

Showdown at Calico Mountain: Is the Future of the Wild Horse in Jeopardy?

Jaime Jackson (January 11, 2010)

Wild free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West; that they contribute to the diversity of life forms within the Nation and enrich the lives of the American people; and that these horses and burros are fast disappearing from the American scene. [quote from Public Law 92-195]

Fifty one years have passed since wild horse advocate Velma Johnston ("Wild Horse Annie") instigated passage of Public Law 86-234 (Wild Horse Annie Act, 1959), which banned air and land vehicles from hunting and capturing wild horses on state land in Nevada. Johnston escalated a nationwide campaign and a decade later, the 92nd United States Congress unani- mously passed the Wild Free-Roaming Horses and Burros Act of 1971, signed into law in De- cember of that year by President Richard Nixon. Purportedly, this act prohibited capture, injury, or harassment of wild horses and burros and for their transfer to suitable areas when populations became too large.

But in more recent decades, a new generation of wild horse advocates question whether that law has done more to harm than protect American's wild horses. Many believe the law has failed to protect these animals, and point to intentioned government mismanagement. Since my first ventures into wild horse country in the early years of the Reagan Administration, I am equally dubious about the well-intended effects of the law. Or, more specifically, the manage- ment practices that have caused wild horse populations in protected areas (Herd Management Areas) to dwindle far below numbers reported 40 years ago by Congress, when they wrote, "these horses and burros are fast disappearing from the American scene".

From the beginning, wild horse protection was predicated on BLM (Bureau of Land Man- agement) "multiple use" principles. On the one hand, the law states, "wild free-roaming horses and burros shall be protected from capture, branding, harassment, or death; and to accomplish this they are to be considered in the area where presently found, as an integral part of the natural system of the public lands." But a well-punctuated caveat of the law warns managers that the wild horse and burro herds should "not exceed their known territorial limits," and that the rangeland in which a herd is legally bound "is devoted principally but not necessarily exclu- sively to their welfare in keeping with the multiple-use management concept for the public lands".

What this means is that any managerial concept of "protection" must be interpreted within the larger context of "multiple use". The reference here is to commercial livestock, mining op- erations, and recreation. Hence, wild horses (and other wildlife) in the HMAs must not conflict with these interests -- or the law says something must be done about them. "Done" has come to

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mean "removal". And since my research days in the early 1980s (1982-1986), wild horse numbers have dropped a staggering 50 percent. According to government statistics, some 50,000 wild horses roamed 350 HMAs when Reagan took office; today, the government reports some 30,000. Wild horse advocates cite much lower figures, possibly as few as 10,000 with over half the original HMAs completely emptied.

At face, even 10,000 horses seems like an awful lot. I mean, try feeding that many! Then, again, spread over much of the Great Basin in 350 HMAs (assuming they were occupied), that's only 28 horses per HMA. Given that were talking about millions and millions of acres of land, well, I have to question (the government's ongoing contention) whether wild horses are actually "overpopulating" the land. Especially when advocates report 50 million cattle ranging collectively in the same areas. Mining and recreation interests aside, someone has to explain to me how a few thousand wild horses are doing what millions of cattle apparently aren't. Hmmm.

In fact, it is no wonder that the fare of wild horses has been faltering under the "protective" auspices of a government agency whose cattle industry agenda harkens back to its own pre-origins in the Taylor Grazing Act of 1934. This legislation set up the grazing bureau or service in the Department of Interior to administer the range lands. The "Grazing Service" was merged with the "General Land Office" in 1946 to form the Bureau of Land Management. According to the distinguished American political scientist, Phillip Oliver Foss, known for his early cases studies of the role of local grazing advisory committees established by the Taylor Grazing Act in regulating the grazing of livestock on federal public lands, such committees were often dominated by the same ranchers and cattlemen whose activities were supposed to be regulated!

It would appear that wild horses, inhabiting the pre-1934 unregulated rangelands of the Great Basin, were simply caught up in the politics of "who's going to get what" in the newly regulated lands. I have written in my book, *The Natural Horse: Lessons From The Wild*, that the sparsely populated Great Basin was the home to perhaps a hundred thousand or more wild horses prior to World War II. These numbers were fostered by the Great Depression, when bankrupt farmers contributed to the unchecked population growth of feral "estrays" (unclaimed horses) by turning their horses into the unfenced rangelands rather than feed them. As the economy recovered, and the War now at an end, the newly created BLM -- a stacked deck of Great Basin ranchers -- put their sights on the pristine Great Basin rangelands. This meant cheap government livestock leases, taxpayer subsidized market prices, and cattle.

