



Judge Dave ☯ the Rainbow People, Part IV

David B. Sentelle

ON THE TRAIL AGAIN

“JUDGE DAVE,” Garrick greeted me. “We heard you were here.”

I figured they had.

“We want to ask you about a few problems we’re having with the government people, and some other things.” Two or three others started talking at once. “The pigs are going along taking license numbers,” one said.

“And they’re taking pictures, and so was that reporter,” another one put in.

“I told you not to say pigs,” Garrick admonished the first.

Garrick’s companions kept voicing complaints, and Bob had started arguing with them.

“There’s nothing in the order or the law that says our people can’t take down license numbers. You’re out in a public place and anybody can take pictures here. Besides, I’ve seen some of your own people running around snapping cameras.”

“Our people asked permission before they take anybody’s picture. We recognize the right to privacy,” one of them argued.

I held out my hands and tried to get everybody quieted down. In case you’ve ever wondered, it’s a lot easier to restore order in a courtroom from a high bench with a U.S. Marshal in attendance than it is standing in the mud in a field full of hippies. Finally, I more or less succeeded – mostly less.

“Bob, you know, and the rest of you can learn, that I can’t do anything about any of this or even say anything about any of this out of court. If you can make some more agreements, so much the better. If not, somebody is going to have to bring it back to court.” I let Bob step off a little way with Garrick and his merry band to talk out their agreement for a few minutes before we went on inspecting. I had no idea that they would reach any agreement, but it made the hippies feel better, gave Bob a chance to vent a little bit, and allowed the grapevine to spread word of our presence –

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which was probably what Garrick had in mind in the first place.

While we were waiting, a naked woman wandered over and stood sort of between the little discussion group and me. She was about 30 or so, slim and athletic looking with a lovely light all-over tan. She cocked her head and listened to the conferees for a minute and then turned to me. She raised her hand in the old 1960s "V" peace symbol and said, "Hi, I'm Susan."

I returned the peace symbol as I had done several times during my visits to the camp and expected her to go about her business, whatever business a naked woman has in a muddy mountain meadow on a pleasant July day.

Instead, she engaged me in casual conversation. This had not happened before. Let me clarify that. Many people have engaged me in casual conversation before, even many Rainbows have. What I meant is never before has a naked woman whom I have just met engaged me in a casual conversation at a public gathering – or anywhere else.

The Rainbows project an image of being perfectly comfortable or more accurately nonchalant about total nudity. Perhaps in the case of toplessness, they succeed. It's probably not that hard for Rainbows to be casual about bare breasts. With bottomlessness, they still don't quite succeed. Even hard-core old hippies it seems are not yet able to casually and naturally walk over to a clothed stranger in a public place and begin talking to him as easily as they would if they had clothes on. This woman was the exception.

She stepped over beside me. Now when I say she stepped over beside me, I should emphasize again how thoroughly casual she was in her nudity. Not only did she show no hint of embarrassment or self-consciousness, neither her posture nor her movement indicated any intent to be seductive or erotic. There are two ways in which a woman can step closer to a man and speak to him. She

can kind of slide over next to him, lean a little closer to him and speak a little breathlessly. She does this when she is trying to get something going between them. On the other hand, she can just step over closer to him as she would toward another woman and speak to him conversationally. She does this when all she has in mind is getting a conversation going between them. This particular woman stepped over and spoke to me as casually and unerotically as if she had been a fully dressed schoolteacher and I was a parent she was greeting at a PTA picnic.

"Is there some kind of other legal problem about the gathering?" she asked, gesturing toward Bob and Garrick's little discussion group.

I had just been greeted and asked a question by an attractive naked woman in the middle of a rather public place. Being a mature controlled adult male, I calmly and without any embarrassment responded, "Hi, (gulp) I'm Dave."

"Is there some sort of other legal problem about the gathering?" she asked me again as calmly and unerotically as if she were a fully dressed schoolteacher at a PTA picnic and I was a dimwit.

I was determined to respond as calmly and coolly as if she'd been wearing blue jeans and an opaque loose sweatshirt. Let's see she just asked me, "Is there some sort of other legal problem with the gathering?" I, of course, should give her a bright, informative, responsive answer. "Uh, yes," I ad-libbed. Maybe not bright and informative, but at least it was responsive.

