



UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF INSPECTOR GENERAL



Washington D.C. 20250

DEC 17 2009

Mr. Brian L. Michaels
259 East Fifth Avenue
Suite 300-D
Eugene, Oregon 97401

Subject: Log No. 10-00007

Dear Mr. Michaels:

This letter responds to your Freedom of Information Act (FOIA)¹ request, dated November 2, 2009, to the Department of Agriculture's (USDA) Office of Inspector General (OIG). You requested the report on the investigation into the incident at the 2008 Wyoming Rainbow Gathering (case # KC-0899-0025).

We are releasing 138 pages from case # KC-0899-0025. Pursuant to FOIA, certain information has been redacted as it is exempt from release. Specifically, in accordance with 5 U.S.C. § 552(b)(6) and (b)(7)(C), the names, signatures, initials, and other identifying information of individuals were withheld because release of this information could reasonably be expected to constitute an unwarranted invasion of personal privacy. Two pages of materials pertaining to deliberative processes were withheld in full pursuant to 5 U.S.C. § 552(b)(5). Further, information that could disclose guidelines for law enforcement procedures and could reasonably be expected to pose a risk of circumvention of law was redacted pursuant to 5 U.S.C. § 552(b)(7)(E).

We have enclosed a brief explanation of the FOIA exemptions.

You have the right to appeal the decision by OIG to withhold information by writing to the Inspector General, U.S. Department of Agriculture, 1400 Independence Avenue SW., Whitten Building, Suite 441-E, Washington D.C. 20250-2308. Your appeal must be received within 45 days of this letter. The outside of the envelope should be clearly marked "FOIA APPEAL."

Additionally, we determined that 124 pages in this file originated with USDA's Forest Service (FS). Under FOIA, the agency that created the record is responsible for processing. Therefore, we have referred these pages to FS for processing and direct response to you.

¹ 5 U.S.C. § 552.

RECEIVED

DEC 21 2009

Mr. Brian L. Michaels
Page 2

For your follow-up purposes the contact information is:

Mr. George Vargas, FOIA/PA Office
USDA, Forest Service
ATTN: FOIA/PA Team – Stop 1143
1400 Independence Ave., SW.
Washington, D.C. 20250-1143

Phone: (202) 205-1542
Fax: (202) 260-3245

Similarly, two pages in this file originated with USDA's Office of the Secretary (OSEC). Therefore, we have referred these pages to OSEC for processing and direct response to you.

For your follow-up purposes the contact information is:

Ms. Rita Morgan, FOIA Officer
USDA, Office of the Secretary
1400 Independence Avenue, SW.
Room 2918-S, Whitten Bldg
Washington, D.C. 20250

Phone: (202) 720-8164
Fax: (202) 720-7808

For information about OIG, please refer to our Web site at www.usda.gov/oig/home.htm. Should you have any questions or need additional information, you may contact our FOIA Servicing Center at (202) 720-5677.

Sincerely,



Paul M. Feeney
Deputy Counsel

Enclosures: Exemptions list/documents

cc: (w/incoming & referral pages)
Mr. George Vargas, FOIA/PA Office, FS
Ms. Rita Morgan, FOIA Officer, OSEC

FOIA EXEMPTIONS

Exemption 2 (5 U.S.C. § 552(b)(2)): permits agencies to withhold documents which relate “solely to the internal personnel rules and practices of an agency.”

Exemption 3 (5 U.S.C. § 552(b)(3)): incorporates the disclosure prohibitions that are contained in various other federal statutes. Broadly phrased so as to simply cover information “specifically exempted from disclosure by statute.”

Exemption 4 (5 U.S.C. § 552(b)(4)): allows Federal agencies the discretion to withhold “... trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential...” the release of which could be competitively harmful to the submitter of the information; which could impair the government’s ability to obtain similar necessary information in a purely voluntary manner in the future; and, which could affect other governmental interests, such as program effectiveness and compliance.

Exemption 5 (5 U.S.C. § 552(b)(5)): allows the agency the discretion to withhold “...inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.” The purpose of this exemption is to protect the deliberative process by encouraging a frank exchange of views. In addition, this exemption protects from disclosure attorney-work product and attorney-client materials.

Exemption 6 (5 U.S.C. § 552(b)(6)): allows Federal agencies the discretion to withhold information the disclosure of which would “...constitute a clearly unwarranted invasion...” of individual privacy and might adversely affect the individual and his/her family.

Exemption 7 (5 U.S.C. § 552(b)(7)): protects from disclosure “records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information

- (A) could reasonably be expected to interfere with enforcement proceedings,
- (B) would deprive a person of a right to a fair trial or an impartial adjudication,
- (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy,
- (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, would disclose techniques and procedures for law enforcement investigations or prosecutions, or
- (E) would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or
- (F) could reasonably be expected to endanger the life or physical safety of any individual.”

Exemption 8 (5 U.S.C. § 552(b)(8)): protects matters that are “contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.”

Exemption 9 (5 U.S.C. § 552(b)(9)): covers geological and geophysical information and data, including maps, concerning wells.



UNITED STATES DEPARTMENT OF AGRICULTURE

OFFICE OF INSPECTOR GENERAL - INVESTIGATIONS

Great Plains Region

8930 Ward Parkway, Suite 3016

Kansas City, Missouri 64114

TEL: 816.926.7606 FAX: 816.926.7699



FEB 27 2009

TO: Assistant Inspector General
for Investigations
Washington, D.C.

FROM: James L. Mendenhall
Special Agent-in-Charge

b(7)(c)

b(6)

SUBJECT: Use-of-Force, Bridger-Teton National Forest, Pinedale, Wyoming -
Use-of-Force (OIG File No. KC-0899-0025)

Attached is a copy of the Report of Investigation.

Please direct questions to me or Assistant Special Agent-in-Charge William Busby at 303.969.6950.

Attachment

b(2)

b(7)(c)

b(6)

FILE COPY



**United States Department of Agriculture
OFFICE OF INSPECTOR GENERAL-INVESTIGATIONS
Great Plains Region
Kansas City, Missouri**



REPORT OF INVESTIGATION

FILE NUMBER: KC-0899-0025 **DATE:** February 27, 2009

TITLE: Use-of-Force
Bridger – Teton National Forest
Pinedale (Big Sandy), Wyoming

CASE TYPE: Use-of-Force

SPECIAL AGENT: WILLIAM R. BUSBY
Lakewood, Colorado

APPROVED

JAMES L. MENDENHALL
Special Agent-in-Charge

b6, b7c

Distribution

1-Assistant Inspector General for Investigations, OIG
1-File

This document is FOR OFFICIAL USE ONLY. It and its contents are not to be distributed outside your agency, nor duplicated, without prior clearance from the Office of Inspector General, USDA.

SYNOPSIS

This investigation was conducted to evaluate the use-of-force used by Forest Service (FS) Law Enforcement Officers (LEO) during arrests made on July 3, 2008, during a RAINBOW FAMILY gathering at the Bridger-Teton National Forest, Sandy, Wyoming.

The investigation focused specifically on determining whether or not the LEOs acted according to FS policy, guidelines and training.

Investigation disclosed that on July 3, 2008, FS LEOs who were on official duty during the RAINBOW FAMILY gathering, were surrounded by a crowd of people as the LEOs arrested one male suspect for drug possession, and two females who interfered with LEOs during the arrest of the man. As the LEOs attempted to exit the area with the suspects in custody, the crowd became hostile. Officers gave commands for the crowd to disperse. When the crowd repeatedly failed to comply, two LEOs used pepperball projectile launchers in an attempt to disperse the crowd, and to keep the crowd from advancing as the LEOs sought safe exit out of the area.

Investigation determined that actions taken by the FS LEOs, including their use of non-lethal force against the crowd, followed FS procedures, and were consistent with their training and FS policy. The FS LEOs had a lawful right to be present on the Bridger-Teton National Forest, and were on official duty when the incident occurred.

Due to pending criminal proceedings in Federal and Wyoming State courts concerning the arrests that were effected on July 3, 2008, the LEOs who were directly involved in the arrests and subsequent incident(s) declined to be interviewed so as not to jeopardize those legal proceedings.

BACKGROUND

b6, b7c
 [] Law Enforcement and Investigations, FS, Arlington, Virginia, in a sworn statement (Exhibit 1), said that the RAINBOW FAMILY was a loose-knit group of individuals. The RAINBOW FAMILY holds an annual gathering on different National Forest lands during the months of June and July. In 1995, the Chief of the FS formed an Incident Command Team to provide oversight, and to set goals for the administration and management control of the annual RAINBOW FAMILY gathering event. The Incident Command Team was formed in response to recurring problems beginning in the early 1990s with gathering participants who were engaged in criminal or socially unacceptable behavior, drug trafficking, drug and alcohol abuse, and in confrontations with law enforcement.

Agent's Note: The FS estimated that 7,000 people attended the Wyoming Rainbow gathering in June and July 2008. The Colorado Rainbow gathering in 2006 was estimated at 15,000 attendees. The Arkansas Rainbow gathering in 2007 was estimated at about 7,000 people.

[] said that following the serious confrontation at the RAINBOW FAMILY gathering in Colorado in 2006 between RAINBOW FAMILY members and law enforcement personnel, the FS recognized that FS law enforcement personnel were not properly trained in crowd control

techniques, and were not properly equipped to handle such situations. Mounted horse patrols were found to be ineffective in crowd control at the Colorado gathering and have not been used since that time for such purposes. As a result, National Incident Management Team members received relevant training from the U.S. Department of Interior's Park Police. The FS also added pepperball guns (projectile launchers) as a non-lethal device for defensive crowd dispersal, along with required training for personnel authorized to carry such devices. In addition, all FS law enforcement officers and agents were authorized to carry non-lethal electronic control devices (tasers), and are trained and certified annually in the use of such devices.

b6, b7c [] said that until 2006, the FS required the RAINBOW FAMILY to obtain a special-use permit which was required of any group of 75 or more that wanted to hold a meeting or event on National Forest lands. However, as a result of continuing problems with gaining compliance with the RAINBOW FAMILY group, USDA Under Secretary MARK E. REY wanted to experiment with a new approach to the handling of the 2007 gathering.

b 5

b6, b7c [] said that it was clear that Under Secretary REY favored such an experiment. The 2006 gathering in Colorado had a substantial amount of disagreement between the RAINBOW FAMILY and the FS, and there was a greater amount of violence compared to previous years. It was hoped that eliminating the special-use permit requirement would reduce the tension between the FS and the RAINBOW FAMILY participants. As a result, an Operating Plan was proposed in lieu of signing a group use permit.

b6, b7c [] said that in 2007, an Operating Plan was developed and implemented for the RAINBOW FAMILY gathering in Arkansas, without major incident. Pepperball guns were made available to the National Incident Management Team for the first time, with no major incidents.

b6, b7c [] said that in 2008, the RAINBOW FAMILY made plans to hold its annual gathering in Wyoming. After discussions among RAINBOW FAMILY "senior members", Under Secretary REY, and the FS, it was determined that no special-use permit would be issued for the planned gathering. An Operating Plan (Exhibit 2) again would be implemented on the condition that failure to comply with the Operating Plan would result in the enforcement of the permit requirement under current FS regulations.

In a letter dated May 28, 2008 (Exhibit 3), Under Secretary REY outlined the process to FS personnel and to the RAINBOW FAMILY members.

b6, b7c [] said that prior to the 2008 annual RAINBOW gathering, the FS provided the RAINBOW FAMILY with 6 to 8 suitable gathering sites on National Forest lands in Wyoming based on potential resource impact issues, health and safety of the participants, and to minimize environmental impacts. Rather than hold the gathering at one of the recommended sites, the RAINBOW FAMILY elected to gather on the Bridger-Teton National Forest at a location for which the Boy Scouts had already obtained a permit, and on which the Scouts had planned for three years to perform a habitat improvement project.

[] said that Under Secretary REY met with RAINBOW FAMILY members at a town hall meeting in Pinedale, Wyoming (mid-June 2008), to discuss the gathering location site and the intentions of the participants not to gather at a FS recommend site. REY asked the RAINBOW FAMILY members to consider gathering at another location but they did not comply. RAINBOW FAMILY members at the meeting asked Under Secretary REY if the FS intended to cite the group for gathering without a permit since they had failed to comply with the intent of the operating plan. Under Secretary REY was upset with the group for failing to comply with the operating plan but indicated the group would not be cited under FS regulations. The displaced Boy Scouts agreed to move to another site in the forest.

Agent's Note: The town hall meeting was held in Pinedale, Wyoming, on June 18, 2008.

NATIONAL INCIDENT MANAGEMENT TEAM INCIDENT SUMMARY
2008 NATIONAL RAINBOW FAMILY GATHERING
BRIDGER TETON NATIONAL FOREST
PINEDALE RANGER DISTRICT
JUNE 14 - JULY 13, 2008

An Incident Summary (Exhibit 4) was prepared following the Wyoming RAINBOW FAMILY Gathering. The Incident Summary was compiled, in part, by FS Senior Special Agent [] Incident Commander, National Incident Management Team. Following are excerpts from the Incident Summary:

The 2008 National Gathering of the RAINBOW FAMILY of Living Light was held in the Pinedale area on the Pinedale Ranger District of the Bridger-Teton National Forest.

The primary objective for the 2008 National Rainbow Gathering was to provide a safe environment for officers and the participants, as well as, minimizing the environmental impacts from the event. This objective was met with some minimal resistance.

Initial operations were concentrated on a site chosen by the RAINBOW FAMILY during spring council near the Big Sandy Campground on the Pinedale Ranger District. The site was on National Forest land immediately adjacent to Department of Interior, Bureau of Land Management (BLM) property and many of the gathering participants were parking and/or camping on BLM. In the week prior to FS officers becoming operational in the field, BLM Law Enforcement Rangers maintained a constant law enforcement presence in the area. The BLM provided real time intelligence to the USFS regarding the status of the gathering participants.

There was much dissention [sic] among gathering participants about using this site. A user conflict was occurring between the RAINBOW FAMILY and other user groups. Due to this conflict, a few gathering participants went to the Snyder Basin area, which was the site of the 1994 National Gathering. This site never attracted more than 20 people. Eventually, the Big Sandy site became the site of the gathering and an operation plan was submitted and approved by the Forest Service and Rainbow Family on June 28, 2008.

Although the FS requires a Non-Commercial Group Special Use Permit for every group over 74, the agency has the discretion with respect to enforcement of this authority. This year (2008) the Department of Agriculture through Under Secretary REY directed the FS to attempt a different approach by not requiring the special use permit if certain criteria were met. Although most of the criteria/timelines for not requiring a special use permit were not met by the RAINBOW FAMILY, the FS continued negotiating with family members and an Operation and Maintenance Plan was negotiated and verbally agreed to by a few individuals from the Family and the Special Uses Unit Leader on June 30, 2008.

One incident occurred where 10 officers had to use force to safely leave the Gathering. While conducting an arrest for drug possession near Kiddie Village in main meadow, officers were [sic] interfered with by a female. Officers arrested both suspects. Officers were then surrounded by a mob of approximately 300-400 people. The mob began interfering with officers trying to exit the main meadow using the Bus Village trail. The mob began assaulting the officers by throwing rocks and sticks at the officers and also advancing on the officers. The officers were giving commands for the mob to disperse and to move back. The mob did not comply and officers were forced to use Pepperball projectile launchers to clear the mob from their path and to keep the mob from advancing.

Officers continued to disperse the crowd while trying to safely exit the one-mile trail to Bus Village. Another team of approximately ten more officers arrived as back up and helped the first team push back the mob and exit. The mob continued to assault the officers by throwing sticks and rocks until the officers left Bus Village.

Officers were assisted by 10 BLM Law Enforcement Rangers, approximately 10 Wyoming Highway Patrolman, and approximately 20 combined officers from Sublette, Fremont, and the Sweetwater County Sheriff's Office.

The officers set up a temporary command post at Squaw Creek and assembled. A large number of cars began exiting the gathering. An officer recognized on [sic] suspect trying to leave the Gathering in a vehicle. The suspect was stopped and arrested. The suspect had marijuana and a large amount of cash in his vehicle.

During that arrest, a large number of cars were trying to enter the Gathering. Officers had a crime scene secured in the road and were temporarily turning cars away. One person exited his car and began advancing on officers. Officers ordered the suspect to stop and turn away. The suspect did not comply and was arrested for resisting and interfering.

As of July 5, 2008, there were 17 individuals arrested, 268 Violation Notices written, 125 Warning Notices and 63 Incident Reports issued by Forest Service law enforcement and forest protection officers. Although total incidents are down from last year, percentage wise this is a significant increase from previous years based on 7,000 total participants. Many violators were turned over to local law enforcement for violations of state laws ranging from interference and assault to some drug violations.

FS LEOs known to have been present and involved in the incident on July 3, 2008 were:

[]

USE-OF-FORCE INCIDENT ON JULY 3, 2008

[] said (Exhibit 1) that he arrived at the Wyoming RAINBOW FAMILY gathering in early July 2008, to provide management oversight and to add support to the law enforcement team. During the early evening of July 3, 2008, a call came out over the radio that a FS LEO required immediate assistance. He drove to the trailhead parking lot with other FS LEOs who were responding. Upon arriving at the parking, he heard a tremendous noise that sounded like a large crowd attending a football game. He observed a FS LEO escorting a woman coming from the meadow. The woman was in custody and she was struggling with the officer. The woman dropped to her knee, resisting the officer.

[] said that as he moved up the trail, he came upon approximately 75 RAINBOW FAMILY members who were surrounding the FS LEOs. He observed a woman on her knees. She was holding her face with her hands. She removed her hands and her eyes were watering. He thought that the woman had been sprayed with mace. He applied water to the woman's eye. The woman was later charged with interfering with law enforcement officers.

Agents Note: Two female suspects were taken into custody by the FS LEOs during the incident on July 3, 2008. The female suspects were later identified as []

[] and []

[] said that the group surrounding the LEOs was shouting obscenities and throwing things at the officers. The group continued to advance on the officers, and the officers yelled to the individuals to back off. Certain RAINBOW FAMILY members were more aggressive than others. The LEOs each held an electronic control device, or taser, at the ready. One of the LEOs was firing a pepperball gun sporadically at the ground in front of the crowd to halt their advance. It was fired in a defensive manner. He observed dust rise from the ground when the pepperball gun was fired. He did not observe any person being struck by a pepperball. He heard the pepperball make a pop, pop, pop, sound as it was fired. There were some members of the crowd who attempted to hold the crowd back, but they were not successful. None of the LEOs had drawn their duty firearm during the confrontation with the crowd.

[] said that the officers retreated with the woman in custody in an orderly fashion back to the parking lot, a distance of approximately ¼ of a mile. The officers were organized to protect each other. They remained calm and restrained while backing each other up and implementing the crowd control techniques on which they were trained. There were continual checks to assure that no LEO was left behind, and that all LEOs were safe and accounted for. The teamwork was superb and no one panicked. The crowd continued to follow the LEOs to the parking lot. Near the parking lot, he heard one of the LEOs yell that the crowd was throwing rocks at one of the vehicles.

[redacted] ^{b6, b7c} said that once at the parking lot, it was determined that everyone was safe before leaving the area. Three individuals were arrested as a result of the incident, a male and two females, all of whom were transported to Rock Springs, Wyoming, for processing.

[redacted] ^{b6, b7c} LEO, Bridger-Teton National Forest, [redacted] ^{b6, b7c} provided narrative as he accompanied the [redacted] ^{b6, b7c} on a walking tour of the site of the RAINBOW FAMILY gathering.

^{b6, b7c} [redacted] said (Exhibit 5) that on July 3, 2008, at or about 7:00 p.m., he and other LEOs were on routine foot patrol at the RAINBOW FAMILY Gathering, assisting other FS LEOs assigned to the National Incident Management Team. He was with a group of LEOs that eventually totaled about 9-10 officers. The patrol took them past the main meadow area, an area also referred to as the Main Gathering Circle, which was located approximately one mile from the Bus Village trail parking lot.

^{b6, b7c} [redacted] said that while on patrol, he learned through radio traffic that one or more LEOs smelled the odor of marijuana, and suspected a man of having marijuana. He learned that at least one LEO attempted to question the male suspect who then tried to get away in order to avoid questioning. The man was later identified as [redacted] ^{b6, b7c} He assisted other LEOs in surveilling and pursuing [redacted] through some of the campsites. After about a 5-10 minute fast-walking pursuit, [redacted] was apprehended in proximity to an area referred to by RAINBOW FAMILY members as the "Kid Village." [redacted] ^{b6, b7c} attempted to resist arrest.

^{b6, b7c} [redacted] said that the commotion surrounding [redacted] ^{b6, b7c} arrest generated the immediate interest of nearby RAINBOW FAMILY members, who began to circle around the FS LEOs as the LEOs prepared to remove [redacted] ^{b6, b7c} from the area.

^{b6, b7c} [redacted] said that he saw a female RAINBOW FAMILY member move quickly past his security position and interfere with a female LEO who was assisting with the arrest of [redacted] ^{b6, b7c} The unidentified woman grabbed the female LEO from behind. The woman [redacted] ^{b6, b7c} was also taken into custody for interfering with [redacted] ^{b6, b7c} arrest. Nearby members of the RAINBOW FAMILY started with verbal attacks and yelling obscenities at the LEOs.

^{b6, b7c} [redacted] said that as the LEOs were encircled by the crowd, it became apparent to him that the crowd intended to prevent the LEOs from escorting the subjects in custody from the area. One LEO, who he thought might be [redacted] ^{b6, b7c} ordered the [redacted] ^{b6, b7c} All of the officers, including himself, were equipped with taser guns. The LEOs later drew the taser weapons due to concern for their safety, and aimed them at the ground. As far as he knew, the tasers were never used by any LEO. Two other LEOs were equipped with pepperball weapons, similar to a paintball gun.

Agent's Note: In preparation for the 2008 RAINBOW FAMILY Gathering in Wyoming, the U.S. Park Police provided Crowd Control Training to the FS National Incident Response Team on June 17 and 18, 2008, in Riverton, Wyoming. During the course of the training, [redacted] ^{b6, b7c} was provided to the LEOs, and is listed in the course outline. ^{7e}

[] said that he was positioned at one end of the group of LEOs as they began moving to transport [] and the woman who were in custody. He did not effect the arrest of [] or of the woman who were taken into custody. His role was to provide perimeter security at the arrest site and to assist in escorting the individuals out of the area.

[] said that LEOs shouted commands to the crowd to move back from the arresting officers. Individuals in the crowd yelled obscenities at the LEOs. Unidentified individuals in the crowd escalated their verbal barrage, advanced towards the officers, and failed to follow the repeated orders of the LEOs to fall back. At that point, the pepperball projectiles were used to disperse the crowd.

[] said that he saw the pepperball weapon being fired at least once. He saw that the projectiles were directed at the ground in front of those individuals who were advancing on the LEOs and who had failed to stop their advancement. He knew that there were subsequent firings of the pepperball weapons as evidenced by the pop, pop, pop sound. He estimated the crowd surrounding the officers at approximately 75 individuals, which continued to grow in number as the LEOs proceeded up the trail towards the Bus Village parking area. In the commotion, he did not recall seeing any children in the crowd at the time of the arrests, or during the subsequent evacuation of the individuals who were in custody.

[] said that the LEOs proceeded slowly uphill in the direction of the Bus Village trail parking lot. The crowd followed the LEOs as they traveled through the forest yelling and screaming at the officers. As the crowd continued to proceed, he eventually took up a position at the front of the group of LEOs as all headed for the Bus Village parking lot. He and another LEO eventually separated from [] and led [] out of the area. As they walked, he and another LEO had to push or pull [] to assist him up, over, and across the steep terrain. The woman who was in custody was escorted out by another group of LEOs.

[] said that as they proceeded through the forest, he observed a number of individuals running ahead through the forest, clearly in an attempt to outflank and to get out ahead of the LEOs. This aggressive action gave him further concern for his and the other LEOs' safety. At one point, he heard over the radio one of the LEOs report that rocks were being thrown at the LEOs in the rear of the formation. He did not have rocks thrown at him during his evacuation from the area with []

[] said that while advancing through the forest, he observed an unidentified male in the forest crouch down behind a boulder with his hands hidden from view and in a posture that clearly amplified his concern for his safety and that of the other LEOs. He pointed out the individual to one of the trailing LEOs to keep his eye on that person.

[] said that it took approximately 30 minutes for the LEOs to hike out from the arrest site to the Bus Village trail parking lot. [] and the woman in custody were to be transported from that location. When he, [] and the other LEO arrived at the Bus Village Parking area, he could hear the crowd coming up through the forest in pursuit of the other LEOs who were escorting the woman in custody.

[] LEO, FS, [] in a Statement dated July 8, 2008 (Exhibit 6), said, in part, that on July 3, 2008, he was conducting a foot patrol with other officers in an area known as the Rainbow "Main Gathering Circle." He and fellow partner [] smelled the odor of marijuana while walking near a camp. An individual, later identified as [] made a furtive movement. [] ignored an order by [] to stop. [] LEO [] and he followed [] to what was known as the kitchen area. A crowd of approximately 40 people surrounded the officers. [] fled the kitchen area. [] took [] to the ground. [] told [] to stop resisting.

[] said that he was about to assist [] when he heard a request by other FS LEOs for pepperball projectile launchers. At that time, LEO [] assisted [] by placing handcuffs on [] A crowd of approximately 40 people surrounded the arresting LEOs. He ran to assist officers [] and [] in an attempt to control the crowd, which had grown to over 100 to 150 people. The crowd was yelling and screaming. A female known as [] was arrested when she interfered with [] arrest.

[] said that after he and several other LEOs gave several verbal commands for the advancing crowd to get back and disperse, he deployed four to five rounds of pepperball rounds to the ground to get the riotous crowd to back up and disperse. He worked the left and right flank deploying multiple pepperball rounds to the chest and legs of subjects who were interfering or were assaultive, over the next 15 to 20 minutes. These individuals in the riotous crowd displayed an advancing aggressive fighting stance, clenched fists, were tossing rocks, and made threatening statements to the officers as they were escorting [] and [] out of the area.

[] said that once the LEOs fell back to escort [] and [] the riotous crowd had grown to approximately 300 people. The crowd continued to throw rocks. He continued to deploy rounds of pepperball to the chest and leg areas of the riotous crowd to keep the crowd away from the officers. After about a mile on the trail, he met LEO [] and handed [] the pepperball launcher. [] headed down the trail to assist the other officers.

[] LEO, FS, [] in a Statement dated July 9, 2008, (Exhibit 7), said, in part, that on July 3, 2008, she and nine other LEOs were conducting a foot patrol in the RAINBOW FAMILY gathering area. She witnessed LEO [] and [] detaining [] As officers were occupied with [] a crowd of RAINBOW FAMILY Gathering participants began gathering around the LEOs.

[] said that a woman known as [] began advancing on the officers. LEO [] ordered [] to stop. [] ignored the direct order. She [] grabbed [] arm. [] resisted, so she took [] to the ground. The crowd began screaming at her and the other nine LEOs. Another individual emerged from the crowd and advanced on her. She drew her taser and ordered the individual back. The individual responded by saying, "I hope you taze me. I pray you taze me because it will be the last thing you ever do." She trained the taser on the individual and called for LEO [] to respond to the front line with his pepperball launcher. [] responded to her position and the individual ran into the crowd.

[] said that the officers began a tactical retreat down the trail leading from Kiddie Village to Bus Village escorting arrestees [] and []. The crowd had advanced in close proximity

b6,
b7c [] to the officers, within approximately 20 feet. The individual at whom she had pointed her taser moved back to the front of the crowd and began shouting at the LEOs. [] ordered the man back several times. When the man failed to comply, [] deemed it necessary to gain compliance by firing his pepperball launcher at the individual. One individual allowed himself to be struck by pepperballs as he smiled at officers.

b6,
b7c [] said that the participants in the riot continued to follow officers down the trail. The crowd consistently became more violent, screaming and shouting threats, and accusations at the LEOs. As officers continued down the trail, she witnessed several orders given by officers, to a riot estimated at 400 participants, to "get back." She witnessed pepperballs fired at individuals rushing at LEOs advancing from the front and sides of the officers' positions. Some rioters ran parallel to the officers, attempting to advance quickly, while others appeared to act in a more stealthy manner, hiding behind trees and ducking behind rocks; the latter began throwing rocks and sticks at the officers. She had a rock hit the ground approximately two feet from her and a stick fly through the air and hit a fallen tree to her immediate left.

b6,
b7c [] said that an individual, later identified as [] emerged from the crowd and attempted to push past her. She ordered [] to get back. [] continued to move past her and disobeyed the order given by her. She sprayed [] with pepper spray. [] dropped to her knees on the trail. [] was escorted down the trail by [] where first aid was administered.

b6,
b7c [] LEO, FS, [] in a Supplemental Incident Report dated July 3, 2008 (Exhibit 8), said, in part, that on July 3, 2008, he and 10 other LEOs were on foot patrol. He responded to a call for assistance from LEO [] Upon assisting, he noticed approximately 35 to 45 RAINBOW FAMILY Gathering participants beginning to surround other LEOs. He ordered the participants to disperse. The surrounding participants failed to comply and began to yell. A female advanced on the officers and he ordered her to get back. LEO [] ordered the woman to the ground and the woman physically resisted. The crowd had grown to approximately 150 people. He stood between the crowd and the other officers. He heard four shots of the pepperball projectile go off and he knew that LEO [] had fired his launcher at someone. Prior to that moment, he heard many officers order the crowd to "get back," "stay back," and to "stop circling" the officers. He gave similar orders to the crowd.

b6,
b7c [] said that he went to the south side of the circle of LEOs. He ordered the crowd to "get off the trail." He continued to hear the crowd yelling at the officers and the crowd was growing. He once again ordered the crowd to "get off the trail", and when the crowd did not comply, he fired.

