

**Testimony of Wayne Pacelle
on behalf of The Humane Society of the United States
and Humane Society Legislative Fund**

**Hearing on the Animal Cruelty Statistics Act of 2008 (H.R. 6597) and the
Prevention of Equine Cruelty Act of 2008 (H.R. 6598)
U.S. House of Representatives
Judiciary Subcommittee on Crime, Terrorism, and Homeland Security**

July 31, 2008

Thank you, Mr. Chairman, for the opportunity to testify in support of H.R.6597, the Animal Cruelty Statistics Act of 2008 and H.R. 6598, the Prevention of Equine Cruelty Act of 2008. I am Wayne Pacelle, president and CEO of The Humane Society of the United States, the nation's largest animal protection organization with 10.5 million members and constituents - one of every 31 Americans. I am also testifying on behalf of our sister organization, the Humane Society Legislative Fund

Cruelty to animals has been a core issue for The HSUS since our inception in 1954, as is reflected in our mission statement: "Celebrating Animals, Confronting Cruelty." We have worked successfully at local, state and federal levels in advocating for the adoption of stronger animal cruelty laws, and regularly offer rewards for information leading to arrests and convictions in animal cruelty and fighting cases. We have partnered with numerous state Attorneys General in establishing some of these rewards. We have conducted thousands of workshops for law enforcement, animal control officers, and prosecutors on the proper investigation and prosecution of animal cruelty and animal fighting. Moreover, we have offered scores of workshops educating animal shelter and control officers, social service workers, law enforcement officials, mental health professionals, veterinarians and others about the connection between animal cruelty and human violence, while promoting inter-agency collaborations to reduce animal cruelty and other family and community violence.

Our investigators have documented animal cruelty and worked with law enforcement in raids of cockfighting and dogfighting operations and puppy mills, and our staff has provided shelter, care, and kindness to thousands of animals who have been seized by law enforcement. Our veterinarians have treated the animal victims of cruelty cases and have provided veterinary forensic testimony in courts across the country to help put animal abusers behind bars. Our staff psychologists have helped create treatment programs for juveniles and adults adjudicated for animal cruelty and have contributed to the extraordinary body of research demonstrating the connection between animal cruelty and human violence, most recently partnering with the Center on Children and the Law of the American Bar Association to develop a handbook, "A Common Bond: Maltreated Children and Animals in the Home." We are also partnering with the National District

Attorneys Association to create a curriculum for prosecutors handling animal cruelty cases.

The Animal Cruelty Statistics Act of 2008, H.R. 6597

The Animal Cruelty Statistics Act of 2008, H.R. 6597, directs the Attorney General to make appropriate changes to existing crime databases maintained within the Department of Justice so that data on all crimes of animal cruelty will be collected and made publicly available in a manner that facilitates analysis. We sincerely appreciate the leadership of Chairman John Conyers and Representative Elton Gallegly on this issue of importance to all Americans. Representatives Jerry Nadler and Chris Van Hollen are also original co-sponsors.

The National Consortium for Justice Information and Statistics asserts, “The effective collection of criminal activity data is crucial to quality law enforcement.” Yet the crime data bases maintained by the Department of Justice (DOJ) do not collect or do not facilitate the analysis of animal cruelty crimes (Randour, 2004). Clearly, having accurate information about animal cruelty crimes would help attack the problems of violence and antisocial behavior, and add an effective tool to crime-fighting efforts by law enforcement. Law enforcement personnel, policy makers, and program planners would have important information with which to track criminal activity, monitor trends, allocate resources more efficiently, and ultimately fight crime and reduce violence. Without knowledge of animal cruelty crimes, not just animals—but also children, families, and communities are more vulnerable to crime. The Animal Cruelty Statistics Act of 2008 would provide information to keep animals, and all citizens, safer. The legislation is necessary to ensure DOJ acts to identify which databases will yield results across its various federal programs and make the collection of this important data a permanent directive.

The collection of data by the federal government of animal cruelty crimes has broad support from law enforcement, the domestic violence community, and other professional groups. The National District Attorneys Association and the National Network to End Domestic Violence have publicly supported this concept, as have many state Attorneys General and local law enforcement and domestic violence agencies.

The Significance of Animal Cruelty as a Crime – the “Violence Connection”

Animal cruelty was once viewed as an offensive behavior unrelated to other crimes. Now it is recognized as a serious crime with important implications for human society (Arluke & Luke, 1997; Ascione, 2001; Davidson, 1998). The Federal Bureau of Investigation (FBI) led the way with its discovery that almost all serial killers have had a history of engaging in repeated animal cruelty incidents as children. Agent Al Brantley, since retired from the Behavioral Analysis Unit of the FBI, spoke and wrote about this important connection between animal cruelty and serial killers during his career in public

service. Perhaps because of the connection drawn by the FBI between animal cruelty and serial killers, investigators discovered that many of the school shooters had killed animals prior to their attacks on classmates, friends, and parents—Luke Woodham from Mississippi, Kip Kinkel in Oregon, the “Columbine” school shooters in Colorado, and Lee Malvo, one of the “Beltway snipers,” that terrorized the Washington area not too long ago. These emerging areas of behavioral analysis informed the “violence connection” and subsequent efforts to interrupt this cycle.

Animal cruelty has not always been considered a crime of significance to society. Before 1990, only seven states had felony provisions in their animal cruelty statutes. Currently, there are 45 states, the District of Columbia, Puerto Rico, and the Virgin Islands that provide for felony-level penalties for malicious acts of cruelty. Twenty-eight states have provisions in their cruelty statutes permitting or mandating psychological counseling for offenders. Since 2005, 10 states have passed legislation that permits pets to be listed in protection orders of domestic violence victims. Government agencies, professional organizations, and communities have responded to the growing body of evidence of the animal abuse–human violence connection.

