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## FOR IMMEDIATE RELEASE

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A Response was filed in Nevada court on Tuesday, October 12, 2010 to the BLM's responses in the Motion for Temporary and Injunctive Relief in the Silver King, NV wild horse roundup, originally filed by the Plaintiff, Laura Leigh against the Bureau of Land Management, Interior Dept. and the Nevada State Director of the BLM. This lawsuit is based 100% on violations to First Amendment rights.

It directly challenges, the Defendants' unconstitutional prior restraints on the Plaintiff's First Amendment rights by denying her reasonable access to wild horse roundups and related activities, to observe and report on all activities from capture, removal, processing, shipping, transportation, housing, and ultimate disposition of wild horses taken during the Silver King wild horse roundup operations (which the BLM euphemistically refers to as gathers). Laura Leigh, is a journalist and videographer whose work on wild horse issues has garnered her international attention.

The government's response to the motion is curious in that it does not address the matters raised in the motion or in the declarations. In fact, the first five pages of the "Defendants' Opposition" are completely irrelevant to the motion's points.

To defend their position, the Defendants contend that the public lands, belonging to the public, on which the wild horse roundups take place are not a "public venue." Declarations by the Defendants discuss matters that are not in issue, include statements by people who were not present, or discuss matters with no direct knowledge of what transpired at the Silver King wild horse roundup.

Statements made by Mr. Alan Shepard, a BLM employee, contain unsupported conclusions. This leads one to wonder why Mr. Chris Hanefeld, BLM's Public Relations specialist, who is the person most knowledgeable concerning details of the activities and the activities of the BLM's chosen contractor for performing roundup activities, has not supplied a declaration as to what he witnessed at Silver King. This begs the question, why declarations from those who have no first-hand knowledge of the access restrictions, and why is the one who was there in an official capacity not providing declaration? Why is he not being asked to help offer the truth of what's transpiring in Silver King to the court?

"If the Interior Dept. and BLM were under the scrutiny of the public's eye at all phases of their handling of wild horses, then perhaps they would be motivated to treat wild horses in the manner in which Congress and the American people contemplated" stated Gordon Cowan, the Nevada attorney representing Laura Leigh. "To operate in *secrecy* on matters that do *not* involve 'state secrets' and deny citizens their absolute right to independently observe, to formulate thought and to express their observations and ideas to the public, is the very synthesis against which our Constitutional freedoms stand."

The Defendants' most pronounced argument to preclude the press and the public from having true, reasonable access to observe the government's roundups of wild horses on public lands involves their latest, incredible revelation that "herd management areas" (and perhaps other areas of public lands at their unilateral choosing) can, and in this instance, are considered (by the government Defendants) "non-public forums."

This newly raised contention in truth, is the Interior Dept.'s and the BLM's new pronouncement, which conveys to the public that they (the public) have no right to know, or be advised from independent sources, how the

government manages a public resource (wild horses on HMAs in this instance) on public lands.

The “National System of Public Lands” of America are merely under the stewardship of the BLM and they manage such lands in trust for the American public. These lands are publicly owned, and traditionally, have always been open and freely accessible to any member of the public.

Inconsistencies are seen in how BLM and their contractors of choice can allow non-essential, non-government employees access to the traps during actual roundup activities, but not the Plaintiff. How do they distinguish “safety concerns” for these selected observers versus the Plaintiff or the public? What distinguishes the differences in how she, versus others, is allowed or not allowed the same “access”?

The government is basically controlling the content of what information reaches the public by precluding journalists who may portray them in an unflattering light

*“What I think most people don’t understand is that bringing lawsuits that go after the denial of First Amendment rights is utilizing another avenue to ultimately bring about the ending of all roundups. We know that the animal cruelty arguments, for example, don’t work. We need a new approach, which this is, to get the roundups stopped.”* said Nancy Babcock, of Grass Roots Horse.

Laura Leigh’s lawsuits are supported by Grass Roots Horse, a citizen action group for equine welfare issues and mustang advocacy.

Copies of all legal filings may be seen at [www.grassrootshorse.com](http://www.grassrootshorse.com)