Melanie had stepped around to the other side where Susan couldn't see her. Her eyes were dancing. She wasn't exactly smiling, but the corners of her mouth were beginning to twitch.

"What's it all about?" Susan asked. "I thought that was all worked out."

"Well, uh, yes – it was, uh, yes – uh, they're

talking about – its mostly worked out, but – uh, some, uh, things – something came up ...” Melanie’s teeth were beginning to appear from between her lips. I think she was trying not to laugh, but she was beginning to make little fizzing sounds.

“They’re not talking about bringing a bunch of troops in and arresting us all, or something, are they?” Her eyes got bigger and a look of concern crossed her face. I was looking at her face.

“No, no, no that’s not – no they’re not – they’re not talking about that.” I was not necessarily looking at her face. I did feel like I was doing a little better with the conversation though. Melanie pretended to have a coughing fit.

About that time a Rainbow walked up to us carrying a video camera. Though dressed in 60s vintage jeans and a tie-dyed T-shirt, his hair was stylishly razor cut and the camera looked expensive.

He didn’t just start filming. Obedient to Garrick’s claim of Rainbow custom, he asked, “Judge Dave, can I get some footage of you?”

This question was a grist on which my mental mill could grind much more practically than, “What do you say to a naked lady?” Part of the dispute now raised between Garrick’s Rainbows and Bob’s officials was whether or not a person in a public place has a right to refuse to have their picture taken. If I told this cameraman “No,” I would be at least implicitly deciding that question in the Rainbows’ favor. If, on the other hand, I said “Yes,” that implied no answer to the issue. If there was no right to refuse, I could say yes. If there was a right to refuse, I could still say yes. Therefore, rather than foreclose the issue, I said “yes.” It only took me a second to run that question through my mind. During that same second, Susan had been running through her mind what the fellow had said to me. As he began running the camera, she smiled and said, “Oh, you’re Judge Dave. I’m so grateful that you let

us have the gathering.” She reached out toward me. “I want to shake your hand.”

The Rainbow kept running his camera. I was still awaiting confirmation of my appointment to the U.S. Circuit Court of Appeals. What if this guy worked for Senator Kennedy? What if Senator Leahy calls another hearing on my nomination and produces film of the nominee shaking hands with a naked woman in the middle of a National Forest? I’m certainly glad she wasn’t any more grateful than a handshake.

“Be talking to somebody about something,” the video nut shouted to me. “I’m going to cut the sound on.”

I looked down at Susan’s face. Then I looked further down at Susan. Then I looked back at the camera. What do you say to a naked lady when the video camera is running? There was always Melanie. “Mel, do you think they’re about through with their discussion?” What the heck, it was better than, “Testing one, two, three.”

Melanie had another coughing fit. It was much worse this time. She was bending over and holding her waist with one hand while she grabbed my arm with the other one. Then I realized I was still shaking hands with Susan. What if Senator Leahy turns up with videotape of the nominee holding hands with a naked woman while being assaulted by a consumptive?

The conference broke up. Bob, Garrick, Welcome Woman, and a couple of Garrick’s followers came over to where we were. “We can’t reach any agreements,” Bob announced, shaking his head and stealing sidelong glances at Susan.

“We’ll just have to come back to court,” Garrick announced determinedly.

“How will we do that?” Susan asked. “I thought our lawyer quit.”

“We could do it ourselves,” Garrick told her. “Principle and I have done pro se litigation before.”

"What's pro se litigation?" Susan asked, looking back and forth between Garrick, Bob, and me.

"That means 'do it yourself,'" Bob told her. "Kind of like when I work on my house on the weekend."

Bob's remark wasn't very funny, but it gave Melanie an excuse to finally explode with laughter. In a couple of minutes tears were running down her cheeks.

During the interruption in our conversation the guy I've been calling Ralph showed up. You never saw Ralph coming. He always seemed to slip cat-like out of a crowd or bush or somewhere you hadn't been looking.

Ralph hadn't heard what had gone before. He started things all over again. "I think these Feds and State guys are fixin' to cause us trouble, Judge Dave. Bob, can't you cool your troops off? You know when you've identified real baddies my security crowd has brought 'em out for you. Don't start hasslin' us over the small stuff." He looked at Bob, then back at me.