Society’s awareness of the significance of animal abuse as a crime has resulted in the development of a number of programs. “Safe Pet” programs are being instituted in communities throughout the U.S. These programs provide safekeeping for the pets of domestic violence victims allowing them to leave dangerous situations without fearing for a beloved pets’ safety (Ascione, 2000). Animal control officers are being trained to look for signs of child and spousal abuse when investigating an animal abuse or neglect complaint or “cross report”. Likewise, social workers are being trained to report animal abuse. Intervention programs for children and adults who abuse animals have been developed and mental health professionals are being trained in this area of treatment (Jory & Randour, 1999; Randour & Krinsk, 2002). Professional organizations, such as the American Psychological Association (APA), have initiated a Section on Animal-Human Interaction within the division structure of APA.

Law enforcement and social science researchers have seen the link between animal cruelty and violence in general, in the streets they patrol and the studies they have conducted. Adults who engage in animal cruelty are more likely to participate in other criminal activities, including violence against people, drug and substance abuse, and property offenses.

- The severity of violence against animals can indicate the degree of aggressiveness toward human individuals. The most aggressive among a group of incarcerated adult males had the most violent histories of animal cruelty (Kellert & Felthous, 1985).
- The Chicago Police Department study found that “compared to offenders arrested for non-animal related offenses, persons who act violently toward animals are much more likely to carry and use firearms in the commission of other crimes, and are involved in the illegal narcotics trade.” They also found that

59% of individuals arrested for animal cruelty crimes also were member of gangs (Degenhardt, 2005).

The Need for Early Intervention

Perhaps most disturbing is that animal abuse so frequently occurs in the context of family violence (Flynn, 2000). Over 70% of U. S. households with children have pets. When asked to name the 10 most important individuals in their lives, 7 and 10 year old children named at least two pets. Frequently, pets are important members of the family and, as such, they enjoy—or suffer—the same treatment as others in a family. It comes as no surprise, then, that abusers do not differentiate between whether the family members has “two” or “four” legs—or who the object of abuse may be. Abusers manipulate those who they torment by threatening to injure the most helpless in the family—children and pets.

We know there is a close link between child abuse and domestic violence (Renner & Slack, 2004). We also know that animal cruelty frequently occurs in the context of the family (Ascione, et. al., 2007). In a recent felony arson and animal cruelty case in California, a man poured gasoline on his family dog and then set fire to the dog during a family dispute. In Michigan, Christian Harold Boyd, Sr. was arrested after he attempted to strangle his wife during a dispute, which was witnessed by their 8-year-old son. When Hannibal, the family dog, tried to intervene, Mr. Boyd stabbed Hannibal so severely that his internal organs were hanging outside his body when he was found.

These are just two examples. In addition to these anecdotal reports, there is a body of scientific studies that empirically illustrate the close link between animal abuse and family violence.

- Pet abuse was identified as one of the four risk factors for intimate partner violence in a recent study conducted by a nationally-recognized team of domestic violence researchers (Walton-Moss, et. al, 2005).
- Multiple studies found that from 48.8% to 71% of battered women reported that their pets had been threatened, harmed, and or killed by their partners (Ascione, et. al, 2007).
- Animal abuse is one of the earliest indicators for anti-social behavior and an indicator for a diagnosis of “conduct disorder” (American Psychiatric Association, 1994). The National Crime Prevention Council, the Department of Education, and the American Psychological Association all list animal cruelty as one of the warning signs for at-risk youth. Furthermore, researchers agree that persistent aggressive behavior in childhood, termed “conduct disorder,” tends to be a fairly stable trait throughout life and is the single best predictor of later criminal behavior (Kazdin; 1995).
- A Department of Justice funded longitudinal study on the causes and correlates of youth violence found that cruelty to people and animals in childhood is associated with persistence in anti-social behavior throughout adolescence and into adulthood (Loeber, 2004)

Not all children who abuse animals will become serial killers, school shooters, or criminals as adults. However, research clearly suggests that engaging in childhood animal cruelty conditions an individual to accept, or engage in, interpersonal violence as an adult. Children exposed to violence often become participants in committing violence; they develop callousness rather than compassion (Frick, et. al., 1993; McCloskey, et. al., 1996; Osofsky, 1995). Children who commit animal cruelty crimes deserve and need immediate attention to proactively interrupt the cycle of violence and prevent the escalation of that violence.

It is well established that the early identification of problem behavior is critical for successful intervention (Loeber, Farrington, & Koss, 1995). The Animal Cruelty Statistics Act of 2008 not only would count “crimes,” it also could provide an important tool for the early identification of children and families at risk. If we are successful in identifying, and acting upon acts of animal cruelty, we expect to see fewer juveniles in trouble and fewer families in peril.

Benefits to law enforcement and violence prevention advocates of collecting statistics on animal cruelty crimes

Because of the close relationship between animal cruelty and other interpersonal crimes, having data available on animal cruelty crimes would assist law enforcement, policy makers, program developers, and researchers make decisions related to policy, resource allocation, and prevention and intervention efforts.

- It would provide a national data source so that these crimes could be tracked by a number of factors (frequency/age/geographic area /gender/identification of patterns of serial offenders), thereby providing more reliable information to identify problems and develop solutions as well as to address specific types of crime and offenders.
- Data on all animal cruelty crimes will provide more specific information to the community to reduce the rate and impact of family violence. Data on all animal cruelty crimes, including animal fighting, would guide the efforts to allocate federal and state funding for the investigation, prevention and program development related to this activity—similar to the considerable attention and resources that have been—and continue to be—dedicated to youth violence, gang activity, school violence, and bullying.
- Adding all animal cruelty crimes to existing crime databases would establish animal cruelty, including animal fighting, as an important crime for society. This could provide greater focus for prioritizing investigative and prosecutorial resources to the problem at the state and federal level.
- The ability to use multiple crime collection data bases—as the Animal Cruelty Statistics Act of 2008 requires—would enhance the soundness of data analysis. Any one database inevitably has some weakness of design or sampling,

therefore using more than one data base mitigates the particular weakness of any one of them.

