

8/9/93

Hi Washem

Please distribute this
letter to the Board.

Also, please do not take
anything I have said
personally. You have been
a bright light throughout
this entire sordid affair.

Thank you for all your
love and compassion.

Love,



University of Hawai'i at Mānoa
Library — Archives

August 8, 1993

University of Hawai'i at Mānoa
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The Board of Trustees
Zen Studies Society
223 E. 67th Street
New York, NY 10021

Dear Board of Trustees,

Last week Vasken phoned and requested [REDACTED] to send you a letter giving some of the details of her sexual involvement with Eido Roshi. I too wish to share with you some of my thoughts and feelings arising out of this incident.

Nearly six months have elapsed since I have had any direct contact with Eido Roshi or any of you. During this period, I have, on many occasions, felt varying degrees of distress because of this situation. It is extremely difficult for me to write without giving in to that aspect of myself that wants to lash out at Eido Roshi for the pain and suffering that [REDACTED] and I and so many of our friends have been through because of this situation. It seems that no matter how much I look into my feelings around this situation, the pain, sorrow and upset will not go away. The suffering will not stop.

I am carrying such sadness about Eido Roshi. It is like the ending of a love affair or deep relationship. Most relationships in my past changed in form as a result of changes in me and/or other. They changed because needs changed and, in most cases, the love continued and in some cases even grew deeper. In this case, there is an ugliness and incompleteness in the ending that has left me feeling manipulated and deceived. I feel that my love, trust and gratitude for this man has been abused and misused by him. I gave myself so totally to him. My love was so deep that I even gave him one of my most valued and precious objects as an expression of my love. An object that meant more to me than any other object I owned. I have never felt so deceived by another person in my entire life. Yes, I have encountered extreme levels of deceit in business transactions, but, never in a personal relationship rooted in love. I expected Eido Roshi, as a person who represents himself to be a Master or Teacher of awareness and higher consciousness, to be beyond the kind of deceit and lying that he demonstrated in this situation with [REDACTED]. Because I entered into my relationship with him with no doubt and much trust, I was extremely vulnerable. I believe that Eido Roshi, either consciously or unconsciously, preys on this sort of vulnerability and trust. How incredibly sad!

I ask myself: "how is it possible that Eido Roshi can be so brilliant in leading me and others towards insight, while being so deceptive and, in my view, relationally retarded?". I wonder how it is possible for someone to have been sitting zazen for 40

years and still be capable of creating so much pain and suffering for himself and others. My confidence in the Zen path has been deeply shaken.

I have no problem with Eido Roshi's morality or sexual needs. I do have a problem with his ethics or lack thereof. I have known about his sexual behavior for many years. I turned a deaf ear and blind eye to this information in the past. I joined and colluded with most of the other Zen Studies Society Sangha members and laughed when his behavior was rationalized with such expressions as: "Oh well, that's our dear sweet Roshi" or "We all know what a little rascal he is". Just to write this now makes me feel a little sick. I started marching to a different drum when his sexual exploits struck so close to home.

There are a number of reasons why it is outrageous to me that this man gave into his lust and entered into a sexual relationship with [REDACTED]. In my letter to Eido Roshi of January 12th, which I believe you all have seen, I discuss the primary reason of breach of trust between teacher and student. Another reason is that he entered into this affair right under my very nose and then asked [REDACTED] to lie to me about it. To think that I would be sitting in Dokusan with him and a few hours later he would be in bed having intercourse with my Beloved is not the most pleasant of thoughts.

Some of you may say or listen to others who say that this is a cultural thing. That the Japanese have a different ethic or standard around sexual relationships with students, honesty and truthfulness. This may be true. If it is true, then I suggest Eido Roshi consider returning to Japan to work with students from his own culture. Either that, or go into some sort of therapy or practice that will help him overcome this Japanese conditioning or character organization that is continually splintering and fracturing the Sangha and creating so much pain for so many.

My pain and sorrow were exacerbated this week when we received a letter (see copy enclosed) from [REDACTED] saying that Eido Roshi and the Zen Studies Society Sangha do not want any of us who have been involved with the [REDACTED] work to visit DBZ. You can be sure that I do not wish to return to DBZ as long as Eido Roshi continues this charade and the Sangha supports and colludes with him in any way. At the same time, I feel hurt and outraged that he chooses to protect himself from the discomfort of facing himself by barring us from DBZ.

