

HORSE SLAUGHTER: A CONFLICT OF ETHICS, ECONOMICS, & WELFARE

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INTRODUCTION

The year 2009 was a notorious year for the flu, particularly H1N1. It was frequently reported on the news, throughout communities, and in public places, such as universities and restaurants.² The flu, also known as Influenza, is a disease caused by a virus. If left untreated in certain circumstances the flu may become fatal.³ At the onset of any illness there are usually symptoms. In the case of the flu, there could be a cough, a sore or scratchy throat, or stomach ailments. These symptoms give clues as to the actual cause of the illness.⁴

In this review the disease to be discussed is Over-Breeding. Similar to the flu, over-breeding has symptoms. One of those symptoms is a surplus. The source of this disease, like the flu, is caused by a virus. That virus is greed. The relationship between the virus and its host is parasitical. This means that the virus benefits while the host suffers. The question arises, what medication can cure the disease?

As with any disease, the treatment of symptoms should not be mistaken as a cure to the disease. Although, the symptoms may subside, the disease is still present. This is the case with Over-Breeding. The persistent symptom is a surplus of horses. The treatment used to temporarily medicate the symptom is horse slaughter. This medication consists of killing horses for human consumption.⁵

In the case of slaughter, some owners no longer desire to keep their horses and need an outlet to dispose of them, preferably a profitable

¹ M.B.A. 2012, Valparaiso University College of Business. This note is dedicated to my family and friends for their continued support. This note is also dedicated to horses and the people who love them. They are my continued inspiration. This review is based on research conducted in 2010.

² Centers for Disease Control and Prevention, 2009 H1N1 Flu in the News, Jan. 15, 2010, www.cdc.gov/h1n1flu/in_the_news/updated_cdc_estimates_121209.htm.

³ Centers for Disease Control and Prevention, *Seasonal Influenza: The Disease*, last updated Sept. 8, 2009, www.cdc.gov/flu/about/disease/.

⁴ *Id.*

⁵ The Humane Society of the United States, End Horse Slaughter, accessed on Jan. 27, 2010, www.humanesociety.org/issues/horse_slaughter/.

one. Thus they are sold to slaughter houses. Owners do have the option of donating the horse to a physical therapy riding center, turning them over to rescues or humanely euthanizing them if they cannot sell them to another home.⁶ Unfortunately, these alternatives do not compensate the owner. In order to understand this mentality which led to the horse Over-Breeding disease, we must investigate the modern day epidemic.

This review will be broken down into the following five sections: The first section will discuss the history of the modern day horse and its evolution to a companion animal. The second section will discuss the horse's exploitation by money-driven businesses within the horse industry. The third section will discuss slaughter as a treatment for the symptoms. The fourth section will discuss the controversy surrounding horse slaughter and why it exists. Finally, the fifth section will discuss the future for America's horses and how to cure the Over-Breeding disease.

PART ONE

There is no question that horses have been consumed by humans throughout history. Researchers believe the horse was domesticated around the year 5000 B.C. in Kazakhstan.⁷ They believe the horses were kept for food and milk at the time and not for riding or hauling.⁸ However, a transition was made as early as 3500 B.C. at which time evidence of the horse being ridden was discovered by archeologists.⁹ This indicates that a greater value for the horse was found in its usefulness as a working animal and transportation as opposed to simply being a food source. Archaeologists further discovered that horses were being used to draw chariots around 2000 B.C. in

⁶ The Unwanted Horse Coalition, *Why They Become Unwanted*, Jan. 20, 2010, www.unwantedhorsecoalition.org/?id=2&s=2.

⁷ *Horse Domestication in the Botai Culture, Eneolithic Kazakhstan*, Dept. of Archaeology, The University of Exeter, Oct. 12, 2009, <http://huss.exeter.ac.uk/archaeology/research/rhorsebotai.shtml>.

⁸ *Id.*

⁹ D. Brown and D. Anthony, *Bit Wear, Horseback Riding and the Botai Site in Kazakhstan*, *Journal of Archaeological Science* 25(4):331-347 (1998).

Mesopotamia.¹⁰ However, they continued to be used as a source of food throughout the Middle Ages.¹¹

In places such as France, the Revolution sparked the initial interest in consuming horse meat.¹² When the aristocracy lost its influence, horses were eaten by the starving lower classes.¹³ Additionally, during Napoleon's campaign, starving soldiers ate horse meat in desperation to stay alive.¹⁴ In 1866, the government of France made the consumption of horse meat legal and it has remained so ever since.¹⁵

In many other places in the world, horses have been eaten as a last resort during times of dire need.¹⁶ Horse meat was consumed in Britain until the 1930s and in times of post war food shortages in the United States.¹⁷ Horse meat is still eaten in European and Asian countries.¹⁸ However, in many western countries, along with Brazil, India, and Muslim countries, horse meat is not eaten or its consumption is highly discouraged.¹⁹ The reasons for this disparity range from religious to emotional, such as the working and sporting relationship the horse has with humans in society.

Horses were romanticized further in the minds of Americans in the legends of the wild-west era of the 1800's. This romantic portrayal was grounded in historical fact in that the development of our western nation was totally dependent upon the value of the horse for labor and

¹⁰ Burt, Roger, *The Ancient World, c. 3000 BC to 800 BC (The Bronze and Early Iron Age-the Egyptians, Mesopotamians, and Persians)*, last accessed January 31, 2010, available at <http://people.exeter.ac.uk/RBurt/exeteronly/HEC2016/Lecture3.htm>.

¹¹ Christa Weil, *Meanwhile: We Eat Horses, Don't We?*, March 5, 2007, http://www.nytimes.com/2007/03/05/opinion/05iht-edweil.4799607.html?_r=1.

¹² *Id.*

¹³ *Id.*

¹⁴ Harold Talbot Parker, *Three Napoleonic Battles* 84 (Duke University Press 1983).

¹⁵ Kari Weil, *They Eat Horses, Don't They? Hippophagy and Frenchness*, *Gastronomica* Spring 2007, Vol. 7, No. 2, 44-51, available at <http://www.caliber.ucpress.net/doi/abs/10.1525/gfc.2007.7.2.44>.

¹⁶ *Id.*

¹⁷ Vaclav Smil, *Eating Meat: Evolution, Patterns, and Consequences*, *Population and Development Review*, Vol. 28, No.4 (Population Council Dec., 2002). See Also, Christa Weil, *Meanwhile: We Eat Horses, Don't We?*, Mar. 5, 2007, http://www.nytimes.com/2007/03/05/opinion/05iht-edweil.4799607.html?_r=1.

¹⁸ Burt, Roger, *The Ancient World-c. 3000BC to 800BC (The Bronze and Early Iron Age-the Egyptians, Mesopotamians, and Persians)*, accessed January 31, 2010. <http://people.exeter.ac.uk/RBurt/exeteronly/HEC2016/Lecture3.htm>

¹⁹ Frederick J. Simoons, *Eat Not This Flesh: Food Avoidances From Prehistory to the Present* (University of Wisconsin Press Dec. 15, 1994).

transportation.²⁰ The horses pulled wagons of families to the west, helped the cowboy manage large ranches, and aided the farmer in work such as pulling the plow.²¹

Civilization was brought to the western lands by the American soldier and his horse patrolling the lands and subduing the American Indians.²² The American Indians have been portrayed in history as the nomads of the plains.²³ They had long mastered the art of riding and hunting on horseback.²⁴ The horse revolutionized hunting and the migration of Native Americans since its introduction to this country by the Spanish.²⁵

Progress in the West was symbolized by the use of horses by the pony express rider.²⁶ For a glorious 18 months, the pony express rider and his horse were the fastest means of communication by carrying mail and dispatches throughout the west.²⁷

Although the horse impacted the American West dramatically in the 1800's, during the same period horse racing was becoming very popular on the east coast.²⁸ The first racetrack was built in Saratoga, New York. A little over ten years later, the first Kentucky Derby took place in 1875.²⁹

It did not take long for the impact of the Industrial Revolution to change the lives of thousands of Americans. One of the more serious, but subtle symptoms of the modern day horse slaughter problem began in the early 1900s.³⁰ Over the next 40 years, the need for hundreds of thousands of horses was replaced by the automobile, the truck and the tractor.

²⁰ Julie Whitaker, *The Horse: A Miscellany of Equine Knowledge*, 118-123, (2007).

²¹ *Id.* at 60-65.

²² *Id.* at 54-55.

²³ *Id.* at 118-199

²⁴ *Id.* Additionally, in many Native American tribes, a man's status was dependent upon the amount of horses he possessed.

²⁵ *Id.*

²⁶ *Id.* at 68-69.

²⁷ *Id.*

²⁸ Discover Communications, LLC, *A History of Horse Racing*, Jan. 27, 2010, <http://animal.discovery.com/tv/jockeys/horse-racing/history/>.

²⁹ *Id.*

³⁰ *Id.*

The horse was slowly losing its honored status in American society.³¹ The horse was not only overcome by mechanized technology, but a new attitude towards gambling threatened them as well. In the 1920s, anti-gambling sentiments threatened to drive the horse racing industry into extinction.³² Almost every state banned gambling. This left a mere 25 tracks in the United States in 1908.³³

The stock market crash in the late 1920s, followed by years of the Great Depression, forced the government to desperate ends to stimulate the economy. State legislatures agreed to overturn the bans in exchange for a percentage of the wagered money.³⁴ One method was the legalization of gambling through horse racing. The horse transitioned from a role of labor and transportation to that of entertainment. Horses such as Man O' War, Seabiscuit and War Admiral captured the hearts and imagination of Americans. Millions flocked to racetracks all over the country to watch these icons battle to the finish line in coliseums such as Churchill Downs, Arlington and Saratoga.³⁵ The world's attention was captivated as races such as the Kentucky Derby, the Belmont stakes, and the Preakness were raced and won in the most famous 2 minutes of sports history.³⁶

PART TWO

The horse racing industry, despite its glamorous appeal, soon became a catalyst in a very contagious disease contributing to the horse slaughter medication. The racing industry took the nation by storm. However, the stakes grew higher and higher every year. By the end of the 1980s, racing was second only to baseball in the amount of attending spectators.³⁷ This resulted in over 55 million people betting over \$9 billion.³⁸ Purses at races were reaching numbers in the millions.³⁹ The sport of racing offers fame, money, and legendary status

³¹ Julie Whitaker, *The Horse: A Miscellany of Equine Knowledge*, 123, (2007).

³² *Id.*

³³ *Id.*

³⁴ Discover Communications, LLC, *A History of Horse Racing*, Jan. 27, 2010, <http://animal.discovery.com/tv/jockeys/horse-racing/history/>

³⁵ Julie Whitaker, *The Horse: A Miscellany of Equine Knowledge*, 202, (2007).

³⁶ Discover Communications, LLC, *A History of Horse Racing*, Jan. 27, 2010, <http://animal.discovery.com/tv/jockeys/horse-racing/history/>

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

to those involved, hence its reputation as “the sport of kings.”⁴⁰ American racing has been under public scrutiny in recent years as concern grows for the health and safety both the horses and the jockeys.^{41 42} However, one of the most important concerns had been overlooked in the past. That concern is over-breeding. The racing industry breeds and registers thousands of foals every year. The foal crop in the United States has been stable at more than 30,000 foals annually since 2002.⁴³

Breeders and trainers alike strive for the eternal glory the sport can bring. However, this often comes at the cost of mass producing horses in an attempt to create a racing legend. In a sport such as racing, many horses are not going to be successful. Therefore, these horses have to be disposed of in some manner and replaced quickly.

