

United States Department of the Interior

03-268

NATIONAL PARK SERVICE P.U. ROX 1717: WASHINGTON, D.C. 20013-7127

A7217(190)

TKANSFER OF CORRESPONDENCE

chief, Forest Service Department of Agriculture. P.D. Box 96090, Washington, D.C. 20090-6090 The attached correspondence is hereby transferred to your Agency for review and response as appropriate.

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transfer	by	copy	of	this	form	On	this	date.	•			

Name	oſ	Constituents		and the second s	
Date	of	Constituent's	letter:		
Date	of	Congressional	inquiry:	8/14/03	

Attachment(s)

Received in FS/CCL initial: KH Control No: 4231397 BARBARA A MIKULSKI MARYLAND

COMMITTEES:

APPROPRIATIONS

HEALTH, EDUCATION, LABOR.
AND PENSIONS

United States Senate

WASHINGTON, DC 20510-2003

August 14, 2003

Ms. Fran P. Mainella Director National Park Service Department of the Interior 1849 C Street, NW, Room 3112 Washington, D.C. 20240-0001

IN REPLY PLEASE REFER TO OFFICE INDICATED:

- 1829 THAMES STREET, SUITE 400 BALTIMORE, MD 21231 (410) 562-4510 VOICE/TOD: (419) 962-4512
 - 60 WEST STREET, SUITE 202 ANNAPOLIS, MD 21401-2449 (410) 263-1806 BALTIMORE: (410) 209-1650

- 8404 IVY LANE, SUITE 405 GREENBELT, MD 20779-1467 (301) 345-5517
- 94 WEST WASHINGTON STREET HAGERSTOWN, MD 27140-4864 (301) 787-2826
 - BUTTE 1E, BUILDING S 1201 PEMBERTON DRIVE SALISBURY, MD 21801-2403 (410) 545-7711

Dear Ms. Mainella:

Some time ago I made an inquiry to your office on behalf of To date, I have not received a final reply Ms. about this matter.

I have attached a copy of the most recent correspondence to your office.

Your assistance in expediting a reply is appreciated.

Sincerely,

Barbara A. Mikulski United States Senator

BAM:dgn

IN REPLY PLEASE REFER TO

OFFICE INDICATED:

(410) 862-4510

VOICE/TDD: (410) 862-4512

60 WEST STREET, SUITE 202

AMNAPOLIS, MD 21401-2448 (4101 251-1806 BALTIMORE: (410) 268-1850

8404 IVY LANE, SUITE 408 GREENBELT, MD 20770-1407 [301] 344-8517 34 WEST WASHINGTON STREET

HAGERSTOWN, MD 27140-4804

(301) 797-2828

SUITE 1E, BUILDING E

SALISTURY, MD 21001-2403

(410) 545-7711

1629 THAMES STREET, SUITE 40 BALTIMORE, MD 21231

BARBARA A. MIKULSKI MARYLAND

COMMITTEES:

APPROPRIATIONS

HEALTH, EDUCATION, LABOR. AND PENSIONS

United States Senate

WASHINGTON, DC 20510-2003

August 2, 2002

Mr. David Bernhardt
Director for Congressional & Governmental Affairs
U.S. Department of the Interior
1849 C Street N.W.
Mailstop 6242
Washington, D.C. 20240

Dear Mr. Bernhardt:

I would appreciate it if you would review the enclosed correspondence and would contact my office as soon as possible with the appropriate information to respond to my constituent.

Please send your response in duplicate form to the attention of my assistant, Denise Nooe, in my office at 60 West Street, Suite 202, Annapolis, Maryland 21401.

Thank you for your consideration of this matter.

Sincerely,

Barbara A Milatel

Barbara A. Mikulski United States Senator

BAM: dgn

Page 1 of 2

Case Information and Privacy Release

CASE INFORMATION AND PRIVACY RELEASE FORM

AUTHORIZATION

Name:		· · · · · · · · · · · · · · · · · · ·	@ schrol			•
Address:		· · · · · · · · · · · · · · · · · · ·		Oberlia Col	lege	b 4
City and Zip	Code: Columbia A	ND PINNE	/ Oberlin o	H 44074		67
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I hereby request the assistance of the Office of United States Senator Barbara A. Mikulski in addressing the matter described above, and authorize Senator Mikulski and her staff to receive any information

Page 2 of 2

Case Information and Privacy Release

which they may need in order to provide this assistance.

Signature* and Date

"Note: In price to comply with the provisions of the Privacy Act of 1974 and to be of assistance with claim(s), it is necessary that your signature be on file. (in bright contrasting color)

Please print and mail to:

United States Senator Barbara A. Mikulski
Attention: Casework
Brown's Wharf
1629 Thames Street
Suite 400
Baltimore, Maryland 21231

planc

(please attach copies of any supporting documents)

My name is the latest Lam a political history major with a focus on Eastern Europe in the twentieth contrary Oberlin College in Ohio and a liberal registered voter in Maryland. I write to inform you of certain members of the forest service abusing their duty of protecting the forest and instead causing a peaceful gathering to turn into an attack on unarmed people.