The Impact of Passage of H.R. 6597

The passage of the Animal Cruelty Statistics Act of 2008 would have a direct and practical effect. Here's a hypothetical example: A community group in Newport News, Virginia decides it wants to take some action to proactively address youth violence. It is interested in prevention, reasoning that the earlier the people involved can spot a youth engaged in anti-social, aggressive behavior, the more likely they can help that young person. An analysis of juveniles who engage in animal cruelty behavior indicates that there are two neighborhoods that seem to have higher incidents of this crime. Working with the local humane society, the community outreach group develops a voluntary program that teaches the children certain skills, such as problem solving, perspective taking, and empathy development. Pet therapy dogs from the local humane society serve in the program, too.

The information used about animal cruelty offenses, and the action taken by this hypothetical community group in Newport News, Virginia could be duplicated in other counties and other states.

We strongly urge the passage of H.R. 6597. This important legislation provides valuable information for detecting and preventing the escalation of crime in our communities, and ensures that offenders and victims receive early treatment.

The Prevention of Equine Cruelty Act of 2008, H.R. 6598

The HSUS has worked to protect horses and other equines in our society from abuse and neglect since our organization's inception in 1954. We've conducted workshops for law enforcement, animal control officers, and humane society officials on equine neglect and immunocontraception for wild horses and burros, and we've engaged directly in pilot programs with the Bureau of Land Management (BLM) for implementation of population control for wild mustangs. Our investigators have been undercover at equine auctions and horse slaughter facilities both in the U.S. and across our borders in Canada and Mexico, documenting the inhumane treatment of these animals, in transport and during their slaughter. We have worked at the state and federal level in advocating for the adoption of strong horse protection and anti-cruelty laws, and we have sought funding and provided training for enforcement.

I want to thank the primary sponsors of this legislative effort – Chairman Conyers and Representative Burton. I also wish to thank Subcommittee Chairman Scott and

Representatives Nadler, Sutton, and Chabot on this Committee who are original cosponsors of this legislation.

It is time for Congress to finally pass a ban on horse slaughter for human consumption. State legislatures have acted to ban horse slaughter, shuttering the last remaining foreign-owned horse slaughter plants in the U.S., but efforts in Congress to stop the export of live horses to Canada and Mexico for slaughter have been stymied, despite majority support for a slaughter ban. More than 45,000 horses have been sent across U.S. borders to slaughter in Canada or Mexico so far in 2008, surpassing the number of exports to date in 2007 by 5%.

Past congressional actions on horse slaughter have demonstrated an overwhelming, bipartisan desire to prohibit slaughtering our horses for human consumption. In the 109th Congress, legislation to stop horse slaughter passed the House of Representatives numerous times by a margin of more than 100 votes, and passed the Senate by a more than two-to-one margin. The House and Senate passed identical amendments to the FY2006 Agriculture Appropriations Bill to defund horse slaughter inspections only to have the U. S. Department of Agriculture (USDA) thwart Congress's will. USDA issued a rule to allow the foreign-owned plants in the U.S. to continue to operate by paying the salaries of government inspectors. This rule was subsequently struck down in a decision by federal district court ordering the USDA to halt its inspections of horses for slaughter in March, 2007. Even though the House passed H.R. 503 on September 7, 2006, by a vote of 263-146, the same legislation, reintroduced this Congress, has not been heard or marked up in the House Energy and Commerce Committee. It commands tremendous support and has 206 cosponsors, including a large number of members of this committee.

This new legislation, H.R. 6598, takes a direct and simple approach to the question of horse slaughter, making it illegal to knowingly and intentionally possess, ship, transport, purchase, sell, deliver or receive a horse for slaughter. H.R. 6598 amends Title 18 due to the inherent cruelty of the practice of horse slaughter. Title 18 has a chapter on Animals, Birds, Fish and Plants including prohibitions related to injuring wildlife on refuges, importation of certain mammals, the use of aircraft or motor vehicles to kill wild horses or burros, depictions of animal cruelty, and prohibitions on animal fighting. Another chapter of title 18 has protections for horses and dogs used for federal law enforcement. It creates a strong enforcement mechanism to prevent killer buyers from crossing the border with truckloads of horses. It does not include the authorization of \$5 million for the Horse Protection Act found in H.R. 503. This bill focuses on horses being sent to slaughter for human consumption and seeks to prevent the cruelties inherent in the long distance travel, even when plants were located within the United States, as well as the inability to properly stun horses prior to dismemberment during the slaughter process.

Anti-horse slaughter legislation before Congress has over 500 endorsements, including humane and rescue organizations, countless veterinarians nationwide, and more than one hundred horse breeding, showing, and racing organizations including Churchill Downs Inc., National Thoroughbred Racing Association, National Steeplechase Association Inc., National Show Horse Registry, American Indian Horse Registry, Arizona Racing

Commission, Iowa Racing and Gaming Commission, New Jersey Racing Commission, New York Racing Association, Virginia Thoroughbred Association, American Horse Defense Fund, Veterinarians for Equine Welfare, United States Equine Sanctuary & Rescue, American Walking Pony Association, American Indian Horse Registry, Palomino Horse Association, and the United States Eventing Association.

History of Horse Slaughter Issue in Congress and Scope of Proposed Legislation

In 2002, the first bill specifically prohibiting horse slaughter in the United States was introduced by former Representative Connie Morella (R-MD). Over the years, this legislation has garnered strong bipartisan support, as demonstrated by its cosponsor list and floor votes in both chambers, but it has not yet been signed into law.

