

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA
ERIE DIVISION

DAVID B. CHANDLER,
BRUCE BREUNINGER,
and LESLIE LEE GRAY, JR.,

Plaintiffs,

v.

THE FOREST SERVICE OF THE
U.S. DEPARTMENT OF AGRICULTURE;
ROBERT HEIAR, in his official capacity
as Supervisor of Allegheny National Forest;
RICHARD HATFIELD, in his official capacity
as Bradford District Ranger; *and*
BRIAN SKAGGS, in his official capacities as
as Incident Commander and Special Agent, USFS-LEI

Defendants.

Case No.: 1:26-CV-166

Judge: Susan Paradise Baxter

FILED

JUL 02 2026

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

COMPLAINT FOR FIRST AMENDMENT RIGHTS VIOLATIONS

Plaintiffs, DAVID CHANDLER, BRUCE BREUNINGER, and LESLIE LEE GRAY, JR., hereinafter referred to collectively as “Plaintiffs”, sue Defendants, THE FOREST SERVICE OF THE U.S. DEPARTMENT OF AGRICULTURE (“FOREST SERVICE”, “USFS”), ROBERT HEIAR, in his official capacity as Supervisor of Allegheny National Forest; RICHARD HATFIELD, in his official capacity as Bradford District Ranger; and BRIAN SKAGGS, in his official capacities as Incident Commander and Special Agent, USFS-LEI, collectively “Defendants”, and state:

INTRODUCTION

1. Plaintiffs seek emergency relief by Temporary Restraining Order upon the denial of special use authorization by Operating Plan for the 2026 Rainbow Gathering in Allegheny National Forest, a peaceful public assembly for expression and prayer. Instead, Defendants have

declared this event to be an “Unauthorized Group Use Incident”, and subjected attendees to intensive retaliatory and targeted enforcement, theft of waterlines and arbitrary restrictions to impair safe operations on-site. In the broader case, they further seek declaratory and injunctive relief from regulatory provisions and permit terms which preclude participants in voluntary assembly from lawful compliance and authorization, in effect criminalizing a broad class of individual speakers and posing an unconstitutional prior restraint upon their exercise of First Amendment rights.

PARTIES, JURISDICTION AND VENUE

2. Plaintiff, CHANDLER is a *sui juris* individual resident of Newark, Delaware, who has studied policy matters related to the Rainbow Gatherings for decades. He monitored events from site selection in Allegheny National Forest, learned that the request by participants for an Operating Plan to authorize the Gathering had been denied, and on June 22 submitted a ‘Volunteer Service Agreement’ via email, adapted as a special use application. Defendant Hatfield responded that day: *“This gathering is an unauthorized incident and we are not soliciting volunteers to manage it.”* Chandler resubmitted the application on June 23 clarifying the statutory grounds, but got no further response.

3. Plaintiff, BREUNINGER is a *sui juris* individual resident of Richwood, West Virginia, who brought the “Instant Soup” kitchen to serve the gathering. He knew that participants had met with Defendant Hatfield and requested an Operating Plan to authorize the gathering – and were told that an Operating Plan could only be issued if a noncommercial group use permit were signed. Subsequently the gathering was declared illegal and he observed police harassment on-site. He then joined with two other attendees in submitting an individual “Volunteer Service Agreement” in person at the District Ranger’s office on July 23, formally requesting an Operating Plan by this fitting means and offering to assist; however special use authorization was denied.

4. Plaintiff, GRAY is a *sui juris* individual resident of Spring, Texas, who arrived at the gathering on June 21 and immediately endured late-night police intimidation in his camp. He

learned that an Operating Plan had been denied and the gathering was declared illegal by USFS officials. He concurred with the idea that special use authorization should be proposed in writing, and agreed to submit a volunteer application to that end, in accord with his personal standing in assembly. On June 23 he joined with two others in presenting his application in person to the District Ranger, and was told that a signed Group Use permit was required for issuance of an Operating Plan. He came to join the traditional prayer for peace on July 4, feels fear and threat in that intent, and seeks remedies from the court to protect the safety and sanctity of that day.

