

VICTOR ATIYEH
GOVERNOR



File

OFFICE OF THE GOVERNOR
STATE CAPITOL
SALEM, OREGON 97310

November 18, 1983

Swami Prartho Subhan, Esq.
Rajneeshpuram, OR 97741

In your letter of November 6, 1983, and during your visit, you and your associates demanded access to "any and all writings" relating to Rajneeshpuram, Rajneesh Neo-Sannyas International Commune, Rajneesh Investment Corporation, and Rajneesh Foundation International." By using the term "writing", I assume you had in mind ORS 192.410(4), which embraces not only pieces of paper but such things as film, cards, disks, tapes, etc.

Although you did not specifically ask about the full extent of "writings" maintained in this office, for the record I want to advise you that conversations in the Governor's office are not electronically recorded (at least, so far as the Governor and his staff are aware). Sometimes public meetings held in the Governor's conference room are openly recorded on tape (such as, for example, the State Land Board). Conversations otherwise involving the Governor and members of his staff are not. Additionally, historians may lament someday the lack of transcripts or extensive notes of conversations leading to policy formulation. We do not have sufficient clerical personnel to do this on a systematic basis. Some of us occasionally take notes at such meetings of things we are supposed to do. I have always tossed my notes as soon as they served their purpose (we also are short on filing cabinets).

As indicated during our conversation, the Governor maintains that while his official acts constitute records open to inspection during reasonable business hours, not all of his files are public records. By his direction, I must respectfully decline to make available the file known informally as "constituent mail," consisting of numerous letters from individual citizens (as distinguished from public officials and officers of recognized organizations), expressing their views to the Governor. It is the Governor's belief that citizens ought to have the

Swami Prartho Subhan
November 18, 1983
Page 2

right to express themselves to their chief executive in confidence, and that spreading the letters publicly would have a chilling effect on such free expression. As authority for declining your request, we cite ORS 192.500(2)(c). We will, however, disclose the contents of these letters in such a manner as not to reveal the identity of the writers.

Another category of writings with respect to which we must respectfully decline disclosure are memoranda and reports from the Department of State Police to this office, most of them dealing with various threats to public safety and orders which might have come to pass (but did not) during festivals held at Rajneeshpuram in 1982 and 1983. As you are aware, it was the policy of the Governor and the Department of State Police to protect the legal rights of those participating in the events, and it is my understanding that leaders in your community were appreciative of the cooperation of the State Police. At the same time, as a general policy we do not believe the public interest would be served by disclosure of such investigatory information, and we cite ORS 192.500(1)(c) as authority for declining availability.

In direct response to your letter of November 6, 1983, the undersigned has no knowledge, recollection or belief that this office has received written correspondence from, or has directed written correspondence to, the following individuals or groups relative to matters in which you state an interest: Senator Mark O. Hatfield; Senator Robert Dole; any official or employe of the Federal Immigration or Naturalization Service; Larry Sokol; Robert Stacey; Mark Greenfield; Gary McMurray; Concerned Citizens of Oregon; or others enumerated in items 2 through 9, copies of which were not furnished to your associates last week.

A final category involves intra-office memoranda. There are not all that many in the files. Many are obsolete and could have been discarded long ago. Nevertheless, here is a list:

Oliver to Atiyeh, March 15, 1982: Telephone call from Bob Davis reporting attempt of motorist to run over Rajneesh members.

Oliver to Denny Miles, March 17, 1982: Conversation with reporter in The Dalles, requesting contact with public relations member of Governor's staff.

Oliver to Atiyeh, March 23, 1982: Clarifying rumor of disorder at Big Muddy Ranch.

Oliver to Atiyeh, April 26, 1982: Conversation with John Mathis, representing Mediation Service of U.S. Department of Justice, advising this office of meetings scheduled in Madras that evening.

Swami Prartho Subhan
November 18, 1983
Page 3

Oliver to Atiyeh, April 26, 1982: Conversations with district attorney for Jefferson County, and representatives of U.S. Department of Justice's mediation service, regarding attempts to cool tempers in Jefferson County.

Oliver to Gerry Thompson, April 29, 1982: Conversations with Jefferson County district attorney and Bob Davis, recounting efforts to cool tempers in Central Oregon.

Oliver to Thompson, April 29, 1982: Regarding Jefferson County's action on permit for 1982 festival.

Oliver to Thompson, May 6, 1982: Regarding meeting on 1982 festival at Rajneeshpuram.

Oliver to Atiyeh, May 17, 1982: Summarizing state agency preparations to maintain order during 1982 festival.

Oliver to Atiyeh, May 19, 1982: Regarding election results at Rajneeshpuram.

Oliver to Atiyeh, June 7, 1982: Regarding complaints about Bhagwan's driving habits.

Oliver to Thompson, January 17, 1983: Regarding invitation for Governor to attend commissioning of irrigation dam.

Oliver to Atiyeh, March 23, 1983: Regarding Oliver's visit to Rajneeshpuram on March 19 and 20.

Oliver to John Williams, Superintendent of Oregon State Police, May 20, 1983: Regarding communications with Rajneesh leadership during 1983 festival.

Oliver to Atiyeh, June 3, 1983: Summarizing visit of Jayananda and Sheela on June 2 regarding festival preparations.

Oliver to Thompson, July 5, 1983: Regarding complaint of 1000 Friends of Oregon about Rajneeshpuram residents' behavior toward its staff members.

Oliver to Thompson, September 20, 1983: Enumerating unfounded rumors regarding activities of Rajneesh.

Oliver to file, October 19, 1983: Conversation with Jayananda on October 18, regarding upcoming visit of Verne Duncan, and Attorney General's investigation.

Oliver to Thompson, November 14, 1983: Regarding visit of Subhan and associates to demand documents in Governor's office.

Swami Prartho Subhan
November 18, 1983
Page 4

As authority for declining to make these materials public, we cite ORS '192.500(2)(a). While part of the contents of these memoranda is "factual," they are primarily intended to be evaluations and recommendations to those individuals to whom they were addressed. Additionally, they are replete with advice of an attorney-client nature. We do not believe the public interest in disclosure of these memoranda outweighs the public interest in encouraging frank communication between officials and employes of this public body.

Sincerely,

Robert W. Oliver
Assistant to the Governor
and Legal Counsel

RWO/sc

bcc: ~~Gary~~ Thompson
Bill Gary