The racetracks are no stranger to what they call the “meat man.” The meat man travels to various racetracks buying up racehorses that are no longer wanted by their owners.⁴⁴ In many situations the horses are no longer wanted because they did not run fast enough and their owners do not want the financial cost of an animal that does not bring in money.⁴⁵ The quickest way to dispose of them is to call the meat man. These men take the horses to auctions where they risk being purchased by kill buyers and sent to slaughter.⁴⁶ Several of these horses sold to meat men are even money earners.⁴⁷ For example, Little Cliff, rescued from slaughter by Another Chance for Horses Rescue organization, had earned over \$200,000 in purses prior to be sold to the meat man.⁴⁸ The thoroughbred industry prides itself on producing some of the best bred horses in the world. Yet, some participants are

⁴⁰ Julie Whitaker, *The Horse: A Miscellany of Equine Knowledge*, 192-193, (2007).

⁴¹ Keith Dane, *Horse Deaths Signal Need for Reform*, May 9, 2008, http://www.humanesociety.org/news/news/2008/05/horse_deaths_reform_050908.html.

⁴² National Institute for Occupational Safety and Health, *Safety and Health in the Horse Racing Industry*, accessed on January 31, 2010, <http://www.cdc.gov/niosh/topics/horsejockey/>.

⁴³ The Jockey Club, *Annual North American Registered Foal Crop*, Jan. 27, 2010, <http://www.jockeyclub.com/factbook.asp?section=2>.

⁴⁴ HBO, *Running for Their Lives, Real Sports with Bryant Gumbel*, episode 128, accessed Jan. 15, 2010, <http://www.hbo.com/real-sports-with-bryant-gumbel/episodes#/real-sports-with-bryant-gumbel/episodes/0/128-november-20-2007/index.html>.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

content with selling their expensive investment to a slaughter house for a few hundred dollars.

The National Thoroughbred Racing Association has publically announced their Anti-Slaughter position.⁴⁹ However, this does not mean that the slaughter of racehorses has ended. Racehorse Rescue groups have invested a huge effort to save these magnificent creatures. Many rescuers attend auctions and try to outbid the kill buyers or work contracts with breeders and trainers to take the horses once they are no longer wanted.⁵⁰ These groups retrain the horses and place them in homes where they are used for purposes such as 4-H, large scale horse shows, or recreational companions.⁵¹

The Jockey Club makes an effort to improve the health and safety of these horses.⁵² One unique aspect of the racing industry is that they require tattoos for identification purposes and keep a database of all the tattoos.⁵³ This makes it possible to discover some history about the horse's past life when it is purchased. Additionally, the Jockey Club supports various charities and research programs.⁵⁴

Another contributing virus to the Horse Slaughter disease is the American Quarter Horse Association. The thoroughbred industry is not the only entity mass producing horses. The American Quarter Horse Association, a for profit organization, tops the charts in registering the most horses in one year than any other horse registry in the country. The American Quarter Horse Association (AQHA) was established in 1940 and has since registered 5 million horses.⁵⁵ In the year 2007 they had 135,780 new registrations.⁵⁶ The revenue the association made in

⁴⁹ TheHorse.com, *HSUS Praises U.S. Senate for Vote to End Slaughter of American Horses*, Sept. 21, 2005, <http://www.thehorse.com/ViewArticle.aspx?ID=6159>.

⁵⁰ *Id.*

⁵¹ *New Vocations*, accessed Jan. 10, 2010, www.horseadoption.com.

⁵² The Humane Society of the United States, *Responsible Horse Breeding: Know Your Responsibilities when Breeding Horses*, Sept. 25, 2009, http://www.humanesociety.org/animals/horses/tips/responsible_horse_breeding.html.

⁵³ Equisearch, *Jockey Club Announces Free Tattoo ID Service*, Apr. 15, 2010, http://www.equisearch.com/equiwire_news/jockey_club_tattoo_OD_041609/.

⁵⁴ The Grayson-Jockey Club Research Foundation, Inc., *Annual Report*, Apr. 1, 2010, <http://www.grayson-jockeyclub.org/aboutDisplay.asp?section=11>.

⁵⁵ American Quarter Horse Association, *AQHA Mission Statement*, Jan. 27, 2010, <http://www.aqha.com/association/who/mission.html>.

⁵⁶ *Id.*

2007 on registration fees totaled \$6,210,755.00.⁵⁷ While in the year 2008 it jumped to \$6,989,380.00 when 140,000 new horses were registered. The AQHA continues to promote breeding by issuing an incentive fund. As defined by the AQHA,

The Incentive Fund is a multimillion-dollar program involving stallion and foal nominations with pay backs to the stallion nominators, foal nominators and owners of the competing horses. The program is owned, managed and operated by AQHA. The Incentive Fund utilizes the most familiar and proven concept in the American Quarter Horse Show industry, points won at AQHA shows. Each point earned at an AQHA-approved show in the open and/or amateur division by an Incentive Fund nominated horse will be worth a specific amount. The exact amount will depend on total money in the Fund for that show year and the total number of points earned in that year by Incentive Fund nominated horses.⁵⁸

For the year 2008 there were 147,864 points earned at \$22.35 per point, totaling \$3,304,760.40 in money paid.⁵⁹ When an organization is offering an excess of \$3,000,000.00 a year to breeders and owners, it is reasonable to conclude this gives rise to excess breeding among members.

The AQHA's own mission statement mentions one of the group's goals, "to generate growth of AQHA membership via the marketing, promotion, advertising and publicity of the American Quarter Horse."⁶⁰ The mission statement says absolutely nothing about preserving the welfare of the Quarter Horse. This may explain the AQHA's Pro-Slaughter stance. There is no evidence that shows the AQHA attempts to provide relief for the numbers of excess horses whose production

⁵⁷ Connor McMillion Mitchell Shennum PLLC, *Independent Auditor's Report Sept. 30, 2008 and 2007*, accessed Jan. 10, 2010, <http://www.aqha.com/association/pdf/financials08.pdf>. It can cost an AQHA member anywhere from \$25-1000.00 and a non-member anywhere from \$65-1040.00 to register a horse with the AQHA. The rates are dependent on the age of the horse at the time of registration. The younger the horse, the less expensive the fee is.

⁵⁸ American Quarter Horse Association, *American Quarter Horse Incentive Fund*, Jan. 27, 2010, <http://www.aqha.com/showing/awards/incentivefund/index.html>.

⁵⁹ American Quarter Horse Association, *American Quarter Horse Incentive Fund*, Jan. 27, 2010, <http://www.aqha.com/showing/awards/incentivefund/index.html>.

⁶⁰ Julie Whitaker, *The Horse: A Miscellany of Equine Knowledge*, 123, (2007).

they continuously encourage. Instead they publish a manual entitled, "*Understanding Your Options for the Unwanted or Unusable Horse*."⁶¹ This manual includes the option of slaughter and falsely states that it is humane, while also misquoting the amount of horses that are typically slaughtered. They state that on average 50,000 horses are slaughtered a year.⁶² The amount of slaughtered horses has not been that low since 2003 and that was one of the lowest horse slaughter numbers since the 1980s.⁶³ In fact, the American Quarter Horse is the most frequent breed of horse sent to slaughter in this country.⁶⁴ This could very well be AQHA's attempt to downplay the actual number of horses slaughtered and the actual number of Quarter Horses slaughtered.

The AQHA seems to be promoting the reckless breeding of excess horses. They then support the quick relief slaughter brings their members that are burdened with all these horses. The more Quarter Horses sent to slaughter, the more horses their members can breed and the more money they make.

In 2008, the AQHA held its yearly convention. Mr. Bill Brewer, former head of the AQHA, gave his end of the year speech. He stated,

Now our challenge becomes looking at ways to introduce an "equine economic stimulus package" that will boost registration numbers so we don't have a horse shortage in a few years – one that will supply good quality, usable horses for a membership of around 345,000-350,000. This somewhat changes AQHA's role in the industry because we have always assumed that we don't "control" the supplier – in our case that would be breeders. But perhaps there are things the Association can do to encourage people to breed enough good horses to meet today's demands.⁶⁵

⁶¹ The Unwanted Horse Coalition, *Understanding Your Options for the Unwanted or Unusable Horse*, Jan. 27, 2010, http://www.aqha.com/association/who/unwanted_horse.pdf.

⁶² *Id.*

⁶³ Joyce Jacobson, John Holland & Darrell R. Charlton, Jr., *A Study of Equine Slaughter/Abuse Patterns Following Closure of Horse Slaughter Plants in U.S.*, June 18, 2008, <http://www.animallawcoalition.com/horse-slaughter/article/541>.

⁶⁴ The Humane Society of the United States, *Responsible Horse Breeding: Know Your Responsibilities When Breeding Horses*, Sept. 25, 2009, http://www.humanesociety.org/animals/horses/tips/responsible_horse_breeding.html.

⁶⁵ American Quarter Horse Association, *Bill Brewer's Speech From the 2008 AQHA Convention*, Jan. 27, 2010, <http://www.aqha.com/association/who/billspeech.html>.

The American Horse Council founded in 1969, conducted an economic study completed by Deloitte Consulting, LLP for the council in 2005.⁶⁶ At the time of that study it was noted that there were 9.2 million horses in the United States with a mere 2 million owners.⁶⁷ Yet, people like Bill Brewer maintain that there is still a “demand” for horses when there are hardly enough owners available for the current population.

Another virus contributing to the slaughter disease can be found in the pharmaceutical industry. Menopause is a fact of life for most women all over the world. Doctors and pharmaceutical companies have provided numerous methods of dealing with this inevitable life cycle. One of those methods is hormone replacement therapy (HRT).⁶⁸ This type of therapy was intended to control the symptoms of menopause and prevent heart disease, cancers, and osteoporosis through the use of a drug registered as Premarin, PremPro and Premphase.⁶⁹ ⁷⁰ It stands for “pregnant mares’ urine” (PMU).⁷¹ This drug is composed of estrogens found in the urine of pregnant mare horses. The company responsible for the manufacturing and marketing of the product is Ayerst Organics Ltd., which is a part of Wyeth Inc.⁷²

The drug was introduced in 1942. The industry producing Premarin was located primarily in Ontario, Canada.⁷³ However, after allegations of inhumane treatment of the mares and foals was

⁶⁶ The American Horse Council, *What is the American Horse Council?*, Jan. 27, 2010, <http://www.horsecouncil.org/about.php>.

⁶⁷ *The American Horse Council, National Economic Impact of the U.S. Horse Industry*, Jan. 26, 2010, <http://www.horsecouncil.org/nationaleconomics.php>.

⁶⁸ Medline Plus, *Hormone Replacement*, Jan. 25, 2020, <http://www.nlm.nih.gov/medlineplus/hormonereplacementtherapy.html>.

