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Horses to Slaughter — Anatomy of a Coverup within the BLM (1997-04-01)

The Bureau of Land Management (BLM) within the Department of Interior is the agency mandated by law "to protect and manage wild free-roaming horses...as components of the public lands." Yet, the BLM has tolerated and in some instances facilitated the routine and illegal trafficking of wild horses to slaughter. The agency has obstructed efforts by its own law enforcement officers to expose commercial theft of wild horses, fraudulent adoption schemes and fictitious "sanctuary" herds not only to avoid embarrassment but also to maintain the flow of horses off the range.

Despite legal mandates, political pressure from the livestock industry creates a powerful institutional incentive within BLM to remove wild horses from the range whenever and however possible. The fierce competition for forage on overgrazed public rangelands combined with the lucrative market for horsemeat creates an irresistible economic opportunity for theft and fraud.

In order to remove thousands of mustangs deemed "excess," BLM has turned a blind eye to a variety of transparent mechanisms, some involving its own employees and contractors, to place significant numbers of wild horses into the stream of commerce. In an effort to square the requirements of law with the reality of the trade in wild horses, the agency has embraced the fiction that very few horses under its legal jurisdiction are commercially exploited. In February of 1997, the agency issued a public statement that less than one percent of wild horses go to slaughter yet their own employees reported several wild horses going to slaughter during the very week the agency prepared its disclaimer.

The BLM began a crackdown on wild horse-to-slaughter operations in 1993 under former Director Jim Baca. BLM investigators began compiling evidence documenting:

- theft of wild horses during BLM sponsored "gathers" or captures;
- "black booking" or phony double branding of horses so that duplicate branded horses could disappear without a paper trail;
- manipulation of wild horse adoptions where one person holds the proxies for a group of supposedly separate adopters and the horses all end up at slaughter;
- use of satellite ranches to hold horses for days or weeks as stopping points on the way to slaughter;
- fraudulent use of wild horse sanctuaries--ranches subsidized by the federal government to care for unadoptable wild horses deemed excess and removed from the range--as fronts for commercial exploitation.

Baca's campaign on behalf of wild horse protection worried top Interior officials and, according to Baca, played a major role in his abrupt removal from office in 1994 by Interior Secretary Bruce Babbitt.

One investigation backed by Baca had already been accepted for prosecution by the U.S. Attorney's Office in the Western District of Texas by the time he had left office. This investigation, developed by law enforcement agents from BLM New Mexico, centered around the direct participation of BLM employees and contractors selling wild horses for slaughter with the knowledge and approval of BLM managers. Their scheme involved the use of satellite ranches and horse sanctuaries to hide the horses for profit operation.

One particularly troubling aspect of this investigation was the apparent obstruction and witness tampering by BLM managers. In some instances, BLM officials warned suspects of impending search warrants and they revealed the identity of undercover investigators.

In Baca's absence, the Department of Interior began a campaign to shut down the U.S. Attorney's investigation although a grand jury had already been convened to hear evidence in the case. Using lawyers from the Interior Solicitor's Office and the agency's civil legal representatives in the Department of Justice, pressure was brought upon the U.S. Attorney to limit the scope of the investigation to the actions of low level BLM employees.

Once the investigation was limited, BLM reassigned investigators working on the case and began a campaign to drive these original investigators out of the agency altogether.

When agency lawyers were able to block execution of subpoenas it struck the death blow to the grand jury probe. The grand jury was cut off from the evidence it needed to continue.

Lawyers from the Department of Justice also urged that the case be dropped because the tolerance within BLM for the horse to slaughter trade was so widespread that it would be unfair to single out any one person for prosecution. Over the objections of the Assistant U.S. Attorney who led the case, the recommendations of the Justice Department lawyers was accepted and the grand jury was dismissed.

The Office of Inspector General (OIG) of the Department of Interior is supposed to be an independent monitor of agency actions but when it came to wild horses this watchdog ran for cover. The OIG answers to the Secretary of Interior and declined even a request for assistance from the Chief of BLM Law Enforcement who acknowledged that his program lacked the independence to investigate its own agency.

In 1996, the Department of Justice itself asked OIG to review employee allegations of improprieties in connection with the termination of the Texas grand jury. In order to prevent another probe by any branch of the Department of Justice, OIG accepted the investigation it had been avoiding for three years.

Despite this new probe, OIG's reluctance to proceed continues. An OIG analyst counseled a former BLM Special Agent against sending documents to the watchdog agency saying, "Don't send the evidence here. They will lose it. This is not what they want to hear."

BLM has not had a permanent director since the departure of Jim Baca, more than three years earlier. The agency under interim leadership is simultaneously denying the existence of any problem while announcing multiple paper reforms to improve the performance of its Wild Horse & Burro program. The problems within BLM are not administrative or budgetary in nature. The problems stem from failure to faithfully execute the law regardless of political consequences.