Congressional Action - FY2006 Agriculture Appropriations Amendment

- To put a halt to horse slaughter for human consumption, Congressmen John Sweeney (R-NY), John Spratt (D-SC), Ed Whitfield (R-KY), and Nick Rahall (D-WV), sponsored an amendment to the FY 2006 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act (“Agriculture Appropriations Act”) to de-fund USDA inspection of horses for slaughter under the FMIA.
- An identical amendment was offered in the Senate by Senators John Ensign (R-NV) and Robert Byrd (D-WV) and cosponsored by Senators Jon Corzine (D-NJ), Jim DeMint (R-SC), Diane Feinstein (D-CA), Lindsey Graham (R-SC), Mary Landrieu (D-LA), Frank Lautenberg (D-NJ), Trent Lott (R-MS), and Debbie Stabenow (D-MI).
- The amendments were supported by a broad coalition of over one hundred horse breeding, showing, and racing organizations such as the National Show Horse Registry, the National Thoroughbred Racing Association, and Churchill Downs—as well as numerous horse welfare and humane organizations across the country.
- Congressional offices were flooded with calls from constituents urging their support of the amendment, and newspapers across the country editorialized in its favor.
- **The Amendment passed the House on June 8, 2005 by a landslide vote of 269-158.**
- **The identical Senate Amendment was also overwhelmingly approved by a vote of 69-28 on September 20, 2005.**
- Section 794 of the final FY 2006 Agriculture Appropriations Act prohibited USDA from using congressionally appropriated funds to pay for federally-mandated inspection of horses prior to slaughter. Specifically, Section 794 states: *Effective 120 days after the date of enactment of this Act, none of the funds made available in this Act may be used to pay the salaries or expenses of personnel to inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. § 603) or under the guidelines issued under section 903 of the Federal Agriculture Improvement and Reform Act of 1996.*

- On November 10, 2005, President Bush signed this provision into law as part of the FY 2006 Agriculture Appropriations Act.

Slaughterhouse Petition

- Shortly thereafter, the three horse slaughter plants operating in the U.S. submitted an emergency rulemaking petition to the USDA requesting that the agency promulgate an expedited rule to provide “fee-for-service” inspections for horse slaughter.
- The proposal asked the USDA to circumvent Congress’ intent to prohibit horse slaughter inspection under the Federal Meat Inspection Act by creating an entirely new regulatory inspection scheme for horses under the Agricultural Marketing Act.
- Petitioners also requested that this new regulatory system be put in place without prior public notice and comment rulemaking.

Congressional Requests regarding Implementation of Congress’s Mandate

- On December 1, 2005, unaware of the pending petition, Representatives Whitfield, Sweeney, and Spratt and Senator Byrd wrote to the USDA to ensure that it would follow Congress’ intent to prevent horse slaughter for human consumption.
- The USDA responded December 21, 2005 informing the Congressmen and Senator that the Appropriations Act “does not prevent horse slaughter at all,” and that “notwithstanding the prohibition on expenditure of funds” mandated by Congress in the Act, the USDA believed it could still provide inspection of horses on a “fee-for-service” basis.
- The USDA then issued a new regulation allowing the slaughterhouses to implement a “fee for service” horse inspection program. This regulation permits these European-owned companies to continue butchering tens of thousands of horses, circumventing the amendment that Congress passed barring the use of federal funds to inspect horses destined for slaughter for human food.
- In January, 40 members of the U.S. House and Senate wrote to USDA Secretary Mike Johanns demanding that the agency stop all horse slaughter inspections on March 10, 2006, as required by the law that Congress passed. “The agency must cease inspection of horses for slaughter. Failure to do so constitutes willful disregard of clear Congressional intent on the part of the USDA,” the letter said. “The agency has absolutely no authority to circumvent a Congressional mandate and effectively rewrite an unambiguous law at the request of the horse-slaughter industry.” (Letter from members of Congress to USDA, January 17, 2005).

Litigation for Proper Enforcement of FY 2006 Agriculture Appropriations Amendment

- The HSUS and others filed a lawsuit in the U.S. District Court in the District of Columbia, and sought a temporary restraining order to block the USDA's new regulation from going into effect, a motion that the Judge denied.
- A federal district court ordered the U.S. Department of Agriculture on March 29, 2007 to stop inspecting horses about to be slaughtered at the Cavel International slaughter plant, effectively closing the last operating horse slaughtering operation in the United States. The order was stayed pending appeal, allowing Cavel to temporarily reopen.

Passage of Authorizing Legislation (H.R. 503) on House Floor

- On July 25, 2006 the House Energy and Commerce Committee held a hearing on H.R. 503, with four witnesses in favor and four opposed to the legislation. T. Boone Pickens testified in favor of H.R. 503, describing horse slaughter as America's dirty secret."
- On July 27, 2006, the House Agriculture Committee held a hearing on H.R. 503 with no witnesses in favor and two panels of witnesses opposed to the legislation. The Committee took votes on multiple amendments that would gut the intent of the legislation, including amendments making the states of New York and Kentucky pilot programs for the legislation.
- On September 7, 2006, the House of Representatives voted on H.R. 503, passing it by a 263-146. Two poison pill amendments were defeated prior to passage (King amendment 149-256 and Goodlatte amendment 177-229)
- H.R. 503 was received in the Senate on September 8, 2006. Read the first time. Placed on Senate Legislative Calendar under Read the First Time.
- H.R. 503 was read the second time on September 11, 2006. Placed on Senate Legislative Calendar under General Orders. Calendar No. 603.
- Previous actions were vitiated on September 18, 2006 by Unanimous Consent. (consideration: CR S9686)
- H.R. 503 was returned to the House September 18, 2006 pursuant to the provisions of H. Res. 1011 by Unanimous Consent.
- Papers were returned to House on September 19, 2006 pursuant to H. Res. 1011.
- H.R. 503 was received in the Senate on September 20, 2006, read for the first time, and placed on Senate Legislative Calendar under Read the First Time.
- H.R. 503 was read the second time on September 21, 2006 and placed on Senate Legislative Calendar under General Orders. Calendar No. 631.
- Senate adjourned September 29, 2006 prior to the election.

Texas and Illinois State Law Timeline

- **April 18, 2007** – The Illinois House of Representatives approves H.B. 1711 to ban the slaughter of American horses in Illinois for human consumption overseas, by nearly a two-to-one margin, a vote of 74-41.
- **May 16, 2007** – The Illinois Senate approves legislation to ban horse slaughter by a vote of 39-16.

