

# #2

# The Tipping Point

## Passed Away

Helen Crha, who bravely appeared in the 1986 CNN Walking Horse Soring Expose video, passed away April 2013. She was a member of the National Plantation Walking Horse Association, the first to boycott the traditional industry.

She spoke out when others feared to do so. She will be missed.

## Opening Doors or How to Let Your Voice Be Heard



### Raid!

4

Another Tennessee barn produces evidence of sore horses. Trainer Larry Wheelon faces felony horse abuse charges.

### How Long?

5

If you're new to this issue you may wonder how long the story has been in the news. Reporting from 53 years ago shows it's the same song, different verse.

### AG-GAG

3

It's the latest legislative tool to make sure that whistleblowers are silenced and criminals get the chance to go undetected

Some people pay to play in Washington, D.C., but you can get results with a simple plan and your principles.

Using only people power, a guide to Congress, and airline tickets, these ladies increased the money that went towards Horse Protection. Here's how they did it. **You can do it, too!**

**Some were young; some, not so young. Some had advanced degrees; some were high school graduates.** They came from New York to California, Texas to South Dakota, and everywhere in between. Some were Democrats; some were Republicans.

But they had something deep and abiding in common. They loved the Tennessee walking horse and despised the abuse the breed endured in the show ring. They were disgusted that the torture continued despite a federal law that had prohibited it for decades. (The abuse is called soring – the

infliction of extreme pain in the horse's front legs when they hit the ground, causing the horse to fling the leg upward, creating the gait rewarded in the ring.)

They decided to do something about it. And they did. Here's how.

This group met on the Internet in a chat room for walking horse lovers. It narrowed down to 10 fired up members who formed a group of their own. They formed an action plan.

First, they had to find out why the law



"First, they ignore you.

Then, they laugh at you.

Then, they fight you.

Then, you win." *Gandhi*

wasn't being enforced. A Freedom of Information Act request (forms easily available on line) to the USDA answered that question.

A key senator – **Mitch McConnell** - had blocked any USDA attempt to enforce the soring ban. He put his threat in writing to the USDA; if the USDA enforced the law, the Senate would strip USDA funding. The threat was powerful, given that McConnell was chair of the Senate appropriations committee.

Continued on page 8



## Insert Foot Here

The common explanation from some in the show world is that the horse wearing a performance shoe is no different than a woman wearing high heels and the action device chain (which is now color coded to make it disappear) is no different than wearing a bracelet. In future issues look for current thinking on those subjects.

A recent story in the New York Daily News featured Sex and the City star **Sarah Jessica Parker** and the aftermath of her love affair with gait altering, bio-mechanical meddling stiletto heels.

Parker said, “Wearing high heels for years mangled my feet,” and added that the doctor told her the while wearing the shoes, “your foot does things it shouldn’t be able to do. That bone there, you’ve created that bone. It doesn’t belong there.”

On doctor’s orders, Parker has traded her high heels for sneakers.

At the Performance Horse Summit held in Lewisburg, TN, May 4<sup>th</sup>, two veterinarians insisted that stacked shoes caused no damage to a horse at all, citing a 30 year old study, known as the Auburn Study, as the only scientific evidence on the subject every presented. Asked a question about the stress load on the internal lamina connected to a padded hoof while in motion, one of the vets replied: “What difference does it make? We’ve been putting build-ups on horses over the last 50 years. They don’t damage the foot and

if they did, surely someone would have noticed by now!”

Leaders in veterinary medicine, the **AVMA and AAEP’s stated position** is that:

“Performance packages add weight to the horse’s foot, causing it to strike with more force and at an abnormal angle to the ground, they also facilitate the concealment of items that apply pressure to the sole of the horse’s hoof. Pressure from these hidden items produces pain in the hoof so that the horse lifts its feet faster and higher in an exaggerated gait.”

**Dr. Gail Golab** of the AVMA’s Animal Welfare Division said that, “The science that is available says that raising the heels (placing a horse on pads) can make a horse stumble and tire easily...” She continued by saying that, “chains that weigh 6 ounces [the current legal limit for showing] will start to cause hair loss even without the use of chemical agents... and on horses that have been previously sores will cause open lesions within two weeks...” For more from Dr. Golab go to

[AVMA@WORK](#) blog.

