

Status of Wild Horse and Burro Program in Nevada
February 1978

Wild horses exist in every Nevada county. The map (Enclosure 1) shows where wild horses and burros existed at the time of BLM's 1975 inventory, the last complete one conducted in the state. The largest concentrations are near Tonopah, Austin, Winnemucca, and in northern Washoe County.

Nevada, with about 35,550 wild horses as of 1977, has the largest wild horse population of any state as shown by the chart (Enclosure 2). We estimate their numbers are increasing at an average of 18 percent per year. Removal and disposal of some excess animals is being accomplished through a gathering and adoption program. And, in order to maintain manageable wild horse herds, we must continue to remove excess animals from the range.

Current estimates of forage demand on Nevada's range indicate about:

<u>AUMS</u>	
446,000	Wild horses and burros* (35,550 horses and 1,568 burros)
222,820	Wildlife (132,836 animals including antelope, deer, elk and bighorn sheep); does not include non-game species. AUMs calculated on basis of livestock AUMs.
2,060,000	Livestock (No. of licensees is 780).**

*includes a portion of Nevada administered by the Susanville District.

**includes areas in Nevada administered by the Susanville and Boise Districts.

Forage allocation by animal unit months (AUMs) for all users, including the optimum number of horses to be managed in Nevada, will be determined by land use planning currently underway. These determinations will be based on data gathered in the planning process which the BLM calls management framework planning (MFP). In addition to writing and revising MFPs, BLM is required to complete 18 grazing environmental statements (ES) within the next 11 years. A substantial part of the information needed for the ESs will come from the MFPs. To accomplish these ESs a priority schedule (Enclosure 3) was established, based on availability of data; in other words, those areas where the most data is already available will be done first.

Until these management framework land use plans are completed, the BLM will determine forage allocations on a case-by-case basis. As an interim measure, BLM has been removing horses from critical forage areas. Also some ranchers have taken voluntary reductions of livestock grazing due to range conditions. Livestock non-use in 1977 amounted to 627,000 AUMs (drought, horses, beef prices, reduction of herds).

Since June 1975 Nevada has removed some 2,654 horses. The gathering operation has been highly successful because of the amendment to the wild horse act which now allows helicopters to be used by the managing agencies. Through the Palomino Valley facility 1,324 horses have been adopted. The facility consists of 149 acres, including 13 corrals, and a building which houses equipment and an office (Enclosure 4). Currently, 382 horses are being held in the corrals.

There are only three methods of disposal allowed under the law--relocation, destruction, and placement under custodial care. The first method is not feasible and the second is not used unless absolutely necessary. Therefore, BLM has been using the third method up to the present time. The horses being processed through the Palomino Valley facility are all up for adoption, but many are older animals and it is extremely difficult to find custodians for these. In addition, BLM has experienced some difficulty with the Palomino corrals. Because of the difficulty in placing horses with custodians, numbers of animals have been held for a much longer period than planned. Even though a veterinarian averaged 3 days a week at the corral facility, the exceptionally wet weather in late December caused considerable death loss of old and weak animals. Some of the death loss was caused by sand compaction which results from "ground feeding" over an extended period.

Our publicity efforts to explain the program and recruit custodians have been extensive. On a nationwide basis, there have been national TV news and feature programs on ABC and CBS; news accounts in home town newspapers and surrounding areas of horses adopted in 1975; magazine articles in Newsweek, McCalls, TV Guide, Weekly Reader, Family Circle, Family Weekly, Sunset, Western's World, American Horseman, Horse Illustrated, and Nevada Magazine. News clippings sent to this office have come from all over the U.S. and include articles from the Los Angeles Times, San Francisco Chronicle, Sacramento Bee, Oakland Tribune, Salt Lake City Tribune, Dalton Massachusetts Record, Chicago Sun, Anchorage Alaska Daily Times, San Antonio Express News, Government Lands Digest, The Fund for Animals, Christian Science Monitor, Wilmington Delaware News, St. Louis Post Dispatch, Colorado Springs Sun, Baltimore Sun, and the New York Post. In addition, there have been TV spots done by movie actress Amanda Blake and the late Velma Johnston (Wild Horse Annie) as part of the American Heritage TV series shown during the Bicentennial Year. A 90-second TV news spot also was sent to over 400 TV stations across the nation in November 1977 to encourage adoption.

The cost of operating the wild horse program in Nevada has been extensive as shown below:

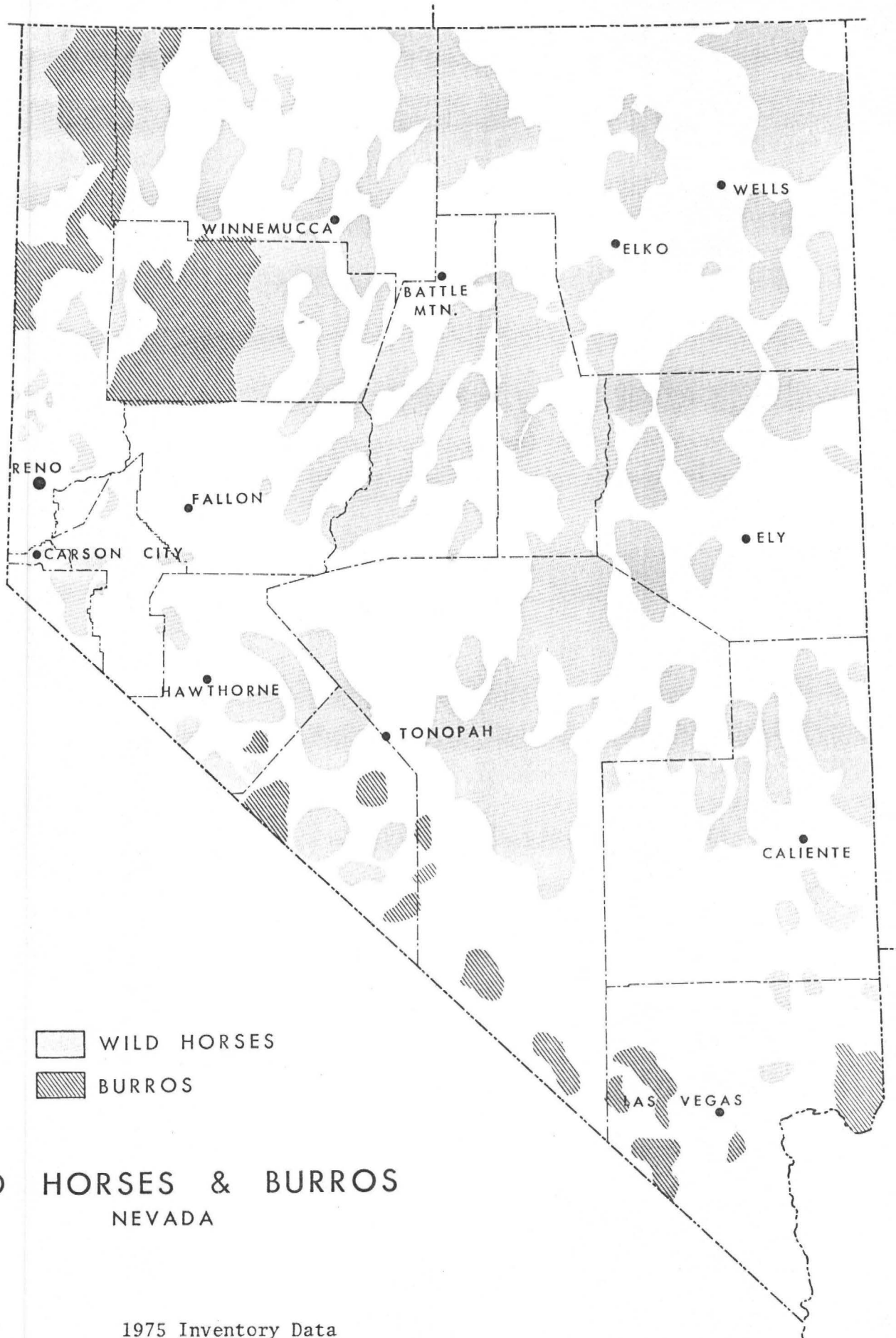
	<u>February 8, 1978</u>
Number of horses captured	2,654
Cost to capture	\$219,000.00
Average cost per horse to capture	82.00
Number of horses being held (1/31/78)	382

Cost to date 1/31/78) to hold and care for horses	\$410,000.00
Current cost to hold, feed and care per horse/day	\$ 1.25
Initial cost of Palomino Valley Holding Facility (150 acres with corrals and well)	\$ 59,000.00
Expenditures for additions and modifications of Palomino Valley Holding Facility	\$ 35,000.00
Present capacity of Palomino Valley Facility	700 head
Additional capacity needed at Palomino Valley	700 head
Total cost of wild horse and burro program in fiscal year 1977	\$798,000.00
Funds available for current fiscal year	\$469,900.00

BLM recognizes the limitations of the adoption program and the necessity to find other solutions to an ever increasing problem. While organizations like the American Horse Protection Association try to discredit the entire program (Enclosure 5), the organizations who participated in the Wild Horse Forum held in Reno last year have tried to help us find reasonable answers to the problems by adopting resolutions for our consideration (Enclosure 6) that they would support.

