



# National Archives at Kansas City Newsletter

## National Archives Facility Information Regarding COVID-19 (updated as of April 29, 2020)

The National Archives is committed to the health and safety of our visitors and staff. We are closely monitoring the situation regarding COVID-19, and we are working with public health officials and our counterpart agencies to monitor and respond to the evolving conditions and following CDC guidelines.

National Archives staff will continue to serve the public remotely by responding to emailed requests for records and [History Hub](#) inquiries. While we are closed, we invite the public to explore our online resources by visiting [www.archives.gov](http://www.archives.gov) and viewing our [online exhibits](#) and [educational resources](#) and participating in our [Citizen Archivist Missions](#).

Finally, all public programs and events are canceled through June 30, 2020. We will continue to update the public as agency guidance becomes available. Follow the National Archives at Kansas City on [Facebook](#) or on Twitter [@KCArchives](#).

## Archives Fun for Everyone!

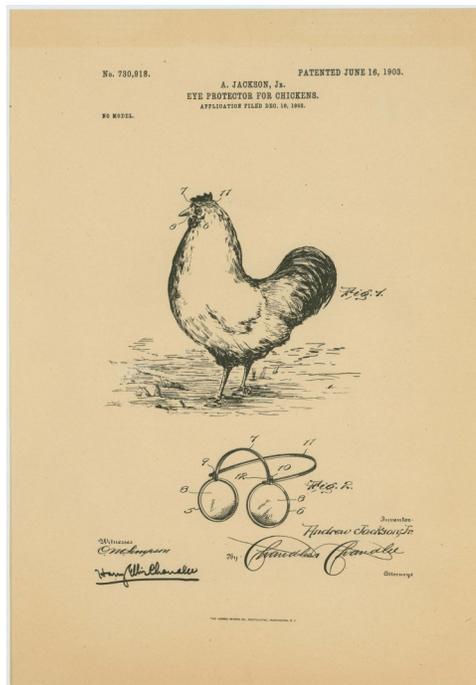
As Americans continue to shelter-in-place in many communities, the National Archives at Kansas City has identified several activities for everyone. Below are links to a variety of online resources and activities for all ages.

**Coloring Book of Patents** - This [coloring book](#) includes 17 different patent records that can be downloaded and colored by kids and adults of all ages.

**Become a Citizen Archivist** - Is your secret career ambition to become an archivist or historian? If so, this your opportunity to help the National Archives. Millions of documents and photographs are in the National Archives catalog. We need your help in tagging and transcribing our records. To register and get started, visit the [Citizen Archivist page](#).

**History Hub** - Do you have a burning historical question? Ever wonder what is on the back of the Constitution or Declaration of Independence? Or how to go about requesting a copy of a record? Better yet, what exactly is a Record Group and a Series? The [History Hub](#) has the answers.

**National Archives Blogs** - If you enjoy history and reading, then we have a [blog](#) for you! The National Archives maintains 19 different blogs on a variety of historical topics. The blogs also exist as a channel for the public to respond to news, upcoming events, and proposed projects.



Above: Sample coloring page from *Coloring Book of Patents*. NAID 7460045

## May/June 2020

### Inside This Issue

ARCHIVES FUN	1
HIDDEN TREASURES FROM THE STACKS	2-5
ONLINE LEARNING RESOURCES	6

### Upcoming Events

Unless noted, all events are held at the National Archives 400 W. Pershing Road Kansas City, MO 64108

NOTE: All public events in National Archives facilities nationwide are cancelled until further notice. This includes in-person public programs, tours, school group visits, public meetings, external conferences, and facility rentals.

# Hidden Treasures from the Stack

## Professed Beliefs: Sincerity and the First Amendment?

Can a Federal court investigate the sincerity of someone's religious beliefs without impacting the person's First Amendment rights? These questions form the foundation for Appellate Case 87-2789, *Prema Kaur Khalsa v. Harbhajan Singh Khalsa Yogiji, et al.* filed in the U.S. Court of Appeals for the Tenth Circuit.

Harbhajan immigrated to southern California from India in 1968. Shortly after arrival, he began instructing Kundalini yoga classes, lecturing, and hosting events. A loyal following quickly developed because of his charisma and instructions for prescribed diets, fasts, chants, and yoga postures that claimed to help cure ailments. As his reach grew, he established several ashrams, organizations, and businesses throughout the country to support his mission and provide employment to his followers.

