

UNITED STATES DEPARTMENT OF AGRICULTURE

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ANIMAL AND PLANT HEALTH INSPECTION SERVICE

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PUBLIC MEETING

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NEW REGULATIONS TO COMBAT HORSE SORING

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TUESDAY,
AUGUST 16, 2016

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The meeting was held in the Courtyard
Sacramento Airport Natomas, 2101 River Plaza
Drive, Sacramento, California, at 9:00 a.m., J.
Michael Tuck, Facilitator, presiding.

PRESENT:

J. MICHAEL TUCK, Facilitator, Center for Animal
Welfare, USDA APHIS
BERNADETTE JUAREZ, Deputy Administrator for
Animal Care, USDA APHIS

TABLE OF CONTENTS

	Page
Welcome	
J. Michael Tuck.	3
Public Comments	
Julia Tarnawski.	6
David Lichman. . . . .	.11
Fran Cole. . . . .	.16
Pauline Stotsenberg. . . . .	.19
Michael DeLeonardo . . . . .	.23
Helen Vydra Roy. . . . .	.27
Marilyn Jasper . . . . .	.32
Lyn Montgomery . . . . .	.34
Kristin Herman . . . . .	.37
Nicole Schoppe . . . . .	.44
Keith Dane, Humane Society of the US (HSUS). . . . .	.48
Linda Pierson Bassel . . . . .	.54
Courtney Fern, HSUS. . . . .	.58
Priscilla Presley. . . . .	.63
Mara Guccione. . . . .	.72
Jim Hart, Horse Plus Humane Society. . . . .	.74
Lexie Saine. . . . .	.78
Beth Jennings. . . . .	.83
Dr. James Atkinson . . . . .	.89
Nya Bates, FOSH. . . . .	.95
Piper Crusselle, HSUS.	103
Linda Siegel	104
Adjourn	
J. Michael Tuck.	107

P-R-O-C-E-E-D-I-N-G-S

(9:06 a.m.)

1
2
3 MR. TUCK: Good morning and welcome to
4 the third public meeting APHIS Animal Care is
5 holding to gather your comments regarding the
6 proposed regulation changes to revise and
7 strengthen the Horse Protection Act regulations.

8 My name is Mike Tuck and I am from the
9 APHIS for Animal Welfare and will be facilitating
10 this meeting. You may ask, what does a
11 facilitator do? Well, my job is to make sure the
12 meeting runs smoothly and without interruption.

13 So, the first thing everyone needs to
14 do is take their cell phones out and put them on
15 mute or vibrate. If you need to take a call,
16 please do so outside in the hallway.

17 Most importantly, it is vital that we
18 all pay attention to the speakers without
19 interruption, even if you don't agree with what
20 they may be saying. We want to keep this meeting
21 on a professional level and give everybody the
22 opportunity to be heard. Further, we do not want

1 any personal attacks on anyone in this room.

2 I would like to introduce Bernadette
3 Juarez, who earlier this year became the Deputy
4 Administrator for Animal Care, replacing Dr.
5 Chester Gipson. Bernadette.

6 MS. JUAREZ: Good morning.

7 MR. TUCK: Bernadette is here to
8 preside over the meeting and listen to your
9 comments. She will not be responding to any
10 questions or comments at this meeting, due to the
11 restrictions associated with the regulatory
12 process.

13 In addition, we have Peter Petty, who
14 will be transcribing the meeting. This
15 transcription will be available, along with
16 transcriptions of the other public meetings on
17 the APHIS Animal Care web page in a couple of
18 weeks. The Animal Care web page can be found at
19 www.aphis.usda.gov/aphis/ourfocus/animalwelfare.
20 Everybody got that? I'm sure you can access that
21 web page.

22 As I mentioned, this is the third

1 public meeting being held. We previously met
2 last week in Murfreesboro, Tennessee with
3 approximately 300 participants and also in
4 Lexington, Kentucky with 120 in attendance.

5 The last face-to-face meeting will be
6 on Tuesday, September 6th in Riverdale, Maryland.
7 We will also hold a virtual public meeting by
8 telephone on Thursday September 15th, where
9 anyone can call in and provide comments. Again,
10 details can be found on the Animal Care web page.

11 These meetings are only one way for
12 you to get your comments on the record. The
13 public comment period began July 26th and runs
14 through September 26th. You may directly enter
15 your comments on www.regulations.gov or utilize
16 the link on the Animal Care web page to get to
17 that site. This will enable you or anyone else
18 unable to attend the public meeting the
19 opportunity to provide additional comments.

20 I hope everyone had an opportunity to
21 sign in and indicate whether or not they wish to
22 speak at the table outside the room. I will use

1 that list to call you up to the podium.

2 Once up here, please begin by stating
3 your name and any organization you may be
4 representing. You will have approximately five
5 minutes to present your comments. We do this so
6 that everybody will have an equal opportunity to
7 speak. I will let you know if you need to wrap
8 up your comments by standing up. Also, you may
9 leave a copy of your comments with me when you
10 are finished.

11 Does anybody have any questions about
12 the process?

13 What I would like to do is call three
14 people up at a time and just have a seat up there
15 and that will ease the flow of traffic here.

16 So, let's have Julie Tarnawski, David
17 Lichman, and Fran Cole please come up.

18 Thank you. Julie come up and just
19 start by stating your name.

20 MS. TARNAWSKI: Thank you. I'm Julia
21 K. Tarnawski and I am so thrilled to be here,
22 mainly because the USDA APHIS has been such a

1 huge help to us over the years. Every time we
2 have called them, every time we have needed them,
3 they have been here for our horses.

4 In 1976-77 many owners and breeders of
5 the Flat Shod Plantation Division Tennessee
6 Walking Horses had served their time to no avail
7 on the Boards of Directors of the Pacific Walking
8 Horse Walking Association, fed up with the
9 falling down two-year-olds under the weight of
10 the trainers and the horses fear from the pain,
11 the bloody, broken hoofs flying across the arena
12 at the Pomona Fairgrounds, that beautiful place
13 called the Carnation Ring, which is no more, and
14 the blood dripping from under the white boots,
15 then the chains.

16 The San Diego people said we have had
17 enough and developed the Plantation Walking Horse
18 Association of California, PWHA as a trail riding
19 and parade group in 1977, making them the oldest
20 Flat Shod, Barefoot organization in the United
21 States. I am founding member of this association
22 and was on the show committee for its very first

1 horse show, along with Tom and Bobbie Henry, Mary
2 Hayden-Watson, Marj Sunderland, just to name a
3 few.

4 Flat Shod and Barefoot Plantation

5 Walking Horses were once again the order of the
6 day. Our 10- to 20-horse classes at the Pacific
7 Coast Walking Horse Association shows, which
8 covered the cost of their shows with their two-
9 to four-horse show horse stack chain classes, and
10 as the money dried up, so did the association.
11 And so it folded, as the Plantation classes
12 continued as guests of the American Horse Show
13 Association, now USEF shows.

14 The National Plantation Walking Horse
15 Association, I am a founding member of that
16 association also, several people from the LA
17 area, including myself were founding members of
18 PWHA, and from this we bonded with Christine Holt
19 through her wonderful magazine, "The Walking Way"
20 and through telephone trees to connect everybody
21 across the United States for the underground
22 movement which we needed to survive because of

1 the abuse not only of the horses but of the
2 people who went against what they had to say and
3 do in their associations.

4 So, we are very grateful to the USDA
5 APHIS for being there when we called you because
6 we were worried about their coming to the shows
7 when we first started to have them because of the
8 threats.

9 We know of people who were in tears
10 because in the middle of the night, their
11 favorite mare was missing, never to be seen
12 again. I have had them at my gates, rattling the
13 chains on my gates to my property because I have
14 been so outspoken over the years. So many of us
15 are into rescuing these horses because they need
16 us now but, more than anything, we need to get
17 this passed through Congress, the PAST Act,
18 Prevent All Soring Tactics has fallen because of
19 politicians who have been in league with those
20 who want to continue what essentially, ladies and
21 gentlemen, they really represent less than three
22 percent of the entire Walking Horse population

1 now, thanks to organizations like ours, our
2 telephone trees, the CNN tape, all of the things
3 that we have done over the years.

4 And one of the finest things that was
5 done, thanks to Donna Benefield and Stephanie
6 Green in the Los Angeles area was to contact the
7 Department of Animal Regulation within LA City
8 and have a huge forum. Many of you may have even
9 been there for that, but due to that forum, the
10 City of Los Angeles banned the showing of the
11 stack chain Tennessee Walking Horses from the
12 City of Los Angeles. We had hoped that kind of
13 approach would proceed across the United States.
14 But often, because of the fear and intimidation
15 that exists with that three percent, they only
16 represent three percent now, thanks to all of
17 your work out there, thanks to the work of the
18 Humane Society, thanks to the USDA being there
19 when we have needed you at our shows. And you
20 know that when you have come to the PWHA shows,
21 the NPWHA shows, the Northern California shows,
22 you are greeted with coffee, food, anything that

1 you want for the day that you are there, days you
2 are there for inspection, not being dishonored
3 because of your position.

4 Thank you. I have 30,000 pages, which
5 one day shall be a book. And by the way,
6 speaking of a book, please remember Morgan Rhoads
7 book, From the Horse's Mouth.

8 MR. TUCK: Thank you, Julia.

9 MS. TARNAWSKI: Thank you.

10 MR. LICHMAN: Hi, I'm David Lichman.

11 I'm a five-star Parelli Natural Horsemanship
12 instructor and I am here today to speak on behalf
13 of myself and my wife, Nancy, who is a licensed
14 veterinarian in the State of California.

15 I wish that the only reason I had to
16 come here today was so that I could meet
17 Priscilla Presley but sadly, that is not the
18 case.

19 I have been training Tennessee Walking
20 Horses for more than 30 years. I am the winner
21 of a 1991 Tennessee National Celebration Light
22 Shod Pleasure Horse World Grand Championship.

1 I have never sored a horse but I have
2 seen it firsthand many times. And more than
3 that, I have seen the aftermath. The horse is in
4 so much pain the day after the big show that they
5 can't walk. Soring is a matter of fact in Big
6 Lick Horses but sadly, it also filters down to
7 the Plantation Pleasure Horses, with heavy shoes
8 a half-inch thick and one and a half inches wide,
9 weighing several pounds. Some of the worst
10 soring I have seen was on Plantation Pleasure
11 Horses, heavy shod horses.

12 In addition to banning pads and
13 chains, I would encourage this group to also ban
14 these obscenely heavy shoes because, coupled with
15 soring, they produce a mini-Big Lick gait.

16 There are three main reasons why the
17 Big Lick gait is so popular. Number one, it is a
18 powerful and exciting feeling to ride it. Number
19 two, it is smooth enough that amateurs without a
20 skill can be coached through a competition and
21 ride. Number three, it's flashy and it is
22 visible from a great distance. The Tennessee

1 National Celebration main stadium has 30,000
2 seats. You can't be in the top row there and see
3 anything, if it is not stepping high over the
4 rail.

5 The trainers, owners, and proponents
6 of the Big Lick Horses will tell you it is just a
7 few bad apples. The statistics show otherwise.

8 Nearly 90 percent of the 200 randomly
9 selected horses tested by the USDA this year
10 celebration tested positive for illegal
11 substances; 90 percent. The trainers, owners,
12 and proponents will tell you that they really
13 cleaned up their act. Now, I served on the Board
14 of Directors of the Tennessee Walking Horse
15 Breeders and Exhibitors Association back in the
16 '90s and they were saying the same thing back
17 then. It is a lie. What they have done is
18 gotten better at hiding it.

19 This Big Lick gait requires soring as
20 a training technique, especially when done in
21 such a short time period. Seasoned, high-
22 stepping dressage horses are not even started on

1 a saddle until they are three years old and it
2 takes seven or eight years to develop. Walking
3 Horse trainers routinely show two-year-olds in
4 Big Lick classes.

5 As bad a soring the horse is, there is
6 something much worse. We finally got a glimpse
7 of it on the film on ABC Nightline undercover
8 footage but it is common practice and it is
9 called stewarding. This is the process of
10 training a sore horse not to flinch when palpated
11 by the inspector. It basically involves
12 punishing the horse for flinching by beating him,
13 burning him with a cigarette or shocking him with
14 a cattle prod or other abusive techniques. The
15 horse learns not to flinch in response to pain.

16 Clearly, the industry cannot be
17 trusted to police itself. The phrase the fox
18 guarding the henhouse has been used quite often
19 but it really is the truth. The trainers worry
20 that their livelihood will vanish. The owners
21 worry that their large investment in horses will
22 become worthless, so they invest in politicians

1 and public relations consultants. Please do not
2 by influenced by this.

3 These trainers, owners, and proponents
4 are just not willing to change on their own.
5 Trainers are scared, some of them trying to
6 figure out alternate ways. My good friend Laurie
7 Northrup and I came up with an incentive program
8 with a \$50,000 cash prize to try to influence
9 some receptive trainers to train without soring
10 but the owners were not interested. If it is not
11 big and flashy, it is not what they want.

12 So, at the end of the day, we need to
13 do away with Big Lick Horses and heavy shod
14 Plantation Horses and let these beautiful
15 creatures be released from the hell that is the
16 standard practice of training in that industry.
17 The talented trainers that have feeling and heart
18 will be relieved they no longer have to break the
19 law, lie, and hurt horses to make a living. They
20 will find great joy in training for a new batch
21 of owners that are proud of the heritage of the
22 Tennessee Walking Horse. Those who do not, will

1 have to change careers.

2 Thank you.

3 MS. COLE: Good morning. My name is
4 Fran Cole and I am from Grass Valley, California.
5 I am a breeder and exhibitor of Walking Horses
6 and I also show them. I am a cofounder of the
7 Northern California Walking Horse Association,
8 President of the Tennessee Walking Horse
9 Foundation, and a former Director of the
10 Tennessee Walking Horse Breeders and Exhibitors
11 Association. I also act as legal counsel to the
12 All American Working Horse Alliance and I did
13 that formerly for World Walking Horse
14 Association.

15 I am here today in my individual
16 capacity to talk to talk to you about where I
17 think we are going.

18 The Northern California Walking Horse
19 Association was formed about ten years ago and it
20 was formed to build a Flat Shod Walking Horse
21 Community in Northern California and we have been
22 tremendously successful.

1 So, when people say that the industry
2 will die when the Big Lick goes away, that is
3 incorrect. We are an example of what you can do
4 by creating a community of like-minded people
5 that care about the welfare of the horse. We
6 have several shows every year. Our shows are
7 well-attended. We have up to 100 horses at our
8 fall premiere show. Everyone has a wonderful
9 time and the only thing that is holding us back
10 is the stigma of soring in the Walking Horse and
11 the Big Lick.

12 I frequently post things on social
13 media, where I talk the Walking Horse and I talk
14 about soring. And the responses I get are
15 amazing. People that don't have Walking Horses,
16 people that don't have horses respond to me and
17 they say why is this still allowed. Why is this
18 going on? This is inhumane. This is crazy. And
19 I try to explain it and I really don't have a
20 good answer.

21 I respect what the USDA has done.
22 They have done as good a job as they can under

1 these circumstances but politics have gotten in
2 the way. All of us Sound Horse lawyers have
3 fought extremely hard but we cannot do it alone.
4 We need the government to back us up and make
5 sure that our horse can have a beautiful and
6 vibrant future.

7 If you look last week at a lot of the
8 events at the Olympics, you can see that the
9 world truly has change. Riders were disqualified
10 for over whipping, for over spurring. The world
11 has changed. It has not yet changed in Tennessee
12 but it absolutely needs to change because we need
13 to catch up with the rest of the world so that
14 our breed can truly thrive.

15 It has been fits and starts in trying
16 to eliminate soring. You know we are winning the
17 war but we need to do it now. If these
18 regulations, and I truly hope they are passed, if
19 they are finalized and passed, in five years, it
20 will be done. The Big Lick will never come back,
21 once it is gone and then we can begin to rebuild
22 what we need to do to grow our industry.

1 Thank you.

2 MR. TUCK: All right, if I can have
3 Pauline Stotsenberg, Michael DeLeonardo, and
4 Helen Vydra Roy, please.

5 And Pauline, would you start, first?
6 Thanks.

7 MS. STOTSENBERG: Good morning. My
8 name is Pauline Stotsenberg and I would like to
9 thank the USDA for holding this listening session
10 and for the opportunity to speak on behalf of the
11 National Plantation Walking Horse Association of
12 California and myself.

13 I am a licensed horse show judge with
14 the Independent Judges Association. I serve on
15 the Board of FOSH, Friends of Sound Horses, and
16 the National Plantation Walking Horse Association
17 of California. I have also served on the Board
18 of the Plantation Walking Horse Association of
19 California.

20 For the past two years, I have
21 presented at numerous veterinary universities on
22 the topic of soring, most recently here at UC

1 Davis. In the 1990s, I served two terms as the
2 California elected director for the TWHBEA, the
3 Tennessee Walking Horse Breeders and Exhibitors
4 Association. I also served on the TWHBEA Finance
5 Committee, Pleasure Horse Committee, and have
6 attended numerous judges and DQP clinics that
7 were affiliated or sanctioned with the TWHBEA.

8 As a child, I grew up with Quarter
9 Horses but I longed for a Tennessee Walking
10 Horse. As an adult, my dream came true. I
11 bought my first Walking Horse in the 1980s,
12 Midnight Shaman, who I honor by being here today.
13 He sparked an insight into the breed that was
14 beyond my wildest dreams. I had never
15 experienced such an athletic, intelligent,
16 compassionate, willing, and forgiving nature in
17 any breed of horse. He exhibited the smoothness
18 of the gaits and was the epitome of versatility
19 and a can-do attitude that I will never forget.

20 I wanted to know everything about the
21 breed that I had fallen in love with. What I
22 found was shocking and the reality of just how

1 dark and what dirty deeds were present in the Big
2 Lick Tennessee Walking Horse industry.

3 I soon figured out that all of the
4 torture and the abomination of what was supposed
5 to be the pure, natural gait of the Tennessee
6 Walking Horse had been bastardized by the Big
7 Lick money-making industry that was so cruel and
8 corrupt. It is a financial machine that drives
9 an industry, which preys on the pain and
10 suffering of horses and the intimidation towards
11 those who won't conform or turn an eye to their
12 dirty deeds.

13 Over the years, I have personally
14 witnessed the abuse that comes with the Big Lick
15 and the status quo. I have walked through barns
16 where stall after stall lay suffering and moaning
17 horses. I have witnessed young colts fall over
18 because their bodies couldn't handle the stacks
19 and chains and the weight of a rider and then be
20 beaten in an attempt to get them to stand up.
21 The list of what I know to be true could go on ad
22 infinitum.

1 I have personally been harassed,
2 received threats, have been stalked and told to
3 keep my opinions to myself or I would be sorry.

4 Over the past 25 years, I have
5 rescued, rehabilitated and re-homed Tennessee
6 Walking Horses that were abused by the use of
7 stacks, chains, chemicals, pressure shoeing and
8 the mental soring that comes from the steward
9 process and being in pain 24 hours per day. A
10 small number were successfully re-homed but lived
11 limited lives. Others have died and some had to
12 be euthanized because rehabilitation was not an
13 option for them.

14 The Tennessee Walking Horse has been
15 the breed of my choice but the stigma associated
16 with the Big Lick and the abuse always casts a
17 dark shadow over my ability to flourish as a
18 breeder and a promoter. I would be honored to be
19 part of a resurgence of the un-maimed Tennessee
20 Walking Horse. There are many of us that have
21 the experience and the knowledge to do just this.

22 The Tennessee Walking Horse can and

1 will flourish again if these changes by the USDA
2 are made.

3 In conclusion, the current self-
4 policing HIO system is broken. It has failed the
5 Tennessee Walking Horse, the Spotted Saddle
6 Horse, and the Racking Horse. I support the
7 efforts of the USDA on the elimination of pads,
8 action vices, and the self-regulated HIO system.
9 While there might be some language and
10 requirements that are interpreted as problematic
11 for smaller clubs and organizations, I feel
12 confident that the USDA will find solutions and
13 address these minor issues.

14 Thank you.

15 MR. DeLEONARDO: Good morning ladies
16 and gentleman. I am Michael S. DeLeonardo. I am
17 a Certified Journeyman Farrier and an Accredited
18 Professional Farrier. This is all international
19 credentials.

20 I have been a farrier for 44 years.
21 I was one of the head farriers for the Royal
22 Games, the equine games in Kentucky of 2010, and

1 involved in the industry as a President of the
2 American Farrier Association, President of
3 Western States Farrier Association, President of
4 the Farrier Industry Association. Right now, I
5 stand as Vice President of the American Farrier
6 Association and will go through to be President-
7 Elect and then President again.

8 I stand here representing the farrier
9 industry that want to let you folks know and you
10 ladies and gentlemen out there that the farrier
11 industry itself in the United States supports 100
12 percent of done with soring horses. We are
13 appalled by it. We want to help as much as we
14 can.

15 But we do have some questions. One is
16 in the information that was sent out, it doesn't
17 Saddlebreds. It doesn't say Walking Horses. It
18 doesn't say Tennessee Walking. It says all
19 breeds. So, this affects all breeds. And we
20 would like to see it either, if you are looking
21 just for the Tennessee Walking Horse and the
22 Saddlebred for it to say that, we feel that it

1 should say in all breeds because we see things in
2 Morgans, Arabians, and Quarter Horses, and other
3 breeds soring happening and we are not happy with
4 it.

5 We also see that in this document it
6 says the inspectors will be a veterinarian or a
7 veterinarian technician. It doesn't say equine
8 veterinarian. It doesn't say equine veterinarian
9 technician. We also believe that it should be an
10 equine. We also believe that a farrier,
11 qualified farrier with credentials behind his
12 name or her name, should be on that team. And we
13 behoove you folks and you folks out there to
14 please back us on this.

15 Some of the other speakers have spoken
16 about pads and shoes. And we agree there is some
17 terrible pads and shoes out there being used but
18 the terminology is extremely broad. And it also
19 talks about bands.

20 There are bands put on a horse in the
21 Arabian Association on the Park Horse and the
22 Driving Horses on a three-inch pad with a 16 to

1 18 ounce toe weight. The only way you can tell
2 that is soring that horse is when you use thermal
3 imaging. If those technicians that are the
4 inspectors coming in are not trained in thermal
5 imaging with a thermal camera, there is no way
6 they can tell that is soring the horse by the
7 band.

8 I'm not going to go on and on because
9 there are so many things to discuss but I would
10 like you to look at the wording and try to take
11 the wording and bring it to an area that we can
12 live with.

13 I will tell you that if you are
14 talking about toe weights, toe weights can sore a
15 horse over-weighted. Toe weights improperly put
16 on a horse can sore a horse in joints. But not
17 all toe weights will sore a horse. A person that
18 is not qualified in shoeing cannot make that
19 judgment and disqualify that horse.

20 The information here, the Act talks
21 about all horse shows and sales. Does that take
22 in our 4-H shows? Does that take in our B shows?

1 What does that take in, just Class A shows?

2 Does that take in on shoeing at the
3 Olympics? A lot of our Dressage Horses that have
4 worn them at the Olympics have concave steel on
5 their feet. Now, improperly concave steel put on
6 a horse can sore a horse. Can any one of those
7 inspectors tell that difference if it is applied
8 properly or not? And would you disqualify that
9 world champion Dressage Horse for concave if you
10 don't know? We ask you to please think deeply
11 into this.

12 And we ask you as farriers that take
13 care of your horses, the men and women that love
14 your animals and shoe them, please help us in
15 this and think of us as you make your decisions.
16 Thank you, folks.

