
DISTRICT COURT
DENVER COUNTY
COLORADO
1437 Bannock Street
Denver, CO 80202

ANANDA MARGA, INC.,
et al.,

Plaintiffs,

v.

ACHARYA VIMALANANDA AVADHUTA,
et al.,

Defendants.

Case No. 10 CV 1867
Division 259

For Plaintiffs:
Stephen Erwin, Esq.
Alexander Halpern, Esq.

For Defendants:
Timothy Obitts, Esq.
Mae Cheung, Esq.
Alan Friedberg, Esq.

The matter came on for Court Trial on May 11, 2011,
before the HONORABLE MICHAEL A. MARTINEZ, Judge of the
District Court, and the following proceedings were had.

Transcript Prepared By:

CTS West, Inc.
6121 South Quail Way
Littleton, CO 80127
720-922-3581

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1 Q Okay. What is the primary role of the Purodha
2 Board of Ananda Marga?

3 A The primary role of Purodha -- Purodha --
4 Purodha Board -- and there are three specific aspects
5 that I want to state.

6 Q Okay.

7 A Number one, to view -- there's spiritual
8 lessons which we call Vishesh Yoga. People -- monks,
9 nuns apply to get that spiritual lessons to the Purodha
10 Board and Purodha Board select among them who is
11 qualified then we the Purodha Board members sit together,
12 select among the members. And then after final selection
13 within -- within the Purodha Board members, we go before
14 the Pramukha for final approval. This is number one.

15 Q Okay.

16 A Number two, then such trainees are -- or such
17 monks who got the approval from the Purodha Board finally
18 through the Pramukha then they go through their lessons,
19 their spiritual lessons. And then afterwards, the
20 Purodha Board decides after several years of practicing
21 their meditation lessons whether they are qualified to
22 become Purodha or not.

23 At that point Purodha Board can appoint five --
24 five Purodhas as examiners. And such a candidate will
25 appear before those five examiners. They'll examine the

1 candidate whether he or she has understood the meditation
2 lessons and doing it properly or not and when all the
3 five examiners feel okay, then finally the approval to be
4 a Purodha and take that name for approval to the Pramukha
5 for final approval.

6 Q Okay. And what else -- what other roles does
7 the Purodha Board have?

8 A Yes. The final one is whenever any critical
9 situation occurs in Ananda Marga.

10 Q Okay. Can you look at Exhibit --

11 A Which page?

12 Q Exhibit 15.

13 MR. ERWIN: May I approach, Your Honor?

14 THE COURT: Yes.

15 Q (By Mr. Erwin) Can you look at Exhibit 15 and
16 it's chapter 39 -- I'm sorry. Chapter 40, it was the
17 part right in front of you there.

18 A Yes. Chapter 40, right. Uh-huh.

19 Q Okay. So you were just about to describe the
20 third role of the Purodha Board.

21 A That's right.

22 Q Is that set out in this paragraph here?

23 A Yeah.

24 MR. OBITTS: Your Honor, I object. We're now
25 going into interpretation of the holy scriptures with

1 this -- the Court is not allowed to do so under Serbian
2 Orthodoxy.

3 MR. ERWIN: This goes to structural issues
4 within the organization.

5 THE COURT: Overruled.

6 Q (By Mr. Erwin) Okay. Does this paragraph set
7 out the -- how the Purodha Board can make decisions?

8 A Exactly.

9 Q Okay. Can you explain how the Purodha Board
10 makes decisions? Go on -- complete your -- complete your
11 answer about what the third role of the Purodha Board is
12 first.

13 A I already said two points very clearly. The
14 third one is when there are any complicated problems or
15 serious controversy occurs in Ananda Marga then Purodha
16 Board is being approached to take decisions wherever they
17 feel correct in the best interest of the mission.

18 Q Okay. And how are those decisions made?

19 A It is the Purodha Board, they make the
20 decisions.

21 Q And what is the Purodha Pramukha in making
22 these decisions?

23 A Purodha Pramukha is the chairperson of the
24 Purodha Board. Automatically he's also part of the
25 decision-making, and finally he make the approval, the

1 final approval given for the -- for the Pramukha.

2 Q So it says here if the two groups are equal in
3 votes, the single vote of the chairperson will be
4 considered a vote of the Board, each and every Ananda
5 Margii must obey the decision of the Purodha Board
6 without argument. The chairperson of the Purodha Board
7 will be designated as the Purodha Pramukha. The decision
8 of the Purodha Pramukha will be considered correct and
9 final. Did I read that correctly?

10 A Correct.

11 MR. OBITTS: Your Honor, could I have a
12 standing objection then if -- if he's going to --

13 THE COURT: Yes.

14 MR. OBITTS: Thank you.

15 Q (By Mr. Erwin) So --

16 THE COURT: You want the standing objection
17 reflected as to the entire testimony of this witness
18 regarding this exhibit?

19 MR. OBITTS: That's correct.

20 THE COURT: All right.

21 Q (By Mr. Erwin) So what I'm asking is what
22 types of decisions there are of the Purodha Pramukha are
23 considered final decisions.

24 A Anything that is considered within the Ananda
25 Marga.

1 Q No. Let's again -- let's describe clearly what
2 -- what the role of the Purodha Pramukha is making
3 decisions of the Purodha Board?

4 MR. OBITTS: Objection to asked and answered.

5 THE WITNESS: I only --

6 MR. ERWIN: Okay.

7 THE COURT: No. Please. He's already told me
8 that.

9 MR. ERWIN: Okay.

10 Q (By Mr. Erwin) And who is the Purodha Pramukha
11 now?

12 A There are two persons conveying themselves to
13 be the Purodha Pramukha at the moment.

14 Q And how long is -- for how long?

15 A The -- from the Ranchi side for the last year
16 and a half approximately and I'm putting approximately.
17 And the Kolkata side recently the -- the group, unity
18 group in Kolkata merged and they formed the Purodha
19 Pramukha.

20 Q Okay.

21 A Just recently in the month of March 26th, 27th.

22 Q Okay. So let me ask you this: What other
23 duties in Ananda Marga does the Purodha Board have beyond
24 the three duties you've described?

25 MR. OBITTS: Objection. Asked and answered.

1 THE COURT: Well, he's asking what others --

2 MR. ERWIN: No --

3 THE COURT: -- so that connotes there is
4 probably something he's left out. So the objection's
5 overruled.

6 Q (By Mr. Erwin) Are there any other --

7 A No. To my knowledge that's all they --

8 THE COURT: All right.

9 MR. ERWIN: Okay.

10 Q (By Mr. Erwin) What role does the Purodha
11 Board have in making -- what role does the Purodha Board
12 have in making any business or operational decisions in
13 Ananda Marga?

14 A For example in Acarya Board, any specific
15 problem occurs with a particular Acharya, they can
16 address to the Purodha Board.

17 Q Are those -- are those business decisions?
18 Operational decisions?

19 A Not -- not business.

20 Q Okay. Just -- okay. What I'm asking you is
21 what role does the Purodha Board have in making any
22 business or operational decisions?

23 A No. No business operations.

24 Q Okay. What role does the Purodha Board have in
25 making any postings of any Wholetimers --

1 A No.

2 Q Okay. Thank you. Now, were you at any time an
3 acting general secretary of Ananda Marga?

4 A Outside of India.

5 Q I'm sorry?

6 A Outside of India.

7 Q Outside of India, what does that mean?

8 A Means during the emergency when Baba was in
9 prison, at that time, the acting general secretary in
10 India he wasn't able to travel and see how the mission
11 was going on. And so that power he empowered to me to go
12 and visit different sectors, how Ananda Marga was
13 progressing in the sectors.

14 And to that effect, I definitely traveled to
15 different sectors with the meaningful coronated
16 cooperation, different sectorial secretaries to be set,
17 and which way Ananda Marga could be easily in a beautiful
18 way we can go on getting the work done in a perfectly
19 neighborly, lovingly, brotherly coordinated cooperation
20 at that time.

21 Q Okay. What -- what was your relationship as
22 the acting general secretary with the sectorial
23 secretaries during that time?

24 A Just to coordinate cooperation.

25 Q Were they subordinate to you?

1 A No.

2 Q Okay. Did you give them any specific
3 instructions?

4 A No, specific instruction, nothing.

5 Q Okay. Let's talk about your time here as the
6 sectorial secretary of the New York sector. When you
7 were the sectorial secretary of the New York sector and
8 you were the second one, that's correct?

9 A Right.

10 Q Right. What relationship did you have with any
11 other general secretary?

12 A None.

13 Q Okay. When you were the sectorial secretary of
14 Ananda Marga, Inc., what was your relationship with any
15 central committee? Was there a central committee?

16 A It didn't exist at the time.

17 Q Okay. What about a sectorial executive
18 committee? Did you have one of those?

19 A No.

20 Q Okay. As the sectorial secretary of the New
21 York -- of Ananda Marga, Inc., can you describe under
22 what circumstances would you be required to follow the
23 directions of any general secretary?

24 A No.

25 Q Okay. Did any general secretary make any

1 postings in the center while you were the sectorial
2 secretary ?

3 A Well, in the beginning Ananda Marga was a very
4 -- like a baby organization. We were growing.
5 Automatically we accepted that the new Acaryas to be
6 posted, only the general secretary he was just sending
7 the workers to my sector, but leaving to me where they
8 are -- they can be properly posted. Because knowing
9 fully well that I knew the situations, the local
10 conditions, et cetera.

11 Q Okay.

12 A So that power was conferred to me by the then
13 acting general secretary.

14 Q Now, if the general secretary were to assign
15 someone -- someone to the New York sector and you didn't
16 agree with that posting, what could you do?

17 A Well, I -- I explained to him the situation why
18 I had to, you know, object to this posting and that's the
19 best thing that ever happened to me in my personal
20 lifetime, it never happened.

21 Q Okay. So you never rejected -- you never
22 rejected a posting?

23 A Reject such a person never occurred to me.

24 Q Okay. Now, what was your relationship as the
25 sectorial secretary of the New York sector, what was your

1 relationship with the legal society, the corporation in
2 India?

3 A Nothing.

4 Q What was your relationship with their -- the
5 governing -- the governing body of that entity?

6 A No.

7 Q Okay. Now, did you have specific -- did you
8 set up specific programs and Boards while you were here?

9 A No. Because it's growing. I was just, you
10 know, giving instructions in meditation to hundreds of
11 people. Even saw new ones. I didn't venture into that.

12 Q So let's -- let's go to --

13 MR. ERWIN: May I approach the witness, Your
14 Honor?

15 THE COURT: Yes.

16 Q (By Mr. Erwin) Let's go to Exhibit 3, please.
17 These are the bylaws of Ananda Marga, Inc.

18 A Right.

19 Q And do you recall who prepared these documents?

20 A Yes.

21 Q Who?

22 A Pardon me?

23 Q Did -- who were the -- who were the authors of
24 this document?

25 A Myself and Paul Fahnestock.

1 Q Okay. Now, let's quickly look at Article XIV,
2 which is on page 10.

3 A Okay. One second.

4 MR. OBITTS: What exhibit?

5 MR. ERWIN: Exhibit 3.

6 THE WITNESS: Yes.

7 Q (By Mr. Erwin) Okay. Do you see where it says
8 standing programs and program secretaries and then it
9 lists a whole bunch of programs? Public relations,
10 ERAWS.

11 A Yes. I see that. Dharma Pracar, right, uh-
12 huh.

13 Q Right.

14 A Right.

15 Q Now, and my question is during your time as a
16 sectorial secretary, did you actually form and implement
17 all these programs in the sector?

18 A To facilitate my work. Since the organization
19 was growing slowly and the members were so new and I
20 wanted some assistance so that many activities could be
21 speeded up. And to that extent -- to that extent I --
22 somebody -- what do you call the -- initiate if I put it
23 correctly and they volunteered themselves to work under
24 me as a full time volunteer. So I gave them duty of kind
25 of, you know, public relations. Dharma Pracar, things

1 like that. And these young, you know, students, they
2 help me a lot.

3 Q Okay. Now, were these --

4 A In the --

5 Q I'm sorry. Were these people employees of
6 Ananda Marga, Inc.?

7 A No, they were not employees. They were
8 completely voluntary. They worked voluntarily.

9 Q Okay. Now, let's look at the first page of
10 this exhibit, please.

11 A The first page? Yes, the first page, yes.

12 Q Okay. And Section III says this corporation is
13 affiliated with Ananda Marga Pracaraka Samgha, the
14 international parent organization.

15 A Yes.

16 Q And what was your -- what was your intent in
17 putting that there?

18 A My intent was nothing to leave out AMPS. My
19 intent was to give us some kind of a coordinated
20 cooperation feeling. I wanted to have it -- that
21 organization so I entered the word parent if you -- if
22 you want to describe that your parent and the children
23 relationship.

24 Q Well, what did you mean by that word?

25 A Yes. Any responsible parent, loving parent

1 would like to see the children grow responsibly and
2 maturely. In that way I intended that word. So if any
3 guidance come, you know, if it is necessary for me to
4 take it or not to take it, it is up to me.

5 Q Thank you. So you said that at that time it
6 was Baba that was posting people?

7 A Yes.

8 Q Okay. So then in -- in these documents why
9 reference the general secretary as the person who is
10 making postings?

11 A Baba is to give postings, but Baba never signed
12 the posting orders. That he gave exclusively to general
13 secretary.

14 Q Now, was that the general secretary of the
15 legal society?

16 A What?

17 Q Was that the general secretary of the legal
18 society he was giving that authority to --

19 A Yeah, legal society.

20 Q -- or the assoc -- or --

21 A No, the legal.

22 Q Was he appoint -- was that general secretary
23 elected by the general members of the society or was he
24 appointed by Baba?

25 A No, he was a socio-spiritual organizational

1 general secretary.

2 Q Okay. When you were the sectorial secretary of
3 AMI, did you have any regional secretaries?

4 A Yes.

5 Q And what was your relationship with those
6 regional secretaries?

7 A In a coordinated cooperation.

8 Q Okay. Were you their boss? Were you their
9 boss? Their -- their superior?

10 A No. I was their elder brother.

11 Q Okay.

12 A Giving them loving relationship. How to get
13 the thing going nicely.

14 Q Okay. So when you created these bylaws who
15 approved them?

16 A The board of directors.

17 Q Anyone else?

18 A No.

19 Q Did you give them to anyone else?

20 A No.

21 Q Did you take them with you --

22 A No.

23 Q -- to India?

24 A At that time it was my guru was in prison, the
25 general secretary was in prison, and the situation was

1 very, very grave.

2 Q Okay. Under what circumstances would anyone
3 outside the board of directors have any authority to
4 approve these?

5 A No.

6 Q So again, you said yesterday you were not the
7 president of this corporation. Paul Fahnestock, that's
8 what you said yesterday, correct?

9 A Yes.

10 Q Okay. Can -- can you look on page five of
11 Exhibit 3.

12 A Right.

13 Q That Section I there --

14 A Yes. Right.

15 Q Who is the chairman of the Board of Ananda
16 Marga, Inc.?

17 A The president shall be --

18 Q President, not the sectorial secretary?

19 A No.

20 Q Okay. Now, when you were the sectorial
21 secretary of Ananda Marga, Inc., you said that you had a
22 couple of boards set up to help you. Do you know what
23 the relationship between those people and any
24 counterparts in India was at that time?

25 A No.

1 Q Okay. Did you say I don't know?

2 A No. I didn't -- I didn't say that.

3 Q I'm sorry.

4 A I said no.

5 Q Okay.

6 A No. Nor -- nothing.

7 THE COURT: The question was those other
8 entities that you established do you know what the
9 relationship was, if any, with their counterparts in
10 India?

11 MR. ERWIN: Okay.

12 THE WITNESS: No relationships, Your Honor.

13 THE COURT: No relationships.

14 MR. ERWIN: No relationships.

15 THE WITNESS: Yes. No relationships, Your
16 Honor.

17 MR. ERWIN: Okay. Thank you.

18 Q (By Mr. Erwin) Now, do these bylaws
19 incorporate Carya'carya?

20 A No.

21 Q And why is that?

22 A Because when Carya'carya was drafted in India
23 Ananda Marga didn't have any outside of India
24 organization at all. So it was designed at that time
25 exclusively for the -- for the for the improvement of the

1 organization there. In India. United States and other
2 countries since 1969 apparently totally new so I -- I
3 intended since our organization is so new it was
4 important for me to guide the organization according to
5 my knowledge and understanding. The board of directors,
6 we worked together because of local land customs what are
7 totally different than India. I don't think any person
8 from India could have guided me in any manner whatsoever
9 for the betterment of the sector here.

10 Q Okay. Did you intend any of the organizational
11 aspects of Carya'carya to apply in the U.S.?

12 A No.

13 Q Okay. Did anyone object to that?

14 A No. No objection came from.

15 Q Okay. So where in these bylaws does it
16 incorporate the constitution of the legal corporation
17 AMPS?

18 A No, it doesn't say that.

19 Q And was that intentional?

20 A No. Yes.

21 Q It was intentional?

22 A It was intentional.

23 Q And did anyone object to that?

24 A No.

25 Q Okay. Okay. Now, let's look at Exhibit 4,

1 please.

2 A Four?

3 Q Exhibit 4.

4 A Okay. Exhibit 4. Okay. Yes.

5 Q What are these -- these are the amended bylaws
6 of Ananda Marga, Inc.?

7 A That's correct.

8 Q Okay. And these are dated July 21, 1982; is
9 that correct?

10 A That's correct.

11 Q Okay. And you were the sectorial secretary
12 when these amendments were made?

13 A That's correct.

14 Q Okay. Did you seek the approval in Central to
15 make --

16 A No.

17 Q -- these amendments?

18 A No.

19 Q Okay. And do you recall actually who -- who
20 prepared actually the words, who actually --

21 A Michael Hemmelgarn.

22 Q Michael Hemmelgarn actually --

23 THE COURT: Okay. All right. I'm going to
24 interject now. You have to let him finish his question.

25 THE WITNESS: Thank you, Your Honor.

1 THE COURT: Before you start talking.

2 THE WITNESS: Sorry. Thank you.

3 THE COURT: There's a machine over here --

4 THE WITNESS: Thank you, Your Honor.

5 THE COURT: -- it's recording everything --

6 THE WITNESS: Thank you.

7 THE COURT: -- that he says --

8 THE WITNESS: Thank you, Your Honor.

9 THE COURT: You're doing it to me now.

10 THE WITNESS: Thank you, Your Honor. Thank
11 you.

12 THE COURT: Everything he says, everything you
13 say. But it can't --

14 THE WITNESS: Okay.

15 THE COURT: -- get us both at the same time.

16 THE WITNESS: Thank you.

17 THE COURT: Okay?

18 THE WITNESS: Thank you.

19 THE COURT: So please do your best --

20 THE WITNESS: All right.

21 THE COURT: -- to let him finish.

22 Mr. Erwin?

23 Q (By Mr. Erwin) Michael Hemmelgarn prepared
24 these?

25 A That's correct.

1 Q And you reviewed -- did you review --

2 A Yes.

3 Q -- them? So who else would have reviewed and
4 approved these bylaws amendments?

5 A No one else.

6 Q Did you provide them to anyone in India?

7 A I didn't.

8 Q Did any provide -- any general secretary?

9 A No.

10 Q Okay. Were there any rules or regulations in
11 place at that time that would require you to seek the
12 approval --

13 A No.

14 Q Okay. Now, can you look at Article XVI on page
15 five, the page five at the top. It's toward the -- it's
16 the second to the last page.

17 A Page five?

18 Q Right.

19 A Yes. Right.

20 Q Okay. Up at -- it says appointments and terms
21 of office. Do you see that? Article XVI?

22 A Article -- oh, Article XVI, yes.

23 Q Okay. Now, do you see anywhere there where it
24 says the general secretary can appoint Acaryas in the New
25 York sector? Is it there?

1 A It says appointment of --

2 Q Right.

3 A -- as you said.

4 Q No.

5 A No.

6 Q Does it say there that the general secretary
7 can appoint Acaryas? Do you see that there? Do you
8 see --

9 A I don't see that.

10 Q Okay. It's not there, is it, right? So was
11 this one of the amendments that were made that it removed
12 the --

13 MR. ERWIN: Are you going to object to
14 something?

15 MR. OBITTS: Finish your -- finish your
16 sentence.

17 MR. ERWIN: Okay.

18 Q (By Mr. Erwin) Was one of the amendments that
19 were made to the '82 bylaws removing the authority of the
20 general secretary to appoint Acaryas?

21 A Yes.

22 MR. OBITTS: Your Honor, we've been objecting
23 -- we've been doing a whole leading thing for a period of
24 time. They've laid the foundation for the document
25 awhile ago, it's admitted into evidence. So I'm object

1 -- I'm objecting as leading.

2 THE COURT: Sustained.

3 MR. ERWIN: Okay.

4 Q (By Mr. Erwin) Who made the decision to remove
5 the general secretary's authority to appoint acaryas?

6 A The board of directors.

7 Q Did anyone object?

8 A No.

9 Q During your tenure as the sectorial secretary
10 of AMI, did the Board -- when did the board of directors
11 make a decision or pass any resolution to accept any
12 conventions, rules, regulations, or procedural orders of
13 any AMPS entity?

14 A Never.

15 Q Never. Thank you. Now, when you were the
16 sectorial secretary of Ananda Marga, Inc., did you ever
17 agree or pass a resolution that the property of Ananda
18 Marga, Inc., would to to AMPS?

19 MR. OBITTS: Objection. Leading, Your Honor.

20 THE COURT: No. Overruled.

21 MR. OBITTS: Okay.

22 THE WITNESS: No.

23 Q (By Mr. Erwin) No. Are you a member of the
24 legal society of AMPS --

25 A No.

1 Q -- in India? Okay. Have you ever been?

2 A Never.

3 Q Have you ever taken part in an election for
4 that society?

5 A No.

6 Q Have you ever paid monthly subscriptions or
7 dues to that society?

8 A To my knowledge --

9 MR. OBITTS: Your Honor --

10 THE WITNESS: -- no.

11 MR. OBITTS: -- this -- this is leading. He's
12 asking specific questions.

13 THE COURT: Have you ever is not leading.
14 Overruled.

15 Q (By Mr. Erwin) When you were the sectorial
16 secretary of AMI, were there affiliate organizations of
17 Ananda Marga, Inc., in the U.S. or elsewhere in the
18 sector?

19 A Yes.

20 Q What was the -- do you -- do you recall what
21 the process was for those entities to become affiliates
22 of Ananda Marga, Inc.?

23 A If I recollect correctly for the sake of tax
24 exemption, et cetera, they wanted to have the
25 affiliation.

1 Q Okay. And roughly how many affiliated
2 organizations were in the U.S. at that time?

3 A Maybe seven or eight.

4 Q Okay. And --

5 THE COURT: How many?

6 THE WITNESS: Seven.

7 THE COURT: Seven.

8 THE WITNESS: Or eight.

9 Q (By Mr. Erwin) Okay. And at that time how
10 many of those had expressly amended their own bylaws to
11 be a subordinate of Ananda Marga, Inc.?

12 MR. OBITTS: Your Honor, it calls for knowledge
13 of other organization.

14 THE COURT: Foundation. It's sustained.

15 MR. ERWIN: Okay. I'll do this through another
16 witness, thanks.

17 Q (By Mr. Erwin) Now, when you were the
18 sectorial secretary of Ananda Marga, Inc., did the board
19 of directors ever pass any resolutions giving the general
20 secretary any authority over the corporation other than
21 to appoint or remove?

22 A No.

23 Q And -- and who is the only person that a
24 general secretary can appoint or remove?

25 A The SS.

1 Q Okay. And under what circumstances can a
2 general secretary appoint or remove an -- an officer or
3 director of Ananda Marga, Inc., that's not the sectorial
4 secretary?

5 A What do you mean?

6 Q When can a general secretary appoint an officer
7 or director of Ananda Marga, Inc., that's not the
8 sectorial secretary?

9 A It is the sectorial secretary, not the general
10 secretary.

11 Q Okay. That -- I'll ask another witness that
12 question. Thank you.

13 THE COURT: If you ask another witness the same
14 question the same way, you're going to get the same
15 response.

16 MR. ERWIN: Okay.

17 THE COURT: Ask him a better question, and
18 you'll get a better answer.

19 MR. ERWIN: Right.

20 Q (By Mr. Erwin) Who appoints the officers and
21 directors -- other officers and directors of Ananda
22 Marga, Inc.?

23 A It is sectorial secretary.

24 Q Anyone else?

25 A No.

1 Q Thank you. When you were the sectorial
2 secretary of Ananda Marga, Inc., were you obligated --
3 what obligations did you have to provide any of the
4 revenue of Ananda Marga, Inc., to any committee or person
5 in India?

6 A Nothing. Except -- when there was the
7 Bangladesh disaster in early '71 when I was here, on my
8 own volition we collected some funds and sent to
9 Bangladesh for the relief project. That's all.

10 Q Okay. Were you required to do that?

11 A No, not required. Out of humanitarian concern
12 I did that.

13 Q Okay. What processes or procedures or rules in
14 -- of Ananda Marga, Inc., would require you to provide
15 any --

16 A There is no such rule.

17 Q Okay. So was it intentional that any language
18 -- was it your intent that any language in Carya'carya
19 referencing one-eighth income goes to a central -- a
20 central committee, was it your intention that that didn't
21 apply? Or what was your intention in not -- let me --
22 let me rephrase the question.

23 THE COURT: Thank you.

24 Q (By Mr. Erwin) Did you intend that the one-
25 eighth income up to a committee apply to the New York

1 Sector or AMI?

2 MR. OBITTS: Objection. That's -- that's a
3 leading question.

4 THE COURT: There's a real debate, Mr. Obitts,
5 about whether did you questions are leading and sometimes
6 they are and sometimes they aren't, and so I recognize
7 it's challenging. I'm going to sustain it to the form of
8 the question but not because it's leading, just because
9 it's confusing.

10 MR. ERWIN: Okay.

11 Q (By Mr. Erwin) So let me ask you this: When
12 would you as the sectorial secretary be required to
13 follow any procedures set out in Carya'carya requiring
14 one-eighth of a committee's income to be paid to a
15 superior committee?

16 MR. OBITTS: Objection. Lack of foundation as
17 to the Carya'carya providing one-eighth income. He
18 hasn't testified to that.

19 THE COURT: Overruled, he can answer it if he
20 understands.

21 THE WITNESS: No, it was never.

22 Q (By Mr. Erwin) Okay. During your tenure as
23 the sectorial secretary of Ananda Marga, Inc., and the
24 New York sector was there a process -- did any -- who had
25 authority to inspect the offices of Ananda Marga, Inc.?

1 A When I was the sectorial secretary? When I was
2 the sectorial secretary, right?

3 Q Correct.

4 A During my tenure no one came.

5 Q Okay. Who -- okay. Thank you. When you were
6 the sectorial secretary of either the New York sector of
7 the Qahira sector, did you attend RDS meetings in India?

