

An Urgent Moment to End the Scourge of Horse Soring in America

A compromise we've secured with industry offers a pathway to end the torture and torment of Tennessee Walking horses

WASHINGTON, DC, UNITED STATES , November 9, 2020 /EINPresswire.com/ -- More than eight years ago, well into my nearly 14-year tenure as CEO of The Humane Society of the United States, I authorized an investigation into the training practices of Jackie McConnell, one of the most decorated Tennessee Walking horse trainers in an equestrian sport centered in

Tennessee but radiating out through the South — from Kentucky to Florida and from North Carolina to Mississippi. A courageous and talented female investigator on our team got into the trainers' barn as a stable hand and secretly recorded stomach-churning abuses of horses.

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Wayne Pacelle

McConnell and his underlings had been abusing horses to induce a high-stepping gait in arenas where judges and fans gathered to watch the Tennessee walkers and their riders circling the arena. The manufactured leg-thrusting of the horses happens because of the extreme pain they are experiencing — the kind of movement you might exhibit if you walked across hot coals or had a nail in your foot and had to jog multiple passes around an arena. The induced gait, known as the “Big Lick,” is a derivative of the practice of “soring.”



The investigator documented McConnell and his underlings applying caustic chemicals to the pasterns of the horses and then wrapping them in Saran Wrap to “cook them in.” McConnell and his team frequently struck the horses in the face with a wooden baton or shocked their faces with a cattle prod — a practice called “stewarding,” conducted to teach the horse not to flinch

when inspectors apply pressure to different parts of their body to see if they are injured.

In the Big Lick show world, trainers attach a large, stacked shoe comprised of seven or eight pads and wedges made of plastic combined with steel, lead, and even tungsten and fasten the package to the hoof with a metal band across the top. The stacked shoe adds up to seven inches in height and ten pounds of weight to the leg, further distorting the horse's gait. They then place a metal chain of up to six ounces around the pasterns so that it rubs and grinds against the injured ankle, causing the pain that induces the excessive leg-swinging. Some trainers are also known to insert foreign objects between the hoof and the shoe complex that adds to the pain as if you had a nail inside or your shoe and were forced to walk. In Big Lick lingo, they call that "pressure shoeing."



While courtroom judges are empowered to issue fines and prison terms for this behavior, showing judges actually reward trainers and owners with ribbons and notoriety for doing these things to horses.

Launching the PAST Act

That investigation was my first deep dive into this form of equine cruelty. I am forever grateful to the investigator for possessing the courage to record the images so that the world might understand. The investigation got an incredible lift from two first-rate journalists at ABC News, producer Rhonda Schwartz, and investigative reporter Brian Ross, who aired a series of reports on the issue, including a devastating 10-minute opening salvo on Nightline.

With so much attention to the case, Tennessee prosecutors Mike Dunavant and Mark Davidson brought animal cruelty charges against Jackie McConnell, and the U.S. Attorney charged him for violating the Horse Protection Act, which was shepherded to passage in 1970 by two Senate statesmen, Joseph Tydings, D-Md., and Howard Baker, R-Tenn. In the federal case, prosecutors and the judge, however, had been constrained by the limitations of the Horse Protection Act,

which only banned the selling or exhibiting of a sore horse and allowed for only misdemeanor penalties for violators, providing little or no disincentive for them to stop.

We then turned to changing the law, introducing the Prevent All Soring Tactics (PAST) Act, to fortify the provisions of the Horse Protection Act. The PAST Act sought to ban the use of the chains that bang against the injured pasterns of the horse, to ban the medieval-looking stacked shoes that the trainers and owners force them to walk on, to eliminate an ineffective industry enforcement program that oversees most horse shows, and to establish felony-level penalties for the crimes. I am grateful to so many of my current and former colleagues and grassroots advocates who'd been fighting the practice for years and helped to deepen my understanding of the severity of the problem.

We were joined in this lobbying effort by former Senator Joseph Tydings, who achieved as much as he could at the time in his original and pathbreaking legislative initiative and who knew he had to build on it in subsequent years. He worked with us until his death in 2018 to make that happen.

