

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF WASCO

KELLY MCGREER, ROSEMARY)
MCGREER, JAMES G. PERKINS,)
SHIRLEE PERKINS, DAVID)
DICKSON, MELINDA DICKSON,)
and 1000 FRIENDS OF OREGON,)
an Oregon nonprofit)
corporation,)

Plaintiffs;)

vs.)

No. 83-202)

CITY OF RAJNEESHPURAM,)
RAJNEESH NEO-SANNYAS)
INTERNATIONAL COMMUNE,)
RAJNEESH INVESTMENT)
CORPORATION, WASCO COUNTY,)
OREGON, and SWAMI DEVA)
SANDESH,)

Defendants.)

DEPOSITION OF:

SWAMI DEVA WADUD

BE IT REMEMBERED That, pursuant to stipulation hereinafter set forth, the deposition of SWAMI DEVA WADUD was taken before Ida Jo Lowry, Certified Shorthand Reporter and a Notary Public for the State of Oregon, on Thursday, the 20th day of October, 1983 at the law offices of Jolles, Sokol & Bernstein, 721 S.W. Oak Street, Portland, Oregon.

Reported by:
Ida Jo Lowry, CSR
Job No. JL-623-83

LOWRY COURT REPORTING
Freelance Court Reporters
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Beaverton, Oregon 97005
503-641-8558

1 Q When did you begin attending at Michigan?

2 A Right after -- I think it was 1966, the fall,
3 and then graduated with a Bachelor of Fine Arts in
4 sculpture and photography in 1970.

5 Q Did you receive any academic honors at
6 Michigan?

7 A No.

8 Q What did you do following that?

9 A I attended Harvard University at the Graduate
10 School of Design.

11 Q And did you obtain a degree from there?

12 A Yes; a Master of Landscape Architecture in
13 1973.

14 Q Did you go --

15 A I mean, this could be one year one way or
16 another.

17 Q We will give you a year or two latitude. At
18 any rate, you did begin to go to graduate school at
19 Harvard immediately upon completion of your --

20 A Yes.

21 Q -- B of A at Michigan?

22 A Yes. Each school was back-to-back.

23 Q All right. When you got your Master's degree
24 in Landscape Architecture in '73 or '74, thereabout,
25 where did you go from there?

1 A I went to India for about eight months.

2 Q And that would take us approximately to when?

3 A I went to India -- I traveled in Europe right
4 after graduation from Harvard. Then I went to India and
5 studied yoga in Madras.

6 Q Approximately when were you in India?

7 A From the fall to, I think, March of '74.

8 Q Wadud, were you by yourself in India?

9 A Uh-huh.

10 Q Had you married at any time up to this point?

11 A No.

12 Q You were a single man?

13 A Yes.

14 Q Let me continue with this journey. What did
15 you do following March of '74?

16 A I returned to the United States, spent a
17 couple of months with my father on Long Island and then
18 moved to San Francisco.

19 Q Did you have any particular religious
20 upbringing prior to going to India?

21 A Early childhood, Catholic. My father was
22 Jewish and my mother was Catholic, and I was brought up
23 Catholic for awhile but wasn't very drawn to it, so I
24 dropped it at an early age. And I lived with my father.
25 My parents were split, and I lived with my father so --

1 Q At any rate, did you feel any particular
2 religious affiliation, let's say, by the time you had
3 gone to India? long did you do that.

4 A No. More of a spiritual. That was the

5 Q Did you have anything to do with any Indian
6 religious movements during the time that you were there?

7 A No. the fall of '74. I got a job with Tito

8 Q Was the yoga instruction and following that
9 you did, did that have any spiritual involvement?

10 A I was just studying yoga. I mean, I was
11 interested in body -- you know, the science of the body
12 and the science of yoga and how yoga related. It was not
13 a meditational yoga. It was more physical.

14 Q Now, -- I was actually in the city of

15 A Exercises. in the City of San Francisco.

16 Q -- you returned to Long Island and moved to
17 San Francisco. Does this place us, what? In '75 now?

18 A June of '74, I was in San Francisco.

19 Q What did you do there? in the city?

20 A I taught yoga at the YMCA for a while in
21 downtown San Francisco, and then I attained a contract
22 position with the City of San Mateo that summer, and I
23 was writing environmental impact statements. The City
24 had applied for a State grant for park improvements, and
25 I was writing an environmental impact statement for each

1 one of the parks, which was part of the requirement for
2 the grant.

3 Q How long did you do that?

4 A It was about eight weeks. That was the
5 summer of '74.

6 Q What did you do following that?

7 A In the fall of '74, I got a job with Tito
8 Patri, T-i-t-o, Patri, P-a-t-r-i.

9 Q Who is that?

10 A He was a landscape architect, urban designer,
11 and he was doing a large study of Morro Bay, but my --
12 so I worked for him until March, so about six months,
13 but his -- I was actually on contract with the City of
14 San Luis Obispo, so I was actually a city employee,
15 although I never worked in the City of San Lewis Obispo.
16 It was some kind of a deal the city hired me.
17 I was getting paid through the city, but I was working
18 actually in San Francisco.