Handouts:

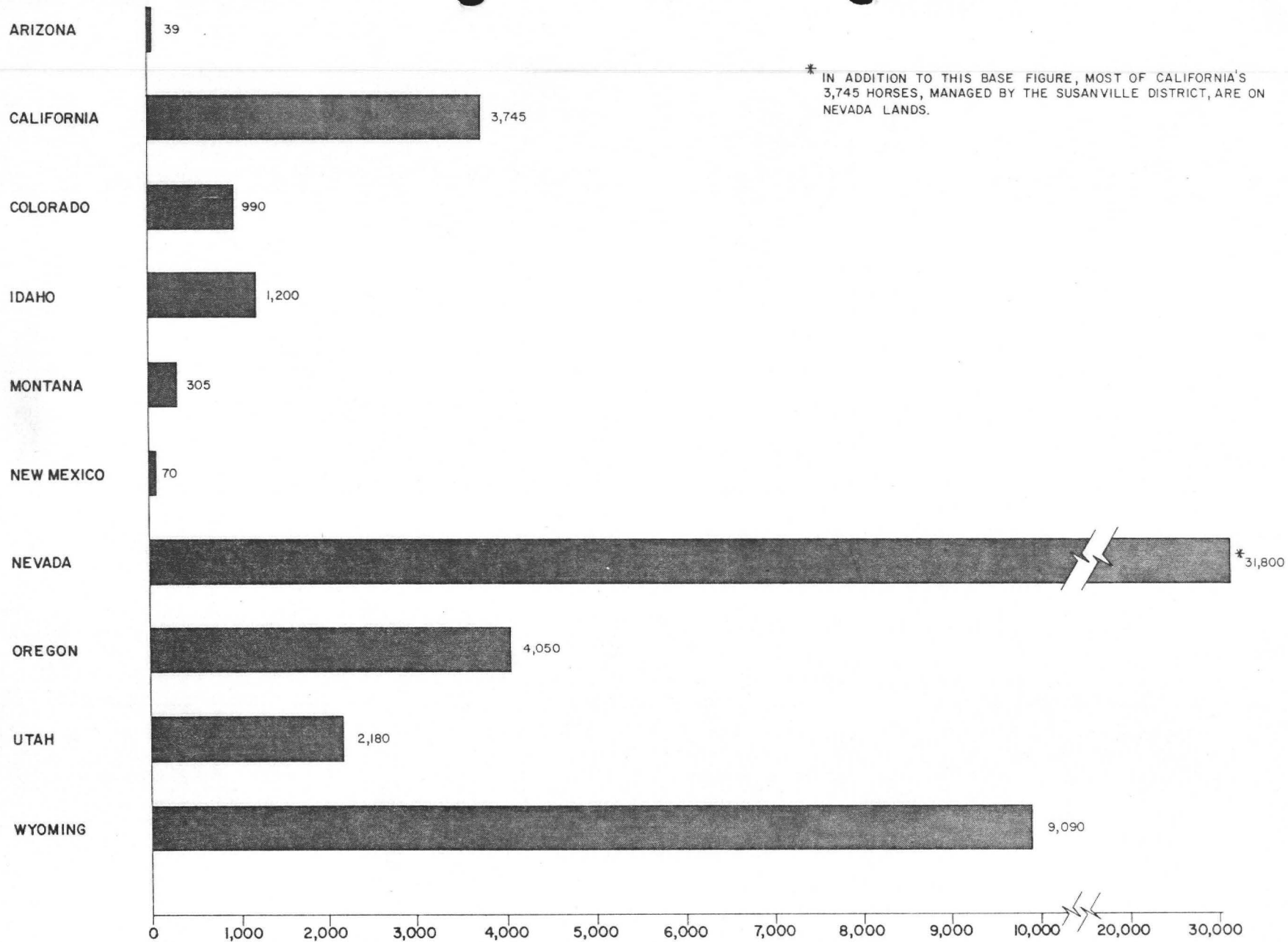
1. Map of Nevada's wild horse areas
2. Chart
3. Proposed schedule of Grazing ES
4. Photo
5. AHPA Newsletter (2)
6. Resolutions by Wild Horse Forum
7. WH portion of S2475 and HR10587



WILD HORSES & BURROS

NEVADA

1975 Inventory Data



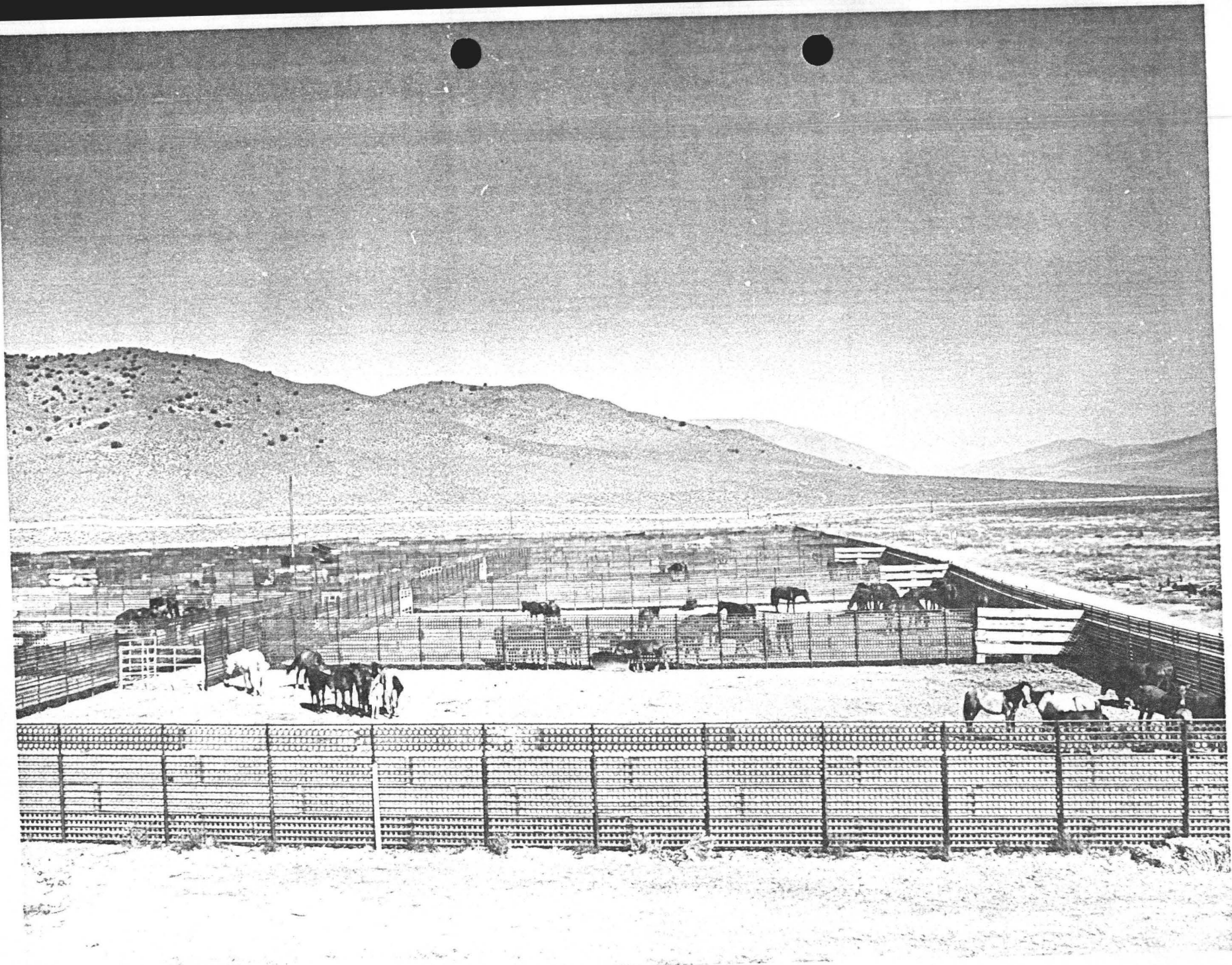
* IN ADDITION TO THIS BASE FIGURE, MOST OF CALIFORNIA'S 3,745 HORSES, MANAGED BY THE SUSANVILLE DISTRICT, ARE ON NEVADA LANDS.

TOTAL ESTIMATED WILD HORSE POPULATION IS 53,469

NSO
1/12/78

PROPOSED GRAZING ES SCHEDULE

Area	Name	Acres (000's)	Completion Dates				
			SIM	URA	PAA	MFP-2	ES
1	Caliente	3414	-	4/78	5/78	7/78	9/79
2	Paradise-Denio	3646	-	9/78	10/78	1/79	3/80
3	Reno Area	681	8/80	12/80	1/81	9/81	4/83
4	Las Vegas	2690	3/82	6/82	7/82	3/83	9/84
5	Elko	3260	3/82	6/82	7/82	8/83	9/84
6	Tonopah	4043	3/82	6/82	7/82	3/83	9/84
7	Schell	4183	3/83	6/83	7/83	3/84	9/85
8	Sonoma-Gerlach	4555	3/84	6/84	7/84	3/85	9/86
9	Esmeralda	3503	3/84	6/84	7/84	3/85	9/86
10	Fallon	2422	3/85	6/85	7/85	3/86	9/87
11	Wells	4142	3/85	6/85	7/85	3/86	9/87
12	Walker	1947	3/86	6/86	7/86	3/87	9/88
13	Egan	3826	3/86	6/86	7/86	3/87	9/88
14	Shoshone-Eureka	4371	3/86	6/86	7/86	3/87	9/88



AMERICAN HORSE PROTECTION ASSOCIATION, INC.

