2015

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Humane Society of the United States

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Available at: https://uknowledge.uky.edu/kjeanrl/vol7/iss3/2

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THE LEGAL TIPPING POINT ON HORSE SORING, RACING, AND SLAUGHTER

Lewis Bollard

I. INTRODUCTION

In May 2012, ABC’s Nightline broadcast featured footage of famed Tennessee walking horse trainer Jackie McConnell and his stable hands beating horses with clubs and dousing their legs with chemicals to induce the “big lick” step that is prized in the show ring. The footage was recorded on a hidden camera by an undercover investigator working for The Humane Society of the United States (HSUS) as part of an investigation into abuses in the walking horse business. What the investigator found shocked us—McConnell and his stable hands at the prestigious Whitter Stables beating horses, shocking them with electric cattle prods, and “cooking” their legs with chemicals, wrapping them in tight plastic wrap. All this was done to force the horses to step higher for show events. After the investigator documented these abuses for several weeks, the evidence was handed over to law enforcement, which charged McConnell and his associates with violations of federal and state law.

The footage provoked national outrage. For many Americans, this was a first glimpse of the cruel realities of this previously little-known practice of “horse soring” – the deliberate infliction of pain on the hooves and legs of horses to produce an artificial high-stepping gait. The ABC News report minced no words, calling the cruelty to horses caught on tape “torture.” As a result, PepsiCo quickly withdrew its sponsorship of the Tennessee Walking Horse National Congress in 2013.
Walking Horse National Celebration, the industry’s premier show. The World Equestrian Games also refused a sponsorship offer by the Tennessee Walking Horse Breeders’ & Exhibitors’ Association (TWHBEA) – the primary Tennessee walking horse industry group – and the University of Tennessee subbed out its usual Tennessee walking horse for a flat-shod horse at its homecoming football game. Even Dr. Steve Mullins of SHOW, an industry inspection group that has long fought increased regulation of horse soring, called the scenes on the videotape “disgusting.” McConnell would ultimately plead guilty to felony conspiracy to violate the federal Horse Protection Act and twenty-two counts of animal cruelty under Tennessee law.

The HSUS was determined to direct this momentum in a positive direction, toward a permanent end to horse soring. In early 2013, the HSUS joined with Representative Ed Whitfield of Kentucky and Representative Steve Cohen of Tennessee, along with Senator Kelly Ayotte of New Hampshire and Senator Mark Warner of Virginia, and introduced the Prevent All Soring Tactics (PAST) Act. The PAST Act was written to stop the cruel practice of soring by strengthening penalties, banning the use of “action devices” and “performance packages,” and ending the walking horse industry’s failed system of self-regulation.

The horse soring faction responded with tactics of denial and distraction. It steadfastly denied that horse soring was prevalent amongst Tennessee walking horse trainers, before proposing their own bill to solve what it argued was a non-existent problem. The industry’s bill, championed by long-time animal welfare opponents Senator Lamar Alexander and Representative Marsha Blackburn, both of Tennessee, would enshrine the

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7 Chuchmach & Ross, supra note 1.


10 See, e.g., Chuchmach & Ross, supra note 1.
industry’s failed system of self-regulation, with minor adjustments. The horse soring industry had successfully made similar use of politicians to maintain the status quo for more than forty years.

But following the McConnell investigation, things were different. Top Tennessee newspapers editorialized in favor of the PAST Act and against the industry’s bill, with Tennessee’s largest newspaper, The Tennessean, urging reform to stop “the abominable cruelty that is inflicted on helpless animals by some in the Tennessee walking horse industry, 42 years after the practice of ‘soring’ was outlawed.” Two political powerhouses in Washington, D.C.—the American Veterinary Medical Association and the American Horse Council—testified in favor of the PAST Act. The President and six other leaders of the pro-industry TWHBEA came out in favor of the Act (though they were promptly overruled by the Association’s Board of Directors). Veterinary associations, humane groups, and horse industry professionals from around the country joined them. At the close of the 113th Congress, the PAST Act had the support of over 300 of the nation’s 435 Representatives and fifty-nine of the 100 U.S. Senators.