I know you have been working very hard to formulate and initiate policies around sexual conduct and deceptive practices. In my view, new precepts, vows or regulations will not ensure anything. Since Eido Roshi has, in the past, chosen not to uphold the existing precepts and vows, what makes you think he will adhere to new ones in the future? My deep feeling is that he has made a few gestures of apology that were reflective of some of his feelings and at the same time calculated to "calm" the fires.

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This letter is a formal request to you to take every step possible to ensure that Zen Studies Society students are protected from the kind of misuse of love, exploitation, hypocrisy and manipulation that Eido Roshi has shown himself capable of committing.

In closing, I wish to pose just a few of the many questions I have to you that I would like to have answered. Does the Board of Trustees support its' Abbot's actions in barring me and my friends from DBZ? Is this action consistent with the Zen Studies Society's purposes as expressed in its' Articles of Incorporation? Who is truly in control of Zen Studies Society, Eido Roshi or the Board of Trustees? Would you be willing to make a public statement, say in the Zen Studies Society newsletter, about Eido Roshi's sexual behavior? Knowing what you know about Eido Roshi's behavior and ethical stance, are you willing to accept responsibility for the results of his actions in the future?

I request that you promptly send me a written response to this letter.

Sincerely and sorrowfully,



Enclosure

[REDACTED]

July 28, 1993

University of Hawai'i at Mānoa
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Beloved Friends of [REDACTED],

As a result of intensive dialogue with Eido Roshi, I am conveying a message of MUTUAL agreement that the [REDACTED] who have been to Dai Bosatsu Zendo or those thinking to do so, do NOT return there for spiritual retreat.

This decision is based on current irreconcilable differences and perceived hurt feelings between Eido Roshi, the Sangha of Zen Studies Society, and the [REDACTED]. [REDACTED] continues to hold the view of deep examination into our daily lives, the honesty out of which we live, and the effect, therefore, that we have on our families, friends, community, and world environment. Through experience, we disagree with Eido Roshi and Zen Studies Sangha as to the manner in which this aspiration is maintained and held in the Spirit of Transformation.

We recognize the great benefit of Dai Bosatsu Zendo to our Work and the offering that it continues to make. We hold it for the value that it has been for us and can now look to other situations to further intensive meditative discipline. It is not without sorrow for many of us that this is the case. However, the learning and clarification moves us more deeply into the devotion of deep Transformational Work maintaining pristine Integrity. [REDACTED] will continue to offer situations for Meditation Retreat.

Sincerely,
[REDACTED]

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Conversation with [REDACTED]: 9/21/93

Wants to be acknowledged as a person. Wants this never to happen again. Has been on a spiritual path for a long time and never before happened (54 years-old).

Is in agony and agony will not go away.

Loves Roshi, but he is an idiot sometimes and has a problem. We have to address this problem.

This incident has the potential to bring down the Zen Studies Society completely and if the issue is not addressed, [REDACTED] has the potential to bring it all out and destroy it.

He has worked as a financial consultant. Roshi has to clean up his financial act.

He always felt that some disgruntled person might leave DBZ with enough information to destroy the place. Never thought that he would be the one. "I will not go away. I am too upset".

He knows about people making contributions to Roshi. Letters would go out from DBZ acknowledging it. The monies never appear in DBZ accounts, but are placed into Roshi's own account.

Vasken called [REDACTED] and asked her whether she would be willing to write a letter about her pain. She did. This opened [REDACTED]'s own response spontaneously.

Roshi has to get off his pedestal of divinity.

Will our acknowledgement of letter solve problem?

Roshi does not abide by rules.

Wilkie asked whether this is taking revenge. He thinks there is an aspect of it in it too.

He feels betrayed by Roshi. Their group put a lot of energy into DBZ sangha. Has had teachers before who came and left (discussion).

If no one responds he will carry on.

Admits [REDACTED] could have said no, but she didn't. It is not about sexual aspect only, it is about deceit and manipulation.

[REDACTED] is injured and does not seem to get better. Roshi added to her "woundedness". General conversation followed.

October 31, 1993

The Board of Directors
Zen Studies Society
223 E. 67th Street
New York, NY 10021

University of Hawai'i at Mānoa
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Dear Board of Directors,

I am writing in response to a phone call that I had with Hoza Wilke Pretorius 3 weeks ago today. During our conversation he asked me, "[REDACTED], what is it you want?". After considerable contemplation, thinking, and sorting through my many varied feelings and motivations, I have a very good idea of what it is I want.

Before going into my "wants", let me say that I am speaking only for myself. Any opinions, conclusions, and views that I state in this letter are purely my own and are not to be construed as making any statements of any nature in behalf of [REDACTED].