⁶⁹ IGHA/Horseaid World, *The Beginning of the End?*, Mar. 5, 2004, <http://www.premarin.org/#>. The most significant estrogens are equilin, estrone sulfate, and equilenin. It is utilized in many forms such as injections, patches, creams, pills, etc.

Although most of these PMU barns are located in Canada, the fact that Americans use drugs such as Premarin allow this industry to continue to treat horses inhumanely and profit.

⁷⁰ Premarin (Conjugated Estrogens Tablets, USP), *What Is Premarin*, February, 25, 2010, <http://www.premarin.com/>.

⁷¹ The Humane Society of the United States, *A Good Life for Horses at the Duchess Sanctuary*, February, 20, 2010, http://www.humanesociety.org/news/news/2009/08/a_good_life_for_horses_at_duchess_sanctuary.html.

⁷² Equine Advocates, *PMU Industry*, February 12, 2010 <http://www.equineadvocates.org/issueDetail.php?recordID=5>.

⁷³ IGHA/Horseaid World, *The Beginning of the End?*, Mar. 5, 2004, <http://www.premarin.org/#>.

publicized, the Canadian government issued the PMU Farm Act of 1968-69, regulation number 217/70.⁷⁴ This act regulated licenses and permits and issued sanctions. In 1975, the company became American Home Products and is now known under the name Wyeth, Inc. Drugs containing PMU can now be synthesized or compounded without it.⁷⁵

However, PMU farms still exist. Wyeth-Ayerst Laboratories, Inc., now a subsidiary of Pfizer, is the only manufacturer of PMU and completely controls the entire Premarin industry.⁷⁶ Premarin was the most prescribed drug in America from 1975 to 1999.⁷⁷ In 2002, it fell to the fourth most prescribed drug in the United States and Canada. It is Canada's most profitable pharmaceutical export.⁷⁸

The urine is obtained by tethering the mares in a small stall from September until March or April.⁷⁹ A rubber cup is placed over her vulva and is held in place by a partial body harness. This apparatus almost absolutely restricts the mares' movement. They cannot turn around and some cannot even lie down.⁸⁰ Additionally, the catheters cause infection and painful lesions. The stalls are very small and usually are not insulated or have much bedding.⁸¹ They are given little (if any) exercise, suffer muscle soreness and hoof ailments, and are watered as little as possible to increase the concentration of the urine.⁸² The Humane Society of the United States estimates that there are at least 50,000 production mares on PMU farms. The mares produce approximately 40,000 foals annually. These numbers do not include the stallions and younger mares which could bring the total over 100,000.⁸³ PMU mares can be used for several years, provided that they become pregnant each year. However, these mares are often untrained and

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ Pfizer, *Wyeth is Now Part of Pfizer*, April 2, 2010, <http://www.pfizer.com/welcome/>.

⁷⁷ IGHA/Horseaid World, *The Beginning of the End?*, Mar. 5, 2004, <http://www.premarin.org/#>.

⁷⁸ *Id.*

⁷⁹ The Humane Society of the United States, *The Facts about Premarin*, accessed Jan. 28, 2010, http://www.hsus.org/horses_equines/issues/the_facts_about_premarin.html. There are about 500 PMU farms in North America. A majority of those are located in Western Canada. However, at least 30 PMU farms are located in North Dakota. The drug is produced at Ayerst Organics Ltd. located in Brandon and Manitoba, Canada. Urine from the mares on United States and Canadian farms is shipped to Brandon, Canada for processing.

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.*

unsocialized.⁸⁴ This makes it difficult to sell them once their careers on “the pee line” end. Typically, these “useless” mares are sent to auction and/or slaughter. The foals produced stay with their mothers about three to four months after birth instead of the normal six months. Then the mares are returned to the barns for another season of urine collection. The farmers may keep some of the female foals for future PMU production.⁸⁵ While other farmers breed the registered horses and attempt to sell them as riding prospects, the foals left over are sent to feed lots and slaughtered once they reach market weight.⁸⁶

This virus contributing to the Over-Breeding disease could very easily be eliminated permanently if doctors and patients agree upon taking the synthetic alternative drugs available. The continued use of these drugs, such as Premarin, encourages the inhumane treatment and slaughter of thousands of horses while also posing health risks to the patients taking the pills. A hormone study conducted in 2002 by the Women’s Health Initiative (WHI) found that long-term use of Menopausal Hormone Therapy (MHT) could cause very serious health risks.⁸⁷ They also found that MHT does not protect against heart disease and the longer women wait to begin the treatment, the greater the health risks. The health risks found by the study include: breast cancer, heart disease, strokes, blood clots, heart attacks, and dementia.⁸⁸

The victims of horse slaughter are not limited to domestic horses, but also to our wild horses and burros. The Bureau of Land Management (BLM) has been under fire for its management of wild horses and burros.⁸⁹ Since 1959 the Federal Government has protected America’s wild horses and burro herds.⁹⁰ There were an estimated 2–3 million wild horses at the beginning of the twentieth century, but this drastically changed when these horses were slaughtered for meat and pet-food.⁹¹ However, in 1971, the Wild Free-Roaming Horse and Burros

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ U.S. Department of Health & Human Services, *Understanding Menopause: Treatment and Talking to Your Doctor*, May 29, 2008, <http://www.womenshealth.gov/menopause/treatment/>.

⁸⁸ *Id.*

⁸⁹ Animal Law Coalition, *You Lie*, Jan. 5, 2010, <http://animallawcoalition.com/horse-slaughter/article/1130>.

⁹⁰ In 1959 the Wild Horse Annie Act was passed. It was followed up with the Wild Free-Roaming Horses and Burros Act in 1971.

⁹¹ Julie Whitaker, *The Horse: A Miscellany of Equine Knowledge* 131 (2007).

Act was passed to serve as protection for these animals.⁹² Yet another set-back occurred in 2004 when Conrad Burns, a former senator, amended the Omnibus Appropriations bill.⁹³ This amendment repealed the Wild Free-Roaming Horse and Burro Act of 1971. On February 9, 2009, Representative Nick Rayhall (D-WV) introduced H.R. 1018, the ROAM Act.⁹⁴ This act was introduced in the House to restore protection of wild free-roaming horses and burros.⁹⁵ However, animal welfare organizations have criticized the bill for various weaknesses including its weak euthanasia policy, the failure of the bill to limit the BLM's discretion to use drugs to control fertility, and its lack of public interaction and transparency.⁹⁶

The Bureau of Land Management (BLM) figures show that there are about 37,000 horses and burros remaining on Federal grounds.⁹⁷ However, many animal welfare groups have proved these statistics to be incredibly inaccurate. The BLM estimated the wild horse population to be at 24,000 in 1993.⁹⁸ Activists spent more than 250 hours in a plane counting the wild horses.⁹⁹ They found a mere 8,300 horses on the public lands.¹⁰⁰ The BLM received a budget increase of 30% in Fiscal Year 2010.¹⁰¹ It now costs taxpayers \$64 million a year to round up wild horses.¹⁰² There are over 33,000 wild horses in holding facilities owned by the BLM.¹⁰³ The public lands these animals occupy

⁹² *Id.*

⁹³ Wild Horse Preservation, *The Story Behind the Burns Amendment*, accessed on Jan. 28, 2010, http://www.wildhorsepreservation.com/resources/burns_story.html.

⁹⁴ Animal Law Coalition, *The Problem with Roam*, November 3, 2009, <http://animallawcoalition.com/horse-slaughter/article/1085>.

⁹⁵ *Id.* S.B. 1579.

⁹⁶ Animal Law Coalition, *The Problem with Roam*, November 3, 2009, <http://animallawcoalition.com/horse-slaughter/article/1085>.

⁹⁷ Department of the Interior, Bureau of Land Management, *National Wild Horse and Burro Program*, February 20, 2010, http://www.blm.gov/wo/st/en/prog/wild_horse_and_burro/national.html.

⁹⁸ Laura Moreti, *Mestengo. Mustang. Misfit. America's Disappearing Wild Horses*, Apr. 2, 2010, <http://www.wildhorsepreservation.com/problems/history/html>.

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² *Id.*

¹⁰³ Department of the Interior, Bureau of Land Management, *Wild Horse and Burro Numbers in Holding Facilities*, Nov. 22, 2009, http://www.blm.gov/pgdata/etc/medial/blm/wo/Planning_and_Renewable_Resources/wild_horses_and_burros/statistics_and_maps/transparency_page.Par/93730.File.dat/AdvBrdFacRpt1109.pdf.

comprise an area larger than the country of France.¹⁰⁴ The lands are available for many purposes, for example the lands can be leased for agriculture use. To illustrate, the ranchers and cattlemen pay the BLM to raise cattle on the lands.¹⁰⁵ The BLM conducts huge round-ups of wild horses and burros periodically and claim the round-ups are an attempt to control the population.¹⁰⁶ The BLM contests that by reducing the number of horses in each herd, they are protecting the herds and the rangelands they graze on.¹⁰⁷ The BLM fails to mention that the wild horses are found amongst approximately 6 million cattle and sheep that also occupy the public lands.¹⁰⁸ Many organizations and celebrities, such as the Animal Law Coalition,¹⁰⁹ Humane Society of the United States,¹¹⁰ Viggo Mortensen,¹¹¹ and Sheryl Crow¹¹² disagree that there is a wild horse and burro population problem. Also, knowing that these wild horses and burros only occupy about 0.5% of the grazing animals on public lands, there is questions regarding the management methods employed by the BLM.¹¹³

The BLM's round-up of the wild horses in the Calico Mountain Complex was challenged in Federal Court in December of 2009.¹¹⁴ Judge Paul L. Friedman ruled in favor of the BLM.¹¹⁵ However, he

¹⁰⁴ Department of the Interior, Bureau of Land Management, *Public Lands Under Exclusive Jurisdiction of the Bureau of Land Management, Fiscal Year 2008*, accessed Jan. 28, 2010, http://www.blm.gov/public_land_statistics/pls08/pls1-4_08.pdf.

¹⁰⁵ Department of the Interior, Bureau of Land Management, *History of Public Land Livestock Grazing*, July 17, 2009, http://www.blm.gov/nv/st/en/prog/grazing/history_of_public.htm.

¹⁰⁶ Department of the Interior, Bureau of Land Management, *Removals and Adopts by State 1996-2008*, Oct. 20, 2009, http://www.blm.gov/wo/st/en/prog/wild_horse_and_burro/wh_b_information_center/statistics_and_maps/wild_horse_and_burro2.html.

¹⁰⁷ Department of the Interior Bureau of Land Management, *Message from Director Bob Abby*, Jan. 4, 2010, http://www.blm.gov/wo/st/en/prog/wild_horse_and_burro/national/director.html.

¹⁰⁸ Laura Moretti, *Mestengo. Mustang. Misfit. America's Disappearing Wild Horses*, April 02, 2010, <http://www.wildhorsepreservation.com/problems/history1.html>.

¹⁰⁹ Animal Law Coalition, *You Lie!*, Jan. 5, 2010, <http://animallawcoalition.com/horse-slaughter/article/1130>.

¹¹⁰ The Humane Society of the United States, *Wild Horses and Burros*, accessed Jan. 21, 2010, http://www.humanesociety.org/action/fed_bill/wildlife/wild_horses_burros.html.