I should explain, I guess, that Ralph was entirely correct about the "real baddies." I knew from conversations with Bob, Mike, and Kip that law enforcement officers had identified a few wanted felons hiding out among the hippies. Somebody would slip a few quiet words to Ralph. Before long, he and a few of his friends would deliver the felon quietly and without struggle to the arresting authorities somewhere down around the bridge so that no riot broke out in the camp. I understand they produced one of them unconscious, but no one ever told me that officially and no one ever asked me to take any action.

I went through explaining to Ralph that I couldn't hear anything about the case outside the court.

About this time Melanie quietly reminded us that what we had come there for in the first place was to find someone with a good sense of direction to take us on the inspection tour. Ralph was now here. He had a renowned

sense of direction. I'm satisfied that he could have found anything in the forest even if he had never been there before.

We explained to Ralph what we wanted and he, Garrick, and Welcome Woman led us off to find the no hippies zone between the Rainbow camp and the Tapoco watershed.

As our guides started down through the meadow to the park service road ahead of us. Bob, Melanie, and I were a few paces back. She whispered to Bob and me, "I thought for a while there the Judge was going to ask Susan to take the tour with us."

Neither she nor Bob faked a coughing fit. Both of them laughed out loud. I know some federal judges would have been so pompous that they would have reacted angrily to this. I'm not that way. I simply chuckled and made a mental note to fire Melanie.

We passed Mother Earth's, inspected it, and made sure all the signs were in place. Mother was there, but she had fewer helpers than the last time we'd been there. They all seemed happy and healthy though and were baking up a new batch of bread. "The crowd's going to get smaller but they'll still have to eat," she chirped.

We went on down to Hippie Hollow. They were in compliance too. I took a deep breath and made Bob and Melanie come with the rest of us back to the latrine. All the right signs were there, everything seemed to be covered with dirt and ashes, and nobody, thank heavens, was using it.

We walked on down the hill and into the Meadow. There were no people there, and only a little camping gear. Ralph got a topo map out in front of us. He showed us how the actual features on the ground matched up with the lines on the paper. After the swimming hole, the stream wandered on off to our right. Eventually, several miles away, it would join the river that ran by the road. Obviously it could not climb the hill, cross the ridge and reach the Tapoco watershed.

Since it had rained the little trail, even under the forest canopy, was damp and fairly soft. It wasn't worn bare like the trail we had just come down, but was lightly covered with leaves and a little moss. We could see as we started in signs that a few people may have walked there since the weekend rain, but not very many.

We struggled for about twenty minutes up a steep, winding, frequently obstructed path. Ralph had naturally taken the lead. I'm not the woodsman he is, or even the woodsman I once was. But I'm more of a woodsman than anyone else who was along. I was right behind him. The others were really struggling.

He stole a glance back and saw that they were lagging well behind.

He and I stopped together at a point where several thick pine boughs went across the path from each side. We crawled under and looked at the small trail ahead of us.

"Ralph," I told him, "there's no way anybody has been up this hill in the last several weeks. Let alone during this gathering. Let's go back."

He didn't argue.

We turned and rejoined the others who stopped struggling toward us as soon as they saw us coming toward them. I explained to Bob the reason I was satisfied and asked him if he was interested in going any farther. To the surprise of no one he didn't argue either.

STANDING FOR THE BENEDICTION

After the struggle of the steep path, all of us were a bit tired. Ralph was in good shape, and he was doing fairly well. I've spent a lot of years roaming those hills and I wasn't doing too badly. Melanie and Welcome Woman may not have had the energy they started with, but they were keeping on. Bob, as I have noted before, is not what you'd call slim. He is so short-legged, he was having to take at least three steps to every two of mine. Every few

minutes we would have to stop and wait for him. As we came to a long, straight open stretch in the trail we saw that a pair of Garrick's volunteers were indeed at work on the path. A young couple with a bamboo rake were gathering arms full of leaves and carrying them over to dump on the bare mud. Since it was a long straight stretch of the path and we were stopping every few minutes, we could see them uphill in front of us for quite a long while. They were a slim, attractive young couple. His hair was dark and neatly trimmed. He was clean-cut and clean-shaven. She was sunny and freckle-faced with her hair tied up in a bright patterned red bandanna. They looked for all the world like volunteers working on a public service project for the local Methodist Church, except for the fact that the bright bandanna around her hair was the only stitch either of them had on.