H.R. 1518, also known as the PAST Act, would amend the Horse Protection Act to prohibit a walking, racking, or spotted saddle horse from being shown, exhibited, or auctioned with an action device, or a weighted shoe, pad, wedge, hoof band, or other material if it is constructed to artificially alter the gait of the horse and is not strictly protective or therapeutic. These prohibitions do not apply to other breeds and would not prohibit the use of therapeutic pads or bell boots or quarter boots used as protective devices.

Parker wore her heels 18 hours a day by choice. Horses wear theirs 24/7. No Choice



Calling is an effective way to contact your elected representatives. Urge your rep to co-sponsor H.R. 1518.



Called the Ag-Gag bill or, cynically, Jackie’s Law, after trainer Jackie McConnell, his abuse would likely have gone unpunished if this law had been in effect in 2012.

## A disturbing bill passes in Tennessee by 1 vote. What will Governor Haslam do now?



**At left:** Pork producer and Tennessee State Representative **Andy Holt** introduced **H.B. 1191**, now being called the Ag-Gag bill into the 2013 legislative session. He said he intended to stop animal abuse, although he also voted against a bill that would make cock fighting in the state a felony. We should take people at their word, however. Let’s see what

Holt’s words say about him in an e-mail he sent to an HSUS worker who politely encouraged people to contact the governor urging a veto of this bill. His response follows:

*“ Ms. McLeod, I am extremely pleased that we were able to pass HB 1191 today to help protect livestock in Tennessee from suffering months of needless investigation that propagandist groups of radical animal activists, like your fraudulent and reprehensibly disgusting organization of maligned animal abuse profiteering corporatists, who are intent on using animals the same way human traffickers use 17-year-old women. You work for a pathetic excuse for an organization and a pathetic group of sensationalists who seek to profit from animal abuse. I am glad, as an aside, that we have limited your*

*preferred fund-raising methods here in the state of Tennessee; a method that I refer to as “tape and rape”. Best wishes for the failure of your organization and it’s (sic) true intent.” Andy Holt, State Representative, District 76, Weakley and Northern Carroll Counties.*



**At left:** The bill was introduced to the TN Senate (**SB 1248**) by Senator **Delores Gresham**, a part owner in a stockyard and who represents the district where Jackie McConnell lives. She voted against the cock fighting bill but

declares that her intention is to stop animals from being abused as the reason for her sponsorship of this bill.

Every paper in the state, as well as clergy, law enforcement officials and animal advocates, spoke out against this bill. It stops investigative journalism in its tracks, does not give sufficient time to document and build a case for undercover investigators to bring to prosecutors and criminalizes those who find abuse rather than those practice it.

**(11 states introduced similar bills this year. Only TN passed one. )**

## Here's Action You Can Take in May **Get your rep on the list!**

The PAST Act, H.R. 1518 is in need of additional co-sponsors. A call to your elected representatives, urging them to co-sponsor the bill, adds weight to the effort to bring it to the floor and you can do it easily.

Introduced by Representative Ed Whitfield (R-KY), the following representatives are existing co-sponsors. What we need is a full house! (States and districts)

**Rep. Madeline Bordallo ( GU)**

**Rep Julia Brownley (CA-26)**

**Rep Vern Buchanan (FL-16)**

**Rep John Campbell (CA-45)**

**Rep Steve Cohen ( TN-9)**

**Rep Peter A. DeFazio (OR-4)**

**Rep Richard L. Hanna (NY-22)**

**Rep Jared Huffman ( CA-2)**

**Rep Peter T. King (NY-2)**

**Rep Adam Kinzinger ( IL-16)**

**Rep Frank A. LoBiondo ( NJ-2)**

**Rep James P. Moran (VA-8)**

**Rep Kristi L. Noem ( SD)**

**Rep Donald M. Payne, Jr. (NJ-10)**

**Rep Joseph R. Pitts (PA-16)**

**Rep Janice D. Schakowsky ( IL-9)**

**Rep Allyson Y. Schwartz ( PA-13)**

## Barn Raid

According to multiple news outlets, a perfect example of the reason H.R. 1518 needs to be passed came when authorities acting on a tip, got a search warrant for trainer Larry Wheelon's stable in Maryville, TN. Wheelon, 68, has a multi-year history of violations of the federal Horse Protection Act. Yet, even with a documented history of breaking the law, at the time of the raid he served on the Walking Horse Trainers' Associations' national board of directors, where he chaired the Ethics Committee.