7e [] Members of the crowd began to back away; however, not all members of the crowd complied. He then aimed the pepperball projector at individuals who were not complying with the orders to get off the trail. He aimed multiple rounds of the pepperball projectiles at the subjects who did not get out of the way. He only targeted non-compliant subjects and ensured he had a clear shot at his target prior to firing. He continually reassessed the threat that the individuals posed to the safety of the officers, as well as whether or not they were complying with the orders given by the officers.

b6,
b7c [] said that the crowd was approximately 350-400 people. During the exit from the main kitchen area of Kiddie Village, he was at the front of the group of LEOs. He encountered

[] continually interfered with the extraction by the officers. He ordered [] numerous times to "get back" and "get out of the way." He had to physically remove [] from the path, and had LEO [] physically remove [] from the path. [] told him that he "[]" that he "[]" and that he would "report him to MARK REY." [] interfered with his being able to concentrate on the crowd, and did not comply with orders.

Agent's Note: [] purports himself to be a []

[] said that the group of officers made it to the trail leading to the bus village. He observed that a man named [] had moved towards the officers in violation of the orders given him. He fired four pepperball rounds at [] He later learned that one pepperball round hit [] on the side, and the other rounds hit the ground. He observed individuals and small groups trying to advance around the flanks of the officers. He fired on them with the pepperball projectile launcher to keep them from advancing on the officers.

[] said that as the LEOs moved up the trail, the crowd began throwing rocks and sticks at the officers. He and other LEOs observed members of the group pick up rocks and throw them in an attempt to hit and injure officers. He and [] continually fired the pepperball projectile launchers at individuals who would not comply with the officers' orders.

[] said that approximately 1/2 mile from the original incident, responding LEOs arrived to assist the officers. He came back to help the officers. He encountered an individual named [] who had been sprayed with OC spray by LEO [] He reassured [] that he would take care of her, and used water to decontaminate her. He arrived at bus village and ensured that [] was okay. [] advised [] that she was under arrest, took her into custody, and placed her in a vehicle. As LEOs began to exit the area in their vehicles, he observed a man in the tree line throw an object towards the LEOs in the parking area.

[] in an unsigned and undated typed manuscript entitled [] that was emailed to Under Secretary REY on July 21, 2008, said, in part, that on July 3rd about 5:00, he observed a squad of about 9 law enforcement officers who were pursuing what looked to be an []

[] wearing a tie-dye shirt. He saw the officers moving around the man in a way that seemed to corral him in a pincer movement, directing him onto the northwest path leading into the Kiddie Village. At that moment, the Kiddie Village prayer circle had just ended and people from the circle were starting to walk up the NW path while the pursued man also started to walk briskly up that path suddenly pursued by the squad of Forest Service officers. The squad started running and shouting and he could see those pushing parents aside as they started running to catch up with the man.

[] said that as this was happening, he thought he heard "pop pop, pop pop." He had no idea if it was gun shots. He was not sure what was happening, but he heard shouting and the "pop pop", and saw the officers pushing people aside and shouting. The people who were going to the dinner circle rushed to follow the commotion. People were screaming "what's going on."

[] said that he arrived at the NE side of the dinner circle for Kid Village where he observed the person who was being pursued lying face-down on the ground. The man did not appear to have handcuffs on. There was a perimeter of officers holding guns and creating a large space around the man, though there were not any people in that area, one officer was facing the northwest, one was facing the north.

[] said that as he approached the officers, he had his hands up, and asked what was going on. They did not respond, except one who started nervously shouting that he was going to taser him. He told the officer that he could taser him if he wanted to, but that his name was [] and he was there to help them, and that he was [] and if he wanted to taser him he could, but he would probably get himself fired as a result.

[] said the reason that he was speaking to the officer was because he could hear the "pop pop" and the shouting, and that if law enforcement wanted to leave with their detainee without creating a commotion, the path he had just come up was the one back to the parking lot, and was the most sensible way to take their detainee with minimum commotion.

[] said that it was his intention to tell the detainee that he needed to cooperate, and that if he felt things were being done unjustly, that a defense lawyer would be found for him, but in the mean time, elders like himself wanted him to get up, cooperate, and leave the camp quietly with the officers. When he tried to explain that to the officers, the officer with the taser continued to shout that he was going to taser him while holding the laser beam on his solar plexus close to his heart. It looked like the officer was extremely nervous, and that he might actually do as he said. He backed up in order to give the officers as much room as they needed. Two other officers were pointing what looked like little sub-machine guns at him (he subsequently learned they were crowd control weapons that fire the pepper spray capsules), and they were screaming and shouting that they were going to shoot him, though whenever they saw anyone else in the trees, they shouted they were going to shoot them, too.

[] said that the female law enforcement officer seemed calm, so he explained to her that he could help them leave quietly if they would just stop screaming. As he began to do so, one of the officers kept pointing what looked to be a small sub-machine gun, but what he assumed at the time was something that fired rubber bullets, and he kept shouting that he was going to shoot him, "Get away! Get away! I'm going to shoot you! Get out the way or I'm going to shoot you!" The problem was that the officer was screaming at everyone. People were beginning to run up the trail to find out what the commotion was, and he was quite concerned that the officer would start shooting those people who did not even know what was going on.

[] said that he heard the crowd chanting "no guns in the church", "please leave we are praying for peace, please leave we are unarmed, we have no weapons, please just go away please leave, we are sitting down, we are praying." He witnessed absolutely no objects being thrown at any officer. He did not see anyone threaten any law enforcement officer, but he did hear people

singing, and he heard the "pop pop" of the crowd control gun, and people begin to shout "they're shooting rubber bullets, they're shooting rubber bullets!"

[] said that he was concentrating on attempting to show the officers that they needed to go out the exit instead of the entrance that was now crowded with spectators and parents, and all the while, he was trying to point out the exit. One officer still had the laser beam on him, threatening to taser him. Another officer kept shouting that he was going to shoot him.

[] said that he tried to stay in front of the screaming officers and told the people who were now coming up the path that everything was OK, and asked them to sit down out of the way of the officers. One LEO nevertheless continued to point his weapon and threaten everyone. He told the officer to lower his gun and stop pointing it at people.

[] said that he cleared the path. A lady sat down on the path, non-violent civil disobedient style, and he walked over and told her to just to let the officers out and that everything would be okay. People cleared out of the way so that there was no problem except for one out-of-control officer. He kept threatening to shoot everyone who came down the path.

[] said that he observed no one threaten the officers whatsoever. He led the officers about 200 feet around the fringe of the main meadow, and pointed them up the path to the parking lot from where they had come. The one officer was still screaming that he was going to shoot, so people coming down the path were instantly threatened by this person.

[] said that as the officers reached the trail head, some Rainbow participants were shouting "They shot a 9 year old! They shot a 9 year old with rubber bullets!" Some said with rubber bullets, some just said they shot. They started screaming at the officers "Get out of here! Get out of here! We don't have any guns! Just leave."

[] said that he observed an officer named [] dragging a small woman in a neck lock, hauling her out of the Kid Village. He assumed that the woman had thrown herself at the officers in a fit of emotion. He did not want to interfere, but rather, just help the officers leave the area so as not to provoke more emotional responses and possibly more arrests. As the LEO squad continued up the path to the parking lot, he observed some of his friends telling the crowd "Stop, don't follow them. Just let them go."

[] said that he went in search of a satellite phone, secured one, and left messages at the home phone number of [] and cell phone of REY. He told them what he had witnessed. He told them that the officers appeared to be young and, in his opinion, had exercised bad judgment in shouting, screaming and threatening innocent bystanders, and that their behavior could have caused an escalation of tensions.

[] said that he later talked to people that had been shot. He took a photograph of [] stomach where there were two welts from what they believed to be from the capsules containing pepper spray that were shot at him. He also took photographs of [] who was also in Kiddie Village. [] showed him four welts on his back where he had been shot when he faced the crowd and told people to sit down. [] told him he had turned around to the officers and put his hands behind his head so that everyone behind him was safe and he received more shots. He photographed the welts in his armpit and additional shots in his front.

[] said that at least one LEO had been filmed on video discharging his weapon into the crowd.

[] said that on July 4, 2008, he spoke to [] about the July 3 incident. [] relayed to him [] version of what occurred.

[] indicated that he was a witness to the incident on July 3, 2008. In a letter dated January 9, 2009 (Exhibit 10), [] said, in part:

"I was one of the "early-in" people this Year, meaning I participated in the "Ride" (as I call it), in the 'scouting", "Spring Circle/council", "Seed encampment (set-up time)", and then in the Ceremonies and Celebrations, and constant social/political/community interactions of July 1-7.

"SHANTI SENA: "you are your own security". This concept is that everyone who attends the Gathering is RESPONSIBLE, both in looking after their own self, but also, in looking after the "community" i.e. the Gathered People.

"There have been differing relationships, over the years, between Incident Command and Shanti Sena volunteers, some positive and some not.

"In the phone conference calls with Mr. Rey and [] the relationship of "Shanti Sena" and LEOs of Incident Command was discussed. And in a meeting [] near "Front Gate" on [] I discussed this subject with the [] and some 15-20 other LEOs, etc..

"At this meeting, I stated to [] that, if a situation develops between LEOs and Gatherers, that the people who "have their backs to you, and are trying to help keep the crowd back, and/or calm the crowd down, (who might) identify themselves as "Shanti Sena" ARE SHANTI SENA, and they will be there to cool the scene".

"... in the morning of July 3rd, around the area known as "Montana Camp" a large Patrol of LEOs came down the trail from the North end of the Gathering, coming from the "Trailhead" at that end of the Gathering. This Patrol, as all Patrols were accompanied by (volunteer) individuals walking ahead of them into the Gathering, some going quietly, passing the word "guns in church" "6Ups coming", and other folks raising their voices and calling out loudly/expressively, in full speech "6UP!!!!" (sorta like crows croaking when changes to the community appear).

"This Patrol, appeared between 15-20 LEOs, armed up... a "brother" (gatherer) asked one of the LEOs what they were carrying, and this LEO showed [] his (shot-gun appearing) "pepper-spray paintball gun", and told [] the LEOs were offered a choice as to what weapon to carry that day - option would be the M14s(?), automatic, semi-automatic... LEOs also always carry standard 9mm (?), plus, new, this year, "Tasers". [] conveyed his conversation with this LEO to me, and some others, having morning coffee.

“Some folks, from the “Montana Camp” area, volunteered the information they would quietly follow the LEOs and see what they were up too. Word was being passed around the Gathering “person to person telegraph” that a large number of LEOs were entering by various points, larger than usual, and armed with these “paintball pepper-spray shotguns”.

“LATE AFTERNOON, as I was sitting in a Circle of fine people, enjoying my pursuit of happiness, of ceremony and celebration, I (felt) a disturbance, and I got up and getting myself together i.e. making sure I had some water on me, a snack, I started [] [] my way down the trail, headed toward the disturbance. Word came up the trail that “Shanti Sena” were needed at “Kid Village”. “Shanti Sena” are community (Gathering) volunteer peacekeepers .

“A young guy came up to me saying [] [] was sending a call of ‘all hands on deck’ meaning something very “heavy” was happening, and that I should come... luckily, I had already started [] [] my way downhill, downtrail. I chose to head toward the “Main Circle” area, where folks gather for food and Circle or Councils i.e. a large meadow area.

“I stopped in at the Information Booth: volunteers acting to network information during the Gathering. At the Info Booth, I was told there had been an attack on “Kid Village” by the LEOs, that people had been “Shot” with some-sort of “pepper-spray (powder) inside a paintball” There was a lot of confusion, and folks were sharing out a myriad of raps concerning what was going on... I continued on toward the “Main Circle” arena, and saw hundreds, likely a couple thousand people apparently milling around, some crying, some telling stories, many looking fearful, some crying out in anger, all because of the scene at “Kid Village”... an attack on the place where the CHILDREN center excited the people, causing an uproar. Whatever else was going on, whatever ceremony or celebration, workshop on yoga, etc... whatever preparations for enjoying the day, were all displaced by this uproar.

“I walked out to near the Center of the Meadow, and once there, I asked and received help from other people in calling for a “Circle”, calling for a “Shanti Sena Circle” . There were a number of experienced gatherers present, and joining with them, a Circle was formed, and then, people were asked to call out and walk out and bring others to the Circle, and for folks to “Center up”, “Mellow out” and “Come Together”.

“This is a common way for situations to be resolved “in Rainbow-style Gathering”. Once the Circle began forming, hundreds, then perhaps up to a thousand people gathered in that Circle, and then, I acted to facilitate a discussion concerning what had happened at Kid Village, and what were folks' choices concerning what to do now.

“Various individuals spoke, first one, was a brother had a message from the LEO “patrol commander” to the Gathering, to the gathered people. I told him he would be first up once a Circle had formed...

“This brother spoke up to the Circle (now, with hundreds of people), saying: he had been pepper-sprayed, shot in the upper chest with one of the paint-balls filled with pepper-spray, shot from the gun that looks like a shot-gun. He had been in the area of Kid Village, had

stepped-up/volunteered to act as "Shanti Sena", to help "chill out" the scene. He had been help to calm the crowding gatherers, to ask them to keep back and allow he orderly exit of the LEOs, with their arrested suspects... and while engaged in "Shanti Sena", the LEOs shot him... nonetheless, he stayed in-action, and then, at some point, when the LEOs came to a point in the trail, an LEO told him to pass the message, a warning: "NO ONE GO UP THE TRAIL, OR ELSE!", threats of arrest, etc., followed this warning from the LEOs.

"To my surprise, on July 4th, I received a message, sent to me (others), from [] "that I (others) were to help [] find and bring out to them [] the "Shanti Sena" who were involved in the July 3rd incident at Kid Village, who could be identified because many of them had been shot (pepperspray-paintballs).

"I thought the message had to be some sort of hoax, based on my [] with [] and []

PRESS RELEASE ISSUED BY AMERICAN CIVIL LIBERTIES UNION

LINDA BURT, AMERICAN CIVIL LIBERTIES UNION (ACLU), in a press release dated October 6, 2008, concerning the RAINBOW FAMILY Gathering in Wyoming (Exhibit 11), wrote:

"The participants that reported on the 2008 "kiddy village" conflict were unanimous in their version of the events: The officers came into "kiddy village" following a man that was later charged with a marijuana complaint (this is the best of my information). The officers were armed with pepper ball guns and side arms. When the individual was arrested a woman went up to one of the officers and asked a question there is no indication of what was said. This woman was then thrown to the ground, handcuffed and surrounded by several officers. At this time the crowd became upset and people were asking what was going on individuals came into the area at no time was it apparently that there were 400 individuals in the area. Additionally, at no time are there any rocks or sticks seen being thrown at the officers. One reporter states he may have seen "one stick" thrown. This is not evident in any of the videos. Rainbow member's state that, according to their training and belief in non-violence, they began to police themselves some of them going down on their knees and chanting and others trying to calm the crowd and back them off. Many of the participants report being shot by pepper balls in the back or when they were kneeling. One of the medical crew, a nurse, reported treating several people for multiple welts and many individuals for contact with pepper spray. The Sublette Examiner reported that one officer was injured but I have not been able to verify that injury.

"After the incident people reported being stopped by officers and told to take off their shirts so that officers could identify them to charge them with "inciting".

"John Twiss, Director of Forest Services Law Enforcement and Investigations in Washington, D. C. Stated, 'I think we have to have that discussion within the agency.' (regarding banning the Rainbow Family from Forest Service lands) 'We spend an awful lot of time and effort on these people and frankly, the taxpayers deserve better.' He also gave his clear opinion saying that Rainbow Family Members are "non-compromising" "arrogant" and "anti-authority"."

AERIAL MAP OF LOCATIONS

An aerial map dated July 1, 2008 (Exhibit 12), depicts the various locations associated with the RAINBOW FAMILY Gathering near the Dutch Joe Guard Station, Bridger-Teton National Forest, Wyoming.

FOREST SERVICE MANUAL (FSM)

FSM 5309.11.54 (March 2008), Use-of-Force (Exhibit 13), reads in part:

Law enforcement personnel may use the level of control, which is reasonably necessary to perform their duties. In many situations, law enforcement personnel can gain control without the use of physical force. Law enforcement personnel may use varying levels of physical force and law enforcement defensive equipment to control the subject's actions, based on the resistance offered.

FSM 5387.03 (February 2008), Non-lethal Defensive Equipment (Exhibit 14), reads in part:

1. Law enforcement personnel are authorized to carry non-lethal defensive equipment.
3. Only authorized non-lethal defensive equipment may be carried by law enforcement personnel in which all recertification standards have been met (FSM 5372.2).

FSM 5387.2 (February 2008), Authorized Non-Lethal Defensive Equipment (Exhibit 15), reads in part:

Only Forest Service issued non-lethal defensive equipment meeting the criteria in this section is authorized. Other non-lethal defensive equipment may not be carried on duty unless specifically authorized in writing by the Director, Law Enforcement and Investigations.

5. Chemical or Inert Projectile Systems. Oleoresin capsicum (OC) or PAVA projectiles or inert projectiles manufactured and distributed by Pepperball Technologies, Inc. Pepperball launchers are the only non-lethal launching system authorized to be carried and used by law enforcement personnel. Only those projectiles that contain OC or PAVA powder or liquid or inert powder or liquid are authorized for use.

FSMS 5372.67 (March 2008) - Non-Lethal Training Ammunition Training (Exhibit 16), reads in part:

All training with non-lethal ammunition (NLTA training) must be conducted under the supervision of a firearms instructor (FSM 5372.71) who is NLTA certified (FSM 5372.78). All NLTA training shall be in accordance with the Procedures for Conducting Training Using Non-Lethal Training Ammunition Manual. This manual may be obtained from the LEI Assistant Director-Training, Development and Standards.

FSM 5372.68 (March 2008) - Crowd Control and Chemical or Inert Projectile Systems Training, (Exhibit 17), reads in part:

All law enforcement personnel authorized to carry and use crowd control equipment (FSM 5385.04a, para. 4, FSM 5387.2, para. 1b, 2d, 5 and 6) shall complete required training as approved by the Director, Law Enforcement and Investigations (LEI).

FSM 5372.68 - All law enforcement personnel authorized to carry and use chemical or inert projectile systems (FSM 5385.04a, para. 4, FSM 5387.2, para. 5) must complete required training as approved by the Director, LEI.

TRAINING

b6, b7c

[] FS, [] in a sworn statement (Exhibit 18), said that in May 2007, he []

Pepperball is a non-lethal chemical agent delivery system that uses high-pressure launchers to deliver chemical projectiles from a distance. The training was provided by the manufacturer, PEPPERBALL TECHNOLOGIES, INC., Winchester, Kentucky. He was certified by the manufacturer on May 7, 2007, to be an instructor in use of pepperballs and launcher (Exhibit 19).

[] said that 2007 was the first year that FS obtained and utilized the pepperball launcher, in part, as a tool to manage large crowds. The implementation and use of pepperball and launchers was a result of the 2006 RAINBOW FAMILY Gathering in Colorado in which RAINBOW FAMILY members overran a FS check point, and FS had no means by which to control the crowd. In 2007, the pepperball launchers were first issued to the FS National Incident Command team for crowd control, but were never utilized.

b6, b7c

[] said that the training in the use of pepperball launchers consists of a combination of 8 hours of classroom and field training exercises. The officers watch a power point presentation (Exhibit 20) that is interactive and lasts 2 – 3 hours. During the presentation, there are demonstrations on how to operate the launcher, use-of-force, targeting and tactics. After completing the classroom portion of the training, the officers are taken to the shooting range, and shoot approximately 50 – 70 rounds of inert rounds, and rounds containing pava (capsaicin II) pepper powder.

b6, b7c

[] said that during the field training exercises, officers are instructed and trained in targeting and tactics, and the use-of-force. Use-of-force options are based on the FS use-of-force policy and the application of the launcher.

b7e

b6, b7c

[] said that if forced to shoot the pepperball launcher, the officers are

b7e

[] said that on June 16, 2008, he conducted pepperball training and certification for the members of the National Incident Response Team who were to be assigned to the RAINBOW FAMILY Gathering in Wyoming, including LEOs [] and [] (Exhibit 21).

bb, 7c [] reviewed videotape footage obtained by the Office of Inspector General from the RAINBOW FAMILY website at www.welcome.org/rainbow/sites/wym08/. The video footage, identified as 100_0143.mpg, 100_0144.mpg, 110_0145.mpg, MVI_0152.mpg, and 07-03-08_1919.3gp (Exhibit 22), purports to depict the actions of FS officers at the RAINBOW FAMILY Gathering in Wyoming on July 3, 2008, and the deployment and discharge of pepperball launchers.

[] said that based on his review of the videotape footage, the actions of the FS LEOs were reasonable and appropriate. The LEOs utilized officer presence and verbal commands, and did not over-use the pepperball launcher when deploying pepper balls. The officers stopped after each deployment and reassessed the situation before reapplying, when necessary.

Agent's Note: The video footage reviewed was retrieved from a RAINBOW FAMILY website, and [] b5 [] The source of the video footage is unknown, but is purported to have been taken by person(s) who attended the RAINBOW FAMILY Gathering.

b6, b7c [] Park Police Officer, U.S. Park Police, Washington, D.C., said (Exhibit 23) that on June 17 and 18, 2008, he and [] conducted Crowd Control Training in Riverton, Wyoming, for the FS National Incident Management team. During the training, the LEOs received a combination of 8 hours of classroom and 8 hours of practical training exercises. As part of their classroom instruction, the LEOs watched a power point presentation, and received handout materials on crowd control (Exhibit 24).

Agent's Note: [] confirmed that members of the National Incident Management Team who were assigned to the RAINBOW FAMILY Gathering in Wyoming, including LEOs [] and [] completed the Crowd Control Training provided by the U.S. Park Police (Exhibit 25), and that the training was conducted in preparation for the 2008 National RAINBOW FAMILY Gathering held on the Bridger-Teton National Forest.

b6, b7c [] said (Exhibit 23) that in September 2008, [] sat down with [] to review video footage that was obtained from the RAINBOW FAMILY website (Exhibit 20). Based upon his experience as a [] and [] [] it was his opinion that the FS LEOs depicted in the video footage acted appropriately in conducting crowd control techniques, as they were trained to do. The actions of the FS LEOs were reasonable and appropriate given the circumstances and the actions of certain individuals in the crowd.

[] said that the LEOs reacted to the crowd and escalated their actions in response to the actions of individuals in the crowd. As individuals in the crowd became more aggressive towards the LEOs, the LEOs reacted in accordance with those actions. The LEOs gave

appropriate warnings to the group and only reacted to specific individuals who failed to follow their warnings. There was aggressive behavior and resistance in the crowd from certain individuals to the commands given by the LEOs. The LEOs []

7e

[] 7e

b6,
b7c

[] said that he was not an expert in the use of the pepperball launcher or the deploying of pepperballs. However, based on his experience, it appeared to him that the LEOs utilized officer presence and verbal commands. The deployment of pepperballs appeared to be directed at the feet of specific individuals, and the LEOs were only firing when necessary.

* * * * *

LIST OF EXHIBITS

<u>Exhibit Number</u>	<u>Description</u>	<u>Page Introduced</u>
1	Sworn Statement, [] dated July 23, 2008	2
2	Final Law Enforcement Operations Plan for 2008 Annual Gathering of the RAINBOW FAMILY of Living Light	3
3	Letter from Under Secretary MARK E. REY, dated May 28, 2008	3
4	National Incident Management Team Incident Summary of the 2008 National RAINBOW FAMILY Gathering	4
5	Memorandum of Conversation, [] dated July 31, 2008	7
6	Form FS-5300-16, Statement, [], dated July 8, 2008	9
7	Form FS-5300-16, Statement, [] dated July 9, 2008	9
8	Form FS-5300-22, Supplemental Incident Report, [] [] dated July 3, 2008, marked "Draft"	10
9	Eyewitness Account of [] undated	11
10	Letter from [] dated January 9, 2009	14
11	Press Release issued by LINDA BURT, ACLU, dated October 6, 2008	16
12	Aerial Map dated July 1, 2008	17
13	FSM 5309.11.54 (March 2008), Use-of-Force	17
14	FSM 5387.03 (February 2008), Non-Lethal Defensive Equipment	17
15	FSM 5387.2 (February 2008), Authorized Non-Lethal Defensive Equipment	17
16	FSM 5372.67 (March 2008), Non-Lethal Training Ammunition Training	17
17	FSM5372.68 (March 2008), Crowd Control and Chemical or Inert Projectile Systems Training	18

bb, b7c

LIST OF EXHIBITS

<u>Exhibit Number</u>	<u>Description</u>	<u>Page Introduced</u>
18	Sworn Statement, [] dated August 19, 2008	18
19	PEPPERBALL TECHNOLOGIES, INC. Training Certification	18
20	PEPPERBALL TECHNOLOGIES, INC. Power Point Training	18
21	Pepperball Launching System User Certifications for [] and []	19
22	Videotape excerpts from RAINBOW FAMILY website, of July 3, 2008 incident	19
23	Memorandum of Conversation, [] dated December 2, 2008	19
24	Crowd Control Power Point Training, Course Outline, and Handout Material	19
25	List of FS LEOs who completed Crowd Control Training	19

Arlington, Virginia

I, [] make the following statement freely and voluntarily to William Busby, who has identified himself/herself to me as a Special Agent of the Office of Inspector General, U.S. Department of Agriculture, knowing that this statement may be used in evidence.

b6,
b7c

I am currently the [] Law Enforcement and Investigations, Forest Service (FS), in []

[] The Rainbow family is a loose-knit group of individuals who are into alternative lifestyles. The Rainbow Family holds an annual gathering on different National Forest lands during the months of June and July. In [] in South Dakota; the Chief of the FS formed a large group oversight Team to provide oversight, and to set goals for the administration and management control of the annual Rainbow Family gathering event. An Incident Command Team was also formed in response to reoccurring problems beginning in the early 1990's with gathering participants who were engaged in criminal or socially unacceptable behavior, assaults, drug trafficking, drug and alcohol abuse, and confrontations with law enforcement.

Following the serious confrontation at the Rainbow Family gathering in Colorado in 2006, between its members and law enforcement personnel, the FS recognized that our law enforcement personnel were not properly trained in crowd control techniques and were not properly equipped to handle such situations. Mounted horse patrols were found to be ineffective in crowd control at the Colorado gathering and have not been used since that time for such purposes. As a result, National Incident Management Team members receive such training from the U.S. Department of Interior's Park Police. The FS also has added pepperball guns as a non-lethal device for defensive crowd dispersal, along with required training for personnel authorized to carry such devices. In addition, all FS law enforcement officers and agents are authorized to carry non-lethal electronic control devices and are trained and certified annually in the use of such devices.

Until 2006, the FS required the Rainbow Family to obtain a special use permit, which was required of every group of 75 or more that wanted to hold a meeting or event on National Forest lands. However, as a result of continuing problems with gaining compliance with the Rainbow Family group, Undersecretary Mark Rey wanted to experiment with a new approach to the handling of the 2007 gathering. []

[] b5 The 2006 gathering in Colorado had a great amount of disagreement between the Rainbow Family and the FS, and there was a greater amount of violence. It was hoped that by eliminating the permit requirement that it would reduce the tension between the FS and the Rainbow Family participants. As a result, in 2007 an Operating Plan was developed in lieu of the signing of a group use permit for 2007.

b6, b7c

[]
EXHIBIT 1
PAGE 1 OF 4

b6, b7c

In 2007 an Operating Plan was implemented during the Rainbow Family gathering in Arkansas, without major incident. Pepperball guns were made available to National Incident Management Team for the first time.

In 2008 the Rainbow family indicated plans to hold the annual gathering in Wyoming. After discussions with Rainbow Family "senior members", Undersecretary Rey and the FS it was determined that no permit would be issued for the planned gathering. An Operating plan again would be implemented on the condition that failure to comply with the Operating Plan would result in the enforcement of the permit requirement under current FS regulations. In a letter dated May 28, 2008, Undersecretary Rey outlined the process to FS personnel and to the Rainbow Family members.

The FS provided the Rainbow Family with 6 to 8 suitable sites on National Forest lands in Wyoming based on potential resource impact issues, health and safety risks to the public and the gathering participants, and locations selected to minimize the environmental impact.

However, instead of gathering at one of the sites proposed by the FS, the Rainbow Family gathered in mid-June 2008 at the Bridger-Teton National Forest at a location know as the Big Sandy/Dutch Joe site. They choose a site that the Boy Scouts of America had obtained a permit for and had a habitat improvement project planned that was in the planning stages for 3 years.

Undersecretary Rey met with Rainbow Family members at a town hall meeting in Pinedale, Wyoming, to discuss the gathering location site and the intentions of the participants not to gather at a FS recommended site. He asked them to consider gathering at another location but they did not comply. Rainbow Family members at the meeting asked Undersecretary Rey if the FS intended to cite the group for gathering without a permit since they had failed to comply with the intent of the operating plan. Undersecretary Rey was upset with the group for failing to comply with the operating plan but indicated the group would not be cited under FS regulations. The displaced Boy Scouts agreed to move to another site in the forest.

I arrived at the Wyoming Rainbow Family gathering in early July 2008. My purpose for attending was to [redacted]

[redacted] My impression of the FS law enforcement officers and staff was that their attitude was positive and morale was good.

On July 2, 2008, I went out to the gathering with FS resource management staff during an inspection of the gathering. Later in plain clothes I visited the main meadow gathering site alone to become familiar with the site. I left the meadow without incident and patrolled the rest of the day. [redacted]

On July 3, 2008, I patrolled with a Forest Service law enforcement officer most of the day. At approximately 6 pm, when we were about ready to call it a day, a call came out over the radio that FS law enforcement officers required immediate assistance. We drove to the trailhead parking lot with other FS officers who were responding. Upon arriving at the parking I heard this tremendous noise that sounded like a large crowd attending a football game. While running

b6, b7c

up the trail to assist, I observed an officer escorting a woman coming from the meadow. The woman was in custody and she was struggling with the officer. The woman dropped to her knee, resisting the officer. She asked for my help, perhaps because I was in plain clothes. I told her to follow the officers instructions.

