

HOUSE OF REPRESENTATIVES  
COMMONWEALTH OF PENNSYLVANIA

\* \* \* \* \*

House Bill 2127

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House Judiciary Committee

Gettysburg Hotel  
One Lincoln Square  
Gettysburg, Pennsylvania

Thursday, June 25, 1998 - 10:00 a.m.

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BEFORE:

Honorable Thomas Gannon, Majority Chairperson  
Honorable Stephen Maitland  
Honorable Al Masland  
Honorable Jere Schuler  
Honorable Thomas Caltagirone, Minority Chairperson  
Honorable Frank Dermody  
Honorable Kathy Manderino  
Honorable Don Walko

IN ATTENDANCE:

Honorable James Lynch  
Honorable Steven Nickol  
Honorable Sara Steelman

KEY REPORTERS

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1998-080

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ALSO PRESENT:

Brian Preski, Esquire  
Majority Chief Counsel

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C O N T E N T S

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18  
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21  
22  
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24  
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WITNESSES	PAGE
Honorable James Lynch	4
Thomas Garcia, Trooper New York State Police	29
Robert Lopez, D.V.M., President North Country S.P.C.A., Inc.	39
Carol Chapman Horse owner	65
Brook Ledge Horse Transport Curtis G. Lange Vance Berry	78 81
Christine Berry Equine Placement Network	126
Linda Adkins Good Form Equestrian Sports	149

1                   CHAIRPERSON GANNON:   The House  
2                   Judiciary Committee will come to order on House  
3                   Bill 2127.   Our first witness is the Honorable  
4                   James Lynch, member of the House of  
5                   Representatives from the 65th Legislative  
6                   District and prime sponsor of House Bill 2127.  
7                   Representative Lynch.

8                   REPRESENTATIVE LYNCH:   I didn't  
9                   provide 30 copies on account I was going to  
10                  ad-lib my conversation here.   This morning as I  
11                  was staying in the hotel, I think, well, maybe  
12                  I better put something down in writing, which I  
13                  did.   I have it here, copy to the stenographer  
14                  to make sure it's correct.

15                  First off, I want to thank  
16                  Representative Gannon, the Chairman of the  
17                  House Judiciary Committee, for allowing this  
18                  hearing to happen, for being here;  
19                  Representative Steve Maitland from Gettysburg,  
20                  the host, for allowing the hearing and setting  
21                  up the hearing here; for the committee members  
22                  of the Judiciary Committee that are here; for  
23                  all the work that all the staff have done.   I  
24                  know that's been considerable; for all the  
25                  testifiers that are going to be testifying here



1           today. I especially want to thank all the news  
2           media that's here today.

3                       For the brevity of time I have  
4           shortened my remarks to only the points I  
5           wanted to make, without all the grammar and all  
6           the fluff that's necessary to make the  
7           transition from point to point a smooth one.  
8           So, please bear that in mind.

9                       Today I'm not going to talk to you  
10          about the technical reasons why this  
11          legislation is, I feel, necessary. I want to  
12          leave that to the experts who will follow me.  
13          Nor am I going to try to convince you that  
14          horse slaughter should be stopped. While I  
15          personally have no desire to eat horse steak, I  
16          am not going to criticize those who do.

17                      What I do want to tell you is why I  
18          introduced this legislation at all; and at the  
19          same time I'm also here to ask that this grave  
20          injustice begins to end with you, the members  
21          of the Judiciary Committee, and asking you to  
22          move this bill.

23                      Sometimes we all look back to our  
24          roots for something that I call pride in  
25          learning, for we all want to learn from our

1           ancestors who walked before us because we want  
2           to be proud for them, and we want to believe  
3           that what they did was the right way to do it.  
4           So we read about them and we talk to our family  
5           members about them, digging deep, wanting to be  
6           more like our ancestors before us.

7                        It is in that light that I will  
8           briefly, very briefly, talk to you about some  
9           of my ancestors; in fact, the biggest part of  
10          my ancestry, the American Indian, who knew  
11          horses better than any other culture that's  
12          ever come before us and whose Iroquoian blood  
13          runs rich through my veins. As I learn about  
14          them, I realize how incredibly loyal and  
15          caring they were for the very animal who was so  
16          loyal and hard working for them.

17                       Recently I talked to a friend of  
18          mine, a friend I met in the Army, from South  
19          Dakota. He's a direct and full-blooded  
20          descendant of the original Oglala Souix. And I  
21          ask him his feelings on the treatment of horses  
22          and how his culture felt about it and advised  
23          him of what was happening here in Pennsylvania.  
24          Needless to say he was aghast! And after a  
25          moment he responded by saying, and I quote, why

1 would anyone want to hurt what gave them such  
2 pleasure and help? And I say, indeed, why  
3 would anyone?

4 These animals so noble and so rich  
5 and so important in our country's history  
6 deserve a better legacy.

7 With rapidly increasing reliance, we  
8 are seeing now that child and spousal abusers  
9 have a history of mistreating animals. When  
10 will our society become more decent in dealing  
11 with other living, breathing creatures?

12 Again I'll say, if these don't flow  
13 smoothly, I gave you the reason for that. I  
14 just want to get to the points for brevity  
15 sake.

16 I would like to quote from the Bible,  
17 Genesis 1:24-26. And it says, and God said,  
18 let the earth bring forth every kind of animal,  
19 cattle and reptiles and wildlife of every kind.  
20 And so it was. God made all sorts of wild  
21 animals and cattle and reptiles, and God was  
22 pleased with what he had done. Then God said,  
23 let us make man, someone like ourselves to be  
24 the master of all life upon the earth, and in  
25 the skies and in the seas.

1                   Now I would like read to you from the  
2 Living Bible what is a generally-accepted  
3 translation of those three verses by biblical  
4 scholars. And the interpretation which is  
5 generally accepted reads:

6                   God gave mankind tremendous authority  
7 to be in charge of the whole earth. But with  
8 great authority comes great responsibility. If  
9 we own a pet, if we own livestock, we have the  
10 authority to do with it as we wish. But, we  
11 also have the responsibility to feed and care  
12 for it in health and sickness. How do you  
13 treat God's creatures? Use your resources  
14 wisely because God holds you accountable for  
15 your stewardship.

16                   Again, those are not my words.  
17 That's the generally-accepted interpretation of  
18 those three verses of the Bible by biblical  
19 scholars.

20                   I would also like to maybe  
21 personalize these animals for just a brief  
22 moment. I would like to read part of a tribute  
23 from Lord Byron to his deceased dog, but it  
24 certainly could apply to a horse. I have taken  
25 the liberty of adding one line to it, and it

1           says:

2                        To who possess beauty without vanity,  
3           strength without insolence, courage without  
4           ferocity, loyalty without condition, having all  
5           the virtues of man with none of his vices.  
6           That's the final point I want to make.

7                        Now, in closing, while my previous  
8           remarks have been to the members of the  
9           Judiciary Committee which are present, my final  
10          remarks are for the news media present, and  
11          they are:

12                        You'll hear more about this as the  
13          testimony goes on. What is happening at these  
14          places of auction and transportation is wrong.  
15          Only in an inverted moral society can what is  
16          happening at these places be condoned. I  
17          implore you that if you haven't already, go to  
18          these places and see for yourselves and  
19          continue to report it. Every time a story is  
20          released on this issue, my offices are  
21          inundated with phone calls and letters decrying  
22          these outrages. Please, use the power of the  
23          media to make people aware of what is happening  
24          and you will find out that they, the people,  
25          will in turn be outraged.

1 Thank you, Mr. Chairman.

2 CHAIRPERSON GANNON: Thank you,  
3 Representative Lynch. We have with us  
4 Representative Steelman who is, I believe, the  
5 co-sponsor of House Bill 2127. She's welcome  
6 to join us today at this public hearing.

7 REPRESENTATIVE STEELMAN: Thank you.

8 CHAIRPERSON GANNON: Do you have any  
9 questions, Representative Steelman?

10 REPRESENTATIVE STEELMAN: No thanks.  
11 I worked closely with him on this bill, and I  
12 just want to congratulate him on introducing it  
13 and on starting these hearings off on such a  
14 high note.

15 CHAIRPERSON GANNON: We also have  
16 Representative Walko from Western Pennsylvania,  
17 Pittsburgh. Representative Walko, do you have  
18 any questions?

19 REPRESENTATIVE WALKO: No thanks, Mr.  
20 Chairman.

21 CHAIRPERSON GANNON: Representative  
22 Schuler.

23 REPRESENTATIVE SCHULER: Not at this  
24 time.

25 CHAIRPERSON GANNON: Representative

1 Maitland.

2 REPRESENTATIVE MAITLAND: No  
3 questions, Mr. Chairman.

4 CHAIRPERSON GANNON: Representative  
5 Nickol.

6 REPRESENTATIVE NICKOL: I just have  
7 two quick questions. First, I noticed in  
8 looking at the various clauses of what you are  
9 proposing that all but one dealt with equine  
10 animal transport for slaughter. Number 8 at  
11 the top of page 5, is that specifically -- or  
12 is that intentionally missing from that  
13 section? Does that clause apply to all animals  
14 or horses being transported?

15 REPRESENTATIVE LYNCH: No. It is  
16 intended for horses going to slaughter only.

17 REPRESENTATIVE NICKOL: Okay. Second  
18 question, just for a layman like myself, when  
19 you talk about equine animals, I presume that  
20 includes mules, donkeys, burros and ponies?

21 REPRESENTATIVE LYNCH: Yes, it does.

22 REPRESENTATIVE NICKOL: Are those  
23 traditionally, those other animals transported  
24 for slaughter, or is it mainly the --

25 REPRESENTATIVE LYNCH: Are they

1 transported for slaughter? Yes, but  
2 traditionally it's horses.

3 REPRESENTATIVE NICKOL: That's all.

4 CHAIRPERSON GANNON: Representative  
5 Masland.

6 REPRESENTATIVE MASLAND: Thank you,  
7 Mr. Chairman. Representative Lynch, I'm sorry  
8 I missed some of your remarks. I got here a  
9 little bit late. There was traffic on Route  
10 34. I just have a couple questions.

11 Obviously, the intent here is to take  
12 the cruelty to animals section of the statute  
13 to another level and to deal specifically with  
14 this problem of transporting horses for  
15 slaughter. You have a lot of specific language  
16 in here. It gets pretty detailed as to when  
17 you need a partition, when you don't need a  
18 partition. What were some of your sources for  
19 this legislation?

20 REPRESENTATIVE LYNCH: You are going  
21 to be hearing that following me. But basically  
22 it was the horse industry. People who own and  
23 use horses as a business, that was the primary  
24 source for it.

25 REPRESENTATIVE MASLAND: The details



1 here -- The reason I ask this, sometimes as I  
2 was reading through this I felt maybe this is  
3 something that should be more appropriately in  
4 the regulations as opposed to the legislation.  
5 You felt it was necessary to get the details  
6 right in the statute?

7 REPRESENTATIVE LYNCH: I feel there's  
8 not enough teeth to allow law enforcement to  
9 enact this. In fact, the proof is in the  
10 pudding. I mean, it is not being enforced.  
11 Whether that's because, and I'd leave that to  
12 the Judiciary Committee to make that  
13 determination I guess, whether that is because  
14 there's not enough teeth or there's not the  
15 desire, I don't know. But with the enactment  
16 of the legislation like this, both of those  
17 points become moot.

18 REPRESENTATIVE MASLAND: Thank you.  
19 Thank you, Mr. Chairman.

20 CHAIRPERSON GANNON: Thank you,  
21 Representative Masland. Representative  
22 Caltagirone.

23 REPRESENTATIVE CALTAGIRONE: Thank  
24 you, Mr. Chairman. Representative Lynch, you  
25 know we had toured, of course, you were with us

1           yesterday, the Hanover Farms. They indicated  
2           that they do their in-house protection of their  
3           own horses. They don't transport them to  
4           slaughter.

5                        I was just wondering under current  
6           law, would -- and maybe it is necessary. I'm  
7           curious about this. I know the witnesses will  
8           probably testify to this. In transporting  
9           horses other than to slaughter, would it also  
10          necessarily hold that they should be treated in  
11          the same manner as your legislation proposes  
12          that they be treated so that they're not  
13          crowded out or treated cruelly in transporting  
14          them, whether it's for slaughter or for any  
15          other purpose?

16                       REPRESENTATIVE LYNCH: That's  
17          certainly a consideration, Representative  
18          Caltagirone. In fact, there will be people  
19          that will be testifying after me to that very  
20          point. Again, I think that that's something  
21          myself along with the committee needs to be  
22          looking at in light of, is that a reasonable  
23          thing to do? Is it something that I would like  
24          to see happen? Yes, it's something I would  
25          like to see happen. But, from an ability to

1 get it done, are we going to be able to? I  
2 don't know. That expands the scope of  
3 legislation substantially.

4 It's something that you really hope  
5 that people would do on their own, and most do.  
6 Quite frankly, most do. But, there are some  
7 people who are so incensed on having the  
8 additional dollar bill stuck in their pocket  
9 that, you know, sometimes they lose track of  
10 some things that some of us might consider more  
11 decent.

12 I'm not meaning to imply these people  
13 aren't decent. I don't mean to imply that at  
14 all. It's just, you know, maybe we're not  
15 looking at things in the same light. I think  
16 you're going to hear testimony in regards to  
17 that very issue. I think it's something that  
18 we are going to be looking at.

19 From the scheme of things, let's face  
20 reality here. We have very few legislative  
21 days left in this session. I am hopeful that  
22 the committee will move it out before the end  
23 of session and that we actually get it to a  
24 full vote on the House floor before the end of  
25 November. Quite frankly, that's probably the

1 best we're going to see in this legislative  
2 session. At the very end of the session, I'm  
3 right back with it again.

4 At that time with discussions from  
5 this hearing and discussions I'm going to have  
6 with Chairman Gannon and others following,  
7 we'll make the determination whether we think  
8 that that clause should be in there to include  
9 all horses bound for anywhere, whether  
10 slaughter or not. If that is the case, then  
11 that will be included in the legislation  
12 beginning in December.

13 REPRESENTATIVE CALTAGIRONE: That's  
14 the point I wanted to make. I thought if we  
15 are going to deal with this issue, and we  
16 probably will be dealing with it. I certainly  
17 support it and I'm going to ask to be added on  
18 as a co-sponsor to your legislation.

19 REPRESENTATIVE LYNCH: Thank you.

20 REPRESENTATIVE CALTAGIRONE: Maybe  
21 what we should do is broaden the scope of the  
22 legislation, going to put some teeth into the  
23 law and have it for transport and maybe -- We  
24 do transport a lot of other animals in this  
25 state, and take a look at the whole transport

1 issue as to whether or not there should be an  
2 effective statute to cover all animals in  
3 transporting them around the state.

4 I know we're dealing with the equine  
5 issue in this legislation, but if we're going  
6 to put some teeth into the law as you suggested  
7 that maybe we ought to really take a good look  
8 at the entire transporting issue to make sure  
9 that law enforcement has the ability to enforce  
10 the law and penalize those that are abusing  
11 them.

12 REPRESENTATIVE LYNCH: Again, that's  
13 an issue that we could all talk about later on.  
14 At this point I'm inclined to work only with  
15 horses, only because we -- It's a discussion  
16 point. It's a valid discussion point. We can  
17 see what comes out of it.

18 REPRESENTATIVE CALTAGIRONE: Thank  
19 you, Representative Lynch. Thank you, Mr.  
20 Chairman.

21 CHAIRPERSON GANNON: Thank you,  
22 Representative Caltagirone. Representative  
23 Walko.

24 REPRESENTATIVE WALKO: Thank you, Mr.  
25 Chairman. My question, Representative Lynch,

1 was going to be toward any transportation of  
2 horses as well. Just to follow up on what  
3 Representative Caltagirone said about the horse  
4 transportation, is it readily definable as far  
5 as what transporting to slaughter is? Would  
6 the legislation leave a gap for a violator to  
7 say, well, we weren't going to slaughter? Is  
8 that handled in here?

9 REPRESENTATIVE LYNCH: Again,  
10 Representative Walko, I'm not an expert on  
11 this, but as I'm beginning to learn that there  
12 are people who do purchase horses with the  
13 intent of going to slaughter and do not say  
14 that that's where they are going, which is one  
15 of the reasons why an argument could be made  
16 for including an amendment to the existing  
17 language that would include all horses being  
18 transported.