17 MS. ROY: Good morning. My name is
18 Helen Vydra Roy.

19 Members of the Animal and Plant Health
20 Inspection Service, thank you for the opportunity
21 to speak at this very important meeting
22 addressing changes to the 1970 Horse Protection

1 Act.

2 I am a lifelong fan of all things
3 equestrian. During my life, I have owned at-home
4 horses and ponies, rescue horses, and
5 professionally trained performance horses. I
6 currently own a 32-year-old rescued Arabian Horse
7 who lives at a boarding stable and two American
8 Saddlebred show horses, which are under the care
9 of a professional trainer.

10 I am a passionate defender of all
11 animals and I strongly oppose abuse, neglect, or
12 mistreatment of a horse or animal and would never
13 tolerate any of my animals receiving anything but
14 the best of care and treatment.

15 While I am a strong proponent of
16 protection measures for horses, I am concerned
17 about the proposed changes to the 1970 Horse
18 Protection Act, primarily because of the addition
19 of the words "and related breeds" in the sections
20 pertaining to Tennessee Walking Horses and
21 Racking Horses. The term related breeds is
22 extremely broad and encompasses a large number of

1 potential breeds which could fall under this
2 definition.

3 I would like to emphasize for the
4 record that the American Saddlebred Horse is not
5 a related breed to the Tennessee Walking Horse or
6 the Racking Horse. Unlike the Tennessee Walking
7 Horse or Racking Horse, the American Saddlebred
8 is primarily a trotting breed, which means he
9 moves on a diagonal gait, not a lateral gait.

10 The trot is a natural two-beat diagonal gait in
11 which the front foot and the opposite hind foot
12 take off from the ground in unison and land
13 simultaneously. While there are gaited American
14 Saddlebreds, which means they have been trained
15 to move laterally, they are always, always
16 required to perform at the trot, a diagonal gait,
17 when being shown. There is no way an American
18 Saddlebred Horse can perform this required gait
19 if he is sore, injured, or artificially enhanced
20 to show with increased motion.

21 A horse that trots cannot be sore to
22 enhance his gait precisely because it is a two-

1 beat gait requiring opposite feet to be on the
2 ground at the same time.

3 A sores or artificially enhanced
4 horse would not be able to trot in a forward-
5 moving, balanced, and collective style and would
6 be pulling, head-bobbing, laboring, and in clear
7 discomfort. In the show ring, this would result
8 in a strong penalty from the judge and potential
9 removal from the ring by the show steward.

10 Therefore, there would never be a point in soring
11 because it wouldn't result in a positive outcome
12 for this horse.

13 Unlike the Tennessee Walking Horse and
14 the Racking Horse, the Saddlebred is never
15 allowed in the competition ring with chains,
16 rollers, or other official enhancers of motion.

17 In fact, this is expressly prohibited by the
18 United States Equestrian Federation Rule,
19 SB104.1.

20 Additionally, I oppose the proposed
21 rule change to Section 11.2 that prohibits the
22 use of hoof bands, wedges, and pads at any horse

1 show exhibition, sale, or auction. Hoof bands,
2 wedges, or pads on the American Saddlebred Horse
3 are not action devices. Wedges can help take
4 pressure away from the digital tendon, while pads
5 can help balance uneven feet. Pads and wedges
6 are often used for therapeutic purposes, can aid
7 in the comfort of the horse, and can help address
8 issues such as arthritis in older horses.

9 The band is certainly not an action
10 device, rather, it is used to stabilize the shoe
11 on the horse's foot. In and of itself, it
12 doesn't cause pain. If it is too tight, the
13 American Saddlebred cannot move properly or in
14 the desired manner. So, it would never be
15 optimal to have an over-tightened band on the
16 horse's hoof.

17 I support the Horse Protection Act for
18 the safety and protection it offers our equine
19 friends and I support the enforcement of existing
20 laws and regulations. However, I would like to
21 request that the words "and related breeds" be
22 stricken from the language of the proposed Horse

1 Protection Act amendments and the proposed new
2 paragraph (a)(2) not be added to Section 11.2.

3 Thank you very much for your time and
4 I appreciate your consideration of my comments.

5 MR. TUCK: Thank you.

6 Jackie Burton -- okay, very good.
7 Marilyn Jasper, Lyn Montgomery, and Kristin
8 Herman, please.

9 Marilyn.

10 MS. JASPER: Good morning. My name is
11 Marilyn Jasper. I am speaking on behalf of the
12 Humane Society of the Sierra Foothills.

13 When any citizen is informed of the
14 inhumane, cruel, and abuse that soring inflicts
15 on horses, they are appalled to learn of this
16 illegal activity and the fact that it continues.
17 They and we strongly support not only the
18 proposed changes to strengthen enforcement of the
19 horse protection act and to stop soring entirely
20 but also we would support much stronger language
21 to ensure criminal prosecution and hefty
22 consequences upon conviction. The USDA APHIS

1 should be allowed to take any steps necessary to
2 stop illegal practices, soring. Simply as a law
3 enforcement agency, that should be part of their
4 mandated responsibility.

5 Additionally, because Tennessee
6 Walkers are admired for their sure-footedness,
7 the stacking and/or pads that diminish that
8 quality, as well as the chemicals, chains, nails,
9 et cetera, all of it must be banned. The history
10 of noncompliance indicates that just like other
11 cruel animal activities, such as dogfighting and
12 bullfighting, the Big Lick must be banned
13 completely in the United States. The modus
14 operandi of these school flaws, the perpetrators
15 of soring will undoubtedly claim that, as they do
16 in these other things, the horses enjoy it; that
17 the chemical burning of their legs is okay and --
18 drum roll -- it doesn't hurt for long. And these
19 are in some of the comments that are online. All
20 of that is wrong.

21 Resistance to compliance with the law
22 and well-documented online attempts to cover up

1 their illegal activities are proof of the
2 propensity to continue to abuse horses and their
3 ongoing intentions to not obey the laws. As a
4 law enforcement agency, the USDA should have, as
5 mentioned, all the power and authority necessary
6 to stop, disqualify, and prosecute offenders. We
7 strongly support the proposal as a small first
8 step to end this cruel horse abuse.

9 Thank you.

10 MS. MONTGOMERY: Hi. My name is Lyn
11 Montgomery and I am from Southern California, San
12 Diego County.

13 I have a very hard time speaking of
14 the abuse. I have left that out of my statement
15 today because I get very emotional about it and
16 it is very hard for me to get my point across.
17 So, please forgive me on that aspect.

18 I have raised and shown Tennessee
19 Walking Horses for over 20 years. I am a current
20 member of the Tennessee Walking Horse Breeders
21 and Exhibitors Association, the National Walking
22 Horse Association, the Walking Horse Owners

1 Association. I am a founding Board member of the
2 All American Walking Horse Alliance, as well as
3 serve as a Director on the Northern California
4 Walking Horse Association.

5 In addition, I am the past president
6 and have served the last 11 years on the Board of
7 the Plantation Walking Horse Association of
8 California, which is the oldest completely flat
9 shod, barefoot walking horse association in the
10 United States.

11 My love for the breed grew from the
12 experience I had with my first Walking Horse ride
13 and, from that point on, I was hooked. When I
14 attended my first show, I was instructed on what
15 we had to do to be able to enter the show ring.
16 It was intimidating at first but as I watched the
17 horses go through, I got the hang of it by the
18 end of the weekend. I was lucky enough that my
19 best friend is a Walking Horse trainer. So, I
20 was quite comfortable asking why this went on and
21 why would anyone do something that would his or
22 her own horse. She was able to provide pictures

1 of performance show horses and I had my first
2 glimpse of the Big Lick. I wanted to understand
3 the most I could, so I educated myself through
4 reading, visiting barns, joining Walking Horse
5 organizations and spending a lot of time in the
6 saddle on as many different horses as possible.
7 I have had some amazing journeys in taking horse
8 vacations, showing my Flat Shod Walking Horses
9 across the United States.

10 Through my experiences in the
11 industry, I can say that the time has come for us
12 to show the world how amazing our breed is and
13 move forward to release our horse from the
14 negativity of the Big Lick image. Our industry
15 has made no effort to establish a regulatory
16 program for abolishing the sore horse. Soring is
17 a real problem and there is huge difference
18 between being compliant for a 15-minute period
19 and being 100 percent sound.

20 In addition, we, as owners, breeders,
21 and exhibitors, are in fact the industry
22 stakeholders and our investment in the breed is

1 suffering because of the reputation and the image
2 of the Big Lick Performance Horse. Our horses
3 should be as popular and as significant as all
4 other U.S. breeds but the reputation of the
5 performance horse has tarnished the overall image
6 of our breed.

7 I am here today in support of the
8 proposed rule amendments with emphasis on the
9 elimination of the use of stacks, hoof bands, and
10 action devices. However, I do feel that one
11 section of the proposed rule amendment does need
12 to be revised. There is a question of safety for
13 the exhibitor horse HPIs on the proposed
14 inspection process but I have confidence that the
15 USDA APHIS will make the right decision when
16 safety is involved. We, as the majority of the
17 industry, have been ready for many years to rise
18 past this and show the world that we will
19 tolerate the Big Lick no more.

20 Thank you.

21 MS. HERMAN: My name is Kristin
22 Herman. I am, by profession, a practicing

1 physician. I am a lifelong Tennessee Walking
2 Horse owner and I do mean lifelong. I have been
3 showing since I was eight years old, which puts
4 me in the ring for 35 years and no, you don't
5 need to do the math on that.

6 I am a lifetime member of the
7 Tennessee Walking Horse Breeders and Exhibitor
8 Association, a former multi-term California
9 Director. I have won the Youth Superior
10 Versatility Championship twice and the Adult
11 Supreme Versatility Championship once and
12 probably by the end of this year, twice.

13 I am a current member of the Walking
14 Horse Owners Association. I am a founding
15 member, Board Director, and Officer of the
16 Northern California Walking Horse Association.
17 So, I have been involved in the Walking Horse
18 industry all of my life.

19 I grew up in the Midwest. I have
20 attended everything from local 4-H and All Breed
21 shows to most of the major Walking Horse shows
22 throughout the Midwest, including the

1 International and the Celebration. I have gone
2 to the Celebration multiple years as both
3 exhibitors and as spectators. I have personal
4 experience in all aspects of the Walking Horse
5 industry, although I have never owned a Padded
6 Horse, nor ever sored, nor would consider it.

7 I would like to say that I
8 wholeheartedly support the proposed amendment to
9 the Horse Protection Act to do away with the pads
10 and chains in the Tennessee Walking Horse. There
11 is absolutely no benefit from a therapeutic
12 standpoint or really anything. Other than to
13 accentuate a gait of the Tennessee Walking Horse,
14 there is absolutely no benefit of the pads.

15 I can tell you it is an absolute fact
16 that you cannot have a Padded Horse as currently
17 exhibited in the show ring without that horse
18 being sored at least multiple times in their
19 career. They may not show in the rings sore but
20 they have been sored. You cannot achieve the
21 padded gait without soring. I have actually seen
22 Sound Padded Horses. They do exist. There is

1 not very many of them but they do exist and they
2 are absolutely nothing like what you see in the
3 show ring.

4 So, therefore, the only reason to have
5 pads and chains is to have soring. So,
6 therefore, if you are going to control soring,
7 pads and chains must be done away with.

8 That brings me to my major concern.
9 If pads and chains are done away with, that
10 people are going to think that soring has been
11 eliminated and that is not true. Soring is
12 rampant is in the Flat Shod industry, even though
13 it is a much lower percentage of horses. And I
14 have concerns that once the Padded Horse is gone,
15 trainers who know nothing else on how to train a
16 horse will simply go down to a Flat Shod Horse
17 and continue the same techniques.

18 I will tell you that soring is part of
19 the culture in Tennessee and Kentucky. My family
20 bought a horse and we were educated on how to
21 sore her properly. So, this goes on. This
22 person actually spoke vehemently negatively

1 against a trainer that she perceived as soring,
2 while instructing on how to use chemicals to
3 touch up the horse that we were buying. It is as
4 much part of the culture as putting a saddle and
5 bridle on a horse.

6 I would say that those who argue that
7 doing away with the pads and chains will kill the
8 industry are actually incorrect. As Fran talked
9 about, the Flat Shod Horse shows are growing. We
10 have 90 plus exhibitors at our fall show and we
11 are getting larger every year. Throughout the
12 country, the Flat Shod Horse is expanding. What
13 is dying is the Padded Horse.

14 We will also, I think, have a better
15 marketing with the absence of the pads and
16 chains, which are a negative light on the
17 perception of the Tennessee Walking Horse in the
18 public.

19 I would say because of the rampant
20 soring and pressure shoeing that occurs in the
21 Flat Shod industry, I would encourage the USDA to
22 continue to try to come up with objective

1 monitoring that will hold up in court that can
2 detect soring methods that would not be detected
3 by palpation methods.

4 I would also like to specifically
5 comment on the section of the proposed rule
6 changes that deal with the horse inspectors.
7 While I am absolutely 100 percent in favor of
8 getting rid of the HIO-related inspectors and
9 having the USDA controlling all inspection
10 processes, I would like to say that while I have
11 personally seen DQPs that have allowed obviously
12 sore horses to pass inspection, there are a
13 number of DQPs out there that are incredibly
14 knowledgeable, ethical, and independent and I
15 think they should be allowed to maintain that job
16 and add to the show inspections. So, I would say
17 to limit to veterinarians and veterinarian
18 assistants should be removed and it actually
19 should have a provision for lay inspectors that
20 can prove their knowledge, experience, and
21 independence in inspecting horses.

22 I would also like to bring up a

1 proposal of an option of a show steward, much
2 like the USCF has for shows who have a long
3 history of being sound and really don't need to
4 have every individual horse inspected but would
5 like somebody on the grounds that could act to
6 inspect a horse if there is concern by a show
7 management. So, I would like to bring that up as
8 a possible proposal for future adjustments to the
9 rules.

10 And then finally, I would like to say
11 that really one of the most important things is
12 to bring up a punishment for violators that make
13 it so that soring is not good business; that if
14 you are caught soring, the punishment is
15 immediate and severe enough that they will think
16 hard about doing it again.

17 I appreciate your time and am thrilled
18 that the USDA is considering these rule changes.
19 Thank you.

20 MR. TUCK: Okay, Nicole Schoppe, Keith
21 Dane, and Linda Pierson Bassel, please.

22 Could you please begin by stating your

1 name, please?

2 MS. SCHOPPE: Okay. Hi, everyone. My
3 name is Nichole Schoppe. I am a second
4 generation horse trainer, daughter of Jennie Ball
5 Jackson. I currently own a ranch. I am a huge
6 advocate of promoting the Sound Tennessee Walking
7 Horse.

8 I also currently sit on the Board of
9 the Northern California Walking Horse
10 Association. I am on my fourth year as
11 President. I have been involved in managing
12 numerous horse shows, with some over 90
13 participants, clinics, expos, and fairs for over
14 the past 15 years.

15 I co-own and run a hoof rehabilitation
16 operation in Grass Valley, California. I now
17 have over 35 years' experience in the Tennessee
18 Walking Horse industry. I have seen the good,
19 the bad, and some of the ugly things that are
20 done to these horses.

21 These proposed amendments create a
22 time for change. I do support the provisions in

1 the rule for the eliminations of the stacks, the
2 pads, and the action devices that are used on the
3 Racking Horses and the Tennessee Walking Horses.

4 I believe to reach success and make
5 this proposed amendment work, the natural gait
6 needs to be rewarded. Our judges need to stop
7 rewarding the false gait. When this happens,
8 trainers and owners will start moving in the
9 right direction.

10 Second, I support the elimination of
11 the HIO DQP system and in its place to place a
12 team of third-party inspectors with no conflicts
13 of interest which are licensed, trained, and
14 overseen by the USDA. The current system has
15 failed us but many of those current inspectors
16 have been very, very good here on the West Coast.
17 We need to approach another method and it just
18 makes sense.

19 Third, it is proven that weighted
20 shoes are being used to sore horses and there
21 should be a limit on the weight of the shoe that
22 is allowed in all breeds impacted by this

1 amendment.

2 Through the research of my hoof care
3 facility, it is proven that an ounce at the hoof
4 is a pound at the shoulder. So, you can imagine,
5 those horses carrying those very heavy shoes, it
6 does cause a lot of muscle tears and micro tears.
7 And there is research that has proven this.

8 Fourth, I support a zero tolerance
9 scar rule. With action devices eliminated in the
10 show ring, there is no reason for trainers to be
11 working their horses at home with action devices
12 or soring chemicals. Further, bilateral changes
13 in the pastern area should not even be accepted.

14 Lastly, I am concerned with the
15 proposal for the inspection process of horses
16 being brought in with just a halter and lead
17 rope. As I do show and compete with my stallion,
18 and I know how busy it is when multiple trainers
19 come with multiple horses, it can be very chaotic
20 and I see that it is a manager's nightmare when
21 they have to remove the halter to put the bridle
22 on in a huge open arena with over 50 horses. So,

1 I would consider that this be re-looked at.

2 Since my realization of what we were
3 doing to our horses was wrong, I went from
4 showing and training horses with shoes with my
5 family to, for the past nine years, I have been
6 all barefoot. I am extremely proud to speak
7 about the number of participants that fuel our
8 Barefoot classes here in the Northern California
9 horse show circuit. This is a division I
10 suggested over eight years ago and now, it is the
11 largest class at the show.

12 My successful business is based around
13 barefoot only. I work with gaited and non-gaited
14 horses. I have no need to consider soring, using
15 shoes, or pads and chains. I believe the key
16 ingredient of implementing these amendments is
17 creating a standard that can be universal.

18 The new proposal has many positive
19 benefits to move the Walking Horse industry
20 forward. With this opportunity, we need to build
21 the infrastructure to award a natural gait. This
22 requires a parallel effort with the

1 implementation of the new amendments and creating
2 new judging standards towards the ability to
3 reward the natural gait.

4 In conclusion, I am and I will always
5 be a huge supported of the natural-moving horse.
6 I hope for generations to come we will all look
7 back and reminisce on this day when the pads and
8 chains were taken away. I want to remember this
9 day forever and be thankful for it that it
10 happened in my lifetime and I honestly felt that
11 it would have never happened.

12 I want to thank everyone who spoke up
13 here at this event and spoke up not just for us
14 and our financial decisions on this but spoke for
15 the horse.

16 Thank you.

17 MR. DANE: Good morning. I'm Keith
18 Dane. I'm the Senior Advisor on Equine
19 Protection for the Humane Society of the United
20 States. I am also a lifelong Tennessee Walking
21 Horse owner, having shown, bred, raised, and
22 trained horses for many years and have held

1 leadership positions in many organizations
2 dedicated to the promotion and protection of this
3 breed. I have also been a gaited horse show
4 judge for many years, over two decades.

5 I support USDA's proposal because I
6 believe, and many like me believe, that the only
7 way to eliminate soring is to eliminate the
8 stacks and chains and industry self-regulation.
9 We are sick of seeing the Big Lick ruin our
10 breed. I'm very happy that the long-overdue
11 abolition of the HIO system, as recommended by
12 USDA's Inspector General, and in its place the
13 creation of a team of conflict-free independent
14 third-party inspectors that are licensed,
15 trained, and overseen by USDA.

16 For too long, the fox has been
17 watching the hen house in this industry and the
18 agency has relied for enforcement on those who
19 have no goal, other than to maintain the status
20 quo of the sore Big Lick gait.

21 The prohibition in the rule on the use
22 on Tennessee Walking Horses and related breeds of

1 stacks, pads, hoof bands, and action devices is
2 crucial. These are all implements of soring and
3 soring can't be accomplished without them.

4 However, the absence in the rule of a limit on
5 the weight and size of horse shoes allowed to be
6 used on horses two years old and over in the
7 breeds impacted leaves a dangerous tool in the
8 horse sorer's arsenal. The rule itself mentions
9 the use by a convicted HPA violator of eight-
10 pound Tungsten shoes on horses to sore them but
11 it doesn't set a limit on the use of these
12 harmful shoes.

13 The rule also says that inspectors may
14 use hoof testers on all horses. This is an
15 important step in the process of detecting
16 pressure shoeing on Flat Shod Horses. But many
17 of the shoes in use today are so wide that the
18 two prongs touch each other and there is no way
19 to apply a hoof tester to the sole of the horse.
20 The final rule should prohibit the use of this
21 soring device.

22 The current scar rule allows for

1 tissue changes to the posterior of the pastern
2 and the Big Lick faction has engaged in much
3 debate over the years over whether the condition
4 of a horse's pastern constitutes a violation or
5 not. Invariably, these changes are caused by
6 action devices, combined with the use of soring
7 chemicals. If the use of action devices is no
8 longer going to be allowed at shows under this
9 rule, there is no reason to allow for changes to
10 the pastern and doing so will only invite
11 trainers to continue using those devices and
12 chemicals in the training process. This will
13 encourage ongoing debate ad nauseam over the
14 horse is in compliance or not. There should be a
15 zero tolerance policy on changes to the pasterns
16 of horses born within a certain time period of
17 the implementation of this rule and thereafter.

18 It is good to see that this rule
19 affords USDA the flexibility to include in the
20 shoeing and equipment restrictions those breeds
21 related to the Tennessee Walking Horse that
22 perform with an accentuated gait that raises

1 concerns about soring.

2 I'm concerned that once the rule is
3 implemented, devious attempts to form new gaited
4 horse registries will be undertaken in order to
5 circumvent the rule. However, members of the Big
6 Lick clan have, true to form, been working to
7 convince participants in other breeds that use
8 pads that this rule will apply to them. We at
9 the HSUS know that there is no reason to include
10 breeds that have never had a problem with soring
11 and we hope USDA will work to assure participants
12 in those breeds that if their horse's gait has
13 never raised a concern about soring, they have no
14 cause for concern.

15 Big Lick keyboard warriors who cite
16 economic hardship as their primary reason for
17 opposing this rule fail to recognize the immense
18 financial damage that their activity has caused
19 to the Tennessee Walking Horse. Perhaps most
20 telling about how they value their horses is
21 their claim that if stacks and chains are
22 eliminated, their horses will be worthless and

1 sent to slaughter. The reality is, that many
2 former Big Lick horses are already being dumped
3 at auctions around the country by their owners
4 when they are no longer competitive and are
5 deemed worthless.

6 For much of the past 25 years, I have
7 worked to eliminate soring from my breed. I have
8 served as an HIO liaison to USDA and participated
9 in many negotiations regarding the policies,
10 procedures, and operating plans developed with
11 the stated purpose of strengthening enforcement
12 of the HPA and increasing protections for the
13 horse. Every time the Big Lick faction would
14 accede on paper to these improvements, it would
15 then either refuse to implement them or fail to
16 implement them. It has failed to act in good
17 faith with USDA and I have long since come to the
18 conclusion that it has no desire or intention to
19 reform.

20 This racket has more than 40 years to
21 propose and implement changes on its own to
22 eradicate soring but it hasn't and it won't. It

1 doesn't need any more time to stall or delay this
2 rule's long overdue reforms. Please do not grant
3 any extension of the current comment period and
4 move quickly to finalize the rule this year.

5 Thank you.

6 MS. BASSEL: Good morning. My name is
7 Linda Pierson Bassel. I am down from Portland to
8 speak today and express my wholehearted support
9 for the USDA and the proposed rule change to
10 better enforce the Horse Protection Act of 1970.
11 I am a proud member of the All American Walking
12 Horse Alliance. I support ridding this wonderful
13 breed of the stacks, chains, and soring which
14 inevitably go along with them.

15 I have been involved with horses all
16 my life, beginning with Quarter Horses at age 11.
17 The first Walking Horse I was privileged to own
18 joined our farm 12 years ago. After having the
19 horse registered in my name with TWHBEA, I
20 received my first copy of "The Voice," the
21 magazine put out by the breed association. I
22 will never forget my shock and horror at the

1 photos of these horses in stacks and chains and
2 harsh bits, wild-eyed, terrified looking, front
3 legs flailing in front of them, every muscle
4 tensed in pain. I had never heard of soring. I
5 had never seen such an abomination previously in
6 the horse world. With no other information at
7 that time, still I knew that this was wrong. The
8 photos alone convinced me.

