

DECLARATION OF LAURA LEIGH

I, Laura Leigh, declare under penalty of perjury, the following:

1. I am the Plaintiff in the above-captioned matter. I am personally familiar with the facts set forth herein except for those facts stated on information and belief and as to those facts, I believe them to be true.
2. I left the Silver King Herd Management Area (HMA) in disgust at the lack of ability to observe any meaningful actions at the wild horse trap sites or at locations called temporary holding (where they hold horses temporarily before shipment). I stayed at the round up for three separate trap locations (from September 28 through October 6, 2010) in the hopes of being chosen hoping that the recognition of what I was there to observe would be accommodated.
3. I was actually taken to a site prior to it being used as the next day's gather site. I pointed out two locations from which I was told would be safe to observe roundup activities. But, neither location I suggested was utilized and we were in fact the next day, held back from the trap so as no activities at the actual moment of capture could be observed.
4. I was told that "jute" fencing was needed that had been used in the past at previous gathers to help facilitate concealment and was not available. At this gather there was no "spare jute" to facilitate observation. (netting used at the trap is called "jute")
5. I witnessed a film producer (Elizabeth Slagsvol) leave in apparent disgust (October 5) as the "access" she was granted at prior roundups was not being met at this Silver King roundup.
6. Questions asked of BLM employees about the destination of horses shipped, were often responded to although it conflicted with information published at the BLM's website. Even the shipment I followed to Gunnison prison September 30th is still listed as going to the Broken Arrow, now being referenced as "Indian Lakes" by BLM (see attached screen grab of website Oct. 7, 2010) . Numbers given in the field did not match actual numbers posted on the website. The Wild Horse and Burro Specialist on site refused to answer any questions directly even though he was often observed resting and conversing with both contractor and BLM staff.
7. On the second day of official public observation all observers there but five individuals, were retired BLM, or active BLM personnel (BLM personnel), or were BLM volunteers. The BLM's contention was that they (the BLM personnel) showed up as private citizens interested in what was occurring. In violation of BLM policy I observed these same purported "private" observers ride in BLM vehicles (they arrived as public observers, not BLM personnel). As the horses were being brought in many of these "interested observers" were photographed at the location that cars were parked and nowhere near the horses. Please be aware that the number of public observers is limited to first come first serve and placed on a list from which the BLM fills spots for public observation.

Exhibit 14

8. The policy that is currently used as “safety protocol” has been created to preclude meaningful observation and is not consistent with personal, first-hand experience I have had in the past.

9. At the Wild Horse and Burro Workshop conducted in Denver CO, June 14, 2010 Lili Thomas the chosen BLM spokesperson on the issue of access was asked why public observation was being restricted. The BLM was complaining that the images and video that circulated to the public created difficulties for them in explaining their actions. They were asked if BLM would set up a camera and simply show a live feed and allow the public to make up their own mind. The individual questioning Ms. Thomas in this video clip from the workshop is me.

Link to clip: <http://www.youtube.com/watch?v=jQ--2u6pvCY>

10. Lili responds to my inquiries about the clamp down on access this way: “That’s been one of the problems we’ve had; there has been a lot of video out there and . . . working with wild horses is not a pretty sight. It’s caused us a really hard time in trying to explain what’s happening.”

11. I am informed and believe, the fact that the BLM doesn’t, “do a good job with education” (words of Lili Thomas in the video clip) is no reason to preclude access to those like myself, who observe and report on their activity. My impression is, if this is the Defendants’ reasoning to preclude journalists like me from having true access, it seems the “safety” protocol is not for horses and public but for the security afforded the BLM by restricting this information from reaching the public.

12. Heather Emmons, BLM PR (Declaration provided by defense as validation of current “safety protocol” for observation) was present at the Calico round up in January 2010 and while there at Calico, she personally pulled back the snow fencing so that I could stand next to the pens and photograph horses without the fence in the way. I ended up placing three of those horses I observed close-up that day at Calico, into sanctuary. I am informed and believe Ms. Emmons is very well aware that the new BLM restriction on temporary holding access is not consistent with past access. Her assertion in her declaration is curious as her experience with me in the past has been contrary to the currently imposed policy which restricts my access.

13. Ms. Emmons in her Declaration, alleges that I misrepresent the quote on “press access.” I was advised by Chris Hanefeld, BLM PR Ely District, that there was no access for press other than that given to the public with the caveat “If the New York Times shows up we will give you the same access they are afforded, but we don’t expect them way out here. No press access different than public and if the Times shows up we will deal with it then.” (Statement to me by Chris Hanefeld).

