

Deposition of Mr. J. Donald Walters: Friday, September 22, 1995

Note:

This is the sixth of seven days of the deposition of Mr. J. Donald Walters. This part is dated Friday, September 22, 1995. Many subjects are covered in a random manor. Oftentimes, the same subject is brought up again in other sections.

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Important Note:

All questions, accusations, and allegations, implied or otherwise, have not yet been ruled upon in a court of law. Some of them may never be. In the United States, defendents are innocent until proven guilty. These are public documents available at the San Mateo county courthouse, in California, USA. Mr. Walters is a public figure, and these documents are presented here for informational purposes.

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 IN AND FOR THE COUNTY OF SAN MATEO

3 --oOo--

4 (the plaintiff),

5 Plaintiff,

6 vs. No. 390 230

7 ANANDA CHURCH OF GOD

REALIZATION, a California

8 not-for-profit corporation,

et al.,

Defendants.

10 _____/

13 DEPOSITION OF

14 DONALD WALTERS

15

Volume VI; Pages 900 - 1058

Friday, September 22, 1995

REPORTED BY:

HOLLY THUMAN, CSR NO. 6834, RPR

TOOKER & ANTZ

24 CERTIFIED SHORTHAND REPORTERS

131 STEUART STREET, SUITE 201

25 SAN FRANCISCO, CALIFORNIA 94105

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4 --o0o--

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17 --o0o--

1 BE IT REMEMBERED that on Friday, September 22,

2 1995 commencing at 10:42 a.m., thereof, at Tooker & Antz,

3 131 Steuart Street, Suite 201, San Francisco, California,

4 before me, HOLLY THUMAN, duly authorized to administer oaths

5 pursuant to Section 2093(b) of the California Code of Civil

6 Procedure, personally appeared

7 DONALD WALTERS,

8 called as a witness, who, having been previously duly sworn,

9 was examined and testified as hereinafter set forth.

10 APPEARANCES

11 HUB LAW OFFICES, 711 Sir Francis Drake Boulevard,

12 San Anselmo, California 94960, represented by FORD GREENE,

13 Attorney at Law, appeared as counsel on behalf of the

14 Plaintiff.

15 JON R. PARSONS, Attorney at Law, 2501 Park
16 Boulevard, Suite 207, Palo Alto, California 94306-1925,
17 represented by JON R. PARSONS, Attorney at Law, appeared as
18 counsel on behalf of the Defendants.
19 EDWARD W. PLISKA, Judge (Retired), Attorney at
20 Law, COREY, LUZAICH, GEMELLO, MANOS & PLISKA, 700 El Camino
21 Real, Millbrae, California 94030, was present as the Referee.
22 Also present were (the plaintiff); DR. PETER
23 VAN HOUTEN; JOHN NOVAK; and SHEILA RUSH.
24 Videographer: Robert Barbagelata, Dan Mottaz
25 Video Productions, (415) 731-1300.

1 September 22, 1995 10:42 a.m.

2 --o0o--

3 EXAMINATION BY MR. GREENE (Continued)

4 THE VIDEO OPERATOR: This is the beginning of

5 videotape number 15 in the deposition of Donald Walters.

6 We're back on the record September 22, 1995 at 10:42 a.m.

7 MR. GREENE: Q. Good morning, Mr. Walters.

8 A. Good morning.

9 Q. You understand you're still under oath?

10 A. Yes.

11 Q. How many Ananda communities are there?

12 A. Well, let's see. There's one, two --

13 Q. And what are they?

14 A. -- three, four, five, six -- six communities.

15 You mean where are they?

16 Q. Yes.

17 A. One is in Assisi, Italy, near Assisi; one in

18 Sacramento, California; one in Palo Alto-Mountain View,

19 California; one in Portland; one in Seattle; we have our

20 main community in or near Nevada City; and a fledgling

21 community, which we aren't so self-sure whether to call a

22 community or not, in Dallas, Texas.

23 Q. All right. And are there any of these communities

24 that do not fall within the scope of -- based on your

25 understanding, of the Ananda Church of Self-Realization?

1 A. They all do.

2 Q. And are each of these communities -- let's see.

3 Withdraw that.

4 Does the board of directors and the officers of

5 the Ananda Church control to some extent the activities that

6 take place in each of these communities?

7 A. Yes.

8 MR. PARSONS: Well, objection. I'm not certain

9 there's a foundation for this witness to testify.

10 Also, vague as to the meaning of "control."

11 THE WITNESS: I think that's correct.

12 MR. GREENE: Q. Now, is there an individual or

13 individuals on-site in each of these communities who is a

14 person or persons in charge?

15 MR. PARSONS: Again --

16 MR. GREENE: Q. To your knowledge?

17 MR. PARSONS: Okay.

18 THE WITNESS: Yes.

19 MR. GREENE: Q. Okay. Now what, to your

20 knowledge, is the identity of such persons as to the Assisi

21 community?

22 A. As to --

23 Q. The community in Assisi, Italy. Who is it that's

24 in charge on-site --

25 A. The names?

1 Q. Yes.

2 A. In Assisi, it would be Mark and Kirtani --

3 Q. And last names, please?

4 A. I know it perfectly well. Mark -- it's odd, it

5 slips my mind, and I know him very well. It shows that

6 these depositions are stressful.

7 It's Stickney.

8 Q. How do you spell the last name?

9 A. S-t-i-c-k-n-e-y.

10 Q. All right. And same question with respect to the

11 Sacramento community?

12 A. Sacramento is Ananta and Maria McSweeney,

13 M-c-S-w-e-e-n-e-y.

14 Q. And the Palo Alto community?

15 A. Asha and David Praver.

16 Q. And Portland?

17 A. Paula. I'm not sure she's taken her -- she was

18 divorced, so it would be either Paula Gugliotta,

19 G-u-g-l-i-o-t-t-a, or Lucki, L-u-c-k-i.

20 Q. And the Seattle community?

21 A. Terry and Padma McGilloway, M-c capital

22 G-i-l-l-o-w-a-y.

23 Q. And Nevada City, that's the --

24 A. That's --

25 Q. The people that you described yesterday.

1 Yourself --

2 A. Yes.

3 Q. -- Jyotish, Vidura?

4 A. Yes. That's a little more of a question. We have

5 a church in town, but it all is -- I mean, since everybody

6 lives on the land, we can put it that way.

7 Q. And Dallas?

8 A. That would be Karen McDow, M-c-D-o-w, and Bill

9 LoCicero, L-o, and then capital C-i-c-e-r-o.

10 Q. And to your knowledge, has Karen McDow also been

11 known as Karen Bowman?

12 A. Yes. And it may be she has that name now, because

13 that would be her maiden name.

14 Q. Okay. And is -- do you know if Bill LoCicero's

15 name is his real name or a spiritual name?

16 A. His spiritual name is Krishnadas.

17 Q. Now, is Ananta McSweeney's first name a spiritual

18 name?

19 A. Ananta.

20 Q. Ananta?

21 A. With a "t" rather than a "d."

22 Q. Is that his spirit --

23 A. That's a spiritual name.

24 MR. PARSONS: Wait till he's finished with the

25 question.

1 THE WITNESS: Yes, I'm sorry.

2 MR. GREENE: Q. And how about Asha? Is that a

3 spiritual name for Asha Prayer?

4 A. It is. It's so much so, I think it's legal also

5 now.

6 Q. Okay. When you first met her, her first name was

7 Nan, was it not?

8 A. Yes.

9 Q. And how about Padma McGilloway? Is Padma a

10 spiritual name?

11 A. Alexandra is her birth name.

12 Q. And Jyotish is a spiritual name. Correct?

13 A. Yes.

14 Q. Does a person receive a spiritual name at the

15 point -- at a certain point of commitment of involvement

16 with the Ananda organization?

17 MR. PARSONS: Objection.

18 MR. GREENE: Q. To your knowledge?

19 MR. PARSONS: It's vague as to time. In other

20 words, the practice may have changed over time.

21 It's also -- calls for a generalization, and

22 therefore speculation on this witness's part.

23 But you may respond to the question.

24 THE WITNESS: It's -- there's no set system. I

25 gave the names much more freely in the past. I hardly ever

1 give it now. And not in any way a special recognition.

2 More because they want a name and have come up with a name

3 and ask my approval. That's about it.

4 MR. GREENE: Q. All right. So with respect to

5 the individuals that I just talked to you about, which would

6 be Ananta, Asha, Padma, and Krishnadas, you had at least a

7 role of approval with respect to those individuals' adoption

8 of their names. Correct?

9 MR. PARSONS: Okay. Objection, compound. Go

10 ahead.

11 THE WITNESS: Correct.

12 MR. GREENE: Q. With respect to any of those

13 people, did you give them their names?

14 MR. PARSONS: Objection. Vague as to "give"; it

15 contradicts his earlier testimony.

16 But go ahead.

17 THE WITNESS: Would you read the names again?

18 MR. GREENE: Q. Sure. That would be -- and I'll

19 just list them out, and what I want you to tell me is

20 whether or not you chose and gave the name as to the

21 particular individual, starting with --

22 MR. PARSONS: Same objection.

23 MR. GREENE: Q. -- Ananta McSweeney?

24 A. Yes.

25 Q. Asha Praver?

1 A. Yes.

2 Q. Jyotish?

3 A. Yes.

4 Q. Krishnadas?

5 A. I'm not sure on that one.

6 Q. Okay. Padma McGilloway?

7 A. Yes.

8 Q. Now, to your knowledge, Padma McGilloway has moved

9 to Seattle sometime within the last 2 or 3 years. Isn't

10 that right?

11 A. Yes.

12 Q. And before Padma moved to Seattle, she resided at

13 the Ananda community in Nevada City. Correct?

14 A. Correct.

15 Q. Did you assign her to move to Seattle?

16 MR. PARSONS: Objection. Vague as to "assign."

17 Go ahead.

18 THE WITNESS: It was actually her husband, and she

19 went with her husband.

20 MR. GREENE: Q. Okay. Did you assign her husband

21 to move to Seattle?

22 MR. PARSONS: Same objection.

23 THE WITNESS: I did.

24 MR. GREENE: Q. And prior to Padma's move to

25 Seattle, she was the individual who was in charge of Crystal

1 Clarity Publishing for some period of time. Correct?

2 MR. PARSONS: Objection. Vague as to time.

3 Go ahead.

4 THE WITNESS: Yes.

5 MR. GREENE: Q. What is, to your knowledge, the

6 amount of time that Padma ran Crystal Clarity before she

7 left for Seattle?

8 A. It's an estimate, but I would say at least 7 years.

9 Q. Okay. Do you know whether Padma, when she ran

10 Crystal Clarity, had a particular title; and if so, what was

11 that title?

12 MR. PARSONS: Objection. Foundation. Go ahead.

13 THE WITNESS: Well, we're pretty loose as to

14 titles. I'm in a way the president, she was in a way the

15 president, depending on circumstances. If she was out there

16 representing us and I wasn't, then -- it was not really

17 clear to us.

18 You could say that she was the president and I was

19 the president behind the scenes, or whatever such terms

20 apply, or she was the president, I was the chairman.

21 It's not a -- the title itself is not too clear,

22 but she was running things under my direction.

23 MR. GREENE: Q. Okay. And that's true with
24 respect to the Ananda Church of Self-Realization also, isn't
25 it?

1 MR. PARSONS: Okay. Objection, vague --

2 MR. GREENE: Q. Let me make sure that I have a
3 complete question.

4 It's true, is it not, that with respect to the
5 Ananda Church of Realization, that ultimately you are the
6 person behind the scenes who is running it?

7 MR. PARSONS: Objection. Vague.

8 THE WITNESS: No, I'm not. I don't run it, and I
9 don't -- at that time, I was -- because Crystal Clarity is
10 publishing my books, I took a more direct interest in how it
11 was being run.

12 MR. GREENE: Q. Okay. Now, Crystal Clarity
13 doesn't publish books of anyone else beside you, does it, to
14 your knowledge?

15 A. It does.

16 Q. Who else does it publish?

17 A. John Novak, Paramhansa Yogananda, Kamala Silva.

18 That may be all.

19 Q. All right. With the exception of Paramhansa
20 Yogananda, all of the individuals whom are published by
21 Crystal Clarity are Ananda members. Correct?

22 MR. PARSONS: Objection. Vague as to "Ananda
23 members." Compound.

24 THE WITNESS: No.

25 MR. GREENE: Q. Who isn't an Ananda member?

1 A. Kamala Silva is not.

2 Q. And who is Kamala Silva?

3 A. She's a disciple of Yogananda since the

4 mid-1920s. She's now in her late '80s, and she was a

5 minister for a number of years for Self-Realization

6 Fellowship.

7 Q. Okay. And do you know where she --

8 A. I can add two more names to the list.

9 Q. All right.

10 A. Meera Ghosh, G-h-o-s-h, and Hare --

11 H-a-r-e-k-r-i-s-h-n-a, Harekrishna Ghosh.

12 Q. Are those two individuals Ananda members?

13 A. No.

14 Q. And I can't -- would you pronounce those names for

15 me again, please?

16 A. Harekrishna, and Meera, M-double-e-r-a, Ghosh.

17 Q. All right. And have either Krishna or Meera

18 Ghosh --

19 A. Harekrishna. It's one word.

20 Q. -- Harekrishna or Meera Ghosh been Ananda members,

21 to your knowledge, at any time?

22 A. No.

23 Q. And the same question with respect to Kamala Silva?

24 A. No.

25 Q. All right. Do you know where Kamala's -- or in

1 what city Kamala Silva lives?

2 A. I do not.

3 Q. Do you know in what city Harekrishna Ghosh lives?

4 A. Calcutta, India.

5 Q. And is it the same thing with Meera Ghosh?

6 A. Serampore, India.

7 Q. All right. How many books, or -- withdraw that.

8 How many writings by Kamala Silva has Crystal

9 Clarity published, to your knowledge?

10 A. One for sure, possibly two.

11 Q. Okay. And the same question with respect to

12 Harekrishna Ghosh?

13 A. No, I should amend that to some extent.

14 I'm not sure whether we publish or distribute for

15 Kamala. I rather think we distribute for her.

16 Q. All right. So with respect to Kamala, you do not

17 publish her writings, but you distribute them, to your

18 knowledge?

19 A. I said, I rather think.

20 Q. You're not sure, but that's your best estimate.

21 Right?

22 A. Yes.

23 Q. Now, what about with respect to Harekrishna Ghosh?

24 MR. PARSONS: Because --

25 MR. GREENE: Q. Do you --

1 A. We publish -- I'm sorry.

2 MR. PARSONS: Wait.

3 THE WITNESS: I'm sorry.

4 MR. PARSONS: Wait. There have been a couple
5 questions. Let him ask you a question, pause a moment, and
6 then respond.

7 MR. GREENE: Q. Do you, Crystal Clarity, publish
8 any writings by Harekrishna Ghosh?

9 A. To the best of my knowledge, we are about to.

10 Q. Have you ever before?

11 A. Again --

12 Q. To your knowledge?

13 A. To the best of my knowledge, no, because I think
14 this is a new book.

15 Q. All right. And do you know when, approximately,
16 the decision was made to publish a book by Harekrishna
17 Ghosh?

18 MR. PARSONS: Objection. Vague as to any book or
19 this book.

20 You may respond.

21 THE WITNESS: Yes. I'm not sure.

22 By the way, there's one more name I can give you.

23 MR. GREENE: Q. All right.

24 A. Peggy Dietz, D-i-e-t-z.

25 Q. All right. Now, what is your best estimate as to

1 when the decision was made to publish a book by Harekrishna

2 Ghosh?

3 A. My best answer would be early this year.

4 Q. Okay. Early 1995?

5 A. Yes.

6 Q. Has Crystal Clarity Publishing published any work

7 by Meera Ghosh?

8 A. Yes.

9 Q. Okay. Do you know the name of the work?

10 A. I don't remember.

11 Q. Okay. Do you know approximately when the work was

12 published?

13 A. Within the past year, but I don't know.

14 Q. All right. Who is the person presently, aside

15 from yourself, in charge of Crystal Clarity Publishing?

16 A. Cathy Stienstra. S-t -- I think it's

17 -i-e-n-s-t-r-a.

18 Q. Is that Cathy with a C or a K, do you know?

19 A. C.

20 Q. And did you assign Cathy Stienstra to be in charge

21 of Crystal Clarity Publishing?

22 MR. PARSONS: Objection. Vague as to "assign."

23 Go ahead.

24 THE WITNESS: Yes. In fact, it's pretty vague,

25 because I was involved in the decision, but it was not my

1 decision.

2 MR. GREENE: Q. All right. Tell me how -- who

3 was involved in making the decision.

4 A. Well, Padma, Vidura, Jyotish, probably in that

5 order. And I.

6 Q. Okay. Not necessarily in that order?

7 A. Not necessarily in that order.

8 Q. All right. Now, was a meeting convened for the

9 purpose of making the decision to appoint Cathy Stienstra as

10 the person to be in charge of Crystal Clarity?

11 MR. PARSONS: Okay. Objection. It's vague, no

12 foundation for this witness, calls for speculation,

13 third-party's intent.

14 Go ahead.

15 THE WITNESS: Yes. I was away at the time, so I'm

16 not sure of the mechanics. But probably, several meetings

17 were involved.

18 MR. GREENE: Q. Did you ever personally

19 participate in any meeting, one of the purposes of which was

20 to make a determination as to who would take Padma

21 McGilloway's place at Crystal Clarity?

22 MR. PARSONS: Objection.

23 THE WITNESS: This is another question. This is

24 another question.

25 MR. PARSONS: Yes.

1 MR. GREENE: Q. The question is in front of you,

2 Mr. Walters. Please answer it.

3 A. Padma McGilloway was not succeeded by Cathy

4 Stienstra, is my answer.

5 Q. I see. So there was another individual that was

6 in Padma's place before the point when it was assumed by

7 Cathy Stienstra?

8 A. Correct.

9 Q. Correct?

10 A. Correct.

11 Q. And who was that person?

12 A. Joseph Selbie, S-e-l-b-i-e.

13 Q. And does Joseph Selbie have a spiritual name?

14 A. Yes. Purushottama.

15 Q. And you gave him that spiritual name, didn't you?

16 A. I did.

17 Q. Was there any other person who was in charge aside

18 from you of Crystal Clarity from the point that Padma

19 McGilloway left and the point where Cathy Stienstra started?

20 MR. PARSONS: Okay. Objection. Compound, assumes

21 facts not in evidence. Go ahead.

22 THE WITNESS: That's a little more difficult to

23 answer. The truth is, I was not in charge, except to the

24 extent that they involved me. I didn't go to the office,

25 look over their books, anything of that nature.

1 So it was more of a question of, if they came to
2 me for direction, then I gave it. Because of my heart
3 condition, this involvement was diminishing rather rapidly
4 during the time since Padma McGilloway being there.
5 During the time of Joseph Selbie, it was
6 diminishingly so --

7 Q. Mr. Walters, let me withdraw the question and take
8 you out of it and ask you whether or not from the point that
9 Padma McGilloway left and the point where Cathy Stienstra
10 started running Crystal Clarity Publishers, whether any
11 other person ran it aside from Joseph Selbie.

12 A. No.

13 Q. Now, Crystal Clarity Publishing entered into an
14 agreement with Time Warner Books at some point within the
15 last 5 years. Isn't that right?

16 MR. PARSONS: Objection. Vague as to some
17 agreement.

18 At this point, I would like to take a break and
19 explore with my client the permissible scope of examination
20 into this agreement.

21 So excuse me for a minute.

22 MR. GREENE: I would like to get an answer,
23 though, to the question before the break.

24 MR. PARSONS: Well, let me explain my concern.

25 There might be a confidentiality provision in this agreement

1 whereby even the acknowledgement of the agreement would
2 violate that agreement.

3 JUDGE PLISKA: All right --

4 MR. GREENE: Your Honor, it's completely
5 spurious. There have been advertisements in publications
6 announcing an agreement.

7 That's completely spurious, Mr. Parsons, and you
8 know it.

9 MR. PARSONS: Well, if it's been advertised --

10 MR. GREENE: At the very least, I can get an
11 acknowledgment from the witness with respect to that
12 question. Because, I mean, Mr. Parsons is saying that, gee,
13 there might be in the agreement just a provision that
14 Mr. Walters can't even admit that such a thing exists.

15 JUDGE PLISKA: Well, let them confer, and then you
16 can get an answer to your question. If what you say is
17 correct, then that leads you to answer the question.

18 But I don't think there's anything wrong with
19 counsel conferring.

20 MR. GREENE: All right.

21 MR. PARSONS: Thank you.

22 (The witness and his counsel left and reentered
23 the deposition room.)

24 THE WITNESS: Okay.

25 MR. GREENE: Q. Okay. Are you ready to proceed,

1 Mr. Walters, after having had an opportunity to talk to your
2 lawyer?

3 A. I have.

4 Q. Now, you entered into an agreement with -- and
5 you, I mean Crystal Clarity, entered into an agreement with
6 Time Warner Books to either publish or distribute some or
7 all of your writings. Isn't that right?

