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~ PUBLIC INFORMATION RELEASE ~

Lawsuit against USFS Regs filed in Pennsylvania

[] PROLOGUE --

The 2026 Rainbow Gathering in Allegheny National Forest faced the old ‘permit’ controversy from the outset: As participants convened to select the best location and prepare, Bradford District Ranger Richard Hatfield showed up on June 12. They requested that an Operating Plan be issued to authorize the gathering and enable cooperation with Foresters, as former ANF Supervisor Leanne Marten had done wisely and successfully in 2010.

He declined, stating that there could be no Operating Plan unless they signed a ‘Group Use’ Permit – which was unfounded: No one could legally sign for an alleged ‘Group’ entity that does not exist. Conversely an Operating Plan is a lawful and viable means of special use authorization for a voluntary public assembly – a Permit would be redundant. 36 CFR 261.1a.

But the trap was sprung:

After that weekend, as early gatherers moved to set up the chosen site near Heart’s Content, USFS officials declared the event an “Unauthorized Group Use Incident”, and law enforcement cranked up intensive harassment tactics on the roads and on-site. On 6/17 the cops seized temporary water lines, putting health at risk, then stopped volunteers from marking safe trails. Roadblocks went up, targeting travelers with pretextual stops and searches, a few arrests, and many petty citations with mandatory appearances during the gathering, three hours away in Erie. Then came invasive late-night raids on camps, followed later by several nights of military helicopters in repeated low overflights – intimidation, disruption, the list goes on...

The Gatherings have always mitigated impacts effectively and met special use standards. There was no reason to deny authorization and make this gathering ILLEGAL, so some wily fellows decided to push the issue and make it real.

[] PRAXIS --

Clearly verbal requests didn’t work, easily disregarded – the special use process required an application in writing to trigger review. So on 6/22-23 five individuals submitted Volunteer Service Agreements (OF301a) adapted as special use applications, formally seeking authorization by Operating Plan, offering to serve as contacts and assist.

This innovation opened a safe path for attendees to give notice and apply *as individuals*, including the elements required in such an application. 36 CFR 251.54(b). Three ‘VolApps’ were presented personally at the Bradford District office by folks from the site, two others by email before arrival.

They were summarily denied by the District Ranger – now stating that because the gathering was “Unauthorized”, no Operating Plan could be issued, nor were Volunteers wanted. By rule, denial of special use authorization is a final agency action subject to judicial review... the only recourse is to go to court. 36 CFR 251.54(g)(3)(iii).**

So three applicants scrambled to Erie, and on 7/2/26 they filed a civil lawsuit for violation of First Amendment rights in the U.S. District Court, as Plaintiffs *pro se* –

David Chandler, Bruce Breuninger, Leslie Lee Gray Jr.:

Chandler, Breuninger, & Gray v. U.S. Forest Service, et al.

Case # 1:26-CV-166 (Western Dist. PA, Erie Division)

Named as Defendants in their official capacities: Robert Heiar, Forest Supervisor; Richard Hatfield, District Ranger; Brian Skaggs, USFS-LEI Incident Commander & Special Agent.

The Plaintiffs went ahead *pro se* – without a lawyer, with no time to find or prepare one – under duress to protect the Rainbow Gathering of brief duration and at-risk. The difficulty of this situation goes to the unique burdens on such First Amendment exercise. They sought an emergency Temporary Restraining Order (TRO) mandating issuance of an Operating Plan to authorize the event, return of stolen waterlines, and relief from harassment & undue restrictions.

No hearing was held on 7/2, the Judge ruled in-chambers... the TRO Motion was denied “without prejudice”, based on procedural errors in the *pro se* filings, but a crucial civil case was launched that day.

□ PERSPECTIVES --

The new ‘Chandler v. FS’ case is an ‘as-applied’ challenge against the long-fought “Noncommercial Group Use” regulations [36 CFR 251.54]... it proceeds on optimal facts of good faith compliance, where authorization was arbitrarily denied for protected speech and prayer. It then exposes facial defects in the regulations & permit form, proving ‘prior restraint’ in the clear exclusion of citizens in consensual assembly from approval.

This initiative builds on the [precedent at a Vermont regional gathering](#) in August 2022, where an attendee submitted a similar VolApp for authorization: The District Ranger approved it right away, and duly issued an Operating Plan a few days later... this approach was proven lawful and effective as an admin model.

Plaintiffs met special use application requirements in the only way they could legally do so, in their personal capacities as ‘volunteers’ in a public assembly. In contrast to prior flawed defenses, this case seizes solid high ground at the outset... it debunks the fallacy of fraudulent Agents for a fictional ‘Group’ in the current rules, affirms personal standing in the right to gather in cooperation, and invokes rigorous constitutional standards of review.

Discovery will be impactful, the evidence and arguments substantial... compelling exhibits are already filed in support, including a formal ‘Petition to Amend’ the Regs, twice derailed by the USDA in violation of the Administrative Procedure Act: <https://www.free-assembly.org/gather/campaigns/amend-regs/>

A civil case is a paper chase, goes for awhile and runs its course. After 30 years of struggle, this one holds a real prospect that the USFS Regs will be found unconstitutional, finally. This does not mean that they will just go away... the Court will mandate amendments to allow fair authorization for citizens in public assembly.

That is what the First Amendment guarantees. A unique strength of this case is that fitting line-item revisions, proposed in the above Petition to enable Operating Plans in accord, are already in the record.

The Pro Se Plaintiffs are seeking able representation in western Pennsylvania. They’re feisty fellows, not fools: This can be an important First Amendment case of broad public benefit... it warrants help from good lawyers who care. And it deserves support from friends and stakeholders, for the Gatherings and the Nation.

Respectfully Reported,

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