That being said, my "wants" are as follows:

1. On August 8, 1993 I sent a letter to the Board of Trustees of Zen Studies Society care of Vasken Kalayjian for distribution to the Board. He sent it to Hoza, who as Secretary of the Board, should attend to distribution of such a letter. Hoza refused to distribute the letter. I want the Board to instruct its' Secretary to distribute my letter.

2. I want the Board to make an announcement in the DBZ Newsletter giving full disclosure of Eido T. Shimano's sexual activities with his students. Full disclosure meaning a statement that he has used his position, personal and spiritual power, and the sanctity of the Dokusan room and process to fulfill his sexual needs. That he has counseled his students to lie and deceive about sexual relations with him should they ever be questioned on this subject - even if questioned by their spouses and most intimate and dearest friends. This announcement should contain an invitation for any one that has had sexual relations with Eido T. Shimano to come forward and speak out. The Board should set up some sort of system to help anyone who comes forward to deal with the issues that are caused by and arise out of sexual abuse by persons in positions of spiritual, emotional, and psychological power. Finally, the announcement should contain a statement by Eido T. Shimano explaining his current understanding of how the Teacher-Student relationship has the potential to be used or misused to fulfill the sexual needs, desires, and fantasies of the Teacher. He should also explain how giving in to his lust and his use of deceit has been hypocritical and contrary to Zen Buddhist practices and precepts.

3. Eido T. Shimano should be required to return to me the Bear fetish that I gave to him out of my trust and love. That gift was a statement and symbol of my gratitude and utter trust in him. Although I am still grateful for much he gave me, he was not, and is not now, deserving of my trust and I want that symbol returned.

4. Eido T. Shimano should be required to look within to see if he can find any aspect of himself that sees how he took advantage of [REDACTED]. If he can find such an aspect and feels sorry about what he did because of the harm it caused her, then he should write a letter of apology to [REDACTED]. In my view, she can use all the help she can get to relieve herself of the shame, blame, and guilt she still carries around this issue.

5. I want to be financially reimbursed for both the direct expenses and indirect costs I have incurred as a result of Eido T. Shimano's choice and decision to enter into a sexual relationship with [REDACTED]. Before giving the details of this reimbursement, a little information.

[REDACTED] and I have had to deal with issues of trust, betrayal, and deceit since this episode with Eido T. Shimano. For many months, and even now, there has been, in varying degrees, emotional, psychological, and some times physical discomfort, that permeates our sexual contact. We have gone from a healthy, intense, and strong sexual relationship to one that is occasional and filled with disfunction on both our sides. We are working hard together and with outside help to unravel the issues that have surfaced since our time at DBZ.

[REDACTED] is getting sick alot. She suffers from migraines and, on a few occasions following discussions around Eido T. Shimano and sexual abuse, has suffered from bouts of nausea and vomiting.

[REDACTED] has had considerable difficulty taking on the pressure and assuming responsibility at work since her return from DBZ. She has given up nursing and has had two parttime jobs that paid \$7.50 per hour. She had to quit the last job after 3 weeks because the pressure and tension was too much for her. She will be starting a new parttime job this coming week. I am hopeful that this position will be inspiring and fulfilling for her.

I have been supporting us both since June 1st. We have both had considerable psychotherapy and bodywork over the past few months and anticipate quite a bit more will be needed. All in all, this situation has caused me considerable pain, suffering, emotional and psychological stress, and, most importantly, some undefinable wound to my Spirit.

My direct costs so far have been \$1,635.00 for therapy sessions. I anticipate continued expenses for therapy to be \$400-\$500 per month for the next six months. I have been

supporting [REDACTED] since June 1st at an estimated cost of \$1,000 per month and will continue to do this for at least six more months or longer, if needed. All in all, my direct costs will be something on the order of \$16,000 to \$20,000.

The indirect costs are very difficult to assess from a financial point of view. I also question the ethics and spiritual/karmic consequences of being financially reimbursed for my pain and suffering. Nor do I want either [REDACTED] or me to act out of a victim's position. I am not walking around saying "poor me". And yet, Eido T. Shimano's actions have created a situation that has put tremendous stress on me and my relationship with [REDACTED] and undermined my well being. I went to him in good faith and trust. I upheld my end of the implicit bargain between Spiritual Teacher and Student. He did not uphold his end and yet, I am paying for the results of his deceit and abuse of power and trust. I have been to an attorney who says, "sue the man, the Board Members personally, and the Zen Studies Society". I do not want to go that route. Legal action seems a cruel and malicious means of being heard, acknowledged, and justly compensated. To be totally honest, I am unclear as to what to do about this issue. So, in terms of indirect costs I leave it to you to take the initiative and tell me what you think is fair and just.

