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The Tipping Point



Tipping point- the critical point in a situation beyond which a significant, often unstoppable change, takes place.

Nightline Video

Did you miss Jackie McConnell in action? ABC's Nightline still has video up as does YouTube.

USDA 2012 Tests

In 2012 USDA tested for prohibited substances at sanctioned shows and on randomly selected horses. See Page 2

On Capitol Hill

HR Bill 1518, the PAST Act of 2013, has been introduced. See who sponsored it and what the bill would do. See Page 3

What is *The Tipping Point* and How Did I get it?

You're on the list because you love horses; you hate abuse; you believe that individuals can make a difference if they have the information they need to be thoughtful advocates. You're on the list because a 40- year -old battle could be won this year with your help, because this fight will take all of us to win.

In 2012, ABC's **Nightline** showed undercover video taken of Hall of Fame walking horse trainer and Celebration World Grand Champion winner Jackie McConnell of Collierville, Tennessee, demonstrating the training practices he used to produce his "winners" over the years. The actions themselves were nothing new. McConnell had a documented 20-year plus history of violating the federal Horse Protection Act, apparent from his industry and federal cases related to exhibiting sore horses.

What *was* new was that for the first time the public saw behind the blue ribbon

facade and witnessed what was taking place each day in just one of the famous training barns in the Tennessee walking horse business.

In 2012 in federal court McConnell became a convicted felon after pleading guilty to a single count of conspiracy. In March of 2013 he was indicted in Tennessee for 22 counts of cruelty to animals as a result of the same undercover investigation.

Nightline brought new attention to the abuse of horses through chemical and mechanical "training and shoeing"

practices used to obtain exaggerated gaits in too many walking, racking, and spotted saddle horses. Despite its avowals to the contrary, the show business in these breeds failed to take meaningful action to stop soring in the 40 years since the federal law was passed in 1970. Self-policing didn't work in 1970 and it doesn't work now.

The stories have been out there for years but seeing is believing. Nightline's video of McConnell and his crew in action was the tipping point that could change shock into action. People have asked, "How can this *still* be happening? But, what can I do?" The answer is become an informed advocate and be willing to act.

Bringing about meaningful change requires having access to real information. Each month, until the newly proposed **PAST Act of 2013** is in fact passed, *The Tipping Point* will provide facts and figures that you can use to make a difference when you talk to your friends and your representatives. When do we start? We start now!



April 12th The USDA Released Its 2012 Foreign Substance Test Results

For several years USDA has, during inspections, randomly selected horses for swab testing to disclose the presence of illegal foreign substances on the pasterns. This process began when the “industry” demanded that more science be brought to the inspection process as digital palpation was considered by the show crowd to be unreliable. The results are telling.

Source of information
USDA APHIS
Horse Protection Program

How: In 2012, the USDA took samples at 24 sanctioned shows. 478 samples were taken from randomly selected horses presented for inspection under the federal Horse Protection Act that prohibits foreign substances on the pastern of any horse presented for inspection. Of the 478 samples, 309 samples were positive.

Where: Samples were drawn at shows in South Carolina, Tennessee, Florida, Kentucky, Washington, Illinois, and Ohio. Only a single show, The NWA National in 2012, produced zero positive results.

Results: All of the results are available on the USDA’s website, but a quick look at what are considered to be “showcase” shows tells the tale:

National Trainers’ Show – White Pine, TN, April 12-14, 2012. **22 sampled; 21 positive**

Gulf Coast Charity Show-Panama City, FL, April 26-28, 2012. **18 sampled; 18 positive**

Petersburg Lions Club Show-Riders

Cup, Petersburg, TN, May 18, 2012. **15 sampled; 13 positive**

42nd Annual Spring Fun Show, Shelbyville, TN, May 24-25, 2012. **30 sampled; 22 positive**

Tennessee Walking Horse National Celebration, Shelbyville, TN, Aug.22-September 1, 2012; **190 sampled; 145 positive**

Of interest: In 2011 the USDA swabbed 156 horses at The Celebration and found 153 positives. In 2012, after the McConnell video, Celebration officials went on the offensive touting new inspection protocols that included its own swabbing test for each horse entered in the show. Although horses were swabbed, all the swabs were not analyzed, but of the swabs the Celebration did choose to send for processing **only 2 positives were found.**

CONCLUSION: In 2012, even when faced with increased scrutiny from the press and public and an aggressive media campaign from the show touting reform, the number of horses that were positive actually increased with the larger sample- 145 out of 190 horses.

What exactly was on those horses’ pasterns?

A quick look at only a few of the common reactors tells the tale.