8 A Yes.

9 Q What was the purpose of those meetings?

10 A The purpose is to review the progress regarding
11 how many people are being, you know, instruction
12 meditation, growth, schools, relief projects, prison
13 programs, in any kind of, you know, social service
14 activities. We were just sharing, different secretaries
15 were coming, we were sharing our knowledge together so
16 that we would be able to go back and do that project if
17 possible back in the sector. It's kind of a mutual
18 coordinated cooperation that has the purpose of attending
19 the ideas of the time.

20 Q What types of reports would you -- or were you
21 required to provide to any general secretary?

22 A As I said just now the main intention is to
23 give in my sector regarding any projects, spiritual --
24 you know, for example retreats, seminars, anything which
25 is regarding the growth of the mission in the New York

1 Sector.

2 Q Okay.

3 A That was -- this is only thing I -- I was
4 really giving to the general secretary.

5 Q Okay. Now, were there -- who is Dada
6 Shraddhananda?

7 A At the moment he -- he is nowhere at the
8 moment.

9 Q Okay. What titles did he have while he was
10 here?

11 A He was Purodha Pramukha.

12 Q Until when?

13 A Until nine -- until -- to -- I'm trying to
14 recollect the date of passing. He passed away.

15 Q Do you know what year?

16 A I am forgetting year.

17 Q Okay.

18 MR. OBITTS: Go ahead and ask him 2008.

19 Q (By Mr. Erwin) Was it around 2008?

20 A Yeah. Probably.

21 Q Do you remember --

22 A Thank you. Pardon me?

23 Q Do you remember when he became the Purodha
24 Pramukha?

25 A 2000.

1 Q Okay. Now, did you have any contact with the
2 Purodha Pramukha in and around 2005?

3 A Well, occasionally. Occasionally.

4 Q And what -- what kind of condition was he in at
5 that time?

6 A He was not mentally alert. Physically
7 definitely he was very weak. And mentally also.

8 MR. OBITTS: Your Honor, I'm going to object.
9 This -- this witness is not a doctor.

10 THE COURT: Sustained. Foundation at this
11 point.

12 MR. ERWIN: Okay.

13 Q (By Mr. Erwin) When you had occasion to meet
14 him in 2005, 2006 in that time frame, did you observe his
15 behavior?

16 A Yes. When -- just before --

17 Q Can you describe his behavior?

18 A Yes. I'm going to say that. When I was
19 presenting myself to him, first of all, he didn't
20 recognize me who I was. And I told him that I am that I
21 teach for Ananda. Voice recognition, he understood my
22 voice recognition. Thereby my presence was recognized by
23 him in that sense.

24 And other than that, he was very feeble, I
25 understood and I didn't want to really disturb him too

1 much at all because seeing the situation of the Purodha
2 Pramukha, I respected him a lot. I -- I just gave him my
3 salutations and left the place.

4 MR. ERWIN: I'm done, Your Honor.

5 THE COURT: Okay. Mr. Obitts, before you start
6 your cross, I'm going to take just a quick break. About
7 10 minutes, okay? Okay.

8 (Whereupon a recess was taken.)

9 (Whereupon the Court reconvened and the following
10 proceedings were entered of record.)

11 THE COURT: Please be seated. When we return
12 from break if you will please make sure you're seated in
13 this chair, okay? Right here.

14 THE WITNESS: This chair?

15 THE COURT: Yes.

16 MR. OBITTS: Go ahead and sit down, please.

17 Thank you.

18 THE WITNESS: Thank you.

19 MR. OBITTS: No problem.

20 CROSS-EXAMINATION

21 BY MR. OBITTS:

22 Q Good morning, Yatiishvarananda.

23 A Good morning.

24 Q My name is Timothy Obitts. I represent the
25 Intervenors and Defendants. Previously you testified

1 that Shraddhananda was a Purodha Pramukha of Ananda Marga
2 Pracaraka Samgha and that he was in that role from 1990
3 -- 2000, sorry, to 2008. Isn't it true that he was in
4 that role from 1990 after the death of Reverend Baba's --

5 A Right.

6 Q -- physical death?

7 A Correct.

8 Q And the Purodha Pramukha is a position for
9 life, is it not?

10 A That's correct.

11 Q Previously you testified that no one from
12 Central inspected the New York sector during your tenure
13 as sectorial secretary, do you remember that?

14 A Exactly.

15 Q Isn't it true that Baba himself inspected the
16 sector and that Ramananda and Keshavananda were present
17 with him during that inspection?

18 A No, sir.

19 Q Okay. So your testimony here today is that
20 Baba did not reprimand you for poor job supervisory work
21 of workers in the sector?

22 A No, sir.

23 Q When did Baba come to the sector?

24 A He came to the sector in the 1979 in Jamaica,
25 probably October.

1 Q And so your testimony here today, let me make
2 sure I'm perfectly clear on this, is that during Baba's
3 trip to the sector that he nor anybody else from Central
4 did any inspection of the sector at that time.

5 MR. ERWIN: Objection. Asked and answered.

6 THE COURT: No, overruled.

7 THE WITNESS: No, sir.

8 Q (By Mr. Obitts) No, sir, as in he did not?

9 A He didn't inspect -- he didn't inspect.
10 Because it was in Jamaica. Jamaica was -- I couldn't get
11 visa for Baba in the United States, so the only option
12 was to bring him to Jamaica.

13 Q Okay. And you and all the other Wholetimers --

14 A Right.

15 Q -- in the sector met him there, correct?

16 A Correct.

17 Q If you could turn back to Exhibit 4, please.

18 Plaintiffs' Exhibit 4. And then go back one to

19 Plaintiffs' Exhibit 3, please.

20 A Exhibit 4 or 3?

21 Q No, Exhibit 3. I apologize.

22 A Just a second.

23 Q And if you could turn to page 14 of that
24 exhibit, please. Do you have that in front of you, sir?

25 A Just one second. I'm trying to get it.

1 Q No problem. Let me know when you're there.
2 And I want you to look at section three on the top part
3 of that page of Article XIV.

4 A Yes.

5 Q Okay. Do you have that in front of you now?

6 A Article XV it says, XIV, right?

7 Q Yeah, XIV and go to the top where it says
8 section three, do you see that, sir? It's three-quarters
9 up --

10 A Just a second.

11 MR. OBITTS: May -- may I approach, Your Honor?

12 THE COURT: Yeah.

13 THE WITNESS: This one? Oh, okay. I'm sorry.

14 Q (By Mr. Obitts) No -- no problem. Previously
15 you testified that there was no obligation of Ananda
16 Marga, Inc., to provide reports to AMPS Central. Do you
17 remember that? You don't -- you don't need to read it.
18 I'm just saying you previously testified that Ananda
19 Marga, Inc., was under no obligation to provide reports
20 to AMPS, correct?

21 A Yes. Ananda Marga, Inc. Yes.

22 Q Okay. Let me read to you section three of
23 Article XIV of the bylaws and let me know if I read this
24 correctly. The program secretary shall prepare reports
25 at least each month and submit them to -- it's okay --

1 here we go. Whoops.

2 A This one.

3 Q I'm just going to read this section to you,
4 okay?

5 A Yeah. Okay.

6 Q The program secretary shall prepare reports at
7 least each month and submit them to the sectorial
8 secretary to the respective program secretaries of Ananda
9 Marga Pracaraka Samgha and the respective program
10 secretaries of the regional offices. Upon request of the
11 sectorial secretary or the president, reports shall be
12 prepared for inclusion in a sectorial office publication
13 or for -- or for distribution to members of the board of
14 directors. Did I read that correctly?

15 A Correct.

16 Q Isn't it true that -- that's it for that
17 document. And the -- the bylaws governed Ananda Marga,
18 Inc., correct?

19 A That's correct.

20 Q Isn't it true too that Ananda Marga, Inc.,
21 followed the Carya'carya?

22 A To my knowledge, no.

23 Q During the break you were over in the corner
24 next to counsel table and a couple witnesses in this case
25 came up to you and talked to you. Do you recall that?

1 A Yes.

2 Q What did they talk to you about?

3 A They didn't say anything. They told me just to
4 relax.

5 Q So for the minute and a half you were talking,
6 all they said was relax over and over again?

7 A No, sir. To be more honest, they didn't tell
8 me anything.

9 Q So they didn't even tell you to relax. So when
10 I saw them talking and told you all to stop talking --

11 A Talking, yes --

12 Q -- to each other --

13 A Right.

14 Q -- all they were saying was relax, relax, over
15 and over for that minute and a half?

16 A No. That's what they intended in a way.
17 That --

18 Q So they didn't tell you what to say?

19 A No. They didn't tell me anything what I should
20 say what I should not say.

21 Q Okay. Now, in this case you prepared an
22 affidavit, did you not?

23 A Yes, I did.

24 Q Okay. And you reviewed that affidavit fully
25 before signing it, did you not?

1 A That's right.

2 Q Okay. Could you give him what's going to be
3 marked for identification purposes only is going to be D-
4 406. Do you have that document in front of you?

5 A Right.

6 Q And is this your signature on the last page of
7 the document?

8 A That's correct.

9 Q And did you draw that line across that page?
10 On the last page?

11 A No.

12 Q And everything in this document you assert is a
13 true and accurate statement?

14 A That's correct.

15 Q Based upon your own personal knowledge?

16 A That's right.

17 Q If you could turn to page seven of this
18 document, please. It's paragraph 22.

19 A Yes.

20 Q In 2005 were you the sectorial secretary of
21 Ananda Marga, Inc.?

22 A 2005, no.

23 Q Okay. Let me read to you the first sentence of
24 this, and then I'm going to ask you a question. In 2005
25 I became aware that Dhruvananda reportedly made an

1 announcement in India that purported to transfer me as a
2 sectorial secretary of Ananda Marga, Inc., and authorized
3 replacing me with Acarya Shubhatmananda Avadhuta, period.

4 A Not me, sir.

5 Q Right. That's not you, is it?

6 A Yes.

7 Q This is not the document that you signed, is
8 it?

9 A Shubhatmananda not replace me, sir.

10 Q I'm asking you the question is this the
11 document that you signed, or did someone take your
12 signature and put it on --

13 A Which one?

14 Q -- another document?

15 A Sir, you are talking about the 22nd, right?

16 Q I'm talking about number 22.

17 A Number 22. Right.

18 Q Are you the me there? When it says transfer me
19 as a sectorial secretary?

20 A Excuse me, sir. I don't see that here.

21 THE COURT: You know what? Mine doesn't --
22 exactly -- that Ms. Cheung gave me two pages that have
23 paragraphs 22 on it. One of them has a page seven and
24 the other one does not.

25 MR. OBITTS: Okay. Then I should be giving you

1 D -- okay.

2 Q (By Mr. Obitts) If you could turn the page
3 over, I said page seven. You were on the previous page
4 which is an unnumbered page. There's a page seven here.

5 A Wait a minute, I think this --

6 Q So one more page over. So there's two
7 paragraph 22s.

8 THE COURT: You know, for what it's worth,
9 Mr. Obitts, none of my pages are numbered until you get
10 to that page seven.

11 MR. OBITTS: That's correct.

12 THE COURT: Is that what it's supposed to look
13 like?

14 MR. OBITTS: That's what it's supposed to look
15 like. That's what was filed with this Court in this
16 case.

17 THE COURT: Okay.

18 THE WITNESS: Yes, seven.

19 Q (By Mr. Obitts) Do you have that?

20 MR. OBITTS: May I approach, Your Honor, to
21 point it out?

22 THE COURT: Yeah.

23 THE WITNESS: Yes, sir. I have seen it, sir.
24 I saw it.

25 Q (By Mr. Obitts) Okay. So when it says in 2005

1 I became aware that Dhruvananda reportedly made an
2 announcement in India that purported to transfer me as a
3 sectorial secretary of Ananda Marga, Inc., the transfer
4 me as sectorial secretary, that was not you, was it?

5 A That was not me.

6 Q And you did not sign the document -- a document
7 that would have this in it would you?

8 A Exactly, sir. It's --

9 Q Correct?

10 A Yes, unfortunately.

11 Q If you could turn the page -- the next page
12 over. Which is page eight.

13 A Sir, wait.

14 Q Correct?

15 A Sir, it doesn't say my name here. Yeah, okay.
16 I'm sorry. Go ahead, sir.

17 Q On page eight.

18 A Which number?

19 Q Do you see that?

20 A Yes, page eight. Yes.

21 Q Go to paragraph 25, do you see that paragraph?

22 A Yes. Yes.

23 Q It says, Even if I did recognize Dhruvananda as
24 the only person claiming to be the general secretary of
25 AMP Central in 2005, any purported posting order would

1 not terminate my position as sectorial secretary. You're
2 not the my there, are you? You're not my.

3 THE COURT: Do you understand his question,
4 sir?

5 THE WITNESS: Yes, sir.

6 THE COURT: Okay. Please answer it.

7 THE WITNESS: No, sir.

8 Q (By Mr. Obitts) In fact, it appears that your
9 signature was affixed to a document that you had no
10 knowledge of, correct?

11 MR. ERWIN: Tim, do you want to -- can we have
12 a side bar for a second?

13 MR. OBITTS: I want to do the second one. The
14 amended one. Your amended one next. So just let me
15 finish. But if you want to call for a sidebar, feel
16 free.

17 MR. ERWIN: Can I call for a sidebar, Your
18 Honor?

19 MR. OBITTS: Could I have the answer -- the
20 question answered first?

21 THE COURT: Yeah. Why don't you actually
22 rephrase the question.

23 MR. OBITTS: Okay.

24 THE COURT: You're asking him to buy into a
25 conclusion you've made.

1 MR. OBITTS: Sure.

2 THE COURT: You can ask him, you know,

3 Q (By Mr. Obitts) You did not intend for your
4 signature to be on -- sorry, I'll strike that. This
5 document that was submitted to the Court with your
6 signature on the last page which as 46 numbered
7 paragraphs, correct?

8 A Yes.

9 Q That has these provisions regarding you being
10 the sectorial secretary. Did you review that document
11 before you signed it?

12 A I couldn't even recollect what time it was.

13 Q Okay. So this is back in March 17, 2011, a
14 couple --

15 A Yes.

16 Q -- a couple of months ago, correct?

17 A Correct. But --

18 Q And that's your signature on the last page
19 correct?

20 A I agree with that. I totally agree, sir.

21 Q Okay. Okay.

22 A And the --

23 Q So I'm trying to find out is if this signature
24 on this document here that has a line above further
25 affiant sayeth not is the document that you signed or

1 not.

2 A I didn't put the line, sir, and also the
3 contents here don't belong to me. That's what I said,
4 I --

5 Q Right.

6 A -- I'm surprised in the --

7 Q Exactly. So this is not -- although your
8 signature is on this document, this is not your document,
9 is it? Correct?

10 A Yes, sir.

11 MR. OBITTS: If we could mark for
12 identification --

13 MR. ERWIN: Your Honor, I'd like a sidebar,
14 please.

15 THE COURT: Well, let's let him finish his
16 record. You know, marking for identification what?

17 MR. OBITTS: D-407.

18 THE COURT: D-407. Why don't you come on up,
19 Counsel.

20 (Whereupon the following proceedings were had at the
21 bench.)

22 THE COURT: This is the whisper mic, that means
23 you whisper into it. What do you want?

24 MR. ERWIN: This line of questioning appears to
25 be related to a filing error of my office that I take

1 full responsibility for. I have the original signed
2 affidavit of Dada Y that is complete that does not
3 contain the additional pages that Counsel is questioning
4 the witness on.

5 THE COURT: Well, he hasn't raised any issues
6 regarding your conduct. He's raised issues regarding the
7 veracity of the affidavit. He's entitled to make that
8 inquiry. If you want to clarify that on redirect you're
9 welcome to do that. Okay?

10 (Whereupon the following proceedings were had in
11 open court.)

12 THE COURT: You may proceed, Mr. Obitts.

13 MR. OBITTS: Thank you.

14 Q (By Mr. Obitts) Previously you testified that
15 you -- you can set that D-407 aside.

16 A This is what --

17 Q Yeah, just sit that next to you.

18 A This is what -- this is what I read.

19 Q I'm not going to ask -- I'm not going to -- I
20 understand. I'm not going to ask you any questions about
21 that document. You can set it right there on top of the
22 other one, okay?

23 A Okay.

24 Q Thank you. You talked previously about the
25 fact that there were volunteers that helped in the

1 programs of Ananda Marga, Inc., correct?

2 A Right.

3 Q Are those volunteers called LFTs?

4 A Not at that time.

5 Q Okay. They later became called LFTs at what
6 time?

7 A After -- during my time, there were no LFTs.
8 They're volunteers and maybe after my leaving to Qahira,
9 1983, the term probably was used.

10 Q Okay. And the term LFT came from Reverend Baba
11 himself?

12 A Yes. Baba, the definitely --

13 Q Okay.

14 A -- used the word LFT. But in -- because at the
15 time the organization was so new so the volunteers were
16 helping me to do the work.

17 Q Okay. In the programs such as an ERAWS program
18 and the other -- the Dharma Pracar, Renaissance Art and
19 Writer's Association, Renaissance Universal Programs, are
20 those programs that you made up or are those programs
21 that were handed down by Reverend Baba?

22 A Baba definitely.

23 Q Okay. Isn't it true that Reverend Baba
24 established the Sectorial Executive Committee?

25 A During my tenure, sir?

1 Q Yes.

2 A The Sectorial Executive Committee didn't exist.

3 Q Okay. But when you were in the Qahira sector
4 as SS did Reverend Baba establish a Sectorial Executive
5 Committee.

6 A At that time, sir, Qahira sector was in the
7 beginning stage.

8 Q Okay.

9 A Extremely beginning stage. In fact I was a lot
10 moving around.

11 Q Okay.

12 A Nothing existed.

13 Q Okay. So you were here in the beginning stages
14 of the New York sector --

15 A Right.

16 Q -- and then got sent off to Qahira to do the
17 beginning stages there?

18 A Exactly.

19 Q So you're a true missionary, then?

20 A Exactly.

21 Q If you could go back to Article III -- I mean
22 Exhibit 3 in front of you. You can just put that one
23 aside.

24 A This one, sir? Is this what we're talking --
25 yeah.

1 Q Do you have that in front of you, sir?

2 A Yes.

3 Q Okay. Here it talks about the affiliated
4 organizations, correct?

5 A Yes.

6 Q And the affiliated organizations would be the
7 regional office.

8 A Right.

9 Q The diocesan office.

10 A It doesn't say here.

11 Q I understand. I'm asking you -- I'm trying to
12 refresh your recollection.

13 A Yes. At the time diocesan office didn't exist.

14 Q Okay. But when it did that became an
15 affiliated organization, correct?

16 A Because to my knowledge at the time diocesan
17 office didn't exist at all so --

18 Q I understand --

19 A -- so the question --

20 Q I'm saying -- I'm saying during the time that
21 you were sectorial secretary --

22 A Right.

23 Q -- did any diocesan office exist?

24 A No.

25 Q Okay. So only regional offices?

1 A Exactly.

2 Q And they were all affiliated --

3 A If that particular unit wanted to be affiliated
4 with the AM, Inc., it, you know, it happened so.

5 Q Could anybody call themselves Ananda Marga
6 regional office if they are not affiliated with Ananda
7 Marga New York sector?

8 A Affiliation, it makes sense, sir. What do you
9 mean -- explain to me.

10 Q Well, you talk about an affiliation here in --

11 A Yes.

12 Q -- that document.

13 A No, what I mean to say is regional office is a
14 geographical boundary, why we call it a regional office.
15 Like sector is -- New York sector is the -- it's a
16 boundary. Similarly region is a boundary, to the extent
17 we call it regional office.

18 Q Okay. Previously you -- you testified that you
19 received a large donation when you were the Sectorial
20 Secretary of AMYS Kansas. Do you recall that?

21 A Yes.

22 Q And that donation was made to the Sectorial
23 Office, was it not?

24 A Yes.

25 Q And you used that money to purchase what is the

1 Denver --

2 A The purpose -- the purpose -- yes.

3 Q The Denver jagrti which became the headquarters
4 for the New York sectorial office when it moved up to
5 Colorado, correct?

6 A There was -- part of the money was used for
7 buying the sectorial office here in Denver. And part of
8 the money was used in Washington, D.C. to buy another
9 office there.

10 Q Okay. According to your testimony is it the
11 case, or is it according to your understanding here today
12 is it -- is it your position that Dhruvananda was the
13 general secretary of the socio-spiritual AMPS in 2005?

14 A Yes.

15 MR. ERWIN: Beyond the scope of direct.

16 THE COURT: Overruled.

17 Q (By Mr. Obitts) Now, previously you received
18 questions regarding the Carya'carya. And so I'm going to
19 ask you a couple of questions. Is it your belief that
20 the Carya'carya is infallible?

21 A Carya'carya, sir, is according to time, place,
22 and person the rules work that way. So it's not
23 infallible.

24 Q Okay. Was Reverend Baba infallible?

25 A There are two aspects of Baba's personality. I

1 want to explain.

2 Q Go ahead.

3 A One aspect as a human being he had diabetes,
4 eye problem, so he was fallible to the nature. But as a
5 spiritual guru, he was infallible to me.

6 Q Fair enough. And Reverend Baba made many
7 writings, did he not?

8 A Yes. Definitely he did.

9 Q And those writings were spiritual writings,
10 were they not?

11 A Spiritual, social, cultural, economical.

12 Q Sure. With regard to his spiritual writings --

13 A Right.

14 Q -- were those then infallible?

15 MR. ERWIN: Seems to me we're getting into
16 dogma here.

17 THE COURT: Sustained.

18 Q (By Mr. Obitts) It was Reverend Baba's idea to
19 establish the New York sector, was it not?

20 A Reverend Baba send -- send me to New York
21 sector.

22 Q I understood he sent you but it was -- it was
23 his idea to establish the New York sector, was it not?

24 A What do you mean to say? Establish mean what?

25 Q Well, he --

1 A I want to understand your question, please.

2 Q No, fair enough. That's a good question back
3 to me. Is it -- is it -- isn't it true that Reverend
4 Baba divided the world into nine sectors, one of which
5 was the New York sector?

6 A Correct.

7 Q Okay. In that way did Reverend Baba establish
8 the New York sector?

9 A Okay. In that way, yes.

10 Q Fair enough. Isn't it true that the global
11 headquarters of Ananda Marga Pracaraka Samgha are in
12 India?

13 A Correct.

14 Q Isn't it true that Ananda Marga, Inc., is one
15 of the nine sectors?

16 A Correct.

17 Q Isn't it true that under the system that Baba
18 established that Ananda Marga Pracaraka Samgha --

19 A I --

20 Q -- ordains and posts --

21 A I --

22 Q Can you hear me?

23 A Yes.

24 Q Okay. You got to listen to my question and
25 then try to answer it. Isn't it true that under the

1 structure of Ananda Marga Pracaraka Samgha that Central
2 ordains and posts the Acaryas throughout the world as per
3 the need of the mission?

4 A Yes.

5 Q Was Reverend Baba the guru of Ananda Marga Yoga
6 Society of Kansas?

7 A No.

8 Q Was Reverend Baba the guru of Ananda Marga,
9 Inc?

10 A Sir, guru is very personal relationship, sir.
11 Not an organization. Please.

12 Q Okay. Fair enough. So you're saying you cannot
13 -- so was Reverend Baba the guru of all the
14 individuals --

15 A Individual human being.

16 Q I understand that. Just hear me out. Was
17 Reverend Baba the guru of all the individual human beings
18 of Ananda Marga Yoga Society of Kansas?

19 A Those who were initiated or giving instruction
20 in meditation they become.

21 Q Likewise Reverend Baba was the guru of all
22 those that had been initiated --

23 A Yes.

24 Q -- in Ananda Marga, Inc.?

25 A Not Ananda Marga, Inc.

1 Q Okay.

2 A They are -- no, Ananda Marga, Inc., is a
3 structure. Here we are talking about a spiritual
4 relationship.

5 Q Okay.

6 A And Acarya give instructions to a person --

7 Q All right. I've got it. You --

8 A -- thus --

9 Q -- you answered the question. Thank you.

10 A Okay.

11 Q Could you as the sectorial secretary of the New
12 York sector disobey Reverend Baba?

13 A I never did.

14 Q My question is, is it allowed?

15 A Disobeying Baba you are talking about?

16 Q Yes.

17 A Sectorial Secretary?

18 Q Yes. Could you in your position as sectorial
19 secretary ever disobey Baba?

20 A No, sir.

21 Q In fact, that is part of the vows you took as
22 an Acarya and an Avadhuta, one of those being obedience
23 is discipline, and discipline is obedience, correct?

24 A Let me tell you. I want to explain that.

25 Q No. I'm -- I don't want you to explain it.

1 A Well, yes -- well, no, okay. Yes. Obedience
2 is discipline, discipline is obedience, correct.

3 Q Okay. Likewise wasn't there part of your vows
4 was the 32 points set forth by Reverend Baba?

5 A No. They're not actually vows.

6 Q It's a construction -- a conduct rule.

7 A Conduct rules.

8 Q Okay.

9 A Vows are a totally different set.

10 Q Fine.

11 A My vows, Acarya is a totally different kind of
12 conduct than you're talking about now.

13 Q Okay. But you are required as an Avadhuta and
14 an Acarya --

15 A Yes.

16 Q -- to follow the conduct rules, are you not?

17 A Well, when a person as a human being they are
18 not God --

19 Q I understand that.

20 A -- so the best possible way what we do as a --
21 as a person we try our best.

22 Q Okay. Isn't it true that one of the conduct
23 rules was to always remain united and in an organized
24 way, solve all problems big or small in a united way,
25 advise every Ananda Marga to remain united at all times?

1 A Correct.

2 Q Likewise as an Acarya isn't it true that there
3 is no dignity of post?

4 A Yes. Sir, Acarya is not a position of posting,
5 sir. Please.

6 Q No, I understand that. I understand that.

7 A No, it's very important.

8 Q But that's a conduct rule.

9 A It's very important. That differentiation is
10 very important here. Acarya is a title who gives
11 instructions in meditation.

12 Q Okay. So how about -- how about --

13 A It's not a post. It is not a post.

14 Q How about a Wholetimer?

15 A It is a title.

16 Q How about a Wholetimer?

17 A Wholetimer could be a family person also.

18 Q Okay. So in the conduct rules isn't it true
19 that in the 37 point conduct rules that it states workers
20 should have the dignity of labor and not the dignity of
21 post?

22 A That's correct.

23 Q Likewise you -- you talked about this concept
24 of coordinated cooperation, correct?

25 A Yes. Yes.

1 Q Many, many times.

2 A Right.

3 Q Okay. Isn't it true that there is an
4 additional rule?

5 A Yes.

6 Q Okay. Isn't it true that the additional rule
7 talks about supervisory workers?

8 A Yes.

9 Q What is the Dit. S guidebook?

10 A Dit. S guidebook talks about programs, how a
11 Dit. S should do work beneath territory, geographical
12 territory. And I cannot recollect, it is so old --

13 Q It was a long time ago.

14 A So old the book, sir.

15 Q Yeah.

16 A Don't please rag me. I am -- I don't know have
17 any knowledge now. I am 47 years old now, you know, in
18 the organization.