8 A. No.

9 MR. PARSONS: Objection. Compound.

10 THE WITNESS: Yes, it's compound.

11 MR. GREENE: Q. So there was never any agreement
12 with -- between Crystal Clarity and Time Warner to
13 distribute your books. Is that your testimony?

14 A. That isn't my testimony.

15 Q. Was there ever any agreement between Crystal
16 Clarity and Time Warner to distribute the books?

17 A. Yes. You said publish. That's why I said no.

18 Q. I said publish or distribute.

19 A. No. Distribute.

20 Q. And that agreement was negotiated by Daniel Levin,
21 wasn't it?

22 MR. PARSONS: Objection. Foundation. Confusing.

23 Go ahead.

24 THE WITNESS: I -- no.

25 MR. GREENE: Q. To your knowledge, did Daniel

1 Levin have any -- did Daniel Levin participate in any way in
2 the negotiation of an agreement with Time Warner to
3 distribute your books?

4 MR. PARSONS: Objection. Foundation.

5 Go ahead.

6 THE WITNESS: He and all the other people in the
7 office.

8 MR. GREENE: Q. So Daniel Levin did participate
9 in negotiating with Time Warner for the distribution of your
10 book. Correct? Or books; correct?

11 A. He -- say that again.

12 Q. Isn't it true that Daniel Levin participated in
13 the negotiation with Time Warner for the distribution of
14 your books?

15 MR. PARSONS: Okay. Vague as to the term
16 "negotiate," especially given the witness's prior
17 testimony.

18 THE WITNESS: But the crucial word is
19 "participate." Yes.

20 MR. GREENE: Q. Okay. And isn't it true that the
21 person, to your knowledge, to whom Time Warner first spoke
22 with respect to the proposed distribution of your books was
23 Daniel Levin?

24 MR. PARSONS: Objection. Foundation.

25 Go ahead.

1 THE WITNESS: I'm not sure of the mechanics. I
2 know that discussion with the president of Time Warner was
3 with me, and a group of people, in fact.
4 The first discussion with him was with me, Danny
5 and his brother; and then the second was a group with our
6 church board.

7 MR. GREENE: Q. Okay. And who constituted the
8 church board at that time?

9 A. Let's see. Padma, Jyotish, Vidura -- who else?

10 Me, I was there, of course. I think that's it.

11 Q. And approximately when did that discussion take
12 place?

13 A. I think it was August 2 years ago.

14 Q. So it would have been August 1993?

15 A. Yes. Let me -- I have a way of making sure of
16 that, so let me think. Yes, '93.

17 Q. All right. And Daniel Levin is a Lightbearer, is
18 he not?

19 A. Yes.

20 Q. And Daniel Levin was appointed by you as a
21 Lightbearer. Isn't that right?

22 A. Yes.

23 MR. PARSONS: Objection as to "appointed."

24 Vague.

25 THE WITNESS: He was ordained.

1 MR. GREENE: Q. He was ordained by you; right?

2 A. Yes.

3 Q. And the discretion whether or not to ordain an
4 individual as a Lightbearer is solely your discretion.

5 Isn't that right?

6 MR. PARSONS: Objection. Vague as to time.

7 THE WITNESS: No.

8 MR. GREENE: Q. Okay. Does anyone else in
9 addition to you make the decision whether or not to ordain
10 any individual as a Lightbearer?

11 MR. PARSONS: Objection. Vague as to time.

12 THE WITNESS: The decision is mine. The people I
13 consult are my discretion.

14 MR. GREENE: Q. All right. So the decision is
15 ultimately up to your discretion. Correct?

16 A. Correct.

17 Q. All right. Now, at Crystal Clarity, what was
18 Daniel Levin's title?

19 MR. PARSONS: Objection. Foundation.

20 Go ahead.

21 THE WITNESS: It was self-assigned, not given him.

22 MR. GREENE: Q. What was his self-assigned title?

23 A. A vice president.

24 Q. And did you approve that self-assignment of title
25 of vice president by Danny Levin to himself?

1 MR. PARSONS: Objection. Vague as to "approve."

2 THE WITNESS: Yes.

3 MR. GREENE: Q. Okay. And when did you approve

4 that?

5 A. I'm not sure as to the time.

6 Q. Okay. What's your best estimate?

7 A. Maybe late -- let's see. Maybe late '92.

8 Q. All right. And to your knowledge, Daniel Levin

9 had a business card that referred to himself as vice

10 president of sales. Isn't that right?

11 MR. PARSONS: Objection. Foundation.

12 THE WITNESS: Yes, I think that's correct.

13 MR. GREENE: Q. Okay. Now, Padma McGilloway had

14 a business card in connection with her position at Crystal

15 Clarity, to your knowledge. Isn't at that right?

16 A. I think so.

17 Q. And her business card said president, did it not?

18 MR. PARSONS: Objection. Foundation. Go ahead.

19 THE WITNESS: Probably. Yes, I'm sure it did.

20 MR. GREENE: Q. What is your best estimate of the

21 point at which, when, you ordained Danny Levin as a

22 Lightbearer?

23 MR. PARSONS: I'm sorry, I think there might have

24 been a word in there I didn't catch. Can I have that read

25 back?

1 MR. GREENE: Well, the basic question is, when is

2 his best estimate.

3 MR. PARSONS: That he ordained Danny Levin as a

4 Lightbearer?

5 MR. GREENE: Q. That's right.

6 A. I don't know.

7 Q. You can't make any estimation?

8 A. Well, it would be pure guess.

9 Q. All right. In connection with your ordination of

10 Levin as a Lightbearer, did you provide him with any type of

11 certificate?

12 A. No.

13 Q. To your knowledge, is there any type of

14 certificate that is bestowed upon an individual when he or

15 she is ordained by you as a Lightbearer?

16 MR. PARSONS: Vague as to time. Object. Go

17 ahead.

18 THE WITNESS: I don't know.

19 MR. GREENE: Q. You don't personally sign any

20 such certificate, for example, that says Danny Levin is

21 hereby ordained as a Lightbearer by the power invested in

22 me, James Donald Walters, the spiritual director of Ananda,

23 or some such thing?

24 MR. PARSONS: Objection. Vague as to time.

25 Compound. You may respond.

1 THE WITNESS: I have to say, I'm sorry, I'm not

2 sure. I don't know.

3 MR. GREENE: Q. All right. Now, isn't it true
4 that the way that the Ananda Church was run became more
5 formal than what it was before in or around 1987?

6 MR. PARSONS: Objection. Vague. Also, vague as
7 to time, vague as to more formal. Also, no foundation for
8 this witness. One second.

9 Right. Confusing. Also, it's more in relation to
10 what? Go ahead.

11 THE WITNESS: That is in fact confusing. However,
12 I would say that around that time was probably the time that
13 we established a church office and began trying to get
14 things more systematized, so it's possible.

15 MR. GREENE: Q. All right. And in fact, it was
16 in and around 1987 that you promulgated the Rules of Conduct
17 that are Exhibit 3. Isn't that right?

18 A. That would fit.

19 Q. Okay. Now, when an individual is ordained as a
20 Lightbearer, is there any type of vow that he or she takes?

21 MR. PARSONS: Again, objection. Vague as to time.
22 Go ahead.

23 THE WITNESS: The pledge that they make is that
24 they will live their lives as well as they can by the
25 spiritual ideals of our teachings.

1 MR. GREENE: Q. All right. And is this a written
2 pledge?

3 A. No.

4 Q. Is there any sort of written pledge or a vow that
5 an individual fills out or signs in connection with he or
6 she being ordained by you as a Lightbearer?

7 MR. PARSONS: Objection. Vague as to time.

8 Go ahead.

9 THE WITNESS: I don't believe so.

10 MR. GREENE: Q. Do you maintain any kind of list
11 of individuals who are Lightbearers?

12 MR. PARSONS: Objection. Vague as to time, vague
13 as to list.

14 Go ahead.

15 THE WITNESS: I maintain no such list.

16 MR. GREENE: Q. Okay. Do you know who your
17 Lightbearers are?

18 A. Not infallibly.

19 Q. Okay. Can you estimate how many such persons
20 there are now?

21 A. I saw this list a few days ago, but I don't
22 remember.

23 Q. Okay. So to your knowledge, there is such a list;
24 correct?

25 A. Number of lists -- yes, that kind of list. It's
1 not in my possession.

2 Q. Okay. So the list that you saw a few days ago was
3 a list that included names of the individuals who are
4 Lightbearers. Right?

5 A. Yes.

6 Q. And where did you see this list?

7 A. I think it came in a memo.

8 Q. Okay. And from whom did it come?

9 A. Probably from the ministry office.

10 Q. Okay. Now, when the -- withdraw that.

11 To your knowledge, from time to time does the

12 board of directors of the Ananda Church have meetings?

13 MR. PARSONS: Objection. Vague as to time,

14 "meetings."

15 Go ahead.

16 THE WITNESS: Because we're there all together, we

17 meet at least by telephone very frequently. We have by law

18 to have at least one official meeting, which we have. And

19 that would be probably the only meeting as the board. And

20 that would be once a year.

21 MR. GREENE: Q. Okay. Now, during the interim

22 meetings, are there memos that go back and forth, as a

23 general matter, with respect to matters about which

24 decisions have to be made?

25 MR. PARSONS: Okay. Objection. It's vague as to

1 -- it's compound, it's vague as to go back and forth,

2 memos.

3 THE WITNESS: Such memos exist. It's not an

4 invariable rule.

5 Most of our decisions are informally made over the

6 phone, or just talking. But certainly there are such
7 memos. They do exist.

8 MR. GREENE: Q. All right. And do minutes exist
9 of annual meetings of the Ananda Church?

10 A. I believe so.

11 Q. Now, you are the president of the Ananda Church.

12 Right?

13 MR. PARSONS: Objection. Asked and answered.

14 Go ahead.

15 THE WITNESS: Asked and answered. Actually, I
16 retired a year ago.

17 MR. GREENE: Q. Okay. Prior to your retirement,
18 you were president of the Ananda Church. Right?

19 A. Yes. And informally, in a way, I still function
20 that way.

21 Q. Okay. You're still consulted with respect to
22 important decisions that have to be made, aren't you?

23 A. Certainly.

24 Q. And ultimately, you are the person that will
25 approve or disapprove a particular decision. Isn't that

1 right?

2 MR. PARSONS: Objection. Vague as to "approve,"
3 "disapprove."

4 THE WITNESS: And vague as to "particular."

5 MR. PARSONS: Thank you.

6 THE WITNESS: Certainly in routine matters, no.

7 In some matters, no.

8 In other matters, depending on the discretion of
9 the people, if they feel that they need my input, then yes.

10 Excuse me a moment, please.

11 MR. GREENE: Okay. We'll go off the written and
12 stay on the video record.

13 (The witness left and reentered the deposition
14 room.)

15 (Discussion off the record.)

16 THE WITNESS: Okay.

17 MR. GREENE: Q. All right. Ready to proceed?

18 A. I'm ready.

19 Q. All right. Mr. Walters, at what point did you
20 decide to no longer adhere to the vows of celibacy that you
21 took at SRF?

22 MR. PARSONS: Objection. Compound. We've gone
23 into the whole business of the vows repeatedly, on many
24 days. The questions have been extensive and deep on all of
25 these things.

1 MR. GREENE: Mr. Parsons, would you make a
2 concise, legal objection, please?

3 JUDGE PLISKA: He's making an argument,
4 Mr. Greene.

5 Go ahead, Mr. Parsons.

6 MR. PARSONS: I'm going to instruct the witness
7 not to answer this question, because it's been asked and

8 answered repeatedly. We're on day -- what is this, day six
9 of the depositions. I'm going to instruct the witness not
10 to answer.

11 MR. GREENE: It has not been asked and answered.

12 What has been gone into was the fact that Mr. Walters took
13 such vows, that Mr. Walters in 1985 went and asked to be
14 released from such vows.

15 But what has not been inquired into was when
16 Mr. Walters made the decision in his own mind to no longer
17 abide by the vows that he took. And I'm entitled to find
18 that out.

19 JUDGE PLISKA: Yes, I think that's correct. You
20 need to answer the question.

21 THE WITNESS: 1981.

22 MR. GREENE: Q. All right. And was your decision
23 to no longer adhere to the vows of celibacy that you took at
24 SRF based on, at least in part, your having met Kimberly
25 Moore?

1 A. Yes.

2 Q. Prior to having met Kimberly Moore, did you
3 maintain loyalty to the vows of celibacy that you took at
4 SRF?

5 MR. PARSONS: Objection as to the term "loyalty."

6 also, vague as to time.

7 Go ahead.

8 THE WITNESS: Say it again.

9 MR. GREENE: Q. Okay. Prior to meeting Kimberly

10 Moore, did you maintain loyalty -- in other words, did you

11 keep your vows of celibacy that you took at SRF?

12 MR. PARSONS: Same objections.

13 THE WITNESS: There are two ways of looking on a

14 vow. One is, do you abandon it; the other is, do you

15 continue to do your best to abide by it because that is your

16 principle and you believe in it?

17 In the latter sense, I maintained my vow. In the

18 former sense, I did not.

19 MR. GREENE: Q. So the former sense being the

20 sense of abandoning your vow, you're saying that you did not

21 abandon your vow prior to meeting Kimberly Moore in 1981?

22 MR. PARSONS: Well, that misstates his testimony,

23 and I object on that ground.

24 But you may answer.

25 THE WITNESS: I would like to restate my position

1 with Kimberly Moore, too.

2 MR. GREENE: Q. Actually, I'm going to withdraw

3 the question. I'm going to ask you another question.

4 Mr. Walters, prior to meeting Kimberly Moore, and

5 after the time that you were kicked out of SRF, did you

6 engage in sexual relations with anyone?

7 MR. PARSONS: Okay. I'm going to object. It

8 calls for privacy matters. We've gone over this before.

9 To the extent that it inquires into the private

10 sexual conduct of this witness, which is independent of any
11 third-party statement of complaint in the declarations, I'm
12 going to instruct the witness not to answer on privacy
13 grounds.

14 It's also irrelevant. That's right. We have a
15 motion pending on that very issue right now.

16 MR. GREENE: Whether or not he did or didn't
17 engage in any kind of sexual relations is susceptible of a
18 "yes" or "no" answer. It does not intrude upon his
19 privacy.

20 It is relevant and goes to the very heart of the
21 case, to the extent that this individual has held himself
22 out as a celibate swami, and that holding himself out is
23 false, that he allows other people in his organization to
24 represent him in such a manner, I believe to this day,
25 without disclaiming it -- it goes right to the heart of the
1 nature and the extent of the misrepresentations that he made
2 to my client, which were intrinsic in her becoming involved
3 and being hurt by the defendants in this case.

4 And a simple "yes" or "no" answer, when balanced
5 against any possible intrusiveness, the balance comes out on
6 the side of the need for discovery and the need for us to
7 proceed with our case.

8 MR. PARSONS: But we're also talking about events
9 which are, by the nature of the questions, extremely remote
10 in time. We're talking pre to 1962. There's no relevancy

11 to this subject matter.

12 MR. GREENE: Pre '52 --

13 JUDGE PLISKA: I think there is. I'm going to

14 rule that he must answer that question.

15 MR. PARSONS: Could I have the question read back

16 so it's clear?

17 THE WITNESS: But there are many misstatements in

18 what you made.

19 MR. PARSONS: Let's have the question read back so

20 that question is clear before you.

21 (Record read.)

22 THE WITNESS: I have. I did, I should say.

23 But when you -- may I answer further?

24 MR. PARSONS: Surely.

25 THE WITNESS: The thing is that you said I held

1 myself out as a celibate. I did not. I presented myself to

2 (the plaintiff) this way. I did not --

3 MR. GREENE: Q. Mr. Walters, there is no question

4 pending. I'd ask you please to be quiet and let me ask you

5 another question, please.

6 There is absolutely no need to explain any kind of

7 answer.

8 JUDGE PLISKA: That's correct. He's now arguing

9 the case, which is your province, Mr. Parsons. He can't

10 argue where his argument is false.

11 THE WITNESS: But he did make misrepresentations

12 to Mr. Pliska.

13 MR. PARSONS: Well, he made an argument to the
14 judge. But that's not testimony in the case.

15 MR. GREENE: Okay. I'd like to mark, I believe
16 this is Exhibit 30.

17 (Exhibit 30 was marked.)

18 MR. GREENE: Q. Okay. Mr. Walters, in front of
19 you is Exhibit 30, which is a declaration of Thora H.
20 McDonnell.

21 Do you recall ever having met a woman named Thora
22 H. McDonnell?

23 A. I do not.

24 Q. Okay. Well, let's go to paragraph number 2 of the
25 declaration, which states, "In the time period of 1967 to
1 1969, I went to the Ananda community for a retreat."

2 Now, to your knowledge, did the Ananda community
3 have retreats in the time period between 1967 and 1969?

4 A. Yes.

5 Q. Okay. And during that period of time, were you
6 referred to as Swami Kriyananda, to your best recollection?

7 MR. PARSONS: Okay. Objection. No foundation for
8 this witness to testify to that. Calls for third-party
9 conduct.

10 Go ahead.

11 THE WITNESS: I believe people called me
12 Kriyananda at that time.

13 MR. GREENE: Q. Okay. And is it your belief that
14 people did not refer to you as Swami during that period of
15 time?

16 MR. PARSONS: Okay. Objection. Vague as to
17 location, vague as to persons, no foundation for this
18 witness.

19 Go ahead.

20 THE WITNESS: I don't know. I know that I was
21 called Kriyananda, not Swami. My books said Kriyananda, not
22 Swami Kriyananda. I don't know.

23 MR. GREENE: Q. All right. Now, paragraph number
24 3 says, quote, "During the course" -- well, let me finish.
25 And paragraph 2 says, "During one day, I and my
1 4-year-old son went with a group of people led by Swami
2 Kriyananda, went for a walk in the hills," close quote.
3 Was it your custom in 1967 to 1969, from time to
4 time, to go for a walk in the hills at the Ananda community?

5 MR. PARSONS: Vague as to "custom," with the
6 ellipsis "from time to time."
7 You may respond.

8 THE WITNESS: I have no such recollection.

9 MR. GREENE: Q. All right. Paragraph 3 says,
10 quote, "During the course of our walk, we all went,"
11 internal quotes, "'skinny-dipping,'" close internal quote,
12 "in a pool of water," close quote.

13 Do you recall during the '67 to '69 time period

14 ever going skinny-dipping?

15 A. There was an area in the Yuba River where

16 everybody went skinny-dipping. It was just the custom

17 there.

18 Q. And you participated in that custom personally,

19 didn't you?

20 A. Yes.

21 Q. All right. Paragraph 3 goes on to say, quote,

22 "While in the water, Kriyananda reached under the water and

23 touched my breast with his hands," close quote.

24 Do you recall ever doing that while you would go

25 skinny-dipping in the Yuba River during the '67 to '69 time

1 period?

2 MR. PARSONS: Okay. Objection. It assumes facts

3 not in evidence.

4 Go ahead.

5 THE WITNESS: I don't recall.

6 MR. GREENE: Q. Do you deny that you ever did

7 that?

8 A. I can't imagine doing it. I can't do more than

9 that.

10 Q. So you deny that, don't you?

11 MR. PARSONS: Well, that misstates his testimony.

12 He can't imagine doing it.

13 THE WITNESS: Yes.

14 MR. GREENE: Q. Are you saying that -- by saying

15 that you can't imagine doing that, is it your intention to
16 communicate to me that you are incapable of engaging in
17 conduct such as is described in paragraph 3 of Exhibit 30?

18 MR. PARSONS: Objection. Vague.

19 THE WITNESS: Too vague. Capable. What does
20 "capable" mean? I just don't think it happened.

21 MR. GREENE: Q. That's not the question,

22 Mr. Walters. You told me --

23 Actually, I would ask for an answer to the
24 question. That was not a responsive answer.

25 MR. PARSONS: I think it was responsive.

1 MR. GREENE: No. He said --

2 JUDGE PLISKA: I don't think he really has
3 answered the question, because he made the statement of, I
4 can't imagine it happening, and he needs to know what that
5 means.

6 And this is one attempt to get to it. So I think

7 you need to answer further, Mr. Walters.

8 THE WITNESS: All I can say is, I don't think I
9 did.

10 MR. GREENE: Q. That's not my question, though,

11 Mr. Walters, because what you told me was that you can't
12 imagine having engaged in conduct such as that.

13 And what my question to you is, is, is it your
14 belief that you are incapable of having engaged in conduct
15 such as is described in paragraph 3 of Exhibit 30?

16 MR. PARSONS: Objection. Vague as to time as
17 well.

18 Go ahead.

19 THE WITNESS: I wouldn't say that I'm incapable,
20 no.

21 MR. GREENE: Q. So you would say then, would you
22 not, that it is possible that you could engage in conduct
23 such as is described in paragraph 3 of Exhibit 30?

