

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. letter	To Hillary and Bill from constituent re: personal story (1 page)	00/00/0000	b(6)
002. letter	To Ms. Rasco from constituent re: personal story (5 pages)	08/15/1994	b(6)

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Diana Fortuna
OA/Box Number: 12028

FOLDER TITLE:

Forest/Land Use (Rainbow Family)

2018-0525-S

ry2264

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

TO: FILE

FROM: KATHI WAY

RE: NOTES FROM DISCUSSIONS WITH RAINBOW FAMILY MEMBERS

0 Late spring/early summer talked with Wm Thomas about the possibility of a meeting on proposed rulemaking on use of national forests.

0 Meeting did not occur. Miscommunication. I thought they were going to get back to me regarding attendees. By the time we talked it was too late to arrange.

0 Second meeting scheduled with representatives of the Rainbow Family for last week in July. After the meeting had been scheduled, I learned the comment period had not ended. In addition, I learned it was not suggested that meetings take place about a specific rulemaking until it was finalized.

0 I called Wm. Thomas' phone number to cancel meeting. The notice to cancel the meeting was quite late. I had tried to reach Wm. Thomas earlier using a mobile phone number that had been left with my office but was unable to make a connection. I finally talked with Wm. Thomas' wife. I realized quite early in the call that she was taping the call. I asked her if the call was being taped and she said, "yes". I told her she was not allowed to tape the call without my permission. She then asked if I would approve a taping. I answered, "no". After she turned the tape recorder off, I told her I would have to cancel the meeting for the reasons mentioned above.

MEMORANDUM
OF CALL

Previous editions usable

TO:

KATHI

☒ YOU WERE CALLED BY- ☐ YOU WERE VISITED BY-

ELLEN HORNSTEIN

OF (Organization)

☒ PLEASE PHONE ► ☐ FTS ☐ AUTOVON

720 9616

☐ WILL CALL AGAIN ☐ IS WAITING TO SEE YOU

☐ RETURNED YOUR CALL ☐ WISHES AN APPOINTMENT

MESSAGE

CALLING ABOUT SUMMARY
OF PHONE CONVERSATION
THAT YOU HAD TALKED ABOUT.
202-690-2730

RECEIVED BY

ERIK

DATE

1/12

TIME

12:02

63-110 NSN 7540-00-634-4018

STANDARD FORM 63 (Rev. 8-81)
Prescribed by GSA
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☆ U.S.G.P.O. : 1993 342-198/80011

The White House
Washington

FAX COVER SHEET

OFFICE OF DOMESTIC POLICY

Kathryn Way
Special Assistant to the President

Cookie Walden
Staff Assistant

Old Executive Office Building, Room 218
Washington, DC 20500
Phone: (202) 456-7777 FAX: (202) 456-7028

TO: Ellen Hornstein

FAX No. 690 - 2730

FROM: Kathi Way

DATE: 1-12-94

NUMBER OF PAGES (Including cover sheet) 2

COMMENTS:

PEOPLE FOR COMPASSION AND UNDERSTANDING

PO Box 27217 - Washington, DC 20038

{ 202-462-0757 }

PO Box 6625 - Chicago, IL 60680

{ 312-409-0018 }

28 February 1995

PCU // Freedom of Assembly Project

Ms. Carol Rasco — Office of Domestic Policy
ATTN: Jeremy Ben-Ami, Chief of Staff / Ms. Elizabeth Cohen
OEOB-213 / The White House
1600 Pennsylvania Avenue
Washington, DC 20500

MAR 13 1995

RE: USFS Proposed Rules --
Focused Appeal to Senate Agriculture Cmte

Ms. Rasco, Mr. Ben-Ami:

Around the Holidays you received an update package on the 'Group Use' and 'Law Enforcement' regulations proposed by the Forest Service, and their impacts upon the Bill of Rights in the National Forests.

Similar information was also presented to the incoming leadership in several Congressional committees, carrying forward our appeals from last year and calling for bipartisan oversight action to stop these rules and redirect Forest Service policies.

Our dialogues were fairly productive with Senator Craig, now Chair of the Senate Agriculture Subcommittee on Forestry, Conservation, and Rural Revitalization. His staff asked that we follow up with focused ideas on the issues raised by these rulemakings, and on what steps to take.

A copy of our 2/14/95 response is presented here: Hopefully this informs the concerns of the Office of Domestic Policy well, and stirs a realization that Constitutional freedoms must stand above politics.

We also promised to provide details for special inquiries on the suspicious Fire at the July '94 Gathering in Wyoming, and the continuing pattern of law enforcement abuse under Forest Service authority. This second piece is forthcoming soon, and you will receive a copy of this as well. It will document incidents which reflect darkly on the intent of the proposed rules, and amplify our sense of alarm over what is at stake.

Please give this position letter your careful review, with special consideration for some disturbing recent developments...

The USFS "Unified Agenda" published in November, and the "Forest Service Reinvention" report released in December failed to respond to public critique. Then in early January reports were confirmed that the final 'Group Use' rules will come out in late March. All indications are that the Forest Service intends to proceed with these unconstitutional policies, and that time is short.

Stating it bluntly: The outcome of these rulemakings will define the future of Citizen Rights and Stewardship on Public Land. We urge decisive intervention from the White House, to set a mandate for new policies of cooperation and respect.

Thanks once again...


The PCU Volunteers / S.C. Addison

PEOPLE FOR COMPASSION AND UNDERSTANDING

PO Box 27217 - Washington, DC 20038

{ 202-462-0757 }

PO Box 6625 - Chicago, IL 60680

{ 312-409-0018 }

14 February 1995

PCU // Freedom of Assembly Project

Senator Larry Craig, Chair
**Agriculture Subcommittee on **
\ Forestry, Conservation, and Rural Revitalization
313 Hart Senate Office Bldg.
Washington, DC 20510

ATTN: Mr. Norm Arseneault

RE: USFS Anti-Assembly Rules / Committee Action

Dear Norm, Senator Craig:

Once more... Thanks for meeting with us and probing these issues. Some good information has been shared, and your openness is appreciated.

We would like to hear more about Senator Craig's efforts to preserve Constitutional protections. You have our respect for your gutsy stands on the Randy Weaver case and the proposed 'Law Enforcement' rules for the National Forests.

We would like to see the Senator's position statements on both issues, and hear more about the public outcry and policy concerns that prompted these responses.

His views are closely aligned with the information we have presented: It looks at the 'Group Use' and 'Law Enforcement' rulemakings together as a broader regulatory scheme, showing the close connection of First and Fourth Amendment rights, and why peaceable assembly on public land is central to all American freedoms.

Around the Holidays, we outlined the grounds and course of our appeal on the proposed Forest Service rules; you asked for details to clarify what can be done.

Factfinding is nearly complete on the special inquiries we discussed; a substantial presentation will go out to you soon under separate cover.

For now, let us focus on the major regulatory issues, the drift of recent events, and the first priorities for action:

◇ **Bringing the Senate Agriculture Committee into play...**

The immediate purpose is to make sure that our formal appeal to the Subcommittee is carried over into the 104th Congress. Mr. Leahy and Mr. Daschle have both been receptive to these concerns, and Senator Craig's new role as Subcommittee Chair holds a good prospect of continuing bipartisan cooperation.

- *We come forward with the urgency for action now on both rulemakings...*

Final publication of the 'Group Use' rule is expected very soon; we hold faith that the process can be turned to a more constructive course if the Committee intervenes.

The premises of USFS 'Law Enforcement' policy must also be challenged before a new proposal comes out: We fear the broader impacts of such extreme powers, and as you observed, we don't need a new National Police force under the Forest Service.

- *The recent postures of the Forest Service only heighten our concerns.*

)) These constitutional issues were presented at regional 'Town Hall' forums last Spring, but the 12/94 report from the "Forest Service Reinvention" process evades them entirely.¹ It offers sanctimonies about openness and the "organizational culture" of the Agency, but the roles and actions of its Law Enforcement & Investigation personnel are not discussed -- as if such matters are above public scrutiny.

Platitudes about 'public service' are meaningless if the Agency persists in rulemakings that infringe on public rights.

)) The "Unified Agenda" published in November indicated their intent to proceed with the 'Group Use' rules proposed in May '93.² The rationalizations are the same as before, seemingly unmoved by public comments and Congressional views. It is the same circular logic that has been rejected in Federal Courts twice since 1986.

)) USFS officials have confirmed that final publication of the revised regulations on free assembly is now set for late March '95. They claim that the rules have been "substantially changed" from the proposal.³ Predictably the most offensive language will be removed to defuse opposition, leaving the intent and substance untouched.

The issues are clear, but apparently the Forest Service is not listening.

In the cumulus of public views, court decisions, and official critiques, there is a consistent message:

The Forest Service is pushing a regulatory scheme unwarranted by environmental need or compelling interest -- singling out 1st Amendment activities under arbitrary standards of restriction, and violating 4th Amendment protections with extreme police authorities. Yet their own administrative record clearly shows a history of cooperative and clean "group events", and many workable alternatives to regulation.

