

THE MORNING NEWS, ERIE, PENNSYLVANIA October 22, 1997

## 2 On trial for 'Rainbow Family' gathering in Allegheny Forest

*William Baxter, Joseph MacCrimmon on trial in U.S. District Court in Erie on charges of assembling without a permit*

By BRIAN KINAL Staff writer  
**Defendant William Baxter, left, walks to court with his friend and legal adviser, Scott Addison.**

Whether people have the right to assemble in national forests, or need a permit to do so, is the central issue of a trial under way in U.S. District Court in Erie.

Also in question is whether members of a group that fails to obtain a permit can be selected randomly for prosecution.

On trial are two people associated with the Rainbow Family, William Baxter of Hedgesville, W.Va., and Joseph MacCrimmon of Arcata, Calif. Both are 49. Both are Vietnam veterans.

They were charged with assembling without a permit in Allegheny National Forest during a week long Rainbow Family gathering in August 1996.



Actually, both deny that the Rainbow Family is an organization; therefore, they are not "members" of it. As Baxter said outside the courtroom "If you've got a belly button and you believe in peace, you're a Rainbow."

The complexity of the trial surprised the judge, attorneys and witnesses, who had expected a one-day proceeding. Before testimony got under way at 10 a.m., Judge Susan Paradise Baxter, no relation to the defendant, predicted she would issue a verdict before day's end. Instead, Baxter had to recess the trial at 8 p.m. Testimony was to resume this morning at 9 a.m.

District Ranger John R. Schultz of the National Forest Service spent at least four and a half hours on the witness stand under direct examination by Assistant U.S. Attorney John J. Trucilla and cross-examination by Assistant U.S. Public Defenders Khadija Diggs, Stephen Misko. Diggs is Baxter's attorney and Misko represents MacCrimmon.

By mid-afternoon, Judge Baxter told attorneys to "tighten up" their questioning, saying, "My mission is to get Mr. Schultz off the stand which Schultz replied, "That's a noble mission, your honor."

Schultz testified that on Aug. 22, 1996 he was hosting a Bureau of Forestry tour of the park when he noticed "signature items" of a Rainbow Family gathering. Those items included tie-dyed T-shirts, teepees, and cardboard signs with arrows pointing to the gathering place, he said.

Schultz said he was familiar with the telltale signs from his experience as district ranger at Shawnee National Forest in southern Illinois where a Rainbow Family gathering was held in 1993 or 1994.

Under questioning from Trucilla, Schultz related how he walked into the Allegheny National Forest encampment and asked who was in charge. He said some people pointed in the direction of an old pick-up truck, and when he approached the truck MacCrimmon came forward and asked if he could be of any help.

Schultz said that when he told MacCrimmon he was looking for 'the group's leader, MacCrimmon said he should talk to Baxter, who soon walked up from an area below the encampment.

Over the next several days, Schultz said, he negotiated with Baxter and MacCrimmon, and tried to get them to sign a permit application. They ultimately refused and were cited.

The two defense attorneys came at Schultz from numerous angles to try to demonstrate that Baxter and

McCrimmon were not leaders of the Rainbow Family, which the attorneys said does not have leaders.

"Not only did they not set themselves forth as leaders, but consistently denied a leadership status," Diggs said, citing Schultz's own testimony that the two told him repeatedly they represented only themselves.

Testimony revealed that the regulation requiring a permit for groups of 75 or more people has been in effect only since September 1995. Before that, no permit was needed for a group wishing to assemble in a national forest.

Under cross-examination by Diggs, Schultz also conceded that the Rainbow Family, which was said to number about 1,000 at that gathering, followed acceptable practices for toilets, kitchens, use of streams, and post-event cleanup.

Misko told Schultz the ranger had no reason to believe the defendants were leaders, other than they were the first people he met who were willing to talk to him in a cooperative spirit. He said the two never sought out authorities, but that authorities continually sought them out, including waking MacCrimmon from an afternoon nap, as Schultz had testified earlier.

Schultz had also testified that the defendants told him many times the Rainbow Family has no official structure. "They're just a collection of people with similar beliefs and they like to sit around and talk about them, right?" he asked Schultz.

"That's right," Schultz answered.

Prosecutor Trucilla was doubleteamed by the two public defenders. At one point, while he questioned Schultz, Misko objected, "That's speculative," and Diggs added, "And leading."

Trucilla focused on the fact that the specific federal code says nothing about "leaders," and states that any member of a permit-less group can be prosecuted. Yet the defense attorneys presented a Forest Service training video, which recommends identifying the group's leaders. He quoted the video as saying the leaders are "easy to pick out" if the group is watched before contact is made.

Schultz conceded Forest Service officials did not observe the group prior to making contact.

Scott Addison, a friend of William Baxter's, is serving as an ex-officio member of the defense team. Addison said he's been attending Rainbow Family gatherings since the first one in 1972 in Colorado. Although not a lawyer but a city planner by profession, he said he's gained considerable legal expertise following the legal travails of the Rainbow Family.

Addison said the trial has drawn national attention, although Judge Baxter's verdict will not set precedent unless it goes to appeal.

"Typically, precedent is set at the appeal level, but this could be important because everybody's watching it," he said.

Addison said the permit requirement not only violates the Constitutional right to free assembly, but interferes with "the ancient tradition of gathering on the land"

During a break, defendant Baxter said Rainbow Family gatherings are held in the summer, and people find out about them through word of mouth and other informal means. One was held previously in Allegheny National Forest in 1982.

He said in recent years, they've been held in Scotland, Poland, and other European countries, and one is planned for Russia.

Although a recent Rainbow Family newsletter urged people to show up and support Baxter and MacCrimmon, only a half dozen supporters materialized