24 MR. PARSONS: Objection. That calls for
25 speculation. There's no foundation for this witness to
1 testify as to that.

2 In fact, could I have that question read back?

3 (Record read.)

4 MR. PARSONS: Okay. Again, vague and confusing as
5 to "possible," vague as to time.

6 Go ahead. You may respond, though.

7 THE WITNESS: I just don't know.

8 MR. GREENE: Q. Mr. Walters --

9 A. In other words, we're talking about somebody I
10 don't know, I don't remember. Assumedly a complete
11 stranger. I would say that doesn't seem likely.

12 Q. See, but that's actually not what I'm asking you
13 about, Mr. Walters.

14 I'm asking you about your knowledge of your own
15 character.

16 MR. PARSONS: Well, why don't you ask him a

17 question, then, sir.

18 MR. GREENE: Q. There's a question pending that

19 goes directly to that, and I would like an answer.

20 JUDGE PLISKA: I don't think there's a question

21 pending, Mr. Greene. I think he answered the --

22 MR. GREENE: I misspoke. That's correct.

23 Q. What I want to know from you, Mr. Walters --

24 MR. PARSONS: Well, ask him a question, then.

25 JUDGE PLISKA: He is. He's leading up to it,

1 Mr. Parsons. You can certainly start a question in that

2 fashion.

3 Go ahead, Mr. Greene.

4 MR. GREENE: Thank you.

5 Q. What I want to know is, based on your knowledge of

6 yourself, if you believe that it is possible that you

7 engaged in conduct such as is described in paragraph 3 of

8 Exhibit 30.

9 MR. PARSONS: Okay. Objection. It's vague,

10 calls for speculation. Vague as to time.

11 You may answer, though.

12 THE WITNESS: Well, because I don't know the

13 person, I can't imagine that.

14 Can I imagine being attracted enough to a woman to

15 touch her breasts? I would have been capable of that.

16 MR. GREENE: Q. Okay. And would you have been

17 capable of touching the breast of a woman that you didn't

18 know and with whom you went skinny-dipping, and touching her
19 breasts underwater?

20 MR. PARSONS: Same objections.

21 Go ahead.

22 THE WITNESS: I have to say, I don't think so.

23 Especially not in a public place.

24 MR. GREENE: Q. Okay. Now, paragraph 4 of

25 Exhibit 30 reads:

1 "During the following evening of the same day, a

2 few of us were sitting outside in the dark with

3 Kriyananda, who was sitting in a chair. I was sitting

4 cross-legged on the ground near him. Suddenly,

5 Kriyananda grabbed my head with his hands and thrust

6 his crotch against the back of my head. I immediately

7 pulled free, got up and left for my tent," close quote.

8 Do you recall, Mr. Walters, ever having engaged in

9 the conduct which is set forth in paragraph 4 of Exhibit 30?

10 A. No, I do not.

11 MR. PARSONS: Objection. I object. It's also a

12 compound question.

13 MR. GREENE: Q. Do you deny that you ever grabbed

14 a woman's head while sitting outside and thrusting your

15 crotch against the back of her head?

16 MR. PARSONS: Objection. Vague, both as to

17 thrusting his crotch, also vague as to time.

18 THE WITNESS: I do deny.

19 MR. GREENE: Q. Okay. Based on your knowledge of
20 yourself, do you believe that you are capable of engaging in
21 the conduct which is described in paragraph 4 of Exhibit 30?

22 A. I do not.

23 MR. PARSONS: Well, objection. Calls for
24 speculation. It's also vague and confusing.

25 THE WITNESS: I do not.

1 MR. GREENE: Q. Okay. When you say "I do not,"
2 are you saying that you deny that you were capable of
3 engaging in the type of conduct described in paragraph 4 of
4 Exhibit 30?

5 MR. PARSONS: Same objections.

6 THE WITNESS: First of all, if you're sitting, you
7 can't thrust your crotch forward. You have to pull her
8 head. So physically, it's not possible.

9 What I presume you're thinking of is, am I
10 personally, as a personality. No, I'm not.

11 MR. GREENE: Q. Okay. So based on your knowledge
12 of yourself, what is described in terms of grabbing this
13 woman's head with your hands and thrusting your crotch
14 against of back of her head simply is not within the realm
15 of possibility. Right?

16 A. This is correct.

17 Q. All right. Now, paragraph 5 at line 21 states,
18 quote, "I loved and revered him as a high and holy person,"
19 close quote.

20 Based on your knowledge, did anyone in the 1967
21 through '69 period revere you as a holy person?
22 MR. PARSONS: Objection. It calls for the mental
23 states of third parties, without any foundation that this
24 witness knows the way people thought about him or any person
25 in particular.

1 I'll let the witness testify, if he can formulate
2 a response.

3 THE WITNESS: Inasmuch as none of my actual
4 students came to live at Ananda, I would say that those
5 people who did come did not regard me as a particularly holy
6 person.

7 I was there providing a new experiment in living.

8 But no, I don't think that was the case.

9 MR. GREENE: Q. Okay. Now, people, however,
10 students that ultimately did come to live at the Ananda
11 community, revere you as a holy person. Isn't that right?

12 MR. PARSONS: Objection.

13 MR. GREENE: Q. Revered you as a holy person.

14 Right?

15 MR. PARSONS: Objection. It's vague as to time,
16 it's vague as to definition of "student," and also calls for
17 this witness to opine as to third-party opinions, beliefs.

18 I object on those grounds. You may answer if you
19 have a basis for formulating a response.

20 THE WITNESS: I believe that over a period of

21 years, they came to respect me. I don't know about high and

22 holy, but they came to respect me.

23 But that didn't happen very quickly.

24 MR. GREENE: Q. Okay. Now, you have a personal

25 definition of the term "holy," don't you?

1 A. "Holy"? I don't have a definition. If you want

2 me to make one, I can make one.

3 MR. PARSONS: Well, the question is, do you have a

4 definition of the term?

5 THE WITNESS: Well, I can answer in --

6 MR. GREENE: Q. That's a "yes" or "no" answer,

7 Mr. Walters.

8 A. Well, I can answer without saying -- if you ask

9 for a "yes" or "no," I can't answer. If you ask for a more

10 detailed answer, I can give you an answer.

11 Q. All right. Then let me withdraw that and ask you

12 another question.

13 It's true, isn't it, that you regarded Paramhansa

14 Yogananda as a holy man?

15 A. Yes.

16 Q. And it's true, is it not, that some of the

17 individuals at the Ananda community over the course of the

18 last 5 years have regarded you, to your knowledge, as a holy

19 man?

20 A. If you're defining --

21 MR. PARSONS: Objection. I want to object,

22 though, as to time, also third-party opinions. Same
23 objections I made before.

24 Go ahead.

25 THE WITNESS: Yes. But you're equating me with
1 Paramhansa Yogananda. I don't think anybody's done that.

2 MR. GREENE: Q. All right. And I'm not -- I
3 don't intend to equate you, because obviously you're a
4 completely separate and different human being. And you
5 don't regard yourself to be the equivalent of Paramhansa
6 Yogananda, do you?

7 A. That's correct. I don't.

8 Q. Okay. And to your knowledge, some of the students
9 at the Ananda community in the last 5 years have regarded
10 you as a holy man. Isn't that right?

11 MR. PARSONS: Objection. Again, it calls for
12 third-party opinions. Objection as to vague, definition of
13 "holy man."

14 You may respond.

15 THE WITNESS: Yes, it is a vague question.

16 But Yogananda said that a person is a saint on
17 different categories. First of all, one who has realized
18 God; secondly, one who is high in realization; thirdly, one
19 who is dedicated to living a life of spirituality and
20 seeking God; fourthly, anybody who wants sincerely to find
21 God and meditates and tries to find him.

22 So within that broad spectrum, I suppose I'd have

23 to fit quite easily. Quite naturally, I should say.

24 So whether people say it or not, that's a matter

25 that's not my direct knowledge.

1 MR. GREENE: Q. All right. Now, is there a book

2 written by Paramhansa Yogananda wherein he sets forth these

3 four levels of holiness that you just described to me?

4 A. No. He said it in discussion.

5 Q. And he said these in discussion while you were an

6 SRF member?

7 A. While I was present, also.

8 Q. And he said these things in discussions while you

9 were present along with other people; correct?

10 A. Correct.

11 Q. Do you recall the names of any of the other people

12 who were present during the course of any discussions

13 wherein Paramhansa Yogananda made the statements about the

14 four levels of holiness?

15 A. I have no such recollection.

16 Q. Do you recall -- well, withdraw that.

17 A. Excuse me a moment. I'll be right back.

18 MR. GREENE: Okay. We'll go off the written, stay

19 on the video.

20 (The witness left and reentered the deposition

21 room.)

22 (Discussion off the record.)

23 MR. GREENE: Q. Ready to continue?

24 A. Uh-huh.

25 Q. Now, you are familiar, aren't you, with the term

1 -- and I probably will pronounce it wrong to start with --

2 samadhi?

3 MR. PARSONS: Objection, "familiar." Go ahead.

4 THE WITNESS: Yeah. Familiar means the term. Yes.

5 MR. GREENE: Q. Okay. Did I pronounce it

6 correctly?

7 A. Samadhi. Yes, that's correct. For an American,

8 that's fine.

9 Q. Now, samadhi refers to the highest possible

10 experience with God, doesn't it?

11 Or rather, included in that term "samadhi" --

12 A. That's correct.

13 Q. -- you can say that it talks about the highest

14 possible experience with God. Correct?

15 A. That's correct.

16 Q. And you write about it in your book The Path,

17 don't you?

18 A. Yes.

19 MR. PARSONS: I'm sorry, about the term "samadhi"?

20 MR. GREENE: Q. Yes. That's what I mean.

21 And you characterize samadhi as being a state of

22 cosmic consciousness, don't you?

23 A. Yes.

24 MR. PARSONS: Objection. Vague as to time.

25 MR. GREENE: Q. And you have personally

1 experienced that, haven't you?

2 MR. PARSONS: Objection. Lack of foundation.

3 Go ahead.

4 THE WITNESS: I have not.

5 MR. GREENE: Q. Okay. Now, have you written a

6 book called the -- I believe it was called "The Keys to

7 Understanding the Bhagavad Gita"?

8 A. Yes. I forgot the exact name, but it's maybe like

9 that.

10 Q. Something along those lines; right?

11 A. Yes. Excuse me, I didn't write the book. I gave

12 a class, and this is a transcription of the class.

13 Q. And when you teach, as a general approach, isn't

14 it true you endeavor to -- the utmost to be honest

15 concerning the matters about which you give teaching?

16 MR. PARSONS: Okay. Objection. It's vague as to

17 "teach," "endeavor," "utmost," "honest"; vague as to time as

18 well. It's confusing and ambiguous.

19 But you may respond to the extent you can.

20 THE WITNESS: To the extent that I understand your

21 question, I do indeed.

22 MR. GREENE: Q. Okay. Well, let me ask you

23 this: Is there anything about my question that you don't

24 understand?

25 And if there is, what don't you understand?

1 MR. PARSONS: Okay. Well, I have to object that
2 it's asking for him to testify as to what he doesn't
3 understand, and I'm not certain he can understand what he
4 doesn't understand.

5 But you may respond.

6 THE WITNESS: Mr. Parsons raised a number of --
7 opened a number of avenues which I would have to explore.
8 Let me simply say that I don't pretend in any of
9 my lectures to have achieved something that I have not
10 achieved.

11 MR. GREENE: Q. My question to you is, however,
12 is not just do you -- is there an absence of pretense when
13 you lecture; but do you make an effort to the best of your
14 ability, when you lecture, to be honest about the subject
15 matter that you're delivering?

16 MR. PARSONS: Okay. My objection goes to the term
17 "honest about the subject matter," and the term "honest" in
18 this situation is inherently ambiguous.

19 THE WITNESS: And to me, the question revolves
20 around the word "effort." It's effortless; I don't have to
21 try. But I feel that I am.

22 MR. GREENE: Q. Okay. So when you say effort, I
23 don't have to try, do you mean that you don't have to try to
24 be honest, it just flows? Is that correct?

25 A. This is correct.

1 Q. Okay. And that -- is it correct that the reason

2 that you don't have to try is because you are honest?

3 MR. PARSONS: Objection as to the term "honest."

4 THE WITNESS: To the best of my knowledge, yes.

5 MR. GREENE: Q. All right. Now, going back to

6 Exhibit 30, which is the McDonnell declaration --

7 Oh, before we do that, with respect to your own

8 attitude about yourself, in which of the four categories of

9 holiness that you testified Yogananda told you about do you

10 place yourself?

11 MR. PARSONS: Okay. Objection. That

12 mischaracterizes the witness's testimony before; it's also

13 vague and ambiguous.

14 I'll let you answer the question to the extent you

15 can. And if you want your testimony read back, you can do

16 that as well.

17 MR. GREENE: Mr. Parsons, no. It's a straight

18 question.

19 Q. Would you answer the question, please?

20 MR. PARSONS: No, but your question refers to

21 earlier testimony, and it's appropriate for him to have that

22 testimony if he's going to talk about it.

23 THE WITNESS: But I do remember.

24 I certainly put myself in the category of one who

25 is sincerely trying to achieve union with God.

1 MR. GREENE: Q. Okay. And of the four categories

2 that you enumerated, is that the lowest one?

3 MR. PARSONS: Objection. "lowest."

4 Go ahead.

5 THE WITNESS: I would say probably it's the third.

6 MR. GREENE: Q. All right. So that would be the

7 category having to do with dedication. Correct?

8 A. Yes.

9 Q. All right. So then is it correct that you do not

10 -- that you do not in any way see yourself as being high in

11 the process of self-realization?

12 MR. PARSONS: Objection. Vague as to "high,"

13 vague as to "process of self-realization."

14 You may respond, however.

15 THE WITNESS: Not in any way.

16 MR. GREENE: Q. All right. Now, going to 30,

17 Exhibit 30, and paragraph 6, Ms. McDonnell testifies, quote,

18 "The next day I approached Kriyananda, shook my finger in

19 his face and said," internal quote, "'You should be ashamed

20 of yourself,'" close quote. "He simply replied," internal

21 quote, "'well, you went along with it,'" internal quote

22 closed. "I then left Ananda and never came back."

23 Do you recall between 1967 and 1969 any woman

24 acting towards you as is reflected in paragraph 6 of Exhibit

25 30?

1 MR. PARSONS: Objection. I object to -- it

2 assumes facts not in evidence.

3 You may respond.

4 THE WITNESS: No, I do not.

5 MR. GREENE: Q. Do you deny that that ever

6 happened?

7 A. I do.

8 Q. Now, based on your knowledge of Yogananda's

9 tradition, there is a particular -- withdraw that.

10 If somebody wears ochre robes, that means the

11 individual has taken a vow of celibacy. Isn't that true?

12 MR. PARSONS: Objection. It's vague as to the

13 religious tradition, it's vague as to third parties' mental

14 states or intents. It's also vague in that you're asking

15 apparently for a universal, nonvariable practice.

16 This witness doesn't have -- there's no foundation

17 for this witness to testify.

18 You may respond.

19 THE WITNESS: I think I have seen people in ochre

20 who were married, but I'm not sure about that. And I would

21 say that probably it is assumed by people in India, not in

22 this country, to be the case.

23 MR. GREENE: Q. And when you were in SRF, that

24 was the case, was it not, that one who wore ochre robes was

25 one who had taken a vow of celibacy?

1 MR. PARSONS: Okay. Objection in that it's

2 ambiguous as to whether these persons are or are not in SRF.

3 You may respond.

4 THE WITNESS: Yes.

5 MR. GREENE: Q. Okay. And so that the record is

6 completely clear, when you were an SRF member, for an SRF

7 member to wear ochre robes, among other things, meant such a

8 person was celibate. Correct?

9 A. Correct.

10 Q. Now, directing your attention to the front

11 photo -- and I think what -- I'm not sure if there are -- is

12 there a color copier here?

13 THE REPORTER: There's one downstairs.

14 MR. GREENE: Q. We'll make a copy and make an

15 exhibit of this.

16 But this photo on the cover of this hardbound

17 version --

18 A. You could show it to the video.

19 MR. GREENE: You know, you're absolutely right.

20 Why don't you hold it up to the video for me,

21 Mr. Walters, and let's get a gander at that.

22 A. (Witness complies.)

23 Q. Okay. Now, the person on the front of The Path is

24 you as a younger man. Correct?

25 A. Yes.

1 Q. And you are wearing robes, are you not, in this

2 picture?

3 A. Yes.

4 Q. And those robes are ochre, are they not?

5 A. Correct.

6 Q. And then -- ochre in color; correct?

7 A. You got it in color -- oh.

8 Q. And then why don't you hold this picture up here

9 to the video, which is a black and white picture. But

10 before you do that, look at it.

11 A. I looked at it.

12 Q. Now, that's a black and white photo of you wearing

13 the same robes as is indicated in color on the cover.

14 Correct?

15 A. Correct.

16 Q. And then this book, *The Path*, was published by

17 Ananda Publications in 1977; right?

18 A. Correct.

19 Q. Now, going back to Exhibit 30, paragraph 7 says,

20 quote, "Kriyananda never made any effort to apologize or

21 even account for his indecent behavior," close quote.

22 Now, based on your knowledge of yourself, if you

23 had engaged in the conduct that Ms. McDonnell says you did

24 engage in, would you apologize?

25 MR. PARSONS: Okay. Well, I've got to object to

1 that. It obviously assumes facts which the witness has

2 denied. It calls for speculation based on what he might or

3 might not have done almost 20 -- 30 years ago now.

4 I think that's an inappropriate question given the

5 testimony of the witness, and I'd request that he not answer
6 that question as phrased.

7 JUDGE PLISKA: I'm afraid I'm going to have to
8 have the question reread.

9 (Record read.)

10 JUDGE PLISKA: What is your objection to that?

11 MR. PARSONS: My objection to that is that it
12 assumes facts not in evidence that he's testified to the
13 contrary. So there is no basis for him to reach any
14 conclusion.

15 It asks for conduct between 1967 and 1969, so it's
16 remote. There's no foundation that, as the witness sits
17 here today in 1995, he can testify what he might or might
18 not have done.

19 Also, since he's denied all of this stuff, it's
20 just one of those inherently unfair questions.

21 JUDGE PLISKA: All right.

22 MR. GREENE: My response is this: Is that among
23 the different parts of testimony that Mr. Walters has
24 provided with respect to Exhibit 30, he has stated that
25 it -- in his view, and based on his knowledge of himself,

1 that it was possible that he had engaged in conduct such as
2 this.

3 MR. PARSONS: Well, no.

4 MR. GREENE: And the question that's pending --

5 THE WITNESS: That's not what I said.

6 MR. PARSONS: That's okay.

7 MR. GREENE: The question that's pending is, if he

8 had, basically, would he say, I'm sorry?

9 JUDGE PLISKA: No, I'm going to sustain the

10 objection. It's speculative.

11 (Discussion between the witness and his counsel.)

12 MR. GREENE: Q. Now, going back to the Time

13 Warner deal, to your knowledge, was the person most involved

14 in negotiating with Time Warner on your behalf Daniel Levin?

15 MR. PARSONS: Okay. Objection. On his behalf;

16 you're referring to Crystal Clarity?

17 MR. GREENE: Yes. I'm talking about Crystal

18 Clarity.

19 MR. PARSONS: Okay. Lack of foundation,

20 contradicts the witness's prior testimony.

21 You may respond -- also, vague as to "most

22 involved," I believe was the phrase.

23 Go ahead.

24 THE WITNESS: No, it was Padma.

25 MR. GREENE: Q. Okay. So Padma what the person

1 who was primarily responsible for the negotiations?

2 A. Absolutely.

3 Q. All right. Now, what is your knowledge of the

4 nature of Daniel Levin -- of Minister Levin's role in the

5 Time Warner negotiations?

6 MR. PARSONS: Object. It's vague as to his

7 testimony of the nature. Also, I guess would call for a
8 narrative.

9 But you may respond.

10 THE WITNESS: He was at the -- I think it was the
11 ABA, some fair, and therefore was the one to whom the
12 president of Time Warner came.

13 And so he was the one who, you might say, opened
14 the door, introduced the whole thing to me and to Padma.
15 And from then on, he was there sort of on the
16 sidelines, offering suggestions, as many other people did,
17 but was not active in making decisions.

18 MR. GREENE: Q. Okay. And when you make
19 reference to the ABA, you're talking about American
20 Booksellers Association?

21 A. Yes. That is it, but I'm not sure whether it was
22 at that fair or some other where this first took place.

23 Q. Okay. What is the name of the president of Time
24 Warner at that time?

25 A. And at this time. Larry Kirshbaum,
1 K-i-r-s-h-b-a-u-m.

2 Q. Do you recall the location of the book fair where
3 the -- where Minister Levin opened the door, as you said, to
4 the deal?