1,4-bis[(1-ethylethyl)amino]-9

Aka **Oil Blue A**, also called **Solvent Blue 36, Solvent Blue A, Oil Blue G, Blue AP, 1,4-bis(isopropylamino)anthraquinone**, and **CI 61551**, is a blue dye derived from **anthraquinone**. It has the appearance of a dark bluish-violet powder, soluble in **acetone**, **benzene**, and **toluene** and insoluble in water, with melting point 133-135 °C. Oil Blue A is used as a dye for **polystyrene** and **acrylic resins**, and in **petroleum** and **inks**. It has good resistance to light. A chemically similar dye is **Solvent Blue 35**

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A service of the HSUS

[Look up your legislators' phone numbers here.](#)

House Resolution 1518 The PAST Act of 2013

Source
Public Record of legislation introduced

WASHINGTON, D.C.- April 11, 2013 is a day that people have waited for and some never believed would arrive. The date marks the introduction of H.R. 1518, tagged as the **PAST (Preventing All Soring Tactics) Act of 2013**.

In a bipartisan spirit of concern for the humane training and treatment of Walking, Racking, and Spotted Saddle Horses and an insistence on the enforcement of the law, Congressman Ed Whitfield R-Ky introduced this bill intended to strengthen the existing Horse Protection Act of 1970. Although the HPA prohibits the showing, exhibiting, transporting or sale at auction of any horse that has been “sored”, enforcement has never been able to keep up with the ingenuity and duplicity of those who have made it a practice to violate the law. The PAST Act when passed will change that scenario.

Congressman Whitfield was joined by co-sponsor Congressman Steve Cohen D-Tenn., along with Joseph Pitts, R-Pa., Jan Schakowsky, D-Ill., Frank LoBiondo, R-N.J., and Jim Moran, D-Va.

The Congressional effort has been endorsed by the American Horse Council, the American Association of Equine Practitioners, The American Veterinary Medical Association, the ASPCA, and the Humane Society of the United States [HSUS] and has also been joined by breed organizations and equine professionals.

Representative Cohen, whose state holds the Tennessee Walking Horse Celebration, observed that the practice of soring horses is both illegal and unacceptable then added, “Those responsible for abusing these horses should be punished severely and banned from the sport. How we treat animals is a direct reflection of our character, both as individuals and as a nation. There is no ribbon, no prize nor championship worth the price of one’s humanity.”

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H.R. 1518 includes **key reforms** that are aimed at stopping the long-standing practice of soring once and for all.

These reforms include:

- Mandating that the USDA rather than industry organizations will assign licensed inspectors to horse shows when requested by show management. This reform will stop cronyism and conflicts of interest present in the current self-regulations scheme and will create a uniform, rigorous and consistent inspection process and aid in the enforcement of penalties when violations are discovered.
- Prohibit the use of action devices in walking, racking, and spotted saddle horse breeds.
- Prohibit the use of stacks or performance packages in these same breeds as well as weighted shoes, hoof bands, et al, and other devices and materials if constructed to artificially alter the gait of the horse and is not strictly protective or therapeutic.
- Prohibit the actual soring of a horse for the purpose of selling or showing it
- Raise the current misdemeanor criminal penalties to felony level, providing up to three years of jail time for each violation
- Double the current fines
- A third violation could trigger permanent disqualification from participating in any horse show, exhibition, sale or auction.

was quoted as saying, “ Far too often, those involved in showing Tennessee Walking Horses have turned a blind eye to abusive trainers, or when they do take action, the penalties are so minor, it does nothing to prevent these barbaric acts. This amendment [to the HPA] does not cost the federal government any additional money and is essential in helping to put an end to the practice of soring by abusive trainers.”

The AHC release further explained that if a breed, discipline, or activity was not soring its horses to exaggerate their gaits that as a practical matter the Horse Protection Act has not adversely affected them and that H.R. 1518, the bill to amend the present law, will not affect them any more than current law does.

Jay Hickey, the president of the American Horse Council, said, “ This bill focuses on the problem it is intended to solve and does not adversely affect other segments of the show industry that are not soring horses. “ He added that the AHC would be involved in the Congressional process and would oppose any efforts, amendments or attempts to broaden the Act or its enforcement that would adversely or unnecessarily affect any breeds, disciplines, or horses that have no history of soring.

The bill is also supported by The American Morgan Horse Association, the American Paint Horse Association and the Pinto Horse Association of America with additional associations expected to lend their names to its support.

H.R. 1518 has been referred to the House Committee on Energy and Commerce.