5. Defendant, FOREST SERVICE is a federal administrative agency pursuant to 5 U.S.C. §701(b). It is charged by statute and administrative regulations promulgated by the U.S. Secretary of Agriculture pursuant to Title 16 U.S.C. §551 with the governance, regulation, and operation of the National Forest System including Allegheny National Forest (“ANF”) in Pennsylvania. By authorities vested in its “Law Enforcement and Investigations” agency, the USFS conducts, *inter alia*, both ordinary and extraordinary law enforcement operations within the National Forests, including such operations as described in paragraph 1 of this complaint, which result directly from the agency's official and unofficial policies and actions.

6. Defendant, HEIAR, is the Acting Supervisor of Allegheny National Forest and is sued in his official capacity only.

7. Defendant, HATFIELD, is the District Ranger for the Bradford Ranger District, Allegheny National Forest, and is sued in his official capacity only.

8. Defendant, SKAGGS, is the Incident Commander, and is sued in his official capacities only, heading the “National Incident Management Team (“NIMT”) established to administer the 2026 Rainbow Gathering in Allegheny National Forest, by Delegation of Authority from the Forest Supervisor and/or Regional Forester. His primary position is Special Agent with USFS Law Enforcement and Investigations (“LEI”), designated by the Washington Office as the lead agency on the Incident Team.

9. All references to Defendants shall include their various agents, officials and employees.

10. This Court has jurisdiction over the claims raised herein pursuant to 5 *U.S.C.* §702, 28 *U.S.C.* §1331, 28 *U.S.C.* §1343, 28 *U.S.C.* §2201, 28 *U.S.C.* §2202, 42 *U.S.C.* §1983, 42 *U.S.C.* § 1985, and 42 *U.S.C.* §1988.

11. Venue is appropriate in the Western District of Pennsylvania, Erie Division, since the various acts complained of occurred within that district and division.

STATEMENTS OF FACT

12. Rainbow Gatherings are public assemblies which periodically occur in the National Forests, where participants gather to exercise the First Amendment rights of peaceable assembly, expression, speech and prayer, in a spirit of public service. Such gatherings are consensual assemblies in the full meaning and intent of the First Amendment, conducted by individual participants in cooperation, without any organizing group or entity.

13. Most of these individuals, including Plaintiffs, attend such gatherings in order to meet and assemble with each other to exchange views and/or worship together in communion and to pray for world peace in the cathedral of nature. The federal courts have recognized that National Forest lands are a traditional public forum for expressive activities, including the protected nature of these events.

14. Defendant, FOREST SERVICE, has demonstrated hostility towards public gathering participants in the National Forests. This hostility is consistent with an unpromulgated national policy of prejudice and animus toward Rainbow Gatherings nationwide since their inception in 1972. Through the years various draconian tactics have been employed to harass and impede these events, including roadblocks, surveillance, subterfuge, arrests, heavy police presence and provocation.

15. Federal regulations requiring a temporary Special-Use Permit for “Group Uses” (36 CFR §251, 261) were proposed by Defendant, FOREST SERVICE, in May 1993 [Fed.Reg, 58:86, 26940], and enacted in September 1995 [Fed.Reg, 60:168, 45257]. The final rules require individual signers to assume vicarious liabilities, and to accept various arbitrary terms and conditions that are impossible for gathering participants in a free assembly to fulfill -- thereby triggering police

presence and enforcement actions against occupancy of National Forest lands by 75 or more people without a special-use authorization. [36 CFR 261.10(k)] The presumed enforcement powers include authorities to interfere with traffic and activities, identify individuals and designate liable “leaders”, prosecute selectively, legally enjoin, and physically exclude public gathering participants from National Forest lands.