In closing I will say that the lack of any official expressions of interest or help from this Board towards us and our difficulties resulting from its' Abbot's actions give me cause for great concern. The only two people who showed any compassion and understanding towards us, have been removed from the Board. I ask myself is this Board and Society more interested in protecting images, identities, and assets than in helping to relieve the pain and suffering its' Abbot's actions create?

Needless to say, I look forward to hearing from you promptly.

Sincerely,
[REDACTED]

cc: J. Bankier
S. Brady
S. Glassing
F. Periello
H. Pretorius
Z. Rudin
A. Shimano
E. Shimano
M. Spitz

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LAMM, FREEMAN & BUTLER

A Limited Liability Company

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Patrick D. Butler

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Of Counsel

Telephone: (303) 447-2601
Facsimile: (303) 447-9950

November 24, 1993

Board of Directors
Zen Studies Society
223 E. 67th Street
New York, NY 10021

Dear Directors of the Zen Studies Society:

I have been formally retained by Mr. [REDACTED] of [REDACTED], [REDACTED], to represent him with regard to the possible claims arising from the actions of Mr. Eido T. Shimano in the recent past. These actions concern the fiduciary relationship established between Mr. [REDACTED], the Zen Studies Society, and Mr. Shimano. I respectfully request that you communicate only through me in regard to any information which you may wish conveyed to Mr. [REDACTED] in any form concerning the incidents and concerns expressed in his August 8, 1993 letter to the Board, and his October 31, 1993 letter to the Board of Directors. Copies of these letters are herein provided for you should you not as yet have had the opportunity to review them.

It is my understanding that your attorney has contacted my client indirectly through the use of an agent or intermediary. Again, all future communications should come directly to me whether they are made through your attorney or any other agent. For your information I became a member of the New York Bar in 1978, a member of the Bar of the State of Colorado in 1982, and qualified for argument before the Supreme Court of the United States in October of 1990.

Sincerely,


Berkley I. Freeman, Jr.

BIF:mau
c:Mr. [REDACTED]

University of Hawai'i at Mānoa
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ROBERT L. GREENE

ATTORNEY AT LAW

15 EAST 26TH STREET, SUITE 1101

NEW YORK, NEW YORK 10010

PHONE 212-684-6542

FAX 212-683-1634

December 20, 1993

Berkley T. Freeman Jr., Esq.
Lamm Freeman & Butler
2595 Canyon Boulevard
Boulder, Colorado 80302

Dear Mr Freeman;

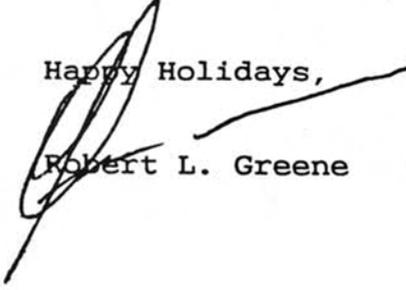
My client the Zen Studies Society, Inc. has passed on to me your letter of November 24, 1993 concerning your client [REDACTED].

While the Society is not obligated to funnel its communication with Mr Tobias through you, it is for the time being willing to do so. Consequently you will find enclosed a letter to Mr. [REDACTED] from the President of the Society, which we would request that you pass on to him. If for any reason you do not intend to transmit the letter to him directly please inform me as soon as possible.

Concerning your statement that you represent Mr. [REDACTED] in regard to possible claims growing out of a fiduciary relationship between him and Mr. Shimano, please be informed that no such relationship has ever existed. Furthermore an action of the sort that Mr. [REDACTED] has threatened in writing and orally would be barred by the First Amendment.

Please be advised that in the event that such an action is brought the Society may seek sanctions against your client, yourself, or both. You may or may not be aware that since you went to Colorado (for which I envy you) provisions to sanction frivolous litigation in New York state courts have been strengthened very substantially.

