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'They have to be free'

By William Nack
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On the chilly Friday morning of Jan. 21 last, scores of students from Damonte Ranch High School in South Reno, Nev., streamed out the school's doors and moved en masse to a jury-rigged corral near the front entrance of the campus.

A snowstorm in the nearby mountains of the Virginia Range had driven a small herd of wild horses down to the valley in search of forage, and a crew of state agricultural cowboys had rounded them up. From there they would be trucked off to a holding center, where they would be vetted for worms and disease, then offered up for adoption.

What had brought so many students out in force was the fear, fed by a flurry of recent news reports out of Washington, D.C., that these wind-blown beasts – for years perceived as the nation's symbols of unfettered freedom – had been captured for the purpose of being sold at auction, slaughtered and cut up as steaks for dinner tables spread from France to Japan. In such countries, horse meat is a delicacy.

Indeed, two months earlier, Sen. Conrad Burns, a fast-yodeling former auctioneer from Montana, quietly inserted into a 3,000-page appropriations bill, sight largely unseen, a brief rider that undercut more than three decades of lobbying and legislative action aimed at protecting America's wild horses from slaughter.

So whether it was the inspiration of the many or an impulse of a few, the students of a school nicknamed the Mustangs lifted the latch on the corral's gate, and flung open the door to yet another signature moment in the long-running battle for the preservation of wild horses in the West.

"They have to be free," students said before the herd ran off into the surrounding streets.

Taming the Wild West

The U.S. Interior Department's Bureau of Land Management, which oversees more than 261 million acres of federal land, estimates there are some 55,000 wild horses and fewer than 5,000 burros in 10 western states. More than 30,000 of the horses are running free, as they have been since their distant forebears, the mounts of Spanish explorers, began galloping loose on the western plains. The remainder, accumulated in annual roundups done with helicopters, are now being kept in various holding facilities – about 9,000 in short-term corrals, either awaiting



With city sprawl and a shrinking habitat, wild horses seemingly have nowhere to run from a fate signed into law by President Bush.



adoption or sale, and another 15,000 being held long-term on private lands leased from ranchers in Oklahoma and Kansas.

The Bureau of Land Management insists these public lands cannot sustain more than 28,000 wild horses and burros – at least not while the drought-stricken lands must also support other wildlife and some 4 million cattle owned by ranchers who enjoy huge federal subsidies to fatten their livestock – so it rounds up thousands of them each year to keep the herds under control.

The landmark legislation governing this issue, the 1971 Wild and Free-Roaming Horses and Burros Act, gave the BLM the authority to put "excess" animals up for public adoption, a federal program that proved to be a long-term success. Since 1973, more than 203,000 wild horses and burros have been placed in private hands. Clearly, though, the BLM is now rounding up more horses and burros than it has been able to place through adoptions.

So it was last November that Burns, acting on behalf of ranchers who regard horses more as grass-eating pests than as historic national treasures, slipped Rider No. 142 into the voluminous appropriations bill and got it into law before you could say, well, Ford Mustang. The rider confers unrestricted "sale-authority" on the BLM, allowing the agency to dispose of any wild horse older than 10 years or deemed unadoptable. Perhaps no one would be more eager than the "killer-buyers" – the middlemen for slaughterhouse owners – to step in and purchase more than 8,000 "excess" mustangs.

When word finally leaked out that Burns had scored his coup, cries of outrage swept through the animal rights world, the loudest coming from the various groups who periodically circle their wagons to defend the vanishing wild horse in an increasingly mechanized world.

"That is wrong," says Trina Bellak of the American Horse Defense Fund. "Horses have never been raised in America for food. Cattle are raised for food. Horses are much more akin to cats and dogs. We do not raise cats and dogs to eat them. Horses are a 'partner species.'"

"When's the last time you saw a pig represent us in the Olympics? When's the last time you saw a policeman riding a steer down the streets of New York to protect the public? When's the last time you put your child on a sheep for a ride? We trust these horses with our lives. We've ridden them into battle. There are statues all over America of horses fallen in the Civil War. In the Pony Express. They're noble and they're beautiful, and the image of them running, manes and tails streaming in the wind, is stirring. The vision of them ending up on somebody's dinner plate is just horrifying and mind-boggling. We built America on the backs of horses."

The hand of politics

The kids at Damonte Ranch High had certainly heard the word. Some of them, student Jeremy Block recalls, were egged on by teachers equally fearful the corralled horses were doomed. Thus it happened, on that Friday morning in South Reno, that all those students poured out the doors and milled in peaceful protest around the corrals.