19 Q What did you do following that?

20 A I was laid off. The job ended, and I went to
21 the Berkeley Psychic Institute.

22 Q When --

23 A In March.

24 Q -- did you return to Berkeley? This is March
25 of '75?

1 A Yeah.

2 Q Tell me what you did at the Berkeley --

3 A I attended a six-month program there.

4 Q In what?

5 A Learning how to perceive auras and chakras.

6 Q Can you spell that for her?

7 A C-h-a-k-r-e-s or -a-s.

8 MA PREM SANGEET: -- a-s.

9 THE WITNESS: And past life regression.

10 BY MR. SOKOL: this involve later living; the subject of

11 Q That sounds interesting. And that went for
12 six months?

13 A Yes.

14 Q And --

15 A And then during that time, I set up my own
16 consulting business, and I read people.

17 Q Insofar as their past lives went?

18 A Uh-huh. And auras and chakras, and in about
19 three months, I had set up a school by the fall of --
20 Let's see. This was '75. By the fall of '75, I had set
21 up a school in Berkeley.

22 Q What are auras?

23 A Just energy fields around people, through
24 people and around them.

25 Q How about chakras?

1 A They're energy centers.

2 Q What is the difference between them?

3 A Well, the aura is a general field of energy,
4 let's say. You can have different colors and you can
5 perceive different vibrational patterns around someone
6 or through the body, and the chakras are the specific
7 points where the energy is generated from.

8 A There are seven chakras in the body, so you
9 can tell a lot about a person by reading their chakras.

10 Q Does this involve interviewing the people or
11 just meeting them?

12 A No. You don't even have to meet somebody.
13 You can read somebody's energy from not even being in
14 the room.

15 Q Now, at any time that you were doing this
16 work that you did into the fall of '75, had you ever met
17 Krishna Deva?

18 A No.

19 Q Did you set up the school?

20 A Yes. Well, I was just a one person.

21 Q How long did you do this consulting business?

22 A For seven years. Six or seven years. We can
23 figure it out consecutively. And I met my wife in the
24 school at that time, too, in 1975.

25 Q All right. How did you meet her?

1 A She took a class.

2 Q Now, just give me some general description
3 between the fall of '75 until, let's say, the fall of
4 '81 or so, approximately, and tell me what you did
5 during that approximate six-year period of time.

6 A I read lots of people's chakras and auras.

7 Q And was it a full-time occupation for you?

8 A I worked about 12 hours, 16 hours a week.

9 Q What did you do with your other time?

10 A Relaxed.

11 Q Were you reading and studying then?

12 A No. Not particularly.

13 Q Were you doing sports or hobbies or yoga or
14 something of that nature?

15 A Went to the beach a lot.

16 Q If you had to look back on that six years and
17 describe what the thing that you did the most was, what
18 would be that be?

19 A Read auras and chakras.

20 Q What would be the thing you did second?

21 A Just be a house -- homemaker.

22 Q Are you still married to the same woman?

23 A Uh-huh.

24 Q Do you have any children?

25 A With Yes.

- 1 Q How many?
- 2 A One.
- 3 Q How old is he?
- 4 A Four and a half. She.
- 5 Q She. She is with you at Rajneeshpuram?
- 6 A Uh-huh.
- 7 Q During this six-year period of time, Wadud,
8 did you feel any particular religious affiliation?
- 9 A No. No. how long?
- 10 Q So when is the first time that you became
11 familiar with the teachings or the writings of Bhagwan?
- 12 A I think in 1977, in the fall of -- Yeah, it
13 was the fall of 1977.
- 14 Q Would you tell me about that?
- 15 A A friend of ours gave us a book on -- one of
16 Bhagwan's books, my wife and I, a book on Bhagwan.
- 17 Q Do you know what the book was? Do you
18 remember?
- 19 A No.
- 20 Q And did that book have any particular impact
21 on you?
- 22 A Yes. Very much so.
- 23 Q Tell me about that.
- 24 A We decided to go visit India and meet Bhagwan
25 or be with him.

- 1 Q Did you do that?
- 2 A Yes.
- 3 Q When was that?
- 4 A In December.
- 5 Q Did you go to the ashram at Puna?
- 6 A Uh-huh.
- 7 Q So December of '77 would find you there?
- 8 A Yes.
- 9 Q For about how long?
- 10 A Two months.
- 11 Q Where did you reside while at Puna?
- 12 A In a hotel.
- 13 Q Was it a hotel associated with --
- 14 A No.
- 15 Q -- Bhagwan? It was outside the ashram?
- 16 A Uh-huh.
- 17 Q Describe what you did during the months you
- 18 were there.
- 19 A Attended lecture everyday, read, meditated.
- 20 Q Did you meet Bhagwan yourself?
- 21 A We had what is called darshan, my wife and I,
- 22 where we were with Bhagwan in his presence.
- 23 Q K.D. described darshan for me. I presume it
- 24 was the same for you.
- 25 Q Did you do anything further by the time you

1 had left Puna insofar as following the teachings of
2 Bhagwan?

3 For example, did you take the name Wadud?

4 A Uh-huh.

5 Q Tell me about that. When did that occur?

6 A December 24th.

7 Q And you received a mala at that time?

8 A Uh-huh.

9 Q Your wife, as well?

10 A Uh-huh.

11 Q So when you returned to San Francisco in,
12 what, January or February of '77, at that time, did you
13 feel yourself a Rajneeshe?

14 A Uh-huh. I considered myself a disciple of
15 Bhagwan.

16 Q All right. Is that how you would describe
17 yourself, a disciple of Bhagwan as opposed to a
18 Rajneeshe or a member of the Rajneesh faith?

19 A Both.

20 Q All right. When you continued to -- Is the
21 proper term read auras and read chakras?

22 A Uh-huh.

23 Q When you continued back in San Francisco to
24 read auras and chakras, was your wife also employed
25 during that time? This is after you returned --

1 A We both did it together, and we were employed
2 at that time at the Holistic Life University teaching
3 auras and chakras.

