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Dave Frohnmayer and the Apocalypse That Evaporated[†]

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INTRODUCTION

I last visited with Dave Frohnmayer two years ago, on April 1, 2014, when the University of Oregon hosted a symposium that marked the

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[†] The background material in this Article is taken from previously published work of the author, and used with permission: Marion S. Goldman, *Averting Apocalypse at Rajneeshpuram*, 70 SOC. RELIGION 311 (2009); Marion S. Goldman, *Cultural Capital, Social Networks, and Collective Violence at Rajneeshpuram*, in VIOLENCE AND NEW RELIGIOUS MOVEMENTS 307 (James R. Lewis ed., 2011).

thirtieth anniversary of the decline and fall of Rajneeshpuram. It was the short-lived communal city of 2,500 devotees,¹ located on the isolated 64,000-acre Big Muddy Ranch in central Oregon.² From the summer of 1981 until the winter of 1985, the Rajneeshees tried to build a home for themselves and their spiritual master, Bhagwan Shree Rajneesh.³ And when they failed, devotees blamed Dave Frohnmayer for pursuing his own political interests at the expense of their religious freedom.⁴ Nevertheless, in private conversations, some former devotees now acknowledge that Dave successfully mobilized his intelligence, insight, persuasive powers, and legal skills in order to create a relatively peaceful denouement and forestall mass violence.

Dave was publicly stoic throughout the Rajneesh years, when ugly accusations and even uglier actions were directed toward him from all sides. It was not until a conversation in 2014, however, that I realized that I did not fully understand the depth of his feelings about the group. As we ate burgers and fries at one of his favorite places, Rennie's Landing, across from the old law school building that is now the University of Oregon's McKenzie Hall, Dave harshly disagreed with my assertion that in the end there were neither winners nor losers at Rajneeshpuram. As he spoke, I realized that I should have said that almost everyone on both sides suffered losses. Dave certainly did.

Nevertheless, he never lost his game face during the Rajneeshpuram years, despite criticisms from all sides and the ongoing tragedy of his daughters' Fanconi Anemia. He worked to maintain his relationships with treasured old friends who resented his moderation toward the Rajneeshees, and he kept communicating with individual devotees, although commune leaders defined him as "Ashram Enemy Number One."⁵

Dave maintained his external equanimity and protected his family when they were subjected to threatening phone calls and notes, unwanted visitors at their front door, and animal entrails smeared in their driveway.⁶ As Oregon Attorney General, he drew strength from his deep commitment to the Constitution, his belief in the rule of law,

¹ LEWIS F. CARTER, CHARISMA AND CONTROL IN RAJNEESHPURAM: THE ROLE OF SHARED VALUES IN THE CREATION OF COMMUNITY 154 (1990).

² *Id.* at xv.

³ *Id.*

⁴ See Sangeet Duchane, *Remembering Dave Frohnmayer*, OSHO NEWS ONLINE MAG. (Mar. 15, 2015), <http://www.oshoneews.com/2015/03/remembering-dave-frohnmeyer/>.

⁵ GARRETT EPPS, TO AN UNKNOWN GOD: RELIGIOUS FREEDOM ON TRIAL 80 (2001).

⁶ *Id.*

and his faith in the ultimate triumph of rationality. Dave's focus on reason in an almost surrealistic situation derailed direct confrontation and massive violence at Rajneeshpuram.

His approach dramatically differed from government interventions that produced violent carnage at the Peoples Temple in Jonestown in 1978, Ruby Ridge in 1992, and the Branch Davidian Waco Compound in 1993.⁷ Ruby Ridge and Waco involved some of the same federal agencies—and even a few of the same people—that Dave had reined in during the early 1980s. And Dave's work in Oregon served as a major resource when the Senate Subcommittee on Terrorism, Technology, and Government Information held hearings about Ruby Ridge in the fall of 1995 and called for federal law enforcement reform to prevent unnecessary religious violence in the future.⁸

This Article is about Dave's private and public strategies in dealing with Rajneesh and his devotees, and it is also a general assessment of the variables that militate against extreme violence between marginalized religious groups and their surrounding communities. Dave measured the Rajneeshees and differentiated among them, much to the displeasure of some Oregonians and federal law enforcement agents who called for immediate action.⁹ He calmed individuals who called for forceful intervention and cultivated Rajneesh informants and apostates who had left the group.

Dave's strategies would not be effective against contemporary terrorists who seek to overthrow existing governments by means of random mass violence.¹⁰ The Islamic State's terrorist activities generate widespread public fear with the goal of destabilizing their many enemies' societies.¹¹ Their brutality is almost random, and it is often justified after the fact. In contrast, alternative religions' rare

⁷ See generally STUART A. WRIGHT & SUSAN J. PALMER, *STORMING ZION: GOVERNMENT RAIDS ON RELIGIOUS COMMUNITIES* 1–16 (2016) (summarizing research on recent American and Western European forceful interventions in cults).

⁸ See generally *The Federal Raid on Ruby Ridge, ID: Hearing Before the S. Subcomm. on Terrorism, Technology, and Government Information, Comm. on Judiciary*, 104th Cong. (1995) (discussing the raids on Ruby Ridge); Interview by Marion Goldman & Linda Long with Dave Frohnmayer, former Attorney General of the State of Oregon, in Eugene, Or. (Nov. 24, 1997) [hereinafter Interview with Dave Frohnmayer] (on file with UO Library Special Collections) (providing an oral history about Oregon's approach to the community at Rajneeshpuram).

⁹ Interview with Dave Frohnmayer, *supra* note 8.

¹⁰ CHARLES TOWNSHEND, *TERRORISM: A VERY SHORT INTRODUCTION* 13–14 (2d ed. 2011).