19 Q I thought you said you were 47 years old in
20 general.

21 A No, not in general, I'm sorry. I'm sorry, 70.

22 Q Fair enough. And isn't it true that as part of
23 your training process or isn't it true, maybe it wasn't
24 in place at the time you were there, but isn't it true
25 that part of the training process -- process of Acaryas

1 is that they have to hand write out the Dit. S guidebook?

2 A Yes.

3 Q And isn't it true that the Dit. S guidebook
4 talks about the structure of Ananda Marga Pracaraka
5 Samgha from Central all the way down to the village
6 level?

7 A I forget, sir.

8 Q Okay. Fair enough. We're going to get in
9 front of you what's been marked as Defendants' Exhibit 1.
10 And Ms. Cheung is going to help you with that. Do you
11 have that document in front of you?

12 A Yes.

13 Q What is this document?

14 A It's a newsletter, sir.

15 Q And it's the newsletter of the -- of what?

16 A Ananda Marga Yoga Society.

17 Q And isn't it true that the Ananda Marga Yoga
18 Society published a monthly newsletter?

19 A To disseminate --

20 Q Come again?

21 A Yes. Yes, it's true.

22 Q Likewise when Ananda Marga, Inc., was formed,
23 Ananda Marga, Inc., continued on -- continued on
24 publishing the Crimson Dawn, did it not?

25 A I think so.

1 Q I need better than I think so.

2 A Yes.

3 Q I need a I know so.

4 A Yes.

5 MR. OBITTS: Your Honor, at this time I would
6 like to introduce into evidence Exhibits 1 through 69 and
7 Defendants' 3 -- sorry.

8 THE COURT: 373?

9 MR. OBITTS: Sorry, I've got to get you the
10 number.

11 THE COURT: Oh.

12 MR. OBITTS: I apologize. 372 and 373 which
13 are Crimson Dawn Publication of the Ananda Marga Yoga
14 Society and Ananda Marga, Inc.

15 MR. ERWIN: Objection. Lack of foundation and
16 hearsay.

17 MR. OBITTS: I'm happy to go through --

18 MR. ERWIN: It's not business records.

19 THE COURT: Well, I'm going to sustain it on
20 foundation, because I don't know that as to all of those
21 exhibits that foundation's been established. I don't
22 need you to establish it for each individual exhibit, but
23 I think there needs to be more to establish his
24 familiarity with that publication and that it was
25 ongoing. Okay?

1 MR. OBITTS: Okay.

2 Q (By Mr. Obitts) Okay. So --

3 MR. ERWIN: And that it's a business record.

4 THE COURT: No.

5 MR. OBITTS: No.

6 THE COURT: I'm not requiring that.

7 MR. OBITTS: Okay.

8 Q (By Mr. Obitts) So looking at -- could you
9 turn then to Exhibit 2, please?

10 THE COURT: Just have him take a moment and
11 look through all of those and --

12 MR. OBITTS: Okay. Sure.

13 THE COURT: -- and make sure that they are what
14 they purport to be. Authenticity is the issue, not --

15 MR. OBITTS: Well, Your Honor --

16 THE COURT: -- not the hearsay exception.

17 MR. OBITTS: Your Honor, they're -- they're
18 self-authenticating because he said it was a newsletter
19 that was published on a monthly basis. And under Rule
20 903 of the Colorado rules of evidence, a periodical is
21 self-authenticating.

22 THE COURT: Okay. Well, what he said was that
23 they published a monthly newsletter. He did not say
24 Exhibits 1 through 69 and 372 and 373 --

25 MR. OBITTS: Fair enough.

1 THE COURT: -- are those publications.

2 MR. OBITTS: Okay.

3 THE COURT: So that's what I mean. He's got to
4 get it on the record, right?

5 MR. OBITTS: Okay. Fair enough. Also under --
6 in your pretrial order, you stated that if they did not
7 object to the authenticity, that authenticity would be
8 conceded. They did not object to that here.

9 THE COURT: Fair enough. But he's making an
10 objection now.

11 MR. OBITTS: Okay.

12 THE COURT: And I'm construing it as that,
13 so --

14 MR. OBITTS: Fair enough.

15 Q (By Mr. Obitts) Sir, I hate to do this to you.
16 But could you look at Exhibits 1 through 69 and Exhibits
17 372 and 373 and let me know if these are Crimson Dawns --

18 A Please let me look. Which -- which page?

19 Q Yeah. Take as much time as you want.

20 THE COURT: Take the -- take the time to do it.
21 1 through 69. Just look at them quickly and make sure
22 they are what they purport to be.

23 THE WITNESS: Yes, sir.

24 THE COURT: Okay? You don't have to say
25 anything, just look at them and tell us when you're done.

1 THE WITNESS: Yes, sir.

2 Q (By Mr. Obitts) It's actually 1 through 68 so
3 you've got one less to do.

4 THE COURT: Your Honor, it was 902(6), I
5 apologize.

6 THE WITNESS: Sir, would you mind telling me,
7 sir, where it is?

8 MR. OBITTS: Oh, sure.

9 THE WITNESS: I'm sorry, I --

10 MR. OBITTS: May I approach him, Your Honor,
11 and just come through with this?

12 THE COURT: Yes.

13 MR. OBITTS: Thank you.

14 THE WITNESS: Will you please help me? I don't
15 know.

16 Q (By Mr. Obitts) Okay. Sir, have you had a
17 chance to review 1 through 68 and 37 -- 373 and 374?

18 A Wait a minute. When you say 37874 what do --

19 Q That was in -- sorry, that was in the book over
20 there. We did -- we did three volumes here and there
21 were four books, do you remember that?

22 A Yes. Yes.

23 Q Okay. Do you recall doing that with me? I got
24 a work out at least.

25 A Very difficult.

1 Q Okay. Do you want to do it again?

2 A You're talking recalling all the documents?

3 Q No. I'm asking you have you had a chance to
4 review those exhibits to identify that those are Crimson
5 Dawns?

6 A Yeah, it was Crimson Dawn, but I didn't have in
7 my tenure I didn't have much time to review all the
8 articles written in Crimson Dawn.

9 Q Well, that would take us several days to do
10 that, and I don't think the judge wants to be here for
11 several days.

12 THE COURT: Not on this issue.

13 MR. OBITTS: Not -- okay.

14 Q (By Mr. Obitts) So were you able to identify
15 that those in fact were Crimson Dawns?

16 A Yes. Exactly. Please.

17 MR. OBITTS: Okay. Your Honor, I respectfully
18 move those into evidence.

19 MR. ERWIN: And, Your Honor --

20 THE COURT: Same objection?

21 MR. ERWIN: Are these being -- these documents
22 contain hearsay statements and quotes and these quotes
23 are hearsay, and I object to these being admitted for the
24 truth of the content in those quotes.

25 THE COURT: Well, the idea is they're offered,

1 one, as admissions or statements by an opposing party.
2 Two, he's laid appropriate foundation with regard to 902.
3 Those provisions would also apply. So the objection's
4 overruled and those exhibits will be admitted. The
5 objection goes to what weight, if any, and I presume he's
6 going to put some weight on these exhibits at some point
7 that the Court might give to these exhibits as the finder
8 of fact.

9 Q (By Mr. Obitts) If you could --

10 THE COURT: So 1 through 68, 373 and 374 (sic),
11 Defendants' Exhibits are admitted.

12 (Defendants' Exhibits D-1, D-2, D-3, D-4, D-5, D-6,
13 D-7, D-8, D-9, D-10, D-11, D-12, D-13, D-14, D-15, D-16,
14 D-17, D-18, D-19, D-20, D-21, D-22, D-23, D-24, D-25, D-
15 26, D-27, D-28, D-29, D-30, D-31, D-32, D-33, D-34, D-35,
16 D-36, D-37, D-38, D-39, D-40, D-41, D-42, D-43, D-44, D-
17 45, D-46, D-47, D-48, D-49, D-50, D-51, D-52, D-53, D-54,
18 D-55, D-56, D-57, D-58, D-59, D-60, D-61, D-62, D-63, D-
19 64, D-65, D-66, D-67, D-68, D-372, D-373 admitted into
20 evidence.)

21 THE COURT: Go ahead, Mr. Obitts.

22 MR. OBITTS: Your -- Your Honor, it was 372
23 not -- and 373. Not 373 and 374.

24 THE COURT: Did I misstate it? If I misstated
25 it --

1 MR. OBITTS: No, I -- I misstated it to you. I
2 apologize.

3 THE COURT: So 372 and 374 (sic), those will be
4 admitted.

5 MR. OBITTS: Okay. Thank you, Your Honor.

6 Q (By Mr. Obitts) If you could turn to Exhibit 1
7 in front of you there.

8 A Yes.

9 Q Okay. And this is a Crimson Dawn dated August,
10 1972, is it not?

11 A Correct.

12 Q If you could turn there then to what's bate
13 stamped at the bottom DFTS02762, which is page five of
14 this document.

15 THE COURT: This is Exhibit 1, right?

16 MR. OBITTS: Yes. Defense Exhibit 1, yes, Your
17 Honor.

18 THE WITNESS: You are talking about DFTS?

19 Q (By Mr. Obitts) Well, just go to page five.
20 It's -- it's numbered --

21 A Okay. That's better, too.

22 Q Okay. Do you have that? You previously --

23 A Just one second. One second.

24 Q Okay. No problem.

25 A Okay. Page five. Right.

1 Q Okay. Do you have that?

2 A Yes.

3 Q And you talk here about a group -- group
4 federal tax exemption. Do you see that in the middle of
5 the page?

6 A In the middle page?

7 Q On page five in the middle it says group
8 federal tax exemption. Exhibit 1. August 1972 Crimson
9 Dawn. Do you have that in front of you now, sir?

10 A Yes.

11 Q Is this the federal tax exemption that you were
12 talking about that was applied by Ananda Marga Yoga
13 Society for all the affiliated entities in the sector?

14 A Yes.

15 Q Okay. If you could turn over -- go to on the
16 left side the page, on page four --

17 A The one before?

18 Q Yes, that's correct.

19 A Right.

20 Q And if you could go down before it says
21 National Office spending \$3,000 per month. Do you see
22 that?

23 A Right.

24 Q Okay. And if you could go down to the fourth
25 paragraph --

1 A Yes.

2 Q Do you see that?

3 A Right.

4 Q The last sentence it says yet for the month of
5 June --

6 MR. ERWIN: Objection. This document's in
7 evidence. It's cumulative.

8 THE COURT: No. Overruled.

9 Q (By Mr. Obitts) Yet for the month of June the
10 National Office received only \$85 from the units sending
11 one-eighth of their total donations, correct? Do you see
12 that sentence, sir?

13 A Yes. One-eighth total donation.

14 Q Right. Previously you testified that the one-
15 eighth donation was not a rule from Carya'carya, was not
16 utilized.

17 A It was utilized within the Sector, sir.

18 Q Okay. So in fact the sector followed -- the
19 New York sector followed the Carya'carya and did the one-
20 eighth unit rule?

21 A This was actually the whole finance side, in
22 the expenditure side was done by president. President.

23 Q Okay. What I'm asking you did -- did Ananda
24 Marga Yoga Society of Kansas, did it use the one-eighth
25 rule set forth in the Carya'carya to help fund itself?

1 A Yes.

2 Q Thanks. If you could turn then, sir, to
3 Exhibit 3, Defendants' Exhibit 3. Do you have that in
4 front of you?

5 A Yes.

6 Q If you could turn to what's Bates stamped in
7 the bottom right corner as DFTS2860. Do you see that,
8 sir?

9 A Just I am -- wait.

10 Q Okay. No problem. Just let me know when you
11 get there.

12 A Yes, I am seeing it.

13 Q Okay. Here this article -- and correct me if
14 I'm wrong -- is titled favorable decision from
15 immigration and it talks about you, Acarya
16 Yatiishvarananda Avadhuta now having a permanent U.S.
17 visa, do you recall that?

18 A Yes.

19 Q And in fact the Ananda Marga Yoga Society of
20 Kansas applied for your visa, did it not?

21 A That's correct.

22 Q And there were some problems and it had to be
23 petitioned all the way up to the regional office at the
24 U.S. Department of Justice, did it not?

25 A It was a Naturalization Service in Minneapolis.

1 Q Okay. And so here -- let me read the relevant
2 part -- how long of a process did it take for Ananda
3 Marga Yoga Society -- well, let me back that up. Ananda
4 Marga Yoga Society of Kansas was a religious
5 organization, was it not?

6 A Yes.

7 Q How long --

8 A Do -- can I explain a little bit more?

9 Q No, I think you answered.

10 A No. Okay.

11 Q How long did it take Ananda Marga Yoga Society
12 of Kansas to get recognized by the federal government as
13 a religious organization?

14 A You want the exact years or something, sir?

15 Q No. Just -- fine. How about if we take a look
16 at this and then that way -- you -- I mean, that was such
17 a long time ago.

18 A Sir --

19 Q So if you'll go to the second paragraph, it
20 says, now that have succeeded three things have been
21 accomplished, and it goes through what has been
22 accomplished there.

23 A Wait a minute. Which one, sir? The same page
24 you were talking about?

25 Q Correct. Do you see now that we have succeeded

1 three things have been accomplished? I need you to go to
2 the sentence before that where it says the decision is
3 really a milestone for Ananda Marga Yoga Society.

4 A Wait a minute. Wait a minute.

5 Q We --

6 A Wait just a second.

7 Q No problem.

8 A Can you please guide me where you are? Oh,
9 this one. Oh, yes.

10 Q Okay. It says we have been striving for this
11 status from the Immigration and Naturalization Service
12 for three years. Do you see that?

13 A Yes.

14 Q Now, you arrived there in 1971, correct?

15 A Correct.

16 Q And your predecessor was whom?

17 A Predecessor?

18 Q Who -- who was your predecessor?

19 A My predecessor was Mr. Rao.

20 Q Okay. And so he was there for the two years
21 prior to that?

22 A Correct.

23 Q Okay. Isn't it true that there was a unit
24 report structure where the sectorial office required
25 units to give it reports?

1 A This is optional. It is option.

2 Q If you could turn to Exhibit 4, please.

3 THE COURT: D Exhibit 4?

4 Q (By Mr. Obitts) D Exhibit 4. I apologize.

5 A Yes.

6 Q And if you could turn to what's Bate stamped as
7 DFTS 02912. I gave you the wrong number, so hold on one
8 second. I apologize. Sorry. DFTS02884.

9 A 02 --

10 Q 884. It's the sixth page at the top of this
11 document.

12 A Just one second. 884, correct.

13 Q Yes. What is Dharma Pracar?

14 A Dharma Pracar means propagation of spiritual
15 values.

16 Q Okay. And those are the spiritual values as
17 set forth by Reverend Baba?

18 A Yes.

19 Q Okay. If you could go back to pages to page
20 four.

21 A Wait a minute.

22 Q So go the opposite direction.

23 A Opposite direction.

24 Q There we go. Thank you.

25 A Yes.

1 Q It says national office national board meeting.

2 A Yes.

3 Q Do you see this document? Isn't it true that
4 this was the Board Meeting of Ananda Marga Yoga Society
5 of Kansas?

6 A Yes. National office said actually at that
7 time was sectorial office, it's not national office.

8 Q Okay. But here --

9 A This was misprinted by the editor.

10 Q Okay.

11 A Whoever did it.

12 Q Sure. So that is a sectorial office --

13 A Yes.

14 Q Board Minutes, is it not?

15 A Yes.

16 Q Isn't it true that it was the role of Ananda
17 Marga -- Ananda Marga Yoga Society to administer and
18 implement Baba's programs?

19 A Baba -- when I came over here?

20 Q Correct.

21 A He didn't give me any specific directions. He
22 told me this much, that since --

23 THE COURT: Don't tell me again what he already
24 told you. What he told you.

25 THE WITNESS: Okay, sir.

1 THE COURT: Because I already heard that, okay?

2 THE WITNESS: No. No further instructions were
3 given to me by Baba. What I should do, what I should not
4 do.

5 Q (By Mr. Obitts) Okay. Do you know why on page
6 five the next page over under Pramiil president --

7 A Yes.

8 Q Do you see that in the Board minutes? It's on
9 the far left column. Do you see that? Help him.

10 A Number five?

11 Q Yeah.

12 A Yes. The Pramiil president.

13 Q Okay. But go to the page on your right, it's
14 number five at the top --

15 A Yes.

16 Q -- and there are three columns.

17 A Yes.

18 Q Okay. It says Pramiil president. Our
19 objective is to define, administrate, and implement
20 Baba's programs, correct?

21 A Yes.

22 MR. ERWIN: Objection. Hearsay.

23 THE COURT: Overruled.

24 Q (By Mr. Obitts) And that's a true statement,
25 is it not?

1 MR. ERWIN: He didn't write this, Your Honor.
2 Objection.

3 THE COURT: That's sustained.

4 MR. OBITTS: Okay.

5 THE COURT: To the characterization.

6 Q (By Mr. Obitts) So isn't it true that Ananda
7 Marga Yoga Society was supposed to define, administrate,
8 and implement Baba's programs in the Sector?

9 A Sir, at the time Baba was in prison.

10 Q Actually I -- I withdraw the question.

11 A Thank you.

12 THE COURT: Now, that doesn't happen very
13 often.

14 Q (By Mr. Obitts) If we could move to Exhibit 5,
15 please. Defendants'.

16 A Yeah, Exhibit 5, yes.

17 Q Do you have that in front of you?

18 A Yes.

19 Q Okay. If you could turn then to the -- what's
20 bate stamped at the bottom DFTS02942.

21 A Yes.

22 Q Okay. And do you see that there's Ananda Marga
23 Yoga Society and there's a diagram there? Do you see
24 that diagram?

25 A This diagram, sir --

1 Q I'm asking you if you see it?

2 A Yes, I see it.

3 Q Okay. And this is in a publication of Ananda
4 Marga Yoga Society national newsletter, is it not?

5 A Yes.

6 Q You don't need to look at the exhibit, I'm
7 asking you a question --

8 A Yes.

9 Q -- unrelated to that exhibit. Isn't it true
10 that Acaryas could authorize a group of Ananda Marga
11 units as a unit when they have met some qualifications?

12 A Will you please restate it?

13 Q Sure. Isn't it true that there were some
14 qualifications that needed to be met by a unit for an
15 Acarya to work with it?

16 MR. ERWIN: Objection. Confusing.

17 THE WITNESS: No, sir. No such.

18 THE COURT: Objection. Confusing. That's one
19 I'm not --

20 THE WITNESS: Very confusing, sir.

21 THE COURT: Overruled. If the witness doesn't
22 understand, the witness can say, you know, I don't
23 understand your question.

24 MR. OBITTS: That's fine.

25 Q (By Mr. Obitts) Isn't it true that a

1 registration form needed to be filled out and completed
2 and signed by an Acarya for there to be a unit
3 recognized?

4 A Sir, during my tenure the sectorial office was
5 functioning. As I said earlier Baba was in prison and
6 the global organization was not functioning either. To
7 facilitate the organizational program here, I had to
8 formulate certain systems so that all the initiated
9 members and there were 50 areas, would be able to work
10 property with an Acarya in that area.

11 Q Okay. So was it the case that units were
12 supposed to provide a report?

13 A Most of the units -- even though it was -- it
14 was not mandatory, put it this way. But many units were
15 very -- were in the very beginning state. There were
16 only a few members. So to my knowledge only a very few
17 units who were having more members they just gave a
18 report regarding the Acarya's visit and initiations,
19 things like that.

20 Q Okay. If you could -- if you could turn back
21 to Defendants' Exhibit 4, and we're going to go back to
22 the Board minutes. And maybe this will help refresh your
23 recollection.

24 A Yeah, Number 4, yes.

25 Q Okay. And it's page five and it's the far

1 right column.

2 A D-4.

3 Q D-4, page five at the top.

4 A Wait a minute. Okay.

5 Q The numbering is in the middle.

6 A Yes, yes, yes.

7 Q Okay.

8 A Yes.

9 Q And I want you to go to the right column --

10 A Yes.

11 Q -- and go down halfway -- halfway in the middle
12 of the page. Do you see that? It starts with number
13 six, recognition.

14 A I don't see the word recognition.

15 Q Okay. I'll point it out for you.

16 A Oh, okay. Yeah.

17 Q And it reads, An Acarya can authorize a group
18 of Ananda Margiis as a unit when they have met the above
19 qualifications.

20 A Yes.

21 Q The registration form should be completed and
22 signed by an Acarya. One copy should be sent to Ananda
23 Marga Pracaraka Samgha Central with \$12 and one copy
24 should be sent to National, parens, sectorial, parens,
25 office.

1 A Yes.

2 Q Did I read that correctly?

3 A Can I say -- can I say something? Yes.

4 Q I asked you if I read it correctly.

5 A Yes, it is correct. But --

6 Q And these are the Board minutes of Ananda Marga
7 Yoga Society, correct?

8 A Correct.

9 Q Okay. Let's move on. We're going to fast
10 forward to Exhibit -- Defense Exhibit 11.

11 MR. OBITTS: So that I'm not cumulative, Your
12 Honor.

13 THE COURT: Thank you.

14 THE WITNESS: Yes.

15 Q (By Mr. Obitts) Do you have that in front of
16 you?

17 A Yeah, number 11.

18 Q Yes. If you could turn to page 23 of that
19 document.

20 A Yes.

21 Q And at the top it says interview with Pramiil.
22 Do you see that?

23 A Yes.

24 Q And Pramiil was the president of Ananda Marga
25 Yoga Society, correct?

1 A Correct.

2 Q What was his non-Sanskrit name?

3 A Paul Fahnestock.

4 Q Okay. So let's -- let's -- I'm going to ask
5 you a couple of questions regarding this document. Okay?
6 We'll go down to -- this is an interview of the Crimson
7 Dawn of Pramiil, is it not?

8 A Yes.

9 Q So let's go down to the first time it says
10 Pramiil in all bold on the left hand side toward the top.
11 Point it out, please.

12 A Yeah, Pramiil.

13 Q You see that?

14 A Yeah. It says Pramiil, yes.

15 Q Yeah. Okay. And I'm going to go through the
16 second sentence. It says, I guess that you could say
17 that I'm an extension of Dadaji Yatiishvarananda because
18 he's brought from India so many programs that represent
19 AM which Baba has given us. Dadaji being Baba's
20 representative here in the United States has brought
21 these programs and he needs an organization and people to
22 work with him to implement these programs. Did I read
23 that correctly?

24 MR. ERWIN: Objection. Reading from the
25 document is cumulative.

1 THE COURT: Well, he's asking him a question.
2 It's overruled.

3 Q (By Mr. Obitts) Did I read that correctly?

4 A Yes.

5 Q And you were Baba's representative in the
6 United States, were you not?

7 A Correct.

8 Q In fact, you were Baba's direct representative,
9 were you not?

10 A That's right.

11 Q Isn't it true that Ananda Marga Yoga Society
12 and then Ananda Marga, Inc., had a pyramidal flow of
13 information structure?

14 A To my knowledge at that time we didn't have it.

15 Q Okay. Let's turn over then to page 26, maybe
16 that will help refresh your recollection.

17 A There is not 26.

18 Q At the bottom. Page -- no, no, no. Page 26 of
19 this document. Of Defendants' Exhibit 11.

20 A Yes.

21 Q If you could go down to the last full
22 paragraphs, do you see that? It starts with the word so.

23 A So. Yes.

24 Q It says, so we have this flow, you know, this
25 pyramid, and Baba structured the flow must go on. It

1 will go and we will all grow from it. Did I read that
2 correctly?

3 A Yes.

4 Q Isn't it true that there was a pyramidal
5 structure with Baba at the top, then the general
6 secretary, and then the sectorial secretary, and then the
7 president of Ananda Marga Yoga Society and then below
8 that the regional offices? Isn't that the pyramid
9 structure that's being referred to here?

10 A It is not in here.

11 Q I'm asking you if that is what the pyramid
12 structure is that's being referred to here.

13 A So president --

14 THE COURT: You can agree or disagree, sir.

15 THE WITNESS: Yes.

16 Q (By Mr. Obitts) Okay. Isn't it the case that
17 the pyramid process is such where Central provides
18 information to you as a sectorial secretary who then
19 provides information on down below to regional
20 secretaries which then provides information on to the
21 local Margii?

22 A At that time the pyramidal flow was not
23 there.

24 Q Okay. Let me help refresh your recollection,
25 okay? Because this is what Pramiil says, and let me know

1 if I'm saying this correctly. Okay? In an organization
2 where -- okay, I need you to go up a half --

3 THE COURT: Well, Counsel, you need to ask him
4 if he agrees with what's contained in the statement. I
5 mean --

6 MR. OBITTS: Right.

7 THE COURT: -- you can read the statement, but
8 that's already in evidence.

9 MR. OBITTS: Okay.

10 THE COURT: I can read it.

11 MR. OBITTS: Okay. I understand. I'll do
12 that.

13 THE COURT: I'm more interested in is that what
14 was going on and does he acknowledge that and does he
15 agree with it.

16 MR. OBITTS: Right. Okay.

17 Q (By Mr. Obitts) So starting in the middle of
18 the paragraph I'm going to read you a statement and I'm
19 going to ask you if you agree with it or not. Okay? It
20 starts with the only way that can happen is through
21 intercommunication and that's something that we have to
22 develop. In an organization where we will be dealing
23 with millions of people, right now we are dealing with
24 thousands, it is difficult for one level of an
25 organization which is getting directives from a higher

1 level to go to each individual and explain things to
2 them. Did I read -- do you agree with that statement?

3 A I read the sentence.

4 Q I'm asking you do you agree with the statement?

5 A Sir, at that time I didn't --

6 Q Okay.

7 A At that time I didn't follow that -- it is a --
8 it was an interview given by Pramiil.

9 Q I understand. I'm wanting to know if you agree
10 with that statement by Pramiil.

11 A No, sir.

12 Q Okay. So let's go onto the next sentence and
13 I'm going to ask you if you agree with this statement.
14 It says, you have a pyramid process of doing so where the
15 point of the pyramid explains it to the next person and
16 it continues -- continues on until everyone knows about
17 it.

18 A I read that.

19 Q Okay. Do you agree with that statement?

20 A It is the statement stated by Pramiil, not me.

21 Q I understand. He was the president of Ananda
22 Marga Yoga Society. I'm asking you if you agree with the
23 statement of the president of Ananda Marga Yoga Society
24 at the time.

25 A The question is I was not involved in this

1 directly talking to Pramiil.