4 Q Where is the Holistic Life University
5 located?

6 A San Francisco.

7 Q How long did you teach there?

8 A I think it was a year or -- I don't remember
9 exactly. A year or maybe three semesters.

10 Q Did you go back to India again?

11 A Let's see. I think we went back to India --
12 What year did we get up to? '77? '78, I came back.
13 Then we went to India in the summer of '78.

14 Q Tell me about that trip.

15 A We went for several months at the end of the
16 summer. I think it was August, September.

17 Q Did you return to Puna?

18 A Uh-huh.

19 Q And did you participate in activities at Puna
20 related to Bhagwan?

21 A Uh-huh.

22 Q Were you there for the entire summer?

23 A No, two months, August, September.

24 Q And did you then return back to San
25 Francisco?

1 A Uh-huh. Berkeley. We lived in Berkeley.

2 Q Okay. Did you resume --

3 A Yes.

4 Q -- your teaching and your professional work?

5 A Uh-huh.

6 Q All right. At any time you lived in
7 Berkeley, were you living in any sort of community of
8 members of followers of Bhagwan or disciples of Bhagwan?

9 A After we came back that September, my wife
10 and I had a house. When did we buy our house? I think
11 we bought our house -- We had a house, and then other
12 people lived with us. Several other people.

13 Q I mean, were they disciples of Bhagwan, as
14 well?

15 A Yes.

16 Q When did you first come to Oregon?

17 A Specifically, the first time I ever drove
18 through the State?

19 Q It wasn't a very good question. Before I get
20 to that, let me ask you, did I miss any trip to India?
21 Did you go to India again after the summer of '78?

22 A Yes.

23 Q Maybe I should ask you about that first.
24 When was that?

25 A Let's see. I think it was in '80 or '79. I

1 don't remember. There was another trip. I don't
2 remember exactly when it was. It would take me a little
3 while to figure it out on a calendar.

4 Q Was this trip in a similar nature to the
5 previous two trips to Puna, and you participated in
6 activities there?

7 A Uh-huh.

8 Q Do you know about how long you were on this
9 third trip?

10 A Couple months.

11 Q And your wife accompanied you each time, I
12 guess?

13 A Uh-huh.

14 Q When is the first time that you met K.D.?

15 A In Rajneeshpuram.

16 Q You had not known him before that?

17 A Huh-uh.

18 Q When is the first time you met Sheela, Ma
19 Prem Sheela -- Ma Anand Sheela?

20 A In the San Francisco Airport in the summer of
21 1981.

22 Q When did you and your wife make a decision
23 that you were going to come to Oregon to live?

24 A I think it was about March, February or March
25 '82.

1 Q And up until that time, had you been doing
2 the activities that you have described?

3 A Uh-huh.

4 Q Working down in San Francisco?

5 A Uh-huh.

6 Q And Berkeley?

7 A Uh-huh.

8 Q Tell me how the decision was made to move to
9 Oregon, how it came about.

10 A We wanted to move to Oregon, and we had -- I
11 don't think we wrote a letter. I think we just talked
12 to somebody, called up somebody and said what we were
13 capable of doing, what our backgrounds were, and we would
14 like to move and see if there were any positions open
15 and were told yes, and nothing in terms of planning
16 especially.

17 Then my wife and I came up -- I think it was
18 April of '82.

19 Q When you say you wrote to someone --

20 A I don't think I wrote. I don't remember
21 exactly. I think it was just a telephone call.

22 Q Some communication between you --

23 A Yeah.

24 Q -- and -- Do you remember who you spoke with
25 or wrote to?

1 A Yes; Vidya.

2 Q You should spell it.

3 A V-i-d-y-a.

4 Q What was her position here? How did you get
5 in touch with her, or what was her capacity here?

6 A I don't know. It was just a conversation.

7 Q How did you know how to call her? I mean,
8 you didn't call me to ask --

9 A No. I talked to some other people there,
10 actually, too. I think -- I don't remember exactly who
11 the people were.

12 Q At any time from 1975 until 1982, had you
13 been using any of your planning skills or landscape
14 architecture skills?

15 A No. Not since the other job.

16 Q So was it your intention to begin using those
17 skills again when you moved here?

18 A Yes.

19 Q What is your wife's educational background,
20 generally?

21 A Psychology.

22 Q Now, did you assume an official capacity
23 within the City of Rajneeshpuram at any time?

24 A Yes. When the city was formed, I was hired
25 by the City Council to be a Community Development

1 Director. Did you had any communication with Ma Anand

2 Q Tell me when that occurred. early April

3 A I think it was the summer.

4 Q Roughly. your understanding of her position

5 A the August, I think.

6 Q Of '82? she have any position at that time?

7 A Of '82. I don't really know. I wasn't aware

8 Q Were you hired?

9 A Uh-huh. All I can tell you about is what you're

10 Q At the time you were hired, Wadud, where were

11 you residing? when you were hired by the City Council?

12 A I was in Rajneeshpuram at the time. Well, I

13 was in Rancho Rajneesh. I wasn't in the city when I first

14 arrived. What was your salary to her husband?

15 Q That's correct. And I presume your wife and

16 daughter were living there with you?