One student, Prema Kaur Khalsa, also known as Pamela Dyson, began practicing yoga with Harbhajan in late 1968. Her involvement with him increased personally and professionally over several years: she took his yoga classes, ran his errands, became a member of his staff of female assistants ("Secretariats"), and held several leadership positions in his organizations. Harbhajan also appointed her as a Sikh high minister who performed weddings between his followers and provided spiritual counseling.

After 16 years, Dyson left Harbhajan and his organizations. On July 17, 1986, she filed a six count civil complaint against them in the United States District Court in Albuquerque, New Mexico. The suit alleged injury by fraud and deceit; assault and battery; false arrest and imprisonment; intentional infliction of emotional distress; violations under the Fair Labor Standards Act; and invasion of privacy. The case was consolidated with a civil suit brought against Harbhajan by another former follower, Katherine Felt. The plaintiffs' counsel argued that Harbhajan used misleading, fraudulent, and inauthentic representations about his background, abilities, knowledge, and divinity to exploit his relationship with his followers in order to promote his own interests and for his personal gain.

(Continued on page 5.)

### Background

Katherine Felt (Felt) and S. Premka Kaur Khalsa (Premka Khalsa) are former adherents of the Sikh religion and followers of the defendant Harbhajan Singh Khalsa Yogiji (Yogi Bhajan). Depending on which party one consults, Yogi Bhajan is or is not the leader of the Sikh religion in the Western World. The plaintiffs concede that Sikhism is a bonafide religion entitled to whatever protection the First Amendment affords bonafide religions.

The gravamen of the complaints is that Yogi Bhajan created the defendant corporations and his own image as a Sikh holy man in order to acquire money and property for his own personal aggrandizement. The plaintiffs claim that he has not at any time sincerely believed in Sikhism, practiced the true Sikh faith nor accepted anyone into his "ashram" or congregation with any intent other than to defraud that person of money, property or personal services. Felt and Premka Khalsa claim that Yogi Bhajan defrauded them of money and property and committed numerous tortious acts against their persons.

On the basis of these allegations, both plaintiffs complain of fraud and deceit, assault and battery, false arrest and imprisonment, intentional infliction of emotional distress, violation of the Federal Fair Labor Standards Act (29 U.S.C. §§ 201-219) and invasion of privacy. Felt also makes claims for violation of the federal

Above: Memorandum and Opinion, 10/22/1987, Case 87-2789 *S. Premka Kaur Khalsa v. Harbhajan Singh Khalsa, et al.* Appellate Case Files, 1929-1995, Series National Archives Identifier: 631614. U.S. Court of Appeals for the Tenth Circuit. Record Group 276, Records of the United States Courts of Appeals. National Archives at Kansas City.

I.	IN DETERMINING WHETHER THE ACTIONS OF THE DEFENDANTS WERE "RELIGIOUS" WITHIN THE MEANING OF THE FIRST AMENDMENT, THE COURT ERRED IN REFUSING TO CONSIDER WHETHER THE DEFENDANTS' CLAIM TO HAVE BEEN ACTING PURSUANT TO OSTENSIBLY RELIGIOUS BELIEFS WAS SINCERE OR MERELY PRETEXTUAL.....	17
A.	Actions purportedly taken pursuant to religious beliefs are only entitled to First Amendment protection if the underlying beliefs are sincerely held.....	17
B.	Because the defendants' actions were not entitled to protection under the First Amendment unless their professed motivating beliefs were sincerely held, and the plaintiff/appellant expressly pled the defendants lacked the requisite sincerity of belief, the defendants' motion under F.R.C.P. Rule 12(b)(6) had to be denied as a matter of law. ....	26
C.	The scope of the defendants' religion, hence the degree to which their misrepresentations could possibly be construed as being part of that religion, is an unresolved fact question which the District Court should have permitted to proceed to trial or, at a minimum, through the discovery phase of the case. ....	28
II.	THE DISTRICT COURT ERRED IN REFUSING TO ALLOW THE PLAINTIFF TO BASE A CAUSE OF ACTION FOR FRAUD UPON FACIALLY SECULAR MISREPRESENTATIONS MADE BY THE DEFENDANTS. ....	34
III.	THE DISTRICT COURT ERRED IN FAILING TO ASCERTAIN WHETHER OR TO WHAT EXTENT PERMITTING THE APPELLANT'S CASE TO GO FORWARD WOULD IMPOSE AN ACTUAL BURDEN ON THE DEFENDANTS' EXERCISE OF THEIR RELIGION, AND THEN WEIGH THAT BURDEN AGAINST THE GOVERNMENT'S INTEREST IN CURTAILING CRIMINAL CONDUCT AND ALLOWING CITIZENS ACCESS TO THE COURT TO REDRESS THEIR GRIEVANCES. ....	40