Local ranchers were already familiar with what they called "broom-tails" (a derogatory reference to wild horses) inhabiting the remote grasslands. And, following their own tradition of "mustanging" -- capturing "estrays" and selling them to killers to quell Asian and European palettes -- ranchers began to earnestly clear the backcountry of "equine competitors" for available forage and water. Thousands of wild horses were caught in traps and sold at market. It was

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during one such episode of mustanging that Velma Johnston found her inspiration paving the way to current wild horse "protection". According to the International Society for the Preservation of Mustangs and Burros, "Johnston became involved in the campaign to save the wild horses after driving to work in 1950. While following a truck loaded with horses on its way to a slaughterhouse she saw blood dripping from the back of the over-crowded truck. This inspired her to do further investigation and bring it to the public. She collected evidence and began speaking to ranchers, businessmen, politicians and in schools about the roundup methods and treatment of wild horses and burros."

In spite of her successes at getting legislation through state and federal legislators, Johnston eventually felt the heavy hand of BLM resistance. As I have written and quoted above, the 1970 law could not separate "protection" from "multiple-use". Depressed by the recalcitrance of this agency, an embittered Johnston died of cancer at the age of 65 in Reno, Nevada. A few years later, I arrived in the very Chalk Hills outside Reno where this much revered (or hated) advocate had roamed and strived to bring justice to America's wild horses. I talked briefly with her sister, Helen Reilly in nearby Gardnerville in 1982, who, with her husband John, seemed to be carrying Velma's torch under the banner of ISPMB, which they formed in 1960. A few years later, that responsibility was forwarded to Karen Sussman, who has ever since presided over ISPMB. In the '90s, I became an advisor to ISPMB.

The problem with wild horse management today, is no different than it was 40 years ago. The law never really intended to "preserve" wild horses, only to "manage" them. Not unlike American Indians relegated to their reservations over a century ago. In effect, the fox was put in charge of the chicken coop. The fact that wild horse numbers have dwindled so low makes perfect sense. The BLM, and the ranchers the agency so faithfully serves, never really wanted them; the horses were simply forced upon them because they were there all along in the very rangelands managed by the BLM. Undoubtedly, there would be no wild horses left at all, had Johnston not intervened. (Nor would we likely have the blessings of natural horse/h hoof care either.)

For years, I have resisted the invitations (and prodding and criticisms) of wild horse advocates to clash with the BLM -- to take them on in court or in the field and hold them accountable to the 1970 law. There is a reason. And this has all to do with the inherent role of the BLM in the administration of the HMAs -- which, ironically, I agree is the correct and appropriate one -- and the law itself. Let me explain . . .

Foremost, as one who knows these animals personally -- for I have traveled among them for years to learn their ways (not just their hooves, although their feet interest me as a hoof care professional!) -- I came to understand what "management" really means. I witnessed first-hand the brutality of the devastating gathers of the Reagan era, and the mindset of BLM officials who

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ordered and carried them out. More than once, I have walked through their homelands in the wake of such gathers, only to find family bands I once knew intimately, now completely, totally, eradicated from the landscape. Gone, forever. To me, and I'm sure to the animals themselves if they could speak, these amounted to nothing less than an equine holocaust, a "Final Solution". But, here, my point is that "management" as laid out in the law, while -- to wild horse advocates -- is too arbitrary, too brutal, too wrong for the animals themselves, is, in fact, wholly in keeping with the letter -- if not the spirit -- of the law and the BLM mindset too.

This ostensive contradiction within the law -- pitting "management" against "preservation" -- is more than advocates can stomach. To me, personally, it is truly impossible to reconcile the law's management principles and the animal's actual connection to the land -- intimate, holistic, familial and symbiotic with other wildlife (animals and plants) living there. You don't just "slash and burn" their existence away without knowing them, their "way". Yet, this is government policy: like the Indian, simply "remove them" from their lands and house them elsewhere in lock-up.

In fact, we now have our equine "Indian Reservation" equivalents. Tens of thousands of once wild horses stand listlessly in enormous government "holding cages" across the United States. Day in, and day out -- they just stand around, imprisoned parodies of what they once were. Thousands of others have gone either into "wild horse sanctuaries" or individual adoptions administered by the BLM; I see some of them today in my own NHC practice. Compared to the "old way", all are essentially caged animals with no way out.