He was also an AAA



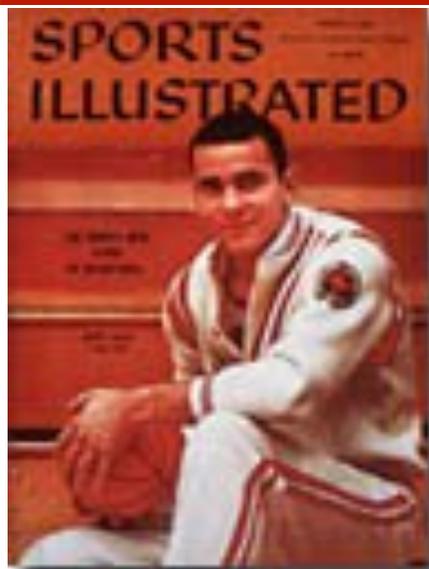
rated judge for the **Sound Horses, Honest Judging, Objective Inspections, Winning Fairly** (also known as SHOW), the USDA certified Horse Inspection Organization involved in self-policing of the walking horse business. (It is impossible to make this stuff up.) SHOW has since revoked his license.

After a 9-hour on-site investigation, a Blount County Humane official said that Mr. Wheelon's definition of abuse appeared to differ widely from the animal welfare definition. Of the 28 horses at Wheelon's, 19 were confiscated on April 25, 2013. They had been swabbed to detect the presence of chemicals used to sore horses to increase the action of their gait. Performance shoes were also removed during the initial raid as officials searched for evidence of shoeing abuse. Some of the horses were in such pain that they had difficulty in standing, according to witnesses at the scene.

Wheelon maintains his total innocence and told a local news outlet "soring was sickening" and that "someone must have come into the barn the night before the (April 18<sup>th</sup>) raid and sored the horses." Wheelon posted bond to get out of jail after he was charged. More charges may be levied after the swabs taken from the horses are returned from the lab.

Wheelon's arrest comes just short of one year after the undercover video of fellow trainer Jackie McConnell went viral. At that time walking horse spokesmen claimed the abuse caught on camera at McConnell's was an isolated incident and that the Hall of Fame Trainer and Celebration World Grand Champion rider was a "single bad apple", despite his long history of violations. Looks like the apples continue to fall from the trees.

Left: The booking photo of Larry Joe Wheelon, 68, of Maryville, TN. Wheelon was booked on a felony charge of cruelty to animals on April 25, 2012. Additional charges may be filed as the investigation into the condition of horses found at his facility. continues. He is to be evicted from his rented facility according to news reports.



## How Long Exactly Has this Been Going On?

January 11, 1960

Horse shows actually used to be covered as a sport in venues as important to sport as **Sports Illustrated**. In that coverage the Tennessee walking horse and the horrors of soring were prominently featured. When an archive of stories about a particular problem in a particular breed of horse exists, you know that there is a fire that has never gone out surrounding this issue.

Fifty-three years ago, Alice Higgins wrote **The Torture Must End** with the tag, *If the American Horse Shows Association has nerve enough, it can stop abuse of the Tennessee Walking Horse right now.*

You can read Ms. Higgins' entire article on line at the **SI Vault** but some of the most salient sections of her piece are quoted here.

It's the same old song in 2013 and The Torture *Still* Must End!

## The Torture Must End by Alice Higgins

No sportsmen have practiced such systematic cruelty to horses for the sake of a blue ribbon as is being perpetrated today. Shamefully brutal treatment of the **Tennessee Walking Horse** is generally practiced by breeders, trainers and exhibitors and is tolerated by the **ASPCA**, a society founded primarily to protect the horse. Worst of all, it is ignored by the **American Horse Shows Association**, the governing body of the sport, which is currently meeting in **Detroit**. I say worst of all because the AHSA could stop most of it this week if it chose to do so.