5 A. I do not.

6 Q. Now, was there an actual -- or was there at any
7 time a face-to-face meeting among you, Padma, Vidura,

8 Jyotish, where the decision was at least in part made to

9 replace Padma for running Crystal Clarity?

10 A. I recall no such meeting. She was not really

11 replaced. As I said, it was her husband who we had to

12 reassign him there, and there was an opening.

13 And she continued really to run things from there

14 for some time, sort of during a transition period of several

15 months.

16 Whether there was a meeting face-to-face or not,

17 I'm not able to say. I don't know.

18 Q. Okay. Now, you were the individual who ultimately

19 made the decision to assign Terry McGilloway to Seattle.

20 Correct?

21 MR. PARSONS: Objection. Vague as to "assign,"

22 "ultimate."

23 Go ahead.

24 THE WITNESS: Yes.

25 MR. GREENE: Q. And Padma McGilloway is a

1 Lightbearer. Correct?

2 A. Yes.

3 Q. And Terry McGilloway is a Lightbearer; correct?

4 A. Yes.

5 Q. Okay. While Minister Levin was working at Crystal

6 Clarity, what is your knowledge of the job responsibilities

7 that he performed?

8 A. That Mr. Levin performed?

9 Q. That Minister Levin performed, correct.

10 MR. PARSONS: Objection. Vague as to time.

11 Foundation.

12 Go ahead.

13 THE WITNESS: Performed where?

14 MR. GREENE: Q. While he was working at Crystal

15 Clarity.

16 A. At Crystal Clarity?

17 Q. Yes.

18 A. Basically, he was promoting sales. And that was I

19 think it.

20 Q. Okay.

21 A. He had some input, because of interest, in

22 designing -- not designing, but helping to approve, make

23 suggestions, for new products and covers, all of it

24 basically connected with selling.

25 Q. Now, when someone -- did Mr. Levin's work include,

1 then, working with book distributors, to your knowledge?

2 MR. PARSONS: Objection. "Work with." Vague.

3 Go ahead.

4 THE WITNESS: I believe he did.

5 MR. PARSONS: Vague as to time.

6 MR. GREENE: Q. To your knowledge, when an

7 individual starts to become affiliated with the Ananda

8 organization, has there ever been any practice of giving

9 your books away for free to such a person?

10 MR. PARSONS: Objection. Vague as to

11 "affiliated," "begins to," "person."

12 Go ahead. You may respond.

13 THE WITNESS: This certainly would be a

14 promotional thing that I believe we've done. I myself give

15 books free to people.

16 MR. GREENE: Q. Okay. So is there any -- has

17 there, to your knowledge, ever been any policy within the

18 Ananda organization where people who are starting to

19 affiliate with the organization don't have to buy your

20 books, where they are given your books for free?

21 MR. PARSONS: Well, objection. I mean, it's vague

22 as to frequency, time.

23 You may respond.

24 THE WITNESS: No policy.

25 MR. GREENE: Q. Okay. And so from time to time

1 you will give books away. Correct?

2 A. People who visit me as guests, I give them a book.

3 Q. Okay. And when you say people who visit you as

4 guests, are these guests that you personally invite to visit

5 you?

6 A. Correct.

7 Q. Okay. And do you make a distinction between

8 people whom you personally invite to visit you and people,

9 for example, who come up and spend some time as an Ananda

10 novice on the property in Nevada City?

11 MR. PARSONS: Objection. Vague as to drawing
12 distinction.

13 THE WITNESS: It's really a matter of whim. If I
14 feel in the mood to give it, I do; if I don't, I don't.
15 More it's not so much a feeling in the mood as
16 remembering to.

17 MR. GREENE: Q. To your knowledge, are
18 individuals who affiliate with the Ananda organization
19 encouraged to read your books?

20 MR. PARSONS: Objection. Foundation. Vague as to
21 time. Vague as to individuals.

22 THE WITNESS: And also, vagueness as to the degree
23 of affiliation. If they're not interested -- for example,
24 somebody coming from town, we wouldn't.

25 If somebody wants to know our teachings, then
1 obviously we would.

2 MR. GREENE: Q. Okay. So if somebody is
3 interested in your teachings, such a person is encouraged to
4 purchase your books. Right?

5 MR. PARSONS: Objection.

6 THE WITNESS: If he wants --

7 MR. PARSONS: Well, objection. Foundation. Now
8 he's asking whether they are or not; before he was asking
9 your opinion, your knowledge.

10 THE WITNESS: Well, I'm not quite clear. But if I
11 understand you correctly, you're saying, do we encourage

12 people to read my books who want to know something about our
13 teachings.

14 Obviously, yes.

15 MR. GREENE: Q. Okay. And currently, does Time
16 Warner distribute Crystal Clarity's books?

17 MR. PARSONS: Lack of -- objection. Foundation of
18 this witness testifying.

19 Go ahead.

20 THE WITNESS: It does not.

21 MR. GREENE: Q. Okay. For some period of time,
22 did Time Warner distribute Crystal Clarity's books?

23 A. It did.

24 Q. Okay. What was that time period of distribution?

25 MR. PARSONS: Objection. Foundation for this
1 witness.

2 Go ahead.

3 THE WITNESS: Approximately 1 year.

4 MR. GREENE: Q. When did that 1 year end, to your
5 knowledge?

6 A. The official ending and the petering out process
7 where they still had books that they had worked with, I
8 don't know.

9 But it was from the spring of this year until the
10 summer of this year, 1995.

11 Q. Okay. So you -- I'm confused. You said it was
12 approximately 1 year that they distributed the books, and

13 that 1 year took place from the spring to the summer of 1995?

14 A. That wasn't your question. Your question was,

15 when did it end. I spoke of the ending as being a slow

16 process, because --

17 Q. Oh, I've got it. I see what you're saying.

18 So you're saying that the petering out process

19 started in the spring, and the conclusion was in the

20 summer?

21 A. Correct. That is to say, they still had books in

22 their warehouse, they still had promised to deliver, they

23 still had returns. That process can't be just one day to

24 the next.

25 Q. I understand.

1 Now, you were the individual who ultimately

2 decided no longer to proceed with the agreement with Time

3 Warner to distribute your books. Isn't that right?

4 MR. PARSONS: Okay. Vague as to decide, no longer

5 proceed, foundation.

6 Go ahead.

7 THE WITNESS: This was not my decision. I was

8 involved in the decision, but it was not my decision.

9 MR. GREENE: Q. Okay. Who else was involved in

10 the decision?

11 A. Vidura Smallen, John Novak, Steve Weber, Derek Van

12 Atta, Padma McGilloway.

13 That's enough. There may be others, but at least

14 those.

15 Q. Okay. And the reason was because Crystal Clarity

16 wasn't making enough money in the deal. Right?

17 THE WITNESS: Excuse me. I'll be right back.

18 MR. GREENE: Usual procedure. We'll go off the

19 written and stay on the video.

20 (The witness left and reentered the deposition

21 room.)

22 (Discussion off the record.)

23 THE WITNESS: Okay.

24 MR. GREENE: Q. All right. Here we go.

25 There is a pending question, Mr. Walters, which

1 is, isn't it true that the reason for no longer continuing

2 with the agreement with Time Warner for the distribution of

3 your books published by Crystal Clarity was because Crystal

4 Clarity wasn't making enough money?

5 MR. PARSONS: I'm sorry, could I have that

6 question read back? I think that misstates --

7 MR. GREENE: I will state the question again.

8 MR. PARSONS: Okay.

9 MR. GREENE: Q. Isn't it true, Mr. Walters, that

10 at least in part, that the reason for making the decision no

11 longer to proceed with the Crystal Clarity/Time-Warner

12 distribution arrangement was because Crystal Clarity was not

13 making enough money?

14 A. That's a misleading question. The answer is --

15 Q. Just answer the question, please.

16 A. -- we were losing money.

17 Q. Okay. So it wasn't that you weren't -- never mind.

18 Steve Weber, does he have a spiritual name?

19 A. No.

20 Q. And Derek Van Atta, does he have a spiritual name?

21 A. No.

22 Q. Is Steve Weber an Ananda member?

23 A. Yes.

24 Q. And is Derek Van Atta an Ananda member?

25 A. Yes.

1 Q. Is Steve Weber a senior minister?

2 A. No.

3 Q. Is Steve Weber a minister?

4 A. No.

5 Q. Is Steve Weber a Lightbearer?

6 A. No.

7 Q. And Derek Van Atta, is he a Lightbearer?

8 A. I'm not sure.

9 Q. Okay. Is he a senior minister?

10 A. I'm not sure.

11 Q. Is he a minister?

12 A. I'm not sure.

13 Let me say -- well, there's no point in saying

14 more than that. I just don't know.

15 MR. PARSONS: If you've responded to his question,

16 then that's it.

17 THE WITNESS: Yes.

18 MR. GREENE: Q. Are you able to estimate when

19 Minister Levin began to speak with the president of Time

20 Warner regarding the possibility of distributing your books

21 published by Crystal Clarity?

22 MR. PARSONS: I object. That misstates the

23 testimony that the witness has already given. Are you

24 asking him when that ABA or whatever convention occurred?

25 Is that the question?

1 MR. GREENE: The question speaks for itself,

2 Mr. Parsons.

3 Q. And the question was, to your knowledge, what's

4 your best estimate of when it was that Minister Levin

5 started to talk with the president of Time Warner about the

6 idea of distributing your books as published by Crystal

7 Clarity?

8 MR. PARSONS: Okay. Well, then it's vague,

9 assumes facts not in evidence, contradicts the earlier

10 testimony, and calls for speculation on this witness's part

11 as to what was in both of the parties' minds when they

12 talked, or the subject matter of their talks.

13 You may respond, however.

14 THE WITNESS: First of all, it was not Levin who

15 talked with Mr. Kirshbaum. It was Mr. Kirshbaum who had

16 talked with Levin.

17 That was probably in the spring of '93.

18 MR. GREENE: Q. Okay. Now, I'd like to mark this
19 as Exhibit 31.

20 (Exhibit 31 was marked.)

21 MR. PARSONS: Q. Directing your attention,
22 Mr. Walters, to Exhibit 31, which is a photocopy of book
23 entitled Keys to the Bhagavad Gita, that is a written
24 transcription of a talk given by you. Correct?

25 A. Yes.

1 Q. Now, directing your attention -- and earlier, when
2 you and I were talking about when we couldn't exactly
3 remember what the title was, but we were talking about the
4 -- something having to do with a recorded talk of yours on
5 the Bhagavad Gita that was turned into a book or a pamphlet,
6 this is what we were talking about; correct?

7 A. That is correct.

8 Q. "This" being Exhibit 31?

9 A. Correct.

10 Q. All right. Now, directing your attention to page
11 13, tell me when you're -- when you've got it.

12 A. I have it.

13 Q. And going down to the -- starting at the second
14 sentence of the second paragraph, it states -- rather, you
15 state, quote:

16 "In a state of samadhi, the tongue goes back into
17 a position that locks the energy into the brain. In

18 hatha yoga, it's called kechari mudra. You put the
19 tongue behind the pallet and the tongue touches certain
20 nerve centers behind the nasal passage. It seems sort
21 of peculiar, but it's not at all uncomfortable when you
22 practice it. But the practice isn't the same when it
23 happens automatically when the mind goes into samadhi.
24 At that time, in addition to the energy being withdrawn
25 from the body, there is a certain energy that is drawn
1 from the brain down into the mouth. It has a sweet
2 taste. And that energy keeps the body sustained for a
3 long period of time so one doesn't need to eat. One
4 can remain for very long periods of time in samadhi
5 without having to come out. And the curious thing is
6 that the taste has been described -- and it seems to
7 me, too, when I taste it -- as a combination of ghee,
8 which is clarified butter, and honey. How similar this
9 is" -- "how similar to this land of milk and" -- "how
10 similar to this land of milk and honey, isn't it? Ghee
11 being butter, coming from milk. The ecstatic state
12 brings that taste into the mouth," close quote.
13 Now, with that in mind, Mr. Walters, you describe
14 your own personal experience with samadhi, don't you?
15 A. I do not. I do describe my experience of that
16 taste, but that was not in samadhi.
17 Q. Okay. How many bank accounts, Mr. Walters, do you
18 have personal signatory authority on?

19 A. Two.

20 Q. One is the account wherein your royalties from the

21 sales of your books are maintained. Correct?

22 MR. PARSONS: Objection. That misstates his prior

23 testimony.

24 You may respond.

25 THE WITNESS: No, it is not correct.

1 MR. GREENE: Q. You don't maintain an account

2 where you keep the royalties from the sales of your books?

3 MR. PARSONS: No, that misstates his testimony

4 that we've gone into in significant detail already.

5 THE WITNESS: Yes. I don't have control over that

6 account. I have control over how it is used, but I'm not a

7 -- I don't think I'm a signatory.

8 At any rate, I never see the checkbook.

9 MR. GREENE: Q. Okay. To your knowledge, who

10 does see the checkbook?

11 MR. PARSONS: Objection. Asked and answered.

12 THE WITNESS: Yes. Lila Hogendyk.

13 MR. GREENE: Q. Is Lila Hogendyk a senior

14 minister?

15 A. Yes.

16 Q. Is she a Lightbearer?

17 A. Yes.

18 Q. Does she have a spiritual name?

19 A. Lila.

20 Q. Did you give her that spiritual name?

21 A. I did.

22 Q. Do you recall approximately when?

23 A. Well, the genesis of it was because the Italians

24 couldn't pronounce Shirley. And it would be, therefore,

25 while she was in our center in Italy. And I would guess

1 about --

2 MR. PARSONS: Don't guess.

3 THE WITNESS: It's a guess.

4 MR. GREENE: Q. What's your best estimation?

5 A. Best estimate is about 1987.

6 Q. Did Ms. Hogendyk become a Lightbearer in around

7 1987?

8 MR. PARSONS: Okay. No foundation.

9 THE WITNESS: I don't remember.

10 MR. GREENE: Q. Are you able to provide me with

11 your best estimate of when it was that Ms. Hogendyk became a

12 Lightbearer?

13 A. I am not.

14 Q. Now, going back just for a moment to Exhibit 31

15 and the passage that I read into the record, did you intend

16 to convey that passage to reflect the experience of samadhi?

17 A. I did not. My experience, I did not.

18 Q. No, the experience. Not your experience; the

19 experience.

20 A. It's a description of something that happens in

21 samadhi. It also happens before that.

22 Q. Now, does --

23 A. Excuse me, one thing I should add is that in

24 samadhi, you're not in body consciousness at all, so the

25 question of the taste would have to precede any experience.

1 Q. Well, this is -- when you say when you're in

2 samadhi you don't experience any taste, it's actually purely

3 theoretical, since you have never experienced it. Correct?

4 A. That is correct.

5 Q. Ms. Hogendyk, does she live on the Ananda

6 property?

7 A. She does.

8 Q. And for how long has she, to the best of your

9 knowledge?

10 A. I would estimate 14 years.

11 Q. And --

12 A. Maybe longer.

13 Q. And in what bank is the account maintained wherein

14 funds and proceeds from the royalties of the sales of your

15 books are located?

16 MR. PARSONS: Objection. Asked and answered. No

17 foundation in this witness, who's already testified.

18 You may respond.

19 THE WITNESS: I don't know.

20 MR. GREENE: Q. Now, there are two bank accounts

21 that you do have signatory authority on. Is that correct?

22 A. Yes.

23 Q. And are those bank accounts located in the Nevada

24 City vicinity?

25 A. Yes.

1 Q. And what is the bank in which these accounts are

2 held?

3 A. One is the West America Bank in the Brunswick

4 Center. The other, to which I am shifting that account, and

5 there -- that's why I have two accounts -- is called the

6 Citizens Bank, and that is in Nevada City.

7 Q. Do you have any bank accounts that are not in the

8 United States?

9 A. I do not.

10 Q. Do you have any bank accounts that are not in the

11 United States over which in any way you exercise control

12 indirectly?

13 A. I do not.

14 MR. PARSONS: Well, I want to object that that's

15 vague, in any way indirectly exercise control.

16 But go ahead.

17 THE WITNESS: Sorry.

18 MR. PARSONS: That's all right.

19 MR. GREENE: Q. Are there apartment buildings in

20 Palo Alto which, to your knowledge, are owned by the Ananda

21 Church?

22 MR. PARSONS: Objection. Foundation.

23 Go ahead.

24 THE WITNESS: There is an apartment complex which
25 is now -- it's where our members reside. It's one of our
1 communities.

2 MR. GREENE: Q. Okay. And that apartment
3 complex --

4 MR. PARSONS: Also, vague as to "Ananda Church,"
5 in this context.

6 And also, I think I said lack of foundation for
7 this witness to testify.

8 MR. GREENE: Q. Just so that we're clear,
9 Mr. Walters, you and I in the course of our conversation
10 yesterday talked about the Ananda Church as a shorthand form
11 of referring to the corporation that's called the Ananda
12 Church of Self-Realization.

13 And we talked about Ananda Village, Inc. as being
14 another Ananda-related corporation that was separate and
15 distinct from the Ananda Church. Right?

16 A. Yes.

17 Q. Okay. And I'm still using that understanding.

18 A. Yes.

19 Q. Are you when you're giving your answers today?

20 A. I am. So when you say, in any way, well, of
21 course, as the spiritual director of Ananda, I have to
22 approve their getting the complex and so on.

23 But if you're talking of me personally, no.

24 Q. Okay. And that's because you personally don't own
25 anything. Right?

1 A. Correct.

2 Q. Okay. Now, to your knowledge, was the apartment
3 complex --

4 A. Excuse me, I should correct that.

5 The money in my bank account is my money; a few
6 personal objects are my personal objects. I don't own any
7 real property. You know, it is --

8 MR. PARSONS: I was just going to say, if you're
9 in the middle of a line of inquiry, I don't want to
10 necessarily interrupt that.

11 We have a reservation in 10 minutes. And when we
12 talked previously about breaking about now --

13 JUDGE PLISKA: It seems like an appropriate time
14 to break.

15 MR. GREENE: Okay. So then we'll come back at,
16 oh, quarter till 2:00?

17 MR. PARSONS: Okay. Sounds good.

18 THE VIDEO OPERATOR: This is the end of videotape
19 number 15 in the deposition of Donald Walters. We're going
20 off the record at 12:35 p.m.

21 (Lunch recess from 12:35 p.m. to 1:51 p.m.)

22 --o0o--

23 AFTERNOON SESSION

24 THE VIDEO OPERATOR: This is the beginning of

25 videotape number 16 in the deposition of Donald Walters.

1 We're back on the record at 1:51 p.m.

2 MR. GREENE: Q. Mr. Walters, at any time in the

3 last 10 years, have you received a check drawn from a bank

4 account in the country of Switzerland?

5 A. Received or cashed?

6 Q. Received.

7 A. Does that include just cashed my own? Otherwise,

8 no.

9 Q. Okay.

10 A. Not that I recall.

11 Q. And at any time in the last 10 years, have you

12 cashed a check drawn from a bank account located in the

13 country of Switzerland?

14 A. Yes.

15 Q. Approximately when did you do so?

16 A. Well, you see, I had a bank account at one time

17 taken from my parents' estate for \$10,000. And that was to

18 be used for my travel expenses in Europe when I visited our

19 center there.

20 Periodically, maybe three, four times -- this is

21 from the date of my parents' death, which was 1982, until I

22 closed that account, which would be possibly 1993, around

23 that time.

24 How many times did I draw on that account? I

25 don't know. Maybe three, four times. Then I closed it.

1 Q. Okay. Now, are you saying to me that you

2 maintained a bank account in Switzerland?

3 A. I did for that period of time. And I've told you

4 the amount of that account, and the purpose.

5 Q. Okay. So that account was opened in 1982?

6 A. I think it was opened in 19 -- either '82 or '83,

7 probably '83. And it was not a numberd account, because I

8 didn't want it to be secret. So it was in my name.

9 Q. All right. So the account was in your name. And

10 are you able to recall what the amounts of the three our

11 four checks were?

12 That's -- are you able to estimate what the

13 amounts of the three or four checks were?

14 A. Well, it was always less than the total, because I

15 never put money into it. So it was for expenses, until I

16 closed it, at which time I think it was -- its value was

17 close to \$4,000.

18 So it would be within that amount.

19 Q. What was the total amount of the account when you

20 opened it?

21 A. \$10,000, from my parents' estate.

22 Q. At this time, do you maintain any account located

23 in Switzerland through another individual or entity?

24 MR. PARSONS: Objection. Vague. I think it's

25 been asked and answered.

1 Go ahead.

2 THE WITNESS: I have answered it. But no, I do

3 not.

4 MR. GREENE: Q. Is there any individual over whom

5 you have control that to your knowledge has a bank account

6 in Switzerland?

7 MR. PARSONS: Okay. Vague as to "control," and

8 then you're inquiring into what sounds like the personal

9 financial matters of third parties, because there's no

10 connection between that bank account and this witness.