As I moved up the trail I came upon approximately 75 Rainbow Family members facing and attempting to surround FS law enforcement officers. I observed a woman on her knees. She was holding her face with her hands. She removed her hands and her eyes were watering. The woman had been sprayed with mace. I applied water to the woman's eye. The woman was later charged with interfering with law enforcement officers. The group surrounding the officers were shouting obscenities and throwing things at the officers. The group was advancing on the officers and they were yelling to the individuals to back off. Certain individuals were more aggressive than others. Some officers held electronic control devices, (tasers), at the ready. One of the officer's was firing a pepperball gun sporadically at the ground in front of the crowd to stop their advance. It was fired in a defensive manner. I observed dust rise from the ground when the pepperball gun was fired. I did not observe any person being struck by a pepperball. I heard the pepperball gun make a pop, pop, pop, sound as it was fired. There were some members of the crowd that attempted to step forward and attempt to hold the crowd back, but they were not successful. Others ran at the officers. None of the officers that I saw had drawn their duty firearm during the confrontation with the crowd.

The officers retreated with the woman in custody in an orderly fashion back to the parking lot, a distance of approximately ¼ of a mile. The withdrawal was orderly. The officers were organized to protect each other. They remained calm and restrained while backing each other up and implementing the crowd control techniques they were trained with. There were continual checks to assure that no one was left behind, and that everyone was safe and accounted for. The teamwork was superb and no one panicked. The officers were followed by some of the crowd to the parking lot. Near the parking lot I heard one of the officer's yell that they were throwing rocks at one of the vehicles.

Once at the parking lot it was determined that everyone was safe before leaving the area. Three individuals were arrested as a result of the incident: a male and two females. They were transported to Rock Springs, Wyoming, for processing. I assisted in transporting one of the females that was arrested.

U.S. Department of Interior, Bureau of Land Management officers responded up the trail and local law enforcement responded to the area as additional backup following the incident to insure there were no further incidents.

I communicated with one of the "leaders," [] and requested that those individuals that had interfered with law enforcement be brought out, but that did not happen. Two of the individuals were found that evening and several other individuals were apprehended the next day.

The next day, July 4, 2008, was calm with no major incidents. The FS choose not to go back into the gathering site. I believe two days later we went back into the gathering area. During the

b6, b7c

next several days there were 9 arson fires. One of the fires burned 5 acres before it was put out by FS firefighters.

A heroin addict was arrested the next day and his group was found in possession of several guns.

Unrelated to the July 3 incident but causing much anxiety was the discovery of the body of the [redacted] He had been missing for approximately 10 days and had diverted the resources of local authorities during the search to locate the missing man, who was in his early 20's. During the search Rainbow Family members were uncooperative with law enforcement authorities who were seeking information concerning the missing man.

I have read this statement, consisting of 4 pages, and it is true and correct. I have signed each page and have been given an opportunity to make any corrections or additions.

Subscribed and sworn before me this 23 day of July, 2008.

[redacted]
William Busby
Assistant Special Agent-in-Charge

Referred to Forest Service

22 pages

Referred to USDA
Office of the
Secretary

2 pages

Referred to Forest Service

41 pages

b6, b7c

MEMORANDUM OF CONVERSTATION

Name: [] File: KC-0899-0025
Title: Law Enforcement Officer, FS Date: July 31, 2008
Address: Bridger-Teton National Forest Special Agent: WILLIAM BUSBY
Pinedale, Wyoming JAMES MENDENHALL
Phone: []

Details:

Agent's Note: Law Enforcement Officer (LEO) [] provided the [] a guided tour of the "trail" that was taken by Forest Service (FS) LEOs while on patrol on July 3, 2008, and of the area of the incident that occurred during the arrest of several Rainbow Family Gathering members of that same date. LEO [] was not formally interviewed during the tour and declined at the conclusion of the tour to provide a statement voluntarily. However, he provided the following information while he was conducting the tour of the area.

[] began his employment with the FS as [] as an LEO assigned to the []

During June and July 2008, he assisted in assigned law enforcement duties during the Rainbow Family Gathering held at Bridger-Teton National Forest near Big Sandy, Montana.

On July 3, 2008, at or about 7:00 p.m., he and other LEOs were on routine foot patrol at the Rainbow Family Gathering, assisting other FS LEOs assigned to the National Incident Management Team. He was with a group of FS LEOs that eventually totaled about 9-10 officers. The patrol took them past the main meadow area, an area also referred to as the Main Gathering Circle, which was located approximately one mile from the Bus Village trail parking lot.

While on patrol that early evening, he learned through radio traffic that one or more LEOs smelled the odor of marijuana, and suspected a man of having marijuana. He learned that at least one LEO attempted to question the male suspect who then began trying to get away in order to evade questioning. The individual was later identified as [] He assisted other officers in surveilling and pursuing [] through some campsites. After about a five-to-ten minute fast-walking pursuit, [] was apprehended in proximity to an area referred to by Rainbow Family

b6,
b7c members as the "Kid Village." [] was approximate 50 – 55 years of age. He did not recall which of the LEOs affected the arrest. [] attempted to resist arrest.

The commotion surrounding [] arrest generated the immediate interest of the nearby Rainbow Family members, who began to circle around the FS LEOs as the LEOs prepared to remove [] from the area. He took up a position nearby the arrest activity to provide security for the arresting LEOs.

He saw, but too late, a female move quickly past his security position, and interfere with a female LEO who was assisting with the arrest of [] The unidentified woman grabbed the female LEO from behind. The woman was also taken into custody for interfering with arrest. Nearby members of the Rainbow Family started with verbal attacks and yelling obscenities at the LEOs.

b6,
b7c As the LEOs were encircled by the crowd, it became apparent to him that the crowd intended to prevent the LEOs from escorting the subjects in custody from the area. One LEO, who he thought might be [], ordered the other [] All of the officers, including him, were equipped with taser guns, which were later drawn by the officers and aimed at the ground out of concern for their safety; however, as far as he knew, the tasers were never used by an LEO. Two other LEOs were equipped with pepper-ball weapons, similar to a paintball gun.

b6,
b7c He was positioned at one end of the group of LEOs as they began moving to transport [] and the woman who were in custody. He did not affect the arrest of [] or the woman who were taken into custody. [] at the arrest site and to assist in escorting the individuals in custody. All of the other LEOs were wearing camel packs, so he ended up taking [] backpack and put it on his back while escorting [] out of the area.

LEOs shouted commands to the crowd gathered around them to move back from the arresting officers. Individuals in the crowd yelled obscenities at the LEOs. When unidentified individuals in the crowd escalated their verbal barrage, advanced towards the officers, and failed to follow the repeated orders of the LEOs to fall back, they were disbursed by the firing of pepper ball projectiles.

He saw the pepper ball weapon being fired at least once. He saw that the projectiles were directed at the ground in front of those individuals who were advancing on the LEOs and who had failed to stop their advancement. He knew that there were subsequent firings of the pepper ball weapons as evidenced by the pop, pop, pop sound. He estimated the crowd surrounding the officers at approximately 75 individuals, which continued to grow in number as the LEOs proceeded up the trail towards the Bus Village parking area. In the commotion, he did not recall seeing any children in the crowd at the time of the arrests, or during the subsequent evacuation of the individuals who were in custody.

The LEOs proceeded slowly uphill in the direction of the Bus Village trail parking lot. The crowd followed the LEOs as they traveled through the forest yelling and screaming at the officers. As they continued to proceed, he eventually took up a position at the head of the group of LEOs as all headed for the Bus Village parking lot. He and another LEO eventually separated from the [] 7e [] as they led [] out of the area. As they walked, he and another LEO had to push or pull [] to assist him up, over and across the steep terrain. The woman who was in custody was escorted out by the [] 7e []
Ultimately, there was approximately 25-30 yards between him and [] 7e []
[] who were dealing with the advancing crowd.

b6,
b7c

As they proceeded through the forest, he observed a number of individuals running ahead through the forest clearly in an attempt to outflank and to get out ahead of the LEOs. This aggressive action gave him further concern for his and the other LEO's safety. At one point, he heard over the radio one of the LEOs report that rocks were being thrown at the LEOs in the rear of the formation. He did not have rocks thrown at him during his evacuation from the area with [] []

While advancing through the forest, he observed an unidentified male in the forest crouch down behind a boulder with his hands hidden from view and in a posture that clearly amplified his concern for his safety and that of the other LEOs. He pointed out the individual to one of the trailing LEOs to keep his eye on that person.

It took approximately 30 minutes for the LEOs to hike out from the arrest site to the Bus Village trail parking lot. [] and the woman in custody were to be transported from that location.

When they arrived at the Bus Village Parking area, he could hear the crowd coming up through the forest in pursuit of the other LEOs who were escorting the woman in custody.

Upon their arrival at the Bus Village parking area, he and the other LEOs realized that a Bureau of Land Management (BLM) vehicle that belonged to one of the BLM officers, who had responded to assist, was blocking the exit of the other law enforcement vehicles in the parking lot. The BLM officer had locked his keys in the vehicle. Someone had to break the window of the BLM vehicle in order to get the vehicle out of the way so all the officers could depart the area and transport the individuals in custody.

Referred to Forest Service

11 pages

b6, b7c

Eye Witness Account of July 3rd 2008 incident at Kid Village at the Rainbow Gathering

I am [] a [] with offices in []
[] I attest, affirm and am willing to so testify under oath that the following is a true and accurate statement to which I was an eyewitness; and agree that I will so testify under oath in court if so called upon.

In late June of 2008 I called [] the [] for the US Forest Service, and told him that I planned to take [] to the Rainbow Gathering in Wyoming, and planned to camp at "Kiddie Village" (which is essentially the nursery school at a Rainbow Gathering). I told [] that Under Secretary for Natural Resources, Mark Rey, said he would like [] and I to tour the site, should [] be able to come to Wyoming, so that we could report back to Mr. Rey regarding the impact of the Gathering on the meadows that the Boy Scouts of America planned to use as a base camp beginning on July 26.

When I arrived in Wyoming on June 30th, I drove up WY191, the paved road from Rock Springs and saw an emergency vehicle near the Big Sandy turnoff. I spoke to the driver of the vehicle, who was an EMS, to ask for directions to the Rainbow Gathering. He told me that I needed to be very careful because he had never seen so many law enforcement officers in this county of Wyoming in his life time. He told me that they were pulling people over on the dirt roads leading to the gathering for the most minute of potential infractions, like a cracked windshield or a cracked taillight, or failing to signal at a turn on a dirt road, even though there may not be a sign letting anyone know that a turn was coming ahead. He said that the kinds of tickets could not be paid by mail as a fine, but required one to go, in person, before a federal magistrate, pay \$100 fine and court costs; or risk a federal bench warrant for arrest. I appreciated his candid advice and double checked that [] the back seat of the car, and then proceeded down the dirt road as he told me to go.]

As I got closer to the Gathering site, I observed a number of USFS national law enforcement vehicles—very large suburban type vehicles with their engines running—that were clustered in a little turn out. As I passed by them, I observed that they followed behind and then some passed me and pulled over all the older-model vehicles that were either in front of me or trailing behind me. They did not signal me to pull over. I was driving a new car. But all the older type vehicles were pulled over on the side of the road, officers were giving citations, and in some cases it appeared that the officers had people empty items from their vehicles. On observing this, I remember that the last time I went to Rainbow Gathering in Colorado 2 years before, I saw the same thing: Most of the older model vehicles were pulled over. I believe that in Colorado I also saw USFS walking dogs the vehicles, and they also made people empty their cars.

I proceeded driving, parked in the middle lot known as "bus village" and walked down into the Rainbow Gathering. In the Gathering I was informed by various people that they had been cited for minute infractions upon entering, such as having a necklace hanging on their rear view mirror; and that they were that they could not pay a fine by mail, but

b6, b7c

were told by the USFS LEOs that these citations required their personal appearance before a federal magistrate in Wyoming. In some cases, I was told, the fines were dismissed by the Magistrate, "in the interest of justice." The gathering went on as usual.

At the Gathering I focused on setting up the camp at the northeast entrance to Kid Village. At this particular gathering, the main meadow was a huge beautiful alpine meadow at least a football field in width, and probably 10 football fields in length. At the North end where the meadow narrowed by the trees, Kiddie Village had been established about 100-200 feet beyond the main meadow in a small clearing. There were two paths to it. Basically it occupied a spot that would be similar to the apex of an equilateral triangle at the north end of this giant alpine meadow with paths at the NW and NE edges of the main meadow leading through about 50 yards of woods to the clearing where the "seed camp" had established the cooking, eating, nursery and first aid areas. The path at the northwest went up through the coloring book area, the art area, the swings sets and stuff like that and came up alongside the large outdoor kitchen area where food was being prepared for what I would observe as 100 - 200 people each meal including the small children. This was the area where the parents, or in my case, the [] [] were camping with the children, generally infants or toddlers to about age 5.

On July 3rd there was a talent show for the children. Some Forest Service employees came through and observed Kid Village and the talent show. In the late afternoon I saw a US Forest Service Ranger, I think his name said [] I went up and introduced myself to him, told him my name, and asked him if he knew of me. I told him that I worked sometimes to provide some [] and that if he had any problems with the Rainbow Gathering that I was there and available to help. I also wanted him to know exactly where I was camped and pointed out my [] with its [] [] I was expecting [] the [] [] to be visiting the Rainbow Gathering, and told him that there was, or might be, a desire on the part of the [] to find me so that he and I could walk around and determine what the potential future impact of the gathering was on the future campsite for the Boy Scouts that was planned for July 26. [] only response to me was that he heard that [] was in the area, but he declined to say whether he would pass any information to him. [] declined to converse with me at all.

About an hour after that, I observed a squadron of about 9 US Forest Service law enforcement officers with weapons showing on their belts kind of creeping around the tents near the entrance to Kid Village. I approached one who was a [] [] who looked to be in his late 30s or early 40s. I asked him who was in command, and he said that he was and that his name was [] I told him that my name was [] and I was a friend of [] and asked him if he knew who I was. He said "yes," that he knew my name but that did not matter because he had no way of knowing if I was [] or if I was making up the name. I thought that was a strange response, but I told him that I been to many Rainbow Gatherings and knew [] quite well. I asked him if there was any problem, because I could see some of the officers with him were walking in a stealthy manner,

b6, b7c

peeking into tents, crouching low, not walking normally, but kind of creeping stealthily around all the tents at the base of kiddie village. They moved around as if they were soldiers in Vietnam dodging the Viet Cong, rather than normal forest service rangers. So I asked him if there was a problem and he said "no". I tried to engage him a little bit more and told him that in the past there had been times when the Forest Service had needed to make an arrest, and when they had, some of the older Rainbows like [] had assisted them in locating the person they needed to arrest and escorting that person away from the crowds so that law enforcement could make the arrest without disturbing the entire camp. Around that time, [] one of the [] and who [] who is well known at the camp for []

So while I was there at the edge of the meadow, [] approached [] and asked him if she could give him a hug. He stiffened up and walked away from her and responded "don't touch me, don't touch me" in a tone and manner that was both frightening and off putting. So I said to her, "he's all right" and to him, "it's all right if I touch you right?" putting my finger out and saying "there's nothing to be afraid of is there?" And he said "don't touch me!" and I said "well can we shake hands can't we?" and he said "absolutely not." That was interesting to me, especially given the fact that [] had [] and given that I had already told Chad who I was and he said he knew my name and relationship to USFS leadership.

Half an hour after that, about 5:00, I told my [] to take [] to the main dinner circle in the main meadow, even though there was another circle forming in the main kiddie camp, and I tidied up our little camp site. When I stepped out to the main meadow I observed that the squad of about 9 law enforcement officers were pursuing what looked to be an [] wearing a tie-dye shirt. I saw them moving around him in a way that seemed to corral him in a pincer movement, directing him onto the northwest path leading into the kiddie village. At that moment the kiddie village prayer circle, had just ended and people from the circle were starting to walk up the NW path while the pursued man also started to walk briskly up that path suddenly pursued by the squad of Forest Service officers. The squad started running and shouting, and I could see them pushing parents aside as they started running to catch up with this [] in the tie-dye shirt. As this was happening I thought I heard "pop pop, pop pop". I had no idea if it was gun shots, it also sounded very much like a tree catching on fire—a sound that I'm very familiar with since I was in the 1970s a fire fighter for the Forest Service and heard trees catching on fire. I wasn't clear what was happening, but I heard shouting and this "pop pop" and saw these officers pushing people aside and shouting. The people that were going to the dinner circle rushed to follow the commotion people were screaming "what's going on?" [] who was in the main circle told me, and said he would testify if needed, that he heard people "fire! fire", and that some people left the main circle to run to Kid Village believing a fire had started and

b6, b7c

that the rangers were running there and needed help to protect the children. as in "forest fire. Other parents or adults near Kidde Village started running towards the path to rescue their children. I observed this and thought that it was not going to do anyone any good for me to follow in the back end of a crowd, so I walked 50 paces to the right to my tent at the beginning of the NE path into Kiddle Village. I ran up that path which was completely empty, until I arrived at the NE side of the dinner circle for Kid Village where I observed the person that was being pursued lying on the ground in his tie-dye shirt.

When I entered the clearing on the east side of the kiddie village feeding area, there was an officer close by him, he was lying face down, he did not appear to have handcuffs on him. As I approached, there was a perimeter of officers holding guns and creating a large space around him, though there weren't any people in that area, one officer was pointing towards the northwest, one was pointing towards the north, and I was the first person they saw approaching from the east. So as I approached, I had my hands up and I was wearing very nice clothing because I was planning on going to the dinner circle so I was wearing a [] and []

[] It was pretty clear I had nothing on me other than my clothes and I asked the officers what was going on. They didn't respond, except one in the middle, who started shouting that he was going to taser me. I looked at him and I saw that he had projected a laser beam from a kind of device he was holding and it terminated at my solar plexus or at my heart. He was nervously shouting that he would shoot me with a taser. I looked at him and said that he could taser me if he wanted to, but that my name was [] I was there to help them, I was a friend of [] and if he wanted to taser me he could, but he'd probably get himself fired as a result. I asked if he knew who [] was? I told him that I also served as a consultant to the Forest Service and the reason that I was speaking to him was because I could hear the "pop pop" and the shouting behind his back, and that if they wanted to leave with their detainee without creating a commotion, the path I had just come up was the one back to the parking lot and was the most sensible way to take their detainee it with minimum commotion

My intention, if they would have let me, was to tell the detainee that he needed to cooperate, and that if he felt things were being done unjustly that we would find a defense lawyer for him, but in the mean time, elders like myself wanted him to get up, cooperate and leave the camp quietly with the officers. When I tried to explain that to the officers, the one with the taser continued to shout that he was going to taser me while holding the laser beam on my solar plexus close to my heart. It looked like he was extremely nervous, and that he might actually do as he said—which I thought would be interesting and amusing, but might also be unhealthy, so I backed up. He yelled "back up!" and I said "of course" and I kept stepping backwards to give them as much room as they needed, as I tried to walk backwards to lead them down the NW path which was the exit. Two others officers were pointing what looked like little sub-machine guns at me, (I subsequently learned are crowd control weapons that fire the pepper spray capsules) and they were screaming and shouting that they were going to shoot me, though whenever they saw anyone else in the trees they shouted they were going to shoot them too.

The female officer seemed calm, so I explained to her that I could help them leave quietly if they would just stop screaming so that I could explain to her what direction to go to lead them down the east trail and back to the main trail that would lead them back to where their cars were parked. As I began to do so, one of the officers, who appeared to be a young man in his 20s, kept pointing what looked to be a small sub-machine gun, but what I assumed at the time was something that fired rubber bullets, and he kept shouting that he was going to shoot me, "Get away! Get away! I'm going to shoot you! Get out the way or I'm going to shoot you!" The problem was that he was screaming at everyone. People were beginning to run up the trail to find out what the commotion was about, and I was quite concerned that he would start shooting those people who didn't even know what was going on. They were coming up the trail in the forest to see what was happening, and instead were being confronted by an angry, belligerent mad man with a gun saying he would shoot anyone who moved near him.

Looking west across the dining area of Kid Village I heard the crowd chanting "no guns in the church", "please leave we are praying for peace, please leave we are unarmed, we have no weapons, please just go away please leave, we are sitting down, we are praying." I heard people singing civil rights anthems like "The Whole World is Watching." During this entire episode I witnessed absolutely no objects being thrown at any officer, I did see anyone threaten any law enforcement officer, but I did hear people singing, and I heard the "Pop Pop" of the crowd control gun, and people begin to shout "they're shooting rubber bullets, they're shooting rubber bullets!"

At this point I concentrated on attempting to show the officers that they needed to go out the exit instead of the entrance that was now crowded with spectators and parents, and all the while I was trying to point out the exit, one young ranger still had the laser beam on me threatening to taser me and the other guy with his pop gun (which I still didn't understand what it was and at that point thought it shot rubber bullets because of what I heard from the crowd), kept shouting that he was going to shoot me. He moved in a crouching posture and he and other rangers kept pointing guns at everyone threatening to shoot.

I tried to stay in front of these screaming officers and told the people who were now coming up the path that everything was OK, and asked them to sit down out of the way of the officers. The one LEO nevertheless continued to point his weapon and threaten everyone, so I told him that he was younger than my youngest child and to lower his gun and stop pointing it at people.

I cleared the path at one point and a lady sat down at the path, non-violent civil disobedient style and I walked over and told her to just to let them out and that everything would be okay. People cleared out of the way so that there was no problem except for this completely out of control young man wearing this uniform that identified him as a law enforcement officer. He managed to have the straps in such a way so that no one could see his name as he kept threatening to shoot everyone that came down the path.

b6, b7c

At that point, still no one had threatened them whatsoever. I led them about 200 ft around the fringe of the main meadow, and pointed them up the path to the parking lot from where they'd come. The young man wearing the law enforcement uniform was still screaming that he was going to shoot, so people coming down the path were instantly threatened by this person crouched down in the imitation of the posture that one sees in videos of the marines entering Fallujah or Sadr City. In fact, most of the squad was acting as if they were in a situation like Fallujah.

As we got to the trail head and some Rainbow participants were shouting "They shot a 9 year old! They shot a 9 year old with rubber bullets!" some said with rubber bullets, some just said they shot. They started screaming at the squad "Get out of here! Get out of here! We don't have any guns! Just leave." I noticed that not only did the USFS LEOs have the detainee, but the [] held a small woman in a neck lock and was hauling her out of Kid Village as well as the person they originally wanted to detain. It reminded me of the scene in the Iliad where the hero Achilles, working for the great Agamemnon, dragged a Trojan slave girl to the Greek's camp which got him in trouble with Agamemnon when he tried to keep her for himself.

So I observed the [] dragging this small woman in a neck lock with him. I assumed it was someone who had thrown herself at them in a fit of emotion during the whole thing. I didn't want to interfere, I just wanted to help the USFS personnel leave the main gathering area before they provoked more emotional responses that would result in more arrests of people reacting to their behavior. As I led them up the path I tired of the officer who was walking "point" and constantly threatening to shoot me, so I let them pass me. As the LEO squad began running up the uphill path to the parking lot I saw some of my friends: [] and [] waving the squad up the hill telling the crowd following them to stop and not to pursue them and to give them plenty of room so that they could leave. They were telling everyone "Stop, don't follow them. Just let them go. Let's go back to our dinner circle. Lets go back to our prayers." At that point I turned around quite concerned to see if [] had brought [] back to Kid Village and gotten caught in the melee and if my [] might have been hit by the projectiles fired by the USFS LEOs in the midst of the Kid Village play area. I went back to check on them.

I didn't find them in Kid Village so I went to the main circle in the main meadow. I found them, and [] explained that he was in the main meadow when he heard "fire!" and "pop pop!" and had seen the officers running into the kiddie village. He had been tempted to go, in case there was a fire. Anyway, I was back at the main circle and at the conclusion of the meal [] who's also known as [] called for everyone to gather into a council. He gave an amazing, dramatic speech and said that the way of the Rainbow was a way of peace. He said that anyone who did not advocate absolute peace and who did not act in a peaceful manner was not a Rainbow. At which point, a young man in the crowd shouted "They shot at us without provocation!" [] said he was a war veteran, a civil rights activist, that he had nearly had his arm pulled out by its socket by police. That he has been arrested, and his wife harassed. But none of that was an excuse to threaten, fight, or intimidate a law enforcement officer. The

b6, b7c

young man said "But I'm full of fire! We can't let them do this to us!" and [] said "I'm full of fire too, but our way is the way of peace. We've gotten word that the law enforcement are up in the parking lot, and they don't want any Rainbows up there. Anyone who goes up there is subject to arrest, so nobody should go up that path at all until after it is completely dark and the Forest Service has gone away." He went on to say that anyone who crowded any law enforcement officer in a manner that might make the officer feel threatened in any way was either a provocateur, paid by the government to create an incident to justify the LEO budget, or was an asshole." That's the word he used. He went on to say that "If you are a government agent trying to provoke us, we'd rather you went away, but if you claim to be one of us, but threaten a forest service ranger, than you are a complete asshole and you should leave. We welcome everyone, but we don't don't tolerate anyone who advocates violence." He explained again that law enforcement officials should never be surrounded in a manner that makes them feel threatened, that people should give them enough room to maneuver, and that anyone who threatens a law enforcement officer in anyway, surrounds them, throws things at them, or swears at them is either a provocateur or a complete asshole and doesn't belong. He repeated that the Rainbow way is one of peace, we came to pray for peace on July 4th, and its our duty to follow our way.

I managed to capture a tiny bit of his dramatic speech on my digital camera but I ran out of space. It then occurred to me that I'd had my camera when the LEO's were threatening to shoot at me it would have been interesting to see from my point of view the what it looked like to see several young men with their guns trained on me shouting that they would shoot when I was trying to show them the exit.

To put all of this into geographic and functional perspective, the Rainbow Gathering had published a newspaper which they gave away for free to everyone including the USFS. The back page was a color map of the entire site which showed where kid Village was located. The cover says "all ways free", also meaning "always free", and there was a complete map showing were kid village was, some of the officers were in Kid Village on July 3rd during the talent show, so I assume the officers who chased their suspect into kid village knew where they were going.

Around the circle I asked for people who had been on the other side of the meal circle at the kiddie village. Various people whom I knew told me that they had been there when the rangers had entered chasing a man. I asked people, "Why do you think they were chasing him?" They said this guy had been publically smoking marijuana in a large hoo-kah. I asked people if he had tried to sell anything and they said that he had NOT offered any for sale, nor had he asked anyone to buy it. He had this really large pipe and was ostentatiously asking people to smoke pot with him. That's what everyone told me about him.

I then went in search of a satellite phone, secured one, and left messages at the home phone number of [] and cell phone of Under Secretary Mark Rey. I told them that I had witnessed this incident and that I was quite concerned because the squadron seemed to be comprised of young people that, in my opinion, had exercised bad judg-

EXHIBIT 9
PAGE 7 OF 16

b6, b7c

ment in shooting and screaming and threatening so many innocent bystanders; and that their behavior could have caused an escalation of tension, especially since most attendees had already been harassed on the entrance roads.

The afternoon of July 3rd I talked to people that had been shot. I took a photograph of [] a resident of the of [] whose [] is a [] in the [] They are normal middle class people. I took a photograph of [] stomach where there were two welts from the what we believe to be these capsules containing pepper spray that were shot at him. He's a [] who volunteers to take care of small kids, and he told me that when he saw what was happening in kiddie village- he put his hands up and told everyone to sit down and pray. Then he was shot.

I also took photographs of another [] who was also in kiddie village. He's someone that I don't know personally like [] but have known for a couple years and have seen him volunteering at kiddie village. He showed me the four welts on his back where he'd been shot by the LEO when he faced the crowd and told people to sit down. He then turned around to the officers, he told me, and put his hands behind his head so that everyone behind him was safe and he received more shots. I photographed the welts in his armpit and additional shots in his front. I think both of my friends gave up trying to help after being shot.

The LEO who began firing into the crowd at the west side of the dining circle in Kid Village was captured on video discharging his weapon.

Subsequently I talked to a family with little kids who looked out their tent when all this was occurring and who were shot at. They gave me one of the unexploded pellets that hit their tent. They were in their tent and looked out with their small kids and one of the fellows of this LEO squad shot at their tent and one of these pepper spray pellets hit the fabric of the tent and that's the one that I'm turning in. I'm also turning in a number of spent ones that had broken in half with the pepper spray residues in them near the nursery school where infants and toddlers and small children, like [] had been doing their coloring projects. These projectiles were fired into the crowd and into the area where small children were playing.

The next morning, which was the morning of July 4th, I would normally dedicate to prayer, but I was quite concerned that the USFS might incite another incident. I drove out to the "front gate" and balanced on the highest rock I could find to use my cell phone. I was very fortunate that [] answered his cell phone and was fortunate that [] was gracious enough to take the time to speak with me. I called him to tell him about what I considered to be the incendiary, irresponsible and dangerous behavior on the part of these young LEOs people running around with guns and in my opinion endangering public safety by intimidating or detaining non-violent people.

[] told me his version of the story: I considered him a great friend and well-meaning, dedicated civil servant with a lot of experience. [] told me that he received a radio

EXHIBIT 9
PAGE 8 OF 16

b6, b7c

message around 5:00 that his employees were surrounded and in danger so he had driven with a backup group of officers from somewhere, probably Rock Springs, to get to the bus village middle parking lot. He told me that when he arrived on the scene he arrived just in time to see, and I want to give context here that [] served in Vietnam the same time as me around 1968, that he got there just in time to see, in his words, his law enforcement officers "retreating from the woods." He said they were being pursued by a crowd of mixed ages and genders of about 30 to 40 people, who were shouting horrible verbal obscenities and who were throwing sticks and stones. I believe that [] told me when he got out of his car, he himself was hit by a stone. He observed that his officers placed their detainees, the [] and the [] into USFS vehicles and as they drove off, their car and his car were pelted with sticks and stones and he could hear the crowd continuing to shout terrible obscenities. He said that they drove off under this barrage.

He then proceeded to tell me that he thought that it was absolutely unacceptable that people could get away with that type of behavior. It was unacceptable that anyone, Rainbow or not, could shout obscenities and throw stick and stones at law enforcement officers, and he felt that he was obligated to come back and arrest the 30 or 40 people that he had observed- this mixed crowd of mixed ages and genders, who had blended back into the woods.

