

1 Your Honor.

2 THE COURT: Ms. Scissors.

3 MS. SCISSORS: Nothing. Thank you.

4 THE COURT: Any redirect?

5 MR. GLICK: Nothing.

6 THE COURT: You may step down.

7 Next witness, please.

8 MR. REARDON: Dave Knapp, please, Your Honor.

9

10 DAVID KNAPP, Government's witness,

11 duly sworn.

12

13 THE CLERK: Please state your name for the record

14 and spell your last name.

15 THE WITNESS: David Knapp. K-n-a-p-p.

16

17 DIRECT EXAMINATION

18 BY MR. REARDON:

19 Q. Mr. Knapp, where do you live?

20 A. California.

21 Q. What type of work do you do?

22 A. Sales, health products.

23 Q. May I direct your attention to the year -- no, excuse

24 me. I am going to direct your attention to you. Where

25 were you raised?

1 A. In the Chicago area.

2 Q. You have brothers and sisters?

3 A. I have two brothers and one sister, yes.

4 Q. What does your dad do?

5 A. He sold cassettes, music, places like Woolworth's and  
6 places like that.

7 Q. Was he on the road?

8 A. About a third of the time he was, yes. He managed to  
9 involve the family in the business and kept pretty close to  
10 home. We have all worked with him.

11 Q. And brothers and sisters?

12 A. Yes. I have a younger sister and two younger  
13 brothers.

14 Q. Are you close to them?

15 A. Very.

16 Q. Where did you go to school?

17 A. I went to high school in Illinois. I then came and  
18 went to California and went to the University of Southern  
19 California where I received a bachelor's degree and did  
20 some grade work at a college affiliated with the University  
21 of San Francisco in psychology.

22 Q. How did you pay the tuition at USC?

23 A. I was on a California state scholarship and California  
24 state scholarship for a combination of need and combination  
25 of scholarship.

1 Q. Did you work while you were at college?

2 A. Yeah. I worked for all of my expenses.

3 Q. What type of work did you do?

4 A. I did some accounting, I used to do weekend shifts at  
5 Bekins, moving furniture, all night shifts and things like  
6 that.

7 Q. Are you an athlete?

8 A. I am -- primarily in high school I was, yes.

9 Q. What did you play?

10 A. I was a football player, swimmer, and made some  
11 attempts at throwing the discus on the track team.

12 Q. How about USC, did you pursue any of those disciplines  
13 at USC?

14 A. I was out of my range there. I got as far as the  
15 weigh-in for the football team and looked around and  
16 decided I wouldn't survive the first practice, that move  
17 wasn't for me, so I did some intermurals.

18 Q. Were you active in intermurals?

19 A. Yes. Rugby and water polo.

20 Q. When did you graduate?

21 A. 1971.

22 Q. What degree?

23 A. Bachelor's in science.

24 Q. What does that mean? What was your major?

25 A. It was business.

1 Q. You said you did graduate work?

2 A. Yes.

3 Q. Where?

4 A. It was Larchmont College affiliated with the  
5 University of San Francisco and it was in psychology.

6 Q. And did you begin an advanced degree?

7 A. Yes. A master's degree.

8 Q. Sorry?

9 A. A master's degree.

10 Q. In what year?

11 A. 1975.

12 Q. Did you work while you were in graduate school?

13 A. Yes.

14 Q. What type of work did you do?

15 A. During graduate school I was operating a boys' home, a  
16 facility for 15 teenage -- 15 to 18-year-olds, boys.

17 Q. What type of home was it?

18 A. Eight-bedroom house, pretty normal home. We took kids  
19 from juvenile hall and we took kids that had no families,  
20 kind of dependent and juvenile, dealt with both. It was an  
21 emancipation program. We tried to get them on their feet  
22 by the time they were 18. They had a better possibility.

23 Q. What was your position in that home, the enterprise?

24 A. Administrator, co-founder.

25 Q. How long did you do that?

1 A. Three years.

2 Q. What other type of work did you do during that time,  
3 if any?

4 A. Just before that time, a transition from what I was  
5 doing before. I was working with emotionally disturbed  
6 young adults, 18 to 35-year-olds in a halfway house. After  
7 that time I worked with cancer patients, I worked with  
8 alcohol abusers, drug abusers, also some private practice.  
9 That was what I was doing.

10 Q. What do you mean by "private practice"?

11 A. That means I saw clients in an office and worked with  
12 them on an individual basis.

13 Q. What do you mean by "clients"?

14 A. People who came to me for psychological help, you  
15 know, as a counselor.

16 Q. Now, this boys' home, that you co-founded, how long  
17 did that last?

18 A. About three years.

19 Q. And what year was that when you finished with that  
20 part of your life?

21 A. I think it was 1977.

22 Q. And where were you living at that time?

23 A. In California.

24 Q. What did you do at that time in 1977 after you  
25 finished this particular experience?

1 A. Well, as I said, I began to work with these other  
2 populations, you know, cancer patients and et cetera.

3 Q. What capacity?

4 A. With the cancer patients it was voluntary work. With  
5 the drug clinic, it was part-time work. I was being paid  
6 for that.

7 Q. How did you make a living?

8 A. With the counseling?

9 Q. How long did you do that?

10 A. That lasted until I went to India for the first time.

11 Q. What year was that, sir?

12 A. That was in 1978.

13 Q. When you went to India, did you go by yourself or with  
14 someone else?

15 A. When I first went to India, I went with my girlfriend  
16 and sister and close friends.

17 Q. Why did you go there?

18 A. I had been given a book by Bhagwan Shree Rajneesh and  
19 I was interested in the book and thought that there might  
20 be some interest in it for me, so I went.

21 Q. And when you went there, how long did you stay there?

22 A. My first visit I think was approximately two months.  
23 And it was followed by another visit for a similar amount  
24 of time, and then followed by most of the next year and a  
25 half straight.

1 Q. Your first two visits, briefly describe to the ladies  
2 and gentlemen what you did.

3 A. The first visit was primarily being a participant in  
4 group therapies. I was taking part in the activities  
5 offered in the community there in India. And that is most  
6 of what I did the first two times I was there.

7 Q. How could you afford to do that?

8 A. I had sold some property. Actually, some geodesic  
9 domes I planned to build. I sold that. In India you can  
10 live 150, 200 a month. Money goes a long ways there. I  
11 was able to live there because of the standard of life  
12 there.

13 Q. When you went back the third time after those two  
14 relatively brief sojourn months duration, when you went  
15 back a third time, how long did you stay?

16 A. I believe that was the better part of a year and a  
17 half, slightly more.

18 Q. And approximately to the best of your recollection  
19 what dates does that concern?

20 A. I can pinpoint the day I left, which was July 1981,  
21 which would have put me back in the early part of 1980 to  
22 start my second of the shorter stays.

23 Q. And during this longer stay, what did you do?

24 A. I volunteered, I worked in the community that was  
25 there. At that point I began to assist in one of the

1 groups. Since my background was in psychology, I began to  
2 assist in the hypnotherapy group happening there. And from  
3 that point I continued to begin to do my own groups in the  
4 fields that I could do them.

5 Q. Was this on your own or the auspices of any particular  
6 commune ashram leader?

7 A. Yes.

8 Q. Who?

9 A. The particular group or the group was Swami Sanyos was  
10 the group leader in that first experience. And the  
11 auspices of all of the groups was the community itself.  
12 The educational part of it ran all of the group therapies,  
13 the video therapy that was happening there.

14 Q. Now, when you talk about therapy, were you yourself in  
15 therapy during this time as you were giving therapy?

16 A. On occasion there were supervision groups. Primarily,  
17 no. Primarily I was giving therapy more than I was  
18 receiving.

19 Q. Did there come a time when you left India to come back  
20 to the United States in 1981?

21 A. Yes.

22 Q. What occasioned that trip back home?

23 A. During the months and weeks before there was -- there  
24 were people leaving and there were people going to a place  
25 that nobody clearly understood where it was except for the



1 people who were leaving. And it was rumored this was going  
2 to be the new place where their community would settle.

3 I was one of the people who was continuing  
4 to work during this time because there was still people  
5 coming to India that were part of the groups. And the  
6 transition was supposed to be to a place in America also  
7 running groups at that time in California. And so what  
8 happened was I was meant to go to continue doing therapy in  
9 America, and that is what put me in the situation where I  
10 was leaving.

11 Q. How about your personal beliefs at this time in your  
12 life, what were they?

13 A. This was a community that I felt I was going to live  
14 the rest of my life in. I at that point had no doubt  
15 wherever the community would go if it was available to me I  
16 would go and I would be there.

17 Q. What was the attraction to you, sir?

18 A. At that time the attraction was that there was a very  
19 close sense of friendship among people there, it was for  
20 me -- it was a chance to do my work, you know, literally  
21 eight hours a day, seven days a week, which was a bit much,  
22 but it was a chance to do the work that I did. Most of all  
23 it was being a disciple of the person that I felt was going  
24 to bring me to the height of my own personal growth. It  
25 was going to help me anyway. And that was a goal of mine

1 to experience that.

2 Q. Who was that person?

3 A. Bhagwan Shree Rajneesh.

4 Q. When you came back to the United States in 1981, where  
5 did you go?

6 A. I went to what ended up being a way station on the way  
7 to Oregon, which was a place in Montclair, New Jersey, it  
8 was a place where he was.

9 Q. Who is he?

10 A. Bhagwan Shree Rajneesh. It was a place where I had a  
11 chance to meet Ma Anand Sheela and it was a place where a  
12 transition happened to me into a different role. It was at  
13 that point exposed to me that Oregon was going to be the  
14 place the community had purchased land and was going to  
15 settle. And having had some experience with zoning  
16 regulations and land use and things like that because of  
17 trying to locate the boys home, the earlier situation I was  
18 in, I said to her, you know, you are going to have a heck  
19 of a time.

20 Q. Who is her?

21 A. Sheela. And so within a few hours after that her  
22 husband at the time came to me and handed me a book of  
23 zoning regulations for -- I can't remember if it was Wasco  
24 County or Jefferson County and said, would you look at  
25 these and see what you think we can do in terms of housing.

1 And so that was the beginning of my transition to coming --  
2 instead of going to the group situation and doing therapy  
3 in California, instead coming to the State of Oregon.

4 Q. Would you tell the Court and the ladies and gentlemen  
5 whether you were picked to go to the United States in 1981  
6 or whether you aspired to go and of your own accord tried  
7 to come to the United States and join Bhagwan Shree  
8 Rajneesh's group?

9 A. That is a hard question to answer because I think  
10 being I was in a relationship that I wanted to be wherever  
11 he would have been, whether it be America, Tibet, Timbuktu,  
12 it wouldn't have mattered, I wanted to go there. And yet  
13 that decision wasn't within my control. There were certain  
14 people in the community that were in a position of choosing  
15 people to go and choosing where they would go and when they  
16 would be able to join the community depending on whatever  
17 they had to offer. So I guess that is the best way I can  
18 answer that.

19 Q. Before you came back to the United States in 1981, had  
20 you had the opportunity to meet either Savita or Su?

21 A. Before?

22 Q. Yes.

23 A. I met Su at the pottery studio in India. Su was  
24 working with my sister who are was a potter. Yes, I had  
25 met her.

1 Q. What year was that?

2 A. I believe it was 1979 or '80, in that range.

3 Q. And how about Savita?

4 A. Savita, I don't remember meeting her before. I  
5 remember at some point knowing who she was, never meeting  
6 her.

7 Q. And incidentally, for the record, do you see either Su  
8 or Savita or both here in court today?

9 MR. WEATHERHEAD: Stipulated, Your Honor.

10 THE WITNESS: Yes.

11 Q. (By Mr. Reardon) How about --

12 THE COURT: Agreed, Ms. Scissors?

13 MS. SCISSORS: Yes, Your Honor.

14 THE COURT: Okay.

15 Q. (By Mr. Reardon) I direct --

16 THE COURT: By stipulated, ladies and gentlemen,  
17 it means that they agree that they are here and that it's  
18 who the defendants are.

19 MR. REARDON: And I may add, Your Honor, the  
20 defendants recognize each of them.

21 Q. (By Mr. Reardon) In 1981 when you came back to the  
22 United States, how long did you stay in the location before  
23 you came here to the State of Oregon?

24 A. I was in New Jersey it seems to me a few days, three,  
25 four days at the most. I believe I stopped and visited my

1 parents in Chicago on the way maybe for another day.

2 Q. Who was in New Jersey with you?

3 A. Well, I went to New Jersey to visit -- the reason I  
4 was able to go to New Jersey is because I had a girlfriend  
5 there whose name was Annado (ph). There were many people  
6 there. Sheela was there, Bhagwan was there.

7 Q. And Rajneesh is Bhagwan Shree Rajneesh?

8 A. Yes.

9 Q. And when did you come to Oregon?

10 A. In July of 1981.

11 Q. And when you came to this state, where did you first  
12 go?

13 A. I was driven from the airport straight to what turned  
14 out to be the community, the ranch.

15 Q. And then what?

16 A. In Antelope, Oregon.

17 Q. When you arrived there what was your first assignment?  
18 What did you do?

19 A. I did what I began to do in New Jersey, which was to  
20 take the zoning regulations and analyze them and at that  
21 point in time to see what the maximum number of homes that  
22 we could get through agricultural purpose would be so the  
23 maximum number of people could live on the ranch.

24 Q. When you say agricultural purpose, was it your intent  
25 to have a farming community solely?

1 A. I think what was clear from the very beginning to me  
2 and told to me directly by Sheela was this was to be the  
3 new -- there was a phrase used very frequently in India  
4 called the new commune. The new commune was going to be a  
5 place where people from around the world could come and be  
6 there. We are talking not thousands, but potentially  
7 thousands of people. And very clearly this was to be the  
8 new commune. And so our efforts to get homes through  
9 agricultural purpose was very clearly from there instead  
10 from our perspective in an effort to get as many homes so  
11 we could get a foothold to create that community. And to  
12 create that community we needed a building. We needed the  
13 kind of building that you couldn't get with logical  
14 purposes.

15 Q. What does that mean?

16 A. That means when we applied for instance for a permit  
17 for a greenhouse we applied for a permit for what might be  
18 the largest greenhouse ever and -- but it was built to the  
19 specifications and with the capacity to be a gathering hall  
20 for festivals and people coming.

21 Everything that we applied for for  
22 agricultural on the service had a second underlying and  
23 false motive, if you will, to be a part of what would be  
24 the ultimate community for the disciples around the world.

25 Q. I don't know if you used the "we" editorial. I want

1 you to use the first person unless you identify whenever  
2 you use the term "we" who you are talking about, you  
3 understand? When you first came to the ranch --  
4 incidentally, do you know approximately how large it was?  
5 A. I believe it was approximately 100,000 acres with the  
6 lease land and maybe 80 some thousand acres without it.  
7 Q. And when you came to the ranch the first time --  
8 incidentally, was it called a ranch? What did you all call  
9 it when you first got there?  
10 A. The very first thing was Villa Rajneesh, which was  
11 swiftly changed to Rancho Rajneesh.  
12 Q. Did you have any part in that?  
13 A. No.  
14 Q. How many people where there when you first arrived?  
15 A. I would say 20 to 30.  
16 Q. Was there any structure there in terms of management?  
17 A. Very clear structure.  
18 Q. What was it?  
19 A. I think it was and remains Sheela in direct control of  
20 everything on a level of day-to-day operations, even at a  
21 distance, because she was going back and forth at that  
22 point to some extent to New Jersey. And I think she  
23 consulted with Bhagwan Shree Rajneesh. She developed other  
24 people who she entrusted them to do things in a hierarchy  
25 kind of manner.

1 Q. Bhagwan Shree Rajneesh was number one; is that  
2 correct?

3 A. Yes.

4 Q. Now, where you there because you loved Bhagwan Shree  
5 Rajneesh?

6 A. Yes.

7 Q. Did there come a time when the original, the 20 or so  
8 grew?

9 A. Oh, yes.

10 Q. And how quickly did the growth occur?

11 A. I remember as again part of my function of finding a  
12 law saying we could incorporate into a city and saying, you  
13 know, the rate we are getting houses at, the rate we are  
14 able to then use six people in each house and have  
15 agricultural uses, we can justify, I don't know, one maybe  
16 a year or so. We will have enough houses to have the  
17 minimum number of people to vote an incorporation.

18 I remember very clearly Sheela saying to me,  
19 "You know, I am not interested in waiting. Do it, and do  
20 it tomorrow." You know, let's just go and let's do it and  
21 let's find a way and we are not waiting and we will use  
22 names and addresses from people who are in California and  
23 find enough voters and we will, you know because this is  
24 the way the city is, the way we are going to have the right  
25 to create structures, which will create houses, which will



1 create the community that will be the worldwide center.

2 Q. When did you first meet, if you did, Savita and/or Su  
3 in Oregon at the ranch?

4 A. I believe -- I can't remember for sure if Su was there  
5 when I got there, but it may be very close to that point,  
6 if not at that point. I believe Savita was there at some  
7 point during that first summer of 1981 within the first  
8 month or two.

9 Q. What type of relationship did you have with either of  
10 these women?

11 A. With Su it was a casual working relationship. It was  
12 friendly. With Savita, with the exception of a very short  
13 affair that we had in 1981, maybe over a period of a week  
14 or two, it was also the same, a friendship and working  
15 relationship of those time frames and of the years.

16 Q. Did you have an official position as the commune grew  
17 that first year? Did you have a title?

18 A. There were departments. And I think I was, I was the  
19 coordinator of one of the departments that related to  
20 planning because we had no city yet. And, of course, when  
21 the city came then my role changed again. But at that  
22 point I believe I was either at this point running that  
23 department or assisting that department.