19 Because, up in Warren County, for  
20 crying out loud, we have little horse auctions  
21 up there and people come in, as I'm learning,  
22 they come in and they're not from any kind of a  
23 quote, meat market, but they are buying horses  
24 who then, in turn, will sell those horses to  
25 somebody else. But they don't come in and

1 nobody really knows for a fact who they are  
2 unless you are on the inside track.

3 Since this legislation has come  
4 about, I've gotten on the inside track with  
5 some of my friends up there who buy and sell  
6 horses. They say, yeah, there are people that  
7 come and it's hard to pin them down because  
8 they don't admit to it. They don't do this;  
9 they don't do that. But ultimately, those  
10 horses do wind up at slaughter. There's a  
11 valid argument to be made, if for no other  
12 reason, that very argument right there.

13 REPRESENTATIVE WALKO: That point was  
14 raised by a constituent of mine. I commend you  
15 for your work.

16 REPRESENTATIVE LYNCH: Thank you.

17 CHAIRPERSON GANNON: Representative  
18 Schuler.

19 REPRESENTATIVE SCHULER: Thank you,  
20 Mr. Chairman. One of my questions is similar  
21 to what Representative Caltagirone had in mind.  
22 You are just dealing with horses, correct?

23 REPRESENTATIVE LYNCH: That's  
24 correct.

25 REPRESENTATIVE SCHULER: My question

1 would have been and is, why just horses?

2 REPRESENTATIVE LYNCH: I guess that's  
3 how the whole thing started, Representative  
4 Schuler. When I was asked to introduce  
5 legislation, it was to do with horses only.

6 REPRESENTATIVE SCHULER: That's my  
7 question. If we are concerned about taking  
8 care of animals, why do we just single out  
9 horses? In my area we have a lot of cattle.  
10 We have steers; we have cows. But, we're not  
11 talking about them. Doesn't it happen there?

12 REPRESENTATIVE LYNCH: I don't know  
13 if it happens there or not.

14 REPRESENTATIVE SCHULER: I don't  
15 either. I just was inquisitive as to why we  
16 are just singling out horses.

17 REPRESENTATIVE LYNCH: I think at  
18 some point, you know, Jere, you have to go past  
19 the black and white and the legalities of the  
20 law that's actually written by attorneys like  
21 yourselves.

22 REPRESENTATIVE SCHULER: Well --

23 REPRESENTATIVE LYNCH: I'm sorry I  
24 offended you with that.

25 REPRESENTATIVE SCHULER: How dare you



1 call me that.

2 REPRESENTATIVE LYNCH: Representative  
3 Schuler is not an attorney.

4 REPRESENTATIVE SCHULER: Thank you,  
5 Jim.

6 REPRESENTATIVE LYNCH: A lot of our  
7 laws -- and I'm not an attorney either. I'm an  
8 accountant trying to be a legislator. A lot of  
9 our laws are not written because of any types  
10 of black and white. They are generated, they  
11 are created. For crying out loud, the founding  
12 of our country was created by some emotion.

13 I think the fact that people are  
14 finding out that horses are actually being  
15 eaten, I guess is abhorrent to them; although  
16 not necessarily in this country. I think that  
17 bothers them. We have grown up in this country  
18 accustomed to eating beef, pork, fowl, et  
19 cetera, et cetera, but not horses. So, I think  
20 when people find out, hey, these horses are  
21 going to slaughter, we can't have that.

22 REPRESENTATIVE SCHULER: That's a  
23 cultural difference.

24 REPRESENTATIVE LYNCH: But what I'm  
25 saying -- And you're correct, it is a cultural,

1 emotional type of thing. But what I'm saying  
2 is, these are the very types of things that  
3 stimulate the arguments for legislation, for  
4 laws. We just can't say it's black and white  
5 and you can't say we have to include all  
6 animals. No. Exactly. It's a cultural thing.  
7 For that very reason is why horses could easily  
8 be singled out.

9 REPRESENTATIVE SCHULER: My other  
10 question, after reading the bill, Jim, there's  
11 certain provisions in here that I think are  
12 going to be difficult to interpret. For  
13 example, on page 3 when you say sufficient  
14 ventilation, who is going to determine what is  
15 sufficient? Maybe we have to address --

16 REPRESENTATIVE LYNCH: That's a good  
17 question. I'm probably not the one to answer  
18 that question too. Again, that's the purpose  
19 of a hearing.

20 REPRESENTATIVE SCHULER: That's why I  
21 want to get it out.

22 REPRESENTATIVE LYNCH: The experts  
23 will be following me, Jere. Who can make that  
24 determination, I don't know. Using some of  
25 your attorney expressions, that first blush, I

1           guess, argument could be made, well, in  
2           conjunction with the Judiciary Committee, the  
3           Department of Agriculture, the horse industry.

4                   I think -- The legislation, a lot of  
5           it was given to us by the horse industry such  
6           as --

7                   REPRESENTATIVE SCHULER: When you say  
8           the horse industry, who are you referring?

9                   REPRESENTATIVE LYNCH: One group, for  
10          example, would be the area where we toured  
11          yesterday afternoon, Hanover Farms, who,  
12          because of their expertise and knowledge set  
13          the standard. We as not being in the horse  
14          industry can't set the standard. We're kidding  
15          ourselves if we think we can. They set the  
16          standard.

17                   So, in conjunction with them, the  
18          Department of Agriculture as far enforcement,  
19          ability to do it; Judiciary Committee as far as  
20          legality of things, constitutionality of  
21          things, I think working together could  
22          certainly come up with an enforceable  
23          definition for what proper ventilation is.

24                   REPRESENTATIVE SCHULER: Thank you.

25                   CHAIRPERSON GANNON: Thank you,

1 Representative Schuler. Representative  
2 Steelman.

3 REPRESENTATIVE STEELMAN: Thank you,  
4 Mr. Chairman. Actually, I don't have  
5 questions, but I thought, perhaps, as somebody  
6 who used to be a biologist and still a horse  
7 owner, I might comment on a couple of the  
8 questions that have come up already.

9 The first one was whether we should  
10 expand the legislation from just applying to  
11 horses shipped for slaughter to applying to all  
12 horses being shipped. I see some problems with  
13 enforcement, as Representative Lynch pointed  
14 out, and I also see some problems, in that, we  
15 would have to make the legislation that much  
16 more detailed because, for example, in Section  
17 5 on page 2, as used in this subsection, an  
18 equine animal is, in a cruel or inhuman manner,  
19 transported if it is, part 3, suffering from a  
20 broken or dislocated limb.

21 This January I had the very  
22 unpleasant experience of having to transport my  
23 thoroughbred riding horse who was suffering  
24 from a broken leg from our barn to Ohio State  
25 to have his leg set. He went on that trip

1 under very carefully managed conditions, and it  
2 was the best possible thing for him because he  
3 needed to go where there were experts who could  
4 fix that break. There's a whole set of  
5 protocols, essentially, for shipping a horse  
6 safely under those kinds of conditions. There  
7 are safe ways to ship horses and there might be  
8 reasons to ship a horse who is blind in both  
9 eyes; not going to slaughter.

10 If we start trying to put all that  
11 material into statute as well, this is going to  
12 get even longer than it was already. I would  
13 rather focus the legislation specifically on  
14 the horses being shipped to slaughter because,  
15 when somebody like me is shipping an animal  
16 that's very precious to them, we're going to  
17 take all the precautions we possibly can in any  
18 case.

19 The second question I'd like to  
20 comment on is Representative Schuler's question  
21 as to whether we should think about expanding  
22 this legislation to cover other animals being  
23 shipped to slaughter. I think part of the  
24 reason that the horse slaughter question is so  
25 disturbing for a lot of us who are involved in

1 horses is because it's being done completely  
2 incorrectly. When cattle are being shipped to  
3 slaughter, they're shipped in trucks that are  
4 made for cattle. When hogs are shipped to  
5 slaughter, they usually go in trucks that are,  
6 in fact, appropriate for shipping those  
7 animals.

8 What's so disturbing about the horse  
9 slaughter issue is that, horses are being  
10 forced into vehicles that aren't suited to them  
11 and that contribute significantly to the  
12 suffering that they experience as they're  
13 shipped. So, it's the inappropriateness of the  
14 vehicle on the one hand.

15 And the second thing is, that cattle  
16 and hogs and sheep have been bred for centuries  
17 to tolerate the conditions that they  
18 experience. Horses are very different  
19 psychologically from most of the animals that  
20 we raise for meat. It's because they're,  
21 again, in this shipping-to-slaughter  
22 environment forced into an environment that  
23 they have never been selected to tolerate well.  
24 That, again, increases the sufferings that they  
25 experience.

1                   That's why I think it's important to  
2 focus in this legislation on horses, because  
3 there I think the issues of suffering,  
4 unavoidable suffering are so much clearer.

5                   CHAIRPERSON GANNON: Thank you,  
6 Representative Steelman. Representative  
7 Manderino.

8                   REPRESENTATIVE MANDERINO: No  
9 questions.

10                  CHAIRPERSON GANNON: Also, we have  
11 another member of the committee in attendance,  
12 Representative Dermody. We're trying to get  
13 him a seat. We'll bring him up front when we  
14 can get him a seat. Representative Schuler.

15                  REPRESENTATIVE SCHULER: I'd just  
16 like to respond to Sara's comments. I am not  
17 supporting an expansion of this bill into other  
18 areas. My question was asked because I'm  
19 trying to get at the bottom of why we have  
20 singled out horses. Maybe sometime down the  
21 line I may believe that it is necessary, but at  
22 this point I don't have any evidence that  
23 there's any problem in the other areas of  
24 cattle or what have you. My question was just  
25 to get to the bottom of why we were singling

1 out horses. Thank you.

2 CHAIRPERSON GANNON: Representative  
3 Lynch, what kind of numbers are we talking  
4 about in terms of the transportation of horses  
5 in Pennsylvania, horses for slaughter?

6 REPRESENTATIVE LYNCH: Chris Berry  
7 can provide some information to you for that  
8 and she will be testifying.

9 CHAIRPERSON GANNON: Thank you very  
10 much, Representative Lynch --

11 REPRESENTATIVE LYNCH: Thank you, Mr.  
12 Chairman.

13 CHAIRPERSON GANNON: -- for being  
14 here today and sharing your testimony and  
15 information about House Bill 2127.

16 Our next witness on our agenda is  
17 Trooper Thomas Garcia from the New York State  
18 Police. We're also going to go a little out of  
19 order and ask him if he'll be joined by Doctor  
20 Robert Lopez, Doctor of Veterinary Medicine and  
21 President of the North Country S.P.C.A., Inc.  
22 Doctor Lopez, if you would join Trooper Garcia.  
23 We're doing this arrangement for the  
24 convenience of the witnesses, their schedule.  
25 You may proceed when you're ready.



1                   TROOPER GARCIA: Thank you. Good  
2                   afternoon, Chairman, ma'am, gentlemen: My name  
3                   is Thomas F. Garcia. I'm employed by the  
4                   Division of State Police for New York State. I  
5                   have been a trooper for 14 and a half, almost  
6                   15 years. The entire time I have been working  
7                   out of the Schroon Lake Barracks in Troop B,  
8                   which is from about the midway point of Lake  
9                   George up to the Canadian border and across to  
10                  Watertown on the Vermont border. I'm  
11                  originally from New York City, Staten Island.  
12                  I have been upstate long enough to be  
13                  acclimated to it.

14                  I became aware of New York State Ag  
15                  and Markets Law back in the academy, a real  
16                  quick course in it. Once out in the field, my  
17                  station, the older guys always give you the war  
18                  stories and that's why you start developing a  
19                  little more information on the transportation  
20                  of horses.

21                  Back in 1980, I believe it was  
22                  December 12, 1980, members of my station--all  
23                  but one have since retired--Trooper Carlson,  
24                  Trooper Haroff and Trooper Manning were sent to  
25                  the Northway and I-87, and they located a

1 tractor-trailer, a two-tier trailer loaded with  
2 horses that was called in by a passing motorist  
3 I believe. They had somewhere in the  
4 neighborhood of 80 horses on the two-tier  
5 trailer. Many were dead or disabled.

6 That prompted legislation in New York  
7 State which passed in record time and was  
8 signed by the previous Governor Carey at the  
9 time. I wasn't working there then. I never  
10 even heard about that. I'm from New York City.

11 I'd like to say I'm a hunter. Prior  
12 to children I was a trapper; had to spend time  
13 somehow. I'm not opposed to eating animals.  
14 If you are going to run a trap line -- I check  
15 a trap line twice a day. If you are going to  
16 kill something, kill it quick. Don't let it  
17 suffer.

18 Back in the early '80's I arrested a  
19 French Canadian tractor-trailer. I don't  
20 remember his name. He was a single-tier  
21 trailer, and I arrested him under New York  
22 State Ag and Markets Law for partitions less  
23 than ten feet. The horse weren't in bad shape  
24 or I would have called the S.P.C.A.

25 At that time I wasn't real familiar

1 with the law. I issued him a half -- probably  
2 six or seven traffic tickets, transportation  
3 law ticket and also an appearance ticket for  
4 the criminal charge, the Ag and Markets charge.  
5 He was fined a hundred dollars on the Ag and  
6 Markets charge. I don't remember what the  
7 V and T was.

8 In April 1989 I attended New York  
9 State Mounted Patrol School for six weeks and  
10 was certified as a mounted patrol officer of  
11 the New York State Mounted Patrol. That  
12 brought me a little bit more up to speed on Ag  
13 and Markets Law, especially with horses.

14 In April, 1992, Troopers Peter  
15 Wallach and Willy Peck of SP Westport arrested  
16 a Darren A. Gouveia and Monica Carper for  
17 Agriculture and Markets Law violations. They  
18 had several sections arrested under the legal  
19 transportation of horses, and I believe some of  
20 cruelty to animals under our cruelty to animal  
21 statutes, which is terribly vague and not  
22 clear-cut like our Ag and Markets Law regarding  
23 the transportation of horses, especially more  
24 than six horses on a trailer.

25 Back on January 27, 1984 (sic), I was

1 working in A9, which I worked nine at night to  
2 five in the morning. I always wanted a  
3 nine-to-five job. About 4:45 a.m. I observed  
4 a two-tier trailer parked in Schroon Lake rest  
5 area northbound. I saw a two-tier trailer and  
6 went by it once. As I looked over I could see  
7 horses in it. I turned back around, came back  
8 and check it. My tour was supposed to end at  
9 five, but I didn't get done at five. That  
10 morning it was 42 below zero. It was terribly  
11 cold. You could barely see out of the car  
12 windows.

13 David Carper was there. He was  
14 interviewed and arrested for Ag and Markets  
15 Law, violations for the illegal transportation  
16 of horses, basically a two-tier trailer. I  
17 hadn't measured the partitions yet or gotten  
18 any further than that. He was arrested and  
19 also charged with some V and T charges I  
20 believe; no logbook maintained and I think  
21 maybe illegal parking or something. It was a  
22 minor other charge.

23 I contacted our brand-new Essex  
24 County District Attorney at home at 5:30 a.m.--  
25 he was real pleased--for some input. He never



1 him as an agent, as the owner. I was trying to  
2 prove where he was previously convicted.

3 Because a previous conviction in New York State  
4 for any Ag and Markets violation involving  
5 transportation of horses is a maximum fine a  
6 second time of \$500.00. Once again, it would  
7 be accumulative per horse.

8 When the subject and his attorney  
9 appeared in court, I presented him with 140 law  
10 informations charging him with the violations.  
11 There were 40 horses on the load, thereabouts.  
12 I counted at least 40. There may have been  
13 several more. You couldn't see. The stock  
14 trailer mostly was open, had some plywood on  
15 it.

16 There's some pictures attached. The  
17 first copy there is a general 34 New York State  
18 Police form we use for recording photographs.  
19 That went in with a roll of film to ID Section.  
20 It was turned over to Essex County District  
21 Attorney, ADA Debra Whitson at the time, and  
22 she had possession of the photos. The one on  
23 the front is David Carper I believe.

24 After we brought him back to his  
25 truck some -- Diesel fuel can jell up because

1           it was so cold. You could clearly see the  
2           slots in the trailer. I have no idea what the  
3           windchill would be at 42 below zero coming up  
4           the Northway. It wasn't there much earlier  
5           that night. We found it at 4:45.

