



JOSEPHINE COUNTY SHERIFF'S OFFICE

Sheriff Gil Gilbertson

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05 May 2011

To: Roy Bergstrom
Wild Rivers Ranger District
26568 Redwood Hwy.
Cave Junction, Oregon 97523

From: Gil Gilbertson, Sheriff

Re: Complaints and questions

Dear Roy,

First, thank you for clarification of what you were allowed to address, regarding my questions the other day. I do understand you are following instructions from another level of administration. However, I am concerned that information is withheld from this Office. This uncooperative posture appears to present a challenge of authority. Frankly, I was somewhat taken aback by your legal department's position advising you to not discuss issues with me. I am further aghast to the suggestion I must file a FOIA to find out what your agency is doing in regards to the citizens of this county.

As the CLEO of this County, elected by the citizens, saddled with the expectation and responsibility to safeguard their rights I fully intend to uphold the laws against any threat, inappropriate or unlawful actions against them. The citizens of this County are complaining about unfair treatment and harassment by the federal government LEOs.

The issues of illegal road closures, grazing, logging, minerals, taking land under the auspices of "Monument" status, citizen complaints against your LEO agents, high unemployment and other socio-economic issues we all face today; coupled with the uncooperative nature presented by the USFS are causing me great concern about our relationship and future cooperation.

We are living in tough economic times and simply stated, neither you, nor I, have the necessary resources to cover the entire county adequately. As the CLEO however, it is still the responsibility of this Office to deal with all crimes committed within this geographical jurisdiction. To be clear on my side, I will not abrogate the duties and responsibility of law enforcement within this county.

Additionally, the Constitutional authority under Article 1 Section 8, Clause 17 places limits on jurisdictions. I also refer you to the *Report of the Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas Within the States, Part 1 and Part 2*, April 1956 and 1957 (40 USC 255 and 50 USC 175 amended to 40 USC 3111 and 3112) often referred to as the Eisenhower Report.

This needs to be addressed at the highest levels. From all the research I, and others, have conducted there seems to be a very strong probability that federal agents may have overstepped their authority. There is a strong distrust in the government, (e.g.) Salazar's decision to discard the WOPR Plan seemingly without the authority to do so.

If I have misstated or misunderstood any points in this memo, please inform me otherwise. I and other Sheriffs are interested in these issues. I look forward to communications from your administration.

Roy, I understand the answers need to come from top-level administrators. I plan to host a meeting with Sheriffs of both Oregon and California to discuss this further, develop a positive approach in resolving the many issues mentioned above, with a final goal of sitting down with your administrators for answers and resolve.

I look forward to working together for a proper solution.

Respectfully,

Gil Gilbertson, Sheriff
Josephine County
(541) 474-5120