24 Q. Did the term "coordinator" have another title at one  
25 point or did it come to have another title as the commune

1 developed?

2 A. Generally the people who were coordinators were women  
3 and generally those women were known as moms to those  
4 areas.

5 Q. Were you known as dad?

6 A. No.

7 Q. What did they call you?

8 A. They called me K.D., among other things.

9 Q. And in 1982 after being there a year, describe your  
10 position on the ranch and the position of Savita and Su, if  
11 you know, from firsthand knowledge?

12 A. My position, you know, in the first year was primarily  
13 as I described. I was working to assemble the different  
14 permits and things necessary to put the city -- you know,  
15 because I think the city election occurred within the first  
16 year, I think it was May of 1982. Once that vote occurred  
17 then there was preparation for that. Savita was clearly  
18 arranging and running the financial parts of what was going  
19 on. My early recollection of what Su was doing at that  
20 time frame are pretty unclear.

21 Q. All right. How about 1983, we will take another year,  
22 how large was the commune getting in 1983?

23 A. By 1983 we were in full fledged development. We were,  
24 you know, I believe under legal attack with the city, but  
25 we were working making every use we could to create

1 housing. I believe we were building structures, hotels,  
2 trying to build everything that we could, trying to get  
3 everything in place with the hope no matter what level  
4 things occurred nothing would get torn down. I am thinking  
5 we were at least growing from 500 towards 1500 to 2,000.

6 Q. Where did these additional people come from, the 500,  
7 1500, 2,000?

8 A. The second part of the community -- the first part was  
9 structures, the first part was getting housing. The second  
10 part was people. And because this group of people that  
11 were interested in Rajneesh were international those people  
12 came through marriages. Those people came through family  
13 marriages to people who were Americans and people who  
14 primarily lived on the ranch, including myself.

15 Q. You had one?

16 A. Yes, I did.

17 Q. Tell the ladies and gentlemen about that?

18 A. I was asked directly by Sheela to marry an Indian lady  
19 who had two kids. This was in 1982. I was asked to do  
20 that. And I made applications to the immigration service.  
21 I did all of the things necessary to try and help her to  
22 come over to American. And I succeeded in doing that. She  
23 came over with her kids.

24 Q. And did you have a girlfriend or relationship, if I am  
25 using the wrong word, did you have a girlfriend back there?

1 A. I did, yes.

2 Q. Who was the women that you had this -- what did you  
3 call it in terms to have a marriage? Was it a real  
4 marriage?

5 A. No, it was a false marriage.

6 Q. Technically legal, papers involved?

7 A. Yes.

8 Q. Okay.

9 A. Ceremony involved, everything, but the reality to have  
10 a relationship involved, there was no relationship. There  
11 wasn't even what I would call friendship.

12 Q. Were you relative strangers?

13 A. I would say virtually complete strangers.

14 Q. Did you have any training in regard to what you were  
15 suppose to know about each other?

16 A. Yes. As a matter of fact, there was I guess what you  
17 would call memorization of her life, who she had been  
18 married to before, what her interest were, gosh, what her  
19 favorite food was, the kinds of things that -- kind of  
20 things you would expect to be asked if the immigration  
21 service asked questions to determine whether a marriage was  
22 valid. We were -- we talked to each other to that extent  
23 to learn, yes.

24 Q. How did you know to do this with each other?

25 A. There was a department, again a coordinator, there

1 were people who organized this and trained you, if you  
2 will, or discussed these things with you and helped  
3 practice so that you know, if the occasion came you already  
4 had gone through the process.

5 Q. And what was the name of that department, if you know?

6 A. I remember the people, I don't remember the name.

7 Q. Who headed it?

8 A. At the beginning it was a woman named Coruna (ph).

9 And then it was overall ran after that point by a woman  
10 named Vidya.

11 Q. Now, as the ranch grew and taking your own  
12 circumstances, number one, but in terms of your  
13 consciousness of personal knowledge of the fact marriages  
14 of others in the commune, what knowledge do you have of  
15 that?

16 A. I would say I know of at least 3, 400 minimum. I  
17 remember being at a meeting where, and this is now skipping  
18 into the future I would say to 1984, '85, when it was clear  
19 that there was going to be legal action taken against the  
20 community for the marriages and for the whole organizing of  
21 the marriages and there was a lot of work done to prepare  
22 these people and I was working next to and near the  
23 department where people would file in and have their  
24 appointments.

25 Q. Now, you said you had an expertise in land use; is

1 that correct?

2 A. Yes.

3 Q. Did you have any particular expertise in immigration  
4 law?

5 A. No.

6 Q. Now, do you know whether -- let me ask you this. What  
7 was the nature of the marriage, if any, that you know  
8 about, personal knowledge of either Savita or Su in 1983?

9 A. I don't remember the exact timing of either marriage  
10 in terms of 1983 or what exact time frame it was. I know  
11 in Su's case she married a person who was a long time  
12 friend of mine, so I have firsthand knowledge of the  
13 realities of that marriage. That was never a real marriage  
14 in any sense of the word.

15 Q. What is his name?

16 A. His name is Robert Strock.

17 Q. The same Robert Strock that testified here a little  
18 while ago?

19 A. Yes, it is.

20 Q. How about Savita?

21 A. Savita, I don't have as much knowledge of her  
22 marriage. I do have a lot of knowledge of the fact she was  
23 in a relationship.

24 MR. WEATHERHEAD: Objection to the extent of no  
25 foundation to the answer to the question as put.

1 THE COURT: It needs another question.

2 Q. (By Mr. Reardon) What do you know from your own  
3 personal knowledge about the relationship of Savita in  
4 terms of marriage on the ranch, if anything?

5 A. Savita was married to a man that she was not living  
6 with. She was living with another man, so that leads me to  
7 believe that the marriage was not a genuine marriage, I  
8 guess. I don't know what is right and wrong here, that is  
9 the way I guess I would say it.

10 Q. Did you know who Savita's boyfriend was?

11 A. Yes. His name was Swami Anugiten.

12 Q. Was this before the marriage or after or both?

13 A. Both.

14 Q. Do you know what they -- do you know whether her  
15 boyfriend lived with her at all during this time?

16 A. Yes, I do. And yes, he did.

17 Q. And do you know what degree of separation in that  
18 living relationship occurred because of the marriage, if  
19 any?

20 A. I didn't notice any. There may have been days here  
21 and there. Over a period of months and years observing a  
22 relationship I didn't notice any.

23 Q. In 1983, what -- pardon me, directing your attention  
24 to the immigration and nationalization service, when did  
25 you first notice, you personally or have knowledge there

1 was an investigation or that the INS, we will call it, was  
2 scrutinizing or looking at the commune in regard to its  
3 virginous group?

4 A. There was suspicions I believe we are talking about  
5 1984 in this time frame.

6 Q. In terms of your personal knowledge?

7 A. Yes. There were suspicions. There were then in 1984  
8 conversations which I had with a mediator who was  
9 attempting to defuse some of the tension between the  
10 community at large and our community. And I asked him to  
11 try and get information what, if any, kind of Grand Jury  
12 investigations or what kind of arrests or what kind of  
13 things were going on with regard to this.

14 Q. Did you do this on your own?

15 A. I was directed to do it by Sheela, who being in the  
16 position she was in, running the whole thing, was very  
17 concerned about it, of course.

18 Q. In 1983, taking you back a year, I want you to tell  
19 us, if you have now personal knowledge, the position in the  
20 commune, the managements of Savita?

21 A. Savita, I mean if you take away titles of the various  
22 corporation Savita ran the financial aspects of the  
23 community totally. Anything that happened on a financial  
24 basis, whether it be to approve expenditures for  
25 construction or whether it be to deal with a broad range of



1 things, travel things, office things, all of those things  
2 went through Savita and her department. That is what she  
3 did.

4 Q. Su, what position did she hold, if you know?

5 A. Su at different points did different things, but  
6 primarily running a department that was in charge of  
7 building things, specially with respect to heavy equipment  
8 and getting land prepared for construction, those kind of  
9 things were run in that department.

10 Q. Now, let me ask you, what do you know about the travel  
11 frequency of Sheela in 1983, 1984?

12 A. I remember Sheela traveling frequently throughout the  
13 last couple of years of the ranch whenever she left.

14 Q. What do you mean, the last couple of years?

15 A. Well, I am talking about some point in 1983 until the  
16 time she left in September of 1985.

17 Q. When she left who was in charge?

18 A. The second person in charge was Savita. And there was  
19 another person if Savita wasn't available, Vidya and I  
20 would say Su was in that level right where if Vidya weren't  
21 available it would be Su.

22 Q. How many people were living at the commune at this  
23 time in late 1983 and '84?

24 A. Again, in the thousands, I'm not exactly sure how  
25 many.

1 Q. And what was your position at the commune in 1983 into  
2 1984?

3 A. I was the mayor of the city, the community. The city  
4 located near Rajneeshpuram.

5 Q. How did you get that job?

6 A. I was chosen by Bhagwan Shree Rajneesh. I presume so.  
7 Sheela brought a list of names and said I was chosen by  
8 him. When she came out of her meeting with him I was told  
9 I was going to run and I was told I would be the mayor.

10 Q. Well, maybe I'm missing something here. If you were  
11 to run was it to be a democratic process?

12 A. Well, how do I explain this? I think the vote was 154  
13 or some such number to nothing. And the slate of people  
14 who were going to run for a position was created ahead of  
15 time and was communicated to the community and the  
16 community voted in lock step with each other with whatever  
17 it was. I think Mayor Daley would have been proud, if I  
18 can say that coming from Chicago originally. It was --  
19 there was no choices to it. It was actually, you know, it  
20 was a predetermined situation, not democratic.

21 Q. How where the votes cast?

22 A. They were cast in a traditional voting booth. It had  
23 all of the trappings, all of the things that you are used  
24 to seeing were there. It just didn't have the same  
25 underlying reality.

1 Q. Was it a question of low voter turn out or if there  
2 were thousand did you get 154?

3 A. That is a good question, too. We are talking about  
4 May of 1982. We are talking about a dilemma. Number one,  
5 only Americans votes. And number two, we can't vote too  
6 many people because that would show we were having a lot of  
7 people live there that we were not suppose to have living  
8 there. The vote was enough to carry the vote, but not  
9 enough to trigger an investigation of people living there  
10 inappropriately, or not enough to trigger an investigation  
11 of foreigners and foreign nationals there that shouldn't be  
12 there.

13 THE COURT: Is this a change of topic at the  
14 moment?

15 MR. REARDON: Yes. I am just about through.

16 THE COURT: Okay. I was going to try and get my  
17 jury on the way before traffic.

18 MR. REARDON: It can be an appropriate time.  
19 Thank you.

20 THE COURT: Ladies and gentlemen, we are going to  
21 recess for the evening. We will begin again at 9:00 a.m..  
22 Be here a little early.

23 Please remember all of my admonitions,  
24 particularly now we have had media people here with us  
25 today and so we might anticipate things will be written.

1 MR. WAX: May we put the TV on the floor?

2 THE COURT: Yes, that is fine.

3 THE CLERK: Short recess.

4 (Brief recess.)

5 (Jury in)

6 THE COURT: Have Mr. Knapp come forward.

7 Mr. Knapp, you have already been sworn.

8 Take a seat. Thank you.

9

10 DAVID KNAPP, Government's witness,

11 previously duly sworn.

12

13 MR. REARDON: Good morning, Mr. Knapp.

14 THE WITNESS: Good morning.

15 MR. REARDON: Your Honor, may I proceed?

16 THE COURT: Yes.

17

18 DIRECT EXAMINATION

19 (Continuing)

20 BY MR. REARDON:

21 Q. Mr. Knapp, yesterday at the time we were ending I  
22 think we were talking about your experiences on -- at the  
23 ranch Rajneeshpuram, 1983, 1984. I am going to take you  
24 back to 1983 and ask you, directing your attention toward  
25 the latter part of 1983 of that year, what were you doing?

1 What was your, what was your duty assignment in 1983, late,  
2 at the ranch?

3 A. I was the mayor of the city and involved, at that  
4 time, in various legal struggles related to the city, land  
5 use lawsuits against the corporation and things such as  
6 that.

7 Q. In late 1983, what, if any, changes had occurred to  
8 the chain of command, the administration of the commune?

9 A. Well, there was some basic consistencies. Sheela was  
10 still answering to Bhagwan Shree Rajneesh, who ran the  
11 show. You had Savita and Vidya. At that point, in that  
12 range Su became the president of the corporation that owned  
13 the land, Rajneesh Investments Corporation, I believe it  
14 was called.

15 Q. And directing your attention to the aspect of  
16 immigration, what was your own status with regard to being  
17 married at that time, at least technically?

18 A. Technically, I was married. Technically, you know,  
19 only at least I lived with my wife and my two stepchildren,  
20 although in fact I lived with my girlfriend. And that  
21 status pretty much was consistent through that time.

22 Q. What, if any, training were you having at that time in  
23 regard to your marriage?

24 A. There was ongoing, but I was beginning to be more and  
25 more concerned about making people -- I guess preparing

1 people for the possibility that there would be attacks on  
2 the marriages. And --

3 Q. What do you mean by "attacks on the marriages"?

4 A. I mean there was a perception -- we believed that  
5 there was a perception that the marriages were illegal,  
6 which they were -- they were false.

7 MR. WAX: I object to the use of the term "we."  
8 We had that yesterday.

9 THE COURT: Yes.

10 Q. (By Mr. Reardon) Mr. Knapp, be careful of that "we"  
11 unless you tell who the "we" are.

12 A. I remember discussions with Sheela where we talked  
13 about concerns related to the INS coming down to the ranch  
14 to explore the validity of the marriages. As a result of  
15 that, we were prepared. We had interviews with people who  
16 pretended to act as if they were working for the INS. We  
17 had some -- memorized certain information about each other,  
18 I think I mentioned before, favorite clothing, favorite  
19 food.

20 There was an effort to put articles of  
21 clothing in the location wherever your supposed mate was so  
22 if in the middle of the night there was a situation where  
23 you had to go there, there was some level or some semblance  
24 of the fact that you would have lived there.

25 Q. Was there, in fact, a procedure developed in regard to

1 concern about the INS coming with improper surprise to the  
2 ranch?

3 A. Yes, there was.

4 Q. Tell the ladies and gentlemen about that.

5 A. The ranch was situated, of course, very, very far out  
6 into the middle of the countryside. In fact, I believe  
7 about 20 miles from the nearest very small town, which was  
8 Antelope, which I think maybe had only 20, 30 residents.  
9 So there was a lot of lead time for anyone coming down to  
10 the community to be seen and recognized at different  
11 gateposts and signposts along the way.

12 There was, I believe the word was Mukta  
13 laundry. There was a code for if any Government agents  
14 would come down or be recognized either by the roads or by  
15 helicopter, and at that time that signal was given and  
16 disseminated, and said throughout the community that I was  
17 suppose to go and -- I know others were, you know, in these  
18 meetings, were told to go to wherever their supposed  
19 spouses were and to pick up from that point.

20 Q. Now, you alluded, sir, to the term "Mukta."

21 A. Yes.

22 Q. Could you first -- let's try and start by spelling  
23 that, please.

24 A. M-U-K-T-A.

25 Q. Is Mukta a person?

1 A. Mukta was a person.

2 Q. Who was she?

3 A. There are several Muktas. I don't remember exactly  
4 which one that I was related to at the time.

5 Q. And you said "Mukta laundry"?

6 A. Yes.

7 Q. What do you mean by that?

8 A. Yes. It was a phrase. There is really no meaning to  
9 it other than that phrase meant and signaled certain  
10 actions needed to be taken.

11 Q. And how were these actions to be signaled among those  
12 that inhabited the ranch at that time?

13 A. The radio, through -- in some cases, through people  
14 actually going and knocking on doors or whatever to make  
15 sure that things were carried out. But there was a radio  
16 system, primarily Motorola radios that were used to  
17 communicate.

18 Q. What was your relationship, if any -- in late 1983 we  
19 are talking about now -- with Savita?

20 A. I don't remember any extraordinary change in the  
21 relationship. Savita worked in her area, which was the  
22 finance. I was working in my area. And on occasion our  
23 paths crossed when it related to financial matters because  
24 the city financial matters were also run through Savita's  
25 department, and there were occasions where we would relate.



1 I guess that is it.

2 Q. How often would you see her?

3 A. Well, frequently. Because anyone who, as I did, spent  
4 time around Sheela would see very frequently Savita or Su  
5 or Vidya or people who were the primary people in the  
6 organization.

7 Q. And how about Su? What was your relationship with Su,  
8 if any?

9 A. I don't remember any significant changes in my  
10 relationship with Su at that point.

11 Q. How often would you see her on a daily basis, if you  
12 recall, in late 1983?

13 A. I would estimate, say four, five times a week.

14 Q. Under what circumstances?

15 A. Typically circumstances where we would be talking with  
16 Sheela and one or more of us would be in that room when the  
17 other one came in. On occasion in the cafeteria, on  
18 occasion driving in a vehicle on the ranch.

19 Also there were different times when  
20 Savita's office -- and I don't recall exactly. There were  
21 transitions in -- where my offices were located in  
22 proximity to Savita's and the different times she actually  
23 worked, you know, within 50, 75 feet of where I was in a  
24 very large open space office. And at that point in time it  
25 would have been at least daily visual contact. Not so much

1 working.