Happy Holidays,


Robert L. Greene

THE ZEN STUDIES SOCIETY

EIDO T. SHIMANO ROSHI, ABBOT

MOUNTAIN MONASTERY

DAI BOSATSU ZENDO • KONGO JI

BEECHER LAKE, HCR 1, BOX 80

LEW BEACH, NY 12753

TELEPHONE 914 439-4566

December 20, 1993

CITY ZENDO

NEW YORK ZENDO • SHOBO JI

223 EAST 67TH STREET

NEW YORK, NY 10021-6087

TELEPHONE 212 861-3333

Mr. [REDACTED]
c/o Berkley T. Freeman Jr., Esq.
Lamm Freeman & Butler
2595 Canyon Boulevard
Boulder, Colorado 80302

University of Hawai'i at Mānoa
Library — Archives

Dear [REDACTED];

The Board of Directors of the Zen Studies Society has received your letters of October 31, 1993 and August 8, 1993, and has asked me to respond to you.

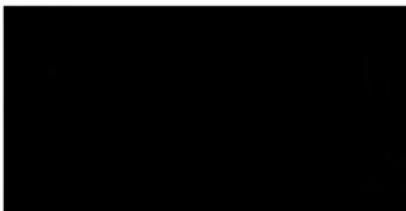
First it is clear that you have been in communication with the Society almost exclusively through Mr. Kalayjian. That means that you probably have a very inaccurate view of the doings of the Society over the course of the last year, since, as we have recently become aware Mr. Kalayjian was acting out of a personal agenda very different from that of the Society. He has clearly had extensive communications with you that were not authorized and probably were very contrary to the facts.

We would welcome the opportunity to meet with you and [REDACTED] to help to heal the situation, give you an accurate picture of developments in the Society, hear from your own mouth how you feel, and address your concerns. To facilitate such a meeting we are willing to fly you and [REDACTED] here to New York, or attempt to arrange a meeting between you, Roshi and some other representatives of the Society closer to your home. This second option would have to occur around the end of February, we could arrange a meeting in New York much sooner.

The difficulty is that we can not meet with you or engage in any meaningful discussion while the threat of a law suit hangs over us. As the attached letter to your lawyer states we do not believe that you have grounds for a law suit, and so such an action would only prolong and deepen the wounds that you say you and [REDACTED] feel. It is also possible that you could be fined as a result of it. Please let us know whether you wish to meet with us by contacting Hozo, the Secretary of the Society.

Gassho.


Muin Bernard Spitz
President



January 17, 1994

Mr. Muin Bernard Spitz, President
Zen Studies Society
223 East 67th Street
New York, NY 10021-6087

Dear Muin,

We have received your letter of December 20, 1993 and wish to thank you and the Board of Directors of the Zen Studies Society for officially responding to us and offering "to help heal the situation". We feel your letter is a positive expression of your concern for us. However, at this time we do not feel that a meeting with Eido or any representatives of the Zen Studies Society would be of benefit to us in our healing process.

About a week before your letter arrived, we had the realization that using threats and fear was unkind and wrong action from a Buddhist perspective. We also realized that taking legal action against you, even if we prevailed, would only increase the amount of pain and suffering that exists for us, you, and the planet. We realized that to hurt another because they hurt us, even though such actions are enticing, compelling, and culturally acceptable would truly not heal our wounds and stop our suffering. Such an action would only create more karma for us to work through. Thus we have decided to drop all legal actions against you and have chosen to put this entire matter behind us.

Responding to your statements about our grounds for legal action and potential fines to us, we would like you to know that our attorney and personal friend, Berkley Freeman, has had considerable experience with Breach of Fiduciary Duty by members of the clergy. He was, and still is, extremely confident with our legal position in this matter. He has been a student and disciple of Swami Jyoti for many years. He is also the attorney for Sacred Mountain Ashram, Swami Jyoti's center here in the USA. Over the past two years, Berkley has settled six cases brought against the Ashram as a result of Swami Jyoti's sexual misconduct and breach of fiduciary duty. You can be sure that Berkley knows this area of the law from both the plaintiff's and the defendant's side.

The body of case law on this subject throughout the nation, including New York, is extensive and growing by leaps and bounds these days. Berkley has provided us with considerable legal research and material on Breach of Fiduciary Duty. We would like to assure you that your legal position is extremely weak and you have enormous exposure and liability. Robert Greene's suggestion that this sort of litigation could be viewed as frivolous is either a lawyer's posturing or a gross miscalculation that is not rooted in reality.

It is our sincere hope that by removing the threat of legal action and potential loss of your assets, image, and reputation you will be better able to help those that have been hurt by Eido's actions. Perhaps without legal coercion, you will find your compassion and love and voluntarily take appropriate action both within the Zen Studies Society and with those people that have been directly hurt.

Sincerely,



cc: Muin Spitz: Home Address