Agency bureaucrats doggedly ignore these obvious flaws... and if such measures defy administrative law and do not rationally serve their Congressional mandate to protect the National Forests -- We must ask a very big question:

Is it the continuing policy of the Forest Service to promulgate unconstitutional rules?

It is fitting that this question be posed in the oversight capacities of the Senate Subcommittee on Forestry, Conservation, and Rural Revitalization.

The inquiry should pursue these specific points immediately:

- (1) Since no significant impacts are shown to result from 'Group Events' and 'Distribution of Printed Material' in the National Forests, on what grounds are these defined as "Special Uses", therefore subject to permit authority under 36 CFR §251?
- (2) Why is the Forest Service promoting substantially the same restrictions on free assembly that have twice been struck down as unconstitutional by Federal Courts? Is this Public Agency above the Law, as its attorneys have asserted?⁴
- (3) The Forest Service unilaterally disclaims any regulatory impacts; how can they determine that these are not "major" or "significant" rulemakings, ignoring impacts on the Constitution? Why do they blatantly violate the *least restrictive means* mandate of the Administrative Procedure Act, reinforced by President Reagan in 1986?⁵
- (4) Why have USFS bureaucrats sequestered public information, and blocked meetings with White House staff in July '93 and the Secretary's Office in December '93... obstructing communication with public officials *on an issue of free expression*? What purpose is served by invoking the "ex parte" rules, when we have called for an open forum of all parties on these policy issues of broad public interest?⁶
- (5) With the enactment of the *Religious Freedom Restoration Act of 1993 [P.L.103-141]*, should not these rulemakings be reassessed according to the "compelling interest" test now reaffirmed for any government action restricting religious expression?
- (6) Why has the Forest Service evaded inquiries about the formal administrative record of the 'Law Enforcement' rulemaking -- temporarily withdrawn by Chief Thomas in the face of broad Citizen & Congressional outrage -- despite formal requests for the official log of public comments and petitions?⁷

Ultimately, this is far more than a simple matter of routine regulation.

This issue goes to the very limits of government control. The outcome will determine whether the Public may be denied access to the National Forests -- the final sanctuary of free expression and stewardship, free from fear. What we do now will redefine the relationship of free citizens to Public Lands in common trust, for generations to come.

The politics are not trivial or skewed by narrow interests. In the words of Senator Baucus, we are dealing with *"a bunch of busybody Beltway bureaucrats run amok."*⁸ Seeking powers to require permits for "non-commercial group events", they fail to grasp or respect the very nature of free assembly, as a personal act and right:

Gathering as a Consensus of Individuals, no person can assume authority, responsibility, or liability for others by signing a permit,

Compelling a Gathering to be structured as an entity for the purposes of regulation is to violate the shared belief in Consensus, and its sovereignty.

And fundamentally, Citizens do not need permission from the government to exercise constitutional freedoms.

If the 'Group Use' rules proceed to final publication in late March, they can become law within thirty days. The Senator and the Committee must act immediately...

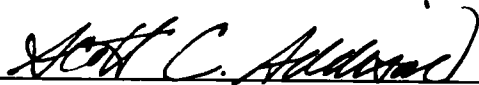
•• *Obtain the final draft rules for Congressional review, raise the Constitutional and bureaucratic issues with USDA Officials and the President, launch public inquiry and hearings to set a new policy course on Public rights and access in the National Forests.*

The Chief promised a new 'Law Enforcement' proposal, but the status is unknown and there are no signs of substantive policy change. We urge two discrete actions...

•• *(1) Secure the original Comment Log, to establish its contents and assure that current and future policies are guided by this public record; (2) Determine why the Forest Service Reinvention Team has ignored these issues entirely in its recommendations.*

We will be in touch soon to confirm a course on the best options.

Thanks for your cooperation and patience.



The PCU Volunteers / S.C. Addison (312-772-4507)

Attachments:

- Notes & Background: Supplement, pp. 4-5
- Letter on 'Ex Parte' obstruction to J. Lyons, Asst. Sec'y (12/6/93)
- Response from J. Gilliland, OGC (1/10/94)
- Letter to J. Lyons (2/23/94), attached comments by A.E. Mates, USFS (7/23/93)
- Forest Service Statement: LE Proposal withdrawn by Chief (5/18/94)
- 1st FOI Response from J.L. Beasley, Dep. Chief (7/22/94)
- 2nd amended FOI Request on Law Enforcement Comments, to J.L. Beasley (8/4/94)
- *"Reinvention of the Forest Service: The Changes Begin"* (12/6/94); pp. 18-20.

CC: Jim Lyons, USDA Ass't Secretary
Jack Ward Thomas, USFS Chief
Forest Service Reinvention Team
✓ Carol Rasco, White House Domestic Policy

Sen. Frank Murkowski
Sen. Orrin G. Hatch
Sen. Hank Brown

CERTIFIED MAIL #P023 831 183

NOTES & BACKGROUND

- 1 *"Reinvention of the Forest Service: The Changes Begin".*
-- USDA Forest Service (6 December 1994).
- 2 *Federal Register: Vol.59, No.218; November 14, 1994, pgs. 57020-57028. ("USDA-FS: 16. Land uses and prohibitions").* This was the focus of my faxletter to you on 12/30/94.
- 3 Staff from the ACLU Legislative Office spoke with Ellen Hornstein (*USDA Office of General Counsel*) and Ron Myers (*USFS Recreation, Cultural Resources, & Wilderness Management Staff*) in early January. They stated that the revised Group Use rules were already written and under final review before publication in the Federal Register.
- 4 In November 1993 this question was posed to Mr. Perry (Natural Resources Division Chief, USDA Office of General Counsel). He replied: *"We don't think the courts can tell us how to run the agency."*
- 5 Refer to the PCU position paper -- *"Group Use Rules for National Forest Lands: A Legal & Land Use Review"* -- especially discussions under "251.54 Special Use Applications", and section C on "Regulatory Impacts". Forest Service actions violate requirements of the APA as amended by Executive Order 12291, under which no new regulations may be enacted without establishing *"need ...and consequences"*, and that *"benefits ...outweigh potential costs to society"*.
It further states that the agency must assess *"any adverse effects that cannot be quantified in monetary terms, and ...those likely to bear the costs"*, and meet its regulatory objective by *"the alternative involving the least net cost to society"*. (Id., § 2,3).
- 6 A meeting with Assistant Secretary Lyons was set for mid-December 1993. The Office of General Counsel seized information previously submitted and instructed Mr. Lyons' staff that they were not to meet or communicate with us, on the grounds that this constituted *"ex parte contact"* during the rulemaking process.
Neither the law nor the record support such Agency actions to preempt citizen inputs on issues of general public concern (1 CFR §305.77-3). Moreover no other "parties" are harmed or impeded by information we bring to the Secretary's front door, acting as free Citizen in the general interest. In fact we have consistently called for an open public forum or hearings, where all the facts and views could be joined toward a Consensus on new policies on public access and assembly, preserving Constitutional Rights in the National Forests.
- 7 The final day of the public comment period was 18 May '94, when the Chief announced that the Agency would *"not proceed to a final rule"* on the current 'Law Enforcement' proposal. In a phone conversation that day, Division Staff at the Virginia headquarters acknowledged that a huge pile of opposing letters had been received. He suggested that they might be set aside or discarded, since there would be a new comment period anyway when a revised proposal is published. In turn this writer advised that IT IS the official public record... It cannot be simply thrown out.

We have taken the position that the full record of the aborted rulemaking must remain intact to inform future policy, and that its contents must be identified and reviewed, as required by the Notice-&-Comment process of "informal rulemaking" under the Administrative Procedure Act.

We submitted a Freedom of Information request for a copy of the Comment Log (5/23). Over several months into the summer, we were informed at least twice that it was not ready. The response from Deputy Chief Lamar Beasley finally arrived at the end of July, stating that *"...we have conducted a careful search of our records and determined that there is no document that is responsive to your request. The search was exhaustive and reasonable."*

A second 'amended' FOI Request was immediately sent in (8/4/94). It noted that the Forest Service Chief acknowledged *"thousands of comments from citizens"* objecting to the proposed rules, yet an "exhaustive and reasonable" search by the Deputy Chief failed to find any record of these, estimated by other USFS staff to number over 70,000 letters. To date no response has been received from the Agency.

As for the whereabouts of the actual *comment letters*, in early Fall '94 we were told that they had been sent to USFS Law Enforcement Headquarters near Atlanta, Georgia. We prepared with volunteers there to extend the request directly to that office, and then heard within a couple of months that the letters were back in Virginia... and that the Log was still not available.

The law requires that the formal record be open to public review. Congress should take a hard look at a Federal Agency that would conceal the formal record, deny access, disregard its contents or that it even exists. It would be helpful and informative if independent requests for the Formal Comment Log came from the Hill.