2 Q. Where did Sheela live at the time?

3 A. She lived in a place called Jesus Grove.

4 Q. Was that just her home or was it also her office?

5 A. Both.

6 Q. Where did you live at that time?

7 A. I believe at that time I moved to Jesus Grove also.

8 Q. And how about Savita?

9 A. Jesus Grove.

10 Q. And how about Su?

11 A. Su lived in the larger area called Jesus Grove. Not  
12 in the house itself, but in a small A-frame wooden  
13 cabin-like structure outside of the main house.

14 Q. And describe the main house to the ladies and  
15 gentlemen, physically and who lived there.

16 A. Physically it was -- it was a sprawling house because  
17 it had many additions. It was originally a doublewide  
18 trailer added onto. And then not just added onto in a  
19 small way, but very large rooms and wings were added that  
20 housed other people. I would guess there were, I don't  
21 know, 14, 15 bedrooms minimum, and large meeting room that  
22 was maybe, gosh, 60, 70 feet square. There was kitchen  
23 facilities that were available, if necessary, on an  
24 all-night basis.

25 Meetings were happening frequently late into

1 the night. There was security there. There was people  
2 making sure who came and who left. There was a place where  
3 you could check out vehicles as you walk in if you needed a  
4 vehicle to go do something. There were vehicles to be  
5 checked in and out. And that was the physical surrounding.

6 Q. And who lived there?

7 A. Primarily people who lived there were coordinators,  
8 and in many cases, the people whom these coordinators had  
9 relationships with, their boyfriends or girlfriends, as the  
10 case may be.

11 Q. Did Savita live with anyone there?

12 A. Yes. She lived with Anugiten.

13 Q. And in terms of desirability, how did that area you  
14 just described compare to other living areas on the ranch?

15 MR. WEATHERHEAD: I am going to object, Your  
16 Honor. Foundation.

17 THE COURT: Overruled. Go ahead.

18 THE WITNESS: I would say the facilities, the  
19 physical facilities were similar, but more access to things  
20 that were needed. One didn't have to go to the cafeteria  
21 and stand in line. One had a kitchen available to it.  
22 There were more bathrooms per person. There was more  
23 privacy.

24 In many of the other situations you shared a  
25 room with someone else. In this case, you typically had a

1 private room. Again, with the person you may be in a  
2 relationship with but not necessarily a private room. Not  
3 a roommate situation.

4 Q. What were the requirements, if any, for residency in  
5 that particular area?

6 A. I don't think I can say -- there was certainly never  
7 anything written. More invitation by Sheela, and maybe an  
8 order told to you by someone else. In my case Sheela asked  
9 me to live there and said, you know, "Move in there." And  
10 I moved into several locations within the house over the  
11 time I was there. But I really was not privy to many of  
12 the invitations.

13 I know in general the people she needed to  
14 meet with regularly were there, so it was convenient.

15 Q. And where did these meetings take place?

16 A. Many of the meetings took place in her bedroom. Also  
17 I -- you said -- or as I said before, that doubled as her  
18 office. Not just the house itself, but really her bedroom  
19 is the place where she did a lot of her work.

20 Q. Where was your room compared to her room?

21 A. It varied at different times from being literally  
22 right on the porch which was converted to my bedroom and  
23 was a bedroom even before I moved into it, next to her  
24 room. And in fact, each of the times I was there I lived  
25 on that porch.

1 I have also lived on another porch in a  
2 similar -- on that side of the house and a bedroom on that  
3 side of the house also. I lived in three different places.  
4 Primarily the porch next to her room.

5 Q. As mayor, what were -- what did your duties include?

6 A. Presiding over city council meetings. Again typically  
7 with an agenda that was predecided and pretty much  
8 decisions were made ahead of time. Going to public  
9 meetings and hearings, whether they be in the county or  
10 state level. Going to legal proceedings, particularly at  
11 this time related to the land use lawsuits. Working with  
12 attorneys that were fighting the battle against the land  
13 use situation. That was primarily my function.

14 Q. And what were the reporting requirements, if any, at  
15 the ranch for you personally at that time?

16 A. Predominantly, I reported to Sheela. I also had  
17 occasion pending Sheela to be there, to report to Savita or  
18 Vidya. On lesser occasions, but some occasions Su. The  
19 city also had a home coordinator named Shanti Bhadra. On  
20 occasion I reported to her. Primarily to Sheela.

21 Q. What, if any, responsibilities did you have in the  
22 area of security for the ranch in late 1983?

23 A. Security was kind of multifaceted. There was a  
24 certain point a police department was created by the city.  
25 I was a member of that police department, and on occasion

1 acted in that capacity. That police department essentially  
2 functioned as a private security force with official  
3 sanction, of course, for the community.

4 I also was trained in the use of handguns  
5 and certain rifles. And I also on occasion provided  
6 security for Bhagwan Shree Rajneesh when he went on his  
7 rides in his Rolls Royces. I also was one of about 38, 40  
8 people who spent time in a small hut outside of his  
9 bedroom. And these -- this hut was manned on two-hour  
10 shift bases throughout the day and night for his security.  
11 And I did that also.

12 Q. Sir, directing your attention once again in 1983, the  
13 latter part, to 1984, tell us about your knowledge of the  
14 presence of firearms on the ranch.

15 A. The Peace Force had its own separate storage facility  
16 at the police department called -- it was called the "Peace  
17 Force," the police department. It had the ability to get  
18 weapons and did. It seems to me there were somewhere  
19 between 15, 25 rifles and enough handguns to --  
20 six-shooters, not automatic or semiautomatic handguns --  
21 that were used on patrols for the Peace Force to use.

22 We also had I think maybe four to six people  
23 that went through the police academy and were actually  
24 certified, as well as a couple of people hired by the  
25 police force that were prior policemen in other locations.

1                   There were also weapons purchased and used  
2 by the community, the commune. Those were kept in a  
3 separate location. And I believe at that time they were  
4 kept in a closet at Jesus Grove in the back wing away from  
5 the wing that I lived on -- or lived in, rather. And those  
6 weapons were used and checked in and check out for things  
7 like the ride that he took in his car and that security, as  
8 well as for that -- for other things that would happen  
9 around the ranch.

10 Q.   What type of weapons were on the ranch?

11 A.   There were Smith & Wesson rifles, I recall. There  
12 were Uzis and I think the same company that made Uzis made  
13 a weapon called Galio (ph), another kind of rifle. There  
14 were a few shotguns. That is what I recall.

15 Q.   How about firearms training? Aside from yourself, did  
16 you have knowledge of the breadth of the firearms training  
17 on the ranch?

18 A.   Yes.

19 Q.   Tell us about that.

20 A.   Well, two levels. One is the police force regular  
21 training in accordance with state law. The private  
22 security force, the group of people that would provide  
23 security for the festivals and also especially for that  
24 room above where Bhagwan Shree Rajneesh lived also received  
25 regular weapons training. There were several people who

1 gave this training. And the Peace Force got their training  
2 primarily from one of the police officers who was hired  
3 from another area.

4                   The private security also got their training  
5 primarily from people in the community who had prior  
6 military experience. And that training included, of  
7 course, target practice with both the handguns and the  
8 rifles. It included things like trying to sneak up on  
9 targets and just, you know, camouflaging yourself. Things  
10 like that, more and more rugged kind of training as well as  
11 just target practice. I guess what you have to call  
12 tactical defensive missions and missions what to do in a  
13 situation where somebody's life, and particularly Bhagwan's  
14 life, was in danger, and you had to do something in a  
15 situation in a crowd, things like that.

16                   I also had, as a last thing, occasion to  
17 carry weapons off the ranch in my function on which I  
18 played on occasion as bodyguard to Sheela. And so on  
19 occasion I would carry handguns when I would leave the  
20 ranch and accompany her.

21 Q. You refer in your testimony to The 38 as a --  
22 something private and distinct from your commune police  
23 department; is that correct?

24 A. Yes.

25 Q. Tell us about its origination from your personal



1 knowledge.

2 A. The origination of that is The 38 was created to guard  
3 Bhagwan Shree Rajneesh and man that bedroom, and it was  
4 referred to -- it was called Sheela's bedroom. It was  
5 really again this hut that you walk up a circular staircase  
6 and stand up there. It was maybe eight feet by eight feet  
7 with windows on all sides. People would be there. They  
8 would be lookouts over a well-lighted area right next to  
9 his house, which had a -- in the distance an electrified  
10 deer fence. And that was the primary function of The 38,  
11 as well as to carry out any other security around the  
12 ranch. They became very well trained and also provided  
13 much of the security at festivals when people would come.

14 Q. You also talk about festivals. We -- you are now in  
15 the year 1983. I don't want you to backtrack to each.  
16 Tell us when the festival was and when it occurred.

17 A. The first -- 1982 in the summer, I believe, was the  
18 first festival. And we had four -- '82, '83, '84, '85,  
19 four festivals. The festivals occurred, if I'm  
20 remembering, July 6, which was a celebration day in the  
21 religion. And on that day people would make a pilgrimage  
22 and come from all over the world and come for a period of  
23 time. Especially at the beginning when he was not  
24 speaking. That was a time when people could see him and  
25 spend time. Otherwise, they couldn't. And especially for

1 people coming from around the world, it was a very special  
2 time.

3 Q. And how many people would come to the ranch?

4 A. Anywhere between ten and twenty thousand, in that  
5 range, maybe, 15 on average.

6 Q. Once again, back in 1983, were there events that  
7 occurred in 1983 which heightened the concern for security?

8 A. I believe in 1983 there was a bomb that went off in --  
9 if I'm not mistaken, in the summer -- might have been  
10 August -- in the hotel the community owned in Portland.  
11 That is -- that shook everybody up. And I remember  
12 security on all levels changing at that point. And that  
13 was, I believe, in the summer of 1983.

14 Q. Did you have occasion personally to participate in the  
15 increased security?

16 A. Yes.

17 Q. What did you do?

18 A. Well, similar to what I have just said. I  
19 participated in all of those things that I just described  
20 that were more so after that bombing.

21 Q. What responsibility did you have for receiving mail in  
22 the community or reviewing mail, correspondence or phone  
23 calls?

24 A. Well, with respect to mail, no responsibility. Mail  
25 was typically received and somebody sorted it and it was

1 gone through. And by the time it got to me it was opened  
2 and things were handed to me that I -- anything I needed to  
3 deal with.

4 MR. WAX: Your Honor, excuse me. At some point I  
5 think we need to object. I mean, this is all interesting  
6 background, but the relevance of some of this is -- this is  
7 somewhat tenuous.

8 THE COURT: I agree.

9 MR. REARDON: Is there an objection?

10 THE COURT: Let's move through this area.  
11 Background is necessary. Let's move through it.

12 MR. REARDON: Thank you.

13 Q. (By Mr. Reardon) Sir, in regard to complaints or  
14 harassing messages to the commune, did you have any  
15 knowledge of them?

16 A. Yes.

17 Q. Tell us your knowledge.

18 A. There began to be a series of letters received from  
19 so-called paramilitary organizations, some in Idaho, I was  
20 later to find out.

21 MR. WAX: Objection, Your Honor.

22 THE COURT: Sustained.

23 Q. (By Mr. Reardon) Did you learn the genuineness of  
24 these threats?

25 A. Yes.

1 Q. And what was it?

2 A. The letters I received, and in fact the letters in  
3 many cases that I used in my communication with the state  
4 government and some cases with the federal mediators were  
5 created by primarily a woman named Samadhi within the  
6 community. And she had found a way to get letterheads in  
7 some cases or do a lot of different things to create these  
8 things to enhance the image of attack on the community.

9 Q. I am going to take you now into the year 1984. And  
10 ask you by mid-1984, what was your responsibility in the  
11 commune?

12 A. Very similar, representing the community at hearings  
13 and lawsuits and relating to the press. There was more at  
14 this point involvement in responsibility. In an unofficial  
15 way I was asked by Sheela to try at this point to figure  
16 out ways to salvage the community's ability to build  
17 buildings, which was under attack through the lawsuits on  
18 the city and try and find some way to get political power  
19 in the county, Wasco County.

20 Q. By mid-1984 what was the command structure, if any, on  
21 the commune?

22 A. Very similar to what I have described. Bhagwan Shree  
23 Rajneesh was number one. Sheela ran the day-to-day things  
24 and reported to him. If Sheela were gone, Savita. If  
25 Savita and Sheela were gone, then Vidya. After that, Su.

1 Q. What knowledge did you have of immigration matters of  
2 concern to the commune personally in 1984?

3 A. The efforts to train people to deal with the  
4 possibility that we -- that I mentioned a moment ago were  
5 escalated. Instead of just being asked to come in and talk  
6 about where you live and what your wife wears and what her  
7 favorite perfume is or whatever, it may be or your husband,  
8 it changed to real life situations where what if you get  
9 called in and -- if I am not mistaken, at that time there  
10 was a series of people who sued the immigration service for  
11 not processing their applications. So there was an effort  
12 made to speed up the process and confront this, whatever it  
13 was. And those people had to go in for interviews.

14 They were actually interviewed, and I say  
15 many of them come into the Legal Services Department, which  
16 was the same place where I was working adjacent to that,  
17 and gone through the preparation so they could go to their  
18 interviews. It was the beginning move a very, very large  
19 devotion of energy within the community where I saw  
20 hundreds of people literally coming through and meeting as  
21 couples in these relationships that were not genuine  
22 relationships, and began trying to get their stories  
23 together so if and when they were interviewed, they could  
24 present the proper stories.

25 Q. What travel, if any, did you participate in during

1 1984?

2 A. Certainly I traveled throughout Oregon, to Portland  
3 many times. To the state capital. I believe I traveled  
4 outside the country, but I think that was in 1985.

5 Q. How about Sheela? What was the nature of her travel  
6 schedule in 1984, if you know?

7 A. Sheela was beginning to spend a lot more time on the  
8 road. She was visiting communities related to Bhagwan  
9 Shree Rajneesh in Europe. She was going over there to  
10 supervise them, in her words, to give them energy to make  
11 things go right. She began to spend more and more time  
12 away.

13 Q. And directing your attention to the latter part of  
14 1984 into the fall, what, if any, concerns did you have  
15 about the election?

16 A. It became for me and my discussions with Sheela a  
17 virtual non-stop obsession. I mean, "Have you found a  
18 way?" I mean, there were many things going on then. And  
19 in that effort, Sheela decided that she was going to -- you  
20 know, having failed to find other ways, she decided that  
21 she would try and give people diarrhea on election day  
22 early on in this and she -- and this is painful for me, but  
23 she gave me -- actually Puja was her nurse, gave me a  
24 substance and I put that substance on door handles in the  
25 county courthouse bathroom and in a salad dressing at a

1 restaurant. And apparently nothing came of it, because  
2 after that point I hoped to God that Sheela was very angry  
3 with her nurse because nothing was working. Obviously  
4 later on down the line that changed.

5 This was one of the efforts that Sheela  
6 made, along with discussions where I was present where she  
7 wanted to do this similar thing to the waste company,  
8 county water system, do something, put something in there  
9 where people would have diarrhea and not show up on  
10 election day. Likewise, to disrupt the county by burning  
11 the county planners' records.

12 Along with this, there was an effort to  
13 bring homeless people in so they would be able to vote in  
14 the election. And these were -- it was a bombardment of  
15 these kinds of things going on at that time.

16 Q. Of course restricting your testimony to what you  
17 yourself did, what did you do in regard to any of these  
18 areas that you just described to the ladies and gentlemen  
19 of the jury other than what you have already told us?

20 A. I helped organize the homeless effort at the beginning  
21 of that. I also worked with the State to try and use  
22 the -- Sheela said, "Let's use the fact with we can put the  
23 homeless people back into the community to try and get  
24 leverage to drop the" --

25 MR. WEATHERHEAD: Objection, hearsay, and number

1 two, I am sure, Mr. Knapp, these are all very interesting,  
2 but I don't see us getting to the point that the Court  
3 indicated a half hour ago.

4 THE COURT: On the first basis, sustain the  
5 objection. On the second basis, yes, let's move long.

6 Q. (By Mr. Reardon) Sir, the end of 1984, beginning of  
7 1985, what was your responsibility on the ranch? What were  
8 they?

9 A. I was going to hearings about the city lawsuit. I was  
10 attending press conferences where appropriate to the city  
11 situations or the situations where I was involved. I was  
12 attending meetings with Sheela discussing immigration  
13 problems and things of that nature, and the fear of what  
14 was rumored to be at that point a Grand Jury that we had  
15 heard about, I heard about through her.

16 Q. And what, in the beginning of 1985, was the command  
17 structure, if any, at the ranch?

18 MR. WAX: Your Honor, I object to that question  
19 at this point. It's an issue we briefly discussed on a  
20 number of occasions.

21 THE COURT: I will allow the question within the  
22 framework of who the organizational heads were.

23 MR. REARDON: I have asked the same thing, of  
24 course, many times, and I would -- pardon me, I went before  
25 the Court's ruling.



1 Q. (By Mr. Reardon) What was the command structure, if  
2 any?

3 A. No different than what I described already.

4 Q. Did there come a time in January of 1985 when you  
5 learned the existence of the Grand Jury investigation?

6 A. Yes.

7 Q. Did you have conversations with Sheela in regard to  
8 the Grand Jury investigation?

9 A. Yes.

10 Q. Were you given instructions regarding to the Grand  
11 Jury investigation?

12 A. Sheela asked me to contact a person with I think it's  
13 Federal Community Relations Service. His name I believe is  
14 John Mathis. And he had been instrumental in trying to  
15 help the community sort out tensions between themselves in  
16 the prior year or so. And I asked him, given the tensions  
17 of the homeless and all of the other things going on if he  
18 could inquire about that and let us know what is going on  
19 so we can defuse tensions. And Sheela asked me to call him  
20 on at least several occasions, and I did.

