

Sarah:

I think this is a, this is like a special episode because it's not our normal expert or a survivor story. This is an episode I think will be particularly interesting for people who followed our whole NXIVM story and the trial. And most people are waiting for the trial to be, it's all, it's all going to be in season two of The Vow, which we now know will be out in 2022, hopefully first quarter. So for those who followed it in real time, I think this will be a really interesting episode because of our guest and what she brings to the table. And for us, it was just riveting because we don't get to have these kind of forthright conversations with somebody, with the notoriety as this woman.

Nippy:

Also in a field too. So up until now, we've had experts and victims, right? And we've had experts go back and victims go back and recognize the precursors. This is particularly interesting because it's someone in the legal domain who understands the symptoms and precursors to these types of abuses. And I think it might be interesting, (A) just because there's more content behind the scenes stuff that people didn't get the first time around. And secondly, to know how they're protected, it's a pretty interesting conversation because she goes into legally what protects, what we have set up in our culture as a system to protect us from these kinds of abuses. And it's different than just kind of the analytic mind from the expert in the victim, mind from the victim, it actually puts this into a due process system and she explains it really, really well.

Nippy:

And I think I speak for Sarah when I say she's one of our guardian angels that showed up in our life. So if you watch The Vow or a follow the NXIVM story, you know, Moira Penza is the prosecutor who likes to show up in four-inch heels. I know this because I saw it in that five to six days I was at the trial and she brought Keith Raniere to justice. As a federal prosecutor Moira first chaired the jury trial. And obviously she crushed it because in June 2019 he was convicted of all counts, including racketeering and sex trafficking, and is now serving a 120 year sentence.

Sarah:

120. That was a very notable day in our, in our lives, when we found out he would be in jail for 120 years. She's now in private practice as a litigator and as a partner at Wilkinson Stekloff. Crane's New York business named her in the 40 under 40 list. Also, she was in Bloomberg Law's 40 under 40, City and State's 100 Most Powerful Lawyers in New York. And Moira has led some of the highest stakes trials in the country. For legal analysis she has been featured in the New York Times, CNN, ABC NPR, and The Daily Beast. Long story short. She truly is one of our heroes. It's also ironic because she's this stunning, chic brunette. So stylish, head to toe Prada, power suits, and definitely would have been Keith's type.

Nippy:

Yeah, I think Keith probably had impure thoughts. Yeah.

Sarah:

The fact that she, she was able to, you know, take him down. I wish I could have been there in the courtroom to see her walk in and Keith just, you know, whatever was going through his head. It's just, there's, there's something perfectly beautiful about this full picture. So without further ado our conversation with Moira Penza.

Nippy:

So where do we start Sarah?

Sarah:

Well, you know, we really do a lot of questions and a big scope and not the most epic amount of time. For the listeners who don't know you and your role in our lives and the NXIVM trial, would you mind just bringing us back to the moment when, like, you're living your life and you read the New York Times article and that, or whatever started your journey with us?

Moira Penza:

Sure. So I was going to say, you really were right there at the beginning of the journey, Sarah. So it was just reading the New York Times, which I do every day. I'm a lifelong New Yorker and front page was this story about you. And I was immediately drawn in as I think so many other people were. And for a number of reasons. I mean, we were right at a moment in time where people were starting to really talk about abuse of power. I went to school in upstate New York. I went to undergrad at [SUNY] Binghamton. I did law school at Cornell. So that was something that was very interesting. But I think in particular to me, what stood out was that I immediately thought there was more to this story and that there's potential criminal activity here. Being a federal prosecutor at that point in time, I was in a position where I was able to react to that in a way that, you know, thankfully we got a great team together and we were able to ultimately bring, put together this case, but it was really starting out.

Moira Penza:

Just seeing what you had said had happened to you, hearing what Catherine and Mark were saying in that initial article and just immediately trying to learn more. So one of the first things that I did after reading that article was basically get on the internet and try to learn everything I could because in some ways it was shocking that I had never heard about this before, given how many people had gone through NXIVM classes, given the fact that there had been this investigative reporting many years before that had uncovered a lot of wrongdoing and what looked like criminal activity. I was really surprised that I had never heard of this. And so immediately started digging in, see all of the websites for Keith Raniere for all of these sister companies for all of these various individuals. And it was just all of a sudden I was truly down the rabbit hole. And just to be clear, like I know that you have talked about your experience

speaking with law enforcement, and you knew that we were going to talk about that today. But normally I wouldn't talk about my interactions with somebody who spoke to me as part of my job and as part of being a witness without their permission, but I'm doing it kind of in this context and understanding that I have your permission to kind of talk about those initial-

Sarah:

Yes, you can talk about for me related, like, it's all good. Open book at this point.

Moira Penza:

Great. So one of the first things I did was really try to figure out who was your agent, who are your lawyers? And so I think the first people I spoke to were people who were connected to you as entertainment lawyers, not, um, you know, a lawyer representing you in the context of NXIVM the criminal organization. But really, sitting down with you, that was one of the first experiences that we really had where we started to learn more about this organization and more about what was happening and that's really what we did right away. So I read the article, Tanya Huizar, who was the other prosecutor who ended up trying the case with me. She was immediately interested as well. That day we got this incredible FBI agent, Mike Weniger assigned to the case, his colleague, Mike Lever, and, uh, Charlie Fontanelli who was actually New York state police.