3316 N Street, N.W.

Washington, D.C. 20007

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NEW YEAR, 1978



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... AHPA's Fighting COLORS ...

WILL THESE WILD HORSES

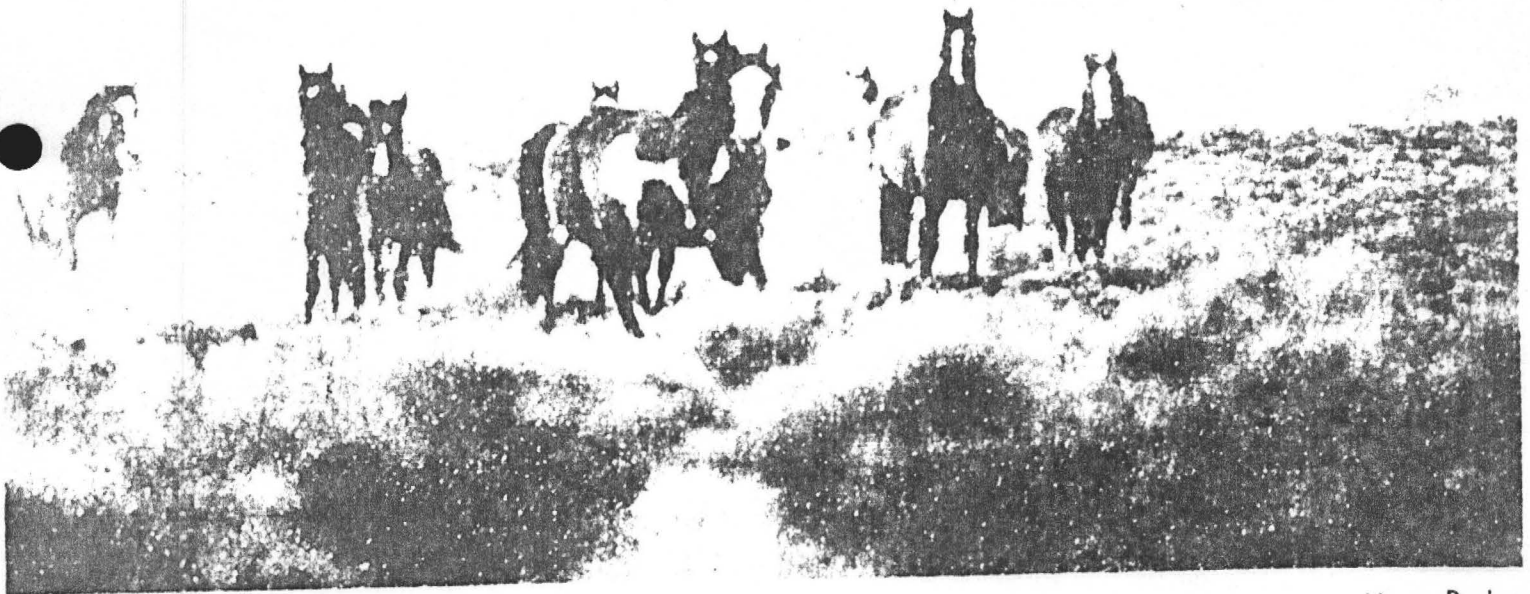


Photo Credit: Hope Ryden

LIVE OR DIE IN 1978?

AHPA'S ANSWER: NO!

"NO" TO MINDLESS BUREAUCRACY AND "NO" TO GODLESS BRUTALITY

BUT WE MUST FIGHT ON! Hope Ryden, AHPA advisor and noted authority on wild horses, has just returned from three weeks out West observing wild horses, their range, and their handling by the BLM. Most of this was in Nevada. The pictures on these pages speak for themselves but listen to Ms. Ryden's own thoughts:

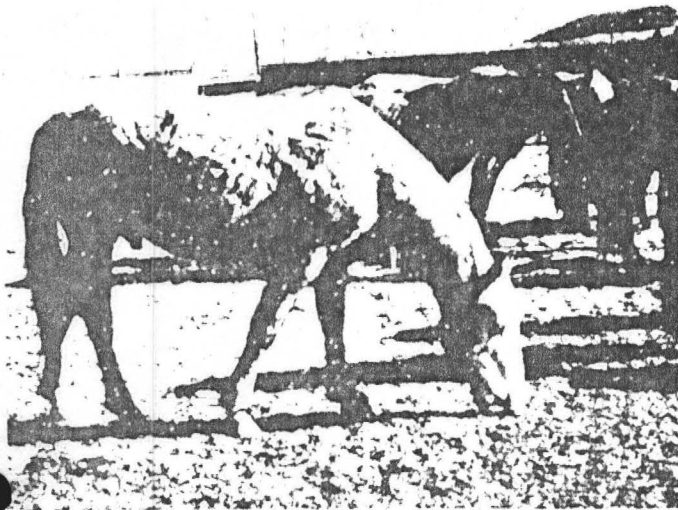


Photo Credit: Hope Ryden

The appalling conditions of the BLM holding pens at Palomino Valley — overcrowding, fighting and disease. Hope Ryden saw this battle-scarred stallion eating dirt and manure because there was not enough hay.

around water traps in Garfield Flats and Whiskey Springs, Nevada. These animals had been shot; I doubt they were counted in the BLM official tally. All but one were under 4 years old and should have qualified as "adoptable" mustangs.

What the BLM did gather for adoption is in sad evidence in crowded holding pens in Palomino Valley, Nevada. More than 600 wild horses—as many as 100 in a single pen—mill about and await death or adoption. In the largest pen there is no segregation

(continued on page 4)

" The Western drought is a myth as related to Nevada's open range. The range is in as good a condition as I have ever seen it. The drought exists only in the agricultural regions where water is in short supply from the snow fields of the Sierra Nevadas. Plenty of rain has fallen on the open range this year. As a result, the horses have never looked healthier and I would expect a large foal crop next year.

This will certainly not make the BLM happy. Nevada BLM reports removing 1,682 wild horses from the state since January. I suspect, for reasons that I will later report, that the number removed may even be greater. I found and photographed dead horses



Photo Credit: Hope Ryden

This three-year-old horse was found shot near a BLM water trap at Garfield Flats.

AHPA IS VERY PLEASED TO ANNOUNCE THE NAMES OF OUR NEW HONORARY BOARD MEMBERS

Mr. Burt Bacharach - Ms. Tiffany Bolling - Ms. Ilka Chase - Ms. June Havoc - Ms. Edith Head

A HOLIDAY MESSAGE

Dear Devoted Friends:

We have so much to be thankful for, and as I recover from back surgery, I think of all the Congressional and court battles AHPA has won because of your belief and your support.

As Hope Ryden's report indicates, the battle against mindless bureaucracy and brutality goes on. Candidly, there is no relief in sight during 1978. Our only hope is ourselves. Banded together and determined to continue to fight in court, in Congress and all the way to the White House --- we can make 1978 a great New Year. We can and will stop another roundup or maybe even two. We can and will continue to expose walking horse owners and trainers who brutalize their horses for a handful of ribbons.

This we can do because of YOU. Join Lorne Greene and me today in reviewing your AHPA membership and redoubling your commitment. Your check now can help us plan our 1978's work!

With our heartfelt thanks and our warmest greetings of the Season, I remain

Faithfully,

Joan A. Blue

FROM JOAN BLUE

REMINDER: ORDER YOUR HALLMARK WILD HORSE COLLECTION TODAY.

clip

American Horse Protection Association

• 1312 - 18th Street, N.W.

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Enclosed is my

membership renewal

special contribution

\$100-Patron

\$15-Contributing

\$500-Life

\$50-Sustaining

\$5-Adult

\$2-Junior (Age 6 to 16)
Senior (Over 65)

\$25-Supporting

New Member

Change of Address

Zip _____

Your AHPA contribution is tax deductible

of the sick, the lame, or mares with foals. In the segregated pen of wild studs, I observed a single frightened mare. The wild studs were severely bruised from fighting. Nearly all the horses were so badly chewed that large patches of bare hide were exposed to the 6-degree weather.

Hay was tossed on the ground. The strongest fed well. Weak animals ate dirt in an attempt to obtain left-over chaff. The lack of hay racks surely promotes parasitical disease. Moreover, eating dirt causes death from compaction. I saw one such victim. The animals laid down in their own manure. Many animals have been forced to live in these appalling conditions since last February. No attempt has been made to gentle the frightened, fighting horses, and many people who came to adopt one were repelled and went away.