14. At the time of shipment of the horse I requested be shipped to Broken Arrow (Indian Lakes), that was instead shipped out of state to Gunnison prison in Utah, the BLM website listed all horses as going to Indian Lakes (Broken Arrow). The decision of where to send the horse came after a conference call that has several individuals that have created affidavits for court or are directly involved in challenges I have made to this program. Additional expense and trauma to me was the result of that decision.

15. Emmons has no personal experience with adopting a horse from BLM to determine one way or other what the experience was like for me particularly since the BLM webpage only lists one shipment to Gunnison. Her comments are irrelevant and do not include contents of the conference call.

16. At the BLM gather in Twin Peaks (CA/NV) Tom Gorey, BLM PR Washington DC, came out to the roundup, (Sept. 2010). While he was there he talked about creating a national policy for press/public observation and use the protocol finalized after weeks of "discussion" in Twin Peaks. That policy allowed for public observation daily and press to be rotated down to the trap site during operations three times each roundup.

17. Since that conversation with Mr. Gorey I have had no access to actual trap activities. I have travelled to Tonopah and Silver King in the last month and have not seen a single horse at the moment of capture. I was again in Tonopah when BLM officials refused to even look at my press credentials. While there, while I had no visible access to the trap and capture there, Mr. Steve Marcus from the Las Vegas Sun was allowed to stand close up, next to the very trap to which I was precluded from gaining access.

18. At Silver King I repeatedly asked Chris Hanefeld, lead Ely PR for BLM, if I could photograph from the public road. This request was denied. Meanwhile, Mr. Hanefeld allowed another member of the public to take that same vantage point (I requested) even though my request had been denied earlier. Only after I pointed out this disparity was I finally allowed to stand at that location. It was my impression there were no "safety" issues involved when excluding me (but not others) from this viewing location.

19. A BLM observer was standing upright on a hillside that we were not even allowed to climb as I was made to crouch on a hillside further away with no visibility to what was occurring but the BLM observer was upright, clear silhouette, and if such posture creates a danger for horses, was creating an obvious danger.

20. I asked the BLM PR person that followed me up the hill and shadowed my every movement, Patricia Bute, if I could move to sit on a rock to observe a horse that had escaped the helicopter; this was denied. Yet, another member of the public was allowed this very vantage point (denied to me). I was made to sit while other observers stood.

21. When I asked if we could sit in our vehicles at the trap in front of the line of BLM and contract vehicles that were already there, and photograph from inside our vehicle, my request generated what appeared to be an arrest protocol. It became my clear impression the Defendants had prepared for my immediate arrest were I to take one false step; that it was my further impression the Defendants were doing their best to frustrate my every move and cause me to become arrested, merely because I sought to ask for more access to the Defendants' activities during the wild horse roundup.

22. This black out of information extends to the facilities that these horses are transported to. Access has been denied to Indian Lakes (Broken Arrow) and a repeated request from my Editor Steven Long of Horseback magazine to allow access to long-term holding has also been denied.

23. I am increasingly distressed that an agency that can't even publish the accurate destination of a truck load of horses that was followed by me and social networking

sites refuses any public access.

24. I am increasingly distressed as to the disposition of a national treasure and my increasing difficulty reporting on our horses to the public. Particularly since the New York Times taped the contractor stating that they would intentionally hide activity that the public could find distressful, "put it down, slide it on the trailer and take it to town," in an effort to keep photographers from capturing the truth about what occurs during round up activity of an American Icon on public land.

25. I anticipate this same kind of treatment and lack of access at the next roundups I plan to attend based on historical actions.

26. I am irreparably harmed where my ability as a journalist, as a concerned horse advocate and as a member of the public, are continuously, repeatedly and systematically frustrated, restricted, hampered, and denied; and that as a result, even though I am an American citizen, I have no effective constitutional freedoms of speech, of expression and as a member of the press while under the scrutiny of the Defendants while in remote regions of public lands, where they continually hide their wild horse roundup activities from me; or, that should I happen to glance a peek at their activities and be capable of publishing it, that I would be arrested and such "film" would never reach the public's eye. These are my impressions based on how I've been treated and handled by the BLM and the Dept. of Interior employees.

27. The attached photos at Exhibit 15 were taken by me. They accurately show that which is depicted in the photos without embellishment, unless otherwise noted in the caption. All but the last four photos are of the Silver King roundup. The final four photos demonstrate access occurring at the BLM's Calico roundup in January 2010. Calico photos are supplied to show the disparity in "access" to traps and holding pens offered at Silver King compared with the access available at Calico.

THIS DECLARATION is made this 12th day of October 2010 in Carson City, Nevada

/S/

Laura Leigh, Declarant