¹¹¹ James Kleinert, *Celebrity Support*, accessed Jan. 27, 2010, <http://theamericanwildhorse.com/bio.html>.

¹¹² *Id.*

¹¹³ Harnesslink News Room, *Public Lands or Zoos for Wild Horses?*, March 01, 2010, <http://www.harnesslink.com/www/Article.cgi?ID=78795>.

¹¹⁴ Animal Law Coalition, *You Lie!*, Jan. 5, 2010, <http://animallawcoalition.com/horse-slaughter/article/1130>.

¹¹⁵ *Id.*

recommended the round-up be canceled and warned the BLM that their method of rounding-up and holding wild horses and burros in long-term holding facilities may be an illegal violation of the Wild Free Roaming Horses and Burros Act (WFRHBA).¹¹⁶ To date, there have been 125 deaths of wild horses as a result of the Calico round-up.¹¹⁷

The BLM operates 11 long-term holding facilities.¹¹⁸ Cattleman John Hughes operates two of the BLM facilities in Oklahoma; one is Bartlesville and one in Catoosa.¹¹⁹ In an interview with wild horse expert, Ms. Valerie James-Patton in September 2007, John Hughes stated that once the horses are put into these long term facilities, they are never offered for adoption or sold to the public. They live their entire lives in the holding facilities and die there.¹²⁰

The BLM maintains records that show the age of the horses in these long-term holding facilities. In a BLM facility report dated November 22, 2009, there were approximately 10,866 horses under the age of 10 years and approximately 11,275 horses 11 years and older.¹²¹ Horses have a lifespan of about 20 to 30 years.¹²² It appears that the wild horses and burros placed in holding facilities will spend the next half of their lives in captivity and require mass funding to maintain them.

The BLM's Administrative Program Office in New Mexico is responsible for all the long-term and short-term holding facilities and adoption paperwork.¹²³ There have been a very high and alarming number of geldings (castrated males) shipped from New Mexico to

¹¹⁶ *Id.*

¹¹⁷ Vicki Tobin, *A Voice for Our Horses, Wild Horses*, <http://vickitobin.com/id22.html> (last updated April 13, 2010).

¹¹⁸ Department of the Interior Bureau of Land Management, *Wild Horse and Burro Numbers in Holding Facilities*, Nov. 22, 2009, http://www.blm.gov/pgdata/etc/medialib/blm/wo/Planning_and_Renewable_Resources/wild_horses_and_burros/statistics_and_maps/transparency_page.Par.93730.File.dat/AdvBrdFacRpt1109.pdf.

¹¹⁹ Valerie James-Patton, Investigative Report, Case Study: Suspected Illegal Exports of Geldings by Non-Slaughter Shipment From New Mexico to Mexico, November, 2007.

¹²⁰ *Id.*

¹²¹ Department of the Interior Bureau of Land Management, *Wild Horse and Burro Numbers in Holding Facilities*, Nov. 22, 2009, http://www.blm.gov/pgdata/etc/medialib/blm/wo/Planning_and_Renewable_Resources/wild_horses_and_burros/statistics_and_maps/transparency_page.Par.93730.File.dat/AdvBrdFacRpt1109.pdf.

There are 7 facilities in Oklahoma, 3 in Kansas and 1 in South Dakota. These facilities are divided as "geldings only" or "mares only."

¹²² The Unwanted Horse Coalition, *Own Responsibly*, accessed Jan. 27, 2010, <http://www.unwantedhorsecoalition.org/?id=3>.

¹²³ Valerie James-Patton, Investigative Report, Case Study: Suspected Illegal Exports of Geldings by Non-Slaughter Shipment From New Mexico to Mexico, November, 2007.

Mexico.¹²⁴ These animals are shipped as “non-slaughter.” According to a November 6, 2007 USDA Report, published in *Market News*, of Non-Slaughter Horse exports, the number of non-slaughter horses sent from Texas to Mexico was 785 breeding mares, 1,180 breeding females, and 345 geldings.¹²⁵ Compared to the same report conducted from New Mexico to Mexico, the findings were 0 breeding mares, 0 breeding females, and 2,708 geldings.¹²⁶ Due to the fact no mares and breeding females were exported from New Mexico to Mexico, it is safe to assume these animals are not being sent to Mexico for breeding purposes. The results of these reports are enough to give rise to a suspicion these horses are being exported to slaughter.

The BLM does operate a Wild Horse Adoption program, but it is severely ineffective.¹²⁷ Due to the large number of animals they round-up, it is not likely they will be able to find homes for all of them.¹²⁸ Additionally, the costs of maintaining the horses and burros in holding facilities are incredibly expensive.¹²⁹ The BLM is offering \$500.00 to those willing to adopt an adult mustang.¹³⁰ This is an attempt to relieve the BLM of the costs involved with holding the horses year around.¹³¹

Senator Burns made the following statement to the public when they demanded explanation to his amendment,

"I think what we should do is put some language in this thing that allows the BLM to sell excess wild horses. I'd prefer to sell 'em to whomever. Maybe some of them will end up going to slaughter."¹³²

¹²⁴ *Id.*

¹²⁵ Valerie James-Patton, Investigative Report: Suspected Illegal Exports of Geldings by Non-Slaughter Shipment from New Mexico to Mexico (Nov. 2007).

¹²⁶ *Id.*

¹²⁷ Department of the Interior, Bureau of Land Management, *Adoption Information*, February 03, 2010, http://www.blm.gov/wo/st/en/prog/wild_horse_and_burro/What_We_Do/wild_horse_and_burro0.html.

¹²⁸ Staci Matlock, *BLM Turns Down Shipments of Wild Horses*, November 04, 2008, <http://www.santafenewmexican.com/SantaFeNorthernNM/BLM-turns-down-shipments-of-wild-horses>.

¹²⁹ *Id.* In 2007 the BLM spent \$22 million of its \$39 million budget on caring for horses in holding facilities.

¹³⁰ Department of the Interior Bureau of Land Management, *\$500 Wild Horse Adoption Incentive Program*, May 1, 2009, http://www.blm.gov/nm/st/en/prog/wild_horse_and_burro/_500_Wild_Horse_Adoption_Incentive.html.

¹³¹ *Id.*

¹³² *The Burns Amendment: Thousands of Wild Horses Threatened with Slaughter*, accessed Jan. 29, 2010, http://www.wildhorsepreservation.com/resources/burns_amend.html.

This is exactly what happened after his amendment. The Interior Department had to investigate the slaughter of 41 wild horses in 2005.¹³³ They were concerned that the slaughter of wild horses would violate a federal contract which required them to be treated humanely.¹³⁴ Ford Motor, Co. stepped in and helped to rescue 52 other mustangs.¹³⁵ It was later discovered that the horses were purchased by a broker who traded for them with Rosebud Sioux Tribe of South Dakota.¹³⁶ A spokesman for the tribe explained that the tribe did not intentionally sell them for slaughter.¹³⁷ The horses were purchased from the BLM for a youth program.¹³⁸ However, when the horses were received they were too old and too big for the child to handle safely.¹³⁹

The Department also had to investigate the sale of 6 wild horses to a man from Oklahoma who sold them to slaughter at Cavel International, Inc. in Dekalb, IL.¹⁴⁰ Then they had to also intervene to save the lives of 16 more mustangs that arrived at a slaughter plant later that month and yet another time to save 36 mustangs being sent from Nebraska to the slaughter house in Illinois.¹⁴¹

PART THREE

The horse slaughter industry is quite clandestine in nature. It is difficult to trace its origins. We do know some facts about it. In 1903, German packer, Max Waldenburger (Waldenburger), a representative for a Frankfurt, Germany horse meat cannery, came to the United States with the intention of establishing meat factories.¹⁴² He felt Americans could be educated to incorporate horse meat into their diets.¹⁴³ Additionally, horse meat was cheap and he was hoping to garnish large profits from selling it.¹⁴⁴ Waldenburger noticed a prejudice in the

¹³³ MSNBC, *Interior Dept. Investigates Mustang Slaughter*, Apr. 26, 2005, <http://www.msnbc.msn.com/id/7646640/>.

¹³⁴ *Id.*

¹³⁵ *Id.*

¹³⁶ *Id.*

¹³⁷ *Id.*

¹³⁸ *Id.*

¹³⁹ *Id.*

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² *Horse Meat as Food*, *The Daily Courier* (Connellsville, PA), (February 6, 1903).

¹⁴³ *Id.*

¹⁴⁴ *Id.*

United States against eating horse meat.¹⁴⁵ Eventually, his business failed and he returned to Germany.¹⁴⁶

Horse Slaughter for Human Consumption was in operation in the early 1970s.¹⁴⁷ Many Americans did not know it existed.¹⁴⁸ The industry operated almost exclusively with kill buyers and meat men.¹⁴⁹ However, as the operation grew in the 1990s, more people became aware of its existence.¹⁵⁰ In 1998, *Equus Magazine* and the *Dallas Observer* noted 17 horse slaughter houses in the United States.^{151 152}

More information about horse slaughterhouses began circulating in the 1990s.¹⁵³ As a result, the horse slaughterhouses met with massive organized resistance from the public. In California, Cathleen Doyle and the California Equine Council led a successful campaign against horse slaughter in their state.¹⁵⁴ California passed the Prohibition of Horse Slaughter and Sale of Horsemeat for Human Consumption Act of 1998 and ended horse slaughter in the state.¹⁵⁵

In 2006, there were only three horse slaughter houses in the United States.¹⁵⁶ All three were foreign owned.¹⁵⁷ The remaining slaughter houses were: Dallas Crown, Inc. located in Kaufman, Texas, Beltex Corporation in Fort Worth, Texas, and Cavel International in DeKalb, Illinois.¹⁵⁸ Cavel International was owned by the Belgian meat corporation and the other two plants were owned by Belgian and French corporations.¹⁵⁹ Horse meat is considered a delicacy in some

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

¹⁴⁷ Christa Weil, *Meanwhile: We Eat Horses, Don't We?*, Mar. 5, 2007, http://www.nytimes.com/2007/03/05/opinion/05iht-edweil.4799607.html?_r=1.

¹⁴⁸ Equine Advocates, *Horse Slaughter: An American Disgrace*, accessed Jan. 2, 2010, <http://equineadvocates.org/issues/slaughter/slaughter.html>.

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*

¹⁵¹ *Equine Slaughter Houses in the U.S.A., Equus 2* (June 1998).

¹⁵² Thomas Korosac, *A Horse is a Course*, *Dallas Observer*, <http://www.dallasobserver.com/archives/1998/100198/feature1-1.html?cat=nfc&query=Belgium> (October 1, 1998).

¹⁵³ *Id.*

¹⁵⁴ *Id.*

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

¹⁵⁷ Kaufman Zoning, *Slaughter Plant Information, Locations and Miscellaneous Information*, accessed on Jan. 2, 2010, <http://www.kaufmanzoning.net/slaughterplantinfo.htm>.

¹⁵⁸ *Id.*

¹⁵⁹ Equine Protection Network, *Horse Slaughter-An American Disgrace, Not a Necessary Evil*, accessed on Jan. 10, 2010, <http://www.equineprotectionnetwork.com/saveamericashorses/stats.htm>.