11 So I'd object to him answering any question with

12 respect to third-party accounts where this witness does not

13 control the account.

14 And I'd instruct him not to answer to that extent,

15 and answer to the extent of any accounts in third parties'

16 names where this witness has control over the account.

17 THE WITNESS: I have no knowledge of any accounts,

18 so I can't answer. But I have no control over any such

19 accounts, either.

20 MR. GREENE: Q. I'm not talking about any such

21 accounts. I'm asking you whether or not to your knowledge

22 there is any individual over whom you have control who has

23 an account in Switzerland.

24 MR. PARSONS: Same objection.

25 THE WITNESS: No.

1 MR. GREENE: Q. Is there any individual over whom
2 you have control who has a bank account, aside from the bank
3 account in which your royalties are kept?

4 MR. PARSONS: Could I have that read back?

5 MR. GREENE: No. I'll say it back to you,
6 Mr. Parsons.

7 Q. And the question is, is there any individual over
8 whom you have control who has a bank account, aside from the
9 bank account in which your royalties are kept?

10 MR. PARSONS: Objection as to "control." You may
11 answer that question.

12 THE WITNESS: I have no knowledge of any such
13 thing.

14 MR. GREENE: Q. Do you have knowledge whether
15 there is such a thing as a Yoga Certificate Retreat that is
16 periodically held on the Ananda property?

17 A. Have a yoga what?

18 Q. Yoga Certificate Retreat.

19 A. Yoga -- you mean people getting yoga certificates?

20 Q. Yeah, training for yoga certificates.

21 A. I imagine they get a certificate. We offer such
22 programs.

23 Q. And did you offer such a program in July or August
24 of this summer?

25 A. I have no control over that. So I don't know.

1 Q. Do you know whether --

2 A. I don't know.

3 Q. So you have no idea whether there was any such

4 program on the property in July or August of 1995?

5 A. I don't --

6 MR. PARSONS: Wait till he's done.

7 THE WITNESS: Sorry. I don't have enough of an

8 idea to answer in the affirmative or in the negative. I

9 just don't know.

10 MR. GREENE: Q. Do you know who the individual is

11 that is in charge of a program where yoga certificates can

12 be obtained that's held on the Ananda property?

13 A. The person, no. The fact of the -- where it's

14 done, and under whose auspices, I can answer that. But not

15 the person.

16 Q. Okay. Why don't you answer that for me.

17 A. That is done at The Expanding Light, which is our

18 retreat facility at Ananda Village.

19 Q. And who is in charge?

20 A. I don't know who it is.

21 Q. All right. And was such a program held at The

22 Expanding Light in the Ananda Village this summer?

23 A. I cannot say.

24 Q. All right.

25 MR. GREENE: Mark this as 31.

1 THE REPORTER: 32, actually.

2 (Exhibit 32 was marked.)

3 MR. GREENE: Q. Okay. Mr. Walters, I have caused
4 you to look at Exhibit No. 32. Would you review that for a
5 moment, please?

6 Now, Mr. Walters, have you ever heard of anything
7 called the Fellowship of Inner Communion?

8 A. I have.

9 Q. And what is the Fellowship -- do you know what the
10 Fellowship of Inner Communion is?

11 A. I founded it.

12 Q. What is it?

13 A. It's the new name that we gave The Yoga Fellowship
14 before it became Ananda Church of Self-Realization.

15 Q. Okay. And in -- well first of all, let me ask
16 you, looking at Exhibit 32, have you reviewed this document
17 before? Do you recall seeing this document before?

18 A. I might as well read it now, because I don't know.

19 Q. Okay. Go ahead.

20 A. (Examining document.)

21 You're asking me if I have read this document
22 before. I do not remember doing so.

23 Q. All right. Well, let me ask you this: Do you
24 recall the point in 1987 where you introduced the rules for
25 conduct to Ananda members, generally speaking? Do you

1 recall that point in time?

2 A. I don't recall, but I don't deny that it's there.

3 It's just a meeting that took place 8 years ago, 8 1/2 years

4 ago. No, I don't recall even the meeting.

5 Q. Okay. Now, was one of your intentions when you

6 wrote the rules for conduct for members, which is Exhibit 3

7 to your deposition, to articulate a clear statement of the

8 attitudes and principles that guide the daily life of Ananda

9 members?

10 A. That was my purpose.

11 Q. And did you communicate such purpose to the -- any

12 of the persons who are the senior ministers at Ananda?

13 MR. PARSONS: Objection. Vague as to

14 "communicate." Go ahead.

15 THE WITNESS: Hmm?

16 MR. PARSONS: Vague as to "communicate." Go

17 ahead, though.

18 THE WITNESS: Yes. I certainly would have talked

19 about it, but "would have" has to be the operative

20 expression here. I don't remember.

21 MR. GREENE: Q. Okay. So it would have been,

22 then, consistent with your habit and custom to have made

23 such communications. Right?

24 A. Yes.

25 Q. Okay. Now, was it when you wrote the Rules of

1 Conduct that the category of membership known as postulant

2 was first developed?

3 A. I don't remember.

4 Q. Okay.

5 A. I would imagine, but that's not worth -- as

6 testimony.

7 MR. PARSONS: He's entitled to memory or estimate

8 or --

9 THE WITNESS: Of when I -- when I initiated the

10 term "postulant"?

11 MR. GREENE: Q. Yes.

12 MR. PARSONS: In response to his question.

13 THE WITNESS: I imagine from the first time I ever

14 spoke of these things. It's a thing normal in the Catholic

15 orders, it's a normal process in our culture, it would be

16 the normal word in English. And I've never had another word

17 in my mind.

18 So probably at one time or another, from the

19 beginning.

20 MR. GREENE: Q. Okay. And when you say from the

21 beginning, do you mean from the point at which you started

22 the community on the property near Nevada City?

23 A. I never used the term formally. I proposed it at

24 different times. I don't think that we really used it

25 formally until just about the time I wrote the rule.

1 Q. Okay. And when you wrote the rule, it was at that
2 point that the usage of the term "postulant" became
3 formalized, to the best of your recollection. Right?

4 A. To the best of my recollection, right.

5 Q. Okay. And it was at the time that you promulgated
6 the rule that the term "novice" was first formalized. Isn't
7 that true?

8 A. I believe so.

9 Q. And it was at the time that you promulgated the
10 rule that the term "fully professed member of the order" was
11 first formally adopted. Correct?

12 MR. PARSONS: Objection.

13 THE WITNESS: You're --

14 MR. PARSONS: That misstates the testimony. I
15 don't think there's been such a phrase.

16 THE WITNESS: Yes. I don't remember this now, as
17 to when. I can't answer it on that level.

18 MR. GREENE: Q. Well, let me ask you this,

19 Mr. Walters:

20 Taking a look there at the bottom third of the
21 second paragraph of Exhibit 32, do you see the term, quote,
22 "fully professed member of the order," close quote?

23 A. Yes, I see it. I do.

24 Q. Excuse me, quote, "fully professed member of the
25 order are described in the Rule," close quote?

1 A. I do.

2 Q. And did you at or about the time you promulgated
3 the rule at any point refer to anyone as being a, quote,
4 "fully professed member of the order," close quote?

5 A. You're asking it in such a way that it's difficult
6 to say absolutely yes, did I refer to them.

7 What you mean, perhaps, is, were there fully
8 professed members. Yes.

9 Q. Okay. And what -- how did you determine whether
10 or not an individual was a fully professed member?

11 A. They had to have been living there as novices, I
12 suppose is the word that has become current, for at least 5
13 years. But it could be longer, because they did not have a
14 right to join merely by living there that length of time.
15 They had to be invited to join.

16 Q. All right. Now, were -- or was such an individual
17 considered at a later point to be a member of Ananda's
18 monastic order?

19 MR. PARSONS: Vague as to time.

20 Go ahead.

21 THE WITNESS: Did we form the monastic order then,
22 is what I don't remember.

23 MR. PARSONS: Well, that's not the question,
24 though.

25 THE WITNESS: Oh, the question again?

1 MR. GREENE: Q. I'll make it my question, try to

2 help you out.

3 Do you recall whether you formed the monastic

4 order around 19 -- when you promulgated the rule in 1987 or

5 thereafter?

6 A. Inasmuch as it's written here, I have to say yes.

7 But do I remember, I don't have a clear memory of it.

8 Q. All right. Directing your attention to the last

9 sentence of the first paragraph, when referring there to

10 Devi, is that referring to Lila Devi or someone else?

11 A. Where are we, please?

12 Q. Last sentence of the second paragraph?

13 A. Second. You said first. Devi is the wife of

14 Jyotish.

15 Q. And Devi is a spiritual name; correct?

16 A. Yes.

17 Q. And you gave that name to Devi, didn't you?

18 A. Yes.

19 Q. And also directing your attention to the name

20 Seva, to whom does that refer, if you know?

21 A. That's also a spiritual name, and I gave it to her.

22 Q. And who is Seva?

23 A. Seva is Sonia Wiberg, W-i-b-e-r-g.

24 Q. And Durga?

25 A. The same applies to all these names. If you want

1 to read them into the record, I'll answer individually.

2 Q. Okay. And who is Durga?

3 A. Durga is the wife of Vidura. Her Christian name

4 is Sally Smallen.

5 Q. And Vidura's Christian name is John Smallen;

6 correct?

7 A. I beg your pardon?

8 Q. Vidura's Christian name is John Smallen; right?

9 A. John Smallen, correct.

10 Q. Now, going down into the handwritten portion of

11 Exhibit 32, reference is made to committees. Do you see

12 that?

13 A. Yes.

14 Q. Okay. Where it says, quote, "Committees will help

15 people attune themselves to God's will and various areas,"

16 and then parentheses, "(calls them ministries)," close

17 parentheses.

18 Do you see that?

19 A. I do.

20 Q. Now, do you recall having discussions with any of

21 your ministers about the development of committees around

22 the time when you promulgated the rule?

23 A. I don't recall, but I think it's probable.

24 Q. Okay. Do you recall having discussions with

25 anyone around the time you promulgated the rule that you

1 I would call committees ministries?

2 A. You see, these were suggestions made by some of my
3 coworkers, like Jyotish and Devi. And my recollection is
4 less clear. But that was our -- whether it came from me or
5 from them as a suggestion, I certainly agreed with it.

6 Q. Okay. Now, as Ananda presently -- well, withdraw
7 that.

8 At some time after you promulgated the rule, was
9 there a relationship committee which came into existence?

10 A. I don't remember.

11 Q. Currently, is there a relationship committee?

12 MR. PARSONS: A committee called "The Relationship
13 Committee"?

14 MR. GREENE: Q. Or something to that effect, or
15 to the -- let me withdraw that. Thank you, Mr. Parsons.

16 Mr. Walters, you recall discussions with your
17 coworkers having to do with this notion of the development
18 of committees. Right?

19 A. Yes.

20 Q. Okay. Now, with respect to the notion of a
21 relationship committee, what do you recall a relationship
22 committee was to address?

23 MR. PARSONS: Objection. Assumes facts not in
24 evidence.

25 Go ahead.

1 THE WITNESS: Yes. Inasmuch as I'm not really
2 sure whether there is such a committee, I'm not able to
3 answer.

4 MR. GREENE: Q. Well, see, I'm not -- it's not an
5 "is" question. Okay?

6 It's a question that's going back to the period of
7 time when you promulgated the rule. And the question is not
8 whether there is such a committee, but when you were having
9 discussions with your coworkers about forming committees as
10 indicated here on Exhibit 32, what was it that you discussed
11 with them that a relationship committee would address?

12 MR. PARSONS: Okay. I object, because there is no
13 foundation for this witness testifying as to the accuracy or
14 completeness of what's written here in hand. He hasn't
15 testified concerning the existence at any time of a
16 relationship committee. Therefore, it assumes facts not in
17 evidence.

18 You may respond.

19 THE WITNESS: No, I don't know. I don't remember
20 whether the committee was founded, I don't remember a
21 discussion about it.

22 MR. GREENE: Q. Okay. Do you remember whether
23 there were any discussions about relationships in terms of
24 something needing formal attention at all?

25 A. Yes. Certainly.

1 Q. Okay. And what -- in -- what was it about

2 relationships that you discussed that merited formal

3 attention?

4 A. How to make the marriages more harmonious, how to

5 make them more lasting. That new members ought not to, for

6 the first year, get involved with members of the opposite

7 sex until they had been there long enough to learn the

8 teachings.

9 That's about it. I think I can only answer in a

10 broad term like that.

11 Q. Did you discuss that the determination of when a

12 new member had been there long enough to learn the teaching

13 would be a determination made either by you or one of your

14 ministers?

15 A. No. It was not any kind of absolute. It was

16 rather a counsel that -- you can't control the behavior of

17 that many people on a large piece of land. There was no

18 attempt to control.

19 It was, rather, just a general advice to try not

20 to be involved for at least a year, but concentrate on the

21 teachings.

22 Q. Did you understand my question to ask you whether

23 or not people were being controlled?

24 A. I was trying to obviate the possibility of that

25 meaning.

1 Q. Oh, okay.

2 A. There was no effort to tell them what they may or

3 may not do or might or might not do.

4 It was rather, this is our advice. It was a

5 cautionary statement.

6 Q. And isn't it true that the reason you were trying

7 to obviate that meaning in part is because one of the

8 allegations made by (the plaintiff) is that she was

9 subjected to psychological coercion by the Ananda Church?

10 MR. PARSONS: Objection. It's argumentative.

11 THE WITNESS: That was not in my mind. But now

12 that you raise it, of course that would be in my mind.

13 MR. GREENE: Q. What was in your mind that caused

14 you to make the decision that the way you wanted to answer

15 my question was to obviate any meaning that there was any

16 sort of coercion in making the determination when a new

17 member had learned sufficient teachings to be able to have

18 contact with members of the opposite sex?

19 MR. PARSONS: Objection. Vague, ambiguous,

20 compound.

21 THE WITNESS: I thought in the terms you phrased

22 it that that was a possible meaning in your statement.

23 That's all it amounted to.

24 MR. GREENE: Q. Now, is there any place written

25 in the rule which you promulgated in 1977 that there is to

1 be --

2 A. '87.

3 Q. Or excuse me, '87, that there is to be no sexual

4 contact among members less than -- or members who had been

5 on the property for less than a year?

6 MR. PARSONS: Okay. Objection. The document

7 speaks for itself.

8 THE WITNESS: There's no rule about it. There's

9 admonition.

10 MR. GREENE: Q. Is there any written rule

11 anywhere in the Ananda community which states that

12 individuals should not engage in sex when such individuals

13 have been on the property for a year or less?

14 A. No. We have very few formal rules. The only --

15 Q. Thank you. That's -- thank you very much.

16 JUDGE PLISKA: He hasn't finished his answer,

17 Mr. Greene.

18 MR. GREENE: It's a "yes" or "no" question.

19 JUDGE PLISKA: Well, he's entitled to explain even

20 a "yes" or "no" answer.

21 MR. GREENE: Q. All right.

22 A. The only formal rules are that there should be no

23 drinking, no drugs, and that they follow this path.

24 Q. Is there any written policy in the -- or withdraw

25 that.

1 At any time has there been a written policy in the
2 Ananda community that senior ministers are to admonish
3 members who have been on the property less than a year that
4 they should not engage in sex?

5 MR. PARSONS: Okay. Objection. Lack of
6 foundation of this witness, vague as to "admonishment."
7 Go ahead.

8 THE WITNESS: There is no such rule.

9 MR. GREENE: Q. So the source of the admonition
10 is you. Correct?

11 A. Say that again?

12 Q. The -- let me make it into a whole question. It
13 was truncated.

14 The source of the admonition that senior ministers
15 give individuals who have been on the property for less than
16 a year -- they should not engage in any sexual relations
17 with members, other members -- comes from you. Right?

18 MR. PARSONS: Objection. It misstates his
19 testimony, it's vague and ambiguous, no foundation.

20 THE WITNESS: I didn't understand it.

21 MR. PARSONS: Oh.

22 MR. GREENE: Q. Okay. What I'm asking you is,
23 there's no written policy that says, if you're on the
24 property for less than a year, you don't mess around
25 sexually with other people. Right?

1 MR. PARSONS: Well, misstates his testimony.

2 THE WITNESS: Again, I don't know if it's written

3 or not. But it's a general statement.

4 MR. GREENE: Q. It's a general statement. And

5 that -- the source of that general statement is you as the

6 spiritual director. Correct?

7 MR. PARSONS: Objection. Vague.

8 You may respond.

9 THE WITNESS: In this case, you'd have to say it

10 was our ministry office. Our spiritual directorate, let's

11 put it that way.

12 MR. GREENE: Q. Okay. And then the spiritual

13 directorate got that admonition originally from you,

14 correct, as the spiritual director?

15 MR. PARSONS: Objection. Vague, compound.

16 You may respond.

17 THE WITNESS: I don't resist that statement. I'm

18 trying to remember if I actually made it. So perhaps that's

19 an answer.

20 MR. GREENE: Q. Well, did you ever make such a

21 statement, or words to that effect?

22 A. Yes, I did.

23 Q. So then the spiritual directorate of the Ananda

24 community, which transmitted that statement to the general

25 new membership -- I'm using "new membership" in the sense of

1 someone who's there for a year or less --

2 A. I'm having a hard time concentrating for some

3 reason. Try it again.

4 Q. Okay. What I'm trying to have the record be clear

5 on is that the admonition to people who have been on the

6 property for less than a year that, you know, no sexual

7 messing around with other members, to them comes from the

8 spiritual directorate, correct, to the best of your

9 knowledge?

10 MR. PARSONS: Well, I object that misstates his

11 testimony. It also misstates what the what you're calling

12 the admonition was. But you can respond.

13 THE WITNESS: Inasmuch as my position is one of

14 having to bear the ultimate responsibility, I'll have to say

15 yes anyway. Whether I remember specifics or not is

16 secondary.

17 MR. GREENE: Q. Okay. Now, when you --

18 MR. PARSONS: Wait. Excuse me.

19 But he's asking you specific questions, not global

20 buck-stops-here type questions. So it's important that you

21 listen to the question he's asking and respond to that

22 question.

23 THE WITNESS: Yes, yes.

24 MR. PARSONS: Instead of jumping down to ultimate

25 responsibility.

1 MR. GREENE: Q. Mr. Walters, let me ask you
2 this: Do you have an understanding of what the term "the
3 buck stops here" means?

4 A. The best what?

5 Q. What the phrase "the buck stops here" means? Do
6 you have an understanding of that?

7 A. You know, these hearing aids are uncomfortable,
8 but I'm going to have to wear them again.

9 Q. Do you want me to speak louder?

10 A. I would like you to.

11 Q. Let me raise my voice.

12 A. But I can put them in. It's okay. I beg your

13 pardon. I just --

14 Q. Sure.

15 A. I don't want to mishear you and then answer

16 incorrectly. Yes, try again.

17 Q. How do I sound?

18 A. You sound clear.

19 Q. Okay, thanks.

20 When you earlier said that one of the requirements
21 of people on the property is that they follow the path, does
22 that include adhering to the rule which you promulgated in
23 1987?

24 A. Always it's a question of showing right spirit in
25 trying to.

1 Q. Okay. And ultimately, if an individual fails to
2 show right spirit, that is a determination that you make.
3 Correct?
4 MR. PARSONS: Objection. Vague, compound.
5 Go ahead.
6 THE WITNESS: No.
7 MR. GREENE: Q. Is that determination that
8 someone fails to show right spirit made by anyone?
9 MR. PARSONS: Objection. Speculation.
10 MR. GREENE: Q. To your knowledge?
11 A. Generally speaking, it would be made by several
12 people.
13 Q. All right. And currently, who would those several
14 people be?
15 Actually, let me withdraw that and ask you this
16 way: Wouldn't one of those people be Jyotish?
17 MR. PARSONS: Vague. It's uncertain as to the
18 circumstance.
19 THE WITNESS: And what is really meant by it. But
20 yes, I think in principle you can say yes.
21 MR. GREENE: Q. And Vidura would be one.
22 Correct?
23 MR. PARSONS: Same objection.
24 THE WITNESS: Yes.
25 MR. GREENE: Q. You would be one?

1 MR. PARSONS: Same objection.

2 THE WITNESS: Not necessary. As I said, I've

3 withdrawn from things.

4 MR. GREENE: Q. Well, let me ask you this: The

5 rules -- or the rule that you promulgated allows for someone

6 to be kicked out of the community. Correct?

7 MR. PARSONS: Objection. The rule speaks for

8 itself. Go ahead. Also vague, "allows for."

9 THE WITNESS: The rule, as I recall it, is

10 different from this rule. We have -- I can't remember an

11 instance where we have kicked anybody out of the community.

12 MR. GREENE: Q. Well, why don't we go to page 30

13 of Exhibit 3.

14 A. Exhibit 3 is --

15 Q. The rule.

16 A. 2, 3. Okay. This is something else. Okay. Page

17 what? 30.

