

THE RIGHT TO GATHER

I. The Siege on Assembly in the National Forests – a Synopsis

In 1972 the [Rainbow Gatherings](#) commenced an historic experiment in true voluntary assembly, reviving ancient human traditions and the American legacy of communal prayer in the Cathedral of Nature.

The annual July 1-7 Gatherings convene in a different National Forest each year; regional events occur seasonally around the country. They go to suitable public land, where citizens assemble as equals on common ground. They are free and open, enabling diverse forms of speech, culture, faith & service to come together in respect. Moreover the shared act of gathering in cooperation, mutual care and stewardship is a distinct and profound form of expression in itself, a creed and custom that has spread around the world.

The Gatherings are also a crucible of unprecedented constitutional crises, fought out in policy & law over decades, with continuing harms unresolved. Three major issues are intertwined:

❑ **Noncommercial Group Use Regulations, 36 CFR 251.54**

NFS lands are a “traditional public forum” for expression... the First Amendment mandates fair means of authorization, but this is foreclosed by special use permit rules requiring an embodied ‘Group’ holder: *In effect, individuals who assemble are coerced into a fictional legal association, vicarious liability and felony fraud as preconditions of Government-authorized expression – or they are criminalized.*

Where no such entity exists or is comprised by unaffiliated gatherers, with no *ad hoc* agent capacities, this permit poses a facial ‘prior restraint’ to assembly. Such previous USFS rules were twice struck down by the courts – in [Arizona 1986](#) and [Texas 1988](#). The current “Regs” took effect in Sept. 1995, setting loose a storm of legal strife – upheld in flawed early cases, debunked in later challenges, but still in effect.

The Feds still allege the putative “Rainbow Family” or some other conjured ‘Group’ to be a legal entity required to comply, abrogating personal standing & rights in assembly. Many attendees have been cited in the past, some jailed... now Gatherings are declared ILLEGAL, to justify aggressive police tactics.

❑ **Rainbow Roadblocks & Targeted Enforcement**

Gatherings endure persistent police harassment, especially by means of intensive roadblocks and ‘gauntlet’ tactics near the remote sites. USFS Law Enforcement collaborates with local police in pretextual stops, illegal seizures and searches without probable cause – geared to spawn petty violations & ‘drug war’ busts to intimidate and afflict attendees. These tactics extend to invasive patrols & provocations on-site.

Three civil actions have challenged these abuses – in [Missouri 1996](#), [Florida 1998](#), and [Georgia 2018](#). The Federal courts found such *targeted enforcement* against First Amendment exercise to be unconstitutional. Declaratory law is clear on this matter, but injunctions lapsed and the LEO’s ignore it anyway.

So these draconian practices continue, in the long pattern of civil rights violations against gatherers — remote transient events, difficult to track, defend, or redress, ‘capable of repetition yet evading review’.

❑ **‘Incident Command’ – Speech Under Emergency Law**

Devices of Emergency Management were piloted on the Gatherings since 1987, and entrenched in USFS policy in 1998: These assemblies are deemed “non-natural Emergencies” on unknown grounds, triggering a [Delegation of Authority](#) from line Foresters to a law enforcement ‘Incident Command’ regime: USFS-LEI is the lead agency, taking over NFS administrative powers through the course of the event.

....In short, Federal police control applied policy on speech: A ‘Team’ of zealous LEO’s is brought in to land on the Gathering, preempting local Rangers in their cooperative public duties, and escalating harassment into *targeted prosecutions*: I.C. pulls the District Court & US Attorney into special ‘trials’ during the event, with mandatory appearances for ‘Rainbow’ defendants – who are forced to leave the site and face curtailed due process. With no time or means for a defense, most take a plea and pay, just to go home.

This scheme systematically burdens people who travel for expressive purposes, with no legal or logistical support in distant regions. Its proceedings violate court rules and case precedents, abridging constitutional protections under Emergency Law *diktats* of undisclosed authority and uncertain sweep.

Expanded Web-Links

~ Access to source references:

<u>Rainbow Gatherings</u>	https://www.welcomehome.org/
<u>Arizona 1986</u>	https://prop1.org/legal/gideon.htm
<u>Texas 1988</u>	https://prop1.org/legal/695fs294.htm
<u>Missouri 1996</u>	https://www.free-assembly.org/gather/courtstorms/mo96-park/
<u>Florida 1998</u>	https://www.free-assembly.org/gather/courtstorms/fl98-addison/
<u>Georgia 2018</u>	https://www.free-assembly.org/gather/courtstorms/rbw18-ga/hadaway/
<u>Delegation of Authority</u>	https://www.free-assembly.org/gather/campaigns/ic-speech/