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To Denise Ottaviano/WO/USDAFS@FSNOTES, ELLEN.HORNSTEIN@OGC.USDA.GOV, Judy Yandoh/R3/USDAFS@FSNOTES, alucero@fs.fed.us,
cc
bcc
Subject Rainbow Gathering News Clips from Santa Fe New Mexican

Santa Fe New Mexican Reporter, Staci Matctlock's first of two stories on the clean-up/rehab of the Rainbow Gathering site made today's headlines (first article below). Her second, follow-up story regarding the clean-up/rehab is due to go to print within the next two months. In addition to her first clean-up/rehab story, a separate story regarding this year's signed permit and the right to assemble (also in today's paper) is also attached.

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----- Forwarded by Lawrence M Lujan/R3/USDAFS on 07/13/2009 02:08 PM ----

Kevin C Atkinson/R3/USDAFS
07/13/2009 01:06 PM

To Lawrence M Lujan/R3/USDAFS@FSNOTES
cc
Subject Online News for 07/13/09

ONLINE NEWS FOR 07/13/09

SANTA FE NEW MEXICAN ONLINE:

The end of the Rainbow

Several dozen stay behind to help ease traces of Jemez Mountains gathering

Staci Matlock | The New Mexican

7/12/2009

The 2009 Rainbow Family gathering in the Jemez Mountains is over. Now the cleanup is under way.

Three days after the unofficial July 7 end of the gathering, most of the more than 10,000 people who traveled from all parts of the nation to pray for world peace — and have a big party — were gone.

Left behind were mounds of trash, beaten-down paths criss-crossing the forests and packed-down, bare camp spots. Several dozen Rainbow Family volunteers will spend the next few weeks trying to erase the traces of the gathering. "The first several days we just focus on intensive cleanup of trash," said J'ai, a bearded fellow who said he's often the last human out of the gathering sites each year. "Then we focus on rehabilitation and naturalization. We try to make it look like we were never here."

It will take months, maybe a year, before the high-mountain meadow and surrounding forests at Parque Venado look like they did before the gathering. It takes time for land to heal and vegetation to re-grow.

By July 10, the volunteers had bagged up mountains of trash and stacked it up on the nearby forest road. A hand-drawn cardboard sign asked people to take a bag of trash with them as they left the gathering. Volunteers loaded the rest of the trash bags onto trucks as they had time and hauled it to a landfill.

The area was already a lot cleaner than some popular Santa Fe National Forest campgrounds look after weekend visitors leave. Only one plastic bag, a tin can and a discarded pair of old boots were visible along eight miles of forest road and a couple of miles of trails around Parque Venado. Trash is picked up down to the last cigarette butt, if possible, J'ai said.

Harvie Branscomb of Carbondale, Colo., was hauling some bags of trash and cleaning supplies on a dolly down one of the main trails. Branscomb and his girlfriend, Yayoi Wakabayashi, showed up after the main gathering to help with cleanup. They brought 50 pounds of lime to sprinkle in the slit latrines before hiding the slits under layers of dirt. "Cleanup is all part of the gathering," said Branscomb, who had just come from the Aspen Idea Festival.

By Friday, most of the dozen or more outdoor kitchens built by volunteers in the weeks before the gathering were gone. Big tarps stretched between trees to shield cooks from sun and rain were taken down. Stone and mud mortar fire pits built for cooking had been dismantled. Logs used to make tables at the kitchens, where all the thousands of people were fed for free, had been taken apart and scattered. Plastic pipelines set up to carry water from nearby streams to the kitchens were in the process of being taken down.

A couple of kitchens, like PB&J and the Naked Kitchen, will remain open to feed the cleanup crew until the end. At the Naked Kitchen, where one chef was wandering around sans clothing — but going nude is optional — a freebie site also was set up. Departing Rainbow gatherers leave tent stakes, pans and other items behind for anyone who could use them.

Pitching in is important at this point. "There's people helping, but there's also people who sit around in the shade and ... complain because they can't get to town," said Warrior, a longtime Rainbow gatherer. "I say if you want to get to town, get a car."

Five forest service archaeologists were at the Parque Venado meadow Friday afternoon to see the aftermath of the gathering.

David McCray, a Santa Fe National Forest archaeologist, said one concern before the gathering was the sheer number of people expected. "It is amazing they came and went with no major disasters," McCray said.

Rainbow Family volunteers met with Forest Service resource staff prior to the gathering to decide where kitchens, camps and water lines could be set up without damaging archaeological sites or endangered species habitat. "They were very accommodating," said Jennifer Dyer, an archaeologist with the Jemez District of the Santa Fe National Forest.

Parque Venado, a popular gathering spot for 5,000 years, is full of archaeological sites, the archaeologists

said. Pre-puebloan people used to hunt deer and camp there.

"There's a lot less impact than I expected for the number of people," said Jeremy Kulisheck, an assistant archaeologist with the Santa Fe National Forest. "Trailing is extensive, the vegetation is knocked back and if you notice, we're not hearing a lot of birds. There's been a localized push out of wildlife. The reality is you can't get 10,000 people out here without some impacts on the land."