9 Because I fell in love with this breed
10 of horse, I set about educating myself about the
11 Big Lick. The more I learned, the more horrified
12 I became and the more determined to work to see
13 this abuse eradicated.

14 Our Walking Horses are keg shod or
15 barefoot. We have shown in breed shows and open
16 shows, in Oregon, Washington, California, and
17 Tennessee. My two daughters have shown our
18 double registered Spotted Saddlehorse and Walking
19 Horse in 4-H competitions and this amazing animal
20 has been used for jumping competitions, gaming
21 days, cow cutting. Anything you can mention,
22 these horses can do it.

1 As a family, we enjoy trail riding in
2 the beautiful Oregon mountains and beach riding
3 is a family favorite. These horses are amazing,
4 versatile, big-hearted, and gentle. The tiny Big
5 Lick Division has poisoned the public perception
6 of this breed and, as a result, the Walking Horse
7 has never achieved the popularity and widespread
8 use in the United States that it deserves.

9 At the upcoming Celebration later this
10 month, the Country Pleasure Division, which is a
11 Keg Shod Division, is so large that it needed to
12 be split into three separate classes. This is
13 the future of the All American Walking Horse in
14 the post-Big Lick era and it is a bright one.

15 A common theme among the so-called
16 performance horse people is that feed stores,
17 vets, farriers, boarding barns, tack shops, et
18 cetera, will go out of business if the Big Lick
19 is abolished. What utter nonsense! Flat shod
20 horses eat. They need vets, farriers, and
21 stabling as well.

22 We are also hearing that the rule

1 change will kill horse shows. The WHOA
2 International and the NI National Shows have
3 shown continued growth with only flat shod horses
4 and virtually no Horse Protection Act violations
5 found at these venues.

6 Showing is an expensive hobby and
7 increasing fees to cover additional inspection
8 costs can be absorbed by exhibitors and it will
9 be.

10 In conclusion, I would like to thank
11 the USDA for taking the needed steps to end the
12 abuse of these horses. It is a national disgrace
13 and it is time for it to end.

14 Thank you.

15 MR. TUCK: All right, I would like to
16 go ahead and take about a ten-minute break right
17 now. Thank you.

18 (Whereupon, the above-entitled matter
19 went off the record at 10:05 a.m. and resumed at
20 10:22 a.m.)

21 MR. TUCK: Okay, I would like to call
22 up Courtney Fern, Priscilla Presley, and Mara

1 Guccione. Thank you.

2 Courtney.

3 MS. FERN: Yes.

4 MR. TUCK: Just begin by stating your
5 name.

6 MS. FERN: Good morning. My name is
7 Courtney Fern and I am the California State
8 Director for the Humane Society of the United
9 States. Today, I am speaking on behalf of HSUS,
10 the nation's largest animal protection
11 organization and our many constituents in
12 California who applaud the agency's initiative to
13 propose regulations which seek to protect horses
14 from soring.

15 Horse soring is a process of
16 intentionally inflicting pain in the lower limbs
17 of Tennessee Walking Horses and related breeds
18 for the purpose of creating an exaggerated
19 artificial gait known as the Big Lick. Soring is
20 accomplished by applying caustic chemicals to the
21 horses' legs and wrapping the plastic to cook the
22 chemicals into the flesh. Chains and other

1 action devices are then strapped to the inflamed
2 legs to exacerbate the torment, making it painful
3 for the horse to step down, which causes it to
4 fling its leg high to try to get away from the
5 pain. These are just some of the horrific
6 practices employed to sore horses.

7 In an attempt to eliminate this
8 abusive practice, Congress passed a Horse
9 Protection Act in 1970 but weak regulations and a
10 failed system of industry self-policing have
11 undermined the law's effectiveness.

12 Unfortunately, soring is still rampant after 46
13 years.

14 Violators have found ways to game the
15 system. Trainers will use stewarding practices
16 to teach a horse not to react to pain, such as
17 conducting a mock inspection in the training barn
18 and beating the horse if he flinches in pain. Or
19 these trainers may apply pain-masking agents to
20 temporarily numb the horses' legs during
21 inspections. Some trainers have even devised
22 ways to camouflage evidence of soring and will

1 use painful distraction devices to take a horse's
2 mind off the pain it experiences during
3 inspection.

4 Industry inspectors, many of whom have
5 conflicts of interest routinely allow sored
6 horses to compete. The violation rates cited by
7 designated qualified persons inspecting horses
8 when there is no USDA oversight is a mere
9 fraction of the violation rates cited when USDA
10 veterinarians are present. Multiple undercover
11 investigations have revealed that soring is
12 routinely performed on every single horse in
13 major successful training barns.

14 Trainers, vets, and owners previously
15 involved in the Big Lick segment of the industry
16 have come forward to say that you can't produce
17 the Big Lick without soring. It is a pain-based
18 gait. They have said that chains, stacks, pads,
19 bands, and heavy shoes are all part of the soring
20 process. Without them, soring can't be
21 accomplished and until they are prohibited,
22 soring will continue.

1 The proposed rule will strengthen the
2 Horse Protection Act regulations and greatly help
3 protect horses from soring. I fully support the
4 language in the proposed rule to ban stacked
5 shoes, pads, hoof bands, and action devices,
6 including chains on Tennessee Walking Horses and
7 related breeds. I also support mandating that
8 only USDA trained and licensed inspectors monitor
9 the industry and check for violations of the
10 Horse Protection Act at horse shows. Both of
11 these changes are steps in the right direction to
12 end the torturing of horses for profit.

13 Unfortunately, this rule does not do
14 enough. First, under the proposed rule, trainers
15 would still be allowed to use heavy shoes. Heavy
16 shoes are used by trainers to sore horses and
17 just like stacks and pads, they obscure the
18 evidence of soring done to the sole of the hoof.
19 Allowing the continued use of heavy shoes for
20 horses two years or older encourages and invites
21 trainers who sore horses to use pressure shoeing
22 to inflict pain on the sole of the hoof

1 undetected as a means of creating the Big Lick
2 gait. A limit should be included on the weight
3 of the shoes allowed to be used on the breeds
4 affected by this rule, issue a prohibition on any
5 shoe which covers or significantly obscures the
6 sole of the hoof as to render impossible an
7 examination of the sole.

8 Second, the proposed rule removes
9 current regulations specific prohibitions and
10 restriction on equipment used on all the breeds
11 besides those explicitly referenced in the rule.
12 Those cross-breed prohibitions have important
13 deterrent value and should remain in effect.

14 Lastly, the scar rule should be
15 changed so that the same criteria apply to the
16 posterior of the pastern as applied in the
17 current regulations to the anterior.

18 Opponents of reforms that would
19 eliminate soring claim that the proposed rule
20 would leave them with horses of no value. That
21 reveals how little they understand and appreciate
22 the natural beauty and wonderful temperament of

1 Tennessee Walking Horses and related breeds.

2 While Big Lick shows are struggling
3 with declining attendance because people don't
4 want to be associated with awful cruelty, sound
5 horse shows are on the rise. That is the way of
6 the future. The sound horse shows are responding
7 to the public's revulsion with soring and,
8 instead, featuring these magnificent animals
9 without forcing them to contort themselves into a
10 grotesquely high gait. The proposed rule will
11 enable those who aren't engaged in soring to
12 thrive and continue to grow.

13 The USDA should make these few
14 important adjustments to the rule and move
15 quickly to finalize the rule before the end of
16 this administration to help finally stop cruel
17 horse soring.

18 Thank you.

19 MR. TUCK: If you could begin with
20 stating your name.

21 MS. PRESLEY: Okay. He said to state
22 my name. So, I'm Priscilla Presley.

1 And the first thing I would like to
2 know -- this is my very first time here. It has
3 been quite an experience. I feel your passion.
4 I am the same way.

5 Can I just ask not to have any
6 pictures right now, please? Thank you.

7 I want to know who is the USDA here?

8 MR. TUCK: I'm sorry, you missed our
9 introduction.

10 MS. PRESLEY: What is it?

11 MR. TUCK: Yes, my name is Mike Tuck.
12 I'm with the USDA. This is Bernadette Juarez,
13 who is the Deputy Administrator for Animal Care.

14 MS. PRESLEY: And you are the only
15 two?

16 MR. TUCK: Yes, ma'am.

17 MS. PRESLEY: You are the only two.
18 I did know that. I just thought there were more
19 in the audience and they were going to raise
20 their hand.

21 So, it is really just basically us
22 here, the two of you.

1 MR. TUCK: Yes, ma'am.

2 MS. PRESLEY: Okay.

3 MS. JUAREZ: And the camera.

4 MS. PRESLEY: And the camera. Okay.

5 I was hoping that there would even be
6 more here, just to get the impact. I know that
7 with your titles and that you go back and you
8 report everything, I am sure, what we are saying.
9 I guess it has been just a long haul. And I have
10 heard this story so many times now that I am
11 involved. And now seeing how this process is, so
12 really I should be talking to you. Right?

13 All your stories are poignant. All of
14 them are touching. All of them are true. And I
15 have experienced, I think, about four years of
16 being involved. And I am going to start with my
17 speech a little bit different, only because
18 basically all that you have said was in my
19 speech. So, I have kind of shortened it a little
20 bit and I am going to into it a little bit.

21 So, I will start saying that there is
22 an old saying or old proverb, an English proverb

1 "Show me your horses and I will tell you what you
2 are." I believe the way you treat your horse
3 reveals a lot about your values, your character,
4 and your priorities. When I see Big Lick horses
5 paraded in front of crowds at horse shows,
6 knowing the torment they have endured to
7 manufacture that artificial gait, I am nauseated.

8 So many of us in this room know what
9 is involved in the abusive training of these
10 gentle creatures. Every day in every Big Lick
11 training barn, out of sight from the public,
12 generations of Tennessee Walking Horses have
13 suffered incalculable anguish at the hands of
14 their abusers, taught that all humans are cruel
15 and not to be trusted.

16 The struggle to stop soring is never-
17 ending for me and the brave Sound Horse advocates
18 engaged in this battle. We are joined by all the
19 major veterinarian, horse industry, and animal
20 welfare organizations in this country.

21 Elvis was a devotee of Tennessee
22 Walking Horses and together, we rode and cared

1 for our Flat Shod Horses. We still keep
2 Tennessee Walking Horses at Graceland, a tribute
3 to the breed and their beauty, their gentle
4 disposition and the great state of Tennessee. I
5 doubt that Elvis would even recognize the horses
6 used in today's Big Lick competitions and no, he
7 would never, ever condone their treatment.

8 Years ago, I withdrew the trophy that
9 I donated to the breed's Tennessee Walking Horse
10 National Celebration when I became aware of the
11 violent and sadistic training methods used to
12 prepare horses for that show. And I join to
13 fight to give these horses a voice.

14 Now, I was told by Keith Dane, who you
15 heard just prior to me coming up here, with the
16 United States Humane Society, about the trophy,
17 the Celebration trophy that went to that event.
18 And I was there in I believe 1982 or 1983 because
19 we had the Tennessee Walking Horse that Howard
20 Hamilton saw on our grounds. I don't know if you
21 are familiar with him or not but he saw the horse
22 and said wow, now that you have Tennessee Walking

1 Horse, we would like to show that horse in the
2 Celebration.

3 I talked to Alene Alexander, who is
4 our stable manager and the preparation was a
5 couple of months. Little did I know what that
6 preparation involved. It was involved with a
7 soring.

8 And we went to the Celebration and the
9 horse showed beautifully. Keith then called
10 about four years ago and asked me if I knew that
11 that trophy was still being presented at each
12 show, passed on to the next winner. I had no
13 idea. He then explained to me what soring was
14 and I was absolutely appalled. Just like all of
15 you, I could not believe this existed and went
16 through the guilt of what I probably put our
17 horse through.

18 I asked for it to be returned. I
19 called Mike Inman, who is the CEO of the National
20 Celebration. You probably know him, too. And I
21 had an hour conversation with him, with him
22 trying to convince me all what you are saying --

1 it doesn't really hurt the horses; it is only
2 temporary; they are making a big deal out of it;
3 it is a big thing -- big celebration; people love
4 it. And I would not budge and he did not want me
5 to get the trophy back. And I said we are taking
6 back; Elvis Presley Enterprises cannot be
7 involved with anything of the sort. So, he did
8 return it. It is no longer in the circuit.

9 So, what you were saying earlier about
10 what they do say, it is true. And I am speaking
11 from my heart, it is true. I have seen scars. I
12 have seen the cover-ups. I have seen what they
13 do and they are very, very, very clever. And it
14 is really undetectable if you don't know what you
15 are doing -- I mean if you don't know what to
16 look for.

17 And so I went to Washington, D.C. to
18 lobby for passage of the PAST Act, which has
19 overwhelming industry support and a bipartisan
20 co-sponsorship of a majority of both houses of
21 Congress, yet much to my dismay, thanks to the
22 obstruction of politicians beholden to the Big

1 Lick machine like Mitch McConnell, Lamar
2 Alexander, Harold Rogers, and Scott DesJarlais,
3 it's French, this crucial legislation has never
4 seen a vote.

5 This is unconscionable, given that
6 Congress passed the Federal Horse Protection Act
7 in 1970 to stop spring. Loopholes in the Act
8 have allowed Big Lick trainers to evade detection
9 of their crimes and allowed to police itself.
10 The industry has failed the crackdown on these
11 violators and, instead, encourages and rewards
12 them. The current system is irreparably broken
13 but, fortunately, USDA has decided to use its
14 authority to propose regulatory changes that will
15 help protect these horses from this cruelty once
16 and for all.

17 I support the language in the proposed
18 rule to ban stacked shoes, pads, hoof bands, and
19 action devices on Tennessee Walking Horses.
20 However, extremely heavy shoes, weighing as much
21 ten pounds or more each, are also being used to
22 sore these horses. The regulations should

1 contain a reasonable limit on the weight of shoes
2 allowed to be worn on these horses. I support
3 the requirement that only the USDA will train and
4 license third-party inspectors to detect
5 violations at shows. These changes are steps in
6 the right direction to end this torture of horses
7 for personal and monetary gain.

8 For far, far too long these stoic
9 horses have suffered in silence. I urge the USDA
10 not to entertain any request to extend the
11 current comment period. My God, it has been four
12 years. How much longer do they need? That must
13 be an indication right now there is big money
14 involved with it and there is a lot of loss in
15 that for them.

16 And they are very powerful and we know
17 that and they do use threat and fear. I know
18 many people who are involved with the horse
19 industry, as you, in Tennessee and they are
20 afraid to talk because they are so powerful.

21 And I don't know what else the USDA
22 has and I am not directing this on you or you, I

1 am just saying from my heart, I don't know what
2 it is going to take. It takes this but it takes
3 truth. And they are all telling the truth. And
4 I ask you with all my heart and theirs, too, to
5 please take this back and please, really before
6 Obama is gone and we will have to start it all
7 over again in another fight that would be
8 necessary to delay the long overdue relief that
9 these horses so desperately need.

10 Please take swift action to finalize
11 this rule this year to end this scourge, this
12 blight, this curse that condemns Big Lick horses
13 to unimaginable agony.

14 Thank you.

15 MR. TUCK: Start by stating your name.

16 MS. GUCCIONE: Sure. Hi there. I am
17 Mara Guccione. Well, you are nervous to public
18 speak, it is actually good to follow Priscilla
19 Presley because no one will pay to what I have to
20 say.

21 I am a California resident and a
22 volunteer district leader with the Humane Society

1 of the United States. In this room,
2 particularly, I am a true horse novice but I
3 really stand in awe of horses as a true American
4 icon.

5 I took the time to attend today
6 because of my strong support for the USDA's
7 proposed regulations against horse soring. when
8 discussing this issue with friends, neighbors,
9 other California residents, people are truly
10 shocked and disgusted to learn about the practice
11 of horse soring.

12 I am one of many Californians who are
13 opposed to animal cruelty in any form and horse
14 soring is animal cruelty. While the USDA's
15 proposed changes move in the right direction,
16 additional rules are needed, including the
17 prohibition of the use of heavy shoes.

18 The USDA should make this important
19 adjustment to the proposed rule and move quickly
20 to finalize it before the end of this
21 administration and finally put an end to this
22 egregious practice.

1 Thank you.

2 MR. TUCK: Okay, can I have Jim Hart,
3 Lexie Sazne, and Beth Jennings?

4 Jim, again, if you could start by
5 stating your name.

6 MR. HART: Hello. My name is Jim Hart
7 and I am with Horse Plus Humane Society, a
8 national organization with shelters across the
9 United States, including California and
10 Tennessee. I am also with the ASPCA's Horse
11 Action Team.

12 The pads, stacked shoes, and chains
13 must be eliminated to put an end to the
14 institutional abuse that must be done to achieve
15 this artificial gait, the Big Lick. No animal
16 should suffer for entertainment, yet these horses
17 suffer horrible abuse so they can entertain their
18 trainers, owners, judges, and the rapidly
19 diminishing audience that attends the shows.
20 They suffer horrible chronic abuse so these
21 owners can say I own the top performance horse or
22 the world champion.

1 When we attended the Murfreesboro,
2 Tennessee public meeting hosted by the USDA, we
3 heard how these horses were going to be worthless
4 if the pads and chains are banned; questions like
5 who is going to feed my horses and what future
6 will they have. If you love your horses as much
7 as you all say you do, be responsible horse
8 owners and take care of them. If caring for your
9 horses without stacked shoes, pads, or chains is
10 a hardship for you, we at Horse Plus are an open-
11 door shelter for horses and will gladly take any
12 horse in need.

13 I took lessons on Tennessee Walkers
14 when I was ten years old. The ranch where I rode
15 at often had shows that I performed in. The
16 crowds were large and they took a stand against
17 the cruelty of the Big Lick back then. That was
18 45 years ago. It is time for this abuse to end.

19 Every year, there are fewer and fewer
20 folks attending the shows. Let's remove the
21 stacks and chains. Let's show these magnificent
22 creatures in their natural gait and start

1 attracting people back to the shows and raising
2 revenue in a way that doesn't abuse animals.

3 So many times we hear that these
4 horses are not abused to get them to do the Big
5 Lick. If you can train a horse without using any
6 caustic chemicals or harsh mechanical means to do
7 the Big Lick, then why aren't you documenting it
8 and showing the world that these horses are not
9 being abused to perform this atrocity or is it
10 that you can't?

11 You say these horses are not being
12 abused yet, time and time again, registered
13 Tennessee Walking Horses show up at our shelter
14 that have been severely abused. Why aren't you
15 ratting out the abusers and cleaning up your own
16 industry? Why do you just say we are against
17 soring but do nothing about it? You know it is
18 happening. You have to do something more than
19 just say you are against it. You have to take a
20 stand with us and do whatever it takes to stop
21 it.

22 Voluntarily change the Tennessee

1 Walking Horse Show rules to outlaw stacks and
2 chains. Beat the USDA to it and people will
3 begin to respect the Walking Horse industry.
4 With that respect comes profit, participants, and
5 packed stands once again.

6 If what you say is true, that horses
7 aren't being sore, then why time and time again
8 are our rescuers in Tennessee finding horses with
9 scars from caustic chemicals at auctions? Why
10 are we finding horses with pads still on their
11 feet and whip marks on their heads and shoulders
12 at auctions? These horses are dumped because
13 they are not fit, nor do they have the mental
14 capability to handle the suffering it takes to
15 become a top performance horse for the next world
16 champion.

17 The sad fact is, until the pads and
18 chains have been banned, which will happen sooner
19 or later, this abuse will continue to occur and
20 these horses will continue to suffer.

21 We, at Horse Plus and the ASPCA are on
22 a mission to make this abuse stop and are in

1 support of this proposed regulation 100 percent.
2 It is long overdue. And since we all know the
3 pads and chains will be banned sooner or later,
4 let's ban them now. Let's start showing these
5 horses for the awesome natural gait they have,
6 thereby making them the new performance horse and
7 the new world champions.

8 Thank you and on behalf of Horse Plus
9 and the ASPCA.

10 MR. TUCK: Just begin by stating your
11 name.

12 MS. SAZNE: Hi! I'm Lexie Sazne from
13 San Francisco. Members of the Animal and Plant
14 Health Inspection Service, thank you for allowing
15 me to speak on behalf of the 1970 Horse
16 Protection Act.

17 I am a third generation equestrian who
18 currently owns and exhibits American Saddlebreds.
19 I currently own two American show horses, one of
20 which is retired and pastured in Santa Rosa and
21 another in San Diego. I am passionate about
22 animals and an active volunteer with German

1 Shepherd Rescue of Northern California. I care
2 extremely about the welfare and safety of all
3 horse breeds. I have no tolerance for any abuse,
4 neglect, or mistreatment of any show horses or
5 at-home horses.

6 I am a strong proponent of the
7 protection measures for the horses, though I am
8 concerned about the language used in the proposed
9 changes in the 1970 Horse Protection Act.

10 In Section 1, it is written soring has
11 been primarily used in the training of Tennessee
12 Walking Horses, Racking Horses, and related
13 breeds to produce exaggerated gaits for
14 competition. And the term "related breeds" is
15 extremely broad. I believe the wording should be
16 specific to the Tennessee Walking Horses, Racking
17 Horses and the Big Lick Competition. I worry
18 that my beloved American Saddlebred, as well as
19 the Morgans, Hackney Ponies, Arabians, and
20 National Show Horses, who all compete in saddle
21 seat could be included in these changes under the
22 term "related breeds" when, in fact, we are

1 extremely different than the Big Lick Tennessee
2 Walking Horses. Also it should include, which I
3 forgot to include, the Paso Finos, the Icelandic
4 Ponies, and the Rocky Mountain Horses, which all
5 have -- well, I'll just go on.

6 Unlike the Tennessee Walking Horse and
7 the Racking Horse, American Saddlebred Horses,
8 Morgans, Hackney Ponies, Arabians, and National
9 Horses are all trotting breeds, moving in a
10 diagonal gait and not in a lateral gait. The
11 motion is a natural two-beat diagonal gait.

12 While we have gaited horses in the American
13 Saddlebred world which have been trained to move
14 laterally because they are built for it, they are
15 still required to have a true diagonal gait at
16 the trot. There is no way that any of our breeds
17 could perform the required gait if they were
18 sore, injured, or artificially enhanced to show
19 increased motion.

20 Our horses need to have smooth, clean
21 motion in a bright and forward going manner.
22 They need to have bright eyes, excitement and

1 forward ears. If our horses were at all in pain
2 or sore, they would be off balance. They would
3 be pulling, laboring, their heads would be
4 bobbing and their ears would be pinned back or
5 flapped. All these things would result in
6 potential removal from the show ring from either
7 the judge or the show steward. It is for that
8 reason we would never sore our horses for motion.

9 If anything, soring would take away
10 our emotion because they would not be -- I
11 already read that. If anything, soring would
12 give them less motion, since they would not be
13 able to trot in a balanced manner.

14 I also opposed the proposed rule
15 change to Section 11.2 that prohibits the use of
16 hoof bands, wedges, or pads at any horse show,
17 exhibition, sale, or auction. American
18 Saddlebreds, Morgans, Hackney Ponies, Arabians,
19 National Show Horses, and even Quarter Horses all
20 use hoof bands, wedges, and pads but not as
21 action devices. Wedges are used to take pressure
22 away from the digital tendons, while pads balance

1 uneven hooves. The band is used to stabilize the
2 wedge and/or pad on a horse's foot and can be
3 tightened or loosened.

4 I, personally, when working my own
5 horse, have loosened my own bands after we have
6 worked them out to make sure that they are nice
7 and loose, there is no pressure at all.

