

The Bertolucci Lawsuit — A Personal Account

By Nayaswami Asha Praver, co-spiritual director of Ananda Sangha in Palo Alto, California

This is an excerpt from Asha's 450-page book, [*Swami Kriyananda: As We Have Known Him*](#).

Asha served for eight years as Kriyananda's secretary. Aside from Nayaswami Jyotish Novak, whom Swamiji calls his "right-hand man," probably no one knows him better.

"This book is a must for anyone even remotely interested in spirituality. Kriyananda has been an ideal disciple of a great Master."

— **D.R. Kaarthikeyan**, Former Director, Central Bureau of Investigation (Indian equivalent of FBI), National Human Rights Commission



The Bertolucci Lawsuit

A married man had an affair with an unmarried woman. At the time, they both lived at Ananda Village. His name: Danny; hers: Annemarie Bertolucci.

When Swamiji heard about the affair, he urged them to end it, and supported Danny when he made the decision to go back to his wife and daughter.

Annemarie refused to accept Danny's decision as final. She made it clear to Swamiji that she was determined that Danny should leave his wife and marry her. "I would make a *good* mother to his little girl," she insisted. The child was not developmentally normal and needed special care.

"I will not let you stay here and destroy that family," Swamiji told her firmly. Later, Swamiji said, "I didn't hesitate. I knew intuitively, however, that, in thwarting her desires and abiding by dharma, I would be faced with a difficult test."

To Annemarie he said, "You must move to another Ananda community." She pleaded to be allowed to stay, but Swamiji was unyielding. "You must live as far away from him as possible. That will make it easier to break the attachment." He suggested she go to Ananda Italy, or, as a second choice, to Ananda Seattle. She rejected both in favor of Ananda Palo Alto, where she had lived before. Swamiji did not dispute her choice.

"She appeared to cooperate," Swamiji said afterwards, "but underneath I could see she was seething with rage. Not at Danny, but at me. She was certain that if I

hadn't intervened, she could have gotten him back. She once told Danny, 'I *always* get what I want.'

It was no surprise when, a few months later, she left Ananda altogether. Her dispute with Ananda became her entrée into SRF. She visited SRF headquarters in Los Angeles, was given lunch by Daya Mata, and met with several other members of the SRF Board of Directors. Even longtime SRF members rarely get to see Daya Mata. For a newcomer to be received so royally was, indeed, exceptional.

Soon after, she filed a lawsuit against Danny, Swamiji, and Ananda. She claimed, among other things, that she had been brainwashed, coerced, and sexually harassed. At the time, the lawsuit said, she may have *thought* the relationship with Danny was consensual. Now, she alleged, *nothing* she had done, in the abusive atmosphere of Ananda, had been of her own free will.

When Swamiji heard about the lawsuit, he said simply, "This is not about Danny. It is SRF trying to destroy me."

The SRF lawsuit took twelve years to resolve. By 1994, however, when the Bertolucci lawsuit began, SRF had already lost 95% of their case. The next eight years were mostly repeated attempts on their part to get the judge's rulings reversed. SRF took its appeals all the way up to the United States Supreme Court, which refused to hear the case.

In 1994, SRF still had one possible way, apart from reversal on appeal, to retrieve what it had lost. It was a legal concept called "tarnishment." If SRF could prove that Swamiji and Ananda were morally corrupt, and that any association in the mind of the public between SRF and Ananda would "tarnish" SRF's reputation, then the judge could impose restrictions on Ananda that would diminish that association.

Even though the court had dissolved SRF's copyrights, trademarks, and publicity rights to Master's name and teachings, through "tarnishment" they might have those exclusive rights restored. Swamiji had told us to be ready for just such an attack from SRF.

Most of us referred to "Lawsuits" in the plural—meaning Bertolucci and SRF. They were legally separate, filed in different courts—SRF's in federal court in Sacramento, Bertolucci's in state court near Palo Alto. Swamiji, however, never referred to them in the plural. To him, it was just "The Lawsuit," since it was obvious to him that SRF was behind them both.

