




## Misfortune in the Forest

Bobby Unser's chief claim to fame is his storied auto-racing career, during which he was a three-time winner of the Indianapolis 500. Unser achieved a much more significant triumph in December 1996, when he and his friend Robert Gayton, stranded in a sudden blizzard during a snowmobile expedition in the Colorado high country, survived a two-day ordeal that included a night in a hastily improvised snow cave and an 18-hour hike through waist-high snow. 

A few weeks later, two special agents of the U.S. Forest Service visited Unser at his home in Albuquerque, New Mexico, to issue a citation against him for trespassing on the San Juan Wilderness Area. This offered Unser another distinction, this one entirely unwanted: He became one of the few people to be threatened by the Forest Service with a six-month jail sentence and a \$5,000 fine for the "crime" of getting lost in a blizzard.

"We never intended to cross into the wilderness area, and there isn't a single human being I know who could tell where its borders are in the wintertime," Unser told *The New American*. As Unser recounts his experience, when he and Gayton began their trek it was "sunny and beautiful — crystal weather, not a cloud in the sky. We were up on a mountain plateau when the wind came up suddenly. Within five minutes we were in a total white-out, with about ten feet of visibility."

After Gayton's snowmobile broke down, the two doubled up on Unser's machine. Shortly after sundown, it sputtered to a dead stop, leaving them to proceed on foot down the slopes of the plateau as best they could. They dug a snow cave and settled in for the night. When morning came, blizzard conditions had erased their tracks, depriving them of the means to locate their lost snowmobiles. Without either food or water they slogged through a canyon, eventually finding a farm where they were able to telephone for help.

"A few weeks later, two enforcement officers from the Forest Service came to my home and told me that they wanted to help me find my lost snowmobile," Unser recalled to *The New American*. "We spent several hours going over maps of the area until I recognized what I thought was the right place. The female officer [Special Agent Brenda Schultz] smiled and pulled a pre-written ticket out of her briefcase charging me with a petty offense against the Wilderness Act." Specifically, he was charged with wandering a half-mile into the San Juan Wilderness Area during the blizzard.

"The male officer [Special Agent Charles Burd] told me, 'If you weren't Bobby Unser, a celebrity, you probably wouldn't have gotten a ticket.' He told me that the Sierra Club had contacted the head of the Forest Service and told him to see that I got a citation if the snowmobile was found in the Wilderness Area. So they wanted to use me as an example. That explains why they sent these two enforcement officers, who disguised their intentions, out to my home, pretending to be interested in helping me find my lost snowmobile."

Because he was charged with a petty offense, Unser's case was tried by U.S. District Judge Lewis



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Babcock, rather than by a jury. “They couldn’t have won a jury trial,” Unser maintains. “I’ve been a good taxpayer and citizen all my life, and I don’t think a jury would have been willing to punish me for getting lost. But the federal judge wasn’t interested in finding out what my intentions were, or whether the special circumstances should be taken into account.” Judge Babcock found Unser guilty and upheld the \$75 fine, which Unser — with the help of the Mountain States Legal Foundation — appealed all the way to the Supreme Court without success.

Unser spent more than \$100,000 for legal fees. He also permanently lost his \$7,600 snowmobile, which he had used only once. “The Forest Service told me that I could only use ‘primitive means’ to recover my machine,” Unser recalls. “That means either mules or workhorses. I would also have to be accompanied by another enforcement officer, who would be there to make sure I didn’t use machines of any sort to get it out. As far as I know, it’s still there to this day.”

### **Forest Service Misanthropy**

Gerry Palecek, an 18-year-old honor student from Park Falls, Wisconsin, was also slammed with a fine by the Forest Service for the “crime” of getting lost in a forest. On September 2, 2000, after spending a Saturday afternoon riding All-Terrain Vehicles (ATVs) at nearby Moose Jaw Lodge, Palecek and six friends were returning to Park Falls when he and another member of the group were overtaken by a truck bearing two Forest Service policemen. The ATV party had wandered into the Chequamegon National Forest.

“My son and the other young man told the officers that they had no idea where they were or what road they were on,” reported Laurie Behreandt-Johnston, Palecek’s mother, in a letter to the *Park Falls Herald* and *Phillips Bee*. “The officers proceeded to give each [of them] a \$200 fine. My son insisted again that they didn’t know where they were, but that did not matter to the officers.” Rather than providing the lost teenagers with useful directions, the Forest Service officers — after threatening to confiscate their vehicles and force them to return on foot — simply said that the trail “was just up the road” and left.

The boys tried, without success, to find the trail, only to be cut off by the Forest Service truck a second time — and, once again, the officers refused to provide them with directions. By this time another group on ATVs happened along and helped the lost boys find the right trail. They arrived home several hours late, just as Palecek’s mother and stepfather were about to mount a search and rescue mission.

“What I can’t understand, as a mother, is why these Forest Service officers, whose motto is ‘Serve and Protect,’ wouldn’t even give these boys directions,” Behreandt-Johnston told *The New American*. “If the idea was to get them out of the National Forest, why didn’t the officers take the time to escort them out, or give them adequate directions?” Complaining that her son and his friend were “treated like felons, simply because they got lost,” Behreandt-Johnson says that “for weeks afterward he would read the paper and tell me every time he came across someone who got a smaller fine for an actual crime.”

Since its leadership cadres became indoctrinated with the “biocentric” worldview — in which humans are merely one “species” sharing a democratic biosphere with worthier life forms — the Forest Service has displayed an indifference, if not outright hostility, to people who occasionally need help in the wild. Apart from the cases just described, the most notorious example of the Forest Service’s misanthropy involves Bruce Graham II, a Boy Scout from Chicago who became lost in New Mexico’s Pecos Wilderness during a high adventure trek. Rather than allowing the state police to rescue the scout by helicopter, the Forest Service chose to leave him stranded for another 24 hours. An Air Force chopper was eventually dispatched to snag the scout after he had spent three nights alone in the wild.



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During an April 15, 1997 congressional hearing into the Wilderness Act, former Representative Helen Chenoweth contrasted the Forest Service's dismissive treatment of 14-year-old Bruce Graham with its solicitude toward an injured gray wolf. "In my State of Idaho, some ranch hands notified the rangers on the Boise National Forest that a gray wolf had been injured about 4 miles inside the Frank Church River of No Return Wilderness," recalled Chenoweth. "The recovery biologist for the U.S. Fish and Wildlife Service determined that a helicopter would be needed to transport the wolf to safety. Permission was sought from and granted without question by the Forest Service to allow the helicopter to land and transport the wolf."

"I do not question the seriousness of the injury of the wolf," she continued, "but I do question the wisdom of an agency that allows for a helicopter to enter a wilderness area for a wolf, but refuses on the other hand to allow a helicopter to land to bring a young man to safety." Such are the skewed priorities that define biocentrism, which the U.S. Forest Service has apparently adopted as its established religion .



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