6                        The second page has pictures from  
7           inside the trailer. You can see there's very  
8           little room over the poll of the horses and the  
9           windows, and you can see how frosted up they  
10          are. Mind you, I took my gloves off to shoot  
11          the pictures. When I climbed up on the truck  
12          my fingers were sticking to the metal of the  
13          truck body itself. That's how cold it was.

14                      The other page of pictures in the  
15          back you can see a couple of horses in the  
16          background. That's the appearance in a typical  
17          two-tier trailer. That's a two-tier section.  
18          You can see right in the back. The horses'  
19          poll is right up, maybe an inch or so, two  
20          inches from the floor. The horses are all  
21          hunched over. A horse should be able to move  
22          his head around. It should be mostly free  
23          unless they are working in a crowd situation.

24                      The bottom is a typical picture of  
25          the side of a two-tier trailer. They have some

1 plywood up there. Lately the way I have been  
2 seeing them come through is a lot more plywood  
3 on the side with just little ventilation holes  
4 up at the top, so it's real hard to see inside.  
5 They're trying to cut down on New York's  
6 probable cause.

7 The defendant and his attorney, who  
8 he never paid, I believe, appeared in court,  
9 the Town of Schroon, and we charged them --  
10 Initially the charges were the misdemeanors.  
11 We changed them to violations because I  
12 couldn't show where he previously -- Frank  
13 Carper previously had been convicted before.  
14 It's not something that is normally kept in the  
15 course of business.

16 After trial -- I had four other  
17 troopers that were there as witnesses to see  
18 the unloading because I went home eight or nine  
19 o'clock that morning. We had them -- had the  
20 company bring down another truck from Canada to  
21 put the horses on the second truck. I told the  
22 guys not to let them go. They got all the  
23 horses off. They got most of the horses off.  
24 They got them all off and most of them off the  
25 lower compartment. The trooper that was



1 working let them continue on the rest of their  
2 way. I would have done things a little  
3 differently, but I was home sleeping.

4 The third part I have is a two-page  
5 document. It's from the local criminal court,  
6 Town of Schroon, Essex County, New York, Judge  
7 J.R. Strothenke, Jean Strothenke. It was her  
8 decision rendered in the case. As for 35  
9 counts of violation of Section 359.A, Sub 1E of  
10 the Ag and Markets law--I can go and check my  
11 records if you want to know which ones are  
12 which--they were found guilty --

13 To make it quicker and shorter, they  
14 were found guilty of all the charges apart from  
15 the 40 charges for nonabrasive floor. I  
16 neglected to take pictures of the floor. I  
17 didn't seize the truck as evidence, which I  
18 probably should have done, and it would have  
19 been a heck of lot more of a bill, than just  
20 having another truck come down.

21 The defendant was found guilty, like  
22 I said, of all but 40 charges. It's the second  
23 page -- was found guilty of partitions less  
24 than ten feet. You need sturdy partitions.  
25 They said every ten feet so the horses stay

1 compartmentalized. Even now when you get a  
2 load from the interstate, a normal load, the  
3 horses are wondering all over the place. If  
4 there is enough room, the little ones are down  
5 between the big ones. It makes it real hard to  
6 count them. When they're packed right in, the  
7 little ones are still down between the big  
8 ones. You have to find the small horses in  
9 there as you count them.

10 The second one they were convicted of  
11 was transporting more than six horses over a  
12 highway in a trailer containing more than one  
13 tier. They were found guilty of that, 35  
14 counts. I lost the 40 charges for the slippery  
15 floors. I didn't have any pictures to back up  
16 my testimony.

17 As for sufficient ventilation, you  
18 can see from the pictures what these horses  
19 looked like.

20 On the mount patrol, we weren't like  
21 other agencies where they, if it got too hot  
22 they wouldn't work the horses; if it got too  
23 cold they wouldn't work the horses. New York  
24 State if you called us we went. If the horse  
25 is going to be out in the weather, you're out

1 in the weather. If the horse is in a crowd,  
2 you're in a crowd. When you came back in at  
3 the end of the day working your horse, the  
4 first thing you took care of was your horse.

5 If you want to ship a horse out to  
6 slaughter and eat it, fine. It doesn't bother  
7 me, but just do it humanely. A lot of times in  
8 a two-tier trailer -- The horses have a higher  
9 center of gravity than a cow or a pig. They're  
10 worn out and they're kicking. It's quite a  
11 mess. I wish I would have videotaped it to  
12 show you of the incidents.

13 CHAIRPERSON GANNON: Thank you,  
14 Trooper. Doctor Lopez.

15 DOCTOR LOPEZ: Thank you, gentlemen,  
16 for asking us to appear before your committee.  
17 I'm very happy to give you just a few moments  
18 of insight into what happened in New York State  
19 back in 1980.

20 In December of 1980, I received a  
21 call from the New York State troopers. It was  
22 a very cold night, about 10 or 20 degrees. It  
23 was snowing, and I had just finished work in my  
24 office when the call came through that there  
25 was a truck with some possible dead horses

1           inside at Schroon Lake. I jumped in my car and  
2           drove down, and the sight that I saw there was  
3           just incredible.

4                       First of all, we saw the head of a  
5           horse, of a dead pony sticking out between the  
6           slats in the back of the truck, frozen solid  
7           and his tongue was hanging out. This is how  
8           they stopped the truck. It had stopped for gas  
9           and the attendant, after filling it with gas in  
10          the back of the truck, the side of their  
11          trailer, the guy saw this dead head sticking  
12          out. He said, oh my gosh, and they called the  
13          troopers; they called me.

14                      We briefly looked inside the truck  
15          with troopers' flashlights and could see other  
16          downed and we could smell rotten flesh, so we  
17          took them to a nearby -- We got permission to  
18          go to Frontier Town, little cowboy park nearby,  
19          and unloaded the horses. There again, it was  
20          ghastly. The horses that had been in the truck  
21          for probably several days couldn't walk  
22          anymore. They would come out of the truck and  
23          fall down in the snow. They also hadn't been  
24          feed or watered, and the watering part is  
25          important. They started eating snow just by

1 the bucketful. Some horses took a few bites of  
2 snow and just collapsed and died.

3 This was sort of upsetting to us and  
4 we all wondered how this could happen. We kept  
5 the horses. I won't go through the whole  
6 story. It took about a month or six weeks for  
7 us to get the horses in shape and were able to  
8 auction them off. The shipper decided he  
9 didn't want to pay any expenses so he let us  
10 take the horses and sell them. We did get them  
11 all sold, auctioned off those. About half of  
12 them perished and the other half we were able  
13 to save.

14 Somebody made a point on the  
15 committee about trucking animals. This bill  
16 we're proposing, that you are proposing  
17 yourselves, it's already passed in six states.  
18 It's passed in New York. Vermont has copied  
19 our law. Massachusetts has copied it.  
20 Connecticut has copied it, Virginia, and I  
21 think California has copied the law. I say  
22 copied. They followed the model that we set in  
23 1980.

24 After we got the horses off, and this  
25 is again in January, this story went to the

1        Associated Press, United Press, actually all  
2        around the country, and a bill was proposed and  
3        brought up at the New York State Legislature in  
4        Albany. The bill was introduced in early  
5        January. It passed unanimously in both houses,  
6        signed by Governor Carey, all within 30 days;  
7        and we are very proud of that.

8                    I have some transparencies to show  
9        you very quickly what happened on that  
10       particular truck. They are worth looking at,  
11       if I may use the transparency projector.

12                   This quickly shows you the name and  
13       the pictures of the fellow, the reporter from  
14       the Albany Times Union. He just passed away.  
15       Barney Fowler was actually not an animal  
16       person. He was strictly a journalist of  
17       mundane matters, civic matters, whatever, laws  
18       and so forth. He just happened to be apprised  
19       of this, came up and helped us. He wrote a lot  
20       of articles for the newspaper, help to  
21       publicize it very widely, not only in New York  
22       State but throughout the country.

23                   This is one of the articles that  
24       Barney wrote. It just tells you the story that  
25       I just tried to tell you, how the horses were

1           packed in and -- Horses have a pretty high head  
2           level. Their head is probably, even the  
3           smallest horse is well over six foot and some  
4           are quite commonly at seven foot. The height  
5           in these double-decker trailers is about five  
6           nine, five ten, five eleven, just under six  
7           foot.

8                         Here's a horse trailer, inside a  
9           horse trailer. If you were standing there--I  
10          wish I had gone in there--those ceilings are  
11          very low. They're made for cattle. This is a  
12          cattle trailer. Cattle are only about four,  
13          four and a half feet tall and they're easily  
14          jammed in here. That's what they're made for,  
15          cattle and hogs. Hogs are even smaller.  
16          There's plenty of head room for cattle and  
17          hogs. These trailers are being used for  
18          transporting horses.

19                        Here's a horse that was on that  
20          trailer. You can see he's very stiff. He  
21          can't raise his head anymore. It's contracted  
22          down. It's stiff and sore. You can see the  
23          sweat is just pouring off him. You can't see  
24          the bottom of his legs, but he's been badly  
25          kicked around the legs and face. He's been on

1           that trailer for several days without food and  
2           water.

3                       Here's a horse that wasn't quite so  
4           lucky, or maybe he was. As soon as he hit the  
5           snow he passed out. You can see his mouth is  
6           full of snow. He tried to take a bite or two  
7           of snow and he just couldn't make it. His  
8           bones were sticking out. He's been jammed  
9           around the belly, and his muscles and skin are  
10          all cut open and bleeding. This is terrible.  
11          It's not uncommon on these trailers today.

12                      Here are some of the horses that we  
13          had just unloaded. Some you can see are still  
14          able to eat, especially some of the smaller  
15          ponies, but the horse on the right went down.  
16          There again, took snow in his mouth and passed  
17          away. The one on the left is sitting up. I  
18          got a better shot of that. At least he might  
19          make it. You can see the horses in the  
20          background. Some of them are able to stand,  
21          especially the smaller ones. Some of them were  
22          able to eat.

23                      This particular pony was a little  
24          Welsh pony. You can't quite see it, but the  
25          right eye has been gouged out, kicked by



1 another horse, and the eyeball is hanging down  
2 by the halter. That lady came up to the  
3 auction from Virginia and she purchased the  
4 pony for \$50.00. The last I heard it was doing  
5 very well.

6 I have some horses that were sold  
7 from this tragedy and made out beautifully.  
8 They fattened up and people were very happy  
9 with them. I think that's about most of it  
10 here.

11 Here's one of the double-decker  
12 trucks. You see them on the highway. They  
13 always travel at night because they know that  
14 the laws in some of the states now,  
15 particularly in New York State, don't permit  
16 this poor horse transport. You never see them  
17 in the daytime, except sometimes they go from  
18 here up toward Binghamton in the daytime.

19 On the Northway, which is called the  
20 torture trail, they go at night. They go very  
21 fast, about 70 miles an hour or faster. Two or  
22 three o'clock in the morning we occasionally  
23 see them. I'll be glad to try to answer any  
24 questions you might have.

25 I'm interested in horses only going

1           for slaughter. We're not interested in horses  
2           that have to go to a hospital, or whatever, or  
3           to a fair or anything else. That's not in the  
4           purview of any of these laws, strictly horses  
5           going for slaughter.

6                       CHAIRPERSON GANNON: Thank you,  
7           Doctor. Representative Manderino.

8                       REPRESENTATIVE MANDERINO: Thank you.  
9           Couple questions for the doctor. I understand  
10          most of the provisions in the bill and the  
11          reason that they might be being proposed.

12                      I don't understand why the  
13          legislation is suggesting that you can't  
14          transport for slaughter an animal that is blind  
15          in both eyes, particularly if we're putting  
16          them in containers, in partitions that, if I  
17          understood the rest of the language, that  
18          separates them so -- I could see in an open  
19          vehicle why you might have a problem with a  
20          horse not being able to see when everything was  
21          all open, but I'm not quite sure why that's  
22          important if you put all these other  
23          restrictions in place.

24                      DOCTOR LOPEZ: That's probably  
25          negotiable. We put that in because loading a

1 horse up, he has to go up a ramp and go into an  
2 upper tier, then maybe go through several  
3 tiers. A horse that's blind would be  
4 terrified.

5 REPRESENTATIVE MANDERINO: I don't  
6 think a tractor-trailer can go on the highways  
7 taller than thirteen six. So, in essence, by a  
8 bill like this you're basically saying you can  
9 only have one-tier vehicles; am I correct?

10 DOCTOR LOPEZ: Yes.

11 REPRESENTATIVE MANDERINO: I was  
12 reading both logic and what was in here. Am I  
13 correct in everything else that's in here?  
14 We're basically saying one-tiers with  
15 partitions so that each animal is separated and  
16 has its own space?

17 TROOPER GARCIA: They don't each have  
18 their own space, Ma'am. If partitions are  
19 every ten feet, you have the width of the  
20 truck, 10-foot long, if they're legal, and then  
21 you take eight or ten horses, maybe a pony and  
22 throw them in that first compartment. They are  
23 milling around. They are not tied.

24 REPRESENTATIVE MANDERINO: Oh, okay.  
25 I was not picturing where these 10-foot

1           dividers -- I was picturing them almost like  
2           slots coming this way.

3                   TROOPER GARCIA:  It's like big  
4           stalls, ten foot by eight, or whatever the  
5           internal dimension of the truck is wide.

6                   REPRESENTATIVE MANDERINO:  If you are  
7           separating out the little ones from the big  
8           ones, can't you also separate out the ones that  
9           might have some other problem?

10                   DOCTOR LOPEZ:  It's a possibility.

11                   REPRESENTATIVE MANDERINO:  My second  
12           question went to the provision in the law that  
13           says, if you have -- in the proposed language,  
14           if you have an animal that was brought for  
15           veterinary assistance, you can't rehabilitate  
16           the animal for the purpose of going back to  
17           slaughter.  I don't really get that one either.

18                   DOCTOR LOPEZ:  That provision isn't  
19           in our law.  I know it's in your law.

20                   REPRESENTATIVE MANDERINO:  That is  
21           not in the New York law?

22                   DOCTOR LOPEZ:  No.  I can't comment  
23           on that.

24                   REPRESENTATIVE MANDERINO:  Thank you.  
25           Thank you, Mr. Chairman.

1                   CHAIRPERSON GANNON: Representative  
2                   Steelman.

3                   REPRESENTATIVE STEELMAN: No  
4                   questions, Mr. Chairman, but just a brief  
5                   follow-up on Representative Manderino's  
6                   question.

7                   Another reason to ensure that horses  
8                   that are blind in both eyes are not shipped is  
9                   because, as Doctor Lopez said and Trooper  
10                  Garcia, there are going to be several horses in  
11                  these 10-foot spaces. Those are as big as a  
12                  standard box stall. You could probably fit two  
13                  or three horses in that, almost comfortably,  
14                  going to slaughter and there will be at least a  
15                  half dozen in there.

16                  Horses have a very complicated system  
17                  of dominance relationships. When they're put  
18                  into a new situation, they try to establish  
19                  these relationships, there are a lot of visual  
20                  cues that go on. A horse that's blind in both  
21                  eyes isn't going to be able to see when another  
22                  horse is threatening him or -- indicating any  
23                  of the things that he needs to know to protect  
24                  himself in that situation.

25                  Doctor Lopez commented on the pony

1           who had lost an eye as a result of a kick.  
2           You're going to get a good deal of fighting in  
3           these situations, and horses -- That's why  
4           there's also some material in this specifically  
5           about dealing with aggressive horses and  
6           stallions. A horse that's blind in both eyes  
7           is going to suffer more than is really  
8           necessary.

9                           DOCTOR LOPEZ: We stopped a tractor-  
10           trailer two years ago in Westport from the  
11           Northway again. There was a big draft horse  
12           that had been kicked by a smaller horse right  
13           in the chest and there was a big gash about two  
14           feet long, full of pus and just running with  
15           pus. The driver of the truck said he's just  
16           going for food so that's okay. They had been  
17           injecting the horse with penicillin every  
18           couple of days. It makes you sick when they  
19           send horses that are obviously infected for  
20           human consumption. I'm not against human  
21           consumption.

22                           I heard a story that said something  
23           about that. Many years ago when the Caracens  
24           were trying to overrun Europe, people were  
25           short of food and they were in chaos so the

1 Pope sent out a big -- passed a law -- I don't  
2 know, the Pope doesn't pass a law. He just  
3 sent out a big epic that said anybody could eat  
4 horses because horses were a prized possession  
5 in those days. You could eat them because food  
6 was scarce. The French, of course, and the  
7 Germans, everybody started eating horses many,  
8 many years ago. The British didn't. They said  
9 we don't like the Pope. We're not going to eat  
10 horses. I guess that still goes on today.

