



STATE OF OREGON

INTEROFFICE MEMO

TO: Governor

FROM: Gerry Thompson

SUBJECT: Meeting with Rajneesh

DATE: December 11, 1984

In attendance were K.D., Jay Annanda, John Mathis, Bob Oliver and myself.

Mathis layed out an agenda as follows.

1. Discussion of state concerns, i.e., street people and responsibility.
2. Public safety and the effects of man camp, street people population, timing of move to the man camp and a joint OSP/Rajneesh responsibility plan.
3. Land use matters.
4. Other issues in litigation.

Mathis asked that each of us make our position clear on the issues, stating what can and cannot be done. The meeting was not taped.

1. Street people and responsibility. Even after a lot of conversation, opinions as to the responsibility for the street people will never meet. The Rajneesh hang tough to their theory that they had contracts with each person recruited and brought to the ranch. The contracts supposedly clearly spelled out who would have transportation paid home and who would not. After much conversation, we were informed by K.D. and Jay that the humanities trust has made it clear they will not change their position. We requested that they tell us how many street people they have on the ranch and provide us with some projection of those who will be departing in the future. K.D. agreed by stating he "would look into it." 1,000

2. Public safety. We outlined our concerns as it relates to the man camp (city of Rajneesh/Antelope). Our concerns involve the location (cited open space), possible interaction from outside elements and the lack of joint planning with the OSP. K.D. informed us that his sister, Kavido, is fully in charge of the peace force in the city of Rajneeshpuram. She apparently has assured K.D. that the peace force will be

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improved and increased and she will be separating the peace force contract from Rajneeshpuram. K.D. assured us they would coordinate a response plan with the OSP, but also told us they had lost their confidence in OSP. At this point he cited the broken communications with OSP and of course blames the breakdown to OSP, blaming the duck hunting incident the day after Thanksgiving. K.D. did tell us that they had finally met with Lamkin and Nolan and communication problem seemed to be resolved. I will not go into the full conversation because as you well know we made it known the breakdown did not come from us, but from them.

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K.D. assured us that 1) there will be coordination with the OSP; 2) a joint plan will be developed, and 3) as soon as they know that people will be moved into the mancamp at Rajneesh, they will let us know.

3. Land use issues. We refreshed our memories about where we had left off on the land use issues. They continue to want to negotiate out of court, but continue to refuse to accept any advice. Because we did not want to close off discussions until essential information is received from them as promised, we assured them we would come back to them after meeting with the necessary state government officials.

4. Church/state issue. This seems to be their main focus. We reminded them that a) the Attorney General in our last meeting had made it clear there can be no negotiations on fundamental constitutional issues; b) it is not the role of the AG to give legal advice to Rajneesh; c) the Rajneesh need to prepare themselves to go as far as necessary to meet the state's objectives in order for any future talks to be fruitful, and d) the matter was simply a question of control and how that control is exercised.

We ended the meeting talking about expectations. Rajneesh expect us to recognize them for their acts of good faith. These acts of good faith are, Sheela no longer being a public spokesperson, the Rajneesh' decision to not sue over the election issue, and their humanitarian effort for the homeless. We gave them a plus for Sheela, a "wash" for the election and a minus for their humanitarian effort for the homeless. Further expectations are for us to find a way to settle and recognize Rajneesh as community, to open AG's mind into long-term change rather than immediate and for us to work out problems in a mutually beneficial way.

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Bottom line was their request to find a way to solve their problems without going to court.

We made no commitments.

At 8 a.m. on December 7 I met with Bill Gary, Jim Ross and Bob Oliver. We went through the exercise of refreshing our memory and determining if there was anything that could be done that had not been done.

On the land use issue, the case is now under the advisement of the Supreme Court. It is difficult to negotiate anything at that point and we agreed that until the Supreme Court ruling, we really should not involve ourselves any more.

In the same conversation the term "operation mongoose" was brought up. Apparently this is a plan under way by the Rajneesh that the AG's office and LCDC have become aware of. It is a plan to consolidate the city of Rajneeshpuram with Rajneesh which may be legal. The process of research is underway.

We also agreed that as far as the church/state issue is concerned, the Rajneesh have failed to supply the requested documents and the AG's office continues to ask for the right of discovery. The issue centers on control and how that control is used. There is really nothing to negotiate because it all involves constitutional issues. I informed the group that it was your desire to bring the discussion of these two issues to a close and we would be meeting with the Rajneesh to do just that. However, we should all stand by for any impact that might occur. I assured everyone we were prepared to handle any crisis the Rajneesh might want to deal us.

Following that meeting I had a meeting with Frohnmayer, Bill Gary, Fred Heard, Gary Esgate and Dan Smith from Building Codes Division. Apparently Wasco County is asking the state to go in and "red tag" the tent dwellings. At one point it was thought the state would have jurisdiction, but was determined early today that all of the tents are within the supposed city boundary of Rajneeshpuram. Therefore, the state has no jurisdiction.

The question of the permitting of these tents is unclear. The system usually works that Rajneesh notifies Wasco County of their intention to erect a dwelling and if no response is received from the county within 48 hours, permits are issued by Rajneesh. Fawbush cannot understand why the state has not acted to stop these dwellings. Wasco County Court's preliminary injunction honored all existing permits, but disallowed any new building.

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In the meantime, Building Codes Division had scheduled a trip to inspect the electrical hookups to these tents. The question was put to our state people from Wasco County, could we go in and close down the tents based on our inspection. The only jurisdiction the state has is 1) the propane gas tank that supplies the fuel to these tents. The county and Rajneesh have jurisdiction over the lines from the tank to the tent. The tank was previously inspected by our state officials, some corrections were recommended and made by Rajneesh and the tank is now determined OK. The only other jurisdiction we have is on any high voltage electric lines leading into the dwellings. Building Codes Division was on their way over Friday, December 7, to inspect those lines. However, their information is those are really only low voltage lines which then exempts them from state jurisdiction. Nevertheless, Building Codes Division will inspect those lines. Should they be found to be illegal, the state has two options. One is to cut off the supply of electricity (literally cut the lines) or immediately demand cautions. Anything the state can do will effect the existance of the dwellings.

It was apparent that the AG was not certain where the state gets involved regarding the preliminary injunction nor do we know the intent of the injunction. Apparently Wasco County has been very remiss in completing the work and there is nothing in writing. Only tapes are available. AG's office was going to go back and consult with the judge and the county to determine precisely what state involvement might be regarding the injunction.