Moira Penza:

And that was huge too, to have that connection right away. And so we had this team right away that was incredibly invested in this. And so within weeks we were sending out tons of subpoenas and we were meeting with witnesses and meeting with survivors, victims. It was so much so quickly that is not always typical of a law enforcement investigation because based on what we were learning beyond the New York Times article, we had every reason to believe that there were still women in danger at that point in time. And that there would be continuing criminal activity if Kieth Raniere were not stopped.

Sarah:

Wow. I got goosebumps.

Nippy:

I think that's an accurate assessment. I want to go back, cause you read the article and you have an impression and you have an impression that there's abuses of power. What was your hypothesis as to what it was, and then compare that to what you learned and what on what you uncovered? Because I know for me, I knew there were some abuses going on after that, but what you guys uncovered shocked me.

Sarah:

Way more.

Moira Penza:

So right away when you were reading the original article to have the allegations about collateral, right? That's sort of coercion when you hear that, that enables so much criminal activity, right? It's not just in the NXIVM context and so many crimes. What enables it to happen is the ability to have that coercive control over people. Whether, you know, you're talking about the mob, whether you're talking about a street gang, whether you're talking about a drug cartel, once you have that source of power, you have an amazing ability to victimize people and commit different types of crimes. So that stood out right away. And then of course the allegation that Keith Raniere was behind this so-called women's empowerment group. It's just a shocking thing, right at the outset. You know, when I think that was something that throughout the whole case really resonated with people like this fundamental fraud that you had this man in the background as this puppet master. I wish I could say I was shocked, but I had done a lot of victim centric cases, a lot of sex crime cases by the time I read the article in the New York Times. So by the time I'm reading about Sarah's experience, I had seen coercive control before I had seen victims of sexual abuse and really shocking crimes already. You know, and I, I almost had a reputation in the office, although I had only, I hadn't been there that long as the person who got these quote crazy cases or took on really these quote crazy cases, but they weren't crazy to me. Right. It was really, these are, to me, these were the worst crimes that are being perpetuated a hundred percent. There was part of me that immediately thought there could be a sexual component to this. And that was corroborated that gut feeling very quickly because I met with people who had been assaulted by Keith Raniere and as part of DOS. So I think that was something that happened really quickly.

Moira Penza:

And then I do give enormous credit to the Albany Times Union and what they had been able to uncover all the way back in 2012, a lot of the predicate acts and the background of what I, you know, became kind of this criminal organization that I charged. A lot of that had been identified before. It was very troubling of course, that it hadn't been stopped earlier, but that there was more uncovered. And I really do think it was a matter of really building trust with people, really understanding where people were coming from. You know, I always come back to the agents, but I think their rapport, the fact that we all came to this with a healthy skepticism, but immediately were confronted with real facts that showed that there were crimes here that needed to be prosecuted.

Nippy:

This might be a little earlier than we wanted to ask it, but you said something that is really been my question as this thing unfolded from the beginning, because I was there in 2009, when a lot of these women complained. And I went in and asked everyone, you know, what's going on here because I was thinking of getting out or just leaving, not knowing, you know, there's too much here to ask questions to. And I got lied to, to see that Times Union was actually on the scent and

wasn't able to get, you know, the proper investigation or Keith arrested. I felt like if these things were true, then there was a criminal justice office locally or wherever.

Sarah:

That's actually that Lauren said, she's like, if these things were true we'd be in prison. And I was like oh, okay.

Nippy:

Obviously that's the question. And subsequently, since we started our podcast, we've asked a lot of these people in these abusive power, but on a lot of them do have protection from government agencies to do polls. And I'm just wondering what you think happened there or why it was able to exist and quote, unquote, get away with it. What, what do you think went on.

Moira Penza:

Frankly, I can't fully comprehend why law enforcement didn't act earlier. Of course, this is a very complex case. And I came at it in a world in which I had a very dedicated team. I was at the Eastern district of New York, which has a lot of resources, which has a historical practice of prosecuting these really big racketeering cases. So I had all of that on my side, but I do think it's a real question that still remains out there as to why nothing was done earlier. And judge Garaufis raised that during sentencing and I think that was just a powerful moment because I think all of us as proud as we are of the resolution that we got in this case and the fact that Keith Ranieri isn't able to hurt anyone else, there's still a real sadness. And it really is a tragedy that so many people, including Sarah, including the other women in DOS, they never had to go through that had this been stopped earlier.

Moira Penza:

And so I think that's really one of the things that I think remains a mystery. However, if I were to hypothesize, I think a big factor was the amount of funding and financing that was behind this. And so when you look at the campaign that was initiated just against you after the DOS story was broken inside the organization where you had someone who's actually able to get on a plane and try and get authorities to act against you, Sarah, and where that has happened in the past successfully, where they have been able to go after critics, where other people have been able to, you know, have essentially prosecutions handed to them in a box. I think that that is something that is a very, is very powerful. And so I think the other thing there was that there were just a ton of fear in terms of the people who were victimized, right?

Moira Penza:

Understandably so. I think once DOS happened and once that really blew up and once there were people speaking out that enabled other people to be part of a group, and there was still an enormous amount of fear, right? Every single witness interview I did, I was, you know, talking people down, explaining the fact that they were protected now that it was very unlikely that there

was going to be any physical violence, that it would be very hard to retaliate at this point in time. But I think until then people would have been outliers. And first of all, it's hard to build the case. If you don't have cooperative witnesses, right. That's, that's pretty fundamental. And then on top of that, you know, people didn't want to say these things happened to me because they didn't believe anyone was going to support them. And they thought their own lives would be ruined instead. And that's the pattern they had seen already.