16. In September, 1998 the US District Court in Arizona ruled that the non-commercial group use regulations are unconstitutional as a matter of law, stating that the regulatory scheme is impermissibly broad and subject to unbridled official discretion. Accordingly the court dismissed an alleged ‘Group Use’ violation on a defendant’s motion, finding the permit requirement and enforcement thereof to be unlawful and not binding.

U.S. v. Linick, #98-4142MA, 9/27/98

17. Defendant, FOREST SERVICE, began nationwide enforcement of the “Group Use” rules against a Rainbow gathering in the Osceola National Forest (OsNF) in February, 1996. A large multi-agency police force was deployed around and inside this event, using various tactics to intimidate and deter participants, including on-site patrols and searches, roadblocks at nearby points of access, and police “gauntlets” affecting traffic on incoming highways and Forest Roads. Participants were subjected to seizures, searches, and citations, with many arrests and continuing intrusions upon gathering access and activities.

18. At the direction of Defendant, FOREST SERVICE, Officers used personal seizures and intensive roadblocks at the OsNF gathering in February 1996 to harass and obtain identifications of individual participants. USFS Officials used this information for purposes of filing a civil suit against the “Rainbow Family” alleged as a class, selecting thirty-three (33) of these individuals and naming them as representative defendants. This Federal lawsuit moved that the ‘Group Use’ regulations be ruled valid and Constitutional, and sought a nationwide injunction against unpermitted public gatherings in the National Forests. It did not succeed in these purposes, but the final ruling left 12 people under default judgment, and lent presumptive validity to the Government’s unchallenged use of roadblocks and related police actions for

purposes of ‘Group Use’ enforcement and litigation.

19. The campaign of harassment continued the following year, in conjunction with the February 1997 Rainbow gathering near Alexander Springs, Ocala National Forest (Lake County). As participants began to arrive on or about February 11, 1997, Defendants deployed a large police force on and around Forest Road 544 with aerial surveillance in support. Under color of ‘Group Use’ permit enforcement, Defendants’ Officers targeted intensive enforcement, stops, and searches on incoming vehicles, impeding traffic and using confrontative tactics to pressure participants into signing a permit. They also seized control of the “Welcome Home” area at the trailhead into the gathering site, prohibited parking nearby in both directions, and maintained a continuing presence throughout the gathering.

20. Entered as an Exhibit in support of these claims:

“PETITION TO AMEND A NATIONAL FOREST REGULATION”

PCU•Free Assembly Project (8 June 2018)

This formal petition pursuant to 5 U.S.C. §553(e) was submitted to USDA in June 2018, and resubmitted in September 2021. It contains a ‘Memorandum on Group Use Policies’ with relevant historical and case facts (pp. 9-24) – included herein by reference..

21. The foregoing “Petition” to amend the noncommercial group use regulations was summarily denied without substantive review by USDA officials both times it was submitted, in violation of applicable procedures under the Administrative Procedure Act.

22. Operating Plans were first proposed by Rainbow gathering participants in 1982, as an acceptable and fitting means of authorizing Rainbow Gatherings on National Forest land. The first Operating Plan was issued for the 1983 annual gathering in Michigan.

23. An “Operation and Maintenance Plan [for the] Peaceable Assembly” was enacted in cooperation with gatherers in Allegheny National Forest in 2010. The Supervisor Leanne Marten confirmed that no permit was issued “to the file”, and it authorized the gathering on its own.

24. An Operating Plan was issued by the District Ranger for the 2022 Northeast Rainbow regional gathering in Green Mountain National Forest, in August 2022. It was enacted upon the submittal of an individual Volunteer Service Agreement (OF301a) requesting special use

authorization for that assembly, proving this to be a viable administrative model for public gathering participants to meet regulatory requirements.

LEGAL ALLEGATIONS

25. The spiritual and cultural activities engaged in by public gathering participants in the National Forests constitute free speech, expression and religious exercise, and are therefore fully protected by the First, and Fourteenth Amendments to the United States Constitution.

