



STORY BY MELISSA BEARNS • PHOTO BY TODD COOPER

Gathering Steam

Eugene attorney Brian Michaels challenges the constitutionality of the 34-year-old Oregon Mass Gathering Act.

For Brian Michaels, this fight started a long time ago. Even before he went to law school at age 34, the now 50-year-old Eugene attorney spent his free time fighting state and federal officials who wanted to shut down legal counterculture gatherings such as the annual assembly of the Rainbow Family. Prior to getting his law degree, he faced down the government in North Carolina, Texas and West Virginia

to name just a few. As an attorney licensed in Oregon, he's fought for medicinal marijuana patients who were illegally searched and arrested. Last year he won a \$70,000 judgment against Lane County.

He defends people whose rights have been trampled and much of the time, he does it for a price his clients can afford — even if that means for free. In 2004 he won the Oregon Bar Association's award for the most pro bono work. "Actually, it's kind of embar-

assing," he said with a grin. "It's like saying I'm the biggest sucker lawyer in the state."

Now a civil rights case that started in 1996 in Jackson County, Oregon might bring Brian Michaels in front of the U.S. Supreme Court and put him on the national radar as a defender of the First Amendment.

The story has a lot of "ifs," but the potential outcome could send shockwaves through every branch of the Oregon government: If the U.S. Supreme Court agrees to hear

Michaels' case, and if they agree with his interpretation of the constitutional right of assembly and of past legal precedent, the U.S. Supreme Court could declare the Oregon Mass Gathering Act, on the books since 1971, unconstitutional.

His chances of making it to the Supreme Court are better than average but statistically, the odds aren't in his favor. That's nothing new for Michaels.

The Beginning of the Rainbow

Born and raised in Queens, New York, Michaels declined to answer any questions about his family and redirected the conversation when the topic moved to the more personal parts of his life. But a long-time friend who's met Michaels' family on more than one occasion (including his recent 120-person 50th birthday bash) described Michaels' family as "one of those normal, funny, Jewish New York families."

He graduated from The New School at Hofstra University on Long Island, New York in 1978 with a degree in American business history and a minor in education. In between starting and finishing college, he took off a few years and hitchhiked around the country. Though his hippie roots are somewhat disguised beneath his formal attire — a blue oxford shirt, a coat, tie and black slacks — it's not hard to imagine this tall, attractive man, with his long salt and pepper hair escaping from a ponytail, bumming around the country in search of the real America. "I saw Custer's battlefield, Mount Rushmore, I went all over," he said, sipping a martini at Café Lucky Noodle. "I hitchhiked around and met America."

Friends told him he'd love Eugene, but for one reason or another, it wasn't until after he graduated from college that he finally made his way to the Willamette Valley. "At that time, it was like I could get anywhere in the world, but I couldn't get to Eugene," he said. "Then I went back to Hofstra to finish college and I met this woman named Donna Fortuna, whose name means Lady Luck by the way. And we came out to Oregon together."

For a while he lived in a yurt next to the Willamette River and was involved with the community that helped out at the White Bird Clinic. His friend Garrick Beck, who's known Michaels for more than two decades, said that when the clinic's resources were overwhelmed, Michaels would often bring transient people back to the yurt. "But the yurt wasn't like many of the hippie dwellings at the time," Beck explained. "It was carpeted and had this plush furniture like these giant lush couches. And he'd leave this beautiful, beautiful yurt to these people to enjoy for a night or two as a respite from life on the street and go sleep in the garage. That was so Brian."

Then, in the summer of 1979, Michaels went to his first Rainbow Gathering in Arizona. "I love the [Rainbow] Family," he said with emphasis. "I love the spirit. It's the only free thing on the planet." But the allure for Michaels was more than personal. Friends say it's also the politics of the Rainbow Gathering that draw him. "I think what he sees in the Rainbow Gathering is that the event itself helps expand ever so slightly the boundaries of human freedom," Beck said. "There is an endless, ageless struggle between the forces that want to contract freedom and the forces that want to expand it."