Sarah:

We also a theory that maybe there had been some bribery. We had this is totally unsubstantiated, just her own theory that maybe Clare Bronfman had paid off certain officials to kind of leave them alone. And just as an example, I don't know if I've ever told this story publicly, but once we had, I think we'd already gone to the New York Times, but the article wasn't out yet. And there was, cause months went by, right. There was months of waiting for that article, five months, I think. And we knew that there was a coach summit at Apropos, at that dingy little club house that used to be an Italian restaurant. And we knew that they were over capacity, because they were always over capacity. We were trying to figure out what can we do--

Nippy:

And we knew they weren't supposed to be cooking food there.

Sarah:

And there was like all their breaking laws were like, silly little laws. Right. But we, we were just trying to distract as much as we could. And I called the local authorities just to say, I want you to know that there's an event happening and they're double capacity and it's a fire hazard. And I really think that you should go knock on the door and let them know, and they wouldn't do it unless I was willing to give my name. And I was like, what crazy law? What, what is that based on like, you can't just go knock on their door and see that they're over capacity without me. I'm like, I'm not willing to give my name. These people are crazy. They're going to come after me. Of course later I've been much more willing to give my name about these things. But at the time we didn't know, that the New York Times was going to come out and the impact it would have or whatever. But our theory was that Clare had paid off people and just to sort of give them some space to do whatever they wanted, essentially.

Moira Penza:

So look, I do not know whether that happened. Certainly at trial, I think there were some pretty shocking allegations and things that we proved at trial about, uh, attempts by Clare Bronfman at various points in time to curry favor with certain politicians. We had evidence of the fact that there were these illegal campaign payments at certain points in time with essentially Clare Bronfman financing other people's payments over campaign contribution limits. So now I believe more things are possible than I did before, but I don't have any way of knowing that. The thing is what I also have the gut sense of is that there was a gap without this being substantiated, but just that there was a view that, okay, this is a weird group over here and we're just going to let

them kind of do their thing and not really get involved. That's really the sense that I have. And it's so disheartening to me, looking back at all the atrocities that were taking place within this subdivision. But I really think that is what a lot of people thought was, you know, these are just a bunch of weirdos. I'm, Let them, just do their thing.

Nippy:

You know, I do know Sarah and I had multiple people who were on the fence asking questions and they were coming back to us with what they were saying about Sarah and I and one person who left said flat out Clare Bronfman went on a walk with him and said, what dirt do you have on them.

Moira Penza:

That doesn't surprise me at all. Right? Because this is it. You know, presuming that's true or not true. I mean, you, you know, this better, you know, better than anyone, but the whole way in which NXIVM operated, or certainly one of the primary means and methods of NXIVM, the criminal organization as we conceived of it, was having this collateral in all forms, right? Like they were getting collateral from people from day one and having this ability to extort people and maintain power over people. Obviously it reached this apex with DOS where you were truly defrauding people in order to get the most damaging things that you could use to destroy their lives and then, you know, use women for whatever purposes you wanted them for. But I think that was one of the primary ways in which the organization operated from the beginning.

Sarah:

And again, for those who don't know, from the beginning means when people joined, myself included, to take the five day, we had to fill out a bunch of intake forms with, you know, your name and your goals and including just little questions, like, what's the worst thing you've ever done. Okay. My worst thing is like taking too many tea bags from the free buffet tea bar. Like that was my worst thing, but other people have things like, you know, cheating or, you know, hurting somebody or, you know, bigger, bigger theft things. And they didn't want people to know obviously, but they needed to work through these things that they felt guilty about. And all those things were recorded and kept. And ultimately those intake forms are what I never returned to Clare, you know this, but I don't know if our listenership know that. I had all my student files from our center where everyone's intake forms were and I kept those and they wanted them back. I'm not giving you my students' worst moments, worst secrets, credit card information, addresses. So just to backtrack for one second, you were saying, when you saw the history of the collateral, like having that over people, how do you feel when you hear people who are loyal to Keith, or defending Keith now, saying that those things were used just to help people keep their word.

Nippy:

They're seeking to minimize the abuse and deny the abuse in short.

Sarah:

Yeah. How do you feel when you hear the, the DOS explanation of what collateral is used for?

Moira Penza:

You know, I, I give a very little credence, um, as I'm sure you can imagine. And I don't really like to engage in a back and forth on they say a point, and this is how we refer to it because you don't do that with people who are unwilling to look at real facts, right. But to me, this is something, you know, when you look at science deniers, that's what happens. They're not willing to actually look at real facts. They cherry pick pieces of evidence and their reasoning is fundamentally flawed. And so you're never going to be able to engage in that sort of debate with someone. But I think with DOS, you know, there's just so many aspects of it, like being on, being on the show here with you, that I can just kind of clarify. And I think, you know, this idea that collateral was not meant to be released. That was fully debunked with the evidence at trial. Your branding video was released during the course of our trial. But even beyond that, we had an enormous amount of evidence about collateral and what the purpose was. One of the things that really stood out from the trial is how much we, how much primary source material, right? To use the word data in the way it's actually intended and not the nonsense way that NXIVM like to use it. If you actually look at the data that we presented at trial, we had Keith Raniere's own words, talking about how there would be different groups in DOS who would know how to do the execution of collateral. Right? We have these point scales about how much each piece of collateral was worth. And that's because certain levels of this collateral would be able to destroy someone's life if they were released. If this is just to uphold your word, you don't need to have a letter that's written addressed to child protective services saying that, you know, someone in your family has sexually abused a child. And so I think there's just, there's so much falsity in what any of the loyalists would say about DOS. And what I think is like, just even more disturbing is just the fact that they completely ignore things like Keith Raniere, his own words, right? Keith Raniere's own words saying to Camila, I want you to groom a sex slave. And then we want to talk about the fact that DOS was not at least in some aspect about getting sex for Keith Raniere or, you know, the fact that after there was the New York Times article that they put out a statement where Keith Raniere said he had nothing to do with the organization. But how do you justify those sorts of lies? Or the fact that they're getting on TV and are unwilling to talk about the fact that they themselves had sex with Keith Raniere and that they were recruiting people into an organization that they were calling a women's empowerment group that they knew was secretly headed by a man that they were sleeping with. Like, these are, you don't have to go much deeper.