This Article argues that we are at a historic inflection point in the long-running movement to prevent cruelty to horses. There is growing popular and political momentum to not only end soring, but also horse slaughter and abuses within the horse racing industry. This Article explores

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14 See Statement from TWHBEA President Tracy Boyd, supra note 6.
how we reached this tipping point and how it can be utilized to reform the legal framework on horse soring, slaughter, and racing. First, this Article outlines the background and the current battles: how horse soring and slaughter became prevalent in America, and how abuses became prevalent in the horse racing industry. Second, this Article details the growing public outrage over the abuse of horses in the soring, slaughter, and racing industries. Third, this Article explains the industry backlash—how industry stalwarts are fighting a last-ditch battle to forestall reform in each sector. And, finally, this Article describes the emerging consensus on solutions to horse abuse and proposes a new legal framework for horses.

II. THE PROBLEM: HORSE SORING, HORSE SLAUGHTER, AND HORSE RACING ABUSES

Since its founding in 1954, the HSUS has tackled a wide range of large-scale abuses of animals, including horse soring, slaughter, and racing industry exploitation. Despite the millions of Americans who love horses—many of them responsible horse owners—there is no national advocacy group focused on their welfare. That gap has allowed thousands of horses to continue to suffer from abusive soring regimes, transport to slaughter in Canada and Mexico, and drug abuse in the racing industry. The HSUS is determined to fill that gap because no one else will. In the next section, the Article will cover the progress of some of the HSUS's recent legislative efforts on these issues. But first, some background on the problems is required.

A. Horse Soring

Horse soring is not a Tennessee tradition. Customarily, Tennessee walking horse trainers achieved a distinctive gait favored in competitions through selectively breeding and training horses. In the 1950s, however, trainers realized that they could achieve even higher gaits far more quickly using artificial and inhumane methods. Trainers started applying caustic

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substances like mustard oil and diesel fuel to the horses' front legs to force the suffering horses to shift their weight backward and lift their front legs high in the air. Soon the trainers discovered they could exaggerate this behavior by attaching "action devices"—first leather "boots," then later metal chains—around the horses' front legs. That discovery led trainers to develop other vicious methods of soring horses, such as cutting the horse's hoof down to the sensitive laminae, or adding a welded bead of metal to the horse's shoe, creating intense pain whenever the horse put its foot down.

In 1969, as publicity about these abusive practices grew, Senator Joseph Tydings of Maryland proposed the Horse Protection Act (HPA) to end soring. The next year, Congress passed the HPA, which explicitly recognizes that soring is "cruel and inhumane," making it federal government policy to eliminate the practice. The HPA's three core prohibitions ban the showing in a horse show of "any horse which is sore," the "shipping, transporting, moving, delivering, or receiving of any horse which is sore," and the selling of sored horses. The Act also mandates recordkeeping and reporting and provides for inspections of exhibition horses. The Act, however, also grants broad enforcement discretion to the U.S. Department of Agriculture (USDA).

Over the next four decades, Tennessee's walking horse industry largely ignored the HPA due to the USDA's lax enforcement of the Act. As early as 1976, Congress amended the HPA "to stop an inhumane and harmful practice that the Congress thought would end when it enacted [the original Act], but which has not in fact ended." Although the Act was intended to end the use of all soring devices, the USDA issued regulations under the Act that only prohibited devices shown by themselves to have caused soreness or that can "reasonably be expected to cause" soreness, while

18 Id.
providing no guidance as to when a device not specifically prohibited may reasonably be expected to cause soreness. In a scathing opinion in 1987, the United States Court of Appeals for the District of Columbia accused the USDA of having "misapprehended" the HPA as "a sort of compromise between industry proponents of soring and persons who regarded the practice as barbarous"—an interpretation that the court soundly rejected. Although the USDA strengthened its definition of "sore" horses in 1988 through a new "scar rule," it continued to fall far short of a zero tolerance approach to soring.