Santa Fe National Forest biologists, archaeologists and water specialists will make periodic trips to the meadow to check on the cleanup and recovery progress.

After trash is removed, volunteers will scatter limbs and forest duff on trails and bare camp spots. The duff adds mulch to the bare areas, providing nutrients for seeds, and the limbs discourage hikers and wildlife from trampling young plants.

"I think this site will rehab quickly," said J'ai, looking out across the meadow.

Forest Service permit sparks debate on First Amendment rights

Staci Matlock | The New Mexican

7/12/2009

When Santa Fe photographer Lisa Law, a Woodstock veteran, signed a U.S. Forest Service permit for the recent Rainbow Family Gathering in the Jemez Mountains, she stepped into a decades-long debate that has landed people in jail and reached the U.S. Court of Appeals half a dozen times.

The U.S. Constitution's First Amendment guarantees Americans the right to assemble peaceably for parades, protest marches, a gathering in a national forest to pray for world peace or any other reason.

But the government can dictate the time, place and manner in which Americans assemble by requiring a permit. If a permit is denied, the people can't assemble. If they try, they can be arrested.

Does requiring a permit infringe on a basic American right? Or is it simply a necessary thing governments have to do, as with other laws, to protect public health and safety?

Law said she signed the Forest Service permit at the request of Erin Connelly, deputy forest supervisor of the Santa Fe National Forest. "I felt if the Forest Service needed the permit to interface better with the Rainbow Family, then it was OK to sign it," said Law, who has long been involved with hippie gatherings and communes, but never attended a Rainbow Gathering before. "I felt since I helped feed 200,000 people at Woodstock 40 years ago, I was the right person to sign it."

But Charles L. Winslow, who goes by the name Bajer at Rainbow Gatherings, called the permit "bogus," saying, "We agreed a long time ago that we wouldn't sign a permit because we already have the legal right to assemble under the Constitution."

To Bajer, the permit requirement chips away at the First Amendment right, much the way gun advocates believe any laws restricting gun ownership infringes on their Second Amendment rights.

Bajer, who has been at most Rainbow Gatherings since the first one in 1972, added, "A permit is a revocable permission. We should be grandfathered in. We've got a long history of cleaning up after gatherings, taking care of problems." Bajer said he has twice gone to jail for not signing a Forest Service permit.

His girlfriend, Dia, feels differently. She sees the willingness of some in the Rainbow Family to sign the Forest Service permit as natural, because the Rainbow Family claims to not be a group, to have no official leader and no official rules. "We're a collection of people with individual opinions," Dia said.

This year, an estimated 10,500 people attended the Rainbow Gathering near Cuba in the Santa Fe National Forest. Forest officials say such a huge number of people increases the risk of problems ranging from medical emergencies to damaged land. The Santa Fe National Forest requires a noncommercial, special-use permit for 75 people or more.

"The permit doesn't impinge on their right to be there or to gather, but places restrictions on the time, place and manner in which they gather," said Denise Ottaviano, public information officer with the Forest Service. "We in no way are trying to tell them not to be there or to infringe on their reason for being there."

The U.S. Court of Appeals has ruled six times in the last decade that the Forest Service can require a permit without infringing on the First Amendment as long as the permit meets three criteria. A permit must be "content neutral (applies to all groups), narrowly tailored to serve a significant government interest and leaves open ample alternatives for communication (between the government and the group," according to two rulings by the 9h Circuit Court of Appeals.

Ironically, the Forest Service did not require a permit for Rainbow Gatherings held in 2007 and 2008. Regional foresters make the decision. Still, after a confrontation at the 2008 Rainbow Gathering in Wyoming led to the arrest of eight people, a top forest service official told The Associated Press that the agency should consider banning the Rainbow Gathering.

This year, Corbin Newman, regional forester for the Southwestern Region, decided the gathering needed a permit, "so we will be able to manage the gathering as a legal event."

John McCall is an Albuquerque attorney respresenting some of the Rainbow Family who were cited on various charges during the recent gathering. McCall, a Rainbow Family member for 19 years, has studied the legal issues and still believes the permit is a clear violation of constitutional rights.

"These are spontaneous events. Each person who chooses to attend a gathering is a sovereign entity," said McCall, a constitutional historian, "They exercise their sovereignty under the Ninth and Tenth Amendments each time they show up. These gatherings serve to continually remind us of these rights."

McCall said those ideas grew directly out of the Sons of Liberty, the framers of the Constitution, who in their own time were rebels speaking out against a controlling government.

Bajer and McCall said Rainbow gatherers generally don't oppose meeting Forest Service requirements to protect water, cultural resources and other resources, but they believe a permit should not be required.

The right to peaceably assemble, closely linked in the First Amendment to the right of free speech, faces constant challenges and government restrictions. In years past, the U.S. Supreme Court has found cities and the federal government cannot use a permit as a broad excuse to deny people the right to assemble, march or protest.

Most recently, the ACLU sent a letter to the Department of Defense in June, demanding a change to the agency's training exam. The exam equates public protests with "low-level terrorism."