European and Asian countries.¹⁶⁰ These three slaughterhouses focused on meeting the overseas demand for this product and thus the entire product was sent overseas. The plants employed a small amount of employees and did not circulate any of their profits into the U.S. economy. They paid a per pound set price for the horses they purchased, thus paying a very small amount of money for the animals. The meat can sell for upwards of \$20 per pound overseas.¹⁶¹ The federal government was spending an estimated \$5 million a year overseeing these plants.¹⁶²

Ms. Paula Bacon, former mayor of Kaufman, Texas, lived with the slaughterhouse nightmare in her town for years. She recognized quickly that the slaughterhouse was not welcomed by the citizens of the town.¹⁶³ She drew attention to plant's negative impacts on the town, including several thousands of dollars worth of environmental violations.¹⁶⁴ She sent a letter to the state legislature in 2009 documenting the atrocities that she handled while the slaughter plant was in operation.¹⁶⁵ Some of those atrocities included: the plant, Dallas Crown, Inc., had made \$12 million in gross revenues one year and paid a total of \$5.00 in Federal Income Taxes, they continually violated environmental regulations, left the city to pay \$6 million to upgrade their waste water treatment plant, violated court orders, and responded to 29 citations by requesting 29 separate jury trials causing economic strain on the city's budget.¹⁶⁶ Inevitably, the Dallas Crown and Beltex horse slaughterhouses were shut down in 2007 under a 1949 Texas law prohibiting the sale of horsemeat.¹⁶⁷

Cavel International was finally shut down when then Governor, Rod Blagojevich, signed into law the Illinois Horse Meat Act which prohibited the sale of horse meat for human consumption on May 24,

¹⁶⁰ Joyce Jacobson, John Holland, and Darrell R. Charlton Jr., *A Study of Equine Slaughter/Abuse Patterns Following Closure of Horse Slaughter Plants in U.S.*, June 18, 2008, <http://www.animallawcoalition.com/horse-slaughter/article/541>.

¹⁶¹ Jeff Burnside and Todd Wright, *From Race Horse to Main Course*, March 18, 2009, <http://www.nbcmiami.com/news/local-beat/From-Race-Horse-To-Main-Course.html>.

¹⁶² Former Mayor Paula Bacon, *Open Letter to State Legislatures Considering Pro-Horse Slaughter Resolutions*, Animal Law Coalition, Feb. 13, 2009, <http://www.animallawcoalition.com/horse-slaughter/article/686>.

¹⁶³ *Id.*

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

¹⁶⁶ *Id.*

¹⁶⁷ Amanda Duckworth, *Horse Slaughter Ruled Illegal in Texas*, January 22, 2007, <http://www.bloodhorse.com/horse-racing/articles/37191/horse-slaughter-ruled-illegal-in-texas>.

2007.¹⁶⁸ A federal judge upheld the Illinois law on July 6, 2007 when Cavell International, Inc. appealed on the basis of the Dormant Commerce Clause.¹⁶⁹ The Illinois slaughter plant was allowed to reopen under a temporary restraining order.¹⁷⁰ Prior to this law, an amendment to the Agriculture budget of 2006 had discontinued USDA funding for U.S. horse slaughter house inspections.¹⁷¹ These inspections are required for the slaughter houses to be able to sell their product.¹⁷² The USDA then allowed for the inspections to be paid for by the slaughter houses.¹⁷³ This allowance was subject to a law suit almost immediately. Finally, the trial court and the court of appeals decided against the USDA.¹⁷⁴ This inconvenience led to temporary closing of the Cavell slaughter house and finally to its more indefinite closure under the Illinois law.¹⁷⁵

Despite the efforts of states like California, Illinois and Texas, horse slaughter companies are actively striving to relocate their businesses into states that lack legislation protecting horses from this inhumane treatment.¹⁷⁶ It is very possible that horse slaughter houses desire to be located in the United States because we do not have many standards in place to regulate horse slaughter. Slaughter companies can also take advantage of the fact we have irresponsible organizations and owners willing to dump thousands of horses for a few hundred dollars each.

According to the EU regulations, horses that are going to be slaughtered cannot be exposed to certain kinds of medications such as penicillin, phenylbutazone, or banamine.¹⁷⁷ However, since horses in the United States are used for recreation and pleasure, they are routinely given these prohibited medications.¹⁷⁸ EU inspectors have

¹⁶⁸ Milt Toby, *Supreme Court Horse Slaughter Decision: What Does This Mean?*, June 17, 2008, <http://www.thehorse.com/ViewArticle.aspx?ID=12099>.

¹⁶⁹ The Humane Society of the United States, *Federal Court Upholds Illinois Horse Slaughter Ban*, July 5, 2007, http://www.hsus.org/press_and_publications/press_releases/federal_court_upholds.html.

¹⁷⁰ Joyce Jacobson, John Holland, and Darrell R. Charlton Jr., *A Study of Equine Slaughter/Abuse Patterns Following Closure of Horse Slaughter Plants in U.S.*, June 18, 2008, <http://www.animallawcoalition.com/horse-slaughter/article/541>.

¹⁷¹ *Id.*

¹⁷² *Id.*

¹⁷³ *Id.*

¹⁷⁴ *Id.*

¹⁷⁵ *Id.*

¹⁷⁶ Anne Medley, *Montana Opens Door for Horse Slaughter*, Feb. 26, 2009, http://www.newwest.net/city/article/montana_opens_door_for_horse_slaughter/C8/.

¹⁷⁷ HOOFPAC Political Action Committee, *How Safe is Horsemeat?*, accessed Jan. 27, 2010, <http://www.hoofpac.com/press/bsehoofandmouth.html>.

¹⁷⁸ *Id.*

made several statements regarding the inability of the USDA to distinguish between treated and untreated meat, the US food inspection services certifying tainted meat exports to the EU, and the complete lack of residue testing.¹⁷⁹

European Union countries have implemented a “passport” system for horses going to slaughter.¹⁸⁰ The system requires all health history and veterinary procedures be documented and these papers accompany horses destined for slaughter.¹⁸¹ This system ensures that the horse meat will not harm those consuming it.¹⁸² In the United States, there is no identification system like this for horses. It is very clear that by relocating to the U.S., slaughter houses are escaping many harsh regulations imposed by the EU.

PART FOUR

We have discussed some of the viruses leading to the horse slaughter medication. We must now take a look at the controversy. The areas to be explored are: A) the methods the slaughter houses use to slaughter horses, B) the American Veterinary Medical Association's (AVMA) policy on humane euthanasia, C) Reported cruelty at slaughter facilities, D) the Unwanted Horse Coalition, E) central arguments regarding the future of horse slaughter for human consumption,¹⁸³ and F) the American Horse Slaughter Prevention Act (AHSPA).

¹⁷⁹ *Id.*

¹⁸⁰ Suzanne Bush, *EU Bans Drug Tainted Horse Meat*, Oct. 2009, <http://www.pennsylvaniaequestrian.com/news/EU-ban-1009.php>.

¹⁸¹ *Id.*

¹⁸² *Id.*

¹⁸³ An interesting argument to note is the argument over how horses are classified. Currently, horses are considered livestock, not companion animals. Animal welfare organizations are trying to get this title corrected. However, a report on *The Horse.com* made an explosive statement:

Tax issues. Currently, under federal tax law, commercial horse owners and breeders are treated as farmers. This has certain tax ramifications which could be changed if horses were not considered livestock. In addition, horse owners and breeders are treated differently by state excise and sales taxes because horses are considered livestock. These advantages could be lost. If horses were no longer livestock, horse breeding would no longer be an agricultural endeavor and federal and state taxes for horse operations could increase.

American Association of Equine Practitioners, *Definition of Horses as Livestock*, Oct. 5, 2001, <http://www.thehorse.com/ViewArticle.aspx?ID=555>.

The modern day method of horse slaughter consists of rendering the horse unconscious by using a captive bolt stunner (a metal rod that is shot into their brain), hanging their rear leg in a heavy chain device which suspends them above ground, cutting the jugular vein or carotid artery which allows the blood of the animal to drain essentially killing it, and finally skinning the animal and removing the meat.¹⁸⁴ This process may sound very similar to how cattle are slaughtered. The captive bolt is considered a form of euthanasia by the American Veterinary Medical Association (AVMA), but this method has come under fire with several animal welfare groups, including Veterinarians for Equine Welfare (VEW).¹⁸⁵ Dr. Nicholas Dodman, professor and section head and program director of the Animal Behavior Department of Clinical Sciences at Tufts' Cummings School of Veterinary Medicine stated the following regarding the AVMA policy:

The AVMA does not advocate slaughter as a form of euthanasia to the general public. The association's brochure on equine euthanasia, *How Do I Know It Is Time: Equine Euthanasia*, speaks only of veterinarian-administered euthanasia, not slaughter.¹⁸⁶

The American Veterinary Medical Association (AVMA) is responsible for creating *Guidelines on Euthanasia*. The AVMA is a not-for-profit association that represents veterinarians working in private and corporate practice.¹⁸⁷ The association was created by the U.S. Department of Education and accredits U.S. veterinary schools.¹⁸⁸ They

¹⁸⁴ Equine Protection Network, *Horse Slaughter is Not for Pet Food!*, accessed Jan. 7, 2010, <http://www.equineprotectionnetwork.com/slaughter/render.htm>.

Horse slaughter should, in no way, be confused with rendering. The rendering process differs dramatically. A horse can be euthanized with drugs by a veterinarian, die of illness or natural causes. A renderer disposes of the carcass. The rendering facility uses the carcass to make soaps, fertilizers, etc. Any potential contaminants are broken down during the rendering process therefore posing to harm.

¹⁸⁵ American Veterinary Medical Association, *AVMA Guidelines on Euthanasia*, June 2007, http://www.avma.org/issues/animal_welfare/euthanasia.pdf.

¹⁸⁶ Veterinarians for Equine Welfare, *Horse Slaughter-Its Ethical Impact and Subsequent Response of the Veterinary Profession*, Jan. 9, 2008, http://www.vetsforequinewelfare.org/white_paper.php.

¹⁸⁷ American Veterinary Medical Association, *Who We Are*, accessed Dec. 28, 2009, http://www.avma.org/about_avma/default.asp.

¹⁸⁸ American Veterinary Medical Association, *What is the AVMA?*, accessed Dec. 30, 2009, http://www.avma.org/about_avma/whoweare/whatisavma.asp.

also produce scientific and medical information about animals.¹⁸⁹ These veterinarians take an oath to protect animal health and relieve suffering.¹⁹⁰

The guidelines developed by the AVMA help to direct veterinarians on the appropriate methods of euthanatizing an animal as to prevent any unnecessary pain and suffering. Part of these guidelines states the following with regard to veterinarian responsibility and captive bolt slaughter techniques:

It is our responsibility as veterinarians and human beings to ensure that if an animal's life is to be taken, it is done with the highest degree of respect, and with an emphasis on making the death as painless and distress free as possible.

Since most physical methods [of slaughter] involve trauma, there is inherent risk for animals and humans. Extreme care and caution should be used. Skill and experience of personnel is essential.