⁸ Montana Missoulian, Page B-1 (April 22, 1994). Senator Max Baucus joined with Senator Conrad Burns and Congressman Pat Williams of Montana in opposing the 'Law Enforcement' amendments (36 CFR Parts 261,262) proposed by the Forest Service in February 1994.

Williams called the wide sweep of the rules *"unnecessary and inappropriate"*, questioning enforcement impacts on routine camping activities and the broad discretion to ban firearms in the National Forests. Burns observed: *"Only elitist bureaucrats could think up this kind of nonsense. If this wasn't so serious, I would laugh."*

PEOPLE FOR COMPASSION AND UNDERSTANDING

PO Box 27219 - Washington, DC 20038

202-462-0757; 202-5389 (FAX)

6 December 1993

Mr. Jim Lyons -- Assistant Secretary of Agriculture,
Natural Resources and the Environment

Administration Building -- Room 217E
14th & Independence Avenue, SW
Washington, DC 20250

ATTN: Margaret Wetherald

Dear Mr. Lyons:

As you know PCU volunteers have been working to inform the Congress and key Federal agencies about the currently proposed Forest Service 'group use' rules (36 CFR 251\261), with a focus on the serious threat the pose to First Amendment rights.

In this context we bring to your attention our further grave concerns over actions arising in the DOA Office of General Counsel: *There have been repeated efforts from that office to impede communications with responsible public officials in our common public interest.*

This writing is prompted by the third such incident since July, arising as a move to preclude a planned meeting with you to discuss the substance and course of this rulemaking. Such a meeting was formally requested in the 10\15\93 transmittal letter that accompanied the "Presentation Package" we conveyed to your office, and over recent weeks we have had very constructive contacts with Margaret Wetherald and others there. The prospect of our proposed meeting was considered reasonable and well-founded; a mid-December time frame was targeted, and the final date was to be finalized in accord with your schedule.

Last Thursday (12\2), I followed up with Mrs. Wetherald as advised, and she indicated that there was a "problem": Word had been passed that our meeting would be an 'improper ex parte contact' during the notice-and-comment rulemaking in progress. I confirmed the source to be Ellen Hornstein of the General Counsel Office, and spoke with her the following day. When I asked that she cite the authority for this position under the Administrative Procedure Act, she refused to do so.

It should be known that on two other recent occasions Ms. Hornstein dropped hints of "impropriety" to shut down our contacts with Executive officials and staff:

- A meeting with the White House Office of Domestic Policy was scheduled for July 27; it was cancelled less than a day in advance based on Ms. Hornstein's protest to Kathryn Way of Carol Rasco's staff.
- The 'Presentation Package' delivered to your office on 10\21\93 was diverted to the Office of General Counsel - actually removed from your office - at Ms. Hornstein's behest. Upon my inquiry to her boss Mr. Jim Perry, he said he knew nothing about it.

Received 12/7/93
4:05 PM
John R. R. R.
Em 1011

Quite bluntly, it is well worth questioning where the real "impropriety" lies in this sequence of events. Our position on this matter is straightforward:

Nothing in the APA may be construed as grounds for a government agency or its staff to obstruct citizens in advocating the general public interest to vested public officials.

1. Forest Service staff directly involved in reviewing comments and redrafting rules are rightfully insulated from 'back door' influences under APA provisions. No such intent can be reasonably inferred from our overtures to offices of the Congress, the President, or the Secretary of Agriculture. We have moved information and ideas deliberately to agencies not directly involved in the process leading to final rule publication, and they have come openly to the front door, formally and above board.

2. The General Counsel has adopted a contradictory posture. Following their interdiction of the 'Presentation Package' to you, I made clear to Mr. Perry (head of the Natural Resources Division in DOA/GC) that it consisted of public information -- not legal documents -- and that the General Counsel had no authority to intercede. Supporting concerns were expressed from the House Agriculture Committee, and the package was then returned to your office.

Our formal request for a meeting was a part of that package, and a direct extension of its communicative intent. In effect, the General Counsel has acceded to this legitimate purpose in one breath, and then denied it in the next. Apparently their grounds are conflicted and contrived: In relinquishing an untenable obstruction under direct challenge and outside scrutiny, they have vested the Agency in a proper posture of acceptance toward citizen entreaties. This new reversal is entirely unwarranted and capricious.

3. To preempt our meeting as an "ex parte contact" is a gross distortion of administrative law. Courts have found that such prohibitions apply only to rule makings where "conflicting private claims to a valuable privilege" are at stake. *Action for Children's Television v. FCC*, 564 F.2d 458 (D.C. Cir. 1977), at 474, 477. In fact, ex parte contacts by agency staff are explicitly allowed; limits only have effect upon contacts with parties having a financial interest in the outcome. *United Steelworkers v. Marshall*, 48 Ad. L.2d 1007 (D.C. Cir. 1980).

In contrast, PCU operates in the broadest public interest -- advocating universal rights, not private privilege -- with no vested interest beyond sheer conviction and the Constitution itself. We encourage all concerned parties to come forward with their views, to join in discourse and find consensus in real solutions. There can be no gag rule upon the public in advocating their concerns to agencies of government. Those who would impose such a thing seem bent only upon making their 'worst-case analysis' a self-fulfilling prophecy.

Having been told by a government lawyer that we may not talk to our government, we listened to assurances that the formal comment record would be evaluated fairly in writing the final rule. Judging from past and present history, the 'group use' rulemakers are not to be relied upon for their innate sense of fairness. Our sense is that they represent a small and shrinking cadre within the Forest Service, working at cross-purposes with the broader mission of the agency in service to the Land and the Public. Considering the source, these attempts to quash a free exchange of ideas in public forum are typical of the pattern of conduct, and revealing of the true intent of the rule. They should be seen as a profound *disservice* to the Department and the country as a whole.

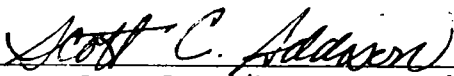
We urge that you reflect on this and act quickly to affirm a key prerogative of your Office -- *to engage responsible public inputs and exercise your best discretion*. It is a matter of good law, good faith, and good sense.

There is a unique opportunity to set a new course on solutions to problems of long standing; it is encouraged by a sense of renewal in the Office of the Secretary, and the positive directions in which the Agency has been moved.

Please confirm the meeting we have proposed and join in a valuable dialogue on behalf of all Americans and future generations.

We appreciate your attention and look forward to your constructive ideas.

Respectfully submitted,



Scott C. Addison, PCU Volunteer

cc: E. Hornstein
J. Perry
K. Way (Carol Rasco, White House)



United States
Department of
Agriculture

Office of the
General
Counsel

Washington,
D.C.
20250-1400

10 JAN 1994

Mr. Scott C. Addison
People for Compassion and Understanding
P.O. Box 27219
Washington, D.C. 20038

Dear Mr. Addison:

Thank you for your comments dated December 6 and 16, 1993, concerning the proposed regulations for group use of the national forests and for your request for a meeting with Assistant Secretary Jim Lyons to discuss the proposed rule.

The Department shares your concern for an open dialogue, as evidenced by publishing the proposed rule for comment by all interested parties. The proposed rule was published in the Federal Register on May 6, 1993, at Volume 58, Number 86, pages 26940-26946. The proposed rule would revise the existing rules governing noncommercial group events and noncommercial distribution of printed material within the National Forest System. These revisions would ensure that the authorization procedures for these activities comply with First Amendment requirements of free speech and assembly. The public comment period closed on August 4, 1993. As is common, no individual responses will be made. Rather, comments received by August 4 are being analyzed and will be addressed in the publication of the final rule.

My staff informs me that much of the materials in the package you delivered to Assistant Secretary Lyons's office on October 21, 1993, appear to be copies of materials submitted during the comment period. Please be assured that as one of the principal policy makers for the Department of Agriculture, the Assistant Secretary intends to review any final rule and the substance of timely filed comments with care.

I must decline your request for a meeting on the group uses rulemaking until a final rule is published. A key aspect of informal rulemaking is equal opportunity for all to participate. Meeting with you separately would deny that opportunity to others who have expressed interest by commenting on the proposed rule.

Thank you for your interest in the management of the national forests. We regret your interpretation of the Department's position, which is intended to be fair to all in this controversial rulemaking.

Sincerely,


James S. Gilliland
General Counsel

PEOPLE FOR COMPASSION AND UNDERSTANDING
P.O. Box 27217
Washington, D.C. 20038
(202) 462-0757

February 23, 1994
Certified Mail No. P150 697 799

Jim Lyons
Assistant Secretary for Natural Resources and the
Environment
Department of Agriculture, room 217-E
14th and Independence SW
Washington, D.C. 20250

Dear Mr. Lyons:

This follows my letter of January 31, 1994
(Certified Mail No. P150 697 797).

As you'll recall from my last letter, we've been
trying to arrange a public meeting to discuss these
proposed regulations, and Ellen Hornstein of the
General Counsel's Office has been working diligently to
preclude any such meeting..

Enclosed is a copy of a response to "Proposed
Rules for Noncommercial Group Uses and the Distribution
of Noncommercial Printed Material," July 23, 1993, from
Ann E. Mates, Recreation Director, Green Mountain &
Finger Lakes National Forests.