17 A Uh-huh. About half, because I started out as

18 Q Were you interviewed for the job as City

19 Planning Director? someone else that's taking up the

20 A Uh-huh. anyone duplicating your effort is

21 Q Who interviewed you?

22 A City Council.

23 Q Did have you any interviews with Ma Anand

24 Sheela?

25 A No.

1 Q Had you had any communication with Ma Anand
2 Sheela since you moved up in approximately April of '82?

3 A I had met her once but just said hello.

4 Q What was your understanding of her position
5 within the first Rancho Rajneesh and later

6 Rajneeshpuram? Did she have any position of authority?

7 A I mean, I don't really know. I wasn't aware
8 of that.

9 Q Okay. All I can ask you about is what you're
10 aware of.

11 And when you were hired by the City Council,
12 were you to be paid wages for this?

13 A Uh-huh.

14 Q What was your salary to be, roughly?

15 A I don't remember what my salary was. I'm
16 getting \$585 now monthly. I don't remember. I mean,
17 it's been cut in about half, because I started out as
18 full time. Then I went down to half time.

19 Q Is there someone else that's taking up the
20 slack, or is there anyone duplicating your efforts or
21 participating with you?

22 A Yes. Sandesh is -- Swami Sandesh,
23 S-a-n-d-e-s-h. Then occasionally some people volunteer.

24 Q When did you stop working full time as the
25 City Planning Director?

1 A I think last -- this last spring.

2 Q That would be -- Spring to me is March or
3 April.

4 A Yeah; March or April.

5 MA PREM SANGEET: If you know.

6 THE WITNESS: I don't remember. I don't
7 know.

8 BY MR. SOKOL: response is that we need to find

9 Q From approximately August of '82 until spring
10 of '83, you were City Planning Director working full
11 time, is that correct?

12 A Uh-huh.

13 Q Now, during that time period, tell me what
14 your duties involved.

15 A Working on the comprehensive plan, carrying
16 it through the acknowledgment process, reviewing site
17 plans, concept plans.

18 Q And in doing the comprehensive plan, what was
19 the relationship insofar as you were aware of the
20 commune with the City of Rajneeshpuram?

21 A What do you mean?

22 Q Was the relationship between the commune and
23 the City of Rajneeshpuram after August of 1982 in a
24 creation of a comprehensive plan of the City of
25 Rajneeshpuram?

1 A What was the relationship between --

2 MA PREM SANGEET: I'm a little confused
3 what all these questions about Sheela and the commune
4 all have to do with the land use case.

5 MR. SOKOL: Well, the general
6 stipulations for depositions is that we may ask
7 anything, but I'll respond.

8 The response is that we have to show
9 irreputable harm, and part of the position you have
10 taken and that Mr. Durham has taken is that you were
11 very open to discussions and to mediation with the
12 neighbors in an effort to settle things on a local
13 basis.

14 I want to find out what authority Wadud had
15 to meet with people and what his relationship was in the
16 commune.

17 BY MR. SOKOL:

18 Q So what authority did you have insofar as you
19 understood in 1982, August of 1982, from the City
20 Council insofar as planning went?

21 A To review concept plans and site plans that
22 were submitted.

23 Q Who was on your staff?

24 A I was. I mean, I was the only person, and
25 occasionally there were different people in the

1 community that volunteered their time.

2 Q Why did you decide to go -- I presume it was
3 your decision -- part time in the spring of 1983?

4 A Because the greater part of time in the
5 beginning was writing the comprehensive plan and getting
6 that prepared and through and adopted by the Council.

7 Q Did you assume any other position of
8 authority in the spring of 1983 to replace the part time
9 that you were giving up working as the City Planning
10 Director?

11 A Huh-uh.

12 Q Now, in doing the comprehensive plan, who was
13 it your understanding you had to respond to? Was it the
14 City Council?

15 A Uh-huh.

16 Q Did you have --

17 A Yes.

18 Q Did you have any contact in doing the
19 comprehensive plan with Ma Anand Sheela?

20 A No.

21 Q Did you have any contact with any of the
22 members of the commune who were not members of the City
23 Council?

24 A The Citizen Involvement Committee.

25 Q Tell me about that. Who was on that?

1 A I don't really know. I mean, I know who is
2 on it, but I can't recall without looking at a list.

3 Q Were they members of the commune?

4 A Yes.

5 Q Were they residents --

6 A I don't even know that. I think some might
7 but --

8 MA PREM SANGEET: Just answer what you
9 know.

10 THE WITNESS: So I don't know.

11 BY MR. SOKOL:

12 Q That's correct. I don't want you to guess,
13 either, or speculate.

14 Now, currently, today as we are taking your
15 deposition -- today is the 20th of October -- what is
16 your current position with regard to the City of
17 Rajneeshpuram?

18 A Part-time Community Development Director.

19 Q Is Community Development Director a different
20 position, Wadud, than City Planning Director?

21 A No. It's the same.

22 Q Different way to describe the same job?

23 A Uh-huh.

24 Q And have you been consistently in that
25 capacity, then, in an employed capacity, since the spring

1 of 1983, that is to say, part-time Community Planning
2 Director?

3 A Yes.

4 Q Do your duties differ now from what they were
5 prior to your going on part time as to the things that
6 you are doing?