21 Q. And when did your relationship with John Mathis begin?

22 A. I don't remember the exact time, but the issue was the  
23 land use, Jefferson County and Wasco County, and it seems  
24 to me it was 1983 sometime, or maybe early 1984.

25 Q. And for how long did that relationship last?

1 A. Until I left the ranch in September of 1985.

2 Q. And who initiated that relationship?

3 A. Between us, typically I called him, on occasion he  
4 called me. Typically I initiated the phone calls.

5 Q. Did you know what he did for a living?

6 A. Yes.

7 Q. What was that?

8 A. Well, his card indicated he worked for the community  
9 relations division in attempting to mediate problems in the  
10 community.

11 Q. And what was your purpose in contacting him?

12 A. With regard to this time frame, my purpose was to get  
13 information in the beginning of 1985, to get information  
14 about what might be happening so that I could tell Sheela  
15 what was going on with any Grand Jury or any possible  
16 arrest of herself or anybody else in the community.

17 Q. Now, at this time in early 1985 what, if any, meeting  
18 occurred within Sheela's bedroom which you attended?

19 A. They were regular. And they were focused on  
20 immigration.

21 Q. And who would commonly be in attendance?

22 A. Commonly we had --

23 MR. WEATHERHEAD: Your Honor --

24 MR. WAX: Your Honor --

25 MR. WEATHERHEAD: Excuse me, Mr. Wax.

1 I object, Your Honor. It's this business of  
2 commonly being at meetings is going to become an important  
3 issue. It seems to me the generality is objectionable. We  
4 need to get this witness saying who said what and who was  
5 where when.

6 MR. REARDON: I appreciate the speech. I don't  
7 know if we are going to have talking objections. If we  
8 are, I am going to put something on the record.

9 THE COURT: We are not going to have talking  
10 objections. The objection is overruled. Thank you.

11 MR. REARDON: Thank you.

12 Q. (By Mr. Reardon) I believe the question who was  
13 commonly in attendance?

14 A. Savita, Su, Vidya, Puja, who was Sheela's nurse, a  
15 woman named Ava, many times a woman named Padma, Patipada.  
16 Forgive me, I don't know if I am supposed to spell these  
17 names. P-a-t-i-p-a-d-a, P-a-d-m-a, P-u-j-a. Sometimes  
18 Sheela's husband Jayanda, J-a-y-a-n-d-a. Person named  
19 Julane (ph).

20 Q. Do you recall in 1985 beginning January, February,  
21 March, what role you played in these meetings?

22 A. I participated in brainstorming how to get information  
23 about what was going on. And primarily my effort to do  
24 that was to call John Mathis when Sheela requested.

25 I also had my own marriage I was having to

1 organize and make sure I had all of the story correct about  
2 it because I felt it was -- as being the figurehead of  
3 mayor, there was a possibility I would be called to the INS  
4 to defend my marriage. I was doing that. Insofar as those  
5 meetings, that was primarily what was going on.

6 Q. I think you need to tell the jury when you say "these  
7 meetings," was this like once-a-week-meetings or what was  
8 the occurrence of these meetings that we are talking about  
9 so the jury understands the process.

10 A. The meetings became a regular daily occurrence. In  
11 fact, eventually daily, nightly occurrence to the point  
12 where a lot of the work that I usually did, it was not done  
13 because the meetings were becoming more and more absorbing  
14 and more hours of the day and night were spent at the  
15 meetings and they were daily.

16 Q. Do you recall in 1985, now we are in 1985, the  
17 participation of Savita specifically at these meetings?

18 A. Yes, I do.

19 Q. And what would it be?

20 A. Savita was present at meetings where the immigration  
21 problems were discussed. She was present at meetings where  
22 brainstorming occurred about what to do about the problems  
23 and how to begin to get the community in a situation where  
24 everybody, including myself, could discuss their case and  
25 not be having a problem if they were ever interviewed by

1 the Immigration Service.

2 Q. Now, you said she was present. Did she participate in  
3 the meetings?

4 A. Yes, actively.

5 Q. In regard to Su, what, if any, participation did she  
6 have in these meetings ordinarily?

7 A. Those meetings in 1985, early on I have a very similar  
8 recollection of Su being a person there participating in  
9 discussing along the same lines.

10 Q. And the conversations with John Mathis, do you recall  
11 over the period of time from when they first began to when  
12 they ended, how many conversations you had with them?

13 A. I believe they would have started in 1984 and ended  
14 throughout my time there in 1985. And they would have been  
15 at least a dozen.

16 Q. And did you have knowledge that all, or some, pardon  
17 me -- what type of conversations were they?

18 A. Sometimes in person, sometimes on the telephone.

19 Q. Those that were on the telephone, do you have  
20 knowledge that some or all of those conversations might  
21 have been recorded?

22 A. Yes.

23 Q. Indeed, have you heard tape recordings of your  
24 conversations with Mr. Mathis?

25 A. Yes, I have.

1 Q. Have you been able to identify your voice and  
2 Mr. Mathis' voice on those conversations?

3 A. Yes.

4 Q. And in those series of conversations which you have  
5 reviewed, did the cassette tape accurately and fairly  
6 depict the precise words you used and he used during these  
7 conversations?

8 A. Yes, they did.

9 MR. REARDON: May I approach the witness, Your  
10 Honor?

11 THE COURT: Yes.

12 Q. (By Mr. Reardon) Sir, I'm going to show you that  
13 which has been marked as Government's Exhibit 49A, 49 and  
14 49A, both marked for identification, and ask you to take a  
15 moment, please, and look and see whether you can identify  
16 either of those exhibits, cassette tapes, having seen them  
17 before?

18 A. Yes. These appear to be the ones that I did see and  
19 listened to.

20 MR. REARDON: Your Honor, I would make a proffer,  
21 49A, which I propose to introduce in evidence at this time  
22 is in fact excerpted from a large series of conversations  
23 on Government's Exhibit No. 49, which, of course, I will  
24 not seek to admit into evidence.

25 THE COURT: Any objection?

1 MR. WAX: No, Your Honor. This is an issue that  
2 has been previously discussed.

3 THE COURT: Okay.

4 MR. REARDON: With the Court's permission?

5 MR. WEATHERHEAD: I guess if I understand  
6 Mr. Wax's reservation, I join in it.

7 THE COURT: His reservation?

8 MR. WEATHERHEAD: As to the previous discussion  
9 of this issue.

10 THE COURT: Oh, yes.

11 MR. REARDON: I would then ask the Court for  
12 permission to publish to the jury through the appropriate  
13 technical means and to explain to the jury exactly how that  
14 process will occur?

15 THE COURT: All right. 49A is received.

16 (Government's Exhibit 49A received.)

17 MR. REARDON: Your Honor, in regard to the  
18 process, I would proffer Government's Exhibit 49B, not into  
19 evidence, of course, but as a guide to -- for the Court,  
20 counsel and the jury in listening to the particular  
21 cassette as it's played. We will not seek to offer it into  
22 evidence, of course.

23 THE COURT: All right. Have you compared this  
24 transcript?

25 MR. WAX: Yes, Your Honor. We compared it and

1 one issue -- one of the places we had problems they have  
2 been corrected.

3 MR. REARDON: Yes. Yes, indeed.

4 THE COURT: Very good.

5 Ladies and gentlemen, you are going to be  
6 hearing the tape, but you are also going to have in your  
7 hand a transcript. The transcript is given to you only to  
8 assist you in listening to the tape. If you hear something  
9 different on the tape than the transcript, then you follow  
10 the tape. The tape is the evidence. The transcript is  
11 just an assistant tool and it is not part of the evidence  
12 that will go to the jury room.

13 MR. REARDON: If I may have the Court's  
14 indulgence and counsel's, what I purport to do because  
15 these transcripts of these conversation are all stapled  
16 together, I will seek through the witness to identify each  
17 of these tapes and have all of them played more  
18 efficiently.

19 THE COURT: Very good.

20 Q. (By Mr. Reardon) Mr. Knapp, I am going to show you  
21 what is marked as Government's Exhibit 50, 50A.  
22 Government's Exhibit 50 dated 10-14 listed on it, and  
23 Government's 50A marked 102, 2 -- 37, 10-14, and ask you if  
24 you can identify either or both of those exhibits?

25 A. Yes. These appear to be the ones I listened to.



1 MR. REARDON: Once again, Your Honor, we will  
2 offer Government's 50A into evidence and not Government's  
3 50.

4 THE COURT: Same situation?

5 MR. WAX: Yeah. Your Honor, on behalf of  
6 Miss Hagan there is no need to go through all of them.

7 THE COURT: All right. Then we can -- we will  
8 admit 50A, 51A, 52A, 53A?

9 (Government's Exhibit 50A, 51A, 52A and 53A  
10 received.)

11 MR. REARDON: That is correct, Your Honor.

12 THE COURT: Am I to assume that 50B, 51B, 52B,  
13 53B are transcripts?

14 MR. REARDON: Yes. Actually run 39 through 53.

15 THE COURT: All right.

16 MR. REARDON: Thank you, sir. Thank you,  
17 counsel.

18 THE COURT: Thank you, counsel.

19 MR. REARDON: May, then for efficiency purpose  
20 while I am undoing them, if it pleases the Court and  
21 counsel, if we can have just a brief instruction to the  
22 jurors how to use the headphones in this process. I would  
23 make that motion.

24 THE COURT: Go ahead.

25 Ladies and gentlemen, you each have a

1 headphone such as this. Hopefully there is a battery in  
2 each one. You will need to have some explanation, folks.

3 AGENT McCANN: Ladies and gentlemen, on these  
4 headphones the yellow and the red buttons are the volume  
5 controls for each individual headset. I wouldn't suggest  
6 putting them way high unless you needed to to begin with.

7 The on/off switch is just below those two  
8 volume controls. If you just even like to know, so you can  
9 have them on it wouldn't make a difference here. Just turn  
10 it all the way to where it's a little dot inside of a  
11 circle. That indicates they are on.

12 You may hear what you call a little whine  
13 noise if you put them on here. You may hear kind of a  
14 fuzzy noise. If you turn the headset up and play with the  
15 volume you might hear a little bit of noise. Turn the  
16 volume all the way up and make sure they are working.

17 You can leave them on. The battery will  
18 last for a while. We have extra batteries in case  
19 something happens. Everyone seems to be working already.

20 The tapes are such you may get static or  
21 hear a little fuzziness on the tape, the static there, that  
22 is the particular recording we had to make these from.  
23 It's normal if you heard a little static.

24 Any other questions?

25 MR. REARDON: Your Honor, I would like to also

1 have the witness have a copy of the transcript. Of course,  
2 that is available to counsel.

3 If we may approach the witness?

4 THE COURT: Yes.

5 MR. REARDON: Mr. Stimler needs --

6 THE CLERK: If you are talking during --

7 MR. REARDON: I'll try not to talk, but being a  
8 lawyer, it's hard.

9 Your Honor, if we are ready to proceed, so I  
10 won't violate Mr. Stimler's protocol and the Court's  
11 protocol, I'll ask the witness about a particular  
12 conversation. Once I find that we will play that  
13 conversation. I propose to do that for each conversation.

14 Would you, Your Honor, wish to make  
15 available to the press a transcript, whatever the Court's  
16 protocol is?

17 THE COURT: I have no objection. Any objection?

18 MR. WAX: No, Your Honor.

19 THE COURT: Go ahead.

20 MR. REARDON: I don't want to be involved in the  
21 selection process, Your Honor. I'll make it available  
22 randomly and they can pool.

23 May I proceed, sir?

24 THE COURT: Yes.

25 Q. (By Mr. Reardon) Mr. Knapp, directing your attention

1 to Government's Exhibit 49B, a transcript that is dated the  
2 date of September 22, 1984, have you had occasion both to  
3 hear the tape which is reflected in this transcript and  
4 read the transcript in the past?

5 A. Yes, I have.

6 Q. Would you tell the ladies and gentlemen before they  
7 hear the tape what was the purpose for that particular  
8 call?

9 MR. WAX: Your Honor, I would like the record to  
10 reflect that the witness is reading the transcript,  
11 refreshing recollection, or something, at this point.

12 Q. (By Mr. Reardon) Very well.

13 A. This was a call related to an effort on my part to get  
14 information about a meeting occurring between a variety of  
15 Government agents about our community including INS and  
16 including the --

17 Q. Keep your voice up, sir.

18 A. -- including the U.S. Attorney's Office, questions  
19 about them.

20 Q. The date of September 22, 1994, can you tell the  
21 ladies and gentlemen whether that is the first conversation  
22 you had with the -- with Mr. Mathis?

23 A. No, it was not.

24 MR. REARDON: We are ready to proceed, Your  
25 Honor.

1 (Tape being played.)

2 MR. REARDON: May I approach the witness, Your  
3 Honor.

4 THE COURT: Yes.

5 Q. (By Mr. Reardon) Now, Mr. Knapp when you talked to  
6 Mr. Mathis in that conversation, and you said to him "on  
7 what possible grounds," do you recall that?

8 A. Yes.

9 Q. About Sheela, was that a sincere question on your  
10 part?

11 A. No.

12 Q. Explain that to the ladies and gentlemen.

13 A. At that point in time I was specifically looking for  
14 confirmation from him about a Grand Jury or investigation  
15 or something going on with INS, an investigation going on  
16 from the United States Attorney's Office. And I was trying  
17 to provoke him to tell me something.

18 Q. And when you said to him, "I think you should go,"  
19 what was your intention there?

20 A. Clearly at this point Mr. Mathis seemed willing to  
21 give us information, and I am not very proud of the way I  
22 feel I manipulated him, I felt I wanted him to be at any  
23 meetings that he could go to so that we could get  
24 information from him about whatever happened.

25 Q. How did you consider Mr. Mathis at this point? What

1 was the nature of your relationship with him, your respect  
2 for him?

3 A. I feel he was a very good person who I took advantage  
4 of to get information and his position as mediator allowed  
5 us to, you know, as we just hear -- as I just heard, at  
6 least get information about things that I otherwise  
7 wouldn't have known.

8 Q. And at the end when you said, "Sounds like a pretty  
9 neat little conspiracy to me," what does it mean?

10 A. I meant referring to the meeting he was describing  
11 with state and federal officers and various departments and  
12 without us being there that they appeared to be getting  
13 together to talk about us and to take action against us.

14 Q. Did you mean anything illegal by that?

15 A. Yeah. We -- I felt, and in discussion with Sheela,  
16 she and I discussed the fact that these meetings were  
17 things that we believed were illegal. And at a later date  
18 a lawsuit was filed about these things.

19 Q. And what possible impact upon the commune of these  
20 meetings?

21 A. Depending on who is there at the meetings. At this  
22 point it was a variety of people he expressed might be  
23 there, the impact would be to attack the marriages and the  
24 INS, the impact could have also gone to the State agents  
25 that were there who had their ability to curtail our

1 ability as a city to do things, and therefore our ability  
2 to housekeep and keep the community intact.

3 Q. Is there a suggestion that you thought such an attack  
4 would be illegal in and of itself or unfounded?

5 A. In truth, no. In my role as what I was playing at  
6 that time, yes.

7 Q. I am going to now ask you to direct your attention and  
8 the ladies and gentlemen of the jury and counsel and the  
9 Court, if it please, Your Honor, Government's Exhibit 50B.  
10 Conversation taking place October 14, 1984. Do you recall  
11 hearing that conversation, Mr. Knapp, before?

12 A. Yes, I do.

13 Q. What was the purpose of that conversation?

14 A. This conversation was several weeks before the 1984  
15 election. There was discussion in this conversation about  
16 wanting the homeless people that were at the ranch to vote.  
17 I suggested that they vote by absentee ballot. My  
18 recollection is they were being told to come to the voting  
19 polls.

20                   There was some concern, although we said we  
21 had enough people, we really didn't have enough people to  
22 win any election. And this whole thing was ultimately used  
23 and I believe in this conversation there was a reference to  
24 my discussions with the governor of Oregon office and one  
25 of his assistants to try and use the whole crisis to

1 negotiate a settlement. Legal problems at least on the  
2 state situation.

3 There was also references here to his  
4 conversations with people from the United States Attorney's  
5 Office, which I believe also related to the voting  
6 situation and possibly the immigration situation.

7 MR. REARDON: Thank you, sir. We are ready to  
8 play that, Your Honor.

9 (Government's Exhibit 50A played.)

10 MR. REARDON: May I question the witness?

11 THE COURT: Yes.

12 Q. (By Mr. Reardon) Mr. Knapp, in that conversation you  
13 told Mr. Mathis, "We are not into trading, we are into  
14 survival." Why did you say that to him?

15 A. There were two issues. Issue of survival relates to  
16 having the community exist. And the community existence  
17 was two primary issues that were discussed in these legal  
18 situations. One was people, which is immigration. The  
19 other one is the building to house the people, the freedom  
20 to create that worldwide center. And I was referring to  
21 the ability to have the city, the land use situation, and  
22 things of that nature.

23 Q. What were you looking for in this conversation with  
24 Mr. Mathis?

25 A. I was at that point looking for him to exert pressure



1 on the governor's office and also on the people who were  
2 dealing with immigration at the federal level to try and  
3 use the crisis at that time to get them to settle  
4 everything that was going on.

5           There was an enumeration of some of the  
6 issues there that related to those items, money for roads  
7 and talking to the -- Geraldine, the aide to the governor  
8 there, in talking to her about making a recommendation for  
9 the federal government to do something and settle out the  
10 immigration situation. Talking to the Attorney General of  
11 the State of Oregon to settle the lawsuit related to the  
12 city. And that is what this conversation was relating to.