26. Noncommercial-group-use provisions explicitly preclude lawful compliance by unaffiliated speakers, and preempt or criminalize personal standing in assembly. 36 CFR 251.50(e), 251.54(d)(1), 251.54(d)(2), 251.54(g)(3)(ii)(H).

27. The noncommercial group use Application and Permit form (FS-2700-3b) requires an able legal entity to act as permit holder, and an authorized agent thereof to sign on its behalf. For a public assembly with no such legal capacities, it operates as an adhesion contract, conjuring a fictional group entity and binding the signer in constructive fraud. 18 USC 1001.

28. The inability of gathering participants to sign permits lawfully is exploited as a pretext for declaring gatherings illegal and for retaliatory enforcement in turn.

29. The police tactics referenced above are selectively targeted upon Plaintiffs and other participants in the Rainbow Gatherings, as applied permit enforcement policies.

30. The police tactics referenced above chill the exercise of free speech, expression and religion by Plaintiffs and others attending the Rainbow Gatherings in the National Forests.

31. The climate of fear generated by the police tactics referenced above has created a prior restraint on free speech and expression which is presumed to be unconstitutional.

32. By rule, special uses on National Forest lands can be authorized in three ways – by permit, contract, or operating plan. Issuance of an operating plan cannot be made contingent upon a permit, or used solely to impose burdensome terms and conditions. 36 CFR 261.1a.

33. An individual ‘Volunteer Service Agreement’ (OF 301a) submitted in good faith to give notice of a public assembly, and providing the requisite information to request

authorization, serves as a fitting and valid special use Application. 36 CFR 251.54(b).

34. The Incident Command regime controls public policy toward the Rainbow Gatherings based on a veiled official determination that peaceful assembly and speech pose an emergency condition in the National Forest, and upon an unlawful delegation of authority from properly mandated and qualified civilian officials.

35. Defendants conspired with and among each other to commit the civil-rights violations alleged herein in violation of 42 *U.S.C.* §1985, and have demonstrated a clear animus against the class of persons desiring to attend “Rainbow Gatherings” based on attendees’ appearance, creed, and ways of religious and political expression.

36. The manner in which roadblocks have been deployed, seizures and searches conducted, arrests made, and Gathering infrastructure impaired constitutes objective evidence of Defendants’ bad faith.

37. The actions of Defendants are motivated by a predominantly censorial purpose based on the spiritual and cultural creed exercised by Plaintiffs and other public gathering participants, and the desire to wage a war of attrition under color of law, and put an end to future Rainbow Gatherings through harassment, intimidation and other illegal law-enforcement conduct.

COUNT I Declaratory Relief

38. Plaintiffs re-allege the allegations contained in Paragraphs 1 through 37, inclusive.

39. This is an action for declaratory and supplemental relief pursuant to 28 *U.S.C.* §§2201 and 2202, asking the Court to declare the respective rights, status, and other equitable and legal relations between Plaintiffs and Defendants with respect to their individual and collective actions.

40. Plaintiffs contend that the campaign of bad faith harassment and denial of special use authorization directed at Plaintiffs’ First Amendment protected activities constitute a violation of 42 *U.S.C.* §1983 and §1985, and in conjunction with related official actions to establish public policy by police fiat, further constitute a violation of 5 *U.S.C.* § 501 *et.seq.*, § 553, and § 706 of

the Administrative Procedure Act

41. Defendants will likely contend that their actions are legal and constitutional.

42. There is an actual, *bona fide* dispute between Plaintiffs and Defendants.

WHEREFORE, Plaintiffs request that this Court grant the following relief:

a. Enter a declaratory judgment determining that the campaign of bad faith harassment, heavy-handed police tactics, and unlawful policymaking violate 42 *U.S.C.* §1983 and §1985, and 5 *U.S.C.* § 501 *et seq.*, § 553 and § 706.

b. Find the noncommercial group use regulation unconstitutional in excluding voluntary public assembly from fair and lawful special use authorization, as applied and facially in provisions under 36 CFR 251.54, *et seq.*

c. Grant such further relief pursuant to 28 *U.S.C.* §2202 as is equitable and just under the circumstances; and

d. Enter an Order awarding Court costs incurred in prosecuting this action including a reasonable attorney's fee and pro se expenses pursuant to 42 *U.S.C.* §1988.