Sarah:

It's an ethical lie.

Nippy:

Can make a pivot here and call the collateral blackmail instead of collateral? Because that's a word that I was just, when the beginning, I was like, let's stop calling it that, let's call it blackmail.

Moira Penza:

I mean, it's certainly in a colloquial sense, right? Like there are specific laws against blackmail and the way we have charged it was the original-- So I just like to be very clear in terms of when you're talking colloquially and when you're talking in a legal sense, but absolutely that was 100% the purpose of it.

Sarah:

I also like to just backtrack for a minute and I'm loving this conversation, by the way. Just to backtrack, once you had the team in place, it seemed like things moved very, very quickly and Nippy and I have obviously never been involved in anything like anything like this ever before, but we were, yeah, we were just amazed by how fast you moved and how quickly you were able to get Keith arrested and brought back to the US. Is there anything that you can share with us about that process that was going on behind the scenes that's okay for you to share about how that happened?

Moira Penza:

Yeah, I mean, look, it was just an enormous amount of hard work, right? It was a lot of subpoenas, a lot of search warrants, a lot of talking to witnesses, a lot of coordination internationally with people from the FBI who are in different places, but it was really just a matter of really hard work and a lot of different facets of that. I think, you know, it was very scary once Keith Raniere had stopped using his phone and had basically gone underground. And so, you know, just speaking generally, the things that you would do as a prosecutor or you're looking for any way to try and track where he might be, where his associates might be. And so, you know, when we finally were able to determine where he was, that was at a time when a lot of people had been traveling to that area at, which was a good indication that that's where he might be.

Sarah:

When you started to meet with people, can you tell us a little bit about what that was like for you as you started to talk to witnesses in terms of not obviously what you can't share, but what was it like for you to start to get a sense of the scope of this thing, what shocked you the most or what, what was it like to put the pieces together?

Moira Penza:

It was so much so quickly, there was a steep learning curve at the beginning about how to interact with people, especially people who hadn't been out that long, right. Or people who were still in some of them. And I think really learning how to engage. And once I learned more about the organization and how it worked, I think that was really helpful in communicating with different people, but really the level of abuse, I think, without going into any details about the specific meetings. But, you know, I think it's obvious from trial that when I started meeting with Daniela and really learned more about, this kind of pre-DOS world and really all of the crimes that had taken place before then beyond, you know, what I had read in the Albany Times Union, and then really understanding how closely it was connected to what we ultimately saw in DOS.

Moira Penza:

I think that was a real pivotal moment, but certainly, you know, speaking to everybody individually was the most important part of it and really allowed us to put a lot of it together and really understanding, you know, the way different, you know, the way different lines within DOS operated, really understanding, you know, the different personalities, the different people, but then how it was all part of the same overall criminal scheme, you know, even understanding, and now I'm getting really in the weeds, but whenever I talk to people who are really in it, you know, I, I, I want to kind of get in the weeds, but I'm even thinking about Pam Cafritz's death. And in my head, I really do believe, I firmly believe that if Pam Cafritz were still alive, she would have been sitting at Keith Ranieri's table during the trial.

Sarah:

That was one of our questions.

Moira Penza:

I really believe that. I think she would have stood by him to the end. And I do think part of what DOS was, and certainly part of the narrative that we used at trial was that DOS was born out of the need to continue this criminal organization where one of his top lieutenants had died. Right. One of his top recruiters, one of his top groomers was now gone and DOS served a lot of the purposes that Pam had served.

Sarah:

Right. That makes total sense. Yeah, because he didn't have the built-in loyalty anymore. And he had these women, he was with, and then he also had somebody like Kristen Keefe who left him. Right. So you've had the sense of that. He didn't have this--

Nippy:

He was vulnerable.

Sarah:

He was vulnerable and he had to lock it down.

Moira Penza:

And not just Kristen. Right. He had had Daniela who he had viewed as disloyal. He had Camila who he viewed as disloyal. He had this, you know, DOS was a way of locking down all these women. I mean Lauren, even, you know, testifies that, you know, she is brought into DOS before he tells her that Mariana is pregnant after, you know--

Nippy:

And he creates, he creates an ethical conundrum for her. If she speaks out she's disloyal and she's disloyal to the DOS, I get it.

