

2 July 2006

Mark S. Rey, USDA Undersecretary  
1400 Independence Ave. SW, # 217-E  
Washington, DC 20250

Fax: 202-720-0632  
eM: [mark.rey@usda.gov](mailto:mark.rey@usda.gov)

Re: **USFS Actions in Routt N.F., Colorado ~**  
**EMERGENCY PETITION, REFLECTIONS**

Mr. Undersecretary Rey:

This is a Petition to reverse and amend USFS 'Group Use' rules and applied policies, pursuant to 5 USC §553(e)[1] and the First Amendment to the U.S. Constitution.

The 'Rainbow Gathering' in Colorado is under extreme duress, with ongoing civil rights violations of unprecedented scale and scope. We protest the deplorable actions of the "Incident Team" and LEI officers under color of U.S. Forest Service policies... and regale you personally and in your official capacities, as the public official ultimately responsible.

From our rare interactions in the past few years, an episode came to mind:

I have written some heavy policy critiques, we spoke at length in a few phone calls... and we met on the trail at the Rainbow Gathering 2004, in California: A bit of chat & courtesies, and I commended you for showing up to see it first-hand. You replied, "*I'm a different kind of administrator.*"

"Different", apparently, to everyone you deal with.

The demeanor of a chameleon may serve well in Federal agency politics, but for purposes of solving real problems in the public interest, you're just a lizard.

I have told you why 'Group Use' enforcement is unlawful as applied to consensual assemblies, forewarned of the ill consequences of pursuing it, and proposed a workable and legal alternative in good faith. You chose to ignore this good scholarly advice, resulting in a systematic deprivation of rights and detriment to public interests – on your watch.

You were presented with a path of action in the right direction, and did not go there.

You were notified of the impacts of inaction, did nothing, and so are more culpable

Have you figured out why John Twiss and Tim Lynn sat in on (or *sat On*) our phone conference in November 2004? It is because the "*National Noncommercial Group Use Steering Committee*" and "*Incident Command*" are hard-liner cadres running this game, and they did not want you to think for yourself, or make any independent decisions.

Recall my asides to each of them – noting to Twiss how every time he poked into constructive dialogues, they went sideways or backward... and to Lynn that I would not address him on any questions of USFS policy, because he was unqualified and without mandate to answer them, and I do not recognize his authority. All still true.

Amazing, what then ensued:

In 2004-05 Twiss was assigned to the USDA "Office of Special Projects", plotting the preemption of Forest Service administration by Special Agents and the 'National Incident' regime – then was named Director of USFS Law Enforcement and Investigations (LEI).

Lynn was rewarded for his White House duties, testifying against Clinton on Monica's comings, called from Missouri to become Incident Commander. He has followed in Malcolm Jowers' footsteps with draconian police tactics & treacheries toward the gatherings.

Be totally clear on what is happening now:

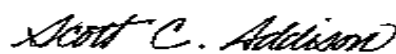
- Since the 'Delegation of Authority' from the Routt N.F. Supervisor on June 14, LEO's have run roughshod on gatherers arriving to assemble in peace. There have been roadblocks and gauntlets, the site was blockaded, and it was declared an 'illegal gathering' from the outset, as planned, with foreknowledge that such participants had no legal way to comply.
- A permit was applied for by an unknown person in fear, and denied to keep it all 'illegal' – again on inscrutable pretexts that evade timely recourse and are plain *wrong*: In fact the gathering's fire watch & control capabilities *reduce* fire risk in the area – if not impeded.
- Hundreds of citations have been issued for unauthorized "Use or occupancy... ", 36 CFR 261.10(k) – and in turn the mere presence of these people is deemed probable cause for personal seizure, search, and provocation, resulting in further manufactured charges.
- All citations set mandatory appearances at the 'Firehouse Faux-Court' near Hahn's Peak, in degrading conditions and closed trials, trampling due process; a lawsuit was filed just to open proceedings to attorneys, observers, and the public, as the 6th Amendment requires. *Mayo, Randell v. Krogstel, USFS, et al., #06cv-01236, Dist. Ct. Colorado.*
- An intensive, invasive police presence continues, with persistent civil rights violations and a climate of fear around the site – reportedly the worst ever. Incident Team PR says gatherers may still come, baiting more people into targeted enforcement and mass prosecutions.

Unquestionably Incident Command has conspired to usurp Forest Service authority and attack First Amendment assembly in the National Forests, endangering the public and abrogating rights. In plain words, 'Group Use' policy has been taken over by right-wing bigots, bullies and dirtbags with badges. The Justice Department and U.S. Courts have been pulled into collusion, and the Office of the USDA Secretary is clearly complicit.

*This is a candid appeal for responsible intervention, in the highest public interests, and in truth to your Constitutional oath – because you are empowered and obliged to do so.*

*We expect immediate action to stop ongoing official abuses in Colorado, and prompt response to explore and build new policies, fairly balancing public rights and stewardship.*

Respectfully,



Scott C. Addison, Coordinator  
7027 Mitchell Ave./A – St. Louis, MO 63117

Cc: Dale Bosworth, USFS Chief  
Rick Cables, Regional Forester