7 A No.

8 Q There's some jobs that you have completed,
9 correct?

10 A Uh-huh.

11 Q But other duties, the other half of your time
12 is still being spent the same way as it was before?

13 A Uh-huh.

14 Q All right. Now, let's get to Mr.

15 Greenfield's visit.

16 Q Were you present when Mr. Greenfield visited
17 Rajneeshpuram with Mr. Gerhardt in June of 1983?

18 A Uh-huh. Yes.

19 Q Please tell me the first time you remember
20 seeing Mr. Greenfield. Is that the first time you had
21 met him?

22 A No.

23 Q Tell me when the first time you had come into
24 contact with him was?

25 A I don't recall. Some court hearing, probably.

1 Q At the time you met him, were you acting in
2 your capacity as Community Planning Director?

3 A Yes. Mr. Greenfield and Mr. G... ..

4 Q Now, did he get in touch with you, Wadud, in
5 order to arrange the visit out there?

6 A Yes. Several times.

7 Q What was your understanding of the purpose of
8 his visit?

9 A I think just to review files, city files.

10 Q Did he want to see the city building permits?

11 A Yes. I think so. I wasn't sure what he
12 wanted exactly.

13 Q All right. Did you arrange or agree with him
14 in any way to meet him at a particular time out there?

15 A I think so. I don't recall whether it was a
16 particular time or just some time in the morning.

17 Q Now, about what time did they arrive,
18 roughly, to the best of your recollection?

19 A Mid-morning.

20 Q And where did they arrive?

21 A At City Hall.

22 Q Is the City Hall on commune property, or is it
23 within the City of Rajneeshpuram?

24 A It's within the City of Rajneeshpuram.

25 Q When Mr. Greenfield and -- Do you know Mr.

1 Gerhardt?

2 A Yes.

3 Q When Mr. Greenfield and Mr. Gerhardt arrived,
4 how many members of -- disciples of the Bhagwan were
5 present, approximately?

6 A Maybe 15 people. I don't recall.

7 Q You were one?

8 MA PREM SANGEET: Present where? At City
9 Hall?

10 BY MR. SOKOL:

11 Q In the vicinity.

12 A In the vicinity.

13 Q What happened when they first arrived? What
14 did you observe specifically? Was anything said to them?

15 A Asking to see the building permits, I think
16 it was, and so --

17 Q And were they then taken to the City Hall?

18 A Yes.

19 Q The City Hall is about how many square feet,
20 roughly? Is it larger than this room?

21 A Yes -- no. I'd say about the same size.

22 Q Are there any tables or desks in the City
23 Hall?

24 A No. Just -- Well, there's desks that we sit
25 at, but there's no tables besides just the desks that I

1 sit at and the other people.

2 Q Tell me what you observed. What did Mr.
3 Greenfield and Mr. Gerhardt do when they arrived?

4 A Sat down -- There's two lounge chairs. They
5 sat down in the two chairs available to the public and --

6 Q Go ahead.

7 A -- and were looking through building permit
8 files.

9 Q And were you there while they were there?

10 A Yes.

11 Q Had they been there for awhile? Did anyone
12 arrive?

13 MR. DURHAM: I'll object. That's two
14 questions.

15 MR. SOKOL: You're right.

16 BY MR. SOKOL:

17 Q Did Ma Anand Sheela arrive while they were
18 there examining building permits?

19 MA PREM SANGEET: Arrive where?

20 MR. SOKOL: City Hall when they were
21 examining --

22 THE WITNESS: They wasn't in the City
23 Hall at that time.

24 BY MR. SOKOL:

25 Q Did she ever come when they were examining

1 building permits?
 2 A Yes. She was in the area, but she was not in
 3 City Hall.
 4 Q -- They did go into, at least insofar as you
 5 saw, the area where Mr. Greenfield and Mr. Gerhardt were
 6 examining the permits, is that correct?
 7 A No. Not what I consider City Hall or what is
 8 considered City Hall.

9 Q Were Mr. Greenfield and Mr. Gerhardt in City
 10 Hall?
 11 A Yes.

12 Q So you did not see her come into their
 13 presence or say anything to them?
 14 A -- She made some comments.

15 Q Did she make them from outside City Hall?
 16 A In the vicinity.

17 Q Tell me what she said.

18 A I don't recall.
 19 Q Do you have any recollection of anything that
 20 she said?
 21 A No.

22 Q Do you have any recollection of anything that
 23 either Mr. Greenfield said or Mr. Gerhardt said back to
 24 her?
 25 A No.

1 Q Was there any videotape made of this meeting,
2 if you know?

3 A There was some videoing. There was a film --
4 I think -- I don't know what channel was there for
5 awhile. I think there was another video happening.

6 Q Did any members of the Rajneesh faith have
7 video equipment operating?

8 A Uh-huh.

9 MA PREM SANGEET: Say "Yes."

10 THE WITNESS: Yes.

11 BY MR. SOKOL:

12 Q Now, were there any other members of the City
13 of Rajneeshpuram or members of the commune, disciples of
14 Bhagwan, who talked to either Mr. Greenfield or Mr.
15 Gerhardt in your presence while they were examining
16 building permits?

17 A Yes.

18 Q Do you remember any of the things that were
19 said to them?

20 A Not specifically.

21 Q Now, how long were you in City Hall while Mr.
22 Greenfield and Mr. Gerhardt were in there examining
23 these permits?

24 A The entire time.

25 Q Now, did you hear anybody make any

1 anti-Semitic -- Do you know what anti-Semitic is?

2 A Yes. I read so far back not said by

3 Q Did you hear anybody make any anti-Semitic
4 remarks to them? not hear them said.

5 A No. you hear, "Jews are case." Mark

6 Q So you were not present at any time that
7 anyone directed any remarks to either Mr. Greenfield or
8 to Mr. Gerhardt that you considered to be anti-Semitic?