I heard what he said and then spoke to him about our experiences in Vietnam and in how in our minds the Vietnamese became gooks and how many of them our friends and colleagues killed, and now how ironic that 30 years later these are our training partners. I told him that I was going to call for a congressional hearing into the misuse of force by the LEOs in Kid Village, and that for the first time, I thought that the Rainbows had a bonafide claim to file a class action civil rights law suit. I told him that I was not threatening him or anyone else, but I did want to give him a clear and objective warning that in my opinion, to re-enter the Gathering to try to find 30 or 40 unidentified people scattered over 5,000 acres of woods and meadows in the midst of about 3,000 mostly peaceful people who had come to pray was a recipe for a disaster.

I said that if there were specific individuals who he thought were a real danger or who were ringleaders or provocateurs that he should come to the camp with just one or two aides and I would help him meet with the elders so we could identify and deal with any recalcitrant or dangerous campers in our midst, but that to enter the Gathering in mass with a force of LEOs would be highly provocative. I told John that I believed that the "profiling & harassment" of Rainbow participants on the USFS roads leading to the Gathering was an illegal act of intimidation intended to interfere with the civil rights of a particular class of people by suppressing their ability or desire to participate in a peaceful recreational activity intended as a Gathering to pray for world peace.

I also told him about a man whose last name was [] whom was [] [] and for whom the Jerusalem Camp focalizers and Rabbis had wanted to get word that he should cooperate and give his name so they could send a lawyer to help him.

EXHIBIT 9
PAGE 9 OF 16

b6, b7c

I also need to recount something else in the conversation with [] told me that he was extremely upset that the Rainbows had not moved their site from the particular meadow that they were in to another meadow in order to help out the Boy Scouts. That's when it occurred to me that the conversation had begun a month prior when, Under Secretary Mark Rey had told me that he was concerned that the Boy Scouts had reserved that same meadow for an event on July 26. He called to ask me if the Rainbows would be done by July 26. I told him that the Rainbows would be gone by then, and then Mark asked what condition would the meadows be in? He was concerned that the Boy Scouts should be able to encounter a meadow in pristine condition. I agreed with him, and said that depending on the size of the crowd, the meadows could be adversely affected. However, I didn't think there would be more than 3,000 people in Wyoming because it's just so far away. Of course I had no idea what the impact would be and Mr. Rey didn't either. The background to all this is that Under Secretary Rey had gone to enormous efforts to encourage the Rainbows to move the gathering to a nearby meadow that the Forest Service recommended instead of camping in the one that they chose, in order to avoid any potential impact on the one that the Boy Scouts were planning to camp on approximately 3 weeks later.

In the conversation, [] told me that Under Secretary Rey had offered unprecedented assistance to the Rainbow family to move and that their rejection of his offer was a real snub. He seemed to imply that the harassment I had viewed at the entrance to the gathering was a consequence to the failure of the Rainbows to accommodate the Scouts and an effort to teach the Rainbows a lesson. I told him that it wasn't really a good idea for him to be taking on the emotional pain that Mark and the scouts suffered, that I myself had argued for the Rainbows to move, that I myself am an Eagle-Scout, and on top of that, the company of which I am the majority owner represents the Boy Scouts of America national minority outreach campaign. I too had plenty of reasons that I wanted the Rainbow Gathering to move. I told [] this so he'd know that I sympathized with his point of view regarding the obdurate and selfish behavior of about 10 individual Rainbows who had set up the original camp, but that in [] words: "An Eye for an Eye makes the Whole World Blind." [] asked me if I would concede that his officers were scared. I said yes, but that there was no one threatening them. He asked if I would concede that it was difficult for them to tell friend from foe, and I said I agreed that they were confused, but that again, I am not sure there were any "foes."

[] did not make any commitments to me other than to agree to take my observations and advice under consideration.

I drove back and jogged back to the main circle area arriving prior to the children's parade and went to kiddie village. I found [] another Grandfather who helps organize the feeding of the children. I told him there was a possibility that law enforcement might come back to arrest the people who'd gone up the trail, and suggested that all of us who have any credibility should tell people, when the law enforcement arrived, to sit down and be quite and pray. He concurred that that was a good idea, but said "Please let's not talk about that right now. This is our annual day to pray for peace. Let's just help the children, paint their faces and sing songs of love."

EXHIBIT 9
PAGE 10 OF 16

b6, b7c

I saw [] get her face painted, got her into the parade, and joined her. This was now July 4th at approximately noon, in the same area where the day before around 5PM, there had been pepper spray fired around the children. The entire gathering appeared to me to be about 2,000 people, holding hands around the meadow or a portion of it. The children entered singing songs of love and peace around the little totem pole that was set up. After they circled and sang their song, the crowd started chanting "om" for peace. Then the crowd came to join the children at the center of the meadow. Things seemed to be pretty good, and I went around continuing to talk to people that I knew, telling them that it was a possibility that law enforcement would come back to seek out the people that they knew or believed had shouted obscenities and thrown sticks and stones up at the parking lot. I told them that if this occurred we needed to tell everyone to sit down and to be quiet. Everyone I spoke with agreed that that was a good approach. I just hoped and prayed that the law enforcement would not come back because I hoped that we would not have another scene like July 3rd.

The 4th of July noon passed without a single US Forest Service employee appearing at the gathering. The 5th passed the same way, the gathering was quite mellow and people were beginning to concentrate on clean-up. Then, on the morning of the 6th, my friend [] and [] began to pack out. [] and I were planning to leave that same day, but around noon or so, [] came back to our campsite to tell me that about 4 USFS officers had arrested [] just as they had walked up with their stuff to their pickup truck (which has a New Mexico license plate), and had refused to tell her why they were arresting []. They also didn't give him an opportunity to retrieve his driver's license from his car. Other people came and told me that others had been arrested and others told me that they were scared that I would get arrested since I had been an eye-witness and that there could be a plan afoot to intimidate people, especially middle class people, who had been eyewitnesses or had been shot with the pellets. I waited until later in the day, and then left after I was told that it appeared that the law enforcement officers were not there.

Two attorneys at the Gathering told me that it is a common law enforcement tactic to arrest people who may be witnesses so that they have to spend all their money defending themselves rather than being in a position to complain. So I took that under consideration, and packed up our camp with [] and []. We drove out at dusk to Salt Lake City, relieved not to be stopped by USFS LEOs, and the next day, July 7, we flew to New Mexico.

On the 7th I saw that the Associated Press had put something on the wire which ran in the NY Times. These articles said that according to the US Forest Service Public Information Specialist, a crowd of approximately 400 Rainbows, described as counterculture hippies, had attacked a patrol of 10 Forest Service officers at the annual gathering and had slightly injured one and damaged government vehicles.

As a first hand eye witness, I can testify that there was not a crowd of 400 attacking anyone. The officers had come into the "Kiddie Village" area and subdued their suspect.

EXHIBIT 9
PAGE 11 OF 16

b6, b7c

There was not a single person threatening any officer while they were there. The statement issued by the USFS PIO to the AP was false.

[] has a wonderful song which he sings, "an eye for an eye makes the whole world blind." And I personally regretted, and was deeply upset, that the Rainbows had not moved, but the reality on the ground was the reality on the ground.

So on July 7th when I read the AP story, I realized there really was a pattern of profiling and harassment. There is a 12 year pattern of profiling and harassment by US Forest Service law enforcement against people who have a counter-cultural appearance. Harassment taking the form of pulling people over and giving them citations for very minor infractions, even when on a dirt road. If one goes through the cases, one will see how absurd some of these were. I realized that there has also been a long standing disinformation campaign, and began to remember how the Rainbows had complained bitterly to me over the years since I own a [] about how in previous years US Forest Service employees would go into areas where the Rainbows were and warn people in advance that they were going to be invaded by a hoard of unwashed vagrants who might be shoplifters, and had no money, and were planning on having this festival that would attract extremely unsavory characters. And then by having the public information officer go in advance and say that to the local people, it caused local opposition which the Forest Service used to dampen public participation in this activity on the grounds that they were doing this in response to the public. In fact, [] had told me, and other law enforcement officers have, told me, that the reason that the officers came to these gatherings was to protect the Rainbows from the locals. The Rainbows said that if the Forest Service wasn't going and giving out misinformation in the first place, then there wouldn't be a problem. In addition to which there's never been a single person, that I know, that's been going to Rainbow Gatherings that's ever said they were under threat from locals.

In summary I have given an eyewitness account of what I have observed. Any observations or "hearsay" will be up to the Inspector General to ignore or validate. It appeared that when the officers chased the suspect, whom they called " a person of interest" into kiddie village, through the nursery area where the children were doing water colors, and pushed the parents aside, the USFS LEOs were responsible for causing a panic and endangering the public safety. Other people followed thinking there was a fire and the Forest Service pushed people back as though they were going to exit the back through the entrance instead of using the exit path. Their loud shouting, and firing of pepper spray pellets was cause for panic, but absolutely no one I spoke with, witnessed any attack on any Forest Service officers while they were in the meadows, the kiddie village or any of the areas inside the actual Rainbow Gathering.

33- In Summary, my observation over the past 10 years is as follows, I first became aware that there was a problem with the Forest Service and the Rainbow Gatherings in 1998 or thereabouts. In Arizona I read that there was a problem that had something to do with the permits. I thought that was strange since I had been going to gatherings, and [] and made the film [] for the

EXHIBIT 9
PAGE 12 OF 16

b6, b7c

Forest Service, and [] had [] over at [] in the
[] I myself was [] to the []
[] I have put together a symposium, my work has been
published, [] work has been published by []
and I have [] []

I thought it was strange that the US Forest Service and the Rainbows would be at odds with each other since the idea behind the Rainbows is to teach people low impact, leave no trace camping, and expose some city people to camping in the woods, and the whole experience culminates in a prayer for world peace in July. As I looked into all this, when I went to the gathering that was in Montana, I spoke to [] who said that his great hope was that to find large areas within each national forests which would be suitable for large gatherings. It could be for the Boy Scouts, it could be for the Mormons, it could be for Rainbows or anyone. So I relayed his interest in that to the Forest Service and I learned about [] rejection of the requirement for people to sign a permit. I personally think that he is completely wrong and that his objections and the objections of others are unfounded. People like [] remind me of the 7th Day Adventists that were in my elementary classroom that refused to take the oath to the American flag even though they were American citizens because they were only supposed to take an oath of allegiance to God. So I hope that the US Forest Service will view this eccentric group that refuses to sign permits in that light. Nevertheless, I myself at the Idaho gathering had offered to sign the permit and take full responsibility. I also offered to put up a bond to cover any damages. It was interesting that in the Idaho gathering when I offered to do that through the proper processes, my offer was rebuked by the local ranger and the forest supervisor at the time. If the goal was to get the Rainbows to sign a permit, why didn't the USFS accept my application?

At the time of the California gathering, someone that's associated with me, [] [] agreed to sign the permit and did sign the permit, but I still observed a degree of US Forest Service and local police officer harassment of people entering that gathering. You have this history that consists of profiling and harassment of people, a disinformation campaign paid for by tax payers and managed by public employees of the US government, which has used public information officers in a way that was detrimental to this particular group.

That seemed to have ceased several years ago when it was brought to the attention of Mr. Rey and these public service officers have been working to ease negative public opinion, however the press report I saw which described the incident at Kid Village on July 3rd was absolutely false and I have no idea where the PIO got her information. The statements in it, as reported by the AP, are 100% false. Consequently, I took the opportunity to contact a writer at the AP and told that writer my observations. and unfortunately he reported my observations in a way that was less than complete and did not qualify my statement that the Forest Service story was wrong. I'm saying it was wrong, about what took place at kiddie village, inside the rainbow gathering. What [] said took place in the parking lot, I would assume to be 100% accurate. Nevertheless you have a

b6, b7c

10-year record of profiling and harassment and a disinformation campaign paid for by tax payer dollars, and you have this incident from July 3rd. The law enforcement squadron [] clearly endangered the public safety. There is no question that those officers under his control, and the actions they took, frightened threatened the public safety right at the very center of the nursery school.

34- On the 7th I spoke with a reporter at the AP in Wyoming, on the 8th I spoke with [] my friend from Santa Fe. He told me that on the 7th of July he was offered two choices at Rock Springs Wyoming. Choice one was that he could pay \$35 to the federal magistrate office, that he could plead guilty to interfering with a federal law enforcement officer. He would only have to pay the \$35 in court cost and his time served would count as the night he spent in jail and then he'd be released and that would be it. Or he could plead not guilty and in that case there's no telling what it would have cost him to go to trial. He chose to plead guilty to interfering with a law enforcement officer. Obviously, that's a fact which the Inspector General can verify. The implication of that is, of course, if the law enforcement can get all the people who were shot to plead guilty, it allows the law enforcement to justify their actions on paper, when in fact any normal middle class person would prefer to pay \$35 than to fly back to Wyoming from somewhere else in the United States to contest it.

35. As an appendix the Inspector General needs to understand that the Rainbow Gatherers believe that this total disproportion of threats from the law enforcement was a deliberate attempt to provoke a riot so that they could justify shutting down the gathering. I myself don't believe in conspiracies, but I am perplexed that the law enforcement officers wearing those uniforms didn't need to threaten to shoot me when I just was showing them the way to the parking lot. I find it very perplexing that they would feel the need to shoot someone that was showing them the way home, who was three times their age, and obviously unarmed. It's very perplexing that they would speak in such a demeaning fashion and that I was threatened more than 20 times that I would be shot or tasered, when I was merely attempting to show people the way back to their car. It might be worth looking into that there are elements within the civil system that believe that counter-culture represent some danger or grave threat that can only be contained with intimidation and harassment.

36. As another footnote, I'd like to point out that in the various meetings that have been convened by Under Secretary Rey, I have had the opportunity to explain to law enforcement officers, to their commanders, and other that if they wanted to avoid these problems in the future, all they had to do if they were going to be present at Rainbow Gatherings, is offer them maps, welcome them to XYZ forest, and if people said they were there for the gathering to give them directions and to be polite. If the Rainbow Gatherings encountered Forest Service personnel when they arrived to the forest who offered them directions and treated them differentially, I would assume that probably most people coming to the gathering would be delighted. However, for the past 10 years, everyone, including myself driving up here in a brand new rental car, have been threatened and harassed the moment we got onto the national forest dirt roads. Each time I have gone to a gathering, once I have gotten inside people tell me about horror stories

EXHIBIT 9
PAGE 14 OF 16

b6, b7c

about having been threatened or cited by US Forest Service law enforcement officers for driving on roads leading to the gathering. That, of course, creates a mind-set and the stories spread of all the ridiculous citations for having necklaces hanging down, and then having to hike out, drive two hours, and appear before a federal magistrate—a bench warrant for arrest for having a necklace on the review mirror or a feather on the dashboard! These are the citations that the US Forest Service has routinely been issuing to people driving onto public lands to participate in a recreational activity. In this case a prayer for peace.

All of the many thousands of people who have been profiled and harassed in this manner, I would assume, have formed a negative opinion of Forest Service personnel and that leads to further discomfort on everyone's side. I had to ask more than once for the Forest Service to do two things- 1 to treat everyone with respect when they come to the gathering. We do have publicly printed maps if they want them and directions and to simply treat them as they would any group—Boy-Scouts or church gathering coming for recreational activity. The second thing I suggested to the Forest Service is that they set up a recruiting table at the rainbow gatherings to ask—there's a lot of strong and capable people there—if there is anyone interested in joining the fire fighting crews or in any capacity. That would indicated to the public that the Forest Service is treating them as they would any other member of the public, rather than as a pariah. My suggestions have been completely ignored and the pattern of profiling, harassment, and disinformation, abuse of the legal system, has continued to this date. These are areas within the US government, the US Forest Service that need to be thoroughly investigated again. My request would be that someone have the courage, the time, and the tenacity to determine that over the past 10 years how many citations have been issued by US Forest Service law enforcement officers and local officers in relation to Rainbow Gatherings, because a lot of the citations issued by the sheriffs have been under the direction of the incident command team of the US Forest Service, and have resulted in fines or other citations of people coming to this recreational activity. In addition, how much money has been payed out by participants? How many of those citations are incomplete? Do they actually result in federal bench warrants and what is the actual status? Are they similarly dismissed or are they pending? This is critical information.

37- I also have an appendix for the Inspector General to be aware of that has nothing to do with the responsibility of the US Forest Service and everything to do with the responsibility of the Rainbow Family of Living Light. I went to my first Rainbow Gathering in 1977, I own a [] that is essentially []

[] In 1972, I had the experience of some young people coming through and looking for a place to camp. They were returning from the 1972, the first Rainbow Gathering. I was inspired and enthralled by this group of young people who seemed to be so optimistic. That was my first introduction to the idea.

In 1977 when I heard there would be a Rainbow Gathering in New Mexico I thought I would go check it out. Of course I went with full self contained camping gear and all that, and went down to the national forest. I discovered that to my surprise—I had boiled

eggs, water purification and all that—but in fact 1000s of people were being fed free of charge by group kitchens. What most impressed me at the time in 1977, was that there was an incident where a man who appeared to be somewhat violent or aggressive. Rather than a group of young men gathering around and beating him up to subdue him, a group of young men my age, gathered around this person and chanted peace prayers until he broke down and wept. We put him through a kind of psychological counseling. I think we may have turned him over to the Forest Service at that point, but at that point he was a completely subdued, quite person. I started going to Rainbow Gatherings at that point because I was impressed at the power of prayer and non-violence to sooth the savage beast. I was also impressed by the ability to feed the hungry and treat everyone equally.

38- from 1977 to 1998 my infrequent visits to Rainbow Gatherings were always just enchanting to me: to see that there was always a rule in place which was no money would change hands, no services would be offered for money, that everything was free, the emphasis was pure environmentalism and leave no trace, low-impact camping, and the poor would be fed and the music was all artistic music around campfires. Then in 1998-1997 there was a Rainbow Gathering in Arizona and I first learned that there was this disagreement between the so called Rainbow Gathering Family of Light and the Forest Service around the non-commercial group permit process. In that ensuing period of time I witnessed the harassment of the Rainbows and also some of the recalcitrance of some of the Rainbows in regards to compliance with federal laws and policies.

This is my opinion only, that is why I became involved in trying to find a solution between fed regulations, government policy implementation and management, protection of natural resources, adherence to the law and this group that is not a constituted legal group by any means, but rather a spontaneous gathering that occurs each year of any individuals from anywhere in the world that chose to camp out near each other for the purpose of praying for peace on the 4th of July and caring for the hungry. What needs to happen is that in the future, it would be much better if the people who help set up the seed camp which occurs from 2-4 weeks prior to the actual rainbow gathering, if those individuals would agree to set up their camp in an area recommend by the local rangers and not be afraid that the area recommended by the local rangers was bad because they believe that the local rangers have conspired against them (which is of course a belief reinforced by this continuing pattern of profiling and harassment). So should the Rainbows in the future, starting in 2009, select a camp recommended by US Forest Service personnel should they agree to do that, the Forest Service should ID potential meadows, which in fact they have done now for 2 years, and the Rainbows should set up camp in a recommended meadow rather than refusing.

bb, b7c

(corrected for spelling, and some revision -- 2nd send)

January 9, 2009

[(phone/msg/fax)]
Email: []

United States Department Agriculture
Office of Inspector General
Inspector General Phyllis K. Fong
Department of Agriculture
Room 117-W Jamie Whitten Bldg
1400 Independence Avenue SW
Washington, DC 20250
Phone: (202) 720-8001
Fax: (202) 690-1278

Attn: Mr. William Busby
c/o USDA Inspector General
12136 W. Bayaud Avenue, Suite 210
Lakewood, Co 80228
Bill Busby []

ATTN: Case # KC899-0025, "Annual Rainbow Gathering" investigation

Howdy,

I am an individual, acting as an individual, submitting information directly to the Inspector General's office.

I believe my witness will be useful and necessary to understand Incident Command Team interaction with this Years' Annual Gathering: various individuals who come to peaceably assemble to express Unity and Peace.

I am well known to Forest Service Law Enforcement and Incident Command, and have had negative and positive interactions with them in previous Annual Gatherings AND negative and positive interactions with them during this 37th Annual Gathering, July 1-7, 2008, held in the State of Wyoming.

In the following I list a number of issues and concerns, and the background of these issues as regards the Law Enforcement, Incident Command, etc.. I also give then a number of attached Emails, and Reports, Raps connected with these issues. I list all of this and I would hope that the investigator can 'wade' through all this and glean from it some potential gems of truth and insight.

For over 40 years I have pursued this path to freedom and equality. I am a seeker for simple access to the public lands, and to be free to practice and live my faith and creed. Thank you beforehand. My contact information is included and I am willing to be

EXHIBIT 10
PAGE 1 OF 53

b6, b7c

contacted for further information or clarity. Mark Rey only informed recently this investigation is happening. I had thought of pursuing another civil rights claim – my last one to the USDA was dismissed over these same issues; I was (literally) put out the door with my claim.

PART I. – Background –

- A. EARLY CONTACT, HIPSTORY
- B. CONCEPT: SHANTI SENA
- C. QUESTIONS concerning LEO actions
- D. HECKLER'S VETO --
- E. INTERACTION WITH LAW ENFORCEMENT:
- F. SEARCH for GARRETT, with Law Enforcement
- G. QUESTIONS on SEARCH, concerning INCIDENT COMMAND

PART II. -- ESCALATION OF VIOLENCE BY LEOs

- A. LAW ENFORCEMENT STRATEGY
- B. 'KID VILLAGE INCIDENT NOT ISOLATED –
- C. ACCOMMODATION BLUES –
- D. WYOMING 2008 "peace actions"
- E. IN THE PAST LEO actions --
- F. GHOST DANCE CIRCLE
- G. SPIRITUAL NATURE OF "RAINBOW FAMILY"
- H. ENTRAPMENT

Part III – MARK REY COMMENTS ON CULTURE:

- A. UnderSecretary of Agriculture Mark Rey
- B. CULTURAL CLASH, IN THE PAST –
- C. CULTURAL CLASH – FLAG INCIDENT, 2008
- D. "HEADS AND FEDS
- E. PHONE CONFABS WITH REY AND TWISS:

PART IV. COMPLAINTS ON LEOs –

PART VI. -- My Witness, actions of July 3rd, 2008, at Annual Gathering:

PART VI – STATEMENT CONCERNING ATTACHED EMAILS, etc.

1. Link to ACLU Report
2. *Boy Scouts of America v. Dale* 120 S.Ct. 2446 (2000) -- "association rights"
3. **CREED: Differing Definitions of Religion**
4. Religious Land Use Act, 2000
5. Freedom of Religion and Creed cases, re: Govt. can only intervene when "compelling interest" and with "least restrictive means"
6. JULY 3rd, 2008, Shanti Sena rap
7. Text of Mark Rey Letter to Annual Gathering May 23, 2008
8. Email to [] Rey, etc., 13 Mar 2008 Re: [] et. al.. al.. al. - (proposed) steps of resolution - re: LEO situations
9. EXCERPTS: FW: phone conference transcript, with Rey and [] re: Shanti Sena, etc., March 17, 2008, 1:00 p.m.

b6, b7c

10. Email from [] connects [] and [] to Gathering
11. EMAIL Answers - to Attributes, RE: sites, 26 Jul 2008
12. NEWS ARTICLE: Official: Feds Should Consider Rainbow Family Ban
13. FOIA_FS Delegation of Authority, File Code: 1230 Date: June 26, 2008
14. [] 21 Jul 2008 email re: Operating Plan, uncooperative Gatherers
15. 2008 (Draft) Operating Plan, with my comment on Shanti Sena:
16. ACLU, Wyo., 6 Oct 2008, "Annual Rainbow Gathering" Report
17. Email to Rey: Dec 9, Conference Call -- Law Enforcement OR Resource and Recreation Application -- Annual Gathering 2009
18. [] letter: Subject: 2008 Family Gathering

PART I. – Background --

A. EARLY CONTACT, HIPSTORY

I was one of the “early-in” people this Year, meaning I participated in the “Ride” (as I call it), in the ‘scouting’, “Spring Circle/council”, “Seed encampment (set-up time)”, and then in the Ceremonies and Celebrations, and constant social/political/community interactions of July 1-7.

To me, volunteering at an Annual Gathering is a form of “tithing” (as it would be called in other religions), or “karma yoga” i.e. doing service or giving. To attend and participate in the Annual Gathering is “dedication and prayer” in my life. I walk this Path, (I call) the “Rainbow Family Tribe Way of Gathering” as my spiritual/religious CREED.

The entire concept: “Rainbow Family Tribe” is an IDEAL of a “spiritual tribe”, of the heart and mind, and is NOT a “group” replete with “members” etc.. My journey is individual, with elements of community. Instead of a building to meet in, rather, I gather with other individuals who share this CREED: “Rainbow Family”, and with other peoples, in an Annual “pilgrimage” to come and Gather in Peace and Healing, July 1-7. Annual Gatherings of Peace are part and particle of the creed and cultural Ways of the People of the Creed, Rainbow Family.

These Annual events, are (temporary) “peaceable assemblies for purposes of expression/speech, prayer, petition” have happened on (mainly) national forest lands. The “Invitation” to these Annual Gatherings is proposed by this (mythical, imaginative) “Rainbow Family Tribe”. The Invitation includes the “definition” of this “expression”, the dimensions of the “Soapbox” (so to speak), and that is, ALL are WELCOME, PLEASE COME IN PEACE, and please, Celebrate the 4th of July, with a Circle in Silence for Peace.

The description given by the Forest Service, Federal Judges, etc., of the “Rainbow Family” as being a “group” with “members” is inaccurate. In many documents, I have witnessed to the “spiritual nature” of the “Rainbow Family”, and that it is not a “legal entity”, of any sort, rather, the CONCEPT: “RAINBOW FAMILY”, IS A FORM OF SPEECH AND EXPRESSION, as well as PRAYER.

Along with this inaccurate definition upon the part of the Forest Service, there has been active resistance to the Annual Gathering and the Rainbow Family (as perceived by the Forest Service, etc.), and the use of national forest and public lands by peoples the

b6, b7c

Government perceives to be "Rainbow Family". It is true, there are folks who "wear the colors" i.e. live openly as someone of the CREED, who call themselves "Rainbow Family", who, in fact, accept and live this Rainbow Family Creed, much like people who call themselves "Christian". Many of these folks, self-identified as "Rainbow People" attend and volunteer at these Annual Gatherings, and they do so with "faith and elbow grease", do so as part and particle of their 'pursuit of happiness".

Over 22 Federal Judges (in many cases) have repeated the "mantra" of recognizing the peaceful and spiritual nature of the Rainbow Family, and of the Annual Gatherings. Even so, the Federal Judges have ruled the Forest Service has the right to apply its regulations, and up till 2007, the application of the regulation i.e. 36 CFR 251, was strict, hard line and allowed for no "options" or "waivers" or "accommodation" for Rainbow-style Gatherings, which, after all, are composed of hundreds, thousands of individuals who defend their right to be "individuals" and not seen or defined as any "group" or as "members" etc., nor to many, many individuals/groups/associations show up at the Annual Gathering, participate in the Gathering, and yet, as part of Gathering seek to retain their own personal identity, and do NOT identify themselves as "Rainbow Family" - "Krishna", who Annually attend (since 1972) are one of these "associations". There are many individuals who regard the Gathering as much as their personal scene, as this (mythical) "Rainbow Family".

There are certain forms of "community interaction" that is unique to Annual Gathering, and to "Rainbow-style" events. For example: the

B. CONCEPT: SHANTI SENA: "you are your own security". This concept is that everyone who attends the Gathering is RESPONSIBLE, both in looking after their own self, but also, in looking after the "community" i.e. the Gathered People. Much like the Forest Service has its "Smokey the Bear" campaign to raise "consciousness of fire", the IDEAL of Shanti Sena is if a situation develops and someone needs help from the neighborhood of Gathering, they can cry out, "Shanti Sena!" or "help", and the community will turn to the situation, individuals, etc., WILL go to the CALL FOR HELP! Shanti Sena is a call for "Peace Action" upon the part of all who attend.

Over the years, there are folks who volunteer to be the "watch", to 'walk the Gathering' and help where help is needed. Persons who volunteer in this manner, to "walk in Shanti Sena consciousness", are also called "Shanti Sena".

{In a like manner, people who walk around, checking fires to insure they are safe are called "Fire Watch"}

There have been differing relationships, over the years, between Incident Command and Shanti Sena volunteers, some positive and some not.

In the phone conference calls with Mr. Rey and [] the relationship of "Shanti Sena" and LEOs of Incident Command was discussed. And in a meeting at [] [] I discussed this subject with the Incident [] and some 15-20 other LEOs, etc..

b6, b7c

At this meeting, I stated to [] that, if a situation develops between LEOs and Gatherers, that the people who “have their backs to you, and are trying to help keep the crowd back, and/or calm the crowd down, (who might) identify themselves as “Shanti Sena” ARE SHANTI SENA, and they will be there to cool the scene”.

To my surprise, on July 4th, I received a message, sent to me (others), from [] [] “that I (others) were to help the I.C. find and bring out to them (I.C.) the “Shanti Sena” who were involved in the July 3rd incident at Kid Village, who could be identified because many of them had been shot (pepperspray-paintballs).

I thought the message had to be some sort of hoax, based on my confab with [] and company on [] plus the phone calls with [] Also, in 2006 Colorado Annual Gathering, when a scene developed, with 6-8 LEOs surrounded and beating two young guys, near where some hundreds of people witnessed and many protested; after the beatings, the LEOs released the young guys, but arrested one of the protestors, then, when a crowd developed, “Shanti Sena” volunteers stepped up, help calm the crowd and opened the way for [] (then on the scene). Afterwards, when [] got to the ‘outside’ of the Gathering, he thanked, and then had cited some of the Shanti Sena who helped.

The next day, [] and company sent in messages (and pictures) of persons suspected of throwing A rock, but NOT A REQUEST FOR SHANTI SENA TO COME OUT, or be brought out. Contrast this to [] message, and subsequent actions i.e. stop and search of people leaving, and photos being carried around, by LEOs looking for “Shanti Sena”.