¹¹ *Id.*

attacks against outsiders are directed toward brief, immediate goals within limited timeframes.¹²

His wide-ranging conversations and his voracious reading made Dave aware that the rank-and-file Rajneeshees wanted to avoid a war, although their organizational leader, the guru's personal secretary, Ma Anand Sheela, proclaimed that the community would fight to the death in order to protect themselves and their spiritual leader.¹³ Dave was intellectually curious and open, reading what Rajneesh and his devotees wrote in order to assess their potential for mass violence. While several thousand people on both sides of the Rajneesh controversy suffered physical and emotional harm, *no one died because of religious violence*.¹⁴

Almost from the day that the Rajneeshees purchased the Big Muddy, in the summer of 1981, until its last massive garage sale in the winter of 1986, popular media in the United States and Europe, government experts, and some academics predicted bloodshed.¹⁵ But despite motives and obvious means, there was no large-scale violence. This Article describes the factors that encourage or militate against the large-scale cult violence and how Dave Frohnmayer consistently acted to shape a peaceful resolution to the volatile situation at Rajneeshpuram.

I

COLLECTIVE RELIGIOUS VIOLENCE IN THE UNITED STATES

*Large-scale collective cult violence engages the majority of movement members and generates lasting physical and emotional effects on both perpetrators and victims. The violence ultimately defines the group to outsiders and frames its historical significance.*¹⁶

¹² See generally DYING FOR FAITH: RELIGIOUSLY MOTIVATED VIOLENCE IN THE CONTEMPORARY WORLD (Madawi Al-Rasheed & Marat Shterin eds., 2009) (developing and elaborating on contemporary definitions of terrorism).

¹³ See Win McCormack, *How Close was Disaster?*, in THE RAJNEESH FILES: 1981–86 7, 9 (Win McCormack ed., 1985).

¹⁴ MARION S. GOLDMAN, PASSIONATE JOURNEYS: WHY SUCCESSFUL WOMEN JOINED A CULT 36–40 (1999).

¹⁵ Win McCormack & Bill Driver, *Valley of Death? The Arming of the Rajneesh Cult Raises the Specter of Jonestown*, in THE RAJNEESH FILES, *supra* note 13, at 68, 68.

¹⁶ This section is taken largely from Marion S. Goldman, *Averting Apocalypse at Rajneeshpuram*, 70 SOC. RELIGION 311, 312 (2009).

While large-scale collective cult¹⁷ violence is uncommon, popular discussions of new religions in the United States and stereotypes about them concentrate on a few violent groups, particularly the Peoples Temple of Jonestown and the Branch Davidians of Waco. The 1997 group suicides of thirty-nine members of the isolated UFO cult, Heaven's Gate, also drew popular and academic attention, but not to the same extent as Jonestown or Waco.

Mass media's sensationalist stereotypes about cults shape popular attitudes and law enforcement responses. This sensationalism often generates self-fulfilling prophecies. Stereotypes also seep into everyday discourse, taking on a life of their own. For example, my University of Oregon students affirm their skepticism with the phrase "I don't drink the Kool-Aid" without knowing the complicated story about the mass suicide/murders at Jonestown.

Large-scale collective violence represents the end of a continuum of conflict within new religious movements and between groups and their host societies. The tragic outcomes at Jonestown and Mount Carmel near Waco, and the extreme hostility at Rajneeshpuram, allow us to better understand less intense conflicts that plague many alternative religions. Since Rajneeshpuram's obvious differences from the norm of moderate social tension were so pronounced, the sustained lessening of the danger of large-scale collective violence in this volatile situation allows us to better identify avenues for accommodation between new religions and their host societies and the importance of informed political leadership.

The case of Rajneeshpuram provides some guidelines for identifying and developing possibilities for accommodation rather than violence in terms of the three central, multidimensional variables that research on cult violence has identified: movement doctrine, social isolation, and external interventions.¹⁸ Dave was aware of all three interdependent variables and gathered information about them that allowed him to move carefully and productively. His strategies for dealing with the

¹⁷ While some sociologists argue that the term "cult" may be pejorative, they use it in the titles of books and articles because "cult" is known to wider audiences. It is used in this Article because "cult" is a synonym for other, more cumbersome terms, and scholars have begun to reintegrate it into academic usage. *See generally* Marion S. Goldman, *Cults, New Religions, and the Spiritual Landscape: A Review of Four Collections*, 45 J. SCI. STUDY RELIGION 87 (2006) (identifying new questions raised by recent summaries of research on new religions).

¹⁸ *See generally* LORNE L. DAWSON, *COMPREHENDING CULTS: THE SOCIOLOGY OF NEW RELIGIOUS MOVEMENTS* 142–78 (2d ed. 2006) (discussing why some religious movements become violent).

communal city's escalating volatility underscore the importance of addressing these three variables and also contribute important empirical information about the ways that peaceful accommodation may develop during different phases of social movement interaction.

II METHODS AND SOURCES¹⁹

My analysis is based on participant observation at Rajneeshpuram from 1983 through 1985, life-history interviews with twenty-five devotees, additional visits to Rajneeshpuram/the Big Muddy Ranch in 1986 and 1998, and follow-up interviews with devotees conducted in 1997. Between 1999 and 2000, I also interviewed ten individuals that were active in local Wasco County's resistance to Rajneeshpuram.

Every issue of the *Rajneesh Times*, published bi-weekly between 1983 and the end of 1985, was used to supplement interviews and observation.²⁰ In addition, I had access to legal documents and manuscript collections of letters, private papers, and ephemera of both devotees and their opponents available in the University of Oregon Special Collections at the school's Knight Library.

Relatively recent primary sources include a set of 1997 and 2004 interviews with Dave about his activities as Oregon Attorney General during the Rajneesh years and a number of informal conversations with him, sometimes at Rennie's. Most important, in 2004, I spent two consecutive days in Switzerland recording interviews with Ma Anand Sheela, a central figure in Rajneeshpuram's history, who is now known as Sheela Birnstiel and owns and supervises two convalescent homes.

III RAJNEESHPURAM²¹

Rajneeshpuram began in the early 1980s, when Bhagwan Shree Rajneesh and about 2,500 of his sannyasins (devotees) attempted to build their communal city on the Big Muddy Ranch in Wasco County. The devotees who settled in Oregon were primarily from the United States, although there were small contingents of western Europeans and

¹⁹ This description of the author's fieldwork is taken directly from Goldman, *supra* note 16, at 313.

²⁰ Copies of the *Rajneesh Times* are available in the University of Oregon Libraries' Special Collections and University Archives Reading Room.

²¹ The background information on Rajneeshpuram is taken from Goldman, *supra* note 16, at 313–14.