I've worked with all the lawmakers who have led the effort to pass the PAST Act for the last eight years — former Reps. Ed Whitfield, R-Ky., who introduced the original bill with Rep. Steven Cohen, D-Tenn., who was the only lawmaker in the Volunteer State to take directed aim at the abuse; Senator Mark Warner of Virginia who started the fight for the bill in the Senate, and was later joined by Senator Mike Crapo, R-Idaho, the other half of the bipartisan leadership team in that chamber; and Reps. Kurt Schrader, D-Oregon, and Ted Yoho, R-Fla., the only two veterinarians in Congress and who have delivered special expertise on the issue; and Rep. Jan Schakowsky, D-Illinois, who is a fierce advocate for horses and all other animals.

Marty Irby Enters the Fight

After our investigation, I traveled to Tennessee with my then-colleague Keith Dane to meet the leadership of the Tennessee Walking Horse Breeders' and Exhibitors' Association (TWHBEA), the breed registry established in 1935. It was there I met Marty Irby, who was the president of the organization, and Ron Thomas, its executive director and a former long-time CEO of the Tennessee Walking Horse National Celebration.

I could tell that Marty was having a crisis of conscience about the treatment of the Walking horses. He grew up in the industry — his father had sore horses and into his 20s, Marty had won eight World Championships in the show ring. As he gained more notoriety in the field, he had started agitating for change. The McConnell investigation was an inflection point for him. When other industry leaders rejected his initiative to endorse the PAST Act, Marty broke the bonds and joined the other team. That action caused the severing of dozens of friendships within the industry. He was viewed as an apostate by the industry, including family members who thought they had been doing nothing wrong.

Despite that jarring disruption in his work and family life, Marty was committed to making things right for horses. He and Donna Benefield — a compatriot in this fight who has been working to end soring for nearly 40 years and who knew everyone in the industry and everything about it — traveled to Washington, D.C. to testify in support of the PAST Act.

Congressman Whitfield quickly hired Irby to work on agriculture policy and to staff him on the PAST Act. As I was lobbying lawmakers from the outside, Marty was lobbying on the inside of Congress. Marty worked with Whitfield and Cohen and he was a whirling dervish of advocacy. He and Donna personally lobbied hundreds of offices, and with our own lobbying effort continuing in earnest, the bill attracted more than 60 cosponsors in the Senate and more than 300 House cosponsors, including a large number of Republicans.

Despite that majority support for the bill in both chambers, no votes came. The Walking Horse industry, as I learned, was politically connected and sophisticated. They had cultivated strong relationships with the federal lawmakers representing Kentucky and Tennessee and convinced them that the PAST Act would doom an industry that they all viewed as central to their culture and economy. They introduced their own legislation that offered no meaningful reform but that sowed confusion. In the end, our biggest problem was that we ran headlong into two of the most powerful lawmakers on Capitol Hill — Senators Mitch McConnell and Lamar Alexander.

House Democrats Take Up the PAST Act in 2019

Early in this process of fighting for the PAST Act, I also met Clant Seay, a Mississippian who, like Marty, had been deeply embedded in the walking horse breed but had long recognized the “Big Lick” must end. A country lawyer with a great southern twang, Mr. Seay organized a group of other horse lovers to fight horse soring. In his own inimitable way, the Mississippi native and resident has been an unstoppable force, trekking to horse shows throughout the South, carrying the anti-soring flag, and organizing protests at Big Lick shows where the abuses were on display. He’d done all of it on a shoestring budget and for the love of the horse under the banner of the Citizens’ Campaign Against Big Lick Animal Cruelty.

In the fall of 2018, just after Marty and I formed Animal Wellness Action, Senator Tydings passed away, and Clant and Marty met in D.C. and developed a strategy to move the bill in 2019, starting with a renaming of the bill as “the U.S. Senator Joseph D. Tydings Memorial Prevent All Soring Tactics Act.” We made passing the PAST Act our top priority for 2019.