It is predictable that, under such conditions, many horses would have to be destroyed. I, therefore, was not very surprised when I discovered a large gravel pit full of dead horses that had been shot by

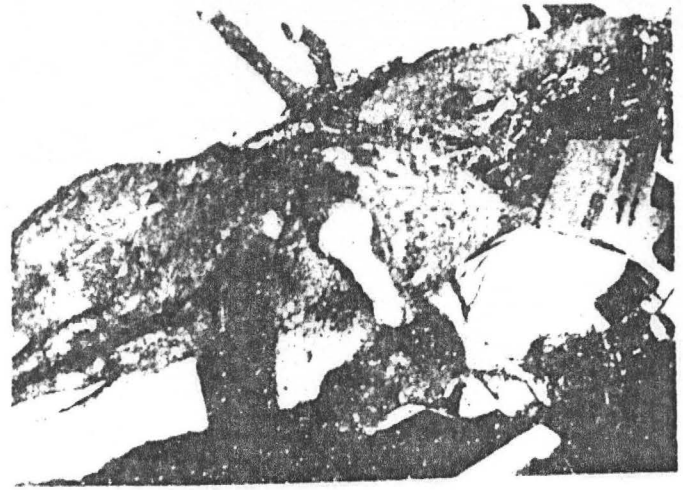


Photo Credit: Hope Ryden

Wild horses—young and old alike—were destroyed by the BLM and buried in this gravel pit near Palomino Valley.

AS OTHERS SEE IT:

Item: From an October 23, 1977 Editorial, Nevada State Journal, Reno.

TOO MANY HORSES

Controversy is rife about wild horses. But oddly, the belief that various factions are lined up facing each other, refusing to talk is a myth.

From what we hear, the major groups—the Bureau of Land Management (BLM), the ranchers and Wild Horse Organized Assistance (WHOA) are all agreed that a dangerous situation exists and that action must be taken.

The organization that is most venient in the cause of preserving the wild horse, WHOA, is neither against killing the horses nor against selling them for commercial purposes.

Item: From California Horse Review, October 1977, "The Return of the Flying Mustanger."

According to [Reno BLM Public Relations Director Carl] Gidlund, there is some indication that WHOA, the Wild Horse Organized Protection Association of the late Zelma "Wild Horse Annie" Johnston, may recognize the necessity of the slaughterhouse as an alternative to massive shootings on the range.

Even from within the wild horse management personnel of the BLM, long-time mustanger Bill Stewart sees a possible answer in the issuance of permits or licenses to take wild horses much as hunting licenses for game animals.

Reminding him that this was supposedly one of the problems that brought about the law, he replied, "Just as with hunting, there would have to be rules and regulations—check points on the legal catch, no taking of babies, and that sort of thing. Why should the horse be exempted from the conditions of other animals out there?"

the BLM. The pit contained animals of every age class. I could not determine how many had been killed since gravel had been bulldozed over layers of bodies. A hoof of a small foal gave proof that the young as well as the old had been sacrificed in this BLM management program. Most appalling, however, was information I received about a perfectly healthy yearling that had been scheduled for the death pit and rescued only through the insistence of a would-be adopter. It was removed from the truck even as the horses were being loaded to be killed. I saw and photographed the yearling. There was nothing wrong with it. The whole affair reminded me of Buchenwald.

Unaccountably two wild mares bearing the government's official 88 brand turned up at a livestock auction in Fallon, Nevada. Did a BLM employee flout the Wild Horse and Burros Act and sell animals gathered in a roundup? Or has the BLM agency itself gone into the business of selling horses to canneries? The BLM's explanation: "It is just a mistake."

NOTICES TO AHPA MEMBERS:

- AHPA's annual meeting and election of officers and directors will be held December 30, 1977, at 10:30 AM in AHPA's Washington, D.C. offices at 1312 - 18th St., N.W. All members are urged to attend.
- Due to the high cost of postage, AHPA will not be able to send personal acknowledgments for contributions of less than \$10. We appreciate your understanding and we are grateful for your generous support.

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AND DOMESTIC.**

FALL 1977



Lorne GREENE & Papa CHARCOAL
... AHPA's Fighting COLORS ...

THE BLM:



PUBLIC ENEMY No. 1

BUREAUCRACY RUNS AMUCK!

B

RUTAL ELIMINATION OF WILD HORSES AND BURROS;

L

OBBYISTS FOR CATTLEMEN AND HUNTERS;

M

INDLESS CONTEMPT FOR CONGRESS & COURTS!

The Bureau of Land Management has outlived its usefulness, if it ever had any when it came to the protection of wild horses and burros. The time has come for those of us who truly want to protect and preserve wild horses and burros to ask the President for a major change. He should fire the officials at the BLM and the National Park Service whose callous indifference has caused thousands of horses and burros to be slaughtered or removed from the range. Or the President should place wild horse and burro protection in the hands of a different executive agency.

Our members of long standing will remember the preservation battles AHPA has waged and won. From 1970 and the passage of the Horse Protection Act, to 1971 and the passage of the Wild Horse Act, to our recent court victories in the Howe Massacre and Challis roundup cases, AHPA has helped crystalize a clear public policy concerning wild horses and burros. This policy states, in effect, that "the interests of wild horses and burros are to be protected above the interests of over 5 million commercial cattle and sheep; above the interests of the hundreds of thousands of antelope, deer and other game animals in the West; and at least on a par with the endangered species of the West."

Despite AHPA's victories, the BLM has refused to bring its "management" in line with the law. Instead, it has chosen to use its vast administrative power in an arbitrary and vicious manner to remove and

Friday, July 1, 1977 THE WASHINGTON POST

U.S. Riflemen Are Airlifted To Purge Park's Burros

SANTA FE, N.M.—Chosen for their lack of what a federal official called "the Bambi complex," riflemen were dropped by helicopter into the wilderness of fire-blackened Bandelier National Monument yesterday to kill more wild burros.

"...And one had had his head split open with an axe."

WASHINGTON POST

Seven wild horses shot in corrals

RENO, Nev. (AP) — Seven captured wild horses were shot to death Monday by the U.S. Bureau of Land Management at its Palomino Valley corrals 25 miles north of here.

BLM spokesman Carl Gidlund said the mustangs were killed because they either were old, sick or injured.

In one instance, Gidlund noted, one of the horses tried to kill a wrangler.

PS: AHPA's eyewitnesses say 25 or more horses were killed.



BLM Slaughter at Palomino Valley, Nevada, August 8, 1977. Photo by L.P. Boegle.

kill wild horses and burros as often as possible. In effect, the BLM is saying to the public, 'The interests of the hunters and cattlemen are greater than yours and we alone will determine how many horses and burros the public may have on the Western Plains.'

Examples printed on these pages give witness to the BLM's continuing contempt for the public's interest in protecting wild horses and burros. What's more, the BLM's policies are bankrupt. In Nevada and Oregon the BLM is fencing the horses' water holes in an attempt to trap them, then blaming the horses' poor physical condition on the drought. Its Adopt-A-Horse program is nothing more than another rationale to hold incessant roundups. The National Park Service says it would not dream of parachuting riflemen into the Grand Canyon to execute wild burros, but then it is reported that armed snipers were dropped into Bandolier National Monument. And so it goes.

AHPA's fight in the Congress and the courts will not cease as long as you, our members, continue to support our efforts. In the meantime, let us demand of our President a change in the executive bureaucracy. Write President Carter today and ask him either to fire those in the BLM and the Park Service who are bent upon the annihilation of the wild horse and burro herds, or to take wild horse and burro protection from the BLM and Park Service and give it to another executive agency that will treat these animals as the part of our national heritage that the Congress declared them to be.

Brutal Soring Continues

Personal Report by Joan Blue

Missouri is supposed to be the "show-me" state. Well, it is! I went out to the Midwest Walking Horse Trainers Association Show held in Springfield, Missouri, the end of September to see first-hand how much progress had been made to eliminate soring. On the basis of what I saw, I must answer "NONE!" I was accompanied at the show by Ms. Ann Gonnemann and Ms. Joy Palmer of Animal-Kind, Inc.

In my opinion, 80 percent of the horses were sored and scarred, some having open wounds plastered with black grease to cover the blood. Heavy logging chains were used in the warm-up ring; the unmistakable stench of oil of mustard, a corrosive chemical used to inflict pain and alter a horse's gait, polluted the air both in and out of the show ring. The glaring obscenity of watching these beautiful animals subjected to so much needless pain and suffering for the benefit of human greed was a sickening sight.

To the best of my knowledge, show management provided no inspection of the walking horses in competition and no show veterinarian was in evidence to inspect the walkers' feet. The U.S. Department of Agriculture sent no Federal inspectors, and show management was told in advance by U.S.D.A. that none would be there. As a result, I witnessed one of the most lawless and brutal walking horse shows I have seen since 1968, before the Horse Protection Act of 1970 was enacted. It was obvious that there was no attempt to comply with the Federal law. It was equally obvious that U.S.D.A. had made no effort to force the management of this show to comply, even warning them before hand of their absence.

I have made these facts known to officials of U.S.D.A.; their only excuse is lack of funds to enforce the Act, an excuse they have used continuously for the last seven years. Both Congress and AHPA members have made successful attempts to procure the necessary funding. Yet it is never enough to do the job and probably never will be, so long as one of their most important bureaucrats states publicly that just because Congress passes the law doesn't mean that we (USDA) have to enforce it. Aside from getting this man fired, perhaps AHPA's only hope to stop illegal sore walking horse shows is to take the Department of Agriculture to court!