Adequate restraint is important to ensure proper placement of the captive bolt.

A nonpenetrating captive bolt only stuns the animals and should not be used as a sole means of euthanasia.

It is imperative that death be verified after euthanasia and before disposal of the animal.¹⁹¹

There has been a very heated debate as to the humaneness of the captive bolt when used on horses. The following affidavit was submitted by former USDA Veterinarian, Dr. Lester Friedlander, to the Congress in 2008.

The captive bolt does not meet the humane method of slaughter, as described in the 1958 "Humane Slaughter Act." Head restraints are not used in the slaughter of horses and therefore does not comply with the Statute. The captive bolt is used in cattle, due to the fact the

¹⁸⁹ *Id.*

¹⁹⁰ American Veterinary Medical Association, *Veterinarian's Oath*, accessed Dec. 30, 2010, http://www.avma.org/about_avma/whoweare/oath.asp.

¹⁹¹ American Veterinary Medical Association, *AVMA Guidelines on Euthanasia*, June 2007, http://www.avma.org/issues/animal_welfare/euthanasia.pdf.

cow's brain is more anterior than the horse's brain and the penetration of the bolt is more effective. Horses are not, and cannot be restrained, during horse slaughter. I have seen several video tapes of horse slaughter where the horses have to be struck with the captive bolt several times. No head restraints were used; to do so would cause these flight animals to break their necks. During these multiple times of striking the horse head with the captive bolt, the horses are in pain and suffering. It is important to know that the captive bolt does not kill the horse, nor was it ever intended to. The horse must be exsanguinated to be suitable for human consumption. As the captive bolt is not a proper instrument for the slaughter of equids, and these animals regain consciousness thirty seconds after being struck, they are fully aware they are being vivisected. Ergo, the use of the captive bolt for equids is a violation of the Humane Slaughter Act of 1958.¹⁹² I ask you to support HR 503 and S. 311 in the best interest of horses.¹⁹³

There is no question after reading Dr. Friedlander's affidavit, that modern day methods of horse slaughter are inhumane. The method in which slaughter houses slaughter horses is the same method that is used on cattle. As Dr. Friedlander reported, this is ineffective. Horses are very different in physiology than cattle and should not be slaughtered the same way.

There have been numerous reports by several animal welfare organizations, including the Humane Society of the United States, regarding the cruel treatment of horses destined for slaughter.¹⁹⁴ These reports have detailed abuse in the transportation to the slaughter houses as well as at the slaughter houses themselves.¹⁹⁵ To illustrate an

¹⁹² The Humane Slaughter Act is a federal law that was designed to protect livestock during slaughter. The Food Safety and Inspection Service (FSIS) oversees compliance with this law.

¹⁹³ Manes and Tails Organization, *Lester Friedland Affidavit*, Feb. 29, 2008, http://www.manesandtailsorganization.org/lester/Friedlander_1.pdf.

¹⁹⁴ The Humane Society of the United States, *Brutality of Horse Slaughter Exposed*, Feb. 6, 2009, http://www.humanesociety.org/news/news/2009/02/brutality_horse_slaughter_exposed_020609.html.

¹⁹⁵ The detail of these types of abuses is beyond the scope of this paper.

example of this abuse, Amanda Sorvino, a general partner of the Manes and Tails Organization, recorded undercover video footage of the Bravo Packing Horse Slaughterhouse, operated by Monty J. Merola.¹⁹⁶ The footage is shocking. The horses were intentionally starved before killed in attempts to obtain “lean meat” from them.¹⁹⁷ Additionally, Mr. Merola routinely beat the animals.¹⁹⁸ There is little doubt that these heinous practices exist in other slaughter houses. The Humane Society of the United States and other animal organizations have documented comprehensive footage proving horse slaughter plants are inhumane, cruel, and unconscionable.¹⁹⁹ If this evidence does not convince the skeptical person who chooses to believe that organizations concerned with humane practices are just “tree-hugging vegans,” the United States Department of Agriculture (U.S.D.A.) has provided documentation of atrocities as well. Regarding transportation to slaughter for example, the U.S.D.A. turned over a 906 page report regarding violations of the Commercial Transportation of Equines to Slaughter Act. The report was accompanied by 500 devastating photographs of cruelty.²⁰⁰

Slaughterhouse operations violate nearly every principle of the humane treatment of animals outlined in the AVMA’s guidelines. For example, slaughter house employees are not certified, trained and experienced with the techniques required to properly restrain a horse prior to captive stun euthanasia. It is not possible to restrain a horse because of their physical build as stated by Dr. Friedlander in his letter to congress. There is evidence that the animals even regain consciousness during the butchering process as stated by Dr. Friedlander. Therefore, their deaths are not verified prior to carcass disposal. The guidelines state that each horse’s life should be taken with the least amount of pain and distress. Yet, any person can type “horse slaughter” into an internet search and discover hundreds of

¹⁹⁶ Manes and Tails Organization, Amanda Sorvino, *Undercover Video of the Bravo Packing Horse Slaughterhouse*, accessed Jan. 1, 2010, <http://www.manesandtailsorganization.org/MEROLA/montytrailer.mpg>.

¹⁹⁷ *Id.*

¹⁹⁸ *Id.*

¹⁹⁹ The Humane Society of the United States, *Brutality of Horse Slaughter Exposed*, Feb. 6, 2009, http://www.humanesociety.org/news/news/2009/02/brutality_horse_slaughter_exposed_020609.html.

²⁰⁰ Veterinarians for Equine Welfare, *Information Obtained from the USDA Regarding Violations of the Transport to Slaughter Regulations*, accessed Jan 10, 2010, http://www.vetsforequinewelfare.org/white_paper.php/gallery-texarkana/pdf/pdf/usda_foia.php. The subject of transporting horses for slaughter is beyond the scope of this paper. However, many states, such as Illinois, have started to regulate the way horses are transported due to shocking reports such as the one discussed above.

graphic pictures and video footage of horses being slaughtered. These animals are clearly in pain and distress. The Humane Society of the United States posts footage of horse slaughter operations on their website. They also report on their website the abuse they discover at these facilities.²⁰¹

Due to the AVMA's position on horse slaughter, veterinarian members actually formed their own organization in response.²⁰² They call themselves Veterinarians for Equine Welfare (VEW).²⁰³ They courageously publicly denounce the AVMA's stance that horse slaughter is equivalent to humane euthanasia and support their denunciation through countless hours of research. On their website they state the following:

Horse Slaughter has never been considered a legitimate form of euthanasia by veterinary professionals or organizations, and we are disturbed by the fact that a few pro-horse slaughter political associations are distorting this message. Congress must hear from veterinary professionals that horse slaughter is *not* and *should not* be equated with humane euthanasia.²⁰⁴

With a stunning disregard for their own principles, the AMVA has joined forces with the Unwanted Horse Coalition (UHC) and the American Association of Equine Practitioners (AAEP) on the horse slaughter issue. In the past, these professional people have always been in the forefront championing the humane treatment animals. We have always been able to trust their integrity concerning the protection of the humane care of animals from birth to death until now.

The AVMA, AQHA, AAEP, and many other organizations are at the forefront of the battle to continue medicating the symptoms of over breeding with horse slaughter instead of looking for a cure to the disease itself.²⁰⁵ Although there are many arguments surrounding

²⁰¹ The Humane Society of the United States, *Brutality of Horse Slaughter Exposed*, Feb. 6, 2009, http://www.humanesociety.org/news/news/2009/02/brutality_horse_slaughter_exposed_020609.html.

²⁰² Veterinarians for Equine Welfare, *About Us*, accessed Jan. 13, 2010, <http://www.vetsforequinewelfare.org/about-us.php>.

²⁰³ Veterinarians for Equine Welfare, *Welcome*, accessed Jan. 13, 2010, <http://www.vetsforequinewelfare.org/>.

²⁰⁴ *Id.*

²⁰⁵ Humanion Films, *A Nation Betrayed: Saving America's Horses*, Humane Films, accessed Jan. 20, 2010, <http://www.savingamericashorses.org/home.html>.

horse slaughter in the United States, there are a few arguments in particular that proponents make central to their campaign. A) One argument revolves around the term “unwanted horses.” They argue that if slaughter is banned in the United States, there will be no options for disposing of these “unwanted horses.” B) If slaughter is banned the amount of abused and neglected horses will rise. C) If slaughter is banned in the U.S., horses will be shipped to Canada and Mexico for slaughter and endure worse fates.

Organizations such as the Unwanted Horse Coalition, want us to believe there is an uncontrollable “unwanted horse” problem.²⁰⁶ However, when a breeder makes the decision to breed, that foal is wanted. When a person purchases an animal and brings it home or accommodates it, it is wanted. The foal, in the case of the PMU mares, is simply an undesirable bi-product of their operations. However, it is initially wanted to induce the desired urine production from the mare. In the case of the racing industry, the foal is wanted until it proves inadequate to its design. All of these animals were initially wanted until they outlive or fall short of their value.

The surplus of horses in our country has been created by the utter irresponsibility of owners and organizations that encourage the mass production of animals for their own monetary benefit. The estimated two million owners in this country cannot possibly provide homes for the conservative estimate of 170,000 animals that organizations such as the AQHA and the thoroughbred industry dump into the horse population every single year. We do not have an “unwanted horse” problem in this country. We have a greed and irresponsibility problem when it comes to horse ownership. The leadership within the horse industry has grown to lack empathy and compassion for horses that do not meet their expectations. The UHC’s use of the term “unwanted horse” is nothing less than an excuse irresponsible owners use to shift the blame from themselves to their animals.

The UHC conducted a survey entitled the *2009 Unwanted Horse Survey*.²⁰⁷ Instead of targeting the real issue of *why* there are “unwanted horses,” they are trying to prove that unwanted horses will increase dramatically if horse slaughter houses in the U.S. are shut down. This survey creates the illusion that there is an uncontrollable

²⁰⁶ The Unwanted Horse Coalition, *Welcome*, accessed Jan. 19, 2010, <http://www.unwantedhorsecoalition.org/>.

²⁰⁷ The Unwanted Horse Coalition, *2009 Unwanted Horse Survey*, accessed Nov. 21, 2009, http://www.unwantedhorsecoalition.org/resources/UHC_Survey_07Jul09b.pdf.

“unwanted horse” problem, which will allow them to justify a need to slaughter as an option to alleviate this “problem.” The UHC states there is no accurate way to measure the number of unwanted horses.²⁰⁸ Yet, groups like the UHC and the AVMA try to prove the amount of unwanted horses by quoting numbers of horses taken to slaughter house operations and broadly defining all of these horses as unwanted.²⁰⁹ The UHC does not appear to take into account the fact that some horses sent to slaughter houses are stolen or sold under false pretenses.²¹⁰ The following is the UHC’s definition of an unwanted horse:

Horses which are no longer wanted by their current owner because they are old, injured, sick, unmanageable, fail to meet their owner’s expectations (e.g. performance, color, or breeding), or their owner can no longer afford them.”²¹¹

According to the above definition, any horse in the country could be considered “unwanted” at any point in time. This definition gives the impression that horses are a commodity. If your commodity no longer meets your needs, then it can be considered “unwanted.” The reality of owning any animal is that it may become old, sick, or injured. For example, if there is one animal that is “unwanted” the most, it may very well be cats. Animal shelters across this country are flooded with cats. Cats can be found roaming around communities and streets nearly everywhere. These cats probably fit the UHC’s definition of “unwanted,” but there is no institution that slaughters unwanted cats because there is no market for cat meat. There is a market for horse meat, therefore we can consider them “unwanted” and send them on to agonizing fates as justified by the UHC. In reality, these “unwanted” horses are simply not wanted by their owners. That does not mean that

²⁰⁸ The Unwanted Horse Coalition, *The Issue*, accessed Nov. 23, 2009, <http://www.unwantedhorsecoalition.org/?id=2>.