Although it doesn't appear on the Forest Service's
log of public comment received in response to the
proposed regulation, Ms. Mates' response is significant
for several reasons. Noting that the agency proposes
to "regulat(e) spontaneity out of existence," and that
the "Operating Plan" is a less restrictive alternative
of which the rulemaking proposal makes no mention, Ms.
Mates' response shows that elements of the agency echo
the main points of my last letter. These are important
issues that deserve serious public discussion.

Thus, we renew our suggestion for a meeting
between the progenitors of the proposed amendments to
36 C.F.R. 251 & 261 and all interested parties.

In service to peace through understanding,

USDA
Forest Service

Green Mountain & Finger Lakes National Forests
231 North Main Street
Rutland, VT 05701

Tel. (802)747-6700 FAX: (802)747-6766 TTY: (802)747-6765

Reply to: 1010/2710

Date: July 23, 1993

Subject: Proposed Rules for Noncommercial Group Uses and the Distribution
of Noncommercial Printed Material

To: Tim Curtis, RO

We have reviewed the proposed rules for Noncommercial Group Uses and the Distribution of Noncommercial Printed Materials and have the following comments.

1. The proposed rules present a good/bad situation. Good in the sense that they will help the Forest Service deal with large group gatherings by providing a more formal procedure. Bad, in the sense that they place a burden on some groups which have been traditional users of the public lands, and have never been a problem either in administration or resource management.

An example is local snowmobile clubs, or unorganized groups of snowmobile users. These users often recreate in groups of 25 or larger. These groups usually get together some day and decide on the spur of the moment to ride on the National Forest and have a cookout. We do not feel that these types of groups should have to get a permit. If so, we could be regulating spontaneity out of existence! If the rules state that these groups would have to get a permit, they will probably end up riding without one, or asking for a "blanket" permit which will cover the entire season and district and/or forest. Other casual recreational uses that would be unnecessarily impacted by the new rules include 3rd grade class picnics, family gatherings, the local birdwatching club's Forest hike, and many, many more.

A suggestion is to increase the group size for which a permit is required from 25 to 50. The casual recreational outing rarely is larger than 50 people due to the logistics of moving and assembling that size group.

2. Our developed recreation sites, such as picnic areas, have been designed and constructed to accommodate large numbers of users at one time. Our picnic shelters/pavilions seat more than 25 people, and other facilities such as toilets and parking areas are also meant to accommodate large groups. We often have school class trips, family gatherings or other groups of 25 or more use these facilities as was intended. There are no environmental or administrative concerns with large groups using these facilities. It does not seem necessary to require a permit for use of these facilities. If group size is a concern at a certain developed site, site specific regulations can be implemented to control the use. This would be much more effective than requiring a permit. Therefore, we suggest that groups using developed recreation sites be exempt from the new rules for noncommercial group use.

There was no reference to NEPA requirements related to the new rules. Therefore, we are assuming that these permits, issued for one year or less, would be categorically excluded from documentation in an EIS or EA, and do not require a project file or decision memo as described in the Categories Established by the Chief. If this is not to be the case, we suggest very clear guidelines be established in the implementing regulations.

4. From a practical standpoint, some groups will refuse to sign any kind of permit. This brings up the issue of enforcement. Will there be new rules or guidelines on writing citations? If a group refuses to get a permit, what then?
5. One of the best "tools" we used at the Rainbow gathering was the use of the "Operating Plan". There is no mention of that, or any similar type of management plan. The operating plan is a valuable tool that should be included as a requirement of the permit. If it is not required as part of the rules, then perhaps it could be included in the implementing regulations.

/s/ Ann E. Mates

ANN E. MATES
Recreation Planner



News Release

United States
Department of Agriculture

Forest Service
P.O. Box 36030
Washington D.C. 20090-6030

Jennifer Harris 202-205-1134

FOREST SERVICE WILL REDRAFT LAW ENFORCEMENT REGULATIONS

WASHINGTON, D.C., May 18 -- USDA Forest Service Chief Jack Ward Thomas announced today that the agency will revise and issue a new proposed law enforcement rule. Chief Thomas said his decision responds to thousands of comments received from citizens who objected to several provisions of the first proposal.

Chief Thomas said, "The American people and their public resources deserve the best protection possible. Many people were confused and upset about the intent of our proposed rule, and I'm sorry that happened. We want to work with the public to update our law enforcement regulations in order to meet our responsibilities for public safety and resource protection. I want to assure the public that the Forest Service has no intention of hampering legitimate public recreation and use of the national forests and grasslands."

"We heard people express specific concerns about the use of firearms, recreational rockhounding, and other aspects of the proposed rule. We will respond with a new version for people to review," he added. A date has not been set for the issuance of the revised proposal.

With over 290 million visitors enjoying recreational opportunities on 191 million acres of national forests and grasslands, public safety concerns have grown dramatically in the past few years. Illegal activities such as gang violence, marijuana cultivation, and drug use, and theft of public resources including trees and archeological treasures, are increasing law enforcement challenges for Forest Service managers.

The proposed law enforcement rule is intended to improve protection of the public and the resources by consolidating regulations and reflecting recent changes in laws enacted by Congress. Under the Administrative Procedures Act, federal agencies publish proposed rules in the Federal Register and invite written comments from interested people. Those comments are then considered as the agency drafts the final version of a rule. The Forest Service published the Proposed Rule on February 18 in the Federal Register. Thousands of comments were received in an extended comment period of 90 days, which ended today. Chief Thomas has decided not to proceed to a final rule. Instead a new proposal will be developed which will be made available again for public review and comment.

"The American people deserve clear rules about how they may use their National Forest System lands. I pledge that we will do a better job of working with concerned citizens and interested groups as part of our revision effort," Thomas said. "We will make every effort to inform people when the new proposed rules are available for review and comment. We will strive to inform them about the rule clearly and concisely. We cannot let our present out-of-date rules continue, but we want people to be sure of our intentions before we proceed."



United States
Department of
Agriculture

Forest
Service

Washington
Office

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

Reply To: 6270-1-1

Date: JUL 22 1994

Mr. William Thomas
2817 11th Street, N.W.
Washington, D.C. 20001

Dear Mr. Thomas:

This letter is in response to your May 23, 1994, Freedom of Information Act (FOIA) request for a "log of the public comment received by the agency with regard to that proposed rulemaking." The "proposed rulemaking" mentioned in your letter referred to a Forest Service proposal to amend 36 C.F.R. 251 & 261 that was published in the Federal Register on February 16, 1994.

In response to your request, we have conducted a careful search of our records and determined that there is no document that is responsive to your request. The search was exhaustive and reasonable.

To the extent that we have no records responsive to your request, the Freedom of Information Act provides you with the right to appeal this determination. Any appeal must be made in writing to the Chief, USDA Forest Service, P.O. Box 96090, Washington, D. C. 20090-6090, within 45 days from the date of this letter. The term "FOIA APPEAL" should be placed in capital letters on the front of the envelope.

Sincerely,

J. LAMAR BEASLEY
Deputy Chief for Administration



William Thomas
2817 11th Street NW
Washington, D.C. 20001

REPLY TO: 6270-1-1

August 4, 1994

Lamar Beasley
Deputy Chief for Administration
14th & Independence Avenue NW
Box 96090
Washington, D.C. 20090-6090

Dear Mr. Beasley,

On July 30, 1994, I received your initial reply (dated July 22nd) to my May 22nd Freedom of Information Act request for a "log" of the public comment received by the Forest Service in response to proposed amendments to 36 C.F.R. 251 & 261 ("law enforcement regulations"), published in the Federal Register on February 16, 1994.

You state, "(W)e have conducted a careful search of our records and determined that there is no document that is responsive to your request."

As you can see from the enclosed NFS press release, however, Chief Thomas said that the agency received, "thousands of comments from citizens who objected to several provisions of the first proposal" of the law enforcement regulations.

Because the Administrative Procedures Act requires that the agency compile a log of public comment received in response to proposed rulemakings, it is curious that your exhaustive and reasonable search did not uncover a "document that is responsive to (my) request."

I think that it is premature for me to appeal the decision stated in your letter dated July 22nd.

Instead, I will amend my request for a list of the names and addresses of all individuals and organizations who submitted public comment in response to the regulations referred to in the enclosed NFS press release.