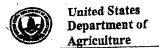
In the last weeks of June, through the first weeks of July, in the Ottawa national forest about 7 miles north west of the small town of Watersmeet in the Upper Peninsula in Michigan "the Rainbow Family" gathered in their annual practice to pray for world peace. The Rainbow is a different thing to different people. This is one of the largest non-organizations in the world. There is no inherent hierarchy and all people are respected equally as part of their practice of peaceful respect for everyone and the environment. We all consider ourselves part of a huge, extended family, no matter what our reason for gathering, no matter what our spiritual or religious or political, economic, or social views may be. There are no membership qualifications, no fees or dues, no leaders, and virtually no rules other than the one of "peaceful respect." Each year, individuals take personal responsibility and work together with others on whatever they are inspired to do, from office work, to scouting, to building the kitchens at the gatherings, to hauling in food and first-aid supplies, to peacekeeping, etc. Every project undertaken operates essentially on a consensus basis. Participation, communication, and cooperation are how things operate.

On June 26, my friend and a ware helping a few other people to build a kitchen to feed the people expected to come to pray for peace on July 4. As we stood some downed logs up to support a tarp roof for the kitchen (the rainbow family does not cut trees down, they use only downed logs to built their amazing structures, then they re-scatter the logs and rocks used as people leave the gathering again.) All day we heard reports that the forest service was cutting, with chainsawe a trail through the woods for their horses and ATV's to come into the gathering from the back. We did not think too much of the whole situation, as we did not realize that we did anything wrong according to the law. Around 4:30 and I heard people yell for help, we can along the path in the direction of the cries and up a hill. As we ran up the hill, we were confromed by about six ATV's rolling down the path. There were more in the woods and many forest service law enforcement officers on horseback too we would later find out. When we saw the ATV's I ran through the bushes and ran along the path. They told him to move out of their way, he did so promptly and asked several times to know what he was doing that was illegal. First the said get out of the way or you'll be arrested, he got out of the way further and again asked what he was doing that was illegal. He was then arrested. During the whole thing he was very cooperative and compliant and asked only why he was being arrested. They responded with, "shut up." As this is happening I could only watch, I do not know what to say. Soon many more people were on top of the hill; we started to circle around the cops in hopes of talking to them reasonably that they would not arrest anyone. I tried to see if any of the officers had their badges in hope of calling attention to those who I saw on the ground by the chain of the handcuffs. I heard him ask that they stop hurting him, all night I worried that they broke his arm or burt him in some way. The law enforcement officers soon pulled away from the group where I could no longer see him. I started to tell everyone what I wimested the aw Enforcement Officers doing to him. I saw another friend in the circle, he and I sat down on the ground in hopes of calming down the people and law enforcement forest rangers, and making them realize that we were not violent. We were only gathered for peaceful purposes and we were all peaceful people. uninterested in causing strife. I turned around and we opened our eyes to see four forest rangers on two ATV's driving toward us, we only had time to roll out of the way before getting hit by them. At this point, the peaceful circle turned into a mob scene. I saw a horse cross very close to a woman she starts crying. screaming that the horse had stepped on her. I was confused. I saw ATV's and horses running around the circle pushing people; men, women and children who were barefoot and hands raised, unarraed in peace, out of the way. They screamed at people, yelling at them to get off the land. Out of the woods people filed down the path with all their belongings or whatever they could carry followed by cops and forest service rangers. Soon people stopped panicking and all of the children who were on the West Side of the river walked to the other side. We circled and tried to calm ourselves down in hopes that the Law Enforcement Officers would also caim down and we could talk to them about what happened and where the and a few other forest rangers came to people they arrested went. After about a half-hour the circle, they were on horseback and their horses were very skittish, I was afraid of being trampled. They came to the circle to speak with us, they said we were on an archaeological site of an early 1900's logging town. (Note: the forest in which the gathering was held is stated to be clear-cut in 2004. Why would they clear cut land with large machines where there is an important archeological dig that the forest service claimed could be disturbed by people walking carefully and barefoot.) They told us everyone has to be off

the West Side of the river by the next day at dawn or else everyone would be arrested. We asked why it was not marked that they said the discovery was recent. Soon we came to the agreement that everyone would leave the West Side by Dawn. A woman came running out of the woods and said that while we have been peacefully talking and we came to some agreement, the other forest rangers were confiscating people's personal belongings and some were being destroyed. The circle broke up, I tried to talk to a forest and where I could find him and anyone else ranger or someone who would know what happened to who had been arrested. At first the Law Enforcement Officers would not answer my questions then they only told me that he would be released in 2 days but they would not tell me where. I stopped trying to talk to them, I would find out where he was on my own since they would not help me. The only reason I found out where he was taken was the next day. After calling as many of the nearest towns' fails that I could find in the phone book to see if he was imprisoned there, I asked a woman working in the hardware and food store saw a girl the day before who had somehow found our. I called the Marquette federal court clerk ad she said that yes he was imprisoned there and that he was going to his hearing and I could call back later. All four arrested that day are safe and sound. They were charged with camping without a permit, interference and being in a closed area.