Getting Started as an Advocate

- 1) Read H.R. 1518, the PAST Act of 2013. It isn't very long.
- 2) If you belong to a breed or discipline organization ask your board to consider lending its name to the effort to pass H.R. 1518
- 3) Have a good grasp on the reasons why it is important to pass this bill. Keep facts and figures in the forefront of any discussions you have about it.
- 4) Contact your legislators and express support for the bill. Be courteous; be brief but be direct. Have current facts at hand to make your point. Calling is better than e-mail but e-mail works as does fax mail. You can locate your legislators through the link on P.3, a service provided by the HSUS
- 5) Follow what's going on with the Bill and keep in touch with your friends about it. Don't lose interest if it takes time to get the bill passed. It's taken 40 years to get this far! Opponents are already saying the PAST Act of 2013 has less than a 10 % chance of passage based on their previous successes in fighting the HPA. This time will be different.

6) The difference is YOU.

In a news release from the American Horse Council, Congressman Whitfield



About Roy Exum The Chattanooga.com : **Jackie McConnell Back in Court, March, 2013**

Roy Exum is a daily columnist with a long career as a sportswriter. He is based in Chattanooga, Tennessee. He first covered the walking horse business when he learned that Jackie McConnell would be in town to be tried for the actions seen in Nightline. He was not a horse person but he was outraged. After his first column, information began to pour into him from people who felt that there was a bigger story that needed to be told. Mr. Exum began to do the research and he began to write columns that exposed what was going on within this business. As a result of his down to earth writing, the story of abuse and inhumane treatment, as well as shady and shifty dealings of the organizations and the players went viral. In 2013 he received a media Genesis Award for his work on this subject. He continues to follow the story. Here is one of his recent columns, reprinted with his permission. Contact Mr. Exum at royexum@aol.com

Jackie McConnell, the most notorious abuser of Tennessee Walking Horses that the world has ever known, will be arraigned on 22 counts of animal abuse in a Somerville, Tn., court today after a Grand Jury in the Fayette County Courthouse returned a true bill on Monday. The state charges were the result of an undercover video taken in 2011 and finally the man known, as "Jackie The Jerk" will be brought before the court sometime in late spring.

McConnell, already a convicted felon after federal charges were proven in Chattanooga last year, will be arraigned with Jeff Dockery, who has three counts, and John Mayes, who has two. State authorities raided McConnell's barn shortly after the scathing video showed him repeatedly clubbing, shocking and sadistically torturing the horses in his care to achieve the "Big Lick" unnatural gait that is today the scourge of the entire horse industry.

McConnell has a known record that includes over 30 unbroken years of persistent violations of the federal Horse Protection Act but, because laws have been so lax, he has done little more than wink and continue on his way.

Last year Federal Judge Sandy Mattice forced the millionaire to pay a \$75,000 fine and called him a felon, but McConnell, once a Hall of Fame trainer of the National Celebration headquarters in Shelbyville, could now see jail time on the state charges.

Efforts to reach Asst. DA Mark Davison in Fayette County were futile yesterday, but in July the state put into law an animal protection bill that made such abuse a felony, each count good for one-to-five years. Because the men were indicted before the law went into effect could be a sticking point; before the act of soring horses with caustic oils and pastes was merely a misdemeanor.

McConnell provided a trophy for last year's Celebration and, while he is forbidden to own or train horses, it is suspected he still has a presence in the seedy "Big Lick" portion of showing horses, which has now made the state of Tennessee the world leader in horse abuse. (No other country purposely maims its horses for sport.)

McConnell's lawyers, of course, are quick and eager to strike a plea with state prosecutors and knowledgeable persons suspect a judge in the West Tennessee court would approve such an arrangement if the maximum sentence for a misdemeanor might not be worthy of a full-face trial.

Federal prosecutors in Chattanooga are keen on better legislation – now proposed in Washington – and have said they will actively pursue horse abuse as horse-show season begins. "When you deal with murder, rape, strong-armed robbery, conspiracy and everything else we see, it is hard to admit horse abuse is pretty far down on the priority list," said one assistant DA.

"But we are also well aware the public outcry against horse abuse is raging after the Jackie McConnell tape was shown on ABC News 'Nightline' and we haven't had a case of any kind that caused such outrage. We will actively monitor and pursue and viable lead we can find." **Continued on page 7**



These are some of the common chemicals found on the pasterns of horses tested by the USDA at 2012 horse shows. And why, you ask, would these chemicals be present at all if soiling and covering up soiling is not an issue?

