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## Feds can't find room for America's wild horse herds

By SEAN COCKERHAM  
MCCLATCHY WASHINGTON BUREAU

WASHINGTON — Wild horses — descended from the steeds of Spanish explorers, Native Americans, U.S. cavalry and ranch strays — were offered for auction in Fort Worth, Texas, as part of a desperate effort by a federal government that can't figure out what to do with them.

The Interior Department, in roundups that outraged wild horse advocates, has taken nearly 50,000 wild horses off their Western rangelands and paid private ranchers to put them in corrals and pastures, largely in Kansas and Oklahoma. More of America's wild horses are now in holding facilities than roaming the wild.

The Bureau of Land Management says the roundups are needed because the swelling horse populations are too much for the wild range to sustain. Wild horse advocates counter that it's really about favoring the interests of ranchers whose cattle and sheep graze upon the public lands.

Everyone agrees the situation can't go on. The Bureau of Land Management is running out of space in the holding facilities and can't find more. At the same time, the cost to taxpayers of the wild horse and burro program has nearly doubled in the past four years to \$75 million, with more than half going to holding costs.

"There is no quick fix," said BLM spokesman Tom Gorey. "The options are limited because we're not going to put down healthy horses for which there is no adoption demand, even though the law authorizes it."

The Bureau of Land Management could find homes for only about 2,600 wild horses and burros last year — less than half than in 2005. Arranging adoptions has become harder with the rough economy, as horses are considered a luxury item, Gorey said. There's also a glut of cheap domesticated horses on the market since the closure of the nation's last horse slaughterhouse six years ago, he said. Such domesticated horses tend to be more attractive to buyers than the Interior Department's untrained wild horses, Gorey said.

The Bureau of Land Management pays the Mustang Heritage Foundation \$3.75 million to train some of the wild horses and put them up for auction, a program that led to 868 of the adoptions last year. The foundation's adoption event in Fort Worth, with 300 of the horses going for bid. The average sale price is under \$500.

Adoptions last year, though, represented just 5 percent of the wild horses in government-funded holding facilities. The Bureau of Land Management's wild horse and burro advisory board said the number of horses in holding has ballooned to the point that it "threatens the health and welfare of the horses and the entire program."

The board recommended removing the ovaries of mares in the field as a population control method. The BLM is considering it, but wild horse advocates call the procedure cruelly invasive and unnecessary.

The Bureau of Land Management should instead balance wild horses with the livestock, along with contraceptive vaccines for horses if necessary, said Suzanne Roy, campaign director of the American Wild Horse Preservation Campaign, based in Hillsborough, N.C.

"You have wild horses on about 11 percent of BLM land. But even on that small percent the BLM still allocates most of the forage resources to privately owned livestock," Roy said in an interview this week. "You'll have management areas with the annual equivalent of 1,000 cows and 100 horses, and when the horse population reaches 125 BLM says the horses are overpopulating. What we really have is an overpopulation of cattle and sheep on our public lands."



MCT photo

Horses move through a series of pens at a preview for buyers at the Mustang Million wild horse adoption auction sponsored by the Bureau of Land Management and the Mustang Heritage Foundation May 9 in Fort Worth, Texas.



Lake Havasu High School students traveled to Kingman on May 9 to hear oral arguments in a pending case before the Arizona Court of Appeals.

## An appealing lesson

Students get a long gimpse into the judicial system

By RICHARD RAHNEMA  
SPECIAL TO TODAY'S NEWS-HERALD

On April 28, 2008, DPS Officer Ross Read was issuing a traffic citation outside Phoenix when he heard tires squealing and saw Brittini Keyfauver's truck roll into the median. The officer called dispatch and ran to assist the driver. The truck was upside down and the doors were jammed shut. The driver was scratching at the window to get out, but she couldn't. The officer told her to close her eyes and he kicked out the window. He rescued her, but severely damaged his left knee.

The officer received workers compensation which only covers medical bills and 66 percent of lost wages, but covers no pain and suffering. Therefore, the officer sued the driver (and her insurance company) for pain and suffering.

These were the facts 20 students from Lake Havasu High School heard while preparing for the Court of Appeals visit to Lee Williams High School in Kingman.

In 2002, Arizona's Court of Appeals Division 1 launched a "Connecting with the Community" program holding real case oral arguments before students at high schools around the state. On May 9, the court held oral arguments in Kingman. The program only happens twice a year and was the first time the three-judge panel from the Court of Appeals had ever traveled out of Maricopa County.

Students from all over Mohave County were transported to this unique event and Lake Havasu City was represented. Students from Lake Havasu High School programs, We the People and Teen Court participated. Angela James, a certified paralegal at Wachtel Biehn and Malm, one of the volunteers for Teen Court said, "This experience was amazing for the students and they are excited to see how the Court of Appeal will rule."

The case was centered on the "rescue doctrine." An exception to the rescue doctrine is called the "fireman's rule." The rescue doctrine allows an injured res-

cuer to recover damages from the person whose negligence created the need for rescue.

The idea is simple: our society wants people to help others in need, and if you get injured while helping, you should be compensated. The exception to the rule is if a person negligently creates a dangerous situation where a public safety officer responds and if the public safety officer is injured, they cannot sue the negligent person responsible.

