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**MEMORANDUM**

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**TO:** ANDREA WINN

**FROM:** CAROL MERCHASIN

**SUBJECT:** UPDATE ON THE FINDINGS OF SEXUAL MISCONDUCT OF THE SAKYONG

**DATE:** JULY 10, 2018

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Since the Phase II Buddhist Project Sunshine Report was published on Thursday, June 28, 2018, much has happened. Both the Kalapa Council and the Sakyong have stepped down and we are told that a full investigation will be done by a law firm in Halifax. Since no investigation has yet begun, I am issuing this update to keep you informed on this, the last part of my investigation.

In my findings published last week, [http://andreamwinn.com/offerings/project\\_sunshine](http://andreamwinn.com/offerings/project_sunshine), I wrote, “The allegation of a rape in Chile is just that – an allegation that is second or third hand at best. I have no means of determining whether it is true or false or whether it can even be investigated.”

Within 24 hours of the Phase II Report’s June 28<sup>th</sup> airing on the Buddhist Project Sunshine blog and on Facebook, a woman came forward to tell the story of her 2002 encounter with the Sakyong in Chile. I interviewed her several times and I interviewed a corroborating witness as well. I also interviewed a kusung who came forward and was able to corroborate certain details. Once again, I will say, as I did in my prior report, that this can only be considered a preliminary investigation. A full investigation must give the Sakyong, leaders of SI and others the opportunity to give their version of this incident.

This woman<sup>1</sup> alleges that the Sakyong attempted to have sex with her against her will when he came to Chile to teach in 2002. At that time, she was 30 years old. What follows are the details of her allegation and others that have been raised about this incident.

**Allegation #1: The Sakyong sexually assaulted a woman while teaching in Chile in 2002.**

The Sakyong invited this Chilean woman to work as an assistant cook for a dinner party on his final night in Santiago, Chile. At some point in the evening, the Sakyong invited all the staff to join the gathering, because he wanted to read some poetry. He was visibly drunk. He asked the

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<sup>1</sup> Her name will be kept anonymous in this report. She is referred to throughout as “the Chilean woman.”

Chilean woman to sit next to him. All of a sudden, he took her hand and dragged her to the bathroom. She said that she thought he was going to vomit and that he needed her help.

Once in the bathroom, the Sakyong locked the door and stood in front of it, blocking her exit. He groped her breasts and began trying to remove her clothes. He forced her hand to his genitals, even though she told him “no” several times. She alleges that she told him “No, I don’t want to do this.” She also told him, “I have a boyfriend.” He replied, “That doesn’t matter.” He continued to touch her, to force her to touch him and to tell her that she needed to have sex with him. After some time, in her estimation perhaps 15-20 minutes,<sup>2</sup> she pushed the Sakyong away from the bathroom door, unlocked it and escaped.

She immediately described the assault to the cook, who was still present. The next day, she spoke about it to a person who was traveling with the Sakyong (the Corroborating Witness). The Corroborating Witness was able to confirm that the story the Chilean woman recounted in 2002, one day after the attack, was in all relevant details, the same story the Chilean woman told me this week.

### **Credibility, Corroboration and Pattern of Behavior**

I found this woman very credible. She reached out immediately after the incident to others, telling them the same story; her contemporaneous account to the Corroborating Witness further strengthens her credibility. The Corroborating Witness is also credible; she is a long-time Shambhala Buddhist student with no motive to lie. The Corroborating Witness’s memory of what she was told about the incident is consistent with the Chilean woman’s version.

The account of the incident follows the Sakyong’s patterns of behavior described in the Phase II Report: the Sakyong was drunk, he invited her, a young, attractive female student to come to the dinner “as an assistant cook” when he already had two cooks traveling with him. In other words, he allegedly identified her as someone he was interested in. Then, in full view of others, he pulled her into a bathroom and sexually assaulted her.<sup>3</sup>

Buddhist Project Sunshine received an email from a man who knew about this incident, although he was not present. His version of this incident differed in some minor respects from the Chilean woman’s account and confirmed it in other respects. A full investigation should include an interview with this man to resolve any differences.

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<sup>2</sup> She does not know exactly how long she was locked in the bathroom but it was long enough for all of the dinner guests who had been present to have departed by the time she emerged.

<sup>3</sup> It is important to understand the terminology used here. The conduct described here is not rape because there is no allegation of sexual intercourse. The definition of ‘attempted rape’ varies but the common definition is conduct where rape was the *motive* for an assault, although no rape was carried out. Because the victim does not know the Sakyong’s motive and intention, I have used the term “sexual assault” throughout as it more accurately describes her experience.

**Allegation #2: The Leadership of Shambhala Knew About The Sexual Assault in Chile in 2002.**

There is considerable corroboration for the allegation that the leadership of Shambhala knew of the Sakyong's sexual assault at the time that it happened.<sup>4</sup>

1. The Phase II Report explained that a completely unrelated woman, who has no connection to the Chilean woman, told of hearing a 2002 phone call between a man in a leadership position and other leaders who allegedly conspired to keep an incident between the Sakyong and "a woman in Chile" quiet and to "get the Sakyong sober."
2. A kusung has come forward who was also able to corroborate certain details of the timing and the circumstances surrounding this incident.
3. The Corroborating Witness confirmed that leaders in Shambhala were told of the incident in 2002. The Corroborating Witness was interviewed by David Brown and told him about the sexual assault in detail. She was informed that Mitchell Levy and Jesse Grimes were helping the Sakyong to get sober and "clean up his act."
4. Later in 2003, when the Chilean woman was in New York City, she informed a Shambhala teacher of what happened to her. She believes that the teacher informed Shambhala leaders because a short time later, a senior Shambhala woman leader was asked to support and help the Chilean woman while she was in New York.
5. The Sakyong came to New York and met with the Chilean woman, presumably to apologize. He sent a letter to her allegedly apologizing for his conduct. It certainly seems likely that the leadership of Shambhala was aware of the sexual assault.