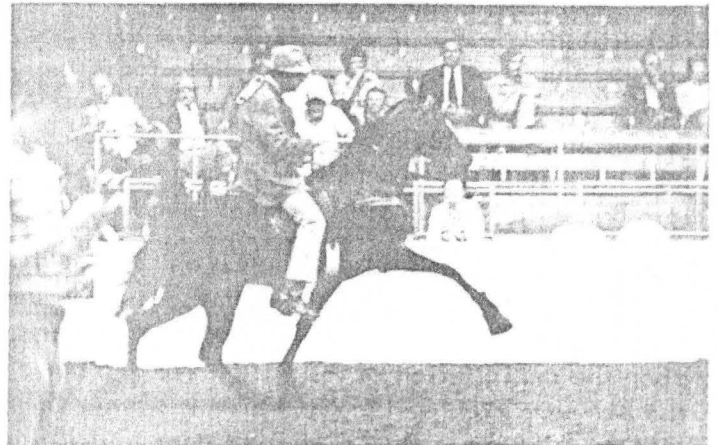
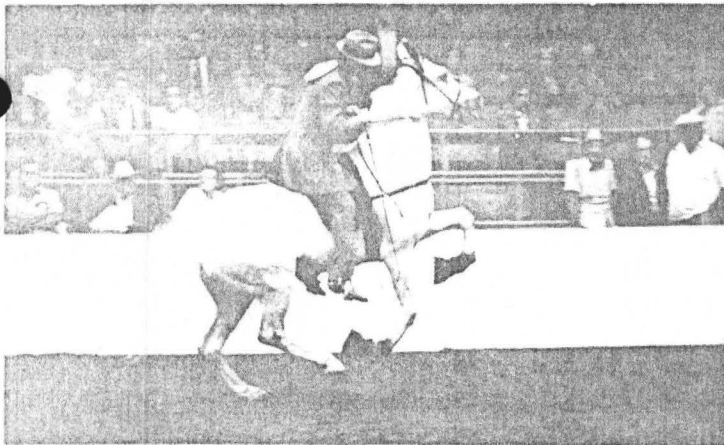


Photo Credit: Joy Palmer, Animal-Kind, Inc.

THE BRUTAL RESULTS OF SORING

Horses at the Midwest Walking Horse Trainers Association Show demonstrate the exaggerated "sore lick" caused by pain-training. The painfully sored and blistered front feet force the horses to overreach and to overstride in the rear to relieve the severe pain inflicted in both forefeet. No amount of humane training could induce a horse to move in this unnatural manner, which causes constant agony and leads to permanent crippling.



by Hope Ryden
Photographs by the author

Managing Mustangs In Deep Ignorance

*BLM roundups pose the question:
What is two-thirds of an unknown?*

A TRAVELLER in the harsh, beautiful terrain where the wild horses found their last strongholds still sees the traps, corrals, and holding pens used by the mustangers in their heyday. The horse runners, of course, were put out of their cruel business six years ago by the Wild Horse and Burro Act.

Today, ironically, it is the United States of America, through its Bureau of Land Management, that is routing the animals from their isolated retreats.

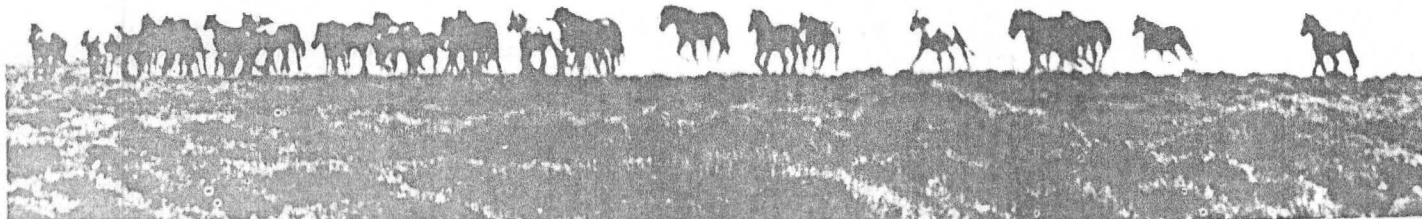
Throughout the summer, BLM has conducted massive wild horse roundups, culling large numbers of animals from herds scattered widely across twelve states.

Herds in Nevada are being cut by two-thirds. In Oregon, reductions are also high. And along Wyoming's Red Desert, oversized holding pens have been built to accommodate all the wild horses being gathered in Colorado, as well as those caught in Wyoming.

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October 1977 DEFENDERS magazine

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At home on the range: Mustangs cavort, and fight, and run away, and huddle together to make each sweep of their 'broomtails' do double duty against flies. Stallion at far left, ironically, has the safest home: an Air Force practice bombing range. Targets can be avoided, and BLM's 'managers' can't get at him.

If they weren't lassoed and hauled away, you see, they would suffer from the drought.

BLM's decision to make life easier for the horses by removing most of them is not a policy that all their friends agree with. To be sure, if the drought is as severe as everyone says (and there is no reason to doubt it), the horse population will either stabilize or crash without assistance from BLM. But there are deeper reasons for questioning BLM's drive for such drastic reductions.

For one, the bureau's horse counts are unreliable. Moreover, the culling of two-thirds of a herd could, for example, remove every breeding mare in an area. Finally, it is not the bureau's responsibility to prevent natural population crashes from taking place. The law was written to allow for such occurrences. The bureau is ordered to keep its hands off as much as possible—to provide its management only "at the minimum feasible level."

BLM, of course, has been caught between conflicting interests. The livestock and hunting industries resent mustangs and the fact that their numbers have rebounded from an all-time low in 1971. They complain that wild horses are eat-

ing public grass that might otherwise feed animals of commercial importance. Their philosophy can be paraphrased:

"If you can't hunt it, and you can't eat it, and you can't wear it—and I can't sell it—it should not be allowed on my public lands."

SUPPORTERS of wild horses, naturally, embrace a different view. They hold that the wild horse is beautiful in itself and lends both esthetic and historical value to the American landscape. They do not accept the 1971 level of mustangs as the optimum number. Moreover, they dispute the claim that the mustangs are proliferating at an alarming rate. Many are convinced that BLM, in making such drastic reductions, is simply responding, as customary, to pressure from the livestock industry.

Certainly, that industry has actively sought the end of the mustangs. In 1974, a calculated act on the part of the New Mexico Livestock Board nearly toppled the Wild Horse and Burro Act.

A lawsuit developed when the New Mexico Livestock Board impounded 19 unclaimed burros and sold them at auction. The federal government demanded the animals be returned to the public

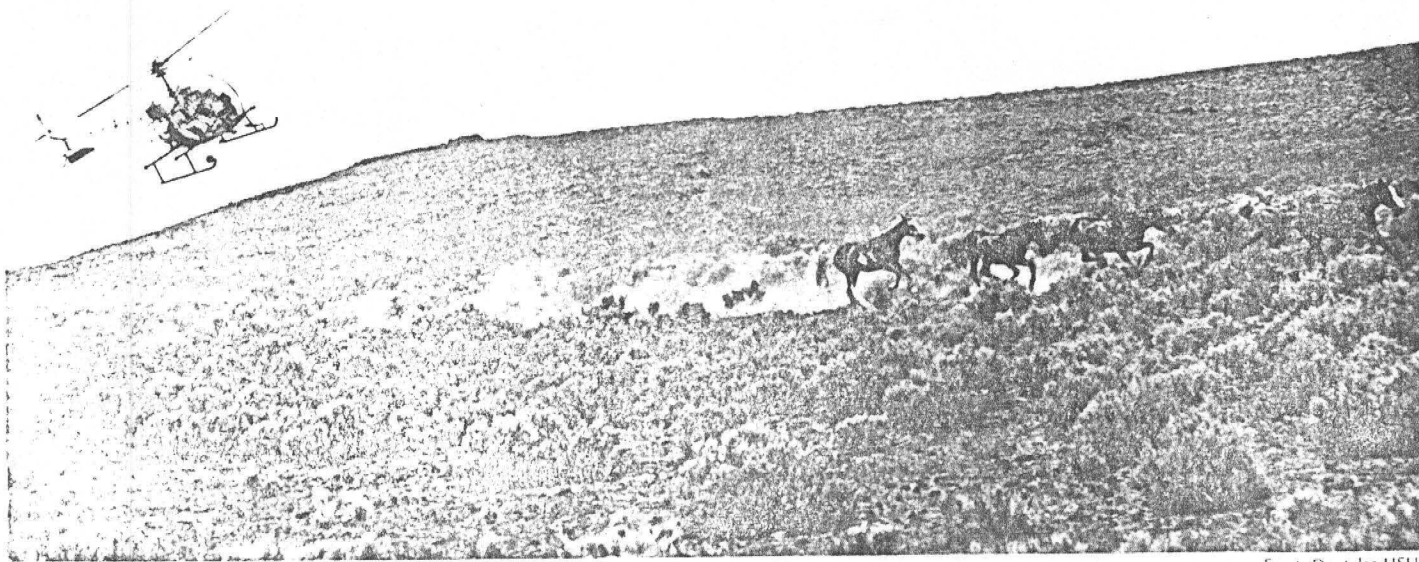
lands. Instead, the state of New Mexico took the matter before a Federal District Court, which ruled that burros were state property and that the Wild Horse and Burro Act was unconstitutional.

The implications were enormous. If in the Wild Horse and Burro Act the federal government had, indeed, exceeded its authority and encroached on the states' prerogative to regulate wild animals, then other federal regulations concerning wildlife would come into question. Perhaps the states could force the federal government to permit, say, hunting in the national parks and refuges. Other laws, such as the Marine Mammal Act, might well be challenged.