9 A No. you hear anything else say

10 Q Did you hear any of the following things said
11 to either Mr. Greenfield or Mr. Gerhardt: Did you hear
12 any of the disciples of Bhagwan say, "Greenfield, what kind
13 of a name is that?" Did you hear anybody say that?

14 A There was just a general discussion, and I
15 don't recall exactly the specifics of it. I was
16 concentrating more on what Mr. Greenfield was doing.

17 Q At any rate, then, if asked, you do not
18 recall anyone specifically saying or not saying that, is
19 that correct? (over here to -- (Witness now, Acting)

20 A Yes. I remember anyone address

21 Q Okay. Did you hear anyone say, "What kind of
22 name is that? Are you Jewish?"

23 A No.

24 Q By saying that you did not hear it, I don't
25 mean to imply that you were saying it was or was not

1 said. Let me ask you that question: Do you contend
2 that those things that I read so far were not said or
3 just that you did not hear them said?

4 A I did not hear them said.

5 Q Did you hear, "Jews are cheap. Mark is
6 cheap. We burn Jews in Germany" and the remarks made
7 about Jews and toasters?

8 A No.

9 Q Did you hear anything like that?

10 A No.

11 Q Are you saying that those things were not
12 said or just that you did not hear them?

13 A I can't -- I mean, I did not concentrate on
14 what was being said to Mr. Greenfield.

15 Q While Mr. Greenfield was in there examining
16 these building permits, how far away from them were you,
17 approximately?

18 A About the distance -- a little closer.
19 Probably about from here to -- (Witness indicating).

20 Q Do you remember anyone addressing Mr.
21 Gerhardt and asking Mr. Gerhardt if he in fact was Mark
22 Greenfield?

23 A No.

24 Q And you don't then remember correcting that
25 person and pointing out Mr. Greenfield and saying,

1 "That's Mr. Greenfield"?

2 A No. It was 12:30.

3 Q Now, during the entire time that Mr.
4 Greenfield and Mr. Gerhardt were in the City Hall
5 examining the building permits, was your video crew -- I
6 don't mean "your" personally but disciples of Bhagwan --
7 operating?

8 A Yes. At some point. I don't know for how
9 long.

10 Q Now, do you recall laughing at all during any
11 exchanges between Mr. Greenfield and any of the people
12 who were there while he was examining building permits?

13 A I think I smiled a few times.

14 Q What were the hours at City Hall?

15 MA PREM SANGEET: If you know.

16 BY MR. SOKOL:

17 Q If you know.

18 A It was 12:30 and I think we have changed our
19 hours several times. I mean, I know lunch was from
20 12:30 to 2:30. I think City Hall was open at 9:00
21 o'clock or 8:30.

22 Q Did Mr. Greenfield and Mr. Gerhardt leave
23 City Hall for awhile?

24 A Yes. We just different ways.

25 Q And do you know roughly what time they

1 approached?

2 A I think it was 2:30.

3 Q And when they approached, were you back
4 there?

5 A Yes.

6 Q Now, approximately how many disciples of
7 Bhagwan were there when you returned?

8 A Fifty people.

9 Q Was Attorney Sangeet there?

10 A Yes.

11 Q Who else was there of a professional
12 capacity? I don't mean to suggest that she was there in
13 a professional capacity. Who else who were
14 professionals associated with Rajneeshpuram were
15 present?

16 A Sandesh.

17 Q Anyone else?

18 A The secretary.

19 Q Now, what did you observe occurred when Mr.
20 Greenfield and Mr. Gerhardt returned?

21 A Singing.

22 Q What was being sung?

23 A Different songs. I mean, I wasn't familiar
24 with -- There were just different songs. I'm not
25 familiar with what songs. Different tunes, familiar

1 tunes. Now, in City Plaines, did you hear clear
 2 way Q Were they tunes involving Bhagwan, or were
 3 they rock tunes of the 50's? What kind of songs were
 4 they? They had a clear path, as far as I could see

5 A Different tunes. I think there was one --
 6 several involving popular songs sung by people in the
 7 community and -- I don't know. Just general tunes.

8 Q Were there any signs? Yes of Bhagwan standing
 9 on the A Yes.

10 Q What did the signs say?

11 A I don't recall exactly. In Some 1000 Friends
 12 something. I don't recall. Gerhardt?

13 Q Were they complimentary signs to 1000 Friends?

14 A I wouldn't say they were complimentary.

15 Q Would you say they were derogatory?

16 A They were -- I would say they were humorous.

17 Q Okay. So did you have anything to do with
 18 the writing of these signs?

19 A No. I don't say there was anyone's name

20 Q Were they courteous to you when Mr.
 21 Greenfield and Mr. Gerhardt returned?

22 A Yes.

23 Q What had you been doing between 12:30 and
 24 2:30? Did you assist them in finding the car?

25 A Went to eat.

1 Q Now, as City Planner, did you help clear a
2 way for Mr. Greenfield and Mr. Gerhardt to return into
3 the City Hall? Following their departure, did you