11 CHAIRPERSON GANNON: Representative  
12 Walko, any questions?

13 REPRESENTATIVE WALKO: No, thank you.

14 CHAIRPERSON GANNON: Representative  
15 Schuler.

16 REPRESENTATIVE SCHULER: Thank you,  
17 Mr. Chairman. The questions I asked  
18 Representative Lynch, would you have any  
19 suggestions regarding, on page 3, what is  
20 sufficient ventilation, sufficient insulation?  
21 Who will determine that?

22 TROOPER GARCIA: That's the same  
23 way -- New York State law is basically the same  
24 wording. It's kind of a judgment call. It's  
25 going to be a moot point in court. You're

1 going to have to fight.

2 REPRESENTATIVE SCHULER: Judgment by  
3 whom?

4 TROOPER GARCIA: At the scene, of the  
5 temperature. That's a hard one to --

6 REPRESENTATIVE SCHULER: You mean you  
7 would make that call?

8 TROOPER GARCIA: It would be up to  
9 the court or the jury to -- for me to press my  
10 case. That was just the same thing --

11 REPRESENTATIVE SCHULER: I understand  
12 your position.

13 TROOPER GARCIA: It's too vague. New  
14 York State's too vague. I'll admit it.

15 DOCTOR LOPEZ: We've never contested  
16 that law or tried to do anything about that  
17 when the truck was stopped.

18 REPRESENTATIVE SCHULER: That's my  
19 point. It sounds that under --

20 DOCTOR LOPEZ: Ninety percent of the  
21 time it's not a problem.

22 REPRESENTATIVE SCHULER: For example,  
23 the other one on page 5, where you have a  
24 dangerous or aggressive behavior, again, who is  
25 going to make that decision? The truck driver?



1 DOCTOR LOPEZ: If you have a  
2 stallion, he'll be kicking and pushing and  
3 really hurting the other animals. You'll see  
4 it; you'll hear it. That's a major judgment  
5 call.

6 REPRESENTATIVE SCHULER: I can  
7 understand the stallion story, but what about  
8 the rest? I mean, who -- That's my problem  
9 here with some of this.

10 DOCTOR LOPEZ: I understand.

11 REPRESENTATIVE SCHULER: We have to  
12 be a little bit more specific in what we're  
13 talking about. Even the trooper mentioned it's  
14 vague. That's one of my concerns about the  
15 bill. That's why I raised it with  
16 Representative --

17 DOCTOR LOPEZ: One good reason for  
18 that, perhaps, from my standpoint, the trucker  
19 delivering horses sees this in the law, he's  
20 not going to put a stallion in with a bunch of  
21 mares.

22 REPRESENTATIVE SCHULER: I understand  
23 that. I don't think you would have too much  
24 difficulty. But in other circumstances it may  
25 be a little bit more vague. I'm just trying to

1 make a point that we --

2 DOCTOR LOPEZ: Sure. It's a good  
3 question.

4 TROOPER GARCIA: It's kind of obvious  
5 when they're fighting, sir. They'll be  
6 fighting, kicking and biting. It's quite  
7 obvious.

8 REPRESENTATIVE SCHULER: I have seen  
9 horses do that. I don't necessarily say  
10 they're aggressive. That happens from time to  
11 time. My other question, Trooper, this bill  
12 that we have before us, is this very much  
13 similar to what you have in New York?

14 TROOPER GARCIA: Basically. Our law  
15 doesn't specify to slaughter. It says any  
16 member of the family equine. It doesn't say  
17 anything about slaughter because you have a  
18 load of horses on your trailer, you can do  
19 anything you want to do with it.

20 REPRESENTATIVE SCHULER: Would you  
21 have any statistics within the State of New  
22 York to the number of arrests dealing with this  
23 type of -- what was related to us here?

24 TROOPER GARCIA: In the past several  
25 months, Don Nickerson's company has been

1           arrested several times. I arrested his driver  
2           as the agent of the owner. October 16, 1997,  
3           on my way down to teach at the academy I  
4           arrested him for 64 counts. He had 32 horses  
5           on board and he was using a stock trailer,  
6           partitions were over 10 feet. He didn't have  
7           doors on both sides, opposing sides of the  
8           trailer.

9                        REPRESENTATIVE SCHULER: Are we  
10           talking about five, 50, a hundred since the  
11           law --

12                       TROOPER GARCIA: Over the course of  
13           14 years, I know of at least -- I have 203  
14           arrests regarding illegal transportation of  
15           horses myself, and probably another 10 or 50 Ag  
16           and Market Law violations for coggins tests or  
17           along those lines. Arrests have picked up.

18                       REPRESENTATIVE SCHULER: Are they all  
19           New York residents?

20                       TROOPER GARCIA: No; New Jersey, New  
21           York. New York is easy because I can get a  
22           warrant for them, and then French Canadians.

23                       REPRESENTATIVE SCHULER: No  
24           Pennsylvanians?

25                       TROOPER GARCIA: Not yet. Send them

1 up. I'm happy to take care of anybody. I'm an  
2 equal opportunity trooper.

3 REPRESENTATIVE SCHULER: I'm sure you  
4 are.

5 TROOPER GARCIA: They don't even look  
6 us up anymore. They're scared.

7 REPRESENTATIVE SCHULER: If we pass  
8 this law, I hope we get them before you get  
9 them.

10 TROOPER GARCIA: One of our troopers  
11 had an auction he was running. He made it  
12 quite clear before people started bringing  
13 stock in, you will abide by New York State Ag  
14 and Markets Law. It was enforced. If somebody  
15 showed up, he called one of the guys, that  
16 subject would be arrested. He policed his own  
17 auction, and we policed it for him too.

18 REPRESENTATIVE SCHULER: Thank you  
19 both.

20 TROOPER GARCIA: Thank you.

21 CHAIRPERSON GANNON: Representative  
22 Masland.

23 REPRESENTATIVE MASLAND: Thank you,  
24 Mr. Chairman. To follow-up on some of what  
25 Representative Schuler was asking: The 13

1 states, I think Doctor Lopez said that there  
2 were about 13 other states with this law.

3 DOCTOR LOPEZ: Six; about six.

4 REPRESENTATIVE MASLAND: Oh, six.

5 Are these mostly northeastern states?

6 DOCTOR LOPEZ: Except for California,  
7 yes.

8 REPRESENTATIVE MASLAND: All of these  
9 animals transported for slaughter are being  
10 sent out to the Midwest; is that correct?

11 DOCTOR LOPEZ: No. They're going  
12 north to Canada, near Montreal. There's a big  
13 slaughterhouse in Montreal where they --

14 REPRESENTATIVE MASLAND: That's one  
15 of the reason why I was wondering. If they  
16 were going to the Midwest, I could see how you  
17 wouldn't have stopped anybody from Pennsylvania  
18 because we don't have to pass through New York.  
19 So they're going north.

20 DOCTOR LOPEZ: There's a major  
21 slaughterhouse there for equine for the European  
22 market.

23 REPRESENTATIVE MASLAND: Just one  
24 observation. I do think that whenever possible  
25 it's nice to be able to draw a statute and word

1           it as tightly as you can. But the way I look  
2           at this, I think what Representative Lynch has  
3           tried to do, and I guess what New York and the  
4           other states have done, is basically create a  
5           laundry list of violations. You have under  
6           Subsection 5, I think you have six subsections  
7           and then you have another 12 or 13 just under  
8           whether or not the vehicle used to transport  
9           the animals conforms to what it should.

10                   I'm not really concerned as to  
11           whether or not you get into a fight over  
12           sufficient insulation or adequate ventilation  
13           because, ultimately, if they're illegally or  
14           improperly transporting these horses, there's  
15           probably a host of things that you can come up  
16           with whether or not you can get to specifics of  
17           the ventilation or the insulation. There's  
18           probably several violations since there is a  
19           whole list to choose from. You may not have to  
20           fight about the ventilation in court. It may  
21           be something that's so obvious when you look at  
22           the circumstances, the totality of the  
23           circumstances. Is that generally what is  
24           happening?

25                   TROOPER GARCIA: That's what you are

1 hoping for. You have to look at the whole  
2 picture. You're hoping the judge or the jury  
3 will see it that way. The tighter the  
4 legislation is, the more defined it is, the  
5 easier for the enforcement of the section of  
6 the law.

7 REPRESENTATIVE MASLAND: Thank you.  
8 I have no further questions.

9 CHAIRPERSON GANNON: Representative  
10 Maitland.

11 REPRESENTATIVE MAITLAND: I just have  
12 a question for Trooper Garcia. Do you see a  
13 lot of repeat offenders? I think I heard in  
14 your comments there's a couple out there you  
15 see again and again.

16 TROOPER GARCIA: Yes, sir. It's  
17 usually the company. That's why I started  
18 arresting the driver as an agent of the owner,  
19 so we're arresting the corporation also. Then  
20 it's just a matter of time. You get them  
21 again, instead of being a hundred dollars per  
22 violation per horse, it goes to \$500 per  
23 violation per horse for the second and more  
24 offense. They keep changing drivers. If you  
25 arrest them as a corporation, you've taken care

1 of that.

2 REPRESENTATIVE MAITLAND: Is the  
3 penalty sufficient or is it profitable for them  
4 to pay the fine from time to time and take  
5 their chances?

6 TROOPER GARCIA: One operator out of  
7 Bainbridge, New York, he had a new trailer made  
8 which is -- reasonably, you have to still  
9 measure personally if you haven't measured it  
10 with a certified tape. He's trying to conform.

11 The Carper arrest back in 1997, he  
12 failed to pay his fines. He owes the Town of  
13 Schroon \$11,000 in fines. We filed a lien  
14 against the property in New Jersey.

15 REPRESENTATIVE MAITLAND: Thank you.

16 TROOPER GARCIA: Thank you.

17 CHAIRPERSON GANNON: Representative  
18 Masland.

19 REPRESENTATIVE MASLAND: Back to the  
20 trooper, you have specific wording in your  
21 legislation that says it's \$100 the first time,  
22 \$500 the second time. That's something I  
23 didn't notice in our draft. Maybe that's  
24 something we should consider.

25 TROOPER GARCIA: I believe it's a



1 maximum fine of a hundred dollars, and they  
2 say --

3 REPRESENTATIVE MASLAND: Per horse?

4 TROOPER GARCIA: Per horse. And a  
5 maximum fine of \$500 the second offense. Per  
6 the legislative intent, talking to counsel, Ag  
7 and Markets counsel in Albany--I've conferred  
8 with them, the ADA at the time conferred with  
9 them--the intent was per horse, per violation,  
10 per subsection.

11 So, he was arrested in 1997, he had  
12 40 head on. I didn't take him for the  
13 partitions I believe, or the two-tier, in the  
14 front and end sections of the trailer where  
15 it's single tier. I took him for the two-tier  
16 section where physically two tiers and horses  
17 in both of those tiers. That's how I got up to  
18 140 counts on the driver.

19 On the one back October of 1997, he  
20 had 32 horses on, I believe, two violations on  
21 the truck; partitions were over length, and he  
22 only had one door for egress. There wasn't a  
23 door on the other side sufficient for horses.  
24 Thirty-two horses, two counts, he's looking at  
25 a total of 64 charges; a hundred dollars if the

1 judge maxed the fine.

2 REPRESENTATIVE MASLAND: That's a  
3 little bit more significant. We have  
4 misdemeanor of the second degree or misdemeanor  
5 of the third degree where you have a maximum  
6 fine of a thousand or \$2,500.00 That's, at  
7 least the way I read it, it's significantly  
8 lower and probably something we should  
9 consider.

10 Do you have a separate tier? You  
11 have a first offense, then a second offense.  
12 Does it go up to a thousand dollars for the  
13 third offense, or do you just get a second or  
14 subsequent is \$500 per horse?

15 TROOPER GARCIA: Second or subsequent  
16 at the time. One day I'll rewrite the memo and  
17 send it down to Albany. The first one is a  
18 violation of the Ag and Markets Law. It's like  
19 dis con, like a traffic offense. It's just a  
20 violation. It's not really a criminal charge.  
21 That why we don't fingerprint.

22 The second time is still -- you're  
23 not classified misdemeanor in New York State,  
24 it's still not a principal offense so it's kind  
25 of hard to get records or calling back to see

1 if the guy has actually been arrested before  
2 unless you physically call, get on the phone  
3 and call up his local county justices at home  
4 or somewhere working out of their garage, or  
5 whatever. They are just laypeople doing the  
6 job and get the records from the court if they  
7 were arrested. It's a matter of just keeping  
8 track of who's been arrested where on a note  
9 pad. There's no database.

10 REPRESENTATIVE MASLAND: Thank you.  
11 I'll direct this to staff. One of the things  
12 we might want to consider in terms of  
13 amendments is looking at other states'  
14 recidivism rates. I imagine those who have  
15 stiffer fines that go up for the second and  
16 subsequent offense might have lower recidivism  
17 rates. If we just have a one thousand or  
18 twenty-five hundred dollar fine per event with  
19 the financial incentives that Representative  
20 Lynch talked about, that may not be enough to  
21 really stop somebody from doing this.

22 CHAIRPERSON GANNON: Representative  
23 Nickol.

24 REPRESENTATIVE NICKOL: No questions.

25 CHAIRPERSON GANNON: Representative

1 Caltagirone.

2 REPRESENTATIVE CALTAGIRONE: Just a  
3 statement. Having some French blood in my  
4 veins I find it very repulsive that, evidently,  
5 a lot of French, especially France, maybe  
6 Canada eat horse meat. I never did nor do I  
7 prefer to.

8 The other thing is, if I had my  
9 druthers, I would rather see us totally ban  
10 transportation of horses in this state for the  
11 purpose of slaughter and just put an end to  
12 that practice.

13 DOCTOR LOPEZ: California is looking  
14 at that very same option.

15 REPRESENTATIVE CALTAGIRONE: Thank  
16 you, Mr. Chairman.

17 CHAIRPERSON GANNON: Representative  
18 Walko.

19 REPRESENTATIVE WALKO: Thank you, Mr.  
20 Chairman. Trooper Garcia, you had mentioned,  
21 alluded to the fact that New York's law is not  
22 limited to any transportation -- or not limited  
23 to slaughterbound. Obviously, this proposed  
24 legislation is. I would like you to elaborate  
25 on the significance of that difference. Is it

1 significant? Will it undercut the meaning of  
2 this proposed legislation?

3 TROOPER GARCIA: From an enforcement  
4 standpoint, a practical standpoint, I wouldn't  
5 have slaughter in there. You'd have to get  
6 like a voluntary statement from the driver  
7 saying he was going to slaughter. If he's been  
8 had before, he's not going to go for it. Just  
9 transporting them in that condition they're  
10 going to get beat up whether they're going to  
11 slaughter or not.

12 The most important things would be  
13 not mentioning slaughter in the bill;  
14 partitions every ten feet or no more than ten  
15 feet. I would say no members of the family  
16 equine because it covers everything there;  
17 transporting trailer containing more than one  
18 tier. Whether or not they use the -- if they  
19 are using a two-tier, whether or not they are  
20 using one of the two tiers. Sometimes simpler  
21 is better. The basic ones you stick to are the  
22 easiest ones to prove.

23 REPRESENTATIVE WALKO: Thank you very  
24 much.

25 TROOPER GARCIA: Thank you.

1                   CHAIRPERSON GANNON: Thank you,  
2 Trooper Garcia and Doctor Lopez, for attending  
3 our hearing and presenting testimony about this  
4 important subject. We are going to take about  
5 a five-minute break. We'll resume at 11:15.

6                   (Short recess occurred)

7                   CHAIRPERSON GANNON: The committee  
8 will come to order. Our next witness is Carol  
9 Chapman. Welcome. Carol, you may proceed when  
10 you are ready.

11                   MS. CHAPMAN: Thank you, sir. Good  
12 morning, honored chairperson, members of the  
13 Judiciary Committee and guests: Thank you for  
14 allowing me the privilege of speaking before  
15 you today. Although I happen to be the Horse  
16 Forum Sys-Op (phonetic) for MSM Internet and  
17 also the proud owner and operator of a rather  
18 unique horse rescue facility in Connecticut and  
19 a systems analyst for a computer firm, I'm not  
20 speaking with any of those hats today. I'm  
21 speaking as a horse owner and what things I  
22 have seen with my own eyes and with my  
23 specialty with abused and stressed horses.