Just as Swamiji had predicted, SRF soon filed a motion in federal court, describing the Bertolucci lawsuit, and asking for relief on the basis of "tarnishment." We countered with the charge that SRF had "unclean hands."

"SRF can't be permitted to both *create* a scandal and then *benefit* from that scandal," our attorney argued. He had considerable evidence to back this up, starting

with the way Bertolucci had been received at SRF headquarters just weeks before she filed the lawsuit.

He went on to list other convincing facts. Bertolucci's attorney was a prominent member of SRF. (Later he became the lead attorney in SRF's federal case as well.) A major SRF donor had been fraudulently passed off as a paralegal so as to be able to attend Swamiji's deposition in the Bertolucci case.

Swamiji had never met the man, but when he saw him sitting there Swamiji said to our attorney, "That man is an SRF member. What is he doing here?" Bertolucci's attorney insisted that he was a paralegal. It was impossible at the moment to disprove his claim.

Not long after the deposition, SRF transferred to that donor a large and valuable property for the sum of \$1. The donor was already a client of Bertolucci's attorney and our assumption is that he was the conduit through which SRF financed the Bertolucci case.

On the basis of this and other evidence, we demanded the right to question Daya Mata about SRF's involvement in the Bertolucci lawsuit. SRF waged a fierce battle to prevent us from questioning her. Their efforts to do so did not, in the end, help their cause.

"Your very reluctance to allow her to be questioned tells me you have something to hide," the judge said when he ordered Daya to submit to a deposition.

"It is not right for fellow disciples to be fighting each other in court," Swamiji had written to Daya more than once since the SRF lawsuit began. He urged her to accept his invitation to meet together and find a way to settle the case. Always she had refused.

Now, faced with the prospect of having to answer questions about SRF's involvement in the Bertolucci lawsuit, Daya contacted Swamiji and for the first time appeared eager to settle.

At the settlement conference, however, as a condition for even beginning the discussion, Daya demanded that we give up the right to take her deposition. Naively, we agreed.

Settlement negotiations dragged on for months. SRF expected us to cede back to them all the exclusive rights to Master and his teachings that the court had taken away. They negotiated as if it were they who had won, not we.

By the time it became clear that settlement was impossible, the window of opportunity to take Daya's deposition had closed and could not be reopened. Later, we were forced to conclude that Daya had initiated the whole settlement process for the sole purpose of escaping the deposition.

SRF did, however, withdraw its “tarnishment” claim.

The Bertolucci lawsuit proved to be exactly what Swamiji expected: a vicious personal attack on him. The linchpin of Bertolucci’s case was the “coercive, cult-like atmosphere of Ananda.” Without that, it was just an affair between two consenting adults. An abusive cult cannot exist without an abusive cult *leader*. Danny soon became an “also-ran,” almost incidental to Bertolucci’s case—at times even a sympathetic character, because he, too, was presented as a “victim” of the “abusive cult leader.”

Swamiji and Ananda were not the first spiritual group or spiritual leader to be sued by Bertolucci’s attorneys. By the time they got to us, they had perfected a method for destroying reputations and winning huge out-of-court settlements.

The first step in their system was to write the lawsuit and supporting declarations to be as lurid and shocking as possible, with an eye to how they would play in the media. The second step was to court the media like an ardent suitor.

Accusations in a lawsuit are exempt from the laws that usually govern libel. No matter how false they may later turn out to be, the accusations can be repeated and reprinted in all forms of media without fear of retribution.

Scandal sells newspapers. The same day the lawsuit was filed in court, it was also released to the media. From then on, Bertolucci’s attorneys argued the case in the press as much as they did in the courtroom.

The lawsuit was so extreme as to be almost a parody of itself. It read as if the lawyers kept a boiler-plate, anti-cult lawsuit in a file drawer and just pulled it out as needed. Perhaps it is not so far from the truth to say that they simply inserted the names “Ananda” and “Swami Kriyananda” whenever a specific reference was needed.