8 None of these devices hurt or injure
9 our horses but rather keep them safe form injury.

10 I also have issue with making
11 lengthening of the hoof illegal. Horses showing
12 in division where pads are not allowed, such as
13 our Country Pleasure Division, sometimes require
14 a longer hoof to keep them balanced. All of our
15 horses usually have longer hooves than Quarter
16 Horses or Warm Bloods. Our breeds are known for
17 their natural motion and upright headsets that
18 are completely natural to their confirmation.
19 Horses with short hooves look and act completely
20 different from our breeds. We should not be
21 forced to cut down their feet because horses that
22 are asked to jump or chase cattle need short

1 hooves. These horses are performing different
2 tasks.

3 Our practices and devices are used to
4 keep our horses healthy and safe. It is for that
5 reason I have issue with the language in these
6 proposed changes to the 1970 Horse Protection
7 Act. I believe the language should be specific
8 to the National Walking Horse and Racking Horse.
9 I request that the words "and related breeds" be
10 stricken from the language and the proposed Horse
11 Protection Act amendments and propose new
12 paragraph (a)(2) not be added to Section 11.2, as
13 this would hurt many breeds that use devices for
14 health reasons.

15 Thank you for listening.

16 MR. TUCK: Again, if you would start
17 by saying your name first.

18 MS. JENNINGS: Hello. I'm Beth
19 Jennings from Southern California. I am here
20 representing the Plantation Walking Horse and
21 myself. And I am a member of PWHA, Plantation
22 Walking Horse Association, as we have heard

1 before. It is oldest all flat shod barefoot
2 group in the United States.

3 I am a member of the National
4 Plantation Walking Horse Association. I am on
5 the Board of the National Walking Horse
6 Association and on the Board of TWHBEA. So, I'm
7 not going to get into the whole soring thing. We
8 have been there. We have done that. We know
9 what it is. And everybody has just given horror
10 stories and I have my own and I don't want to go
11 there today.

12 Well, I guess if I had my glasses on,
13 I could read.

14 The Plantation Walking Horse
15 Association absolutely agrees with the first part
16 of this proposal in that the Plantation Walking
17 Horse Association doesn't allow bands, pads,
18 anything on their horses' feet other than a shoe.
19 And we also have a rule that has no hair loss --
20 no bilateral hair loss and no bilateral scarring.
21 We don't use the DPQ system. We invite the USDA
22 to come to our events. They have been there. We

1 have never had a problem. They usually stay
2 about 20 minutes and go somewhere else, probably
3 to lunch.

4 We have nice turnouts for our shows
5 and we just would like to just say that as a
6 group, we totally agree.

7 Our problems come into some language
8 farther into the proposals. One, we think the
9 HPI system sounds theoretically great. We just
10 would like to see something where we know how
11 this is actually going to be implemented. I have
12 talked to some veterinarians and some vet techs
13 in our area in about a 30-mile radius and they
14 all have something to do with gaited horses of
15 one kind or another, as do the farriers. So,
16 their situation is, even if they wanted to be an
17 HPI, they couldn't be an HPI because that would
18 take away their business. And none of them even
19 deal with sore horses at all. They probably have
20 never seen one other than what we get in to fix
21 up. So, we see that as kind of a problem in that
22 you would have to fly somebody in from far away

1 and now like the vets in our area would charge
2 \$1,000 a day to something like this. The vet
3 techs would charge \$500 a day. Then again, I'm
4 in Southern California. And they want travel
5 time paid and all this. So, I think that is a
6 situation to delve into.

7 I would be just as happy to see a
8 farrier but, then again, we are still working
9 with somebody that is entwined somehow. So, do
10 you have that vet sign something that says they
11 don't deal with any gaited show horses in order
12 to be your HPI at a show? I don't understand how
13 that will all be implemented.

14 Another problem that we have and I
15 have, personally, is the haltering inspection.
16 It is one thing to have a horse at a trail ride
17 and you are tied to the trailer and you are
18 putting your bridle on. However, on most of the
19 trail ride and trail events that we do now, we
20 are asked to leave our halters on our horses and
21 to carry a lead rope with us, so that we don't
22 have horses running loose and free amongst one

1 another when you are trying to get ready to be
2 part of an event.

3 A horse show, where you are also
4 having to put on in an inspection area, with no
5 place to tie your horse, your saddle pads, your
6 saddle, your breast collar, your bridle, this all
7 just turns into something of momentous
8 proportions. If that HPI can't open that horse's
9 mouth and see if there is alligator clips or a
10 lip wire or something, they probably shouldn't be
11 an HPI and probably shouldn't be a veterinarian
12 or a vet tech.

13 We have a little problem with the less
14 than 150 horses a two class a head inspection.
15 We were recently at a show at the Carousel. We
16 showed a lot of multi-breed shows and we had a
17 two-horse inspection situation because there was
18 only probably 15 Walking Horses there, maybe 20.
19 And the situation occurred that a Morgan
20 Stallion, in harness, decided to bolt through the
21 inspection area with a horse that a lady about 4-
22 foot 11 was holding and she is 72 years old. And

1 she is holding her horse and this horse bolts
2 through inspection. If she had had a halter on,
3 this would have been a situation of enormous
4 proportions, the safety of it.

5 The USDA guy ran out of the door. The
6 DQP ran out of the door. Everybody was
7 scattering because of this. And I thought oh, my
8 God, if we had had a halter on and somebody, this
9 little woman is holding this horse while somebody
10 is trying to put her big saddle on for her,
11 somebody would be hurt and hurt bad. So, I am
12 really against this whole halter inspection
13 thing.

14 I mean I understand things are done
15 but it can be found and seen.

16 I also have a problem with the
17 regardless of breed section. Either stipulate as
18 across the board or it is not. But the Walking
19 Horses haven't been able to clear it up for 40
20 years and I don't think we need to involve
21 anybody else until we can get it cleaned in our
22 own house. I have had my first Walking Horse in

1 1964 when I was ten years old. Do not do the
2 math. And my horse had buttons and all these
3 things back here. It was disgusting and I didn't
4 know what it was. And then when I learned what
5 it was, it was horrifying and I got rid of my
6 Walking Horse. It wasn't the horse's fault.
7 This was somebody else's fault.

8 So, I think we just need to seriously
9 get into this whole soring situation and get that
10 taken care of. That's it.

11 MR. TUCK: James Atkinson.

12 DR. ATKINSON: Hi, there. I am Dr.
13 James Atkinson. I am representing -- I am active
14 with the Humane Society of the United States. I
15 am a member of their State Council but I am
16 representing my own views today.

17 PARTICIPANT: Microphone, please, sir.
18 Thank you.

19 DR. ATKINSON: Oh, sorry.

20 I took the day off and drove up here
21 from Fresno to share my views on this horse
22 soring rule. And it has been interesting to sit

1 here and listen. And I wasn't sure exactly what
2 I was going to say but it is interesting that
3 different people have reached the same
4 conclusions that I have from reviewing the record
5 on this matter.

6 And I think about the lady here from
7 the Sierra Foothills Humane Society and she used
8 the words bullfighting or dogfighting. And that
9 is exactly what comes to my mind.

10 This is nothing more than a variant of
11 bullfighting, cockfighting, dogfighting. We are
12 torturing animals for the sake and no other sake
13 other than human vanity. That's it. And one
14 would think by the time we hit the 21st Century
15 that we ought to reconsider that.

16 That is a strong statement but I think
17 that that is how the general public would tend to
18 see this. And I think that my view, as a member
19 of the public, can be helpful here. I have
20 listened to all these folks come up with their
21 credentials and Boards and that is all well and
22 good. But you know I can understand why

1 attendance at these events has declined because
2 the sentiment of the public is increasingly that
3 we are not going to tolerate this kind of abuse
4 of living creatures simply for the sake of vanity
5 or profit. And I think that is what we are
6 talking about here.

7 You know it may be a different ethnic
8 group that is doing this, maybe a higher
9 socioeconomic strata than folks that are engaged
10 in cockfighting but it is really the same thing.

11 So, with that said, the other point I
12 wanted to make was that the notion -- this is
13 great in one way in that the USDA is finally
14 taking action on this. And I applaud that and I
15 support this for the record, the proposed
16 regulations. On the other hand, what immediately
17 comes to mind is why did it take you 46 years and
18 an Inspector General's Report in 2010 and six
19 years later to take some action? And then I hear
20 people commenting, Priscilla Presley, about the
21 politicians involved. And of course you know
22 that is what is behind -- that what must be

1 behind some of this, the delay in the USDA taking
2 action.

3 But you know I have roots in
4 agriculture. I have lived all over the United
5 States. I used to work in agriculture as a youth
6 in Idaho. My family had horses, hobby horses,
7 pigs, things like that, a small farm. So, I am
8 not a city slicker that is completely unfamiliar
9 with agriculture and farm animals. But the idea
10 that this is somehow excusable or justifiable, it
11 is just simply not.

12 The idea that the horse industry would
13 have ever been able to enforce this, the
14 organization that oversees the Walking Horses is
15 laughable on its face. What it belies is that we
16 wanted to put on some sort of show for the public
17 but we didn't really want to do anything about
18 it. I mean those sorts of arrangements can work
19 under some circumstances, like one thinks of the
20 motion picture rating association where it is
21 transparent, or whether it is enforceable by
22 lawsuit. But in this particular case, I mean it

1 is just not. It's just clearly was never going
2 to work.

3 And so why I mention that is it seems
4 to me that there are some carefully crafted
5 loopholes hanging out here, having to do with the
6 scaring and the size of the shoes, and things
7 like -- and pathways like that, where this rule
8 can be circumvented. And I don't have the deep
9 technical knowledge of horses and how to make
10 them do what it is that humans want them to do
11 but it is clear that there are powerful forces at
12 work to game and circumvent whatever rules the
13 USDA is prepared to propose.

14 So, I think you have to ask yourself
15 are you seriously going to do something about
16 this or is this just going to be another charade
17 for the public?

18 And I'm gratified that Ms. Juarez is
19 here. I have not looked at the -- this brings me
20 to my final point, which is, okay, let's say the
21 USDA takes over this inspection regimen. Is the
22 USDA actually going to enforce anything? Because

1 I have looked at, for example, with the Animal
2 Welfare Act and the violations of the Animal
3 Welfare Act for dog breeding operations,
4 specifically in Missouri and Arkansas, and I used
5 to live there for ten years. And I downloaded
6 the records, did some rudimentary cross-checking
7 and analysis and you have these egregious repeat
8 offenders with direct violations over and over
9 again. And I wrote a letter to the Secretary and
10 I wrote a letter to your Administrator Shea,
11 which I have not heard from back and I intend to
12 follow-up on. Why are you not enforcing any of
13 this?

14 I am gratified to hear that there are
15 so many people who are Walking Horse owners, and
16 farriers, and people who are involved in the
17 horse raising and showing that are deeply
18 concerned about this issue. That is the good
19 thing. And I hope that the USDA and APHIS will
20 take this seriously and that you will take a look
21 at the inspection records, that you will take
22 serious enforcement action, and not give the

1 impression that the agency is utterly captured by
2 the agriculture industry. Because the more I
3 look at this as a member of the general public,
4 the more disturbed I become in looking at the
5 record of the industry.

6 So, I have taken the day off. I
7 wanted to come up here as an educated member of
8 the general public who has looked at the
9 legislation, who has looked at the enforcement
10 profile and it jumps right out at you that you
11 really need to take a deeper dive on whether or
12 not you want to enforce these laws or just give
13 the appearance to the public that you are.

14 So, thank you.

15 MR. TUCK: That's the last speaker I
16 have on my list. Is there somebody that we might
17 have missed that would like to come up? Anybody
18 else? Okay, come on up and have a seat up here,
19 please.

20 MS. BATES: My name is Nya Bates. I
21 am originally a Californian. I am now living in
22 Idaho and I am speaking today on behalf of the

1 Friends of Sound Horses or FOSH, a nationally
2 known nonprofit organization that has fought
3 soring for 15 years and on behalf of myself.

4 Having been involved with the
5 training, breeding, and exhibiting of Flat Shod
6 Walking Horses for over 40 years, as well as
7 being a DQP for FOSH. I have also worked for
8 WHOA as a DQP, the Walking Horse Owners
9 Association, another Flat Shod organization.

10 I have witnessed firsthand the
11 atrocities suffered by this great breed of horse.
12 Everyone has touched on things that I wanted to
13 touch on but I think I will focus on over this
14 whole period of 40 years, I have retrained many
15 and rehabilitated many ex-performance Walking
16 Horses. We use them for disciplines to include
17 pleasure, hunting, field trialing, recreational
18 trail, and competitive trail. And I have
19 witnessed firsthand the physical and
20 psychological impact on these horses. And my
21 personal success rate -- and I am a pretty
22 successful trainer. I'm busy. I have between 8

1 and 12 horses a month in training. My success
2 rate is less than 20 percent, mostly because of
3 physical problems from these horses after being
4 padded and chained, sores, mentally sores.

5 Having said that, again, there is so
6 much to be said that people have already touched
7 on and I really agree with Marilyn regarding
8 increase the penalties. A very good point. That
9 is something that has been a big problem. As a
10 DQP, I see people coming in and being ticketed
11 and/or getting a 76-year letter of warning.
12 Nothing happens. And I have been involved for a
13 very long time.

14 And so I agree with all that Michael
15 and Kris Herman said -- Michael, the farrier. I
16 didn't get your last name.

17 And as a DQP, I feel that oftentimes
18 some of our DQPs are really, really good. We
19 don't have a conflict of interest. We are
20 honest. We want these horses to be shown sound.
21 So, I worry about vet techs that have never been
22 around Walking Horses. Being from California, I

1 remember calling vets and they will look at me
2 and say please, Nya, don't let this be a lame
3 Walking Horse because they look lame when they
4 are not. It is hard.

5 And people who have been in the
6 industry a long time, we really can see it. We
7 can see in walking their ponies. I do think all
8 of the new technology is great. We would like to
9 see all of that implemented, especially
10 thermography.

11 So, back to FOSH, Friends of Sound
12 Horses, they strongly support the enforcement
13 changes provided in this new USDA rule and urge a
14 swift adoption and implementation, especially now
15 with Big Lickers asking for a 60-day extension.
16 That is not a good thing. Again, over 40 or 50
17 years of this abuse. It needs to stop and you
18 guys need to do it because, obviously, we can't.
19 We have been trying.

20 Despite 48 plus years of the history
21 of the Horse Protection Act, which has made
22 soring illegal, FOSH has documented thousands of

1 instances of soring in just the last ten years.
2 In 2015, the USDA inspected 49 horse shows and a
3 sale which resulted in 500 violations, yet the
4 USDA only attends a very small percentage of
5 horse shows. How many thousands of violations
6 would have been written, had EMOs not been there?
7 The numbers don't lie and many violators have had
8 decades-long history of soring violations.

9 I have helped compiled a HPA violation
10 list that have been online, which I think they
11 are going to probably try to get you guys and
12 everyone to take offline. It is amazing. It is
13 outstanding. It is astounding. The same people
14 with the recidivism over and over and over. I
15 mean these guys, one family has 80 of them. Why
16 is something not being done? How come these
17 horses are still being allowed in the ring? We
18 know the reasons why and we are hoping that your
19 new implementations will help.

20 Again, people have talked about the
21 stewarding, the soring, electric shock. It is
22 just awful. It is heinous.

1 Just for an example, and everyone here
2 has probably seen one of these, but for some of
3 you folks that haven't, here is your typical
4 package. It's really heavy. If you want to pick
5 it up later on, I would be glad to share it with
6 you.

7 Here is a regular shoe. So, we need
8 to get back to this because when they breed
9 horses to carry this, they are breeding them to
10 pace. This changes the rhythm and the timing of
11 the gait, the footfall, not to mention the
12 soundness issues. Again, like Nicole mentioned,
13 from the foot to the shoulder to the back
14 carrying a person.

15 MS. JUAREZ: Could you just describe
16 what that looks like, the comparison that you are
17 making for the record, since there isn't a
18 photograph?

19 MS. BATES: Sure. I am holding a keg
20 shoe, a simple shoe everybody uses for Quarter
21 Horses, Morgans, Arabs, Walkers.

22 PARTICIPANT: That is a concave that

1 you have in your hand and that is used for
2 different breeds, for dressage, and jumpers.
3 Quarter horses do not use that shoe.

4 MS. BATES: Thank you.

5 And in the package, it has got a wedge
6 and a bunch of flat pads, and a hoof pad which
7 can be tightened. Ten pounds, twelve pounds or
8 more. I have seen them just humongous.

9 This is a chain. It is not an illegal
10 chain but it is regularly used in training barns.
11 So, you add the chemicals, the wrapping, making
12 that skin really, really sensitive, this bangs on
13 their foot. It all needs to go.

14 So soring competitively harms the
15 trainers and owners who abide by the laws and the
16 regulations. They treat horses humanely and
17 reward those who do not. It harms the entire
18 breed, due to the stigma brought upon it in the
19 eyes of the general public. I have been
20 embarrassed by my breed many, many times. I love
21 the breed. I have them. I have Walking Horses.
22 I raise them and train them. It is so sad when I

1 have to defend my breed because of the three
2 percent of people that are doing this illegally
3 and abusing horses.

4 The Tennessee Walking Horse, Racking
5 Horse, Spotted Saddlehorse, and related gaited
6 breeds have for years been in a downward spiral,
7 in terms of the number of horses registered, the
8 value of horses, breeding, stud fees, horse
9 shows, horses shown, and the financial impact of
10 these activities contribute to the local
11 economies where they are practiced.

12 The proposed rule amends regulations
13 in very positive ways but definitely the use of
14 stacks, pads, action devices all have to go.

15 The HI system of self-policing, I have
16 a little problem with that one. Nothing against
17 the USDA but I really still feel that DQPs that
18 are knowledgeable can be of help in this process.
19 I think it is something that should be
20 considered.

21 Also, the halter on the DQP found
22 underneath the horse with a halter and a lead

1 rope with some six-year-old kid or ten-year-old
2 kid on the end of it, if something happens,
3 everyone is in danger. I think that needs to be
4 reworded and going with the halter.

5 And all the different breeds, it need
6 to be enumerated. I work other breed shows,
7 gaited shows and a lot of those horses are sored.
8 Rocky Mountain Horses, road founder, there are
9 many forms of soring. I would like to see that
10 addressed as well.

11 Thank you for all your efforts.

12 MR. TUCK: Again, if you could begin
13 by stating your name.

14 MS. CRUSSELLE: Hi, I'm Piper
15 Crusselle and I am here with the Humane Society
16 of the United States a Volunteer District Leader.
17 And while I am not an expert by any means on
18 Walking Horses, I am an expert on cruelty to
19 animals. And I am very thankful to listen to all
20 of the testimony today because I believe very
21 strongly that soring is cruel. So, I want to
22 thank you all who have stood up to give voice to

1 that.

2 And I also don't believe that cruelty
3 should be a standard for entertainment. The
4 horses should come first. In my life, all
5 animals that I have had in the past have always
6 come first. Their welfare is the first
7 designation, not entertainment. And that is what
8 I wanted to voice today.

9 I'm sorry. I apologize. I have
10 asthma today and so it is going to rear its ugly
11 head,

12 And I thank you for listening.

13 MR. TUCK: Okay, that concludes our
14 meeting today. I appreciate you all coming and
15 have a safe trip home.

16 MS. JUAREZ: We have one more.

17 MR. TUCK: One more person? Okay.

18 MS. SIEGEL: I was persuaded.

19 MR. TUCK: You were persuaded. All
20 right, is there anybody else? I saw a couple of
21 people walk in just a little late.

22 MS. SIEGEL: My name is Linda Siegel

1 and I think I am the ranking elder in this group
2 of speakers and have had years of experience in
3 the California legislature with raising funds.

4 And of course, everything you say I
5 would agree with. I am a compassionate animal
6 lover and believe they should all exist in a
7 state that shows off their natural benefits.
8 However, all of this needs funding, as Marilyn
9 pointed out and others of you brought up, but
10 nobody was specific. I will be specific.

11 There is, at the federal level -- and
12 I would hope that there is a funding type of
13 section language -- there is at the federal level
14 a penalty assessment fund. And into this large
15 penalty assessment fund are all kinds of fines
16 and penalties and they are paid out sometimes in
17 relationship to who pays them and sometimes not.

18 At the State level, we also have a
19 penalty assessment fund and I would ask each of
20 you from different states to identify that and
21 look at what you have in it and how much goes out
22 for an identified use.

1 I would then suggest that we set up a
2 specific fine and penalty in those funds at the
3 federal and state level to deal with animal
4 cruelty and that we really tighten up these fines
5 and penalties to anyone who breaks the laws, who
6 breaks the laws of anything with animals.

7 And that further I would even suggest
8 to the dismay of many that we have a breeder tax
9 and that we put a per capita tax on a breeder.
10 Every time they have a baby, they throw \$10 in
11 the pot or something. It doesn't have to be
12 excessive. It grows according to the number of
13 animals bred.

14 I would then suggest that the formula
15 for distribution be divided between enforcement,
16 advocacy -- how many humane society people are
17 here -- and the animals, the rescue. And it can
18 be specific to dogs or cats or just generally go
19 into the pot.

20 We have to begin funding these things
21 and we have to do it in a serious manner that
22 creates a billion dollar fund, not just multi-

1 millions. Many of you have never heard of this
2 type of funding but I came from child abuse
3 prevention and in the legislature, I was a sweep
4 speaker because I would always come up and talk
5 about funding at the end.

6 I would suggest also that we look at
7 certifying vets as being compassionate and having
8 some kind of stamp of approval for vets that is
9 so good that everybody will want to join and send
10 in their \$25 or whatever to get their seal of
11 approval; that we have a breeder's seal of
12 approval; that we add a sales tax on animals that
13 are sold; that we have part of the 501(c)(3) fee
14 go into the animal organizations.

15 So, I would ask you to identify
16 legislators in your states, identify legislators
17 at the federal level who can carry this funding
18 thing to some conclusion. Thank you.

19 MR. TUCK: Okay, again, I would like
20 to thank you all for taking time out of your busy
21 schedules to come today. Comment period, as it
22 is right now will end September 26th. And please

1 submit any additional comments before that.

2 Thank you and drive home safely. We
3 appreciate it.

4 (Whereupon, the above-entitled matter
5 went off the record at 11:17 a.m.)