They smiled and waved as they saw us laboring up the hill, but went on working in silence. No one spoke until we had finally come even with them. She dropped an armload of leaves a couple of feet in front of me and then looked up at me and smiled.

"Jesus loves you," she told me.

Now, I'm a Baptist deacon. I've taught an adult Sunday School Class for many, many years. As it happens my class has included preacher's wives and seminarians and others so well-versed in the Bible that I never dared go in on Sunday morning to teach them without several hours of Bible study during the week. But if you had asked me before that moment if anything in my experience had taught me how to respond when a sunny, freckle-faced young woman, naked except for a bandanna around her hair, looks up at me and smiles and says, "Jesus loves you," I would have said "No." But something had. "He loves you too," I told her and we went on up the hill around the bend and about the business of our tour.

We got back to the forest service road and Bob's car. We rested there a few minutes and

refreshed ourselves out of a canteen he'd wisely brought. Then we walked on down toward the gypsy camp, detouring to inspect the Kiddie Village Kitchen, the Supply Kitchen, and a few random latrines. All the signs seemed to be in place. Everybody seemed to be in compliance with the order. We decided not to walk all the way to the Gypsy Camp, but turned and started back toward the car.

MURPHY'S LAW ☹ ORDER

When it seems that everything is going right, that's probably as good a sign as any that it's not. Hardly had we turned to walk back to Bob's car when a forest service jeep pulled up. The driver called to Bob to come talk to him a minute. Bob scurried away from us. He and the driver whispered excitedly to each other for a moment.

Bob hustled back to us, puffing, a worried look on his face.

"Come on," he said. "Let's get moving."

He got us all hurrying along the road, then caught me by the elbow. He pulled me a little away from the others and whispered, "A couple of your forest service's finest came in to bust the guy that threw the oil on Scott's camera. They didn't check with the troopers and they didn't know we were in here. Rainbows get upset when you make busts in their camp. We've got to get out of here quick."

I got Melanie aside and warned her. Our Rainbow guides were not stupid. Weird, maybe, but not stupid. They knew from all the whispering and pulling aside that something was up. They, Ralph in particular, began to glance around, trying to figure out what was wrong.

When we got even with the side trail to the Main Meadow, they found out. A little crowd of irate Rainbows came running out on the trail. They were looking for Garrick and Welcome Woman. One of them shouted to Garrick. I think it was the one who called himself

Conscientious Objector. "You ain't gonna believe this. Pigs came in and busted one of the Brothers!"

This time Garrick didn't try to get him to stop saying "Pig."

Some of them began shouting at Bob. Some of them were calling Bob a pig. Garrick and Welcome Woman were trying hard to calm their people down. Bob is a good lawyer, but he used to be a good cop. He kept moving himself so that he was between Melanie and me on the one hand and the ugliest part of the growing crowd on the other. He suggested that he, Garrick, and Welcome Woman go over to the Main Meadow and see if they could find out exactly what had happened. I could tell this was a ploy to get the crowd away from Melanie and me. I am sure that Garrick and Welcome Woman could tell that too. Whether or not they could, they readily went with him. I didn't know how many other excited Rainbows might come running down that road, so I pulled Melanie back into a little area between the road and the Main Meadow where a campsite had been and where the forest service normally maintained a little two table picnic area. I could see the Main Meadow well enough to tell that Bob didn't seem to be getting very far. Finally he came back down to where we were. Garrick and Welcome Woman followed a little behind him trying to keep the crowd back.

"Come on," he told us. "We better just try to get out of here."

Some of the hotter-headed made it around Garrick and Welcome Woman and went between us and the road.

"Stay back," one of them shouted. "Those trees are coming down."

Ralph appeared in the small line of trees between us and the road where the excited Rainbow was shouting. I did not see him come from anywhere. So far as I could tell, he had not been there a second before, and then he was there. He just appeared. He turned to

the shouting Rainbow. He did not touch his knife, but he held his right arm cocked, his hand near, though never touching, the carved bone handle.

