



Home

Products

Events

Membership

Communication

Search

Media

Sign In

Sheriffs take stand against U.S. Forest Service

FEB 8

Written by:

2/8/2012 2:10 PM

Keywords Phrase



Mining groups applaud questioning of federal agency's authority

By **RUSS BALBIRONA**

For the GPAA

Some Southern Oregon and Northern California sheriffs have banded together to challenge the United States Forest Service on land rights issues. The sheriffs claim the federal agency is continually overstepping its bounds of authority and harassing citizens who are doing nothing more than exercising their rights to access public lands. They claim the U.S. Forest Service has been harassing civilians, mainly those involved in mining or prospecting. Public

Lands for the People is just one of the mining and land rights groups which have applauded the Sheriffs' efforts for standing up to the U.S. Forest Service.

"They [U.S. Forest Service officers] get creative with the law ... They will write you a ticket for having equipment too close to the river or having equipment in a public place — and threaten ridiculous laws like abandoning equipment if it's left for more than an hour," said PLP President Jerry Hobbs.

"Prospectors are the smallest group and we're the ugly kid on the block. And, you know what happens to the ugliest kid on the block? They get picked on," Hobbs said.

"They're kicking our butts!"

Ron Gibson, vice president of Southwest Oregon Mining Association, has reported cases of U.S. Forest Service officials drawing their weapons.

"They have grabbed their pistols to intimidate and they have pulled their pistols at times," said Ron Gibson, Vice President Southwest Oregon Mining Association.

Sheriff Glenn Palmer of Grant County, Ore. has also accused the U.S. Forest Service of bullying prospectors.

"It's excessive use of force; it's uncalled for and it's unacceptable," Palmer said.

During a recent radio talk show interview between KMED's Bill Meyer and Sheriff Gil Gilbertson of Josephine County, Gilbertson spoke about the U.S. Forest Service.

"They told us the other day they want us to write a lot more tickets."

Gilbertson's response to the request? "We don't operate that way out there."

Speaking at a Defend Rural America event in October, Sheriff Greg Hagwood of Plumas County, Calif. said he has refused to bother people who are not breaking the law.

"I'll be damned if we're going to criminalize law abiding citizens who are doing nothing more than accessing public lands," Hagwood said.

During the same KMED interview, Gilbertson said the large number of complaints against the U.S. Forest Service is a big

Archive

< July 2013 >						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
30	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31	1	2	3
4	5	6	7	8	9	10

Monthly

- [July, 2013 \(1\)](#)
- [June, 2013 \(4\)](#)
- [May, 2013 \(4\)](#)
- [April, 2013 \(11\)](#)
- [March, 2013 \(2\)](#)
- [February, 2013 \(3\)](#)
- [January, 2013 \(9\)](#)
- [December, 2012 \(4\)](#)
- [November, 2012 \(13\)](#)
- [October, 2012 \(3\)](#)
- [September, 2012 \(12\)](#)
- [August, 2012 \(11\)](#)
- [July, 2012 \(3\)](#)
- [June, 2012 \(18\)](#)
- [May, 2012 \(9\)](#)
- [April, 2012 \(12\)](#)
- [March, 2012 \(4\)](#)
- [February, 2012 \(13\)](#)
- [January, 2012 \(10\)](#)
- [December, 2011 \(11\)](#)
- [November, 2011 \(16\)](#)
- [October, 2011 \(17\)](#)
- [September, 2011 \(14\)](#)
- [August, 2011 \(13\)](#)
- [July, 2011 \(11\)](#)
- [June, 2011 \(14\)](#)
- [May, 2011 \(11\)](#)
- [April, 2011 \(10\)](#)
- [March, 2011 \(13\)](#)
- [February, 2011 \(4\)](#)
- [January, 2011 \(5\)](#)
- [November, 2010 \(3\)](#)
- [August, 2010 \(7\)](#)
- [July, 2010 \(6\)](#)
- [June, 2010 \(5\)](#)
- [May, 2010 \(4\)](#)
- [April, 2010 \(5\)](#)
- [March, 2010 \(7\)](#)
- [February, 2010 \(4\)](#)
- [January, 2010 \(5\)](#)
- [December, 2009 \(8\)](#)
- [November, 2009 \(6\)](#)

QUESTIONS?

headache for other law enforcement agencies.

"U.S. Forest Service Law Enforcement is out there, causing me a lot of grief. I'm constantly having people come in and complain," he said.