2 Q Okay.

3 A Because I was traveling --

4 Q You were -- you were touring this sector, were
5 you not?

6 A Exactly.

7 Q Okay. And Pramiil was left to administer
8 the --

9 A But --

10 Q -- the work?

11 A -- some time, some time. He's fallible. And
12 some time he has done which not according to my decisions
13 and --

14 Q Okay.

15 A -- judgment. It has happened several times.

16 THE COURT: So what's your answer? Do you
17 agree with that --

18 THE WITNESS: That --

19 THE COURT: -- statement of the president or
20 not?

21 THE WITNESS: No, sir.

22 THE COURT: Okay. Thank you.

23 Q (By Mr. Obitts) If Pramiil made the statement
24 here at the sectorial office, we want to be told by India
25 what they want us to do, which direction to go, how they

1 want us to organize what Baba wants, would you agree with
2 that statement?

3 A Again, I am coming to -- again re -- and I
4 repeat my previous statement here, at that time Baba was
5 in prison. I --

6 THE COURT: Okay. Please don't do that. I've
7 heard this four times.

8 THE WITNESS: Okay.

9 THE COURT: Just today. So all I need you to
10 do is to listen carefully to his question and answer just
11 that question. Mr. Erwin will have an opportunity to ask
12 you to explain things if he thinks they need to be
13 explained, okay?

14 THE WITNESS: Okay, sir.

15 THE COURT: So now's not the time for
16 explanations. Now is the time to listen to the question,
17 answer just his question, okay?

18 THE WITNESS: Yeah.

19 THE COURT: Thank you.

20 Q (By Mr. Obitts) So you don't agree with this
21 statement; is that what you said? Do you or do you not
22 agree with that last statement?

23 A Yes.

24 Q That's non-responsive but the question is --

25 A Sir, you are just confusing me putting --

1 Q I'm trying not to --

2 A -- points and points --

3 Q -- I really am not.

4 A You are putting points and points which is not
5 loving to me at all. As I again said again and again I
6 was --

7 Q I don't --

8 A -- all respon --

9 Q -- a question before you right now, okay?

10 Thanks. I'm not trying to confuse you and I apologize if
11 you feel that I am. If you could turn over to
12 Defendants' Exhibit 12, please. Do you have that
13 document in front of you?

14 A Yeah, I am seeing 12.

15 Q If you could look at page one that's marked as
16 page one?

17 A Yes.

18 THE COURT: This is Defense Exhibit 12?

19 MR. OBITTS: Defense Exhibit 12, that's
20 correct.

21 Q (By Mr. Obitts) And pages one through four,
22 isn't it true that this is a letter from you regarding a
23 recent trip to India?

24 A It's a tape recording.

25 Q Okay. It's a transcription of what you stated,

1 correct?

2 A Some of the things were not up to the
3 correction. What I said the -- the tape it was not
4 properly translated.

5 Q You know that now?

6 A Pardon me?

7 Q How do you know that now that it was not
8 properly translated.

9 A Even at -- at that time I objected when I read
10 through this article, some of the points I --

11 Q Okay. Where are the points that you objected
12 to? Some 40 some years ago that you remember now.

13 A 40 some years, correct.

14 Q Right.

15 A You're talking remembering and telling
16 everything to you, sir?

17 Q Is it --

18 A It is very --

19 Q -- are you saying that because you think that
20 I'm going to try to confuse you with this document? Is
21 that why you're saying that --

22 A No, you are not --

23 Q -- it was not properly transcribed?

24 A No, you are not confusing me with a document.

25 Q Okay.

1 A That's for sure.

2 Q All right.

3 A But the question is all this thing what I --
4 what I said in my tape recorded speech, it was --
5 sometimes the tape recording was not clear and the
6 transcription was not up to the mark.

7 Q Okay. Fine, fair enough. In 1973, isn't it
8 true that Keshavananda was the general secretary of
9 Ananda Marga Pracaraka Samgha Central?

10 A Acting general secretary.

11 Q Fair enough. And that's because the general
12 secretary was in jail, correct?

13 A Right.

14 Q Fair enough. Isn't it true that you went on
15 this trip to India and sought approval from Reverend Baba
16 to move the headquarters from Kansas to Denver?

17 A To seek blessings from him.

18 Q And he approved it, did he not?

19 A He -- he gave me the blessings.

20 Q Isn't it true that you received approvals from
21 Reverend Baba regarding many issues in the sector such as
22 publications, Tattvikas?

23 A He -- he blessed me to have a new sectorial
24 office regarding Tattvikas and publication, I was not
25 given any specific directions at that time.

1 Q Okay. So on this tape recording if you could
2 turn to page two of you, this transcription of your tape
3 recording, when it says in the jagrti -- this is the
4 first, the second paragraph -- in the jagrti I could see
5 Acarya Keshavananda Avadhuta the general secretary and
6 other important Dadas with whom I had appointments. I
7 had long conversation about organization for the needs of
8 our brothers and sisters who are in America and long
9 discussions regarding Baba's defense and all the other
10 aspects of Ananda Marga. And I could clear off many of
11 the doubts and I also could get cleared of many doubts
12 which I had.

13 The next day also we had discussion and after
14 the discussions we were over -- were over, we had the
15 opportunity to go to the jail where Baba is kept and I
16 also went to the jail and was trying to get inside but I
17 couldn't. One of the Margii brothers whose name is Ram
18 Tanaji is a lawyer also working for Baba's defense and
19 through him I gave some notes for approval to our sector.
20 This is -- that is approval for changing the headquarters
21 to Denver, making Tattvikas, publications of books,
22 international sectorial retreat.

23 So Baba had approved almost all the points
24 except publications, but he is seriously considering the
25 publications, too. And any day we may be able to receive

1 a positive approval of it from Baba himself.

2 Q Is it your testimony here today that that was
3 inaccurately transcribed?

4 A Sir, I said it was a blessing from Baba
5 regarding the transfer of sectorial quarters and I also
6 said --

7 Q No, my question to you is, is it your testimony
8 today that that paragraph that I read to you was somehow
9 transcribed improperly?

10 A No, that's not true.

11 Q Okay. But what I -- that's great. We're done
12 with that document. If you could go to the -- isn't it
13 true that the world headquarters were listed in the
14 Crimson Dawn during this time period?

15 A Which page?

16 Q Sure. If you go to page 34. Under address
17 listing. Do you have it there?

18 A Just a second. Yes, 34.

19 Q Okay. And at the top left corner it says World
20 Headquarters, Ananda Marga Pracaraka Samgha and lists an
21 address in India, do you see that?

22 A Yes.

23 Q And below that it has New York sector
24 headquarters and it lists an address in Wichita, Kansas.

25 A Correct.

1 Q And then below that it lists a sectorial Board,
2 do you see that?

3 A Yes.

4 Q And that is the Board of Ananda Marga Yoga
5 Society of Kansas, was it not?

6 A Correct.

7 THE COURT: What exhibit?

8 MR. OBITTS: That's Exhibit 12, page 34.

9 THE COURT: D-12.

10 MR. OBITTS: D-12, I'm sorry, Your Honor, I
11 apologize.

12 Q (By Mr. Obitts) If you could turn to
13 Defendants' Exhibit 13.

14 A Yes.

15 Q Before I do that, isn't it true -- the question
16 I previously said that in the Crimson Dawn for the years
17 '72, '73 that Ananda Marga Pracaraka Samgha in India was
18 listed as the world headquarters?

19 A '72, '73?

20 Q 1972, 1973.

21 A Yes.

22 Q Fair enough. So going to Defendants' Exhibit
23 13. If you could go to page 29 of that exhibit.

24 A Yes.

25 Q At the bottom in the middle and it says finance

1 Ananda Marga New York sector balance sheet.

2 A Yes.

3 Q That was the balance sheet of AMYS of Kansas,
4 was it not?

5 A Correct.

6 Q And in October of 1973 was when the funds --
7 I'm sorry. October of 1973 is when the New York jagrti
8 -- I'm sorry the Denver jagrti was in fact purchased, was
9 it not?

10 A Right.

11 Q If you could turn to Defendants' Exhibit 14.
12 Now, previously you testified that Baba never gave any
13 directions.

14 A When I left India at that time, he didn't give
15 any specific instructions except -- except please only
16 the structure according to the local law of the land.

17 Q Okay. Did he also say to organize the
18 structure similarly to how Ananda Marga Pracaraka Samgha
19 was organized in India?

20 A He didn't say that.

21 Q Okay. So, so far we've gone through a series
22 of exhibits.

23 A Right.

24 Q Isn't it true that in these there have been
25 repeated directives from Reverend Baba?

1 A Directives from Reverend Baba regarding the
2 function of the mission, yes. I'm talking --

3 Q What -- what is SSS? If you could look at page
4 six of Defense Exhibit 14, I want to know what SSS is.

5 THE COURT: Is there a page?

6 MR. OBITTS: Sure, page six at the bottom
7 DFTS03294 of Defendants' Exhibit 14.

8 THE COURT: Do you see that, sir?

9 THE WITNESS: Yes, sir.

10 THE COURT: Okay.

11 Q (By Mr. Obitts) My question to you is what is
12 SSS?

13 A These are the collective retreat which we were
14 conducting at that time.

15 Q And isn't true that Baba gave authorization for
16 the first collective retreat to occur?

17 A In this sector?

18 Q No, this is the first international collective
19 retreat. Isn't it true that Baba gave authorization for
20 the first international collective retreat? Do you want
21 me to help you find it?

22 A No, I have seen it, but I am trying to see and
23 I already explained collective -- the SSS is a retreat
24 that was given by Baba, that's true, that's true.

25 Q Okay, fair enough. If you could turn then to

1 page 29 of this document which is DFTS03317 of
2 Defendants' Exhibit 14.

3 A Which -- which portion, sir?

4 Q Page 29. It says finance at the top in big
5 letters.

6 A Yes.

7 Q Once again this is the financial statement of
8 Ananda Marga Yoga Society of Kansas described as Ananda
9 Marga New York sector, correct?

10 A Correct.

11 MR. OBITTS: I promise I won't do any more
12 finance ones, Your Honor.

13 Q (By Mr. Obitts) Isn't it true that it was the
14 practice to put for both Ananda Marga, Inc., and Ananda
15 Marga Yoga Society of Kansas the financial statements of
16 the respective corporations in the Crimson Dawn listing
17 them as Ananda Marga New York sector?

18 A Would you please explain to me what you mean?

19 Q Sure. Isn't it true that -- I'll break it down
20 because that was sort of compound, I apologize. Isn't it
21 true that Ananda Marga Yoga Society of Kansas put its
22 financial statements in the Crimson Dawn and listed them
23 as Ananda Marga New York sector?

24 A Yes.

25 Q Isn't it also true that when Ananda Marga,

1 Inc., started publishing the Crimson Dawn in 1974 that
2 it, too, put in its Crimson Dawn the financial statements
3 of Ananda Marga, Inc., and listed them as Ananda Marga
4 New York sector?

5 A Yes.

6 Q If we could fast forward to Defendants' Exhibit
7 18, please.

8 A Yes.

9 Q And going to page six of this document which is
10 marked as DFTS03442. Do you have that in front of you,
11 sir?

12 A Yes.

13 Q And this is listed as sectorial Board meeting
14 dated March 30th and 31st, 1974, correct?

15 A Correct.

16 Q Isn't it true that this was the Board meeting
17 of Ananda Marga, Inc.?

18 A Correct.

19 Q If you'd go to number six of this document it's
20 number one -- agenda items one, two, three, four, five,
21 so it's on page seven, it's number six. Do you re -- do
22 you have that in front of you, sir?

23 A Yes.

24 Q Do you recall that there was a discussion at
25 that Board meeting about the corporate structure and how

1 it gave the sectorial office, i.e., you full legal and
2 internal control?

3 A I am seeing six, I don't -- page seven, right?

4 Q No, number six. It says a discussion --
5 MS. CHEUNG: Page seven.

6 Q (By Mr. Obitts) It's page seven, number six.

7 A Yeah, that's what I'm telling.

8 Q Okay. Do you have that, sir? It says --

9 A Yeah, number six, yes.

10 Q Yes. And my question to you, isn't it true
11 that at that Board meeting that there was a discussion
12 about the corporate structure of Ananda Marga, Inc., and
13 how it gave the sectorial office, i.e., the sectorial
14 secretary full legal and internal control?

15 A It doesn't say here. Number six --

16 Q Yeah.

17 A -- I'm reading it here.

18 Q I'm asking you if there was a discussion --

19 A Well --

20 Q Okay. No problem. Oh, there's two sixes, I
21 apologize. It's number six of March 30th. Do you see it
22 now, sir?

23 A Yes.

24 Q And my question to you is that there was a
25 discussion at this Board minutes --

1 A Uh-huh.

2 Q -- at this Board meeting regarding the
3 corporate structure of Ananda Marga, Inc., and how it
4 gave the sectorial office full legal and internal
5 control. Do you recall that? Does this document help
6 refresh your recollection?

7 A It says a discussion about the corporation
8 structure and how it gives the sectorial secretary full
9 legal and internal control.

10 Q Do you recall that discussion?

11 A Yes.

12 Q Okay. Now, we can fast forward to Defendants'
13 Exhibit 21, please. Do you have that in front of you?

14 A Yes.

15 Q If you could go to page 34 of this document of
16 Defendants' Exhibit 21.

17 MR. ERWIN: Which page again?

18 MR. OBITTS: 34, toward the back.

19 Q (By Mr. Obitts) Do you have it --

20 A Yes, 34.

21 Q -- sir? Okay.

22 A Yes.

23 Q Before you look at the page, I want to ask you
24 a question, isn't it true that Central was providing
25 directives to Ananda Marga, Inc., related to what it

1 could publish in the Crimson Dawn during this time frame?

2 A 34?

3 Q Page 34. I'm asking you not to look at the
4 document. I'm asking you to --

5 A Oh.

6 Q -- recollect. Do you recall that AMPS Central
7 was providing directives to Ananda Marga, Inc., as to
8 what it could publish in the Crimson Dawn?

9 A No, sir.

10 Q Okay. Well, let's refresh your recollection
11 then. Let's go down to the bottom of page 34.

12 A Yes.

13 Q And it says more important notices. Do you see
14 that?

15 A Yes.

16 Q It's in the big box.

17 A Yes.

18 Q It says here CD changes, Crimson Dawn changes.
19 The supplement referred to above explains in details the
20 changes that Baba has made in Crimson Dawn such as fewer
21 address listings and the elimination of clash and
22 cohesion sections. Did I read that correctly?

23 A Yeah, I --

24 Q Does that help refresh your recollection?

25 A CD changes means --

1 Q Right. So Reverend Baba at AMPS Central
2 provided Ananda Marga, Inc., directives as to what -- how
3 the Crimson Dawn should be, correct?

4 A Yes.

5 Q What is the Dharma Pracar department?

6 MR. ERWIN: Objection, asked and answered.

7 THE COURT: Sustained.

8 MR. OBITTS: Okay.

9 Q (By Mr. Obitts) Isn't it true that AMPS
10 Central, the Dharma Pracar department, provided a booklet
11 or supplement as to what should occur related to Dharma
12 Pracar in the New York sector?

13 A I cannot recollect that.

14 Q Okay. Well, let's look at the supplement in
15 this Crimson Dawn. It says Crimson -- it says supplement
16 Crimson Dawn subscribers in the New York sector have
17 received a special supplement prepared by the Dharma
18 Pracar department. It contains much important and
19 inspirational news, mostly from Baba himself. Please
20 accord it the careful attention it warrants. Does that
21 help refresh your recollection?

22 A Yes.

23 Q Okay. So my answer before, isn't it true that
24 AMPS Central Dharma Pracar department provided a
25 supplement that was distributed to Margii in the New York

1 sector regarding Dharma Pracar --

2 A Ah --

3 Q -- and what should be done?

4 A This is not Dharma Pracar. It was actually
5 Baba's various spiritual quotations, et cetera, et
6 cetera, to be -- to be given to several members at the
7 time.

8 Q Okay. Isn't it true that at the time there was
9 something called a tour program?

10 A Which page?

11 Q No, I'm just asking --

12 A Oh, oh, I'm sorry.

13 Q -- you don't need to look at the page. Isn't
14 it true at the time that there was something called a
15 tour program?

16 A Yes.

17 Q And you had to follow a tour schedule, did you
18 not?

19 A Yes.

20 Q And in fact you published your tour program
21 schedule in the Crimson Dawn --

22 A Right.

23 Q -- did you not?

24 A Correct.

25 Q Sorry. If we could turn to what's been marked

1 previously -- no, what is Defendants' Exhibit 22, please.

2 THE COURT: Mr. Obitts, before you get into
3 this, let's go ahead and take our break. I have a
4 presentation I need to upstairs. Why don't we come back
5 at 1:30, and I'll note that you stopped on Exhibit D-22.

6 MR. OBITTS: Thank you, Your Honor.

7 THE COURT: Okay? Court's in recess. Thank
8 you.

9 (Whereupon a recess was taken.)

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1 AFTERNOON SESSION, MAY 11, 2011

2 (Whereupon the court reconvened and the following
3 proceedings were entered of record.)

4 THE CLERK: All rise. Courtroom 259 is back in
5 session.

6 THE COURT: Please be seated.

7 Mr. Obitts, cross-examination.

8 MR. OBITTS: Good afternoon, Your Honor.

9 THE COURT: Good afternoon.

10 SHIVA KUMAR NAIDOO

11 called as a witness on behalf of the Plaintiff, having
12 been previously sworn, testified as follows:

13 CROSS-EXAMINATION (Continued)

14 BY MR. OBITTS:

15 Q If you could turn to Defendants' Exhibit 22,
16 that's where we are last, Mr. Yatiishvarananda and if you
17 could turn to page 12 of that exhibit, please.

18 A Yes.

19 Q Okay. Previously you testified that there was
20 no reporting to Central, correct?

21 A Because at that time Baba was in prison.

22 Q Okay. Isn't it true that in fact there was
23 numerous reporting to Central that was going on even when
24 Baba was in prison?

25 A It was not but I remember I went to Kathmandu.

1 Q Why don't you move your microphone --

2 A I went to Kathmandu --

3 Q -- just a little bit in front of you.

4 THE COURT: I was just going to ask you to do
5 that.

6 THE WITNESS: I went to Kathmandu.

7 Q (By Mr. Obitts) Okay.

8 A Not directly to India, because of that
9 situation, and I just carried with me whatever we were
10 doing in New York sector.

11 Q Okay. So you're talking about during the
12 emergency period of time there was a camp office in
13 Kathmandu --

14 A Yeah.

15 Q -- where GS --

16 A Acting GS.

17 Q -- I was headquartered, correct?

18 A Acting -- acting GS.

19 Q Right.

20 A It was still in the camp office.

21 Q Okay. Fair enough. So you were then reporting
22 to the Central office moved its camp office to Kathmandu
23 then, correct?

24 A Well, due to the political situation it was to
25 be done that way.

1 Q So -- but there was reporting that was done
2 then to the Kathmandu camp office of AMPS Central,
3 correct?

4 A In fact when the reporting took place to my
5 knowledge I was -- I was the only one who came there to
6 give any report at all.

7 Q Okay. In the year 1974, just a few months
8 after Ananda Marga, Inc., was formed, in December 1974,
9 isn't it true that the Dharma Pracar secretary for the
10 New York sector provided reports to AMPS Central twice a
11 month?

12 A At that time the Dharma Pracar secretary was
13 not posted under me. And as I said in the beginning --

14 Q Just if you could answer my question, it was a
15 simple question.

16 A No, no.

17 Q Did --

18 A Because that --

19 Q -- the Dharma Pracar secretary in 1974 after
20 Ananda Marga, Inc., was formed provide reports to Central
21 in India or Kathmandu twice a month?

22 A As I said just now, the (inaudible) I used to
23 to go to, Kathmandu --

24 Q If you -- if you don't know --

25 A So --

1 Q -- you can just say I don't know.

2 A Yeah, that's what I'm trying to say, I don't
3 know.

4 Q Okay. Fair enough.

5 THE COURT: Okay.

6 Q (By Mr. Obitts) That's okay. That's all you
7 need to do. Isn't it true that in 1974 you inspected the
8 Dharma Pracar department of the sectorial office?

9 A I don't recollect.

10 Q Okay. Why don't we go to the bottom of page
11 12.

12 A Yes.

13 Q And the last full sentence it says when Dada
14 Yatiishvarananda -- that's you, correct?

15 A Yes.

16 Q Comes every month, he inspects our office,
17 files, works, and records in this book the results of the
18 inspection and what problems we are to work on before the
19 next inspection. Does that help refresh your
20 recollection as to what you were doing?

21 A Actually, I didn't even inspect every month.

22 Q Okay. So the author here --

23 A Author here is Pramiil Paul Fahnestock, and I'm
24 not the author.

25 Q Okay. So that's the president of Ananda Marga,

1 Inc., is the author of this document, correct?

2 A Yes.

3 Q Thank you. Now, turn the page to the next page
4 which is 13 --

5 A Yes.

6 Q -- of Defendants' Exhibit 22. Isn't it true
7 that when the Central office sent plans for Dharma Pracar
8 for the New York sector the Dharma Pracar Board met with
9 you?

10 A The Dharma Pracar Board at that time to my
11 knowledge it didn't function.

12 Q So the president of Ananda Marga, Inc., here is
13 just wrong when he's saying this?

14 A President -- he was doing everything according
15 to his own understanding, and many times he made mistakes
16 which I corrected him.

17 Q All right. Let's turn to Exhibit --
18 Plaintiffs' Exhibit 3, and Ms. Cheung is going to help
19 you get that. And if you could turn to the tenth page of
20 that document? Do you have it in front of you, sir?

21 A Yes.

22 Q Isn't it true in Article XIV that Dharma Pracar
23 is Item Number D --

24 A Wait a minute --

25 Q -- as to the programs of Ananda Marga, Inc.,

1 New York sector?

2 A Article XIV.

3 Q Article XIV, it's on page 10 number -- Section
4 I, Number D. It says Dharma Pracar. Do you see that,
5 sir? Do you want me to help you?

6 A Number 11?

7 Q Article XIV.

8 A Yes. Article XIV, yes, I see that.

9 Q Okay. Section I, D, Dharma Pracar, do you see
10 that, sir?

11 A Yes.

12 Q Okay. It's it true that Dharma Pracar was a
13 department of the New York sector, Ananda Marga, Inc.?

14 A Yes.

15 Q Going to page 14 back on Defendants' Exhibit
16 22, Ms. Cheung will help you with that. You can set that
17 one aside for now. We're still on Exhibit 22 on page 14,
18 Defendants' Exhibit 22.

19 A Yes.

20 Q Isn't it true that in 1974, Reverend Baba and
21 Central started a 16 points competition of Margiis in all
22 sectors?

23 A Yes.

24 Q If we could flip over to Defendants' Exhibit
25 23, please, going to page 20 of that exhibit. Your hands

1 are going to be dry after -- after this, I'm sorry.

2 A Yes.

3 Q This is the report on the sectorial Board
4 meeting, correct?

5 A Yes.

6 Q The sectorial Board is Ananda Marga, Inc., is
7 it not?

8 A Yes.

9 Q And on page 22 of the Board minutes of the
10 sectorial Board meeting which is Ananda Marga, Inc., the
11 last sentence at the very bottom it reads, Next Dadaji --
12 that's you, right, Dadaji?

13 A Yes.

14 Q Was asked to clarify the relationship between
15 RU and RAWA.

16 A Right.

17 Q He said he would check into this and advise the
18 Board, do you recall that happening --

19 A No, I don't --

20 Q -- at the Board -- okay. Do you recall that
21 you went to Central to ask for clarification?

22 A I'm not sure at the moment.

23 Q Okay. Fair enough. If you could turn to
24 Defendants' Exhibit 24, please.

25 A Yes.

1 Q Isn't it true that Central and Reverend Baba
2 was reviewing all publications of Ananda Marga, Inc., and
3 correcting them?

4 A Baba was in prison at that time. And I didn't
5 send anything which is related to Ananda Marga because he
6 was in prison to anybody.

7 Q So you didn't send anything to Central, did
8 you?

9 A No, because of the political situation was so
10 hot.

11 Q Okay. Well, let's look here then at Exhibit
12 24, Defendants', and it's inside the cover page it's Bate
13 stamped at the bottom DFTS03721.

14 A Yes.

15 Q It reads, there have been some changes in the
16 format and cont -- are you there, sir? I'm sorry. Are
17 you there?

18 A Yeah, I am there.

19 Q There have been some changes in the format and
20 content of the Crimson Dawn and all sectorial newsletters
21 brought to us from Central office, Kolkata by you. Some
22 contributions originally slated for this issue have been
23 deleted in compliance with these changes, they may
24 however be utilized in other sectorial publications. So
25 isn't it true that you went to Central, and they gave you

1 directives related to what should be in the publications
2 of Ananda Marga, Inc.?

3 A I cannot recollect that.

4 Q You don't disagree with this statement here, do
5 you?

6 A No.

7 Q If you could turn to page 11 of Defendants'
8 Exhibit 24, please, which is DFTS03732? Do you have it?

9 A 03158?

10 Q No, 3732. Of Exhibit -- Defendants' Exhibit
11 24.

12 A Oh, 24.

13 THE COURT: It's the very next page.

14 THE WITNESS: Yes, 24.

15 Q (By Mr. Obitts) Okay. Do you have that in
16 front of you, it's called Carya'carya cover
17 competition --

18 A Just one --

19 Q -- do you see that?

20 A -- second. Page number?

21 Q 11 at the bottom.

22 A One second.

23 Q No problem, take your time.

24 A Yes, I see here.

25 Q Great. Isn't it true that prior to 1974 the

1 Carya'carya had not been published in English yet?

2 A English was -- at the time it was there.

3 Q It was there? Okay. What is the Harbinger?

4 A Harbinger was a newsletter.

5 Q Okay. And it was a newsletter of Ananda Marga
6 Pracaraka Samgha Central, correct?

7 A It was a newsletter to disseminate informations
8 (sic) to all the sectors which I made it personally.

9 Q I understand, I'm going to get to your personal
10 involvement in a second.

11 A No, personally -- what -- what I mean to say, I
12 was the acting GS --

13 Q I --

14 A -- outside of India.

15 Q Okay. You're helping me because I'm going to
16 get there with the next question, but I'm trying to find
17 out if the Harbinger is a global newsletter --

18 A Yes.

19 Q -- of AMPS --

20 A Global.

21 Q -- Central?

22 A Global newsletter.

23 Q And in fact that when the crisis occurred along
24 with camp office in Kathmandu, there was also a camp
25 office of AMPS Central in Denver --

1 A Yes.

2 Q -- in the New York sector?

3 A Correct.

4 Q And you became acting GS number two, correct?

5 A Right.

6 Q And acting GS number one was whom?

7 A I think at that time Dada Keshavananda at that
8 time.

9 Q It was Dada Keshavananda, correct? Yes?

10 A Yes.

11 Q Okay, good. And in fact you became the editor
12 of the AMPS Central Harbinger magazine or newsletter,
13 correct?

14 A I was not the editor, I hand over the
15 responsibility to one Mr. Paul (inaudible).

16 Q Okay.

17 A I didn't have time at all.

18 Q Well, we'll get to the Harbinger magazine in a
19 bit and maybe that can refresh your recollection. It was
20 a long time ago. If you could turn to page 16, please,
21 of this Defendants' Exhibit 24.