So be it. The law was never able to work both "ends", management and preservation, you see. Under its management directives, slowly, inexorably, the diverse genetic foundations of *Equus Caballus* in the wild are imploding in direct proportion to their spiraling numbers in the HMAs. Both are under siege from human meddling and artificial selection perpetrated by government mismanagement -- a tragic unwinding of the descent of his species through natural selection. This is a slow death for both the wild horse and his gene pool. I expressed my concerns about this publicly as early as 1992 in TNH, "What exactly the selection process holds for the future of the feral horse is difficult to foretell, given the unrelenting and diversifying influences perpetrated by people every year, for example, artificial selection, removal and sterilization campaigns, erosion of natural habitat, and the greenhouse effect." Now we know, the siege has dramatically taken its toll, and if something new and right doesn't happen, and happen soon, the BLM will have its way.

It's not that the BLM is the enemy of the wild horse and his advocates, anymore than the ranching community (and other special interests) it serves. In terms of their "nature", the BLM and the rancher, are, not unlike the free-roaming cougar, natural predators of the wild horse. All in their own way are simply doing their job. Much to the growing consternation and chagrin of

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advocates, the law provides for this predation, clearly. Many advocates try to see it otherwise, but this is tantamount to hiding from the truth-- as delusional, in my opinion, as the BLM officials who believe they are managing wild horses in a "balanced, ecological" way! It is in the irony of the law, the very clash between "management" and "preservation", that provides us with a door to a vision for a positive resolution to the debacle now unfolding in wild horse country.

A month ago, I was asked by attorneys of In Defense of Animals to write an affidavit in protest of a forthcoming -- and, admittedly alarming -- gather of enormous proportions ("the mother of all gathers"!) in the Calico Mountain herd area complex in Nevada. Federal Judge Paul Friedman was petitioned to issue a preliminary injunction to block the BLM's plan to gather a staggering 2,763 wild horses and remove them to the eastern U.S. Normally, I wouldn't accede to such a request, seeing the futility of trying to negotiate anything with the BLM (once more, they're just doing their job) and understanding the 1970 law as I do. But, in this case, I saw an opportunity to exacerbate the management-preservation clash in the courts. Predictably, the court turned back the plaintiff's petition, pointing out that it was "untenable" to argue that the BLM can't do its job of gathering; on the other hand, Friedman agreed with plaintiff that removing the horses to locations outside areas where they normally didn't exist (Oklahoma, Kansas and South Dakota -- and even places further to the east), laid outside the BLM's authority.

So, what to do with them? In my affidavit, I laid out the central problem of the current management scheme and argued specifically against the removal of horses to an eco-biome that does not support the adaptation of *E. Caballus*. As I've written again and again in my books, and stated over and over in my lectures wherever I'm invited to speak, the Great Basin is the natural homeland of the horse. Certainly, not the lush, grassy founder fields of the east -- of course, how would Judge Friedman know such a thing? He is not an NHC practitioner who deals with the devastations of laminitis as we do daily in the AANHCP.

What I didn't write for the court, is this: a new vision is needed for wild horse preservation. One that keeps the wild horse in his natural habitat (Great Basin), and, at long last, free from the tentacles of "multiple use management" that is currently destroying his species under the administrative aegis of the BLM and the 1970 law. Here is a brief synopsis:

- 1970 law is revisited and dismantled by Congress.
- Federally legislated preservation "zones" are simultaneously created from select HMAs and/or other suitable private/public lands to facilitate free-roaming herds.
- An oversight committee, appointed by Congress, assumes legal command of all operations in the preservation zones.
- HMA herds and horses in BLM holding centers are selected and relocated to the preser-

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vation zones.

- Other wildlife, including natural predators (e.g., cougars) to E. Caballus, are relocated to the preservation zones.
- The American Bison (buffalo) replaces commercial bovine.
- Habitat in preservation zones is restored/rehabilitated to their natural states to facilitate the post-Pleistocene adaptation of E. Caballus.
- Visitor centers are created to facilitate public education and financial support.
- Recognizing the expertise and experience of many current BLM HMA managers, they could assume new roles in the preservation zones as administrators of field operations.
- Advocacy and scientific research is formulated and conducted.

As envisioned above, operations in the wild horse preservation zones would not rely principally or at all on government financial support, as is now the case with BLM management. (Current wild horse management is an enormous burden to the taxpayer, amounting to millions of dollars annual in the feed lots alone). Significantly, the preservation zones would facilitate public education and appreciation of America's wild horses, advocacy, and scientific research.

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