

Today, Lawyers for Burners went to the federal court in Reno to defend Participants who received tickets from law enforcement rangers of the federal Bureau of Land Management (BLM). As many of you know, the BLM wrote 331 tickets on the Playa this year compared to 155 tickets last year. This represents a 213% increase. By contrast, Pershing County Sheriff Deputies, the local enforcement agency, wrote about the same number of tickets this year compared to last year. We contend that the increased law enforcement by BLM is part of a coordinated effort to intimidate the community and collect additional revenue. Many Participants were caught in these illegal and unconstitutional searches by the BLM. In response, Lawyers for Burners was formed to provide information and advocacy to these Participants, free of charge.

Lawyers for Burners is asking the Burning Man community to report personal encounters with BLM rangers which violated the US Constitution's prohibition of unlawful search and seizure. The accounts we received thus far are truly chilling. This year, BLM rangers conducted massive nightly sting operations on the 2:00 side of the Playa around and inside the Opulent Temple dome. Participants report BLM rangers, wearing camouflage and night goggles, stocking Participants as they gathered around or danced inside the dome. Rangers would approach Participants and declare that they smell pot smoke. A team of between 6 and 8 rangers then grab a Participant at random and demand to search his or her person and possessions.

Other accounts describe teams of four rangers walking through camps, sometimes at night, and confronting Participants. After making small talk, the rangers say something like, "we know you have drugs so why don't you just hand them over." When the Participants refuse, they ask for permission to start searching tents. When the Participants refuse again, they threaten to bring in dog teams to search the camp.

We collected these accounts and brought them to the first court date on October 18, 2007. Three California lawyers were joined by two Nevada lawyers at the US District Courthouse in Reno, NV. Our reception by the Court and the courthouse security was surreal. We met on the second floor of the Courthouse and reviewed the 2:00 pm docket posted on the door. We then decided to go down to the street and meet the Participants with court dates before they walked into the courthouse.

As we were walking to the elevator, the judge presiding over the 2:00 pm calendar confronted us in the hallway. He told us that our lawyers were not allowed to communicate with Participants in the hallway outside his courtroom. We asked if we could use one of the attorney conference rooms adjacent to the courtroom and he said no.

This was shocking on several levels. First, this was a criminal proceeding and defendants had a constitutional right to counsel. Second, the BLM officers were crowding the hallway and stopping everyone getting off of the elevator. The BLM's special agent Zachary Oper, wearing a suit and looking like a lawyer, would greet the person charged in the citation and talk to him or her about pleading guilty to the offense alleged in the citation. (At the Event, special agent Oper

looks like a Burner and wears a colored wig and costume when he works under cover on the Playa). Neither the BLM nor the federal public defender provided any independent legal advice or resources to the defendant. The defendant only hears a sales pitch from special agent Oper. This was outrageous given the coercion and half truths we overheard special agent Oper tell an unrepresented defendant in the hallway outside the courtroom.

Lawyers for Burners decided to leave the courthouse and attempt to communicate with Participants on the sidewalk in front of the courthouse. We had two small signs with us. One said "LawyersforBurners.com" and the other said "got ticket?" After standing on the sidewalk for several minutes, a phalanx of law enforcement agents arrived from the Department of Homeland Security and told us that we could not hold signs. They said that we needed a permit. So we put the signs away and continued stand outside the entrance to the courthouse.

As it got closer to 2:00 pm, we went back to the second floor of the courthouse and stood in the hallway. A Homeland Security agent walked up to us and told us that we were not allowed to solicit clients in the hallway. We replied that we were not soliciting clients; we were not selling anything. We told him that we had collected written responses from Participants and we were attempting to meet with them. Since we did not know what they looked like, we were asking everyone entering court if they received a BLM citation at Burning Man this year. Special agent Oper, after all, was doing the same thing.

An uneasy truce was reached and we sat in the hallway until court went into session. The scene was tense as no less than 5 BLM rangers, 5 Courthouse Marshals and 2 Homeland Security police watched 5 lawyers in suits with briefcases.

There were only a few Burning Man citations on the October 18, 2007 docket. There are many set for November 15, 2007 at 2:00 pm in Reno, NV. Any attorney who wants to assist and appear with us on November 15th is welcome. We have the generous offer from several Nevada licensed attorneys to sponsor *pro hoc vice* applications for the attorneys licensed in other states. Please contact us if you are able to join us and we will match you with a Participant who completed one of our surveys.

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