The USDA's Horse Protection Program also long suffered from underfunding and understaffing. For four decades, the Program had a stagnant annual budget of no more than $500,000 to enforce the Act. Because the USDA decided that these resources were inadequate to send its own veterinarians to the approximately 500 horse shows that are held each year, it delegated most responsibility for enforcing the Act to Horse Industry Organizations (HIOs), some of which were actually sponsoring the horse shows. Unsurprisingly, HIOs did not strictly enforce the Act at their own sponsored shows. A 2010 USDA Office of Inspector General report called the self-regulation system a "clear conflict of interest," and found that HIOs systematically ignored violations of the HPA. Indeed, the report found that of all the violations cited by HIOs from 2005 to 2008, half were at the mere six percent of shows where USDA inspectors were also present monitoring the HIOs.

B. Horse Slaughter

Horse slaughter has become more prevalent in North America with the advent of global transport mechanisms and the free flow of goods from

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24 Lyng, 812 F.2d at *6.
25 9 C.F.R. § 11.3 (amended by 53 FR 14782, Apr. 26, 1988, 53 FR 28373 (July 28, 1988)).
27 Id.
28 Id. at 2.
29 Id.
the U.S. to Europe and Asia, mainly since World War II. Although a German packer opened America’s first horse slaughterhouse in 1903, Americans never took to eating horsemeat, and his business failed. Horse slaughter largely grew in America in the 1970s and 1980s, as European packers spotted opportunities to slaughter American horses and export the meat to Europe, where there is still a market. These horse slaughterhouses relied on excess horses generated by overbreeding in the horse racing and show industries. The American Quarter Horse Association, in particular, encourages breeding because it is reliant on revenue from fees for registering newborn horses (foals). The Association has historically registered as many as 140,000 new horses in a year; it is estimated that seven out of ten U.S. horses sent to slaughter each year are Quarter Horses. In 1990, 345,900 horses were slaughtered in America, although this number declined to 42,312 by 2002. There was also a significant decrease in the number of horse slaughterhouses, from sixteen slaughterhouses in the 1980s to as few as two in 2002.

The American public has always opposed horse slaughter. Polling over the last fifteen years generally found that around eighty percent of Americans oppose horse slaughter for human consumption. The HSUS used this public support to push for bans on horse slaughter across the country, starting with California in 1998. In 2005, the HSUS secured the first federal defund of horse slaughter inspections by the USDA.

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that allowed horse slaughterhouses to hire their own inspectors. Two years later, the United States District Court for the District of Columbia ruled that this regulation was illegal. In 2006, the House of Representatives passed an amendment to the HPA to ban the shipping or sale of horses for human consumption, but it languished in the Senate. A year later, bans on the three remaining horse slaughterhouses in the country took hold with the enactment of legislature in Illinois and litigation in Texas that enforced a long-existing state statute forbidding slaughter. A federal appellate judge upholding Texas' ban on horse slaughter stated it best: "[t]he lone cowboy riding his horse on a Texas trail is a cinematic icon. Not once in memory did the cowboy eat his horse."

Despite bans in the United States, the horse slaughter industry continued to send horses to Canada and Mexico for slaughter in increasing numbers. From 2006 to 2010, the number of American horses sent to slaughter in Canada and Mexico rose by 148% and 660% respectively, although the total number of American horses sent to slaughter remained consistent before and after the ban on domestic horse slaughter. By 2010, kill buyers had shipped an estimated 137,984 American horses over the border for slaughter. A controversial 2011 Government Accountability Office report, initiated by pro-slaughter congressmen, attempted to portray a link between horse neglect and the ban on domestic slaughter, and was used to provide ammunition for proponents of horse slaughterhouses on American soil. The HSUS, on the other hand, believes that horse slaughter is inhumane wherever it occurs, and that horse neglect is the

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41 225 ILL. COMP. STAT. 635/1.5 (2007).
42 See generally *Empacadora de Carnes de Fresnillo, S.A. de C.V. v. Curry*, 476 F.3d 326 (5th Cir. 2007) (holding that the Texas Meat and Poultry Inspection Act (TMPIA) did not repeal or preempt Texas agriculture law prohibiting the processing, sale or transfer of horsemeat for human consumption).
43 Id. at 326.
45 Id.
46 See generally id.
result of irresponsible owners and irresponsible breeding perpetuated by the continued availability of horse slaughterhouses, as opposed to the lack of slaughterhouses. Since 2006, the HSUS has unsuccessfully lobbied for the passage of federal legislation that would ban both the slaughter of horses in America, and the shipment of horses over the border for slaughter, but has generally succeeded in extending appropriations riders to forbid inspections of slaughter plants on U.S. soil.