"No they're not," he said. He did not shout. He did not raise his voice. But he was quite audible, and quite credible. "They may be coming down sometime. But they're not coming down while Judge Dave's in here."

The shouts stopped. The crowd parted. Bob and Melanie and I walked on to the car and drove out of the camp.

LOOKING FOR THE END OF THE RAINBOWS

Don't Kill All the Lawyers

Like any judge who's been on the trial bench for a while, I had seen my share of pro se litigation. In general, as a lawyer friend of mine once said, "Getting into litigation without a lawyer is a lot like having surgery without a physician." Thus was the case of the Rainbows. We left the Rainbow camp on Monday, July 6. On Tuesday, July 7, we received the first of several "pro se motions in the cause" filed by the Rainbows, asking me to hold the state of North Carolina in contempt of the prior consent order and enter various new orders requiring the state to do just about anything the Rainbows wanted them to. By way of example, the various pleadings, all of which included whereases, wherefores, and afore-saids, even where nothing had been said before, attacked the taking of photographs, videotape, or movies without the consent of the persons being photographed, videotaped, or movied. One demanded that the law enforcement officers be removed from the bridge, since it was in the view of the pleader a violation of church and state to have a representative of the state at the "door of our church." Some complained about the authorities making arrests in the camp. None of these

was signed by the person being arrested, and some did not even name the person arrested. Some complained indignantly that the State Highway Patrol and U.S. Forest Service officials were copying down license numbers from vehicles parked along the road and at the camp.

Now you may have noticed that none of the activities set forth in the motions I've mentioned thus far had a great deal to do with anything contained in the consent order that the Rainbows claimed the state was violating. Furthermore, you may have noticed that some of the motions referred to acts of the Forest Service, which wasn't even a party to the lawsuit or the consent order. The Rainbows apparently did not notice this. Bob, however, noticed it on behalf of the State of North Carolina. Kip, our old amicus from the U.S. Attorney's Office, noticed it on behalf of the Forest Service. They suggested I should pay no attention to the motions whatsoever or simply dismiss them without a hearing.

I found these suggestions tempting and I'm normally not real good at resisting temptation. However, in the Rainbow case, I made an exception. There were two compelling reasons for the exception. First, the Rainbows had filed one other motion that did pertain to matters within the scope of the consent judgment. According to that motion, the Forest Service was interfering with the ingress and egress of garbage collection vehicles taking recyclable wastes from the Rainbow camp to the nearest recycling center. As you might have guessed, the Forest Service wasn't doing much about the egress; it was the ingress that was causing the problem. The Rainbows could get out with their recyclables, but they couldn't get their trucks back in. The Forest Service was quite happy to bless the exit of any Rainbow from the camp with or without garbage, but as to the re-entry they took a very different attitude. Whether or not I blamed the Forest Service (and you can make your own guess on

that subject) this was at least related to Paragraph 9 of the consent order. (“The defendants herein shall store or cause to be stored all solid waste material in a manner so as to prevent exposure to insects and animals and said material shall be removed and disposed of in containers provided at the entrance to Slick Rock Road daily.”)

The other reason that I decided to hold a hearing was that apparently there were still a couple of thousand Rainbows camping in the forest and on Thursday morning a couple of hundred of them were camping on the doorstep of my courtroom, expecting to have a hearing. Since it was highly unlikely that we would get much else done around the courthouse that day unless we had such a hearing, I exercised some more judicial discretion.

I let the several Rainbows who had filed the pro se motions get up and speak their piece. Then I disposed of the motions, one by one, except for the one addressing the ingress and egress problem. As to that, I told them that I confronted all the jurisdictional difficulties I had had with the original complaint, and that the best way to solve it would be to go back in chambers with the lawyers. Since the Rainbows did not have a lawyer, I invited Garrick, Principle, and a third Rainbow, who will henceforth be known as “Complainer,” to accompany us to chambers. I don’t think I had ever before invited a pro se litigant into a chambers conference, and I am quite certain that after that one, I never did again.

Who Shall the Guardians Guard?

