You're going to put an ad in the yellow pages, make sure it's accurate. Particularly, if you're a swami.

Now, there are, if you'll remember from the testimony of Pamela Cooper-White, there are traits of a sexual predator. Traits of a narcissist, of a sexual predator. And it was almost as if it was written to conform with Swami Kriyananda in this case. A sense of entitlement. Remember when we talked in the beginning about the nature of the sex that took place and that you may have to discuss in the jury room the nature of the sex? They got up there and they said it was consensual. Consenting adults, having sex. Swami Kriyananda using a 21-year-old devotee to masturbate him, to give him

oral sex, while he lays prone offering it to God, I suggest to you that [there's] a sense of entitlement on the part of Swami Kriyananda. It is not in the nature of a consensual act. Why isn't it consensual? He's the Swami, she's a young female nun adoring him. Believing that he's all these things. The power in that, in his position as a swami and her position as a nun, when he asks for this kind of conduct, is something that you the jury are going to have to address and comes to grips with. How can that be?

Reverend Cooper-White said, "It can't be consensual. The mind of the person here, and the mind and the power of the person here, prohibits consent." Why? Because of not only the undue influence, but the mind of the person who's getting sucked into this situation. The mind of the person believing that this man can take her to God. But the fact that he has all of the accouterments, he's got all the tools of power, he's the Spiritual Director, he's supposedly a man of God, he's got power of employment over everyone in the community. He's got power over their housing, power over their spiritual lives. So a young woman coming in, idolizing and adoring someone like Swami Kriyananda is going to submit. She's going to submit against her better judgment, and against what's good for her.

There is no difference between prohibition of a doctor in a doctor's office, only in this case it's kind of a huge doctor's office, because the Swami controls the whole community. She's going to follow the protocol of not being negative, because if you're negative you're out of tune with Swami.