Australians. They hoped to blend spirituality and materialism, while building an intentional community that could also serve as a destination resort and pilgrimage center for devotees from all over the world, supplanting the group's previous ashram in Pune (Poona).

Rajneesh kept a vow of public silence for three years, but he appeared every afternoon when he steered one of his '96 Rolls Royces on a short drive, waving to devotees that lined the main road at Rancho Rajneesh. With the exception of the drives, the guru retreated from public view, delegating organizational leadership to Ma Anand Sheela, his personal secretary.

Soon after the first group of devotees settled in Oregon, they challenged established laws and customs, generating a range of opposition throughout the state. The most controversial incidents occurred in autumn of 1984, when Sheela and her inner circle bused in hundreds of homeless individuals for their "Share-a-Home" program: a futile effort to control county elections. Massive negative publicity, state monitoring of voter registration, and legal opposition doomed the plan. By the end of 1984, almost all of the estimated 1,500 homeless visitors—mostly men—had departed.

Less than a year after the "Share-a-Home" debacle, Sheela and her inner circle fled to Europe. Rajneesh publicly spoke again as his community began to disintegrate; he accused Sheela and her inner circle of a variety of state and federal crimes, including drugging sannyasins who disagreed with her, wire-tapping, arson, attempted murder, and embezzlement of Rajneesh funds. One of his most upsetting revelations was Sheela's plan—carried out by a few members of her inner circle—to sprinkle salmonella in almost a dozen restaurant salad bars located in Wasco County. This action poisoned at least 750 individuals, and it was considered a test run for a more massive effort that could temporarily incapacitate large numbers of anti-Rajneesh voters on election day.

Most evidence suggests that only Sheela and her small circle were directly responsible for these actions, but Rajneesh's support of their criminality remains in dispute. After leaving Oregon, Rajneesh traveled all over the world until his representatives bargained with the Indian government. He resettled in his old Pune ashram, now renamed Osho International Meditation Resort. Current movement members discuss Rajneeshpuram as a brief, unimportant historical detour, while the Oregonians who encountered the Rajneeshes directly will never forget those years.

By January of 1986, the Big Muddy Ranch was for sale and only a skeleton crew of the faithful remained.²² Both former members of the Rajneesh legal team and state officials believed that the *single* most important factor leading to a peaceful denouement was external to the movement: the Oregon Attorney General's November 1983 legal opinion on the separation of church and state that was later upheld by the federal district court, as well as the attorney general's consistent pressure on law enforcement and citizens' groups to wait for the outcome of the district court case.²³

After Rajneesh denounced Sheela, his accusations grew increasingly extreme, as he absolved himself from any knowledge of her misdeeds. For example, he alleged, with no material proof, that Sheela and her cohorts planned to sprinkle salmonella or add psychotropic drugs to food in Magdalena Cafeteria, where almost every resident of the communal city ate lunch and dinner.²⁴ While that was never proven, my research confirmed other ostensibly incredible allegations. For example, in 1998, I visited the site of Rajneeshpuram and observed evidence of hidden microphones and elaborate switchboards that supported Rajneesh's descriptions of Sheela's sophisticated surveillance network. I also entered two hidden laboratories where Sheela and her assistants had mixed the salmonella poisons that were distributed in salad bars. At the end of the tour, I crawled through one of the large irrigation pipes that Sheela had positioned so that she could escape from the community if law enforcement agents came to arrest her.

Direct observation and gun registration records were also important in weighing questions about weapons at Rajneeshpuram. While visiting the community, I noted that Rajneesh's bodyguards and the 150 sannyasin "Peace Force" were well supplied with weapons, including Uzi submachine guns, other semiautomatic weapons, and handguns in public. In addition, I saw a few unregistered firearms in a semiprivate residence on the ranch.

²² The Big Muddy Ranch now serves as a summer retreat for the Christian youth ministry Young Life. Steve Duin, *The Rajneesh Ranch Reborn*, OREGONIAN (Sept. 5, 1999, 3:47 PM), http://www.oregonlive.com/news/oregonian/steve_duin/index.ssf/1999/09/the_rajneesh_ranch_reborn.html.

²³ See 44 Or. Op. Att'y Gen. 20 (1983); see also EPPS, *supra* note 5, at 78–80.

²⁴ Marion Goldman, *Osho/Rajneesh Movement*, WORLD RELIGIONS & SPIRITUALITY PROJECT, VA. COMMONWEALTH UNIV. (Jan. 2, 2015), <http://www.wrs.vcu.edu/profiles/Osho.htm>.

The presence of so many guns underscored the fact that Rajneeshpuram can be a useful sociological case for understanding the ways to monitor and deflect religious violence, even when a group seems to be poised for conflict. The communal city appeared to be mired in a cycle of hostility with its neighbors, the press, and state and federal law enforcement. An erratic and charismatic leader and his volatile surrogate, Ma Anand Sheela, governed autocratically.²⁵ It was geographically isolated, at least a forty-minute drive down a narrow road to the neighboring town of Antelope. And Sheela and her circle had access to many weapons, prescription drugs, and cultured biological-warfare agents that could have been used in large-scale collective violence. Nevertheless, accommodation prevailed, primarily because of Dave Frohnmayer's intellectual curiosity, patience, and legal strategies.

The vast majority of American intentional communities and the more informal group living arrangements developed by novel religions rise and disappear without large-scale collective violence or open hostility toward outsiders. Most of them, however, never approach the potential for violence that characterized Rajneeshpuram. This empirical case integrates theory to better understand how violence can be avoided.

IV

SOCIOLOGICAL APPROACHES TO CULT VIOLENCE²⁶

Three important, interdependent variables have been shown to produce large-scale collective violence: active external opposition, world-rejecting movement doctrine, and physical and/or social isolation from their host societies. These research findings are consistent across cultures, despite variations in external opposition and internal doctrine between the social contexts of different groups.

The United States is not the only country affected by dramatic cult violence in the last fifty years; however, exogenous factors—such as stigmatization and law enforcement responses—makes cross-cultural comparison difficult. Consequently, Part IV of this Article focuses on the collectives in Jonestown and Waco because their cultural and legal similarities to Rajneeshpuram allow for an easier analysis.

²⁵ See generally DAWSON, *supra* note 18, at 152–62 (discussing charismatic leadership and its role in movements such as Rajneeshpuram).