Richard Obregon, a 15-year-old freshman, remembers students were telling the state workers to let the horses go before eventually taking matters into their own hands.

"This was their land before we came here," Obregon said months later. "They were here a long time before us. The only reason they came down here was ... for the grass. They came down from the mountain snows. I wouldn't want to eat sagebrush and all that stuff, either."

The state workers returned the horses to their pens, but the statement had been made.

As things turned out, those wild horses had not been targeted for slaughter, but what the Damonte kids ultimately managed to do was buoy the spirits of wild horse advocates across America, becoming youthful symbols for the preservation of the wild horse.

"Those kids had wonderful intentions," says Karen Sussman, president of the International Society for the Protection of Mustangs and Burros. "When I first heard about that rider, it was devastating – one of the greatest shocks I ever had. Our first president, Wild Horse Annie, spent 27 years of her life dedicated to saving wild horses. Imagine devoting your whole life to saving one of America's greatest living symbols of the American West. And then, with the stroke of a pen, without any input of the American people, have somebody simply destroy it? That's what Burns did. He destroyed the protections built in to protect wild horses."

His back against the wall, Burns defended himself by saying he was merely trying to spur the BLM into finding ways to deal with the expanding population of wild horses. In a statement, he explained: "These animals live in poor conditions that often lead to their deaths, and without proper management this will continue to happen. While their sale is a last resort, it is our hope that bringing this problem to light will motivate the federal agencies and horse advocates alike, and offer new opportunities to find these animals proper, caring homes."

None of this ultimately shielded the Republican senator from the ensuing fury of assaults mounted against him and President Bush, who signed the bill (and rider) into law on Dec. 6. The left-wing press had a field day and the senator has taken it hard on the chin from animal rights groups as well. More significant, the rancor has come from both sides of the political aisle.

"The thing that is so damaging about this Conrad Burns amendment [Rider No. 142] is that he passed it on an appropriations bill that no one knew about," says Rep. Ed Whitfield, a Republican from western Kentucky. "I've not talked to one senator who knew about it. And I certainly know that nobody in the House knew about it. Or the vast majority did not know about it. We didn't have a lot of time to vote on that omnibus bill. We were all shocked when we found out it was in there. It is precisely the way the legislative process should not work."

"I don't know his motivations, but more than likely he was protecting the [cattle] ranchers who have leased those lands."

Ferdinand's legacy



A load of wild horses are released to a pen in Spokane, Wash., where if they aren't adopted they'll face the slaughterhouse.

Whitfield, an 11-year veteran of the House, emerged as a vocal horse advocate some two years ago after learning of the death of Ferdinand, the golden chestnut who won the 1986 Kentucky Derby under legendary jockey Bill Shoemaker.

A year after being crowned America's Horse of the Year in 1987, the result of his hair-raising nose victory over Kentucky Derby winner Alysheba in the \$3 million Breeders' Cup Classic, Ferdinand took up stallion duties in Kentucky. None of his offspring came close to possessing his speed, stamina and racing class, and he was soon deemed a failure at stud. He was sold to breeding interests in Japan, but he did not make it as a progenitor there, either. He ended up being led to slaughter and turned into steaks.



Ferdinand put aging jockey Bill Shoemaker, left, and trainer Charlie Whittingham in the winner's circle at the Kentucky Derby.

News that Ferdinand had been butchered caused an unholy furor on these shores – "Kentucky Derby winners are not part of the food chain," cried one horse activist – and it troubled Whitfield, who personally witnessed Ferdy's dramatic Derby triumph at Churchill Downs.

"I was appalled and taken aback by it," he says.

When Whitfield and his wife Connie looked into the matter further, they learned Ferdinand's slaughter was not a singular occurrence in a faraway land.

"We realized, after a little discovery, that they're still slaughtering horses in the U.S., some of them racehorses," the Congressman said. "That's what really got my attention. I wasn't even aware that was going on."

Whitfield has since become an outspoken sponsor of House Bill 503, the American Horse Slaughter Prevention Act, which prohibits the killing of horses for human consumption. If passed, the bill would effectively shut down the three U.S. abattoirs that kill horses – two in Texas, one in Illinois – and stop the slaughter of wild horses and burros.