- **May 21, 2007** – The United States Supreme Court refuses to hear an appeal by the horse slaughter industry in Texas. The industry sought review of the Fifth Circuit Court of Appeals' decision upholding a 1949 Texas statute that bans horse slaughter.
- **May 24, 2007** – Governor Rod Blagojevich signs H.B. 1711, banning horse slaughter in Illinois.
- **July 5, 2007** – Judge Frederick J. Kapala of the federal district court in Rockford, Illinois upholds H.B. 1711.
- **September 21, 2007** - A 3-judge panel from the U.S. Court of Appeals for the Seventh Circuit unanimously upholds the Illinois state law banning the slaughter of horses for human consumption in that state.
- **June 16, 2008** – The U.S. Supreme Court refuses to overturn the Seventh Circuit decision upholding the Illinois state ban on horse slaughter for human consumption.

Currently, there are no equine slaughterhouses in the U.S. – all of the three remaining foreign-owned plants were closed by state laws and federal court decisions upholding those laws in 2007. According to the USDA, horses from other countries were imported and slaughtered in the U.S. as a routine matter. In 2007, only 29,000 horses were slaughtered in the U.S. prior to the closure of the last three plants, but horse exports for slaughter increased greatly, to 79,000. As of today's date, the slaughter of American horses for human consumption has increased by 5% (44,972 ytd in 2007 vs. 47,399 ytd in 2008) over last year, indicating a massive increase in the export of our horses to Mexico and Canada (retrieved on July 25, 2008 from <http://www.statcan.ca/trade/scripts7/trade-search.cgi> and <http://www.ams.usda/mnreports/al-ls635.txt>)

Horse Slaughter is Inherently Cruel and Should be Banned

Horses are our trusted companions, symbols of grace and beauty, having contributed greatly to our society throughout history. Horses have never been raised for human consumption in America. However, American horses are being killed for the palates of overseas diners in Italy, France, Belgium, and Japan. Tens of thousands of live horses are transported across the border to Canada and Mexico for slaughter. Show horses, racehorses, foals born as a “byproduct” of the Premarin© industry (a female hormone replacement drug), wild horses, carriage horses, and family horses are victims of the horse slaughter industry.

The cruelty of horse slaughter is not limited to the killing – the entire process involves terrible suffering. Horses bound for slaughter plants are shipped, frequently over long distances, in inhumane conditions. They are typically given no food, water or rest. Terrified horses and ponies are commonly crammed together and transported to slaughter in trucks designed for cattle and pigs. The trailer ceilings are so low that horses are not even able to hold their heads in a balanced position. Inappropriate floor surfaces cause slips and falls, and sometimes even trampling. Some horses arrive at the slaughterhouse seriously injured or dead.

Horses by their very nature, respond to hostile and frightening environments by trying to flee. For this reason, they cannot reliably be slaughtered in a humane fashion. While federal law is supposed to require that horses are rendered unconscious prior to slaughter, usually with a captive bolt pistol (which shoots a metal rod into the horse's brain), our undercover footage of the former horse slaughterhouse BelTex showed that horses were not stunned and were kicking and conscious when they are shackled and hoisted by a rear leg to have their throats cut. Horses respond to fear by throwing their head, making such live dismemberment an inevitability. Horse slaughter is inherently inhumane, due to the skittish nature of horses. A set of documents we obtained through the Freedom of Information Act demonstrates that the U.S. horse slaughterhouses had problems with employees whipping horses across the face with fiberglass rods, horses flipping over backward because of such whipping and injuring their heads, and the use of long bull-whips in the holding pen. Other problems included the failure to provide water to horses in holding pens because of a fear that the watering system would freeze. Government observers characterized these incidents as "egregious humane handling" problems (USDA, 2005, 2006, 2007). Death at the slaughterhouse can never be characterized as "euthanasia" and is not a humane end for horses.

In Mexico, our investigators have uncovered extreme cruelty in the manner in which horses are slaughtered. At one plant in Juarez, we documented a slaughterhouse worker stunning horses by repeatedly stabbing them in the neck with a boning knife to sever the spinal cord, thus paralyzing the animals and rendering them unable to struggle, but potentially leaving them conscious during the process of bleeding out and dismemberment. In Canada, horses are either stunned by the same inexact methods that were used in the U.S., or are shot in the head with a firearm.

Death at the slaughterhouse, whether in the U.S. or across our borders, is anything but a humane end for horses.

Legal Slaughter Linked to Illegal Horse Theft

By removing the financial incentive for stealing horses and selling them to slaughter, a federal ban on horse slaughter will decrease the rate of horse theft in the United States. Many horses are unknowingly sold to slaughter, while many are stolen and sold for a profit. When California banned horse slaughter, there was a 31% drop in horse theft (Stull, 2007) Wild horses often are sold to slaughter. Logs from the last three plants in the U.S. showed that at least 386 wild horses (with BLM brands) were slaughtered in 2006. Irresponsible owners who wish to squeeze a final dollar from horses that have served them for years may seek an easy means of disposing of their animals via the slaughter industry. However, most are purchased at auction, where their former owners have no idea that their horses will be butchered. Killer buyers (middlemen hired by slaughterhouses to secure horses) and slaughterhouse operators try to suggest that all the horses they slaughter are old and past recovery. But while some horses may be ill or injured because of neglect – sick, sore, lame, disabled, blind, and pregnant horses can all be legally trucked to slaughter – many more are sound and in good health. USDA

documents that 92.3% of horses arriving at slaughter plants in the U.S. are in “good” condition (USDA, 2002).

Public Opinion and Editorial Support

Poll after poll shows that Americans want this practice to end. As reported in August, 2006 by the Public Opinion Strategies National Poll, 69% of those polled opposed horse slaughter. Similar findings were revealed by the Consumer Research Poll of 2003, the Mason-Dixon Poll of May, 2002 and a poll conducted by McLaughlin & Associates in June, 2004. In these three polls opposition to horse slaughter ranged from 72% to 77%. There has been extensive media coverage on this issue by newspapers and television networks nationwide including CNN, The L.A. Times, The Washington Post, USA Today, as well as many others such as sports columnist Frank Deford’s commentary heard on National Public Radio.