Human nature tends to think, “Where there is smoke there is fire.” Or, between two conflicting points of view, “The truth must lie somewhere in the middle.” Few people are discerning enough to know when they are being taken in by a daring ploy that Hitler called the “Big Lie.” This is something so outside of reality as to have no foundation in truth at all.

With this understanding of human nature, and by skillful use of the media, the reputation of a spiritual leader can be destroyed by accusation alone.

Nothing in the lawsuit reflected Ananda or Swamiji as we know them to be. It was the “Big Lie.”

At Ananda, women are in charge of half the departments. Still, in the lawsuit, the community was described as an environment “hostile to women” in which they are “second-class citizens,” forced into drudgery, mere sexual playthings for “the Swami” and his male minions.

Swamiji was described as a ruthless dictator, indifferent to the welfare of anyone but himself, obsessed with power, pleasure, and money, who routinely took advantage of vulnerable young women. According to the lawsuit, Ananda was nothing but a “sham religious organization” set up primarily to keep “the Swami’s harem stocked.”

When she filed the lawsuit, Bertolucci did not accuse Swamiji of abusing her. She alleged only that he was responsible for creating the atmosphere in which abuse could occur. To bolster that claim, the lawsuit included declarations from a few women, former residents of Ananda, now all affiliated with SRF, who claimed that in the past they had been subjected to coercive sexual advances from Swamiji.

The most recent was alleged to have occurred thirteen years before the suit was filed in 1994, the most distant was twenty-eight years earlier. None of these women were plaintiffs in the lawsuit, but these declarations proved to be the core of the campaign to destroy Swamiji’s reputation.

The third step in the method used by Bertolucci’s attorneys in their attack on spiritual groups and their leaders, is, gradually, over the course of a lawsuit to uncover more and more abuse, and thus draw into the lawsuit an ever-increasing number of plaintiffs. Eventually, the sheer magnitude of the case against the “cult” and its leader forces them to pay whatever is needed to avoid a trial and the risk of an even greater loss of money and reputation.

Four years passed from the time the Bertolucci lawsuit was filed until the trial ended. During that time, Bertolucci’s attorneys sent letters, made phone calls, held public meetings, and at one point even dropped leaflets from an airplane onto Ananda Village, all in an effort to uncover further abuse and draw more clients for their case.

These efforts were entirely unsuccessful. There was no abuse to uncover. The only ones who spoke against Swamiji at the end of the case were the same ones who were there at the beginning: a few SRF-affiliated women.

Dozens of Ananda women did come forth, however, to testify and file declarations on behalf of Swamiji.

“Women have an instinct for these things,” one woman wrote. “They can sense when a man has sexual intentions. I have worked closely with Swamiji for more than two decades. He has been a guest in my home. I have been a guest in his. I have traveled with him. I have worked alone with him late into the night. Not once, in hundreds of hours of close association, have I felt from him, or observed in his interactions with other women, even the slightest expression of sexual interest. Not even an appreciative glance or a remark with sexual overtones. Nothing. Sometimes I think he doesn’t even notice the gender of those around him.”

Another woman said, “To speak of Swamiji as ‘coercive’ is like saying the sun rises in the west. The truth is, when you are with him, you have to be careful not to express preferences that might interfere not merely with his convenience, but with his real needs. He is nothing less than heroic in his willingness to sacrifice his own well-being for the sake of others.”

“I’ve been discussing Ananda personnel issues with Swamiji since the community was founded twenty-five years ago,” a woman wrote. “I don’t even want to think about how many meetings I’ve attended. I can’t recall a single instance in which a decision was made on the basis of gender. That kind of bias just doesn’t happen at Ananda.”

In the “discovery” phase of the lawsuit, Swamiji was subjected to *eighty hours* of deposition. Bertolucci’s attorneys videotaped the entire proceeding. Each day, in an attempt to unnerve Swamiji, the camera was moved a little closer to his face. Bertolucci’s attorney was deliberately lewd and insulting in the hope of embarrassing Swamiji or, better still, enraging him and capturing it all on video.