As you might have guessed, a chambers conference that includes three Rainbows is not an altogether pleasant occurrence. One cause of the unpleasantness, and it was cause enough, was that the three Rainbows had been living in the woods for a period of weeks, subsisting, I suspect, on local and imported roots, herbs, and raw vegetables. There was some evidence that the raw vegetables included ramps. For

those of you not familiar with the ramp, it’s a particularly pungent wild onion indigenous to the mountain region of western North Carolina. To give you an idea of the potency of the ramp, when mountain school children desire a short unscheduled vacation, all they have to do is eat ramps. Not only will any teacher possessed of a sense of smell excuse ramp eaters from class, she will forcibly exclude them.

Now, I do not know whether or not you have ever been in a closed room with ramp-eating, herb-smoking, shower-dodging hippies who have been living in the woods for an extended period. In case you haven’t, the odor is somewhere between that of a sweating mare trampling through a field of garlic and a wet dog smoking a cheap cigar.

I looked around the room. In addition to the lawyers, hippies, and judge, I had invited the U.S. Marshal for security reasons. I don’t recall whether I had invited Melanie or not but she was there anyway. Up ‘til that time, I might have suspected her of being too sympathetic with the Rainbows. Looking at her face and those of the lawyers and the Marshal, I saw little hint of sympathy at that time. I could tell that they all shared with me a burning desire to make this an extremely short conference. Unfortunately, the Rainbows did not.

“Judge, what we all need to make plain to the troopers and other,” Garrick struggled for a word, “law officers,” he continued finally, “is that they don’t need to guard the people of Graham County from the Rainbows. We are peaceful. We’re not going to hurt the local folks at all.”

I looked at the Marshal. He looked at me, and I saw a little twinkle in his eye. The Marshal is from Graham County. He understood some things that Garrick did not understand. “Jesse,” I said, “will you explain it to him?”

Garrick looked up at the Marshal quizzically.

Let me note at this point that the U.S. Marshals are not career law enforcement per-

sonnel. The Deputy Marshals are, but the Marshals are political appointees. Therefore, some of them do not much fit the popular concept of U.S. Marshals. But our Marshal really looked as if he could have survived the gunfight at the OK Corral. Although he was thin enough to take a bath in a shotgun barrel, he was at least six and one-half feet tall, with a rugged "Lincolnesque" countenance, and the sinewy hands of a man who'd eaten a lot of his bread in the sweat of his brow. When he talked, people listened.

The Marshal talked. Garrick listened.

"What you don't understand, Garrick," Jesse began, "is that we ain't so much protecting them from you as you from them. You don't know a whole heck of a lot about Graham County. You don't know that there's a bear-hunting club up there that asked permission last week to hold their monthly meeting at the head of Slick Rock Road. You don't know how many guns and mean dogs those fellas take to their monthly meeting."

"You don't know that it ain't been many years ago that somebody hung a sign at the bottom of our county line sign that said 'black man don't let the sun set on you here.' Only it didn't say, 'black man,' it said something else that's ugly that means the same thing. Now I know you have got a few black people in your Camp, not many, but more than ever spent the night in Graham County before."

I'm going to interrupt the Marshal at this point to defend Graham County a little bit, and defend a fellow North Carolinian whose name hasn't come up in this story a whole lot. I'll start with that fellow first.

I'm talking about Andy Griffith. Deacon Andy, as you probably know, was the star, creator, and general proprietor of the long-running T.V. series about Mayberry, North Carolina. I once read something by a T.V. critic which criticized Andy's show because Mayberry had very, very few black people, unlike "all real southern towns." The critic was

displaying not any prejudice on Griffith's part, but ignorance on his own.

What he didn't seem to realize is, Mayberry, North Carolina, is a real southern town. Only its real name is not Mayberry, it's Mount Airy, where Andy Griffith grew up. Mount Airy really has very, very few black people. This is not because anybody ever hung a sign on the city limits telling them to stay away, and it's not because anybody exercised any force or prejudice to keep them out. It's simply because they never were there in the first place, and never had any reason to come there in the second.