Sarah:

He had to get her locked in before he revealed that he was having a baby with somebody else. There was somebody who left. And I can't remember what year she left. I'm not going to say her name because she's out, long gone, long time ago. I want to say like maybe 2010 or 11, but she was part of the harem. And she since reached out to us has been very supportive to us. And she said, when she started to read about what DOS was, she said, that's exactly what my life was like, except without the name DOS. There was naked photos, we had to be attentive to him at all and be ready on the phone at any time, calorie restriction, all the things, except it wasn't called DOS and there was no master slave, but everything else was there. And so this was just the formality of his lifestyle in the form of DOS.

Moira Penza:

You know, that's really a lot of what we presented at trial was in proving this as a criminal organization, you know, I use NXIVM as shorthand, but it was Keith Raniere's criminal enterprise. And it continued from, you know, many years prior to DOS's existence. And you see the same means and methods including use of collateral and use of this sort of blackmail material, retaliation, fear, grooming of women, naked photos, all of that you see consistently throughout the whole time period that we were charging.

Nippy:

Yeah. All of that stuff was pretty shocking to see in here. Was that what you thought you were going to uncover when you read the New York Times article?

Moira Penza:

It was definitely more, right? It's like this rotten onion and then you just keep peeling that rotten layer after rotten layer. But I will say I pretty quickly conceptualized this as a criminal organization. Like other criminal organizations.

Nippy:

To see our trajectory from June 1st 2017 when I went in and said my peace with everybody and to where Sarah and I were thinking, oh my God, I think the next four to five years of our lives are going to be getting [away from] Clare Bronfman. Because we had spoken to some people who found out and were like here's what your, here's what's coming. And I'm thinking, oh my God, I got a three-year-old and he's going to be seven or eight before I can come up for air and I'm not in trauma. While we were afraid we didn't know that we didn't have really anything to be afraid of. And we had no way of knowing that until you guys exposed everything. And then it seemed like it wasn't even close. And we didn't really have anything to be afraid of because they were guilty in ways that we couldn't even fathom. And I tend to think if the FBI is knocking on your door,

that's a good indication that something's going on. That was alarming to me, that all the people that had the FBI going on and they got to put on their big boy pants and thought they were being tough. I'm like, no, no, no, no, no. That's not how you, when the FBI is knocking on your door, there's probably something egregious going on, and it's probably in your best interest to cooperate. So to me, that spoke to a lot of people's ignorance that were in there, that they didn't have a sense of that.

Moira Penza:

Yeah. I mean, look, there still people who, even after everything that's proved at trial, right, still choose to, you know, believe in Keith Raniere.

Nippy:

Well, they're having the trial after the trial on Twitter. So Twitter is not a courtroom.

Moira Penza:

No, it's not. And I think that's such an important thing for people to recognize, right? Because the women in this case and not just the women, but when I think about, you know, Sarah, Sarah came in, she spoke candidly with the government, she handed it over her computer, handed it over her phone was willing to take the stand and be cross-examined under oath. Same thing with the women who did take the stand, right. They handed over all of their information. They underwent this horrible process, right? Nobody wants to go through being a witness at a trial. And he was found guilty with all of this process, right? Like, he had great lawyers. He had a trial with a, you know, uh, in front of a federal judge with jurors that, you know, had been voir dired, who, you know, said they would be fair and impartial. And of course he was found guilty because he was, and that's still not enough, but it will never be enough for certain people.

Nippy:

Um, the way the gaslighting works is they blur context, switch the assumptions. They switch contexts and they just deny facts and don't even entertain it.

Sarah:

That was one of our questions. How does it feel to have your process be gaslit, or the prosecution is being gaslit by the loyalists?

Moira Penza:

I don't actually think that Twitter is a reflection of real life. Most people I know are not posting on Twitter all day long. They, you know, are going on with their real lives.

Nippy:

They have jobs.

Sarah:

Exactly. And so I try not to give it too much credence because I just think at the end of the day, the vast majority of people who know the NXIVM story and who know about the trial have fully accepted that Keith Raniere is a criminal. He's a predator. He committed all of crimes. And that he's rightly serving 120 years in jail.

Nippy:

Did you say 120, just that word, number, 120. One more time?

Moira Penza:

120.

Nippy:

Oh, it's just so, um.

Moira Penza:

It really is so satisfying knowing that he will spend the rest of his life unable to hurt other people.

Sarah:

But why is he able to still talk to them? That's what I want to know.

Moira Penza:

I, I don't know. I can't, you know, I'm not a prosecutor anymore, so I don't have a lot of power there.

Nippy:

Okay. Here's one and it doesn't chap my ass because it's not offensive, it's funny, the day or the week of Keith's sentencing, I guess the group is Make Justice Blind or whatever it is. They give an affidavit to the judge to sign right before they're sentencing Keith Raniere under the assumption that justice isn't blind. It just seems to me like, way to insult the people that are about to decide your fate in a lot of ways. I wonder what that's like. Didn't they go to your office?

Moira Penza:

They did go to my office, and that was frightening.

Sarah:

It is a little bit frightening because you're dealing with people that are unstable. I totally agree. Sorry.

Moira Penza:

I wasn't actually at my office that day, my law firm has a DC office, New York office. And so I actually wasn't at the New York office that day, but it was frightening that they would come to my work. And you know, these are people who I did believe were in touch with Keith Raniere, who I did believe were acting at his behest and who I believed, you know, I had no idea why they were there. And so that was startling. And I immediately did contact Keith Raniere's lawyer and made clear that if anything like that were to happen again, that I would take additional steps to protect myself. But, you know, thankfully there's been nothing since then, but you know, the whole thing was just total nonsense. I mean, my integrity has been on the line since day one, right? I'm an officer of the court.