When I first described these abuses (**SI, July 23, 1956**), I was optimistic that measures were going to be taken to halt this horse torture. The various associations concerned piously expressed a desire to aid in the cleanup, rolling their collective eyes heavenward—apparently to avoid the ugly sight of quarter boots covered with blood, for they have taken no real action and the situation is now far worse than it ever was. ... Unfortunately for the breed, it was discovered that if the horse's front feet are sore he will lift them quickly from the ground, shift his weight to his sound hindquarters and take the much-desired long-striding step. This "soreing" usually is done by using chains or tacks inside the quarter boot or by applying a burning agent to the pastern area, which is covered by the boot. These agents vary, but of the two most common, one, an oxide of mercury salve, is known as creeping cream, and the other, an oil of mustard mixture, is called scooting juice. The so-called "big lick" so coveted for show ring purposes is now almost completely the "sore lick."

... the president of the American Walking Horse Association, H. Karl Yenser of **Washington, D.C.**, are also incensed. Yenser recently sent an open letter to his members, which read in part:

"The feeling against the continued soreing and chaining of horses has reached a point where something must be done to correct it... Perhaps getting back to more closely defined gaits as a standard for judging would do the job... Exhibitors have decried the use of inhumane devices for years and yet allowed their trainers to continue their use. Judges have been criticized for tying [placing] 'sore' horses, and yet the judge's hands were tied. In my own personal experience if I had disqualified all of the sore horses shown in front of me, I am afraid I would have wound up many times with no horses in the class to judge. So I, too, am guilty of accepting, even though I did not condone, the 'sore lick.' I know, too, that every Walking Horse judge has been confronted with the same situation."

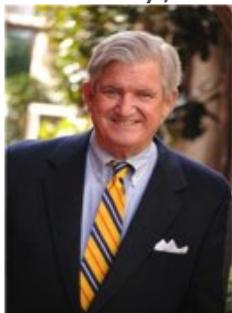
... Recently C. C. Turner and **John H. Amos**, chairman of the executive committee of the TWHBA..., held a meeting to seek agreement on corrective recommendations to be proposed at the current **Detroit** session of the **American Horse Shows Association**... **Amos** advocated the complete elimination of boots and severe punishment of owners or trainers who use any torture device. (Some defenders of the boot contend its elimination would lead unscrupulous trainers to drive nails or wedges into the tender frog of the hoof, a method of soreing difficult to detect.)

... If the AHSA had the nerve to make the punishment fit the crime, a lot of trainers would be on crutches. The trainers, of course, blame pressure from the owners, and the owners say the trainers are at fault. (One owner quoted his trainer: "Just don't watch while I put the boots on—you'll feel better when you ride up to get that ribbon.") So, despite the courage of men like Yenser, C. C. Turner and **Amos**, there is little to be hoped for from the self-interested, ribbon-seeking trainer or owner. ...

**In 1960, Higgins' conclusion was: "the various Walking Horse societies have had ample time to clean their own stable. They have failed to do so. The AHSA must have the courage to do it for them. " Substitute the initials USDA for AHSA and it's 2013.**

## Roy Exum: Rep. Holt's Crummy Trick

Saturday, March 23, 2013 - by Roy Exum (reprinted from The Chattanooga.com with permission)



Let's face it -- the state of Tennessee leads the nation in horse abuse. It can also be said it leads the world -- no other nation purposely hobbles horses for an unnatural gait. But with the Tennessee Walking Horse Celebration now nationally-

recognized as the cradle of an industry that awards the sadistic torture and soring of magnificent animals, there is now a scathing bill before our nation's Congress that could rein in over 40 years of wanton -- and flagrant -- abuse of the federal Horse Protection Act.

The Congressional bill is because of festering evil still rooted in the town of Shelbyville (Pop. 2,536) but as we wait to see what a dysfunctional Congress will do, the Shelbyville hierarchy has sprung a new little trick. It reflects exactly the type of people who today control a beautiful pastime and a magnificent breed that has become infested with cheating owners, trainers who are now felons, and more animals dying early of "colic" than you can believe.