You see, Mayberry is a hill country southern town. Like most, if not all, hill country southern towns, the vast majority of the people who live there have always lived there. They are the children of the people who always lived there, and the grandchildren of people who had always lived there, and so on back to the early Scots-Irish settlers. They were joined in due course by Germans (Pennsylvania Dutch) who migrated down the Appalachians from the North. They haven't been joined by anybody much since, except around Asheville and other mid-range mountain towns where retired people and Florida folk know beautiful country when they see it.

Now, Mount Airy is a little ways back in the North Carolina hills on the edge of the mountains and has very few black citizens. Graham County is way back in the North Carolina mountains, and Graham County has no black citizens at all. The people in Graham not only do not have black neighbors, many of them may never have met a black person. For the most part, they are good people, and not unusually bigoted or mean-spirited. But this is only for the most part. Some of the mountain people have developed, in their isolation, a distrust of strangers, a distrust of difference, and a dislike of those whom they distrust. It was this unfortunate fact that the Marshal was referring to in his remarks to Garrick Beck.

Back to what the Marshal was telling Garrick Beck.

"Anyhow, I congratulate you for finally bringing some black people into Graham County. You have a few of them sleeping in your camp, and that's probably more than ever slept in Graham County before. But some of those bear hunters don't like black people very much. And, what's more, they don't like hippies at all. And if they ever had liked hippies they wouldn't like them now. They've been trying to get to run their dogs loose in the Nantahala National Forest. They have never got to run their dogs loose, let alone elephants, and they sure don't get to look at naked women when they are out there in the Nantahala Forest, when the hippies aren't there. If you really care about your friends, and yourself, you don't want the law officers pulled off that bridge."

Garrick stood there quietly, apparently thinking about what the Marshal had said. He didn't express any agreement, but then he didn't express any disagreement either. Fortunately, he didn't express anything else, and we were able to get back to the subject I wanted to talk about.

In a short time, we were able to work out a pass system whereby vehicles, including the refuse haulers, could get in and out of the camp. The lawyers were quite agreeable, perhaps more agreeable than they would have been if none of the hippies had been eating ramps, and everything came together.

I went back out and announced that we had worked out a pass system, that I was dismissing all of the other complaints, and that everybody could go home. Melanie closed Court, and nobody said, "Thank you, Judge Dave."

Free the Rainbow Eight

A few of the Rainbows filed new pleadings in my Court. Apparently most of the experienced pro se litigators were not around because they didn't file very many and the ones

they did file weren't very good. I read their motions, but so far as I can now recall, without exception, I denied them without hearing. They were all free to appeal to the Fourth Circuit Court of Appeals.

As the next several days passed, campers continued to trickle out of the Rainbow remnant. You'd see them occasionally, hitchhiking, or driving down the road in their beat up vans or other vehicles. There were still people out there who purported to be cleaning up the forest, and there were others still out there. But there were fewer and fewer every day. By July 14, they were down under a thousand. The Forest Service figured this thing had been going on long enough and they began much more rigid enforcement of the laws of North Carolina and the regulations of the National Forests. Most specifically, on July 14, they began to enforce the fourteen-day regulation.

The fourteen-day regulation is a regulation that makes it unlawful to camp in a National Forest for more than fourteen days. On July 14, a Forest Ranger served every campsite and every vehicle remaining in the forest lands with a notice to be out of there by July 29.

July 29 came, as expected. Not all the campers had left the Nantahala Forest, also as expected. On July 30, the Forest Rangers entered and ordered immediate departure by those who were left. They arrested some who did not comply. I do not believe they arrested all who did not comply, but they arrested some.

The Forest Service brought eight of the arrestees back to Asheville for hearings that day before our United States Magistrate. It would be his duty to decide such things as bond, sufficiency of arrest process, and trial date. This he would decide at hearings in his courtroom, which was directly upstairs from my chambers. Melanie went upstairs to take a look at what was happening. She brought back a report. I had not ordered her to bring back a report. I had not requested that she bring back

a report. I am not even sure that I knew she was going. Nonetheless, she brought back a report. "Judge," she said, "I've been checking out the Rainbows."

"Why don't I find that surprising?" I asked her.

She ignored my comment. "It could get ugly."

"I've seen the Rainbows before. A lot of them are already ugly," I responded.

She went on undeterred. "These aren't our friends up there." I'd never considered the Rainbows particularly friends of mine.