4 A Yes. They had a clear path, as far as I could see.

5 Q So was there anyone standing on -- Were there
6 stairs in the City Hall, for example?

7 A Yes, there was.

8 Q Were there any disciples of Bhagwan standing
9 on the stairs? But I don't think either.

10 A Yes, we have an proprietary interest in --

11 Q Were they blocking the ingress to the City
12 Hall, Mr. Greenfield and Mr. Gerhardt?

13 A No.

14 Q Were they shouting, to your observation,
15 anyway, any jeers to Mr. Greenfield or Mr. Gerhardt?

16 A No.

17 Q Were they teasing Mr. Greenfield and Mr.
18 Gerhardt? Yes, which was, I suppose, in a way. Only

19 A I would say there was humorous songs and
20 comments. The or conversation, like planning a meeting?

21 Q What did the two fellows from 1000 Friends
22 do? Yes, sir.

23 A Came up and looked at more building permits.

24 Q Did you assist them in finding the building
25 permits? I worked on the permits. I

1 A Yes. They were handed any material they
2 wanted.

3 Q Now, following their departure, did you at
4 all follow them after they left?

5 A No. I walked out the -- You mean following
6 their departure from Rajneeshpuram?

7 Q Yes, sir.

8 A No. I think during lunchtime, I walked out
9 a little bit, but I don't think after.

10 Q Do you have any proprietary interest in --
11 an ownership interest in the Rajneesh
12 Investment Corporation?

13 A No.

14 Q Do you have any ownership interest in the
15 Neo-Sannyas International Commune?

16 A No.

17 Q Prior to the election of the City Council of
18 Rajneeshpuram, which was, I suppose, in either July or
19 August of '82, if that's the correct date, did you do
20 any planning or community-like planning activities?

21 A Before I was Community Development Director?

22 Q Yes, sir.

23 A Yes.

24 Q Tell me about those.

25 A I worked on the initial background

1 information that the comprehensive plan was based upon,
2 that it utilized.

3 Q Were you employed to do that?

4 A No.

5 Q How was it that you came to do that?

6 A I was a guest of the commune, and I
7 volunteered my time.

8 Q Now, are you the person that's familiar with
9 the issuance of building permits at currently
10 Rajneeshpuram?

11 A No.

12 Q Who is that?

13 A Sandesh.

14 Q Do you have any function as Community
15 Planning Director that deals with the issuance of
16 building permits?

17 A Well, Sandesh is in my department. I'm the
18 Director of it, but I don't -- He's a licensed buildings
19 official, so he pretty much handles the building permits
20 process.

21 Q Is he also the building inspector? Is that
22 one of his responsibilities?

23 A No.

24 Q Who is that?

25 A His name is Hank Stream.

1 Q To the best of your recollection, anyway, if
2 you know, how many building permits were issued by the
3 City of Rajneeshpuram from September to December of
4 1982?

5 A From December -- I think none at all.

6 Q Excuse me. September to December of 1982.

7 A No building permits were issued in that time.
8 The city did not issue them.

9 Q When is the first time the building permit
10 was issued?

11 A January, 1983.

12 Q How many building permits were issued from
13 January to June of 1983, approximately?

14 A I have no idea.

15 Q Do you have any estimate at all?

16 A No.

17 Q None. Okay. Are you familiar with the
18 annexation of -- Is it 113 acres?

19 A 119 acres.

20 Q 119 acres?

21 A Yes.

22 Q Tell me about your familiarity with that.

23 A I wrote the facts and findings.

24 Q What part, Wadud, if any, did the commune
25 have any making the decision to annex the 119 acres?

1 A The commune had indicated to the city that
2 there was a lack of buildable land in the Jesus Grove
3 area, and at the same time, I was doing an inventory. I
4 was conducting an inventory of buildable land, which the
5 plan requires me to do, and I think this was in June.

6 So, together, that prompted a decision on my
7 part to recommend to the Council my inventory. I did an
8 initial inventory. Then I think I did a more formal
9 inventory in February -- July, but I did a more informal
10 inventory where I didn't write everything up, but I took
11 notes and just looked around the city and determined
12 that there was, in fact, lack of buildable land within
13 the city, within the Jesus Grove area of the city.

14 So coupled with my inventory and a letter
15 from the commune indicating that there was a lack of
16 useable buildable land for their purposes for building
17 certain projects, I recommended to the Council that we
18 annex, which was a requirement of our comprehensive
19 plan, based upon my findings.

20 Q Now, did you have any meetings or discussions
21 with anyone from the commune in doing your formal or
22 informal inventory of the buildable land surrounding the
23 City of Rajneeshpuram?

24 A Comments? You don't want to ask me
25 Q Did you have any discussions with anyone from

1 the commune? Rajneesh Development Corporation?

2 Corp. A No.

3 Q Was there anyone from the commune who was
4 directing your activities?

5 the RA No. Investment Corporation?

6 Q Tell me what the City Community Development
7 Department is? Was that your department?

8 A Yes.

9 Q Are you a member of the commune?

10 A No.

11 Q What is the distinction between members of
12 the commune and non-members of the commune, so far as
13 you understand it?

14 A I don't understand it. I'm not a member of
15 the commune. I pay rent to the commune for lodging,
16 food and lodging, and what other peoples' relationship
17 is, I have no idea.

18 Q Do you reside within Rajneeshpuram?

19 A Yes.

20 Q And your rent is paid to the commune as
21 opposed to the Rajneesh Development Corporation?

22 A Yes.

23 MR. DURHAM: Objection; I think we should
24 make the record clear. You don't mean the Rajneesh
25 Development Corporation.

1 MR. SOKOL: Rajneesh Investment
2 Corporation. I'm sorry.

3 BY MR. SOKOL:

4 Q You paid rent to the commune as opposed to
5 the Rajneesh Investment Corporation?

6 A Yes.

7 Q Do you know who the registered owner of the
8 real estate is at the City of Rajneeshpuram?

9 A My understanding is Rajneesh Investment
10 Corporation.

11 Q And as a matter of fact, isn't it correct
12 that the Rajneesh Investment Corporation owns all of
13 Rajneeshpuram?

14 A That's my understanding.

15 Q As Community Planning Director, are you aware
16 of anyone, any individual or individuals, who have any
17 deeded or titled ownership to any land within the City
18 of Rajneeshpuram?