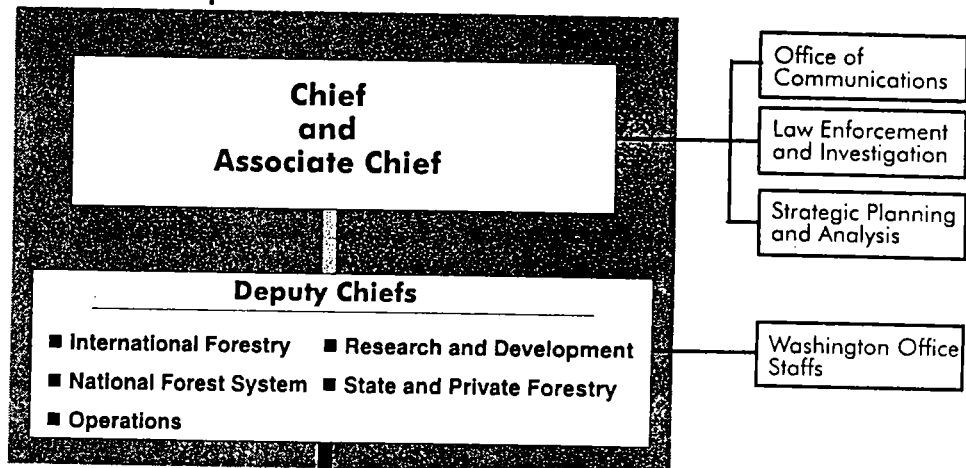
I would very much appreciate a timely response to this request.

Sincerely,

The largest single element in the appraisal of each Regional Leadership Team member will be the whole team's performance in promoting whole-system management in the region. This model will enhance teamwork at the regional level, but also retain the degree of functional identity needed to ensure freedom of inquiry for research scientists, excellence in cooperative assistance programs, integrity of national resource-emphasis programs, and adherence to laws and regulations. Within each Region, leadership team members will be collectively and equally responsible for developing an integrated budget and effective plans to carry out all functions. The budget will embrace all programs and priorities for the entire region.

This design will guarantee national program integrity, while promoting good teamwork across programs at the Regional level. Figure 3 is an organization chart of the reinvented FS. Figure 4 describes the various roles of the organizational entities at the national, regional, and local levels.

National Leadership Team



Regional Leadership Team

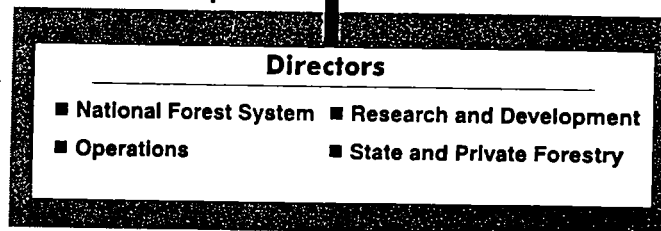


Figure 3.—Organization chart for the reinvented FS.

Figure 4. National, Regional, and local organizational roles

NATIONAL LEVEL (General roles):				
• Provide integrated national leadership • Provide vision, strategy development, and guidance to the field • Develop and communicate corporate vision and policy to stakeholders • Manage relationships with national level interests: Collaborate and cooperate with Congress, Department, Tribes, other agencies, partners, etc. • Conduct national level strategic planning • Manage Forest Service responses to national issues • Monitor programs and ensure accountability • Manage budget: Advocate, prepare, present, and allocate the Forest Service budget • Provide technical assistance unattainable elsewhere • Promote and maintain internal enterprises • Coordinate human resource development and continued learning on a national level • Determine national standards for inventory, assessment, and monitoring				
National Forest System (NFS) • Provide National leadership, coordination, strategic planning, and monitoring for delivery of NFS programs • Co-facilitate, with R&D, S&PF, OPS, IF and Regions, development of national budgets • Supervise line organization at Regional level (NFS Regional line officers)	State and Private Forestry (S&PF) • Provide National leadership, coordination, strategic planning, and monitoring, for delivery of S&PF programs • Co-facilitate, with R&D, NFS, OPS, IF and Regions, development of national budgets • Supervise line organization at Regional level (S&PF Regional line officers)	Operations (OPS) • Provide National leadership, coordination, strategic planning, and monitoring for delivery of OPS programs and services • Provide operational assistance for national level mission delivery • Develop and maintain agency enterprise support system • Co-facilitate, with R&D, NFS, S&PF, IF and Regions, development of national budgets • Supervise line organization at Regional level (OPS Regional line officers)	Research and Development (R&D) • Provide National leadership, coordination, strategic planning, and monitoring, for delivery of R&D programs • Co-facilitate, with NFS, S&PF, OPS, IF and Regions, development of national budgets • Supervise line organization at Regional level (R&D Regional line officers)	International Forestry (IF) • Provide National leadership, coordination, strategic planning, and monitoring, for delivery of IF programs • Co-facilitate, with NFS, S&PF, OPS, R&D, and Regions, development of national budgets
REGIONAL LEVEL (General roles):				
• Provide integrated Regional Leadership in partnership with stakeholders of the Region • Provide vision, strategy development, and guidance to the field • Control through monitoring, budgets, and reviews, not by requiring approval before action is taken • Communicate Region vision to stakeholders • Manage relationships with Regional interests: Collaborate and cooperate with State Governments, Tribes, other agencies, partners, etc. • Conduct Region strategic planning which ensures Forest plans contribute to Regional goals • Manage Region issues • Monitor programs and ensure accountability against integrated ecosystem objectives • Negotiate objectives with Forests and teams • Manage budget: Advocate, prepare, present, and allocate the integrated Regional budget • Provide technical assistance unattainable elsewhere • Coordinate human resource development and learning on an Regional level • Promote and ensure cross-boundary partnerships with stakeholders and other Regions, agencies, governments, and interests • Participate in multi-ownership planning and coordination process (convener/facilitator) • Convene interests on Region issues • Promote land management education • Fully involve all field units residing totally, or in part, in the Region • Participate in developing interagency standards for inventory, assessment, and monitoring				
National Forest System • Provide leadership, coordination, strategic planning, and monitoring, for delivery of Regional NFS programs and services • Co-facilitate, with R&D, OPS and S&PF, the development of an Regional integrated budget • Promote and maintain internal enterprise • Supervise line NFS organization	State and Private Forestry • Provide leadership, coordination, strategic planning, and monitoring, for delivery of Region S&PF programs and services • Co-facilitate, with R&D, NFS, and OPS, the development of Regional integrated budget • Promote and maintain internal enterprise • Supervise line S&PF organization	Operations • Provide operational assistance for delivery of programs and services • Monitor Regional operations service delivery • Co-facilitate, with NFS, S&PF, and R&D, the development of Regional integrated budget • Develop and maintain Regional internal enterprise support system • Support local field internal enterprises	Research and Development • Provide leadership, coordination, strategic planning, and monitoring, for delivery of Regional R&D programs and services • Co-facilitate, with NFS, OPS, and S&PF, the development of Regional integrated budget • Promote and maintain internal enterprise • Supervise science teams and R&D Units	

Figure 4.--Continued

LOCAL FIELD LEVEL			
National Forests • Carry out ecosystem management on the forest in the context of Regional plan(s) • Participate in Regional planning process • Monitor and ensure implementation of Forest Plan • Deliver goods and services to the public in conformance with Region and Forest Plans and customer service standards • Allocate budget for individual activities under unified-budgeting concept • Identify and resolve Forest wide issues within the context of forest planning • Develop and maintain quality relationships with stakeholders of the National Forest • Demonstrate ecosystem management principles in action • Partner with S&PF in the delivery of technical assistance to state and private land owners • Provide technical skills of a forest-wide nature • Coordinate with adjacent landowners and land managers on common issues and activities • Participate in collaborative processes facilitated by the Regions • Promote internal enterprise Ranger Districts • Implement projects in accordance with objectives, standards, and guides in Forest Plan • Identify and resolve District issues • Promote internal enterprise • Develop and maintain relationships with local entities • Coordinate with adjacent landowners and land managers on common issues and activities • Promote land management education	State and Private Forestry • Provide financial and technical assistance • Promote the stewardship of non-federal lands • Provide community assistance in rural and urban areas • Protect forests and rangelands from fire and pests • Implement comprehensive conservation education programs • Assist in State-wide forest resource planning • maintain Intergovernmental relationships (States, Tribes, etc.) • Identify technology needs and implement technology transfer projects • Facilitate ecosystem management across ownerships • Promote internal enterprise • Provide grants for ecosystem cooperation • Participate in collaborative multi-ownership process facilitated by Region(s) • Provide technical assistance in the Region(s); nationally and internationally (focus on State and private ownership's)	Internal Enterprises, Shared Services, Centers of Excellence • Provide critical OPS services for NFS, S&PF, and R&D • Promote and maintain internal enterprises • Serve internal customers • Provide services internal customers are willing to pay for	R&D Units/Science Teams • Identify critical gaps in natural resource knowledge • Conduct research to achieve unit's mission • Bring external expertise to bear on the unit's mission • Participate in the advancement of the world's scientific knowledge • Facilitate transfer of knowledge to other scientists and practitioners • Promote internal enterprise

MONTANA

Missoulian
April 22, 1994 **B**

Proposed forest rules draw jeers from state's congressional crowd

HELENA (AP) — Montana's congressional delegation called on the chief of the Forest Service Thursday to withdraw proposed new rules for use of the national forests, saying draft rules are poorly written, too broad and overly restrictive.

Sens. Max Baucus and Conrad Burns and Rep. Pat Williams all blasted the Forest Service for the rules and called on Chief Jack Ward Thomas to pull them for further work.