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A

a.m 1:13 3:2 57:19
57:20 108:5
ABC 14:7
abide 101:15
ability 22:17 48:2
able 30:4 35:15,22
81:13 88:19 92:13
abolished 56:19
abolishing 36:16
abolition 49:11
abomination 21:4
55:5
above-entitled
57:18 108:4
absence 41:15 50:4
absolute 39:15
absolutely 18:12
39:11,14 40:2
42:7 68:14 84:15
absorbed 57:8
abuse 9:1 21:14
22:16 28:11 32:14
34:2,8,14 55:13
57:12 74:14,17,20
75:18 76:2 77:19
77:22 79:3 91:3
98:17 107:2
abused 22:6 76:4,9
76:12,14
abusers 66:14
76:15
abusing 102:3
abusive 14:14 59:8
66:9
accede 53:14
accentuate 39:13
accentuated 51:22
accepted 46:13
access 4:20
accomplished 50:3
58:20 60:21
Accredited 23:17
achieve 39:20
74:14
achieved 56:7
act 3:7 9:17 13:13
16:11 26:20 28:1

28:18 31:17 32:1
32:19 39:9 43:5
53:16 54:10 57:4
59:9 61:2,10
69:18 70:6,7
78:16 79:9 82:19
83:7,11 94:2,3
98:21
action 23:8 31:3,9
37:10 45:2 46:9
46:11 50:1 51:6,7
59:1 61:5 70:19
72:10 74:11 81:21
91:14,19 92:2
94:22 102:14
active 78:22 89:13
activities 33:11
34:1 102:10
activity 32:16 52:18
ad 21:21 51:13
add 42:16 101:11
107:12
added 32:2 83:12
addition 4:13 12:12
28:18 35:5 36:20
additional 5:19
57:7 73:16 108:1
Additionally 30:20
33:5
address 23:13 31:7
addressed 103:10
addressing 27:22
Adjourn 2:17
adjustment 73:19
adjustments 43:8
63:14
administration
63:16 73:21
Administrator 1:17
4:4 64:13 94:10
admired 33:6
adoption 98:14
adult 20:10 38:10
Advisor 48:18
advocacy 106:16
advocate 44:6
advocates 66:17
affiliated 20:7

affords 51:19
afraid 71:20
aftermath 12:3
age 54:16
agency 33:3 34:4
49:18 95:1
agency's 58:12
agents 59:19
ago 16:19 47:10
54:18 67:8 68:10
75:18
agony 72:13
agree 3:19 25:16
85:6 97:7,14
105:5
agrees 84:15
agriculture 1:1 92:4
92:5,9 95:2
ahead 57:16
aid 31:6
Airport 1:13
Alene 68:3
Alexander 68:3
70:2
Alliance 16:12 35:2
54:12
alligator 87:9
allow 51:9 60:5
84:17
allowed 17:17
30:15 33:1 42:11
42:15 45:22 50:5
51:8 61:15 62:3
70:8,9 71:2 82:12
99:17
allowing 61:19
78:14
allows 50:22
alternate 15:6
amateurs 12:19
amazing 17:15 36:7
36:12 55:19 56:3
99:12
amendment 37:11
39:8 45:5 46:1
amendments 32:1
37:8 44:21 47:16
48:1 83:11

amends 102:12
American 8:12
16:12 24:2,5 28:7
29:4,7,13,17 31:2
31:13 35:2 54:11
56:13 73:3 78:18
78:19 79:18 80:7
80:12 81:17
analysis 94:7
and/or 33:7 82:2
97:11
Angeles 10:6,10,12
anguish 66:13
animal 1:3,16,18
3:4,9 4:4,17,18
5:10,16 10:7
27:19 28:12 33:11
55:19 58:10 64:13
66:19 73:13,14
74:15 78:13 94:1
94:2 105:5 106:3
107:14
animals 27:14
28:11,13 63:8
76:2 78:22 90:12
92:9 103:19 104:5
106:6,13,17
107:12
answer 17:20
anterior 62:17
anybody 6:11 88:21
95:17 104:20
APHIS 1:17,18 3:4
3:9 4:17 6:22 9:5
32:22 37:15 94:19
apologize 104:9
appalled 24:13
32:15 68:14
appearance 95:13
applaud 58:12
91:14
apples 13:7
applied 27:7 62:16
apply 50:19 52:8
59:19 62:15
applying 58:20
appreciate 32:4
43:17 62:21

104:14 108:3
approach 10:13
 45:17
approval 107:8,11
 107:12
approximately 5:3
 6:4
Arabian 25:21 28:6
Arabians 25:2
 79:19 80:8 81:18
Arabs 100:21
area 8:17 10:6
 26:11 46:13 85:13
 86:1 87:4,21
arena 7:11 46:22
argue 41:6
Arkansas 94:4
arrangements
 92:18
arsenal 50:8
arthritis 31:8
artificial 58:19 66:7
 74:15
artificially 29:19
 30:3 80:18
asked 68:10,18
 82:22 86:20
asking 35:20 98:15
ASPCA 77:21 78:9
ASPCA's 74:10
aspect 34:17
aspects 39:4
assessment 105:14
 105:15,19
assistants 42:18
associated 4:11
 22:15 63:4
association 7:8,18
 7:21 8:7,10,13,15
 8:16 13:15 16:7
 16:11,14,19 19:11
 19:14,16,18 20:4
 24:2,3,4,6 25:21
 34:21,22 35:1,4,7
 35:9 38:8,14,16
 44:10 54:21 83:22
 84:4,6,15,17
 92:20 96:9

associations 9:3
assure 52:11
asthma 104:10
astounding 99:13
at-home 28:3 79:5
athletic 20:15
Atkinson 2:14
 89:11,12,13,19
atrocities 96:11
atrocious 76:9
attacks 4:1
attempt 21:20 59:7
attempts 33:22
 52:3
attend 5:18 73:5
attendance 5:4
 63:3 91:1
attended 20:6
 35:14 38:20 75:1
attending 75:20
attends 74:19 99:4
attention 3:18
attitude 20:19
attracting 76:1
auction 31:1 81:17
auctions 53:3 77:9
 77:12
audience 64:19
 74:19
AUGUST 1:9
authority 34:5
 70:14
avail 7:6
available 4:15
award 47:21
aware 67:10
awe 73:3
awesome 78:5
awful 63:4 99:22

B

B 26:22
baby 106:10
back 13:15,16 17:9
 18:4,20 25:14
 48:7 65:7 69:5,6
 72:5 75:17 76:1
 81:4 89:3 94:11

98:11 100:8,13
bad 13:7 14:5 44:19
 88:11
balance 31:5 81:2
 81:22
balanced 30:5
 81:13 82:14
Ball 44:4
ban 12:13 61:4
 70:18 78:4
band 26:7 31:9,15
 82:1
bands 25:19,20
 30:22 31:1 37:9
 50:1 60:19 61:5
 70:18 81:16,20
 82:5 84:17
bangs 101:12
banned 10:10 33:9
 33:12 75:4 77:18
 78:3
banning 12:12
barefoot 7:20 8:4
 35:9 47:6,8,13
 55:15 84:1
barn 59:17 66:11
barns 21:15 36:4
 56:17 60:13
 101:10
based 47:12
basically 14:11
 64:21 65:18
Bassel 2:11 43:21
 54:6,7
bastardized 21:6
batch 15:20
Bates 2:15 95:20
 95:20 100:19
 101:4
battle 66:18
beach 56:2
beat 30:1 77:2
beaten 21:20
beating 14:12
 59:18
beautiful 7:12
 15:14 18:5 56:2
beautifully 68:9

beauty 62:22 67:3
began 5:13
beginning 54:16
behalf 11:12 19:10
 32:11 58:9 78:8
 78:15 95:22 96:3
beholden 69:22
behoove 25:13
belies 92:15
believe 25:9,10
 45:4 47:15 49:6,6
 66:2 67:18 68:15
 79:15 83:7 103:20
 104:2 105:6
beloved 79:18
Benefield 10:5
benefit 39:11,14
benefits 47:19
 105:7
Bernadette 1:17
 4:2,5,7 64:12
best 28:14 35:19
Beth 2:14 74:3
 83:18
better 13:18 41:14
 54:10
beyond 20:14
big 12:4,5,17 13:6
 13:19 14:4 15:11
 15:13 17:2,11
 18:20 21:1,6,14
 22:16 33:12 36:2
 36:14 37:2,19
 49:9,20 51:2 52:5
 52:15 53:2,13
 55:11 56:4,18
 58:19 60:15,17
 62:1 63:2 66:4,10
 67:6 69:2,3,3,22
 70:8 71:13 72:12
 74:15 75:17 76:4
 76:7 79:17 80:1
 88:10 97:9 98:15
big-hearted 56:4
bilateral 46:12
 84:20,20
billion 106:22
bipartisan 69:19

bit 65:17,20,20
bits 55:2
blight 72:12
blood 7:14
Bloods 82:16
bloody 7:11
board 13:13 19:15
 19:17 35:1,6
 38:15 44:8 84:5,6
 88:18
boarding 28:7
 56:17
Boards 7:7 90:21
Bobbie 8:1
bobbing 81:4
bodies 21:18
bolt 87:20
bolts 88:1
bonded 8:18
book 11:5,6,7
boots 7:14
born 51:16
bought 20:11 40:20
brave 66:17
break 15:18 57:16
breaks 106:5,6
breast 87:6
bred 48:21 106:13
breed 18:14 20:13
 20:17,21 22:15
 29:5,8 35:11
 36:12,22 37:6
 38:20 49:3,10
 53:7 54:13,21
 55:9,15 56:6 67:3
 88:17 96:11 100:8
 101:18,20,21
 102:1 103:6
breed's 67:9
breeder 16:5 22:18
 106:8,9
breeder's 107:11
breeders 7:4 13:15
 16:10 20:3 34:20
 36:20 38:7
breeding 94:3 96:5
 100:9 102:8
breeds 24:19,19

25:1,3 28:19,21
 29:1 31:21 37:4
 45:22 49:22 50:7
 51:20 52:7,10,12
 58:17 61:7 62:3
 62:10 63:1 79:3
 79:13,14,22 80:9
 80:16 82:16,20
 83:9,13 101:2
 102:6 103:5
bridle 41:5 46:21
 86:18 87:6
bright 56:14 80:21
 80:22
bring 26:11 42:22
 43:7,12
brings 40:8 93:19
broad 25:18 28:22
 79:15
broken 7:11 23:4
 70:12
brought 46:16
 101:18 105:9
budge 69:4
build 16:20 47:20
built 80:14
bullfighting 33:12
 90:8,11
bunch 101:6
burning 14:13
 33:17
Burton 32:6
business 43:13
 47:12 56:18 85:18
busy 46:18 96:22
 107:20
buttons 89:2
buying 41:3

C

California 1:13 7:18
 10:21 11:14 16:4
 16:7,18,21 19:12
 19:17,19 20:2
 34:11 35:3,8 38:8
 38:16 44:9,16
 47:8 55:16 58:7
 58:12 72:21 73:9

74:9 79:1 83:19
 86:4 97:22 105:3
Californian 95:21
Californians 73:12
call 3:15 5:9 6:1,13
 57:21
called 7:2,13 9:5
 14:9 68:9,19
calling 98:1
camera 26:5 65:3,4
camouflage 59:22
can-do 20:19
capability 77:14
capacity 16:16
capita 106:9
captured 95:1
care 1:18 3:4 4:4,17
 4:18 5:10,16 17:5
 27:13 28:8,14
 46:2 64:13 75:8
 79:1 89:10
cared 66:22
career 39:19
careers 16:1
carefully 93:4
caring 75:8
Carnation 7:13
Carousel 87:15
carry 86:21 100:9
 107:17
carrying 46:5
 100:14
case 11:18 92:22
cash 15:8
casts 22:16
catch 18:13
cats 106:18
cattle 14:14 82:22
caught 43:14
cause 31:12 46:6
 52:14
caused 51:5 52:18
causes 59:3
caustic 58:20 76:6
 77:9
celebration 11:21
 13:1,10 39:1,2
 56:9 67:10,17

68:2,8,20 69:3
cell 3:14
Center 1:16
Century 90:14
CEO 68:19
certain 51:16
certainly 31:9
Certified 23:17
certifying 107:7
cetera 33:9 56:18
chain 8:9 10:11
 101:9,10
chained 97:4
chains 7:15 9:13
 12:13 21:19 22:7
 30:15 33:8 39:10
 40:5,7,9 41:7,16
 47:15 48:8 49:8
 52:21 54:13 55:1
 58:22 60:18 61:6
 74:12 75:4,9,21
 77:2,18 78:3
champion 27:9
 74:22 77:16
champions 78:7
Championship
 11:22 38:10,11
change 15:4 16:1
 18:9,12 30:21
 44:22 54:9 57:1
 76:22 81:15
changed 18:11,11
 62:15
changes 3:6 23:1
 27:22 28:17 32:18
 42:6 43:18 46:12
 51:1,5,9,15 53:21
 61:11 70:14 71:5
 73:15 79:9,21
 83:6 98:13 100:10
chaotic 46:19
character 66:3
charade 93:16
charge 86:1,3
chase 82:22
check 61:9
chemical 33:17
chemicals 22:7

33:8 41:2 46:12
 51:7,12 58:20,22
 76:6 77:9 101:11
Chester 4:5
child 20:8 107:2
choice 22:15
Christine 8:18
chronic 74:20
cigarette 14:13
circuit 47:9 69:8
circumstances
 18:1 92:19
circumvent 52:5
 93:12
circumvented 93:8
cite 52:15
cited 60:6,9
citizen 32:13
city 10:7,10,12 92:8
claim 33:15 52:21
 62:19
clan 52:6
class 27:1 47:11
 87:14
classes 8:6,9,11
 14:4 47:8 56:12
clean 80:20
cleaned 13:13
 88:21
cleaning 76:15
clear 30:6 88:19
 93:11
clearly 14:16 93:1
clever 69:13
clinics 20:6 44:13
clips 87:9
clubs 23:11
CNN 10:2
co-own 44:15
co-sponsorship
 69:20
coached 12:20
Coast 8:7 45:16
cockfighting 90:11
 91:10
coffee 10:22
cofounder 16:6
Cole 2:6 6:17 16:3

16:4
collar 87:6
collective 30:5
colts 21:17
COMBAT 1:7
combined 51:6
come 6:17,18 10:20
 11:16 18:20 36:11
 41:22 46:19 48:6
 53:17 60:16 84:22
 85:7 90:20 95:7
 95:17,18 99:16
 104:4,6 107:4,21
comes 21:14 22:8
 77:4 90:9 91:17
comfort 31:7
comfortable 35:20
coming 9:6 26:4
 67:15 97:10
 104:14
comment 5:13 42:5
 54:3 71:11 107:21
commenting 91:20
comments 2:4 3:5
 4:9,10 5:9,12,15
 5:19 6:5,8,9 32:4
 33:19 108:1
committee 7:22
 20:5,5
common 14:8
 56:15
community 16:21
 17:4
comparison 100:16
compassionate
 20:16 105:5 107:7
compete 46:17
 60:6 79:20
competition 12:20
 30:15 79:14,17
competitions 55:19
 55:20 67:6
competitive 53:4
 96:18
competitively
 101:14
compiled 99:9
completely 33:13

35:8 82:18,19
 92:8
compliance 33:21
 51:14
compliant 36:18
concave 27:4,5,9
 100:22
concern 40:8 43:6
 52:13,14
concerned 28:16
 46:14 52:2 79:8
 94:18
concerns 40:14
 52:1
concludes 104:13
conclusion 23:3
 48:4 53:18 57:10
 107:18
conclusions 90:4
condemns 72:12
condition 51:3
condone 67:7
conducting 59:17
confidence 37:14
confident 23:12
confirmation 82:18
conflict 97:19
conflict-free 49:13
conflicts 45:12
 60:5
conform 21:11
Congress 9:17 59:8
 69:21 70:6
connect 8:20
consequences
 32:22
consider 39:6 47:1
 47:14
consideration 32:4
considered 102:20
considering 43:18
constituents 58:11
constitutes 51:4
consultants 15:1
contact 10:6
contain 71:1
CONTENTS 2:1
continue 9:20 34:2

40:17 41:22 51:11
 60:22 63:12 77:19
 77:20
continued 8:12
 57:3 61:19
continues 32:16
contort 63:9
contribute 102:10
control 40:6
controlling 42:9
conversation 68:21
convicted 50:9
conviction 32:22
convince 52:7
 68:22
convinced 55:8
cook 58:21
copy 6:9 54:20
corrupt 21:8
cost 8:8
costs 57:8
Council 89:15
counsel 16:11
country 41:12 53:3
 56:10 66:20 82:13
County 34:12
couple 4:17 68:5
 104:20
coupled 12:14
course 91:21 105:4
court 42:1
Courtney 2:11
 57:22 58:2,7
Courtyard 1:12
cover 33:22 57:7
cover-ups 69:12
covered 8:8
covers 62:5
cow 55:21
crackdown 70:10
crafted 93:4
crazy 17:18
create 44:21
creates 106:22
creating 17:4 47:17
 48:1 58:18 62:1
creation 49:13
creatures 15:15

66:10 75:22 91:4
credentials 23:19
 25:11 90:21
crimes 70:9
criminal 32:21
criteria 62:15
cross-breed 62:12
cross-checking
 94:6
crowds 66:5 75:16
crucial 50:2 70:3
cruel 21:7 32:14
 33:11 34:8 63:16
 66:14 103:21
cruelty 63:4 70:15
 73:13,14 75:17
 103:18 104:2
 106:4
Crusselle 2:15
 103:14,15
culture 40:19 41:4
current 23:3 34:19
 38:13 45:14,15
 50:22 54:3 62:9
 62:17 70:12 71:11
currently 28:6
 39:16 44:5,8
 78:18,19
curse 72:12
cut 82:21
cutting 55:21

D

D.C 69:17
damage 52:18
Dane 2:10 43:21
 48:17,18 67:14
danger 103:3
dangerous 50:7
dark 21:1 22:17
daughter 44:4
daughters 55:17
David 2:5 6:16
 11:10
Davis 20:1
day 8:6 11:1,5 12:4
 15:12 22:9 48:7,9
 66:10 86:2,3

89:20 95:6
days 11:1 55:21
deal 42:6 69:2
 85:19 86:11 106:3
debate 51:3,13
decades 49:4
decades-long 99:8
decided 70:13
 87:20
decision 37:15
decisions 27:15
 48:14
declined 91:1
declining 63:3
dedicated 49:2
deeds 21:1,12
deemed 53:5
deep 93:8
deeper 95:11
deeply 27:10 94:17
defend 102:1
defender 28:10
definitely 102:13
definition 29:2
delay 54:1 72:8
 92:1
DeLeonardo 2:7
 19:3 23:15,16
delve 86:6
Department 1:1
 10:7
Deputy 1:17 4:3
 64:13
describe 100:15
deserves 56:8
designated 60:7
designation 104:7
desire 53:18
desired 31:14
DesJarlais 70:2
desperately 72:9
Despite 98:20
details 5:10
detect 42:2 71:4
detected 42:2
detecting 50:15
detection 70:8
determined 55:12

deterrent 62:13
develop 14:2
developed 7:17
 53:10
device 31:10 50:21
devices 31:3 37:10
 45:2 46:9,11 50:1
 51:6,7,11 59:1
 60:1 61:5 70:19
 81:21 82:8 83:3
 83:13 102:14
devious 52:3
devised 59:21
devotee 66:21
diagonal 29:9,10
 29:16 80:10,11,15
die 17:2
died 22:11
Diego 7:16 34:12
 78:21
difference 27:7
 36:17
different 36:6 65:17
 80:1 82:20 83:1
 90:3 91:7 101:2
 103:5 105:20
digital 31:4 81:22
diminish 33:7
diminishing 74:19
direct 94:8
directing 71:22
direction 45:9
 61:11 71:6 73:15
directly 5:14
director 16:9 20:2
 35:3 38:9,15 58:8
Directors 7:7 13:14
dirty 21:1,12
disciplines 96:16
discomfort 30:7
discuss 26:9
discussing 73:8
disgrace 57:12
disgusted 73:10
disgusting 89:3
dishonored 11:2
dismay 69:21 106:8
disposition 67:4

disqualified 18:9
disqualify 26:19
 27:8 34:6
distance 12:22
distraction 60:1
distribution 106:15
district 72:22
 103:16
disturbed 95:4
dive 95:11
divided 106:15
division 7:5 47:9
 56:5,10,11 82:12
 82:13
document 25:5
documented 98:22
documenting 76:7
dog 94:3
dogfighting 33:11
 90:8,11
dogs 106:18
doing 41:7 43:16
 47:3 51:10 69:15
 91:8 102:2
dollar 106:22
donated 67:9
Donna 10:5
door 75:11 88:5,6
double 55:18
doubt 67:5
downloaded 94:5
downward 102:6
DPQ 84:21
DQP 20:6 45:11
 88:6 96:7,8 97:10
 97:17 102:21
DQPs 42:11,13
 97:18 102:17
Dr 2:14 4:4 89:12
 89:12,19
dream 20:10
dreams 20:14
dressage 13:22
 27:3,9 101:2
dried 8:10
dripping 7:14
drive 1:13 108:2
drives 21:8

Driving 25:22**drove** 89:20**drum** 33:18**due** 4:10 10:9

101:18

dumped 53:2 77:12**dying** 41:13

E

earlier 4:3 69:9**ears** 81:1,4**ease** 6:15**eat** 56:20**economic** 52:16**economies** 102:11**educated** 36:3

40:20 95:7

educating 55:10**effect** 62:13**effectiveness**

59:11

effort 36:15 47:22**efforts** 23:7 103:11**egregious** 73:22

94:7

eight 14:2 38:3

47:10

eight- 50:9**either** 24:20 53:15

81:6 88:17

elder 105:1**Elect** 24:7**elected** 20:2**electric** 99:21**eliminate** 18:16

49:7,7 53:7 59:7

62:19

eliminated 40:11

46:9 52:22 74:13

elimination 23:7

37:9 45:10

eliminations 45:1**else's** 89:7**Elvis** 66:21 67:5

69:6

embarrassed

101:20

EMOs 99:6**emotion** 81:10**emotional** 34:15**emphasis** 37:8**emphasize** 29:3**employed** 59:6**enable** 5:17 63:11**encompasses**

28:22

encourage 12:13

41:21 51:13

encourages 61:20

70:11

endured 66:6**enforce** 54:10

92:13 93:22 95:12

enforceable 92:21**enforcement** 31:19

32:18 33:3 34:4

49:18 53:11 94:22

95:9 98:12 106:15

enforcing 94:12**engaged** 51:2

63:11 66:18 91:9

English 65:22**enhance** 29:22**enhanced** 29:19

30:3 80:18

enhancers 30:16**enjoy** 33:16 56:1**enormous** 88:3**ensure** 32:21**enter** 5:14 35:15**Enterprises** 69:6**entertain** 71:10

74:17

entertainment

74:16 104:3,7

entire 9:22 101:17**entirely** 32:19**entwined** 86:9**enumerated** 103:6**epitome** 20:18**equal** 6:6**equestrian** 28:3

30:18 78:17

equine 23:22 25:7,8

25:10 31:18 48:18

equipment 51:20

62:10

era 56:14**eradicate** 53:22**eradicated** 55:13**especially** 13:20

98:9,14

essentially 9:20**establish** 36:15**et** 33:9 56:17**ethical** 42:14**ethnic** 91:7**ethanized** 22:12**evade** 70:8**event** 48:13 67:17

87:2

events 18:8 84:22

86:19 91:1

everybody 3:21

4:20 6:6 8:20 84:9

88:6 100:20 107:9

evidence 59:22

61:18

ex-performance

96:15

exacerbate 59:2**exactly** 90:1,9**exaggerated** 58:18

79:13

examination 62:7**example** 17:3 94:1

100:1

excessive 106:12**excitement** 80:22**exciting** 12:18**excusable** 92:10**exhibited** 20:17

39:17

exhibiting 96:5**exhibition** 31:1

81:17

exhibitor 16:5

37:13 38:7

exhibitors 13:15

16:10 20:3 34:21

36:21 39:3 41:10

57:8

exhibits 78:18**exist** 39:22 40:1

105:6

existed 68:15**existing** 31:19**exists** 10:15**expanding** 41:12**expensive** 57:6**experience** 22:21

35:12 39:4 42:20

44:17 64:3 105:2

experienced 20:15

65:15

experiences 36:10

60:2

expert 103:17,18**explain** 17:19**explained** 68:13**explicitly** 62:11**expos** 44:13**express** 54:8**expressly** 30:17**extend** 71:10**extension** 54:3