In Wyoming 2008, the request from [] was NOT for any such “rock-throwers” rather it was for the “helpers” the “Shanti Sena”. Many of the same folks who were SHOT were folks who also helped in the SEARCH FOR GARRETT. Some of the Shanti Sena the I.C. were seeking to arrest (after July 3rd), had been shot while doing their best to calm the crowd, and help the LEOs exit the Gathering, in Peace, with arrested.

C. QUESTIONS:

There are a number of questions a competent investigator interested in the facts should/could look at; for example:

- (1) In [] own statements in the press, [] came all the way from [] [] managed to arrive “in Gathering” just in time to witness some of the July 3rd action. How did he arrive at this time?
- (2) As witnesses stated on the phone conference call of December 9th 2008, with Mr. Rey, in the afternoon of July 3rd, once the “incident” took place, suddenly, some 46 FOREST SERVICE LEO vehicles showed up, with 4-5 LEOs per vehicle, armed to the teeth. This would mean 200 or more LEOs were already waiting for something to happen. [] has admitted to some \$1 million dollars in law enforcement costs, (see news). Were these additional LEOs, in the budget? Where were they housed? What was the justification for such expenditures? In the past, the justification for volume of LEOs, etc., were

b6, b7c

geared around "no permit", and "rowdy people at the Front Gate" – This year, because of the "legal accommodation" the Annual Gathering was LEGAL, and the Front Gate was clear and clean of (so-called) "rowdies".

The justification for the July 3rd incident seems to be that someone had "marijuana". It is well known that people come to the Gathering, and some of the folks use Marijuana for Medical Purpose, and for Religious/Spiritual use. In the 9th Circuit Guam v. Guerrero is a case for "religious use", (See PEOPLE OF GUAM v GUERRERO

No. 0071247p - 05/28/2002); plus the decision in the "Cactus case" i.e. (See, Gonzales v. O Centro Espirita Beneficenteuniao Do Vegetal No. 04-1084 February 21, 2006).

et.al.. al., 2006. There a number of Medical Marijuana cases, plus many States that have legalized marijuana for medical use. The question then is: Did the Incident Command use the "least restrictive means" and did they have a "compelling necessity" to bust this guy, AND DO IT at Kid Village?

- (3) Not only were Shanti Sena folks shot, and old people, children, and (at least) one pregnant mother, the LEOs also rolled out to the road, and witnesses saw one of the LEOs bust out the window in his own LEO vehicle. [] [] gave me assurances, on [] [], that his people would not "be shooting or using tasers ("Cash Starved Forest Service Spends \$600,000 to Buy Tasers" - news, 12-04-07) people like you" (older guy, health problems, prostate cancer, etc., and a known Shanti Sena (peace keeper); when July 3rd came, what happened to [] [] words?

D. HECKLER'S VETO --

In an AP article [] [] of Forest Service Law Enforcement and Investigations" spoke against the Rainbow Family and Annual Gatherings, in fact, "Rainbow Family" should be banned. [] [] characterized the Rainbow participants as "non-compromising," "arrogant" and "anti-authority."

If you took his statements at face value and did not investigate you would think that a wild bunch of folks was up in the hills, with no sense of community. These statements and his other words and actions of LEOs, etc., all contribute to raising "bad vibes" toward the Gatherers, and this amounts to creating a "Heckler's Veto" (public negative outcry).

"Official: Forest Service should consider banning Rainbow Family after arrests in Wyo. By [] [] Associated Press Writer
CHEYENNE, Wyo. July 7, 2008 (AP)
The Associated Press

The U.S. Forest Service should consider banning the Rainbow Family from Forest Service land after a confrontation last week led to the arrest of at least eight people, a top agency official said Monday.

EXHIBIT 10
PAGE 6 OF 53

b6, b7c

[] of Forest Service Law Enforcement and Investigations in [] said he was among the officers who responded when Rainbow Family members threw sticks and rocks at federal officers.

The confrontation started when officers tried to arrest a member of the Rainbow group for an alleged drug offense.

[] characterized the Rainbow participants as "non-compromising," "arrogant" and "anti-authority." He said this year's episode and other disturbances at recent gatherings should prompt a review of whether Rainbow Family events are allowed.

"I think we have to have that discussion within the agency," [] said. "We spend an awful lot of time and effort on these people. And frankly, the taxpayers deserve better."

E. INTERACTION WITH LAW ENFORCEMENT:

I would like to point out that On Monday, June 23rd, I, and other Shanti Sena volunteers were approached by Deputy Sheriffs, other law enforcement, and Search and Rescue of Wyoming to help in a SEARCH for Garrett Bardin.

I volunteered to work with County, State, and Incident Command Law Enforcement (and other agencies) in a SEARCH AND RESCUE, searching for a lost-local, a young man, Garrett Bardin, [] (son). Among other Law Enforcement, I met with [] plus others of Incident Command, during this Search.

This Search involved hundreds, even thousands of individuals who attended the Gathering. In the "Spirit and Consciousness" of what is known as the "Shanti Sena" (peacekeeping), posters were placed at various community kitchens, and other "Gathering" centers (where people circle), announcements were made, and people searched. This is done for any "lost child", a full scale search was conducted, all by the community, individually and together.

I (and other volunteers) worked with Law Enforcement, to the point, that various Deputy Sheriffs, etc., (without weapons showing) entered the Gathering, and searched. Individuals - who otherwise would be doing something else with their time: ceremonies and celebrations - walked with these Law Enforcement Officers. Respect was shown all around. This was an excellent working relationship in many ways. Garrett was found dead, [] on July 3rd, 2008, and I (and the Gathering) was notified. Searchers (volunteers) from the Gathering were instrumental in discovering Garrett.

F. SEARCH for GARRETT -

Tuesday, June 24th, per agreement with Deputies and Searchers, I was to meet with these folks, near Front Gate - I was camped near Front Gate, and worked there, both as Greeter and as Shanti Sena (in case folks coming in off the road or on their way out had a place and people to ask for help).

b6, b7c

Meeting time was 8:30am, and these Deputies -- from what they said the night before at the Welcome Home when they asked if the Gathering people would/could help, were anxious to get underway, Garrett was one of their "family". Anyways, two hours later, at 10:20am, the Deputies showed up. When questioned they said that "someone had been seen where Garrett's pick-up had been parked" and that, "the pick-up had been removed the day before". Garrett was missing since Saturday 21st. His pick-up had been discovered Sunday, 22nd some 2-3 miles North and West of the Gathering, hence the Search "in Gathering", hoping Garrett had come there, was the justification for asking for the Search.

I commented at the time that I thought it was not good to remove the pick-up, and questioned who had spotted someone near the area where the pick-up had been located? No answers given.

I asked and the Deputies and I 'circled for prayer' then proceeded. By agreement Deputies in plains-clothes, without "guns showing" would proceed with volunteers i.e. Shanti Sena, and walk through and search the Gathering. By 11am or so, I was at the Welcome Home area of the Gathering, Searchers went out, with Shanti Sena walking with them, posters were being put up, and the Search of the Gathering was underway. Things seemed to be proceeding smoothly. A Deputy identified to me as someone Garrett regarded as his [] was in charge []

After a short time, at the Welcome Home, just about when a Circle for developing an Operating Plan was to take place, between Forest service and Gatherers, suddenly [] stated to me, "I got the word, if Garrett ain't found by Noon, and brought out to us, then a Search by law Enforcement will take place." I pointed out to [] that the Search parties had barely gone out, his Deputies were inside and out of contact (no radio contact), and no real Search had even been started, plus, why would this young guy Garrett want to come and mix in with Gatherers?

I walked over to the Circle (20 people or so) and made this announcement concerning possible entry/invasion by Law Enforcement, full-scale search, and that there was only a short time until the Incident Command etc., were coming in.

[] went out to his vehicle, near the Welcome Home (short walk-in, a gateway to "in Gathering"). I heard from someone they saw [] driving around with a SHOTGUN. I went out and spoke with [] (and another deputy) in his truck. [] again warned me of the impending full-scale search, and that Garrett better be brought out, (acting like Garrett was being held "in Gathering").

At High Noon, just when [] and company (LEOs, etc.), started to roll in with vehicles, suddenly [] was out of his vehicle without his SHOTGUN, and came to the Welcome Home and stated that "Garrett's [] and [] have shown up, and they don't want any full-scale search, so it is off". Apparently, [] and [] of Garrett had stopped the Incident Command from taking this drastic action.

A short while later, I met with [] then on his way to the Circle (operating plan) and he stated to me: "I want Garrett brought out to me." My reply: "I believe that, if Garrett is found, I would escort him to his [] and [] first." [] seemed to accept this statement.

b6, b7c

After many days of searching, following up every rumor, etc., I (and others) was convinced Garrett had never been to the Gathering. It was out of character for him, and no way he could have entered the Gathering and stayed without someone spotting him... his picture was everywhere and hundreds of people searched. I met his [] and [] and many of Garrett's friends and family, and I had known "Bardie (sp) Bardin" Garrett's [] previous Annual Gathering.

People of the Gathering did their very best to help, and this is all while LEOs were rolling around the Gathering on 4-wheelers, interrupting ceremonies and celebrations, interrupting peaceful events and happenings, pushing on the people.

Garrett was found as a result of information Searcher/volunteers within the Gathering developed, including me. He was found on July 3rd, []

My theory, which I relayed to the Deputies, and [] and [] etc., other searchers, beginning on June 23rd, Tuesday, once I learned about his truck:

Garrett got upset, went to the woods to think, in an area where he knew, parked

A rumor surfaced of a gunshot in an area to the West of the Gathering, on Tuesday. And, I analyzed that Garrett would try to get back to the River, for water, possibly onto Big Sandy Lodge, and that he was likely in the brush between where his truck had been and the River; and this is where he was found. A Searcher with dogs (volunteer "in Gathering") tracked Garrett to a camp near the Site, North of the Site, in the area (we) thought he might be. Sad he was found dead. Blessings on his family and friends.

G. QUESTIONS on SEARCH, concerning INCIDENT COMMAND –

My questions are:

- (1) Was it Incident Command, LEOs that removed the truck?
- (2) Was it an LEO who supposedly "saw" someone near where the truck was parked?
- (3) And, importantly, did the Incident Command (try to) USE the Search for Garrett as a way to gain ACCESS FOR SEARCH OF THE GATHERING?

If so, this is despicable behavior. Thanks to the [] and [] who stopped this nefarious scheme.

This SEARCH FOR GARRETT, involving hundreds of people, working with 'authorities' shows up the LIES [] spouts in his article. And, as further proof that Gatherers are NOT against appropriate, LAW-FULL authority, I offer this email from [] who did/does not view Gatherers in such a "bad light". [] prior to his [] did his best to raise a "Heckler's Veto" (public outcry) against the Rainbow Family and Annual Gatherings, to further his/other law enforcement, etc., Strategy and Tactics of Banning Rainbow Family and Annual Gatherings. Using Mr. Rey's efforts to achieve a balanced approach to application of the

b6, b7c

regulation, under "color of the regulation" [] et. al. al. al. did their best to subvert Mr. Rey's policy and authority and create "incidents" whereby [] could then come forth and claim "foul" and "BAN THEM".

It must be pointed out (again) Rainbow Family is a CREED, "a belief" and it is Un-Constitutional for any Federal officer/s to be engaged in "banning a belief". And it is violation of civil rights of attendees, for [] and company, to interfere with the Ceremonies and Celebrations, Prayers and Petitions of these peoples who Peaceably Assemble, without "compelling evidence" and, using "least restrictive means".

PART II. -- ESCALATION OF VIOLENCE BY LEOs
A. LAW ENFORCEMENT STRATEGY

I raise here issues of witness, complaint, concerns, and more than a measure of alarm. This year I witnessed the tactics and actions attached/applied of the Forest Service policy (so-called): "Law Enforcement Strategy" to those individuals, etc. al. who 'peaceably assembled for purposes of expression' on national forest system lands located within Wyoming, "2008 Annual Gathering of the Tribes for Peace and Healing, July 1 -7" AKA the "Annual Rainbow Gathering" – centering on July 4th, Peace Circle of Silence (and) Day of Independence, Freedom".

This policy is applied through use of an Incident Command commanded, this year, by Law Enforcement Officer [] First application of the Incident Command System to the Annual Gatherings, (formally) in North Carolina, 1987, with (first) [] since that time, there have only been two occasions when there have been "Resource Rangers" acting as Incident Commanders (both with little authority). All other years, Law Enforcement have been the Incident Commanders.

One of the "Resource" I.C. was [] 1997, Oregon Gathering, and he outlined the two Forest Service "strategies" over-all policy concerning Gatherings and "Rainbow Family Tribe" (imaginary tribe of individuals who host/Invite people to share this "expression/speech" i.e. "Annual Gathering".

"RESOURCE and Recreation Strategy" involved working with the "assembled people" in regards to the issues of resource protection, social, health issues, etc.. I.C. recommended use of the "Resource and recreation Strategy" rather than the "LAW Enforcement Strategy", currently in application re: "Rainbow-style Gatherings".

B. 'KID VILLAGE INCIDENT NOT ISOLATED –

The "Incident at Kid Village, on July 3rd, 2008" was not an isolated action, rather, part of a systematic pattern, a plan of operations of "enforcement" upon the part of Incident Command and, [] Law Enforcement Officer (L.E.O.), [] and other LEO, [] law enforcement, and other justice authorities, (I suspect).

This 'pattern or plan' of action, (was possibly) developed over the years, but (certainly) planned for and executed beginning in Fall, 2006.

b6, b7c

This effort was centered around creating public outcry against the Annual Gathering, and Gatherers, in order to justify banning this Gathering (and other similar events) from the national forests and other public lands.

To accomplish this [] and other elements (known, suspected, unknown) designed and entrapped, seemingly "opened" the way, set-up an "accommodation" for 'special use', seemingly, worked out what would be the equivalent to a "Peace Treaty" with the "Rainbows, et. al.", opened ingress to the national forest through a legal waiver, a viable option, an appropriate 'alternative manner' per regulation 36 CFR 251; did this with the full authority of Undersecretary of Agriculture Mark Rey.

H. ACCOMMODATION BLUES -

In the Fall of 2006, after many years of conflict and confrontation, over 22 Federal Court cases, etc., Mr. Rey and [] initiated contact concerning this new "accommodation", through a phone call to me. After this phone call, there was an exchange of emails and phone conference calls extending until December 9th, 2008, over these issues.

Throughout these phone calls and emails, Mr. Rey and [] consistently gave assurances to me, and a number of other individuals who participated in these "phone conference calls", and emails, faxes, etc., certain messages of "accommodation".

Based on these assurances, and, because of a life-long effort of seeking a peaceful way of Gathering for Prayer and Petition, Ceremony and Celebration on National Forest (since 1972) I volunteered to participate in this process, and as part of my involvement I was fully involved in July, 2008 "37th Annual Gathering".

Among others, []

(See U.S. v. [])

(Potentially, based on the past) threats of citation, arrest, imprisonment were all parts of the mix, upon my involving myself in these phone calls, and emails, plus taking actions of participation in "ThanksGiving Circle, 2008", and/or in the Spring, going "Scouting" - for potential sites, and contacting District Rangers, working in the "Front gate" area of the "Gathering". In the past, all or any of these things could have guaranteed a citation.

Under the 'accommodation' there was to be "immunity" for "scouts" (other individuals who became involved), so they would not be given citation for participating in the Gathering, as was the case in the past. This was all geared to a "mutual Siting" of the Gathering, a sore point in the past. Under this UMBRELLA of PEACE (Treaty), I became fully engaged.

{Most of these phone calls, and emails were/are recorded for the public, and should be reviewed by this investigative body.}

The actions and events, on the ground in Wyoming, were very much different than any sort of 'accommodation'. In the first place, this 'accommodation was to take place beginning in 2007, at the Annual Gathering, which took place in

EXHIBIT 10
PAGE 11 OF 53

b6, b7c

Arkansas. At that Gathering, the LEOs and Incident Command ESCALATED their harassment, and finally, "tasered" a young guy, who was walking away, unaware, LEOs shot him in the back. Scary stuff. And many other incidents happened, which were reported to me, (hundreds, thousands of others), (as concerned gatherers), through the various medi

D. WYOMING 2008 "peace actions" --

The phone conference calls/emails preceding the 2008 Annual Gathering, again, were for "working out the problems, issues of 2007, etc., concerning 'accommodation". Again, I participated, in a desire for Peace and Justice. As I witness in these documents, I had questions concerning the fact that [] and the Law Enforcement seemed to doing these operations and I wanted [] (among others) more Resource involvement - this led to [] being placed in the mix, and also receiving the job of [] for communications between LEOs and Gatherers i.e. he was to listen and act on complaints from gatherers vs. the LEOs - note: he had no authority.

What happened was not any sort of 'accommodation". With "sole authority" Incident Command instigated policies of harassment, citation, search and seizure, "undercover operations" within the Gathering, surveillance, interference in ceremonies and celebrations, interference in expression and speech, and, sought in every available way to place Annual Gathering and Rainbows, including myself, in a "bad light" in the public mind. Instead of working on 'social" balance or communications, Incident Command created false impressions, communicated false information, openly lied to the public, in order to create a "Heckler's Veto" i.e. a form of public outcry against some event, peoples or individuals.

Then Incident Command, et. al., fanned the flames of this "Heckler's Veto", to the degree that Incident Command could then use VIOLENCE, "DEADLY FORCE", against the Gatherers, so they could use "unbridled tactics and actions", "deliberate deadly force".

My ALARM is the LEOs actions came very close to causing the death of at least one individual, who had a bad reaction to the "paintball pepperspray", and nearly asphyxiated. The LEOs, at one point rolled out with automatic weapons, with lethal ammo, etc..

E. IN THE PAST LEO actions --

In Colorado, 2006, Gathering, LEOs surrounded and "beat-down" a couple of young guys, in full view of hundreds of people (who protested). In Arkansas, 2007, they "beat-down" people AND pointed weapons AND shot someone with a "taser". In Wyoming 2008, they shot some 20-30 people, with these "shotguns" i.e. paint-ball pepper-spray. What next? Please investigate and stop this march to violence against Gatherers.

b6, b7c

F. GHOST DANCE CIRCLE

December 2008, was the Anniversary of the "Wounded Knee Massacre, 1890, and, this is accompanied by the remembrance of the "Incident at Wounded Knee, 1973". These were times when the Federal Government did its best to stop the rise of (so-called) "Ghost Dance". Now, Native American Ceremonies are protected under the "Indian Religious Freedom Act, 1979". No way would the Forest Service Law Enforcement apply these tactics and strategies against Native American Tribal Ceremonies and Celebrations.

G. SPIRITUAL NATURE OF "RAINBOW FAMILY"

Over 22 Federal Judges have recognized the 'spiritual and religious' nature of the Annual Gathering, and of the "Rainbow Family Tribe". And in 2006, the Supreme Court AFFIRMED the Religious Freedom Restoration Act, 1997; and the Institutionalized Persons and Religious Land Use Act, 2000; AFFIRMED "accommodation" for religious purpose and practice. Mr. Rey, in his efforts, was acting in accordance with the 'form and substance' of the law, by implementing this 'alternative manner' of application.

H. ENTRAPMENT

[] USED Mr. Rey's efforts to conceal a plan to entrap certain individuals (including myself), and gatherers, to come as "lambs to the fold", to an arena where Incident Command could implement their despicable operational plan to forever BAN. This amounts to a use of the "color of regulation" to violate the Civil Rights of myself, and all other Gatherers, by, in fact, setting up a BAN of "Rainbows, et. al." from ALL national forests and other public lands - (Incident Command encompasses all Federal Agencies under its control.)

This violates the First Amendment. Through this ban, the Federal Government is suppressing the Rights of those individuals who practice this cultural form of CREED known as Annual Gathering; and/or is in violation of the public accommodation Acts, and of Hurley v. GLIB, concerning "free speech/expression", known as the "Soapbox" Opinion of the Supreme Court.

This is suppression of the Annual Gathering, and the Rainbow Way of Gathering i.e. ceremonies and celebrations, prayers and petitions associated with Rainbow Family. This amounts to the Federal Government banning those of this (established, recognized) CREED from the use of all Federal facilities; this could mean banning in America. All of these Strategies and Tactics of Incident Command were to deal with the "Rainbow problem", once and for all.

The fact [] has resigned, after failure, is also in the pattern of the Forest Service Law Enforcement operations, and what happens when [] [] have not succeeded in stopping the Gathering, and/or inhibiting the 4th of July Silence Circle of Peace.

A number of [] and other LEOs, including [] [] and now [] have 'resigned' after their plans [] for "banning" the Rainbows have not succeeded.

EXHIBIT 10
PAGE 13 OF 53

b6, b7c

Part III – MARK REY COMMENTS ON CULTURE:

A. UnderSecretary of Agriculture Mark Rey, (December 9th phone conference call) - in which he revealed there is a on-going Inspector General's investigation - (to me) seemed to be answering to my December 8th (email) to him, in that, he described what he considered to be the two main problems with the 2008 Annual Gathering, including the July 3rd Incident at Kid Village, etc., and Rey's rap was this:

- (1) (According to Rey) the Site, near Big Sandy River, where the Gathering took place, was not on the listed sites, from Forest Service, so this caused problems. This included "competing youth in the area" i.e. Boy Scouts.**

My Reply:

(a) Rey references the other potential Site i.e. Snyder Basin" – this was not on the original Sites suggested by District Rangers, however, I requested it be considered and it was added. The possibility of a Site NOT appearing on the suggested site list is always very high, because typically Districts are unfamiliar with accurate need specifications for Annual Gatherings. Therefore, in the letter from Mr. Rey, this possibility was considered – the idea was that communications and contact would mean when "Attributes" were shared, this information would include "yes' or "no" on a Site possibility – this never happened, as I point out in an (email) concerning "Attributes.

(b) Boy Scouts i.e. "competing youth" ONLY became a problem when the Incident Command found it as the Way to 'fire up" the "Heckler's Veto" needed to put the Annual Gathering and Rainbows in a "bad light". Boy Scouts, were ONLY coming into the area after the Gathering was over, and NOT coming to the Site of the Gathering... this information was known on June 4th, 2008, (See Attributes (See mail)).

When some Boy Scouts were killed in early June, suddenly, an opportunity developed for [] and company, to be able to use the Boy Scouts against the Gathering. Ironically, Boy Scout v. [] a major Supreme Court Opinion, has been cornerstone in my (other peoples) legal arguments concerning "rights of an association" even a "temporary association assembly engaged in speech/expression of prayer and petition".

My argument, in a number of court cases, where I was either defendant or plaintiff, concerning these issues, is there outa be a "waiver", or "legal option" in applying 36 CFR 251, and this is contained in the "alternative manner" afforded a District Ranger of other authorized officers. This is the Rey 'accommodation" of use of an "operating plan", and I (among others) have petitioned for this option since 1971.

b6, b7c

One of the other basis for my legal arguments has been that the "Rainbow Family Tribe" and/or other names i.e. "Rainbow Family of Living Light, Rainbow Family" ONLY EXISTS as a CREED, a "belief, practice", and part of this Creed is for peoples to come together and form an Annual Gathering, with a Circle of Peace on the 4th of July.

(2) According to Mr. Rey, the Gathering Site wound up with a District Ranger i.e. [] and because of [] "background", [] was a "neat freak", and the Gathering and Rainbow was an "alien concept" to [] - just some of Rey's words describing the fact that [] was, in toto, just not culturally able to deal with the Gathering and the Rainbow.

My Reply to this: [] on June 4th, at this office in Pinedale, Wyo. told me (and 4-5 other individuals) that, and I quote (nearly exactly):

"The Gathering will be in the hands of the Incident Command", and "I will be busy handling the second largest District in the national forest system".

I mention this in my December 8th (email)*, and I mentioned this a number of times at various meetings with [] and [] etc., et. al.. The June 26th, Delegation of Authority to [] bears out what is [] TRUTH - he had little or no authority.

However, Mark Rey is laying the blame on [] was not the "coolest" District Ranger I have met and worked with over the years, however, like most of the District Rangers located in areas where Annual Gatherings are held, [] AUTHORITY was totally taken over by Incident Command Team. Law Enforcement Incident Command supersedes all authority of Resource and Recreation. A mild check of the records will reveal this fact easily - one only has to look at [] Pennsylvania 1999 Annual Gathering, who, suddenly went on vacation, at tense moments in the communications between Forest Service and "Gatherers".

INCIDENT COMMAND IS IN COMMAND, PERIOD.

And Forest Service Law Enforcement, of Incident Command, do there best to hinder Ceremonies, to push their version of God and Country on the Gathering Peoples. I cite some of the examples from this Year in Wyoming, but there are other instances in the past:

B. CULTURAL CLASH, IN THE PAST --

(1) Texas, 1988, LEO [] on his video camera, and he and other LEOs often "joked" about the "weird practices" of "Rainbows". Some LEOs would openly call "Gatherers" "Satanists".

b6, b7c

(2) 2003, Utah Annual Gathering, July 4th Ceremony was suddenly interrupted by ARMED, LEOs, riding in bearing an American Flag, flying upright... looking like a CAVALRY unit, invasion force... there is a picture of this, and I have complained to Forest Service, Incident Command and Mark Rey's office concerning this "Incident".

(now retired) [] well-known to me, and I to him, deliberately RODE HIS FORCE into the Ceremony area KNOWING "NO GUNS IN CHURCH, NO GUNS IN THE CATHEDRAL OF NATURE" is part and parcel of the CREED of the Annual Gathering.

There were a crew of individuals who were flying an American Flag in a Ceremony of Speech and Prayer, when [] and [] rode up -

This American Flag was being flown upside down as a sign of distress of this Country, and to call for attention to Native American issues. A confrontation then took place between the "Gatherers" and the "Armed Force", all who claimed they were there "in respect".

I personally lodged an immediate verbal protest of their actions and their armaments. They did not come, in the nature of the CREED and EXPRESSION of the PEACEABLE ASSEMBLY - rather they came to IMPOSE FEDERAL GOVERNMENT FORM OF FLAG FLYING AND CEREMONY. They represented the United States and the Forest Service, and expressed the Government's sanctioned version of PEACE i.e. armed, with flag flying upright.

C. CULTURAL CLASH -- WYOMING 2008, FLAG INCIDENT --

I specifically point this out; in light of something very similar happened in Wyoming 2008 Annual Gathering. This took place at the area known as "Welcome Home". Someone had hung an American Flag upside down - with the same sort of issues being expressed i.e. distress of this Country AND Native American issues - and along came a LEO Patrol, walking through and one the LEOs, apparently the Patrol control, began to express his opinion of the fact the American Flag was being desecrated, etc...

I chanced to be there, and I happen to be a U.S. [] Veteran [] honorably discharged, and I spoke up for the RIGHT OF THE PEOPLE INVOLVED TO EXPRESS THEMSELVES EVEN WITH A FLAG FLYING UPSIDE DOWN... I also explained the issues involved. One of the LEOs, a feller known to me as: [] because his name is [] and he has [] one of the only LEOs with [] has been attached to Incident Command for a number of years, so he and I know one another, and have had this argument before, over this same issue, (See "Flag incideNote: this confab, for the most part, is recorded, (See [] link).

The Younger LEO, I identify him as the Patrol "control" was very unhappy, and expressed his displeasure, and then, when this Patrol moved on out into the "handicamp", "bus village" area, they made threats to folks camped there of citing them for 'litter" (though all litter was contained), and expressed they were going to do so, because of the Flag flying the wrong way in the "Welcome Home". I personally interviewed the older woman, and her family, involved in this incident.

EXHIBIT 10
PAGE 16 OF 53

b6, b7c

D. "HEADS AND FEDS"

The POINT I MAKE IS THIS:

Law Enforcement, Incident Command under the Policy of "Law Enforcement Strategy" as it applies to the "Annual Gathering", (and other "Rainbow-style" Gatherings), ACT to SUPPRESS, and to force the "Gatherers" i.e. Rainbows, et. al., to ONLY EXPRESS: INCIDENT COMMAND SANCTIONED BELIEFS.

It comes down to the fact the Feds i.e. I.C. etc., are still battling the '60's, and it is the "Furry Freak Brothers Comics" scene i.e. HEADS and FEDS!" "Feds vs. Heads!"

Whoever among Law Enforcement who developed this so-called "Strategy" of dealing with the Annual Gathering and the Rainbows is "lost in the sixties".

Annual Gatherers, and Rainbows, et. al., are NOT the problem, they are part of the solution, and are seeking PEACE SOLUTIONS, in a troubled World.

I am one Voice, among many, who have called repeatedly for CULTURALLY EDUCATED and TRAINED FOREST SERVICE, who work to fully "accommodate" Gatherers, who, after all, for whatever else they may do as part of their ceremonies and celebrations are individuals who "peaceably assemble for purposes of speech/expression/prayer", and therefore have civil rights.

Gatherers have their Right to their Creed, to their Prayer, Practice, Petition, AND, the Forest Service Incident Command, if present at all, should not be in the business of IMPOSING MORALITY AND THEIR VERSION OF CEREMONY AND SPEECH.

E. PHONE CONFABS WITH REY AND []

I was a participant on several of these "phone conference calls", and (among others), at several points, I questioned WHY? it was that ONLY [] of Law Enforcement and Mr. Rey, be involved... What About Forest Service Chief Kimbell, What about Resource and Recreation involvement?

After these questionings, [] was then involved with these "phone conference calls"; [] was subsequently appointed as []: a supposed communicator between Incident Command Law Enforcement and Gatherers, a help in forestalling problems.

[] was first appointed as [] in his capacity as a [] beginning in 2006, Colorado. [] seemed to work well with gatherers in Colorado 2006, without any "permit" or "operating plan", in Arkansas 2007 [] became ill, but was re-assigned to "Wyoming 2008".

I personally "petitioned" for [] to become this so-called [] My reasoning was he was "Resource" and he had worked well with gatherers in the past. I met him, in Colorado 2006 Annual Gathering.