Finally, Gilbertson approached the USFS and questioned them.

"Everything has just been peachy-keen and fine until I started asking questions and then I'm told they're not to talk to me and that I have to file a Freedom of Information Act [request]," he said.

Gilbertson is a Vietnam Veteran and has served in several campaigns including Bosnia, Kosovo, and Iraq. In Gilbertson's 13-page report, titled Unraveling Federal Jurisdiction within a State, he stated: "I believe with every fiber of my being in this great country and everything it stands for."

In the report, Gilbertson admits that two years ago if someone would have told him that he would be involved in this battle with the federal government, namely the United States Forest Service, he would probably have walked away shaking his head in disbelief.

In response to the U.S. Forest Service officials' unwillingness to talk, Gilbertson published an article in the local media. He was later invited to speak with the U.S. Forest Service officials.

Gilbertson said that most of his questions were answered, except for one: "Where does the U.S. Forest Service's authority come from?"

"During my subsequent investigation, everyone I encountered provided me with different answers," he said.

Tom Kitchar, president of the Waldo Mining District, said the U.S. Forest Service officials' response to Gilbertson's questions was less than acceptable.

"Each response was just a bunch of mumbo-jumbo. It was meaningless," Kitchar said in a recent interview.

The inability of the Forest Service to answer the simple question "Where does your authority come from?" prompted Gilbertson to write his report, which questions the extent of the federal government's authority with respect to law enforcement functions on public lands.

Gilbertson has suggested that over the years, the U.S. Forest Service has gradually seized more power and has made its own rules.

"Nobody has been concerned, nobody cared and during that time period, they just wrote their own rules, regs and policies. And, that's what they're enforcing without the authority to do so," Gilbertson said on the show.

Repeated attempts by the Pick & Shovel Gazette to reach senior U.S. Forest Service officials at the Rogue River-Siskiyou National Forest Wild Rivers Ranger District near Grants Pass, Oregon were unsuccessful. District Ranger Roy Bergstrom and Public Relations Officer Virginia Givens were both unavailable for comment.

However, Acting Public Relations Officer Paul Galloway, Partnership Coordinator for the Rogue River-Siskiyou National Forest, was contacted by phone and later issued a response by email.

"The law is clear. Under the Property Clause and the Supremacy Clause, the Federal Government possesses the unfettered authority to manage public lands," Galloway wrote in the email.

According to Kitchar, the U.S. Forest Service has closed roads without notifying local law enforcement officials.

On one occasion, deputies from Josephine County were forced to walk 12 miles to rescue a civilian because U.S. Forest Service agents reportedly would not open the gate, claiming "they were too busy," Kitchar said.

What are the citizens who live and play in this community supposed to think in regard to all the actions the U.S. Forest Service has taken in the form of road closures, dam removal, acquiring large chunks of land under National Monuments, Wilderness Areas and other designations that seize mineral rights and water rights?

"Well, I think what they want to do is they just want to kick all of the human beings out of the forest areas," Gilbertson said in his interview with KMED.

At the Defend Rural America Event, Palmer urged the public to stand up for property, water and mineral rights.

"Don't let them take them from you! Stand up and defend for what you believe in!" he said.

Hobbs had a different analogy: "I equate it to this ... It's against the law for me to rob a bank. I can go out and rob one

bank or a hundred banks and the only remedy the public has is to catch me, find me guilty and put me in jail. Well, if your rights are a bank then the Forest Service or the BLM can rob your bank and rob your bank and rob your bank a hundred times. And, until you take them to court and find them guilty, they can get away with it."

Speaking at the same Defend Rural America event, Sherriff Jon Lopkey of Siskiyou County, Calif. said, "I've told these federal and state agencies 'You know a lot of the stuff you do is not constitutional. It's not lawful. How do you get away with this?' "

"Well they're not getting away with it! Because great sheriffs like this are holding them accountable!" he said, pointing at the panel of sheriffs seated in front of about 1,000 concerned citizens.

When asked about Gilbertson and the other sheriffs' stand against the federal government, Kitchar said: "Personally, I think its great."

Gibson echoed those sentiments.

"Our sheriff is trying to do the right thing. Gil is on the right track," he said.

Russ Balbrona is a freelance writer and treasure hunter based in Wisconsin.

 [Trackback](#)  [Print](#)

Tags:

Categories:

 Location: [Blogs](#) ▶ [General Articles and Information](#)