22 A Yes.

23 Q Wasn't it the case in 1974 and thereafter for
24 Ananda Marga, Inc., while you were sectorial secretary
25 that it was important that the New York sector follow the

1 pyramidical order and the structural solidarity as set
2 forth by Reverend Baba?

3 A Which -- page number 16?

4 Q I'm just -- okay, 16, middle of the page. Do
5 you see it there, sir? In addition --

6 A Yes.

7 Q -- but I'm going to ask you the question first.

8 A Yes.

9 Q And then if you can't remember, I'm going to
10 help refresh your recollection, okay? Because I'm not
11 trying to fool you. Isn't it true that in 1974 and
12 thereafter when you were the sectorial secretary of the
13 New York sector for Ananda Marga, Inc., that it was of
14 paramount importance that the sector follow the
15 pyramidical order in the structural solidarity as given
16 by Reverend Baba?

17 A Yes.

18 Q During the time that you were the sectorial
19 secretary of the New York sector for Ananda Marga, Inc.,
20 isn't it true that you would use worksheets regarding the
21 16 points for adherents and then they would be collected
22 by your office?

23 A For some -- some period.

24 Q If you would be so kind to turn to Defendants'
25 Exhibit 25 which is the next exhibit. And if you could

1 turn to page 14 of that exhibit which is, excuse me,
2 DFTS03772.

3 A Yes, 14.

4 Q Okay. When was Baba's birthday?

5 A During the full moon of May.

6 Q Okay. And isn't it the case that it's a
7 requirement of all Margii to celebrate his birthday?

8 A Correct.

9 Q What is the 17 items report? If you look at
10 page 14, maybe that'll help refresh --

11 A I'm seeing --

12 Q -- your recollection.

13 A I'm seeing it, sir.

14 Q Okay. No problem.

15 THE COURT: What'd you call it, 17 items of
16 what?

17 MR. OBITTS: 17 items report.

18 THE WITNESS: Yes, I can see that.

19 Q (By Mr. Obitts) Okay. Isn't it true that an
20 important part of Ananda Marga Central's informational
21 reporting system is the 17 items report that is supposed
22 to be prepared by all sectorial secretaries?

23 A I'm not too sure of what other sectorial
24 secretaries.

25 Q Okay. How about for you, isn't it true that

1 Reverend Baba and Central required of you as sectorial
2 secretary for Ananda Marga, Inc., to provide a 17 items
3 report?

4 A Yes.

5 Q And on page 14 through 16 of Defendants'
6 Exhibit 25 is a report that was prepared by you, correct?
7 And take your time to look at it. It says at the top
8 prepared by Dadaji Yatiishvarananda Avadhuta, New York
9 sector, sectorial secretary?

10 A I was dictating.

11 Q Okay. So this is a dictating report?

12 A Dictating report.

13 Q Okay.

14 A And my -- the president was writing it down
15 and --

16 Q Okay. So the president of Ananda Marga, Inc.,
17 transcribed it for you?

18 A Right.

19 Q Okay. But this is your report it's just a
20 dictated report, correct?

21 A Right.

22 Q Okay. Number four of the 17 items report as
23 required by AMPS Central is something called pyramidical
24 order, do you see that?

25 A Which page?

1 Q Page 15.

2 A Yes, pyramidal order, right.

3 Q Okay. And you had to report on that to Central
4 every month, did you not?

5 A For every month, there was no occasion to go to
6 camp office.

7 Q I understand that. But my question --

8 A So -- but I --

9 Q -- to you --

10 A -- was not sending because the communication
11 was not there.

12 Q Okay. But you were required to prepare a 17
13 items --

14 A Required.

15 Q -- report?

16 A Yes, but I didn't send.

17 Q Okay. And in number two at the top it's called
18 structural solidarity, correct?

19 A One second. Yes.

20 Q Okay. And in fact this requirement came down
21 in December of 1975 from Reverend Baba that the 17 report
22 be required of the sectorial secretaries, correct?

23 A Right.

24 Q And thereafter you published the 17 item report
25 in the Crimson Dawn, did you not, while you were

1 sectorial secretary?

2 A Yes.

3 Q If you could turn to page 20 of Defendants'
4 Exhibit 25 which is Bated stamped DFTS03778.

5 A Yes.

6 Q Mr. Erwin previously asked you some questions
7 regarding RDS, so I'm going to hopefully help refresh
8 your recollection about RDS with this document. Isn't it
9 true that RDS would occur at the global headquarters and
10 then shortly thereafter there would be a sectorial RDS
11 and then shortly thereafter there would be a regional
12 RDS?

13 A But no one could attend the sectorial RDS in
14 Denver, no one did come.

15 Q Okay. But I'm asking you of the structure of
16 RDS. Isn't it true that the RDS structure is supposed to
17 be global RDS meets first --

18 A Right.

19 Q -- then the sectorial secretary comes back to
20 the sector with the information from global RDS and then
21 there is a sectorial RDS where the regional secretaries
22 come and meet with the sectorial secretary and then the
23 regional secretaries then take that information and do
24 their own regional RDS with the LFT's and Margii in their
25 own region --

1 A Yes.

2 Q -- correct?

3 A Yes.

4 Q And this was a flow of pyramidal information
5 from top to bottom, correct?

6 A Yes.

7 Q But during the time period when the camp office
8 for AMPS Central was the New York sector office, that did
9 not occur because of the crisis, correct?

10 A Correct.

11 Q But after, in 1977, when the emergency was
12 lifted -- or it could be '78, forgive me if I'm wrong on
13 the year -- do you remember the year?

14 A '77.

15 Q Okay, good, I was right. After it was lifted
16 then RDS occurred normally, correct?

17 A Because there were (inaudible) that could, but
18 whether I did that or not, I cannot say.

19 Q Okay. If you could turn to the second to the
20 last page of this Defendants' Exhibit 25 which is DFTS
21 03812.

22 A Wait a minute, which? 03782 (sic)?

23 Q No. 03812, sir, DFTS, it's the second to the
24 last page of --

25 A Oh, okay.

1 Q -- of this Defendants' Exhibit 25.

2 A All right. 812?

3 Q 812, correct. Do you see it?

4 A Just one second.

5 Q At the top it's going to say Dadaji's tour
6 schedule.

7 A Yes, 812, yes.

8 Q Okay. Good. Thank you. And halfway down the
9 page there's something called guide to the 10 compulsory
10 items, do you see --

11 A Yeah --

12 Q -- that?

13 A -- I see that.

14 Q And those are the 10 compulsory items that
15 Central office required of Ananda Marga, Inc., related to
16 what needs to occur in the Crimson Dawn, correct?

17 A Partially correct.

18 Q How is it impartially correct?

19 A Because some of them didn't occur, the report
20 which I stated here some of them I couldn't collect at
21 all so partially it was correct, partially it was not.

22 Q You partially complied with the -- with
23 Central's directive?

24 A No, what I'm trying to say, these points that
25 are written down here --

1 Q Yes.

2 A -- part of the report I couldn't collect, I
3 couldn't get. So naturally --

4 Q Oh, fair enough.

5 A -- part of the report I -- I just --

6 Q I understand. So you did your best?

7 A Yes.

8 Q Okay. But it is -- what I'm trying to find out
9 from you, my question was, isn't it true that Central
10 required of Ananda Marga, Inc., in its newsletter to at
11 least try its best to have these 10 compulsory items?

12 A Yes.

13 Q If you could turn to Defendants' Exhibit 26
14 which is in the next book which Ms. Cheung is kind enough
15 to get for you and going to page 58 which is DFTS03873.

16 MR. OBITTS: You know what, Your Honor, this
17 would be cumulative since he already answered it so I'm
18 going to move on.

19 THE COURT: Fabulous.

20 THE WITNESS: Page 58?

21 Q (By Mr. Obitts) No, you don't need to look at
22 it, sir.

23 THE COURT: He's going to --

24 THE WITNESS: Oh.

25 THE COURT: -- ask you something else.

1 Q (By Mr. Obitts) Yep. If you could turn to
2 Defendants' Exhibit 28 and page 27, I'm going to ask you
3 a question regarding what was going on when you were
4 acting GS number 2 for AMPS Central in their camp office
5 at Ananda Marga, Inc. DFTS09 -- 03946 which is 27 of
6 this magazine of Defendants' Exhibit 28.

7 A Yes.

8 Q Good. During the time you were GS number two,
9 isn't it true that you communicated to Baba through
10 individuals that came in -- from the camp office in
11 Denver for AMPS Central in a clandestine manner?

12 A During which time?

13 Q During the time that you were GS --

14 A Yes, I --

15 Q -- Number 2.

16 A -- understand; I understand that.

17 Q Yes.

18 A But clandestine way if I remember maybe once it
19 happened.

20 Q Okay. So when it says here going halfway down
21 right above sectorial local training center that Baba
22 speaks to us in this office many times through persons
23 not dressed completely in orange or white or any other
24 distinction that might catch the eye, his workers are
25 tucked away in inconspicuous places. Do you follow us on

1 this? Is the author here wrong of Ananda Marga, Inc. --

2 A Which one?

3 Q -- that -- you want me to --

4 MR. OBITTS: Can I approach, Your Honor?

5 THE COURT: Yeah.

6 Q (By Mr. Obitts) Right here. So isn't it true

7 that there were more than one time, in fact it was many

8 times that individuals were coming to meet?

9 A No, sir.

10 Q If you could forward on to Defendants' Exhibit

11 32.

12 A Yes.

13 Q And inside the cover page is something called

14 new regions which is DFTS04027, do you see it? It's a

15 map of the United States --

16 A Yes.

17 Q -- of America.

18 A Right, right.

19 Q Excepting out Hawaii and Alaska.

20 A Yes.

21 Q Okay. And it reads here, these new regions

22 have been approved by Baba and are effective immediately.

23 Any questions or comments should be directed to the

24 Dharma Pracar -- Pracar, sorry about mispronouncing the

25 word -- care of sectorial office. Do you see that?

1 A Yeah.

2 Q And so Reverend Baba reorganized the regional
3 structure of the New York sector, did he not?

4 A Let me make it clear here, I was asked to
5 divide the regions in the New York sector. And I did
6 accordingly.

7 Q Okay. And that was approved by Reverend Baba?

8 A I didn't -- I don't recollect I send it or not.

9 Q Okay.

10 A At that time --

11 Q You don't have --

12 A -- at that time.

13 Q -- you don't have.

14 A But I -- I divided the region --

15 Q Sure.

16 A -- that's true.

17 Q Sure. But you don't have any reason to
18 disbelieve this document, do you?

19 A No, I don't.

20 Q Okay. And if you could take a look at the date
21 of this document which is in July of 1977.

22 A Which --

23 Q Well, let me tell you, is it the case that in
24 July of 1977 is when Ananda Marga, Inc., stopped being
25 the camp office for AMPS Central?

1 A I cannot recollect that.

2 Q Okay. Why don't we look on page two.

3 A Page two of what?

4 Q Of this document which is DFTS04029. This
5 hopefully will help refresh your recollection. It's an
6 editor's note, do you see that editor's note?

7 A Yes, yes.

8 Q On the right hand column it says, Harbinger
9 will not be published by anyone here in the foreseeable
10 future. All funds left when it was discontinued have
11 been transferred to Central office in India. Any
12 inquiries can be directed to the sectorial office. Does
13 that help refresh your recollection that was in the
14 summer of 1977 that Ananda Marga, Inc., stopped being the
15 camp office for AMPS Central?

16 A It doesn't say that specific date here.

17 Q I -- I was going for summer. I was going for a
18 time of year, a season. And I was hoping that would
19 help -- if it doesn't help refresh your recollection, you
20 can just say, I don't know, that's fine.

21 A That's what I would say.

22 Q Okay. That's fine. I don't want you to guess.
23 If you could go on then to page 14 of Defendants' Exhibit
24 32, which is DFTS04042 and just let me know when you get
25 there, please.

1 A 04?

2 Q 04042.

3 A Yes.

4 Q Okay. Isn't it true that in the summer of 1977
5 after the emergency for Ananda Marga Pracaraka Samgha was
6 over, that Reverend Baba developed from 18 departments,
7 35 departments for Ananda Marga, Inc.? And if you want
8 to help refresh your recollection, you can go to page 14
9 on the bottom left corner where it says up to recently
10 Ananda Marga had 18 departments though only about nine
11 existed in North America, well now AM has 35 departments
12 and corresponding Boards.

13 A Yes, I see that.

14 Q Does that refresh your recollection that after
15 the emergency was lifted Reverend Baba created 35
16 departments for Ananda Marga, Inc.?

17 A After there emergency, still Baba was in
18 prison.

19 Q I understand that. But my question to you is
20 that --

21 A When he came out if I am -- if I can remember
22 correctly --

23 Q Okay.

24 A -- when he came out, he, you know, he expressed
25 all these departments.

1 Q Okay. And these were all departments for
2 Ananda Marga, Inc. --

3 A Yes.

4 Q -- correct? Great. If you --

5 A I'm --

6 Q -- could turn the page to --

7 MR. ERWIN: He's trying to clarify.

8 MR. OBITTS: He said correct --

9 THE WITNESS: Wait, wait, wait --

10 MR. OBITTS: -- and I moved on.

11 THE WITNESS: -- let me say. It was Ananda
12 Marga Pracaraka Samgha India.

13 THE COURT: Was that an objection?

14 MR. ERWIN: I -- I object, the witness --

15 THE COURT: Why don't you just rephrase --

16 MR. ERWIN: -- I object, the witness was trying
17 to clarify and he didn't let him.

18 THE COURT: Well, the objection's overruled.

19 If you don't stand, I don't hear your objection, okay?

20 Secondly, let's rephrase the question, let the witness --

21 MR. OBITTS: Okay. I'll try it --

22 THE COURT: -- grasp it.

23 MR. OBITTS: -- again. Fine.

24 Q (By Mr. Obitts) Isn't it true that Reverend
25 Baba required there to be 35 departments for Ananda

1 Marga, Inc.?

2 A Ananda Marga Pracaraka Samgha, he gave it
3 really to Central.

4 Q Okay.

5 A After that Central sends to all the sectors.

6 Q So here it reads in 1977 after the emergency's
7 lifted in the bottom left corner to recently Ananda Marga
8 had 18 departments, is that referring to -- are you
9 saying that's referring to Ananda Marga Pracaraka Samgha,
10 or is that referring to Ananda Marga, Inc.? I'm a little
11 confused.

12 A Ananda Marga, Inc. -- let me make it very clear
13 here.

14 Q Please do.

15 A Ananda Marga, Inc., is a growing organization,
16 it's a growing organization. So I couldn't even
17 implement all those 18 departments let alone 36.

18 Q Right. Fair enough. I understand that. But
19 all I'm trying to say is that Reverend Baba provided a
20 directive to Ananda Marga, Inc., to please establish 35
21 departments whether or not it in fact did or not. That's
22 all I'm trying to ask.

23 A Sir, what I'm trying to clarify here -- again
24 I --

25 Q Well --

1 A -- I would say here that Baba was in prison, so
2 naturally the -- all the departments which Baba
3 initiated, I could implement in the sector.

4 THE COURT: Why don't you move onto something
5 else.

6 MR. OBITTS: I'm going to move on to something
7 else. Thanks.

8 Q (By Mr. Obitts) If you could turn over to page
9 19. And it was in 1977, was it not --

10 A Wait a minute.

11 Q Sure. Page 19, DFTS04049, isn't it true that
12 it was in summer of 1977 that Reverend Baba created the
13 Bhukti Pradhan system?

14 A Yes.

15 Q Isn't true that Central provided AMPS, New York
16 sector, Ananda Marga, Inc., with Bhukti Pradhan
17 guidelines for implementation of the Bhukti Pradhan
18 system?

19 A Yes.

20 Q If you could turn to Defendants' Exhibit 37,
21 please. On page 10 which is DFTS04160.

22 A Yes.

23 Q Here Ananda Marga, Inc., publishes the duties
24 and responsibilities of the Bhukti Pradhan, correct?

25 A Yeah, the duties and responsibilities.

1 Q Fair enough. And then it goes on below there
2 to ISMUB and defines what ISMUB means, correct?

3 A Yes.

4 Q And wasn't ISMUB an important element in the
5 reporting structure of Ananda Marga Pracaraka Samgha?

6 A Yeah.

7 MR. OBITTS: Is that loud enough? The yes?

8 THE COURT: Yeah.

9 MR. OBITTS: Okay.

10 Q (By Mr. Obitts) If you would be so kind as to
11 turn to Defendants' Exhibit 39, going to page four of
12 that exhibit which is DFTS04210.

13 A Yes.

14 Q Previously you testified that Central or
15 Reverend Baba never gave any input regarding real estate
16 of Ananda Marga, Inc., or AMPS New York sector, correct?
17 You don't need to look at that exhibit. I'm --

18 THE COURT: He's just asking you if you
19 remember saying that earlier.

20 Q (By Mr. Obitts) When Mr. Erwin asked you a
21 question, he asked you whether or not Central or Reverend
22 Baba ever gave you any input or direction regarding real
23 estate in the New York sector and you answered, no, it
24 never did. Do you recall that?

25 A He gave me the instruction.

1 Q So he did give you instruction, fair enough.
2 And he gave you instruction what to do with jagrtis, did
3 he not?

4 A According to the location situation and
5 condition.

6 Q Okay. And isn't it true that after Baba was
7 released from jail finally --

8 A Right.

9 Q Right?

10 A Right.

11 Q That he wanted to visit the New York sector,
12 correct?

13 A Correct.

14 Q And the New York sector needed to raise some
15 money to spruce things up here for his visit. Do you
16 remember that?

17 A Right.

18 Q And in fact you wanted to sell a jagrti in Los
19 Altos Hills, correct?

20 A I cannot recollect that.

21 Q Okay. Well, why don't you take a look under
22 sectorial office news and maybe that can help refresh
23 your recollection.

24 A Yes.

25 THE COURT: Tell him the page again.

1 Q (By Mr. Obitts) That is page four DFTS04210.
2 Do you have it there?

3 A That's it, yes.

4 Q Okay. So let me read to you and maybe this
5 will help refresh your recollection. The sectorial
6 office is being fixed up with some new paint and repairs
7 in anticipation of Baba's visit next year. Dharmalaya,
8 the other house owned by SO meaning sectorial office
9 formally SLTC has been sold. Most of the profits will go
10 into the repairs done on the Los Altos Hills jagrti in
11 anticipation of its sale, parens, which Baba has since
12 vetoed saying that all jagrtis are to be maintained for
13 history like the ancient temples in India which still
14 stand today. Do you see that?

15 A Yes.

16 Q Does that help refresh your recollection?

17 A In fact I already knew this rule, the jagrtis
18 should not be sold.

19 Q Okay. However, isn't it true that Baba vetoed
20 the sale of Los Altos Hills?

21 A To my recollection, sir, as I said already that
22 I already knew this rule. No jagrtis can be sold. So I
23 never intended to sell it until I collected money from
24 the Margiis to spruce up the jagrti (inaudible) Baba.

25 Q If we would turn on to Defendants' Exhibit 44,

1 we're trying to jump through here as fast as we can. If
2 you could turn to page eight of that exhibit which is
3 DFTS04351.

4 A Yeah.

5 Q Isn't it true that Baba's visa was denied to
6 come to the United States?

7 A That is correct.

8 Q And that is the reason why Baba's visit to the
9 New York sector was in Jamaica, correct?

10 A Correct.

11 Q Okay. And you were pretty outraged by his
12 denial, were you not, of his visa?

13 A I was angry.

14 Q Yeah. And you wrote a letter to the president
15 of the United States at that time, Jimmy Carter, correct?

16 A Correct.

17 Q And you published that letter for all to see in
18 the Crimson Dawn, correct?

19 A That's correct.

20 Q And you wouldn't lie in this letter, would you?

21 A No.

22 Q So it's an accurate description of what Ananda
23 Marga is, correct?

24 A When you say it like this, this newsletter is
25 correct, this particular aspect is true.

1 Q Okay. That's all I needed to know. Thank you.
2 And that's your handwriting on the second page of this
3 letter, correct?

4 A Yeah.

5 Q Okay. Did you get a response from Jimmy
6 Carter?

7 A No, sir.

8 Q Okay. If you could turn to Defendants' Exhibit
9 45, please.

10 A Okay.

11 Q And specifically page number DFTS04375 which is
12 page four of this Crimson Dawn.

13 A Yes.

14 Q Okay. You don't need to look at it --

15 A Yes.

16 Q -- I'm going to ask you a couple questions.

17 A Okay.

18 Q And hopefully you can remember and then we can
19 speed through it fastly (sic). Isn't it true that when
20 Reverend Baba got out of jail, he informed all sectors
21 including Ananda Marga, Inc., in the New York sector that
22 the prior of the work is implementation of the new
23 educational relief and Dharma Pracar programs?

24 A Yes.

25 Q And that's what in fact was done by Ananda

1 Marga, Inc., in the New York sector, correct?

2 A Correct.

3 Q So on page four is letter from you and it's
4 signed by you on the second page. Do you see that? On
5 page five? It's page four and five, it's a letter from
6 SS. Do you want --

7 A Yeah, letter from SS.

8 Q Do you see your signature on the second page?

9 A Yeah, I can see that.

10 Q Okay. And that's your signature, right?

11 A Yes.

12 Q And everything in this letter was true,
13 correct, because you wrote it?

14 A Yes.

15 Q If you could turn to Defendants' Exhibit 46,
16 please.

17 A Yes.

18 Q Turning to page four of that exhibit as well,
19 DFTS04430.

20 A Yes.

21 Q Acarya Danaviira is also known now as Acarya
22 Daneshananda, correct?

23 A Yes.

24 Q And he was an Board member and officer of
25 Ananda Marga, Inc., was he not?

1 A He was my office secretary.

2 Q Right. But he also was a Board member of
3 Ananda Marga, Inc., was he not?

4 A I cannot recollect.

5 Q You can't recall, okay, that's fair enough.
6 Here -- and I'm going to ask you if you agree with this
7 statement by Danaviira also known as Daneshananda. It
8 says through his capacity as president of Ananda Marga
9 Baba -- through his capacity as president of Ananda
10 Marga, Baba is personally setting all the priorities of
11 our work posting all workers, giving all systems of
12 reporting or organizational procedures as well as
13 specific techniques for the implementation of our
14 programs, period. Do you agree with that statement? And
15 this is the time period right after Baba got out of jail.

16 Q Right. Which aspect I am --

17 A Oh, sure, let me --

18 MR. OBITTS: May I approach him, Your Honor?

19 THE COURT: Yep.

20 THE WITNESS: Where is it?

21 Q (By Mr. Obitts) Do you see that?

22 A Yes.

23 Q And do you agree with that statement?

24 A That's correct.

25 Q Yes, that's correct? Okay. Next sentence down

1 I'm going to ask you if you agree with this statement.
2 Through a very tight reporting system, the details of the
3 progress of Ananda Marga all over the planet are given to
4 him, that's Reverend Baba, correct? Him? H-i-m capital?
5 It's the next sentence down.

6 A Yeah, I can see that.

7 Q I'm asking you is h-i-m, capital h-i-m, is that
8 Reverend Baba?

9 A Yes.

10 Q Okay. By the Central office workers everyday.
11 In this way Baba is personally making sure that our
12 organization is always on the right track moving smoothly
13 and swiftly toward the goal. Presently Baba is effecting
14 a significant shift of roles in the organization. The
15 main responsibility for maintaining and strengthening the
16 existing structure is being given to the Bhukti Pradhans
17 and different left Pramukhas of all the trades. Do you
18 agree with that statement?

19 A We consent on a daily basis the report.
20 Everyday that report was to be sent.

21 Q Yes.

22 A But we couldn't do it.

23 Q Okay. But he wanted -- Reverend Baba wanted
24 you to do it?

25 A Yes.

1 Q Okay. And you tried your best to do so?

2 A I tried my best.

3 Q Okay. But other than that, you agree with this
4 statement?

5 A Yes.

6 Q So isn't it true that when Reverend Baba got
7 out of jail until his physical death in 1990, he was
8 micro-managing all parts of Ananda Marga Pracaraka Samgha
9 including all its nine sectors?

10 A Yes.

11 Q It's my understanding that you were a very
12 well-liked sectorial secretary is that your understanding
13 as well?

14 A That's what people say.

15 Q Fair enough, you're humble.

16 THE COURT: How's he going to know?

17 MR. OBITTS: Well, he didn't make the
18 objection, so --

19 THE COURT: He did, the witness did.

20 MR. OBITTS: I know, I know. I'm trying to
21 butter him up for my next question.

22 Q (By Mr. Obitts) Okay. If you could turn --

23 A I said that's what -- that's what people say.

24 Q No, I know.

25 A I said it.

1 Q Defendants' Exhibit 60, would you go there,
2 please? Defendants' Exhibit 60, it might be in the next
3 book.

4 A Yes.

5 Q Okay. Let me wait for Mr. Erwin to get it
6 open. Yeah, 60. And going to page 17 which is
7 DFTS05054. And the date of this Crimson Dawn is July,
8 August, 1983.

9 A 05054?

10 Q 05054.

11 A I'm seeing that.

12 Q And this is your farewell talk, is it not, to
13 the New York sector right before you leave because you've
14 been posted elsewhere?

15 A Yes.

16 Q And this was a transcription, correct?

17 A That's correct.

18 Q Did you review this transcription at the time
19 to make sure that it was correct? Do you recall?

20 A It's so many years ago, I --

21 Q I know, I know. I'm asking you to look back in
22 your mind. If you don't know, that's fine. But I'm
23 asking you to think about it. It's a very long talk.

24 A I know, that's why I'm telling.

25 Q Because I don't want to have to go through it

1 with you. So I'm trying to find out if it was an
2 accurate transcription or not.

3 A How would I say now after so many years?

4 Q Okay. So you don't know?

5 A Yes, I -- I --

6 Q All right.

7 A -- I definitely gave a talk, that's for sure.

8 Q Oh, that's for sure. But I'm asking you did
9 you review the transcriptions afterwards to make sure
10 that it was accurate?

11 A No, I didn't. I accepted whatever, you know,
12 they are going to print it out, and we're okay.

13 Q So you have no reason to doubt -- so you have
14 no reason to question the accuracy of this transcription?

15 A That's correct.

16 Q Okay. And everything that you make -- speak
17 about is truth, right, isn't that one of your conduct
18 rules?

19 A Definitely.

20 MR. OBITTS: Just a few more, Your Honor.

21 THE COURT: Okay.

22 Q (By Mr. Obitts) Isn't it true that the 1974
23 bylaws refer to Ananda Marga, Inc., as the sectorial
24 office? If you want to take a look at them, you don't
25 have to do it from memory.

1 A No, I --

2 Q Let's go to Exhibit 3 then. Plaintiffs'
3 Exhibit 3. And I need you to go to -- sorry, I'm losing
4 my voice -- Article IV.

