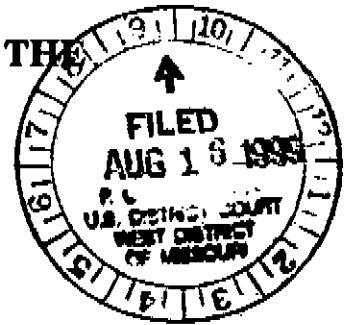


**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**



TRACIE PARK,)
)
)
Plaintiff,)
)
)
vs.)
)
THE FOREST SERVICE OF THE)
UNITED STATES OF AMERICA, *et al.*,)
)
Defendants.)

No. 96-3288-CV-S-RGC

ORDER

Two motions are outstanding in this case. Both relate to an injunction the Court ordered on June 11, 1999. On June 25, 1999, defendant Forest Service of the United States of America ("Forest Service") filed a motion to alter or amend judgment. On June 28, 1999, defendant Weldon Wilhoit filed a motion for clarification. Both motions are ripe for review and the Court will address each in turn.

The Forest Service seeks to "clarify the scope of the injunction." In its suggestions in support, the Forest Service argues that the Court must not have intended a "broad injunction" because of the Court's lengthy discussion concerning the deficiencies of the 1996 checkpoint that the Forest Service had established near the entrance of a Rainbow Family gathering. The Forest Service states that such a discussion would have been "unnecessary and irrelevant" had the Court intended its injunction to be applied with "breadth."

On the contrary, the Court did intend "breadth." The Court will clarify the "discussion of deficiencies" at issue: because of the seeming inability of the Forest Service and its attorneys


to offer a consistent explanation of the purpose of the 1996 checkpoint at the Rainbow Family gathering, it was necessary for the Court to go to great lengths to analyze each of the proffered purposes. As the Court stated in its previous Order, *no matter what the purpose of the 1996 checkpoint, it was unconstitutional*. That 1996 checkpoint was set up in such a location as to specifically target Rainbow Family members. That robs a checkpoint of the very premise under which courts have found them legitimate: neutrality.

On the other hand, this Court does not intend to give free rein to any group of people to gather and disobey laws. The Forest Service is free—as it always has been—to enforce this nation's laws on an individualized basis. However, any future checkpoint or roadblock set up in connection with Rainbow Family gatherings must be applied to all citizens equally. That means that the Forest Service may not choose some remote location for its checkpoint, traveled mostly only by those attending the gathering. Logically then, the location of a checkpoint must be on a public highway used by all types of citizens. Nor may the Forest Service ever use a checkpoint, no matter its location, as an opportunity to "generally deter criminal activity."

As to the motion by defendant Weldon Wilhoit, sued in his official capacity as the Superintendent of the Missouri State Highway Patrol ("MSHP"), that motion seeks confirmation that the claims against the MSHP are dismissed in total. Apparently, the MSHP is confused as to why its motion for summary judgment was "denied in part and granted in part." In its motion for summary judgment, the MSHP addressed not only the issue of standing, but also went on to discuss the merits of the claims. Hence, the Court granted the judgment as to the issue of standing and denied all other arguments presented in MSHP's brief. This seems clear to the Court but in order to make it clear to the MSHP, it is

ORDERED that the Order of June 11, 1999, dismissed all of plaintiff Tracie Park's claims against defendant Weldon Wilhoit, the Superintendent of the Missouri State Highway Patrol; and it is further

ORDERED that the Forest Service's Motion to Alter or Amend Judgment is denied.



RUSSELL G. CLARK, SENIOR JUDGE
UNITED STATES DISTRICT COURT

Date: August 16, 1999