

**Congress shall make no law respecting an establishment of religion,
or prohibiting the free exercise thereof; or abridging the freedom of speech,
or of the press; or the right of the people peaceably to assemble, and to petition
the Government for a redress of grievances.**

— *First Amendment of the U.S. Constitution*

Michaels falls squarely in the latter camp. It was that passion for freedom and civil rights that eventually led him to the law. "I really come more from the Rainbow Gatherings," he said. "That's what I did. That's who I hung out with. There's a place the law has that's political as well as professional. And the judiciary has fallen aside in its role of backing the government off the people."

So Michaels taught himself enough legalese to help the Rainbow Gathering fight the Federal government and the U.S. Forest Service. At the time he did it as a self-taught, unlicensed volunteer. Now he does it with the power of a law degree behind him. Over the years, he's won the respect and admiration of many people within the legal community. "You have to have a brave voice for justice in a community," said local attorney Ellen Singer. She's known Michaels since she heard him speak at a political rally after the PATRIOT Act was passed and was so impressed, she sought him out and volunteered to help him. "You have to have someone who's willing to take up the cases of the people who've been victimized by government injustice. And he's the one who does more of that work than anyone else I know in Lane County."

The Fight for the Fair

One of the cases Singer helped Michaels on was the *Southern Oregon Barter Fair vs. Jackson County, Oregon*. Founded in 1978 by Alan Venet, an organic seed farmer, the Barter Fair was originally intended as a harvest festival to exchange fruits, vegetables and other farm goods. The name is a play on the phrase "Barter Fairly."

About 150 people attended the first October gathering at Venet's house. By 1994, the fair spanned three days, attendance was closer to 7,000 and the location had moved to a 140-acre farm near Ruch. That's when the problems started and that's when Venet went to the ACLU who put him in touch with Michaels.

In 1994 County officials passed a "Barter Fair Ordinance" designed to impose limits and restrictions on the event. In 1995 Jackson County required Venet and other Barter Fair organizers to apply for a permit under the Barter Fair Ordinance and assessed a \$3,600 processing fee. That year attendance at the Barter Fair broke 10,000.

"1995 was a very interesting year," Michaels said. "Jerry Garcia had just died and all these people who'd been going to the Dead shows came to the Barter Fair. That same year, a horrible drug was given to people without their knowledge. One woman bit off the ear of her friend. Some kid decided to race his truck through the camping area."

At that point Venet and other fair organizers had already had considerable legal wranglings with Jackson County officials related to the 1994 and 1995 permitting fees, including one lawsuit. In 1996 the situation came to a head.

In a public hearing held Nov. 8, 1995 to discuss the 1996 Barter Fair, Jackson County Sheriff Bob Kennedy and numerous other people testified urging the county commissioners to crack down on the Barter Fair. Neighbors complained about traffic, parking and "the smell of marijuana in the area."

Jon Vote, a resident of Ruch and a Jackson County employee, took a vacation day so he could testify in support of the Barter Fair. "I think they (the people who spoke opposing the fair) tried to make a bigger deal out of it than was really valid," he said. "It wasn't a place you'd be afraid to take your kids. They tried to make it sound like it was this big wild keg party, but that wasn't really how it was."

To hold the 1996 Barter Fair, Jackson County officials told Venet he'd have to get a permit under the Oregon Mass Gathering Act (OMGA). In early January 1996, Michaels

and Venet requested an OMGA permit application. The Jackson County Commissioners office wouldn't give them one, explaining that they were drafting a new ordinance that would require them to re-write the permit application. In April, Barter Fair organizers received an identical application to the one from the previous year. They filed it within 24 hours, but the first hearing didn't take place until the end of July. The commissioners didn't reach a decision at that hearing and set another hearing for Aug. 27, 1996. At that hearing, almost nine months after the Barter Fair organizers had first requested a permit form, and just a month before the fair was scheduled to take place, Jackson County officials approved the fair's application. The approval included numerous conditions, restrictions and an \$18,000 permit fee. Under the Oregon Mass Gathering Act, the maximum fee a governing body can impose is \$5,000.

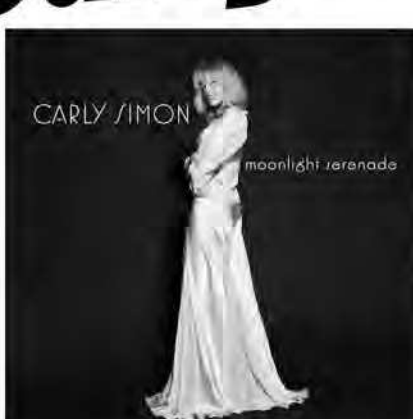
Michaels went to court. A federal magistrate issued a temporary restraining order and injunction against Jackson County declaring the Oregon Mass Gathering Act unconstitutional and allowing the Barter Fair to go on. Michaels then filed a civil rights action in the district court. His legal claim was on two fronts. First he argued that the OMGA is

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