The Kalapa Council's has said that "... regarding the rape allegation in Chile, we have reason to believe that it is not true because we have actually heard from first hand witnesses."<sup>5</sup> Technically, that statement is true, but misleading. The Chilean woman was not raped because she fought off the Sakyong's assault and escaped. Her allegation is that the Sakyong sexually assaulted her despite her repeated refusals. There is considerable corroboration that the top leaders in Shambhala were aware of this incident in 2002 when it occurred.

**Allegation #3: The Sakyong had a number of senior students, often women, who were 'sexual fixers' whose job it was to placate and silence women whom he assaulted.**

This week Buddhist Project Sunshine received an anonymous email message alleging that a specific senior Shambhala woman leader traveled around "fixing" sexual assaults committed by

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<sup>4</sup> This incident in 2002 predates the formation of the Kalapa Council, although the people in leadership positions are largely the same.

<sup>5</sup> This appeared in notes taken by an unknown person during a call among the Kalapa Council and some 100 people in the community. It appeared on a Facebook page and was then deleted but not before it was widely shared. It also appeared in a different set of notes quoted in an article in THINKPROGRESS on July 6, 2018. "Shambhala nevertheless believes the Chile allegation to be untrue and said that the organization has "first-hand witnesses who indicate it isn't true."

the Sakyong, placating and mollifying the victims and by acting as a “friend.” The email writer’s implication was that this was done deliberately to silence the women whom the Sakyong had harmed.

This email was from an anonymous email address and therefore impossible to investigate. If the person making this claim wishes to contact Buddhist Project Sunshine directly, I can turn it over for a full investigation. I cannot find it credible on its own.

However, as noted above, a senior Shambhala woman leader was allegedly asked to speak with the Chilean woman while she was in New York, to “be a friend to her” and to help her to deal with what had happened. The Chilean woman confirmed that this woman leader did indeed support her, but she did not perceive this help as anything other than friendship, which she appreciated.<sup>6</sup> In fact, the Chilean woman stated that this woman “was there ... to truly guide me and help me heal. I think she was genuine.”

Another woman who came forward earlier also spoke of being asked to help placate and mollify several women, although it is not clear that these were situations of sexual assault or whether they were consensual relationships. Several people within the Kalapa Council appeared to be aware of the alleged assault in 2011 discussed in the Phase II report and offered friendship instead of accountability to the woman who had been harmed.

I do not have enough information to say that there is a pattern of complicity and covering up, but this allegation should fall within the scope of the full investigation.

**Allegation #4: The Chilean woman was paid for her silence regarding a sexual assault, that the police were involved, that the Sakyong had to exit the country in a hurry to avoid arrest, that there was a legal action, that something also took place in Brazil and so forth.**

I have not found any evidence that any of the above allegations are true.

1. The Chilean woman has said that she was not paid for her silence.
2. She says she never went to the police.
3. The Sakyong left Chile shortly after the sexual assault but this was his planned departure according to both the Chilean woman involved and the Corroborating Witness.
4. The Chilean woman brought no legal action.
5. The Corroborating Witness has stated unequivocally that the rumors listed above are not true.
6. While it is possible that another incident of sexual assault occurred in Brazil, the Sakyong stayed there for a very short time, and the Corroborating Witness has no knowledge of it.

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<sup>6</sup> The senior Shambhala woman did not respond to my email requesting an interview.

## Conclusion

1. There is evidence that the allegation that the Sakyong sexually assaulted a woman in Chile during his trip there in 2002 is credible. There is also evidence that the allegation that leaders of Shambhala were aware of this sexual assault in 2002 is credible and corroborated.
2. There is an allegation that senior Shambhala women leaders were used to “befriend” women who had been assaulted by the Sakyong in an effort to mollify, placate and gain their silence. I do not conclude that it happened in this case, because the Chilean woman is quite clear that the help offered to her was genuine, but it is a pattern that should be investigated.

In a full investigation, members of the Kalapa Council, the Sakyong and others listed below should be interviewed so that a finding on the allegation of the sexual assault and the complicity of leaders can be determined.

The full investigation should specifically include the following additional interviews:

1. The senior Shambhala woman leader who was asked to support the Chilean woman while she was in NYC,
2. The cook and assistant cook who were present when the Chilean woman escaped from the bathroom,
3. The Shambhala teacher in NYC who was helpful to the Chilean woman and who is alleged to have spoken to the Kalapa Council,
4. The man who wrote the email described above with a different account of some of the facts.
5. Another more complete look into the rumors regarding a woman who was paid for her silence, possibly in Brazil, should also be included.

Once again, I conclude that there is more than enough here to warrant a complete investigation. These are serious allegations to which the Sakyong and the people who were in leadership positions in 2002 and 2003 must have an opportunity to respond. No investigation can be considered complete or fully accurate without having an impartial investigator listen to the conflicting information and make a reasoned determination.

Once I have been contacted by a neutral, third-party investigator, I will turn over all of the evidence that I have on this and the prior matters described in the Phase II Report.