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DEPARTMENT OF JUSTICE

Justice Building
Salem, Oregon 97310
Telephone: (503) 378-4400

CONFIDENTIAL

September 19, 1984

Gerry Thompson
Executive Assistant to the Governor
Office of the Governor
254 State Capitol
Salem, Oregon 97310

Dear Gerry:

At our meeting on September 17, 1984, you again expressed to us the continuing concern of the Governor's office regarding recent developments in Rajneeshpuram and Antelope. You also brought to our attention a specific instance of the contemplated temporary move of a Rajneesh disciple to Wasco County for the stated purpose of voting in the November election. Regrettably, this is not the first report of such an incident, and those reports may suggest a factual basis for the widespread speculation that a concerted effort amounting to serious election law offenses may be underway. As you also know, at least one non-Rajneesh Oregon resident has made ill-advised public statements concerning the same subject and has, in effect, declared a like intention to commit an election offense.

In our discussion, we touched on numerous of the legal issues presented by the latest turn of events and assessed the potential remedies or lack thereof under Oregon statutes relating to charitable trusts, banking laws, land use, water law and health regulations. We also assessed the pendency of several ongoing federal agency inquiries known to us.

One of the first matters of business at our meeting was discussion of the proposal by a highly regarded federal mediator (John Mathis) that the Governor and the Attorney General enter into "negotiations" with Rajneesh leaders for the purpose of furthering the apparent Rajneesh objective of "acknowledging the political and economic power" of the Rajneeshees. We have now had a chance to reflect further

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on that suggestion. I understand and join in the Governor's stated reluctance to follow this course. First, although the mediator's proposal is unquestionably thoughtful and well-intentioned, it presently lacks the form and objectives that would be necessary to guarantee any reasonable possibility of success. First, economic power under these circumstances is a reality not readily subject to negotiation. Political power is a matter of democratic persuasion under neutral election laws designed to prevent misuse of the electoral system. Second, no matter how such discussions would be structured, they inescapably would involve the state government deeply into religious affairs and quite possibly would commit state officials, including state lawyers into impermissible assistance and entanglement with a religion. The state cannot become legal advisor to a religious commune for the purpose of assisting its leadership to sanitize unconstitutional relations with the government. Third, as long as the publicly disclosed criminal investigation by the United States Attorney's office is ongoing, we are reluctant on policy and practical grounds to undertake wide-ranging "negotiations" with persons who may be the subjects of that inquiry.

We have numerous legal issues involving the Rajneesh community in our office and we will continue to deal with them in the ordinary course of legal business. However, we see a need to coordinate information from all sources so that appropriate authorities can take swift action should events escalate tensions further. We share your frustration that numerous sources of information and many overlapping jurisdictions contribute to fragmented information and often uncoordinated responses. It is essential that action be taken on facts rather than unverified or irresponsible rumors.

After canvassing many options, we believe that the most important immediate considerations involve the security and integrity of the November elections and the parallel responsibility to maintain public order and safety amidst rising tensions concerning those elections. A number of specific actions are underway: (1) The Secretary of State has achieved the capability of central computerized monitoring of voter registration; (2) It is our understanding that the Wasco County Clerk's office has taken appropriate steps to ensure the security and integrity of the local registration process; (3) Oregon State Police patrols through the Antelope area have been enhanced and Major Ken Lamkin of the Bend office has engaged in planning for backup support;

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(4) This office is prepared to undertake close monitoring of all incidents in which undue influence on prospective voters is alleged to have occurred.

While the above actions are clearly within the statutory authority of the offices undertaking them, we believe that the state's jurisdiction and concern command a more concerted and active approach. We therefore propose the following:

1. An interagency on-location team should be created immediately to monitor election security and public safety planning. To the extent necessary to ensure the acquisition of all relevant information, federal agency officials should be invited to participate.

2. The headquarters of the team should be based in Bend rather than Salem or some more remote location.

3. Sufficient steps should be taken so that team members are essentially freed from other responsibilities in order to devote full time to the central concerns outlined above.

4. The team should have a clearly defined leader with authority to deploy and direct personnel. The leader should have direct accountability to the state officials with subject matter jurisdiction over the mission of the team. Those officers include the Governor, the Secretary of State and the Attorney General.

5. In order to ensure proper focus of the team's mission, the team leader should maintain constant contact with a designated attorney in my office who is familiar with the full range of legal issues that may be implicated.

6. To assure maintenance of focus, the leader of the team should establish written guidelines governing the scope of activity of the coordinated effort and make weekly reports concerning activities to the officials with subject matter jurisdiction. We have specific suggestions for the content of those guidelines and will present them for discussion if the proposal advances in the Governor's favorable consideration.

7. While cost estimates are difficult to suggest in advance, a secure assurance of funding for start up

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efforts and operations in the crucial next weeks must be obtained at the outset. We project that \$50,000 is a reasonable and conservative estimate for this contingency.

8. Because of the need for rapid coordination as well as prompt investigation of the incidents already known to us, the proposal -- if acceptable in broad outline -- should be implemented immediately.

If there are other matters which should receive staff review and analysis by this office, please contact us at your earliest convenience.

Sincerely,

A handwritten signature in cursive script that reads "Dave".

DAVE FROHNMAYER
Attorney General

DF/js