²⁶ This background on Bromley's Model and the sociological approach to cult violence is taken from Goldman, *supra* note 16, at 314.

Internal group processes and interactions with the external social environment must converge in order to generate extreme violence within alternative religious groups. The potential for disaster accelerates when internal strains meet external pressures. When violence erupted at Jonestown and Waco, for example, external adversaries pressured sympathetic law enforcement agents and forced violent confrontations that led to disasters.

There were also other important incidents of large-scale collective cult violence following Rajneeshpuram, but they occurred in societies somewhat dissimilar to the American context and different customs and laws applied to them. A few well-known examples are the Solar Temple in Quebec, Canada, and the series of murders and suicides from 1995 through 1997 in Western Europe. Moreover, the Japanese collective Aum Shinrikiyo responded to what they believed to be persecution by initiating sarin gas attacks, which resulted in a dozen of deaths and thousands of injuries to outsiders. Finally, a group in Uganda—the Movement for the Restoration of the Ten Commandments of God—suffered almost 800 deaths as the result of poison; it is unclear to this day whether the deaths were a mass suicide or if the leaders of the collective were responsible.²⁷ While there are many differences between these religious groups, their experiences with external hostility, world-rejecting doctrines, and social and physical isolation from the larger culture are similar and, similarly, led to large-scale violence.

Some research notes charismatic leadership as important to the development of large-scale collective violence associated with alternative religions. Stuart Wright asserts that a dominating, charismatic leader may polarize a movement internally and also exacerbate external hostility toward the group. Benton Johnson and Lorne Dawson also consider the centrality of charismatic leadership in precipitating group crises. However, charismatic leadership is necessary to the formation of almost all innovative faiths, and it is inherently unstable. Often, charismatic leadership is less a central element in the growth of large-scale collective violence than it is a necessary part of almost every religious “start-up.”

In groups like the Rajneeshees, where devotees have strong emotional ties to one another, and to old friends and/or families outside

²⁷ Elizabeth Auten, *Movement for the Restoration of the Ten Commandments of God*, WORLD RELIGIONS & SPIRITUALITY PROJECT, VA. COMMONWEALTH UNIV. (July 20, 2001), <http://www.wrs.vcu.edu/profiles/MovementForThe%20RestorationOfTenCommandments.htm>.

the group, their dependence on their leader is diminished. They have multiple sources for validation of their self-esteem and for affirmation of critical discourse about the leader. Personal sources of support within and outside the group facilitate disengagement and potential disaffiliation.

V

PEACEFUL RESOLUTIONS

Roy Wallis developed a cumulative, interactional model to explore the social psychology of cult violence that did not focus on charismatic leadership alone.²⁸ He described a cycle of members' alienation, increased external pressure, and, finally, intense religious conflict.²⁹ Building on Wallis, Bromley provided a model that posited four different stages of relationships between movements and their host societies that could lead to either large-scale collective violence or peaceful resolution.³⁰ He noted, however, that each of the four phases usually involved inconsistent interactions.³¹ Bromley's four stages of interactions are latent tension, nascent conflict, and intensified conflict, which leads to a fourth stage, denouement.³² There are possibilities for peaceful resolution or conflict within each stage, including the final denouement.³³ Neither Wallis's nor Bromley's sociological models, however, dealt with the fact that one individual can impact history to avert violence—and that is precisely what Dave Frohnmayer did.

Two other American groups provide additional examples of nonviolent resolutions of lasting tension between surrounding communities and alternative religions. Dave's approach to Rajneeshpuram helped facilitate peaceful denouements in both instances.

In the 1990s, law enforcement officials in Texas and Montana looked to Rajneeshpuram as a potential model for peaceful resolution of mounting tensions with two similar groups. Like the Rajneeshees,

²⁸ ROY WALLIS, *SALVATION AND PROTEST: STUDIES OF SOCIAL AND RELIGIOUS MOVEMENTS* 130 (1979).

²⁹ *Id.* at 144.

³⁰ David G. Bromley, *Dramatic Denouements*, in *CULTS, RELIGION, AND VIOLENCE* 11 (David G. Bromley & J. Gordon Melton eds., 2002); Marion S. Goldman, *Cultural Capital, Social Networks, and Collective Violence at Rajneeshpuram*, in *VIOLENCE AND NEW RELIGIOUS MOVEMENTS* 307 (James R. Lewis ed., 2011).

³¹ Bromley, *supra* note 30, at 12; Goldman, *supra* note 30.

³² Bromley, *supra* note 30, at 11–12.

³³ *Id.* at 12.

both the Chen Tao sect and the Church Universal and Triumphant (CUT) exhibited many elements associated with large-scale collective violence, although neither group was as large or as well-known as the Rajneeshees.

CUT's survivalist enclave on the Royal Teton Ranch in the Paradise Valley in Montana resembled Rajneeshpuram in many ways.³⁴ In fact, a local sheriff contacted me to inquire about the strategies that had diffused a potential explosion at Rajneeshpuram, and his colleagues reached out to Dave. CUT generated considerable national attention in the late 1980s and '90s because they had stockpiled firearms to protect themselves during a possible apocalypse.³⁵ External opponents also feared the environmental impact of the religious community, which was located at the edge of Yellowstone National Park.

State and local law enforcement consistently attempted to reach some accommodations with CUT, explicitly modeling their emphasis for peaceful legal solutions on Dave's approach. Moreover, internally, CUT gradually instituted organizational reforms and developed positive contacts with surrounding communities to reduce the group's social isolation.³⁶

Similarly, Lonnie D. Kliever considered the quiet exodus of all 150 members of Chen Tao, a Taiwanese group that arrived in a Dallas suburb in August 1997 in order to anticipate God's arrival on a flying saucer in March 1998.³⁷ Following the recommendations of the 1995 Senate subcommittee that Dave influenced, police and popular media in Garland, Texas, developed ongoing dialogue with Chen Tao representatives that facilitated the group's calm departure after their prophecy failed.³⁸

Other cases of peaceful resolution in volatile situations can also be examined in terms of a systematic, comparative framework in the same way that Rajneeshpuram is considered in this Article. By extending Bromley's model that was derived from cases with violent endings, it is possible to consider the more peaceful, more common instances of cult accommodation or dispersal.