Moira Penza:

Everything I do is with the knowledge that I am there as a representative of the government, you know, my entire mission, the whole reason I'm doing that job is to seek justice. Um, so, you know, really, it's just so pathetic to think that, you know, you're going to come in and try and impugn my integrity when you're standing up for this person who has literally committed these heinous crimes, who has lied over and over and over again, and, you know, in demonstrable ways. You know, it just really isn't worth a lot of energy. You know, one of the things that I felt was even more curious or disturbing was kind of the petition on behalf of, I think it was Nikki Clyne and Michele Hatchette where they were basically saying that, you know, for whatever reason, they hadn't testified on Keith Raniere's behalf, including, you know, my actions and, you know, it's just, again, it's just such garbage.

Moira Penza:

They were in Brooklyn. The judge would, of course had subpoenas issued for them to testify at trial had Keith Raniere wanted them to testify at trial. Like I know that if they had taken the stand in Keith Raniere's defense, we would have had a verdict in an hour instead of, you know, four hours. Like it would have just been so bonkers, because if they had taken the stand, they're not able to do what they can do on Twitter or wherever else and say, I don't want to answer that question because that question is too tough. Or that question is too hard to explain.

Sarah:

And that's something that our listeners have asked over and over again, why didn't Keith speak at his trial, why didn't Keith defend himself? Is it for the same reason, that he just couldn't be cross-examined?

Moira Penza:

You know, under the constitution, you have the right not to incriminate yourself. So I just want to be crystal clear that the government had the burden and there was no obligation for Keith Raniere to take the stand, no expectation for him to take the stand. It would be unconstitutional

for us to have ever argued or implied that somehow his not taking the stand meant that he was guilty in some way. That being said, it typically is not successful when criminal defendants do take the stand because they do get cross-examined and they no longer can take the fifth, right? Cause they've given up that right against self-incrimination by taking the stand. And so you can ask questions about all sorts of unethical conduct in the past, all sorts of criminal activity in the past if it goes to their integrity because now on top of the actual crimes, they're able to prove that they're not a trustworthy person and that they aren't somebody whose testimony can be believed. And here, you know, there was just so much evidence of his own words that he would have been confronted with. So I think, you know, I, I, it does not surprise me in the least that he didn't take the stand. And I think that's what most attorneys would have advised him.

Nippy:

Yeah, how do you explain fuck toy?

Moira Penza:

It's a tough one to explain.

Nippy:

First question. Mr. Raniere, you're a leader of a philosophical movement. Fuck toy? Carry on.

Moira Penza:

I mean, they're certainly not answering that question on Twitter either, right?

Sarah:

And you, you may not know this Moira, but whenever we speak to somebody who's woken up, in other words, realized that Keith is a sociopathic con man and not a noble humanitarian leader of the philosophical movement. And it happens at different stages for different people. But when they reach out to us, we always ask them well, after they apologize to us, which is usually what happens. We say, how did you wake up? And most people say that, and we're talking about the leadership, like the leaders in Mexico and people who came out after us, that when they saw that first affidavit with the text exchange between Keith and Camila, you know, where he asked for her to find him a fuck toy, that's where most people wake up right there. Most people tap out there.

Nippy:

Yeah, most people tap out there and it gets worse. It gets worse past that. Like, that's just the appetizer to like, his abuse.

Sarah:

And just also, so, you know, if you could appreciate the story, I'm not going to say his name because I don't know if he's public about this, but a top leader, say he's a green sash, narrows it

down, told us that he was out at that time. And also had his own experience with Keith, said I had nothing to do with this. The women have derailed. And he actually, at the time, felt bad for Keith that this was happening to him. And then the affidavit came out and made these two conflicting things and realize that Keith lied and was awake. And he presented this to Clare and Clare refused to believe it. And basically protested that and expressed that basically it was all planted and that the FBI planted all of these text messages, and the FBI could do that, and that's what they would do to such a noble humanitarian who was trying to bring ethics into the world. Just so you know, I just want you to know some of these stories, like there's all this stuff that's happening behind the scenes because of the action that you and your team took, so many people were able to get out and wake up and partly it was that first, uh, how did we-- how do you even, are you able to say how you can get that kind of material, I guess once you have the search warrant.

Moira Penza:

Yeah. I mean, that was from the search warrant. That was from a search warrant of Keith Raniere's emails, where he had saved all of his WhatsApp chats, which is just, you know, it makes you think, it makes you believe in God. You're like, how did he, you know, it's, it actually, isn't surprising because he kept these trophies all the time, but that he had all of those stored. I mean, when we found that we knew that was a game changer.

Sarah:

I was at the metadata days, that's what I call them. I was at the three days of the trial where you guys just talked about metadata in there. And my head was, my head was just tries to sustain, to get, keep myself up. But I guess you guys obviously had to do it. That's where I think certain people are, are trying to find an inconsistency. To your point, he kept the photos in a library. What are they talking about?

Sarah:

Are they grasping at straws?

Moira Penza:

This is true grasping at straws. Absolutely.

Sarah:

It's actually a shifter strategy, which is strategy that keep taught us that when you're trying to like deflect and like point at something over here and make a fuss about something as a, as a way to like get away from the content. And the content is you took photos of women's vaginas. Let's just remember that. Right.