Less than a year earlier, Swamiji had had open-heart surgery. His physician, Dr. Peter Van Houten, was present for the deposition to monitor Swamiji’s condition and call a break in the proceedings whenever he felt Swamiji needed a rest.

“Bertolucci’s attorney knew about the surgery,” Dr. Peter said later. “Still, he was completely unconcerned about Swamiji’s well-being. I think he could have pushed Swamiji to the point of a heart attack if I hadn’t been there to prevent it. Even when Swamiji asked to be excused to go to the bathroom, the attorney would say, ‘Just one more question.’ Then he would go on with the deposition as if the request had never been made. If Swamiji reminded him of the need for a break, the attorney would say again, “Just one more,” until Swamiji would simply get up and leave anyway, with the attorney calling out questions even as Swamiji walked out the door.”

Later, Swamiji said, “I am so accustomed to microphones and cameras. It meant nothing to me to have the video even inches from my face. As for the attorney’s attempt to bully and insult me, I saw no reason why his rudeness should affect my inner peace.”

Hour after hour, Swamiji calmly answered all the questions they put to him.

During that time, in conversation with a few close friends, Swamiji shared some of his personal history that he had never talked about before.

“At my first meeting with Master,” Swamiji said to us, “he asked me, ‘Of the three major delusions – sex, wine, and money – which ones attract you?’ Wine and money have never been issues for me. I had no wish to get married, but I did experience sexual desires and I told him so. He made no comment.

“At the end of the interview, Master initiated me as a disciple and also as a monk. I took that for his answer and resolved to do my best. It was a struggle. Once I said to him, ‘I would commit suicide rather than fall into temptation.’

“‘Why speak of suicide?’ Master replied. ‘This is not deep in you. Keep on trying your best. You *will* overcome it.’

“On another occasion I asked him to whom I might go for counseling on this issue after he was gone. I was astonished when he replied, ‘Speak of it to no one.’

“‘Not even Rajarsi?’ I asked.

“‘No,’ Master replied firmly. ‘No one. You have a great work to do and no one must know.’”

Swamiji was twenty-two years old when he became a monk. For the first fourteen years, he lived within the protected environment of the SRF monastery. When he was expelled from SRF in 1962, he found himself suddenly, at the age of thirty-six, all on his own.

Most monks and nuns who, for whatever reason, find themselves suddenly no longer in the monastery, have usually gotten married shortly thereafter. Swamiji was determined to remain a monk, even without a monastery to support him.

In India, a solitary swami is a common sight and people relating to him understand his position. In America, there is no such tradition. Many women still considered him “fair game.” Some even found him more attractive because of his commitment to be a monk.

Swamiji maintains a certain detachment from his own feelings. That detachment, however, does not diminish the depth and sensitivity of those feelings. Only a few, even of his closest friends, have been able to appreciate how deeply he has been hurt by the way SRF has treated him. All these years he has not had the company of even one fellow monk. Instead, he has been vilified and relentlessly persecuted by fellow disciples, some of whom were, at one time, his closest friends.

It was only natural that Swamiji would long, as most people do, for a small haven of emotional intimacy as a bulwark against so much hurt and betrayal, especially when that comfort was freely offered.

“When I took my vows as a monk, and then a few years later, as a swami,” he later wrote, “it was not a declaration, ‘I am free!’ Rather, it was an affirmation, ‘I will do my utmost to become completely free in this life.’”

Swamiji struggled valiantly against a lingering desire for human love and intimacy. Mostly he succeeded. A few times he did not. Always it was consensual. It is not in Swamiji’s nature to impose his will on anyone.

Mentally, however, he himself never gave his full consent, but acted always in obedience to Swami Sri Yukteswar's advice quoted in *Autobiography of a Yogi*: "Even when the flesh is weak, the mind should be constantly resistant."

"A slip is not a fall," Swamiji often says to encourage a person to cling to his aspirations even if, for a time, he fails to live up to them. Master said, "A saint is a sinner who never gave up."