C. Horse Racing

In 2012, The New York Times uncovered the scale of death and suffering caused by rampant drug use and other major problems in the horse racing industry.\(^4^7\) The Times' investigation found that in just over three years, 3,600 horses died either racing or training at state-regulated horse racing tracks across America—an average of three horse deaths every day.\(^4^8\) With the sport's popularity fading, the investigation lined the surge in drug use to the trainers' need to compete for the ever-shrinking pot of championship earnings.\(^4^9\) Investigators found trainers bolstering performance with painkillers containing cobra venom, Viagra, blood doping agents, stimulants, and even cancer drugs.\(^5^0\) While these drugs are known to improve race times and sustain the horses through punishing schedules of training and racing schedules—they also inevitably lead to the horses' later collapse.\(^5^1\) The Times also revealed that less than a third the rate of American horse injuries occur where drug use enforcement is much more stringent, such as at Woodbine Racetrack in Toronto, Canada.\(^5^2\)

Two years later, The New York Times revealed additional evidence of an undercover investigation that detailed further egregious mistreatment of racehorses. The Times' called the ill-treatment of the horses by race horse


\(^{48}\) Id.

\(^{49}\) See generally id.

\(^{50}\) Id.

\(^{51}\) See id.

\(^{52}\) Id.
trainers “widespread and cavalier.” The investigation found that one of the sport’s most celebrated trainers had not only subjected his horses to cruel and injurious treatments, but administered drugs to them for nontherapeutic purposes, and permitted the use of electrical devices during races to shock horses into running faster. While large portions of the horse racing industry either denied or downplayed these allegations, racing authorities in both Kentucky and New York opened investigations into them.

The New York Times was not the only media outlet that brought fresh attention to the mistreatment of horses in the race industry—not only during their racing careers, but upon their retirement. In 2014, The Guardian reported that in Indiana’s Amish country, former race horses are sold, sometimes for as little as $10, to kill buyers who send them to slaughter in Canada or Mexico. Forbes reported that every year more than 10,000 American thoroughbred horses are shipped to slaughterhouses in Canada and Mexico, some within only forty-eight hours of losing a race. Ferdinand, the 1986 Kentucky Derby Winner, was no exception; even he went to the slaughterhouse when he became too old to sire new foals. Those who try to prevent slaughter in the animal rescue community are faced with the huge burden of bidding against the kill buyers at the special auctions, and even when successful must then spend thousands of dollars

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54 Id.
rehabilitating and caring for old and barren horses for the rest of their lives.  

III. THE OPPORTUNITY: GROWING PUBLIC OUTRAGE OVER ABUSES

In the last few years, the media and animal protection groups have re-focused attention on horse soring, slaughter, and racing. The renewed attention has shown that the public strongly supports reform on all three issues. It has also created a window of opportunity for meaningful reform.

A. The National Controversy over Horse Soring

The ABC News 2012 investigation into the horse soring at Jackie McConnell's stable ignited a heated public debate about horse soring. The Tennessee Walking Horse National Celebration, the premier event of the industry, suspended McConnell for life and removed him from its hall of fame. The Tennessean found in an online poll that a majority of its readers planned to boycott future Tennessee walking horse shows in protest at horse soring. Former Senator Joseph Tydings, the author of the original Horse Protection Act, called for new reforms. Federal prosecutors in Tennessee touted their recent soring prosecutions, vowing that "[i]f we get wind of soring, we are going to vigorously pursue the case."
In June 2012, the USDA announced its final rule that requires uniform mandatory minimum penalties for violations of the HPA. (This portion of the rule was subsequently struck down by Fifth Circuit Court of Appeals in February 2015 in Contender Farms, LLP v. USDA) The final rule also clarified that the USDA can decertify an HIO for failure to comply with the regulations. The USDA increased its inspections efforts at the 2012 Celebration, which found that an incredible 145 of the 190 horses it tested were positive for the masking agents that are used to hide soring. The USDA moved to decertify HIOs, including SHOW (the HIO used at Celebration), which had claimed that 98% of the horses at the Celebration were in compliance with federal law. By the end of the Celebration, most events featured only half the horses listed on the program, since some trainers had pulled their horses from the event and the rest had been disqualified on suspicion of soring.