Moira Penza:

It was just so well-proven in so many different ways, right? Think about like just the photos, they were situated among all of these other photographs of women we know he was having sex with who we knew, he had gotten that, we had testimony that he had gotten that camera at that specific point in time and that he was on a picture taking binge, right. We had another woman whose photos, two women testified at trial, that their photos were taken at that exact timeframe. And then we had their photos in the same collection as the child pornography, we showed that the victim, that her appendix scar, which she received that what, that her appendix surgery, which she had when she was 16, that there was no scar visible in the photos. And so this is the kind of thing that I'm talking about that, you know, now that I've read a lot about, when you argue with people who have these sorts of mindsets, there is no point, right? It's like talking to people who, you know, believe that 9/11 was an inside job or believe conspiracy theories about JFK's assassination. You're never going to be able to refute every little point that they try to make and no one should really be trying to do so.

Sarah:

Yeah, I made the mistake of getting on a phone call with a loyalist last week as set up by--

Nippy:

I told you it was a mistake.

Sarah:

I know, it was a mistake, but, but it was nice to see them. And I think I may have got a shot in. We'll see. But it was under the premise of that they were waking up and they were willing to take in data. And I got on the phone with them and it was nice for a minute and then launched into basically the setup of the double bind, which I know because Keith us, which is wouldn't you agree that everybody deserves due process. Or, what was the first, that was the first question, Nip?

Nippy:

Uh, something like that.

Sarah:

Then basically I answered two of them and I said, well, whoa, whoa, whoa, I'm not here to debate the process. This is done. I'm here just to help you, like, to wake up and see the light in the bottom of your lives. Because basically what they're doing is in addition to their investigation of the process, to prove that it was wrong, to get help with that, they've agreed to also investigate Keith and to talk to the former victims and stuff like that. And like, I'm so glad that your, I mean, my investigation's done, the investigation is done, but if you need to investigate Keith, please do. And I will be here. Anyway. I ended up getting off the phone because they started gaslighting me and going into, wouldn't I agree that everyone deserves due process. Even somebody that you find despicable deserve due process, and human rights are based on both--

Moira Penza:

What's the second question though? Like, he got due process. He got more due process than most people in this country get, right? Like if you want to talk about people who don't have access to great lawyers or don't have the ability to pay low cash bail, like we're not talking about Keith Raniere who had millions and millions and millions of dollars for his legal defense and had, you know, a judge who was looking out for his interests and who had a jury of his peers in, in Brooklyn, New York.

Sarah:

Exactly. Which leads me to my chaps my ass, and I'd love to know yours. I'm sure you have many, but my chaps my ass is that I've heard that the loyalists say, people in who still believe in Keith, that one of the things that was not due process was not fair, I guess, in their mind, is that the jury only deliberated, was it four hours, right? Yeah. Something like that. And they just don't believe that any decision, any ethical decision can be made in that short amount of time. Therefore it's not due process. That chaps my ass. What's yours?

Moira Penza:

I have so many, and I love the chaps my ass segment. I think the thing that chaps my ass the most is the teaching that there are no ultimate victims, which I just find to be the most manipulative way of victimizing people. And then to have Keith Raniere playing the ultimate victim now. That chaps my ass.

Sarah:

Nailed it, nailed it. That's going to be the soundbite for this particular episode for the meme. Okay.

Nippy:

That might be the gold standard of ass chapping. Yeah.

Sarah:

That is the most. I couldn't agree more, I'm super riled up right now.

Sarah:

Can I say one thing, I think it'd be remiss if we didn't at least talk about the judge and how he was sensitive to these things and how I feel like he got the sentencing right. And what your impression of that is and how he came to Keith, Clare, Nancy, Lauren, Alison, et cetera, to that. What your feelings on that are? I think I was pretty impressed, you know, almost down to the day.

Moira Penza:

Me too, I just, I just have enormous respect for judge Garaufis.

Nippy:

Amazing.

Moira Penza:

He has so much discernment and I really do think he got it right in terms of the sentencings. And I think the way he has reacted at each of the sentencings and his statements at all of them have been right on point, he really gets to kind of the worst conduct while also where appropriate seeing mitigating factors and how certain defendants ended up where they were. But I think, you know, these were incredibly sensitive topics and he treated the women and this case with enormous respect. And, you know, that doesn't mean that he didn't allow thorough cross examination. It doesn't mean that, you know, Keith Raniere didn't get due process, but it meant that there was a willingness to really understand the issues at play here and to understand where the women coming from. And I think just having somebody in that position of authority, especially once we got to sentencing and especially once a jury had convicted Keith Raniere of really being able to be a figure in that court room of authority and really speak to these women as understanding what had happened to them and expressing his sadness really that they had gone through what they went through and commending their bravery in coming forward and being part of the trial or, or speaking at sentencing, and acknowledging how difficult that is to face the people who have caused you so much pain for the greater justice.

Sarah:

Right. I wish I had that, at that same time, I'm glad I was spared. I can have both feelings at the same time.

Moira Penza:

You know, when you had just had [a child] right before the trial started. And I think as the trial lawyer, right now, we can dig into all the wounds and all of that. Right. But as a trial lawyer, you have to be strategic and you have to streamline your case as much as possible. So we already had a six week trial in which we were able to prove all of the allegations, right. All of the crimes that he had been accused and we were able to prove. And I think that's something that takes a lot of discipline to not kind of be like, let's put more and more because there's such a huge story, but I am glad that you've had the opportunity to speak at sentencings. And I think that that has been really powerful.