98:15

extremely 18:3

25:18 28:22 47:6

70:20 79:2,15

80:1

eye 21:11**eyes** 80:22 101:19

F

face 92:15**face-to-face** 5:5**facilitating** 3:9**facilitator** 1:14,16

3:11

facility 46:3**fact** 12:5 30:17

32:16 36:21 39:15

77:17 79:22

faction 51:2 53:13**fail** 52:17 53:15**failed** 23:4 45:15

53:16 59:10 70:10

Fairgrounds 7:12**fairs** 44:13**faith** 53:17**fall** 17:8 21:17 29:1

41:10
fallen 9:18 20:21
falling 7:9
false 45:7
familiar 67:21
family 40:19 47:5
56:1,3 92:6 99:15
fan 28:2
far 71:8,8 85:22
farm 54:18 92:7,9
farrier 23:17,18,20
24:2,3,4,5,8,10
25:10,11 86:8
97:15
farriers 23:21 27:12
56:17,20 85:15
94:16
farther 85:8
fault 89:6,7
favor 42:7
favorite 9:11 56:3
fear 7:10 10:14
71:17
featuring 63:8
fed 7:8
federal 70:6 105:11
105:13 106:3
107:17
Federation 30:18
fee 107:13
feed 56:16 75:5
feel 23:11 24:22
37:10 64:3 97:17
102:17
feeling 12:18 15:17
fees 57:7 102:8
feet 27:5 30:1 31:5
77:11 82:21 84:18
fell 55:9
felt 48:10
Fern 2:11 57:22
58:3,6,7
fewer 75:19,19
field 96:17
fight 67:13 72:7
figure 15:6
figured 21:3
film 14:7

filters 12:6
final 50:20 93:20
finalize 54:4 63:15
72:10 73:20
finalized 18:19
finally 14:6 43:10
63:16 73:21 91:13
Finance 20:4
financial 21:8 48:14
52:18 102:9
find 15:20 23:12
finding 77:8,10
fine 106:2
finer 105:15 106:4
finest 10:4
finished 6:10
Finos 80:3
first 3:13 7:22 9:7
19:5 20:11 34:7
35:12,14,16 36:1
54:17,20 61:14
64:1,2 83:17
84:15 88:22 104:4
104:6,6
firsthand 12:2
96:10,19
fit 77:13
fits 18:15
five 6:4 18:19
five-star 11:11
fix 85:20
flailing 55:3
flapped 81:5
flashy 12:21 15:11
flat 7:5,20 8:4 16:20
35:8 36:8 40:12
40:16 41:9,12,21
50:16 56:19 57:3
67:1 84:1 96:5,9
101:6
flaws 33:14
flesh 58:22
flexibility 51:19
flinch 14:10,15
flinches 59:18
flinching 14:12
fling 59:4
flourish 22:17 23:1

flow 6:15
fly 85:22
flying 7:11
focus 96:13
folded 8:11
folks 24:9 25:13,13
27:16 75:20 90:20
91:9 100:3
follow 72:18
follow-up 94:12
food 10:22
foot 29:11,11 31:11
82:2 87:22 100:13
101:13
footage 14:8
footfall 100:11
Foothills 32:12
90:7
forced 82:21
forces 93:11
forcing 63:9
forever 48:9
forget 20:19 54:22
forgive 34:17
forgiving 20:16
forgot 80:3
form 52:3,6 73:13
82:9
formed 16:19,20
former 16:9 38:8
53:2
formerly 16:13
forms 103:9
formula 106:14
fortunately 70:13
forum 10:8,9
forward 36:13
47:20 60:16 80:21
81:1
forward- 30:4
FOSH 2:15 19:15
96:1,7 98:11,22
fought 18:3 96:2
found 4:18 5:10
20:22 57:5 59:14
88:15 102:21
Foundation 16:9
founder 103:8

founding 7:21 8:15
8:17 35:1 38:14
four 65:15 68:10
71:11
four-horse 8:9
fourth 44:10 46:8
fox 14:17 49:16
fraction 60:9
Fran 2:6 6:17 16:4
41:8
Francisco 78:13
free 86:22
French 70:3
frequently 17:12
Fresno 89:21
friend 15:6 35:19
friends 19:15 31:19
73:8 96:1 98:11
front 29:11 55:2,3
66:5
fuel 47:7
fully 61:3
fund 105:14,15,19
106:22
funding 105:8,12
106:20 107:2,5,17
funds 105:3 106:2
further 3:22 46:12
106:7
future 18:6 43:8
56:13 63:6 75:5

G

gain 71:7
gait 12:15,17 13:19
21:5 29:9,9,10,16
29:18,22 30:1
39:13,21 45:5,7
47:21 48:3 49:20
51:22 52:12 58:19
60:18 62:2 63:10
66:7 74:15 75:22
78:5 80:10,10,11
80:15,17 100:11
gaited 29:13 47:13
49:3 52:3 80:12
85:14 86:11 102:5
103:7

gaits 20:18 79:13
game 59:14 93:12
games 23:22,22
gaming 55:20
gates 9:12,13
gather 3:5
general 49:12
 90:17 95:3,8
 101:19
General's 91:18
generally 106:18
generation 44:4
 78:17
generations 48:6
 66:12
gentle 56:4 66:10
 67:3
gentleman 23:16
gentlemen 9:21
 24:10
German 78:22
getting 41:11 42:8
 97:11
Gipson 4:5
give 3:21 67:13
 81:12 94:22 95:12
 103:22
given 70:5 84:9
glad 100:5
gladly 75:11
glasses 84:12
glimpse 14:6 36:2
go 21:21 24:6 26:8
 35:17 40:16 54:14
 56:18 57:16 65:7
 80:5 84:10 85:2
 101:13 102:14
 106:18 107:14
goal 49:19
God 71:11 88:8
goes 17:2 40:21
 105:21
going 16:17 17:18
 26:8 40:6,10 51:8
 64:19 65:16,20
 72:2 75:3,5 80:21
 84:7 85:11 90:2
 91:3 93:1,15,16

93:22 99:11 103:4
 104:10
good 3:3 4:6 15:6
 16:3 17:20,22
 19:7 23:15 27:17
 32:6,10 43:13
 44:18 45:16 48:17
 51:18 53:16 54:6
 58:6 72:18 90:22
 94:18 97:8,18
 98:16 107:9
gotten 13:18 18:1
government 18:4
Graceland 67:2
Grand 11:22
grant 54:2
Grass 16:4 44:16
grateful 9:4
gratified 93:18
 94:14
great 12:22 15:20
 67:4 85:9 91:13
 96:11 98:8
greatly 61:2
Green 10:6
greeted 10:22
grew 20:8 35:11
 38:19
grotesquely 63:10
ground 29:12 30:2
grounds 43:5 67:20
group 7:19 12:13
 84:2 85:6 91:8
 105:1
grow 18:22 63:12
growing 41:9
grows 106:12
growth 57:3
guarding 14:18
Guccione 2:12 58:1
 72:16,17
guess 65:9 84:12
guests 8:12
guilt 68:16
guy 88:5
guys 98:18 99:11
 99:15

H

Hackney 79:19
 80:8 81:18
hair 84:19,20
half 12:8
half-inch 12:8
hallway 3:16
halter 46:16,21
 88:2,8,12 102:21
 102:22 103:4
haltering 86:15
halters 86:20
Hamilton 67:20
hand 64:20 91:16
 101:1
handle 21:18 77:14
hands 66:13
hang 35:17
hanging 93:5
happen 77:18
happened 48:10,11
happening 25:3
 76:18
happens 45:7
 97:12 103:2
happy 25:3 49:10
 86:7
harassed 22:1
hard 18:3 34:13,16
 43:16 98:4
hardship 52:16
 75:10
harmful 50:12
harms 101:14,17
harness 87:20
Harold 70:2
harsh 55:2 76:6
Hart 2:13 74:2,6,6
haul 65:9
Hayden-Watson
 8:2
head 23:21 87:14
 104:11
head-bobbing 30:6
heads 77:11 81:3
headsets 82:17
health 1:3 27:19
 78:14 83:14

healthy 83:4
hear 76:3 91:19
 94:14
heard 3:22 55:4
 65:10 67:15 75:3
 83:22 94:11 107:1
hearing 56:22
heart 15:17 69:11
 72:1,4
heavy 12:7,11,14
 15:13 46:5 60:19
 61:15,15,19 70:20
 73:17 100:4
hefty 32:21
heinous 99:22
held 1:12 5:1 48:22
Helen 2:7 19:4
 27:18
hell 15:15
Hello 74:6 83:18
help 7:1 24:13
 27:14 31:3,5,7
 61:2 63:16 70:15
 99:19 102:18
helped 99:9
helpful 90:19
hen 49:17
henhouse 14:18
Henry 8:1
heritage 15:21
Herman 2:9 32:8
 37:21,22 97:15
Hi 11:10 34:10 44:2
 72:16 78:12 89:12
 102:15 103:14
hiding 13:18
high 13:3 59:4
 63:10
high- 13:21
higher 91:8
hind 29:11
HIO 23:4,8 45:11
 49:11 53:8
HIO-related 42:8
history 33:9 43:3
 98:20 99:8
hit 90:14
hobby 57:6 92:6

hold 5:7 42:1
holding 3:5 17:9
 19:9 87:22 88:1,9
 100:19
Holt 8:18
home 46:11 104:15
 108:2
honest 97:20
honestly 48:10
honor 20:12
honored 22:18
hoof 30:22 31:1,16
 37:9 44:15 46:2,3
 50:1,14,19 61:5
 61:18,22 62:6
 70:18 81:16,20
 82:11,14 101:6
hoofs 7:11
hooked 35:13
hooves 82:1,15,19
 83:1
hope 5:20 18:18
 48:6 52:11 94:19
 105:12
hoped 10:12
hoping 65:5 99:18
horrible 74:17,20
horrific 59:5
horrified 55:11
horrifying 89:5
horror 54:22 84:9
horse 1:7 2:13 3:7
 7:8,17 8:1,7,9,12
 8:14 9:22 11:22
 12:1,3 13:14 14:3
 14:5,10,12,15
 15:22 16:7,8,10
 16:12,13,18,20
 17:5,10,13 18:2,5
 19:11,13,16,18
 20:3,5,10,11,17
 21:2,6 22:14,20
 22:22 23:5,6,6
 24:21 25:20,21
 26:2,6,15,16,16
 26:17,19,21 27:6
 27:6,9,22 28:6,12
 28:17 29:4,5,6,7,7

29:18,21 30:4,12
 30:13,14,22 31:2
 31:7,17,22 32:19
 34:8,20,22,22
 35:2,4,7,9,12,19
 35:22 36:4,7,13
 36:16 37:2,5,13
 38:2,7,14,16,17
 38:21 39:4,6,9,10
 39:13,16,17 40:14
 40:16,16,20 41:3
 41:5,9,12,13,17
 42:6 43:4,6 44:4,7
 44:9,12,18 47:9
 47:19 48:5,15,21
 49:3 50:5,8,19
 51:14,21 52:4,19
 53:13 54:10,12,17
 54:19 55:6,10,19
 56:6,13,16 57:1,4
 58:15 59:3,8,16
 59:18 60:12 61:2
 61:10,10 63:5,6
 63:17 66:2,5,17
 66:19 67:9,19,21
 68:1,1,9,17 70:6
 71:18 73:2,7,11
 73:13 74:7,10,21
 75:7,10,12 76:5
 77:1,3,15,21 78:6
 78:8,15 79:3,9
 80:6,7 81:16 82:5
 83:6,8,8,10,20,22
 84:4,5,14,17
 86:16 87:3,5,21
 88:1,1,9,22 89:2,6
 89:21 92:12 94:15
 94:17 96:8,11
 98:3,21 99:2,5
 102:4,5,8,22
horse's 11:7 31:11
 31:16 51:4 52:12
 60:1 82:2 87:8
 89:6
Horsemanship
 11:11
horses 7:3,6,10 8:5
 9:1,15 10:11

11:20 12:6,7,11
 12:11 13:6,9,22
 14:21 15:13,14,19
 16:5 17:7,15,16
 19:15 20:9 21:10
 21:17 22:6 24:12
 24:17 25:2,22
 27:3,13 28:4,4,5,8
 28:16,20,21 31:8
 32:15 33:16 34:2
 34:19 35:17 36:1
 36:6,8 37:2 39:22
 40:13 42:12,21
 44:20 45:3,3,20
 46:5,11,15,19,22
 47:3,4,14 48:22
 49:22 50:6,10,14
 50:16 51:16 52:20
 52:22 53:2 54:15
 54:16 55:1,14,22
 56:3,20 57:3,12
 58:13,17 59:6
 60:6,7 61:3,6,12
 61:16,20,21 62:20
 63:1 66:1,4,12,22
 67:1,2,5,12,13
 69:1 70:15,19,22
 71:2,6,9 72:9,12
 73:3 74:16 75:3,5
 75:6,9,11 76:4,8
 76:11,13 77:6,8
 77:10,12,20 78:5
 78:19 79:4,5,7,12
 79:12,16,17,20
 80:2,4,7,9,12,20
 81:1,8,19,19 82:9
 82:11,15,16,19,21
 83:1,4 85:14,19
 86:11,20,22 87:14
 87:18 88:19 92:6
 92:6,14 93:9 96:1
 96:6,16,20 97:1,3
 97:20,22 98:12
 99:17 100:9,21
 101:3,16,21 102:3
 102:7,8,9 103:7,8
 103:18 104:4
horses' 58:21

59:20 84:18
hosted 75:2
hour 68:21
hours 22:9
house 49:17 88:22
houses 69:20
Howard 67:19
HPA 50:9 53:12
 99:9
HPI 85:9,17,17
 86:12 87:8,11
HPIs 37:13
HSUS 2:10,11,15
 52:9 58:9
huge 7:1 10:8 36:17
 44:5 46:22 48:5
human 90:13
humane 2:10,13
 10:18 32:12 48:19
 58:8 67:16 72:22
 74:7 89:14 90:7
 103:15 106:16
humanely 101:16
humans 66:14
 93:10
humongous 101:8
hunting 96:17
hurt 15:19 33:18
 69:1 82:8 83:13
 88:11,11

I

Icelandic 80:3
icon 73:4
Idaho 92:6 95:22
idea 68:13 92:9,12
identified 105:22
identify 105:20
 107:15,16
illegal 13:10 32:16
 33:2 34:1 82:11
 98:22 101:9
illegally 102:2
image 36:14 37:1,5
imagine 46:4
imaging 26:3,5
immediate 43:15
immediately 91:16

immense 52:17
impact 65:6 96:20
 102:9
impacted 45:22
 50:7
implement 53:15
 53:16,21
implementation
 48:1 51:17 98:14
implementations
 99:19
implemented 52:3
 85:11 86:13 98:9
implementing
 47:16
implements 50:2
important 27:21
 43:11 50:15 62:12
 63:14 73:18
importantly 3:17
impossible 62:6
impression 95:1
improperly 26:15
 27:5
improvements
 53:14
incalculable 66:13
incentive 15:7
inches 12:8
include 51:19 52:9
 80:2,3 96:16
included 62:2
 79:21
including 8:17
 38:22 61:6 73:16
 74:9
incorrect 17:3 41:8
increase 97:8
increased 29:20
 80:19
increasing 53:12
 57:7
increasingly 91:2
incredibly 42:13
independence
 42:21
independent 19:14
 42:14 49:13

indicate 5:21
indicates 33:10
indication 71:13
individual 16:15
 43:4
industry 14:16
 15:16 17:1 18:22
 21:2,7,9 24:1,4,9
 24:11 36:11,14,21
 37:17 38:18 39:5
 40:12 41:8,21
 44:18 47:19 49:8
 49:17 59:10 60:4
 60:15 61:9 66:19
 69:19 70:10 71:19
 76:16 77:3 92:12
 95:2,5 98:6
inevitably 54:14
infinitem 21:22
inflamed 59:1
inflict 61:22
inflicting 58:16
inflicts 32:14
influence 15:8
influenced 15:2
information 24:16
 26:20 55:6
informed 32:13
infrastructure
 47:21
ingredient 47:16
inhumane 17:18
 32:14
initiative 58:12
injure 82:8
injured 29:19 80:18
injury 82:9
Inman 68:19
insight 20:13
inspect 43:6
inspected 43:4
 99:2
inspecting 42:21
 60:7
inspection 1:3 11:2
 27:20 37:14 42:9
 42:12 46:15 57:7
 59:17 60:3 78:14

86:15 87:4,14,17
 87:21 88:2,12
 93:21 94:21
inspections 42:16
 59:21
inspector 14:11
 49:12 91:18
inspectors 25:6
 26:4 27:7 42:6,8
 42:19 45:12,15
 49:14 50:13 60:4
 61:8 71:4
instances 99:1
institutional 74:14
instructed 35:14
instructing 41:2
instructor 11:12
intelligent 20:15
intend 94:11
intention 53:18
intentionally 58:16
intentions 34:3
interest 45:13 60:5
 97:19
interested 15:10
interesting 89:22
 90:2
international 23:18
 39:1 57:2
interpreted 23:10
interruption 3:12
 3:19
intimidating 35:16
intimidation 10:14
 21:10
introduce 4:2
introduction 64:9
Invariably 51:5
invest 14:22
investigations
 60:11
investment 14:21
 36:22
invite 51:10 84:21
invites 61:20
involve 88:20
involved 24:1 37:16
 38:17 44:11 54:15

60:15 65:11,16
 66:9 68:6,6 69:7
 71:14,18 91:21
 94:16 96:4 97:12
involves 14:11
irreparably 70:12
issue 62:4 73:8
 82:10 83:5 94:18
issues 23:13 31:8
 100:12

J

J 1:13,16 2:3,17
Jackie 32:6
Jackson 44:5
James 2:14 89:11
 89:13
Jasper 2:8 32:7,10
 32:11
Jennie 44:4
Jennings 2:14 74:3
 83:18,19
Jim 2:13 74:2,4,6
job 3:11 17:22
 42:15
join 67:12 107:9
joined 54:18 66:18
joining 36:4
joints 26:16
Journeyman 23:17
journeys 36:7
joy 15:20
Juarez 1:17 4:3,6
 64:12 65:3 93:18
 100:15 104:16
judge 19:13 30:8
 49:4 81:7
judges 19:14 20:6
 45:6 74:18
judging 48:2
judgment 26:19
Julia 2:5 6:20 11:8
Julie 6:16,18
July 5:13
jump 82:22
jumpers 101:2
jumping 55:20
jumps 95:10

justifiable 92:10

K

K 6:21

keep 3:20 22:3 67:1
82:9,14 83:4

keg 55:14 56:11
100:19

Keith 2:10 43:20
48:17 67:14 68:9

Kentucky 5:4 23:22
40:19

key 47:15

keyboard 52:15

kid 103:1,2

kill 41:7 57:1

kind 10:12 65:19
85:15,21 91:3
107:8

kinds 105:15

knew 55:7 68:10

know 6:7 9:9 10:20
18:16 20:20 21:21
24:9 27:10 40:15
46:18 52:9 64:2,7
64:18 65:6 66:8
67:20 68:5,20
69:14,15 71:16,17
71:21 72:1 76:17
78:2 84:8 85:10
89:4 90:22 91:7
91:21 92:3 99:18

knowing 66:6

knowledge 22:21
42:20 93:9

knowledgeable
42:14 102:18

known 58:19 82:16
96:2

Kris 97:15

Kristin 2:9 32:7
37:21

L

LA 8:16 10:7

laboring 30:6 81:3

ladies 9:20 23:15
24:10

lady 87:21 90:6

Lamar 70:1

lame 98:2,3

land 29:12

language 23:9
31:22 32:20 61:4
70:17 79:8 83:5,7
83:10 85:7 105:13

large 14:21 28:22
56:11 75:16

105:14

larger 41:11

largest 47:11 58:10

Lastly 46:14 62:14

late 104:21

lateral 29:9 80:10

laterally 29:15

80:14

laughable 92:15

Laurie 15:6

law 15:19 33:2,21

34:4

law's 59:11

laws 31:20 34:3
95:12 101:15
106:5,6

lawsuit 92:22

lawyers 18:2

lay 21:16 42:19

lead 46:16 86:21
102:22

leader 72:22
103:16

leadership 49:1

league 9:19

learn 32:15 73:10

learned 55:11 89:4

learns 14:15

leave 6:9 62:20
86:20

leaves 50:7

left 34:14

leg 59:4

legal 16:11

legislation 70:3
95:9

legislators 107:16
107:16

legislature 105:3
107:3

legs 33:17 55:3
58:21 59:2,20

lengthening 82:11

lessons 75:13

let's 6:16 75:20,21
78:4,4 93:20

letter 94:9,10 97:11

level 3:21 105:11
105:13,18 106:3
107:17

Lexie 2:13 74:3
78:12

Lexington 5:4

liaison 53:8

license 71:4

licensed 11:13
19:13 45:13 49:14
61:8

Lichman 2:5 6:17
11:10,10

Lick 12:6,15,17
13:6,19 14:4
15:13 17:2,11
18:20 21:2,7,14
22:16 33:12 36:2
36:14 37:2,19
49:9,20 51:2 52:6
52:15 53:2,13
55:11 56:5,14,18
58:19 60:15,17
62:1 63:2 66:4,10
67:6 70:1,8 72:12
74:15 75:17 76:5
76:7 79:17 80:1

Lickers 98:15

lie 13:17 15:19 99:7

life 28:3 38:18
54:16 104:4

lifelong 28:2 38:1,2
48:20

lifetime 38:6 48:10

light 11:21 41:16

like-minded 17:4

limbs 58:16

limit 42:17 45:21
50:4,11 62:2 71:1

limited 22:11

Linda 2:11,16 43:21
54:7 104:22

link 5:16

lip 87:10

list 6:1 21:21 95:16
99:10

listen 4:8 90:1
103:19

listened 90:20

listening 19:9
83:15 104:12

little 62:21 65:17,19
65:20 68:5 87:13

88:9 102:16
104:21

live 26:12 94:5

lived 22:10 92:4

livelihood 14:20

lives 22:11 28:7

living 15:19 91:4
95:21

lobby 69:18

local 38:20 102:10

long 33:18 43:2
49:16 53:17 54:2
65:9 71:8 72:8
78:2 97:13 98:6

long-overdue
49:10

longed 20:9

longer 15:18 51:8
53:4 69:8 71:12
82:14,15

look 18:7 26:10
48:6 69:16 82:19
94:20 95:3 98:1,3
105:21 107:6

looked 93:19 94:1
95:8,9

looking 24:20 55:2
95:4

looks 100:16

loopholes 70:7
93:5

loose 82:7 86:22

loosened 82:3,5

Los 10:6,10,12

loss 71:14 84:19,20
lot 18:7 27:3 36:5
 46:6 66:3 71:14
 87:16 103:7
love 20:21 27:13
 35:11 55:9 69:3
 75:6 101:20
lover 105:6
lower 40:13 58:16
lucky 35:18
lunch 85:3
Lyn 2:8 32:7 34:10

M

ma'am 64:16 65:1
machine 21:8 70:1
magazine 8:19
 54:21
magnificent 63:8
 75:21
main 12:16 13:1
maintain 42:15
 49:19
major 38:21 40:8
 60:13 66:19
majority 37:16
 69:20
making 7:19 59:2
 69:2 78:6 82:10
 100:17 101:11
management 43:7
manager 68:4
manager's 46:20
managing 44:11
mandated 33:4
mandating 61:7
manner 31:14
 80:21 81:13
 106:21
manufacture 66:7
Mara 2:12 57:22
 72:17
mare 9:11
Marilyn 2:8 32:7,9
 32:11 97:7 105:8
Marj 8:2
marketing 41:15
marks 77:11

Mary 8:1
Maryland 5:6
math 38:5 89:2
matter 12:5 57:18
 90:5 108:4
McConnell 70:1
mean 38:2 69:15
 88:14 92:18,22
 99:15
means 29:8,14 62:1
 76:6 103:17
measures 28:16
 79:7
mechanical 76:6
media 17:13
meet 11:16
meeting 1:5,12 3:4
 3:10,12,20 4:8,10
 4:14 5:1,5,7,18
 27:21 75:2 104:14
meetings 4:16 5:11
member 7:21 8:15
 34:20 35:1 38:6
 38:13,15 54:11
 83:21 84:3 89:15
 90:18 95:3,7
members 8:17
 27:19 52:5 78:13
men 27:13
mental 22:8 77:13
mentally 97:4
mention 55:21 93:3
 100:11
mentioned 4:22
 34:5 100:12
mentions 50:8
mere 60:8
met 5:1
method 45:17
methods 42:2,3
 67:11
Michael 1:14,16 2:3
 2:7,17 19:3 23:16
 97:14,15
micro 46:6
Microphone 89:17
middle 9:10
Midnight 20:12