24                   I have observed firsthand the results  
25 of improper loading, trucking and lack of care

1 on the part of irresponsible horse haulers. My  
2 firsthand experience in the forum of horse  
3 transport has included:

4 Trailing my own horses from upstate  
5 New York to Connecticut; safely trailering a  
6 mare and a six-week old foal from one town to  
7 the next; doing emergency transport of a horse  
8 with a rupturing bladder from one end of my  
9 state to the other in the dead of the night;  
10 being on site when horses arrive at a slaughter  
11 plant; assisting in the care of the mangled  
12 results from a small-time pony ride operator  
13 that lost a pony out of the back of a decrepit  
14 trailer doing 60 miles an hour on a highway;  
15 watching them load by dragging downed horses  
16 out of the back of an auction house.

17 Up to a very short time ago one of  
18 the major horse slaughter plants in America was  
19 in the State of Connecticut. Due to some of  
20 the changes in hauling and some changes in  
21 feasibility and economics, that plant has since  
22 been shut down; the equipment has been  
23 dismantled; and it has been taken to Canada and  
24 reestablished up there. It passed a highway  
25 only a couple miles from where my farm is. I

1 saw more than one of those killer trailers  
2 heading down there.

3 Some of the horrors I have witnessed  
4 were due to the lack of caring on the part of  
5 killer-bound truck drivers and buyers, some due  
6 to ineptitude; some were caused by just plain  
7 ignorance. Regardless of the cause, the  
8 results were the same: Pain, suffering,  
9 anguish, and torture of a feeling, living  
10 being.

11 Monetarily, the loss of revenue on  
12 the part of the consignor of the killer-bound  
13 horses must also have an impact. The  
14 percentage loss of cargo on the truck I saw  
15 unloaded was over ten percent; and if that is  
16 an acceptable kill ratio on hauls to  
17 slaughterhouses, it displays graphically the  
18 enormous profit margin in that business.

19 Certainly, some of that profit could  
20 be spread to greater care of the cargo and  
21 recouped through the additional gain from  
22 delivering a higher percentage of live animals  
23 to the end destination.

24 I'm not here to address the ethics of  
25 slaughter; only the regrettable methods of



1 denial implemented in the unfeeling transport  
2 to it. To cram mares, intact stallions, foals  
3 together in a pasture is to invite injury just  
4 by the nature of the horse herd dynamics. Most  
5 responsible horse owners even segregate  
6 geldings from mares to cut down on pasture  
7 fights and resulting injuries. If a defeated  
8 horse cannot get away from the aggressor, fatal  
9 damage can result.

10 How much worse to invite injury and  
11 death by cramming them together in a tight, too  
12 low space with no place for the timid to  
13 retreat to and no way for a mother to protect  
14 her own baby from the fearful trampling of  
15 other horses' feet. The babies go down and  
16 others stand on them. The weak go down and  
17 their blood stains the feet of the stronger.

18 Stallions madly attack all that they  
19 perceive as aggressors to their territory and  
20 the screams of the strongest, of the  
21 fear-crazed animals does not drown out the  
22 anguished cries of the weaker. Horses are prey  
23 animals and the smell of fear and horse blood  
24 resurrects those ancestral memories and hell  
25 rides in that trailer with them. You can hear

1           them screaming on those trailers when they pass  
2           you on the road.

3                       Any vet will tell you that horses are  
4           sensitive animals. They can die from fear as  
5           readily as a rabbit, and the pain of colic  
6           brings tears to their eyes. A horse will go  
7           into depression at the loss of a herdmate, cry  
8           and search hopelessly for a lost baby and  
9           fiercely defend their herdmates. Horses care  
10          about their owners, pet dogs, goats, even cats.  
11          We discuss some people as being empathetic.  
12          There are people that seem to care more than  
13          others, that contain more joy, they suffer more  
14          sorrow.

15                      Empathy is a two-edged sword. It  
16          gives you higher heights, yet also lower  
17          depths. Horses are one of the strongest  
18          empaths of the animal kingdom and,  
19          consequently, the last ride we offer so many is  
20          equivalent to slowly flaying alive someone,  
21          exposing one raw bleeding nerve after another  
22          with no relief from the unending torment till  
23          death mercifully ends the pain.

24                      You all have the ability to change  
25          this torture to a humane ride that segregates

1           into safety, keeps the babies and their mothers  
2           off, stops the trampling of broken-legged  
3           horses, feeds the hungry, gives drink to the  
4           thirsty and rests the weary. You can make a  
5           difference between unending torment and quiet  
6           acceptance. I would like to think that some  
7           day soon horses in any form of transport in the  
8           State of Pennsylvania would travel in safety  
9           with their basic needs taken care of. When one  
10          of those trucks pass you on the road, you as a  
11          committee member will be able to smile at it  
12          and not have to bow your heads in shame at the  
13          sounds and smells that come out of it.

14                   A couple other things I'd like to add  
15          is that, although we are talking about the  
16          French Canadians, one of the reasons why on the  
17          West Coast they're -- California is considering  
18          it and some of the other states are looking at  
19          this is, we're shipping a lot of horses to  
20          Japan. They're considered a delicacy over  
21          there just like in Europe. Thank you very  
22          much.

23                   CHAIRPERSON GANNON: Thank you, Ms.  
24          Chapman. Representative Lynch, any questions?

25                   REPRESENTATIVE LYNCH: No questions.

1                   CHAIRPERSON GANNON: Representative  
2 Manderino.

3                   REPRESENTATIVE MANDERINO: No  
4 questions.

5                   CHAIRPERSON GANNON: Representative  
6 Steelman.

7                   REPRESENTATIVE STEELMAN: No  
8 questions.

9                   CHAIRPERSON GANNON: Representative  
10 Walko.

11                  REPRESENTATIVE WALKO: No questions.

12                  CHAIRPERSON GANNON: Representative  
13 Schuler.

14                  REPRESENTATIVE SCHULER: No.

15                  CHAIRPERSON GANNON: Representative  
16 Masland.

17                  REPRESENTATIVE MASLAND: I'll ask  
18 this question, but I don't know that there's  
19 anybody here that can really answer it. It was  
20 suggested by my intern, I think it makes  
21 sense--Holly is out there--and maybe this goes  
22 across all borders. I'm not a vegetarian. I  
23 should say that at the outset.

24                               But, is there any statistics or is  
25 there any study that shows that the quality of

1 the meat from, say, tortured horses or tortured  
2 animals who are not transported humanly is  
3 affected? Does that affect the quality of the  
4 meat at the marketplace?

5 MS. CHAPMAN: Actually, one of the  
6 tests that they do on horses is for  
7 stress-level toxins. That's totally aside from  
8 checking for quality of meat. But, with the  
9 type of horses that I do get through my  
10 facility, there are certain blood tests and  
11 blood levels that expose the level of toxins  
12 and the release of poisons into the blood from  
13 a stressed horse. Some of the things that we  
14 find in blood chemistries I certainly wouldn't  
15 be willing to eat something like that.

16 REPRESENTATIVE MASLAND: I just  
17 figured, obviously, stress and all sorts of  
18 different experiences cause humans, the adrenal  
19 glands and everything else, I don't know  
20 whether that would have an impact the same in  
21 animals. I would assume it would and I guess  
22 it does.

23 MS. CHAPMAN: Yes, it does.

24 REPRESENTATIVE MASLAND: Thank you.

25 CHAIRPERSON GANNON: Representative

1 Maitland.

2 REPRESENTATIVE MAITLAND: No  
3 questions.

4 CHAIRPERSON GANNON: Representative  
5 Nickol.

6 REPRESENTATIVE NICKOL: The  
7 slaughterhouse you talked about in Connecticut,  
8 I'm curious, was the meat intended for human  
9 consumption?

10 MS. CHAPMAN: Yes, sir, it was.  
11 AmFran did both human consumption and animal  
12 consumption. Their sanitary conditions were  
13 deplorable, to be kind. I witnessed them  
14 dragging dying and dead horses off the trucks  
15 and taking them right in to render them.

16 REPRESENTATIVE NICKOL: Does the USDA  
17 inspect the meat and oversee the slaughter of  
18 horses as it does, I understand, cattle?

19 MS. CHAPMAN: And chickens. We have  
20 problems with the integrity of cattle with  
21 E. coli and chickens with salmonella now from  
22 USDA inspection. So, I can't comment really on  
23 the quality of what they were doing.

24 REPRESENTATIVE NICKOL: With the  
25 closing of that slaughterhouse -- Are there many

1 slaughterhouses close to our area, close to  
2 Pennsylvania, within Pennsylvania that handle  
3 horses?

4 MS. CHAPMAN: I'm not aware of  
5 Pennsylvania directly on that. I will tell you  
6 that even with the closing of that  
7 slaughterhouse, two of our local auction houses,  
8 the killer buyers that used to come down to  
9 AmFran, I see them in your pictures at New  
10 Holland. They are still buying; they are still  
11 traveling. They're heading to Canada now.  
12 It's a long trip.

13 REPRESENTATIVE NICKOL: So, part of  
14 the problem perhaps with horses, in addition to  
15 their nature, may be the distance you have to  
16 transport a horse to slaughter is much greater  
17 than you would have to transport other animals.

18 MS. CHAPMAN: There are, and you will  
19 hear people speak after me, professionals that  
20 haul horses for a living long distance. They  
21 go from Florida to upstate New York, to  
22 Massachusetts routinely, safely and sanely.  
23 It's not necessarily the distance as it is the  
24 condition. Because, horse meat per pound has  
25 turned into an extremely lucrative business.

1                   A man can buy a horse in Agawam,  
2                   Massachusetts for \$150; transport it to the  
3                   slaughter and sell it by the pound for 800 to a  
4                   thousand dollars. That's an enormous profit  
5                   incentive. You have people hopping into it who  
6                   have less than humane reasons for what they are  
7                   doing, or less than rational businessmen.

8                   If you could make that big a profit  
9                   off of junked cars, you would see everybody  
10                  putting a hook on the back of your car and  
11                  running up there. It's an unregulated industry  
12                  in many states. My own particular horse I  
13                  happen to have bought out of the slaughter pen  
14                  and paid 85 cents a pound for her, just to give  
15                  you an idea.

16                  CHAIRPERSON GANNON: Representative  
17                  Caltagirone.

18                  REPRESENTATIVE CALTAGIRONE: No  
19                  questions.

20                  CHAIRPERSON GANNON: I believe  
21                  Representative Lynch had a comment on one of  
22                  the questions that were raised.

23                  REPRESENTATIVE LYNCH: Mr. Chairman,  
24                  I have a response to Representative Masland's  
25                  question about affecting the meat, and so



1           forth. I can't speak for horses, and I'm  
2           certainly not a biologist. I can surely speak  
3           on the case of venison for as many deer that I  
4           have shot. Deer under stress apparently emits  
5           some kind of chemicals or toxins into the body  
6           because they just don't taste good. Whether  
7           that affects the quality of the meat or not, I  
8           don't know, but it sure affects the aesthetics  
9           of it.

10                    REPRESENTATIVE MASLAND: I want to  
11           thank Representative Lynch for that. I said  
12           that I'm not a vegetarian. The longer this  
13           hearing goes, I may have to reconsider.

14                    REPRESENTATIVE LYNCH: If you want to  
15           keep going further along that track, you should  
16           read the book -- I forget the name of it. I  
17           just bought it here a couple weeks ago. I  
18           haven't read it yet. It's called  
19           Slaughterhouse. I'm not looking forward to  
20           reading it I'm afraid.

21                    CHAIRPERSON GANNON: One question.  
22           California, you had said that the reason they  
23           had done this is because there is a lot of --  
24           it was for the Japanese market. Are those  
25           horses transported live to Japan?

1 MS. CHAPMAN: No.

2 CHAIRPERSON GANNON: Are they  
3 slaughtered in California?

4 MS. CHAPMAN: They are slaughtered in  
5 Oregon right now. There are five major horse  
6 packing plants in Oregon that are shipping to  
7 Japan. They ship them on the same carrier  
8 ships that they are shipping a lot of the trees  
9 right now from Oregon.

10 CHAIRPERSON GANNON: Thank you.  
11 Thank you very much for joining us today and  
12 presenting your testimony to the committee. We  
13 appreciate it very much.

14 MS. CHAPMAN: Thank you.

15 CHAIRPERSON GANNON: The next  
16 witnesses on our schedule is Mr. Curtis G.  
17 Lange and Mr. Vance Berry with Brook Ledge  
18 Horse Transport. You may proceed.

19 MR. LANGE: Thank you, Mr. Chairman.  
20 My name is Curt Lange. I'm employed by Brook  
21 Ledge Horse Transportation. Brook Ledge is a  
22 Pennsylvania corporation. We haul horses all  
23 over the country. Basically we've been hauling  
24 horses for 40 years. We are one of the two  
25 largest commercial carriers in the United

1 States. We take horses to horse shows,  
2 racetracks, farms, anywhere in the country. We  
3 haul about half the Triple Crown horses all  
4 over the country. We hauled the Triple Crown  
5 this year.

6 Along the way, experience has taught  
7 us many valuable lessons regarding the hauling  
8 of horses. Interestingly enough, most of it  
9 involves common decency and common sense.

10 In some cultures the slaughter of  
11 dogs for human consumption is acceptable. Here  
12 in the U.S. it is not. In fewer cultures the  
13 slaughter of horses for human consumption is  
14 acceptable. Regardless, nowhere is it  
15 acceptable for any animal to be brutalized and  
16 tortured before being slaughtered.

17 The horse has been an integral part  
18 of our history and our heritage. A man's most  
19 prized possession was his horse. President  
20 Kennedy was taken to his final rest behind one.  
21 Right here in Gettysburg in 1863, thousands of  
22 horses perished alongside their companions  
23 fighting the Civil War.

24 We are here today to promote the  
25 humane transport of all horses to any and all

1 destinations. Commercial haulers such as Brook  
2 Ledge are generally hauling people's equine  
3 assets. It follows that as such, the animals  
4 are afforded clean, safe portage. Horses that  
5 are being shipped to slaughter are generally  
6 equine liabilities. Does it follow then that  
7 these animals that have been drained of their  
8 usefulness should be crammed onto inadequate  
9 trailers and afforded none of the comforts and  
10 essentials to which they had probably been  
11 accustomed? Of course it doesn't. That's why  
12 H.B. 2127 with several minor changes is a vital  
13 necessity.

14 By now you are familiar with the  
15 language of H.B. 2127. Similar laws with  
16 similar language already are on the books and  
17 are being enforced by our neighboring states.

18 That many horses are sold for  
19 slaughter within the Commonwealth is virtually  
20 unavoidable; that there are no viable laws on  
21 the books to protect them from inhumane  
22 transport is unacceptable.

23 My stake in this is that, before  
24 joining Brook Ledge six years ago I used to  
25 raise Standardbred racehorses in the state.

1 Prior to that I owned horses since I was a  
2 little boy. I used to go to New Holland. I  
3 cannot go there anymore because I have small  
4 children. If I want to take my kids, they  
5 can't go with me.

6 You were given a handout with three  
7 pages. Double-deck trailers like this have  
8 routinely been in New Holland and Middleburg.  
9 A month and a half, two months ago I watched  
10 one pull out with over 60 horses crammed on it.  
11 The way they get the horses into the bottom  
12 partition is with electric cattle prods, brutal  
13 whippings. If the horse has too many broken  
14 bones to get on himself, they throw a rope  
15 around their neck and drag them on.

16 It's an emotional thing for me. But  
17 it just doesn't make sense. I just wanted to  
18 come today and say that.

19 Mr. Berry also works for Brook Ledge.  
20 He's going to give you the nuts and bolts about  
21 the different types of trailers that are  
22 available today.

23 MR. BERRY: Thank you. All I do is  
24 haul horses. I run anywhere between 150,000  
25 miles and the most I've run is 310,000 miles in

1           one year. When you haul that much, you're  
2           living in the truck. You're constantly with  
3           them all the time.

4                    A lot of the questions that have been  
5           asked I can answer for you. One that comes up  
6           is the ventilation question. That's always  
7           coming up.