Sarah:

Thank you. I'm glad I was able to send those videos. And for those who don't know, you charged Raniere and company with a long list of crimes. I'm just going to read this. Racketeering, racketeering conspiracy, child exploitation, sex trafficking, forced labor, identity theft, extortion, money laundering, wire fraud, obstruction of justice, stand-alone counts of sex trafficking, and

other times. Actually this is not a question, this is just to remind people, they convicted him of every single account, hashtag 120. In layman's terms, can you explain to our listeners why this was so powerful and why it was such a precedent setting case?

Moira Penza:

You know, I, I don't like to be the one to say that, but I do think, you know, it was apparent to me very shortly after getting involved in this case that this was a wide ranging criminal organization. And I do think when some of these crimes in isolation have obviously not gotten as much attention as they should have from law enforcement. I think it is well-known that sex based crimes are under prosecuted and they are difficult cases to bring. And so I think what I am grateful for is the fact that I think we have set forth a road roadmap by which other criminal organizations that operate this way, where you do have kind of a head of an organization and an inner circle of people who are enabling sex crimes and other types of crimes, that this is a way for an enterprise like this to be taken down. You know, hopefully it will serve as a deterrent for other people who would get involved in these sorts of criminal organizations and support people who are abusing power. And so right now, you know, the R Kelly Case that's happening in the Eastern district of New York, that indictment is heavily modeled off the NXIVM indictment. And so I look at that as an example of a way in which hopefully going forward, people will use the way we prosecuted the NXIVM case as a way to take down other criminal organizations that don't look like traditional organized crime, but really do operate that way.

Sarah:

That must make you feel good.

Moira Penza:

It does.

Sarah:

I'm so proud of you. I'm just so emotional. It's a really big deal. Somebody actually just sent us an article saying that the R Kelly Case was like NXIVM case on steroids, in terms of everything that they found in the parallels and correlations and Nippy and I say this often, like, obviously we wish we'd made different decisions, but what we're doing now and being a part of, and just like the smallest part of this whole thing is like, wow, this is really impactful.

Moira Penza:

You know, I think you're underselling your impact because we only, it was that article that started it. You were one of the first people that I interviewed. We spent many, many hours over the course of days and you know, that tiny windowless conference room with broken chairs and you had your green juices and all of these things. And, you know, I didn't know very much at that point in time. And you know, you taught me a lot and it was, as I said, it was a steep learning curve, but you were definitely a big part of that. So appreciate it. And I'm so happy, you know, I'm

so happy for how well you and Nippy are doing and your family. And I think that's one of the other things that really stands out to me is that there was no one I can tell who was doing better or happier or more successful in NXIVM. Except the people, I guess, that are in jail now. But everyone else is doing so much better being out. Right. So, you know, it just shows that this whole premise was, you know, such a farce. And not that I don't understand how people got brought into it. And you know, I hope I say that with enough sensitivity. And I know a lot of time has gone by now, but really, I mean, it's just uniformly, like people are dealing with stuff, right? It's obviously going to take a while, but everyone is doing better.

Nippy:

Yeah, everyone is, and everyone who hasn't reconciled their delusion is doing worse unanimously.

Sarah:

They can't get work.

Nippy:

Look, I got to say, I remember I told you in June of 17, I thought four or five, 10 years we were going to be dealing with litigation. And because of what you and your team and the United States government did, we're thriving. And I'm going to get emotional about where I feel life could have gone had it not been for you guys, so thank you for doing what you do.

Moira Penza:

Thank you. Well, it was a pleasure speaking to you and I hope we get to see each other again. I appreciate being on. And I'm so happy that you and your beautiful family are doing so well.

Sarah:

And you too, you've got such an exciting job and mom, and you know, it's so wonderful to know you. And I'm so glad our paths crossed in this weird way.

Nippy:

May have been my favorite? It was just, it was just so good to hear the behind the scenes and have faith in a system that won't allow this kind of stuff to exist, however imperfect.

Sarah:

I think the thing that really stuck out for me is the fact that he had so much due process. He had an excessive amount of due process.

Nippy:

He had the best due process money could buy, in human history, on planet earth.

Sarah:

He had a long trial.

Nippy:

You know, one thing that we forgot, did you know that there's only one other person in the United States history who had a higher bail than her, and that was Michael Milken?

Sarah:

Wait, her meaning Clare Bronfman?

Nippy:

Her bail was a hundred million wasn't it? The only other person who had a higher bail set was Michael Milken, who was like this insider trader from the 80s. His was a little bit more.

Sarah:

So in other words, the government took this very seriously.

Nippy:

Case closed.

Sarah:

Well, justice has been served. Do you have anything to say about justice?

Nippy:

You know, I might, I might.

Sarah:

Please do.

Nippy:

It's interesting. "The concept of justice in essence is a beautiful thing. Taken at its most minimal set done correctly by human beings, it can in essence be a reflection of the universe, which is equilibrium at all times, justice in essence can be the equilibrium of human beings. In as much as anger doesn't inform your justice, no anger, as I've transcended my anger, is a tool and it doesn't mean you're hateful. But if your justice comes from a hateful place, than the justice system suspended, therefore any sort of due process that is informed by hate is invalid."

Sarah:

Wouldn't that also make the universe invalid?

Nippy:

Yeah.

Sarah:

I love you. Thanks everybody for listening. Please join us next time.