This coming week we will learn if the legislature can be tricked by deception. The "magicians" are two darlings well known to animal rights advocates for the wrong reasons. The clever ploy that Rep. Andy Holt (R-Dresden) and Senator Delores Gresham (R-Somerville) want you to fall for is that it would require urgency. What these two want you to see is the urgency up front -- not the backside where after 48 hours the undercover evidence could not be used, according to the proposed state law.

Obviously the nauseating ABC News tape of the sadistic horse trainer Jackie McConnell did irrefutable damage to those who relish "The Big Lick" when it was shown to the public last spring. The tape itself, made by an undercover officer of the Humane Society of the United States, was actually taken some months before in order to build a case. As any fool knows, it often takes longer than 24 to 48 hours to stop evil.

And you know what the wretches behind the scenes call those who bravely catch louts like Jackie McConnell and his ilk? "Video terrorists." Don't you love that?

The disgusting "Big Lick" crowd, ready to "re-brand" themselves this spring as the Performance Show Horse Association (I am not making this up ... laugh all you want but it's true!) has fought and defied the U.S. Department of Agriculture, every animal rights organization in the country and the leading equine veterinary groups in every way imaginable to keep their most unsavory money machine alive. Desperate people will do anything.

So now they get their "aces" in the legislature (Holt and Gresham) to create an urgency -- that's the kicker -- if any tape or photos are over 48 hours old they're illegal! Name a thug that wouldn't like a deal where evidence obtained undercover is tossed out because of a new state law! It is totally disgusting but Rep. Holt, you'll recall, is the guy who wants slaughterhouses for horses in Tennessee, claiming we can make money sending horsemeat to Europe and other savage lands.

Last year the Legislature made horse abuse a felony, punishable with up to five years in prison, effective July 1. While there were numerous violations of the federal Horse Protection Act found in August at the National Walking Horse Celebration, no one arrest was made by the Shelbyville police or the Bedford County sheriff's office, which mystified horse advocates across the country but suited the Big Lickers just fine. Now the "Big Lick" boys are winking at the legislature. Don't pay attention to crafty little crummy people. They are the real terrorists.

## America's First 'Ag-Gag' Victim May 04, 2013 - by Roy Exum

(reprinted with permission The Chattanooga.com)



Amy – the real “victim” because she was charged instead of those abusing

the animals -- was cited by police after she admitted she stood on public property and used her cell phone to film slaughters at the Dale T. Smith and Sons Meatpacking Company, which just so happens to be co-owned by Draper City Mayor Darrell Smith. Here's what she said on Kirschner's Korner Radio:

*“I visited the Smith Meatpacking Slaughterhouse in Draper, Utah because I have heard numerous reports that any bystander standing on the public thoroughfare could witness the horror of cows struggling for their lives as they were led to their violent deaths. What I saw was upsetting, to say the least. Cows being led inside the building struggled to turn around once they smelled and heard the misery that awaited them inside.*

*“I saw piles of horns scattered around the property and flesh being spewed from a chute on the side of the building. I also witnessed what I believe to be a clear act of cruelty to animals – a live cow who appeared to be sick or injured being carried away from the building in a tractor, as though she were nothing more than rubble.*

*“At all times while I documented this cruelty, I remained on public property. I never once crossed the barbed wire fence that exists to demarcate private and public property. I told this to the police who were on the scene.*

*“I am shocked and disappointed that I am being prosecuted by Draper City simply for standing on public property and documenting horrific animal abuse while those who perpetrated these acts are free to continue maiming and killing animals.”*

Police were called after a slaughterhouse supervisor told her to leave and no charges of animal abuse were filed on any employees at the slaughterhouse. Draper City is about 40 miles from Salt Lake City, where the newspaper and thousands of citizens now realize the ‘Ag-Gag’ laws punish the wrong person. Draper City is also home to the Utah State prison.