Octyl methoxycinnamate

an organic ester used in sunscreens (and lip balms) formed from methoxycinnamic acid and 2-ethylhexanol. It is a sun-blocking agent that absorbs UVB rays, but not UVA rays. However, when it is exposed to sunlight, it is rendered less effective, although this reaction can be prevented by the addition of other ingredients (as seen in the formula of Tinsorb). **It is also used to reduce to appearance of scars**

Methyl Salicylate and Vitamin E acetate

Common ingredient in pain relievers such as Flexall

Continued from page 2 **What *exactly* was on those pasterns?**

Isopropyl Myristate

binders, Is absorbed readily by the skin, helps cosmetics apply more smoothly and gives them a slicker, sheer feel. Isopropyl myristate, an alcohol used in hair rinses, hand lotions and fragrances, **is also a solvent that dries the skin and hair, and creates cracks and fissures in the skin, which encourage bacterial growth.**

Benzocaine

It is the active ingredient in many over-the-counter (OTC) products used to relieve pain in the mouth and gums from a variety of conditions. OTC benzocaine products come in the form of gels, sprays, liquids, and lozenges.

phthalate esters

are **esters** of **phthalic acid** and are mainly used as **plasticizers** (substances added to **plastics** to increase their flexibility, transparency, durability, and longevity). They are used primarily to soften **polyvinyl chloride** (PVC). Phthalates are being phased out of many products in the **United States, Canada, and European Union** over health concerns.

Phthalates are used in a large variety of products, from **enteric coatings** of pharmaceutical tablets and nutritional supplements to **viscosity** control agents, gelling agents, film formers, **stabilizers, dispersants, lubricants, binders,**

emulsifying agents, and suspending agents. End-applications include adhesives and glues, electronics, agricultural adjuvants, building materials, personal-care products, medical devices, detergents and **surfactants,** packaging, children's toys, **modeling clay,** waxes, **paints,** printing inks and coatings, pharmaceuticals, food products, and textiles.

o-aminoazotoluene

Reasonably anticipated to be a human carcinogen

an azo compound. Azo, diazo, azido compounds can detonate. This applies in particular to organic azides that have been sensitized by the addition of metal salts or strong acids. Toxic gases are formed by mixing materials of this class with acids, aldehydes, amides, carbamates, cyanides, inorganic fluorides, halogenated organics, isocyanates, ketones, metals, nitrides, peroxides, phenols, epoxides, acyl halides, and strong oxidizing or reducing agents. Flammable gases are formed by mixing materials in this group with alkali metals. Explosive combination can occur with strong oxidizing agents, metal salts, peroxides, and sulfides. O-AMINOAZOTOLUENE is sensitive to prolonged exposure to heat. O-AMINOAZOTOLUENE is incompatible with strong oxidizing agents.



Change is in the Air. A 2012 Mason-Dixon Poll Shows that:

By a 5-1 margin in Tennessee and a 3-1 margin in Kentucky, voters overwhelmingly support stronger legislation to prevent the cruel practice of horse soring.

75% of Tennessee voters and 69% of Kentucky voters support federal legislation to strengthen the

Horse Protection Act. Only 14% in Tennessee and 19% in Kentucky oppose this action.

62% of Tennessee voters and 45% of Kentucky voters support legislation at the state level to make the act of soring a felony offense.

By a 3-1 margin, Tennessee and Kentucky voters would avoid buying from companies providing financial sponsorship to shows that promote the "Big Lick".

Roy Exum continued from page 5

Officials of the Humane Society of the United States, the U.S. Department of Agriculture and other animal protection agencies are targeting Tennessee, as well as hotbeds of abuse in North Carolina and Kentucky. With last year's success and strengthened Tennessee laws, many true horsemen feel violators must go to jail before the rampant soring will stop.

The top two equine veterinary groups in the United States have openly called on the nation's lawmakers to ban the built-up pads, or stacks, that shady Walking Horse owners use, as well as performance devices and tight bands around the hooves. Legislation is pending but the "Big Lick" crowd is fighting back. Not long ago they held a reception for a disreputable Senator from Kentucky, Mitch McConnell (not believed to be kin to Jackie).

The Kentucky senator has bullied the USDA to "lay off" the Shelbyville "Big Lick" crowd and was the subject of a scathing series in the Lexington newspaper this summer. But, just like the defiant and now-battered Big Lick hierarchy, the Republican Senator doesn't seem to realize or even care he is a "bought" puppet of treacherous people.

Curiously, people haven't forgotten the undercover tape or Jackie. The tape just won a Genesis Award in Los Angeles and copies of it have been viewed with disgust all over the world. Jackie is famous and, if state charges can somehow shoehorn the villain into jail, it will be a colossal achievement for the men and women worldwide who honor the horse.

Watch your mailbox for future issues of *The Tipping Point*, a resource for taking action to support a good cause.