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# Can Rajneeshpuram be a city?

By Brooks Dareff  
Of the Emerald

"We have come to the inevitable conclusion that... Rajneeshpuram cannot be a city."  
— Oregon Attorney General Dave Frohnmayer

Frohnmayer's opinion — which does not carry the force of law — may be premature based on the existing evidence, says Dave Fidanque of the Eugene chapter of the American Civil Liberties Union.

On Oct. 7, Frohnmayer said he was prepared to file suit to bring about the dismantling of the city. Frohnmayer wrote that Rajneeshpuram's existence constituted a violation of "the constitutional prohibition against intermingling of church and state."

"It's a simple answer to a complex question," says Fidanque.

The ACLU has not taken an official position on the issue, but it will before the issue is resolved judicially, says Fidanque. The group wants more information before it will come to a decision.

Among the assumptions that need to be corroborated is that no one but Rajneeshis can live in the city or teach in the schools. If this is true, Rajneeshpuram would constitute a community which practices religious favoritism, and so would be in violation of state provisions guaranteeing religious freedom.

In his opinion, Frohnmayer acknowledges that his office has not yet obtained testimony, documents or actual city regulations that confirm the accuracy of his assumptions.

"We feel a responsibility now to determine whether the facts are as we believe," he writes.

If the state can prove that "you have to be a Rajneeshi to be on the school board," says Fidanque, then the city would be violating the Oregon Constitution, which prohibits religious affiliation from being a qualification for secular office.

Among the church and state interrelationships at issue in Rajneeshpuram are school support funds and revenue-sharing monies which are obtained by the state from gasoline and cigarette taxes and liquor revenues and distributed to all Oregon cities.

The Oregon Bill of Rights prohibits money from being appropriated by the state to aid religious institutions, which includes distributing publicly funded textbooks to parochial schools, according to a 1962 opinion of the Oregon Supreme Court.

In his opinion, Frohnmayer wrote that the city was the "functional equivalent of a religious commune" because its property is owned by a corporation which is itself owned by a religious foundation.

The problem, he says, is determining at what point freedom of religion impinges on the government non-sponsorship of religion, and vice versa.

Frohnmayer was asked to file the opinion about the legality of the incorporation of the city of Rajneeshpuram by State Rep. Mike McCracken. In order for any legal action to be taken against Rajneeshpuram, a lawsuit would have to be filed.

No lawsuit has been filed, but last Thursday Gov. Vic Atiyeh sent Frohnmayer a letter which he says clears the way for him to go to court on the issue.

## police beat

Campus area crimes reported last week include:

**A Walkman cassette player worth \$100 was stolen from an EMU locker on Oct. 14, according to Sgt. Rick Allison of the Eugene Police Department. The victim had left the locker unlocked and returned to find the cassette player missing.**

**A student had his backpack, books and clothing worth about \$100 stolen from Science II.**

**A student playing basketball at Esslinger Hall came back from the game to find his wallet — containing credit cards and about \$50 in**

cash — missing.

**An attempted arson occurred at Pioneer Cemetery on Saturday. A door to the women's restroom was kicked in and someone attempted to start a fire.**

**Various campus buildings and sidewalks, including Susan Campbell and Lawrence' halls, were spray painted with slogans like "Spy off Campus" on Oct. 14. Damage is estimated at \$400.**

**A number of instances of telephone harassment were reported by Oregon Hall secretaries this week.**

**A student was arrested for ur-**

**inating on the front of Wendy's Hamburgers on Franklin Boulevard on Oct. 13. The student was arrested for disorderly conduct.**

**Furniture was taken from McClure Hall to a private residence on Sunday. Three people were arrested.**

**Three transients were arrested at the Hamilton Complex loading dock for liquor-related violations on Oct. 13.**

**Twelve bikes were reported stolen this week.**

Compiled by Michael Doke.

## Wheels Continued from Page 3A

Council members John Ball and Mark Lindberg.

The meeting, which is open to interested students, will take place in the ASUO offices, Suite 4 EMU.

McCarthy says Rowe agrees with her that available parking on campus is not apportioned fairly.

"Faculty and staff have convenient, paid, reserved spots available to them... but students have nothing close to their classes or nothing paid. They're stuck way off in a corner somewhere," McCarthy says.

That "corner" is the Bean lot, located on the corner of 15th Avenue and Moss Street. Students who have never lived in the dorms may not even know that lot exists, McCarthy says.

At today's meeting, McCarthy will bring up possible alternatives to the Bean lot along with problems that would result from implementation of the proposed parking plan.

After dealing with the University problem, the students will be ready to work with the city Monday.

Landman, who set up a series of meetings with the public next week, says he's "trying to get students, nurses and BLM employees to be part of what's happening."

"What the city hopes to accomplish at the first meeting is to sit down face to face and get concerns and issues that need to be dealt with into a committee system," Landman says.

He sees next week's meetings as "a way to reconcile the lack of involvement and inclusion that students and employees have experienced."

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