³⁴ See BRADLEY C. WHITSEL, *THE CHURCH UNIVERSAL AND TRIUMPHANT: ELIZABETH CLARE PROPHET'S APOCALYPTIC MOVEMENT 1* (2003).

³⁵ *Id.* at 3.

³⁶ *Id.* at 140.

³⁷ Lonnie D. Kliever, *Meeting God in Garland: A Model of Religious Tolerance*, 3 *NOVA RELIGIO* 45, 45–46 (1999).

³⁸ See *id.* at 51–52.

VI
CONFLICT, ACCOMMODATION, AND EXODUS³⁹

As discussed, Bromley considers three important stages of interaction between a movement and outsiders, leading to a fourth stage of denouement. The three stages are latent tension, nascent conflict, and intensified conflict. These three stages lead to a fourth stage of denouement. Groups often remain in the first stage of latent conflict, or move to nascent conflict, without any more escalation. The Figure below presents Bromley's model.

Bromley Model of Stages of Conflict⁴⁰

Response Options			
	Contestation	Accommodation	Retreat
Stages of Conflict			
Latent Tension	Internal: Religious innovation External: External norms of Judeo-Christian traditions	Internal & External: Emphasis on religious and secular commonalities	Internal: Group boundaries create minimal visibility External: Outsiders are not interested
Nascent Conflict	Internal: Stereotyping of outsiders Pronouncements against social norms External: Mobilization of opposition groups, apostates, and coalitions	Internal & External: Positive interaction between group and opponents Outreach to group Mediation Internal: Outreach to outsiders	Internal: Group reframes its contested doctrine Group dispenses with large gatherings External: Outsiders intentionally ignore group
Intensified Conflict	Internal: Group radicalizes prophetic claims and predictions Group obtains destructive weapons	Internal: Consultation with external advisors re. organization Invitations to outsiders to visit and confer with	Internal: Schisms within group diminish its size Gradual dispersion to other movement

³⁹ This section, providing background information on Bromley's model and its application to Rajneeshpuram, is taken from Goldman, *supra* note 16, at 316–18.

⁴⁰ *Id.* at 317–18.

Response Options			
	Contestation	Accommodation	Retreat
Stages of Conflict			
	External: Social control agents and government agencies such as INS, IRS, and child welfare monitor group	the group External: Due process moderates external intervention Compromises in local ordinances and enforcement	centers External: Critics disband and cease verbal attacks
Denouement	Internal: Increased group isolation Need for immediate resolution Specific apocalyptic predictions External: Dramatic state intervention Large Scale Collective Violence	Internal: Cooperation with external opposition Redefined predictions and goals Reorganization External: Redefinition of group as not threatening to social order Internal and External: Increased positive interaction Lowered Tension and Co-existence	Internal: Immediate dispersion and exodus External: Group erased from local discourse Group “Disappears”

Almost all alternative religions in the United States experience latent tension. Cults must differentiate themselves from the larger society and from other religions in order to appeal to potential members. However, doctrines and practices that are extremely deviant from social norms, or that are possibly criminal, such as polygamy, drug use, or sexual experimentation of many types, may precipitate a second stage of nascent conflict and progressive polarization between the small culture of the movement and its host society. During this period of nascent conflict, opponents attempt to mobilize public opinion and mount legal challenges.

The third stage involves intensified conflict, as both the movement and its opponents recruit supporters, trade accusations, and consider the use of force. Finally, there may be a denouement, which can take the form of large-scale collective violence; attacks on outsiders; group suicides; capitulation and redefinition of the movement; or relatively sudden mass departures, like those from Rajneeshpuram.

Although derived from cases of groups that experienced high levels of conflict and violence, Bromley's model posits potential resolution or diminution of conflict at all four stages, even the final stage of denouement. Indeed, the stages of interaction between a movement and outsiders provide many possibilities to avoid conflict, and that is why large-scale collective violence is so rare.

In the case of Rajneeshpuram, each of the three stages of interaction involved elements of conflict and also elements of accommodation, both within the group and with outside opponents. In the final stage of denouement, accommodation and eventual flight trumped conflict. Devotees' continued contact with their social networks outside Rajneeshpuram, their life-embracing doctrine, and the State of Oregon's commitment to due process militated against large-scale collective violence at every stage. The following sections consider each of those three variables, as each influenced peaceful resolution at Rajneeshpuram.

VII BEYOND SOCIAL ISOLATION⁴¹

Cults that erupt in large-scale collective violence or collective suicides are physically, socially, and symbolically isolated from their host societies. They create strong boundaries, and members depend on the leader and other devotees to define their identities. Devotees renounce their emotional ties to their former friends and families outside their group and they maintain very little contact with such outsiders. Communication with the outside world is limited, even when members work outside the group.

Outsiders may overlook a group or deliberately avoid it. Law enforcement sometimes rely solely on groups of disaffected members or the anti-cult movement for information. Moreover, media usually sensationalize negative accounts of alternative religions. Mutual isolation can fuel hostility that creates further social distance and

⁴¹ This section, providing background information on Bromley's model and its application to Rajneeshpuram, is taken from Goldman, *supra* note 16, at 318–21.

mistrust. Dave countered this by keeping devotees' lines of communication with the outside as open as he could. Although Rajneeshpuram was located in a remote canyon, its residents were not entirely socially isolated. A public relations department, staffed by experienced journalists and hostesses, called Twinkies, lauded their communal city to media and interested visitors from the outside. Cultivating outsiders' goodwill, Rajneesh purchasing agents hosted local suppliers and placed six-figure orders with businesses like Pape Brothers for everything from farm machinery to additions to Rajneesh's Rolls Royce collection.

Even as tension mounted, Rajneesh representatives continued to meet and greet at ACLU events in Eugene and Portland, Oregon, and put forth their opinions to newspaper and television reporters. Individuals with powerful positions in the Rajneesh organization initiated covert conversations with Dave's office. In turn, representatives from that office moderated responses from state police and federal authorities. Devotees who disagreed with Sheela's confrontational policies recognized that community survival depended on their neighbors' goodwill, and on favorable interpretations by the attorney general's office. The open channels of communication convinced a number of devotees, and some defectors, that the state was not their enemy. Dave quietly facilitated devotees' external contacts and exposure to alternative views about the group, making sure that some of them had access to state and national newspapers that were unavailable in Rajneeshpuram.