When Swamiji started the community a few years after he was expelled from SRF, he had no choice but to mix freely with both men and women. If he had remained aloofly protective of his monastic vocation, Ananda would have failed.

"I made the decision to risk even my own salvation," Swamiji said, "in order to do the work Master had given me to do."

Later he wrote, "I could see no alternative but to go on, hoping for the best, clinging with faith to Master's power, believing that he would take me eventually out of delusion. To me personally, the risk was agonizing. Meanwhile, I never pretended to myself or to anyone else that it was *not* a delusion, or that it might be in some way justifiable. I always saw, and spoke of it, as a fault. At last, as it happened, I discovered that Master's blessings had been with me always."

During the time of the depositions, in that conversation with his close friends, Swamiji went on to say, "Bertolucci's lawyers tried to make it seem like sex was something I reveled in. That is not true. It was always something from which I wanted to be freed.

"There was no point, though, in running away from it or doing all those other extreme things people do in an effort to kill the impulse within them. Quite simply, I'd tried that and had found it didn't work. I realized I just had to live through it, maintaining as much mental detachment as I could.

"To maintain detachment in this way is a form of Tantra yoga. Many people think Tantra is about *enjoying* your desires. That is entirely wrong. The teaching of Tantra is to *withdraw* the feelings, by an act of will, from sensory enjoyment, not to indulge them.

"The follower of Tantra trains himself to keep the thought, 'Even in the midst of enjoyment, I myself am not the enjoyer.' The goal of this practice is eventual inner freedom. By maintaining mental detachment even while experiencing apparent 'fulfillment,' one gradually comes to see that desire itself is a delusion.

"Tantra can be dangerous, however, and the masters do not recommend it. I would not have chosen even this one practice for myself if my situation had not forced it upon me.

"It complicated things for me that Master had told me not to talk about it. Of course I would follow his guidance, there was no question about that. If he hadn't

guided me that way, however, I would have talked about it easily. I have done my best and I am proud of the life I have lived. Sexual desire is, after self-preservation, the most powerful instinct there is. It is nothing to be ashamed of.”

Bertolucci’s lawyers offered to settle, but Swamiji refused even to consider it. “It would,” he said, “be tantamount to admitting an untruth – a whole series of untruths, in fact.”

The Bertolucci trial turned out to be a travesty of justice. The judge was biased against us from the start. He told Bertolucci’s attorneys what arguments to make and what motions to file so he could rule in their favor. He put Ananda’s spiritual practices on trial. He issued a ruling that prohibited us from offering *any* defense against the fulcrum issue in the case: the allegation that Swamiji was a “sexual predator.”

When it came time for the women who had filed declarations against Swamiji to testify against him, *they knew in advance* that we’d been prohibited from cross-examining them. They could perjure themselves without fear of exposure. Some of their testimony contradicted what they had said in their own declarations and depositions, but there was no way we could bring even this fact to the attention of the jury.

The jury was *never informed* about the prohibition imposed on us by the judge. They observed, without any explanation, that we offered no defense. They drew the obvious conclusion that we had no defense to offer, and considered the issue proved.

The attorney we worked with from the beginning to the end of the SRF lawsuit is a brilliant lawyer, an honorable man, and has become a dear friend. But he is not a litigator. So we had to hire another attorney to work with him for the trial.

Swamiji was in Europe when this litigator was hired. He was a well-known defense attorney, who, we found out later, specialized in defending guilty criminals. His contribution to justice was to be sure that the criminals, although guilty, received a fair trial.

When Swamiji came back to California a month or two later, they met for the first time. The litigator had apparently decided he needed to make it clear from the start who was the boss. He treated Swamiji as if he were a guilty criminal who needed to be bullied into telling the truth.

Afterwards, Swamiji said, “He is the wrong attorney for us.” It wasn’t personal. It was just obvious to Swamiji that such a man could never tune in to him or to Ananda and therefore would have no idea how to defend us.

Swamiji’s remark was met by a hailstorm of reasons why we had to keep working with that lawyer.