”Most Americans were horrified when they learned several years ago that Kentucky Derby winner Ferdinand had been killed for human consumption in Japan. Horses are not raised as livestock in this country, and this time, Congress must ensure that there is no loophole for denying them the protection that the public clearly wants them to have.”
Louisville Courier-Journal, Kentucky, July 23, 2006

“The horse has always held a hallowed place in our national identity, much like the bald eagle. And just as no American would consider ordering up a bald eagle, if only out of respect, so would none ask for a horse steak.... Certain veterinary groups, rather ironically, oppose the amendment. They claim that it is humane to put aging or neglected horses out of their misery. But if anyone actually saw how these noble beasts are slaughtered -- strung up by their hind legs and bled -- they might think twice before supporting such conduct.” *Washington Times, September 15, 2005*

“... no horse is currently safe from that fate. Ferdinand, the 1986 Kentucky Derby winner, was killed in a Japanese slaughterhouse when his stud services were no longer needed. This past spring, 41 wild mustangs were slaughtered for food in a Texas plant after being purchased through a program meant to give them new homes.”
Louisville Courier-Journal, Kentucky September 13, 2005

“Horse slaughter has no place in the United States....Horse meat for human consumption hasn't been sold in the United States for decades and isn't even used in pet food here. If a horse is near the end of its useful life, there are more humane ways for an owner to get rid of it. Adoption groups offer horses a peaceful retirement, and if the horses need to be euthanized, it can be done painlessly and humanely for a couple hundred dollars. *St. Petersburg Times, Tampa Bay, September 13, 2005*

“The bond between horses and humans is as close as the connection between dogs or cats and their owners. The horsemeat industry is not a vital part of the American economy. We hope the Senate will pass this humane amendment.”
Charlston Gazette, West Virginia, September 13, 2005

“Long-established neighbors living adjacent to the plant cannot open their windows or run their air conditioners without enduring the most horrific stench. Children playing in their yards do so with the noise of horses being sent to their deaths in the background. Landowners have difficulty securing loans to develop their property....As a community leader where we are directly impacted by the horse slaughter industry, I can assure you the economic development return to our community is **negative**. The foreign-owned companies profit at our expense -- it is time for them to go.”
-*Mayor Bacon, Kaufman, Texas (Dallas Crown “hometown”)*

Responses to Commonly Raised Concerns

Horse Abuse and Neglect

As is evident with state bans on horse slaughter, H.R. 6598 will not lead to an increase in horse abuse and starvation or neglect cases. In California, where horse slaughter was banned in 1998, there was no corresponding rise in cruelty and neglect cases, and as mentioned previously, horse theft has dropped in the state by 31% since enactment of the ban. There was no documented rise in horse abuse, starvation, or neglect cases in Illinois following closure of the state's only horse slaughter plant in 2002. In fact, when the Illinois plant was non-operational for two years from March 2002 – June 2004, the Illinois Dept. of Agriculture documented a drop in horse cruelty in the state (Retrieved on July 25, 2008 from http://www.vetsforequinewelfare.org/white_paper.php). When it reopened, the horse abuse cases went back up. A recent study released by the Animal Law Coalition issued June 17, 2008 documents no rise in horse neglect or abuse cases, but there has been a slight decrease nationwide.¹

Allowing one's horse to starve is not an option – state anti-cruelty laws prohibit such neglect. Rather, people will have their horses humanely euthanized as allowed by law and as currently done the vast majority of the horse-owning population. The idea that horse slaughter is necessary to deal with an “unwanted horse” population is clearly a myth. According to the USDA, at least 5,000 horses were *imported* into one of the three foreign-owned slaughter plants operating in the U.S. for slaughter between August 2004 and the closure of the last plant in 2007 (retrieved on July 10, 2008 from <http://www.ams.usda.gov/mnreports/wa-ls637txtverify> date retrieved)). If horse slaughter were actually a solution to the problem of an overabundance of horses in the United States, then there would be no reason to import more horses for slaughter.

Horse Slaughter v. Humane Euthanasia

Horse slaughter is a far cry from humane euthanasia. “Euthanasia” means a gentle, painless death provided in order to prevent suffering. Unwanted horses should be humanely euthanized by a licensed veterinarian when no other option exists, rather than placed on a truck, cruelly transported, and then butchered. The vast majority of horse owners already provide humane euthanasia for their old or ill horses.

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Approximately 920,000 horses die annually in this country (10 percent of the American Horse Council's estimated population of 9.2 million horses) and the vast majority are not slaughtered, but euthanized and rendered or buried without any negative environmental impact (retrieved on July 10, 2008 from <http://horsecouncil.org/economics.html>). Humane euthanasia and carcass disposal are highly affordable and widely available. The average cost of having a horse humanely euthanized and safely disposing of the animal's carcass is approximately \$225, while the monthly cost of keeping a live horse is \$200 on average.¹In some Western states, renderers we contacted said they would come to any part of the state to pick up a horse carcass for \$20.00 – and they indicated that the client can simply leave the money in a jar by the body.

Horse Rescues/Sanctuaries and Humane Euthanasia- a Ready Alternative to Slaughter

Not every horse currently going to slaughter will need to be absorbed into the rescue community – the vast majority will be sold to a new owner and lead productive lives. Others will be kept longer by their current owners, and a licensed veterinarian will humanely euthanize some. Passage of this legislation will not necessarily lead to a significant increase in the number of horses sent to rescue facilities, precisely because humane euthanasia is so widely available. It is not the government's responsibility to provide for the care of horses voluntarily given up by their owners, as these animals are considered private property.