In 1984, the mean adult age at Rajneeshpuram was thirty-four years old, and devotees were predominantly drawn from the upper and middle classes, speaking the language of other educated, relatively affluent individuals. Some were experienced writers and speakers who could present themselves in a positive light to outsiders and media representatives. In contrast to widespread stereotypes of cult members, Rajneeshes could retain control of outside income and investments.

Devotees did not have to renounce their old lives completely, as others did in so many communal religious groups. They sustained personal bonds with old friends and relatives. Devotees invited their parents, adult children, old friends, and, in a few cases, financial advisors to visit Rajneeshpuram and attend carefully orchestrated visitors' weekends. Devotees could transform themselves, without giving up their old identities or sacrificing previous relationships, and they retained their social, as well as much of their economic, capital.

As the communal city began to decline, Sheela ostracized vocal dissidents.

Some formed their own breakaway sects of the Rajneesh movement, such as “The Wild Geese” or “The Camels.” These dissidents, however, rarely publicly criticized Rajneesh or his desire to build a communal city. Instead, they blamed Sheela long before Rajneesh condemned her, and they continued to support Rajneesh’s vision. No large group of apostates’ or sannyasins’ families coalesced to attack Rajneesh publicly or stigmatize or symbolically isolate the communal city.⁴²

However, some privately shared their perceptions with Dave Frohnmayer and his staff members, and they informed Dave’s perception that Rajneeshpuram was by no means a monolithic community of brain-washed drones.

VIII

LIFE-AFFIRMING DOCTRINE AND INDIVIDUALISM

By 1983, Rajneesh had published close to six hundred books, most of which were transcriptions of his lectures and initiation talks.⁴³ In his books, he discussed almost every major religious and philosophical tradition to create a kind of “spiritual stew dominated by Zen Buddhism and spiced by exhortations to fully enjoy every aspect of life.”⁴⁴

Dave did not suffer verbosity gladly, but he plowed through one or two of those volumes and he also read a number of secondary sources. His lifelong intellectual curiosity heightened his ability to make decisions about Rajneeshpuram and speak knowledgeably to both devotees and the group’s vehement opponents. The topic of leadership particularly interested Dave, having written his Harvard senior thesis on “The Concept of the Elite and Liberal Democratic Thought.”⁴⁵ His familiarity with history and social theory added to his ability to calculate the odds of violence and make rational, well-informed decisions to avert it.

Few individuals who attempt to understand alternative religions, or who encounter them directly, share Dave Frohnmayer’s intellectual

⁴² Goldman, *supra* note 30, at 316.

⁴³ *Id.*

⁴⁴ Goldman, *supra* note 16, at 322.

⁴⁵ Curriculum Vitae, Dave Frohnmayer, President Emeritus and Professor of Law, University of Oregon, <http://frohnmayer.uoregon.edu/sites/default/files/frohnmayer/documents/resume.pdf> (last visited Apr. 12, 2016).

background or abilities, but his example provided a very important lesson: *When dealing with marginal religious groups, take their beliefs very seriously and try to understand them on the group's own terms.* Cults that embrace life on earth and have no desire to experience an apocalypse are very unlikely to initiate massive collective violence.

Bhagwan Shree Rajneesh embraced the delights of the material world and supported enlightened capitalism.⁴⁶ Occasionally, he veered toward dire predictions, but the guru's emphatic celebration of individualism and independence allowed devotees to reject and even laugh at his occasional apocalyptic musing about everything from AIDS to a possible nuclear attack on Rajneeshpuram.

In 2004, Sheela Birnstiel, formerly Ma Anand Sheela, explained her role at Rajneeshpuram, disclaiming any malevolent intent. Addressing the issue of whether something like Jonestown could have happened in central Oregon, she noted: "Bhagwan was live positive. His whole movement was life affirmative. Where [a] life negative situation happened then one can image [sic] suicidal tendency."⁴⁷

Personal choice was also central to Rajneesh's philosophy. He built flexibility into his doctrine, by calling for highly individualized interpretations of his lectures and writings. Moreover, Rajneesh adopted a therapeutic stance, telling devotees that they had to discover the true meaning of his words in terms of their own personal experience and understandings.

The guru described his ideal of a new man, synthesizing the worldly and the godly. He called that ideal person "Zorba the Buddha." Zen, Tantra tradition, and prosperity spirituality came together in a vision that enticed many privileged Americans. He said:

A new human being is needed on the earth, a new human being who accepts both, who is scientific and mystic, who is all for matter and all for the spirit. Only then will we be able to create humanity which is rich on both sides. I teach you the richness; richness of the body, richness of the soul, richness of this world and that world. To me, that is true religiousness.⁴⁸

⁴⁶ The rest of this section is largely taken from Goldman, *supra* note 30, and Goldman, *supra* note 16, at 321–22.

⁴⁷ Interview with Sheela Birnstiel, Former Personal Secretary to Bhagwan Shree Rajneesh, in Maisprach, Switzerland (Aug. 18, 2004) (unpublished manuscript) (on file in the Special Collections and University Archives, Univ. of Or.).

⁴⁸ BHAGWAN SHREE RAJNEESH, RAJNEESHISM: AN INTRODUCTION TO BHAGWAN SHREE RAJNEESH AND HIS RELIGION 14 (Academy of Rajneeshism ed., 1983).

In contrast to the Rajneesh Movement, the Branch Davidians and the Peoples Temple had explicit apocalyptic-belief systems and bleak views of earthly pleasures, which contributed to their dramatic ends. These two groups also exhorted their members to sacrifice themselves for the good of the group in their daily lives and in their long-term goals of salvation for themselves and others.

The Branch Davidians, as with many groups, grounded their apocalyptic visions in the Book of Revelations in the New Testament. Their leader, David Koresh, maintained that the world was already experiencing the Endtime period of Tribulation that would inevitably precede Armageddon and the Second Coming. Koresh interpreted the Bureau of Alcohol, Tobacco, Firearms and Explosives' precipitous raid on their compound as the inauguration of the final battle.