Midwest 38:19,22
Mike 3:8 64:11
 68:19
millions 107:1
mind 60:2 90:9
 91:17
mini-Big 12:15
minor 23:13
minutes 6:5 85:2
missed 64:8 95:17
missing 9:11
mission 77:22
Missouri 94:4
mistreatment 28:12
 79:4
Mitch 70:1
moaning 21:16
mock 59:17
modus 33:13
momentous 87:7
monetary 71:7
money 8:10 71:13
money-making
 21:7
monitor 61:8
monitoring 42:1
Montgomery 2:8
 32:7 34:10,11
month 56:10 97:1
months 68:5
Morgan 11:6 87:19
Morgans 25:2
 79:19 80:8 81:18
 100:21
morning 3:3 4:6
 16:3 19:7 23:15
 27:17 32:10 48:17
 54:6 58:6
motion 29:20 30:16
 80:11,19,21 81:8
 81:12 82:17 92:20
Mountain 80:4
 103:8
mountains 56:2
mouth 11:7 87:9
move 29:15 31:13
 36:13 47:19 54:4
 63:14 73:15,19

80:13
movement 8:22
moves 29:9
moving 30:5 45:8
 80:9
multi- 106:22
multi-breed 87:16
multi-term 38:8
multiple 39:2,18
 46:18,19 60:10
Murfreesboro 5:2
 75:1
muscle 46:6 55:3
mute 3:15

N

N1 57:2
nails 33:8
name 3:8 6:3,19 8:2
 16:3 19:8 25:12
 25:12 27:17 32:10
 34:10 37:21 44:1
 44:3 54:6,19 58:5
 58:6 63:20,22
 64:11 72:15 74:5
 74:6 78:11 83:17
 95:20 97:16
 103:13 104:22
Nancy 11:13
nation's 58:10
national 8:14 11:21
 13:1 19:11,16
 34:21 57:2,12
 67:10 68:19 74:8
 79:20 80:8 81:19
 83:8 84:3,5
nationally 96:1
Natomas 1:13
natural 11:11 21:5
 29:10 45:5 47:21
 48:3 62:22 75:22
 78:5 80:11 82:17
 82:18 105:7
natural-moving
 48:5
nature 20:16
nauseam 51:13
nauseated 66:7

Nearly 13:8
necessary 33:1
 34:5 72:8
need 3:15 6:7 9:15
 9:16 15:12 18:4
 18:12,17,22 37:11
 38:5 43:3 45:6,17
 47:14,20 54:1
 56:20 71:12 72:9
 75:12 80:20,22
 82:22 88:20 89:8
 95:11 98:18 100:7
 103:5
needed 7:2 8:22
 10:19 56:11 57:11
 73:16
needs 3:13 18:12
 45:6 98:17 101:13
 103:3 105:8
negative 41:16
negatively 40:22
negativity 36:14
neglect 28:11 79:4
negotiations 53:9
neighbors 73:8
nervous 72:17
never 9:11 12:1
 18:20 20:14,19
 28:12 30:10,14
 31:14 39:5 48:11
 52:10,13 54:22
 55:4,5 56:7 67:7
 70:3 81:8 85:1,20
 93:1 97:21 107:1
never- 66:16
new 1:7 15:20 32:1
 47:18 48:1,2 52:3
 78:6,7 83:11 98:8
 98:13 99:19
nice 82:6 85:4
Nichole 44:3
Nicole 2:9 43:20
 100:12
night 9:10
Nightline 14:7
nightmare 46:20
nine 47:5
non-gaited 47:13

noncompliance
 33:10
nonprofit 96:2
nonsense 56:19
Northern 10:21
 16:7,18,21 35:3
 38:16 44:9 47:8
 79:1
Northrup 15:7
notion 91:12
novice 73:2
NPWHA 10:21
numb 59:20
number 12:17,18
 12:21 22:10 28:22
 42:13 47:7 102:7
 106:12
numbers 99:7
numerous 19:21
 20:6 44:12
Nya 2:15 95:20 98:2

O

Obama 72:6
obey 34:3
objective 41:22
obscenely 12:14
obscure 61:17
obscurities 62:5
obstruction 69:22
obviously 42:11
 98:18
occur 77:19
occurred 87:19
occurs 41:20
offenders 34:6 94:8
offers 31:18
Officer 38:15
official 30:16
offline 99:12
oftentimes 97:17
oh 88:7 89:19
okay 32:6 33:17
 43:20 44:2 57:21
 63:21 65:2,4 74:2
 93:20 95:18
 104:13,17 107:19
old 14:1 38:3 50:6

65:22,22 75:14
 87:22 89:1
older 31:8 61:20
oldest 7:19 35:8
 84:1
Olympics 18:8 27:3
 27:4
once 6:2 8:5 18:21
 38:11 40:14 52:2
 70:15 77:5
ongoing 34:3 51:13
online 33:19,22
 99:10
open 46:22 55:15
 87:8
open- 75:10
operandi 33:14
operating 53:10
operation 44:16
operations 94:3
opinions 22:3
Opponents 62:18
opportunity 3:22
 5:19,20 6:6 19:10
 27:20 47:20
oppose 28:11
 30:20
opposed 73:13
 81:14
opposing 52:17
opposite 29:11
 30:1
optimal 31:15
option 22:13 43:1
order 8:5 52:4
 86:11
Oregon 55:16 56:2
organization 6:3
 7:20 58:11 74:8
 92:14 96:2,9
organizations 10:1
 23:11 36:5 49:1
 66:20 107:14
originally 95:21
ought 90:15
ounce 26:1 46:3
outcome 30:11
outlaw 77:1

outside 3:16 5:22
outspoken 9:14
outstanding 99:13
over-tightened
 31:15
over-weighted
 26:15
overall 37:5
overdue 54:2 72:8
 78:2
overseen 45:14
 49:15
oversees 92:14
oversight 60:8
overwhelming
 69:19
owned 28:3 39:5
owner 38:2 48:21
owners 7:4 13:5,11
 14:20 15:3,10,21
 34:22 36:20 38:14
 45:8 53:3 60:14
 74:18,21 75:8
 94:15 96:8 101:15
owns 78:18

P

P-R-O-C-E-E-D-I-...
 3:1
pace 100:10
Pacific 7:7 8:6
package 100:4
 101:5
packed 77:5
pad 25:22 82:2
 101:6
padded 39:5,16,21
 39:22 40:14 41:13
 97:4
pads 12:12 23:7
 25:16,17 30:22
 31:2,4,5 33:7 39:9
 39:14 40:5,7,9
 41:7,15 45:2
 47:15 48:7 50:1
 52:8 60:18 61:5
 61:17 70:18 74:12
 75:4,9 77:10,17

78:3 81:16,20,22
82:12 84:17 87:5
101:6 102:14
page 2:2 4:17,18,21
5:10,16
pages 11:4
paid 86:5 105:16
pain 7:10 12:4
14:15 21:9 22:9
31:12 55:4 58:16
59:5,16,18 60:2
61:22 81:1
pain-based 60:17
pain-masking
59:19
painful 59:2 60:1
palpated 14:10
palpation 42:3
paper 53:14
parade 7:19
paraded 66:5
paragraph 32:2
83:12
parallel 47:22
Parelli 11:11
Park 25:21
part 22:19 33:3
40:18 41:4 60:19
84:15 87:2 107:13
PARTICIPANT
89:17 100:22
participants 5:3
44:13 47:7 52:7
52:11 77:4
participated 53:8
particular 92:22
particularly 73:2
Paso 80:3
pass 42:12
passage 69:18
passed 9:17 18:18
18:19 59:8 68:12
70:6
passion 64:3
passionate 28:10
78:21
pastern 46:13 51:1
51:4,10 62:16

pasterns 51:15
pastured 78:20
pathways 93:7
Pauline 2:6 19:3,5
19:8
pay 3:18 72:19
pays 105:17
penalties 97:8
105:16 106:5
penalty 30:8 105:14
105:15,19 106:2
people 6:14 7:16
8:16 9:2,9 17:1,4
17:15,16 40:10
56:16 63:3 69:3
71:18 73:9 76:1
77:2 90:3 91:20
94:15,16 97:6,10
98:5 99:13,20
102:2 104:21
106:16
perceived 41:1
percent 9:22 10:15
10:16 13:8,11
24:12 36:19 42:7
78:1 97:2 102:2
percentage 40:13
99:4
perception 41:17
56:5
perform 29:16,18
51:22 76:9 80:17
performance 28:5
36:1 37:2,5 56:16
74:21 77:15 78:6
performed 60:12
75:15
performing 83:1
period 5:13 13:21
36:18 51:16 54:3
71:11 96:14
107:21
perpetrators 33:14
person 26:17 40:22
100:14 104:17
personal 4:1 39:3
71:7 96:21
personally 21:13

22:1 42:11 82:4
86:15
persons 60:7
persuaded 104:18
104:19
pertaining 28:20
Peter 4:13
Petty 4:13
phones 3:14
photograph 100:18
photos 55:1,8
phrase 14:17
physical 96:19 97:3
physician 38:1
pick 100:4
picture 92:20
pictures 35:22 64:6
Pierson 2:11 43:21
54:7
pigs 92:7
pinned 81:4
Piper 2:15 103:14
place 7:12 45:11,11
49:12 87:5
plans 53:10
Plant 1:3 27:19
78:13
Plantation 7:5,17
8:4,11,14 12:7,10
15:14 19:11,16,18
35:7 83:20,21
84:4,14,16
plastic 58:21
Plaza 1:13
please 3:16 6:2,17
11:6 15:1 19:4
25:14 27:10,14
32:8 34:17 43:21
43:22 44:1 54:2
64:6 72:5,5,10
89:17 95:19 98:2
107:22
pleasure 11:22
12:7,10 20:5
56:10 82:13 96:17
plus 2:13 41:10
74:7 75:10 77:21
78:8 98:20

podium 6:1
poignant 65:13
point 30:10 34:16
35:13 91:11 93:20
97:8
pointed 105:9
poisoned 56:5
police 14:17 70:9
policies 53:9
policing 23:4
policy 51:15
politicians 9:19
14:22 69:22 91:21
politics 18:1
Pomona 7:12
ponies 28:4 79:19
80:4,8 81:18 98:7
popular 12:17 37:3
popularity 56:7
population 9:22
Portland 54:7
position 11:3
positions 49:1
positive 13:10
30:11 47:18
102:13
possible 36:6 43:8
post 17:12
post-Big 56:14
posterior 51:1
62:16
pot 106:11,19
potential 29:1 30:8
81:6
pound 46:4 50:10
pounds 12:9 70:21
101:7,7
power 34:5
powerful 12:18
71:16,20 93:11
practice 14:8 15:16
59:8 73:10,22
practiced 102:11
practices 33:2 59:6
59:15 83:3
practicing 37:22
precisely 29:22
premiere 17:8

preparation 68:4,6
prepare 67:12
prepared 93:13
present 1:15 6:5
 21:1 60:10
presented 19:21
 68:11
preside 4:8
president 16:8 24:1
 24:2,3,5,7 35:5
 44:11
President- 24:6
presiding 1:14
Presley 2:12 11:17
 57:22 63:21,22
 64:10,14,17 65:2
 65:4 69:6 72:19
 91:20
pressure 22:7 31:4
 41:20 50:16 61:21
 81:21 82:7
pretty 96:21
Prevent 9:18
prevention 107:3
previously 5:1 55:5
 60:14
preys 21:9
primarily 28:18
 29:8 79:11
primary 52:16
prior 67:15
priorities 66:4
Priscilla 2:12 11:17
 57:22 63:22 72:18
 91:20
privileged 54:17
prize 15:8
probably 38:12
 68:16,20 85:2,19
 87:10,11,18 99:11
 100:2
problem 36:17
 52:10 85:1,21
 86:14 87:13 88:16
 97:9 102:16
problematic 23:10
problems 85:7 97:3
procedures 53:10

proceed 10:13
process 4:12 6:12
 14:9 22:9 37:14
 46:15 50:15 51:12
 58:15 60:20 65:11
 102:18
processes 42:10
prod 14:14
produce 12:15
 60:16 79:13
profession 37:22
professional 3:21
 23:18 28:9
professionally 28:5
profile 95:10
profit 61:12 77:4
 91:5
program 15:7 36:16
prohibit 50:20
prohibited 30:17
 60:21
prohibition 49:21
 62:4 73:17
prohibitions 62:9
 62:12
prohibits 30:21
 81:15
promoter 22:18
promoting 44:6
promotion 49:2
prongs 50:18
proof 34:1
propensity 34:2
properly 27:8 31:13
 40:21
property 9:13
proponent 28:15
 79:6
proponents 13:5
 13:12 15:3
proportions 87:8
 88:4
proposal 34:7 43:1
 43:8 46:15 47:18
 49:5 84:16
proposals 85:8
propose 53:21
 58:13 70:14 83:11

93:13
proposed 3:6 28:17
 30:20 31:22 32:1
 32:18 37:8,11,13
 39:8 42:5 44:21
 45:5 54:9 61:1,4
 61:14 62:8,19
 63:10 70:17 73:7
 73:15,19 78:1
 79:8 81:14 83:6
 83:10 91:15
 102:12
prosecute 34:6
prosecution 32:21
protect 58:13 61:3
 70:15
protection 3:7
 27:22 28:16,18
 31:17,18 32:1,19
 39:9 48:19 49:2
 54:10 57:4 58:10
 59:9 61:2,10 70:6
 78:16 79:7,9 83:6
 83:11 98:21
protections 53:12
proud 15:21 47:6
 54:11
prove 42:20
proven 45:19 46:3
 46:7
proverb 65:22,22
provide 5:9,19
 35:22
provided 98:13
provision 42:19
provisions 44:22
psychological
 96:20
public 1:5 2:4 3:4
 4:16 5:1,7,13,18
 15:1 41:18 56:5
 66:11 72:17 75:2
 90:17,19 91:2
 92:16 93:17 95:3
 95:8,13 101:19
public's 63:7
pulling 30:6 81:3
punishing 14:12

punishment 43:12
 43:14
pure 21:5
purpose 53:11
 58:18
purposes 31:6
put 3:14 25:20
 26:15 27:5 46:21
 54:21 68:16 73:21
 74:13 87:4 88:10
 92:16 106:9
puts 38:3
putting 41:4 86:18
PWHA 7:18 8:18
 10:20 83:21

Q

qualified 25:11
 26:18 60:7
quality 33:8
Quarter 20:8 25:2
 54:16 81:19 82:15
 100:20 101:3
question 37:12
questions 4:10
 6:11 24:15 75:4
quickly 54:4 63:15
 73:19
quite 14:18 35:20
 64:3
quo 21:15 49:20

R

racket 53:20
Racking 23:6 28:21
 29:6,7 30:14 45:3
 79:12,16 80:7
 83:8 102:4
radius 85:13
rail 13:4
raise 64:19 101:22
raised 34:18 48:21
 52:13
raises 51:22
raising 76:1 94:17
 105:3
rampant 40:12
 41:19 59:12

ran 88:5,6	57:19 90:4 91:15	75:20	resulted 99:3
ranch 44:5 75:14	95:5 100:17 108:5	removed 42:18	resumed 57:19
randomly 13:8	records 94:6,21	removes 62:8	resurgence 22:19
ranking 105:1	recreational 96:17	render 62:6	retired 78:20
rapidly 74:18	referenced 62:11	repeat 94:7	retrained 96:14
rate 96:21 97:2	reform 53:19	replacing 4:4	return 69:8
rates 60:6,9	reforms 54:2 62:18	report 65:8 91:18	returned 68:18
rating 92:20	refuse 53:15	represent 9:21	revealed 60:11
ratting 76:15	regarding 3:5 53:9	10:16	reveals 62:21 66:3
rattling 9:12	97:7	representing 6:4	revenue 76:2
re-homed 22:5,10	regardless 88:17	24:8 83:20 89:13	reviewing 90:4
re-looked 47:1	regimen 93:21	89:16	revise 3:6
reach 45:4	registered 54:19	reputation 37:1,4	revised 37:12
reached 90:3	55:18 76:12 102:7	request 31:21	revulsion 63:7
react 59:16	registries 52:4	71:10 83:9	reward 48:3 101:17
read 81:11 84:13	regular 100:7	require 82:13	rewarded 45:6
reading 36:4	regularly 101:10	required 29:16,18	rewarding 45:7
ready 37:17 87:1	regulation 3:6 10:7	80:15,17	rewards 70:11
real 36:17	78:1	requirement 71:3	rewarded 103:4
reality 20:22 53:1	regulations 1:7 3:7	requirements	Rhoads 11:6
realization 47:2	18:18 31:20 58:13	23:10	rhythm 100:10
really 9:21 13:12	59:9 61:2 62:9,17	requires 13:19	rid 42:8 89:5
14:19 17:19 39:12	70:22 73:7 91:16	47:22	ridding 54:12
43:3,11 64:21	101:16 102:12	requiring 30:1	ride 12:18,21 35:12
65:12 69:1,14	regulatory 4:11	rescue 28:4 79:1	86:16,19
72:5 73:3 88:12	36:15 70:14	106:17	rider 21:19
91:10 92:17 95:11	rehabilitated 22:5	rescued 22:5 28:6	Riders 18:9
97:7,18,18 98:6	96:15	rescuers 77:8	riding 7:18 56:1,2
100:4 101:12,12	rehabilitation 22:12	rescuing 9:15	right 19:2 24:4
102:17 106:4	44:15	research 46:2,7	37:15 45:9 57:15
rear 104:10	related 28:19,21	resident 72:21	57:16 61:11 64:6
reason 11:15 40:4	29:5 31:21 49:22	residents 73:9	65:12 71:6,13
46:10 51:9 52:9	51:21 58:17 61:7	Resistance 33:21	73:15 95:10
52:16 81:8 83:5	63:1 79:12,14,22	respect 17:21 77:3	104:20 107:22
reasonable 71:1	83:9 102:5	77:4	ring 7:13 30:7,9,15
reasons 12:16	relations 15:1	respond 17:16	35:15 38:4 39:17
83:14 99:18	relationship 105:17	responding 4:9	40:3 46:10 81:6
rebuild 18:21	release 36:13	63:6	99:17
received 22:2 54:20	released 15:15	response 14:15	rings 39:19
receiving 28:13	relied 49:18	responses 17:14	rise 37:17 63:5
receptive 15:9	relief 72:8	responsibility 33:4	River 1:13
recidivism 99:14	relieved 15:18	responsible 75:7	Riverdale 5:6
recognize 52:17	remain 62:13	rest 18:13	road 103:8
67:5	remember 11:6	restriction 62:10	Rocky 80:4 103:8
recommended	48:8 98:1	restrictions 4:11	rode 66:22 75:14
49:11	reminisce 48:7	51:20	Rogers 70:2
reconsider 90:15	removal 30:9 81:6	result 30:7,11 56:6	roll 33:18
record 5:12 29:4	remove 46:21	81:5	rollers 30:16

room 4:1 5:22 66:8
 73:1
roots 92:3
rope 46:17 86:21
 103:1
Rosa 78:20
routinely 14:3 60:5
 60:12
row 13:2
Roy 2:7 19:4 27:17
 27:18
Royal 23:21
rudimentary 94:6
ruin 49:9
rule 30:18,21 37:8
 37:11 42:5 43:18
 45:1 46:9 49:21
 50:4,8,13,20,22
 51:9,17,18 52:2,5
 52:8,17 54:4,9
 56:22 61:1,4,13
 61:14 62:4,8,11
 62:14,19 63:10,14
 63:15 70:18 72:11
 73:19 81:14 84:19
 89:22 93:7 98:13
 102:12
rule's 54:2
rules 43:9 73:16
 77:1 93:12
run 44:15
running 86:22
runs 3:12 5:13

S

S 23:16
Sacramento 1:13
 1:13
sad 77:17 101:22
saddle 14:1 23:5
 36:6 41:4 79:20
 87:5,6 88:10
Saddlebred 24:22
 28:8 29:4,7,18
 30:14 31:2,13
 79:18 80:7,13
Saddlebreds 24:17
 29:14 78:18 81:18

Saddlehorse 55:18
 102:5
sadistic 67:11
sadly 11:17 12:6
safe 82:9 83:4
 104:15
safely 108:2
safety 31:18 37:12
 37:16 79:2 88:4
Saine 2:13
sake 90:12,12 91:4
sale 31:1 81:17
 99:3
sales 26:21 107:12
San 7:16 34:11
 78:13,21
sanctioned 20:7
Santa 78:20
saw 67:20,21
 104:20
saying 3:20 13:16
 65:8,21,22 68:22
 69:9 72:1 83:17
says 24:18 25:6
 50:13 86:10
Sazne 74:3 78:12
 78:12
SB104.1 30:19
scar 46:9 50:22
 62:14
scared 15:5
scaring 93:6
scarring 84:20
scars 69:11 77:9
scattering 88:7
schedules 107:21
school 33:14
Schoppe 2:9 43:20
 44:2,3
Scott 70:2
scourge 72:11
seal 107:10,11
Seasoned 13:21
seat 6:14 79:21
 95:18
seats 13:2
second 44:3 45:10
 62:8

Secretary 94:9
section 30:21 32:2
 37:11 42:5 79:10
 81:15 83:12 88:17
 105:13
sections 28:19
see 13:2 18:8 24:20
 25:1,5 40:2 46:20
 51:18 55:12 66:4
 85:10,21 86:7
 87:9 90:18 97:10
 98:6,7,9 103:9
seeing 49:9 65:11
seek 58:13
seen 9:11 12:2,3,10
 39:21 42:11 44:18
 55:5 69:11,12,12
 70:4 85:20 88:15
 100:2 101:8
segment 60:15
selected 13:9
self- 23:3
self-policing 59:10
 102:15
self-regulated 23:8
self-regulation
 49:8
send 107:9
Senior 48:18
sense 45:18
sensitive 101:12
sent 24:16 53:1
sentiment 91:2
separate 56:12
September 5:6,8,14
 107:22
serious 94:22
 106:21
seriously 89:8
 93:15 94:20
serve 19:14 35:3
served 7:6 13:13
 19:17 20:1,4 35:6
 53:8
Service 1:3 27:20
 78:14
session 19:9
set 50:11 55:10

106:1
seven 14:2
severe 43:15
severely 76:14
shadow 22:17
Shaman 20:12
share 89:21 100:5
Shea 94:10
shelter 75:11 76:13
shelters 74:8
Shepherd 79:1
shock 54:22 99:21
shocked 73:10
shocking 14:13
 20:22
shod 7:5,20 8:4
 11:22 12:11 15:13
 16:20 35:9 36:8
 40:12,16 41:9,12
 41:21 50:16 55:14
 56:11,19 57:3
 67:1 84:1 96:5,9
shoe 27:14 31:10
 45:21 62:5 84:18
 100:7,20,20 101:3
shoeing 22:7 26:18
 27:2 41:20 50:16
 51:20 61:21
shoes 12:7,14 17:6
 25:16,17 45:20
 46:5 47:4,15 50:5
 50:10,12,17 60:19
 61:5,15,16,19
 62:3 70:18,20
 71:1 73:17 74:12
 75:9 93:6
shops 56:17
short 13:21 82:19
 82:22
shortened 65:19
shoulder 46:4
 100:13
shoulders 77:11
show 7:22 8:1,9,12
 12:4 13:7 14:3
 16:6 17:8 19:13
 28:8 29:20 30:7,9
 31:1 35:14,15