The Bureau of Land Management found itself on both sides. Whatever BLM's private view of mustangs, the interests of Interior's other divisions—the National Park Service and the Fish and Wildlife Service—had to be defended. An appeal was filed, and the Supreme Court agreed to hear the single issue:

Does the property clause of the United States Constitution grant Congress authority to regulate wildlife on federal lands?

New Mexico said no. At the same time she held that the federal government possessed the right—even the obligation



Frantz Dantzer, HSUS

—to protect vegetation on the public domain. New Mexico saw no inconsistency in her stand that the federal government had authority to kill any wild animal that might be overgrazing; but none to protect wild animals.

The Court did not agree. In a 9 to 0 ruling, it upheld the Wild Horse and Burro Act. The justices, beyond expectation, defined federal authority over wildlife on public lands as superseding that of the states.

This upset threw sportsmen into a panic. John Gottschalk, head of the International Association of Game, Fish, and Conservation Commissioners, darkly warned the press:

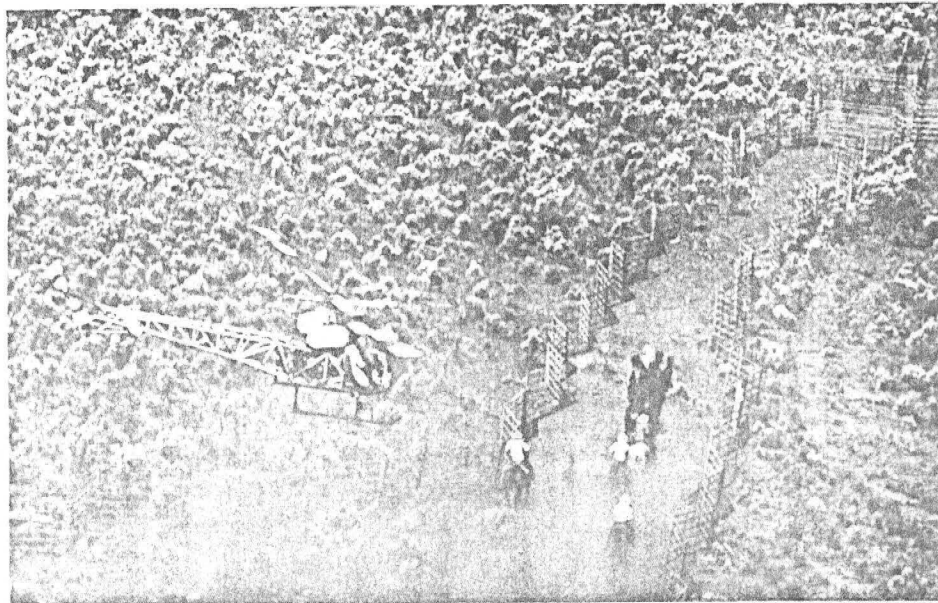
"Anything can happen!"

"Any attempt to require federal fish and game licenses on federal lands would run into one hell of a fight."

Even BLM, in whose name the suit was won, was taken aback by the scope of the decision. BLM's George Lea tried to assuage the fears of hunting groups:

"I hope to hell the court decision doesn't disrupt our good relations with state wildlifers. We have made beautiful music together for a long time."

EVEN WHILE THIS LAWSUIT was in progress, BLM was busy, both thinning wild horse herds and complaining about a mustang population explosion. Newspapers obligingly reported the problem. BLM's solution—gather excess horses and put them up for adoption—also made good copy. Public response



Photos courtesy of BLM

was heartening. More people sought to adopt the culled animals than BLM could supply. (Currently, the waiting list is 8,000 names long.) For a change, BLM's public image was positive.

But the whole program may be built on guesses and blue smoke. No one knows how many horses there are out there. In 1976 skeptical mustang supporters brought the issue before a federal Court. After hearing testimony from the Humane Society of the United States and the American Horse Protection Association, Judge Charles Richey dismissed BLM's horse counts as unreliable. He barred the government from conducting

a scheduled roundup in the Challis Wilderness Area of Idaho.

BLM headcounts simply defy natural laws. For example, from 1973 to 1974 BLM reported the wild horse population grew from 26,121 to 45,207. Such an increase could never happen. If every female, including newborn fillies and nursing yearlings, miraculously produced offspring, and had no horse died of any cause, the total population would still have fallen short of the BLM inventory by 6,000 animals!

To understand the limits to horse reproduction, it is necessary to be acquainted with some biological facts:

- The gestation period is 11 months; a mare can produce but one offspring a year. Obviously, annual herd increase can never exceed the number of adult females in a herd.
- Wild horse herds contain approximately equal numbers of adult males and females.
- Not all females are able to reproduce. Females under age three cannot bear young. Aged or barren mares do not give birth.
- Not even every fertile mare repro-

duces every year. Energy demands on a mother that has nursed throughout the winter often prevent oestrus.

- Not every mare that conceives bears a live foal. Fetal absorption or abortion may result from infection, injury, stampeding, and malnutrition.

- Not every foal survives its first year. Some causes of foal mortality: mother's failure to lactate, birth defects (particularly overbite), disease, injury (particularly to the legs and feet), maternal neglect (rare), competition from an un-

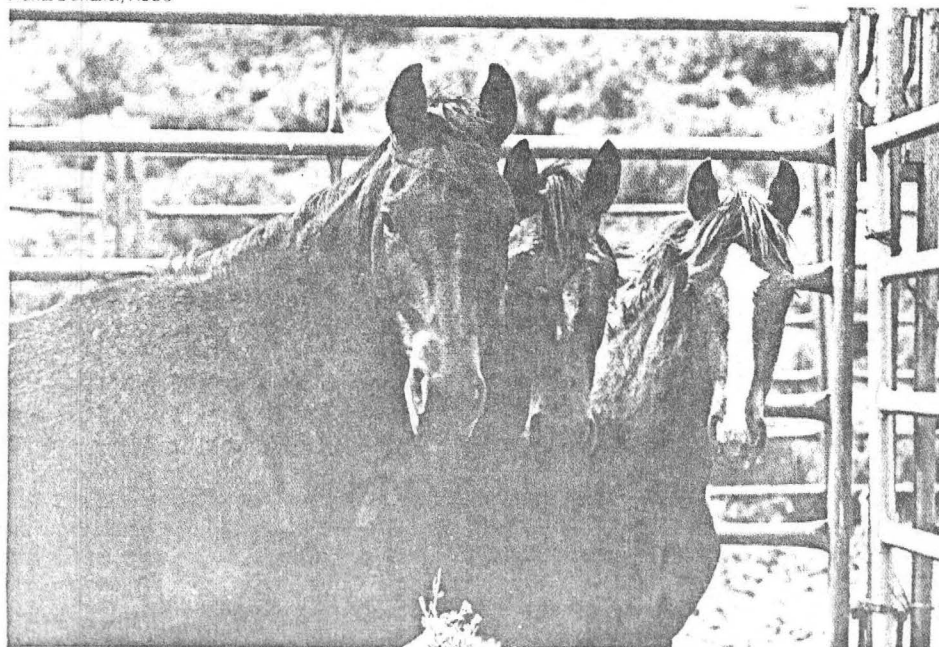
weaned sibling who will not permit the newborn to nurse, death of the mother, accidental separation from the herd, predation (insignificant), severe weather.

BLM's data for the following year, 1975, are equally implausible. In 1974 the bureau, appropriately, made its count in January, after winter die-off and before the birth of the foals in the spring. The next year, however, BLM counted horses in May, after the birth of the foal crop. The bureau personnel then proceeded to compare the net population of 1974 with the gross population of 1975 and concluded that the horses were increasing at the annual rate of 21 percent. They published this misleading information in the Congressional Record (December 18, 1975), with a request to Congress to modify the Wild Horse and Burro Act to enable them to cull excess horses more efficiently.

Recent official counts released by BLM report 58,000 to 70,000 horses on the public domain. Given BLM's 1971 tally of 9,500 horses, and granting that in each ensuing year all mares of breeding age produced live foals and no horse died of any cause in six years time, the mustang population today would stand at only 28,985 horses—half of BLM's figure.

OBVIOUSLY, something is wrong. Either the present census is too high or the 1971 count was too low. In either event, wild horses are being threatened with overmanagement, for BLM now plans to cut some of the herds to the low 1971 level, and others as much as two thirds. One cannot help but question if BLM is managing the horses at "the minimum feasible level," as the law requires.

Frantz Dantzler, HSUS



Twin-engined cayuse starts a BLM roundup; conventional cowpokes take over by the steel corral. Author Hope Ryden charges that the Bureau of Land Management has no valid census base for its 'management' activities. The bureau's figures contradict the basic biology of the wild mustangs; their populations could not grow so quickly. Ms. Ryden testified to this effect before a federal court in 1976; Judge Charles Richey dismissed the bureau's figures as unreliable.



by Hope Ryden

(Back in 1971 I challenged BLM's low horse count. Before the Senate Subcommittee on Public Lands I said: "I hope that this drastically lowered figure is not an attempt on the part of the bureau to arbitrarily eliminate numbers of horses from any future program." That statement now looks like prophecy.)

Meanwhile the bureau has made several appeals to Congress to modify the Wild Horse and Burro Act. In 1976 a provision was tacked to the BLM Organic Act, authorizing the use of aircraft and other mechanized vehicles in round-ups.

