

opinion

Frohnmayr opinion well-written, ironclad

The red folks in Rajneeshpuram (nee Antelope) have been given their comeuppance by Oregon Attorney General Dave Frohnmayr.

Frohnmayr recently issued an opinion citing Rajneeshpuram in violation of the state and federal constitutional guarantees concerning the separation of church and state.

The opinion, which took months of study, is well-researched, well-written and perhaps ironclad in its arguments.

Frohnmayr stated that based on the facts presented "Rajneeshpuram cannot be a city."

The opinion was requested by State Rep. Mike McCracken, D-Albany, who questioned the legality of Rajneeshpuram receiving state revenue-sharing funds. In Frohnmayr's published opinion Rajneeshpuram could not receive state funds because the incorporation as a city violates the constitutional guarantee of the separation of church and state.

Frohnmayr saw the "intrusion of the religion into city government affairs" as "pervasive." This is definitely true. It was only last year that the original residents of Antelope were all but forced out of their city government by an influx of followers of the Bhagwan Shree Rajneesh.

Not only were residents of Antelope forced out of city government, they were all but forced out of town by the Rajneesh. One might see the transformation of Antelope to Rajneeshpuram as a bloodless *coup d'etat*.

Frohnmayr's opinion predicts that if a court case were heard they would regard the four entities of foundation, corporation, cooperative and city as one entity because of the interlocking nature. "The city," said Frohnmayr, "is the functional equivalent of a religious commune."

The response from the Rajneesh has been vehement and predictable. Ma Anand Sheela, speaking to the broadcast media, compared Frohnmayr to Hitler. But the response in phone calls and letters to Frohnmayr's office from all over the state has been 30 to 1 in favor of the opinion.

While no case has been filed based on the Frohnmayr opinion the University's Law School will be hearing the case in its Moot Court. The verdict in the Moot Court case should be very interesting — and may be a precursor to an actual case.

Genetic engineers find valuable vaccine

So all this time people have predicted the dire consequences of genetic engineering, howling that it was the dawn of neo-Frankensteinerism, that fumble-finger assistants would flush deadly genetic strains down the toilet and rats in the sewers would grow to be as big as Volkswagens — but now what will they say upon seeing experiments in genetic engineering may have produced a vaccine for hepatitis, influenza and the most dreaded of them all...herpes?

Before you jump into the unpaid for Mercedes and head for the singles bar thinking a cure for that cold sore is just around the corner, it will be at least two years before the vaccine is even tried on humans.

The vaccine, developed by virologists Enzo Paoletti and Dennis Panicali, has tremendous potential in areas other than hepatitis, influenza and herpes. It may lead to a vaccine to immunize children against common childhood diseases such as measles.

The new technique inserts genes from the hepatitis, influenza and herpes viruses into smallpox vaccines. This technique lowers the cost of immunization substantially. For example, hepatitis vaccine costs \$100 per administration. With this gene-inserting a dose of hepatitis vaccine could cost as little as 30 cents per administration.

But before herpes Type II sufferers think a cure is two years off — the virologists believe the technique is effective only on herpes simplex Type I. That's herpes Type I, not Type II — otherwise known as genital herpes.

However, once this vaccine is perfected the virologists will be working on a vaccine to cure sufferers of herpes Type II.



letters

Eugenics

"The most merciful thing a large family does to one of its infant members is to kill it." (The New Motherhood, Sanger). This quotation is taken from Margaret Sanger, an atheist and socialist who is best remembered as the founder of Planned Parenthood.

Feminists generally revere Sanger's accomplishments even though her viewpoints gave rise to "negative eugenics." This doctrine encourages building a stronger race by eliminating certain characteristics through curtailing childbearing among certain people through abortion, sterilization, birth control and other means. Some negative eugenic proponents have gone a long way to accomplish their goals. One such person, Adolph Hitler, was a supporter of this concept.

Positive eugenics should not be confused with Sanger's concepts. Positive eugenics has the goal of building a better society through encouraging people with desirable traits (health, intelligence, good character, etc.) to raise larger families and insure the increase of positive traits in the next generation.

