

JOHN McCAIN  
ARIZONA

241 RUSSELL SENATE OFFICE BUILDING  
WASHINGTON, DC 20510-0303  
(202) 224-2235

CHAIRMAN  
COMMITTEE ON INDIAN AFFAIRS  
COMMITTEE ON ARMED SERVICES  
COMMITTEE ON COMMERCE,  
SCIENCE, AND TRANSPORTATION

# United States Senate

5353 NORTH 16TH STREET  
SUITE 105  
PHOENIX, AZ 85016  
(602) 952-2410

Bureau of Land Management 4703 SOUTH LAKESHORE DRIVE  
Arizona State Office SUITE 1  
Phoenix, Arizona TEMPE, AZ 85282  
(480) 897-6289

407 WEST CONGRESS STREET  
SUITE 103  
TUCSON, AZ 85701  
(520) 670-6334

TELEPHONE FOR HEARING IMPAIRED  
(602) 952-0170

May 8, 2006

910 cc:  
EEO \_\_\_\_\_  
910B \_\_\_\_\_  
911 \_\_\_\_\_  
912 cc:  
917 \_\_\_\_\_  
930 \_\_\_\_\_  
950 \_\_\_\_\_  
Field Office \_\_\_\_\_  
Central Files \_\_\_\_\_  
FOIA Epstein  
Action \_\_\_\_\_

Ms. Elaine Zielinski  
Arizona State Director  
Department of the Interior  
222 North Central Avenue  
Phoenix, AZ 85004

Dear Ms. Zielinski:

I wish to bring to your attention the matter concerning my constituent, Ex. 6 who has concerns with the problems he encountered with BLM Ranger Ex. 6, Badge Ex. 6. Please investigate, my constituent's claim, within the existing rules, regulations and ethical guidelines, and provide me with the final decision. MARK ALL CORRESPONDENCE TO:

Attn: GLORIA STEVENS  
Office of Senator John McCain  
407 W. Congress Street  
Suite 103  
Tucson, Arizona 85701

The response you provide will be most appreciated and will be forwarded to my constituent. If you should have any questions in the meantime, you can reach my office at (520) 670-6334. I look forward to your reply at your earliest convenience.

Sincerely,

John McCain  
United States Senator

JM/tgs  
Enclosure(s)

ARIZONA  
STATE OFFICE  
PHOENIX, ARIZONA

2006 MAY 11 P 1:37

LAND MANAGEMENT  
BUREAU OF  
PHOENIX

LINE 1 2006

17 April 2006

Ex. 6

MAY 03 2006

To Whom It May Concern:

BLM public land near Ghost Town Rd, Congress, AZ.

On 6 March 2006 at 5:30 p.m. BLM Ranger Ex. 6 Badge Ex. 6 accompanied by civilian wearing BLM logo shirt arrived to my camp and I went out to see what he wanted. He said he was there to advise about fire hazard and 14-day camping rules. He had an arrogant attitude. He then asked for my ID. I gave him my U.S. passport and he went back to his truck and I walked slowly along toward his truck when I got about 10 feet from the front of his truck (his truck was facing my door) he came out and grabbed me by my right arm and twisted it behind my back and said, "I told you to stay back!" He then kicked my legs out from under me and I fell head first on the dirt. I put my left arm under my head and he then grabbed my right arm and pulled my left arm. He wiped the blood off my right arm and finished handcuffing me and the two of them stood me up (see pictures taken the next morning). The person with him stood looking at me and shaking his head back and forth in a disapproving manner. Ex. 6 then had the other man take pictures and I believe Ex. 6 took pictures too. They finally sat me on my own chair, still hand cuffed and bleeding next to my motor home. They called EMT from Congress and from Wickenburg. I believe he told them I was drunk and had fallen down. I don't do that! A deputy sheriff arrived; also EMTs had me sign some papers telling me that they were releases saying I didn't want to go to emergency medical. Then toward the last, the ranger wrote out two tickets (copies enclosed) for some violations and which are lies also.