8                    Our trailers, the most you can haul  
9           on them is 15 head. You look at the diagram of  
10          the cattle trailer, it's the same size trailer,  
11          50 foot. These guys are putting 70 and 80 head  
12          on. All they have is cattle slots on the side.  
13          There's no way you can get enough air in that  
14          trailer. With 15 head on a day like this, you  
15          have to have every window open in the trailer,  
16          every Dutch door to get enough ventilation.  
17          You stop that trailer, those horses are going  
18          to start sweating. It doesn't take long.  
19          Trailers get warm. Horses put out a lot of  
20          heat.

21                   We water horses every five hours.  
22          That truck gets stopped; every horse is  
23          individually watered with a water bucket till  
24          he's had enough water. These guys are putting  
25          70 and 80 head on a trailer like this. On a

1 day that's 90 degrees that trailer will be  
2 anywhere from 120 to 130 degrees inside. It's  
3 like an oven. Those horses are going 25, 28  
4 hours, no water.

5 The horses are in there fighting;  
6 they're kicking. It's an ugly scene. A person  
7 could not crawl inside that trailer to pull a  
8 horse out. You would get stomped or killed or  
9 crushed trying to get around the trailer.

10 Our trailers are designed, you open a  
11 side door, you walk in. There's horses to your  
12 left, horses to your right. You are in an  
13 aisleway. You can water the horses, give them  
14 hay and take care of them the way they are  
15 designed to be taken care of.

16 As far as talking about the injured  
17 horses, I haul a lot of horses that are  
18 injured, broken legs. I've hauled horses that  
19 have been in barn fires. When you haul horses  
20 like that, you wouldn't throw them on a stock  
21 trailer and expect them to make the trip. You  
22 have to do it specially. That's why our  
23 trailers --

24 On page 2, our partitions move inside  
25 the trailers. We can make single stalls, stall

1 and a halves, and box stalls. Every horse has  
2 special needs so you can't make a trailer  
3 design and say this is the way it is. You have  
4 to be able to work with them.

5           You take a burnt horse, he's going to  
6 have problems, so you have to look at his  
7 problem. Can he stand on his own? Does he  
8 need support? Can he drink water?

9           When we haul a horse in a box stall,  
10 which is about eight foot by eight foot, you  
11 will hang a water bucket on the wall. That  
12 horse is free to walk again in his personal  
13 stall, drink water whenever he wants to drink  
14 water, eat hay because there's constantly hay  
15 back there with them.

16           Our trailers are air ride. They  
17 float. We hang water buckets and they don't  
18 spill. You have to take that into  
19 consideration that a stock trailer or the  
20 double-decker trailers are spring ride. They  
21 bounce so hard back there. If you ever see a  
22 truck pass you're going down the road and you  
23 see that trailer hopping, those wheels are  
24 coming off the ground, it's because they're  
25 spring ride. They're stiff. That bouncing can



1 take a horse and knock him to the ground.

2 That's why we have air ride.

3 Some of the other questions that were  
4 brought up, getting back to the injured horses,  
5 we have attendants. They're horse handlers,  
6 and their job is to get in the back of that  
7 trailer, to ride back there with those horses.  
8 They constantly keep an eye on the horses.

9 We are equipped with cameras. I have  
10 a camera on the dash of my truck. I can watch  
11 the load of horses at all times going down the  
12 road to see if there's a problem. If there's a  
13 problem, you stop and immediately cure it. You  
14 might have to take a horse and loosen him up or  
15 you might have to tighten him up. You don't  
16 just throw them on there, shut the doors and  
17 say adios, see you in New York. You don't do  
18 it that way.

19 The heights come up all the time.  
20 Most of your double-decker trailers are about  
21 five eight, five nine inside. I'm six two. I  
22 can't stand up in one. A horse is a lot taller  
23 than I am. It's like putting a basketball  
24 player in a Honda and trying to send him down  
25 the road. He's going to be real unhappy when

1 he gets off. It's like sticking him in a  
2 little box.

3 Our trailers are seven to eight foot  
4 inside. A horse can rear up. He's not going  
5 to hit his head on a double-decker trailer. A  
6 horse would rear up and hit that hard aluminum  
7 ceiling, they can actually crush their skull.  
8 When that horse falls and goes down on the  
9 ground, he's carpeting. The other horses just  
10 walk on him. It's no problem. It doesn't  
11 bother them at all. You can't do that. It's  
12 not the right way to do it.

13 As far as the cows and the hogs came  
14 up, most time you can take a load of cows and  
15 you have all your milk cows with your milk  
16 cows, your steers with your steers. Cows  
17 aren't really aggressive. You put them in a  
18 trailer, they all walk around; pigs oink, cows  
19 moo. Okay, they'll go along for the ride.

20 Horses have a domination factor. I'm  
21 going to be the boss. The next one says, no,  
22 I'm bigger than you and I'm tougher than you  
23 and I'm going to be the boss. Now you have a  
24 free-for-all going inside the trailer because  
25 they're all together; they're stuffed in there.

1                   When we load the horses, you take the  
2 horse out of the barn or the field. You hook a  
3 lead rope to him; you lead him up to the  
4 trailer. You walk up the ramp which is only  
5 about 18 inches high. You lead him into the  
6 trailer. You walk him right through the  
7 trailer and you back him into his stall.  
8 That's his stall; that's where he goes, and you  
9 put him in that spot. You chain him up; hang  
10 his hay bag, and he's ready to travel for the  
11 trip.

12                   The slaughters, they take them, they  
13 walk them up to the truck. When they get to  
14 the back of the truck, they take the rope off  
15 of them. They get behind them with a cattle  
16 prod, which is like grabbing a hold a 110  
17 electric line, and stick them with it. They  
18 are going in. When they get enough in there  
19 and they don't go anymore, you get a bigger  
20 cattle prod and you keep prodding them until  
21 you get the trailer loaded like you want it.  
22 There's no finesse, no kindness about it. It's  
23 like a production line. They're going on the  
24 trailer and they're going on now.

25                   MR. LANGE: You can see that the

1 dimensions, the actual outside dimensions of  
2 the stock cattle trailer and Brook Ledge and  
3 all commercial carrier-size trailers. They are  
4 about 50 feet long, and what are they, Vance,  
5 about eight feet wide?

6 MR. BERRY: Eight-foot wide.

7 MR. LANGE: Eight-foot wide. If we  
8 can comfortably get 15 horses in 50 by eight,  
9 imagine my shock when I was in Middleburg two  
10 months ago and watched them put 54 horses on a  
11 single-deck stock trailer with just one little  
12 doorway in the back, via the cattle prod  
13 loading method, and all of a sudden they opened  
14 the back door and they started going in and  
15 pulling them back out. This is like 11 o'clock  
16 at night. It's pouring down rain.

17 I was wondered, why are they taking  
18 these horses off the truck. They took 54  
19 horses off a single-deck stock trailer and put  
20 on 18 steers; then loaded the 54 horses right  
21 in with the steers, with no partitions.

22 It's not just the double-deckers.  
23 It's just that the legislation as it is written  
24 and proposed, the partitions, you have to have  
25 the partitions. The horses have to be

1           segregated. Right now that isn't happening.  
2           If you don't believe it, just go out to any of  
3           the auctions and watch the guys with the stock  
4           trailers--They don't have to be double  
5           deckers--and see how some horses are being  
6           taken to slaughter.

7                        But also the legislation, I mentioned  
8           there were some minor language changes. The  
9           vehicle standards have to apply to all horses;  
10          not just slaughterbound; otherwise, the killer  
11          buyers will deny that the horses are going to  
12          slaughter, and we won't be able to enforce the  
13          legislation. There's a lot of people,  
14          unfortunately, even if they aren't taking them  
15          to slaughter, they're bringing trailers to the  
16          sales, to the auctions that are inhumane.

17                       Really, I might disagree with some  
18          people. I think that the legislation has to  
19          deal with all horses; not just slaughterbound  
20          horses, because we're talking about inhumane  
21          treatment to horses.

22                       Obviously, if you look at the  
23          photographs I gave you, our trucks with 15  
24          stalls, people are paying money and seriously  
25          good money when they transport horses across

1 country. With the slaughterbound horses,  
2 they're obviously putting as many in as they  
3 can. As the speaker before us said, if you buy  
4 a horse for 200 and less than 24 hours later  
5 sell it for 800, let's cram those suckers in  
6 there. It's the point of being a little  
7 absurd. Unfortunately, it's a necessary evil.  
8 It's a dirty little thing that happens with  
9 horses when they are too old to be used  
10 anymore.

11 Me personally, when I had race horses  
12 that were not able to race anymore, I had them  
13 euthanized and I buried them at my expense.  
14 But a lot of people feel they like to squeeze  
15 that last couple hundred bucks out of the horse  
16 that may or may not have done much for them and  
17 they sell them for slaughter.

18 That's fine, but the horses should  
19 not be asked to make that last ride standing on  
20 top of one another; pregnant mares standing  
21 next to stallions; newborn babies crushed by  
22 draft horses. If you saw it a few times, you  
23 would feel the same way I do.

24 MR. BERRY: Any questions?

25 CHAIRPERSON GANNON: Thank you.

1 Representative Lynch.

2 REPRESENTATIVE LYNCH: Nothing, Mr.  
3 Chairman.

4 CHAIRPERSON GANNON: Representative  
5 Manderino.

6 REPRESENTATIVE MANDERINO: Thank you.  
7 I'd like to talk a little bit about economics,  
8 if you have the information to help me. The  
9 built specifically for horse transport Eby  
10 trailer that you've shown us, which is a  
11 standard kind of trailer, what does one of  
12 those cost, do you know?

13 MR. BERRY: Probably ninety to a  
14 hundred thousand.

15 REPRESENTATIVE MANDERINO: I realize  
16 that it depends on distance, but is there any  
17 either formula or idea that you can give us for  
18 if you have a full load of one of those with 15  
19 head, what it costs to transport it?

20 MR. LANGE: To go from where to  
21 where?

22 REPRESENTATIVE MANDERINO: I realize  
23 that that is a question. I don't know how you  
24 do it in your business, but you must have some  
25 sort of formula of so much per mile or

1 something.

2 MR. LANGE: It's a number of factors.  
3 It's the number of animals on the vehicle.  
4 It's the number of miles, and it's also whether  
5 the truck had to drive empty all the way from  
6 Pennsylvania to Chicago to pick up this load of  
7 horses or whether it took a load out.

8 REPRESENTATIVE MANDERINO: Just give  
9 me an idea for a full truck.

10 MR. LANGE: For a full truck to go to  
11 Florida from here would probably cost you three  
12 thousand, \$4,000.00. Unless you called me  
13 tonight and said this horse is in a huge state  
14 race tomorrow --

15 REPRESENTATIVE MANDERINO: I'm not  
16 talking about state racehorses. I'm talking  
17 about horses --

18 MR. LANGE: We like those calls.

19 REPRESENTATIVE MANDERINO: I  
20 understand that. I understand how you are  
21 transporting them but I'm asking the questions  
22 of, if you were transporting even to slaughter  
23 horses in this kind of trailer; one, you know  
24 it's going to be full, so I can make that  
25 assumption. Two, it's probably only going one



1 way.

2 MR. LANGE: It's going one way. I'd  
3 say the mileage they probably get full like  
4 that is probably five or six miles to the  
5 gallon, so how far is it from here, from New  
6 Holland to Montreal? How far is it from New  
7 Holland to Illinois? I don't have the exact  
8 mileage.

9 But again, you have to remember that  
10 they're buying these horses for a fraction of  
11 what they're selling them for. If they did  
12 have to spend money to improve their trailers  
13 to get them up to snuff, it might cut into  
14 their profit margin for a few months.

15 REPRESENTATIVE MANDERINO: That's  
16 what I'm trying to determine. Even though you  
17 shared with us a picture of a double load, I'm  
18 assuming you don't have information with regard  
19 to the cost of one of these vehicles and the  
20 cost to transport with one of these vehicles?

21 MR. LANGE: I would say one of these  
22 double-deckers new as it sits right there  
23 probably costs about \$60,000, and a straight  
24 box without the double-decker is probably about  
25 forty, \$45,000.00.

1                   REPRESENTATIVE MANDERINO: With your  
2 suggestion that the legislation apply not just  
3 to horses transported to slaughter but to all  
4 horses, I would assume then that you would also  
5 be suggesting recommendations in terms of the  
6 partitioning? For example, this legislation  
7 isn't talking about individual partitioning.

8                   MR. LANGE: No, but the legislation  
9 is talking about partitions every 10 feet.  
10 That would be satisfactory. What we have is  
11 optimum, and what the other commercial carriers  
12 have is optimum.

13                   In fact, whereas, our truck can be  
14 made into 15 stalls, most trainers do not elect  
15 to put 15 horses in 15 stalls. They elect to  
16 have us change the partitioning so they only  
17 can put eight to ten horses in there to give  
18 them even more room. A ten-foot section, and  
19 then if the animals are segregated by sex and  
20 by type, I could live with that. That would be  
21 amenable to most of us, I'm sure.

22                   REPRESENTATIVE MANDERINO: If  
23 partitioning is movable and can be accomplished  
24 in various ways like you suggest, what is your  
25 question or opinion with regard to the

1 transport of some of the things that were in  
2 the legislation, the transport of younger  
3 animals, the transport of blind animals, the  
4 transport of injured animals if they were  
5 partitioned out?

6 MR. BERRY: I can tell you as far as  
7 blind animals, I have hauled blind horses  
8 before. When you take a blind horse, first off  
9 you got to get him in the stall because he  
10 doesn't know you are coming. You have to walk  
11 real easy with them. It takes a long time to  
12 load one. He's got to trust you. You got to  
13 show him that he's going up a ramp. You have  
14 to lift his head up a little bit, help him  
15 along, back him in. Once he is backed in, if  
16 you go to put another horse aside of him, he  
17 has to know that that horse is coming. Try  
18 closing your eyes and somebody puts you in a  
19 strange room and have you run around.

20 As far as the way they do it, they  
21 take that horse up to the back of the truck,  
22 hit him with a cattle prod and send him.

23 REPRESENTATIVE MANDERINO: I'm not  
24 talking how they do it. I'm talking about how  
25 it can be done. My question is, is what you're

1           suggesting to me that yes, blind horses can be  
2           transported--it's done every day--but if you do  
3           it, you have to do it under special conditions  
4           that protects the horse who might need  
5           protections greater than a sighted horse.

6                     MR. BERRY: Yes, you would need that.

7                     REPRESENTATIVE MANDERINO: While a  
8           ten-foot stall with a couple horses in it may  
9           be appropriate for a sighted horse, an  
10          individual partitioned stall would be  
11          appropriate for transport of a nonsighted  
12          horse?

13                    MR. BERRY: Right.

14                    REPRESENTATIVE MANDERINO: How about  
15          an injured horse?

16                    MR. BERRY: Injured horses shouldn't  
17          go.

18                    REPRESENTATIVE MANDERINO: Because  
19          why?

20                    MR. BERRY: When we do it, they have  
21          their own stalls and they have special care  
22          taken for them. These guys are taking injured,  
23          broken leg or whatever. They throw them on,  
24          turn them into a stall with three other horses,  
25          five, ten. You know, a lot of them just turn

1           them all loose. That horse is at such a  
2           disadvantage to start with, just the horses  
3           moving around the trailer --

4                    REPRESENTATIVE MANDERINO: Can an  
5           injured horse go into an individual stall in a  
6           multicompartment trailer?

7                    MR. BERRY: I wouldn't recommend it.

8                    REPRESENTATIVE MANDERINO: Why?

9                    MR. BERRY: It's just the injury  
10          factor.

11                   REPRESENTATIVE MANDERINO: Further  
12          injury to that horse?

13                   MR. BERRY: Further injury. Our  
14          horses are facing front and back. When they  
15          put them in a double-decker trailer --

16                   REPRESENTATIVE MANDERINO: I'm  
17          talking about this kind of trailer. Stay away  
18          from a double-decker trailer. How about an  
19          individual height trailer, whether it's  
20          individual partitions --

21                   MR. BERRY: These are facing front  
22          and back. They have their own stall and  
23          everything is air ride and they're being  
24          watched after. You have to drive real easy.  
25          You just go around a corner too fast, you can

1 take 15 head and knock them right off their  
2 feet.