Marty enlisted legendary, non-violent horse trainer Monty Roberts and actress Priscilla Presley; and Clant enlisted Mary Tydings and Ben Tydings Smith — the daughter and grandson of the late Senator. Priscilla described the bill to Speaker Nancy Pelosi and Majority Leader Steny Hoyer in one of her multiple visits to Capitol Hill, building on Clant’s gentle persuading of the Speaker and the Majority Leader at Senator Tydings’ memorial service.

With Pelosi and Hoyer helping every step of the way, Reps. Schrader, Yoho, Cohen, Jan

Schakowsky, and Ron Estes, R-Kansas, worked with us to get more than 300 cosponsors on the PAST Act. And we'd gotten a great assist from Reps. Josh Gottheimer, D-N.J., and Tom Reed, R-N.Y., who at the beginning of 2019, had successfully pushed for a new rule in the House to require floor action on any bill that attracted more than 290 cosponsors. In May 2019, we hit the cosponsor mark and in July, the House took up the bill and passed it 333 to 96 with all Democrats and a majority of Republicans in support.

A PAST Act Substitute Emerges

But despite our full-court press and the dedicated team assembled, we faced a nearly impossible task in the Senate, given the intense interest in the bill from the Senators from Kentucky and Tennessee.

Marty had one friend left in the walking horse industry, David Williams, who happened to be the president of TWHBEA in 2019, and who had part of continuing internal debates within the industry over the PAST Act for seven years. Sensing there might be a pathway for a solution — partly because the industry had been losing prestige and its fan base — they asked me and several key leaders within the industry to begin formal discussions about a compromise. The goals: end soring and preserve the show world for gaited horses.

Even with the dozens of negotiations with trade groups and corporations I'd conducted through the years, this one was among the most difficult. The people of good faith on both sides just saw the world very differently. But all six participants stretched themselves, took the time to listen over hundreds of hours, and resisted the instinct to pack up and leave. At crucial times, Reps. Schrader and Yoho joined in and got the discussions back on track.

To the surprise of every one of us involved, we hammered out a proposal, and the six of us agreed to take it to the public. Neither side views the proposal as ideal. It includes most of the key provisions of the PAST Act, including a ban on chains and other action devices, but it still allows the horses to walk on a shoe, albeit a dramatically shrunken one (no taller than 1.5 inches at the toe and 2.5 inches at the heel). The bill favors more objective testing methods — such as swabbing for chemicals or digital x-rays that can identify a foreign object used to injure a horse. It bans injuring the horses' tail by use of a tail brace, a gruesome device not included in the PAST Act. The bill sets up an "Organization" comprised of non-conflicted individuals steadfastly opposed to soring that can mete out immediate fines and suspensions for violations. The legislation provides for the United States to invoke felony-level penalties for violations. And perhaps most critically, it quadruples the enforcement budget for the inspections and monitoring program.

If enacted, with a one-year delay in implementation to get a rulemaking action done, we will never again see horses striding in a show ring with metal chains or tall stacked shoes. We will not see horses with tail sets that are born of cruelty. And we'll have USDA overseeing every aspect of an enforcement program that has real teeth and can finally bring violators to justice.

There will be plenty of people in the Walking horse world, the veterinary community, and the animal welfare world who will object to this or that provision of the agreement because it doesn't precisely mirror the PAST Act. But it's a mistake to zero in on one component or provision in isolation and fail to see the broader advance that this legislation heralds. This bill won't end the fight against soring — just as the first modern bill against animal fighting did not eradicate cockfighting or the first bill against shark finning did not eliminate the practice in its entirety.

Let's remember that the attempts to amend the Horse Protection Act have failed time and again over 50 years. We cannot let more years pass without reform. This bill mandates tangible and practical steps to help horses finally be free of this intentional cruelty, and it will institute those reforms in short order.

Our nation just went through a deeply polarizing election. The people of America are, on one hand, filled with excitement and hopefulness, and on the other, bitterness and disappointment. To paraphrase the President-elect last night, "Let's find the common ground that unites us and try to move forward as a nation."

The compromise legislation is one small, but meaningful step in doing some healing — breaking a 50-year stalemate and allowing the United States us to codify legal standards against soring cruelty. As Clant has said many times in memory of the late U.S. Senator from Maryland and author of the original Horse Protection Act, let's win one for Joe.

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