COUNT II

Temporary and Permanent Injunctive Relief

43. Plaintiffs re-allege the allegations contained in Paragraphs 1 through 37, inclusive.

44. This is an action for a Temporary Restraining Order (TRO) to relieve immediate duress afflicting First Amendment exercise in Allegheny National Forest, and for permanent injunctive relief to restrain such abuse of discretion and deprivation of rights in the future.

45. In the absence of an Emergency TRO, Defendants will continue to intimidate and threaten Plaintiffs and other Rainbow Gathering participants on the contrived pretext of an "Unauthorized Group Use Incident", to subvert consensual association, speech, cooperation and prayer *at-risk Now*, and to violate constitutional rights in Allegheny N.F.

46. Prospective injunctive relief is appropriate upon the declaration by this Court that the above described conduct constitutes a violation of 42 *U.S.C.* §1983 and §1985.

47. Loss of First Amendment rights, even for minimal periods of time, constitutes irreparable injury *per se*. The loss of constitutionally protected speech, expression and/or religion is not readily valued or measured, and thus any legal remedy is *per se* inadequate when deprivation of First Amendment rights are involved.

48. The granting of a permanent injunction would be consistent with the public interest since it would serve to protect the First, Fourth & Fifth Amendment rights of Plaintiffs and other participants in the Rainbow Gatherings in National Forests across the country. On the other hand, the denial of permanent injunction would be contrary to the public interest since it would result in the denial of cherished constitutional rights and freedoms of all citizens.

49. Any harm to Defendants by the inability to deprive fair and lawful means of special use authorization and persist in their campaign of retaliatory harassment and is outweighed by the harm incurred by Plaintiffs and other “Rainbow Gathering” participants by the inability to exercise their freedoms without intimidation and violation of their civil rights.

WHEREFORE, Plaintiffs request that this Court grant the following relief:

a. Issue an emergency Temporary Restraining Order to Grant an Operating Plan authorizing the 2026 Rainbow Gathering in Allegheny National Forest, as duly requested by Plaintiffs and other attendees, retroactively and through clean-up, July 1-21, 2026.

b. Issue a permanent injunction mandating the USDA Forest Service to amend special use regulations under 36 CFR 251.54, et seq. and related provisions, to enable fair application procedures and authorization by Operating Plan for voluntary public assembly, and thereby to preserve personal standing in First Amendment exercise and protections.

c. Enter an Order awarding court costs incurred in prosecuting this action including a reasonable attorney’s fee and pro se expenses pursuant to 42 U.S.C. §1988.

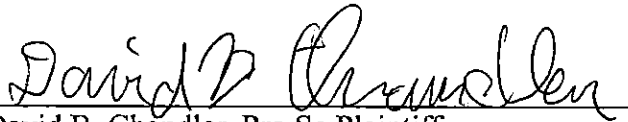
DEMAND FOR JURY TRIAL

50. Plaintiffs hereby demand trial by jury on all issues so triable.

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Dated: June 30, 2026

Respectfully submitted,


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CERTIFICATE OF SERVICE

I hereby certify that on _____, a true and correct copy of the foregoing
COMPLAINT FOR FIRST AMENDMENT RIGHTS VIOLATIONS
was served upon all counsel of record via []:

COUNSEL FOR DEFENDANTS: _____

[ADDRESS] [EMAIL]: _____