Secular works and interpretations of liberation theology fueled Jim Jones' apocalyptic vision for Peoples Temple, and framed the collective violence that erupted in 1978. French Marxist philosopher Régis Debray's *Revolution in the Revolution* and Black Panther Huey P. Newton's *Revolutionary Suicide* particularly influenced Jones' call for his devotees to die fighting, or kill themselves as revolutionary martyrs, rather than surrender to evil capitalist opponents. Thus, Congressman Leo Ryan and his assistants' arrival at the Jonestown community in Guyana sparked massive violence.

While Koresh and Jones rejected the contemporary world and critiqued Americans' greed, Rajneesh and his sannyasins embraced them. Their doctrine of choice and pleasure affirmed every individual's ability to reject Sheela's corrosive leadership, and also to seek earthly delights. Journalist Win McCormick, a persistent public opponent of Rajneeshpuram, was often alarmed at the growing potential for large-scale collective violence in central Oregon in 1984. However, he reflected on sannyasins' love of luxury and came to this prescient conclusion:

Someday, in my opinion, and maybe soon, the Rajneesh cult will break asunder. Since all cults have the inherent potential to end in violence, it may end that way; or, as is perhaps more likely in this case, it may end peacefully, with Bhagwan and his top assistants departing for a South Sea island or the Riviera.⁴⁹

⁴⁹ Win McCormick, *Last Year at Rajneeshpuram?* (Aug. 1983), in THE RAJNEESH FILES, *supra* note 13, at 105.

IX

DAVE FROHNMAYER, THE RULE OF LAW, AND THE CONSTITUTION

Throughout most of America's history, there has been a tension between those who desire to maintain the social order through interventions that can involve force and those committed to the rule of law that protects due process and the rights of minority groups.⁵⁰ Dave's faith in the rule of law ultimately triumphed and produced a peaceful solution to a situation that might have easily ended in disastrous armed conflict. His commitment to due process significantly diminished possibilities of large-scale collective violence at Rajneeshpuram and provided a template for diffusing similar situations.

If law enforcement heeds only cult opponents' pleas and they stereotype all alternative religions as dangerous, they emphasize social order.⁵¹ When the state strongly supports the dominant moral code at all costs, there is a focus on immediate resolution rather than on Dave's hope: peaceful compromise. To be sure, personal and governmental lawsuits put pressures on Rajneeshes.⁵² However, over time, those pressures diminished and they were sometimes resolved.

Until Dave issued his opinion, in the fall of 1983, Rajneesh attorneys and their outside legal advisors and public relations representatives often participated in cordial informal interactions with him and his staff. His staff members facilitated conversations about anti-Rajneesh harassment that included representative from Rajneesh Legal Services and attorneys from the U.S. Office for Civil Rights. Key members of the Rajneesh legal team also talked privately with Dave and the U.S. Department of Justice's Mediation and Conciliation Service, attempting to resolve some conflicts with neighboring landowners, such as water rights disputes.

The state's legal challenge to the city of Rajneeshpuram coincided with public news about the Rajneesh Movement's over-extended finances and devotees' private worries about Sheela's growing

⁵⁰ Goldman, *supra* note 16, at 323. See generally JEROME H. SKOLNICK, JUSTICE WITHOUT TRIAL: LAW ENFORCEMENT IN A DEMOCRATIC SOCIETY (2d ed. 1966) (developing and elaborating on the distinctions between a rule of law and a rule of order).

⁵¹ Stuart A. Wright, *Reconceptualizing Cult Coercion and Withdrawal: A Comparative Analysis of Divorce and Apostasy*, 70 SOC. FORCES 125, 126 (1991).

⁵² See generally James T. Richardson, *State and Federal Cooperation in Regulating New Religions: Oregon Versus the Bhagwan Rajneesh*, in REGULATING RELIGION: CASE STUDIES FROM AROUND THE GLOBE 477 (James T. Richardson ed., 2004) (discussing Oregon's pre-*Smith* religious-freedom legal actions).

irrationality.⁵³ Dave argued that its incorporation represented the unconstitutional merger of church and state.⁵⁴ However, he also emphasized that his opinion would not apply to other religious communities, unless they had also incorporated their own city governments and received state and federal funding.⁵⁵ Dave grounded his arguments about Rajneeshpuram's illegal incorporation in the Establishment Clause, which calls for the separation of church and state.⁵⁶

He began his arguments with a discussion of the importance of protecting religious diversity by means of the free exercise of religion: "Tolerance is not merely a moral virtue; it is a matter of constitutional policy."⁵⁷ He noted, however, that religion *must* remain a private matter: "The State and Federal Constitutions do not permit the road to Damascus to be paved with public funds."⁵⁸ He argued that no state monies could, or should, support a community that was owned and governed by any religious group.⁵⁹

A month after Dave issued his opinion, the State of Oregon sued for a declaratory judgment that the city of Rajneeshpuram violated the First Amendment.⁶⁰ If the federal district court upheld Dave's opinion, the communal city could not survive. There would be no public funds for the roads that ran through the community, no support for the Rajneesh police force, no subsidies for the public schools that the devotees controlled, and no money for vital services during emergencies or natural disasters.

The opinion and the state's suit slowed local and national law enforcement agents' preparations to intervene at Rajneeshpuram. Dave's affirmation of individuals' First Amendment rights to engage in any personal spirituality that involved no criminal activities undermined assertions that Rajneesh and his devotees were not *truly* religious because their doctrines and practices were *abnormal*. In a number of private meetings, he informed federal agents that Rajneeshes were entitled to the same religious freedom as any other American.

⁵³ Goldman, *supra* note 16, at 324.

⁵⁴ EPPS, *supra* note 5, at 79–80.

⁵⁵ *Id.* at 80.

⁵⁶ *Id.* at 78–80.

⁵⁷ 44 Op. Or. Att'y Gen. 20, 23 (1983).

⁵⁸ *Id.* at 24.

⁵⁹ *Id.*

⁶⁰ State v. Rajneeshpuram, 598 F. Supp. 1217, 1222 (D. Or. 1984).

