

Jonathan Corbett
228 Park Ave. S. #86952
New York, NY 10003
June 27th, 2017

To: Burning Man
660 Alabama St.
San Francisco, CA 94110
via USPS First Class Mail

To: Pershing County Board of Commissioners
P.O. Drawer E
Lovelock, NV 89419

To: Bureau of Land Management
Nevada Acting Director Marci Todd
1340 Financial Blvd.
Reno, NV 89502

**An Open Letter to Burning Man (and Law Enforcement):
Locking Down a City to Find a Missing Teenager is Unlawful**

Dear Burning Man & Law Enforcement:

As a regular attendee of the annual Burning Man festival held in Nevada, it has on several occasions come to my attention that "Gate Road," the only public exit from the temporary Black Rock City, has been closed while officials searched for a juvenile who was reported missing. At last year's event, the media reported¹ that Gate Road was closed for many hours towards the end of the festival. This search was to find an allegedly missing 17-year-old girl who, it turned out, was simply enjoying the festival. The traffic created by closing the gate so close to the end of the festival created a backlog that affected nearly every attendee departing the Playa. It personally took me over 8 hours to exit Gate Road, which spans only a few miles.

After the closure, I asked the U.S. Bureau of Land Management for comment, and received the following reply:

"The exit delay from the 2016 Burning Man event on Sunday, September 4, resulted from Black Rock City, LLC's standard operating procedures. If a juvenile is reported missing during exodus, vehicles exiting the event are halted until the person is located. The determination to halt traffic and then re-start it after the individual was located was made

¹ Chia, Jessica. "Burning Man on lock down: Cops closed the only road out of the desert festival causing a NINE-HOUR traffic jam as they searched for missing 17-year-old girl." DailyMail.com. Sept. 6th, 2016. <http://www.dailymail.co.uk/news/article-3776211/Burning-Man-lock-Organizers-close-road-desert-causing-nine-hour-traffic-jam-hunt-missing-17-year-old-later-safe-camp.html>

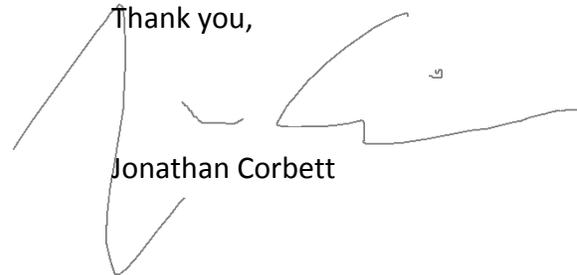
by Black Rock City, LLC, in coordination with the Bureau of Land Management and the Pershing County Sheriff's Office.”

(See attached.) What Burning Man may not understand is that, even if well-intentioned, confining individuals, without their consent, for any time, within fixed boundaries (no matter how shiny) is the very essence of false imprisonment². To the extent that Law Enforcement was “in coordination” with Burning Man on the closure, they have (perhaps, again, with the best of intentions) conducted an unconstitutional seizure, a violation of the federal Civil Rights Act, and, of course, false imprisonment.

Given that the Burning Man community is one that strongly values consent, I respectfully request that Burning Man discontinue this practice of holding us against our will, and I likewise respectfully request that Law Enforcement refuse to participate in the same. Were it not a community that I respect so deeply as I do, I would have immediately filed suit last year. Instead, I wish to give the organizers an opportunity to correct the situation by adjusting their policies to ensure there will be no reoccurrence this year or in years to come.

If you have any questions, I may be reached via e-mail to: jon@professional-troublemaker.com.

Thank you,

A handwritten signature in black ink, appearing to read 'Jonathan Corbett', written over the printed name.

Jonathan Corbett

² “To establish false imprisonment of which false arrest is an integral part, it is . . . necessary to prove that the person be restrained of his liberty under the probable imminence of force without any legal cause or justification. As summarized by the American Law Institute, an actor is subject to liability to another for false imprisonment ‘if (a) he acts intending to confine the other or a third person within boundaries fixed by the actor, and (b) his act directly or indirectly results in such a confinement of the other, and (c) the other is conscious of the confinement or is harmed by it.’ Restatement (Second) of Torts § 35 (1965).” *Hernandez v. Reno*, 97 Nev. 429 (1981) (*internal citation omitted*). The “without any legal cause or justification” element can be of no assistance here, for there is no precedent for detaining over 60,000 people, none of whom are suspected of a crime, and certainly not without even a particularized reason to think that the missing individual is in danger.

Jon

From: Evenson, Ronald (Rudy) <revenson@blm.gov>
Sent: Tuesday, October 11, 2016 3:26 PM
To: jon@professional-troublemaker.com
Subject: Request for Comment, Closure of Burning Man Exit Roads for Missing Person

Mr. Corbett, in response to your request, the Bureau of Land Management has the following statement:

The exit delay from the 2016 Burning Man event on Sunday, September 4, resulted from Black Rock City, LLC's standard operating procedures. If a juvenile is reported missing during exodus, vehicles exiting the event are halted until the person is located. The determination to halt traffic and then re-start it after the individual was located was made by Black Rock City, LLC, in coordination with the Bureau of Land Management and the Pershing County Sheriff's Office.

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