19 A Other than the investment corporation?

20 Q Yes, sir.

21 A No.

22 MA PREM SANGEET: I assume that you're
23 excluding the public roadway when you ask that question?

24 MR. SOKOL: I hadn't thought about it,
25 but I suppose -- I don't think you own the roadway.

1 MR. DURHAM: Or navigable rivers.

2 BY MR. SOKOL: didn't you?

3 Q Are there any navigable rivers within the
4 City of Rajneeshpuram?

5 A I don't think so.

6 MR. DURHAM: Winter is coming.

7 BY MR. SOKOL:

8 Q Were you receiving any -- I think you
9 mentioned in June you were doing this inventory.

10 In June or July, were you receiving any
11 instructions? By "instructions," I mean just that;
12 instructions or orders from anyone in the commune or
13 letters from anyone in the commune telling you or
14 suggesting to you that it was the commune that wished
15 the city to annex the 119 acres in the Jesus Grove area.

16 A The city received a letter from the commune --
17 I don't remember who it was from -- outlining its
18 development needs and indicating that there was a lack
19 of developable land.

20 Q What was your understanding of the --

21 A As I said before. As I outlined to you
22 before.

23 Q Did you receive a copy of that letter?

24 A Yes. We have a copy of that. I think it's
25 in the facts and findings.

1 Q Actually, you presented that letter to the
2 City Council, didn't you?

3 A Yes.

4 Q What was your understanding of the
5 relationship between the commune and yourself that you
6 should be presenting a letter from the commune to the
7 City Council?

8 A It was a citizen input into the planning
9 process. That's what my understanding was.

10 Q Now, tell me, in the facts and findings that
11 you have indicated that you wrote, what were the
12 immediate needs expressed that would be fulfilled or
13 hopefully would be fulfilled by the annexation of the
14 119 acres?

15 MR. DURHAM: I'll object to the question
16 to the extent that his belief or impressions or opinions
17 as to the needs that would be fulfilled are not
18 relevant. The findings entered by the public body are
19 the only relevant findings, and his testimony can't
20 impeach such --

21 BY MR. SOKOL: MR. SOKOL: I didn't mean to impeach it.
22 I'll be glad to rephrase it.

23 BY MR. SOKOL: The first thing that I --

24 Q What I would like you to do is tell me from
25 the findings, and you can refer to the finding if you

1 like -- I'm not trying to get some inconsistency between
2 your view and the findings; I presume they're the same.

3 From the findings, what were the immediate
4 needs expressed that would be fulfilled by the
5 annexation?

6 MR. DURHAM: Again, best evidence
7 objection. You can go ahead and respond, if you care
8 to.

9 MR. SOKOL: I would happy to have him
10 have a set, if you have them, of the findings.

11 MR. DURHAM: I don't.

12 MR. SOKOL: I think I do.

13 THE WITNESS: I can just read what I
14 wrote.

15 MR. SOKOL: Okay.

16 MR. DURHAM: Mr. Sokol, can you identify
17 the document that has now been handed through your
18 courtesy to the witness?

19 MR. SOKOL: Sure. That is the annexation
20 proposal and findings, August 28th, 1983.

21 BY MR. SOKOL: It is reviewed and the book.

22 Q Is that right?

23 A Yes. The first thing that I did in the
24 findings is outline under the annexation rule why I thought
25 the city needed to annex immediately and what my

1 recommendation to the Council was, which was to annex
2 immediately.

3 Q All right.

4 A The first reason was that a number of the
5 City Council had adopted a new urban growth boundary or
6 revised urban growth boundary, which removed
7 approximately 300 acres of buildable land from the city
8 buildable land inventory of the city, still within the
9 city, but it removed it from urban designation.

10 And that was in response to the LCDC
11 continuance order and recommendation and my conferences
12 with LCDC staff. I had a conference with the staff in
13 the spring and showed them a new proposal, and I had
14 very good feedback on it, so I recommended to the
15 Council that they adopt a new UGB in response to the
16 staff's recommendations.

17 Q Who was on that staff that suggested there be
18 a new urban growth boundary?

19 A That was Bob Rindy. Bob Rindy was the lead
20 reviewer. It was a staff recommendation that the urban
21 growth boundary be revised and the LCDC, the Commission,
22 adopted their recommendation or that particular
23 recommendation.

24 Q Now, referring to the findings that you made,
25 specifically what buildings were going to be constructed

1 on the annexed 119 acres?

2 A An airport facility. runway?

3 Q What sort of airport facility?

4 A A facility for visitors or people actually
5 leaving, communal members or people being transported
6 back and forth for air transport, a waiting room,
7 toilets.

8 Q Tell me --

9 A MA PREM SANGEET: Just in the interest of
10 time, do we have to go through the whole -- I mean --

11 MR. SOKOL: I'm going to ask him just
12 about the major sites and what's gone on there.

13 BY MR. SOKOL: On the issue of aircraft they are

14 Q Let's start with the airport facility. What
15 progress has been made in constructing the airport
16 facility?

17 A That facility is being constructed now, to my
18 recollection.

19 Q Are the DC-3 aircraft landing and taking off
20 from Rajneeshpuram?

21 A Sometimes.

22 Q And are they landing and taking off from this
23 airport facility?

24 A Yes.

25 Q Does it have a runway?