That is exactly what I saw and experienced on the afternoon of June 26th and the morning of the 27th, 2002. I told many people and the entirety was recorded and photographed by people there. I do not know why the rainbow gathering is persecuted so vigilantly every year, it is very peaceful and leaves the forests the way they were found. I just want to alert the public to civil abuses to peaceful people.

Oberlin College Oberlin, OH 44074 64 67C



Forest Service

Washington Office

14th & Independence SW P.O. Box 96090 Washington, DC 20090-6090

File Code: 2300-1/1510

Date: NOV 2 1 2003

The Honorable Barbara A. Mikulski United States Senate 709 Senate Hart Office Building Washington, DC 20510

1600 C

Dear Senator Mikulski:

I wish to apologize for not addressing your original inquiry. We had received multiple congressional inquires on Ms. letter and it appears your response was overlooked.

Enclosed is a copy of a letter to Senator Sarbanes addressing the same issue. I hope this will serve your needs.

As an update, a permit was issued for the 2003 gathering held in northeastern Utah. I hope this will be the first of many legal gatherings.

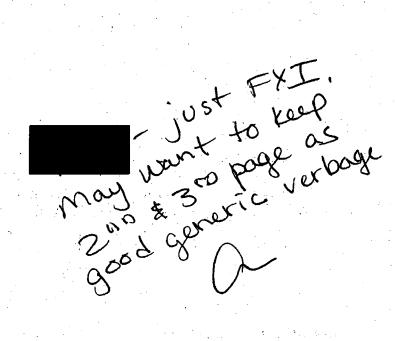
Should you have any questions, please do not hesitate to contact Ken Karkula at 202-205-1426. Sincerely,

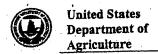
DAVID G. HOLLAND

Director, Recreation, Heritage, and Wilderness Resources

Enclosure

Republica Services





Forest Service Washington Office

14th & Independence SW P.O. Box 96090 Washington, DC 20090-6090

File Code: 1510/2700-1

Date: NOV 2 2 2002

Honorable Paul Sarbanes United States Senate 309 Senate Hart Office Building Washington, DC 20510-2002

Dear Senator Sarbanes:

Thank you for your October 2, 2002, letter on behalf of your constituent. letter is the annual gathering of the Rainbow Family of Living event referenced in Ms. Light (Rainbow Family), held over a 2-week period around July 4. This event has been occurring on National Forest System (NFS) lands since the mid-1970s. What began as a modest gathering has now turned into a large event that attracts over 20,000 participants and impacts not only the natural resources but communities in the immediate area, particularly in regard to public health and safety.

In 1995, the Forest Service promulgated regulations governing authorization of such events. The regulations have three rationales: to protect forest resources and improvements, to address concerns of public health and safety, and to address conflicts among scheduled and existing uses of NFS lands. The Forest Service regulations were patterned after a National Park Service rule governing large group gatherings on the Mall in Washington, D.C., which strictly adheres to First Amendment requirements. Like the National Park Service rule, the Forest Service regulations require a permit to conduct a large gathering. The Forest Service permit is free, does not require insurance or bonding, and may be applied for as late as 72 hours before an event takes place. Permit applications must be granted or denied within 48 hours of receipt; if they are not they are deemed granted.

Since 1995, the Forest Service has tried to obtain a permit, which the agency requires for all large gatherings on NFS lands, from the Rainbow Family for its annual gathering. Unfortunately, the Rainbow Family has steadfastly refused to obtain a permit for most of these gatherings. The group's repeated noncompliance has compelled the Forest Service to issue notices of noncompliance to leaders of these gatherings. In every case (20, including 4 decisions in the Federal courts of appeals), the courts have found the Forest Service regulations to be constitutional. Judges are becoming increasingly frustrated with the Rainbow Family's lack of compliance and increasingly willing to impose stiff penalties, including imprisonment.

letter in context. Much more background information is I hope that I have placed Ms. available concerning interaction with other elected officials (Federal, State, and local), oversight by the Senate Subcommittee on Forests and Public Land Management, and this year's effort by the Forest Service to obtain a permit from the Rainbow Family; to offer suitable alternative sites



that, in contrast to the site selected by the Rainbow Family, would meet regulatory requirements; and to address resource and public health and safety concerns at the annual Rainbow Family gathering. If you would like more information, please contact Malcolm Jowers, Commander, National Incident Management Team, at (828) 670-5261, x122.

Sincerely,

DAVID G. HOLLAND

Director, Recreation, Heritage, and Wilderness Resources