5 A Yeah, Article IV.

6 Q Okay. And if you go down to Section II, it
7 says, sectorial office in these bylaws refer to this
8 corporation, correct?

9 A It says sectorial office means here --

10 Q The corporation.

11 A I -- I'm coming to the point.

12 Q Okay.

13 A Sectorial office for the entire sector not
14 really for the U.S. I want to make it very clear.

15 Q Fine.

16 A Canada, Mexico, Central America, Caribbean
17 Islands. So this AM, Inc. --

18 Q That's --

19 A -- is relating to only the U.S. --

20 Q I see.

21 A -- not the other countries.

22 Q Isn't it true that on visa matters when you
23 were sectorial secretary that Central AMPS had to ratify
24 those decisions?

25 A This (inaudible) specifically?

1 Q When you were the sectorial secretary --

2 A Right.

3 Q -- of Ananda Marga, Inc., --

4 A Uh-huh.

5 Q -- isn't it true that AMPS Central had to
6 ratify matters related to immigration?

7 A You mean related to immigration is connected to
8 the government, U.S. government.

9 Q No, ratifying the decisions of your office
10 related to getting visas and whatnot --

11 A Because I already --

12 Q -- for -- for workers.

13 A -- I already was -- I was -- my office is
14 already opening up.

15 Q I understand that. I'm talking --

16 A And giving visas for the workers.

17 Q That's right. And I'm saying to you isn't it
18 true that AMPS Central had to ratify those decisions for
19 new workers coming to the sector to receive visas?

20 A Sir, I was already doing it.

21 Q Okay. Why don't we turn to Defendants' Exhibit
22 137.

23 A I was already doing it because --

24 Q Defendants' 137.

25 A Yes.

1 Q And maybe this help refresh your recollection.
2 This is an application for a B-2 visa, correct?

3 A Yes.

4 Q And it says in block 15 in the form on the
5 first page, do you see that, other special requirements?

6 A Yeah, assignment must be ratified by the Ananda
7 Marga --

8 Q Central office in --

9 A Kolkata.

10 Q -- Kolkata, correct?

11 A Yeah, I see that.

12 Q So does that help refresh your recollection
13 that during the time period that you were sectorial
14 secretary of Ananda Marga, Inc., that the AMPS Central
15 office had to ratify immigration bars? If you can't
16 remember, you should say I can't remember.

17 A I can't remember that.

18 Q Okay. Fair enough.

19 A Because I was already doing it anyway so --

20 Q So we've already established the ISMUB was
21 created by Reverend Baba in 1977, correct?

22 A Yeah.

23 Q Okay. If you would be so kind as to turn
24 Defendants' Exhibit 240 please. And Ms. Cheung will get
25 that for you. Do you have that in front of you, sir?

1 A Yes.

2 Q Okay. Isn't it true that AMPS Central provided
3 pro formas for the New York sector for its inspection
4 reports?

5 A Yes.

6 Q And isn't it true that Defendants' Exhibit 240
7 is the pro forma?

8 A Yes.

9 MR. OBITTS: Your Honor, at this time I'd like
10 to move Exhibit 240 into evidence.

11 THE COURT: Any objection to 240?

12 MR. ERWIN: Lack of foundation.

13 THE COURT: Overruled. The exhibit's admitted.
14 (Defendants' Exhibit D-240 admitted into evidence.)

15 Q (By Mr. Obitts) If you'd be so kind as to turn
16 to Defendants' Exhibit 242, please.

17 A Yes.

18 Q Isn't it true that Ananda Marga Pracaraka
19 Samgha Central provided the New York sector with pro
20 formas related to financial responsibilities and
21 liabilities?

22 A Yes.

23 Q And isn't it true that this Defendants' Exhibit
24 240 is a true and accurate copy of that pro forma?

25 THE COURT: Exhibit 242.

1 MR. OBITTS: 242, sorry, Your Honor.

2 Q (By Mr. Obitts) Is a true and accurate copy of
3 that pro forma?

4 A Yes.

5 MR. OBITTS: At this time, Your Honor, I'd like
6 to move Exhibit 242 into evidence.

7 THE COURT: Same objection?

8 MR. ERWIN: Same objection, Your Honor.

9 THE COURT: Same ruling. Exhibit 2's admitted
10 -- or 242's admitted.

11 (Defendants' Exhibit D-242 admitted into evidence.)

12 Q (By Mr. Obitts) If you would be so kind as to
13 turn to Defendants' Exhibit 246 which also has not been
14 stipulated to. 246.

15 A Yes.

16 Q Do you have that in front of you?

17 A Yeah.

18 Q And that is the ERAWS guidebook?

19 A Yes.

20 Q E-R-A-W-S --

21 A Uh-huh.

22 Q -- guidebook?

23 A Right.

24 Q And this was a guidebook that was created

25 Ananda Marga Pracaraka Samgha for the sectorial ERAWS

1 secretary in each sector, correct?

2 A Yes.

3 Q And Exhibit 246 is a true and accurate copy of
4 the ERAWS guidebook in place in 1981 while you were still
5 sectorial secretary for the New York sector?

6 A It's a photocopy.

7 Q Yeah, a true and accurate photocopy.

8 A Yes.

9 Q Yes?

10 MR. OBITTS: At this time, Your Honor, I'd
11 like to move Defendants' 246 into evidence.

12 MR. ERWIN: Same objection.

13 THE COURT: Same ruling. It's admitted.

14 (Defendants' Exhibit 246 admitted into evidence.)

15 Q (By Mr. Obitts) And on page five of this ERAWS
16 guidebook, which is DFETS00495 --

17 A I'm not seeing the D --

18 Q Okay. Let me help you because this is a weird
19 exhibit. Unusually stapled exhibit, how's that?

20 A Yes.

21 Q You have that? Do you see where it says
22 structure of Ananda Marga Pracaraka Samgha? Do you see
23 that?

24 A Yeah.

25 Q So it says the Ananda Marga organization has

1 been divided into two parts, a structural side and an
2 organizational side. Do you disagree with that?

3 A That's correct.

4 Q That is correct. And the structural side, the
5 world is divided into nine sectors and then sectors into
6 regions, regions into diocese, diocese into districts,
7 districts into blocks, blocks into panchayats, and
8 panchayats into villages, and accordingly different
9 secretaries are posted in the different levels, parens,
10 sectorial secretary, regional secretary, et cetera. End.

11 A Correct.

12 Q Did I read that correctly?

13 A Yeah.

14 Q And that is true what the structure of Ananda
15 Marga Pracaraka Samgha was?

16 A Correct.

17 Q Correct? Thank you. If you could turn to
18 Exhibit -- Defendants' Exhibit 100, please.

19 A Yes.

20 Q This is the October 11th, 1972, ruling from the
21 United States Department of Justice related to your
22 immigration status, is it not?

23 A Correct.

24 Q After this ruling by the United States
25 Department of Justice, did you review this document --

1 A No, sir.

2 Q -- and read it?

3 A I didn't read it.

4 Q You didn't read it?

5 A No.

6 Q Okay.

7 A The President Fahnestock, he did the whole
8 thing.

9 Q Okay. So the president he in fact argued --

10 A In Minneapolis.

11 Q Yeah, okay, fair enough. So I'm going to ask
12 you a couple of questions to see if you agree with these
13 statements, okay. So it says the record reveals that in
14 March of 1971, that's when you were posted to this
15 sector, correct?

16 A Yes.

17 Q The acting general secretary of Ananda Marga
18 Pracaraka Samgha in India appointed you as the religious
19 minister attached to the Ananda Marga Yoga Society in
20 North America which is a branch of Ananda Marga Pracaraka
21 Samgha Central, correct?

22 A Correct.

23 Q And that's a true statement?

24 A Yes.

25 Q Okay. I'm going to read on. The record also

1 reveals that the founder and general secretary of Ananda
2 Marga Pracaraka Samgha had bestowed his power of attorney
3 upon the beneficiary -- meaning you -- in order that he
4 be free to perform all the duties and shoulder all the
5 responsibilities of a sectorial secretary of the New York
6 sector which includes the entire North American continent
7 and Hawaiian islands.

8 A Yes.

9 Q That is a true statement, is it not?

10 A Yeah.

11 Q This power of attorney authorized him to do all
12 the work on behalf of the Samgha such as to form units,
13 to accept donations, and to be authorized for the purpose
14 of propagating the believes of the society. That is a
15 true statement, too, is it not?

16 A Right.

17 Q Finally Ananda Marga Yoga Society is a
18 religious denomination; is that true?

19 A Yes. For the sake of visa purposes.

20 Q If you could turn to Defendants' Exhibit 155,
21 which has not been stipulated to which are the Board
22 minutes of Ananda Marga, Inc.

23 A Yes.

24 Q Do you have them in front of you?

25 A Right.

1 Q Okay. If you can take a look at this and let
2 me know if this a true and accurate copy of the Board
3 minutes of Ananda Marga --

4 MR. ERWIN: I'll stipulate to this.

5 THE COURT: Okay. Will you take it?

6 MR. OBITTS: I'll take the stipulation.

7 THE COURT: Okay. Admitted by stipulation,
8 Exhibit D-155.

9 (Defendants' Exhibit D-155 admitted into evidence.)

10 Q (By Mr. Obitts) Isn't it true that at that
11 time in 1981 that the sectorial level corporations for
12 Ananda Marga Pracaraka Samgha New York sector was Ananda
13 Marga, Inc., Ananda Marga Yoga Society of Kansas, Inc.,
14 and Ananda Marga Publications? And if you need to
15 refresh your recollection you can look at the first page
16 halfway down. Where it says currently the officers for
17 all sectorial level corporations.

18 A Yes, I see that.

19 Q And my question to you, isn't it true that in
20 1981 that the sectorial level corporations for AMPS New
21 York sector were Ananda Marga, Inc., Ananda Marga Yoga
22 Society of Kansas, Inc., and Ananda Marga Publications?

23 A Correct.

24 Q If you could turn to the third page of this
25 document.

1 A Yes.

2 Q Previously you testified that Central never had
3 any say in changing the bylaws of Ananda Marga, Inc. Do
4 you remember saying that?

5 A In the beginning.

6 Q Okay. How about --

7 A Then afterwards --

8 Q -- the 1984 (sic) amendments? Isn't it true
9 that Reverend Baba told you all what you need to do?

10 A Yeah, he -- he did say.

11 Q Thank you. Isn't it true that in 1981 that
12 Ananda Marga, Inc., prepared a financial and legal
13 handbook turning to page four?

14 A Yes, page four.

15 Q Page four, right. Isn't it true that a
16 financial and legal handbook was established for Ananda
17 Marga, Inc.?

18 A Where we printed it or not, I'm not sure.

19 Q Okay. Isn't it true that that financial and
20 legal handbook stated that the sectorial secretary is the
21 representative of the general secretary in the sector?

22 A Yes.

23 Q Isn't it true that when Reverend Baba made it a
24 priority for the New York sector to raise money for
25 Ananda Nagar in India that you at Reverend Baba's

1 direction sold the Philadelphia jagrti and gave that
2 money to India?

3 A It was for Tiljala in Kolkata not --

4 Q Okay. I'm sorry.

5 A -- Ananda Nagar.

6 Q I apologize.

7 A Not Ananda Nagar.

8 Q Okay. It was for Tiljala.

9 A And not the whole fund was send there. Some --
10 because the local members of Ananda Marga the direction
11 always Baba is to give us was is you cannot sell the
12 jagrti, number one. Number two, if you sell it, then you
13 have to have another jagrti in the position -- that
14 place.

15 Q Okay.

16 A So let me explain it. Some --

17 Q Fair enough.

18 A -- some portion of the money was sent to India
19 for the Tiljala construction, but still the money was
20 kept in Philadelphia to buy a new -- a new jagrti.

21 Q Okay. Fair enough. And that was done with
22 approval of Reverend Baba, was it not?

23 A In fact it was -- I -- I made up the mind to
24 make sure that Baba gets the money.

25 Q Okay. Fair enough. Good. And you told people

1 in fact that Reverend Baba instructed you to do this,
2 correct?

3 A Baba never gives any instruction to sell
4 jagrti. Very correctly, he never gives any instruction
5 at all. Because he always wants us to build jagrti,
6 construct jagrtis.

7 Q Okay.

8 A He never does that.

9 Q I see.

10 A I want to make it very clear here.

11 Q Okay. Fair enough. Did you serve on the
12 Central Executive Committee of Ananda Marga Pracaraka
13 Samgha Central?

14 A When?

15 Q I'm asking you have you ever.

16 A Yes.

17 Q What years?

18 A I think since 1991.

19 Q 1991 until?

20 A Until I was transferred to Qahira sector.

21 Q Okay. Let me help you out with the dates,
22 okay? So it was during the periods of times that you
23 were education secretary II?

24 A Right.

25 Q And this during the time period when Reverend

1 Baba had set up the Sectorial Executive Committee in all
2 the sectors, correct?

3 A During my time, sir, it was --

4 Q It was after --

5 A -- 1991 but I didn't -- because already I was
6 already in the center. I was not in the sector.

7 Q I -- I understand that. What I'm trying to say
8 and I'm sorry if I'm communicating poorly, I apologize.
9 My question to you is the time that you served on SEC --

10 A Right.

11 Q -- at the center was after Reverend Baba had
12 established the Sectorial Executive Committee system,
13 correct?

14 A Instructions were given --

15 Q Okay.

16 A -- to form the Sectorial Executive Committee.

17 Q Fair enough. And wasn't it part of the role of
18 the Central Executive Committee when you served on it to
19 review resolutions --

20 A Yes.

21 Q -- from the Sectorial Executive Committees?

22 A Yes.

23 Q And to approve or provide guidance or deny
24 them?

25 A Yes.

1 Q And in fact during the period of time that you
2 served on the Central Executive Committee, isn't it true
3 that many times sectors including the New York sector
4 provided requests which related to disposition of real
5 property that's the Central Executive Committee decided?

6 A Please --

7 Q That was a long sentence, I know, I am sorry.

8 A What are you trying to tell me, please?

9 Q I'll try it again.

10 A See you really did --

11 Q I think the judge thinks you'd be a good
12 attorney because you're objecting to my questions so
13 anyway --

14 A I'm sorry, yes.

15 Q -- so let's try it again, here we go.

16 THE COURT: Don't apologize.

17 MR. OBITTS: That's wonderful, my parents are
18 in the courtroom, so that's wonderful for them to
19 recognize that about their son.

20 Q (By Mr. Obitts) So here is the -- here's the
21 question. During the time that you were on the Central
22 Executive Committee, did the Central Executive Committee
23 consider matters related to real property of the sectors
24 including the New York sector?

25 A Real property?

1 Q Yes, like land.

2 A Yes. Regarding what?

3 Q Regarding whether or not --

4 A Land mean, what, buying or --

5 THE COURT: Okay. You've got to let him finish
6 his question even if it's --

7 Q (By Mr. Obitts) Regarding --

8 THE COURT: -- distorted.

9 Q (By Mr. Obitts) -- selling. Selling land.

10 A Again, I want to make it very clear that
11 selling to my knowledge it's my knowledge selling never
12 in the history of Baba's mission, Baba never ordered
13 anywhere in the sector to sell any land or jagrtis.

14 Q Okay.

15 A So naturally if it was Baba's instruction, the
16 Central Executive Committee also should follow.

17 Q Okay. And in the New York sector the land, the
18 jagrtis and land was held and titled by Ananda Marga,
19 Inc., was it not?

20 A Yes.

21 Q And that was the land of AMPS New York sector,
22 was it not?

23 A The AMPS New York sector? No. AM, Inc.

24 Q Okay.

25 A Not only -- no AM, Inc., United States --

1 Q Okay.

2 A -- and they entail New York sector has
3 different countries, Jamaica and so many other countries.

4 Q Fair enough.

5 A They all have their own laws.

6 Q Okay. When you served on the Central Executive
7 Committee you also served obviously on the Central
8 Committee, correct?

9 A Yes.

10 Q Because isn't it true that the Central
11 Executive Committee is made up of department heads at
12 Central?

13 A Yes.

14 Q And those department heads are selected by the
15 Purodha Pramukha, correct?

16 A That's correct.

17 Q Do you recall that in 1995 when you were
18 serving on the Central Committee that the Central
19 Committee approved the 1995 edition of the Carya'carya as
20 the legitimate version of the Carya'carya?

21 A Yes.

22 Q If you would be so kind as to turn to
23 Defendants' Exhibit 157, please.

24 A Yes.

25 Q Okay. Let me just make sure you're on -- were

1 you on the Central Committee in 1996?

2 A That's correct.

3 Q Okay. And in fact your signature is on this
4 document, is it not, on page two as number nine --

5 A Correct.

6 Q -- correct?

7 A Yes.

8 Q And this is a true and accurate copy of that
9 resolution, is it not?

10 A That's correct.

11 MR. OBITTS: At this time, Your Honor, I'd like
12 to move Defendants' Exhibit 157 into evidence.

13 THE COURT: Any objection to D-157?

14 MR. ERWIN: No objection, Your Honor.

15 THE COURT: That'll be admitted.

16 (Defendants' Exhibit D-157 admitted into evidence.)

17 Q (By Mr. Obitts) And this resolution became
18 final because it was approved by the Purodha --

19 A That's right.

20 Q -- Pramukha?

21 A That's right.

22 Q Thank you. If you would be so kind and
23 Ms. Cheung will help you and take your time with the
24 water, I'm sorry. I need some, too. And she'll help you
25 find Defendants' Exhibit 262 . Do you see this document?

1 This a document that was produced by the Plaintiffs in
2 this case.

3 MR. ERWIN: I'm sorry what exhibit was this?

4 MR. OBITTS: It is Defendants' Exhibit 262.
5 It's not been stipulated to.

6 THE WITNESS: Did you say 262?

7 Q (By Mr. Erwin) 262.

8 A Right. I see that.

9 Q Okay. And this is Central Committee
10 resolutions of -- I'll wait.

11 A 28, 29 May.

12 Q That's correct.

13 A Okay.

14 Q And do you recall that meeting?

15 A Yes.

16 Q Okay. And you were in attendance at that
17 meeting, correct?

18 A Yes.

19 Q Okay. And this is a true and accurate copy of
20 one page of those resolutions, is it not?

21 A That's correct.

22 MR. OBITTS: At this time, Your Honor, I'd like
23 to submit Defendants' Exhibit 262 into evidence.

24 MR. ERWIN: Objection, lack of foundation.

25 THE COURT: Overruled. D-262's admitted.

1 (Defendants' Exhibit D-262 admitted into evidence.)

2 Q (By Mr. Obitts) And Ms. Cheung will help you
3 find Defendants' Exhibit 294. And this is called a
4 manual on tribunal dated September 3rd, 1992, correct?

5 A That's correct.

6 Q And this is a meeting that you participated in
7 which was the December 27th and 28th, 1991, Central
8 Committee meeting? Top -- top page, first -- do you see
9 that? It says the Central Committee of Ananda Marga
10 Pracaraka Samgha had its meeting held in Ananda Nagar on
11 27, 28 December 1991. Do you see that?

12 A Yeah, I see it.

13 Q Were you in attendance at that meeting, sir?

14 A Yes.

15 Q And at that meeting you all tasked Chandranati
16 (sic) --

17 A Chandranath.

18 Q Sorry, Chandranath with preparing a manual on
19 tribunal which was then approved by the Central
20 Committee, correct?

21 A That's correct.

22 Q And this document, Exhibit 294, is the true and
23 accurate copy of the manual on tribunal that was approved
24 by the Central Committee, correct?

25 A Correct.

1 MR. OBITTS: At this time, Your Honor, I'd like
2 to move Defendants' Exhibit 294 into evidence.

3 MR. ERWIN: Objection, lack of foundation.

4 THE COURT: Objection's overruled. D-294's
5 admitted.

6 (Defendants' Exhibit D-294 admitted into evidence.)

7 THE COURT: Mr. Erwin (sic), you are three
8 minutes shy of a full hour past your estimated time that
9 you would need with this witness on cross.

10 MR. ERWIN: I'm Mr. Erwin, Your Honor.

11 THE COURT: I'm sorry.

12 MR. OBITTS: Mr. Obitts.

13 THE COURT: You are Mr. Erwin. Mr. Obitts, you
14 are three --

15 MR. OBITTS: I am --

16 THE COURT: -- now two minutes shy --

17 MR. OBITTS: I'm sorry, Your Honor.

18 THE COURT: -- of your estimate of an hour
19 extra beyond what you estimated you would need on cross-
20 examination. How much more have you got of this guy?

21 MR. OBITTS: Not much more, Your Honor, because
22 I'm hoping not to have to call him in my case in chief.

23 THE COURT: And that's why I'm trying to give
24 you guys leeway about that, because you told me that when
25 we started that you were going to --

1 MR. OBITTS: Yeah.

2 THE COURT: -- you know, have a broader scope
3 to the exam and I'm fine with that.

4 MR. OBITTS: I'm trying to not actually call
5 hardly any witnesses at all, my plan is to have my
6 witness list truncated dramatically.

7 THE COURT: Truncated, huh? Yeah, we'll see.
8 That's not a word I would associate with this case in any
9 way, shape, or form. Not even close.

10 Q (By Mr. Obitts) Just a couple housekeeping
11 matters related to --

12 THE COURT: Just make sure you plow new ground.
13 If I hear old ground, you're going to hear from me.

14 MR. OBITTS: Oh, this is all new ground, Your
15 Honor.

16 THE COURT: Okay.

17 Q (By Mr. Obitts) If you would be so kind to
18 turn to Defendants' 163.

19 A Yes.

20 Q Okay. Thank you. Were you on the Central
21 Executive Committee in August of 1999?

22 A I'm trying to recollect, sir.

23 Q Actually, you know what --

24 A Because at that time --

25 Q -- you were not.

1 A -- I was -- yes, I was posted --

2 Q I apologize.

3 A -- I was posted at Qahira sector.

4 Q You were, I apologize for that. But in 2002
5 you certainly were because Central ERAWS Number 2,
6 correct?

7 A Right.

8 Q Okay. So let's go to Defendants' Exhibit 165
9 then.

10 A Uh-huh.

11 Q And this is a resolution of the CEC meeting
12 held on December 11, 2002, and on December 12, 2002,
13 correct?

14 A Right.

15 Q Do you recall that meeting?

16 A Yes.

17 Q If you could take a look at the two pages, is
18 this a true and accurate copy of the meeting minutes of
19 that meeting?

20 A Yes.

21 MR. OBITTS: At this time, Your Honor, I'd like
22 to move Defendants' Exhibit 165 into evidence.

23 THE COURT: Same objection?

24 MR. ERWIN: Objection as to foundation.

25 THE COURT: Objection is noted, the exhibit

1 will be admitted. The objection goes to the weight not
2 its admissibility.

3 (Defendants' Exhibit D-165 admitted into evidence.)

4 Q (By Mr. Obitts) Now, previously you testified
5 related to the fact that jagrtis aren't supposed to be
6 sold and that was the rule of Baba nor land. If you
7 could turn to the second page where it says New York
8 sector on this Defendants' Exhibit 165, please. Do you
9 see that? It says resolution of CEC meeting held and
10 then it goes New York sector number one?

11 A Yes.

12 Q Okay. Fair enough. And it reads, already CEC
13 informed New York sector regarding sale of San Antonio,
14 Texas property as per resolution about New York sector
15 dated 16 and 17 October 2002. Did I read that correctly?

16 A Yeah.

17 Q Does that help refresh your recollection, isn't
18 it true that Sectorial Executive Committee did consider
19 matters regarding real estate of the sectors including
20 the New York sector?

21 A But at the time of Baba's physical presence,
22 Baba --

23 Q Okay.

24 A -- always denied.

25 Q Sure. But afterwards. This is after --

1 A And afterwards --

2 Q Yes.

3 A So --

4 Q Yes?

5 A Yes.

6 Q Okay. If we could turn to --

7 A But it was not sold.

8 Q It was not sold because CEC said it can't be
9 sold, correct?

10 A Right.

11 Q Good. Okay. Defendants' Exhibit 166 which has
12 not been admitted into evidence which we're going to skip
13 because you weren't there. If we could switch over to
14 Defendants' Exhibit 170 which is CEC meeting minutes that
15 you were present. Hopefully.

16 MR. ERWIN: What Exhibit is this, Tim?

17 MR. OBITTS: Defendants' Exhibit 170.

18 THE WITNESS: 170?

19 Q (By Mr. Erwin) Yep, 170.

20 A Yes.

21 Q Do you recall attending a CEC meeting on 16 and
22 17 of October 2002 at Ananda Nagar?

23 A Normally all the CEC meetings they take
24 signatures from everybody who attended the meeting.

25 Q Okay.

1 A And I don't see my signature.

2 Q You don't see your signature on it?

3 A No.

4 Q Okay. Fair enough. Do you recall at the CEC
5 meeting though in October 16 and 17 of 2002 that there
6 was a discussion regarding the New York sector related to
7 immigration? Going down half the page to New York
8 sector?

9 A Yeah, I -- I can see that.

10 Q Why don't you read that and see if that
11 refreshes your recollection if that occurred.

12 A Yes.

13 Q So you agree that at the CEC meeting there was
14 a decision of the CEC related to the New York sector that
15 in every individual case appliance for permanent
16 residence of U.S. nationalization, sectorial office must
17 get an approval from center?

18 A That's true.

19 Q After you previously testified that you left
20 AMPS Central in 2007 and did you hold the position of
21 president of an organization called AMCC?

22 A I did.

23 Q Okay. Isn't it true that under the Carya'carya
24 only the Purodha Pramukha can call the meeting of the
25 Central Committee?

1 A At that time the --

2 Q I'm asking you not about that time, I'm asking
3 you isn't it true that under the Carya'carya only the
4 Purodha Pramukha can convene the meeting of the Central
5 Committee?

6 A The president.

7 Q The president is the one who convened it, not
8 the Purodha Pramukha.

9 Q Okay. Isn't the Purodha Pramukha -- you
10 previously testified that the Purodha Pramukha is also
11 the president, did you not?

12 A At that time Shraddhananda was holding both
13 Purodha Pramukha and president.

14 Q Correct.

15 A I -- I don't know at the time whether he held
16 it or he give it somebody else to --

17 Q Isn't it true that in 2007 that when you held a
18 meeting of people that had left Central that the Purodha
19 Pramukha, Shraddhananda, did not call that meeting?

20 A At that time the organization different
21 Kolkata, Ranchi, they were all under legal dispute.

22 Q I'm asking a simple question and the simple
23 question is this: Isn't it true that the Purodha
24 Pramukha and president, Shraddhananda, did not convene a
25 Central Committee meeting in 2007 that you called --

1 A I didn't call.

2 Q -- and held?

3 A I didn't call.

4 Q Who called it then?

5 A Central Committee meeting we're talking about?

6 Q Yes, 2007.

7 A It is the collective decision.

8 Q All right.

9 A Of all the members who were present.

10 Q Isn't it true that that's in violation of the
11 Carya'carya? The infallible words of Reverend Baba?

12 MR. ERWIN: Objection, he didn't say that.

13 THE COURT: Sustained.

14 THE WITNESS: Yes.

15 MR. OBITTS: Thank you. Would you give me one
16 second? I might have one more question, I just need to
17 talk to my Co-Counsel.

