

**Office of Special Counsel (“OSC”)**  
Washington, D.C.

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	)	<b>Complaints and Disclosure Analysis</b>
Complaint of	)	<b>Division</b>
Robert L. Jackson,	)	
	)	File No. _____
U.S. Park Ranger	)	
NPS	)	April 9, 2003
	)	
	)	<b><u>Expedited Review Requested</u></b>
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**NARRATIVE STATEMENT I.C.O. ROBERT L. JACKSON**

By and through counsel and pursuant to Title 5 U.S.C. Section 2302, Robert L. Jackson hereby files his *Complaint* with the U.S. Office of Special Counsel regarding retaliation for his disclosures regarding the illegal use of salt to bait Elk in Yellowstone National Park.

***Retaliation Against Mr. Jackson.*** On April 1, 2003, Mr. Jackson was informed that he would not be among the ten (10) seasonal ranger staff selected to enforce United States law in Yellowstone National Park between June and November, 2003. The normal seasonal hire averages about forty-six (46) to forty-eight (48) rangers for the Law Enforcement Division. Mr. Jackson has been a repeated critic of law enforcement operations in “the Thorofare”, a remote region of the Park adjacent to the Bridger-Teton National Forest. The net effect of this year’s staffing is that there will be no enforcement in the Thorofare where the poaching disclosed by Ranger Jackson actually occurs. This cut of law enforcement by over seventy-five percent (75%) has also been handled in a manner which strips the force of some one of its most seasoned Rangers, Mr. Jackson being the longest serving seasonal Ranger in Yellowstone.

During this severe cut, the Park obviously has decided to retain only its most seasoned Rangers. But the one Ranger with the most experience was tellingly omitted from the accepted list of ten (10) Rangers. That Ranger – Mr. Bob Jackson – has been the voice against sweet deals for poachers and lax enforcement in past years. The entire enforcement plan for the 2003 Season has been conspicuously tailored to avoid the area where past poaching has occurred in and around the elk baiting pits. Given that the 2003 Season is now scheduled as the time for rehabilitating the baiting pits in Bridger-Teton National Forest, there will be no Park enforcement rangers available on site to ensure coordination across Agency jurisdictions. Historically, the Thorofare ‘beat’ was so essential to the Park’s law enforcement plan that the Backcountry ranger – usually Mr. Jackson – was always staffed and was always the last one out of the wilderness at the end of the season.

This means, for instance, that the wolf pack that dens in the Thorofare will no longer have the protection of a Park Ranger to make sure that poachers and outfitters using Bridger-Teton as a back door to Yellowstone will not be able to disturb the wolf habitat. The wolves are considered a nuisance by the outfitters because they scare away the elk which are being illegally baited by the poachers. These wolves are a protected species, and disturbing their habitat is a violation of the Endangered Species Act of 1973. The outfitters habitually ride their horses over the wolf dens to disturb their habitat. The Backcountry Ranger is the federal government’s first line of authority in these situations. Under the current law enforcement plan denying Mr. Jackson’s return to the Thorofare, the Park Superintendent has created a situation where there will be no effective federal enforcement authority in an area thirty-two (32) miles from the nearest road, an area of 400 square miles.

The National Park Service retaliated against Mr. Jackson during the 2001 Season, and entered into a Settlement Agreement regarding his employment for the 2002 Season. Come now? on the verge of the 2003 Season? the Superintendent of the Park once again is acting to silence this vocal critic of Park law enforcement.

Mr. Jackson has volunteered to patrol Yellowstone for nearly thirty (30) years, and is otherwise fit for service. The only reasons he was given for his deletion from the list of ten (10) accepted Rangers were: (1) Yellowstone is consolidating all law enforcement operations around its permanent employees in order to meet the reform requirements implemented at Senator Charles H. Grassley's (R-IA) request; (2) Budget reductions have forced the selection of fewer seasonal rangers than in past years.

The alleged 'ineligibility' of Mr. Jackson for Ranger duty is not based on acceptable forms of discrimination, but is actually a pretext for an act of retaliation. Following the Park's representations, Mr. Jackson has since learned that Park funding was actually increased by about \$80,000 in FY2003 and that the 'law enforcement' reforms requested by the Senator are stalled in the Secretary of the Interior's Office. So neither funding nor reform can be the reason for striking Mr. Jackson from the list of ten (10) accepted seasonal rangers.

