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Dear Rainbow Family Gathering Participates:

As a result of a number of press articles regarding conflicts at the 2008 Rainbow Family Gathering in Wyoming the Wyoming Chapter of the American Civil Liberties Union requested complaints, narratives or reports regarding individuals experiences at The Gathering. We were particularly interested in a conflict that occurred in "kiddy village". Kiddy village is an area set-aside for those participants that have children and is particularly directed to children's experience.

There are no official Rainbow Family representatives, documents or incorporations. It is my understanding they have been gathering since the 1970's and generally believe in non-violence and alternative lifestyles. They gather once a year in national forests to pray for the planet and for peace.

One of the United States Forest Service's (USFS) press releases regarding the 2008 Rainbow Family Gathering stated that "about 400" Rainbow Family members surrounded a squad of officers trying to leave the "kiddy village" area after an arrest. The press release also stated that Rainbow Family members threw sticks and rocks at federal officers. Both the USFS and the Rainbow family agree the incident started when officers arrested a family member for an alleged drug offense.

The accounts of the experiences of individuals at this years gathering came from a number of sources: many of the reporters were long time Rainbow Family members and participants, some were casual or first time attendees and others Wyoming residents that just wanted to see "what was going on." Among our reporters were doctors, lawyers, National Guard members, a nurse, and a retired carpenter from Lander. One of the telling items in all of the reporting was how similar the experiences were. The similarities maintained despite the date, time, number of people reporting, age, or place of occurrence. These similarities in experiences and allegations provided an added element of validity to the

reporting.

The USFS has stated that they are simply at the gatherings to "handle the perimeter" and to deal with "specific problems". The reality of their presence seems very different however.

From the beginning of the gathering all respondents reported a massive law enforcement presence. At the Welcome Gate law enforcement massed and stopped and searched car after car. Individuals were stopped for hundreds of insignificant violations – dirty license plates, obstructed vision (rear view mirrors with items hanging on them), tail light out, not using turn signal for turn, the list goes on and on. These individuals were forced to drive 68 miles to court to pay a \$15 dollar fine and \$25 dollars in court costs. Many of the tickets were dismissed by prosecutors or judges. Out of 142 violations heard in a special magistrates court 90 were fined nothing or dismissed, 32 individuals were fined under \$100.00 and 20 were issued fines of over 100, the largest fine being one issued for \$525.00. Once stopped, individuals were asked what kind of drugs they had, if they denied having drugs they were often searched, drug dogs were used. Individuals were told that drug dogs had "hit" on their vehicle and they better just tell them where the drugs were. This procedure of continual mass stops and searches of vehicles went on during the entire gathering.

Armed officers walked through gathering asking people what they were doing or what kind of drugs they had on them. People in tents were woken up and their tents were searched; individuals also reported seeing officers searching tents when people were not at their campsites. One woman reported being at the latrine site using the latrine, she had her hand behind her back when an officer walked up and asked her what she was doing and what she had behind her back – he asked her if she was smoking pot – she showed him the toilet paper and he then walked away.

Several individuals said they either left the gathering or made a decision not to attend after seeing the numbers of law enforcement officers present. Many people said there was an atmosphere of continual threat from law enforcement.

This type of harassment and general over zealous enforcement appear to have been the pattern in the USFS relationship with the Rainbow Family. The USFS has set up roadblocks, safety checkpoints, rolling gauntlets, and have searched and ticketed people on the narrowest of pretexts. Law enforcement are often in full riot gear armed with sidearm, tasers and shotguns. In 2006 in Colorado the agency issued the same kind of petty offenses tickets – over 100 of them. The USFS also issued more than 500 citations for "illegal use and occupancy". Another apparent conflict between USFS and participants in Colorado gathering resulted in the statement that participants had thrown "sticks and rocks". One online video shows no sticks or rocks thrown during the confrontation. During the 2003 gathering there were reports of 8-10 mounted officers circling the gathering flying the American Flag immediately preceding the main days prayer. Individuals at this years gathering reported officers taking pictures of participants – this type of surveillance has been reported at previous gatherings. None of this behavior has been conducive to a good relationship; but often seems motivated to cause clashes between participants and law enforcement.

The participants that reported on the 2008 "kiddy village" conflict were unanimous in their version of the events: The officers came into "kiddy village" following a man that was later charged with a marijuana complaint (this is the best of my information). The officers were armed with pepper ball guns and side arms. When the individual was arrested a woman went up to one of the officers and asked a question – there is no indication of what was said. This woman was then thrown to the ground, handcuffed and surrounded by several officers. At this time the crowd became upset and people were

asking what was going on – individuals came into the area – at no time was it appparent that there were 400 individuals in the area. Additionally, at no time are there any rocks or sticks seen being thrown at the officers. One reporter states he may have seen “one stick” thrown. This is not evident in any of the videos. Rainbow member’s state that, according to their training and belief in non-violence, they began to police themselves some of them going down on their knees and chanting and others trying to calm the crowd and back them off. Many of the participants report being shot by pepper balls in the back or when they were kneeling. One of the medical crew, a nurse, reported treating several people for multiple welts and many individuals for contact with pepper spray. The Sublette Examiner reported that one officer was injured but I have not been able to verify that injury.

After the incident people reported being stopped by officers and told to take off their shirts so that officers could identify them to charge them with “inciting”.

John Twiss, Director of Forest Services Law Enforcement and Investigations in Washington, D. C. Stated, “I think we have to have that discussion within the agency.” (regarding banning the Rainbow Family from Forest Services lands) “We spend an awful lot of time and effort on these people and frankly, the taxpayers deserve better.” He also gave his clear opinion saying that Rainbow Family Members are “non-compromising” “arrogant” and “anti-authority”.

Statements such as this lead us to believe that agency personal have no intention of working with the Rainbow Family to provide a reasonable compromise for both the Family and the USFS. The pattern of antagonistic harassment that has occurred over the years makes this clear. There should be a discussion in the USFS and the US Congress regarding this history of abuse of process and individuals by the USFS. The taxpayers and the Rainbow Family deserve better. The continual harassment and heavy-handed enforcement methods are not necessary and only serve to cause more problems and more bad feelings. There is no reason to pay USFS personnel to issue frivolous tickets, conduct illegal searches and overburden the Federal Courts and Prosecutors. These situations should be handled in a professional, best practices manner. The USFS seem to be more intent on provoking confrontation.

Sincerely,  
Linda Burt, Executive Director  
Wyoming Chapter, ACLU

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