18 Q. 30. Yes.

19 Under Article 14, "Departure or Dismissal of

20 Members"?

21 A. Yes, I'm aware of it.

22 Q. All right. Where it says, quote:

23 "Should any member fall into negativity and

24 darkness and show himself moreover to be closed to the

25 community's help, he must be asked to leave both for

1 his own sake and for the sake of those whom his
2 attitudes might otherwise infect. In such cases, the
3 greatest compassion must always be shown," close quote.
4 Now, in that paragraph you intended among other
5 things, to include when an individual's intention was not to
6 follow the rule that you promulgated. Right?

7 MR. PARSONS: Wait. I don't think that question
8 makes sense. Could I have it read back?

9 MR. GREENE: No. I'll repeat it.

10 Q. With that paragraph in mind, part of your
11 intention was to address when a member failed to have the
12 proper attitude toward following the path. Is that right?

13 A. It would have to include that.

14 Q. Okay. And the determination whether someone had
15 fallen into negativity and darkness would be made by, among
16 other people, Vidura; right?

17 MR. PARSONS: Objection. It's compound --

18 THE WITNESS: I'll answer that by --

19 MR. PARSONS: Well, wait. Objection. It's
20 compound. Vague as to circumstances.

21 THE WITNESS: In any such circumstance, we would
22 have to talk to the entire community. It could not be the
23 decision of a handful of people, even of me.

24 This is the mechanics of it. It's not written
25 into the rule. But it's never happened, and therefore it's

1 not -- at least, I can't remember it ever happening.

2 Therefore, it's not really something dynamic to my

3 consciousness at this time.

4 MR. GREENE: Q. Well, let me ask you this: Isn't

5 it true that if someone fails to manifest the proper

6 attitude toward following the path, that a lesser sanction

7 than being booted out of the community could be imposed, in

8 practice?

9 A. No, it would not be a sanction. It would be an

10 attempt to help the person.

11 Q. All right.

12 A. Help them by moving them to another community, by

13 putting them in other circumstances. It would not be a

14 sanction.

15 Q. Okay. So then when -- withdraw that.

16 You at some point in 1992 or 1993 directed

17 (the plaintiff) to leave the Ananda community, or the

18 Ananda Village; correct?

19 A. Yes. It's something we've done a number of

20 times. To another Ananda community.

21 Q. Okay. Has anyone during those number of times

22 that someone has been directed to go to another Ananda

23 community advised you in words to the effect that they felt

24 like they were banished?

25 I'm not asking for the identity of any such

1 person. I'm just asking whether or not anybody's told you

2 words to that effect.

3 A. I can remember no such circumstance.

4 Q. And the reason why someone has been directed to

5 leave the Ananda Village for another Ananda community has

6 been for their own good. Correct?

7 MR. PARSONS: Objection. Compound, vague as to

8 "circumstances," and it's argumentative.

9 THE WITNESS: For the good of everyone concerned.

10 MR. GREENE: Q. Which includes the individual's

11 own good. Correct?

12 A. Yes.

13 Q. And that acting for the individual's own good is

14 consistent with how the individual is treated throughout

15 their following the Ananda path, isn't it?

16 MR. PARSONS: Objection. It's vague, confusing,

17 vague as to "consistent with," "throughout the Ananda path,"

18 vague as to time, vague as to circumstance.

19 But you can respond.

20 THE WITNESS: It's too vague for me to understand

21 what to answer.

22 MR. GREENE: Q. Okay. It's true, isn't it, that

23 when you talked about someone following the Ananda path,

24 that --

25 MR. PARSONS: I'm sorry, when?

1 MR. GREENE: In this -- earlier in his testimony

2 this afternoon.

3 MR. PARSONS: Oh, okay.

4 MR. GREENE: Q. I'm not asking you to comment on

5 your own testimony, but you recall talking about one of the

6 requirements -- you said that there were, I believe, three

7 requirements: No drugs, no alcohol, and follow the path.

8 Right?

9 A. Correct.

10 Q. Okay. Now, when someone is following the path,

11 you as the spiritual director endeavor to whatever extent

12 you can to act in that person's best interest, don't you?

13 A. Absolutely.

14 Q. And in fact, you consider that to be part of your

15 obligation as the spiritual director, don't you?

16 A. Absolutely.

17 Q. And you also advise your senior ministers that

18 that's part of their responsibility as senior ministers, to

19 act in a person's best interest. Right?

20 MR. PARSONS: I think that's vague as to

21 circumstance, but --

22 THE WITNESS: But I do.

23 MR. GREENE: Q. And it's your intention that the

24 senior ministers in turn act that way with respect to the

25 younger Ananda members. Right?

1 And when I say younger, I don't mean like
2 children. I'm talking about younger in progression on the
3 path.

4 A. I believe they do.

5 Q. Okay. And the ministers -- it's your belief, is
6 it not, that the ministers advise the younger persons on the
7 path that they, the ministers, are acting in those younger
8 persons' best interest. Correct?

9 MR. PARSONS: Object. There's no foundation for
10 that. Also calls for this witness's testimony concerning
11 third-party actions.

12 You may respond.

13 THE WITNESS: It's my understanding that they do.

14 MR. GREENE: Q. Okay. And it's your intention
15 that they do as well, isn't it?

16 A. Quite right.

17 Q. And it was your intention that Daniel Levin act
18 that way towards (the plaintiff). Isn't that right?

19 MR. PARSONS: Objection. Vague as to "that way."

20 THE WITNESS: What is that way?

21 MR. GREENE: Q. Oaky-doke. You're right. I'll
22 build it right into the question, which is, it was your
23 intention, wasn't it, that Senior Lightbearer Minister Levin
24 act in the best interests of younger member
25 (the plaintiff). Right?

1 A. When people's emotions are involved, as his were
2 and as hers were, you can't speak of abstract intentions.

3 You have to talk of actual desires.

4 Q. Well, let me ask you this, Mr. Walters. Let's
5 take --

6 A. It would have been unreal for me to make that
7 demand of him.

8 Q. No, no, no. That's not what I'm talking about,
9 though, so let me try to make myself more clear.

10 What I'm talking about is not any kind of sexual
11 action between Lightbearer Levin and (the plaintiff).

12 What I'm talking about is the relationship between
13 Lightbearer Levin and (the plaintiff) before there was
14 any kind of sex stuff that was involved.

15 Your expectation of Lightbearer Levin would be
16 that he act in the best interests of younger member
17 (the plaintiff). Right?

18 MR. PARSONS: Okay. I object to the extent that
19 it assumes facts not in evidence; i.e., that there was any
20 intention whatsoever with respect to these two named
21 individuals.

22 You may respond, however.

23 THE WITNESS: My expectation is not limited to
24 Lightbearers. It would include (the plaintiff). It would
25 include everybody. That people living there understand that

1 this is our basic -- one of the basic, again, unwritten
2 rules of Ananda is that people are more important than
3 things. And that therefore, every member be concerned with
4 the welfare, spiritually above all, of every other member.

5 MR. GREENE: Q. Oh, absolutely. I have no beef
6 about that.

7 But what I need to ask you at this point, then,
8 is, do you acknowledge that individuals who first come into
9 the community are not as familiar with the ways of the
10 community as those who have been there for a longer
11 duration?

12 Do you acknowledge that?

13 MR. PARSONS: Well, I do object, in that it calls
14 for a global statement, so this witness lacks foundation. I
15 think it's misleading.

16 But you can respond.

17 THE WITNESS: You're asking about a community,
18 hypothetical, ruled entirely by rules, procedures.
19 We are not. We are human beings. I would not
20 expect Danny to think, ah, here's a novice, I'm supposed as
21 a Lightbearer to treat her this way.

22 She was a coworker, a woman who expressed interest
23 in him, and he unfortunately fell into a temptation, which I
24 do not say was one-sided; it was mutual. I don't blame
25 either party. It's just the sort of thing that happens

1 between human beings.

2 But I would not put him in the intolerable
3 position of saying that he had to guide himself by emotions
4 that were not a part of his makeup at that moment, nor in
5 the position. He was not her counselor, he was not her
6 boss; he was a coworker, and working together on -- I
7 suppose working together, I'm not sure of that, but at least
8 in the same office, on various projects.

9 So did he disappoint me in his interest in her?

10 Certainly so. But what I can demand of a fellow member or
11 fellow human being is altogether different from that
12 consideration.

13 MR. GREENE: Q. What you want to see isn't
14 necessarily what you get. Right?

15 A. That's what I'm trying to say. You've said it
16 better.

17 Q. Well, for once.

18 What I want to know now is, did Daniel Levin tell
19 you that (the plaintiff) expressed a sexual interest
20 in him first?

21 A. I don't remember the sequence, but I believe that
22 he said -- and it wasn't sexual; it was romantic. I didn't
23 know about the sexual side for some time.

24 But he expressed a romantic attachment for her
25 that he felt was very strong. As I recall, and my memory is

1 not necessarily accurate, but I recall that I then asked to
2 speak to her.

3 She told me, I find him very magnetic, those were
4 her words -- not "I find him," but "very magnetic" were her
5 words. "He is very magnetic," were the actual words.

6 It was very obvious that the attraction was
7 mutual. I didn't want to betray their confidence by talking
8 to Padma, who was in charge, in such a way as to tell her
9 what was going on, and I wanted to give them a chance to
10 work it out on their own.

11 So I asked her if we could not in some way
12 separate them, if we could not put her in another department.

13 Padma, who relied heavily on the work that
14 (the plaintiff) was doing at that time, balked at that, as I
15 recall -- again, I have to put that caveat there -- and I
16 didn't feel it was time yet to tell her my strong reasons,
17 which, without that explanation, would have seemed -- would
18 have given a lot of offense to Padma, thinking that I was
19 just taking her away for no reason she could understand.

20 Later, when it became obvious that they were not
21 on their own breaking off that attachment, then I had to
22 tell her that it really had to happen.

23 Now, whether I told her more than that, I don't
24 recall. I do recall talking to Vidura and saying that I
25 feel that we must move her out of that department into

1 another department -- which, incidentally, paid better.

2 And so he set the ball rolling, and it was a

3 sacrifice for Crystal Clarity, but we felt that people are

4 more important than the work we were doing, and therefore

5 she had to agree.

6 Now, when she became cognizant of it --

7 MR. GREENE: Your Honor, I would -- the question

8 that I asked was a direct question that was susceptible of a

9 "yes" or "no" answer.

10 What I'm getting is an ongoing, self-serving

11 narrative. And I would request that the witness simply stop

12 talking and let me ask a question.

13 I didn't ask him to tell me his whole version of

14 the story of what happened --

15 THE WITNESS: Forgive me.

16 MR. GREENE: -- with (the plaintiff). I

17 asked him whether or not he first -- if Danny Levin told him

18 that (the plaintiff) --

19 MR. PARSONS: I think he's willing to stop talking.

20 MR. GREENE: -- went after him first.

21 JUDGE PLISKA: He's willing to stop talking.

22 THE WITNESS: I'm willing to stop talking. But I

23 felt I was answering your question.

24 MR. GREENE: Q. Let me ask you this: What you

25 felt you were doing was giving me your entire position in

1 this lawsuit.

2 MR. PARSONS: He said he thought he was answering

3 your question.

4 MR. GREENE: I'm asking him another question,

5 Mr. Parsons.

6 MR. PARSONS: It's argumentative.

7 MR. GREENE: I just did.

8 THE WITNESS: What was it?

9 MR. GREENE: Q. Is what you thought you were

10 doing when giving me that long answer, was giving me your

11 entire position in this lawsuit?

12 A. By no means. We have much more.

13 Q. Okay. But the entire position with respect to the

14 alleged sexual harassment.

15 MR. PARSONS: May we move on, please? Ask him a

16 question.

17 THE WITNESS: The answer is no.

18 MR. GREENE: Q. Now, Mr. Walters, you made a

19 distinction in your long-winded answer about a romantic

20 interest as compared to a sexual interest.

21 What is the distinction in that regard which you

22 drew in the course of giving me that answer?

23 A. That the one was romantic and the other was sexual.

24 Q. What's the difference between romantic and sexual

25 in your mind?

1 A. Romantic can mean being attracted or in love,

2 without being sexual.

3 Q. Okay. So then in your mind, a romantic interest

4 does not necessarily imply any sexual component. Is that

5 what you're saying?

6 A. I think that's correct.

7 Q. Okay. Now, would you characterize --

8 A. Well, wait a minute. When you say any sexual

9 components, I don't know the answer to that one.

10 But actually, making physical love, I would say

11 that's not necessarily a part of romantic.

12 Q. What about masturbation? Is that a part of

13 romantic?

14 A. I would not think of it necessarily as that.

15 Q. Okay. Then if you would not think of it

16 necessarily as that, do you -- would you say that it could

17 be included?

18 A. So could sex also be included.

19 MR. PARSONS: Objection. It's argumentative,

20 compound.

21 Go ahead.

22 THE WITNESS: Yes.

23 MR. GREENE: Q. That's what I'm trying to find

24 out.

25 So then what you're telling me is that sex can be

1 included in a romantic relationship? Is that what you're
2 saying?

3 MR. PARSONS: If now you're asking for this
4 witness's definition of the distinction he drew, then it's
5 mischaracterizing his testimony.

6 MR. GREENE: That's what I'm asking, based on the
7 other answers he's given me since he drew that distinction
8 initially.

9 MR. PARSONS: Okay. But I believe the question
10 before him now is different, and it's a hypothetical of
11 could it be.

12 So I would just like this witness to be presented
13 with a clear question so that it's clear what he's supposed
14 to be answering.

15 MR. GREENE: Q. The question is this,

16 Mr. Parsons, and Mr. Walters: Do you exclude necessarily
17 sex from romance?

18 A. Certainly not.

19 Q. Okay. Now, do you include sex with romance?

20 A. Not necessarily.

21 Q. When Danny Levin told you -- I'll withdraw that.

22 Did Danny Levin tell you that he had a romantic
23 interest in (the plaintiff)?

24 A. He did.

25 Q. When Danny Levin told you that, did it cross your

1 mind that such romantic interest might include sex?

2 A. I didn't think about that.

3 Q. It never crossed your mind?

4 A. I can't say what crossed my mind.

5 Q. So you can't recall?

6 A. Right.

7 Q. Did you take any action -- withdraw that.

8 Did you make any inquiry of anyone to find out

9 anything further about the nature of the relationship

10 between Danny Levin and (the plaintiff), aside from

11 talking to (the plaintiff)?

12 A. To Danny.

13 Q. And aside from talking to Danny?

14 A. Not for quite some time.

15 Q. In your experience as spiritual director of the

16 Ananda community since 1968, have you had to deal with

17 difficulties among members that involved sex?

18 A. Yes.

19 Q. Had you -- did you have ever during that time

20 period to deal with situations where someone who was in a

21 superior position was sexually involved with someone who was

22 in a lesser position?

23 MR. PARSONS: Okay. Objection. Vague as to

24 "superior" and "lesser."

25 You may respond.

1 THE WITNESS: Yes, that's vague. I don't accept
2 that definition, because I treat them as human beings.

3 MR. GREENE: Q. Well, Mr. Walters, there are
4 Lightbearers, and then there are novices. Correct?

5 MR. PARSONS: Well, also vague as to time now.

6 THE WITNESS: Go ahead.

7 MR. GREENE: Q. Period. Isn't that right?

8 A. Yes. You said that.

9 Q. And someone who's a Lightbearer is someone who you
10 have ordained personally. Right?

11 A. What I've tried to say is that they are human
12 beings acting as human beings, not acting as Lightbearers.

13 I try to address it on that level, because the
14 other is artificial and unreal.

15 Q. Do you think that it is artificial and unreal for
16 a counselor to be expected not to use his counseling
17 position to seduce someone he's counseling?

18 MR. PARSONS: Objection. Argumentative,
19 hypothetical, calls for speculation.

20 Go ahead.

21 THE WITNESS: It does call for speculation. It
22 calls for a lot of things. It's a leading kind of question --

23 MR. GREENE: Q. Well, this is cross-examination,
24 and I do want an answer to the question, please.

25 MR. PARSONS: Well, it's not cross, but it's

1 examination. And he's entitled to ask leading questions.

2 THE WITNESS: Yes, I know that. But I want it

3 understood that that's what it amounts to.

4 Did I ever --

5 MR. PARSONS: Do you have the question in mind?

6 THE WITNESS: I think so. I'll try to answer, and

7 you can tell me if it's wrong.

8 MR. PARSONS: Well, I don't know if you have the

9 question in mind.

10 Why don't you have the question read back so it's

11 clear to you.

12 (Record read.)

13 THE WITNESS: Any counselor whom I found to be

14 using it that way, I would no longer allow him to be that

15 person's counselor.

16 MR. GREENE: Q. Have you taken any action to

17 reprimand Danny Levin on any level for the way that he

18 treated (the plaintiff)?

19 A. You're -- that's what I mean by leading question.

20 I do not accept that he treated her. It was mutual, it was

21 consensual. I do not speak of that as treating.

22 No, I talked to him -- if you want to know what I

23 asked him, it was, when he came to me and talked about this,

24 I said, but you have a wife. And is it proper --

25 Q. Mr. Walters, actually, I don't want another

1 speech, because I've heard this speech before.

2 A. I have no other answer.

3 MR. PARSONS: Wait a minute. This witness is

4 testifying as to what he did in response --

5 JUDGE PLISKA: That wasn't the question. The

6 question was, did he reprimand him. His answer can be "yes"

7 or "no." Then he can explain.

8 THE WITNESS: No, the answer cannot be "yes" or

9 "no," with all respect to you, sir.

10 The answer has to be that I asked him --

11 MR. GREENE: This is the same thing, this is a

12 speech.

13 JUDGE PLISKA: Mr. Walters, the word "reprimand"

14 has a common English usage. Okay? And your answer can be

15 "yes" or "no" initially, and then you can explain what you

16 did.

17 But you should be able to answer "yes" or "no" to

18 that question, did you reprimand.

19 THE WITNESS: Put in those terms, no.

20 May I explain what I mean by no?

21 JUDGE PLISKA: Sure. Then you can go on.

22 THE WITNESS: All right. I said to him, you

23 realize you have a wife, you realize that you have a

24 backward daughter, you realize this cannot be the right way

25 to behave?

1 That I don't call reprimand. I was trying to goad
2 his conscience.
3 I said, it has to be your decision, but I will
4 tell you that I will do what I can to break up your
5 attachment to (the plaintiff) and to preserve your marriage.

6 MR. GREENE: Q. In consequence, did --

7 A. Is that all right?

8 Q. In consequence, did Mr. -- or did Lightbearer
9 Levin lose his job?

10 A. He did not.

11 Q. In consequence, was Lightbearer, minister,
12 stripped of his status as being a minister?

13 A. Not yet. He hadn't yet made a decision.

14 Q. Was Lightbearer, minister, booted out of the
15 community in consequence?

16 MR. PARSONS: Vague as to "booted out."

17 THE WITNESS: Neither of them was.

18 MR. GREENE: Q. When you say that Lightbearer
19 Levin has not yet been stripped of his ministry because he
20 hasn't yet made a decision, what do you mean?

21 A. You said has. You meant had, I presume.

22 I meant that he had not yet clearly decided which
23 direction he was going to go, nor was the whole situation
24 clear. It was too soon to act.

25 Q. I'm talking about now, not then.

1 A. Now, he's not functioning as a minister for now.

2 Q. And did you have anything to do with that?

3 A. With what?

4 MR. PARSONS: Objection. Vague.

5 MR. GREENE: Q. With Lightbearer Levin presently

6 not functioning as a minister?

7 A. That's correct.

8 Q. You did; correct?

9 A. I had something to do with it.

10 Q. Yes. And has that been made public in the Ananda

11 community?

12 MR. PARSONS: And I'm sorry, "that" being --

13 MR. GREENE: Q. I'm sorry. Has the fact that

14 Lightbearer minister is not currently acting as minister

15 been made public in the Ananda Village?

16 A. You're asking, am I willing to or have I submitted

17 him to public disgrace? I have not.

18 Q. Okay. Are there any unwritten codes of ethics in

19 the Ananda community regarding sexual misconduct by

20 ministers?

21 MR. PARSONS: Objection. Vague.

22 THE WITNESS: No rules.

23 MR. GREENE: Q. Have there ever been any rules in

24 the Ananda community pertaining to sexual misconduct by

25 ministers?

1 A. I don't believe so.

2 MR. PARSONS: Objection. Go ahead. It's vague.

3 MR. GREENE: Q. What in specific did you have to
4 do with the fact that Lightbearer Levin is currently not
5 functioning as a minister?

6 A. What did -- what what?

7 Q. What did you have to do with that?

8 A. I spoke to a few of the people in the directorate
9 in saying that I think for now he should not be active as a
10 minister.

11 Q. All right. And you spoke to individuals in the
12 directorate about your thought that Levin should not be
13 acting as a minister first. You brought that idea to them;
14 they didn't bring it to you. Right?