In Congress, the HSUS worked with its allies to advance the PAST Act. In 2013, with fresh evidence of rampant violations in the horse soring industry, the PAST Act took off with Congress holding hearings on Capitol Hill. In 2014, the HSUS participated in a rally in Washington D.C., where the Act’s sponsors and Senator Tydings spoke while six humanely-trained walking horses performed in front of the Capitol. The HSUS brought Priscilla Presley, Elvis’ widow, up to Capitol Hill to lobby for the PAST Act. The HSUS also assembled a list of co-sponsors that

66 Id.
69 Exum, supra note 67.
70 Id.
spanned such unlikely colleagues as Senators Marco Rubio of Florida and Elizabeth Warren of Massachusetts, and Representatives Don Young of Alaska and Nancy Pelosi of California.

The horse soring industry tried to stop the momentum for reform by proposing a continuation of the existing weak system of self-regulation. The Performance Show Horse Association and the Tennessee Walking Horse National Celebration have both lobbied against the PAST Act, arguing that it would "devastate" their industry.74 In 2014, Representative Marsha Blackburn and Senator Lamar Alexander introduced companion industry-backed bills, which would largely codify the existing industry self-regulatory scheme that has failed to stop soring.75 But, despite gaining the support of Senate Majority Leader Mitch McConnell, Alexander and Blackburn's bills have gained few cosponsors.76 Support from politicians sympathetic to the industry did, however, manage to stall the PAST Act from receiving a floor vote, despite the Act's broad support.

B. The Intensifying Debate on Horse Slaughter

Supporters of horse slaughter responded to the suspension of the practice by marshalling their resources in Washington D.C. over the last decade. Both the American Veterinary Medical Association and the American Farm Bureau Federation, two of Washington's most powerful political groups, have pushed for a resumption of horse slaughter at the urging of their rural constituents.77 So too have the Professional Rodeo Cowboys Association and the Livestock Marketing Association, who hired former Democratic congressman Charles Stenholm of Texas to lobby on

76 Id.
their behalf. They also enlisted the support of powerful Republicans, like Senator Roy Blunt of Missouri and Representative Bob Goodlatte of Virginia, who argued that the cessation of domestic slaughter decreased the value of horses, thus shifting slaughtering outside the U.S., and increasing the chances that horses will be mistreated in their old age. In 2011, these forces succeeded in removing language from the agriculture appropriations bill that prevented federal inspections of horse slaughterhouses. Soon after, several slaughter operators announced plans to open horse slaughterhouses, and in 2013 they launched a big push to re-open horse slaughterhouses on American soil—an effort narrowly rebuffed.

The public appears to remain firmly opposed to horse slaughter, an attitude only strengthened by the recent European horsemeat scandal. A recent poll found that 80 percent of Americans oppose horse slaughter, leaving less than one in five Americans in support of the practice. To put this statistic into perspective, that is less than half the number of Americans who believe in ghosts and UFOs (42 percent and 36 percent of Americans respectively). The USDA announced plans to approve the opening of the first horse slaughterhouse on American soil in six years just as Europeans are learning that many beef products had been contaminated with horsemeat. American consumers voiced strong disapproval at the

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79 Id.


possibility of suffering a similar scandal by opening domestic horse slaughterhouses.\(^6\)

The HSUS and a coalition of animal protection groups mobilized to stop any American horse slaughterhouses from opening. The aligned groups lobbied on Capitol Hill, urged voters to call their congressmen, and worked with the Obama Administration to include language to defund horse slaughter in the White House’s 2014 budget request and in the 2014 agriculture appropriations bills. Celebrities including Willie Nelson, Jillian Michaels, and Wendie Malick urged Congress to end horse slaughter, as did thousands of ordinary people. While Congress debated, the HSUS and other animal protection groups litigated to prevent the opening of horse slaughterhouses in New Mexico, Missouri, and Iowa. In New Mexico, efforts were aided by former New Mexico Governor Bill Richardson and Hollywood legend Robert Redford.\(^7\) The help paid off: Amendments to defund horse slaughter inspections passed by voice vote in the U.S. House and Senate Appropriations committees in 2013, and Congress ultimately added language to the 2014 omnibus-spending bill prohibiting the funding of horse slaughter inspections—language which President Obama signed into law on January 17, 2014.\(^8\) In May 2014, the U.S. House and Senate Appropriations committees voted to extend the moratorium into 2015,\(^9\) and at the end of the year Congress passed those bills with the restrictions unchanged.\(^10\)