Meanwhile, Whitfield and Rep. Nick Rahall, a West Virginia Democrat, are also working this week to reverse Burns' rider and reaffirm the ban on the commercial sale and slaughter of wild horses. On Thursday, the House voted 249-159 to approve an Interior Department spending bill that included a rider to revive protection of wild horses.

The bill, though, must gain Senate approval before it can be signed into law.

Follow the money

The government/farmer lease arrangement, set by the legislature and administered by the BLM, amounts to yet another of those generous federal giveaways that reward farmers for simply rolling out of bed and for, well, being farmers.

The federal government charges ranchers only \$1.79 per month to graze a cow on public land, a fraction of the market rate – which is anywhere between \$12 and \$50, according to various estimates – that a private landowner would charge them. The ranchers regard these public lands as part of their entitlement, and they have worked relentlessly to get the horses removed.

"It's like giving them the land," Whitfield says. "It's like saying, 'We're gonna give you this land, but we don't want you burdened by these few wild horses, so we're gonna slaughter them for you, too.' "

What alarms the wild horse advocates today is the number of horses has grown steadily smaller. A hundred years ago, more than 2 million wild horses and burros roamed the West – the burros came with the gold and silver prospectors – and the comparative few that remain today descended from the sturdiest and fittest of ancestors, those mustangs that outran the mass roundups in the 1930s, when tens of thousands of wild horses were routinely killed for dog food and chicken feed. In fact, it was the plight of the free-roaming wild horse that inspired playwright Arthur Miller in 1957 to write a short story called "The Misfits," for *Esquire* magazine. Made into a movie of the same name, it starred Marilyn Monroe and Clark Gable in what turned out to be their last appearances on film.

Miller's *Esquire* story was published around the same time a truckload of wild horses swerved in front of Velma Johnston's car as she drove to work one morning in Nevada. She noticed a stream of blood spilling from the back of the truck. Curious, she followed the truck to a rendering plant, and while hiding behind a bush, watched in horror as two stallions, crammed together with a load of other horses, trampled to death a yearling as they were led to their dooms.

The experience gave her a purpose that she never abandoned. Johnston thereafter devoted her life, as Wild Horse Annie, to the preservation of this hardy, durable breed of horses – a breed that had survived every threat to its existence, from bitter snowstorms to swirling tornadoes to mountain lions to man. When the signature of her life's work, the Wild Free-Roaming Horses and Burros Act of '71, was unanimously passed to much acclaim, the federal government declared the disappearing wild horses – more than 60,000 of them still alive and roaming in those days – had the run of some 40 million acres divided into 303 herd management areas.

Thirty years later, the number of horses has been cut roughly in half, the herd areas reduced to 201, and the land on which they roam substantially diminished.

"The horses have lost a third of their habitat in the last two decades," says Nancy Perry, the vice president of government affairs for the Humane Society of the United States. "That's 13 million acres that they've lost. There are cows on the same herd-management areas that horses have been removed from. There's something wrong with the priorities here."

The fact is, there are many powerful people and interest groups at work who do not want wild horses on the public ranges. In April 1988, the BLM was pursuing another aggressive program to eliminate "excess" horses through a mass-adoption program under which an individual could



An auctioneer calls for bids for six wild mustangs at the Bureau of Land Management's wild horse and burro adoption earlier this week in Spokane, Wash.

adopt hundreds of horses, at no fee, take care of them for a year, with the BLM inspecting the horses to make sure they are being treated well, and ultimately take title.

So what would a rancher be planning to do with, say, 400 wild horses running around a fenced-in pasture for a year?

One Montana rancher, W.E. Eddleman, had 600 in holding pens in 1987 when he told a reporter from the Helena Independent Record that adopted mustangs go to slaughter. "Everybody knows what's happening, but nobody will admit it," Eddleman said. An indignant federal district court judge, Howard McKibben, ordered the BLM to deny title to anyone who revealed plans to exploit his adopted horses – to sell them to slaughter or to a rodeo as bucking horses.

The BLM finally suspended the entire mass-adoption program after scores of wild horses were found dead on the Minnewaukan Flats of North Dakota following a winter in which the wind-chill factor often hit 50 degrees below zero, forage was scarce and all water sources were frozen hard as stone. Not that their fate would have been much kinder had they survived. The BLM even admitted to McKibben that it had known beforehand that some adopters intended to sell their horses for slaughter after they took title.

Obviously piqued that the agency would grant title to adopters even if it knew their intent was to exploit the animals, McKibben wrote: "Such a position defies logic and common sense and is contrary to legislative intent."