²⁰⁹ American Veterinary Medical Association, *Frequently Asked Questions about the Unwanted Horses and the AVMA’s Policy on Horse Slaughter*, Sept. 5, 2008, http://www.avma.org/issues/animal_welfare/unwanted_horses_faq.asp.

²¹⁰ According to the California Bureau of Livestock Identification figures, the rate of horse theft dropped 34% since slaughter was banned. Animal Welfare groups have suggested that some owners have sold their horses under the impression they are going to a good home. However, sometimes the people that purchase the horse sell it to slaughter later.

²¹¹ The Unwanted Horse Coalition, *2009 Unwanted Horse Survey*, The Unwanted Horse Coalition, 2, accessed Nov. 21, 2009, http://www.unwantedhorsecoalition.org/resources/UHC_Survey_07Jul09b.pdf.

they are unwanted completely.²¹² There may be someone interested in purchasing the horse or adopting it.

The UHC states the following on their website:

Unfortunately, the number of unwanted horses exceeds the resources currently available to accommodate them. The estimated cost of providing basic care for a horse ranges from \$1,800-\$2,400 annually. Currently, there are not enough volunteers, funding or placement opportunities for all the unwanted horses.²¹³

If this is indeed the dire state of horses in our country, then the UHC should be concerned with the source of the problem, over-breeding, if they ever intend on meeting their mission statement of “reducing the number of unwanted horses.”²¹⁴ However, their website does not acknowledge that over-breeding is even a problem. It is very possible that if they were to address this problem it would infringe on some of their members, especially the AQHA who insists on encouraging over-breeding.²¹⁵

The UHC implies that there is no way to accommodate these “unwanted horses.” Yet, they litter their website with “other options” for unwanted horses which includes donating them to a retirement farm or a rescue group.²¹⁶ At the same time, the UHC stated there are not enough volunteers, funding or placement for the unwanted horses. This would not be the case if over breeding was controlled.

The UHC grew out of the AAEP who, in turn, are partners of the AQHA.²¹⁷ The UHC is funded by these members and their partners so

²¹² Horse Talk, *Sensible Debate Over Unwanted Horses Would Help Anti-Slaughter Lobby*, Horsetalk.co.nz, May 27, 2008, <http://www.horsetalk.co.nz/features/horseslaughter-152.shtml>.

²¹³ The Unwanted Horse Coalition, *The Issue*, The Unwanted Horse Coalition, accessed Jan. 11, 2010, <http://www.unwantedhorsecoalition.org/?id=2>.

²¹⁴ The Unwanted Horse Coalition’s mission statement is to reduce the number of unwanted horses and to improve their welfare through education and the efforts of organizations committed to the health, safety, and responsible care and disposition of these horses.

²¹⁵ The Unwanted Horse Coalition, *Current Unwanted Horse Coalition Member Organizations*, accessed Jan. 27, 2010, <http://www.unwantedhorsecoalition.org/?id=4&s=3>.

²¹⁶ The Unwanted Horse Coalition, *Why They Become Unwanted*, accessed Jan. 11, 2010, <http://www.unwantedhorsecoalition.org/?id=2&s=2>.

²¹⁷ The Unwanted Horse Coalition, *About Us*, accessed Jan. 12, 2010, <http://www.unwantedhorsecoalition.org/?id=4&s=1>.

their objective if painfully transparent. Their survey targets these select groups to solicit a response that supports their initial premise that there is an “unwanted horse” problem.²¹⁸ A conflict of interest existed before this survey was even initiated.

Other equine organizations and individuals have noticed major discrepancies in this survey from the way the survey questions were phrased, to the fact that many people completing this survey are not experts on the subject and may have little, if any expertise in answering some of the survey questions. The Equine Welfare Alliance, a group of professionals knowledgeable in the issue of horse slaughter, wrote an article in response to the UHC’s survey. In their report they wrote:

The Unwanted Horse Coalition, a subsidiary of the American Horse Council continues to present a false facade of neutrality on the explosive issue of horse slaughter in America, all the while doing everything in its considerable power to bring back an industry shunned by the overwhelming majority of Americans.

In addition to leading questions, the targeted participants were largely members of pro slaughter organizations. Equine welfare organizations such as the Humane Society of the United States, Animal Welfare Institute, the Equine Welfare Alliance and numerous anti slaughter organizations were not invited to participate.²¹⁹

Many other pro-slaughter organizations try to justify slaughter by using the flawed logic that if slaughter is not an option, than more horses will be abused and neglected.²²⁰ The major problem with their argument is that they have no evidence of this claim. Additionally, if horses are indeed being abused and/or neglected, their owners are

²¹⁸ Equine Welfare Alliance, *Pro Slaughter Group Issues Tainted Survey Results*, July 10, 2009, <http://www.nowpublic.com/strange/pro-slaughter-group-issues-tainted-survey-results>.

²¹⁹ Equine Welfare Alliance, *Pro Slaughter Group Issues Tainted Survey Results*, July 10, 2009, <http://www.vickitobin.com/sitebuildercontent/sitebuilderfiles/gaostudyfinal.doc>.

²²⁰ Joyce Jacobson, John Holland, & Darrell R. Charlton Jr., *A Study of Equine Slaughter/Abuse Patterns Following Closure of Horse Slaughter Plants in U.S.*, Jun. 18, 2008, <http://www.animallawcoalition.com/horse-slaughter/article/541>.

subject to animal abuse charges.²²¹ They should not be allowed to get take their animals to slaughter and be paid for poor treatment.

There is no excuse for anyone to abuse and/or neglect their animal. When an animal is purchased, it is basic knowledge that they require food, water, and shelter at the very least. That fact does not change when their owners do not want them. Additionally, proponents argue that if slaughter is eliminated more horses will be shipped to Canada and Mexico and endure worse fates at the hands of foreign slaughter houses.²²²

John Holland, President of the Equine Welfare Alliance (EWA), along with researchers Joyce Jacobson and Darrell R. Charlton Jr., conducted a study entitled, *A Study of Equine Slaughter/Abuse Patterns Following Closure of Horse Slaughter Plants in U.S.*²²³ The data sources they used included the Illinois Department of Agriculture (ILDA), the United States Department of Agriculture (USDA), the Canadian Food Inspection Agency (CFIA), the Bureau of Labor Statistics, and the online database <http://www.pet-abuse.com/>.²²⁴

The study documents the number of horses slaughtered in the U.S., Mexico, Canada, and Japan from 1989-2007. The study makes mention of the fact that although slaughter peaked in 1990, the United States has been exporting horses to Canada and Mexico for the entire period of the slaughter study. Since 1999, horses were also sent to Japan for slaughter.²²⁵ Slaughter suffered a very drastic decline between 1990 and 2002.²²⁶ There is question as to why slaughter declined, possibly because of limited supply and/or demand or legislation. However in the U.S., slaughter declined about 81%.²²⁷ It declined from 350,000 horses slaughtered in 1990 to fewer than 50,000 in 2002.²²⁸ Slaughter opponents point out that during this time period there was no plight of abuse and neglect.²²⁹ They suggest that the situation would remain the

²²¹ Les Sellnow, *Horse Neglect: What to Do?*, Jun. 1, 2008, <http://www.thehorse.com/ViewArticle.aspx?ID=11985>.

²²² American Veterinary Medical Association, *Frequently Asked Questions About Unwanted Horses and the AVMA's Policy on Horse Slaughter*, Sept. 5, 2008, 2010, http://www.avma.org/issues/animal_welfare/unwanted_horses_faq.asp.

²²³ Joyce Jacobson, John Holland, & Darrell R. Charlton Jr., *A Study of Equine Slaughter/Abuse Patterns Following Closure of Horse Slaughter Plants in U.S.*, Jun. 18, 2008, <http://www.animallawcoalition.com/horse-slaughter/article/541>.

²²⁴ *Id.*

²²⁵ *Id.*

²²⁶ *Id.*

²²⁷ *Id.*

²²⁸ *Id.*

²²⁹ *Id.*

same if slaughter was ended permanently. The study makes note that supply was not an issue for slaughter plants as the horse population grew by 3-5% each year.²³⁰ As stated in the study, there were no federal or state restrictions on slaughter from 1989-1998. California did not pass their slaughter ban until 1998.²³¹ During this time slaughter had already declined from 400,000 horses per year to under 100,000.²³² Slaughter was not affected by legislation until 2007.²³³

Proponents of slaughter make the argument that closing slaughter plants in the United States will drive up horse exports to Canada and Mexico.²³⁴ Although, it is true that since the closing of U.S. slaughter plants, exports out of the country have spiked, this is not a unique situation. Mexican exports increased greatly after the closings in 2007, but they also did this in 1994.²³⁵ Domestic slaughter in the U.S. was over 100,000 horses a year during that year.²³⁶ The study shows that exports to Canada were also higher between 1991 and 1994 than after domestic slaughter in the U.S. closed in 2007. This shows that domestic slaughter in the United States does not protect horses from being exported over the border.²³⁷ Proponents continue to argue that if slaughter is unavailable, then we will have to absorb all the thousands of horses that would have gone to slaughter.²³⁸ The study shows that there were 142,720 American horses slaughtered or exported in 2006, opposed to 122,459 American horses slaughtered or exported in 2007 (a 17% decrease), by 2008 exports to Canada and Mexico completely replaced the reductions.²³⁹ This also proves that abuse and neglect cannot possibly be on the rise domestically since the closing of the slaughter houses has not impacted the volume of horses.²⁴⁰

²³⁰ *Id.*

²³¹ *Id.*

²³² *Id.*

²³³ *Id.*

²³⁴ American Veterinary Medical Association, *Frequently Asked Questions About Unwanted Horses and the AVMA's Policy on Horse Slaughter*, Sept. 5, 2008, http://www.avma.org/issues/animal_welfare/unwanted_horses_faq.asp.

²³⁵ Joyce Jacobson, John Holland, & Darrell R. Charlton Jr., *A Study of Equine Slaughter/Abuse Patterns Following Closure of Horse Slaughter Plants in U.S.*, Jun. 18, 2008, <http://www.animallawcoalition.com/horse-slaughter/article/541>.

²³⁶ *Id.*

²³⁷ *Id.*

²³⁸ Jane Smiley, *Why Horse Slaughter Is Necessary*, Mar. 1, 2009, <http://therail.blogs.nytimes.com/2009/05/01/why-horse-slaughter-is-necessary/>.