Officer [] was included on at least one phone conference call, more as an observer.

b6, b7c

When the interactions began taking place between Law Enforcement/Incident Command, and (potential) Gatherers and/or "scouts". Regardless of what was said, by Mr. Rey, with LEO [] concurring, concerning working with individuals working on the "Gathering" i.e. "early folks" like volunteers seeking a Site or 'scouts'.

PART IV. COMPLAINTS ON LEOs --

1. [] did use the opportunity of phone conference calls to entice, entrap and induce various individuals into potential compromising positions... in order to create a "heckler's veto" situation, whereby the communities in Wyoming would see "Rainbow, et. al." in a "bad light", therefore Incident Command could interfere with the Prayer and Ceremonies of the Gathering without public outcry.
2. Nearly constant surveillance began, when "Rainbows" appeared in the area of Pinedale, and in early May, five guys were traveling and looking in an area near to a couple of "suggested sites" (by Forest Service); camped, near Jackson, Wyo. - (Miner Basin area), they were, in an area that appeared to be legit.

Suddenly, of a morning, over a dozen law enforcement personnel showed up, replaced a "14 day camping" sign with "one day camping", declared them illegal, and accosted them to the degree of putting these guys down on their faces in the dirt with automatic weapons pointed at their heads; they were searched and cited for various things; one was a 82 year old "Afro-American".

Note: On June 15th, at a meeting at my camp, at an area near "Front Gate", at the "Annual Gathering", I inquired as to WHY? and the answer that was given, by [] [] who was there at that action: "there were two large blue water bottles in the back of the pickup, and it was reported this was possibly part of a meth lab, so the stop and search".

This same pickup of volunteers, was camped with many other 'scouters' in an area near Pinedale, on BLM, and some on national forest, for many days, off and on, prior to this sudden interest - with the water bottles fully exposed in the back of the pickup.

{It was told to me (privately) that the reason for the harassment was the visit to [] of [] [] in the area of Jackson, Wyoming, at the same approximate time.}

3. A Law Enforcement Ranger (BLM) attached to Incident Command acted in deliberate "insubordination" directed at UnderSecretary of Agriculture Mark Rey, specifically, directed toward subverting Mr. Rey's authority to apply this legal option per 36 CFR 351 i.e. "alternative manner".

b6, b7c

[] attached to Incident Command, Forest Service - starting at least, on or about June 13th -- on June 19th, acting as an "undercover" officer (disguised as a local rancher/cowboy, with his wife) did enter a public meeting in Pinedale, Wyo., and did seek to "pass" himself off as a local whose rights were being deprived by UnderSecretary Mark Rey.

This was Mr. Rey's application-directive concerning use of "alternative manner" per 36 CFR 251.54, as a legal waiver to accommodate "2008 Annual Gathering, et. al." [] in the past, had been a Law Enforcement Officer with Forest Service and was assigned to Incident Command, See Arizona, 1998.

[] efforts included (but were not exclusive too) publicly chastising Mr. Rey, in this public meeting, which was hosted by individuals (many "Rainbow Family") who had come to the Gathering, near Big Sandy River. This amounted to insubordination upon the part of an Officer, who upon being attached to Incident Command, technically, Mark Rey became one of his "bosses".

[] was known to me, and I 'exposed' his disguise. His efforts were to help create the "Heckler's Veto", to raise a public outcry against the Gathering and against Rey's policy.

Prior to this public meeting, on Tuesday, June 17th, at the area known as the "Front Gate" of the Gathering, [] along with [] derided Mr. Rey's efforts. This was done in my presence and in the presence of other "gathering individuals", plus, [] (attached to I.C. as a [] and "[]

4. [] was also involved in a number of other incidents related to the Gathering. Note: [] used to be Incident Command, LEO, Forest Service, in Arizona, Annual Gathering, 1998, for one time, and was considered as one of the culturally insensitive officers.

(5) One incident, I witnessed:

At the advent of (the first of three arson-suspected) fires, located near the Dutch Joe Guard Station, near to the road, did drive from that fire and come to the Front Gate, contacted me, and requested I get in his vehicle and go to that area of the fire, in order to settle down what he viewed to be a mob (gatherers) forming. [] also stated that the fire was being put out ONLY by the LEOs, and that the LEOs were filming all of this... I asked how the fire was supposed to have started and [] stated that the fire appeared to have started when someone left a cigarette burning on a stump, and no one was seen near the fire.

6. Law Enforcement Ranger, (BLM), an Officer known to me as [], who was also on attached duty to the Incident Command -- also was part of the crew that invaded the camp near Jackson, (See 2).above, AND, on the day of the first of the three fires, (same one described [] was involved in), [Officer [] stated to me that he personally has seen some guy walking away from the fire, and that it was simply a fire that had gotten away. Note: if

b6, b7c

anyone of IC had seen even a hint of anyone, they would have immediately raised an outcry, consider the July 3rd Incident.

Second Note: This [] was also someone who served as LEO, Forest Service and Incident Command at Gatherings before – I had met him and he knew me.

These two officers' stories were oddly differing, and in fact, volunteers from within the Gathering put the fire out... and stayed with it until the local [] [] showed up and confirmed the fire was out... meanwhile, Incident Command put out information they had put the fire out.. incorrect information.

7. LEO named [] did, on a number of occasions approach people with children, and warn them NOT to be separate from their children (even if the parents were only a few feet away from their children); and NOT to allow their children to be alone with "single men", (even if the people knew them) etc.. [] lectured a couple sets of parents over these issues, a captive audience, under threat of him arresting or citing someone in their camp.

Also [] made comments, (to me) concerning he thought the "women" were doing too much, the men doing nothing; also that he thought our vehicles were substandard. [] repeatedly seemed to be seeking to impose his "moral standards and way of life" on Gatherers, and expressed disapproval of Gatherers.

8. SEARCH FOR GARRETT BARDIN:

Statements made by Incident Command, and (then) [] [] concerning individuals, (Rainbows and others) who come to the Gathering are "anti-authoritarian", and have little regard for authority, etc., and thus, should be banned from the national forests.

In fact, REALITY is the People of the Gathering, aided and abetted a full-on search of the Gathering, replete with posters, announcements, etc., in an effort to search for Garrett Bardin, a local, who happened to also be the [] []

PART V. -- My Witness, actions of July 3rd, 2008, at Annual Gathering:

Along about the time folks was getting up, in the morning of July 3rd, around the area known as "Montana Camp" a large Patrol of LEOs came down the trail from the North end of the Gathering, coming from the "Trailhead" at that end of the Gathering. This Patrol, as all Patrols were accompanied by (volunteer) individuals walking ahead of them into the Gathering, some going quietly, passing the word "guns in church" "6Ups coming", and other folks raising their voices and calling out loudly/expressively, in full speech "6UP!!!!" (sorta like crows croaking when changes to the community appear).

This Patrol, appeared between 15-20 LEOs, armed up... a "brother" (gatherer) asked one of the LEOs what they were carrying, and this LEO showed [] his (shot-gun appearing) "pepper-spray paintball gun", and told [] the LEOs were offered a

b6, b7c

choice as to what weapon to carry that day – option would be the M14s(?), automatic, semi-automatic... LEOs also always carry standard 9mm (?), plus, new, this year, “Tasers”. [] conveyed his conversation with this LEO to me, and some others, having morning coffee.

Some folks, from the “Montana Camp” area, volunteered the information they would quietly follow the LEOs and see what they were up too. Word was being passed around the Gathering “person to person telegraph” that a large number of LEOs were entering by various points, larger than usual, and armed with these “paintball pepper-spray shotguns”.

LATE AFTERNOON, as I was sitting in a Circle of fine people, enjoying my pursuit of happiness, of ceremony and celebration, I (felt) a disturbance, and I got up and getting myself together i.e. making sure I had some water on me, a snack, I started [] my way down the trail, headed toward the disturbance. Word came up the trail that “Shanti Sena” were needed at “Kid Village”. “Shanti Sena” are community (Gathering) volunteer peacekeepers .

A young guy came up to me saying [] was sending a call of ‘all hands on deck’ meaning something very “heavy” was happening, and that I should come... luckily, I had already started [] my way downhill, downtrail. I chose to head toward the “Main Circle” area, where folks gather for food and Circle or Councils i.e. a large meadow area.

I stopped in at the Information Booth: volunteers acting to network information during the Gathering. At the Info Booth, I was told there had been an attack on “Kid Village” by the LEOs, that people had been “Shot” with some-sort of “pepper-spray (powder) inside a paintball” There was a lot of confusion, and folks were sharing out a myriad of raps concerning what was going on... I continued on toward the “Main Circle” arena, and saw hundreds, likely a couple thousand people apparently milling around, some crying, some telling stories, many looking fearful, some crying out in anger, all because of the scene at “Kid Village”... an attack on the place where the CHILDREN center excited the people, causing an uproar. Whatever else was going on, whatever ceremony or celebration, workshop on yoga, etc... whatever preparations for enjoying the day, were all displaced by this uproar.

I walked out to near the Center of the Meadow, and once there, I asked and received help from other people in calling for a “Circle”, calling for a “Shanti Sena Circle” . There were a number of experienced gatherers present, and joining with them, a Circle was formed, and then, people were asked to call out and walk out and bring others to the Circle, and for folks to “Center up”, “Mellow out” and “Come Together”.

This is a common way for situations to be resolved “in Rainbow-style Gathering”. Once the Circle began forming, hundreds, then perhaps up to a thousand people gathered in that Circle, and then, I acted to facilitate a discussion concerning what had happened at Kid Village, and what were folks' choices concerning what to do now.

[] Various individuals spoke, first one, was a brother had a message from the LEO [] to the Gathering, to the gathered people. I told him he would be first up once a Circle had formed...

This brother spoke up to the Circle (now, with hundreds of people), saying: he had been pepper-sprayed, shot in the upper chest with one of the paint-balls filled with

b6, b7c

pepper-spray, shot from the gun that looks like a shot-gun. He had been in the area of Kid Village, had stepped-up/volunteered to act as "Shanti Sena", to help "chill out" the scene. He had been help to calm the crowding gatherers, to ask them to keep back and allow he orderly exit of the LEOs, with their arrested suspects... and while engaged in "Shanti Sena", the LEOs shot him... nonetheless, he stayed in-action, and then, at some point, when the LEOs came to a point in the trail, an LEO told him to pass the message, a warning: "NO ONE GO UP THE TRAIL, OR ELSE!", threats of arrest, etc., followed this warning from the LEOs.

Different people spoke up as witnesses to what happened in Kid Village, and there were different calls for differing actions for people to get up, or jump up and do... I spoke up concerning other times at other Gatherings when the LEOs had raided, invaded, for example, Arizona, 1998, in the "on-Site arrest of [] and other times, when LEOs had been part of being harsh toward Gathering People.

PART VI – STATEMENT CONCERNING ATTACHED EMAILS, etc.

Following is not only Footnote of []rap to news, but I also am attaching a number of emails, in which I have made comments or petitions concerning Incident Command, etc... all of these emails I would like considered in this report. It is obvious from reading these emails my intent and purpose, and that is to further a CHANGE IN THE POLICIES CONCERNING RAINBOW FAMILY AND GATHERINGS; and for the national forest and public lands to be accessible by all folks, including myself and others like me of similar CREED.

Thank you, submitted in respect,
[] Montana, Rainbow Family Tribe (creed)

FOOTNOTES, ATTACHMENTS:

(1.) ACLU REPORT Link:

<http://wyominggathering.blogspot.com/2008/10/aclu-report-direct-from-linda-burt.html>

(2.) *Boy Scouts of America v. Dale* 120 S.Ct. 2446 (2000) -- A majority of the high court held that New Jersey's anti-discrimination law violated the Boy Scouts of America's right to associate and its right to free speech This decision gives greater legal force to the right to associate.

(3.) CREED:

C. The FEHA and Differing Definitions of Religion

The elements of a religious creed discrimination claim are that: the plaintiff had a bona fide religious belief; the employer was aware of that belief; and the belief conflicted with an employment requirement. (*Soldinger v. Northwest Airlines, Inc.* (1996) 51 Cal.App.4th 345, 370.) With respect to the first element, possession of a bona fide religious belief, section 12940, subdivision (a) states in part: "It shall be an unlawful employment practice . . . [¶] (a) For an employer, because of the . . . religious

creed . . . of any person, to refuse to hire or employ the person . . . or to bar or to discharge the person from employment . . . or to discriminate against the person in compensation or in terms, conditions, or privileges of employment." ". . . because of a conflict between the person's religious belief or observance and any employment requirement, unless the employer . . . demonstrates that it has explored any available reasonable alternative means of accommodating the religious belief or observance . . . , but is unable to reasonably accommodate the religious belief or observance without undue hardship . "

Definition of the terms "religious belief or observance" and "religious creed" are provided in a statute and in a regulation. Section 12940, subdivision (l) defines religious belief as follows: "Religious belief or observance, as used in [section 12940], includes, but is not limited to, observance of a Sabbath or other religious holy day or days, and reasonable time necessary for travel prior and subsequent to a religious observance." Further description of the scope of the religious belief protection in the FEHA is found in section 12926, subdivision (o), which states: "As used in this part in connection with unlawful practices, unless a different meaning clearly appears from the context: [¶] . . . [¶] (o) 'Religious creed,' 'religion,' 'religious observance,' 'religious belief,' and 'creed' include all aspects of religious belief, observance, and practice." The administrative agency charged with enforcing the FEHA, the Fair Employment and Housing Commission, has also enacted a regulation defining "religious creed." California Code of Regulations, title 2, section 7293.1 (regulation 7293.1), defines "religious creed" as follows: "'Religious creed' includes any traditionally recognized religion as well as beliefs, observations, or practices which an individual sincerely holds and which occupy in his or her life a place of importance parallel to that of traditionally recognized religions." Regulation 7293.1, by its express terms, reflects the notion that religious creed extends beyond traditionally recognized religions to encompass beliefs, observations, or practices occupying a parallel place of importance "to that of traditionally recognized religions" in an individual's life. As will be discussed later, that concept of religion originates from two United States Supreme Court cases involving conscientious objection to military service--*United States v. Seeger* (1965) 380 U.S. 163, 164-188, and *Welsh v. United States* (1970) 398 U.S. 333, 335-344.

(4.) Religious Land Use Act Public Law 106-274 An Act
To protect religious liberty, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

<< 42 USC 2000cc note>>

This Act may be cited as the "Religious Land Use and Institutionalized Persons Act of 2000".

SECTION 2. PROTECTION OF LAND USE AS RELIGIOUS EXERCISE.

<< 42 USC 2000cc.>>

(a) Substantial Burdens.--

(1) General rule.--No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution--

(A) is in furtherance of a compelling governmental interest; and

(B) is the least restrictive means of furthering that compelling governmental interest.

(5.) Gonzales v. O Centro Espirita Beneficenteuniao Do Vegetal No. 04-1084
February 21, 2006

Congress enacted the Religious Freedom Restoration Act of 1993 (RFRA) in response to *Employment Div., Dept. of Human Resources of Ore. v. Smith*, 494 U. S. 872, where, in upholding a generally applicable law that burdened the sacramental use of peyote, this Court held that the First Amendment's Free Exercise Clause does not require judges to engage in a case-by-case assessment of the religious burdens imposed by facially constitutional laws, *id.*, at 883-890. Among other things, RFRA prohibits the Federal Government from substantially burdening a person's exercise of religion, "even if the burden results from a rule of general applicability," 42 U. S. C. §2000bb-1(a), except when the Government can "demonstrat[e] that application of the burden to the person (1) [furthers] a compelling government interest; and (2) is the least restrictive means of furthering that ... interest," §2000bb-1(b).

ALSO: *United States v. Jefferson*, 175 F. Supp. 2d 1123 (N.D.Ind. 2001).

(6.) JULY 3rd, 2008, Shanti Sena rap -- Posted on YouTube part of a rap that I made at the 2008 Rainbow Gathering after the Kid Village Attack. You can check out the video at http://www.youtube.com/watch?v=OpT_XmK-q9w

(7.) Subject: Text of Mark Rey Letter to Annual Gathering May 23, 2008
United States Department of Agriculture, Office of the Secretary
Washington, D.C. 20250
USDA MAY 28 2008
To All

As we prepare for the 2008 Annual Rainbow Family Gathering in Wyoming, several Gathers have suggested that it would be helpful to again clarify the Forest Service's approach to the 2008 Gathering:

b6, b7c

The Agency's authority to require group use permits is in place and has been upheld by the Courts. However, the Forest Service does have discretion with respect to the enforcement of this authority. Pursuant to that discretion and a previously negotiated protocol recognizing the unique nature of the Rainbow Family, we will implement the following process to facilitate a Gathering in accordance with the Forest Service Regulations:

1. The Forest Service has forwarded several sites on the National Forests in Wyoming for the participants in the 2008 Gathering to consider as gathering sites.
2. The participants in the 2008 Gathering will select 2 or 3 alternate locations for the Forest Service to consider as soon as possible. Initial scouting of sites is being done in cooperation with local Forest Service personnel.
3. The Forest Service will quickly evaluate the sites (if other than the recommended Forest Service sites) and give the participants in the 2008 Gathering an answer on suitability before Spring Council.
4. Beginning at Spring Council and after a site has been mutually agreed upon, an operating plan would be prepared in advance of the Gathering in collaboration with the participants in the 2008 Gathering. The plan would be subject to mutual modifications as the Gathering sets up. For this purpose the Forest Service is committed to meeting on the land daily with Gatherers involved with the 2008 Gathering during the Gathering.
5. No permit would be issued. The Forest Service would exercise its discretion and refrain from any enforcement of a permit requirement provided that the operating plan is followed. Failure to comply with the operating plan will result in enforcement of the current regulations.
6. All laws will be enforced on the National Forests similar to other recreation gatherings and forest visitor use.
7. The Gathering will be managed thru the Forest Service Incident Command System for the purpose of addressing social and resource impacts.

Please feel free to circulate within the region and with Gatherers involved with the 2008 Gathering. Welcome home.

MARK REY

(8.) EMAIL ON LEO SITUATIONS

Date: Thu, 13 Mar 2008 12:20:11 -0600
To: [redacted]@fs.fed.us>
From: [redacted]@wildrockies.org
Subject: [redacted] et. al. - (proposed) steps of resolution - re: LEO situations
Cc: "'Mark Rey'" <mark.rey@usda.gov>, [redacted]@fs.fed.us>, [redacted]@fs.fed.us>, [redacted]@fs.fed.us>, [redacted]@usda.gov>, [redacted]@usda.gov>, <fraudnet@gao.gov>

howdy,

[redacted] et. al.,

Before the Monday, March 17th conference call, some comments concerning Law Enforcement and Gatherers interactions:

First, Thank you, [redacted] for replying/agreeing to meet and hear

b6, b7c

any concerns/Complaints concerning Law Enforcement and Gatherers interaction. Facilitation of the process still needs work. Several steps are (potentially) possible to resolve "situations" before they arrive at a "(formal) concern/complaint" stage. I outline here some practical-tactical ways used in prior Gatherings :

(1) A suggested process for opportunity to Register/communicate concerns/complaints to Incident Commander Smithson:

If there is NO RESOLUTION "on the ground" (at the site of an incident) of LEOs with Gatherer/s interactions; And an "incident takes place where a (formal) concern/COMPLAINT is registered by an individual/s i.e. Gatherer/s"; AND this situation proceeds to further communication - then:

(A.) Communications with [] (I suggest), appropriate moments for a hearing, communication of any such concerns/complaints could/would happen in the (already) agreed upon "Morning Daily Meeting" with concerned Gatherers, etc., to take place (when the Gathering gets going) in "Cooperations Circle"?

{ It is my understanding that on the Dec 17th conference call that an Invitation was extended to you i.e. Incident Command, presented by individual/s on the call for a daily meeting "in Gathering" in (what is called) "cooperations circle". Mr. Rey/[] supported this effort fully, is also my understanding. }

Note: communication of "complaints" will ALSO be made to the "authorized officer" (handling these complaints), as Mr. Rey/[] suggested:

(B.) LIAISON TO LEO/law enforcement i.e. re Incident Command, etc.:

I add my voice to [] who supports [] to be the person to whom such concerns/complaints are registered.

[] is the OPERATING PLAN ADMINISTRATOR, therefore, the "authorized officer" per 36 CFR 251... He should be given the authority, as well as the responsibility, to be able to act upon any said concerns/complaints both in looking into these matters, and, seeking resolution;

AND having the authority to inter-act with LEOs, (other law enforcement), AND, authority to resolve situations.

[] Resource, is seen as more "trustable" by me/others, likely by many Gatherers)

---- Under 36 CFR 251, this is appropriate authority for the "authorized officer" i.e. "permit administrator"; and this holds true for the same "authorized officer" applying "alternative manner" i.e. operating plan re: accommodation within the regulation. ----

(2) STEPS of RESOLUTION (potential) ON-Site (of incident):

(a.) At Site of any situation, if there is interaction between LEOs/incident command personnel AND individual/s in town, on the road in and out of the Gathering, and/or within the Gathering, AND such inter-action/s require attention, THEN, at the moment:

IF there is "shanti sena volunteers", or calm/etc. (medical people), and/or "fair witness" i.e. legal observers and/or other individual/s -- who step up and seek to resolve the situation, THEN, the LEO/etc. should be educated to respond, in a positive manner.

Note: many times, whenever there is entry in-Gathering by LEOs, there are

individual/s i.e. Gatherers, who walk along, some even identify themselves as being shanti sena, legal observers, calm/etc. i.e. medical, etc.. LEOs, and Watch Captains, should be made aware individual/s like these will be around and will be seeking resolution of situations - I.C. is certainly aware there are such person/s who act in this way at every Annual Gathering.

(b.) If there is no resolution of concern/complaint, on-site, between Gatherers and I.C. personnel, then, the process should proceed to the next step of registering/communicating said concerns/complaints to the "LEO liaison" -- I have already advocated support this person be []

(c.) And concerns/complaints be addressed to [] , at cooperations circle meeting, daily.

(d.) Any unresolved concerns/complaints and/or if any individual gatherer intends to pursue a civil rights and/or discrimination complaint, then the process will continue, and the mode of shanti sena, legal observers, et. al. will be to assist with the investigation gathering of information, etc..

Comment: I would hope that from early-on in this Annual's Gathering process, from "scout fire" and/or first "scouts/etc." up to and including the main event July 1-7 and cleanup, that COOPERATIONS and COMMUNICATIONS will be the key in resolving situations.

I fully intend to be Home as early as possible, will communicate any and all concerns./complaints through to resolution. If "scouts" are being harassed, I will add my voice to whomever, to seek resolution and end to civil rights violations. I will act to contact [] and "LEO Liaison" (if not [] and add my voice of concern/complaint to [] etc..

I am dedicating some of my energies toward petitioning Incident Command, etc., urging there be little or no commitment of armed law enforcement personnel in-Gathering.

And to work on demonstrating the Gathering i.e. Gatherers have the internal of the Gathering completely taken care of (concerning security);

AND, further, as far as I am concerned, IF THERE IS A NEED for Law Enforcement, then, as such times, appropriate law enforcement will be called upon - as has happened in past Gatherings.

Otherwise, I expect the Gathering/gatherers will be (fully) accommodated and not harassed by Law Enforcement/etc..

I am also dedicating some of my energies toward inspiring individual/s who come to Gather with being responsible people, and to act in positive, community ways. I am a "shanti sena" volunteer this year, as in past years.

for Resolution,
[] montana, rainbow family tribe

(9.) EXCERPTS: Phone conference Call transcripts, Re: Shanti Sena, and Law Enforcement, March 17, 2008, 1:00 p.m. 14 parties

1

- 1. March 17, 2008, 1:00 p.m. 14 parties
- 2 MARK: Okay. Then we're moving right along in terms of the
- 3 liaison issue, and I think for the time being [] is going to

EXHIBIT 10
PAGE 27 OF 53

b6, b7c

4 fill that role. And depending on his availability, we may
5 ask [] to be the liaison for this gathering, but I need to
6 make sure that will work.

7 But for the time being, [] if you're willing to
8 do, you're it.

9 [] All righty. And I've got the time set aside, so I can
10 certainly do it this summer.

11 MARK: Well, in that case, you are it, then. I was going to
12 give you at least the opportunity to say that your oldest
13 child was getting married that week. But since that's not
14 the case, you're the liaison.

15 [] All right. Thank you.

16 []: And [] you're in your element this year.

17 [] Excuse me?

18 [] You're in your element this year. You're in Wyoming.

19 [] Yes.

20 NEW VOICE: Right. No getting lost and turned around in the
21 Ozarks.

22 [] Not this summer.

23 [] Let me say -- this is [] I have two agenda
24 items I'd like to address during this call. I'm not in a
25 hurry. I'm happy to do anything in any order.

2

1 MARK: Why don't you go ahead.

2 [] The first thing I want to bring up, if that's okay
3 with folks, is the -- that we move a little ahead in
4 understanding the process we want with the Shanti Sena.
5 Because what I mean by this is years ago, when we had the
6 operating plan, and a lot less bucks, every day there would
7 be, you know, the law enforcement would come on up, come up
8 to the front gate. Shanti Sena would say hello. Everybody
9 would sit down. You know, we always said something like ten
10 o'clock, but it doesn't matter to me whether that's 8:30 or
11 11:30. It doesn't make any difference to me. But -- and
12 meet up at the front and discuss what are the issues that
13 we're looking at, what are the problems we had yesterday.
14 Those kind of things. And we can talk from what happened
15 inside the camp the night before, and we can talk about
16 what's happened on the road on the way in. And so that we
17 get this as a kind of a regular process up at the front gate.

18 And let me talk for a moment about why that's
19 important. And that's because specifically there are a lot
20 of people in the last four, five, six years, who've come on
21 board to work the Shanti Sena. Working with the radios,
22 working with people, working inside the camp. And there's
23 been this really sour feeling about going up to the gate,

b6, b7c

24 going onto the road, because when the youngsters have done
25 that, bang-o, they've been ticketed. And I know that we've

3

1 had that situation not as badly last year, and -- but even in
2 West Virginia, young people went up because the A camp was
3 right there at the front, and there were, you know, just
4 issues. And as we know, in any kind of festival, anything, I
5 don't care whether it's bluegrass or color rainbow or it
6 doesn't matter what it is -- a sports event, there are more
7 real problems in the parking areas and in the areas where
8 people have their vehicles than there are inside the stadium
9 or inside the renaissance fair or inside something.

10 And I think that what we're trying to do, some of
11 the older Shanti Sena, is bring a lot of the youngsters that
12 have been working internally for the last number of years,
13 bring them up to the front. You know, let them work at the
14 front gate, where they're not going to be ticketed -- for
15 parking cars. You know, we had people in West Virginia,
16 where it was a legal gathering, ticketed for standing in the
17 road. And all they were trying to do was move buses and
18 vehicles.

19 And, you know, I don't think that's going to
20 happen. I think that's past history. But I think for these
21 young people to meet -- and let me put it this way. Not so
22 much for these young people, because some of these are
23 oldsters too, but new to the Shanti Sena. For the future
24 Shanti Sena people to meet the now and future law enforcement
25 people, get to know each other on a first-name basis. Get to

4

1 know each other on a daily basis. Get to know each other
2 working out the problems. This is the prescription for
3 future success.

4 So I want to make sure that we have some kind of
5 coherent plan. And whether it's [] or
6 [] if it's you, or whoever it's going to be up there at
7 the front. And then meet, talk at the front every day. A
8 little coffee klatsch, or tea, or whatever. Soda. And then
9 walk into the cooperation and the information. Walk in
10 together. And then people who have problems, issues, and so
11 on, can have like a -- the second get-together, second
12 meeting there. And I think if we establish this as a
13 process, that if there's a Shanti Sena meeting at the front,
14 and then a cooperations meeting at information, that we will
15 be on the road to, you know, ten years of good gatherings
16 ahead of us. And I'd like to see this somehow. I don't know
17 how -- I don't know what the process is. But encoded into,

18 embedded into the daily planning.
 19 End of my pitch.
 20 MARK: I think if that's what you guys would like, that would
 21 be something that we just include as part of the operating
 22 plan. A daily brief at the entrance, pretty much just what
 23 you described it. And we'd have [] probably take the lead
 24 on that, with him and [] working out how they would divide
 25 that responsibility.

5

1 [] Right. Mark, if things go along smoothly like
 2 this, you know, it doesn't have to be [] every day. You
 3 know, as things get along --
 4 MARK: Right.
 5 [] -- let's get the deputy person or the associate
 6 person who's working with [] or who's working with []
 7 Because when people get to know each other over the years in
 8 these situations, it builds a foundation of trust.
 9 And I think also doing this in two parts, because
 10 a lot of people don't want to walk out to the gate. They
 11 don't want to go out there. They don't want to see the cars
 12 and deal with whatever. And so the doing it in this two-part
 13 -- two-step, where there's the meeting up at the front, and
 14 then that scene heads in to information, and then there's a
 15 further cooperations meeting there. And that can go over law
 16 enforcement issues, if it's law enforcement issues. It can
 17 go over health issues, if it's health issues. It can go over
 18 resource issues, if it's resource issues. Because, to me,
 19 those are the big three.
 20 [] Yep.
 21 MARK: All right. We can work that into the operating plan.

9

1 I also wanted to -- this is [] of course.
 2 [] here. (Indiscernible interruption.) I wanted
 3 to open the discussion, and I don't think we're going to be
 4 able to resolve it here, but I think we need to start
 5 thinking about it. I know it's on a lot of gatherers' minds,
 6 and that is the use of what has been termed less-than-lethal
 7 force, or less-than-lethal weapons. There was some Tasing
 8 done last year. There were these paintball-type guns that we
 9 don't know what would have come out of them, had they been
 10 fired. And at some point -- and like I say, I think maybe
 11 now isn't the time to really resolve it, but I think we need
 12 -- when we're at the end of this conversation, if we all go
 13 back and start thinking about it and talking about it, our
 14 next conversation we can come up with what it is you intend

b6, b7c

15 to do about those types of weapons, and whether or not
16 they're going to be in force this year.