However, hundreds of horse rescue organizations operate around the country, and additional facilities are being established. The horse racing community has joined together in an effort to end the slaughter of racehorses. The New York Racing Association has partnered with other groups to launch the “Ferdinand Fee” to raise funds for the care of retired racehorses, and to honor Ferdinand. The Kentucky Equine Humane Center was recently established to shelter and adopt unwanted horses of all breeds. The Humane Society of the United States recently announced the opening of our new 1,120-acre horse sanctuary and rescue facility in Douglas County, Ore. — the organization's fourth major animal care facility. The Duchess Sanctuary is a sister facility to the Cleveland Amory Black Beauty Ranch located in Murchison, Texas, a 1,300-acre ranch operated by The HSUS and The Fund for Animals. The organizations leading the charge in favor of this bill are the very organizations that are actively working to provide sanctuaries and solutions for any horses that would otherwise go to slaughter.

Standards of care have been developed and embraced by the hundreds of equine rescue and retirement facilities that routinely rescue horses from slaughter. The Humane Society of the United States and the Animal Welfare Institute published "Basic Guidelines for Operating an Equine Rescue or Retirement Facility." (Retrieved on July 10, 2008 from http://www.homesforhorses.org/pdf/AWI_HSUS_Guidelines.pdf)

These groups, together with leaders in the equine rescue community, founded the Homes for Horses Coalition in 2007 to advance the highest operating standards for equine rescue and retirement homes and promote responsible horse ownership. Additionally, the Association of Sanctuaries and the American Sanctuaries Association provide

accreditation programs and a code of ethics and guidelines for the operation of sanctuaries and rescue organizations. Horse rescue groups must also comply with state and local animal welfare statutes, and a growing number of states have enacted rescue licensing requirements.

Public support has dramatically increased for horse rescues and sanctuaries and their capacity is fluid, constantly changing and expanding as horses are rehabilitated and adopted out. The fifteen largest equine rescue organizations in the country have seen their public support swell more than 600 percent between 2000 and 2004 from a collective \$7.4 million to \$54.7 million). One rescue web site notes that it has facilitated the adoptions of nearly 2,800 former Premarin mares and foals since December 2003. These groups work hard to find space for each and every unwanted horse, and clearly their capacity and support have grown to accommodate more horses, providing greater opportunities for owners needing to surrender their horses or companies wishing to abandon horses once used in production of human drugs, for example Draft horses and horses from feedlots comprised sixteen percent of horses at slaughter houses, according to a published survey, which would translate into more than 15,000 horse during 2005. Many of these horses are likely to have originated from one of several Premarin farms.

When a 2007 court decision forced the immediate closure of Cavel International, the last operational, foreign-owned horse slaughter plant in America, the fates of the horses at the plant hung in the balance. The HSUS immediately faxed a letter to the owner of Cavel International offering to take in any and all horses at the plant or in the pipeline to the plant. We received no response and most of the horses were reloaded onto trailers destined for slaughter plants in Mexico and Canada. One group of thirty three horses was returned to its last destination before arrival at the slaughter plant—a stockyard in Cheyenne, WY—and their owner ultimately decided to turn custody of the horses over to The HSUS.

HSUS staff were deployed to Cheyenne, and upon arrival were heartened to find the horses weren't all old, sick or crippled horses in need of euthanasia, as the stereotype of a horse bound for slaughter would suggest. Rather they were mostly young, healthy horses who had previously been loved, cared for, and trained by humans.

The HSUS reached out to the local horse rescue community for assistance with placing the horses, and the response was overwhelming—we had more offers to take horses than horses to give. Rescues from Colorado, Wyoming and as far away as California offered to provide homes and care to the horses. People from the local community of Cheyenne, including many a tough old cowboy, came down to the stockyard to offer their support and to provide homes for the horses. We opted to work through the many rescue organizations who made their services available, but were struck by the way this rural Western city responded to the plight of these horses. Not one person thought it was acceptable that these horses had been sent to slaughter. Our staff received a similar level of hospitality and enjoyed Easter dinner with many new friends in town as we stayed on to get every horse to a new home.

While a number of the horses were given permanent sanctuary by horse welfare organizations, including the Cleveland Amory Black Beauty Ranch, many have been fully rehabilitated and adopted out as riding and show horses.

Healthy Horses at the Slaughter House

92.3% of horses arriving at slaughter plants in this country are in "good" condition, according to the U.S. Department of Agriculture's Guidelines for Handling and Transporting Equines to Slaughter. Horses arrive at slaughter after being purchased by killer buyers who seek out healthy, fat horses who provide greater profits than older, leaner horses.

Environmental Considerations

Hundreds of thousands of horses are safely disposed of annually by means other than slaughter, and the infrastructure can absorb an increase in numbers. Conversely, the operation of horse slaughterhouses has a very real negative environmental impact, with all three of the last plants which operated in the U.S. having been cited for multiple violations of current environmental law related to the disposal of blood and other waste materials. Former Mayor Paula Bacon of Kaufman, TX – the home of one of the three former plants– desperately stated “...Dallas-Crown is operating in violation of a multitude of local laws pertaining to waste management, air quality and other environmental concerns....Residents are also fed up with the situation. Long-established neighbors living adjacent to the plant cannot open their windows or run air conditioners without enduring the most horrific stench” (Bacon, 2005)

Export of Horses to Slaughter

Under this bill, American horses will not be allowed to be exported for slaughter. The bill will terminate any legal option for sending American horses to slaughter – within the United States or to any foreign slaughterhouse.

If individuals attempt to ship horses to Canada and Mexico under false pretenses, they will be criminally liable under the federal False Claims Act, which makes it illegal to falsify any information in statements made to the U.S. government. Making it illegal to move horses this way, as the legislation does, will at the very least, dramatically reduce the number of horses exported for slaughter and it will make a criminal of anyone who dares to continue this practice. Killer buyers are the last holdouts in the horse slaughter business now that all horses must be taken over the border for slaughter for human consumption. These individuals frequently haul cattle, pigs, and other livestock and maintain small business licenses and are bonded businesses. It is unlikely they will be willing to violate the law and risk the serious penalties of the False Claims Act to take

horses to slaughter. We remain committed to supporting enforcement efforts, as we have been for many years, to ensure that anyone acting illegally is prosecuted.