13           THE COURT: Let me interrupt you. I lost track  
14 of time. I have got to take my morning recess. If you  
15 would get a copy of the transcripts from the press so we  
16 keep those this way.

17           And then, ladies and gentlemen, you can  
18 take -- we will take a 20-minute recess at this time. If  
19 you will retire to the jury room.

20           THE CLERK: Court is now in recess.

21           (Recess)

22           (Jury out)

23           THE COURT: Is that it?

24           MR. GLICK: Yes.

25           THE COURT: How do I know which date?

1 MR. GLICK: They are going to stipulate, June 21,  
2 1985.

3 As we indicated earlier, Mr. Knapp was  
4 present at the press conference, and testimony let on from  
5 Miss Avalos would be she called Vidya at the hotel right  
6 after the press conference. The way that she knows when  
7 this -- the date of this conference, Vidya's presence in  
8 there.

9 THE COURT: Let's see the other one.

10 MR. GLICK: This one we were going to show on  
11 Monday, so we are in the process of taking out all of the  
12 volume to suppress the hearsay concerns. You will hear the  
13 audio now.

14 We have a situation which shows defendant Su  
15 Hagan right at the courthouse at the time of the Byron  
16 verdict on that date with Sheela. And critical importance  
17 is the result that the verdict had on Sheela and the  
18 others' frame of mind and the speech that Su gave within  
19 two days in one of the conspiratorial meetings. Which we  
20 respectfully submit to the Court has probative value. It  
21 is not prejudicial. We will stipulate the date is May 24,  
22 1985.

23 THE COURT: Anything else, Mr. Wax?

24 MR. WAX: No. With respect to the June 21 tape,  
25 the tape itself goes to prove the date. The date is only

1 provable with the body of the stipulation. And it occurred  
2 and we will stipulate it occur.

3 With respect to the 24th picture of Helen  
4 Byron, her attorney, even without the audio just have no  
5 relevance whatsoever. And that is the day of the verdict.  
6 Miss Hagan will be described as having been present at the  
7 courthouse at some point.

8 MS. SCISSORS: We will stipulate to the evidence.

9 MR. GLICK: We captured her on video and by  
10 having this tape she was there. We will edit out the  
11 attorneys present.

12 THE COURT: Okay. Mr. Weatherhead.

13 MR. WEATHERHEAD: Your Honor, I don't know that  
14 the second tape has anything to do with me. The first tape  
15 I don't see the relevance. I fear this whole issue of red  
16 clothes -- and when I heard counsel stand up and say it  
17 shows them there in their red clothes, to me that is a cue  
18 and it's a cue for prejudice and that is my biggest worry.

19 THE COURT: The red clothes have been talked  
20 about by opening statements. And that is not a great note  
21 to me unless you start making something of it. And I would  
22 not want that to be a point raised. I am going to allow  
23 you to use these videos with a stipulation -- if you have a  
24 stipulation that of the dates of them.

25 And I find that since our critical issues in

1 this case appear to be the credibility of who was where and  
2 such, I think that when we do have photographic evidence of  
3 presence that is of greater value than just her stipulation  
4 of -- not "her," but the stipulation of presence. So I am  
5 going to allow these two tapes to be used. But I don't  
6 want any mentioning about the significance of red clothes.  
7 There were hundreds of people there that wore red clothes  
8 that I know of, no charge of criminal conduct about it.  
9 Let's not make that --

10 MR. GLICK: Your Honor, just to make the record  
11 clear, though, we don't intend to make red clothes  
12 something as an issue per se, but they are clarification.  
13 For example, after this press conference they changed into  
14 the -- called blue clothes, so the clothing was no issue as  
15 Mr. Weatherhead -- Savita is in the German airport wearing  
16 red clothes.

17 THE COURT: I know it's been mentioned. You can  
18 show they disguised themselves. So that is not emphasis on  
19 red clothes.

20 MR. WAX: Your Honor, we did have one legal issue  
21 we wanted to bring to you before the jury came in. Should  
22 we do that now?

23 We would at this time move for a mistrial  
24 based on the 404(b) issue, the repeated questioning about  
25 the hierarchy power structure at the ranch. As we see it,

1 it is the Government's effort to do, by indirect  
2 examination, what you have told them cannot be done  
3 directly. At each chronological turn of the case  
4 Mr. Reardon prefaces his questioning by, "What was the  
5 power structure," and then asks about some meetings or  
6 acts.

7 In particular, in going beyond that,  
8 Mr. Knapp stated at one point that he was present at  
9 discussions about I believe it was salmonella poisoning.  
10 That is an issue on which, if I recall, there should be no  
11 testimony by anyone other than something -- a person named  
12 Jagmore (ph) herself. We can't cross-examine on that. The  
13 Government has raised the inference that the power  
14 structure is there, meaning all of the time. Our clients  
15 are in that power structure, meaning all of the time.

16 And then there are these meetings,  
17 discussions about the criminal conduct which the Court has  
18 ruled cannot be attributed to either of our clients.

19 And on that basis we think that a mistrial  
20 should be declared. We also need to figure out how we can  
21 respond to that sort of question.

22 MR. REARDON: May we?

23 THE COURT: Yes.

24 MR. REARDON: Every case is a balance, of course.  
25 In this particular case it has been a more delicate nature

1 than most because of the nature of things.

2           The Court in cutting back the indictment and  
3 seeking to have it in a way that would not -- would not  
4 violate the due process of the defendants has ordered the  
5 Government -- the Government has been faithful to that  
6 order and its spirit, not to disclose the participation,  
7 which was aplenty, and the rampant criminality of  
8 immigration by both Savita and Su. We have not done so and  
9 will not do so.

10           Our witnesses have been instructed, and we  
11 are hopeful because they have high mentalities, appear to  
12 have, that they will be able to handle the most difficult  
13 situation of being on the witness stand with all of the  
14 pressures of time and place and memory and also remembering  
15 what not to say, even though the -- as they say to me  
16 often, "Well, that is what I did." I mean, I can't -- I am  
17 trying to remember where I was, but we are going to do  
18 that.

19           No place in the Court's order, and we  
20 suggest it could not be in a proper Court's order, I think  
21 the Court realized this, has the Court restricted or sought  
22 to restrict the Government from showing the entire relation  
23 on that ranch of what the evidence that we submit they have  
24 shows is a most autocratic society, one where the power was  
25 in the hands of a few.



1 studied -- and I say it without rancor, they are good  
2 lawyers and trying to red flag me into charging in the  
3 404(b) door, and I am not going to do it. My only recourse  
4 at this time is to ask for a fresh deck because I think  
5 they spoiled this hand.

6 THE COURT: Address the testimony regarding  
7 the -- I didn't hear the word "salmonella," but "diarrhea."  
8 What was the purpose there?

9 MR. REARDON: To say what he did, because he in  
10 fact -- the testimony was that he, in fact, went out  
11 according to Sheela's order and went out and put poisoning  
12 on door handles. He talked about what only he himself did.  
13 And we will talk about only what he himself did.

14 MS. SCISSORS: Your Honor, if I might. I took  
15 pretty close notes because I heard "salmonella" and it  
16 raised a red flag. The testimony, as if it was Sheela  
17 wanted to give people diarrhea on election day. Puja gave  
18 him salmonella and he went and put it on door knobs in The  
19 Dalles, and salad bars.

20 "There was discussion about the salmonella  
21 where I was present, discussion with Sheela about the  
22 salmonella, salmonella where I was present." So the  
23 inference is this, the same old Sheela discussion.

24 THE COURT: I am going to deny the motion. My  
25 feeling was that the testimony was showing what his



1 specific instructions were from Sheela. And I did not hear  
2 that tied to the defendants as the defendants are  
3 concerned. I felt that it was tied to him alone. I didn't  
4 catch the word "salmonella." I'm not saying it wasn't  
5 there.

6 Now, let me tell you my feeling and then you  
7 can all make your decisions on this basis. I have heard  
8 enough about control groups, I expect that other witnesses  
9 are probably going to necessarily corporate that, but I  
10 don't want it to be a long dissertation on day-by-day or  
11 year-by-year.

12 The point is the balance that I have to make  
13 is that I think that all of you in your opening statements,  
14 and somewhat to my surprise, were talking about generally  
15 what went on there. The Government's position being the  
16 two defendants were involved in it. The defendants saying  
17 this is generally what went on there, terrible things were  
18 going on there, but we were innocent of anything to do with  
19 Mr. Turner.

20 Now, what is really happening on both sides,  
21 the Government is trying to pull these people into this  
22 leadership role to show their responsibility or indicate  
23 their responsibility. Whether that can do it or not, I'm  
24 not saying. But at the same time, the defendants are  
25 trying to say this evil influence was of her running the

1 show past anything that we can do, and we were always aloof  
2 from it and all of these always completely innocent of  
3 involvement with it.

4 Now, that trying to separate off into total  
5 innocence cannot be tolerated when the Government would say  
6 the 404(b) would refute all of that and put them back into  
7 the mix. So be careful. I cannot let the defendants skew  
8 you the testimony in the case by just agreeing, "Oh, yes,  
9 these other people were terrible and they were running  
10 everything."

11 So to that extent I think the Government can  
12 show sheer involvement in the leadership role. On the  
13 other hand, the Government I am still saying cannot go into  
14 these other 404(b) incidents. And I want you to be  
15 extremely careful. I realize that you are going to go into  
16 their bad acts, credibility standpoint. I want that to be  
17 short and crisp without a lot of detail. Okay.

18 So that is where I stand with both of you.

19 MR. WEATHERHEAD: Can I raise one more issue,  
20 with apologies?

21 Yesterday the Court had us here for a  
22 discussion about the behavior of one of the witness as he  
23 left and the Court's instructions were that our clients --  
24 my client shouldn't look, send gestures, look the witness  
25 in the eye.

1                   My associate, Mr. Simms, directed my  
2 attention to the fact this morning my client was actually  
3 looking at the back of the room. His judgment was this  
4 would create the impression in the mind of the jury she was  
5 afraid to look at him. I don't lightly disobey a court  
6 order. I instructed her --

7                   THE COURT: In fact, there were occasions when  
8 the witness looked over at the defendants. And I just as  
9 soon that didn't take place. But I agree, you can't look  
10 like you are aloof to the situation. You just don't have  
11 to make eye contact.

12                   Now, one other thing. I am glad you brought  
13 that up. I don't think there is anything I can do about  
14 it. I'm distressed about the interview of Miss Hagan's  
15 daughter on television last night because that was a clear  
16 statement of her impressions about what was said and  
17 credibility of what was said. I wish she was not doing  
18 that sort of thing, but she is not a party.

19                   MR. WAX: We appreciate that, Judge, and have  
20 addressed that. And I hope it won't happen again.

21                   MR. REARDON: Excuse me. We did hear that, too.  
22 And we were rather -- it was a very sensitive area. So the  
23 Government did happen to hear that.

24                   Judge, in terms -- once again in terms of we  
25 are trying to be so refined here in terms of the process,

1 in terms of advertance, in terms of one's gaze. Also when  
2 the witness would look at the defendants, which is, Your  
3 Honor, when he was speaking about them, I don't want the  
4 jury to think, my God, if he is really telling the truth  
5 when he said Su did something, he can look her in the eye.  
6 I don't want him to look unless he is staring down --

7 THE COURT: I want everybody to be sensitive to  
8 you are going to look at him, himself, and --

9 MR. REARDON: On balance I think my own  
10 observation, and obviously guided by my colleagues here, is  
11 that the only time I saw any witness look over at the  
12 defendants was when he was talking about one of them.

13 THE COURT: Yes, that is when he did it.

14 MR. WAX: Mr. Williams raised one other issue.  
15 He asked for fingerprints of our clients. That is  
16 something that we respectfully request we not have to deal  
17 with during the course of the trial. They have given  
18 fingerprints any number of times. And it just is --

19 MS. SCISSORS: If we can do it possibly next  
20 Friday when the Court is in recess.

21 THE COURT: I don't know what they need it for.  
22 I'll find out.

23 MR. WAX: Thank you.

24 MR. REARDON: Thank you.

25 MR. WEATHERHEAD: Your Honor, if the Court

1 please, Miss Scissors was kind enough, I might have been  
2 unclear in my wanting to join Mr. Wax in his presentation a  
3 moment ago.

4 THE COURT: Thank you.

5 (Jury in)

6 THE COURT: Proceed.

7 MR. REARDON: Thank you.

8 Q. (By Mr. Reardon) Mr. Knapp, let me just -- the  
9 conversation that we just heard, October 14, 1984, there is  
10 allusion to the name "Turner" in that conversation. Did  
11 you know the "Turner" that was referred to?

12 A. Yes.

13 Q. Sorry. Go ahead.

14 A. The U.S. Attorney for the State of Oregon.

15 Q. October 14, when you had that conversation, did you  
16 understand what that name was?

17 A. Yes.

18 Q. The name "Jack Wong" came up. Did you know that name?

19 A. Yes.

20 Q. Who was he?

21 A. I understood through Mr. Mathis he worked in that  
22 office with the U.S. Attorney.

23 Q. All right.

24 MR. REARDON: Your Honor, may I remind through  
25 the Court and ladies and gentlemen and ourselves, about

1 turning on the headsets. They have been all turned off to  
2 protect the batteries. You have to make sure they are on  
3 before you listen to them again.

4 THE COURT: Thank you.

5 Q. (By Mr. Reardon) I am going to direct your  
6 attention, Mr. Knapp, to Government's Exhibit 51B marked  
7 for identification purposes. November 1st, 1984  
8 conversation between you and Mr. Mathis. Do you recall  
9 having that conversation?

10 A. Yes.

11 Q. Had you, in fact, heard the tape recordings of that  
12 conversation?

13 A. Yes.

14 Q. Have you reviewed the transcript of that conversation?

15 A. Yes.

16 Q. Does the transcript fairly depict the tape recording  
17 that you heard?

18 A. Yes, it does.

19 Q. What was the purpose of that call?

20 A. Similar to the prior conversation. I was attempting  
21 to get information. In this case the election was imminent  
22 and there were issues around that. And finally there were  
23 issues to check out what was happening with Charles Turner  
24 and immigration, immigration case that was going on against  
25 the community.

1           MR. REARDON: Your Honor, we would like to play  
2 that now. Government's Exhibit 51A.

3           (Tape played)

4           MR. REARDON: May I proceed?

5           THE COURT: Yes.

6           MR. REARDON: May I have a moment, Your Honor, to  
7 consult with my colleagues?

8           THE COURT: Yes.

9                    Could I have an identity, all members of the  
10 press back there with this transcript? Raise your hand if  
11 you are a member of the press. Okay.

12                   Then we have some that are not members, at  
13 least two. Okay. I am going to ask that you can -- I'm  
14 restricting the access of that transcript, since it is not  
15 evidence, to the press for their purpose, but I am going to  
16 ask others to remain away from it.

17                   Proceed, Mr. Reardon.

18           MR. REARDON: Thank you.

19           Q.    (By Mr. Reardon) I am going to direct your attention  
20 now to, Mr. Knapp, November 23, 1984, a conversation you  
21 had with John Mathis on that particular day. Government's  
22 Exhibit 52B for identification purposes.

23                   You will forgive me, Mr. Knapp. I was out  
24 of sequence myself.

25                   In regard to the conversation we just heard,

1 you asked Mr. Mathis, "What is happening with Turner?" You  
2 recall saying that?

3 A. Yes.

4 Q. What did you mean?

5 A. I meant what is happening with the investigation and  
6 pending situation with INS and the attorney against  
7 potential prosecution -- the U.S. Attorney, excuse me.

8 Q. Now I am going to direct your attention to November  
9 23, conversation you had with John Mathis apparently in the  
10 morning. Did you have occasion to listen to the cassette  
11 of that conversation with Mr. Mathis?

12 A. Yes, I did.

13 Q. Have you had an opportunity to review Government's  
14 Exhibit 52B?

15 A. I have.

16 Q. Does Government's Exhibit 52B fairly and accurately  
17 depict the conversation between you and Mr. Mathis  
18 occurring on November 23, 1984, as recorded on the audio  
19 cassette?

20 A. Yes.

21 MR. REARDON: We would now play that for the  
22 jury, Your Honor, 52A, please.

23 (Tape played)

24 Q. (By Mr. Reardon) Mr. Knapp, you asked Mr. Mathis in  
25 that conversation on November 23, 1984, "What about the



1 immigration matters?" What immigration matters?

2 A. Immigration matters concerning the United States  
3 Attorney investigating holding grand juries, having plans  
4 to arrest or otherwise, you know, investigate the illegal  
5 marriages that were happening on the ranch.

6 Q. And at that time how many people were living at the  
7 ranch. November 23, 1984?

8 A. It was a high point because they were also -- this set  
9 of homeless people, some two or three thousand of them were  
10 added to the normal ranch population. So I would guess in  
11 the four to six thousand range anyway, maybe more.

12 Q. And how many people were there as a result of the sham  
13 marriages?

14 MR. WEATHERHEAD: I am going to object, Your  
15 Honor. Foundation, requires the witness to draw a  
16 conclusion.

17 THE COURT: Let's have a little more foundation.  
18 I think he testified about this before.

19 MR. REARDON: He has indeed, Your Honor.  
20 Different time, that is all. Different time.

21 THE COURT: I see. Let's get some foundation.

22 Q. (By Mr. Reardon) Did you have occasion to know the  
23 number of people with sham marriages at the commune in  
24 1984, approximately?

25 A. I had occasion during late 1994, '95 --

1 Q. '95?

2 A. Excuse me. '84, '85, to be in the same area where  
3 people were coming to be interviewed in anticipation of  
4 having to be in front of INS investigators. And my  
5 recollection are somewhere in the neighborhood of at least  
6 five or six hundred couples or more came through that  
7 system.