11 [] Right. Because that would be a really good place
12 for people to go over the -- sort of the boilerplate
13 operating plan, the details of which have to be added when
14 we're looking at a real site. Because, you know, we --
15 there's too many -- you know, the delicate creek or the not
16 delicate creek. These things have to be looked at on the
17 site, can't really be decided before the site's chosen. But
18 the general idea, such as, you know, those meetings we were
19 talking about, the Shanti Sena and info meetings, those
20 things could go into an early prototype, and maybe we can
21 meet about that, talk about that. That will give us a topic,
22 at least for that early June meeting.

20 [] I just wanted to raise it because I know it's on a
21 lot of folks' minds, and I know it's something we're going to
22 need to deal with to remain cooperative and communicative at
23 the gathering, so we're going to have to deal with it, you
24 know, at some lead time up to it. And it would be good if
25 somehow, how law enforcement intends to react with these
12

1 weapons is mentioned in the operating plan, so that everybody
2 is aware of it. We, of course, have not found any benefit to
3 tasing, but we would like to know what it is you guys plan to
4 do, how you plan to use it, if you plan to use it, and those
5 sorts of issues. We -- last year it was kind of shocking to
6 see these weapons drawn, of course in our view for no good
7 reason. And I'm sorry about these trains, but that's where I
8 work.

9 [] That's okay. [] do you want to speak to that?
10 [] Well, [] I think what you're getting at is the
11 Forest Service is equipped with Tasers, and as you may or may
12 not be aware, there's an amount of training that you have to
13 go through before you can carry that, and that's what our
14 people are doing now. As far as direction and -- as to how
15 to use them, we don't give them direction beyond the
16 training. It's an item to use that's one stop below deadly
17 force. However, the officer has to use judgment. We're
18 certainly not instructing them to use them more liberally on
19 the Rainbow Family, if that's what you're getting at.
20 They're to use the same processes.

21 NEW VOICE: Leave them outside front gate.

22 [] They're to use the same process irregardless of who

b6, b7c

23 they're dealing with. So I don't know what guarantee that we
24 could give. It's strictly an individual decision by an
25 officer.

13

1 [] I think -- well, I'm thinking something along the
2 lines of if these weapons are drawn, like these
3 paintball-type weapons, we don't know what was going to come
4 out of them if fired. Or if someone is tased, I think that's
5 a reason to meet and to have some discussion about why they
6 were used, to have some -- so that the person who uses them
7 knows that at some point they're going to have to explain to
8 non-law-enforcement officers, as well as law enforcement
9 officers, why they used them. Sort of a citizen review
10 board, if you will. Not that we'll have any authority, but I
11 think that would sort of reduce the recklessness.

12 And I know you don't agree it's reckless, but
13 some of us might think it's reckless use of these weapons.
14 And at least begin a dialogue about why a weapon was used.
15 If an officer is attacked --

16 [] This is [] here. I agree with [] on
17 his sort of a review policy for this type of thing. Even
18 though it would be somewhat artificial, I think it could be
19 and would be very helpful on both sides.

20 [] And specifically, you know, we had an incident last
21 year where a person walking through -- along a crowded road,
22 with hundreds of people, the -- a law enforcement officer
23 said, Hey, you, stop. And that was the extent of the request
24 to stop, and when a person didn't stop, they were Tasered,
25 which to me is very extreme. I'm sorry, if law enforcement

14

1 asks me to stop, I will stop. But if I'm walking through a
2 crowd of 200 people and somebody yells out, "Hey, you,"
3 there's no guarantee that I even hear that, let alone
4 understand that the officer is responding -- you know, is
5 questioning me. And to me, something like that is extremely
6 reckless, especially when an officer could have walked up to
7 the person and said, "Excuse me, I'm talking to you. Could
8 you please stop." Instead of just yelling into a crowd,
9 "Hey, you, stop," and then letting loose with a Taser.

10 MARK: I think that the proposal to make the use of nonlethal
11 force something that we discuss both prospectively as well as
12 after the fact in individual circumstances, is a perfectly
13 reasonable proposal we can put into the operating plan.

14 [] Last year we did not have Tasers. So if somebody was
15 tased, it was not a Forest Service law enforcer. But there
16 are other, you know, jurisdictions there. So, you know, we

17 -- there is that overlap.

18 Basically, Taser, in our view, and now I'm
19 speaking about Forest Service law enforcement, is something
20 that we acquired for our law enforcement people to use with
21 training, not in the -- so much in the case of large
22 gatherings, but rather with law enforcement agents working
23 alone, to have something as an alternative to having to use
24 lethal force when they're dealing with an malefactor in a
25 remote location. So -- and I don't see us substituting the

15

1 tactics that we've used successfully in group encount -- in
2 group -- in gatherings of large groups, just because we have
3 this new piece of equipment. But I think the proposal is one
4 that we're happy to accommodate.

5 [] Mark, this is [] There were Tasers
6 being used by your officers last year, in very haphazard
7 manner. Now, are they being trained in these techniques on
8 us, using us as guinea pigs, without our permission and
9 without any ethical guidelines?

10 [] this is [] and I got to
11 interject right there. I can tell you assuredly that there
12 were no Forest Service law enforcement officers with Tasers
13 last year in Arkansas. There were not.

14 [] Okay. That brings up a question for me, and for you
15 too, [] This is [] If Forest Service wasn't
16 using Tasers but there were officers that were, who did they
17 take orders from while they were at a gathering? Are they
18 part of the incident command team? And is there some way to
19 include these individuals or these agencies into the
20 meetings?

21 [] This is [] You know, the other officers that are
22 at these gatherings are under their own authorities, whether
23 they be federal or state. We don't have control over them
24 and many of them have authorities on federal land to enforce
25 state laws and other federal laws. So they cooperate with

16

1 us. We can certainly be persuasive. But they have to
2 operate within their own authorities, and we don't have
3 control there. But I think that in the context of the work
4 that we do with them, that's something we're more than happy
5 to talk to them about.

6 [] I think that would be -- this is [] I think that
7 would be very helpful, just because, for example, last year
8 in Arkansas there were a lot of non-Forest-Service officers;
9 Fish & Wildlife, for example. And the unilateral closing of
10 the road by the Forest Service, and what the rules were and

b6, b7c

11 were not, were not communicated to the Arkansas Fish &
12 Wildlife people. And so I was involved in a medical
13 evacuation, and they tried to deny us exit out of the
14 gathering because we didn't have a pass with us to exit
15 through the roadblock.

16 And, you know, it was my understanding in talking
17 to [] that we only needed passes to come past the
18 roadblock, so therefore when we were doing the medical
19 evacuation we didn't bother to coordinate obtaining a pass,
20 because we were just trying to leave. And we were detained
21 for 20 minutes by Fish & Wildlife on a medical evac because
22 the information that the for -- of how this situation was
23 supposed to be operating was not communicated.

24 [] I think we can probably deal with that this time. You
25 know, one of the realities of an eastern gathering as opposed

17

1 to a western gathering is that in a western gathering where
2 we've got larger blocked-up federal ownership, we typically
3 have fewer state and local law enforcement personnel engaged,
4 and therefore it's a little easier to coordinate. But we can
5 work with that. We can work on that as well, as I said.

6 [] Also, that brings up the issue of everybody that --

SCOUT IMMUNITY?

18

1 [] That's a good point, []
2 []: And on that topic, if I go on a slightly different
3 agenda item, but it relates specifically to this. Last year
4 at about this time, we had a conference call. There were a
5 lot of assurances about scouts not being hassled in the
6 field; somehow, you know, punished for being out there trying
7 to arrange things nice and early so we can get a good
8 gathering. And I know that we certainly heard the testimony
9 on the phone calls this fall from scouts who said they were
10 searched five times sometimes, on vehicle. And a camp
11 raided, literally, by a group of law enforcement who frankly,
12 according to their speech, did not have a lot of respect for
13 you folks out of D.C.

14 And my question isn't so much how do we avoid
15 that, because I think that's on your shoulders. My question
16 is, if that kind of thing occurs, do we have some process
17 before we're on site, before we have these morning meetings?
18 Let's say we -- in mid-April, early May, scouts are out
19 there, and here come some Forest Service special agents from
20 Atlanta, and here they are on their own agenda, and they are
21 stopping these scouts once every two days and tearing their

EXHIBIT 10
PAGE 34 OF 53

b6, b7c

22 vehicles apart. Is there some process, Mark, or [] or
23 [] so that we can communicate with you guys, so that you
24 guys can be closer into this process this year?

25 [] Well, I think -- you know, the key this year will be
19

1 to communicate with us directly early, No. 1, if there's a
2 problem with the scouts being hassled. But also to remember
3 that, you know, we're not sort of -- and cannot exempt
4 anybody from, you know, federal statutes. So --

15 [] I think the key there is call us directly if you think
16 there's harassment going on. The sooner we actually have a
17 site selected, the easier it is to key in local law
18 enforcement. Because, you know, what happens before they get
19 to our land or after they leave our land is harder for us to
20 influence, if it's county or state militia that are doing the
21 pull-overs. But as we get further into planning for a
22 gathering, and we start to work with state and local law
23 enforcement, that's when we can have some more specific
24 indications as to what we hope they'll do in cooperation with
25 us.

20

1 []: So you're good with the idea of there being some
2 kind of way that the scouts know about to communicate more
3 directly with you guys if there are -- appears to be some
4 kind of harassment going on from what I'll call independent
5 special agents. Is there some way to communicate with you?

6 [] Yes.

7 [] I'm not asking that we get a phone number right
8 now, but between now and when the scouts are out there in the
9 field, if we can get some, okay, here are the three numbers
10 you can call. Because Mark, maybe you're at a conference in
11 Seattle; [] then we can call you; [] we have a way to
12 get in touch with you, that's kind of direct, so that these
13 kinds of harassments, if they do happen, can be
14 short-circuited and cut out.

15 [] Yeah, again, we'll get you a contact. And where we're
16 going to have the most effect on that is on our lands with
17 our agents. I mean, if one of your scouts get pulled over
18 for going 50 in a 35-mile zone in -- you know, in one of the
19 surrounding towns, by a local sheriff --

20 [] There's no help for that.

21 [] Yeah.

22 [] You just have to pay the fine.

23 [] Right. Call --

24 [] And (indiscernible interruption) believe that I've --

25 I mean, I personally haven't heard any reports of anybody
21

1 asking for relief or complaining about those types of
2 situations.

3 [] Right.

4 [] The complaints have been specifically about Forest
5 Service law enforcement.

6 [] I did want to relate one incident. I was scouting
7 last year. This is [] And I spent a lot of time
8 with a lot of the different scouts. And we were followed,
9 pulled over repeatedly. I personally was pulled over
10 repeatedly with a photograph of me, and so I don't know where
11 these agencies get this. And one was a sheriff, and he said,
12 I was just watching for Rainbows to come up the road, because
13 they're gathering about 20 miles north of here. And as soon
14 as he saw our van, he actually had a photograph of it, was
15 waiting for us.

29

1 MARK: That's probably one you'll have to convince a ruling
2 judge of, but the bottom line is the incident command system
3 is what we use for many large events, both emergency and
4 nonemergency, because it's a way of organizing ourselves to
5 deal with something that falls outside of the capability of
6 an individual unit. If we were to just turn this over to
7 whatever forest supervisor became the supervisor of the
8 forest in which you gathered, and said, Do all the things
9 that we would normally help you do to facilitate the
10 gathering, and that's a lot more than law enforcement --

(10.) [] CONNECTION

Subject: [] 9/USDAFS is out of the office.

From: [] @fs.fed.us>

To: [] @wildrockies.org

Date: Fri, 16 May 2008 10:02:40 -0400

I will be out of the office starting 05/15/2008 and will not return until
05/28/2008.

For Rainbow Gathering issues contact either [] or

[]

(11.) WYOMING FLAG INCIDENT

Rainbow Gathering 2008 - Vietnam Vet Discusses Inverted Flag

Reply-to: []

<http://www.youtube.com/watch?v=g1QgIscfwf4>

b6, b7c

(12.) EMAIL Answers to Attributes concerning Sites: re doc FS.TP:09/08

Date: Sun, 24 Aug 2008 17:25:29 -0600
To: [redacted]@agr.welcomehome.org
From: [redacted]@wildrockies.org
Subject: Answers to Attributes: re doc FS.TP:09/08

Howdy,

This is Answers I (and others) shared with other Gatherers, FS, and at various meetings I have described in other emails... concerning the Attributes i.e. concerns of [redacted] AND, obviously, since they ACTUALLY WERE IN AUTHORITY... the Incident Command... see DOA doc: FS26/08.

Forest Supervisor name was first mentioned to me on June 17th, tuesday, i believe - days and days in-Gathering (or 18th), when [redacted] and [redacted] [redacted] came out to request folks on-Site give over the top two meadows to the Boy Scouts... [redacted] and [redacted] stopped by on their way out (or in) and got out and talked to me and [redacted]...

I asked, then, for the Forest Supervisor to get in on the conversation about the Boy Scout issue, since I could see mis-information was abundant... and "[redacted]" said the Forest Supervisor was "on vacation" (or some such) and would not be available, and he mentioned her name [redacted] [redacted] (Front Gate crew) was there.. plus, LER Law Enforcement [redacted] who showed up at the Town Meeting...

Note: From what I can gather for infor all the confabs have been witnessed and recorded... all the LEO's and LER's were wired with mics... seen in their shirts... other LEO's and LER's working the Gathering, plus other officers from Sheriff, and others, shared information on the recording going on.... other than [redacted] who said, on June 15th, that "Everything was being recorded"... so every contact between Gatherers and Forest Service and/or BLM was duly recorded by the Feds...

Going back to the Answers to the Attributes:

Attributes specific to the Big Sandy and Irish Canyon proposed meeting sites.

1. The access road into Big Sandy is quite greasy when wet and has no bottom to it; There has been excessive precipitation this winter and on into spring (we are not yet able to drive there yet) so the soils will be super saturated; apparently there are still snow drifts this late into the season;

ANSWER to Forest Service:

in fact, after the BLIZZARD on June 10th, 11th, ending 12th... weather improved and Road became passable... Snow drifts were gone on June 3rd -- in fact, clear into the center of the Gathering Site, on the "DriveWay" Road, a Halburton Worker got his truck stuck in mudd... and had to be rescued...

** Gatherers have dealt with 'greasy" roads before i.e. See New Mexico 1995, etc... difficulty for sure...

ACCESS: it is true only one access in, but actually the road continued onto

EXHIBIT 10
PAGE 37 OF 53

66, b7c

Big Sandy Campground, and Lodge, then a 4-wheel drive road out through Irish Canyon, if necessary in case of fires, etc..... people could be walked out... (similar to other years)...

BLM and FS LEO i.e. Incident Command... were able to open the road so that there was a circle road at the Front Gate juncture... notably an extreme road, but I.C. daily drove down this road...

Note: Snyder Basin had similar problems... and even more limited access...

TO PEOPLE : consideration was given to the fact that Big Sandy had all BLM and FS land involved with very few private land areas involved.... IFFN the FS had decided to blockade i.e. Colorado 2006 -- if things didn't work out for example... then, folks could have been able to continue Home, as they did in Colorado (ninja walking), without private lands being involved in the struggle... Snyder Basin, as folks outa know, there is only private lands coming in from the Big Piney way... this wasn't brought up much in Circle, but certainly in some circles.... very hard to just keep moseying Home when you gotta travel across private lands... in these days of Gathering, considering Colorado 2006, and other times.... such consideration outa be in the mix...

2. Since both Irish Canyon and Big Sandy are classified having sensitive sandy soils, they will be easily disturbed by crowds of people over a short duration;

ANSWER - to FS and People:

Irish Canyon was an outside possible, but once it was learned there was Tribal, archeological, etc... it was taken off the LIST of potential Sites...

BIG SANDY area is where the Site actually was... NOT BIG SANDY... and the Site itself where the Gathering was located, along the Road known as the "Driveway" was a considerable distance from Big Sandy creek itself, folks could walk there and swim etc.. but only some impact....

Big Sandy Campground, Big Sandy Lodge, these are the Sites of Big Sandy....

The Gathering was NEAR...

SENSITIVE SOILS: many people asked [] for resource people to come and identify any sensitive areas... he did not...

LOCALS: hundreds of locals came and went during the Gathering... at the Front Gate, we saw, greeted, met many, got to know some of them well... and except for a few scenes, between some (possible Gatherers) and some locals, few complaints....

The Icy LEO's were way nasty to the Locals and roused them heavy...

many, many hitchhikers came in carried in by locals, who would drop them off and roll out or stay... one bro got carried in by Deputy Sheriffs who found him in the backcountry... he got lost (apparently a number of maps appeared in various places misleading folks -- it was mentioned.. only a rumour that folks were giving out maps to Snyder Basin as being the legit site, odd)

b6, b7c

3. Approximately six to seven thousand sheep will be accessing their high elevation sheep allotments via Big Sandy somewhere between 1-7 July;

ANSWER: on June 4th, [] told me/others that the local Sheep Rancher and the FS had problems, legal problems involving lawyers.... scouers already knew about the sheep...

Some of the Scouters simply did what is done.. called this guy up... explained what was happening... and this guy made other arrangements.... and later came up and met with these scouters once the Gathering got underway... he took care of his own business..

To the People and FS, I shared this: (including June 15th, Front Gate greet):

There have been other herds come around Gatherings... including the 400 or so cattle drive of 1997, near Front gate... when rainbows stood along in a line... the cattle passed nearby... guys on 4 wheelers hearding... the cattle passed... next...

So.... if the Rancher brought his Sheep... the cry would be SHEEP UP, ALL SHEPARDS TO THE TRAIL, ALL DOGS ON LEASHES.... as in the scriptures "and they shall become shepards" (came to me, outa of a Bob Marley song -- Remember the Book, Fulfill the Book)

Anyways, the solution if the Sheep came up the Driveway was to simply have folks stand along the Driveway... let the Basque Shepards, who have come been coming through the area since 1908 (or so) and their dogs do their job... keep dogs away... and then have folks walk along behind making sure Gatherers don't get (sloppy seconds) by picking up the SHEEP SHIT of 7,000 sheep -- (this could have worked, and was conveyed somewhat to the rancher... he did his own thing)

4. See Number 1. for Answer

There is only one road in and out of both places creating a safety hazard;
5. Given the terrain and the dead lodge pole pine, if there was a wildfire start in either Irish Canyon or Big Sandy, then everybody's safety would be problematical at best;

ANSWER: There is always fire danger at Gatherings, (note: there was much more dead lodge pine in Snyder Basin)... so WATCHFUL and GOOD FIRE CREWS, if anything happens...

Actually, there were three seperate fires on-Site... all at the edge and the FSLEO and BLMLER told differing stories, to me and others, about each fire...

Gatherers put these fires out... they were on the edge.. no one in-Gathering seemed to know who was in the area when they started... not even a hint of a rumour and no one came forth (which often happens if a fire is started by someone in=Gathering, usually they come forth, etc... things get known)...

(personally, I suspect arson, and by federal sponsored hands... way too convenient, these fires)

6. Parking is quite limited in both Irish Canyon and Big Sandy;

ANSWER: actually, without harassment... there were miles of parking between the Front Gate and the top of the Gathering.... on BLM and FS... the problem was, with no harassment, shuttles were the way.... with the harassment, shuttles were hit by IC and folks stopped shuttling... made things very difficult....

Irish Canyon was NOT in the mix... nor was Big Sandy... but the area where the Site was had good parking but a mile from Site... and iff'n folks wanted to walk in from the Top, then more miles... Self-parking has been Gathering-scene since Penn in 1986, with sporadic Parking Crews, at differing times throughout these years...

Folks did not seem to want to spend their time out along the road (where harassment was intense) rather folks went into Site and stayed... least traveled in-and-out Gathering I ever witnessed...

yes, parking.... but you know... iff'n a good relationship would have been forthcoming the BLM and FS would have opened the Driveway all the way to Beartrap Meadows (only for handicapped -- with sticker)... so handicamp could have gotten off the road.. at least many...

and if no harassment... more folks might have volunteered to come out and help individual handicampers to get in and out of Gathering... (it is the personal responsibility of handicapped individuals who come a'Gathering to provide their own access, etc... as everyone else).. however.... as for some individuals who were able to, when asked, people helped folks in and out of the Gathering.... it would be nice if more folks who are handicapped could gain access... this requires volunteers to help.... most Sites are accessible but with difficulty... folks who are handicampers likely should be reminded to make plans and ask for help...

why the IC Forest Service did not provide the OPPORTUNITY FOR ACCESS is the legal question for the American for Disability Act i.e. Forest Service "should be insuring that the maximum opportunity for access exists" for national forest users, regardless of whether at a Forest Service event or a event by an assembly of individuals.... iff'n the Forest Service and BLM had opened the Driveway to Beartrap... some of the handicampers who were unable to attend in-Site ceremonies could have likely accessed these.... after all, Forest Service LEO's rolled all over the Gathering, without regard to safety or resource protection....

7. ~150 Order of the Arrow Boy Scouts are coming to the Big Sandy area from 24 July to 2 August and will be working in the very same area;

ANSWER: I have written about this in my prior document.... note the words 150 Boy Scouts and the "very same area" i.e. NOT THE SAME SITE... this

was known and documented prior to Spring Circle... AND this was on JULY 24th.... none of the Boy Scouts were intended to camp or shit on the same Site.... nor drink the water from a stream contaminated with our shit.... what is this? no problem... and at maximum, by end of July clean-ups... VERY, VERY FEW folks remain....

Note: the clean-up was over by July 26th, and done excellent, is my understanding....

The National Forest is visited by hundreds and thousands of folks.... and there is room for all... like folks checking into a hotel where a convention has been held... NOT into the SAME ROOMS but IN THE SAME HOTEL... same National Forest...

They Logged Snyder Basin right after Gathering 1994.... same for Oregon 1997....

Where did the concept of "sloppy seconds" come from... and how silly is this.... what about the 'sloppy seconds' of 7,000 sheep.... what????

8. The Irish Canyon is a tributary of the Green River drainage and is being managed under a Conservation Agreement and Strategy signed by three states (WY, CO, & UT), four different federal agencies (Forest Service R2 - Rocky Mountain & R4 - Intermountain; Region 6 of the USFWS; three state offices of the BLM, & the National Park Service) and the **Ute Indian Tribe**; Irish Canyon is the only remaining stream in the Wind River Mountains that maintains a self-sustaining population of Colorado River cutthroat trout. The stream would be sensitive to heavy bank trampling and the resulting sedimentation caused by several thousand people meandering and camping within the drainage;

ANSWER: Irish Canyon... NOT under consideration once this information was listed

9. As Colorado River cutthroat have been *repeatedly* petitioned or listing under the Endangered Species Act (most recent finding of "not warranted" found in June 2007), isolated self-sustaining populations should be protected from all possible disturbances. Degradation of Colorado River Cutthroat Trout habitat in the Wind River Range would provide proponents of listing compelling background information to petition for listing once again;

ANSWER: Checked with Fish and Game, no cutthroat endangered by Gathering...

9. The Big Sandy area contains a resort, trailhead, campground, 18-unit summer-home tract, and is popular for dispersed camping. Conflicts with visitors in the following settings at Big Sandy is highly likely:

ANSWER: *Talked with the Resort owner, he had no problem.... true about the rest... Gathering worked it out with many, many locals.... there were some*

b6, b7c

complaints and these were followed up with by various folks... personally, I met hundreds of locals and [] and [] etc... from three counties... they did not seem to have to much problem with Gatherers....

11. The Big Sandy Trailhead is the second busiest access point into the Bridger Wilderness, often containing a minimum of 100 vehicles at the parking area from July 1 through Labor Day; the Big Sandy Campground is also busy during this timeframe;

ANSWER: Other than the info in 10.... if there is so much busy... then wouldn't the Boy Scouts be getting 'sloppy seconds' from all these other visitors, even if the Gathering wasn't around???

12. The Big Sandy Lodge operates from June through October, with peak use July 1 through Labor Day; Use of the 18-unit Temple Creek Summer Home Tract peaks from July 1 through Labor Day; The Big Sandy Opening is a popular site for dispersed camping from July 1 through Labor Day, particularly serving Rock Springs residents; and,

ANSWER: Didn't hear of many problems and didn't hear of problems at Temple Creek... except for the 'fib' [] stated concerning a break-in at some cabin - see june 12... Folks from Rock Springs either came up to Gather or came up and recreated nearby and moved on...

Note; Front gate crew was warned by LER's/LEO's NOT to stop any locals, or anybody who didn't want to be stopped.... it was a dance but Front gate Crew... done good! Lot of local folks stopped in and chatted...

13. The Big Sandy area has a history of black bear problems due to a high volume of visitors not properly storing food and attractants. A large group of this size is likely to lead to human-bear conflicts in this problematic area.

ANSWER: The Fish and game officer and i got to know each other well... and the Gathering followed (as much as possible) various procedures for the protection of food from Bears...

In other years, there have been Bear Situations... and have been dealt with in similar fashion...

This officer gave me his personal number and said he would come if called, and deal with any problem bear and would do his best (if) to move any such Bear....

Note: one black bear was Sited North of Gathering Site (early on) and a (possible) Grizzly was spotted some 3 miles North (headed North) from Gathering at the end of June.... NO Bear problems...

b6, b7c

OVERALL then, all these ATTRIBUTES had ANSWERS... and were NOT show-stoppers... nor should they have been...

Forest Service was/is able (despite their word to the contrary) to CREATE a HECKLER'S VETO....

it ain't right.... nor legal...

[...]

(13.) NEWS ARTICLE: Banning Rainbow

Official: Feds Should Consider Rainbow Family Ban

Official: Forest Service should consider banning Rainbow Family after arrests in Wyo. By [] Associated Press Writer

CHEYENNE, Wyo. July 7, 2008 (AP) The Associated Press

The U.S. Forest Service should consider banning the Rainbow Family from Forest Service land after a confrontation last week led to the arrest of at least eight people, a top agency official said Monday.

[] of Forest Service Law Enforcement and Investigations in [] said he was among the officers who responded when Rainbow Family members threw sticks and rocks at federal officers.

The confrontation started when officers tried to arrest a member of the Rainbow group for an alleged drug offense.

[] characterized the Rainbow participants as "non-compromising," "arrogant" and "anti-authority." He said this year's episode and other disturbances at recent gatherings should prompt a review of whether Rainbow Family events are allowed.

"I think we have to have that discussion within the agency," [] said. "We spend an awful lot of time and effort on these people. And frankly, the taxpayers deserve better."

About 7,000 people turned out for this year's Rainbow event, a weeklong gathering of eccentrics, young people and hippie types, held on the Bridger-Teton National Forest near Big Sandy.

The confrontation Thursday night escalated as about 400 Rainbow participants tried to intervene in the arrest, the Forest Service said.

About 70 people were yelling profanities and throwing rocks and sticks at officers from about 25 feet when [] arrived. He said no officer was hit. Officers then fired "pepper balls" — similar to paintballs but containing a pepper substance — to control the crowd, he said.

[] a Rainbow participant from Santa Fe, N.M., said Forest Service statements that a mob of 400 people confronted federal officers were "an absolute lie, and a fabrication."

[] said he saw officers arrest a man near the children's area of the camp and that officers shot pepper balls at crowds of people who responded to the commotion because they were worried about their children.

b6, b7c

(14.) FOIA_FS Delegation of Authority -- for Gathering 2008 i.e. no mention of B.S. i.e. boy scouts situation

File Code: 1230 Date: June 26, 2008 Route To:

Subject: 2008 National Rainbow Gathering

To: []

You are hereby authorized to exercise the full range of delegated authority required to manage the 2008 Rainbow Family National Gathering, which will occur on the Bridger-Teton National Forest during June and July of 2008. You have the authority and responsibility to prepare for and manage this event within the framework and guidelines of the law and Forest Service policy and direction set forth in this letter. Additional information will be made available as needed to clarify your authority and responsibilities. You and your team are authorized to begin working on the event immediately.

Your primary performance objectives and guidelines are as follows:

Event management

Manage this event proactively as a noncommercial group use activity consistent with the direction of the Under Secretary of Agriculture. This direction will attempt an alternative approach of not requiring a non-commercial group use permit provided that a mutually agreed upon operating plan is developed and followed by the Rainbow Family. If a mutually agreed upon operating plan is not developed then current regulations should be enforced consistent with the U.S. Attorneys Office advice.

- Mobilize the needed resources to manage the event effectively, efficiently and safely.
- Internal and external relationships and communications are extremely critical and will have to be established and maintained throughout the course of the event, including key Forest Service personnel, cooperating Federal, State, and local agencies, and members of the Rainbow Family. All actions must be well documented and an Incident Summary (Final Report) will be required.

Community Relations

Establish and maintain strong community relations.

Private landowners, permittees, businesses, and the local community are of special concern due to their proximity to the Gathering and their potential for being impacted.

The Incident Management Team will be expected to work with the community and to identify their potential issues and concerns.

Work with the leaders of the Gathering to minimize social impacts.

Avoid imposing agency red tape on our neighbors and cooperators whenever possible.

Consult with key contacts at the Ranger District and the Supervisors

b6, b7c

Office; we have a long-standing relationship with the communities and may be able to help many situations.

Cooperate fully with State, County and Local agencies and organizations in managing the event.

Resource Protection

The Forest has stewardship responsibility for the full range of natural resource values in the Gathering area. The Forest will provide your team with the expertise of resource specialists and coordinate with representatives of the Rainbow Family to develop an operating and a rehabilitation plan that is intended to provide protection of any identified sensitive sites during the Gathering and the rehabilitation of the site when the Gathering is concluded. Forest personnel assigned to the Incident will require pre-approval by the [] before charging to the Incident job code.

The 2008 Rainbow Family Gathering will likely bring 10,000 or more visitors to the Forest. It is critical that the Team be proactive in working with all involved.

The Teams assignment will last until released by the Forest Supervisor.

Now that the actual location of the Gathering has been identified, my Agency Representative and your primary point of contact will be []

[] He can be reached at: [] or cell phone [] during the duration of the event.

