

Who's in charge here?



JACK HANRAHAN/Staff photographer

Rainbow Family members, from left, Garrick Beck, Joan Kalb and Stephen Sedlacko are accused of failing to get permits for the group's gathering in Al-

legheny National Forest this summer. The three claim the government requires leaders of groups to get permits and the Rainbows have no leaders.

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Rainbow Family defendants say group governs by consensus and no one is in charge

Lawyers sometimes describe a trial as a search for the truth. In the case of three members of the Rainbow Family, their trial has turned into a search for a leader.

The government is doing the looking. And the Rainbows are calling the probe pointless.

The nonjury trial for the three opened Wednesday before Senior U.S. District Judge Maurice B. Cohill Jr. at the federal courthouse in Erie.

The three, all from out of town, are accused of the misdemeanor charge of failing to get permits for the Rainbow Family's annual

gathering at the Allegheny National Forest this summer. The three claim the government requires leaders of groups to get the permits, and they say the Rainbows have no leaders — so the permit process doesn't apply to the loosely organized group.

The likely penalties for the three, if they are convicted, would be minor — possibly no more than \$50 each. The three Rainbows are fighting the charges on principle.

"The rights of all American citizens to expressive assembly in the forest hinges on this," defendant Garrick Beck said. "That's what's at stake here."

"If we allow this regulation to

stand unfettered, we are surrendering the constitutional rights of our next generations," defendant Stephen Sedlacko said.

Sedlacko, of Eugene, Ore., and Beck, of Santa Fe, N.M., appeared in court with co-defendant Joan Kalb of New York City. Their trial is to resume today. Cohill heard about 90 minutes of testimony Wednesday.

The permits at the center of the case cost nothing. The U.S. Forest Service says it requires them for noncommercial groups of more than 75 people to help prepare for events and protect the national forests from trash and other

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damage. About 20,000 people attended the Rainbows' annual gathering at the Allegheny National Forest from June 28 through July 10. They assembled near Ridgway, Elk County.

The Rainbows, made up largely of nonconformists, hold the gatherings to pray for peace. They say they govern by consensus, with no one person, or legislative body in charge. They also claim the permit process violates their First Amendment rights to free assembly and free expression.

The government says the permit process is constitutional and is not targeted at one specific group. Assistant U.S. Attorney John Trucilla, the prosecutor, is arguing that the forest service treated the Rainbows like it would any other organization.

The courts have agreed with Trucilla before. In 1997, the last time the Rainbows gathered at the Allegheny National Forest, the forest service cited two other Rainbows for failure to get permits. U.S. Magistrate Judge Susan Paradise Baxter of Erie ruled the permit regulation consti-

tutional and fined the two defendants \$50 each. The maximum penalty is a \$5,000 fine and six months in prison.

Baxter originally was assigned the current case. The Rainbows chose a nonjury trial before Cohill instead. Trucilla opened the case Wednesday by trying to show that Beck, Sedlako and Kalb are leaders. His witness was William C. Fox, of Missoula, Mont., a criminal investigator with the forest service. Fox headed the team that monitored the Rainbow gathering at the Allegheny National Forest this summer.

Fox testified he came to consider Beck and Kalb as leaders of the Rainbows either through conversation or through Websites and written literature he attributed to the Rainbows. Other government witnesses are expected to testify about Sedlako.

For example, Fox said, one piece of literature identified Kalb as a "focalizer." Fox said the term describes a Rainbow who "lets other people know what is happening at the gathering."

Fox said he considered Beck a leader because he often spoke to him

and others about the Rainbows' plans. "He's very articulate, very involved in the gathering," Fox said. The defense lawyers suggested, on cross-examination, that Fox had made assumptions. The lawyers are John Garhart, representing Beck and the American Civil Liberties Union; Bruce Antkowiak, of Greensburg, representing Sedlako; and Robert Sambrook, representing Kalb.

"A collection of independent souls," is how Garhart described the Rainbows. Fox during the questioning acknowledged that neither the Websites nor literature he attributed to the Rainbows listed specific authors who could be identified as Rainbows. Antkowiak questioned the forest service's belief that Sedlako and the others are leaders. "Have you ever heard anyone say, 'I'm the boss of the Rainbows?'" he asked.

"No," Fox replied, "I have not." Once all the witnesses have testified, the lawyers will make their constitutional arguments. Each side outlined its position in motions filed Wednesday.

Wrote Garhart: "The gathering is a free form assembly, and within the assembly there are no officials high or petty. The forest service by its regulation demands that the assembly change its fundamental character to conform to the world as the forest service wishes it to be.... The forest service regulations require individuals to don its regulatory straightjacket as a precondition to gathering on public lands. This is not constitutionally permissible."

Trucilla, in his motion, quoted the ruling of another federal judge who dealt with the permit issue in another case.

The judge wrote: "Members of the Rainbow Family, like all other citizens of this country, are entitled to the fair administration of justice and to the enjoyment of their constitutional rights, including the precious rights of free speech and free association. But, like other citizens, they must comply with lawful government directives."

"In this case, they willfully violated neutral government regulations narrowly tailored to protect the national forest system for use by all."