***Disclosures Made.*** In the sixty (60) days prior to the rejection of Mr. Jackson, three (3) disclosures placed him at that center of the debate over Yellowstone National Park's repeated failure to enforce U.S. law within Park boundaries.

Each of these three (3) disclosures were made upon a reasonable belief that the Superintendent of Yellowstone National Park, Suzanne Lewis, is abusing her authority and committing gross waste and mismanagement through her willful violation of a rule, regulation and/or law, namely:

(1) ***Salting (Illegal hunting).*** Mr. Jackson's protected disclosures include those involving violations of U.S. Forest Service Regulations, Montana and Wyoming laws regarding the use of "salting" in support of the tourist/hunting industry. It is a violation of U.S. Forest Service regulations and the National Environmental Policy Act of 1969, for the U.S. Forest Service to permit a wasting of natural resources (elk and bears), especially if that wasting occurs without environmental assessment and review.

(2) ***Endangered Species Act Violations.*** The U.S. Forest Service’s failure to act led Mr. Jackson to the belief that a knowing and willful violation of the Endangered Species Act of 1973 (“ESA”) was taking place. It is a violation of the ESA if the Grizzly Bears are ‘taken’ (killed, or habitat destruction significant enough so as to constitute a ‘take’) without the formal approval of a ‘take’. Unlawful takes are now occurring in the Bridger-Teton National Forest through techniques (salting) that have been the subject of disclosures by Mr. Jackson for the past decade.

Mr. Jackson testified before the Greater Yellowstone Subcommittee regarding the failure of law enforcement with respect to poachers on the southern boundary of the Park. This disclosure was initially made in December, 2001 and has been repeatedly available to the general public through April, 2003. See Exhibit B, attached. Having been generally associated with the debate regarding the Park’s law enforcement failure, Mr. Jackson then granted an interview with Mr. Brodie Farquar of the *Casper Star-Tribune*. See Exhibit C, attached. The resulting front page story included a full length picture of Ranger Jackson, with his horse Blondie eating molasses placed illegally on U.S. Government property to lure elk within the gun sites of poaching intruders. The U.S. Park Service has repeatedly denied that the “salt pits” are still in use, and Mr. Jackson’s presence on the front page of one of the larger regional newspapers exposed Park duplicity on this matter. And finally, Mr. Jackson filed public comments with the U.S. Forest Service regarding their plans to restore the ground salted illegally on Forest Service property just over the boundary from the Yellowstone salt pits. See Exhibit D, attached.

***Connecting the Retaliation to the Disclosures.*** The connection of Mr. Jackson’s removal from the list of ten (10) accepted seasonal rangers to the three (3) disclosures made over the past sixty (60) is made through the temporal proximity of the disclosures to the retaliation, through the apparently falsity of the reasons given to Mr. Jackson, and through the specific connection made by “Outfitters” – those whose livelihood is made off U.S. Government resources – between Mr. Jackson and the salting issue. These “Outfitters” have, in the past, actively lobbied the Park Superintendent on the matter of salting, and were interviewed by Mr. Gary Ferguson to provide counter-testimony to Mr. Jackson’s representations regarding illegal salting of elk. Mr. Ferguson’s book, *Hawk’s*

*Nest* (National Geographic Adventure Publications)(forthcoming, May 2003) prominently features Mr. Jackson as one of three individuals who embody the ‘spirit’ of Yellowstone. Ferguson’s interviews over the Winter 2002-2003 has generally resparked the salting debate.

If the Park is permitting to maintain this action, there will be no federal official in the Thorofare who can effectively enforce the law vis à vis the poaching along the Bridger-Teton boundary. This action against a federal employee observing, noting and acting upon past wrongdoing has the effect of vitiating law enforcement, across the board. Not only will Ranger “Action” Jackson not be on duty to police the illegal baiting of elk, but no other so-inclined federal employee will be on patrol, either. Based on the foregoing *Complaint* and attached *Exhibits*, Mr. Jackson requests the U.S. Special Counsel restore him as a seasonal Ranger in Yellowstone’s Thorofare area (Lake Country Sub-District) for the period, June 2, 2003 through to October 31, 2003. As the 2003 Season is about to commence, Mr. Jackson requests relief on an expedited basis.

Very respectfully,

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Daniel P. Meyer, Esq.  
General Counsel and Attorney-at-Law  
Public Employees for Environmental Responsibility (“PEER”)  
2001 S Street, NW – Suite 570  
Washington, D.C. 20009

Tele: (202) 265.7337/Work  
E/ml: dmeyer@peer.org