[] will serve as the [] can be reached at: [] or cell phone []

The Teams performance rating will be based on the accomplishment of the directions set forth in this delegation of authority.

/s/ []

cc: []

(15.) DRAFT Operations Plan 2008... who is Shanti Sena????

To: []@wildrockies.org, []@fs.fed.us>

Cc: []@fs.fed.us, []@fs.fed.us, []

[]@fs.fed.us>, []@fs.fed.us>,

Mark.Rey@usda.gov

From: []@fs.fed.us>

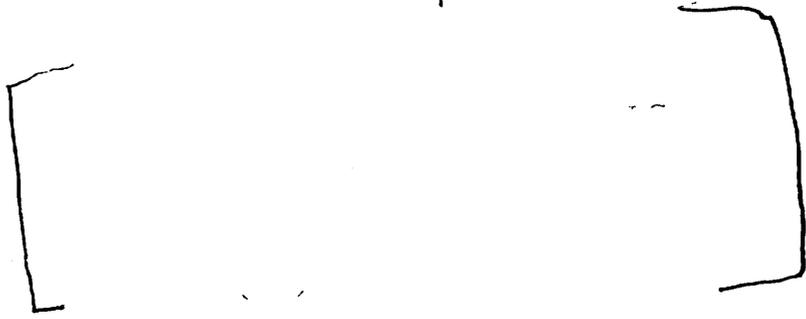
Date: Mon, 21 Jul 2008 12:32:15 -0600

This was gone over word by word and changed for 6 consecutive mornings at a circle just past handi-camp. It was agreed that this version would be brought to the circle on July 1. The fact that it was not does not surprise me. Just another indication of the complete and utter lack of cooperation.

[]

EXHIBIT 10
PAGE 45 OF 53

b6, b7c



2008 (Draft) Operating Plan, with my comment on Shanti Sena:

howdy,

this was not brought before Circle July 1-7 and No consensus amongst Gathering Individuals concerning this Plan, therefore it is only a DRAFT...

DRAFT DRAFT DRAFT DRAFT

1 OPERATION AND MAINTENANCE PLAN

2008 RAINBOW GATHERING 30 June 2008

2 This Operations Maintenance plan has been developed to mitigate potential resource impacts associated with the 2008 Rainbow Gathering. This Plan has been developed in lieu of a permit for Non-Commercial Group Uses. It is designed to follow the Standards and Guidelines of the appropriate Forest Plan, and the Code of Federal Regulations (CFR's) applicable to National Forest Service System Lands. Copies of existing Forest-Wide and local closure orders will be included as part of this Plan. These closure orders will be enforced by the Forest Service.

The Rainbow Gathering will maintain a volunteer liaison crew (which can and will change on a daily basis) for administrative agreement matters and resource concerns between the Forest Service and the gathering participants. The Forest Service will attempt to ensure daily meetings occur to address concerns that arise.

RESOURCE PROTECTION

1. Parking areas will be agreed upon by the Forest Service.

The Shanti Sena will provide crews to organize, direct, and provide security for the gathering.

(SHOULD READ)

[[RAINBOW]] GATHERING INDIVIDUALS ARE RESPONSIBLE FOR THEIR OWN SECURITY

Shanti Sena is a CREED (and a cry for "help" in Gathering), NOT any specific individuals or crew... as in "you are your own security"... like other situations "in Gathering" individuals VOLUNTEER to take up the CREED AND BE "PEACE SCENE" help scenes be PEACE... individuals who Stand Up for the Creed, for Peace are acting in the capacity of Shanti Sena... same as someone who is digging a shitter is acting in the capacity of a volunteer SHITTER DIGGER... very similar capacities...

NUDITY

1. Certain areas of the gathering will be identified as "No Nudity" areas within view of the main road (Rd 850).

FOREST SERVICE REPRESENTATIVES

EXHIBIT 10
PAGE 46 OF 53

b6, b7c

- 1) I.C.
- 2) Planning Chief
- 3) Operations
- 4) Special Uses/Resources
- 5) Information
- 6) Health and Safety
- 7) District Ranger.

(16.) ACLU WYOMING REPORT

Date: Mon, 6 Oct 2008 13:37:16 EDT
Subject: Re: 2nd Request for : "Annual Rainbow Gathering" Report -
To: []@wildrockies.org

Dear Rainbow Family Gathering Participates:

As a result of a number of press articles regarding conflicts at the 2008 Rainbow Family Gathering in Wyoming the Wyoming Chapter of the American Civil Liberties Union requested complaints, narratives or reports regarding individuals experiences at The Gathering. We were particularly interested in a conflict that occurred in "kiddy village". Kiddy village is an area set-aside for those participants that have children and is particularly directed to children's experience.

There are no official Rainbow Family representatives, documents or incorporations. It is my understanding they have been gathering since the 1970's and generally believe in non-violence and alternative lifestyles. They gather once a year in national forests to pray for the planet and for peace.

One of the United States Forest Service's (USFS) press releases regarding the 2008 Rainbow Family Gathering stated that "about 400" Rainbow Family members surrounded a squad of officers trying to leave the "kiddy village" area after an arrest. The press release also stated that Rainbow Family members threw sticks and rocks at federal officers. Both the USFS and the Rainbow family agree the incident started when officers arrested a family member for an alleged drug offense.

The accounts of the experiences of individuals at this years gathering came from a number of sources: many of the reporters were long time Rainbow Family members and participants, some were casual or first time attendees and others Wyoming residents that just wanted to see "what was going on." Among our reporters were doctors, lawyers, National Guard members, a nurse, and a retired carpenter from Lander. One of the telling items in all of the reporting was how similar the experiences were. The similarities maintained=0 Adespite the date, time, number of people reporting, age, or place of occurrence. These similarities in experiences and allegations provided an added element of validity to the reporting.

The USFS has stated that they are simply at the gatherings to "handle the perimeter" and to deal with "specific problems". The reality of their presence seems very different however.

EXHIBIT 10
PAGE 47 OF 53

From the beginning of the gathering all respondents reported a massive law enforcement presence. At the Welcome Gate law enforcement massed and stopped and searched car after car. Individuals were stopped for hundreds of insignificant violations dirty license plates, obstructed vision (rear view mirrors with items hanging on them), tail light out, not using turn signal for turn, the list goes on and on. These individuals were forced to drive 68 miles to court to pay a \$15 dollar fine and \$25 dollars in court costs. Many of the tickets were dismissed by prosecutors or judges. Out of 142 violations heard in a special magistrates court 90 were fined nothing or dismissed, 32 individuals were fined under \$100.00 and 20 were issued fines of over 100, the largest fine being one issued for \$525.00. Once stopped, individuals were asked what kind of drugs they had, if they denied having drugs they were of ten searched, drug dogs were used. Individuals were told that drug dogs had "hit" on their vehicle and they better just tell them where the drugs were. This procedure of continual mass stops and searches of vehicles went on during the entire gathering.

Armed officers walked through gathering asking people what they were doing or what kind of drugs they had on them. People in tents were woken up and their tents were searched; individuals also reported seeing officers searching tents when people were not at their campsites. One woman reported being at the latrine site using the latrine, she had her hand behind her back when an officer walked up and asked her what she was doing and what she had behind her back he asked her if she was smoking pot she showed him the toilet paper and he then walked away.

Several individuals said they either left the gathering or made a decision not to attend after seeing the numbers of law enforcement officers present. Many people said there was an atmosphere of continual threat from law enforcement.

This type of harassment and general over zealous enforcement appear to have been the pattern in the USFS relationship with the Rainbow Family. The USFS has set up roadblocks, safety checkpoints, rolling gauntlets, and have searched and ticketed people on the narrowest of pretexts. Law enforcement are often in full riot gear armed with sidearm, tasers and shotguns. In 2006 in Colorado the agency issued the same kind of petty offenses tickets over 100 of them. The USFS also issued more than 500 citations for "illegal use and occupancy". Another apparent conflict between USFS and participants in Colorado gathering resulted in the statement that participants had thrown "sticks and rocks". One online video shows no sticks or rocks thrown during the confrontation. During the 2003 gathering there were reports of 8-10 mounted officers circling the gathering flying the American Flag immediately preceding the main days prayer. Individuals at this years gathering reported officers taking pictures of participants this type of surveillance has been reported at previous gatherings. None of this behavior has been conducive to a good relationship; but often seems motivated to cause clashes between participants and law enforcement.

The participants that reported on the 2008 "kiddy village" conflict were unanimous in their version of the events: The officers came into "kiddy village" following a man

that was later charged with a marijuana complaint (this is the best of my information). The officers were armed with pepper ball guns and side arms. When the individual was arrested a woman went up to one of the officers and asked a question there is no indication of what was said. This woman was then thrown to the ground, handcuffed and surrounded by several officers. At this time the crowd became upset and people were asking what was going on individuals came into the area at no time was it appparent that there were 400 individuals in the area. Additionally, at no time are there any rocks or sticks seen being thrown at the officers. One reporter states he may have seen "one stick" thrown. This is not evident in any of the videos. Rainbow member's state that, according to their training and belief in non-violence, they began to police themselves some of them going down on their knees and chanting and others trying to calm the crowd and back them off. Many of the participants report being shot by pepper balls in the back or when they were kneeling. One of the medical crew, a nurse, reported treating several people for multiple welts and many individuals for contact with pepper spray. The Sublette Examiner reported that one officer was injured but I have not been able to verify that injury.

After the incident people reported being stopped by officers and told to take off their shirts so that officers could identify them to charge them with "inciting".

John Twiss, Director of Forest Services Law Enforcement and Investigations in Washington, D. C. Stated, "I think we have to have that discussion within the agency." (regarding banning the Rainbow Family from Forest Services lands) "We spend an awful lot of time and effort on these people and frankly, the taxpayers deserve better." He also gave his clear opinion saying that Rainbow Family Members are "non-compromising" "arrogant" and "anti-authority".

Statements such as this lead us to believe that agency personal have no intention of working with the Rainbow Family to provide a reasonable compromise for both the Family and the USFS. The pattern of antagonistic harassment that has occurred over the years makes this clear. There should be a discussion in the USFS and the US Congress regarding this history of abuse of process and individuals by the USFS. The taxpayers and the Rainbow Family deserve better. The continual harassment and heavy-handed enforcement methods are not necessary and only serve to cause more problems and more bad feelings. There is no reason to pay USFS personnel to issue frivolous tickets, conduct illegal searches and overburden the Federal Courts and Prosecutors. These situations should be handled in a professional, best practices manner. The USFS seem to be more intent on provoking confrontation.

Sincerely,
Linda Burt, Executive Director
Wyoming Chapter, ACLU

(17.) EMAIL -- concerning Dec 9, Conference Call -- Law Enforcement OR
Resource and Recreation Application -- Annual Gathering 2009
Date: Mon, 08 Dec 2008 12:21:23 -0700

b6, b7c

To: <Mark.Rey@usda.gov>, []@fs.fed.us>, []@usda.gov,
[]@fs.fed.us, < []@usda.gov>
From: []@wildrockies.org
Subject: Dec 9, Conference Call -- Law Enforcement OR Resource and Recreation
Application -- Annual Gathering 2009
Cc: []@fs.fed.us>, []@fs.fed.us>, []@fs.fed.us>,
[]@fs.fed.us>, []@fs.fed.us>, []@fs.fed.us>,
[]@fs.fed.us>, []@fs.fed.us>

Howdy,

In 2000, in their Prosecution of me, U.S. Forest Service declared to the Federal Magistrate in Montana, that if the Forest Service were to grant my right of "application" in the manner I intended, the entire Forest Service regulatory system would fall apart -- this is the same "alternative manner" (more or less) successfully applied for the Annual Gathering 2007 and Annual Gathering 2008. The entire Regulatory System DID NOT FALL APART.

In my case, all I applied for was to be accommodated within 36 CFR 251. I asked Forest Service to APPLY this regulation within the "alternative manner" i.e. "time, place, manner".

I stated I needed this accommodation because I am (of) a faith and practice of a certain CREED called "Rainbow Family Tribe", and this faith and practice inspires me to a certain sacred duty of joining with others in a specific form of 'peaceable assembly for purposes of expression/speech" at a certain time of the Year - Annually July 1-7 AND, these Annual Gatherings with the Invitee "Rainbow Family Tribe" (I-Magi-Nation) happen on National Forest and/or Bureau of Land Management and/or other public lands. Within my creed faith and practice of this Prayer known as Annual Gathering of the Tribes for Peace and Healing, I can ONLY act as an Individual, which precludes my (acting as agent or representative) of anyone else.

My Sacred Duty is to my faith and practice (and others share this), so when:

On the Fourth of July there is a Circle of Silence for Peace -- much like an appearance by some spiritual being like Jesus Christ OR Christmas, Hanukkah or Kwanza.

For those of the Creed: Rainbow Family Tribe (the) Days of the Year -- Sacred is July 1-7, and the Fourth of July with its Circle of Peace.

In my Petitions (many) to the Forest Service, over the years since 1971, I have implored the Forest Service to adapt/adopt what []
(Oregon 1997 Report) called the RESOURCE AND RECREATION STRATEGY --
Involving Resource and Recreation Forest Service Personnel, culturally trained/educated, to interact with the various Individuals who involve themselves in these Annual Gatherings (so-called) Rainbow Gatherings.
AND END LAW ENFORCEMENT STRATEGY:

The continual "conflict/confrontation strategy" of the Law Enforcement, which has caused so much hassle and cost so much money, both in on-site Law Enforcement interactions with gatherers (many violations of civil rights) AND the Prosecution and Federal Court costs.

This Law Enforcement strategy has cost the Forest Service millions of dollars and a "sour name" among aware people WorldWide.

EXHIBIT 10
PAGE 50 OF 53

b6, b7c

In a very strong way these Gatherings take place on public land in order to expressively CHANGE PUBLIC LAND POLICY, specifically Forest Service policy concerning accommodating Recreation Users on the National Forests, particularly "non-traditional users" such as the "Rainbow People".

Last year, UnderSecretary Mark Rey issued a letter to all (potential) Gatherers, and in this he stated the aims and purposes of the Forest Service. This included the Forest Service would work to overcome "social" issues, as well as "resource". The "resource" issues were barely dealt with; and the "social issues" became the fiasco of mis-communications concerning the Boy Scouts.

Instead of the Forest Service seeking "social issue resolution" instead the Forest Service (helped) to create what can only be described as a "Heckler's Veto" toward the Gatherers.

All this began with Mark Rey and: (primarily) ONLY Law Enforcement i.e. [] (barely) [] - being in on the phone conference calls [] only was involved minimally and had no authority.

The Delegation of Authority issued by the Regional Supervisor clarifies what I write i.e. The Delegation of Authority was issued June 26, into the hands of [] [] (not even to [] [] even slightly).

This corresponds with what [] [] told me (others) as early as June 4th -- that is, the Gathering was in the hands of the Incident Command.

The Incident Command operated by Law Enforcement coupled with a Law Enforcement Strategy.

This DID NOT AND DOES NOT WORK.

Save money, stop violating civil rights of attendees, be actual Stewards of the Forest, accommodate even "non-traditional" peoples like Rainbow People, with respect. Use the "alternative manner" in 36 CFR 251, the legal option of the "Operating Plan" etc.. AND please, yes, have Resource and Recreation personnel be involved to the maximum and utilize the Resource and Recreation Strategy.

Excerpt:

[[7. The Gathering will be managed thru the Forest Service Incident Command System for the purpose of addressing social and resource impacts. See Text of Mark Rey Letter to Annual Gathering May 23, 2008]]

I speak, write, act ONLY as an individual. I am willing to communicate on these issues.

Thank you.

[] Montana, (creed - Rainbow Family Tribe)

Phone Conference Call info:

Howdy family,

Here is the phone number for the phone conference with Undersecretary of Agriculture Mark Rey being held December 9, 2008 at 4pm Eastern Time.

Phone Number: 866-742-4928

Participant Code: 6246993

In attendance will be Undersecretary of Agriculture Mark Rey, Forest Service Liaison

EXHIBIT 10
PAGE 51 OF 53

66, b7c

[] and [] Department of Agriculture in DC for this phone conference. Any one else wishing to attend, call [] at [] to let her know.

(18.) EMAIL Law Enforcement Officer []
[]@wyoming.com
To: []@wildrockies.org
Subject: 2008 Family Gathering
Date: Tue, 6 Jan 2009 10:55:12 -0700
TO: []
FROM: []
DATE: January 6, 2009

I am sorry about getting back to you so late, but the holidays were busy. I wanted to thank you and the family for the chance to experience the gathering. As you are aware, the 2008 Gathering was held outside of Pindale, Sublette County, Wyoming. This is the adjoining county to our County which is Fremont County. We were asked to assist Sublette and were given "Special Deputy" authority in Sublette County. In our briefing with Sublette County, we were asked to assist with the perimeter of the event and help handle any problems that may arise from fights to traffic problems. We did this without incident and without issuing any citations or warnings. I personally went to the gathering on four occasions as a []

I realize that historically, you have had problems with Law Enforcement Officers and mostly federal officers. I hope you understand that there are different philosophies involved with different agencies. In Wyoming State Statutes, we are called "Peace Officers" and our philosophy is not only to serve and protect, but to constantly improve community and public relations.

[] from [] has spent most of his life in Wyoming as a [] He was the [] of the [] and had a very good speech that he gave at every Peace Officer graduation, [] I would like to quote part of that speech,

"If you look at the statutes, you will see by definition, you are NOT Law Enforcement Officers, you are Peace Officers. And although they are close in meaning, they signify two different mindsets, which can greatly affect how you serve your community.

If you leave home as a law enforcement officer, your goal will likely be tickets and arrests, if you leave home as a peace officer, your goal will be service and keeping the peace, with tickets and arrests being two of the many tools you can use to accomplish that goal. I personally feel that subtle difference is the basis behind most of the complaints we get in our profession."

I believe in that midset that the [] as. It is a daily occurrence for our deputies to stop and visit with people in the community, whether it is a rancher cutting hay, a person walking down the road or someone picking up the mail. We take pride in public relations, regardless of residency, tourist or other visitors to our county. We also rank near the top in the state for drunk driving arrests and do use

EXHIBIT 10
PAGE 52 OF 53

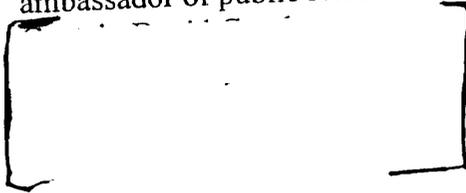
b6, b7c

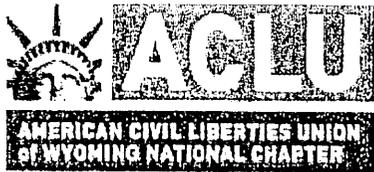
arrests powers to assist us in our goals. I hope this explains to you what our mindset is as public servants and peace officers.

During the 2008 Gathering, like any other large gathering, you will find a lot of good folks, but there are always the bad apples. The bad apples were the reason for our presence as well as assisting anyone in need. I actually left my first walk-through with my deputies on a "Happy High". It is hard to be gruff, when so many people tell you "Peace and Love" and "Love you brother" in one day.

I cannot answer your question about federal law enforcement philosophies on the Gathering as I do not know what they are. But hopefully this e-mail will shed some light on what a Peace Officer has on his mind while doing his job on a daily basis, regardless of who he is dealing with. I do believe in treating people the way they want to be treated and these philosophies can be carried out without complacency in the job and with officer safety in mind.

It was nice hearing from you and it is a pleasure to know you. I consider you an ambassador of public relations for your family.





RAINBOW FAMILY GATHERING IN WYOMING

PRESS RELEASE: 10/06/08

Contact: Linda Burt, Wyoaclu@aol.com

As a result of a number of press articles regarding conflicts at the 2008 Rainbow Family Gathering in Wyoming the Wyoming Chapter of the American Civil Liberties Union requested complaints, narratives or reports regarding individuals experiences at the Gathering. We were particularly interested in a conflict that occurred in "kiddy village". Kiddy village is an area set-aside for those participants that have children and is particularly directed to children's experience.

There are no official Rainbow Family representatives, documents or incorporations. It is my understanding they have been gathering since the 1970's and generally believe in non-violence and alternative lifestyles. They gather once a year in national forests to pray for the planet and for peace.

One of the United States Forest Service's (USFS) press releases regarding the 2008 Rainbow Family Gathering stated that "about 400" Rainbow Family members surrounded a squad of officers trying to leave the "kiddy village" area after an arrest. The press release also stated that Rainbow Family members threw sticks and rocks at federal officers. Both the USFS and the Rainbow family agree the incident started when officers arrested a family member for an alleged drug offense.

The accounts of the experiences of individuals at this years gathering came from a number of sources: many of the reporters were long time Rainbow Family members and participants, some were casual or first time attendees and others Wyoming residents that just wanted to see "what was going on." Among our reporters were doctors, lawyers, National Guard members, a nurse, and a retired carpenter from Lander. One of the telling items in all of the reporting was how similar the experiences were. The similarities maintained despite the date, time, number of people reporting, age, or place of occurrence. These similarities in experiences and allegations provided an added element of validity to the reporting.

The USFS has stated that they are simply at the gatherings to "handle the perimeter" and to deal with "specific problems". The reality of their presence seems very different however.

EXHIBIT 11
PAGE 1 OF 3

From the beginning of the gathering all respondents reported a massive law enforcement presence. At the Welcome Gate law enforcement massed and stopped and searched car after car. Individuals were stopped for hundreds of insignificant violations – dirty license plates, obstructed vision (rear view mirrors with items hanging on them), tail light out, not using turn signal for turn, the list goes on and on. These individuals were forced to drive 68 miles to court to pay a \$15 dollar fine and \$25 dollars in court costs. Many of the tickets were dismissed by prosecutors or judges. Out of 142 violations heard in a special magistrates court 90 were fined nothing or dismissed, 32 individuals were fined under \$100.00 and 20 were issued fines of over 100, the largest fine being one issued for \$525.00. Once stopped, individuals were asked what kind of drugs they had, if they denied having drugs they were often searched, drug dogs were used. Individuals were told that drug dogs had “hit” on their vehicle and they better just tell them where the drugs were. This procedure of continual mass stops and searches of vehicles went on during the entire gathering.

Armed officers walked through gathering asking people what they were doing or what kind of drugs they had on them. People in tents were woken up and their tents were searched; individuals also reported seeing officers searching tents when people were not at their campsites. One woman reported being at the latrine site using the latrine, she had her hand behind her back when an officer walked up and asked her what she was doing and what she had behind her back – he asked her if she was smoking pot – she showed him the toilet paper and he then walked away.

Several individuals said they either left the gathering or made a decision not to attend after seeing the numbers of law enforcement officers present. Many people said there was an atmosphere of continual threat from law enforcement.

This type of harassment and general over zealous enforcement appear to have been the pattern in the USFS relationship with the Rainbow Family. The USFS has set up roadblocks, safety checkpoints, rolling gauntlets, and have searched and ticketed people on the narrowest of pretexts. Law enforcement are often in full riot gear armed with sidearm, tasers and shotguns. In 2006 in Colorado the agency issued the same kind of petty offenses tickets – over 100 of them. The USFS also issued more than 500 citations for “illegal use and occupancy”. Another apparent conflict between USFS and participants in Colorado gathering resulted in the statement that participants had thrown “sticks and rocks”. One online video shows no sticks or rocks thrown during the confrontation. During the 2003 gathering there were reports of 8-10 mounted officers circling the gathering flying the American Flag immediately preceding the main days prayer. Individuals at this years gathering reported officers taking pictures of participants – this type of surveillance has been reported at previous gatherings. None of this behavior has been conducive to a good relationship; but often seems motivated to cause clashes between participants and law enforcement.

The participants that reported on the 2008 “kiddy village” conflict were unanimous in their version of the events: The officers came into “kiddy village” following a man that was later charged with a marijuana complaint (this is the best of my information). The

officers were armed with pepper ball guns and side arms. When the individual was arrested a woman went up to one of the officers and asked a question – there is no indication of what was said. This woman was then thrown to the ground, handcuffed and surrounded by several officers. At this time the crowd became upset and people were asking what was going on – individuals came into the area – at no time was it apparent that there were 400 individuals in the area. Additionally, at no time are there any rocks or sticks seen being thrown at the officers. One reporter states he may have seen “one stick” thrown. This is not evident in any of the videos. Rainbow member’s state that, according to their training and belief in non-violence, they began to police themselves some of them going down on their knees and chanting and others trying to calm the crowd and back them off. Many of the participants report being shot by pepper balls in the back or when they were kneeling. One of the medical crew, a nurse, reported treating several people for multiple welts and many individuals for contact with pepper spray. The Sublette Examiner reported that one officer was injured but I have not been able to verify that injury.

After the incident people reported being stopped by officers and told to take off their shirts so that officers could identify them to charge them with “inciting”.

John Twiss, Director of Forest Services Law Enforcement and Investigations in Washington, D. C. Stated, “ I think we have to have that discussion within the agency.” (regarding banning the Rainbow Family from Forest Services lands) “We spend an awful lot of time and effort on these people and frankly, the taxpayers deserve better.” He also gave his clear opinion saying that Rainbow Family Members are “non-compromising” “arrogant” and “anti-authority”.

Statements such as this lead us to believe that agency personal have no intention of working with the Rainbow Family to provide a reasonable compromise for both the Family and the USFS. The pattern of antagonistic harassment that has occurred over the years makes this clear. There should be a discussion in the USFS and the US Congress regarding this history of abuse of process and individuals by the USFS. The taxpayers and the Rainbow Family deserve better. The continual harassment and heavy-handed enforcement methods are not necessary and only serve to cause more problems and more bad feelings. There is no reason to pay USFS personnel to issue frivolous tickets, conduct illegal searches and overburden the Federal Courts and Prosecutors. These situations should be handled in a professional, best practices manner. The USFS seem to be more intent on provoking confrontation.

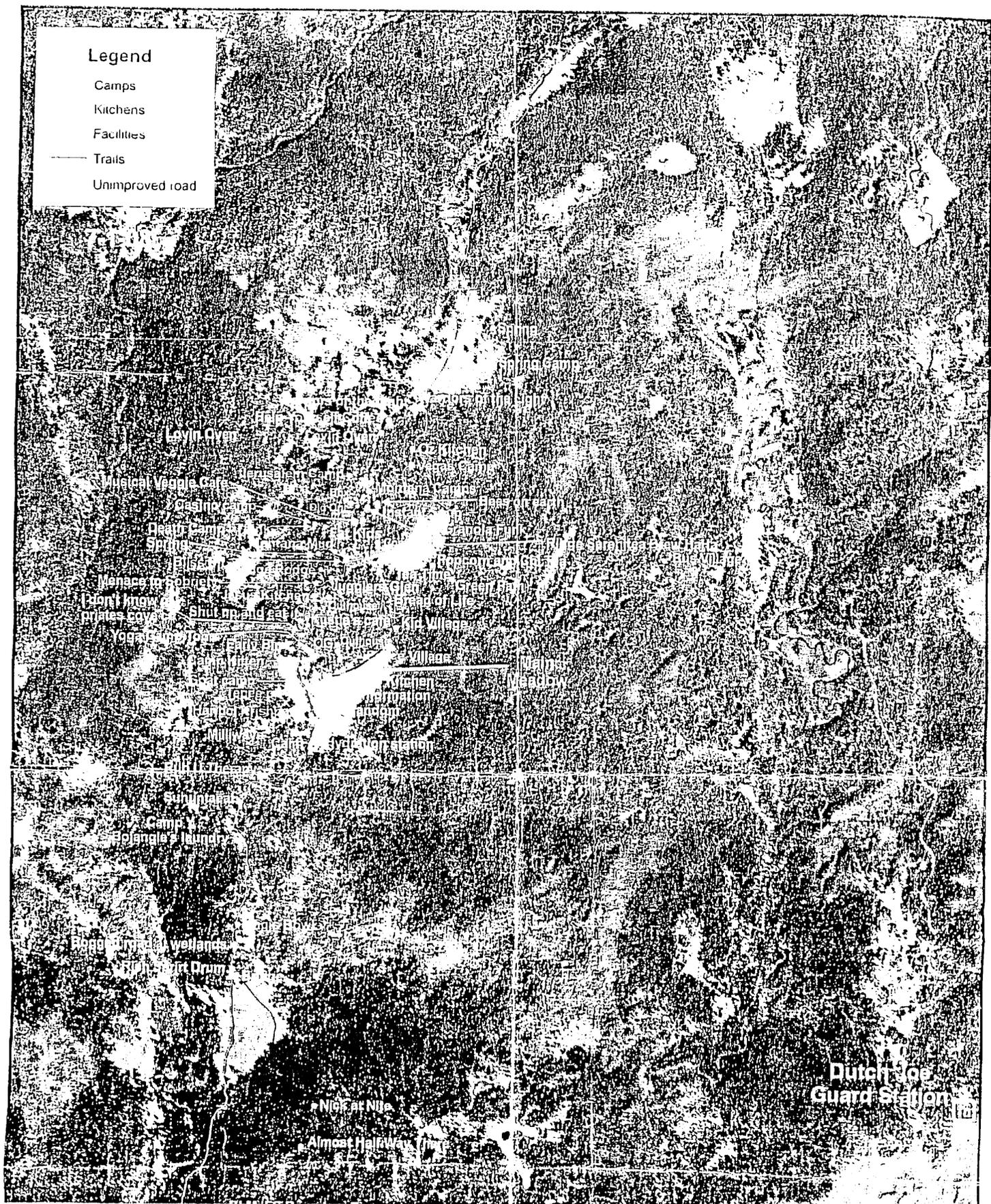
Sincerely,

Linda Burt

EXHIBIT	11
PAGE	3 OF 3

Legend

- Camps
- Kitchens
- Facilities
- Trails
- Unimproved road



Referred
to
Forest Service

8 pages

Withheld
in
Full

3 pages

(b)(6), (b)(7)(C)

Referred to Forest Service

21 pages

Withheld in Full

2 pages

(b)(5),

(b)(6),

(b)(7)(C)

Referred to Forest Service

25 pages