Above: Two pages from the Standards for Review, Brief of Appellant, 04/11/1988, Case 87-2789 S. Premka Kaur Khalsa v. Harbhajan Singh Khalsa, et al. Appellate Case Files, 1929-1995, Series National Archives Identifier: 631614. U.S. Court of Appeals for the Tenth Circuit. Record Group 276, Records of the United States Courts of Appeals. National Archives at Kansas City.

(Continued from page 2.)

The argument centered on the secular nature of several of Bhajan's representations and actions. The defendants responded that the Court could not examine the Defendants' actions and representations because of the Establishment and Exercise Clauses of the First Amendment; they repeatedly moved to dismiss all claims.

On October 22, 1987, Judge Mechem issued a Memorandum Opinion and Order that addressed each of the six allegations. With regard to Count I (fraud and deceit), Mechem wrote that testing the sincerity of professed beliefs was impossible and that considering examination of them dangerous. By November 2, he issued a Final Judgment that dismissed Count I from litigation. An appeal was filed in the U.S. Court of Appeals for the Tenth Circuit on November 30. It alleged that since the defendant did not sincerely believe his religion, his misrepresentations that resulted in fraud and deceit should not be protected under the First Amendment. Felt's suit had been settled and was not included in the Appeal.

Dyson's attorneys filed the Brief of Appellant on April 11, 1988. They questioned if the District Court erred in its evaluation deemed "religious" and were therefore protected within the First Amendment. It also questioned if Mechem's decision adequately assessed society's interest in protecting citizens against fraud and allowing the ability to address grievances. Her attorneys argued that Mechem's ruling resulted from an assumption that the only way to demonstrate lack of sincerity is to prove the professed belief is false. The Brief cited several U.S. Supreme Court cases where religious motivation and belief were assessed as part of the court's decision. These included cases of state educational requirements and Amish children, religious objections to war, tax evasion, and secular organizations seeking religious protections. The attorneys highlighted that more inquiry, examination, evidence, and a jury trial would have provided for an accurate assessment of the fraud and deceit accusations made against Harbhajan.

The Defendants' Brief of the Appellee, dated May 11, 1988, focused on issues with Dyson's fraud claims and her incomplete and inaccurate accounts. They argued that her claims for fraud could not be adjudicated because they reached beyond the ordinary fact finding and subsequent investigation would infringe on Harbhajan's First Amendment rights. They also argued that Dyson's Brief of Appellant failed to cite cases where reviewing sincerity of belief was used to litigate a case of fraud in a civil suit *between private parties*. Instead they cited excerpts of the opinions in the Supreme Court Case *United States v. Ballard* -- men could believe what they cannot prove and that the belief was of no concern of the state.

The appellant's attorneys replied twelve days later. They repeated the need to assess the defendants' actions in order to provide a means of redress for fraud and deceit. They even cited the opinion issued in the case *Van Schaik v. Church of Scientology of California*, where the court determined that, though difficult, the process of sifting through secular and religious claims was possible; the attorneys reiterated that the misrepresentations could be evaluated without infringement.

By June 27, 1988, Dyson's attorneys submitted a Motion to Dismiss to the Appellate Court on behalf of all parties because the claims and controversies were settled. Therefore the District Court's dismissal of Count I was upheld. The Appellate Case File contained no additional information about how a resolution was met. Following this litigation, Harbhajan Singh Kalsa Yogiji continued to lead several ashrams, foundations, corporations, and businesses. He died on October 6, 2004. Dyson recently published her memoir in January 2020, *Premka: White Bird in a Golden Cage: My Life with Yogi Bhajan*.

For more information about the Appellate Case File 87-2789 filed in the U.S. Court of Appeals for the Tenth Circuit, contact the [National Archives at Kansas City](#). For more information about Civil Case Files 86-0838M and 86-0839HB filed in the U.S. District Court in New Mexico, contact the [National Archives at Denver](#).

IN THE UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

S. PREMKA KAUR KHALSA,

Plaintiff,

vs.