Currently, BLM is asking Congress to allow it to pass along legal title to the horses it removes from the public lands. Unless permitted to do so, BLM complains, it soon will run out of adoptive homes for the large number of animals that must be culled.

Today, an individual who gets a Mustang under the "Adopt-A-Horse" program does not receive title to the animal and therefore can never sell it. If, for some reason, he cannot keep the mustang, he must return it to BLM. Either it will be humanely destroyed or placed in another adoptive home. This regulation safeguards against the adoption of wild horses by individuals who plan to sell them to meat packers.

BLM wants this changed. And Congress, after hearing about the wild horse "population explosion" and the burdensome cost of wild horse management, may give the bureau what it asks.

But BLM's horse problems will not be solved by weakening the Wild Horse and Burro Act. They arise from no fault in law, but from the fact that the bureau is staffed, not with wildlife biologists, but with range managers trained to grow grass and serve the livestock industry. Management of wild horses conflicts with these goals.

Little is understood about mustangs. How many wild horses exist? How rapidly is the population growing? At what level will the herds stabilize? As population increases, do birth rates drop? Does the culling of the horses actually stimulate the birth rate? Does population fluctuate cyclically? Is reproduction tied to weather cycles? How many horses can be supported in their various habitats?

BLM is in a position to seek answers to these questions. Should it ever decide to do the proper research, the managers of wild horses and the supporters of wild horses might find themselves in unaccustomed accord.

That would be a good day for the mustang.

Whatever Happened To the Howe Horses?

*Why, BLM held them for ransom
to extort an illegal silence*

FOUR YEARS AGO, a good deal was written about the brutal massacre of wild mustangs near Howe, Idaho—a horror story of mutilation and cruelty that stirred indignation across the country. Photographs of the roundup victims were carried by many newspapers, the story was a big one.

Last February, after four and a half years of litigation, that case was finally resolved. Oddly, the outcome has not been reported. This strange silence, Defenders of Wildlife has learned, results from neither a fickle press nor a short public memory. This strange silence, it turns out, was engineered by the United States Bureau of Land Management. This is how it was done:

BLM had custody of the impounded survivors of that brutal roundup. The American Horse Protection Association, the organization that took BLM to court for permitting the roundup, was anxious to gain the release of the surviving horses for placement in homes. In exchange for the animals, BLM extorted absolute silence from AHPA and all those who gave homes to the horses.

The agreement drawn up by BLM not only violates the Bill of Rights, but makes a mockery of the independence of the Congress. It specifically states that no information regarding these animals can ever be made known to a Congressional Committee!

Since Defenders of Wildlife signed no such agreement, and since Defenders of Wildlife does not believe any government has the right to suppress any information concerning animals, we have developed the story. We now will reveal the unappetizing details surrounding the Howe, Idaho, wild-horse incident.



IT ALL BEGAN in 1971 when Congress created a new category for the animals. The wild horse was declared to be a "living symbol of the historic and pioneer spirit of the West, contributing diversity of life forms within the Nation and enriching the lives of the American people."

Because wild horses were found almost exclusively on the public lands administered by BLM, that agency was entrusted with their protection and management. Some horse lovers feared this meant the mustangs were being delivered into the hands of a traditional enemy. BLM has ever seen its primary function as the protection and enhancement of those vast stretches of the public lands cheaply leased for livestock grazing. The Bureau's range managers came to view most other grass eaters—rabbits, wild horses, prairie dogs, whatever—as pests and trespassers on the public domain. Now bureau personnel were being asked to reverse their policy toward wild horses and protect them. Most people, however, had faith that the bureau would apply itself to this new job with the same sincerity and dedication it devoted to its other tasks.

But the bureau got off to a poor start. One of its district managers in Idaho orchestrated an illegal wild horse roundup which turned out to be one of the bloodiest mustang massacres on record.

According to BLM's own Investigative Report on the matter, which was later introduced as evidence in court, this is how it came about:

The new federal law allowed ranchers 18 months to gather any of their own stock that might have run away to join the wild horse bands. BLM District Manager Walter Ed Jones used this period of grace as an excuse to get rid of some 60 unbranded and unclaimed horses that had long roamed freely on federal land near Howe, Idaho. None of the animals were considered property of any known individual.

But Jones wanted them removed, so he called a meeting with local ranchers. William Robison, who held grazing privileges for cattle on the public land where the horses roamed, attended that meeting and later reported that Jones told him to be sure every horse was removed, even if it meant shooting them. According to others, Jones also assured the assembled men that, to make the roundup appear legal, BLM would be glad to take wrist-slapping action against them for having horses "in trespass."

THE FIRST TWO ATTEMPTS to capture the Howe horses were made by helicopter, in defiance of yet another federal law then in effect (P.L. 86-234), which prohibited the use of motorized vehicles in roundups. Six animals were

corralled by this method. Before being sold to the Central Nebraska Packing Company, two of these were castrated to give them the appearance of being domestic.

The roundup crew then decided to complete the job on saddle horses and snowmobiles. During February, 1973, the wild herd was pursued nearly every day. Although the mustangs were thin from wintering, 32 continued to outsmart and outrun the grain-fed domestic horses that gave them no rest. But at last, even these holdouts were driven up a narrow canyon and trapped on a rocky shelf.

Having barricaded the horses, the ranchers took the next day off to attend church. Monday morning they returned, to find that some of the animals had plunged over a cliff to their deaths. Those that remained were so panicked by the reappearance of the men, they began rearing and jumping about until a number had jammed their hoofs into rocks. This situation prompted the men to sew hog rings into the noses of the fettered horses in order to make them more manageable for transport to the cannery. In the Investigative Report one of the participants described the event as follows:

The white mare was standing there with her feet in the rocks and we thought, well, right now is a good time to put these rings in her nose . . . and then we decided we better get her foot out of



Ugly death in Idaho—after the roundup near Howe, designed to forestall the effects of the Wild Horse and Burro Act, the horsemen took a Sunday off to go to church. They returned to find part of the terrified herd, some with their nostrils wired shut, had plunged over a cliff and died. This began an unsuccessful four-year effort to bring offenders to justice.



Photos by Frantz Dantzer, HSUS



and hauled to Rexburg and run through the chute. . . . There was a sorrel horse that fell off the cliff that was still alive when we left. We just left her.

To justify their brutality, the ranchers later contended that the horses were "worthless, starving to death . . . only good for dog food." Yet it had taken a crew of 18 men using relays of fresh saddle horses, snowmobiles, and even helicopters 45 days to trap them.

THE 31 HORSES that survived all this were shipped to Central Nebraska Packing House and inspected by a state brand inspector. None had brands. And since no bills of sale accompanied the shipment, three ranchers were asked to sign a certificate of ownership. They did. No further proof of ownership was demanded.

And so the matter might have ended, but for the fact that a number of dead and mutilated horses, including an aborted foal, were discovered at the foot of that Idaho cliff. The Humane Society of the United States was called to the scene.



Photos by Frantz Dantzer, HSUS

the rocks. . . . We worked there for up to 30 minutes on her and gave up. . . . So we went to roping these other horses, and the first one we roped was a sorrel mare. And we laid her down right there and put these rings through her nose. And while she was getting up . . . she was flying around there . . . she got her feet caught in the rocks. The next one was a black horse. And we caught him and laid him down. And in the process of laying him down, we broke his leg.

When we turned him up, he floundered out and fell over the cliff. Well, we didn't know what to do. We disposed of them by cutting their throats with a knife and cut their legs off. I mean it was gruesome. It was pretty tough. We sawed that one sorrel mare's legs off with a chain saw. . . . And now that's the truth. . . . After we brought the remaining horses down from the ledge, we corralled them at Robison's ranch. . . . Then they were loaded in a truck the next morning

Photographs of the carnage were taken and published widely. It was the first violation of the widely supported Wild Horse and Burro Act; people wanted to know if the new law meant anything. Would the violators be brought to justice?

The Department of the Interior, together with the Department of Agriculture, responded by preparing their joint Investigative Report on the incident. But despite the incriminating evidence it con-



'Worthless, only fit for dog food' declared the ranchers who led the slaughter at Howe. Yet the wild horses had eluded their pursuers for 45 days before being trapped on the cliff top. The survivors spent four years in a stockyard pen (left) while court hearings droned on. Finally, BLM released the horses for adoption — on the agreement that what happened to them in the future would be secret from the public, even from Congress. Today, they are sleek and healthy (above).

tained (parts of which have been quoted above,) the United States Attorney in Idaho declined to prosecute.

At this point the American Horse Protection Association and the Humane Society of the United States, appalled at the government's refusal to enforce the law, stepped in. They filed suit against Interior, Agriculture, and several government officials, accusing them of misfeasance and failure to protect the horses.

Much time, money, and effort was spent in obtaining the government's own Investigative Report of the incident. Finally, at the direction of a federal court, BLM turned over the damning evidence and the real issues could be examined.

So began the four-year suit which finally ended this February when a United States Appeals Court overturned a lower court ruling.

BUT VICTORY in the Appeals Court did not carry with it the satisfaction of knowing that the offenders would be brought to justice. It merely opened

the way for further proceedings by declaring that decision-making authority over wild horses belongs not to the states, but to the federal government.