Transport regulations

The 2002 horse transport regulations, "Commercial Transportation of Equines for Slaughter" (9 CFR 88), do not provide sufficient protections for horses being shipped to slaughter. They allow horses to be shipped for more than 24 hours without food, water or rest, with eyes missing, even late-stage pregnancies. The regulations only cover the final journey to the slaughterhouse. USDA has indicated that they will issue a new regulation to extend the regulations to midpoints like auction houses, but they have not yet issued a draft regulation. If horses are loaded and unloaded at various places as part of their route to slaughter, only the final leg of the trip is covered. Since enforcement of these regulations only occurs once the truck reaches the slaughter plant and there are currently no plants within the jurisdiction of the USDA, these guidelines have little effect. The existing regulations are wholly inadequate and allow extreme suffering in transport to continue.

Responsibility for Horses no Longer Going to Slaughter

Horses currently going to slaughter would not suddenly become the financial responsibility of the federal government. Horse guardians, not the federal government, will remain responsible for the care of their horses. Guardians who no longer wish to keep their horses and who cannot sell or place their horses in a new home will have the option of humane euthanasia.

Absence of a Slippery Slope Effect

Horses are not bred for consumption in America, and Americans don't eat horses. Additionally, horses are different from cattle (and other farm animals specifically bred, sold, and transported for human consumption in this country) due to their instinctive flight response in stressful conditions, making it difficult to accurately stun them prior to slaughter. The American public overwhelmingly supports a ban on horse slaughter precisely because horses have a special place in our heritage and they are beloved companions to millions today.

Health Concerns of Horse Meat Consumption

Horsemeat is potentially dangerous when consumed by people because horses are not raised for this purpose. American horses are regularly treated with worming medications, drugs and other injections not intended for human consumption, and banned by the European Union for use in horses raised in Europe for human consumption (Recent controversy around the use of steroids in horse racing underscores the potential risks related to the human consumption of horsemeat. Our investigators saw horses fresh off

the race track or show ring moving directly to slaughter. The recent controversy following Eight Belles' death unveiled the drugging underbelly in the horse racing industry, with commonplace use of steroids, dewormers, painkillers, and other chemical compounds unsuitable for animals intended for human consumption.

Horse Meat in Pet Food

There is no horsemeat in pet food. This practice stopped decades ago, due in part to the enactment of protections for America's wild horses in 1971. The U.S. public and Congress were outraged to learn that federal agencies were rounding up and allowing the exploitation and slaughter of these national treasures for items such as pet food. Some by-products of the horse slaughter industry are used in various consumer items, but they are derived from the rendering of dead horses. Rendering is an entirely different process from the slaughter of live horses and will not be impeded by H.R. 6598.

The Use of Horse Meat in Zoos

This legislation does not prohibit the use of horsemeat in zoos. Zoos will be able to continue to feed horsemeat to their big cats, as the bill will only stop the domestic slaughter of horses for human consumption. The Federal Meat Inspection Act doesn't require the same inspections for meat products intended for animal use. However, there is a growing trend to feed a beef-based diet to captive big cats. Several USDA-licensed facilities that keep big cats such as lions and tigers have switched to such a diet because it is better for the cats' health.

Negative Economic Growth and Environmental Degredation Caused by Horse Slaughterhouses

In all three communities where horse slaughterhouses were based in the U.S., the facilities had worn out their welcome. For example, on August 15, 2005, the Kaufman City Council (home to Dallas Crown, Inc.) – fed up with the ongoing problems since the plant's opening in 1986 – voted unanimously to implement termination proceedings against the plant. Former Kaufman Mayor Paula Bacon wrote a letter to Congress and traveled to Capitol Hill with several Kaufman residents to request federal legislation to stop horse slaughter in their community. Both of the other horse slaughterhouses, also foreign-owned, had repeatedly been fined for violating local laws and creating sewage overflows. There is no import or export tariff on horsemeat and most, if not all, of the profits were sent back to the parent companies in Europe.

It was difficult for these communities to attract any new businesses because of the substantial stigma created by these plants. The minimal financial contributions of these facilities were vastly overshadowed by the enormous economic and development-suppressing burden they represented to their local communities and the negative image they created. As Mayor Bacon said in her letter, *"The more I learn about horse slaughter, the more certain I am: There is no justification for horse slaughter in this country. The three plants are foreign-owned, employing fewer than 150 people. We do not raise horses to eat, we do not eat horse meat, our American economy does not profit from this industry. My city is little other than a door mat for a foreign-owned business that drains our resources and stigmatizes our economic development. There is no justification for supporting horse slaughter over my community. (Bacon, 2005a) As a community leader where we are directly impacted by the horse slaughter industry, I can assure you the economic development return to our community is negative. The foreign-owned companies profit at our expense -- it is time for them to go."*(Bacon, 2005b).

The three plants employed a total of fewer than 150 workers who received poor pay and benefits. They worked with sharp instruments among animals that were often thrashing and lunging, making this form of employment one of the highest-risk for injury. Horses are skittish and are difficult to stun properly before dismemberment and the constant presence of sharp knives combined with thrashing horses can lead to injuries for workers.

Conclusion

H.R. 6598 will prevent the slaughter of some 100,000 American horses annually (both here in the U.S. and across our borders) for the sole purpose of satiating the palates of diners overseas. This legislation is urgently needed to establish a meaningful, permanent ban on an inherently cruel practice for American horses. Our horses deserve more than to be cruelly transported over thousands of miles, knocked in the head or stabbed in the neck and shackled and hoisted by a rear leg to have their throats slit. With several landslide, bipartisan majority votes to ban horse slaughter in both chambers, and the strong voice of the American public in support of a ban, it is time for Congress to enact this critical legislation.

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