For example, if you cause a fire at your home and a firefighter is injured while rescuing you, he may not sue you.

Counsel for the DPS officer argued two points: the firefighter's rule is an assumption of the risk defense (the safety officer had knowledge the situation was dangerous and assumed he would get injured, but acted anyway), which needed to be decided by the jury, not a judge.

Previously, a Maricopa County judge decided the law in Arizona did not allow the officer to sue the driver, which the police officer argues is incorrect, because the Arizona Constitution requires all assumption of the risk defenses to be decided by a jury, not a judge.

The police officer also argued an exception to firefighter's rule; he was not required to rescue an accident victim not in immediate danger because that is the job of the firefighter, not a police officer.

Counsel for the driver argued this is the exact situation for which the firefighter's rule was created. The officer was on-duty and responded to an accident.

Counsel for the driver stated the Court of Appeals is "bound" to the Supreme Court's previous decisions regarding the firefighter's rule and assumption of risk. Counsel was referring to the limited discretion, or wiggle room, the Court of Appeals has in deciding this case because the Arizona Supreme Court has already decided an issue very similar to the current issue.

I was honored to give a presentation to the students from LHHS a few days before the Court of Appeal heard the case. The purpose was to prepare the students and lay a foundation of

what to expect. I explained to them that oral argument at the Court of Appeals is not like cross examination in "My Cousin Vinny," but rather a dialogue of questions and answers. Both parties submit extensive briefs (persuasive written documents describing why that party should win when applying case precedent) and provide 20 minutes of oral argument (both lawyers have an opportunity to verbally express their case).

During the attorneys' oral argument, the three justices would interrupt with specific questions. After the Court ended session, the attorneys from the case answered questions from the students. Then the justices and other Mohave County Judges were asked to go on stage and answer questions from the students. I was truly impressed with how many students stepped up to the microphone to ask these justices and lawyers "tough questions" in front of a packed auditorium.

Who wins? Well, an overwhelming majority (about 95 percent) of the students raised their hands in favor for the driver. However, the technical issue the officer raised had never been decided in Arizona. The Court of Appeals judges have three main choices when deciding: affirm (agree with) the trial court's decision; or, reverse the decision (disagree); or, remand the case (send the case back to the trial court for further action or a new trial). The panel of justices took the matter under advisement, which means a decision was not made after both sides argued their points, but a written decision will be issued in the future.

All the students who attended this amazing event give a warm thank you to Judge Jill Davis and Judge Julie Roth for bringing the Court of Appeals to Mohave County for the first time. The students look forward to hearing oral arguments this fall when the Arizona Supreme Court visits Lake Havasu City to open Division 7 of the Mohave County Superior Court.

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## Gift from son sweeps this mom off her feet

By Lori Borgman  
MCCLATCHY NEWSPAPERS

I received a great Mother's Day gift last year. We were just about to cut into a beautiful cake topped with mounds of fresh strawberries, raspberries and blackberries, when our son rounded the corner into the kitchen. He looked at me with a straight face, said, "Happy Mother's Day," and handed me an old brown dustpan that has to be at least 45 years old.

A gift nothing, it was more like a reunion. I was ecstatic. For years, I wondered whatever happened to that dustpan. I should have known.

When I left home for my first

job after college, I took the brown dust pan that had stood alongside a broom in my parents' basement for years.

I think I had permission to take it, but I don't remember for sure. It could have been a gift, or it could have been a theft.

It was the best dustpan ever. It wasn't flimsy, thin, breakable plastic. It wasn't metal, the sort that gets bent in the middle, snarly on the edges and scratches the floor. This dust pan was indestructible, a sturdy thick plastic like professional maintenance workers use.

That dustpan crossed the country with me, from job to job, apartment to apartment, into a

marriage followed by three kids, from the Northern Plains to the Pacific Northwest and back to the Midwest.

When our son left home after college, he took the dust pan with him. No one seems to remember if it was a gift or a theft.

From time to time I would look for that old dustpan, cleaning out the garage, sweeping up potting soil or broken glass, and wonder where it went. We bought one of those nifty rechargeable dust busters, and cheap plastic dustpans, but that old dustpan was always my initial go-to. It was an odd piece of personal history, somehow representing the home I came from; sturdy, reliable,

organized and clean.

That the dustpan came back to me on Mother's Day was symbolic of the day itself.

A mother's heart needs to be like that dustpan — mostly sturdy, pliable but not breakable, willing to serve, sweep up the broken pieces and play a part in starting fresh. A mother offers her heart as a gift, but sometimes it feels more like a theft.

Every mother's heart longs to see a part of what she gave, or what was taken, take root and bloom.

Every mother hopes that at least a few of the things she said or did, the habits she cultivated, and the truths she lived, some-

how stuck.

It can be as simple as hearing, "I learned that from you," or "I always remember you saying." Sometimes the wait is short; sometimes the wait is long.

Sometimes it flies beneath the radar in a quiet understanding, something as simple as your son knowing you well enough to know that an old dustpan will delight you on Mother's Day.

That said, a mother does not give her heart waiting for thanks. A mother gives of herself because investing in another human being is a noble act of service, the right thing to do, and a messy but marvelous work of art.