Leaders in the Rajneesh organization launched a counterattack and pressed ahead with appeals and countersuits rather than face exile from their promised land.⁶¹ An ex-partner from an elite Los Angeles firm and a group of attorneys trained at Georgetown, Stanford, and the University of Oregon worked around the clock to halt what seemed to be an inevitable blow to Rajneeshees' dreams.⁶² In 1985, in a flamboyant, symbolic gesture, the Rajneeshees filed lawsuits against more than thirty national, state, and local officials—including Dave—and accused them of conspiring to violate Rajneeshees' civil rights.⁶³ The legal team laughingly called their last-ditch lawsuit *God v. the Universe*, and some of them imagined that they might use it as the basis for negotiations that would allow their community to survive.⁶⁴

In October of 1985, after Sheela and her circle decamped to Europe, and Rajneesh publicly accused her of scores of crimes, Rajneesh invited state and federal agents to conduct investigations at Rajneeshpuram.⁶⁵ The guru appeared on Ted Koppel's national TV show, *Nightline*, appealing to the American public to give his community another chance and demanding that Dave and the State of Oregon drop their lawsuit.⁶⁶ Less than a week after that appearance, Rajneesh received a subpoena to appear before a federal grand jury.⁶⁷ It was clearly time for the guru to move on.

After federal agents arrested him when his private jet stopped to refuel in Charlotte, North Carolina, en route to Bermuda, Rajneesh pleaded no contest to two charges of immigration fraud and agreed to leave the United States.⁶⁸ On October 22, 1985, spokesmen announced that Rajneeshpuram would soon close and put the property up for sale. In November of the prior year, U.S. District Judge Helen J. Frye ruled that Rajneeshpuram was in violation of the First Amendment,⁶⁹ and the

⁶¹ THE RAJNEESH FILES, *supra* note 13, at 115 app. 2.

⁶² See *Rajneeshee Antics Raise Eyebrows in Legal Arena*, OREGONIAN (July 11, 1985, 4:10 PM), http://www.oregonlive.com/rajneesh/index.ssf/1985/07/rajneeshee_antics_raise_eyebro.html. Rajneesh Legal Services had at least a dozen attorneys. Key attorneys were Sangeet Duchane (Ma Prem Sangeet) and Head of Rajneesh Legal Services, Phillip (Niren) Toelkes (Swami Prem Niren).

⁶³ EPPS, *supra* note 5, at 84.

⁶⁴ *Id.* at 80.

⁶⁵ *Id.* at 85–86.

⁶⁶ Viramo, *The Last Days of Rancho Rajneesh*, OSHO NEWS (Mar. 5, 2011), <http://www.oshonews.com/2011/03/05/the-last-days-of-rancho-rajneesh/>.

⁶⁷ EPPS, *supra* note 5, at 86.

⁶⁸ *Id.* at 79.

⁶⁹ *State v. Rajneeshpuram*, 598 F. Supp. 1217 (D. Or. 1984).

city all but disappeared by the following spring. What remains of Rajneeshpuram is now part of the Washington Family Ranch, a youth camp and conference center that is operated by Young Life, an evangelical Christian organization.

Dave's opinion and the subsequent state suit against the incorporation of Rajneeshpuram buoyed many of the community's local opponents who feared that the group might take over Wasco County. Even Nike cofounder Bill Bowerman, an old Frohnmayer family friend who had pressed for immediate action, stepped back and waited for the district court's decision.

In a 1997 interview, Dave told me:

I had . . . persons in central Oregon who were ready to go right over the river [into Rajneeshpuram] with guns blazing. As you know part of our job was to still keep the peace with people who agreed with the legal position we took, but were impatient and even furious with the slow pace of the courts. . . . And not withstanding [the sannyasins'] extreme reaction to my opinion. Within hours of its issuing, my assistants were on the phone to Rajneesh officials saying, you know above all, we've got to keep the peace in this and keep the lines open.⁷⁰

X

LASTING LEGACIES

The sociological model of conflict, accommodation, and retreat at four different stages provides a framework to examine sequential levels that occasionally build up to large-scale collective violence. This case study of Rajneeshpuram integrates that model with the three important, interrelated variables: doctrine, isolation/connection, and external responses. Each category and each stage may contain elements conducive to accommodation or retreat, as well as elements leading to conflict. The peaceful resolution of the Rajneesh crisis foregrounds two explicit questions to consider in evaluating external accommodation to *all* new religions in the United States. First, to what extent do formal agencies and informal groups of outsiders affirm the civil liberties of cult members? Second, does the group conform to the separation of church and state?

The Establishment Clause limits the power of *any* religious group to enforce its spiritual norms on outsiders. Constitutional separation of religion and formal political structures curtail the state's ability to

⁷⁰ Interview with Dave Frohnmayer, *supra* note 8.

operate against alternative religions, and also limits alternative religions' incursions on other communities.

Rajneeshpuram was more than a curious incident in the intersecting histories of Oregon and the Rajneesh's devotees. The communal city's demise illuminated ways both to evaluate dangers from cults and also develop legal strategies for dealing with them. There was no tragic collective violence—despite unstable leadership, a huge cache of arms, and extreme tension with the surrounding culture. The devotees' gradual accommodation and their final, peaceful exodus from central Oregon was not a matter of chance. The denouement reflected their religious doctrines—that life on earth could be joyful and that they could seek their own personal and spiritual growth without blindly following a leader or his lieutenants. But most of all, the peaceful end of Rajneeshpuram reflected the ways that Dave Frohnmayer interpreted and upheld the Constitution over nearly five grueling years.



Rajneesh after his arrest and Sheela after she was extradited for trial on criminal charges.⁷¹

Dave sometimes scoffed at theories of history that solely focused on great men or women; to him, they explained too little. However, his success in damping the powder keg that was Rajneeshpuram contradicts that belief. Dave created a peaceful solution because he read carefully, listened to everyone, respected differences, and honored the rule of law.

While contemporary scholars usually emphasize the importance of social structure and economic forces in making history, the case of

⁷¹ These photographs were taken by the Oregon Department of Corrections. For more information about the arrest, see Michael Wines & Russell Chandler, *Guru, 8 Followers Jailed After Cross-Country Flight*, L.A. TIMES (Oct. 29, 1985), http://articles.latimes.com/1985-10-29/news/mn-13045_1_bhagwan-shree-rajneesh.

Rajneeshpuram affirms that biography also matters and a single individual can make a lasting difference.