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C. The New Attention to Horse Racing Abuses

The New York Times' 2012 series on abuses in the horse racing industry ignited a new debate about practices that had long been shielded from scrutiny. Although the industry had banned the use of anabolic steroids after 2008 Kentucky Derby winner Big Brown tested positive for Winstrol, it permitted the routine use of phenylbutazone (commonly referred to as "bute") and other drugs. The Times article spurred Congress to hold multiple hearings and propose legislation that would create stricter rules and give the United States Anti-Doping Agency authority to enforce them. The article, and a string of animal fatalities at one New York racetrack, also led New York Governor Andrew Cuomo to announce a taskforce to examine health and safety issues in horseracing. The New York Task Force concluded that "the use of these medications too close to the race may have limited the ability of the [New York Racing Association] veterinarians to identify the presence of pre-existing conditions disposed to progressing to catastrophic injury." The Task Force recommended tougher doping regulations, some of which were subsequently adopted by the New York Racing Association.

The Jockey Club also became a potent force for reform in the horseracing industry. For years, jockeys expressed concerns that doping horses threatened the jockeys' safety—a point that the Times piece brought attention to through the stories of several jockeys who were critically injured in racing accidents. In 2013, the Jockey Club went a step further, vowing to press for federal oversight of racing if the "vast majority" of racing

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92 See Drape, supra note 53.


94 Id. at 72.


96 See Bogdanich, supra note 47.
jurisdictions failed to implement the uniform rules.\textsuperscript{97} When the states failed to act, the Jockey Club came out in favor of federal regulation, citing polling that showed medication reform would draw more customers to horse racing and give existing customers more confidence in the sport.\textsuperscript{98}

Other segments of the horse racing industry are less enthusiastic. Horse track owners largely oppose federal legislation, seemingly out of concern that federal regulation could jeopardize the racing industry's exemption from general prohibitions against betting across state lines, the foundation of simulcast betting, which provides ninety percent of horse racing's revenues.\textsuperscript{99} The Association of Racing Commissioners International insists that the sport can self-regulate – despite decades of evidence that it cannot.\textsuperscript{100} The American Association of Equine Practitioners has withheld its support for The Horseracing Integrity and Safety Act pending in Congress because it argues that some race day drugs are necessary.\textsuperscript{101} As a result, the Act has little hope of passage in the current Congress with so few cosponsors.

Several states have stepped up their regulation of the horse racing industry despite the stall in federal action. In 2013, eight Mid-Atlantic states, representing sixty percent of the horseracing industry, reached an agreement to operate their racetracks under a new set of stricter drug testing standards.\textsuperscript{102} These standards reduced the long list of approved medications for racing horses to just twenty-four, and set limits on the use of those medications, while establishing a more transparent testing regime.\textsuperscript{103} The National Thoroughbred Racing Association also improved its medical testing protocols.\textsuperscript{104} Both of these reforms, however, allowed the


\textsuperscript{98} Id.

\textsuperscript{99} Id.


\textsuperscript{101} Malinda Larkin, Drugs, Regulation in Horse Racing Discussed on Capitol Hill, JAVMA NEWS (Dec. 18, 2013), https://www.avma.org/News/JAVMANews/Pages/140101f.aspx.

\textsuperscript{102} See Waldron, supra note 91.

\textsuperscript{103} Id.

continued use of potentially dangerous drugs, and failed to put drug testing in the hands of an independent, third party body.