18 THE COURT: Okay.

19 (Pause in proceedings.)

20 Q (By Mr. Obitts) I'm sorry, the last question
21 there was an objection to and so I need to ask you it
22 again so that it's clean without an objection.

23 THE COURT: Well, the objection as I ruled on
24 it was that there was two questions in the middle of it
25 and the last one was argumentative.

1 MR. OBITTS: Okay.

2 THE COURT: So fix it.

3 MR. OBITTS: Fair enough.

4 Q (By Mr. Obitts) Isn't it true that the meeting
5 called in 2007 collective meeting was in violation of the
6 Carya'carya?

7 A You don't want any explanation for that, right?

8 THE COURT: No, he just wants an answer.

9 Q (By Mr. Obitts) I just want an answer. I
10 think you -- isn't it true you previously testified that
11 the answer was yes?

12 A Yes.

13 MR. OBITTS: I have nothing further, Your
14 Honor.

15 THE COURT: All right. Let's take a 15 minute
16 break, come back at 3:30, and we'll have a truncated
17 redirect.

18 (Whereupon a recess was taken.)

19 (Whereupon the court reconvened and the following
20 proceedings were entered of record.)

21 THE CLERK: Courtroom 259 is back in session.

22 THE COURT: Please be seated. Okay. Everybody
23 back ready to go? Redirect limited to cross and other
24 rulings by the Court.

25 MR. ERWIN: Yes.

1 THE COURT: Mr. Erwin?

2 MR. ERWIN: Thank you.

3 REDIRECT EXAMINATION

4 BY MR. ERWIN:

5 Q Dada Y, first let me talk about the -- there
6 was some confusion about your affidavit.

7 MR. ERWIN: Your Honor, can I approach the
8 witness what is marked --

9 THE COURT: Sure.

10 MR. ERWIN: -- as P-126. Just for
11 identification purposes.

12 Q (By Mr. Erwin) Can you look this over?

13 A Yes.

14 Q I'm sorry, can you --

15 A Yes.

16 Q -- look that over? Now, is that the affidavit
17 you actually signed, is that the original copy of the
18 affidavit you signed?

19 A That's correct.

20 Q Okay. Now, does it have those paragraphs in it
21 that Mr. Obitts was questioning you about? It appears
22 there was a mistake when the affidavit was filed --

23 A No.

24 Q -- and that there were additional pages. So
25 are those pages not -- are they -- is that -- the

1 affidavit you're holding right now, is that a true --

2 A This is --

3 Q -- and accurate --

4 A This is true, accurate affidavit.

5 Q Okay. And you didn't make any statements in
6 that affidavit about being transferred in 2005 or
7 anything? That was a mistake in --

8 A Yes.

9 Q -- an additional page? Okay. Thank you. Now,
10 you said in your cross-examination after being asked if
11 AMI is one of the nine sectors; is that correct?

12 A No.

13 Q Why is that not correct?

14 A Because Ananda Marga, Inc. -- I -- I corrected
15 it. Ananda Marga, Incorporated relates to only the
16 United States.

17 Q Okay.

18 A Not the entire sector.

19 Q Okay. Thank you. Now, you were also asked
20 about the one-eighth contributions made from units early
21 on. Do you know where that number one-eighth came from?
22 Did you come up with that number?

23 A It is a mutually -- we discussed it among
24 ourselves at that time.

25 Q Okay. Now -- and again was there a procedure

1 where one-eighth of the income of AMI or the sector would
2 automatically go to Central?

3 A The income was so little --

4 Q Right.

5 A -- so little.

6 Q Any -- again was there any rule that one-eighth
7 of the income of Ananda Marga, Inc., would go to Central?

8 A It is not clearly stated.

9 Q No, okay. Can you look at Defendants' Exhibit
10 4?

11 MR. ERWIN: May I approach, Your Honor?

12 THE COURT: Yes.

13 Q (By Mr. Erwin) And Mr. Obitts asked you some
14 questions on this document, can you turn its page four of
15 this document National Office is up top?

16 A Yeah, fourth page, yeah.

17 Q Okay. Now, it says -- where it says national
18 Board members, right?

19 A Right, right.

20 Q And the date of this is 1972, right?

21 A Right.

22 Q Okay. Now, you had previously testified that
23 you weren't a Board member of the AMYS corporations,
24 correct?

25 A Right.

1 Q Okay. So were all of these people listed as
2 national Board members, Board members of --

3 A No.

4 Q -- AMYS?

5 A Not all of them.

6 Q Okay. And you were not either, right?

7 A Right.

8 Q Okay. Can you turn to Exhibit 11?

9 A Yes.

10 Q And in here you were asked if you agreed to
11 statements made by the president, Paul Fahnestock,
12 correct?

13 A Yes.

14 Q Now, I'm going to read you another statement
15 out of here and ask you if you agree with it.

16 MR. ERWIN: Exhibit 11.

17 MR. OBITTS: Thanks.

18 MR. ERWIN: Yep.

19 Q (By Mr. Erwin) On page 25.

20 A Yes.

21 Q Okay. Down at the bottom?

22 A Uh-huh.

23 Q Where it says CD?

24 A Uh-huh.

25 Q And there's a question being asked there?

1 A Right.

2 Q Okay. So the question is how would you suggest
3 that people deal with directives that come from Acarya or
4 Wichita that they feel don't relate to their particular
5 situation? Do you see that?

6 A Yes, I see that.

7 Q Now, turn the page.

8 A Right.

9 Q Turn the page. Or to page 26.

10 A 26? Okay.

11 Q Yeah. Up at the top, his answer, Well, I'm
12 sure that happens and all I can say is that you should
13 take what is applicable and utilize it. Whatever you
14 can't use in your particular unit because of your
15 geographical locale, the development of the unit with the
16 individuals, whatever it may be, you just have to accept
17 the fact that it's not applicable. Do you agree with
18 that statement?

19 A Correct.

20 Q Okay. Now, in the next paragraph.

21 A Uh-huh.

22 Q The question is is that pretty much how you
23 deal with things that come down from India that you don't
24 feel apply here and Mr. Fahnestock's answer is yes. Do
25 you agree --

1 A No.

2 Q -- with that?

3 A No.

4 Q Do you agree with that statement?

5 A No.

6 Q You don't?

7 A Because the way it's stated here, (inaudible)
8 and directives given to them, they see the local
9 situation condition and if it is helpful to them, they
10 use it --

11 Q Well, what I'm ask you is do you agree --

12 MR. OBITTS: Your Honor, asked and answered now
13 twice.

14 THE COURT: Yeah. If you want to ask him a
15 different question.

16 MR. ERWIN: I will ask him a different
17 question.

18 THE COURT: You asked him twice and he
19 explained it so --

20 Q (By Mr. Erwin) Okay. Now, the pyramidical
21 flow that Mr. Obitts talked about, can you explain what
22 that means? What is pyramidical flow the different
23 departments or sectors or between people in AMPS -- or in
24 Ananda Marga?

25 A Due to (inaudible) it was not working properly.

1 That means -- what I mean to say is since the Central
2 office was not functioning efficiently at that time so I
3 was taking all decisions for the betterment of New York
4 sector and I was trying to educate the Margiis and local
5 workers to do the best thing possible for their region.

6 Q Now, when any information was coming down from
7 India, did you have authority to decide whether it was
8 applicable to the sector or not?

9 A As I said earlier center being in India could
10 be extremely difficult for them to decide what is good
11 and what is not good. But they give a general direction
12 to all sectors, a general direction to all sectors. And
13 the SS along with the Margiis in the sector, they decide
14 whether it is possible to implement all these directions.
15 For example -- can I say?

16 Q You've answered the question.

17 A Okay.

18 Q Now, you testified that there were times when
19 Baba gave you blessings or approval. Can you describe
20 the context of that, please? What's the context of Baba
21 giving you approval?

22 A The context was myself and the board of
23 directors wanted to have a new sectorial office from
24 Wichita to Denver.

25 Q No. All right. Let me rephrase the question,

1 all right? When Baba would give you guidance, what kind
2 of guidance would he give you in general?

3 A Mostly spiritual guidance. But at that time I
4 specifically wanted some instructions. And when I was in
5 India, I requested his blessings and which he -- which he
6 already did.

7 Q Okay. Thank you. Can you turn to -- I think
8 we're still on Exhibit 14, here.

9 MR. OBITTS: We have 11.

10 Q (By Mr. Erwin) I'm sorry, can you turn to
11 Exhibit 14?

12 A Yes.

13 Q It's page 29, it's that financial statement
14 that Mr. Obitts asked you about.

15 THE COURT: This is D-14, right?

16 MR. ERWIN: D-14, correct, I'm sorry, Your
17 Honor.

18 Q (By Mr. Erwin) Page 29, the financial
19 statement?

20 A Yes.

21 Q Now, do you know if financial statements were
22 put in all Crimson Dawns? I mean do you have actual
23 knowledge of that?

24 A Okay. All Crimson Dawn.

25 Q Okay. So you don't know?

1 A No.

2 Q Okay. If you don't know, just say you don't
3 know, please, okay?

4 A Uh-huh.

5 Q Now, if you look at page 29, it's receipts and
6 disbursements.

7 A Yes.

8 Q All right. Now, in the disbursement section
9 there, do you see any disbursement going to AMPS Central
10 or any Central Committee?

11 A No.

12 Q Okay. Thank you. Now, can you turn to Exhibit
13 18?

14 A Yes.

15 Q D-18, I apologize. It's 03442.

16 A 03?

17 Q 03442.

18 A Oh, I see. Wait a minute. 03342 or?

19 Q It's page seven of that exhibit. Hold on, I
20 apologize, I've got something --

21 A 15 exhibit?

22 THE COURT: Let him figure it out first and
23 he'll get back to you.

24 Q (By Mr. Erwin) Okay. Look at the next page
25 03443.

1 A 03443.

2 Q 18.

3 A 18 Exhibit right?

4 Q Exhibit 18 --

5 A Okay.

6 Q -- page seven.

7 A Yes.

8 Q He asked you about that paragraph six that says
9 a discussion about the corporate structure and how it
10 gave the sectorial secretary full legal and internal
11 central control as led by Pramiil, do you see that?

12 A You are talking in the first, top?

13 Q The top. Yeah, the six on the top, right.

14 A The details of this plan?

15 Q The next one, under that.

16 A The next one. The discussion --

17 Q Six.

18 A -- about -- yeah.

19 Q Right, right. And he asked you if that was a
20 correct statement and you said, yes, right?

21 A Right.

22 Q Now, who made the decisions -- who made the
23 decision to give the sectorial secretary, you know,
24 control of the corporation or become an officer or
25 director of the corporation? Who made that decision?

1 A This was done by general secretary.

2 Q The general secretary made the decision?

3 A It is Baba. See, I always said Baba made all
4 decisions.

5 Q Did Baba make the decision that you were to be
6 in charge of the corporation?

7 A No.

8 Q No. That's what I was asking you. Thank you.
9 Now, who made that decision that you were going to be a
10 director or officer of AMI or -- of AMI.

11 A The board of directors made the decision.

12 Q Thank you. Can you turn to Exhibit 32?

13 MR. ERWIN: May I approach, Your Honor?

14 THE COURT: Yeah.

15 Q (By Mr. Erwin) This is Exhibit D-32. Page 14.

16 A Yes.

17 Q Okay. Now, you were asked about these new
18 departments that were being set up, do you remember that?
19 Let's go down along the left hand column where it starts
20 up until recently Ananda Marga had 18 departments --

21 A Right.

22 Q -- you see that?

23 A Uh-huh.

24 Q And it says though only about nine existed in
25 North America, well, now AM has 35 departments?

1 A Yes.

2 Q Are these departments of Ananda Marga, Inc.,
3 or --

4 A No, Ananda Marga Pracaraka Samgha.

5 Q Okay. Thank you. Now, can you turn to Exhibit
6 D-46, please?

7 A Yes.

8 Q Okay. Now, he asked you if you agreed with
9 this statement.

10 A Which page?

11 Q I'm sorry. It's page four. DFTS04430.

12 A Yes.

13 Q And it's the one, two -- third paragraph down.

14 A Yes.

15 Q He asked you if you agreed with this statement.
16 Through his capacity as president of Ananda Marga, Baba
17 is personally setting all the priorities of our work,
18 posting all workers, giving all systems of reporting, and
19 organizing procedures as well as specific techniques for
20 the implementation of our programs. So can you explain
21 since you said you agreed with that statement, first of
22 all, was Baba the president -- do you know if Baba was
23 actually the president of Ananda Marga at that time?

24 A Ah --

25 Q Do you know if Baba was actually the president

1 of Ananda Marga at that time? Do you know? If he held
2 the title president?

3 A At that time Baba --

4 Q Do you know?

5 A -- was Purodha Pramukha.

6 Q Purodha Pramukha.

7 A He was the Purodha Pramukha.

8 Q Now --

9 A Because Baba was controlling and working
10 everything by himself.

11 Q Okay. Now --

12 A He never did give the duty to any president.

13 Q Okay. Now, in his capac -- in Baba's capacity
14 as president, was he personally setting the priorities of
15 AMI, of Ananda Marga, Inc., or was he personally setting
16 priorities of just Ananda Marga?

17 A Ananda Marga.

18 Q And again was he specifically directing you on
19 these issues in the New York sector?

20 A These instructions?

21 Q Was he specifically directing you about these
22 things in the sector, was he specifically directing you?
23 Did he give you --

24 A He's sending --

25 Q Did he give you specific instructions regarding

1 these things while you were the sectorial secretary of
2 Ananda Marga, Inc.?

3 A Sending -- sending any instructions to me? No,
4 I just --

5 Q Am I confusing you?

6 A -- want to make it very clear.

7 Q I'm sorry, is my question confusing?

8 A Yes, a little bit.

9 THE COURT: Do you really want him to answer
10 that? Well, if you have something more to cover with
11 him, clar -- do it, but you might want to make a better
12 question so he can --

13 MR. ERWIN: Yes, I think that --

14 THE COURT: -- understand what you're asking
15 him.

16 THE WITNESS: If you can --

17 MR. ERWIN: I think that's a wise --

18 THE WITNESS: If you can make it a little more
19 clear then I can --

20 MR. ERWIN: Okay.

21 Q (By Mr. Erwin) You had previously testified
22 that Baba didn't give you any specific instructions on --

23 A When I came to New York sector.

24 Q When you were setting up the sectors and --

25 A Yeah.

1 Q -- managing the sectors?

2 A At that time.

3 Q Is that what you said?

4 A Yes.

5 Q Okay. So what I'm asking you is in the context
6 of that paragraph we just read was Baba giving -- you
7 know, was Baba giving you, because I had previously asked
8 you, did Baba give you specific instructions on how to
9 manage the sector?

10 A Then they was coming --

11 Q When you were the sectorial secretary --

12 MR. OBITTS: Your Honor --

13 MR. ERWIN: Asked and answered.

14 MR. OBITTS: -- we're getting argumentative
15 now.

16 THE COURT: Well, no, he's not, he's just not
17 letting him finish his answer so answer the question,
18 then he'll ask you another question.

19 THE WITNESS: Yeah.

20 THE COURT: If you don't know the answer,
21 remember you can always say I don't know.

22 MR. ERWIN: All right. We'll move on.

23 THE COURT: Okay.

24 Q (By Mr. Erwin) In Exhibit 240.

25 A Yes.

1 Q Okay. Now, you -- you said you recognized this
2 as a pro forma, right?

3 A The inspection?

4 Q Yes.

5 A Yes.

6 Q You said you recognized this as a --

7 A Yes.

8 Q -- pro forma?

9 A I recognize.

10 Q Did you ever use this in the New York sector?
11 Was this ever used in the New York sector? Were there
12 any inspections in the New York sector while you were the
13 sectorial secretary of AMI?

14 A It was sent to me, but I didn't -- whether I
15 used it or not, I cannot recollect.

16 Q While you were the sectorial secretary of the
17 New York sector, were any inspections from Central?

18 A No.

19 Q Okay. Now, please turn to Exhibit 241.

20 THE COURT: D-241?

21 MR. ERWIN: D-241. Thank you, Your Honor.

22 Q (By Mr. Erwin) It's the next exhibit, you see
23 that? It's the manual -- or to whom it may concern?

24 A Yeah, to whom it may concern, correct.

25 Q Oh, I apologize this is -- my mistake. D-242,

1 it's the next one.

2 A Just one second.

3 Q Right, okay.

4 A Yes.

5 Q Now, again you recognize this as a pro forma?
6 You said you recognized this?

7 A Yes.

8 Q Now, do you know for sure if this -- if you
9 ever used this?

10 A No, I -- I don't think so.

11 Q Okay. Okay. Then Mr. Obitts asked you about
12 whether some 1984 bylaws of AM, Inc., were ever approved
13 by Baba. Were there any 1984 bylaws of Ananda Marga,
14 Inc.?

15 A '84 or '82?

16 Q '82, but were there any '84?

17 A No.

18 Q Okay. And again can you tell me when you were
19 the sectorial secretary of Ananda Marga, Inc., when did
20 Baba ever approve the bylaws? Did he?

21 A No.

22 Q Now, can you look at Exhibit 294 -- D-294?

23 A Yes.

24 Q Now, you said you recognized this as a manual
25 of tribunal that was prepared while you were on the --

1 was it the CEC -- CC --

2 A Yes.

3 Q -- the Central Committee?

4 A Central Committee.

5 Q Now, do you have any direct knowledge of
6 whether this manual of tribunal was ever communicated or
7 implemented by any of the sectors including the New York
8 sector? Do you know if it was ever communicated to the
9 New York sector?

10 MR. OBITTS: Your Honor, this is past the time
11 that he was sectorial secretary, lack of foundation.

12 THE COURT: Sustained on foundation.

13 Q (By Mr. Erwin) As a Central Committee member
14 do you know if the Central Committee ever communicated
15 this to any of the sectors?

16 A I have no knowledge.

17 Q Okay. As Central Committee member, do you have
18 any knowledge of whether this was ever implemented by any
19 sectors?

20 A That also I don't know.

21 Q Okay. Thank you. So again, as a Central
22 Committee member, what authority does the Central
23 Committee have to -- over Ananda Marga, Inc.?

24 A Ananda Marga, Inc., is a corporation by itself.
25 So in the bylaws anywhere, there's no Ananda Marga

1 Pracaraka Samgha included.

2 Q Okay. Thank you. Now, you were asked about
3 the 2007 unity -- the 2007 elections being against
4 Carya'carya. Why were -- why was that meeting a
5 violation of Carya'carya?

6 A In fact Carya'carya permits any Purodha can
7 call for the meeting.

8 MR. OBITTS: Your Honor, now we're going to
9 interpretation of the Carya'carya versus my question just
10 dealt with outside was it in violation of. Now, he's
11 asking him to interpret the Carya'carya.

12 THE COURT: Well, no, I don't think so.
13 Objection's overruled.

14 Q (By Mr. Erwin) Go ahead and answer the
15 question. Go ahead.

16 A Yes. In the Carya'carya it is any Purodhas --
17 any Purodha can call for a meeting. At the time due to
18 various factions and situations, the court -- Indian
19 court, district court ordered that all the 59 Purodhas be
20 called and conduct a Central Committee meeting. It was
21 sent to Acarya Dhruvananda Avadhuta. According to the
22 Court, they wanted it to happen. But you will notice it
23 was not followed through. All the --

24 MR. OBITTS: Your Honor, I object. He's -- now
25 we're talking about hearsay about some court opinion and

1 he's not the judge, and we don't have any certified
2 documents.

3 THE COURT: Sustained.

4 Q (By Mr. Erwin) Okay. Thank you for your
5 answer. Can you turn to D-25?

6 A Yes.

7 Q And let's look at page 14.

8 A Yes.

9 Q Now, were these 17 -- how were these -- how did
10 you implement these 17 item reports in the New York
11 sector?

12 MR. OBITTS: Your Honor, that goes beyond the
13 scope. He never testified to implementation.

14 THE COURT: No, but you asked him about them,
15 so I'm going to give him some limited leeway to
16 rehabilitate regarding the subject of these, so the
17 objection's overruled.

18 Do you understand the question?

19 THE WITNESS: No. No, Your Honor.

20 Q (By Mr. Erwin) Okay. Just let me ask you
21 this: Was this -- okay.

22 MR. ERWIN: Your Honor, I think I'm just going
23 to stop right here. Thank you.

24 THE COURT: Okay. So that will conclude your
25 redirect. Any recross limited in scope to the redirect?

1 MR. OBITTS: Very short, Your Honor.

2 THE COURT: Famous last words.

3 MR. OBITTS: Especially for me.

4 RECROSS-EXAMINATION

5 BY MR. OBITTS:

6 Q You just testified that there was no inspection
7 done from AMPS Central --

8 A Yes.

9 Q -- is that correct? Okay. Let email give to
10 you what's -- if you could get in front of you
11 Defendants' Exhibit 400.

12 A Yes.

13 Q Okay. And this is a Harbinger, correct?

14 A Yes.

15 Q And this is the Harbinger which is AMPS
16 Central's newsletter?

17 A Yes.

18 MR. ERWIN: Your Honor, I'm going to object to
19 this exhibit, because it was only provided to Plaintiffs
20 just days before the trial and this was added to the
21 exhibit list literally just a few days before trial.

22 MR. OBITTS: We're using this for impeachment
23 purposes, Your Honor, and so therefore we can use it.

24 THE COURT: Objection's overruled.

25 Q (By Mr. Obitts) If you could turn to what's

1 marked at the bottom DFST05913. It's about 20 some pages
2 into this document. It's numbered -- oops -- it's number
3 14 at the bottom.

4 A Yes.

5 Q Isn't it true -- could you look at the portion
6 there where it says inspection review of structural
7 solidarity, IRSS, do you see that at the bottom?

8 A Yeah, yeah, I see it.

9 Q Okay. Isn't it true that you on behalf of --
10 as acting general secretary of AMPS Central conducted
11 inspections of the New York sector and Georgetown sector?

12 A I was in New York sector, nobody from Central
13 came here for the inspection.

14 Q I understand. But you did that in your
15 capacity as acting general secretary number two, did you
16 not?

17 A I did.

18 Q And the Harbinger you previously testified was
19 a magazine that you participated in producing?

20 A Harbinger?

21 Q Yes.

22 A It was -- I was giving suggestions.

23 Q If you could turn to page 24, maybe that'll
24 help refresh your recollection as to your involvement in
25 this particular newsletter.

1 A 24, yes.

2 Q It lists you as senior advisor --

3 A Yes.

4 Q -- is that correct? And this is for Ananda
5 Marga Pracaraka Samgha Central, 854 Pearl Street, Denver,
6 Colorado?

7 A That's right.

8 Q And that's --

9 A It was our (inaudible).

10 Q Yes, and the 854 Pearl Street, Denver, Colorado
11 is the offices of Ananda Marga, Inc., correct?

12 A Yes.

13 Q Okay. And Defense Exhibit 400 is a true and
14 accurate copy of the Harbinger magazine?

15 A 400?

16 Q The one -- the exhibit in front of you.

17 A Yeah, right.

18 Q Is that a true and accurate copy of Harbinger
19 magazine?

20 A Yes.

21 MR. OBITTS: Your Honor, at this time I'd like
22 to move Defendants' Exhibit 400 into evidence.

23 THE COURT: Well --

24 MR. ERWIN: Renew my objection as being
25 untimely and also no foundation.

1 THE COURT: Well, it's impeachment, he doesn't
2 have to endorse it or provide it to you in advance,
3 however, it is extrinsic evidence and impeachment isn't
4 necessarily admissible, and I don't find it's necessary
5 here as cumulative. So the objection is sustained on
6 that basis. The impeachment is in the record.

7 MR. OBITTS: Okay.

8 Q (By Mr. Obitts) Ms. Cheung will get in front
9 of Plaintiffs' Exhibit 15. And if you'd be so kind as to
10 turn to page 82 of that exhibit which is marked in the
11 bottom right hand corner as DFTS00193.

12 A 15?

13 Q DFTS00193. It's well into the document. And
14 this is the 1995 edition of the Carya'carya.

15 A I have to look at the front page.

16 Q I'm sorry.

17 A I will look at the front page.

18 Q I should have asked you that first, I
19 apologize.

20 A Let me see first --

21 Q Yes, I apologize.

22 A Yes, sixth edition, 1995.

23 Q Great. And if you could then flip back, I'm
24 sorry, to page 82 which is DFTS00193, I apologize once
25 again. Okay, are you there?

1 A Yeah.

2 Q Good. You previously testified that the Ananda
3 Marga, Inc., Board came up with the one-eighth donation
4 system?

5 A That is the internal arrangement I said.

6 Q Okay. And you took that internal arrangement
7 from the Carya'carya, did you not?

8 A At that time --

9 Q Yes?

10 A -- I didn't take any -- because I knew from my
11 experience in India, working in India, I have the
12 knowledge of Carya'carya at the time. So when it came to
13 the sector, and I came to the sector, the New York
14 sector, I had the knowledge before with the Carya'carya,
15 I wanted to initiate that to the best of my capability in
16 my sector.

17 Q Isn't it true that Reverend Baba instructed you
18 to set up the sector and the work of the mission so that
19 it was in compliance with the Carya'carya?

20 A He told me since you are going to New York
21 sector which has many countries, according to the law of
22 the land, register the organization and the mission so
23 that it will run very smoothly. That's what I did.

24 Q Okay. But he also instructed you, did he not,
25 that you were supposed to act in accordance with the

1 Carya' carya?

2 A He didn't say that.

3 Q You testified on redirect that nowhere in the
4 bylaws of Ananda Marga, Inc., is there any mention of
5 Ananda Marga Pracaraka Samgha, do you recall that?

6 A Which page?

7 MR. ERWIN: Your Honor, that mischaracterizes
8 the testimony of the witness.

9 THE COURT: No, overruled.

10 Q (By Mr. Obitts) You remember saying that?

11 A Which page?

12 Q No, I'm asking you, do you remember
13 testifying --

14 A Uh-huh (affirmative).

15 Q -- on redirect that nowhere in the bylaws of
16 Ananda Marga, Inc., does it mention Ananda Marga
17 Pracaraka Samgha, do you recall that question by
18 Mr. Erwin and you answered yes that it doesn't exist in
19 the bylaws, Ananda Marga Pracaraka Samgha?

20 A Ananda Marga Pracaraka Samgha in the bylaws?

21 Q Isn't it true -- let's go it this way. Isn't
22 it true that the bylaws of Ananda Marga Pracaraka Samgha
23 both the '74 and '82 editions list Ananda Marga Pracaraka
24 Samgha number one as the parent organization, correct?