Baucus called them "at best, vague and poorly written."

The rules, proposed in February, are subject to public comment through May 18. Forest Service spokesmen say the rules attempt to clean up old regulations now on the books and make forest policy consistent with law enforcement policy.

But critics point to language they say is so broad that it gives the Forest Service discretion to crack down on almost anyone for anything, from making "unreasonably loud noises" to "interfering with any person," from carrying a gun to drinking a beer to speaking an obscenity.

"While there are many good people in the Forest Service, this is a case of a few busybody Beltway bureaucrats run amok," Baucus said in a statement Thursday.

Burns, R-Mont., raised the specter of a new Forest Service police force watching for people carrying a beer or uttering a cuss word.

"Only elitist bureaucrats could think up this kind of nonsense," Burns said. "If this wasn't so

(See RULES, Page B-4)

Rules

(continued)

serious, I would laugh."

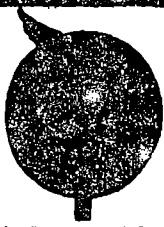
Williams, D-Mont., noted that one section of the rules prohibit disturbance "of any natural feature or other property" on national forests.

"This would appear to affect firewood collection by campers, berry picking, or collecting flowers or pine cones for personal use," Williams complained.

He called the wide sweep of the rules "unnecessary and inappropriate."

Williams also criticized part of the rule that gives the Forest Service broad discretion to ban firearms in areas of the forests.

"I'm opposed to giving blanket authority to local Forest Service officials to bar firearm possession for whatever reason that official sees fit," Williams said. "That provision must be greatly clarified to identify the specific instances in which it could apply."



F L O R I D A

FLAMBEAU

Permits unnecessary

There once was a time when America was a land of vast wilderness and frontierland, and those who felt scorned in Europe could come to this continent and head west to get away from civilization.

Those days have long past, but small patches of sylvan beauty remain in the form of federal lands, typically called public land. The idea behind these forests, regulated by the U.S. Forest Service, is that they're there for everyone to enjoy.

Now the U.S. Forest Service wants to require groups of more than 25 to get permits to do anything in national forests. The idea is to make sure no laws are broken, the campsites are sanitary, and so on.

What's at stake, though, is a constitutional right to assemble. The national forests are vast areas often enjoyed by people who care about the wilderness. Often the largest groups meeting in these areas are environmentally conscious nature lovers.

Or troublemakers, in the eyes of the government.

The Forest Service's attempt to regulate group land use obviously won't infringe upon the rights of small groups of hunters or families using the parks. Groups like the Rainbow Family of Living Light—which often holds meetings of thousands in public forests in which Deadheads, Hare Krishnas, rastas and nature lovers gather to enjoy nature—are the ones that would be unnecessarily hindered.

They're weird and God knows what they do in the woods.

This is nothing but another example of unnecessary governmental interference in the lives of people. Also, two attempts by the U.S. Forest Service at similar regulations were struck down by federal courts as unconstitutional.

It just doesn't make sense.

If you're not possessed by the same paranoid fear and would like to sign a petition forwarded to U.S. Department of Agriculture Secretary Mike Espy and U.S. Forest Service Chief Jack Ward Thomas asking that the proposed rules be abandoned, call (312) 561-8337. They'll send you a petition to sign and send back. But hurry—the period for public comment ends next week.

Florida Flambeau Foundation, Inc. Business Office, 505 S. Woodward Ave., phone 681-6692 (Ext. 4.); Advertising Office, 505 S. Woodward Ave., phone 681-6692 (Ext. 2); Classified Advertising Office, 505 S. Woodward Ave., phone 681-6692 (Ext. 3).

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FLORIDA FLAMBEAU

Tallahassee, FL -- May 12, 1994



7

CRITERIA

for granting a Permit to exercise our First Amendment Right to Gather



PROPOSED AMENDMENTS TO 36 CFR 251 & 261

WHY WE OBJECT

(1) This criterion would ... allow the Forest Service to regulate where a proposed activity would be conducted [to] comply with applicable federal law and regulations ... For example, the Wilderness Act requires the F.S. to protect and manage wilderness areas so as to preserve their natural condition ... 16 U.S.C. 1131(c). ... the F.S. might close a trail [sic] in the event of extreme fire danger or inclement weather. [p. 26942]

(2) The proposed activity is consistent ... with the applicable approved land and resource management plan[s] ... Standards and guidelines describe any activities that are not permitted to occur in a specified area or prescribe how activities must be implemented for environmental protection or other purposes. Forest plans are developed ... and adopted with extensive public participation and comment. [p. 26942]

(3) Under this criterion, an authorized officer might require a large group to alter arrival and departure times or to use an alternative access route to avoid congestion. ... [and] ensure that a group of Boy Scouts is not given a site that is already being used as pastureland under a grazing permit or that is currently being logged under a timber sale contract. [p. 26942]

(4) The proposed activity would not pose a substantial danger to public health. Considerations of public health shall be limited to the following with respect to the proposed site: (a) The sufficiency of sanitation facilities; (b) The adequacy of waste disposal facilities; (c) The availability of sufficient potable drinking water, in view of the expected number of users and duration of use; (d) The risk of disease from the physical characteristics of the proposed site or natural conditions associated with the proposed site; (e) The risk of contamination of the water supply; and (f) The sufficiency of a plan for safe handling of food. [p. 26942]

(5) The proposed activity would not pose a substantial danger to public safety. Considerations of public safety shall not include concerns about possible reaction to the users' identity or beliefs from non-members of the group ... and shall be limited to the following: (a) The potential for physical injury to other forest users ... (b) The potential for physical injury to users from the physical characteristics of the proposed site ... (c) The potential for physical injury to users from scheduled or existing uses or activities ... and (d) The adequacy of ingress and egress in case of an emergency. [p. 26942-3]

(6) The proposed activity does not involve military or paramilitary training or exercises by private organizations or individuals, unless such training or exercises are federally funded. This activity does not implicate the First Amendment and is currently prohibited by F.S. policy as inconsistent with Nat'l Forest System purposes [p. 26943]

(7) A person or persons 21 years of age or older ... sign[s] a special use authorization on behalf of the applicant ... In addition, someone ... must accept the responsibilities associated with use of Nat'l Forest System land. [p. 26943]

Free citizens do not need government protection from "inclement weather." In fact, our non-commercial "special" use of the Forests, parking lot & all, is infinitely kinder to the Forest than most of the commercial uses allowed & encouraged by N.F.S. Our scouts have searched the Forests of the Southeast for this year's Gathering site; they found clear-cuts, strip-mines, contaminated water, and one fine site that 's reserved for military training...

Maybe that's why they want to keep people out of the woods.

Do the Rangers have any such plans regarding large gatherings in your nearby Forest? Where is the record of "extensive public participation and comment"? Ask your nearest Forest Service office and forward copies to D.C. Crew. The N.F.S. Report on Colorado stated that restricting the people's choice of places to gather would make "management" (control) easier." (See Fed. Reg. 8/14/92, p. 36618 et. seq.)

Few if any of our annual Gatherings could have happened without interrupting the grazing of cattle. Like Forest Service "timber management" (selling irreplaceable old growth at a net loss to taxpayers) the cattle-grazing industry is an environmental disaster lining private pockets. Cattle are a chief cause of soil erosion & spreading deserts. Yet even in those beautiful remote places where we've gathered, the tax-subsidized beef industry has a higher priority than the First Amendment Rights of citizens.

Every year N.F.S. is "concerned" that these things are going to become a problem. (See their annual Rainbow Gathering reports.) In fact, as problems do come up that threaten the health of the Family, we deal with them ourselves. Over the years we've developed cooking and sanitation systems that work; the Gatherings are growing safer and healthier each year. We've always been open to inspection, and local health authorities are generally impressed.

This gives the officers a lot of "potential" dangers to worry about. Item "D" says we couldn't gather on any site too remote for their emergency vehicles to reach. We've always handled our own emergencies on-site, including arrangements for Medi-vac by helicopter.

There are plenty of military bases for "federally funded" training, especially in the S.E. But they operate under restrictions, accountable to Congress. Foreign nationals cannot be trained there except for gov't forces. Only in the Nat'l Forests can foreign mercenaries like the Contras be trained — yet another use of the Forest that seems to preclude the People...

Why don't they just call a permit a permit? "Authorization" = "permission." This is an attempt to appoint a "paper chief" so as not to have to deal with the People and our consensus process. This is how the same U.S. gov't subverted the sovereignty of the Indian nations. Each of us at the Gathering is responsible for ourselves, and legally liable for our behavior as an individual. No one person is responsible for the Gathering; it is simply human nature for folks to gather, and a natural human right to do so on public land, so long as we are respectful to others and clean up our site. We demonstrate this respect by counseling with the local authorities before each annual Gathering, working out an agreement and then keeping our word. We do this as individuals, however, not as representatives of any group.