8 Q. All right. Now, Mr. Mathis told you the U.S. Attorney  
9 wants to deport. What did you understand that to mean?

10 A. I understood it to mean the potential of deporting  
11 everyone in a marriage that was not of legitimate marriage,  
12 which I knew to be virtually every foreign national on the  
13 ranch.

14 Q. What would have happened to the ranch in that event?

15 A. The ranch would have collapsed. It was a survival  
16 issue for the ranch.

17 Q. Did you have a reporting requirement with the  
18 information that you got from Mr. Mathis?

19 A. Each and every time I spoke to him I reported to  
20 Sheela, yes.

21 Q. I am going to direct your attention now to  
22 Government's Exhibit 53B, conversation between you and  
23 Mr. Mathis on June 3, 1985, and ask you, sir, whether you  
24 had occasion to listen to that conversation?

25 A. Yes.

1 Q. And directing your attention to the transcript, 53B,  
2 does that transcript in front of you fairly and accurately  
3 depict the conversation heard between you and Mr. Mathis on  
4 June 3 which you heard in the taped form?

5 A. Yes, it does.

6 Q. What was the purpose of you placing that particular  
7 call?

8 MR. WAX: Your Honor, again I would like the  
9 record to reflect the witness is reading the transcript  
10 before answering.

11 THE WITNESS: This conversation related to  
12 inquiries again on my behalf or for Sheela to find out  
13 about Grand Jury, about investigations relating to the INS  
14 and such.

15 Q. (By Mr. Reardon) What significance, if any, did this  
16 have?

17 A. This was a time frame, as I recall, that was in the  
18 same time frame where Sheela had identified Charles Turner  
19 as a person she felt needed to be killed.

20 MR. REARDON: Your Honor, we would at this time  
21 ask the Court to permit the playing of Government's Exhibit  
22 53A, now in evidence.

23 (Tape played)

24 Q. (By Mr. Reardon) Mr. Knapp, Mr. Mathis asked you,  
25 "What is going on in addition to what we talked about last

1 tonight?" Do you have a recollection of what it was that  
2 you had talked about the night before this conversation?

3 A. I don't have a specific recollection. No.

4 Q. Directing your attention to this approximate time  
5 period. Did you recall having a conversation --

6 MR. WAX: Objection.

7 THE COURT: Sorry. I didn't hear the question.

8 MR. REARDON: I didn't finish it.

9 MR. WAX: Sounded like it was going to be a  
10 leading question. The witness said he doesn't recall.

11 MR. REARDON: I have great respect for counsel.  
12 He is flat wrong on this one. Maybe I can finish my  
13 question.

14 THE COURT: Okay. Restart your question.

15 Q. (By Mr. Reardon) Directing your attention to the  
16 same time span, do you recall having a specific  
17 conversation with Mr. Mathis about protection for the U.S.  
18 Attorney?

19 A. Yes, I do.

20 Q. Tell the ladies and gentlemen about that particular  
21 conversation.

22 A. Sheela asked me to find out what protection, if any,  
23 was afforded to the U.S. Attorney so she could account for  
24 that in plans to try and kill him. And I called John  
25 Mathis. I asked him about it. He indicated that

1 generally, no, sometimes yes, that there was. I believe  
2 he -- there was a paramilitary group that was discussed  
3 that was in Idaho, and issues around that that were  
4 discussed also in that conversation. But, yes, I did  
5 inquire about that.

6 Q. All right. Sir, before we begin a series of  
7 conversations, we were in 1985 chronologically. I am going  
8 to direct your attention to the spring of 1985 and even  
9 times before that in regard to conversations. Did you,  
10 yourself, just speaking about yourself, have any  
11 responsibility in regard to illegality involving recorded  
12 conversations?

13 A. I -- yes, the answer is yes. And specifically I  
14 listened to telephone conversations that were outgoing  
15 conversations from Bhagwan Shree Rajneesh's house. I also  
16 listened to tape recordings and bugs, you know, recording  
17 devices that were hidden in Bhagwan's room. And I also  
18 heard recordings of other people who made outgoing calls  
19 from the ranch.

20 Q. Did you know that was wrong?

21 A. Yes, I did.

22 Q. Directing your attention to the spring of 1985, and  
23 the state of litigation regarding immigration matters. Did  
24 you have knowledge of the status of the immigration  
25 matters, the legal status of those matters in the spring of

1 1985?

2 A. My recollection the spring of 1985 was that there  
3 were, you know, this -- these conversations with John  
4 Mathis were occurring and things were heating up, it  
5 seemed, on the side of an investigation that was going to  
6 lead to some kind of an action against the marriages, the  
7 illegal marriages on the ranch.

8 Simultaneously within the ranch itself there  
9 was, as I said before, hundreds of people and their spouses  
10 coming to the legal department to get briefed, to get their  
11 stories straight so if they were called they would have  
12 some semblance of ability to go in and hold their own. And  
13 so it was a very, very large mobilization of resources on  
14 the ranch.

15 Not only were all of these people going in  
16 but there were many, many other people who were taken from  
17 other tasks and actually were the ones to work with them as  
18 the came in in small groups and couples, in any way, shape  
19 or form at that time.

20 Q. Let me get this straight. Did you say they went to  
21 the legal department for this?

22 A. Yes. Rajneesh Legal Services. That area.

23 Q. The council was not legal?

24 A. No, it was not.

25 Q. Did you participate yourself at this time in further

1 training in regards to your own marriage status?

2 A. Yes, I did.

3 Q. Enlightened the ladies and gentlemen about that,  
4 please.

5 A. I went with my purported wife and we sat as a person  
6 who simulated the task that they felt the questions that  
7 would be coming at us from the INS investigator. We were  
8 asked questions about where we lived. We were asked  
9 questions about again our past life, our wife or spouses,  
10 favorite colors, foods, asked about where we might -- the  
11 history of our relationship. In our case, the two  
12 daughters involved, how they were doing, how old they were.  
13 The kind of questions that were given, the kind of  
14 information necessary to show we were in a real  
15 relationship, which we were not.

16 Q. Except for going to these training sessions together,  
17 did you ever see her?

18 A. Occasionally maybe I saw her in the cafeteria. At  
19 that time frame I don't remember seeing her more than once  
20 a month except on these occasions where we would go in.

21 Q. Directing your attention in May of 1985, did you  
22 have -- do you have personal knowledge of litigation  
23 between the commune and Helen Byron?

24 A. Yes, I did.

25 Q. What is your knowledge about that particular

1 litigation?

2 A. I remember discussions with Sheela where she talked  
3 about preparing for that trial. Talked about her anger at  
4 the commune. In this case I think the religious  
5 corporation or entity was being sued by this woman. And I  
6 recall being there actually for their final day of the jury  
7 verdict, which was a verdict against the community and the  
8 first verdict in Federal Court against the community.

9 Q. Was that this courthouse?

10 A. Yes, it was.

11 Q. You remember what that verdict was?

12 A. Helen Byron was awarded somewhere in the neighborhood  
13 of a million seven, million seven hundred.

14 Q. You mean \$1.7 million?

15 A. \$1.7 million. Yes.

16 Q. Did you play any part in that particular litigation?  
17 Did you have a role?

18 A. No.

19 Q. What brought you to Portland on these days?

20 A. I don't remember if I was here or not. I know what  
21 brought me here, I know having this going on with -- if I  
22 was anywhere in the area, like Salem or Portland, it would  
23 have been my desire to be here for the verdict.

24 Q. Did you have occasion to be in the presence of Sheela  
25 here in Portland prior to the verdict, subsequent to the



1 verdict outside this courthouse?

2 A. For a brief period. Sheela was headed back to the  
3 ranch. Yes.

4 Q. Do you recall how long you stayed in Portland before  
5 you returned to the ranch during this particular trip?

6 A. No.

7 Q. Did there come a time within the near future that you  
8 did return to the ranch?

9 A. Yes. In fact, I think within that same day or perhaps  
10 the very next day at the longest.

11 MR. REARDON: Your Honor, this would be -- if the  
12 Court thinks it's time for an appropriate break.

13 THE COURT: Ladies and gentlemen, we will take  
14 our noon break. I am going to have you return at 1:15.  
15 I'll meet with counsel at 1:00. We will have a few minutes  
16 before you need to be back. We will reconvene the trial at  
17 1:15. Remember all of my admonitions as you go about your  
18 lunch.

19 Now, I don't know if I told you this, but I  
20 now from my standpoint I kind of like to remind everyone  
21 don't overeat because that causes sleepiness in the middle  
22 of the afternoon. And you know it's something that happens  
23 and it just sometimes can be prevented.

24 If you feel drowsy or like you feel you need  
25 to stand up, do so. Raise your hand. You may see me stand

1 up and walk around this chair. But just realize that if  
2 you need a break, we will all stand up and take a stretch  
3 or whatever.

4 Okay. We will reconvene with counsel at  
5 1:00 o'clock.

6 MR. REARDON: Thank you.

7 THE CLERK: Court is now in recess until 1:00  
8 o'clock.

9 (Luncheon recess)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



1                   So I have not received a further request.  
2     If we have one, I think that we would have to respond  
3     favorably. I hope that counsel have both had an  
4     opportunity to put any other objections on the record. You  
5     are certainly welcome to do so now if you have --

6                   MR. WEATHERHEAD: I have nothing further to add.  
7     I would obviously stand on the representation I made this  
8     morning. Thank you.

9                   THE COURT: All right. Thank you. Now,  
10    mechanically how is this done, the only thing I can see  
11    would be for the clerk's office -- I am not going to let  
12    the exhibits out of here, I'm not going to ask anybody -- I  
13    don't know where the negatives are or anything of that  
14    nature.

15                   What I would do is just take xerox pictures  
16    of them and give them to those who requested them, that  
17    being the two from the British Press. I'll have the clerk  
18    do that.

19                   Anything from the Government on that issue?

20                   MR. REARDON: No, sir. I think it's tough for a  
21    Court. The case law is pretty strict there on public  
22    access of judicial records.

23                   THE COURT: Right.

24                   MR. WEATHERHEAD: Your Honor, can I raise one  
25    small housekeeping matter?

1 THE COURT: Yes.

2 MR. WEATHERHEAD: I previously advised counsel,  
3 I'm sure it's an oversight, the caption in this case  
4 misspells my client's name. And we have maintained the  
5 rules require that misspelling throughout. However, the  
6 signature line, I keep correcting those. If the report  
7 will reflect, and maybe the Court will informally order an  
8 amendment to the caption, it's Sally Anne, with an "E" at  
9 the end.

10 THE COURT: Okay.

11 MR. REARDON: I'll be happy to accommodate  
12 counsel and correct that clerical error.

13 38A through D, 44B I ask the Government get  
14 those to the clerk --

15 MR. GLICK: What were the numbers?

16 THE CLERK: 38A through D and 44B.

17 MR. GLICK: Your Honor, does the Court want to  
18 get those exhibits at this point? We were going to use two  
19 of them.

20 THE COURT: When you get a chance, when you get  
21 your hands on it. I am trying to go through the list of  
22 written objections. Of course, in some instances I can  
23 rule and some instances I haven't got the foggiest idea  
24 where it's going.

25 One such objection is to Lorna Buckles.

1 What is -- there seems to be some concern about 404(b)  
2 problems there. I'm not sure what the testimony would be  
3 about.

4 MR. REARDON: This would be with respect to  
5 Exhibit 28.

6 THE COURT: All I have got is Exhibit 27.

7 MR. GLICK: 27. Your Honor, these exhibits would  
8 be 27, 27A, 27B and 27C. They are documents that were  
9 obtained and eventually brought into the custody of the FBI  
10 subsequent to the interview with Ava Avalos, where she  
11 indicated in the interview that she had assumed the name of  
12 Lorna Buckles after having obtained employment under that  
13 name to burglarize *The Oregonian*.

14 As part of that, she was employed by  
15 service -- or cleaning, or clerical capacity. In a  
16 subsequent interview with the FBI they obtained the  
17 document and corroborated the fact she said she had that  
18 employment and assumed that identity and filed out those  
19 forms in a false manner. In fact, it was independently  
20 verified.

21 We do not intend to introduce that evidence  
22 with any testimony that would -- or that was linked to  
23 defendant Croft or Hagan. And the exhibits would be  
24 offered merely to indicate to the Court of the conduct by  
25 the FBI in those documents. And with respect to

1 Miss Avalos' testimony, that is her signature on the  
2 bottom.

3 THE COURT: Let me tell you, I assume you people  
4 wake up in the middle of the night and think about these  
5 things, and I do, too. And I have come to the conclusion  
6 that with this type of confirmation or verification  
7 evidence I am going to ask that you wait until Miss Avalos  
8 has testified and then we will take another look at these.  
9 But then I will know that we won't be running into these  
10 constant hearsay problems and such that we have been  
11 running into. So let's just drop all of that until you  
12 have Miss Avalos in.

13 MR. GLICK: Thank you, Your Honor.

14 THE COURT: All right. What is the Minox camera?  
15 What is that? Is it a camera that was used for anything?

16 MR. REARDON: Yes, demonstrative evidence. It is  
17 clear, as pointed out by my colleague from the defense, it  
18 is not going to be the evidence that was the one that was  
19 used because we don't know. But it's identical to the one  
20 that is part of -- Mr. Knapp used to take the photograph of  
21 U.S. Attorney Turner on or about August 1st, August 2nd,  
22 1985, it is identical to that which is used.

23 MR. WEATHERHEAD: It may be identical, it may be  
24 demonstrative, but the Government knows specifically that  
25 it is not the camera that was used because the Government

1 ran scientific tests and discovered that. That is why we  
2 object. That camera was not used to take any of the  
3 pictures relevant here. If they want to hold it up as an  
4 exemplar and demonstrative piece of evidence, that is fine.  
5 It shouldn't go to the jury room, no suggestion it is the  
6 camera.

7 MR. REARDON: Actually, I think there is a bit of  
8 a parsing out we have to do for the record. I think the  
9 testing indicated that camera was not used to take any of  
10 the surveillance photos when they were stalking Turner's  
11 home or his -- down at the courthouse. So I think it was  
12 quit specific it wasn't the one that took -- couldn't have  
13 taken the photograph of the U.S. Attorney on August 1st or  
14 2nd, which, incidentally, we don't have a photograph of  
15 because we never recovered it. I just want that  
16 distinction for counsel on the record.

17 MR. WEATHERHEAD: I appreciate the distinction.  
18 I stand corrected. I don't think it makes any difference  
19 to the conclusion.

20 THE COURT: If I may, my familiarity with Minox,  
21 it's very small.

22 MR. REARDON: He is going to testify he held it  
23 in his hand.

24 THE COURT: I will let you use that for  
25 demonstrative purpose for the type of camera used. All





1 television clips.

2 I want to wait and see how the others play  
3 out on the other list of objections. I appreciate having  
4 the objections so I can think about them ahead of time.

5 MR. GLICK: Your Honor, with respect to the  
6 defense notebook that they intend to use, or the defense  
7 exhibit with the cross-examination of Mr. Knapp, I have  
8 their -- if there was some sort of index that we could have  
9 so we know what documents, what number is --

10 MR. WAX: There is an index in the front of the  
11 notebook. In front of the first notebook is a complete  
12 index. In the front of the second, third notebooks there  
13 are indexes to those notebooks.

14 THE COURT: Everybody ready to proceed?

15 MR. REARDON: Yes.

16 THE COURT: Bring the jury in.

17 Is this a convenient way to kind of handle  
18 these things for counsel, to just have the jury come 15  
19 minutes later and give us an opportunity --

20 MR. REARDON: Yes.

21 THE COURT: We will try and do this as a rule,  
22 then.

23 (Jury in.)

24 THE COURT: Come forward, Mr. Knapp. Speak  
25 closer to the microphone.

1                   One thing before we start, ladies and  
2 gentlemen, and counsel, the fact that we are in the midst  
3 of this trial and will be, it does not in any way affect  
4 what hundreds of other lawyers are doing as far as other  
5 cases are concerned in this courthouse, and so there are  
6 other things that I am called to do along the line that may  
7 momentarily interrupt us if I cannot get it rescheduled to  
8 not affect us.

9                   So in order to try and handle that as best I  
10 can, I am also periodically going to maybe just take a day.  
11 And I want to give you as much advance notice of that so  
12 that then you might make plans of your own. And one of  
13 those days will be a week from tomorrow, the 14th, we will  
14 not meet on that day at all. So if you wanted to make  
15 plans for that weekend, a three-day weekend or something,  
16 you will not have to be here on Friday, the 14th.

17                   Now, if I pick other days, as I say, to  
18 handle that kind of a problem, why, then I'll give you as  
19 much warning as I can. Sometimes I may start a little  
20 different time in the morning if I get blocked up with  
21 other hearings.

22                   I also would like to express on the record  
23 my appreciation to the other judges of this district who  
24 are picking up a lot of those things for me. And it is a  
25 great collegiality that we have here that will allow them

1 to do that and allow me to benefit from it.

2 But I wanted you to know if I interrupt for  
3 something it is because there are many other matters that  
4 come before me during a trial such as this that I have to  
5 take care of along the way. And so I just wanted you to be  
6 aware of it.

7 All right. Mr. Reardon.

8 Q. (By Mr. Reardon) Mr. Knapp, right before lunch we  
9 were getting into an area subsequent to the verdict in the  
10 Helen Byron case. Do you recall?