Utah prosecutors, who could have put Amy Meyer in jail for six months, dropped all charges like a hot potato, presumably because she never trespassed on the slaughterhouse property, but animal protection advocates around the nation are outraged and are actively pursuing state leaders to amend, abolish or change the controversial laws. One California newspaper called the failed “Ag-Gag” bill in that state as “the food industry’s biggest PR gaffe since New Coke.”

“The intent of these bills is crystal clear,” said Matt Dominguez of the Humane Society of the United States this week. “They are meant to keep the American public in the dark about the animal abuse and cruelty going on behind closed doors.”

In Tennessee the legislature recently passed a law by one vote demanding citizens to surrender any evidence of animal abuse within 48 hours. News media outlets claim that such a law would be a violation of the First Amendment and a direct counter to the state’s Reporter’s Shield Law. Groups such as the American Civil Liberties Union, the United Farm Workers, The National Consumers League, the Southern Poverty Law Center and state AFL-CIO chapters oppose “Ag-Gag” laws.

The Humane Society of the United States even launched a \$100,000 advertising campaign and Governor Haslam’s office has received many thousands of letters, phone calls and petitions asking he use his veto power. The bill was sponsored in Tennessee by a pig producer,, Andy Holt (R-Dresden), and the co-owner of a stockyard, Delores Grisham (R-Somerville).

Over 60,000 have now signed a petition on Change.org against Ag-Gag bills and Governor Haslam has said this is the biggest outcry from the public since he was elected into office.

In 1973 a television series called **School House Rock** featured an info-cartoon called

### “I’m Just a Bill”

To quickly refresh your memory from civics class about what it takes to get



a bill moved off the steps of Capitol Hill and on to the House floor for a vote, please take a minute, copy and paste this link into your browser, and check out the original at

<http://www.youtube.com/watch?v=d4azPKrfK2o>

## H.R. 1518, known as the PAST Act of 2013 has moved to the House Subcommittee on Commerce, Manufacturing, and Trade

A Tipping Point reader asked with discouragement, “Doesn’t this bill have to get out of committee first?” Another wanted to know if it couldn’t be introduced in both bodies of the Congress at the same time. That’s when it became apparent that a quick reminder of how legislation works is in order.

This bill may have to be introduced in several sessions before it has a chance of becoming law. A similar bill was introduced in the last session and died there. **We are going to hold the course until the PAST Act is passed.** That means for as long as it takes, no exceptions.

### Of Course You Can! Continued from page 1

The cynical among you know why he did this. He was funded (and thanked) by generous contributions from the soring industry. (By the way, political contribution information is easily available on the Federal Election Committee website.)

**Second**, they had to attack Congress. How? They got each of their friends to write a letter demanding enforcement of the law to their own elected officials. They asked the friends to get their friends to do the same. They gave them a sample letter with the first paragraph to be personalized by each writer. The response was enormous.

**Third**, they sent a copy of the senator’s letter threatening the USDA to newspapers in the senator’s home state. One published it.

**Fourth**, they went to visit Congress. They called and made appointments with their own Senator’s offices. They were greeted happily - probably because they clearly weren’t paid lobbyists. They pleaded a case for change and left homemade written material in a nice file folder available at Staples, complete with pictures. Graphic ones. They met interested and helpful aides. The aides helped. They talked to the senators and called the USDA with encouraging calls.

**Finally**, the group raised nearly \$40,000 for a prominent vet school on line, using guidestar.com. The vets investigated the use of technology to detect soring. Yes, you guessed it. Technology works. Private companies, when asked, donated time and discounted equipment for the USDA to use to detect soring

**So, did this work? YES IT DID!** Not only did Congress increase the funding to enforce the law, but the movement caught on. The Humane Society of the United States got an abuse video on a major TV network. Some abusers were prosecuted. The technology is in use, and new technology is being developed. The fallout continues to this day, with new advocates carrying on. A much tougher law is now being introduced in Congress. Soring isn’t done yet, but it is on the way out.

*(Just a side note. The author of this column was sitting in a restaurant having a cup of coffee one day. Nearby a group was trying to figure out how the “activists” got so much “clout” in view of the intimidation from the horse abusers. I wanted to answer, but didn’t. But the answer is this: The intimidation was, and is, inspiration.)*