“We’ve paid him a big retainer.”

“He’s done a lot of work already to prepare for the trial.”

“He has a reputation for winning.”

“We don’t have time to bring someone else up to speed.”

Again Swamiji stated emphatically, “He is the *wrong* attorney for us.” When the hailstorm began again, Swamiji made no further effort to persuade us.

Throughout all life’s challenges, Swamiji’s first thought has always been, not, “How to win?” or “How to succeed?” but, “How to maintain the right spiritual attitude required by the highest principles of dharma.”

Even in a matter of such importance, if we were not receptive, it was contrary to dharma for Swamiji to *impose* his will on us.

“I knew this attorney would be a disaster for us in exactly the way he proved to be,” Swamiji said later. “When I couldn’t get you to listen, however, I accepted it as God’s will.”

The irony is that the man was hired to defend Swamiji against the charge, among others, of being a dictator. Even though the consequences for Swamiji personally were enormous, he let us go forward as we preferred and let God to determine the outcome.

So we went to trial represented by an attorney who didn’t believe in our cause, who believed still less in Swamiji, who never understood the case, and who refused all our helpful suggestions. As a result, insofar as he was allowed to present a defense at all—given the judge’s prohibition—his defense was so weak that in many ways it strengthened the case against us.

We continued to affirm victory right up to the end, but it was no surprise when the jury ruled in favor of Bertolucci. Afterward, we consulted with several attorneys about filing an appeal.

“Even without considering all the other improprieties in the way the judge conducted the case,” one attorney assured us, “the prohibition against your presenting a defense to the key issues is enough in itself to *guarantee* that the verdict would be overturned on appeal. That verdict has the shelf-life of an *apple*.”

To our dismay, however, we found out that even if one wins an appeal, all he gets is the right to a new trial, sometimes even in front of the same judge. The first trial had lasted three months, cost us hundreds of thousands of dollars, and for the entire time, thanks to Bertolucci’s attorneys, and our own lawyer’s refusal even to let us talk to the press, we were raked over the coals by the media.

No thank you, we decided. We’d had quite enough of this so-called “justice.”

“Where there is dharma there is victory.” What does it matter how we are judged in the courts of man? All that matters is how we stand in the eyes of God.

Even in the worst hours of the trial, Swamiji said later, “I felt inwardly free. My constant prayer was, ‘Divine Mother, they can take everything away from me, but they can never take away from me my only treasure: my love for You.’”

Bertolucci’s attorneys very nearly succeeded in taking from Swamiji the copyrights to all his books and music, the fruit of a lifetime of work. Only by putting Ananda for a time under the protection of the bankruptcy court were we able to prevent that from happening.

In the end, the trial proved to be a great blessing for Swamiji. “Since then,” Swamiji said, “I have not felt the faintest stirring of attraction toward human love.”

It seems an inescapable conclusion that those women who helped Swamiji in achieving his ultimate victory also reaped for themselves, in time, some of the good karma of that victory.

Speaking to a group of friends, all of whom happened to be married couples, Swamiji said, “I don’t mean to hurt your feelings, but Master told me something that I didn’t understand at the time, but I do understand now. He was speaking of the attraction between the sexes. ‘Once you have overcome that desire’ Master said, ‘you will see it is the greatest delusion.’”

Persecution has been the lot of many great souls throughout history. St. Teresa of Avila was called before the Inquisition. St. John of the Cross was cast into prison. One of John’s persecutors was even there at his deathbed interviewing the nuns who nursed him in the hope of finding evidence of misconduct to use against the saint.

In his Christmas message to the community the year of the Bertolucci trial, Swamiji wrote, “We have so much to be grateful for. I wouldn’t trade anything God has given us this year for some imaginary ‘better deal.’ Spiritual growth comes as much through divine tests as through overt blessings – so much so that I’m inclined to say, ‘What tests?’

“What we want from life is to grow closer to God. Nothing else – absolutely *nothing* else – matters. Speaking for myself, and I think for all of you, my love for Him is deeper than ever. So also is my faith.”