I am Ex. 6 years of age. I was for over 40 years an officer of the U.S. Merchant Marine holding at one time both Masters and Chief Engineer's licenses ( see copies). I had 4 years letterman in track. Two years letterman Varsity football. All Metropolitan and all victory league quarter back in Ex. 6, president Ex. 6 Senior Class, Ex. 6 I was born on Ex. 6 I AM ALSO A WW II VETERAN

I have a destroyed rotor cup, right shoulder and injured my left shoulder and high blood pressure; the above are treated by Veterans, Prescott, AZ and El Paso VAMC. I cannot walk very far due to my injured back and bad hips.

Sincerely,  
Ex. 6

Cc: Senator, John McCain

U.S. Bureau of Land Management  
United States District Court  
Violation Notice

CVB Location Code

A191

Violation No. **L0131506** Officer Name (Print) [Redacted] Ex. 6 Officer No. [Redacted] Ex. 6

L0131506

**YOU ARE CHARGED WITH THE FOLLOWING VIOLATION**

Date and Time of Offense (mm/dd/yyyy) *1/15/06* Offense Charged  CFR  USC  State Code  
*43 CFR 835-1.4(a)*

Place of Offense  
*CONGRESS, AZ NEAR*

Offense Description  
*INTERFERING / RESISTING*

**DEFENDANT INFORMATION**

Last Name [Redacted] Ex. 6 First Name [Redacted] Ex. 6 M.I. [Redacted] Ex. 6

IF BOX A IS CHECKED, YOU MUST APPEAR IN COURT. SEE INSTRUCTIONS (on back of yellow copy).  
 IF BOX B IS CHECKED, YOU MUST PAY AMOUNT INDICATED BELOW OR APPEAR IN COURT. SEE INSTRUCTIONS (on back of yellow copy).  
\$300.00 Forfeiture Amount  
+ \$25 Processing Fee  
PAY THIS AMOUNT → \$325.00 Total Collateral Due

**YOUR COURT DATE**  
(If no court appearance date is shown, you will be notified of your appearance date by mail.)

Court Address: **1-800-827-2982** Date (mm/dd/yyyy) \_\_\_\_\_  
Time (hh:mm) \_\_\_\_\_

My signature signifies that I have received a copy of this violation notice. It is not an admission of guilt. I promise to appear for the hearing at the time and place indicated on this notice or pay my total collateral due.  
Defendant Signature [Redacted] Ex. 6 Collateral due. \_\_\_\_\_  
Return to CVB With Payment n 9260-9 (July 2005)

U.S. Bureau of Land Management  
United States District Court  
Violation Notice

CVB Location Code

A191

Violation No. **L0131507** Officer Name (Print) [Redacted] Ex. 6 Officer No. [Redacted] Ex. 6

L0131507

**YOU ARE CHARGED WITH THE FOLLOWING VIOLATION**

Date and Time of Offense (mm/dd/yyyy) *1/15/06* Offense Charged  CFR  USC  State Code  
*43 CFR 835-1.4(a)*

Place of Offense  
*CONGRESS, AZ NEAR OLD CEMETERY*

Offense Description  
*CREATING A HAZARD  
OIL NOISANCE*

**DEFENDANT INFORMATION**

Last Name [Redacted] Ex. 6 First Name [Redacted] Ex. 6 M.I. [Redacted] Ex. 6

IF BOX A IS CHECKED, YOU MUST APPEAR IN COURT. SEE INSTRUCTIONS (on back of yellow copy).  
 IF BOX B IS CHECKED, YOU MUST PAY AMOUNT INDICATED BELOW OR APPEAR IN COURT. SEE INSTRUCTIONS (on back of yellow copy).  
\$250.00 Forfeiture Amount  
+ \$25 Processing Fee  
PAY THIS AMOUNT → \$275.00 Total Collateral Due