²³⁹ Joyce Jacobson, John Holland, & Darrell R. Charlton Jr., *A Study of Equine Slaughter/Abuse Patterns Following Closure of Horse Slaughter Plants in U.S.*, Jun. 18, 2008, <http://www.animallawcoalition.com/horse-slaughter/article/541>.

²⁴⁰ *Id.*

Proponents of slaughter are half correct in their arguments. Abuse and neglect has risen. However, this is not due to domestic slaughter houses closing, but due to horses having to be transported longer distances in horrible conditions by slaughter house employees.²⁴¹ The real issue of abuse and neglect of any animal in the United States strongly correlates to the economy and unemployment.²⁴² According to the study, unemployment increased in late 2007 and during this time abuse and neglect did too. There was not consistent correlation of abuse/neglect with the closing of the slaughter houses.²⁴³ Unemployment has historically been linked to child abuse and high crimes rates as well.²⁴⁴

When people cannot feed themselves, it is not unforeseen that they will not be able to feed and care for their pets. This does not necessarily mean that these animals are unwanted or abused/neglected on purpose. If a person is consciously abusing/neglecting their animals, having slaughter available does not mean this behavior will discontinue. These people more than likely do not limit their abuses to their horses, but to all their pets. It is a well known fact that people who abuse animals may be more predisposed to also abusing people. These people should be fined and jailed appropriately as decided by the jurisdiction in which they live.

There is no question we have a very large problem facing us today regarding America's Horses. It is a scary thought for any adoring horse owner that their beloved horse may meet a gruesome fate in a slaughter house either in the U.S. or elsewhere. Slaughter does not discriminate when it comes to the lives it takes. This is a tragedy that is best illustrated with the story of the great racehorse, Ferdinand. Ferdinand was the 1986 Kentucky Derby winner, 1987 Breeder's Cup Classic winner, and 1987 Eclipse Award Horse of the Year.²⁴⁵ He was sold to a breeding farm in Japan, where it was learned in 2002 that Ferdinand had been slaughtered.²⁴⁶

²⁴¹ *Id.*

²⁴² *Id.*

²⁴³ *Id.*

²⁴⁴ The Ohio State University, *Higher Crime Rate Linked to Low Wages and Unemployment, Study Finds*, accessed Jan. 24, 2010, <http://researchnews.osu.edu/archive/crimwage.htm>.

²⁴⁵ Ray Paulick, *Death of a Derby Winner: Slaughterhouse Likely Fate for Ferdinand*, July 25, 2003, <http://www.bloodhorse.com/horse-racing/articles/17051/death-of-a-derby-winner-slaughterhouse-likely-fate-for-ferdinand>.

²⁴⁶ *Id.*

There are horses that become sick, unmanageable, dangerous in some instances, or injured. Although, this is a fact of life and it is not a pleasant one, it is a chance we all take as horse owners. Horses are not flawless, god-like beings, they are animals. Horses do not understand why their color matters, that they are not the correct size or shape, or the value of the ribbons and trophies they win. These are man-made desires. In the unfortunate circumstance, that a horse's life does indeed need to be ended, it should be done as humanely as possible by means of injectable euthanasia. The AVMA deems this type of euthanasia as "the most desirable method when it can be performed without causing fear or distress in the animal."²⁴⁷ The UHC states on their website that the average cost of this procedure is \$66.00.²⁴⁸ The body can be buried, rendered, or incinerated. The fees included with these options range from \$75-250.00. The cost of humane euthanasia and carcass disposal equates to approximately one month's worth of care if not less. This cost is not excessive and is a cost the owner assumes when they purchase the horse.

PART V

There is a cure for the disease of Over-Breeding. It needs to stop. Organizations, such as the AQHA, need to change their mission statement and their mentality. They should be concerned with the welfare of the horses they produce, not the amount of horses they produce and the money they earn doing so. Horses are not a commodity; they are living beings that have basic needs. There are many people in the world that believe in the myth that they can become rich by exhibiting, breeding, and selling animals. This is rarely ever the case. The cost of feeding and maintaining the animals coupled with transportation costs, entry fees, apparel, equipment, veterinarian bills, advertisements and trainers will usually exceed any money the owner makes back. Some people try to counter this argument by attempting to make money on stud fees or foals. However, the situation is the same.

Breeding is not always a bad practice. There are good reasons to breed, such as to preserve the species and/or improve the breed. However, breeding should not be rampant, thoughtless, or money motivated. It should also be done in a practical manner and not in

²⁴⁷ American Veterinary Medical Association, *AVMA Guidelines On Euthanasia*, 11, June 2007, <http://www.avma.org/resources/euthanasia.pdf>.

²⁴⁸ The Unwanted Horse Coalition, *Why They Become Unwanted*, accessed Jan. 28, 2010, <http://www.unwantedhorsecoalition.org/?id=2&s=2>.

attempts to meet an impossible standard. That is the current problem in our country. People are breeding for the wrong reasons. Similar to some breeding practices being acceptable, it is also an acceptable desire to show or race your horse. One of the greatest gifts is seeing an animal do what it is bred to do. These recreational activities should emphasize the human animal bond and relationship, not purely the prizes or titles.

It is time we change our perception of animals. They should be treated with respect and compassion. Slaughtering horses for human consumption is not respectful or compassionate treatment. It is nothing less than tragedy and betrayal and it needs to stop. Owners need to start taking responsibility for their animals and acknowledging what costs are associated with owning them.

There are currently three federal bills circulating in congress regarding horses and their future: **HR 503**: Prevention of Equine Cruelty Act of 2009 (introduced in the House of Representatives and the Senate),²⁴⁹ **HR 305**: Horse Transportation Safety Act of 2009 (introduced in the House of Representatives),²⁵⁰ and **HR 1018**: Restore Our American Mustangs Act (passed in the House of Representatives, pending in the Senate).²⁵¹ These bills have been introduced into congress in hopes that they will serve as a catalyst in rebuilding our relation with American horses.²⁵²

HR 503: Prevention of Equine Cruelty Act of 2009 is designed to make possession, shipment, transport, purchase, sale, delivery, or receiving in interstate or foreign commerce any horse "with the intent that it is to be slaughtered for human consumption."²⁵³ This bill would also make trading horse flesh or carcass for the purpose of human consumption illegal.²⁵⁴ People who violate this proposed law will receive fines and jail time of up to three years.²⁵⁵ The jail time is reduced to one year if the person has no prior convictions and is moving four horses or less or less than 2,000 lbs of horse flesh.²⁵⁶ If this bill were passed, it would be added to the federal laws specifying crimes involving animals.²⁵⁷ **HR 305**: Horse transportation Safety Act

²⁴⁹ S 727, a companion bill of HR503, has been introduced into the Senate.

²⁵⁰ Lacks a Senate companion bill.

²⁵¹ S 1579, the Senate companion bill.

²⁵² Animal Law Coalition, *Horse Slaughter Pending Bills*, accessed Jan. 27, 2010, <http://animallawcoalition.com/horse-slaughter?filter0=pendingbill>.

²⁵³ *Id.*

²⁵⁴ *Id.*

²⁵⁵ *Id.*

²⁵⁶ *Id.*

²⁵⁷ Title 18 Chapter 3 of the U.S. Code.

of 2009 would prohibit the transportation of horses in interstate transportation in a motor vehicle containing two or more levels stacked on top of one another.²⁵⁸ **HR 1018:** Restoring our American Mustangs (ROAM) would 1) ban the sale, transfer, transport, or possession of wild horses and burros for slaughter, 2) ban the killing of healthy wild horses and burros, and 3) requires the BLM “to protect and manage wild free-roaming horses and burros as components of the public lands” and “designate and maintain specific ranges on public lands as sanctuaries for their protection and preservation.”²⁵⁹

It is unfortunate that we must resort to legislation to encourage the humane treatment of animals. It is further troubling that, although courageous efforts by men and women are being made to protect our animals, they are met with complete hostility by organizations such as the AVMA, AAEP, and AQHA. These are trusted organizations that have long been pioneers of the horse industry. They now choose to betray the very animals that led them to their greatness. The AVMA states that they are not “pro-slaughter,” they just feel HR 503 is a “bad bill.”²⁶⁰ However, they do not express any intention to help improve it. The only reason HR 503 is a “bad bill” is because it exposes and eliminates an outlet of disposal completely abused and exploited by so many of the AVMA’s customers, partners, and possibly some of their own members. It is still heroic to fight the good fight. Hopefully, in time, the AVMA and other organizations will do just that. As stated by the great Anna Sewell,

My doctrine is this, that if we see cruelty or wrong that we have the power to stop, and do nothing, we make ourselves sharers in the guilt.²⁶¹

CONCLUSION

The betrayal and exploitation of the horse by human beings must stop. It is a tragedy that society’s conscience has been degraded to the point that we believe we have the right to mass produce living, breathing companion animals then inhumanely dispose of them simply

²⁵⁸ Animal Law Coalition, *Horse Slaughter Pending Bills*, accessed Jan. 27, 2010, <http://animallawcoalition.com/horse-slaughter?filter0=pendingbill>.

²⁵⁹ *Id.*

²⁶⁰ American Veterinary Medical Association, *Frequently Asked Questions About Unwanted Horses and the AVMA’s Policy on Horse Slaughter*, Sept. 5, 2008, http://www.avma.org/issues/animal_welfare/unwanted_horses_faq.asp.

²⁶¹ *Famous Quotes & Authors*, accessed Jan. 23, 2010, http://www.famousquotesandauthors.com/authors/anna_sewell_quotes.html.

to satisfy our greed. It is one issue to euthanize sick and aged animals. It's another issue to slaughter healthy animals simply because they no longer serve an artificial purpose or meet a man-made expectation. We bring these horses into the world under the circumstances set out in this report, then pathetically dispose of them when they become inconvenient. This is not the definition of "responsible animal ownership" whether stated by the United Horse Coalition (UHC) or the American Veterinary Medical Association (AVMA).

Horse slaughter is not a solution. It is a man-made disgrace under every definition of the word. The disease of Over-Breeding has a simple cure, discontinue the practice! The symptoms will, in time, subside and slaughter will be completely irrelevant. Once the inhumane practice of horse slaughter is eliminated, breeders will be held more accountable for the number of horses they are producing. This novel idea of "owner responsibility" will slow the mass production of animals because the financial obligation to maintain the horses that breeders produce will increase the cost of breeding them. Ultimately reducing the number of animals produced and reducing the alleged surplus of horses.

The foreign infestation of international businesses allowed to operate slaughter facilities in the U.S. is a national disgrace. These foreign businesses have nothing but ridicule and disdain for our country's ideals and policies. They have been allowed to exploit our own resources, maliciously circumvent our legal system, ignore our court rulings, disparage our communities, and evade taxes to conveniently profit from the greed of breeders and industry in this country.

Regardless of our faults, this country has always been and always will be a beacon for human rights in the world. It is time that our country also becomes a beacon for animal welfare and owner responsibility as well. This must begin with federal and state legislation banning horse slaughter from our shores. Then perhaps organizations such as the AQHA will rediscover the courage to make the right decisions regarding the treatment and care of horses that they produce. The day may come when this country forsakes its animals and the good of a few will fall to the greed of many, but it will not be this day. On this day, we will fight for responsible horse ownership in this country and against the shameful inhumane treatment of them.