36:1,12 37:18
 39:17,19 40:3
 41:10 42:16 43:1
 43:6 46:10,17
 47:9,11 49:3 66:1
 67:12 68:1,12
 75:21 76:13 77:1
 78:19 79:4,20
 80:18 81:6,7,16
 81:19 86:11,12
 87:3,15 92:16
showed 68:9 87:16
showing 10:10
 36:8 38:3 47:4
 57:6 76:8 78:4
 82:11 94:17
shown 29:17 34:18
 48:21 55:15,17
 57:3 97:20 102:9
shows 8:7,8,13 9:6
 10:19,20,21,21
 17:6 26:21,22,22
 27:1 38:21,21
 41:9 43:2 44:12
 51:8 55:15,16
 57:1,2 61:10 63:2
 63:5,6 66:5 71:5
 74:19 75:15,20
 76:1 85:4 87:16
 99:2,5 102:9
 103:6,7 105:7
sick 49:9
Siegel 2:16 104:18
 104:22,22
Sierra 32:12 90:7
sight 66:11
sign 5:21 86:10
significant 37:3
significantly 62:5
silence 71:9
simple 100:20
simply 33:2 40:16
 91:4 92:11
simultaneously
 29:13
single 60:12
sir 89:17
sit 44:8 89:22

site 5:17
situation 85:16
 86:6 87:17,19
 88:3 89:9
six 91:18
six-year-old 103:1
size 50:5 93:6
skill 12:20
skin 101:12
slaughter 53:1
slicker 92:8
small 22:10 34:7
 92:7 99:4
smaller 23:11
smooth 12:19
 80:20
smoothly 3:12
smoothness 20:17
so-called 56:15
social 17:12
society 2:10,13
 10:18 32:12 48:19
 58:8 67:16 72:22
 74:7 89:14 90:7
 103:15 106:16
socioeconomic
 91:9
sold 107:13
sole 50:19 61:18,22
 62:6,7
solutions 23:12
somebody 43:5
 85:22 86:9 88:8,9
 88:11 89:7 95:16
soon 21:3
sooner 77:18 78:3
sore 14:10 26:14
 26:16,17 27:6
 36:16 39:19 40:21
 42:12 45:20 49:20
 50:10 59:6 61:16
 61:21 70:22 81:8
 85:19
sored 12:1 29:19
 29:21 30:3 39:6
 39:18,20 60:5
 77:7 80:18 81:2
 97:4,4 103:7

sorer's 50:8
soring 1:7 9:18
 12:5,10,15 13:19
 14:5 15:9 17:10
 17:14 18:16 19:22
 22:8 24:12 25:3
 26:2,6 30:10
 32:14,19 33:2,15
 36:16 39:21 40:5
 40:6,10,11,18
 41:1,20 42:2
 43:13,14 46:12
 47:14 49:7 50:2,3
 50:21 51:6 52:1
 52:10,13 53:7,22
 54:13 55:4 58:14
 58:15,19 59:12,22
 60:11,17,19,20,22
 61:3,18 62:19
 63:7,11,17 66:16
 68:7,13 70:7 73:7
 73:11,14 76:17
 79:10 81:9,11
 84:7 89:9,22 96:3
 98:22 99:1,8,21
 101:14 103:9,21
sorry 22:3 64:8
 89:19 104:9
sort 69:7 92:16
sorts 92:18
sound 18:2 19:15
 36:19 39:22 43:3
 44:6 63:4,6 66:17
 96:1 97:20 98:11
soundness 100:12
sounds 85:9
Southern 34:11
 83:19 86:4
sparked 20:13
speak 5:22 6:7
 11:12 19:10 27:21
 47:6 54:8 72:18
 78:15
speaker 95:15
 107:4
speakers 3:18
 25:15 105:2
speaking 11:6

32:11 34:13 58:9
 69:10 95:22
specific 62:9 79:16
 83:7 105:10,10
 106:2,18
specifically 42:4
 94:4
spectators 39:3
speech 65:17,19
spending 36:5
spiral 102:6
split 56:12
spoke 40:22 48:12
 48:13,14
spoken 25:15
Spotted 23:5 55:18
 102:5
spurring 18:10
stabilize 31:10 82:1
stable 28:7 68:4
stabling 56:21
stack 8:9 10:11
stacked 61:4 70:18
 74:12 75:9
stacking 33:7
stacks 21:18 22:7
 37:9 45:1 49:8
 50:1 52:21 54:13
 55:1 60:18 61:17
 75:21 77:1 102:14
stadium 13:1
stakeholders 36:22
stalked 22:2
stall 21:16,16 54:1
stallion 46:17 87:20
stamp 107:8
stand 21:20 24:5,8
 73:3 75:16 76:20
standard 15:16
 47:17 104:3
standards 48:2
standing 6:8
standpoint 39:12
stands 77:5
start 6:19 19:5 45:8
 65:16,21 72:6,15
 74:4 75:22 78:4
 83:16

started 9:7 13:22
starts 18:15
state 11:14 58:7
 63:21 67:4 89:15
 105:7,18 106:3
stated 53:11
statement 34:14
 90:16
states 1:1 7:21 8:21
 10:13 24:3,11
 30:18 33:13 35:10
 36:9 48:20 56:8
 58:9 67:16 73:1
 74:9 84:2 89:14
 92:5 103:16
 105:20 107:16
stating 6:2,19
 43:22 58:4 63:20
 72:15 74:5 78:10
 103:13
statistics 13:7
status 21:15 49:19
stay 85:1
steel 27:4,5
step 34:8 50:15
 59:3
Stephanie 10:5
stepping 13:3,22
steps 33:1 57:11
 61:11 71:5
steward 22:8 30:9
 43:1 81:7
stewarding 14:9
 59:15 99:21
stigma 17:10 22:15
 101:18
stipulate 88:17
stoic 71:8
stood 103:22
stop 32:19 33:2
 34:6 45:6 63:16
 66:16 70:7 76:20
 77:22 98:17
stores 56:16
stories 65:13 84:10
story 65:10
Stotsenberg 2:6
 19:3,7,8

strapped 59:1
strata 91:9
strengthen 3:7
 32:18 61:1
strengthening
 53:11
stricken 31:22
 83:10
strong 28:15 30:8
 73:6 79:6 90:16
stronger 32:20
strongly 28:11
 32:17 34:7 98:12
 103:21
struggle 66:16
struggling 63:2
stud 102:8
style 30:5
submit 108:1
substances 13:11
success 45:4 96:21
 97:1
successful 16:22
 47:12 60:13 96:22
successfully 22:10
suffer 74:16,17,20
 77:20
suffered 66:13 71:9
 96:11
suffering 21:10,16
 37:1 77:14
suggest 106:1,7,14
 107:6
suggested 47:10
Sunderland 8:2
Superior 38:9
support 23:6 31:17
 31:19 32:17,20
 34:7 37:7 39:8
 44:22 45:10 46:8
 49:5 54:8,12 61:3
 61:7 69:19 70:17
 71:2 73:6 78:1
 91:15 98:12
supported 48:5
supports 24:11
supposed 21:4
Supreme 38:11

sure 3:11 4:20 18:5
 65:8 72:16 82:6
 90:1 100:19
sure-footedness
 33:6
survive 8:22
sweep 107:3
swift 72:10 98:14
system 23:4,8
 45:11,14 49:11
 59:10,15 70:12
 84:21 85:9 102:15

T

table 2:1 5:22
tack 56:17
Tactics 9:18
take 3:14,15 26:10
 26:21,22 27:1,2
 27:12 29:12 31:3
 33:1 57:16 60:1
 72:2,5,10 75:8,11
 76:19 81:9,21
 85:18 91:17,19
 94:20,20,21 95:11
 99:12
taken 48:8 89:10
 95:6
takes 14:2 72:2,2
 76:20 77:14 93:21
talented 15:17
talk 16:16,16 17:13
 17:13 71:20 107:4
talked 41:8 68:3
 85:12 99:20
talking 26:14 65:12
 91:6
talks 25:19 26:20
tape 10:2
Tarnawski 2:5 6:16
 6:20,21 11:9
tarnished 37:5
tasks 83:2
taught 66:14
tax 106:8,9 107:12
teach 59:16
team 25:12 45:12
 49:13 74:11

tears 9:9 46:6,6
tech 87:12
technical 93:9
technician 25:7,9
technicians 26:3
technique 13:20
techniques 14:14
 40:17
technology 98:8
techs 85:12 86:3
 97:21
telephone 5:8 8:20
 10:2
tell 13:6,12 26:1,6
 26:13 27:7 39:15
 40:18 66:1
telling 52:20 72:3
temperament 62:22
temporarily 59:20
temporary 69:2
ten 16:19 70:21
 75:14 89:1 94:5
 99:1 101:7
ten-minute 57:16
ten-year-old 103:1
tend 90:17
tendon 31:4
tendons 81:22
Tennessee 5:2 7:5
 10:11 11:19,21
 12:22 13:14 15:22
 16:8,10 18:11
 20:3,9 21:2,5 22:5
 22:14,19,22 23:5
 24:18,21 28:20
 29:5,6 30:13 33:5
 34:18,20 38:1,7
 39:10,13 40:19
 41:17 44:6,17
 45:3 48:20 49:22
 51:21 52:19 55:17
 58:17 61:6 63:1
 66:12,21 67:2,4,9
 67:19,22 70:19
 71:19 74:10 75:2
 75:13 76:13,22
 77:8 79:11,16
 80:1,6 102:4

- tensed** 55:4
term 28:21 79:14
 79:22
terminology 25:18
terms 20:1 102:7
terrible 25:17
terrified 55:2
tested 13:9,10
tester 50:19
testers 50:14
testimony 103:20
thank 6:18,20 11:4
 11:8,9 16:2 19:1,9
 23:14 27:16,20
 32:3,5 34:9 37:20
 43:19 48:12,16
 54:5 57:10,14,17
 58:1 63:18 64:6
 72:14 74:1 78:8
 78:14 83:15 89:18
 95:14 101:4
 103:11,22 104:12
 107:18,20 108:2
thankful 48:9
 103:19
thanks 10:1,5,16,17
 10:18 19:6 69:21
theirs 72:4
theme 56:15
theoretically 85:9
therapeutic 31:6
 39:11
thermal 26:2,4,5
thermography
 98:10
thick 12:8
thing 3:13 13:16
 17:9 64:1 69:3
 84:7 86:16 88:13
 91:10 94:19 98:16
 107:18
things 10:2,4 17:12
 25:1 26:9 28:2
 33:16 43:11 44:19
 81:5 88:14 89:3
 92:7 93:6 96:12
 106:20
think 16:17 27:10
 27:15 40:10 41:14
 42:15 43:15 65:15
 85:8 86:5 88:20
 89:8 90:6,14,16
 90:18 91:5 93:14
 96:13 98:7 99:10
 102:19 103:3
 105:1
thinks 92:19
third 3:4 4:22 45:19
 78:17
third-party 45:12
 49:14 71:4
thought 64:18 88:7
thousands 98:22
 99:5
threat 71:17
threats 9:8 22:2
three 6:13 9:21
 10:15,16 12:16,21
 14:1 56:12 102:1
three-inch 25:22
thrilled 6:21 43:17
thrive 18:14 63:12
throw 106:10
Thursday 5:8
ticketed 97:10
tie 87:5
tied 86:17
tight 31:12
tighten 106:4
tightened 82:3
 101:7
time 6:14 7:1,2,6
 13:21 17:9 30:2
 32:3 34:13 36:5
 36:11 43:17 44:22
 51:16 53:13 54:1
 55:7 57:13 64:2
 73:5 75:18 76:12
 76:12 77:7,7 86:5
 90:14 97:13 98:6
 106:10 107:20
times 12:2 39:18
 65:10 76:3 101:20
timing 100:10
tiny 56:4
tissue 51:1
titles 65:7
today 11:12,16
 16:15 20:12 34:15
 37:7 50:17 54:8
 58:9 73:5 84:11
 89:16 95:22
 103:20 104:8,10
 104:14 107:21
today's 67:6
toe 26:1,14,14,15
 26:17
told 22:2 67:14
tolerance 46:8
 51:15 79:3
tolerate 28:13
 37:19 91:3
Tom 8:1
tool 50:7
top 13:2 74:21
 77:15
topic 19:22
torment 59:2 66:6
torture 21:4 71:6
torturing 61:12
 90:12
totally 85:6
touch 41:3 50:18
 96:13
touched 96:12 97:6
touching 65:14
traffic 6:15
trail 7:18 56:1
 86:16,19,19 96:18
 96:18
trailer 86:17
train 15:9 40:15
 71:3 76:5 101:22
trained 26:4 28:5
 29:14 45:13 48:22
 49:15 61:8 80:13
trainer 28:9 35:19
 41:1 44:4 96:22
trainers 7:10 13:5
 13:11 14:3,19
 15:3,5,9,17 40:15
 45:8 46:10,18
 51:11 59:15,19,21
 60:14 61:14,16,21
 70:8 74:18 101:15
training 11:19
 13:20 14:10 15:16
 15:20 47:4 51:12
 59:17 60:13 66:9
 66:11 67:11 79:11
 96:5 97:1 101:10
transcribing 4:14
transcription 4:15
transcriptions 4:16
transparent 92:21
travel 86:4
treat 66:2 101:16
treatment 28:14
 67:7
trees 8:20 10:2
tremendously
 16:22
trialing 96:17
tribute 67:2
trip 104:15
trophy 67:8,16,17
 68:11 69:5
trot 29:10,16 30:4
 80:16 81:13
trots 29:21
trotting 29:8 80:9
true 20:10 21:21
 40:11 52:6 65:14
 69:10,11 73:2,3
 77:6 80:15
truly 18:9,14,18
 73:9
trusted 14:17 66:15
truth 14:19 72:3,3
try 15:8 17:19 26:10
 41:22 59:4 99:11
trying 15:5 18:15
 68:22 87:1 88:10
 98:19
Tuck 1:14,16 2:3,17
 3:3,8 4:7 11:8
 19:2 32:5 43:20
 57:15,21 58:4
 63:19 64:8,11,11
 64:16 65:1 72:15
 74:2 78:10 83:16
 89:11 95:15

103:12 104:13,17
104:19 107:19
Tuesday 1:9 5:6
Tungsten 50:10
turn 21:11
turnouts 85:4
turns 87:7
twelve 101:7
TWHBEA 20:2,4,7
54:19 84:6
twice 38:10,12
two 12:19 19:20
20:1 28:7 49:4
50:6,18 55:17
61:20 64:15,17,22
78:19 87:14
two-8:8 29:22
two-beat 29:10
80:11
two-horse 87:17
two-year-olds 7:9
14:3
type 105:12 107:2
typical 100:3

U

U.S 37:4
UC 19:22
ugly 44:19 104:10
un-maimed 22:19
unable 5:18
unconscionable
70:5
undercover 14:7
60:10
underground 8:21
undermined 59:11
underneath 102:22
understand 36:2
62:21 86:12 88:14
90:22
undertaken 52:4
undetected 69:14
undetected 62:1
undoubtedly 33:15
uneven 31:5 82:1
unfamiliar 92:8
Unfortunately

59:12 61:13
unimaginable
72:13
unison 29:12
United 1:1 7:20
8:21 10:13 24:11
30:18 33:13 35:10
36:9 48:19 56:8
58:8 67:16 73:1
74:9 84:2 89:14
92:4 103:16
universal 47:17
universities 19:21
upcoming 56:9
upright 82:17
urge 71:9 98:13
USCF 43:2
USDA 1:17,18 6:22
9:4 10:18 13:9
17:21 19:9 23:1,7
23:12 32:22 34:4
37:15 41:21 42:9
43:18 45:14 49:15
51:19 52:11 53:8
53:17 54:9 57:11
60:8,9 61:8 63:13
64:7,12 70:13
71:3,9,21 73:18
75:2 77:2 84:21
88:5 91:13 92:1
93:13,21,22 94:19
98:13 99:2,4
102:17
USDA's 49:5,12
73:6,14
use 5:22 22:6 26:2
30:22 37:9 41:2
49:21 50:9,11,14
50:17,20 51:6,7
52:7 56:8 59:15
60:1 61:15,19,21
70:13 71:17 73:17
81:15,20 83:13
84:21 96:16 101:3
102:13 105:22
USEF 8:13
uses 100:20
usually 82:15 85:1

utilize 5:15
utter 56:19
utterly 95:1

V

vacations 36:8
Valley 16:4 44:16
value 52:20 62:13
62:20 102:8
values 66:3
vanish 14:20
vanity 90:13 91:4
variant 90:10
vehemently 40:22
venues 57:5
versatile 56:4
versatility 20:18
38:10,11
vet 85:12 86:2,10
87:12 97:21
veterinarian 11:14
25:6,7,8,8 42:17
66:19 87:11
veterinarians 42:17
60:10 85:12
veterinary 19:21
vets 56:17,20 60:14
86:1 98:1 107:7,8
vibrant 18:6
vibrate 3:15
Vice 24:5
vices 23:8
view 90:18
views 89:16,21
violation 51:4 60:6
60:9 99:9
violations 57:4
61:9 71:5 94:2,8
99:3,5,8
violator 50:9
violators 43:12
59:14 70:11 99:7
violent 67:11
virtual 5:7
virtually 57:4
visible 12:22
visiting 36:4
vital 3:17

voice 54:20 67:13
103:22 104:8
Voluntarily 76:22
volunteer 72:22
78:22 103:16
vote 70:4
Vydra 2:7 19:4
27:18

W

walk 12:5 104:21
walked 21:15
Walkers 33:6 75:13
100:21
walking 7:6,7,8,17
8:5,7,14,19 9:22
10:11 11:19 13:14
14:2 15:22 16:5,7
16:8,10,13,18,20
17:10,13,15 19:11
19:16,18 20:3,9
20:11 21:2,6 22:6
22:14,20,22 23:5
24:17,18,21 28:20
29:5,6 30:13
34:19,20,21,22
35:2,4,7,9,12,19
36:4,8 38:1,7,13
38:16,17,21 39:4
39:10,13 41:17
44:6,9,18 45:3
47:19 48:20 49:22
51:21 52:19 54:11
54:17 55:14,18
56:6,13 58:17
61:6 63:1 66:12
66:22 67:2,9,19
67:22 70:19 76:13
77:1,3 79:12,16
80:2,6 83:8,20,22
84:4,5,14,16
87:18 88:18,22
89:6 92:14 94:15
96:6,8,15 97:22
98:3,7 101:21
102:4 103:18
want 3:20,22 9:20
11:1 15:11 24:9

24:13 48:8,12
63:4 64:7 69:4
84:10 86:4 92:17
93:10 95:12 97:20
100:4 103:21
107:9
wanted 20:20 36:2
85:16 91:12 92:16
95:7 96:12 104:8
war 18:17
Warm 82:16
warning 97:11
warriors 52:15
Washington 55:16
69:17
wasn't 89:6 90:1
watched 35:16
watching 49:17
way 5:11 8:19 11:5
18:2 26:1,5 29:17
49:7 50:18 60:16
63:5 64:4 66:2
76:2 80:16 91:13
ways 15:6 59:14,22
102:13
weak 59:9
web 4:17,18,21
5:10,16
wedge 82:2 101:5
wedges 30:22 31:2
31:3,5 81:16,20
81:21
week 5:2 18:7
weekend 35:18
weeks 4:18
weighing 12:9
70:20
weight 7:9 21:19
26:1 45:21 50:5
62:2 71:1
weighted 45:19
weights 26:14,14
26:15,17
welcome 2:3 3:3
welfare 1:17 3:9
17:5 66:20 79:2
94:2,3 104:6
well-attended 17:7

well-documented
33:22
went 9:2 35:20 47:3
57:19 67:17 68:8
68:15 69:17 108:5
West 45:16
Western 24:3
whip 77:11
whipping 18:10
white 7:14
WHOA 57:1 96:8
wholehearted 54:8
wholeheartedly
39:8
wide 12:8 50:17
widespread 56:7
wife 11:13
wild-eyed 55:2
wildest 20:14
willing 15:4 20:16
winner 11:20 68:12
winning 18:16
wire 87:10
wish 5:21 11:15
withdrew 67:8
witnessed 21:14,17
96:10,19
woman 88:9
women 27:13
won 38:9
wonderful 8:19
17:8 54:12 62:22
wording 26:10,11
79:15
words 28:19 31:21
83:9 90:8
work 10:17,17 45:5
47:13 52:11 55:12
92:5,18 93:2,12
103:6
worked 53:7 82:6
96:7
working 16:12
46:11 52:6 82:4
86:8
world 11:22 16:13
18:9,10,13 27:9
36:12 37:18 55:6

74:22 76:8 77:15
78:7 80:13
worn 27:4 71:2
worried 9:6
worry 14:19,21
79:17 97:21
worse 14:6
worst 12:9
worthless 14:22
52:22 53:5 75:3
wouldn't 30:11
wow 67:22
wrap 6:7
wrapping 58:21
101:11
written 79:10 99:6
wrong 33:20 47:3
55:7
wrote 94:9,10
www.aphis.usda...
4:19
www.regulations...
5:15

X

Y

year 4:3 13:9 17:6
38:12 41:11 44:10
54:4 72:11 75:19
years 7:1 9:14 10:3
11:20 14:1,2
16:19 18:19 19:20
21:13 22:4 23:20
34:19 35:6 37:17
38:3,4 39:2 44:14
47:5,10 48:22
49:4 50:6 51:3
53:6,20 54:18
59:13 61:20 65:15
67:8 68:10 71:12
75:14,18 87:22
88:20 89:1 91:17
91:19 94:5 96:3,6
96:14 98:17,20
99:1 102:6 105:2
years' 44:17
young 21:17

youth 38:9 92:5

Z

zero 46:8 51:15

0

1

1 79:10
1,000 86:2
10 106:10
10-8:6
10:05 57:19
10:22 57:20
100 17:7 24:11
36:19 42:7 78:1
103 2:15
104 2:16
107 2:17
11 2:5 35:6 54:16
87:22
11.2 30:21 32:2
81:15 83:12
11:17 108:5
12 54:18 97:1
120 5:4
15 44:14 87:18 96:3
15-minute 36:18
150 87:14
15th 5:8
16 1:9 2:6 25:22
18 26:1
19 2:6
1964 89:1
1970 27:22 28:17
54:10 59:9 70:7
78:15 79:9 83:6
1976-77 7:4
1977 7:19
1980s 20:11
1982 67:18
1983 67:18
1990s 20:1
1991 11:21

2

2 32:2 83:12
20 34:19 85:2 87:18
97:2

20-horse 8:6
200 13:8
2010 23:22 91:18
2015 99:2
2016 1:9
2101 1:13
21st 90:14
23 2:7
24 22:9
25 22:4 53:6 107:10
26th 5:13,14 107:22
27 2:7

3

3 2:3
30 11:20
30-mile 85:13
30,000 11:4 13:1
300 5:3
32 2:8
32-year-old 28:6
34 2:8
35 38:4 44:17
37 2:9

4

4- 87:21
4-H 26:22 38:20
 55:19
40 53:20 88:19 96:6
 96:14 98:16
44 2:9 23:20
45 75:18
46 59:12 91:17
48 2:10 98:20
49 99:2

5

50 46:22 98:16
50,000 15:8
500 86:3 99:3
501(c)(3) 107:13
54 2:11
58 2:11

6

6 2:5
60-day 98:15
63 2:12

6th 5:6

7

72 2:12 87:22
74 2:13
76-year 97:11
78 2:13

8

8 96:22
80 99:15
83 2:14
89 2:14

9

9:00 1:13
9:06 3:2
90 13:8,11 41:10
 44:12
90s 13:16
95 2:15

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Meeting: New Regulations to
Combat Horse Soring

Before: USDA Animal & Plant Health Inspection Service

Date: 08-16-16

Place: Sacramento, California

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