"I don't mean just the eight that are in court. There's a bunch of other strange looking people milling around in the hall." If they had been at the Rainbow camp and hadn't been strange looking, that would have been strange looking. "One woman is carrying a sign that says 'Free the Rainbow Eight.'"

"Yeah, just keep me posted." I waved her out the door.

Later she came back, more excited than ever. "Judge, the Magistrate is through with about six of the defendants. They are not happy with what he has done. They're likely to be more unhappy when he gets through with the other two."

"Okay," I told her, "let them appeal to me."

"That's what I'm afraid of, Judge," she said. "I've been listening to them in the hall and they're going to come looking for you just as soon as the hearings are over. I've talked to one of the Deputy Marshals, and we think you should leave early so that they can't find you."

It was by then about four o'clock in the afternoon. I normally work until six o'clock or later. I normally am not in the habit of letting a law clerk and a Deputy Marshal decide when I quit early. This time I made an exception. Judges can exercise discretion. Discretion is the better part of valor. I exercised the better part of valor and left early.

The Deputy was waiting for me outside my chambers. He escorted me to my car. I wasn't

particularly afraid of physical violence, but it was nice to have someone to carry my briefcase. Then I drove toward home. On the way to my house, just before the turn where I left the main highway, is a little place of business called the Neighborhood Grocery and Filling Station. Since my gas gauge was dropping toward empty, and the car didn't run very well on fumes, I pulled in and filled up. As it happened I had skipped lunch that day rather than go downstairs to a snack shop that I was aware was likely to be filled with Rainbows, and I was about as empty as my gas tank. So I went inside to get a soft drink and a pack of crackers. Most of the people who hang around that store don't know who I am, and don't even suspect me of being a judge. I think it's a very comfortable place to be in. On the way in, I stopped and scratched Old Red's head. Old Red was a superannuated Irish setter who liked to hang around outside the store because he liked people, and because people liked him and fed him little tidbits from time to time. That day Old Red was lying on the full service island. When I had made my purchase, I looked back out the door. Bubba, one of the fellows who worked there, was pumping gas into a hippie van. The van looked like it might be, and it turns out it was, carrying some of the last campers away from the Rainbow festival. Bubba stepped around to clean the windshield. It took Bubba an exceptionally long time to clean the windshield.

Finally, Bubba came in carrying money to make change.

"Boys," he whispered hoarsely, "You ain't going to believe it. There's a man and a woman and three young 'uns in that van, and all any of 'em has got on between them and the Lord is that the man and woman are wearing little cutoff shorts."

I was sitting on an orange crate, drinking my soda. A storekeeper and two regular customers were standing in my immediate vicinity. All three of them suddenly decided that

they needed to go feed something to Old Red.

Bubba went over to the cash register and was hurriedly trying to sort out the proper change. He looked up and saw me. Surprise was evident in his face. "Ain't you goin' to feed Ole Red too?" he asked.

I chuckled. "Bubba, I'm forty-odd years old and a married man. I've seen a woman's chest before. If those boys want to make spectacles out of themselves craning their necks to look in that van while they pretend to feed that poor ole dog, that's their business."

Bubba slowed down a little. He mustered his dignity, walked slowly back to the van, and handed the driver the change without looking in the window.

EPILOGUE

I never saw the Rainbows again, at least not collectively. The Magistrate handled all the misdemeanants, except one or two who demanded a trial in my court. There were a

few felons for my court out of the Rainbow Reunion. Therefore, I saw a few of the Rainbows, one at a time. I will confess that I thought about them from time to time, and at times thought about telling this tale. What finally caused me to take the time to start it was, as I said in the prologue, a request from one of my law clerks – a request that came in the spring of the following year.

By then I had been confirmed for the Court of Appeals, and moved bag, baggage, and law clerks to Washington, DC. I read in the Washington paper, one morning in late May, that somewhere in a national forest in northern Texas the Rainbows were beginning to gather for their annual reunion. Just after I put that paper down, Melanie came into my chambers.

"Judge," she asked me, "can I have a few days off at the beginning of July? Just enough time to go to Texas for a few days and come back?"

It turned out that she was kidding – I think. 