15 MR. PARSONS: Objection. Compound.

16 THE WITNESS: This I don't remember.

17 MR. GREENE: Q. Did Daniel Levin cease acting as
18 a minister after Ms. (the plaintiff) had filed her lawsuit?

19 A. This I don't remember.

20 Q. When you came up with the idea that it would be
21 better for Lightbearer Levin to cease acting as a minister,
22 you spoke with Vidura about it; correct?

23 MR. PARSONS: Okay. Objection. That misstates
24 his testimony. It assumes facts therefore not in evidence.

25 You may respond.

1 THE WITNESS: Yes, it was not Vidura who spoke to
2 me. I didn't speak to them.

3 I think it was Jyotish and Devi, I believe, but
4 I'm not certain.

5 MR. GREENE: Q. And Devi, that's Sonia Wiberg?

6 MR. PARSONS: No.

7 THE WITNESS: No.

8 MR. GREENE: I'm confused. I just have to check
9 myself. I have to learn all the names and all the
10 language --

11 A. Devi is Jyotish's wife.

12 Q. Did you engage in any meeting with the specific
13 purpose of making the determination whether or not
14 Lightbearer Levin should cease acting as a minister?

15 A. Levin decided absolutely that he would not break
16 his marriage, so I did not decide before that.

17 MR. GREENE: Q. Mr. Walters --

18 Your Honor, it's a "yes" or "no" answer.

19 JUDGE PLISKA: Yes, it is.

20 THE WITNESS: State it again.

21 MR. GREENE: Q. And I want a "yes" or "no" answer
22 from you, please.

23 A. State it again please.

24 MR. GREENE: Read it back, please.

25 (Record read.)

1 THE WITNESS: Did I engage in a meeting. Is that

2 what it was?

3 MR. GREENE: Q. With the specific purpose.

4 A. No.

5 Q. Now, what is your best estimate of when the

6 determination was made that Lightbearer Levin should cease

7 acting as a minister?

8 A. That was what I was trying to answer before. I'll

9 answer it now.

10 It was not because of his relationship, it was not

11 because of his dis -- it was --

12 MR. GREENE: Again, Your Honor, I'd ask --

13 JUDGE PLISKA: No, he's answering this question,

14 Mr. Greene. Go ahead.

15 MR. GREENE: All right.

16 THE WITNESS: I could not -- I did not make that

17 decision at the time that it came to light that he and

18 (the plaintiff) were involved, because he made the statement that

19 he did not intend to follow that.

20 So now I'm answering an earlier question of yours

21 that was basically, that because of the lawsuit --

22 MR. GREENE: Q. Mr. Walters --

23 A. Wait a minute. You've asked me this question; I'm

24 answering it.

25 Q. I want an answer to my pending question, which is,

1 when can you give me your -- please give me your best
2 estimation when it was that Lightbearer Levin ceased acting
3 as a minister.

4 A. I answered -- I'm answering your question that you
5 asked me before, which is integral to this, did you do it
6 before or after the lawsuit was initiated.

7 MR. PARSONS: Wait --

8 MR. GREENE: Q. That is not the present
9 question, Mr. Walters, and I would like you to answer the
10 present question.

11 A. Then I don't have an answer.

12 Q. What's your best estimation of when it was that
13 Lightbearer Levin ceased acting as a minister?

14 A. I don't have an answer.

15 MR. PARSONS: Okay. Let me -- if you can
16 formulate an answer to his question, then you should do that
17 and respond to his question.

18 If you want to clarify or expand on an answer
19 you've given so that that prior answer --

20 THE WITNESS: Yes, that's what it is.

21 MR. PARSONS: Okay. But that's separate.

22 So in other words, answer his question, and then
23 you can say words to the effect of, I'd like to clarify some
24 prior response.

25 But you should keep those two responses distinct

1 in your mind.

2 THE WITNESS: Well, the timing I don't know, but
3 it would be -- and this is what I was trying to say, but you
4 keep interrupting me -- after the initiation of the lawsuit,
5 after the illness of his wife.

6 It was not so much in answer to actions which he
7 had resolved on the right side, as far as I was concerned;
8 it was in answer to circumstances in his life which made it
9 a period of such confusion that I thought he should not
10 serve as a minister.

11 MR. GREENE: Q. In your opinion, do you believe
12 that (the plaintiff) -- that --

13 MR. PARSONS: Excuse me. Let me -- I'd like to
14 take a break now.

15 MR. GREENE: I want to ask one question here,
16 Mr. Parsons.

17 MR. PARSONS: Okay.

18 MR. GREENE: Q. In your opinion, Mr. Walters, was
19 (the plaintiff)'s participation in whatever took place between
20 her and Danny Levin a consequence of delusion?

21 MR. PARSONS: Objection. Vague, argumentative,
22 calls for speculation.

23 THE WITNESS: Certainly.

24 MR. GREENE: All right. Take a break.

25 MR. PARSONS: Off the record?

1 MR. GREENE: Yes, and what -- 10 minutes?

2 THE VIDEO OPERATOR: We're going off the record at

3 3:01 p.m.

4 (Recess from 3:01 p.m. to 3:13 p.m.)

5 THE VIDEO OPERATOR: We're back on the record at

6 1:13 -- excuse me, 3:13 p.m.

7 THE WITNESS: I would like to say that my heart

8 and brain are both tired to the point where I wasn't

9 answering as clearly as I would have liked to. And I just

10 want to go on the record as having to deal with that.

11 MR. GREENE: Okay. Well, thank you for sharing

12 that with us.

13 Before I ask Mr. Walters any more questions, there

14 is a rather substantial housekeeping matter that I'm going

15 to need the referee's assistance on, and yours as well,

16 Mr. Parsons.

17 The first one -- first such housekeeping matter is

18 that there are a number of people in the Ananda community

19 concerning whose -- whom we want to depose. And my

20 understanding of the geographical rule with respect to such

21 depositions is that it's a 75-mile rule. And Sacramento is

22 like 82.

23 So what I first would like to know from you,

24 Mr. Parsons, is whether or not you would agree to stipulate

25 that the depositions of individuals who reside in the Ananda

1 community can take place in Sacramento.

2 MR. PARSONS: Well, yeah. I think -- I'd also

3 have to involve those particular people in the decision.

4 I think we actually, though, might be able to do

5 them down here.

6 We might actually be able -- which would be closer

7 for you; right?

8 MR. GREENE: No, that's fine. Down here would be

9 preferable.

10 MS. RUSH: It depends on the person, too.

11 MR. PARSONS: Exactly.

12 MR. GREENE: That's issue number one.

13 And then issue number two is, what I would like is

14 a stipulation from you, Mr. Parsons, that you will accept

15 service for these various party-affiliated witnesses so that

16 we don't have to have a team of process servers crawling all

17 over the Ananda Village seeking to serve them.

18 MR. PARSONS: Sure. I have no problem with that.

19 There are, however, certain people who are not I think

20 affiliated -- whatever that term means.

21 In other words, there are some witnesses who I

22 think the Ananda -- my client can talk into coming down; and

23 then there are certain people who I think are beyond their

24 persuasion. People in Italy, for example, I don't think --

25 MR. GREENE: No, of course. I mean, we'll be

1 reasonable here.

2 So let's go through it and do it like this. Let

3 me just serve you with the notices, and you can tell me how

4 they go. Okay?

5 MR. PARSONS: Okay.

6 MR. GREENE: Number one, which you can accept

7 service for without any question, is for Defendant Levin.

8 MR. PARSONS: Sure. Okay. Now, you want to --

9 MR. GREENE: Lightbearer.

10 And so what I would like to do is this: I would

11 like to get these things served, and then you and

12 Mr. Stillman and I and the referee will have to have a

13 conference call all with our calendars and work out the

14 actual dates. There are dates here that my co-counsel has

15 noticed, and we'll have to deal with those.

16 I mean, I don't think -- I mean, do you have to be

17 present for all the depositions?

18 JUDGE PLISKA: No.

19 MR. GREENE: I don't think so.

20 MR. PARSONS: I would suggest --

21 JUDGE PLISKA: So far I've just been coming to

22 Mr. Walters'. It's up to you.

23 MR. PARSONS: I would suggest that we certainly

24 try it without the referee present, and hopefully we won't

25 need you at any of them.

1 MR. GREENE: Okay.

2 MR. PARSONS: Okay. So I've got a notice here

3 concerning Danny Levin.

4 MR. GREENE: That's Danny Levin set for the 30th

5 of October.

6 MR. PARSONS: Of October.

7 THE WITNESS: Will this take long? May I go to

8 the bathroom?

9 MR. PARSONS: Why don't do you.

10 MR. GREENE: Here we have a depo notice for John

11 E. "Jyotish" Novak for October 20.

12 And you accept service of that, Mr. Parsons?

13 MR. PARSONS: Oh, sure.

14 MR. GREENE: And likewise, do you accept service

15 for a depo notice of Vidura Smallen for October 16?

16 MR. PARSONS: Okay. Hold on. We're not talking

17 dates yet. We're just talking notices which we're

18 acknowledging receipt of.

19 MR. GREENE: And stipulate that this is effective

20 service, right, on these notices?

21 MR. PARSONS: Well, I mean, I'm --

22 MR. GREENE: That's what I'm trying to get from

23 you. What I want from you is a stipulation that you'll

24 accept service. Not that I'm just giving you the papers. I

25 know that I'm doing that.

1 MR. PARSONS: I am accepting that I am receiving a
2 notice on behalf of these individuals. I'm not waiving -- I
3 haven't looked at these things. I'm not waiving any defect
4 in the notice.

5 MR. GREENE: That's fine. And I'm not asking you
6 to do that.

7 I'm just asking you whether or not in lieu of
8 serving these people personally with a deposition subpoena,
9 my handing you each one of these notices now will have the
10 legal effect of being in lieu of such service.

11 MR. PARSONS: Right. As we go over them item by
12 item, yes.

13 The first three, Defendant Levin, John "Jyotish"
14 Novak and Vidura Smallen, I acknowledge receipt and service
15 on these individuals.

16 MR. GREENE: Okay, great.

17 MR. PARSONS: Because I'm sure they are going to
18 permit me to receive it on their behalf.

19 MR. GREENE: Okay, good.

20 Now, the next is for Devi Novak on October 19.

21 MR. PARSONS: Yes, I don't see any problem with
22 that.

23 MR. GREENE: Same agreement with respect to Devi
24 Novak; right?

25 MR. PARSONS: Correct.

1 MR. GREENE: And the next is for Agni Ferraro on
2 October 26.

3 MR. PARSONS: Okay. Now, hold on one second. I
4 don't know about Agni.

5 MS. RUSH: I think we can accept for him.

6 MR. PARSONS: Okay. And this is for October 26.

7 MR. GREENE: Q. Now, next is for Victoria Kelly.

8 MR. PARSONS: Okay. I -- I cannot accept on her
9 behalf.

10 MR. GREENE: She's no longer a part of Ananda?

11 MR. PARSONS: Apparently. That's what I'm
12 informed.

13 MR. GREENE: All right. Next is for Tom Oesterle,
14 on October 9.

15 MR. PARSONS: I don't see any problem with that.

16 MR. GREENE: All right.

17 MR. PARSONS: And again, I'm not agreeing to the
18 dates, because I haven't checked with these people. But I'm
19 acknowledging effective service on me of the Notice of
20 Deposition.

21 MR. GREENE: So we have got them under subpoena
22 power of the Court.

23 Then next is Sonia "Seva" Wiberg for October 10.

24 MR. PARSONS: Yes. Service on her.

25 MR. GREENE: Correct. And finally, we have, again
1 on October 10, Elizabeth Barrett.

2 MR. PARSONS: Okay. And so we also receive on

3 Elizabeth Barrett.

4 MR. GREENE: Okay. And then there's one --

5 MR. PARSONS: Hold on one second. Just give me a

6 second. Okay.

7 MR. GREENE: How did we miss Asha?

8 MR. PARSONS: That's right.

9 MR. GREENE: There's one where I believe there is

10 a typo because it was -- the date was September 11, and I

11 just don't think that would work. So --

12 MR. PARSONS: You could hand-write in --

13 MR. GREENE: No, but I'm having (the plaintiff) call

14 Flynn, Sheridan and find out what date it was that they had

15 in mind with respect to that.

16 So good. So then to recapitulate, you accept

17 service on behalf of Elizabeth Barrett, Sonia Wiberg, Tom

18 Oesterle, Agni Ferraro, Devi Novak, Vidura Smallen, Danny

19 Levin, and John Novak.

20 MR. PARSONS: Correct. As to all of those.

21 MR. GREENE: Okay, great. Thank you. I really

22 appreciate your cooperation.

23 MR. PARSONS: Any more at this time?

24 MR. GREENE: There will be another one in a

25 minute, but I just don't know --

1 MR. PARSONS: Asha.

2 MR. GREENE: I just forgot. But Victoria Kelly is

3 no longer an Ananda member, so we can't do her.

4 MR. PARSONS: Correct. I feel I cannot accept on
5 her behalf.

6 MR. GREENE: All right.

7 MR. PARSONS: Do we want to go ahead and start
8 talking about dates? Because some of these dates -- I think
9 I'd prefer to get going actually sooner than the first one,
10 which is --

11 MR. GREENE: I tell you what. What I'd like to do
12 is proceed with examining Mr. Walters, and then there's
13 going to just have to be a conference call among Palo Alto,
14 San Anselmo and San Diego.

15 MR. PARSONS: Okay. Because the first one is more
16 than 2 weeks away, and we would prefer to move sooner than
17 that.

18 But we'll -- but I understand that you say we've
19 just got to talk about that. So we've stated our desire to
20 move forward more quickly.

21 A couple more for me?

22 MR. GREENE: One more. Anne McFarlane.

23 MR. PARSONS: Okay. We'll accept service for Anne
24 McFarlane.

25 MR. GREENE: You do, okay.

1 MR. PARSONS: And this is noticed for --

2 MR. GREENE: October 11.

3 MR. PARSONS: October 11. And I see the October

4 is handwritten in. No problem with that, the
5 interlineation.

6 MR. GREENE: All right.

7 MR. PARSONS: Now, there is one thing, and let me
8 go on the record with this at the time.

9 There is a pilgrimage to India -- in fact, the
10 plaintiff went on that pilgrimage in the past -- that
11 leaves, what, October 16?

12 Okay. So apparently they get on the plane on
13 October 17.

14 We mentioned this actually when we had our first
15 meeting before Judge Pliska. And I think, if my memory
16 serves, at that time you indicated you would take their
17 depositions before they left.

18 So I want to go on record -- and the pilgrimage
19 lasts a month, as it does every year.

20 MR. GREENE: Which of these individuals are
21 pilgrims?

22 MR. PARSONS: Vidura -- well, Asha hasn't been
23 noticed.

24 MR. GREENE: Asha is an omission. She should be
25 included here in this batch.

1 MS. RUSH: We can arrange to that. We'll just
2 consent to that.

3 MR. GREENE: You'll just consent to Asha --

4 MR. PARSONS: Yes, but we want a letter or

5 whatever.

6 MR. GREENE: Yes, something a little bit more than
7 -- but I do have your representation here on the record that
8 with respect to the production of Asha Praver, you're
9 willing to do that?

10 MR. PARSONS: Correct.

11 MR. GREENE: For her deposition? All right.

12 MR. PARSONS: Okay. So Asha Praver, Vidura -- who
13 else is going on the pilgrimage?

14 Okay. Well, David also hasn't been noticed. Do
15 you want to take David? And Durga is also going, who is
16 Vidura's wife -- as you know, Vidura's wife.

17 MR. GREENE: Right.

18 MR. PARSONS: So two of the people for whom I've
19 received notices are going to be leaving -- getting on the
20 plane October 17.

21 And therefore, October 16 -- as Sheila is pointing
22 out to me, October 16 really wouldn't work for them, because
23 that's the day they leave for a month.

24 MR. GREENE: I don't know. That's something that
25 we're going to have to talk about on the telephone.

1 JUDGE PLISKA: And I do recall that there was a
2 proceeding in which you said you would not interfere with
3 that.

4 MR. GREENE: I do recall that. That's my
5 recollection also.

6 JUDGE PLISKA: Okay.

7 MR. GREENE: So --

8 MR. PARSONS: Can we say anything more about it

9 right now?

10 MR. GREENE: Not without the participation of my

11 co-counsel.

12 MR. PARSONS: We are prepared, by the way, to go

13 forward on these next week.

14 MR. GREENE: All right.

15 MR. PARSONS: So in other words, what I'm saying

16 is, I can prepare and have the witness -- or some of these

17 witnesses ready to proceed next week.

18 So let's talk as soon as we can about this. Okay?

19 MR. GREENE: You're not available over the

20 weekend, are you?

21 MR. PARSONS: Well, I'm not.

22 MR. GREENE: Hey, Sheila, get him available, will

23 you?

24 JUDGE PLISKA: They got you on vacation. Why not

25 over the weekend?

1 MR. PARSONS: That's fine. We can all meet over

2 at the soccer field. It's Field One down there. Then the

3 birthday party that I take my son too, and -- but, we will

4 be willing to work on it and get an answer.

5 MR. GREENE: Because if what you're talking about

6 is you want to do it next week, if you would consent to me

7 coordinating with Sheila over the weekend, then -- because

8 it's just not going to happen today, and today is Friday.

9 MR. PARSONS: I mean, I can -- I can rearrange

10 pretty much any day, except the clients who expect me to be

11 there Monday at 8:30 are going to be disappointed that they

12 get a call instead of my warm body Monday morning.

13 MR. GREENE: So Tuesday through Friday are open?

14 MR. PARSONS: Right. I can rearrange.

15 MS. RUSH: So would you like to call me or should

16 I call you.

17 MR. GREENE: You know my number. What's yours?

18 MS. RUSH: I'll call you. Actually, you might as

19 well call me. When would you want to call me?

20 MR. GREENE: Don't ask me now. I don't know. But

21 sometime tomorrow.

22 MS. RUSH: Okay.

23 MR. GREENE: In the morning.

24 MS. RUSH: We'll talk about that after.

25 MR. GREENE: Let me also, Mr. Parsons, before I

1 get -- serve you with form interrogatories for Crystal

2 Clarity, Ananda Church, Mr. Walters, Mr. Levin, Mr. Levin on

3 the cross-complaint, Ananda Church on the cross, Walters on

4 the cross-complaint, and Crystal Clarity on the

5 cross-complaint.

6 MR. PARSONS: So multiple form interrogatories to

7 the same parties, based upon complaint versus

8 cross-complaint. Is that it?

9 MR. GREENE: Yes. That's right.

10 MR. PARSONS: Okay. Well, I --

11 MR. GREENE: You're served. Whatever you do with
12 them, you do with them.

13 MR. PARSONS: Exactly. I acknowledge that I have
14 received these documents.

15 MR. GREENE: Q. Okay. All right. With all that
16 said and done, Mr. Walters.

17 The Hindu term for delusion is maya; correct?

18 A. Yes.

19 Q. And maya is a concept that is included in the
20 teachings which you convey; right?

21 A. Correct.

22 Q. Okay. Are you familiar with something called the
23 Ananda Spiritual Family?

24 MR. PARSONS: Objection, "familiar." Go ahead.

25 THE WITNESS: I don't think we use that term
1 anymore, but we did use it at one time.

2 MR. GREENE: Q. Okay. And when did you stop
3 using the term "Ananda Spiritual Family"?

4 A. I don't know.

5 Q. Okay. Can you give me a best estimation?

6 A. I cannot.

7 Q. In your position as spiritual director of the

8 Ananda Church, do you consider all of your senior ministers

9 to be on the same level that you described as dedication, in
10 terms of the levels of a holy man, earlier in your
11 testimony?

12 MR. PARSONS: Objection. Vague, ambiguous.

13 THE WITNESS: I would consider anybody who has
14 dedicated his life to spiritual practice to belong in that
15 category. That includes, I hope, all our members, not just
16 our Lightbearers, and anyone else in the world who has that
17 goal.

18 MR. GREENE: Okay. I would like to mark this as
19 next in order. 33?

20 (Exhibit 33 was marked.)

21 MR. GREENE: Q. Okay, Mr. Walters. Directing
22 your attention to Exhibit 33, have you ever seen Exhibit 33
23 before?

24 A. I don't think so.

25 Q. Okay. Are you familiar with something called a
1 Ministers' Retreat?

2 A. Yes.

3 Q. And do you recall having or participating in a
4 Ministers' Retreat in January of 1994?

5 A. I think I did.

6 Q. Okay. Now, the first paragraph reads:

7 "Dear Ones: These are notes excerpted from a
8 talks Swami gave during the Ministers' Retreat of
9 January 26-29. Many have asked to hear more of what

10 Swami shared at that time. His comments about the
11 development of other Ananda communities is of interest
12 to us all. Joy to you, Ananda Central Ministry."