Portion of E. Cliff is closed

Sentinel staff report

PLEASURE POINT — Coastal erosion along a stretch of East Cliff Drive prevent motorists from bound lane, county

Camping limits challenged

Counterculture organization fights Forest Service plan

By JUDY MATHEWSON
Ottaway News Service

WASHINGTON — Washington lobbying might seem a tough job for a mellow counterculture group with no structure and no leaders.

But the Rainbow Family of Living Light is ready to fight the federal government over its right to gather by the thousands on public lands.

The Rainbows are a loose-knit tribe of aging hippies, New Agers, homeless people, Grateful Dead fans and other mellow types from around the country who like to get together once a year. Some of them come from Santa Cruz.

Every July since 1972, anywhere from 5,000 to 25,000 Rainbows have convened in a different national forest for a week of singing, meditating, hanging out, and praying for peace.

The Rainbows were most recently in the news locally in 1991, when they were accused by local authorities of dumping trash at Grey Whale Ranch near UC Santa Cruz. Family members denied dumping the trash, but put together a clean-up crew to haul away the debris anyway.

But now the U.S. Forest Service wants to set certain rules for gatherings in national forests of 25 people or more.

The proposed rules would require a permit for handing out 'printed material' and would also require that someone over the age of 21 sign the permit and accept responsibility for the gathering.

The Forest Service claims it simply wants to protect vulnerable ecosystems from the impact of large groups.

But the Rainbows say the Forest Service has harassed them for years and that now it's trying to infringe on their First Amendment rights.

"National forests are the ultimate and

'National forests are the ultimate and final sanctuary for free assembly and expression and that's what this is all about.'

— Scott Addison

final sanctuary for free assembly and expression and that's what this is all about," said Scott Addison, a volunteer for the group.

Forest Service officials could not be reached for comment.

Doing business as People for Compassion and Understanding, Addison and some other volunteers have launched a lobbying effort to stop the Forest Service proposal.

Despite their lack of hierarchy and official leaders, the loose-knit Rainbows have long displayed a genius for organization and logistics.

At each of their gatherings, for example, they dig dozens of military-style trench latrines, arrange to truck and cook tons of donated and home-grown food, and manage to arrange for drinking water. In more than 20 years of gatherings, there's been one outbreak of dysentery.

They're even prouder of their ability to clean up after themselves.

Ted Hayden, commissioner of the Colorado county where the Rainbows con-

vened in 1992, said that reputation is deserved.

"I think they cleaned it up better than it was before," he said of the tract they used in the Gunnison National Forest.

The Rainbows seem to be bringing the same organizational genius to their efforts in Washington. They contacted some of the key lawmakers who sit on committees that oversee the Forest Service. They've officially responded to the proposed new rule with a stack of neatly typed papers articulately outlining their objections.

They warn that if the Forest Service insists on going ahead with these new regulations, they'll take it to court.

So far, the courts have sided with the Rainbows. Twice in the 1980s the Forest Service tried to set rules for large gatherings. Both times, the proposals were successfully challenged in court on constitutional grounds.

This time around, the Rainbows also have at least one powerful congressional ally on their side — Rep. Don Edwards, D-San Jose, chairman of the House Subcommittee on Civil and Constitutional Rights.

Edwards sent a letter to Agriculture Secretary Mike Espy — who has charge of the Forest Service — complaining that the proposal "fails to meet First Amendment standards."

Meanwhile, the controversy leaves some environmental groups in a tricky position.

"I don't want anybody negatively impacting our forests whether I agree with their politics or don't agree with their politics," said Ned Daley, who handles forest issues for Greenpeace. "On the other hand, I do feel like the Rainbow Family and those guys are being singled out."

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. letter	To Hillary and Bill from constituent re: personal story (1 page)	00/00/0000	b(6)

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Clinton Presidential Records
Domestic Policy Council
Diana Fortuna
OA/Box Number: 12028

FOLDER TITLE:

Forest/Land Use (Rainbow Family)

2018-0525-S

ry2264

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

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RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Dear Hillary and Bill:

We are glad to have you as our first lady and president. We are attenders at what may be the epitome of peaceful assembly - rainbow gatherings. Every year since 1972 thousands have been assembling on the public lands to pray for peace, each in our own way, and in silence until noon on the fourth of July. This yearly reunion has created an interconnected family that reaches around the world offering persons who access this connection the best free hospitality available anywhere in the world. But the Rainbow Family is a consciousness more than an organization. There is no membership, no charge for attending the assembly, no way anyone can be left out. We believe it is a hope for infrastructures from an earlier age.

All beings who wish to validate our interconnectedness and facilitate the birth of a golden age on earth are included. We may have the keys for providing sound ecological living for thousands of people who have been left without homes or family across America. We rejoice at your call to the American public to do their share to fulfill the greatest potential of this country. By upholding the standards put forth by our founding fathers, we can make it happen. We who associate as Rainbow assemble to share ideas and to implement those ideas in our experimental coming together.

We welcome all to gather with us. We feed those who are hungry, give cloths and shelter to those who do not have. More importantly our only work in the woods is to make it more comfortable for those who arrive after us. Everyone works water detail, food prep, security, litter, etc.' and the jobs rotate as folks get tired or lose interest without anyone telling anyone else what to do. Is this the wave of the future? Everyone fills in where their energy is needed. We share our hearts and give comfort to the walking wounded. Love is our answer and our medicine. There is a plan of security and comfort for all people. Those who don't feel comfortable in most conventional churches feel at home at a Rainbow Gathering. Why? because we accept all people regardless of their affections or afflictions.

We also provide health care by licensed professionals and share home remedies and emergency aid at C.A.L.M., the Center for Alternative Living Medicine. Inevitably the most effective national health care program will be preventive and holistic giving the people responsibility for their choice of lifestyle. C.A.L.M. uses gentle, natural, solutions such as homeopathy and chiropractory, to stimulate the natural healing that happens in the presence of love.

Judgement-free, Emotional Support Uplifting Space(J.E.S.U.S.) is where we deal with emotional traumas. It is supported by individuals that create safe spaces for people to work through

their spiritual, 88emotional and mental difficulties.

As an event The Rainbow Gathering has helped inspire the majority of positive ecological change in the world. We helped pioneer recycling, had feminist debates and positions long before they entered the mainstream of public conversations. We use a group process that works out almost every important decision from a consensus perspective. Every voice is heard and every objection dealt with until a common perspective is reached. Imagine doing that in congress!

Imagine anyone trying to stop this! Yet the Forest Service (Dept. of Agriculture) with prodding from the past administration and some from the Dept. of Justice are planning to institute regulations that would in effective halt some religious assemblies. Particularly discriminating against those gathering loosely under an all encompassing Rainbow. We have cooperatively made "working Agreements" with Forest Service representatives addressing all concerns. These were agreed upon by persons who choose to uphold these criteria. Even if some individuals did authorize a representative to sign a permit and be responsible for thousands of diverse citizens the reality of personal freedom and individual responsibility would prevail. Individuals breaking laws need to be addressed not assemblies of peoples who as a group are breaking no other law than sharing ideas without permit.

The First Amendment states in part- Congress shall make no law respecting an establishment of religion or abridging freedom of speech or freedom of assembly. Forest Service 36 CFR Parts 251 and 261 directly affect the establishment of religion namely the practice of a Rainbow philosophy of one world, one people. Also enforcing (through fine and imprisonment) "reasonable" time, place, and manner restrictions (a.k.a. abridgements) undermines the vision of those writing our constitution. They wanted to manifest a nation that was not only tolerant of ideas and grievances of it's people but encouraged them as well.

We the people shall make this nation great. We need to meet to do this and we need a president who supports us in coming together and producing our ideal. Some of us voted for you in part because of your involvement in the Vietnam protests. Others unconsciously perhaps hoped you would be supportive of them also if and when they decided to take a public stand. It is said that the coming decade may see demonstrations of beauty and size with solutions to match the enormity of problems facing our world.

You both are the leaders with the clarity and discernment and integrity to embrace the ideas and strengths of your people. Public assemblies can be held without permits while individuals affecting public safety are stopped. Like Lincoln you must hear

the heart of all and take righteous action to protect the freedom of even the downcast.

Even under the assumption that Congress has the right to restrict time, place, and manner of assembly and speech, the proposed regulation is still unconstitutionally vague and invalid for failure to impose a time frame for filing and acting on an application. In a federal court ruling by Judge Justice (U.s.c. 554. United States v. Rainbow Family.695 F. Supp 294. 302-06 E.D. Tex. 1988) addresses these as major reasons for striking down similar regulations. The proposed regulation states no knowledge of time needed to assess possible environmental, endangered species, and historical damage. Yet the fact remains that after over twenty years of gathering with at times over twenty thousand people no long term damage has been documented.

What usually happens is that once we choose a site to assemble, the F.S. representatives, who have previous knowledge endangered species and historical sites, assess the area. They then rope off areas that need protection and educate people in ways to minimize their impact. Many times grassy meadows are roped off to assure food for deer and easy access of game for hunters. In Washington state the site chosen to meet was being grazed by cattle and the roads used by logging trucks. We choose to peacefully coexist with them. They choose to leave. What environmental damage was done by our gathering? It's hard to tell since the same site was completely clearcut. How does this overwhelming interest of the forest to protect its lands from footprints intersect the commercial interests that destroy it completely?

