



ANIMAL PROTECTION INSTITUTE OF AMERICA

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November 30, 1988

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In Memoriam
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CLAUDE
Countess of Kinnoull

Donald Hodel
Secretary of the Interior
Department of the Interior
Washington, D.C. 20240

Dear Mr. Secretary:

I want to bring to your attention, and to that of Robert Burford who is receiving a copy of this letter, one remaining unresolved question involving wild horses placed under the fee-waiver program.

We believe there are wild horses in considerable numbers which, without appropriate action taken under the direction of yourself and Mr. Burford, will be taken into commerce under circumstances specifically in contradiction of the recent federal court ruling on the BLM's management of the adoption program.

Because a three-judge federal panel ruled unanimously against fee-waivers where commercial sale or use is the intent, it would be both a loss for those who want to protect the horses, and an embarrassment for your Department, if it were discovered that--in the very aftermath of this decision--wild horses were indeed delivered for slaughter, or for rodeo use, after all.

You were the defendant of record, as Secretary of Interior, in that action--along with others including Mr. Burford--and our own organization, and the Fund for Animals, were the plaintiffs. Many other wild horse defenders were in support. We were pleased that Mr. Burford acted, even before that decision was issued, to end the fee-waiver program in its objectionable form, and that he has since begun a process to seek input on what would be "good sanctuary" for wild horses. We will desire to be cooperative in achieving sanctuaries under protective conditions that do operate to protect and preserve wild horses in America. There is certainly a chance for beneficial change in that direction. At the same time, we will continue to work for preservation of

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wild horses in their historic habitats.

What I will call "the marooned horses" do require your attention, through the Bureau of Land Management, and I believe the information supplied with this letter (a list of names) will enable you to very quickly assure both your own department and humane groups that there is full compliance with the intent of the courts and the lawmakers.

First, I should state that when large numbers of wild horses have been obtained for a single ranch, this raises a presumption which the Bureau of Land Management must deal with in order to ethically grant a transfer of title to those horses when the probationary period is over. Under law, "four horses" could go to an approved adopter. By seeking powers of attorney, some ranchers gained more ... one rancher had 1100 and another was trying for 1900. This was all "part of the news" as the court case was pursued. While these cases were spectacular and led to such curiosities as Sports Illustrated reporting on "the wild horse situation," other cases not quite as spectacular exist.

We are submitting a list, based on the BLM's own records, where wild horses in substantial numbers were obtained under the fee-waiver program. We ask that you and Mr. Burford direct that the appropriate BLM employees, located in proximity to these ranches, make a very thorough compliance check at each one, determining intent as well as treatment of the horses. BLM has both the manpower and the responsibility for this. It is imperative that it be done in a timely fashion and before transfer of title has occurred. The horse adopter should be interviewed, and the horses themselves inspected, so that the BLM representative can then make a report to Mr. Burford and yourself on the fate that can be expected for these horses after title has passed. Where it appears collusion might exist, those who signed "powers of attorney" could be found and interviewed.

Since it is expensive to keep wild horses in numbers, a prima facie case exists that a large adoption is apt to mean: commercial intentions. We agree that it is not necessarily so: we would be happy to discover that a particular adopter has a marvelous plan, for instance, to act as a central point where those "owning a wild horse" can visit and interact with it. We hope such discoveries are made. In other cases, where the rancher is not able to satisfactorily explain a benevolent and non-commercial intent, we ask that you and Mr. Burford direct that no transfer of title take place until and unless a

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satisfactory plan for what happens to the horses has been worked out. Such plans could be reviewed with humane organizations such as our own.

In view of the considerable controversy that has surrounded this, I ask that a report be prepared for the humane organizations who brought the lawsuit or were greatly concerned with it and that Director Burford simply tell us, in respect to each of the names on the list enclosed, that (1) a visit-inspection has been made and (2) that BLM has made a positive finding of good intent and will be transferring title or that it is either dubious or negative on transfer of title. No BLM inspector or Director could wish the embarrassment of making a "positive finding," and then turning around to find the horses on a ranch quickly delivered for slaughter, so the likelihood of very conscientious inspections does seem high to us.

Action by yourself and Mr. Burford will guard against the possibility that one rancher or another will send such horses to slaughter, that the press or humane organizations or both will indeed turn this up, and that it will then appear that the situation was not fully corrected by Director Burford's order and the federal court ruling.

Mr. Secretary, we will be gratified by a prompt reply indicating that the requested inspections are taking place and that an account will shortly be forwarded to us on the findings at the particular ranches. We do not state that anyone on the list appended is, or is not, intending a violation of the adoption terms. We simply state that there are reasonable grounds for the BLM to inspect further.

FOR THE ANIMAL PROTECTION INSTITUTE OF AMERICA

Sincerely,


Duf Fischer
Executive Director

DF/tc

Copies to: Mr. Robert Burford, BLM
Mr. John Boyles, BLM
Mr. Cleveland Amory, Fund for Animals
Mr. Russell Gaspar, AHPA
Mr. Dennis White, American Humane Association
API Board Members
Mr. John Ohlson, Attorney
Mr. Craig James, Attorney
Consensus Now!, All Delegates

1. Melvin Delzer, Spearfish SD
58 - 11/26/87
96 - 1/27/88
45 - 2/09/88
517 - 6/24/88
583 - 7/28/88
2. James Boyle, Wentonka, SD
188 - 12/18/87
3. Robert Porch, Wanblee, SD
500 - 1/27/88
4. Ronald Piekkola, Buffalo, SD
44 - 6/01/88
5. James Meeks
44 - 9/16/88
6. Chey. River, Sioux, Eagle Butte, SD
115 - 11/19/87
92 - 6/27/88

The total number of fee waiver horses currently untitled is 2,319 from just the Montana/Dakota region. We believe that a number of other states such as Oklahoma, Kansas, New Mexico, Wyoming and Nebraska also have fee-waiver horses awaiting final compliance for title passage. BLM units in all other states with ranchers in a comparable adoption stage should carry through, and report on status of horses where titles could transfer.