VI. THE SOLUTION: CONGRESS SHOULD LEGISLATE

The solution to these abuses is clear. Congress needs to act to eliminate horse soring and slaughter, and reform the racing industry. These are national problems that states cannot effectively stop. Additionally, consumers and corporations cannot tackle these problems entirely, though they can certainly help by refusing to support walking horse events until the industry ends soring. Only federal laws can remedy these longstanding problems. Thankfully, the federal legislative solutions are clear. The HSUS is supporting three strong reform bills to address each industry. If enacted, these bills would address the core animal cruelty problem in each industry.

A. The PAST Act to End Horse Soring

The Prevent All Soring Tactics (PAST) Act would amend the HPA to: end the industry's failed system of self-policing; ban the use of devices implicated in the practice of soring; strengthen penalties; and make other reforms needed to finally eliminate horse soring. It has been endorsed by a wide coalition of groups and individuals, including:

- Horse industry groups like the American Horse Council and American Quarter Horse Association;
- Veterinary groups like the AVMA and American Association of Equine Practitioners;
- Animal welfare groups like the American Society for the Prevention of Cruelty to Animals and the HSUS
- Walking horse advocates, including two past presidents of the Tennessee Walking Horse Breeders and Exhibitors Association.106

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At the conclusion of the 113th Congress, the Act had the support of 308 House cosponsors and sixty Senate cosponsors. Unfortunately, Representatives Whitfield and Yarmouth are the only two Kentucky legislators to support the PAST Act, even though Kentucky has the nation's second highest rate of horse soring violations. The Act failed to pass in the 113th Congress, likely due to opposition by Senate Majority Leader Mitch McConnell.

B. The SAFE Act

The Safeguard American Food Exports (SAFE) Act (House Bill 1094/Senate Bill 541) would prevent the introduction of horse slaughter operations into the U.S., end the export of American horses for slaughter abroad, and protect the public from consuming toxic horse meat. This would provide a long-term solution for the horse slaughter problem. Horse advocates would no longer need to fight annually to defund horse slaughter inspections, and kill buyers could no longer circumvent the prohibition on horse slaughter on American soil by shipping American horses to slaughter abroad. The SAFE Act was sponsored by a rare bipartisan alliance of U.S. Senators Mary Landrieu of Louisiana and Lindsey Graham of South Carolina, and U.S. Representatives Patrick Meehan of Pennsylvania and Jan Schakowsky of Illinois. At the conclusion of the 113th Congress, the Act had over 183 House co-sponsors and twenty-nine Senate co-sponsors.

C. The Horseracing Integrity and Safety Act

The Horseracing Integrity and Safety Act (House Bill 2012/Senate Bill 973) would reduce drugging in the racing industry by banning the use of most drugs on horses within twenty-four hours of race day.112 It would also give the U.S. Anti-Doping Association, which currently enforces doping regulations in Olympic sports, authority over horseracing.113 Additionally, it would strengthen the penalties for trainers who dope horses, including a “once and done” lifetime ban for the most severe types of doping, a “three strikes and you’re out” ban for other serious medication violations, and suspensions for rule violations.114 The Act would not solve all the problems associated with horse racing, particularly over-breeding, early-age racing, and genetically based health problems that horses face. It would, however, address the main doping problems that put thousands of horses at risk.

V. CONCLUSION

Two decades ago, animal cruelty was rampant in the horse soring, slaughter, and racing industries. The Tennessee walking horse industry operated almost entirely devoid of federal oversight, regulated only by an agency that lacked the resources or the will to enforce the HPA. Likewise, the horse racing industry faced little regulation, with racing horses breaking down on tracks or being fed into the slaughter pipeline when they did not win, place, or show. The horse slaughter industry slaughtered an estimated 410,000 American horses a year, in over a dozen slaughterhouses on American soil.115

Federal legislative reforms will not happen overnight, nor will they be self-actuating. But if people of conscience draw together, the PAST Act, SAFE Act, and Horseracing Integrity and Safety Acts can be passed. These

113 H.R. 2012; S. 973.
114 H.R. 2012; S. 973.
115 Feldman, supra note 59.
acts would not end all cruelty to animals, but they would eliminate a significant portion of the worst abuses faced by horses, and surely constitute the most momentous package of reforms for horse welfare in American history. That would be a legacy of which we can all be proud.