3 MR. LANGE: If it's a weight-bearing  
4 injury where the animal comes up onto the truck  
5 on two legs or three legs, then the only way  
6 and we have transported horses that were that  
7 bad to the university for x-rays or sometimes  
8 to be put down, they actually will try to  
9 fashion a sling. As Vance said, they'll have  
10 people ride back there. Sometimes they'll put  
11 bales of straw under the horse's chest and  
12 everything to help them if they do lose their  
13 balance. But, it's not a really great way to  
14 travel.

15 REPRESENTATIVE MANDERINO: Going back  
16 to your original suggestion that you would --  
17 if you were to fashioning legislation, you  
18 would fashion legislation that applied to all  
19 horses and not just horses that go to  
20 slaughter, humane transport of all horses.  
21 Then assuming that you can come up with a  
22 standard that's agreeable with regard to the  
23 humane transport of all horses, given the  
24 condition, then you're not getting into the  
25 judgment call of whether or not I personally

1 think a horse should be put down and buried  
2 versus go to a slaughterhouse, et cetera,  
3 because I am transporting them in equal fashion  
4 in a way that is humane given their particular  
5 conditions?

6 MR. LANGE: Repeat the question.

7 REPRESENTATIVE MANDERINO: The  
8 question is, is it really a standard of safe  
9 transport of -- It seems to me it makes more  
10 sense to define a standard of safe and humane  
11 transport of a horse regardless of their  
12 destination than to make rules like, blind  
13 horses can't go to slaughter, an injured horse  
14 can't go to slaughter.

15 If a blind horse can get in a trailer  
16 to go somewhere else and an injured horse can  
17 get in a trailer to go to the vets, then the  
18 issue is not what their condition is and where  
19 their destination is, but how they're  
20 transported in getting there; is that not  
21 correct?

22 MR. LANGE: What we should do then is  
23 have one trailer and that's where all the  
24 horses with all the broken legs go so we can  
25 throw them in like firewood. Then we'll have

1 another trailer for the blind horses. All I'm  
2 saying is, you can't intermingle. You can't  
3 mix perfectly sound, five-year old draft horses  
4 that are 18 hands high with a horse with two  
5 broken legs that can't stand up with a pregnant  
6 mare or with a baby that's this big  
7 (demonstrating). They can't be intermingled.  
8 That's the whole point.

9 REPRESENTATIVE MANDERINO: I under-  
10 stand that. What I'm trying to understand,  
11 given my limited knowledge of horses, is  
12 whether intermingled in the case that you are  
13 using it means in the same 50-by-8 trailer or  
14 in the same partition within that 50-by-8  
15 trailer? Do you understand what I'm saying?

16 MR. LANGE: Yes. I have to go back  
17 to my opening statements. Really, I don't mean  
18 any disrespect within the bounds of common  
19 sense and common decency. I have watched  
20 people take horses that cannot stand and drag  
21 them onto a trailer to go to be slaughtered.

22 A horse owner whose horse had two  
23 broken legs would realize, and if it was their  
24 horse and they cared about it, that they  
25 weren't going to drag it with a rope by the



1 neck onto a trailer to take it somewhere.  
2 They're going to call a vet and pay \$50 to have  
3 the horse put to sleep.

4 I'm just saying, I think there has to  
5 be some determination that certain horses are  
6 not fit enough to travel.

7 REPRESENTATIVE MANDERINO: That's  
8 where I'm trying to get you.

9 MR. LANGE: Yes. Yes.

10 REPRESENTATIVE MANDERINO: So I did  
11 understand you that fitness to travel for a  
12 blind horse, a horse that can't see, is only an  
13 issue of protection. Fitness to travel of a  
14 maimed horse may be a whole other question  
15 about the humane treatment of the animal?

16 MR. BERRY: Right; plus, your local  
17 farm, Hanover Shoe or something, they're not  
18 going to ship horses that are that bad. That's  
19 their livelihood. They are not going to take a  
20 horse that's that bad and throw them on a  
21 trailer with ten other horses and wave to them  
22 going out the driveway. They're not going to  
23 do that.

24 Slaughter people are the ones that  
25 are going to do that. If it's your pet, you're

1 not going to do it.

2 REPRESENTATIVE MANDERINO: Thank you.  
3 Thank you, Mr. Chairman.

4 CHAIRPERSON GANNON: Representative  
5 Steelman.

6 REPRESENTATIVE STEELMAN: I'm just  
7 wondering when we're talking about some of  
8 these issues that Representative Manderino  
9 brought up, maybe a compromise position is  
10 that, sound horses can safely travel in groups  
11 partitioned off from other groups of different  
12 types.

13 But, I think what I perhaps hear you  
14 saying is that, not that blind horses or  
15 injured horses should never travel, but that  
16 they should always travel in individual  
17 partitioned stalls if they have to be moved.  
18 Actually, effectively, that would probably take  
19 them out of the slaughter business because the  
20 slaughter buyers aren't going to partition off  
21 individual stalls for those horses.

22 MR. BERRY: You can't really say they  
23 can't ship because, the guy's got a blind  
24 horse; or the horse is fine and he runs into a  
25 stick in the back field and it pokes his eyes

1 out. Now all of a sudden you can't say, I'll  
2 tell you what, you better get a vet out here  
3 because you are not going to the university  
4 because that horse is blind. You can't leave  
5 the farm. You have to watch how you word it  
6 that way too.

7 REPRESENTATIVE STEELMAN: Right.

8 That's what I'm thinking because Representative  
9 Manderino is sort of focusing on the difference  
10 between your operation and, as you said, you  
11 are really providing optimum travel conditions  
12 for horses.

13 MR. BERRY: Right.

14 REPRESENTATIVE STEELMAN: Slaughter  
15 shippers are providing the absolute worst  
16 conditions for horses. My trainer is kind of  
17 in the middle. When we go off to a show we do  
18 not go in a 60-foot long air ride trailer. We  
19 go in about a 30-foot, six-horse slant trailer.  
20 It's spring ride, but nobody ever falls down  
21 and nobody ever gets in serious fights or has  
22 trouble.

23 There's also an area where, if we are  
24 going to expand this legislation, we need to be  
25 thinking about what is general good practice

1 and how can we write language that insures good  
2 practice without necessarily requiring  
3 everybody to get rid of all the trailers  
4 they've got already and invest in something the  
5 size and cost of yours.

6 MR. BERRY: That's not what anybody  
7 wants here. You just got to watch that you  
8 don't have a law that is so strict that you  
9 have -- You know, the guy down the street with  
10 a two-horse trailer and his two girls want to  
11 take the pony down to the 4-H show. All of a  
12 sudden you've got the law so strict that the  
13 guy can't even get the truck out of his  
14 driveway, and it's a flower planter now.

15 REPRESENTATIVE STEELMAN: Right,  
16 sure. At some level, by focusing on horses  
17 going to slaughter we were trying to avoid that  
18 problem. I'm hearing from the questions of  
19 other members on the committee that it actually  
20 may be a problem that we need to address, the  
21 general issue of transportation.

22 MR. LANGE: One point in question.  
23 The gentleman Frank Carper that the trooper was  
24 talking about, one who they are looking for in  
25 New York, he traditionally comes over to

1 Pennsylvania to buy his horses and then he goes  
2 back to New Jersey and he will choose some of  
3 them to stay, and he sells them as what are  
4 called hack horses to little riding stables,  
5 and the ones that don't have enough desirable  
6 characteristics, he then takes on to the  
7 slaughterhouses. So, if he was asked at the  
8 pick-up point, are these horses slaughterbound?  
9 Absolutely not. These are going to my farm in  
10 New Jersey. Well, then, let's make the trailer  
11 have to be legal.

12 You know what I'm saying? You can  
13 get right around their thumb. They're not  
14 going to slaughter. They're going to a farm in  
15 upstate Pennsylvania where they're going to  
16 wait until the middle of the night so the  
17 troopers are not watching and then we'll go.  
18 No, we're not slaughterbound. We're going to a  
19 farm in upstate P.A.

20 It's a tough question. We just  
21 wanted to make sure that you folks can nail  
22 down the right wording so that we don't, as he  
23 said, make a cumbersome, burdensome law, but  
24 yet, we cover all the bases so these people  
25 can't slip through.

1                   REPRESENTATIVE STEELMAN: I see what  
2                   you're saying. One other thing, when you  
3                   accept a horse for shipment, what kind of  
4                   health certificate do you require from the  
5                   owner or the trainer before that horse gets on  
6                   the truck and why?

7                   MR. BERRY: You need a coggins within  
8                   one year.

9                   REPRESENTATIVE STEELMAN: For  
10                  everybody here who doesn't have horses, what's  
11                  a coggins?

12                  MR. BERRY: Coggins is actually a  
13                  blood test on the horse. They do blood tests  
14                  for equine infectious anemia and some other  
15                  things and say, okay, he's healthy. They make  
16                  that test good for one year. That's a federal  
17                  law. You have to have a coggins to take a  
18                  horse anywhere.

19                  The other piece of paper you have to  
20                  have is a health certificate. Health  
21                  certificate, the vet comes out to your farm,  
22                  takes his temperature, looks him over, says he  
23                  good and healthy. He writes it up. That's  
24                  good for 30 days. From the time that's taken  
25                  that's good for 30 days. By rights, if you

1 move that horse off your farm, you should have  
2 a coggins and a health certificate.

3 Now Pennsylvania, you cross into New  
4 York nobody bothers you; Ohio. You go to  
5 Kentucky, it's very common to be going down the  
6 road, see the ag man pull up behind you, throw  
7 the lights on, pull you over, says, I want to  
8 see the coggins and your health papers for the  
9 horses and Bill of Ladings. You give him  
10 everything; he looks at it; checks the horses  
11 and sends you on your way.

12 The State of Florida, you don't have  
13 a coggins and a health certificate, you are not  
14 getting into the state. And you will not get  
15 out of the state without it.

16 REPRESENTATIVE STEELMAN: So the  
17 health regulations, the requirement for the  
18 equine infectious anemia test and health  
19 certificate are federal laws that are supposed  
20 to be enforced by the state Agriculture  
21 Department in the individual states?

22 MR. BERRY: Right. Some states are  
23 tougher than others, but that's just the way  
24 they do it. It's not saying it's right or it's  
25 wrong, but anybody can pull you over and ask

1 you for it at all times.

2 Some states feel like, say Ohio or  
3 Indiana, where you don't have a whole lot of  
4 horse traveling, it would be almost foolish for  
5 them to have an ag station; to be paying guys  
6 to sit there 24 hours a day to check you when  
7 you come into the state because it would be  
8 foolish for them to have a port of entry like  
9 that.

10 Where Florida, there's only three  
11 main highways into Florida that 90 percent of  
12 your horses travel: Interstate 10, Interstate  
13 75 and Interstate 95. Ninety percent of your  
14 horses that go into the state go in on those  
15 routes. It's very easy for them to control  
16 them; plus, it's a peninsula state. If it's  
17 going in that way, it's coming out. It's very  
18 easy for them to control that. That's why they  
19 do it that way.

20 REPRESENTATIVE STEELMAN:

21 Pennsylvania, of course, also has a large horse  
22 industry. But, when I've talk to the people at  
23 the Department of Agriculture about the  
24 enforcement of some other regulations, they  
25 usually talk about how they don't have all that



1 many personnel. Have any of your trucks ever  
2 been stopped in Pennsylvania and asked --

3 MR. BERRY: Yes, I have been stopped  
4 already and asked at a weigh station or  
5 something. They'll say, do you have the  
6 paperwork for the horses? You hand it to them;  
7 they look at it and give it back to you and  
8 send you on your merry way. It's no big deal.

9 REPRESENTATIVE STEELMAN: If you have  
10 the certificates.

11 MR. BERRY: Right. I've never had it  
12 where I didn't have them.

13 MR. LANGE: We won't pick a horse up  
14 if they don't have the necessary paperwork  
15 because we would then compromise the rest of  
16 the load. Maybe there's 15 other horses on  
17 there and we could sit and wait for a vet to  
18 come out and give us the necessary paperwork to  
19 proceed if we have one that's missing a  
20 coggins.

21 REPRESENTATIVE STEELMAN: Thank you,  
22 Mr. Chairman.

23 CHAIRPERSON GANNON: Representative  
24 Schuler.

25 REPRESENTATIVE SCHULER: Thank you,

1 Mr. Chairman. Touching on the state laws, you  
2 are a professional transportation industry of  
3 horses, right?

4 MR. BERRY: Equine relocation  
5 technician.

6 REPRESENTATIVE SCHULER: Thank you  
7 for that enlightenment. What other state laws  
8 are you required to follow in the  
9 transportation of these horses?

10 MR. BERRY: We have to follow all the  
11 state trucking laws, the federal, D.O.T. state  
12 trucking laws.

13 REPRESENTATIVE SCHULER: I'm not  
14 familiar with them. How would that relate to  
15 the transportation of horses?

16 MR. BERRY: We have to follow all the  
17 transportation laws for driving a truck to  
18 begin with, logbooks.

19 REPRESENTATIVE SCHULER: I  
20 understand.

21 MR. BERRY: Then whatever the state  
22 requires. Most times, though, if you have a  
23 health and coggins, unless you are going to  
24 Canada, then you need a federally endorsed  
25 health certificate. It has to be made up by a

1 federal veterinarian. It has to be endorsed by  
2 a federal veterinarian. You need that to go  
3 into Canada. Other than that --

4 REPRESENTATIVE SCHULER: There's no  
5 laws in Pennsylvania that require that the  
6 animals be watered?

7 MR. BERRY: I don't really know if  
8 there's any laws that say that. I have done it  
9 for 14 years, and we stop every five hours and  
10 water them. Whether there is a law I couldn't  
11 tell you. We do it.

12 REPRESENTATIVE SCHULER: One of the  
13 arguments I hear is, we have enough laws to  
14 address this issue. They're just not being  
15 enforced. Whether that's factual or not, I  
16 don't know. That's what I'm trying to get at.  
17 I have heard that from different individuals,  
18 different people involved in this industry. I  
19 thought maybe you could give me some idea  
20 whether they have an accurate -- if that's an  
21 accurate assessment. I don't know.

22 MR. BERRY: I would say it is. See,  
23 we're commercial carriers. Most times your  
24 local law enforcement, state police or  
25 whatever, even your Department of Agriculture,

1           they know us. We have been in business for 40  
2           years. They know us and they know that we're  
3           not going to do it without it. It's not worth  
4           jeopardizing the load for it. Most times they  
5           won't even really bother us. They'll ask for  
6           your paperwork and check things out, but that  
7           will be about it because they know that you  
8           have everything.

9                         REPRESENTATIVE SCHULER: I'd just  
10           like to get -- maybe some other people who are  
11           going to testify will have that answer. That's  
12           one of the arguments that I have heard, and  
13           I've read in the newspaper that they're  
14           claiming there are enough laws now that we  
15           don't need anymore. I don't know if that's a  
16           true statement or not. Thank you. That's all  
17           I have.

18                        MR. BERRY: You can more than likely  
19           go out tomorrow, buy yourself a little  
20           gooseneck trailer and a new pick-up truck, go  
21           put a horse on it and travel across the  
22           country. The only place you're going to get  
23           stopped is probably Kentucky or New Mexico.  
24           Other than that, nobody is going to bother you.  
25           You may not have paper on it; right on down the

1 road.

2 REPRESENTATIVE SCHULER: If I was --  
3 I'm not, but seems to me if you see a truckload  
4 of starving animals, there ought to be some  
5 kind of mechanism -- Don't we have a state law  
6 dealing with inhumane treatment of animals?

7 MR. BERRY: Hey, you're getting the  
8 idea. That's what we're working on now.

9 REPRESENTATIVE SCHULER: I thought  
10 there were already laws to address some of  
11 those issues.

12 MR. BERRY: No.

13 REPRESENTATIVE SCHULER: That's where  
14 I'm confused.

15 MR. BERRY: If there is, I've never  
16 seen it.

17 MR. LANGE: I don't think they deal  
18 with the specifics of the trailers. I really  
19 don't think -- I think there's some things --

20 REPRESENTATIVE SCHULER: That's what  
21 I want to get, those some things.

22 MR. LANGE: There's going to be a  
23 speaker coming later that will have answers to  
24 those questions.

25 REPRESENTATIVE SCHULER: That's all.

1 Thank you.

2 CHAIRPERSON GANNON: Representative  
3 Masland.

4 REPRESENTATIVE MASLAND: Thank you,  
5 Mr. Chairman. I have two quick questions. The  
6 first question is, this design for this trailer  
7 that is not yours, actually from listening to  
8 the testimony, as bad as it is, it's not as bad  
9 as it gets; is that correct? There are a lot  
10 of worse trailers out there that can transport  
11 horses?