11 A. Yes.

12 Q. I'm going to focus you in geographically and then I'm  
13 going to ask questions about your conduct, things that you  
14 observed subsequent to the Helen Byron case. I'm going to  
15 show you -- I'm going to show you that which has been  
16 marked as Government's Exhibit -- and I will put it in  
17 front of you, No. 1 for identification. Can you identify  
18 that?

19 A. That is the main part of the city of Rajneeshpuram and  
20 also extents down to Jefferson County to a reservoir, lake  
21 down there.

22 THE COURT: Counsel, can you move it around?

23 MR. REARDON: I thought we would put it --

24 THE COURT: The jurors at the far end can't see  
25 it.

1 MR. REARDON: You know better than I, sir.

2 THE COURT: Let's put it out here. I realize  
3 that is a little hard for the gallery.

4 Q. (By Mr. Reardon) Exhibit 1 is now in evidence. Can  
5 you identify that exhibit, sir?

6 A. Yes. That is a more detailed part of the main area of  
7 Rajneeshpuram.

8 Q. As displayed in Government's Exhibit No. 1, now in  
9 evidence?

10 A. Yes.

11 Q. I'm going to show you that which has been marked as  
12 Government's Exhibit No. 2, now in evidence. You see that  
13 from where you are?

14 A. Yes.

15 Q. Can you identify that exhibit?

16 A. That is a photograph of a good deal of that part of  
17 the main part of Rajneeshpuram looking up from the south.

18 Q. From the south, did you say?

19 A. Yes.

20 Q. I'm going to show you that which has been marked for  
21 Government's Exhibit No. 3 for identification, now in  
22 evidence. I would ask you if you can identify that  
23 photograph?

24 A. That is Jesus Grove.

25 Q. Incidentally, is that a fair and accurate depiction of

1 Jesus Grove back in 1985 of this particular photograph?

2 A. Yes, it is.

3 Q. I am going to show you that which has been marked as  
4 Government's Exhibit 3A, now in evidence, and ask you, sir,  
5 if you can identify it, and if so, how?

6 MR. WEATHERHEAD: Forgive me for a minor  
7 objection. I don't think 3A is in evidence. I don't  
8 recall foundation having been laid.

9 THE COURT: Yes, it is received.

10 MR. WEATHERHEAD: It was.

11 Q. (By Mr. Reardon) Sir?

12 A. That is a diagram of Jesus Grove.

13 Q. Now I am going to show you something that is not in  
14 evidence yet. Government's Exhibit No. 3B marked for  
15 identification. I am going to ask you, sir, whether you  
16 can identify this exhibit?

17 A. That is a diagram of Sheela's bedroom, which is in  
18 Jesus Grove.

19 Q. How do you know that?

20 A. I recognize the position of the corridors and the  
21 positions of the bed and chair and dressers and the  
22 location of the porch where I was living.

23 Q. And do you know which direction this particular  
24 exhibit was fashioned?

25 A. Yes, myself.

1 Q. Pardon me?

2 A. I drew a diagram upon which that looks like it was the  
3 basis.

4 MR. REARDON: Your Honor, I move this into  
5 evidence at this point.

6 MR. WEATHERHEAD: May I voir dire?

7 THE COURT: Yes.

8

9 QUESTIONS IN AID OF OBJECTION

10 BY MR. WEATHERHEAD:

11 Q. How long ago did you draw that diagram, Mr. Knapp?

12 A. I don't know exactly how long. I believe I had the  
13 drawing when I was first questioned in 1985, and I believe  
14 I revised it, those things in the last year or two.

15 MR. WEATHERHEAD: At any time over the years as  
16 you have been questioned and have discussed your early  
17 drawings or later versions, have you ever confirmed your  
18 drawings are correct to scale by measuring the room in  
19 question?

20 A. I did have occasion to visit the room. I did not  
21 measure the room.

22 Q. So far as the scale is concerned, you can't say that  
23 this is a correct scale representation of Sheela's bedroom?

24 A. I can say it's approximate, but not exactly to scale.

25 MR. WEATHERHEAD: Your Honor, I don't know the

1 materiality of the exhibit. I object for lack of  
2 foundation, if it is represented to be to scale, either  
3 relative or absolute.

4 THE COURT: I don't think it is.

5 MR. REARDON: No, sir. The witness testified  
6 about what his estimate is. It is not offered for that.

7 THE COURT: Overruled.

8 Q. (By Mr. Reardon) And I will ask you, sir,  
9 additionally, does it fairly and accurately represent your  
10 recollection from your first -- your first drawing of this,  
11 of the position of the furniture in that room in 1985?

12 A. Yes, it does.

13 MR. REARDON: Your Honor, as the Court is well  
14 aware, we have had smaller versions of Government's Exhibit  
15 Nos. 1 and 1A, 2, 2A, 3, 3A, and I would offer them to the  
16 jury, not to hold up proceedings, but they have them to  
17 refer while the testimony is given during the proceedings.

18 THE COURT: Yes.

19 Q. (By Mr. Reardon) Sir, directing your attention to  
20 the latter part of May, 1985, the time subsequent to the  
21 Helen Byron verdict when you returned to the ranch, did you  
22 have occasion, at that time, to attend certain meetings?

23 A. Yes, I did.

24 MR. WEATHERHEAD: Objection, your Honor.

25 THE COURT: Overruled.



1 Q. (By Mr. Reardon) And do you recall when  
2 approximately that first of those meetings you attended  
3 occurred?

4 A. Either the same night or perhaps the next day and  
5 everything from the Helen Byron decision --

6 Q. And where did that meeting, that series of meetings  
7 begin?

8 MR. REARDON: Your Honor, excuse me. May we move  
9 this back or something?

10 THE COURT: Just set them down for a while.

11 MR. REARDON: Thank you.

12 Q. (By Mr. Reardon) Where did these meetings take  
13 place?

14 A. They took place in Sheela's bedroom, in the exhibit  
15 further down here on the right.

16 Q. Government's 3B --

17 A. Yes.

18 Q. -- now in evidence?

19 A. Yes.

20 Q. Do you recall how it is that you were present at the  
21 first of these meetings?

22 A. Sheela called myself and other people to a meeting.  
23 She was very upset, having lost the case. Sheela was at  
24 the point where she felt and expressed that stronger action  
25 against, strong action needed to be taken. And more

1 specifically the name of Charles Turner came up in that  
2 meeting. And that is even possible I jokingly brought his  
3 name up and it was seized upon. And Sheela then began to  
4 take steps, other people in the group contributed  
5 information and ideas and that was the principal meeting,  
6 virtually right after that Helen Byron situation.

7 Q. Let's establish some parameters. Do you recall when  
8 you got to the bedroom who was there?

9 A. I have some recollection of some of the people there,  
10 yes.

11 Q. And during the time that you were there, do you recall  
12 whether the number increased or decreased?

13 A. During the one particular meeting?

14 Q. Yes.

15 A. That meeting was one where people came in during the  
16 meeting, as I recall. Sheela had just gotten back and  
17 people as they were available came to the meeting.

18 Q. To the best of your recollection, who attended that  
19 first meeting with you?

20 A. Myself, I recall Savita, I recall Su, I recall Padma,  
21 I recall Ava, and Anugiten, Shanti Bhadra, principal people  
22 at that meeting. And --

23 Q. And do you recall whether you were there at the  
24 commencement of the meeting?

25 A. I am not entirely sure if I was there right at the

1 commencement of the meeting, no.

2 Q. I want you to tell the ladies and gentlemen who  
3 presided over the meeting, if anyone?

4 A. Sheela presided over the meeting while sitting in the  
5 chair in the corner of the bedroom.

6 Q. Exhibit 3B, the chair in the left upper corner?

7 A. Yes.

8 Q. Is that the only chair listed there?

9 A. Yes.

10 Q. And what do you recall being said during that  
11 particular meeting?

12 A. I recall Sheela indicating that something had to be  
13 done about the immigration. I recall people coming forward  
14 and saying what they felt they would do to --

15 MR. WAX: Objection to "people" and "they."

16 MR. REARDON: Be specific.

17 THE COURT: Be specific.

18 Q. (By Mr. Reardon) If you can.

19 A. I recall Shanti Bhadra coming forth and saying she  
20 would be willing -- as one of the best marksmen on the  
21 ranch, that she would be willing to serve as an assassin.

22 I recall Su making a statement encouraging  
23 the people there by saying, "Look, we have to do something  
24 here. We have to support Sheela. We have to support what  
25 it takes to make sure that this community does not go down,

1 down the drain." And words to that effect.

2 I recall Anugiten describing the weapons  
3 should be purchased in another location where ID could be  
4 obtained. Those were the things I remember.

5 Q. And what was the purpose of this particular meeting?

6 A. The purpose of this meeting was --

7 MR. WAX: Your Honor, I object to "purpose." I  
8 believe he can testify to what was said.

9 MR. REARDON: He can testify to the purpose if he  
10 knows it.

11 MR. WEATHERHEAD: I join.

12 THE COURT: I'll let him testify as to what he  
13 felt the purpose was himself.

14 THE WITNESS: I believe the purpose of the  
15 meeting was to organize a plan to kill Charles Turner.  
16 That is, in fact, what occurred.

17 Q. (By Mr. Reardon) And you said just a moment ago that  
18 you may have raised the name Charles Turner. What do you  
19 mean by that? Explain that to the ladies and gentlemen.

20 A. I had -- how to explain this. I had a habit of --  
21 through ridicule sometimes, because I felt this was not a  
22 very realistic idea and would not solve the immigration  
23 problem. And I have occasionally in those circumstances,  
24 this and others, would blurt things out. I may have. I  
25 really don't now for sure.

1                   My memory is something I feel I may have.  
2 Sometimes I am not sure I did. But I know the primary  
3 course of that meeting as it went was to identify him as  
4 the main person to deal with if we were going to take away  
5 the threats of the community, which was all of the members  
6 sent out of the country if the immigration situation were  
7 fully exposed and fully prosecuted.

8 Q. You say the meeting was ongoing when you arrived?

9 A. I almost never came into a room where Sheela was  
10 without at least one or two people there, yes.

11 Q. And do you know whether anyone else raised the name of  
12 Charles Turner before you got there?

13 A. I don't know.

14 Q. And after the name of Charles Turner was raised, what  
15 did you witness?

16 A. A discussion -- a discussion of, as I just said,  
17 people coming forward to say the things that I mentioned.

18 Q. Was Vidya at that meeting?

19 A. Yes.

20 Q. During that meeting, were any specific assignments  
21 discussed?

22 A. Yes.

23 Q. What, if any?

24 A. I recall Anugiten being willing to look into where to  
25 procure weapons. I believe at the time he may have

1 mentioned -- I do recall he mentioned Texas because of  
2 their liability laws, and that he volunteered to look into  
3 that.

4 I recall Savita saying she could find money  
5 for that if it was necessary. I recall Ava, perhaps  
6 Yogini -- I'm a little unclear about Yogini -- volunteering  
7 to locate his house, to find it, to check out where he  
8 lives, so that if something was going to happen, that could  
9 be part of the plan.

10 Q. Do you recall how long this specific meeting was, this  
11 first meeting lasted?

12 A. In that time frame, meetings were lasting many hours.  
13 I mean, it could have been four, five hours. It could have  
14 been a variety of subjects. That meeting probably lasted  
15 quite a while.

16 Q. And you recall the largest number of people at any one  
17 time that were in the room during this first meeting,  
18 however long it took?

19 A. Approximately 10 to 12.

20 Q. From the time that you came into the meeting, did you  
21 leave at any time before the meeting itself ended?

22 A. I don't recall. It wasn't uncommon for me to have to  
23 leave, and it wasn't uncommon for -- because of the fact  
24 that most of the people there had a lot of  
25 responsibilities, for them to take phone calls or come and

1 go.

2 Q. On Government's Exhibit 3B, I direct your attention to  
3 the term "K.D.'s Porch." What was that?

4 A. That is where I lived. That was a porch outside, at  
5 one point -- enclosed at one point with glass and enclosed  
6 as a bedroom, and that is where I lived.

7 Q. What was between your room and Sheela's bedroom?

8 A. Glass sliding doors.

9 Q. How did you get that room?

10 A. Sheela put me in that room.

11 Q. When you testified about what Su said, when did she  
12 say it in terms of your coming into the meeting?

13 A. Toward the beginning. I felt that in the order of  
14 things that were said, that was one of the first things.  
15 The volunteering for different tasks came after that point.

16 Q. And that was said by Su. What do you recall? What,  
17 if any, acknowledgement? What was said by Su, by others in  
18 the room, either yes or no?

19 A. I think the clearest acknowledgment was the  
20 willingness on the people who volunteered to say that they  
21 would, "Let's do it, let's take the steps."

22 Q. And what were those steps?

23 A. Anugiten to find the weapons. Ava and perhaps Yogini  
24 to find Mr. Turner's house. Shanti Bhadra willing to be  
25 the assassin.

1 Q. And how was it to be financed?

2 A. With funds that could be provided by Savita.

3 Q. Now, Mr. Knapp, was this the only meeting involving  
4 Mr. Turner?

5 A. No.

6 Q. Were there more meetings?

7 A. There were daily meetings. There were meetings into  
8 the night. There were meetings constantly.

9 Q. Did you attend any of these meetings?

10 A. Yes, I did.

11 Q. The meetings that you were personally aware of having  
12 occurred, what percent of them did you attend?

13 A. Probably 80 to 90 percent.

14 Q. Do you recall in order the next meeting that occurred?

15 A. What is the question?

16 Q. The next meeting that occurred after the meeting that  
17 you just described. When did the next meeting occur?

18 A. It would have been the next day, during the evening or  
19 the next day.

20 Q. And where did it occur?

21 A. Same place. The meetings always occurred in the same  
22 place.

23 Q. When you say, "the meetings," what are you referring  
24 to?

25 A. The discussion on planning to kill Charles Turner.



1 Q. Were there further refinements in the discussions?

2 A. Yes. At a period of time after this point, people did  
3 leave to go find weapons. People did go and take  
4 photographs. At least at one of the subsequent meetings, I  
5 heard that they had gone. And activities took place to  
6 make the things happen that were discussed in the initial  
7 meeting.

8 MR. WAX: Your Honor, I am going to object to  
9 that answer. Ask it be stricken. Completely nonspecific  
10 and excludes "they" and "people." And no day, time,  
11 places, or who did what, where, when.

12 MR. REARDON: The question?

13 THE COURT: I am going to ask you to break that  
14 question down, again. Now, when we have identified people,  
15 then I think we can refer to them as "they" in other  
16 questions or something, but let's make sure we --

17 MR. REARDON: Thank you.

18 Q. (By Mr. Reardon) Do you understand that, Mr. Knapp?

19 A. Yes.

20 Q. Break it down, sir.

21 THE COURT: Ask him some new questions.

22 Q. (By Mr. Reardon) The refinements of the agreement.

23 A. The subsequent meetings --

24 Q. Yes.

25 A. -- where I was present? Ava, I believe, Samadhi and

1 Yogini were talking about having driver, a car at or near  
2 Mr. Turner's home. And that they, at that time, pretended  
3 the car broke down and had wished they had the opportunity  
4 to the weapons at that time, because it felt to them that  
5 they had an opportunity.

6 MR. WAX: Again, I object. Who was speaking?

7 THE COURT: He has identified three people,  
8 Mr. Wax.

9 MR. WAX: I give only one, unless all three are  
10 speaking at once. I believe one of them is speaking. We  
11 should know who that is.

12 THE COURT: If you recall. One of them or who?  
13 If you don't recall, why you don't recall which one?

14 THE WITNESS: It was Ava or Yogini. I don't  
15 remember which one of the two.

16 Q. (By Mr. Reardon) And did you have any specific  
17 assignments with regard to Mr. Turner?

18 A. In August, Sheela asked me to go to a convention which  
19 I was going to anyway. The convention was, I believe, in  
20 Sun River, Oregon. Mr. Turner was supposed to be speaking.  
21 She asked me to take a photograph. She asked me to see  
22 Ava, who gave me a very small palm-size camera. I went  
23 there, I took a photograph, and brought the camera back to  
24 the ranch.

25 Q. Did you have occasion to have a conversation with John

1 Mathis during this time?

2 A. Yes.

3 Q. Why was that, sir?

4 A. As I recall, the earlier tape, I believe that was June  
5 3 that I had occasion to talk to him. And this was during  
6 the time frame when Sheela had asked me to call him to find  
7 out what security measures were taken, and also to find  
8 out, as usual, the kind of status I could find out about  
9 what the efforts of the Grand Jury or immigration cases  
10 against the community were, what they were progressing on.

11 Q. And in terms of your presence on the commune itself,  
12 did there come a time in the earlier part of June you,  
13 yourself, left for a short time?

14 A. Yes, there was.

15 Q. And when was that?

16 A. I believe I left with Sheela and a woman named  
17 Patipada to go to India for four days, approximately. I  
18 was gone -- I think it was June 7 to 11.

19 Q. And when you came back, do you recall attending any  
20 further meetings in regard to Mr. Turner?

21 A. Yes.

22 Q. When did they occur?

23 A. Meetings were occurring daily at this point.

24 Q. In fact, between the date of on or about May 26, May  
25 27, and the time you left, how often would meetings

1 concerning Mr. Turner occur?

2 A. Daily.

3 Q. And aside from your presence, you believe 80, 90  
4 percent of them, do you recall how many, if any, Savita  
5 attended?

6 A. I would say the ones where I was present, probably 75  
7 percent of them.

8 Q. And Su?

9 A. I would say in a similar range.

10 Q. Do you recall what, if anything, either of them said  
11 during those particular meetings which are now -- which you  
12 are now recollecting?