25 A Yes.

1 Q And doesn't it also state in several other
2 places that the general secretary has the power of
3 appointment and removal of the sectorial secretary --

4 A Correct.

5 Q -- correct?

6 A Correct.

7 Q So it does mention the bylaws in both the '82
8 and '74 editions of Ananda Marga Pracaraka Samgha,
9 correct?

10 A Bylaws of what?

11 Q Of Ananda Marga, Inc.

12 A Inc., yes.

13 Q Yes.

14 A That's what I'd like to see.

15 Q Okay. Fine. Let's look --

16 THE COURT: The reason he's asking you that is
17 you prefaced your question with the bylaws of AMPS.

18 MR. OBITTS: Oh, I'm sorry.

19 THE COURT: And so that's why he's --

20 THE WITNESS: I'm talking --

21 MR. OBITTS: Okay. Good --

22 THE WITNESS: -- about Ananda Marga, Inc.

23 MR. OBITTS: -- good job.

24 THE WITNESS: Please make it very clear.

25 Q (By Mr. Obitts) Okay. Isn't it true that the

1 bylaws of Ananda Marga, Inc., state both in the '74 and
2 '82 editions that Ananda Marga Pracaraka Samgha is the
3 parent organization?

4 A And the parent I already explained.

5 THE COURT: Yeah, but is --

6 Q (By Mr. Obitts) I'm just asking --

7 THE COURT: -- it there or not?

8 THE WITNESS: Yes.

9 Q (By Mr. Obitts) Okay. Isn't it also true that
10 both bylaws '74 and '82 state that the AMPS general
11 secretary has the power of appointment and removal of the
12 sectorial secretary?

13 A Correct.

14 Q Mr. Erwin asked you about Defendants' Exhibit
15 32, which we'll get for you.

16 A Yes.

17 Q And you testified when I did your cross-
18 examination that you were receiving directives from
19 Central during this time period which was after Baba came
20 out of jail, correct?

21 A Yeah, that's correct.

22 Q And then on redirect you testified
23 completely --

24 A Wait a minute.

25 Q -- differently.

1 A During Baba's prison -- when he was in
2 prison --

3 Q I'm talking about after.

4 A After? Yes. He didn't say -- he didn't
5 mention the word and --

6 Q Okay.

7 A -- when Baba came out of prison.

8 Q Okay. Well, then I'm sorry, because he asked
9 you that in connection with Defendants' Exhibit 32 which
10 was after Baba had gotten out of -- was still in prison
11 in 1977 but was providing these new directives of 35
12 departments, do you recall that?

13 A Yes, definitely.

14 Q Okay. So if you could turn then over to page
15 16, because he talked to you about page 14 and let's talk
16 about page 16 of this same Defendants' Exhibit 32.

17 A Yes, page 16, yes.

18 Q Fair enough? And it says in the non-italicized
19 -- first non-italicized paragraph on the left hand side
20 it says each department, do you see that? It's the third
21 paragraph down?

22 A Yes.

23 Q It says each department has an advisory
24 committee composed of the department secretary and at
25 least three others who must be family people or single

1 people. If department Board decides the particulars of
2 how to implement the policy decisions and directives
3 which come to the department from the advisory committee
4 and the Central level. Do you see that?

5 MR. ERWIN: Your Honor, I object as beyond the
6 scope of redirect. The only thing I asked him was
7 whether these were departments of AMI or AMY -- or AM --
8 Ananda Marga, that's all I asked.

9 THE COURT: Overruled.

10 THE WITNESS: Yes.

11 Q (By Mr. Obitts) Do you see that?

12 A Yes.

13 Q Isn't it true that the departments that it's
14 talking about here of the new departments is of Ananda
15 Marga, Inc.?

16 A Well, Ananda Marga, Inc., I cannot see any
17 resolution to that effect. There was never a resolution
18 taken by any board of directors to that effect.

19 Q If you could turn to Defendants' Exhibit 155,
20 please.

21 MR. ERWIN: 55?

22 MR. OBITTS: Defendants' 155.

23 Q (By Mr. Obitts) Mr. Erwin was kind enough to
24 point out that I mistakenly said 1984 bylaws when I meant
25 to say 1982 bylaws related to whether or not Baba

1 provided guidance to those bylaws. Do you recall him
2 making that point?

3 A Yes.

4 Q Okay. Isn't it true that Baba provided
5 guidance to Ananda Marga, Inc., related to the 1982 bylaw
6 amendments?

7 A No.

8 Q Okay. Well, let's take a look at Defendants'
9 Exhibit 155 then. And let's go to the third page of that
10 exhibit.

11 A Yes.

12 Q This is the 1981 minutes, correct? You can
13 look at the signature page on the next page to figure
14 that one out.

15 A Yes. 1981.

16 Q The bylaws were amended in 1982, correct?
17 You're not going to see it on the document but --

18 A Oh, oh.

19 Q -- the bylaws were amended in 1982, were they
20 not? I'm not trying to trick you, we can show you
21 Plaintiffs' Exhibit 4 if you want to see it.

22 A I'm not clear.

23 Q Okay. Why don't you show him Plaintiffs'
24 Exhibit 4 so he can say that the bylaws were amended in
25 1982. If you look at the last page --

1 A Yes, Ananda Marga, Inc.

2 Q Yes, Ananda Marga, Inc. --

3 A Yes, I see that.

4 Q -- yes, uh-huh. The bylaws of Ananda Marga,
5 Inc., they were amended in 1982, correct?

6 A Right.

7 Q Yes. Okay. So let's turn back to this
8 Defendants' Exhibit 155. And maybe hopefully this will
9 help refresh your recollection.

10 A Yes.

11 Q Going back to the last full paragraph and it
12 says Ananda Marga is now much greater in its scope due to
13 the refinements and additions made by the founder to its
14 structure and functions. And --

15 A Excuse me --

16 Q -- we will --

17 A Excuse me?

18 Q Sure. You want me to point it out to you?

19 A Which one you are reading, yes.

20 Q Yeah, page three, last full paragraph.

21 A Okay.

22 Q You see that? And I'm going -- I'm starting
23 down on the third line. It says Ananda Marga is now much
24 greater in its scope due to the refinements and additions
25 made by the founder and will need greater protection as

1 afforded by corporate law. Further discussions revealed
2 that clarifications are also needed for properly
3 administering to all subordinates under increasing
4 organizational growth and that the current bylaws are
5 inadequate to perform this function. Did I read that
6 correctly?

7 A I'm not seeing that.

8 MR. OBITTS: Your Honor, may I approach?

9 THE WITNESS: Where is it?

10 MR. OBITTS: Right there.

11 THE WITNESS: Okay. Okay.

12 Q (By Mr. Obitts) Do you see that?

13 A Yes.

14 Q Okay. So the first question then, isn't it
15 true that Reverend Baba provided more structural changes
16 to Ananda Marga, Inc., whereby it warranted amendments to
17 its bylaws?

18 A Here it is said very clearly the legal counsel
19 of Ananda Marga, Inc., has suggested that the bylaws of
20 Ananda Marga, Inc., be updated and amended.

21 Q Correct. I wasn't trying to go into the
22 attorney-client privilege portion of it, I was just
23 trying to go as the reason why. And go ahead and keep
24 reading if you want. And the reason why is because
25 Reverend Baba changed the structure and functions of

1 Ananda Marga, Inc.?

2 A No.

3 MR. ERWIN: Objection, mischaracterizes the
4 document.

5 THE COURT: Sustained. Why don't you just
6 rephrase it and read it to him.

7 MR. OBITTS: Okay.

8 Q (By Mr. Obitts) I'll read for you the whole
9 paragraph, how's that sound? The secretary then reported
10 that legal counsel had just suggested that the bylaws of
11 Ananda Marga, Inc., be updated and amended as Ananda
12 Marga, Inc., is now much greater in scope -- key words
13 here -- due to refinements and additions made by the
14 founder to its structure and functions and will need
15 greater protection as afforded by corporate law. I'm
16 going to ask you now, isn't it true that Reverend Baba
17 changed the structure and functions of Ananda Marga,
18 Inc., such that Ananda Marga, Inc.'s attorney said, we
19 need to amend the bylaws?

20 A In my memory I cannot recollect that.

21 Q So you don't dispute the statement in this --
22 in these minutes, correct?

23 A Yes, it is written here.

24 Q And you don't dispute them, do you?

25 A Since I don't recollect.

1 Q Then you can't dispute them, can you?

2 MR. OBITTS: I have nothing further.

3 THE COURT: All right. That'll conclude the
4 testimony of this testimony. If there's no objection, he
5 may step down and be allowed to remain in the courtroom.
6 He's not subject to recall.

7 Next witness, please.

8 MR. ERWIN: Plaintiffs call Dada Haratmananda.

9 THE COURT: Now, I want you to narrow his
10 testimony to the issues identified in the trial
11 management orders that are specifically unique to him. I
12 don't need to be reminded 19 times when Baba was in
13 prison, how long he was there, when he physically left,
14 those things. Okay?

15 Raise your right hand, please.

16 TAPAS CHAKRABORTY

17 called as a witness on behalf of the Plaintiffs, having
18 been first duly sworn, testified as follows:

19 THE WITNESS: Yes, sir.

20 THE COURT: I want you to do one thing for me,
21 okay? Please listen carefully to the question you are
22 asked, permit the questioner to complete the question
23 they're asking you before you start to answer it. Okay?
24 We're being recorded electronically, the machine can't
25 record more than one voice speaking at a time. Okay?

1 THE WITNESS: Thank you.

2 THE COURT: Thank you. Go ahead.

3 DIRECT EXAMINATION

4 BY MR. ERWIN:

5 Q Can you please state your name for the record?

6 A My name is Tapas Chakraborty and my spiritual
7 name is Acarya Haratmananda Avadhuta.

8 Q Okay. Can you spell your names, please, for
9 the record?

10 A H-a-r-a-t-m-a-n-a-n-d-a, Avadhuta.
11 Haratmananda Avadhuta. A-v-a-d-h-u-t-a.

12 Q Okay. Can you spell you -- the first name you
13 gave us?

14 A Civil name is Tapas, T-a-p-a-s, Tapas. And my
15 surname is Chakraborty, C-h-a-k-r-a-b-o-r-t-y.

16 Q Thank you. When did you first become involved
17 with Ananda Marga?

18 A 1973.

19 Q And who initiated you?

20 A With what?

21 Q Who initiated you into --

22 A Acarya Purnannda Avadhuta.

23 Q Can you spell the middle one?

24 A P-u-r-n-a-n-n-d-a A-v-a-d-h-u-t-a.

25 Q And do you hold the titles of Acarya and

1 Avadhuta?

2 A Yes.

3 Q Are you a Purodha?

4 A Yes.

5 Q When did you become a Purodha?

6 A I became Purodha 19 -- 1991 I believe.

7 Q And can you tell me what organizational
8 positions you've held within the Ananda Marga mission?

9 A Well, I was -- in 1997 I was first posted as DS
10 Krisha Nagar.

11 Q DS is that district secretary?

12 A Yeah, DS is a dioceses called dioceses.

13 Q Oh, dioceses secretary?

14 A Dioceses secretary Krishna Nagar.

15 Q Kishna (sic)?

16 A K-r-i-s-h-n-a N-a-g-a-r, Krishna Nagar.

17 Q And where is that, what country?

18 A It is in the district of West Bengal.

19 Q In India?

20 A In India.

21 Q And after that -- and how long did you stay in
22 that position?

23 A I stayed more or less one year.

24 Q Okay.

25 A And then I was posted as of 1978 and I -- I

1 believed that I was posted in DS Bhagalpur.

2 Q DS of where?

3 A Bhagalpur, B-h-a-g-a-l-p-u-r.

4 Q Is that also in India?

5 A It is also in India.

6 Q Okay. After that?

7 A After that, you know, I became SSAC secretary
8 sectorial, India.

9 Q SES secretary?

10 A SSAC, spiritualists, sports, and adventures
11 club.

12 Q SAC secretary?

13 A SSAC.

14 Q I'm sorry I --

15 A SSAC.

16 Q SSAC?

17 A Uh-huh.

18 Q And what does that stand for again?

19 A Spiritualist -- I believe it is spelled
20 regular. Spiritualists, sports, and adventures club.
21 Something.

22 Q And what dates were those?

23 A Excuse me?

24 Q Date?

25 A '79 -- '78, '78.

1 Q Okay. And after that?

2 A After that I was posted to -- posted in Manila
3 sector. That is in Phillipines and Indonesia and all
4 those countries as SDM chief secretary.

5 Q SDM?

6 A SDM secretary.

7 Q What does SDM --

8 A SDM is Seva Dharma Mission, Seva Dharma
9 Mission.

10 Q Seva Dharma Mission?

11 A Yes.

12 Q Okay. And that was in '78 until when?

13 A '79 beginning.

14 Q And after that?

15 A And after that I was transferred to Georgetown
16 sector. That is Brazil and South America as sectorial
17 secretary.

18 Q Sectorial secretary?

19 A Yes.

20 Q And when did you serve as the sectorial
21 secretary of the Georgetown sector?

22 A It was '79 to '82.

23 Q '82. And in '82 is that when you came to New
24 York?

25 A '83 --

1 Q '83.

2 A -- I was posted in New York.

3 Q And as the -- what position?

4 A SS. Sectorial secretary.

5 Q Until when?

6 A Until 1992.

7 Q '92. And where did you go after 1992?

8 A 1992 I was the central DPS. DPS Central,
9 Dharma Pracar Secretary Central.

10 Q Dharma Pracar Secretary?

11 A Central.

12 Q '92 to when?

13 A 1992 exact month I cannot remember.

14 Q Okay.

15 A But it was 1992.

16 Q And after that? And what -- after --

17 A Yeah, long time I served as DPS Central, yeah.

18 Q Okay. Are you still the DPS?

19 A No, I'm not. At present time assisting DPS
20 secretary, assistant DPS secretary.

21 Q So you're the assistant DPS now?

22 A Yeah, assistant DPS.

23 Q And have you -- were you -- did you ever sit on
24 the Central Committee?

25 A Yes.

1 Q And when did you begin sitting on --

2 A 1991.

3 Q 1991.

4 A To 2003 when it was united and then from 2003 I
5 sit in Kolkata Central Committee.

6 Q So 2003 to when?

7 A 2003 to up to today, and I'm serving as Central
8 Committee member.

9 Q So you're on the Central Committee?

10 A Yes.

11 Q Now, have you held any other positions -- any
12 other --

13 A Well, for one or two years I was posted as
14 PROUT secretary also.

15 Q What is --

16 A Prior to --

17 Q -- the PROUT secretary?

18 A Prior to this DPS Central I was PROUT
19 secretary. PROUT is progressive utilization theory.
20 It's an economic theory given by guru Anandamurti.

21 Q Okay. Now, you said that from 1991 to 2003 --
22 let me skip ahead a little bit here. Okay. Let's talk
23 about your time as the sectorial secretary of the
24 Georgetown sector and the New York sector from '79
25 through '92.

1 THE COURT: Did you say Georgetown or
2 Johnstown?

3 MR. ERWIN: Georgetown.

4 THE WITNESS: Georgetown.

5 THE COURT: Georgetown, all right.

6 Q (By Mr. Erwin) So can you explain -- can you
7 talk about what relationship you had with any general
8 secretary of AMPS or AMPS Central while you were the
9 sectorial secretary of the Georgetown sector?

10 A Yeah. I was actually -- according to Baba what
11 I understood what is my role as SS I was actually the
12 general secretary of the sector. It is I think -- I can
13 tell you incident how it happened and how I --

14 Q Okay.

15 A -- came to know about that. Can I?

16 Q Sure.

17 A Okay. There was some seminar program going on.
18 One global worker came, and he wanted to conduct one
19 seminar which was not very healthy for the development of
20 the sector particularly at that time. And I give my
21 objection, but the global worker didn't want to listen.
22 So I put a stop on the seminar. And I went to RDS to
23 talk to Baba. I talked to Baba that his global worker is
24 coming and creating disturbance in the sector.

25 Then Baba lined up all the SS and Baba asked

1 every SS that in this kind of circumstances what would be
2 your role, how you lacked in this situation. The answer
3 most of the other sevens SS, then the SS who was not
4 there. And seven of us the answer that I will -- some
5 people told that they will talk to ISMUB secretary
6 because seminar is the duty of the ISMUB secretary
7 Central. Somebody replied that they will talk to general
8 secretary, somebody even told that they will try to
9 concert (sic) a general secretary -- sorry, Baba. And
10 then Baba told, you are all wrong. I think -- well, you
11 are all wrong. Only he is right. He should have put
12 this global worker inside the room and lock him. Only
13 mistake he has done.

14 And he told, Do you know why I'm telling this?
15 Because you are not SS, you are the general secretary of
16 the sector. All development, everything belongs to you,
17 so you have to really understand what is your role. If
18 you do not, then you will not be able to understand what
19 I mean by the work, SS.

20 Q Thank you. Now, what instructions did -- so
21 who was the general secretary while you were the
22 sectorial secretary --

23 A So when I --

24 Q -- of the -- of the --

25 THE COURT: Let him finish his question, okay?

1 MR. ERWIN: Let me finish my question.

2 THE COURT: I can't get you guys to -- let him
3 finish his question. Wasn't that the only thing I asked
4 you to do?

5 THE WITNESS: I'm sorry.

6 THE COURT: Okay.

7 THE WITNESS: Sorry, sir.

8 THE COURT: All right.

9 Q (By Mr. Erwin) When you were the sectorial
10 secretary of the Georgetown sector when -- who was the
11 general secretary?

12 A So far I remember it was Sarvatmananda
13 Avadhuta.

14 Q Now, what specific instructions or directions
15 did he give you as the general secretary in how to manage
16 this sector?

17 A Well, you know, neither Baba told anything much
18 nor the general secretary. I did not get almost nothing
19 because hardly they had any knowledge to give any input.

20 Q Okay. Were -- was there a corporate entity set
21 up in the Georgetown sector?

22 A Well, it was there, yes.

23 Q A corporate entity, I'm sorry, let me rephrase.
24 Was there a corporate entity in the Georgetown sector
25 that was related to Ananda Marga?

1 A That was what?

2 Q That was related to Ananda Marga, was there
3 an --

4 A Well --

5 Q -- Ananda Marga corporate entity?

6 A Well, there was an Ananda Marga corporate
7 entity legally established there.

8 Q Okay. Now, were you an officer or director --

9 A No, I was not.

10 Q Okay. Please -- please let me finish the
11 question. And your answer was no?

12 A No.

13 MR. OBITTS: I didn't understand your question.
14 Why don't you re-ask it to get it on the record.

15 MR. ERWIN: I'm sorry?

16 MR. OBITTS: If he answered the question, I
17 don't think it's on the record. I didn't understand you.
18 Just ask him the question again.

19 MR. ERWIN: I'll rephrase it.

20 MR. OBITTS: No, just ask the same thing again
21 and I won't object.

22 Q (By Mr. Erwin) Were you an officer or director
23 of the corporate entity in the Georgetown sector?

24 A No, sir.

25 Q Were there any other corporate entities in the

1 New York sector other than the -- how many corporate
2 entities were there set up in the Georgetown sector?

3 A There was -- in Argentina there was one
4 corporate entity, in (inaudible) there was one so far I
5 remember. In Columbia we had one I believe. In
6 Venezuela I think we had one. It's a very old thing, I
7 don't remember that much but --

8 Q Okay. Were you an officer or director in any
9 of those corporations?

10 A No, no.

11 Q Can you -- you can actually move this around,
12 the microphone -- no, not there, just you can move this
13 part around --

14 A Okay.

15 Q -- and just kind of put it more in front of
16 your mouth so we can hear you a little bit. There you
17 go. Now, as the sectorial secretary of the New York
18 sector, who was the general secretary then?

19 A At that time who was the general secretary?

20 Q Right.

21 A Again, Sarvatmananda was I believe.

22 Q And did your relationship with him change at
23 all -- any when you moved from the Georgetown sector to
24 the New York sector?

25 A No.

1 Q Did your relationship with Baba change during
2 that time --

3 A No.

4 Q -- in terms of -- all right, did Baba give you
5 any specific instructions on how to manage the New York
6 sector?

7 A No, never.

8 Q Now, when you were the sectorial secretary of
9 the New York sector did you become an officer or director
10 of Ananda Marga, Inc.?

11 A Yes, I was sectorial secretary of that
12 corporation.

13 Q Do you recall if you were also the president?

14 A No, I was not.

15 Q And how did you become the sectorial secretary
16 of the corporation?

17 A Well, the Board member decided collectively to
18 put me in.

19 Q Did Baba ever instruct you that you were
20 required to be an officer or a director of Ananda Marga,
21 Inc.?

22 A No.

23 Q Did you have a Sectorial Executive Committee
24 when you were the sectorial secretary of Ananda Marga,
25 Inc.?

1 A So far I remember not in the beginning but in
2 later stage, I don't know the date or year even. But
3 there was something called SEC, yes.

4 Q And what was the role of the SEC?

5 A To sit together all the departments and to
6 discuss as to how to solve the problem of the sector, to
7 have more growth in the sector, how to carry out more
8 humanity activities and so on and so forth.

9 Q Were all of the members of the Sectorial
10 Executive Committee also Board members of Ananda Marga,
11 Inc.?

12 A No.

13 Q Did the Sectorial Executive Committee ever
14 review board of directors resolutions of Ananda Marga,
15 Inc.?

16 A No.

17 Q Was it your practice to send SEC resolutions to
18 any Central Committee?

19 A No. To Central Executive Committee, yes.

20 Q Excuse me, could you --

21 A To the Central Executive Committee.

22 Q Okay. And what was the purpose of sending SEC
23 resolutions to the CEC or to the Central Executive
24 Committee?

25 A Just to double up communication and

1 understanding as to how things are going on and how it
2 should --

3 Q And --

4 A -- suggestions and all these things.

5 Q Would the Central Executive Committee pass
6 resolutions that were binding on the Sectorial Executive
7 Committee?

8 A As far as possible, you know, we discussed
9 amicably what we agreed upon collectively. That is a
10 kind of binding you. I cannot tell that it is a -- a
11 must but --

12 Q Okay.

13 A -- yes.

14 Q Now, when you were the sectorial secretary of
15 the New York sector --

16 A Yes.

17 Q -- can you describe the relationship you had
18 with any -- did you have any regional secretaries?

19 A Yes.

20 Q Can you describe your relationship with the
21 regional secretaries?

22 A Exactly the same spirit I got from Baba that is
23 I'm the general secretary of the sector in the same way I
24 treated my regional secretaries with the same respect and
25 responsibilities and understanding so there was

1 cooperation and coordination with the regional
2 secretaries until and unless that it affects the whole
3 sector I never interfere so much.

4 Q Okay. Is the same with diocesan secretaries?

5 A Exactly.

6 Q Now, as the sectorial secretary of Ananda
7 Marga, Inc., did you ever take any steps to amend the
8 bylaws of Ananda Marga, Inc., in order to incorporate the
9 legal society constitution of India?

10 A No.

11 Q And why not?

12 A Well, it has no connection, legal constitution,
13 legal entity of India is legal entity of society. It has
14 no jurisdiction to interfere with the legal entity of
15 U.S.

16 Q Okay. So did you have any relationship with
17 any governing body of the legal society at AMPS while you
18 were the sectorial secretary of Ananda Marga, Inc.?

19 A With -- say it again.

20 Q What -- when you were the sectorial secretary
21 of Ananda Marga, Inc., did you have any relationship with
22 the governing body of that legal society in India?

23 A No.

24 Q Did the -- while you were the sectorial
25 secretary of Ananda Marga, Inc., did you ever take any

1 steps to -- or did you -- or did the board of directors
2 ever pass any resolutions to incorporate any rules,
3 regulations or procedures of that legal society in India?

4 A No, never.

5 Q Did you take any steps when you were the
6 sectorial secretary of Ananda Marga, Inc., to incorporate
7 the Carya'carya or its procedures into the bylaws of
8 Ananda Marga, Inc.?

9 MR. OBITTS: Your Honor, this is leading.

10 THE COURT: No, overruled.

11 Q (By Mr. Erwin) Go ahead and answer.

12 A Can you --

13 Q Do you want me to repeat?

14 A Yes.

15 Q Did you take any steps while you were the
16 sectorial secretary of Ananda Marga, Inc., to incorporate
17 any rules or procedures in the Carya'carya into the
18 bylaws of Ananda Marga, Inc.?

19 A No.

20 Q Okay. So are you a member of the legal society
21 of AMPS in India?

22 A No.

23 Q Did you ever take part in elections of the
24 general members of that legal society?

25 A No.

1 Q Did you ever pay subscription or dues?

2 A No.

3 Q Now, when you were the sectorial secretary of
4 the Georgetown sector, were there any rules or
5 regulations requiring you to provide a specific amount of
6 income to any Central Committee, general secretary, or
7 anyone at AMPS Central?

8 A There was no rule as such.

9 Q So if -- did you -- as the sectorial secretary
10 did anyone in the sector while you were Georgetown
11 sector, did anyone provide any money to programs in
12 India?

13 A Yes. They used to help doing the humanitarian
14 work there or departmental work there. That's like a
15 donation and in New York sector, I got some money which
16 was designated fund. Like in Ananda Nagar we had that
17 time digging -- a program called digging a pond to make
18 ponds there, to hold waters there. So (inaudible)
19 foundation in USA give us \$1,000, I took it. This kind
20 of designated money, I took it, and gave it to them.

21 Q Okay. And that's why you were in the New York
22 sector?

23 A Yes. From New York sector.

24 Q Okay. So I'll ask you the same question. Were
25 there any rules procedures that you're aware of that

1 would require you as the sectorial secretary to provide
2 any money to India?

3 A No.

4 Q Did AMI have any rules or procedures requiring
5 to provide any money to India?

6 A No.

7 Q Okay.

8 MR. ERWIN: Your Honor, this is -- actually
9 it's almost dead 5 o'clock, and it would be a good time.

10 THE COURT: Good time to take a break?

11 MR. ERWIN: Yeah.

12 THE COURT: We'll adjourn for the evening,
13 we'll be back here tomorrow morning at 9 o'clock, you'll
14 have 30 minutes left on your assessment of direct
15 testimony.

16 Messrs. Friedberg and Mueller, I reviewed Rule
17 220 and 221, and I don't find any basis for me to grant
18 your request -- anew to be excused. And I will tell you
19 if there's some authority that you have that compels that
20 you be excused on this basis and this circumstance, I am
21 happy to entertain it and I will follow it.

22 But absent that authority there's nothing in
23 the rule that directs me that I should excuse you.
24 Rather it tells me that you shall be here, and that's why
25 I've made the ruling that I have. I appreciate your

1 patience.

2 MR. MUELLER: Your Honor, the rule clearly says
3 that we shall be here unless excused by --

4 THE COURT: Unless excused. And so there's --

5 MR. MUELLER: And we request that you excuse
6 us.

7 THE COURT: Okay. Well, that's my ruling.

8 Thank you very much. We'll see you tomorrow at 9
9 o'clock.

10 (Whereupon the court recessed for the day.)

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