No. 87-2789

HARBHAJAN SINGH KHALSA  
YOGIJI, et al.,

Defendants.

RECEIVED  
United States Court of Appeals  
Tenth Circuit

JUN 27 1988

ROBERT L. HOECKER  
Clerk

MOTION TO DISMISS

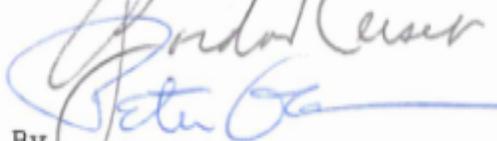
Plaintiff and Defendants, pursuant to F.R.App.P. 42(b),  
move the Court for an Order dismissing the above-entitled and  
numbered cause of action with prejudice on the ground that all  
claims and controversies herein have been fully and completely  
settled.

FILED  
United States Court of Appeals  
Tenth Circuit

JUN 27 1988

ROBERT L. HOECKER  
Clerk

HESS, REICH, GEORGIADIS,  
RAY & HOMYAK



By \_\_\_\_\_  
PETER GEORGIADIS

Attorneys for Plaintiff  
1900 Koppers Building  
7th & Grant  
Pittsburgh, Pennsylvania 15219  
(412) 281-0705

# Resources for Online Teaching and Learning

For educators who are now teaching remotely and homeschooling parents, we have several resources for online teaching and learning at the National Archives.

## Online Student Programs with the Presidential Libraries and National Archives

Join us online for interactive learning programs on topics such as the Constitution, the Hoover Dam, World War II Propaganda, the Candy Bomber, and more! Programs are available for preschool through 12th grade, and are scheduled weekly through the end of May. All programs, offered in partnership with the Presidential Primary Sources Project, will take place at 2:00 p.m. Eastern Time. Register [here](#).

## Teacher Professional Development

Our free interactive webinars for educators feature historical documents, images, maps, posters, and other primary sources — as well as resources and strategies for bringing primary sources into your classroom.

- [Teaching the Big Picture: Incorporating Photographs into Lesson Plans about Native Communities](#) - Wednesday, May 6, 2020, 7:00 p.m. Eastern Time
- [DocsTeach Webinars By Request](#) – Connect your school or district with us for a custom webinar exploring DocsTeach, the online tool for teaching with documents from the National Archives.

**DocsTeach** - [DocsTeach](#) is the online tool for teaching with documents from the National Archives. Teachers can access primary source-based learning activities and assign them to students to complete online. Students can complete activities and research primary sources on a variety of topics spanning American history. Learn more at: [www.docsteach.org/resources/getting-started](http://www.docsteach.org/resources/getting-started).

Access primary source sets and teaching activities about select topics like WWI, women's rights, and food in America on our [Popular Topics page](#). Students can complete activities on computers or tablets, or in the [DocsTeach app for iPad](#).

## Are you connected to the National Archives at Kansas City?



We encourage our patrons to use electronic mail and social media to connect with us. Our Facebook address is [facebook.com/nationalarchiveskansascity](https://facebook.com/nationalarchiveskansascity). In addition, you can find us on Instagram @kansascity.archives or tweet us via Twitter @KCArchives or #KCArchives.



All information about upcoming events and programs is emailed to patrons through our electronic mailing list. If we do not have your address on file, please send an email with your preferred address to [kansascity.educate@nara.gov](mailto:kansascity.educate@nara.gov) or call 816-268-8000.



By providing your address, you grant the National Archives at Kansas City permission to send you information about special events, and programs. Per the Privacy Act of 1974, we will not share your personal information with third parties.



NATIONAL  
ARCHIVES

KANSAS CITY

**GENERAL INFORMATION:** The National Archives is open Monday through Friday 8:00 a.m. to 4:00 p.m. Closed on weekends and Federal holidays. Hours are subject to change due to special programs and weather.

The National Archives is located at 400 West Pershing Road, Kansas City, Missouri, 64108, and is home to historical records dating from the 1820s to the 1990s created or received by Federal agencies in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota.

For more information, call 816-268-8000, email [kansascity.educate@nara.gov](mailto:kansascity.educate@nara.gov) or visit [www.archives.gov/kansas-city](http://www.archives.gov/kansas-city). Tweet us @KCArchives. Follow us on Instagram at [kansascity.archives](https://www.instagram.com/kansascity.archives). Find us on Facebook [www.facebook.com/nationalarchiveskansascity](https://www.facebook.com/nationalarchiveskansascity).