13 Do you recognize the format of that paragraph that
14 I just read into the record, Mr. Walters?

15 MR. PARSONS: Objection. Vague as to "format."

16 THE WITNESS: You mean, did I read this before?

17 MR. PARSONS: No.

18 MR. GREENE: Q. The format. You know, how the
19 letter is structured, how things are shaped?

20 A. Yes, surely.

21 Q. You recognize --

22 MR. PARSONS: I don't know what you mean, but go
23 ahead.

24 THE WITNESS: What do you mean?

25 MR. GREENE: Q. Well, you know, like when you
1 write a letter, you have a particular style how you set the
2 letter up?

3 A. Uh-huh.

4 MR. PARSONS: You mean like a paragraph, that this
5 is a paragraph?

6 THE WITNESS: I think I know what he means.

7 MR. PARSONS: Oh, okay.

8 THE WITNESS: "Dear Ones," I call people "Dear
9 Ones." "Joy to you," that's a standard greeting.

10 MR. PARSONS: Okay.

11 MR. GREENE: Q. And Ananda Central Ministry?

12 A. Ananda Central Ministry, yes.

13 Q. And "Swami's comments about future directions"

14 is --

15 THE WITNESS: Yes.

16 MR. PARSONS: Wait, is what?

17 THE WITNESS: It's a format.

18 MR. PARSONS: Excuse me, you've got to wait for

19 his question.

20 THE WITNESS: Yes, I forgot. Okay.

21 I should emphasize again that my brain is getting

22 quite tired.

23 MR. GREENE: Q. All right. Now, turning to the

24 second page, where it says "Other thoughts from Swami," the

25 paragraph reads, quote:

1 "Swami's definition of a minister," internal

2 quote, "people who are not just schooled in the

3 teachings, but people who have passed tests. Their

4 spirituality has been demonstrated and refined in the

5 fire of tests. When you are going through a test, a

6 minister will think more of other people than of

7 himself. This is the test of a minister. I don't want

8 ever to make a Lightbearer for any reason other than he

9 is a Lightbearer," close quote.

10 Now, do you recognize that paragraph as something

11 which you have said in the past?

12 A. It's a pretty fair statement of what I said.

13 Q. And do you adopt that statement that I just read
14 into the record?

15 A. If I were to sit down and edit it, I probably
16 would. But otherwise, yes.

17 MR. PARSONS: Well, again, vague as to "adopt,"
18 but --

19 THE WITNESS: Yes.

20 MR. PARSONS: I don't know what that means.

21 MR. GREENE: Q. Is there anything that you --
22 well, let me ask you this, Mr. Walters.

23 In fact, the internally quoted part, the part that
24 says "People who are not just schooled," that's your
25 definition of a minister. Correct?

1 A. That's a negative part of a definition. That's
2 not an entire definition.

3 Q. Okay. But I mean -- I'm sorry, I was incomplete.

4 The whole portion there that's in quotes that
5 follows "Swami's definition of a minister" is what your
6 definition is of a minister; correct?

7 A. Yes, with qualifications, if I may explain
8 further, that my definition has not been clearly stated
9 there as I would if I were writing it down myself.

10 And my definition is that people have to go
11 through tests in life, whoever they are. Some people are
12 beaten down by their tests; others work through them, learn

13 lessons, become stronger spiritually and so on.

14 And I was asked that question by a visitor from

15 another ashram. And she said, yes, people who have gone

16 through the fire of test with courage, and so on.

17 I said, no, there's more. And this more is what I

18 really was trying to say, did say, and it was paraphrased in

19 this paragraph here.

20 What I said was that a minister who, even while

21 going through personal tests, is able to rise above his

22 self-involvement to think of others' needs and to help them,

23 such a person is one who bears light to others and doesn't

24 just take it into himself.

25 Q. Okay. Now, Mr. Walters, when you give talks to

1 groups of persons in the community, do you know whether the

2 practice -- or rather, whether there is a common practice of

3 tape recording those talks?

4 MR. PARSONS: Okay. Objection. It's vague as to

5 time; it's also vague in that it assumes a universal

6 practice.

7 THE WITNESS: It's also a vague practice.

8 Sometimes yes, sometimes no, with no special --

9 MR. GREENE: Q. Okay. But people in the

10 community have told you that they place value on what you

11 say. Isn't that true?

12 A. Surely.

13 Q. And you have observed people in the community to

14 want to be able to hear again what you communicate when you
15 give talks, and make tape recordings so they can do that.

16 Isn't that right?

17 MR. PARSONS: Well, objection. It's vague,
18 argumentative, it assumes -- it calls for speculation.

19 Go ahead.

20 THE WITNESS: Of course they would like to. The
21 question is whether we do or not.

22 MR. GREENE: Q. Okay. Let me ask you this: Do
23 you know whether when such a tape is made, it, the tape,
24 goes into either the archives or the ministry office?

25 A. I think it goes to the ministry office. It may go
1 into the archives.

2 MR. PARSONS: It's also vague as to who is making
3 the tape, though.

4 THE WITNESS: Yes.

5 MR. GREENE: Q. I understand.

6 Do you know whether presently there is a committee
7 which is in charge of membership?

8 A. I have to presume. Therefore, I'd better say I
9 don't know.

10 Q. Do you have any information that there is a
11 committee that is in charge of membership?

12 A. Well, somebody has to be. Whether it's a
13 committee or not, I don't know.

14 Q. All right. Who in your mind is the person most

15 likely to be currently in charge of such function?

16 A. I don't know.

17 Q. Directing your attention back to Exhibit 33 --

18 A. Is that the latest one?

19 Q. That's the latest one. And the last part of the

20 latest one, where it says, quote:

21 "On Swami's role at Ananda (the Spiritual

22 Director's role): 1, See that the individual's rights are

23 protected; 2, See that the work is going in a spiritual

24 direction; 3, Act as a corrective force," close quote.

25 Do you consider that your role at Ananda includes

1 those three things?

2 MR. PARSONS: Objection. Compound.

3 THE WITNESS: Yes, it does.

4 MR. GREENE: Q. Did -- withdraw that.

5 Do you have any recollection whether or not you

6 were consulted with respect to the publication of Exhibit 33

7 before such publication took place?

8 A. My permission would be presumed and correctly

9 presumed. That's all I can really say.

10 Q. Okay. So --

11 MR. PARSONS: Excuse me.

12 THE WITNESS: Do I have a recollection? I don't.

13 MR. PARSONS: He asked you -- it is important that

14 you listen to the question and answer that question.

15 THE WITNESS: Okay, sorry.

16 MR. PARSONS: Instead of making assumptions.

17 THE WITNESS: No, I don't.

18 MR. GREENE: Q. However, you do have no objection

19 to Exhibit 33. Correct?

20 MR. PARSONS: Well, "objection"?

21 THE WITNESS: If I have to read the whole thing

22 before answering, I can do that.

23 MR. PARSONS: And also, vague as to "objection."

24 I mean, I don't know what you mean by "objection."

25 THE WITNESS: I've already edited that one

1 paragraph, for example.

2 MR. GREENE: Q. Well, let me put it this way,

3 Mr. Walters.

4 You don't have any substantive disagreement with

5 the first paragraph that I read into the record, which is

6 "Swami's definition of a minister," do you?

7 A. No.

8 Q. And you don't have any substantive disagreement

9 with the second paragraph that I read into the record, the

10 one that starts, "On Swami's role at Ananda (the Spiritual

11 Director's role)," do you?

12 A. No.

13 Q. And in fact, you agree with both those definitions

14 as you sit here today, don't you?

15 MR. PARSONS: Well, except his testimony has

16 already been to clarify the definition of "minister," so I

17 object.

18 THE WITNESS: This is correct, with his objection

19 in mind.

20 MR. GREENE: Q. Okay. Well, and with your --

21 adopting your clarification.

22 A. Yes, yes. And if I were to sit at a computer, I'd

23 probably clarify it further.

24 But I think the meaning would be there. All I'd

25 do is express it more clearly.

1 Q. Would you agree that your ability to express

2 yourself is superior when you write than when you speak?

3 A. Always.

4 MR. GREENE: Now, I would like to mark this as

5 Exhibit 34.

6 (Exhibit 34 was marked.)

7 THE WITNESS: Thank you. Is there no date on this?

8 MR. GREENE: Q. I did not see a date on it.

9 A. You want me to read the entire thing?

10 Q. Well, before reading it, and without reading it,

11 can you tell me whether or not you recognize this?

12 And if you can't, then I would like you to read it.

13 A. I think I recognize it. I did not write it.

14 Q. Okay. And do you recognize Exhibit 34 as being a

15 press release?

16 A. A which?

17 Q. Press release?

18 A. No. It was not a press release.

19 Q. Okay. What was it?

20 A. It was a letter to our members in the community.

21 Q. Okay. And this was a letter to -- now, let me ask

22 you this:

23 You would agree, would you not, that Exhibit 34,

24 the letter to the members of your community, is in a

25 substantially different format than any other letter that's

1 ever been distributed to the community, to your knowledge?

2 MR. PARSONS: Okay. Objection. It's

3 argumentative, it's vague and ambiguous, format, it requires

4 -- it compares it with who knows how many other --

5 MR. GREENE: I'll withdraw that.

6 THE WITNESS: Well, I would like to answer

7 something here.

8 MR. PARSONS: Well, you can answer --

9 THE WITNESS: To correct my prior testimony.

10 MR. GREENE: Q. Oh, okay. Certainly.

11 A. I stated that it was not a press release. I don't

12 know whether it was or not. It might have been to the paper

13 article that came out in the Union some time ago, or in the

14 San Jose Mercury.

15 It could have been that. This I don't know.

16 Q. Okay. Now, did you participate in developing the

17 language in Exhibit 34?

18 A. I did not.

19 Q. Okay. Did you participate in the construction, in
20 any way, of Exhibit 34?

21 A. I did not. And I can explain further, if you like.

22 Q. No. Well, yeah. Go ahead.

23 A. I was having severe heart troubles, which led to
24 my being in the hospital and having heart surgery. I was
25 totally out of things during this period.

1 Q. Okay. Now, when -- you have seen Exhibit 34
2 before; right?

3 A. Not that I know of.

4 Q. This is the first time you've ever seen it?

5 A. I believe it is, but I'm not sure.

6 Q. All right. Has anyone in the Ananda community
7 ever told you that a press release originated from the
8 Ananda community that was in response to any newspaper
9 article regarding Ms. (the plaintiff)'s lawsuit?

10 A. I'll go further. I'm sure they gave me this.

11 Q. All right.

12 MR. PARSONS: Well, but excuse me one sec.

13 MR. GREENE: Q. When you say --

14 MR. PARSONS: Excuse me one second.

15 MR. GREENE: Mr. Parsons, he answered the
16 question.

17 THE WITNESS: He has a right to talk to me.

18 MR. PARSONS: That's right, and he didn't answer
19 your question. He instead said, quote, "I'll go further."

20 That's not responsive.

21 It is important -- I know you're getting tired.

22 It is important to listen to the question to formulate a
23 response which is responsive to that question and to give
24 that response.

25 THE WITNESS: And Mr. Parsons, if you don't want
1 to object, I can object.

2 There were several assumptions in your statement
3 that, if I were to pull them apart, I would have to say I
4 can't answer for this reason.

5 MR. GREENE: Q. Well, let me ask you another
6 question, and maybe you won't find such assumptions in this
7 question:

8 Is the reason that you said you are sure that
9 someone gave you Exhibit 34 because Exhibit 34 is such an
10 action that it would not ever be taken without you knowing,
11 at least after the fact?

12 MR. PARSONS: Objection. Calls for speculation,
13 no foundation for this witness. Argumentative.
14 Go ahead.

15 THE WITNESS: I can't answer it exactly, but if
16 you'll allow me to answer it somewhat.

17 It isn't that they have to make me aware. They
18 have to put it in a position they would feel obligated, or
19 duty-bound, to give it to me so that I could read it.

20 I was not in a position to read anything or do any

21 work at that time.

22 MR. GREENE: Q. Right. And the reason --

23 A. But they would submit it to me.

24 Q. Okay. And the reason that you say they would

25 submit Exhibit 34 to you is because, at least in part, you

1 are the spiritual director of the Ananda community; right?

2 MR. PARSONS: Okay. Objection. Calls for

3 speculation and third-parties' intentions and motivations.

4 But you can testify.

5 THE WITNESS: More specifically, because my

6 actions and decisions were being challenged by (the plaintiff).

7 MR. GREENE: Q. Okay. And Exhibit --

8 A. Otherwise, probably not.

9 Q. And Exhibit 34 constitutes, does it not, the

10 Ananda community's response, initially, to the challenge

11 made?

12 A. I don't know.

13 MR. PARSONS: Wait, objection. Exactly, you don't

14 know. There's no foundation for this witness to testify

15 what this is.

16 MR. GREENE: Okay. I'd like to mark this as

17 Exhibit 35.

18 (Exhibit 35 was marked.)

19 MR. GREENE: Q. Mr. Walters, let me direct your

20 attention back to 34 for a moment, which is the prior

21 exhibit.

22 Do you know whether or not Exhibit 34 was written

23 by Asha Praver?

24 A. I do not know.

25 Q. Do you have any information that Exhibit --

1 A. Exhibit 34, you said?

2 Q. Yes, the one that says "Ananda Refutes Smear

3 Campaign."

4 Do you have any information that that was written

5 by Asha Praver?

6 A. I do not.

7 Q. Does the Ananda ministry maintain a committee from

8 time to time that deals with publicity?

9 A. We do not.

10 Q. Okay. Now, directing your attention to number 35,

11 the first paragraph reads:

12 "Members of Ananda dismissed a lawsuit filed

13 against them by a former member as a smear campaign in a

14 written response released this morning," close quote.

15 Do you have any information that the written

16 response referred to in the first paragraph of Exhibit 35 is

17 Exhibit 34?

18 A. I do not. And I have to explain again, this is

19 the very time when I was worst off physically.

20 Q. All right. Do you know whether there is a vow

21 that is taken by life members at Ananda?

22 A. That's a question?

23 Q. Yes.

24 MR. PARSONS: Objection. Vague as to time, vague

25 as to definition.

1 Go ahead.

2 THE WITNESS: Yes.

3 MR. GREENE: Q. There is such a vow; correct?

4 A. There is.

5 Q. And in fact, you wrote it, didn't you?

6 A. If it's the one that appears in the Rules of

7 Conduct, I think it does, yes.

8 Q. Okay. And it's correct, is it not, that a life

9 member is a label which reflects the most extensive

10 commitment an Ananda member can make?

11 A. Not by any means.

12 Q. Okay. It's correct, is it not, that a life

13 member's commitment is greater than the commitment of a

14 postulant?

15 MR. PARSONS: Objection. It's vague, ambiguous.

16 THE WITNESS: You see, you've got -- yes, but I'd

17 like to explain.

18 MR. GREENE: Q. I got myself confused again.

19 A. Or no, but I'd like to explain. I'm not even sure

20 which, but one or the other.

21 I've told you, my brain is getting quite tired,

22 and in fact, I'm not going to be able to go till 5:00.

23 Let's explain that my meaning is that you have the

24 true commitment between the individual and God, which is
25 something we cannot intrude upon. Therefore, we can't
1 really gauge the gradations of commitment. It's a very
2 private thing.

3 The assumption is that somebody who has taken his
4 life vow has at least made public a commitment that may be
5 even more intense in a novice, but he hasn't yet been given
6 the opportunity to make the public statement.

7 MR. GREENE: I think we're getting very close
8 here to tape change time, so why don't we take a brief
9 break.

10 THE VIDEO OPERATOR: This is the end of videotape
11 number 16 in the deposition of Donald Walters. We're going
12 off the record at 3:54 p.m.

13 (Discussion off the record.)

14 MR. GREENE: We'll go on the record here.

15 I have been advised by Mr. Parsons that his
16 client, James Donald Walters, is too tired to continue. So
17 in deference thereto, I am now suspending, not terminating,
18 Mr. Walters' deposition.

19 It will resume at least on October 12 with
20 Mr. Flynn, and continue thereafter as is necessary.
21 So for today's proceedings, with respect to
22 Mr. Walters, we're done. And then we can go off the record
23 now, and then we'll go back on when I serve you with the
24 other subpoenas that -- or depo notices that are coming in.

25 MR. PARSONS: And one other thing before we do go
1 off, though, is that we will have a conference call then on
2 Tuesday instead of Saturday between you and Sheila Rush?

3 MR. GREENE: I can commit for me, and I can say
4 that there's a pretty darn good likelihood that Flynn,
5 Sheridan & Tabb will be available to be involved.
6 I can't say with a hundred percent certainty, and
7 I don't want to determine any dates without their
8 participation.

9 So with that caveat, yes.

10 MR. PARSONS: I understand that. So then I guess
11 I'll call you early Tuesday.

12 MR. GREENE: Let's go off the record now.

13 MS. RUSH: I guess one more thing on the record.

14 MR. PARSONS: Oh, that's right. We are also very
15 concerned setting up Danny Levin's depo for October 30,
16 because we don't see how you can possibly file your response
17 in response to the motion taking the defendant's deposition
18 that late.

19 MR. GREENE: This wisdom comes from the south. I
20 cannot say.

21 MR. PARSONS: Well, it seems to me that this is
22 not a good-faith effort to comply with the Court's order to
23 file your papers November 2.

24 MR. GREENE: I offer you no current response, but
25 I reject any inference about it.

1 MR. PARSONS: All right. Thank you very much.

2 JUDGE PLISKA: Good. Thank you, we'll see you I

3 guess October 11 --

4 MR. PARSONS: 12.

5 MR. PARSONS: Off the record.

6 (Discussion off the record.)

7 MR. GREENE: Okay. On the record.

8 Depo notice for Padma McGilloway.

9 MR. PARSONS: Okay. We can -- I think we can

10 accept service for her. Yes. Hold on.

11 Padma McGilloway. And the date on the notice is

12 October 26. Okay. And again, "okay" doesn't mean I'm

13 agreeing to the date or waiving any objections as to form.

14 MR. GREENE: You're just accepting service.

15 Sally "Durga" Smallen, for October 18.

16 MS. RUSH: She's one of the India people.

17 MR. PARSONS: Right. She's leaving for the

18 pilgrimage. But nonetheless, accept service of the depo

19 notice.

20 MR. GREENE: November 6 for Shivani Lucki.

21 MS. RUSH: We can't accept for her.

22 MR. GREENE: Well, how about, can you accept and

23 we can go to Italy and not have to go through --

24 MR. PARSONS: No. I don't think we can accept for

25 her.

1 MR. GREENE: Terry McGilloway?

2 MR. PARSONS: Yes. Accept for him, date stated

3 October 27.

4 MR. GREENE: David Praver.

5 MR. PARSONS: Accept service for David Praver.

6 Date stated, October 25.

7 MS. RUSH: He'll be in India, so he has to go

8 sooner.

9 MR. GREENE: Asha Praver, October 23.

10 MR. PARSONS: Okay. We can certainly accept for

11 her. And again, she was one of the people going to India.

12 MR. GREENE: Kalyani Deranja.

13 MR. PARSONS: What about Kalyani? Can we accept

14 for her?

15 MS. RUSH: I think so.

16 MR. GREENE: October 11.

17 MR. PARSONS: Okay. We will accept for her.

18 MR. GREENE: And last but not least, for October

19 25, Sheila Rush.

20 MR. PARSONS: Okay. And I --

21 MR. GREENE: October 25. So your motion will be

22 heard before that.

23 MR. PARSONS: Okay. And again, of course,

24 accepting service is in no way a waiver of our objection to

25 taking Sheila Rush's deposition.

1 MR. GREENE: Right.

2 MR. PARSONS: Or any other objections, other than

3 to the form of the service itself, without respect to the
4 content of the notice.

5 MR. GREENE: I understand.

6 But the understanding is that also with respect to
7 all of these, that San Francisco is where we're going to do
8 it?

9 MR. PARSONS: Well, I'm going to have to check
10 with each individual one. But I expect we'll take all or
11 nearly all of them in San Francisco, that they'll agree to
12 that.

13 MR. GREENE: In any event, you're not making any
14 objection based on the 75-mile rule. Right?

15 MR. PARSONS: If we take it in San Francisco as
16 agreed, I make no objection to the 75-mile rule.

17 MR. GREENE: What about Sacramento, as to the
18 Ananda people?

19 MR. PARSONS: Well, that might be different,
20 because that involves a hassle for me to get to Sacramento,
21 and Sheila Rush.

22 MR. GREENE: Oh, so you want them to come down
23 here?

24 MR. PARSONS: You've got it. So in other words,
25 what we're saying is, if we can do it in San Francisco,
1 because these people agree to it, the balance of the
2 hardships is such that we will waive the 75-mile rule for
3 taking in San Francisco.

4 MR. GREENE: I'm sure we'll do it here. Thank you

5 very much. I appreciate your cooperation.

6 (Time noted, 4:16 p.m.)

7 --o0o--

9 _____

10 Signature of the Witness