By this time, however, only 11 victims of the brutal roundup were still alive. Joan Blue, president of the American Horse Protection Association had to make a hard decision. Further court action might bring the offenders to justice, but the maimed mustangs had already spent four years in a stockyard pen. These animals could not be served by delay. Mrs. Blue decided to agree to a settlement. In exchange for custody of these poor creatures, the American Horse Protection Association dropped its suit. The horses were then turned over to Mrs. Blue for placement on private farms. Not, however, before she consented to sign the following outrageous stipulation drawn up by someone in the U.S. Bureau of Land Management:

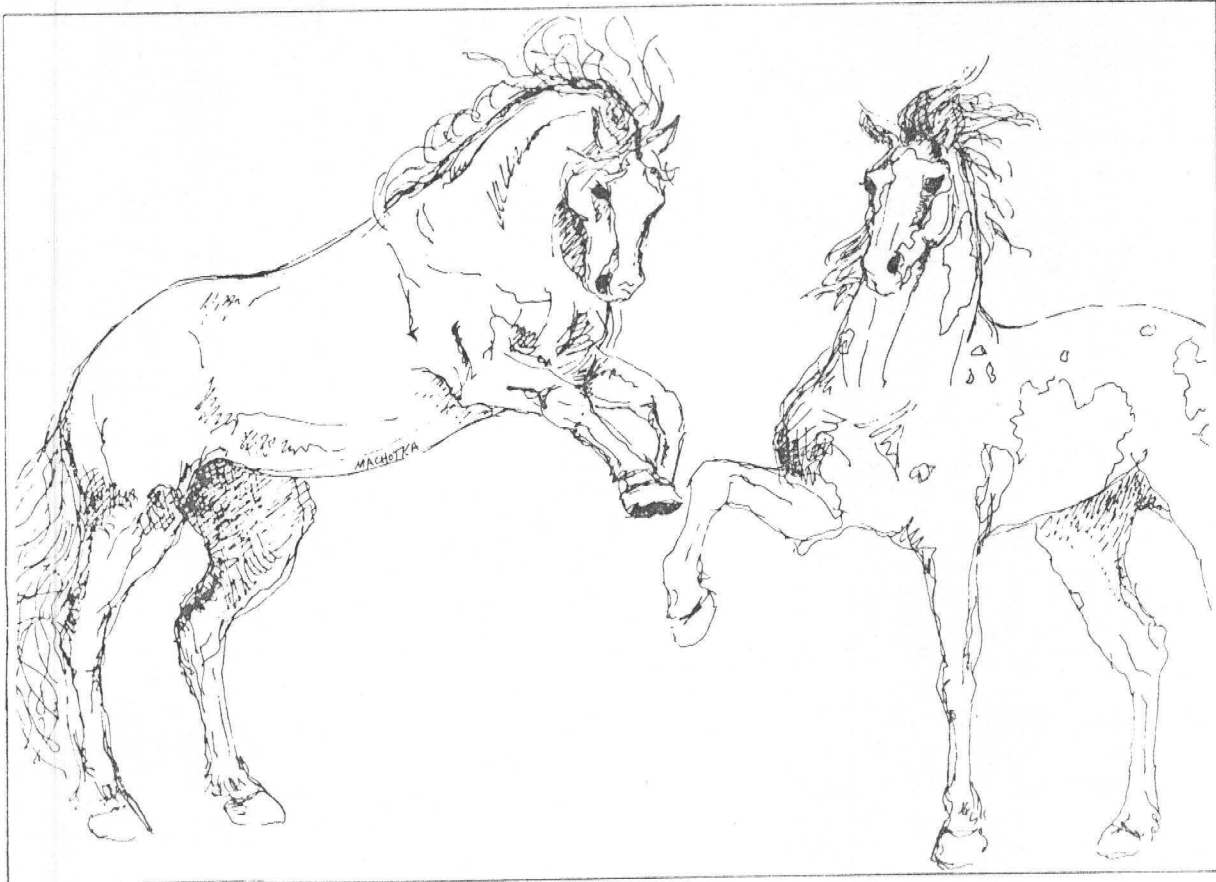
These animals shall not be used for purpose of publicity by the assignee or by the individual having custody, or made available to any other person or organization for such

purpose, including photographs, articles, exhibition, newspapers, newsletters, congressional hearings [!], posters or any other printed material or similar uses for fund raising, membership drives, etc., except that there will be one "story" which may be published, to which "story" BLM agrees.

It is understandable that BLM would prefer that the public forget the Howe massacre. It is understandable that BLM does not want the 11 survivors of that massacre to serve as reminders of the government's participation. It is understandable that BLM would rather the public remain ignorant of how truly lovely were the horses in that Idaho herd, now wiped out at the government's direction.

For today, after five months of pasture life, the last of the Howe horses are unrecognizable. They have lost the hangdog look they wore during their long confinement in the stockyard. Tone has returned to their muscles, defiance to their spirits. Their hides glisten. They behave like the wild horses they were born to be.

Do they remember past events on the Idaho Mountain? Some say horses' memories are mercifully short. Would that the same were true for the rest of us. It is not easy to live with the hard truth that no one received so much as a fine for breaking the Wild Horse and Burro Act and cruelly smashing one of America's finest herds of wild horses.



Order Your AHPA Christmas Cards Now!
 For details on how to order, see page 6

LET'S FINISH THE FIGHT!

The material in this newsletter is eloquent proof of the need for AHPA to continue its battles against mindless brutality and bureaucracy. Your continued financial support is essential.

SEND A CHECK — SAVE A HORSE!

clip

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SEND A CHRISTMAS CARD AND HELP SAVE WILD HORSES!

Order Your AHPA Christmas Cards Now! (See p. 5)

A handsome drawing by AHPA member Hana Machotka of two wild horses was selected as AHPA's first Christmas card. They are printed in dark blue ink on quality ivory-colored paper. Inside message: "SEASON'S GREETINGS".

To order your cards, fill out the form to the right, make your check or money order to The American Horse Protection Association, and send to:

Ms. Sue Koffel
41 Castle
San Francisco, CA 94133

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\$4 per set of 12

B. Postage 50¢ per set of \$ _____
12 cards

C. Enclosed is my check () \$ _____
or money order ()
for the total amount

AHPA HUMANE AWARDS

Our 3rd Annual Washington Benefit will be held in early December, 1977. AHPA's humane awards will go this year to: U.S. Senator Harrison Williams of N.J., Congressman Paul Rogers of Fla. and Author Hope Ryden. Invitations will be mailed automatically to all AHPA members and friends in the District of Columbia, Maryland and Virginia. All members outside of this area should write us if you wish to receive an invitation.

PLEASE NOTE: WE'VE MOVED AGAIN

Hope Ryden held a press conference with Joan Blue, AHPA's President, at our new office: 1312 - 18th Street, NW., Washington, D.C. 20036.

Ms. Ryden is shown holding a copy of her beautifully illustrated book, "Mustangs: A Return to the Wild", which may be ordered from AHPA at our new address. Price: \$8 per copy including postage. "Mustangs" would make the perfect Christmas present for any horse lover!



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"For that which befalleth the sons of man befalleth beasts...they have all one breath...man hath no preeminence above a beast." Ecclesiastes, III, 19.

RESOLUTIONS ADOPTED
BY THE
WILD HORSE AND BURRO FORUM
JANUARY 17, 1978

It was moved by Bill Virden that the law be changed to allow transfer of ownership after a trial period of one year from the Federal Government to the individual.

It was moved by Dawn Lappin that transfer of title be limited to no more than five horses per adult applicant per year.

It was moved by Bill Virden that in recognition of the fact that there are unadoptable and excess horses that the law should be changed to permit horses to be disposed of under the control of a responsible Federal agency, with any funds derived therefrom being returned to the agency for wild horse management.

A PORTION OF
SENATE BILL 2475
(Church and Laxalt)

and

HOUSE OF REPRESENTATIVES BILL 10587
(Roncalio, Baucus, Evans, Johnson, Lujan,
McKay, Marlenee, Marriott, Rudd, Runnels,
Santini, Symms, Duncan, and Ullman)

Sec. 7. Subsections 3(b) and (c) of the Act of December 15, 1971 (85 Stat. 649; 16 U.S.C. 1333(b)(3)), are hereby amended to read as follows:

"(b) Where the Secretary of the Interior or Agriculture determines on the basis of a current inventory of lands within his jurisdiction, that an area is overpopulated with wild free-roaming horses or burros, he shall immediately cause such number of excess wild free-roaming horses and burros to be captured and removed for which he determines a demand exists for private adoption and maintenance by qualified individuals under humane conditions. Additional excess wild free-roaming horses and burros for which an adoption demand by qualified individuals does not exist shall be disposed of by the Secretary concerned in the most humane manner possible, so as to restore a thriving natural ecological balance on the public lands and protect the range from the deterioration associated with overpopulation.

"(c) Where excess wild free-roaming horses or burros have been transferred to a qualified individual for adoption and private maintenance,

and such individual has provided humane conditions and care for such animal or animals for a period of one year, the Secretary is authorized to donate such animal or animals, to such individual at the end of the one-year period. Upon disposal, or donation as provided in subsections (b) and (c) of this section, animals shall lose their status as wild free-roaming horses and burros and shall no longer be considered as falling within the purview of this Act."