**YOUR COURT DATE**  
(If no court appearance date is shown, you will be notified of your appearance date by mail.)

Court Address: **1-800-827-2982** Date (mm/dd/yyyy) \_\_\_\_\_  
Time (hh:mm) \_\_\_\_\_

My signature signifies that I have received a copy of this violation notice. It is not an admission of guilt. I promise to appear for the hearing at the time and place indicated on this notice or pay my total collateral due.  
X Defendant Signature [Redacted] Ex. 6 Collateral due. \_\_\_\_\_  
Return to CVB With Payment n 9260-9 (July 2005)

March 15, 2006

In Reply Refer To:  
9260 (WO-120)

Memorandum

To: Ranger [Ex. 6]

From: Chief, Internal Affairs, Office of Law Enforcement and Security

Subject: Allegation of Excessive Use of Force; [Ex. 6]

On March 10, 2006, I received a faxed statement from [Ex. 6] alleging that you used excessive use of force during a law enforcement contact. The contact was initially made to inform [Ex. 6] and other campers in the area, that the Bureau of Land Management was implementing a fire closure order.

I have read and reviewed the written statements of the following individuals:

[Ex. 6] – complainant  
[Ex. 6] – witness  
[Ex. 6] – Deputy, Yavapai County Sheriff's Office  
[Ex. 6] – CEP, Life Line Ambulance Service, Inc.

Additionally, I have read and reviewed your investigative report including the attached digital photographs taken at the time of the incident. Predicated on my review of all submitted documents and digital photos, I have determined that the alleged acts occurred but were justified, legal and proper.

Unless additional information and/or documentation are brought to my attention that would necessitate an additional review, by this memorandum, your actions have been exonerated.

/s/ Gregory A. Assmus

cc: Director, OLES  
Assistant Deputy Director, OLES  
SAC, Arizona  
District Ranger, Phoenix District Office

GAssmus:db/3/15/06(Exoneration memo to [Ex. 6].doc)



OFFICIAL COPIES: *CF* SD AUTHOR GROUP  
United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Arizona State Office  
One North Central Avenue, Suite 800  
Phoenix, Arizona 85004-4427  
www.blm.gov/az/



*WJ*  
*5/19/06*  
*CET 5/18/06*  
*L. Outters*  
*5/18/06*

In Reply Refer To:  
1781/9260 (WO-121)

**MAY 19 2006**

The Honorable John McCain  
United States Senator  
Attention: Ms. Gloria Stevens  
407 West Congress Street  
Suite 103  
Tucson, Arizona 85701

Dear Senator McCain:

This is in response to your letter dated May 8, 2006, requesting information on a law enforcement contact between your constituent, **Ex. 6** and Bureau of Land Management (BLM) Law Enforcement Ranger **Ex. 6** on March 6, 2006.

**Ex. 6** contacted the Special Agent-in-Charge for BLM Arizona's Office of Law Enforcement and Security after this contact with Ranger **Ex. 6**. **Ex. 6** filed a formal complaint against Ranger **Ex. 6** and this complaint was forwarded to the BLM Chief, Internal Affairs, Office of Law Enforcement and Security, Gregory A. Assmus; along with associated reports and statements from BLM employee **Ex. 6**; Yavapai County Sheriff's Deputy **Ex. 6**; and **Ex. 6**, Certified Emergency Paramedic, Life Line Ambulance Service; as well as Ranger **Ex. 6** investigative report.

After reviewing the complaint from **Ex. 6** and the associated reports from the incident, Mr. Assmus determined that the alleged acts occurred and were justified, legal and proper, thus clearing Ranger **Ex. 6** of any alleged wrongdoing by **Ex. 6**.

There are criminal charges pending against **Ex. 6** which precludes further discussion of the issues surrounding this incident.

If you have further questions, please call Special Agent-in-Charge Bud Shaver at (602) 417-9317.

Sincerely,



 Elaine Y. Zielinski  
State Director

cc: Your Washington Office