13 A. My recollection that -- I have a recollection at a  
14 meeting where -- this was after the time when weapons were  
15 purchased, brought back, and there was a discussion in  
16 Sheela's room and Savita was present. There was a  
17 discussion of the -- in fact, at that point, what seemed to  
18 be a humorous discussion of how the identification was  
19 obtained by the people who were trying to get the weapons,  
20 and Savita participating in that discussion with the group.  
21 I don't remember specific verbiage or language.

22 Q. When you say, "with the group," identify the group, if  
23 you can.

24 A. I recall Rikta, and I recall Rikta was one of the  
25 people who went to get weapons. I recall Shanti Bhadra. I

1 recall Sheela.

2 Q. How long were you in India, sir?

3 A. A couple of days. It took a day travel time, each  
4 time around, so it was about a day.

5 Q. Why did you go there?

6 A. Bhagwan Shree Rajneesh had asked Sheela to go and  
7 investigate whether or not there was a possibility of  
8 locating the community there. And this was as a result of  
9 the pressure that was being felt that the community may not  
10 last in Oregon because of the fact the immigration was  
11 closing in. And so he asked can we go there and --  
12 actually, Sheela had a great aversion to India, so only  
13 made half-hearted attempts, once getting there, giving the  
14 excuse there was some kind of violence in North India as a  
15 pretext to come right back home.

16 Q. Do you recall from your personal knowledge discussions  
17 on the commune while you were there involving the  
18 surveillance of Mr. Turner?

19 A. I recall the same conversation I indicated before,  
20 where Ava or Yogini was describing their opportunity to  
21 find his house, yes.

22 Q. Did you participate in any conversations after that  
23 surveillance occurred?

24 A. There were meetings after that, yes, and I  
25 participated in those meetings and discussions.

1 Q. Sir, I am going to show you that which has been marked  
2 Government's Exhibit No. 22 for identification. I hope I  
3 am going to show you this exhibit for identification.

4 I ask you, sir, if you will look at that  
5 exhibit, open it, and tell us whether you can identify it.

6 A. This appears to be a camera of the kind that I took to  
7 Sun River to photograph Charles Turner.

8 Q. Which you had in your hand --

9 MR. REARDON: Sorry, your Honor. May I approach  
10 the witness?

11 Q. (By Mr. Reardon) Government's Exhibit 22-A?

12 A. Yes.

13 Q. When you received that assignment to photograph the  
14 United States Attorney in the very early part of August,  
15 August 1st and 2nd, how did you go about carrying out your  
16 assignment?

17 A. I sat down at a table closest to the front where the  
18 podium was, knowing he would be sitting at that point  
19 somewhere in that podium. When he walked in and was going  
20 to be seated at the podium, I attempted to, as best I  
21 could, concealing the effort, take a photograph with my  
22 elbow on the table.

23 Q. And how did you conceal your camera?

24 A. I -- well -- thank you. It was like this kind of  
25 situation, you know, shield it from the top.

1           MR. REARDON: Your Honor, may the record reflect  
2 the witness has the camera sealed completely in his right  
3 hand with his elbow on the desk, the right hand elevated  
4 and raised with the fingers pointed toward his head from  
5 right to left.

6 Q. (By Mr. Reardon) You don't know if that is the  
7 camera or not, do you?

8 A. No, I don't.

9 Q. What is the similarity to it? Describe the  
10 similarity.

11 A. The size, the shape, color,

12 Q. How about the brand?

13 A. I am not sure about brand.

14 Q. I am now going to show you -- and I would --

15           MR. REARDON: Incidentally, your Honor,  
16 demonstrative evidence, I would now seek to move  
17 Government's Exhibit 22 into evidence and be published to  
18 the jury.

19           MR. WEATHERHEAD: I object, your Honor. For  
20 demonstrative purpose I have no objection. But for  
21 admission, I do object. This was not the camera which was  
22 used.

23           THE COURT: For demonstration purpose only.

24                   Ladies and gentlemen, this is not identified  
25 as the camera.

1                   For demonstration purpose only, you may show  
2 it, publish it to the jury.

3                   MR. REARDON: Thank you. And I should -- perhaps  
4 I can just do 22A.

5                   MR. WEATHERHEAD: Might I inspect that, your  
6 Honor? I didn't take the opportunity when counsel offered  
7 it before.

8                   THE COURT: Yes.

9                   MR. WEATHERHEAD: Thank you.

10                  MR. REARDON: You are welcome, counsel.

11                  MR. WAX: No. Don't need to see it.

12                  MR. REARDON: You are welcome.

13                               While that is being published, if I may,  
14 your Honor --

15 Q. (By Mr. Reardon) Simultaneously, I would like to  
16 show you, Mr. Knapp, that which has been offered -- pardon  
17 me. That which has been marked as Governments Exhibit 31,  
18 31A, and asking you to look at -- let me open that for you.  
19 Government's Exhibit 31A. I ask you to look at  
20 Government's Exhibit 31A and ask you, sir, if you can  
21 identify it?

22 A. This is the -- this is the program for the conference  
23 which I attended.

24 Q. When?

25 A. Early August, 1985.



1 MR. REARDON: Your Honor, the Government would  
2 move Government's Exhibit 31A into evidence, Government's  
3 Exhibit 31 being just an envelope. It is not relevant.

4 THE COURT: Any objection?

5 MR. WEATHERHEAD: Voir dire?

6 THE COURT: Yes.

7

8 QUESTIONS IN AID OF OBJECTION

9 BY MR. WEATHERHEAD:

10 Q. 31A is a program from a conference?

11 A. Yes. It is.

12 Q. But this didn't come from your possession?

13 A. Correct.

14 Q. This came from somewhere else. This is something  
15 Mr. Reardon found?

16 A. I don't know who found it.

17 MR. WEATHERHEAD: Thank you. No further  
18 questions, Your Honor. No objection.

19 MR. REARDON: May it be published, please?

20 THE COURT: 31A is received.

21 (Government's Exhibit 31A received.)

22 MR. REARDON: 31 will not be offered.

23 MR. WAX: Your Honor, may I ask a question or two  
24 in terms of voir dire on this?

25 THE COURT: Okay. Gentlemen, let's not use this

1 sort of thing for cross-examination, but I will let you  
2 voir dire if it's relevant to the admissibility of the  
3 exhibit.

4 MR. WAX: I'll hold it for across.

5 THE COURT: All right. Thank you.

6 Q. (By Mr. Reardon) Sir, I am now going to show you  
7 that which is marked as 31A-1. Ask you to look at that  
8 photograph, sir, and then tell us whether you are able to  
9 identify it?

10 A. I recognize Charles Turner at the podium of the  
11 conference in Sun River.

12 Q. In that particular photograph does it fairly and  
13 accurately depict Charles Turner as you saw him when you  
14 attended that conference?

15 A. Yes, it does.

16 MR. REARDON: I move it into evidence, Your  
17 Honor.

18 THE COURT: Any objection?

19 MR. WEATHERHEAD: Relevance, Your Honor. I  
20 object on relevance.

21 MR. WAX: I would like to ask a few questions.

22 MR. REARDON: Totally relevant in terms of our --  
23  
24  
25

QUESTIONS IN AID OF OBJECTION

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

BY MR. WAX:

Q. Did you take that photograph?

A. No. I did not.

Q. Do you know whether Mr. Turner spoke at any other conferences that year?

A. No, I do not.

Q. Do you know if he spoke at the Sun River conference in 1984?

A. No, I do not.

Q. 1983, '82, or any other time?

A. No.

Q. Do you have an independent specific recollection of what Charles Turner was wearing at the conference that you attended?

A. Only to the extent it was casual. Nothing more.

Q. So you can't tell us whether this photograph of Charles Turner was taken at this conference August 1, 1985, or any other conference at which he spoke perhaps in that very same room where the annual meeting may have taken place?

A. I can only say that approximates my recollection of and informal meeting. I can't say for sure.

MR. WAX: I object.

THE COURT: Sustain the objection.

1 MR. REARDON: Very well, Your Honor.

2 MR. WAX: Thank you.

3 MR. REARDON: 31A-1 and 31A-2.

4 Q. (By Mr. Reardon) Sir, I am going to show you now  
5 that which has been marked as Government's Exhibit No. 21  
6 for identification. I ask you, sir, if you are able to  
7 identify it, and if so, how?

8 A. This is a copy of the June 7, 1985 *Rajneesh Times*.  
9 And it's a paper published at the community and I regularly  
10 look at this paper and read much of what was in it.

11 Q. Can you identify that particular issue?

12 A. Yes. I remember this particular lawsuit, the  
13 headlines about it.

14 Q. What was that lawsuit?

15 A. It was termed "God Versus The Universe," as it says in  
16 the headline.

17 Q. Don't read from it.

18 A. It was a lawsuit meant to derail or otherwise put a  
19 stop to and delay the INS investigation.

20 Q. And who was responsible for filing that?

21 A. I believe there were a number of people who were on  
22 the lawsuit, but primarily Sheela.

23 Q. And what organization within the commune was  
24 responsible for filing it, what department?

25 A. Rajneesh Legal Services.

1 Q. Is this the same legal service that offered counseling  
2 to sham marriage partners?

3 A. That is correct.

4 MR. REARDON: I ask that Government's Exhibit No.  
5 21 be admitted into evidence.

6 MR. WEATHERHEAD: Relevance, Your Honor.  
7 Objection.

8 MR. WAX: I don't know that we have an objection,  
9 Your Honor. I ask to reserve on it, if you would, please.

10 THE COURT: All right. I will reserve that.

11 MR. WAX: Thank you.

12 THE COURT: That number again?

13 MR. REARDON: 21, Judge.

14 Q. (By Mr. Reardon) Sir, let me direct your attention  
15 to your own activity, no one else's, in regard to a man by  
16 the name of Devaraj.

17 A. Yes.

18 Q. Did you participate in certain activities regarding  
19 Devaraj?

20 A. Yes.

21 Q. First of all, who is he?

22 A. Devaraj was the physician who attended to Bhagwan.

23 Q. And what did you do and no one else in regards to him?

24 A. I --

25 MR. WAX: Your Honor, for the record I want to

1 note our continuing objection.

2 THE WITNESS: I participated in -- the first  
3 thing --

4 Q. (By Mr. Reardon) Just what you did, not what you  
5 participated in. Things that you did.

6 A. I listened to telephone conversations between he and  
7 people of the ranch. I listened to a copy of a tape from a  
8 bug in Bhagwan's room where he and Bhagwan discussed him  
9 assisting Bhagwan in committing suicide. I -- I stood  
10 guard in the auditorium during the time in which he was  
11 attacked and became deathly ill and was part of a --

12 Q. Not part, what you did, what you were part of.

13 A. I then was in the back of the Devateerth Mall and with  
14 some delay called for medical assistance.

15 Q. I am going to show you that which has been marked as  
16 Government's 38A and 38B now in evidence. I show you 38A  
17 first. Can you identify the individuals photographed in  
18 that photograph?

19 A. I can identify Swami Anugiten on the left.

20 Q. And describe what he is wearing in that photograph.

21 A. He is wearing what looks like a felt blazer and -- red  
22 felt blazer, a reddish beard and a yellow rose in his  
23 lapel.

24 Q. I show you Government's Exhibit 38B. Can you identify  
25 the individuals in that photograph?

- 1 A. I see Savita, I see Pragitam, I see Anugiten, and I  
2 see Sheela.
- 3 Q. Once again for the record when you say Anugiten, where  
4 is he situated in that photograph?
- 5 A. He is wearing the same blazer, appears darker in the  
6 photograph, and the same yellow rose in his lapel. And he  
7 is taking the position between Sheela and Pragitam, Savita  
8 and --
- 9 Q. Thank you. I am going to direct your attention to a  
10 time in June, on June 21st of '85, and ask you if you had  
11 occasion to be in Portland at that time?
- 12 A. Yes.
- 13 Q. Why?
- 14 A. For a press conference.
- 15 Q. What type of press conference?
- 16 A. It was a press conference related to a lawsuit.  
17 Actually, my recollection is Vidya was the primary  
18 spokesperson at that lawsuit -- at that press conference.
- 19 Q. Were you present during that press conference?
- 20 A. Yes. I was.
- 21 Q. Did you yourself participate in any way?
- 22 A. In a small way, yes.
- 23 Q. What was that small way?
- 24 A. To speak.
- 25 Q. Had you had occasion to view a video depiction of that

1 press conference including your own participation in it?

2 A. Yes, I have.

3 Q. Where you able to identify it?

4 A. Yes.

5 MR. REARDON: Your Honor, at this time we would  
6 ask that Government Exhibit 30 marked for identification,  
7 audio -- a brief audio be shown and published to the jury.  
8 Pardon me, video.

9 MR. WEATHERHEAD: With that clarification, Your  
10 Honor, our previous position.

11 THE COURT: Yes. Right.

12 MR. GLICK: Your Honor, we would need to turn the  
13 monitors on.

14 THE COURT: Yes. Bring that one down in front of  
15 this jury.

16 JURORS: We can see it.

17 THE COURT: All right. They are already.

18 MR. REARDON: For the record, Your Honor, of  
19 course there is no audio to this.

20 MR. GLICK: This button on the far right.

21 (Video played)

22 Q. (By Mr. Reardon) I think the witness may not be  
23 able -- may the witness be in a position to see this, too?

24 THE COURT: Yes. Come up here.

25 MR. REARDON: Thank you. Your Honor, I think we



1 have seen it enough. We can play it again for Mr. Wax, if  
2 help likes.

3 MR. WAX: We have enjoyed it, Mr. Reardon. Thank  
4 you.

5 MR. REARDON: Your Honor, at this time there is a  
6 stipulation we have been able to reach among brothers and  
7 sisters of the Bar.

8 MS. HAIMOV: Thank you. Stipulation regarding  
9 United States Exhibit No. 30. It is hereby stipulated and  
10 agreed by and between the United States of America and  
11 defendants Sally Ann Croft, also known as Ma Prem Savita,  
12 and Susan Hagan, also known as Ma Anand Su, individually  
13 and through their counsel, the following statements are  
14 factually accurate:

15 That Exhibit No. 30 is a true and accurate  
16 video excerpt from a broadcast originally aired on June 21,  
17 1985, on KOIN, K-O-I-N, TV Channel 6 in Portland, Oregon.  
18 And it is also hereby stipulated and agreed this  
19 stipulation may be received into evidence and count for any  
20 party with the approval of the Court may publish it to the  
21 jury during the trial.

22 Signed by each of the parties and both  
23 defendants, Sally Ann Croft and Susan Hagan.

24 THE COURT: Thank you.

25 MR. REARDON: May I continue?

1 THE COURT: Yes.

2 Q. (By Mr. Reardon) Mr. Knapp, in terms of the date,  
3 with regard to Mr. Devaraj, what was the date, if you  
4 recall, in 1985 of the matter concerning Mr. Devaraj and  
5 your participation in it?

6 A. That was celebration day, which was July 6.

7 THE COURT: Ladies and gentlemen, just for a  
8 moment I am going to ask you to step out. And counsel, if  
9 you would remain.

10 (Jury out)

11 MR. WAX: Your Honor, is this something which  
12 should be taking place here? Most of the documents are  
13 sealed. Is it something which would be appropriate for a  
14 different location?

15 THE COURT: Well, it may lead to something that  
16 would be discussing sealed materials, so I will meet with  
17 counsel in the conference room.

18 MR. WAX: Thank you.

19 (Conference off the record.)

20 THE COURT: Thank you.

21 (Jury in)

22 Q. (By Mr. Reardon) Thank you. Directing your  
23 attention to October of 1985, did you have occasion to  
24 enter into a plea agreement with the United States?

25 A. Yes.

1 Q. And you recall what happened as a result of that plea  
2 agreement?

3 A. I pled guilty to the charges outlined there and I was  
4 sentenced to two years in federal prison.

5 Q. As part of that agreement, did you agree to testify  
6 accurately, fully and truthfully before state and federal  
7 grand juries?

8 A. Yes.

9 Q. And did you plead guilty to conspiring to unlawfully  
10 make false statements to an agency of the United States,  
11 that is, the Immigration and Nationalization Service?

12 A. Yes, I did.

13 Q. And an unlawful racketeering charge based upon  
14 unlawful interception of communications?

15 A. Yes.

16 Q. Did you also agree that should you breach the  
17 agreement at any time that it would be deemed null and  
18 void?

19 A. Yes, I did.

20 Q. And in that event, the federal government, or for that  
21 matter the state government, could use any physical  
22 evidence, statements, or testimony made by you against you?

23 A. That is how I understand it, yes.

24 Q. And that they deem initial determination of what this  
25 agreement has been breached would rest exclusively with the

1 state and federal prosecutors involved; is that correct?

2 A. Yes.

3 Q. Did you sign that agreement?

4 A. Yes, I did.

5 Q. Have you complied with it?

6 A. Yes.

7 MR. WAX: Objection.

8 THE COURT: Sustained.

9 Q. (By Mr. Reardon) And, of course, to complete the  
10 record, did your retained attorneys sign that agreement on  
11 your behalf?

12 A. Yes, they did.

13 MR. REARDON: I have no further questions on  
14 direct of this witness.

15 THE COURT: Mr. Weatherhead.

16 MR. WEATHERHEAD: Your Honor, my agreement with  
17 Mr. Wax, I agreed to let him be the lead dog on this one.  
18 Thank you.

19 MR. WAX: Your Honor, may I take a minute and  
20 distribute some books?

21 THE COURT: Yes.

22 MR. WAX: Clean up some exhibits here.

23 THE COURT: Mr. Reardon, you want to help him  
24 pick up the exhibits?

25 MR. REARDON: Yes.