The stealth maneuver

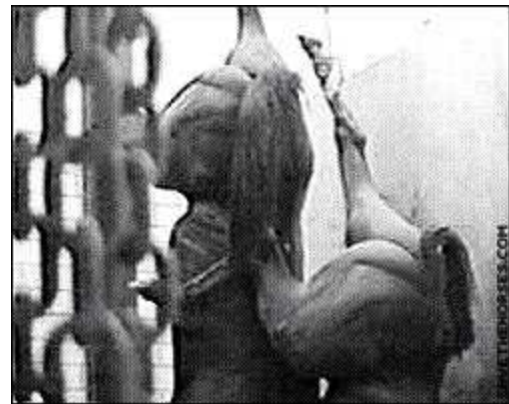
Legislative intent or not, the federal government has been involved in killing wild horses for years. Like Whitfield and every other mustang defender, the Humane Society's Perry was outraged that Burns did it surreptitiously.

"This is definitely not what Congress contemplated when they passed the 1971 act," Perry said. "It's unbelievable that a stealth amendment to a budget bill, offered in the middle of the night, could reverse that course of history. Never had a public hearing. No bill introduced. It was not the democratic process as we know it."

Apologists for the Burns amendment maintain it merely gives the BLM "sale authority" and the horses sold will not necessarily end up like Ferdinand.

Don't count Perry among them: "Well, who's buying these horses? We're not entirely naïve. Senator Burns, in his former life, was an auctioneer. He knows who's at these auctions. This market is full of people who are hired by the slaughter plants to come and buy horses. Sale authority equals slaughter."

When word of Burns' amendment came to light last December, his office began receiving irate calls from around the country. In a story that ran in the Washington Post on Feb. 28, a spokesman for Burns, James Pendleton, told reporter Kimberly Edds: "People have this Hollywood image of Black Beauty, running free, suddenly being rounded up by helicopter and



Slaughtered horses hang from their hind legs in a meat packing plant.



marched off to the slaughterhouse. This is absolutely not what's going on here. The last thing he [Burns] wants to see is these horses mistreated."

Less than two months later, on April 25, BLM director Kathleen Clarke suspended all wild horse and burro transactions after learning that 41 horses were slaughtered following their sale under the agency's new authority. Six of them had been slaughtered after a former Oklahoma rodeo clown said he'd be using the horses for a church youth program. Another 35 mustangs went to slaughter not long after the Rosebud Sioux Tribe had obtained a consignment of 105 aging horses, 51 of which the Indians then traded to a broker for younger stock. The broker then shipped them to the abattoir. Sixteen were in line to be killed by the gun and blade – smelling the blood and listening to the screams of the 35 mustangs before them – when the BLM learned what was happening and called the slaughterhouse to intervene. The Ford Motor Co., which makes the popular Mustang, donated \$19,000 for the care and transportation home of the 16 survivors.

"Conrad Burns," said Willis Lamm, president of Least Resistance Training Concepts, a mustang mentoring group, "will be known to future generations as the man who killed wild horses."

The BLM, which simply manages the public lands and implements the law, is clearly caught in a crossfire between opposing interest groups. Agency officials have what they claim are "excess" wild horses to clear from their holding corrals. Yet they are administering an adoption program that consistently falls short of keeping the population down to what it calls the "appropriate management level," or AML. Back in 1988, the BLM determined that the AML for wild horses was 31,000. Today the AML is 28,000. No telling what it will be in 2010 or 2020.

Animal rights activists are lobbying Congress to re-visit the entire issue of wild horses and burros because present policies are simply not working. Whitfield wants more research into this question of AML. While he's at it, he should find out why the mustangs have lost 13 million acres of their designated habitat and why that elusive and controversial AML keeps shrinking.

"There needs to be a new direction in the management of wild horses," Perry says. "There has been a lot of mismanagement, and there needs to be a re-examination of the issue in a thoughtful manner."

By 2020, the way things are heading contrary to the spirit of the 1971 act, perhaps the cattle barons will have succeeded in driving the mustangs off the rangelands entirely and the only things left free-roaming will be the wind-blown snake skins and the tumbleweed -- and the ghosts of a long-dead culture and history and the sense of freedom that those horses once stood for.

William Nack, a former horse racing writer for Sports Illustrated, is a contributor to ESPN.com. He recently published an anthology of his magazine stories: "My Turf: Horses, Boxers, Blood Money and the Sporting Life."

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