This latter view was supported by Sir Francis Galton and Mormon leaders as well as various Protestant clergy.

So, as eugenics receives more attention with the rise in genetic counseling, sperm banks, ovum transplants and the abortion controversy, please don't confuse Sangerism with the original concept of the eugenic movement.

Lori Parkman

Watt forced

In reference to the recent occurrence in the Watt dilemma, I feel that an important issue must be discussed. This being the means by which James Watt was forced to resign.

Personally, I could not be more

pleased with the results of the entire affair. James Watt's political philosophies and policies disagreed with too many individuals to make him an adequate political representative of the people.

Politically, however, I find it unfortunate, if not also ironic, that the people largely responsible for forcing Watt to resign should choose such tactics that they themselves have denounced in the past. I am shocked that public representatives would stoop so low as to become character assassins and muckrakers. In short, the means by which Watt was forced to resign did not justify the end. Politicians who opposed Watt wasted no time in seizing the slightest opportunity to slander the interior secretary. Once the ball began to roll everyone and their grandmother jumped onto the proverbial bandwagon. Watt's opponents could not gather any other controversial evidence on the interior secretary so they built a mountain out of a molehill to oust him from office. I myself find it unfortunate that Watt's comments had to be propagated to the extent of painting the man as a racial and sexist bigot.

Watt made the stupid error of compromising himself one too many times. The knowledge that he was opposed by many should have been enough to make him keep his personal ideology at home. Watt stuck his own foot in his mouth; let him get it out by himself. The interior secretary deserved to be removed from office, but not by the means in which he was. Let the punishment fit the crime. In this sense Watt has been dealt an injustice.

Kirk Carter
telecommunications

State, federal

Your editorial on the Oregon Court of Appeals ruling in *Willamette Week v. Bank of Oregon* contains internal evidence suggesting why you are concerned with a decision that sets a simple negligence standard for recovery in libel actions. Your statements regarding the U.S. Supreme Court's criteria for libel cases are wrong, and demonstrate misunderstanding of the relationship between federal and state constitutional requirements.

In *Gertz v. Robert Welch, Inc.* (1974) the U.S. Supreme Court held that the actual malice standard was not required by the First Amendment in cases involving defamation of private individuals. The Court left it to the states to work out the appropriate standard in such cases, subject to the

limitation that liability could not be imposed without fault.

Many state constitutions, including Oregon's, guarantee a remedy for injury to reputation as well as providing protection for freedom of expression. Oregon courts must decide how the sometimes conflicting values expressed in those provisions of the Oregon constitution should be reconciled.

I am inclined to favor a more stringent standard than negligence in defamation actions, though I believe that the details of the standard's administration are more important than the summary label attached to it. My inclination is tempered, however, by examples of cavalier treatment of facts. Evidently the concern for public opinion mentioned in your editorial is not strong enough to move you to check your factual premises. Fortunately, the only reputation at stake in your editorial is your own.

James O'Fallon
associate professor law

Life's tough

Those of you who find solace in the misery and misfortune of others should really get a bang out of this letter. This is primarily directed, however, at the Greeks, the Emerald and Chris Anderson.

Have any of you martyrs stopped to think that there might be one individual who has been forced to bear at once all the burdens you bear individually? Well, listen to this. I am a Greek, I have been a reporter for the Emerald, and I am Chris Anderson's roommate. At first I couldn't believe it was all happening to me. I would make excuses when I heard my fraternity brothers announce that they were going to blow off their marketing midterms and get messed up at Rennie's. I pleaded, "I'm just trying to gain practical experience," when people who say derisively, "Yuk, you write for the Emerald?"

And most recently, I found myself explaining "I'm sorry, but she has a bad cold," when my roommate claimed that my girlfriend had plugged up our toilet again. Sure, I have since forgiven my girlfriend, but don't think I was too happy about it at the time either. After all, I'm the one who had to go down and ask our aging landlord for the plunger. I'm firmly convinced that no other individual in the history of Western civilization, save maybe Betty Ford, has had to endure all the suffering which has been so unjustly imposed on me.

Michael Anderson
journalism, economics

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oregon daily emerald

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