Can this be an indication that the government is really interested in legislating us rather than protecting the forest?

National Forests represent less than 5% of our nation's land mass. The people's need to commune with each other in the cathedral of nature supersedes commercial interests of loggers and ranchers. Who comes first the people or the cows? As we said about the Washington site, why so concerned about a little grass when the whole place we so respectfully honored was wiped out by a logging crew? Can the people assemble without fighting laws prohibited by the Bill of Rights? We hope so.

Our prayer drums are being played across Pennsylvania Avenue right now. There a vigil goes on to introduce you to the problem facing us. Our drums are being heard through your windows. Yet on the first day we began praying on the lawn of Lafayette Park we were threatened by arrest by police for demonstrating without a permit. They backed off, but if in

Washington, DC where the right to petition the government for grievances, to pray together under the sky and to assemble to discuss the way the government wants to oppress us is illegal, is there hope for the rest of our inalienable rights?

Right now outside the White House are the intrepid warriors of the First Amendment. Hopefully these dozens are preserving the freedom of millions of people nationwide. Local activists, visitors, teenagers, old and penniless men, free and unattached travelers, well known persons and virtual nobodies supported by free kitchens and other volunteers are standing strong to their memory of a free society.

Despite the fact that the proposed regulations are unlawfully aimed at our church and friends, if they pass they will effect any family that wishes to use the forests in the future. The government wishes to have its hand in every activity of the people and they are going to extreme lengths to get these regulations into law despite the innate illegality of any law restricting the right of peaceable assemblies. If they passed, even you and your family, could not without gaining a permit, have a birthday party where you gave gifts or relieved yourself. We believe that you know how important the first amendment is. Congress shall make no law prohibiting the peaceable assembly is the first tenet of democracy. The government has absolutely no legitimate interest in our gatherings since we have harmed no one, done no permanent damage to the land and have never conspired to overthrow anything, yet it continues to try to legislate the unlegislatable.

Help us with this. Come across the street to find out more. Order the Justice Department off our backs. Deny the Forest Service the right to make assembly illegal.

"Welcome home, brother and sister," must continue to be heard in the woods. Help us.

Not speaking for The Rainbow Family of Living Light, but personally in support of,

Roses Stanley
Michael John

August 9, 1994

Paul Andrade
Box 4872
Arcata, CA 95521

Dear Mr. Andrade,

Your correspondence regarding the promulgation of regulations for the U. S. Forest Service has been forwarded to me by Carol Rasco for response. I have reviewed your letter and made note of your concerns. Thank you for your interest in this matter.

Sincerely,

Kathryn J. Way
Special Assistant to the President
for Domestic Policy

cc: Carol Rasco

THE WHITE HOUSE
WASHINGTON

Paul Andrade
Box 4872
Arcata, Ca. 95521

August 9, 1994

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Sincerely,

A handwritten signature in dark ink, appearing to read 'Kathryn J. Way', with a stylized flourish at the end.

Kathryn J. Way
Special Assistant to the President
for Domestic Policy

CC: Carol Rasco

AUG - 8 REC'D

July 29, 1994
P.O. Box 4872
Arcata, Ca.
95521

Carol Rasco,
Office of Domestic Policy,

I am writing in regard to the U.S. Forest Service new administrative rules that have been proposed to amend the Code of Federal Regulations; 'Group Use Rules' 36 CFR Parts 251, 261 and 'Law Enforcement Rules' 36 CFR Parts 261, 262. These amendments would empower the Government to curtail Constitutional freedoms. The Forest Service is hiding behind obscure Federal Register procedures and ducking lawful review of the impacts of its policies. USDA lawyers have obstructed communications with responsible public officials. These are in direct conflict with the first and fourth amendment of the Constitution and must be stopped.

Sincerely,
Paul S. Candiadi

January 26,1994

Roses Stanley
P.O. Box 54
Gays Mills, WI 54631

Dear Roses:

Thank you very much for the letters written by you and Michael John regarding the proposed Forest Service regulations that would affect Rainbow Gatherings.

To ensure that your concerns are addressed, I, along with my staff will investigate this matter. Please bear in mind that it may take some time to look thoroughly into the concerns that you have raised.

Thank you for your patience.

Sincerely,

Kathryn Way
Special Assistant to the President

RAINBOW

January 26, 1994

Roses Stanley
P.O. Box 54
Gays Mills, WI 54631

Dear Roses:

Thank you very much for the letters written by you and Michael John regarding the proposed Forest Service regulations that would affect Rainbow Gatherings.

We are always interested in reviewing all comments and suggestions we receive.

Thank you for sharing your concerns.

Sincerely,

Kathryn Way
Special Assistant to the President

January 26, 1994

Mr. Scott C. Addison, PCU Volunteer
People for Compassion and Understanding
P.O. Box 27217
Washington, D.C. 20050-0006

Dear Mr. Addison

Thank you very much for your letter regarding the proposed 36 CFR 251/261 amendments that would affect use of National Forests.

We are always interested in reviewing all comments and suggestions we receive.

Thank you for sharing your concerns.

Sincerely,

Carol Rasco
Assistant to the President for Domestic Policy

THE WHITE HOUSE
WASHINGTON

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THE WHITE HOUSE
WASHINGTON

January 26,1994

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We are always interested in reviewing all comments and suggestions we receive.

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Sincerely,

Kathryn Way
Special Assistant to the President

Kathi, here's a draft answer for the letters received. I'm not sure who we are writing "in behalf of" - Carol? Tx

Cookie

Mr. John Q. Public
Rainbow, Mich

Dear Mr. Public,

On behalf of Mrs. Carol Rasco, Director for Domestic Policy, thank you for your letter. Mrs. Rasco is very interested in reviewing all comments and suggestions offered from the American public. As we face the challenge of restructuring our government for the twenty-first century, it is important to hear the thoughts, suggestions and ideas of all Americans. In this way, she is better prepared to advise President Clinton on a wide spectrum of vital areas of concern. Your input is helpful in this regard.

Again, thanks for taking the time to write.

Sincerely,

Kathi Way

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

15-Sep-1994 09:30am

TO: Rosalyn A. Miller
FROM: Frances E. Walden
 Domestic Policy Council
CC: Frances E. Walden
CC: Kathryn J. Way
SUBJECT: Request to Answer Letter

Roz,
Ref: Letter from Susan Jones, Wisconsin - "Rainbow".

Please see page 4 of her letter which states, "I have to withhold my address because I fear for my life....."

If Carol wishes any further action on this, please let us know.

Tx. cookie

THE WHITE HOUSE
OFFICE OF DOMESTIC POLICY

CAROL M. RASCO

Assistant to the President for Domestic Policy

TO: H. MayDraft response for POTUS
and forward to CHR by: _____

Draft response for CHR by: _____

Please reply directly to the writer ✓
(copy to CHR) by: _____

Please advise by: _____

Let's discuss: _____

For your information: _____

Reply using form code: _____

File: _____

Send copy to (original to CHR): _____

Schedule ? :

☐ Accept☐ Pending☐ Regret

Designee to attend: _____

Remarks: _____

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. letter	To Ms. Rasco from constituent re: personal story (5 pages)	08/15/1994	b(6)

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Diana Fortuna
OA/Box Number: 12028

FOLDER TITLE:

Forest/Land Use (Rainbow Family)

2018-0525-S

ry2264

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

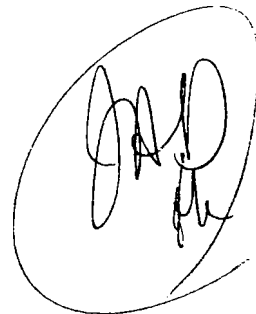
- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
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THE WHITE HOUSE

WASHINGTON

November 2, 1993

Mr. John M. Doe
Title
Organization
Business Adr1
Business Adr2
Business City, BState BZip-BZip9

A handwritten signature, likely of Bill Clinton, enclosed in a hand-drawn oval. The signature is stylized and cursive.

Dear John:

I appreciate your taking the time to write.

It's important for me to hear the thoughts and experiences of people who care about the future of America and the world. We face many challenges ahead, and in order for us to come together and build consensus, we all must share our ideas and concerns.

I look forward to your support as we tackle the issues facing us in the coming months.

Sincerely,

(11/02/93)

A handwritten signature, possibly reading "Jim", enclosed in a circular scribble.

THE WHITE HOUSE

WASHINGTON

August 2, 1993

Mr. John M. Doe
Address Line 1
Address Line 2
City, State 20001-Zip

Dear John:

Thank you for your thoughtful letter. I appreciate hearing the thoughts and experiences of people, like you, who care deeply about our nation's future. We face many challenges, and in order to move our nation forward we all must develop new and innovative ways to meet those challenges. I value your ideas. Please stay involved.

Sincerely,

(08/02/93)