12 MR. BERRY: This is the bad one.  
13 This trailer is not designed for horses.

14 MR. LANGE: That's a pig trailer.

15 REPRESENTATIVE MASLAND: I understand  
16 that. It looks like they have some partitions  
17 in there, and I just got the impression that  
18 some of these trailers they just pack them on  
19 from the back to the front.

20 MR. LANGE: They do.

21 MR. BERRY: These partitions are  
22 deceiving on the patterns the way it looks in  
23 here. They basically -- everything that you  
24 see there where it's opened up, they just stuff  
25 it full. These were made for cattle and hogs.

1                   MR. LANGE: Most of those partitions  
2 are so easily removed, that if you were to stop  
3 ten of them in a row, you'd probably find eight  
4 of them that have the partitions out because  
5 they don't want any wasted space.

6                   MR. BERRY: There's a lot of them --  
7 partitions to get around it. They'll say they  
8 have to have partitions. They put them in with  
9 rope or baling twine or something and say, hey,  
10 there's my partition wall. Horse nibbles on it  
11 a couple times, it's down and they're walking  
12 on it.

13                   REPRESENTATIVE MASLAND: Another one.  
14 You talked a little bit about the potable water  
15 with Representative Schuler. You do it every  
16 five hours. The bill says every 12 hours. Is  
17 that a bare minimum, every 12 hours? Is that  
18 okay or should it be ten? Any thoughts on  
19 that?

20                   MR. LANGE: According to a lot of  
21 veterinárian studies it can be longer. Again,  
22 we are hauling people's equine assets. The  
23 slaughterbound fellows are hauling liabilities.  
24 If we bring a horse in that's worth \$4 million  
25 and he's dehydrated and he's racing in two

1 days, we don't get paid. It's in our best  
2 interest to stop.

3 Also, an animal, a horse will not  
4 void himself while the truck is moving. So we  
5 will stop every five hours so that they can  
6 drink and void themselves, because we all know  
7 how it feels when you have to go to the  
8 bathroom. A horse can go longer than 12 hours,  
9 but I think 18, 20 hours would be like the  
10 maximum.

11 Again, it depends on the type of  
12 weather you are traveling in. If it's bitterly  
13 cold or extremely hot, that also would  
14 contribute. Again, it's common sense. But  
15 horses that are slaughterbound, there's very  
16 little common sense exhibited because they  
17 don't even care what they are that are back  
18 there. They're just taking them to quadruple  
19 their money or more in a short period of time.

20 REPRESENTATIVE MASLAND: I haven't  
21 traveled to Montreal lately, but southern  
22 Pennsylvania to Montreal maybe that is just 12  
23 hours and maybe they can do a straight shot  
24 without having --

25 MR. LANGE: It's not just Montreal,



1 and it's probably not just horses that are for  
2 human consumption. There's a slaughterhouse in  
3 Texas and it takes quite a lot of time to get  
4 to Texas. It takes a little longer to get to  
5 Illinois. So, it is an issue. They should  
6 have clean water at some point.

7 MR. BERRY: From our area Montreal is  
8 as close as it gets. As far as going to a  
9 slaughterhouse, a lot of these trucks aren't  
10 just coming out of New Holland. They're coming  
11 out of Virginia, the Carolinas.

12 MR. LANGE: And traveling through  
13 Pennsylvania.

14 REPRESENTATIVE MASLAND: Do you think  
15 we need standards in this bill for ERT license  
16 like you have, equine relocation technician?  
17 Just kidding. Thank you.

18 CHAIRPERSON GANNON: Representative  
19 Maitland.

20 REPRESENTATIVE MAITLAND: Thank you,  
21 Mr. Chairman. I just wanted to ask where you  
22 are located, where your company is?

23 MR. LANGE: We are in Oley, Penn-  
24 sylvania. It's our main base of operations.  
25 Dennis Leh is our rep. We have a terminal in

1           Lexington, Kentucky, and a terminal in Ocala,  
2           Florida.

3                   REPRESENTATIVE MAITLAND: Thank you.

4                   CHAIRPERSON GANNON: Representative  
5           Nickol.

6                   REPRESENTATIVE NICKOL: I was  
7           interested in these diagrams that you presented  
8           us. You testified, I guess a worse case  
9           scenario you could pack you said 54 horses and  
10          18 head of cattle at the one point in one of  
11          these trailers. In the best case, in your  
12          economy model you'll have 15 horses.

13                   Under the standards of this bill with  
14          a similar-sized trailer, if I were trying to  
15          push to maximize my profit, with average-sized  
16          horses, how many horses under this bill could I  
17          fit in a similarly-sized trailer?

18                   MR. BERRY: Probably about 25 to 30.  
19          I'm not really sure. Just guessing, 25 to 30,  
20          somewhere in that neighborhood.

21                   MR. LANGE: If all they had was a  
22          partition every ten feet and no --

23                   MR. BERRY: Plus, you wouldn't have  
24          your double-decker anymore either.

25                   MR. LANGE: Right. You could

1           probably could get 25 or 30 average-sized  
2           horses.

3                         REPRESENTATIVE NICKOL:   You are  
4           familiar with New Holland.   I'm curious.   Is  
5           this an increasing industry transporting horses  
6           for slaughter, or is this something that's been  
7           with us for years?

8                         MR. LANGE:   Been with us for years.

9                         MR. BERRY:   It's been with us for  
10          years, but it seems like now that the price of  
11          horse meat is going up, there's more interest  
12          to get a quick profit.   From what I understand,  
13          the price of horse meat is like four or five  
14          dollars a pound until you get it overseas.  
15          These guys make a quick buck on it.   It's an  
16          easy buck.

17                        MR. LANGE:   Unfortunately, what's  
18          happened is, a lot of people that just want to  
19          have a backyard horse, they want to get a horse  
20          for their son or daughter, where they were able  
21          to go to New Holland and pick one up for five  
22          or \$600, now they're playing a different game  
23          because the killers are spending up to a  
24          thousand, twelve hundred in some cases because  
25          the price of horse meat has risen.   And a lot

1 of people have become turned off. It is an  
2 emotional issue.

3 Since we are in the horse business,  
4 I've talked to a lot of people all over the  
5 country. A lot of people are very -- This is  
6 something that public opinion is very much  
7 against.

8 REPRESENTATIVE NICKOL: Thank you.

9 CHAIRPERSON GANNON: Representative  
10 Caltagirone.

11 REPRESENTATIVE CALTAGIRONE: I want  
12 to mention I also come from Berks County and  
13 I'm from the City of Reading. Welcome. I  
14 enjoyed your testimony.

15 CHAIRPERSON GANNON: I have a  
16 question. I'm still confused. You had said  
17 that before you can transport a horse you have  
18 to have this blood test and you have to some  
19 kind of --

20 MR. BERRY: Health certificate.

21 CHAIRPERSON GANNON: -- health  
22 certificate.

23 MR. BERRY: Yes, sir.

24 CHAIRPERSON GANNON: If you go into  
25 Canada, you have to have a federal veterinarian

1 and federal certification.

2 MR. BERRY: That's the owner's  
3 responsibility. If they call us and say, I  
4 want to send a horse to Toronto for a race up  
5 there, you say okay. When do you want to go?  
6 You need this, this and that. They take care  
7 of it. It's their responsibility to get the  
8 paperwork done.

9 When we get there it's our  
10 responsibility to make sure the paperwork is  
11 done and it's done correctly. You get that  
12 paperwork, you'll go take that paperwork, go  
13 look at the horse. If it's a racehorse it will  
14 be tattooed on the lip. So, you flip his lip  
15 and let him smile at you and check the tattoo  
16 to make sure that that paperwork matches that  
17 horse.

18 CHAIRPERSON GANNON: What's the  
19 difference between transporting that and then  
20 transporting a horse to slaughter? Do you have  
21 to have any of that paperwork?

22 MR. BERRY: No.

23 CHAIRPERSON GANNON: How do they make  
24 that distinction?

25 MR. LANGE: They're designated as for

1 food.

2 CHAIRPERSON GANNON: Where is that --

3 MR. BERRY: On the federal health  
4 paper, for horses going into Canada, it will  
5 have a box on there and it's marked show or  
6 exhibition, racing, breeding and other. You  
7 just stamp it other and that deletes a whole  
8 lot of boxes down the road, because other means  
9 he's going down -- he's going to be somebody's  
10 French Canadian quarter pounder. If they mark  
11 other, that just deletes a whole lot of other  
12 things that you would have had to do for a  
13 horse that's going into, say, race.

14 CHAIRPERSON GANNON: But they still  
15 have to have that paperwork?

16 MR. BERRY: I'm pretty sure they do.

17 MR. LANGE: Yes, they have to have it  
18 to be international.

19 MR. BERRY: I don't think it has to  
20 be federally endorsed, though.

21 MR. LANGE: It doesn't.

22 MR. BERRY: It doesn't have to go  
23 through the federal veterinarian like, say, a  
24 horse going into a race or breeding would.

25 CHAIRPERSON GANNON: If I wanted to

1 take -- The easiest way for me to get a horse  
2 up in Canada is to say he's other?

3 MR. BERRY: Right, but then you can't  
4 get him back out.

5 CHAIRPERSON GANNON: Oh, now I can't  
6 take him back out.

7 MR. BERRY: That's a one-way ticket.  
8 You come back to the U.S. side and show them  
9 that, you are going to be in for a whole lot of  
10 questions.

11 CHAIRPERSON GANNON: Thank you. Mr.  
12 Preski.

13 MR. PRESKI: Mr. Lange and Mr. Berry,  
14 these people, what I guess you term bad people,  
15 cram horses into the trailers for competition,  
16 do they generally work for the slaughterhouses?  
17 Are they independent contractors that you call  
18 up?

19 MR. LANGE: They are independent  
20 contractors working in conjunction with the  
21 slaughterhouses. You also said something, you  
22 said competition. We don't want to haul  
23 slaughterbound horses. They are not  
24 competition for Brook Ledge or any commercial  
25 carrier. That's -- They're killer buyers and

1           they haul horses to slaughter. Commercial  
2           horse haulers haul horses commercially. There  
3           is a difference, and you said competitor.

4                   MR. PRESKI: The follow-up question  
5           is this: Are they Canadians who come down to  
6           Pennsylvania to pick them up and then go  
7           home --

8                   MR. LANGE: No.

9                   MR. PRESKI: -- or are they  
10          Pennsylvania truckers who do one ride and come  
11          back?

12                   MR. BERRY: Guys from Pennsylvania,  
13          New Jersey, New York, Virginia. I mean, that's  
14          their job. They have, say, a buddy at the  
15          slaughterhouse that they are working with and  
16          they got it pretty well set up. Hey, I buy for  
17          this slaughterhouse in Quebec and the other guy  
18          says, that's okay, because I work for this one  
19          out of Toronto.

20                   MR. LANGE: Certain guys work with  
21          certain slaughter --

22                   MR. BERRY: They go down and you buy  
23          your horses and I'll buy mine. You take yours  
24          to your place and I'll take mine to my place.

25                   MR. PRESKI: Thank you.



1                   CHAIRPERSON GANNON: One last  
2 follow-up question. Do you know of any  
3 commercial haulers who transport horses under  
4 the condition of this, you know, where there's  
5 no dividers?

6                   MR. BERRY: They wouldn't be in  
7 business.

8                   MR. LANGE: It wouldn't be  
9 economically feasible because you wouldn't get  
10 paid for hauling your horses.

11                  MR. BERRY: If you showed up at  
12 Hanover Shoe with a double-decker trailer like  
13 that, you would get run off.

14                  MR. LANGE: I just thought of one  
15 exception. Have any of you every seen the  
16 miniature horses? These aren't ponies. They  
17 exactly look like horses, but they are little  
18 things. I have seen where we have taken our  
19 partitions out and put them in with several  
20 partitions, the same as the proposed  
21 legislation where they're grouped in groups,  
22 but they're all the same size and they're all  
23 fit to travel.

24                  MR. BERRY: If they don't load, you  
25 can pick them up and carry them in.

1                   CHAIRPERSON GANNON: Thank you very  
2 much for coming in today and talking. Your  
3 testimony was very interesting and informative.

4                   MR. LANGE: Thank you.

5                   MR. BERRY: Thank You.

6                   CHAIRPERSON GANNON: Our next witness  
7 is Christine Berry with the Equine Placement  
8 Network.

9                   MS. BERRY: I want to thank the  
10 Chairman and members of the House Judiciary  
11 Committee for inviting me to testify at this  
12 hearing. I would also like to thank  
13 Representative Lynch for introducing H.B. 2127  
14 to end the cruel and inhumane way horses are  
15 transported to slaughter in Pennsylvania. As  
16 currently drafted, my 25 plus major  
17 Pennsylvania and national equine industry  
18 supporters and I cannot support H.B. 2127 for  
19 the following reasons:

20                   The vehicle safety specifications  
21 must apply to all horses; not just slaughter-  
22 bound. The shippers will deny the horses are  
23 going to slaughter and there will be no  
24 enforcement. New York state law applies to all  
25 horses.

1                   The definition of an intermediate  
2 handler must be added so as not to interfere  
3 with the legitimate shipment of mares, foals,  
4 sick and injured horses.

5                   What is an intermediate handler? Any  
6 person engaged as part or all of their  
7 business, in receiving custody, or maintaining  
8 horses for slaughter, leading to the transport  
9 of horses to a slaughter establishment,  
10 including a stockyard, feedlot or assembly  
11 point.

12                   It must be stated that each horse is  
13 a separate offense. Small fines will not deter  
14 these killer buyers.

15                   To give you some background on  
16 transport of slaughterbound horses. Currently,  
17 horses are transported in trailers designed for  
18 cattle and hogs, including double deckers.  
19 Horses of all ages, breeds and sex are  
20 transported together with no food, water or  
21 rest to Canada or Texas, journeys of 550 miles  
22 and 1,500 miles respectively. A journey to  
23 Texas can last for 30 hours. The design of the  
24 trailers and the methods used cause injury and  
25 even death to the horses transported.

1           It is accepted in the horse industry  
2           that Pennsylvania is home to the largest weekly  
3           horse slaughter sale east of the Mississippi  
4           held each week in New Holland. This auction  
5           averages 250 horses each week with a large  
6           number purchased for slaughter in foreign-owned  
7           slaughterhouses in Texas and Canada for human  
8           consumption overseas. The killer buyers are  
9           out-of-state buyers.

10           The issue of horse slaughter can be a  
11           very emotional and controversial issue, but  
12           when it comes to the point of whether or not  
13           horses fit into double-deck trailers, it is  
14           really quite simple. Brook Ledge has already  
15           testified to what the industry standard is.

16           Federal law regarding trailer heights  
17           does not allow a trailer to be higher than  
18           thirteen six. Trailers designed for the  
19           commercial transport of more than six horses  
20           have ceiling heights that start at seven feet.  
21           It is impossible to have a trailer with two  
22           decks and provide the seven-foot ceiling  
23           height.

24           In my research I have not found a  
25           horse trailer designed to transport six or more

1 horses with a ceiling height less than six  
2 nine. When ground clearance, floors and  
3 ceiling provisions are added, it is impossible  
4 to have a trailer with two decks and provide a  
5 height of six nine on each deck. Double-deck  
6 trailers have ceiling heights as low as five  
7 feet seven with four-inch support beams,  
8 lowering the ceiling height even lower.

9 Due to the fact that these trailers  
10 are designed for cattle and hogs, they lack the  
11 necessary safety features to protect horses  
12 from injury. The narrow doorways cause head  
13 and back injuries. The metal floors cause the  
14 horses to slip and fall. The overhead tracks  
15 for the ramps necessary to load the nose  
16 section and the top deck cause head and eye  
17 injuries. You can see that on the diagram, the  
18 booklet that I gave you.

19 Designed for loading and unloading at  
20 cattle and hog facilities, they lack ramps to  
21 unload horses and are too far off the ground  
22 for the horses to step up into the trailer.  
23 Even though these horses are destined for  
24 slaughter, they are still alive and need to be  
25 transported and handled using trailers and

1 methods designed for equines.

2 Requiring trailers transporting six  
3 or more horses to meet these safety standards  
4 will only affect the transportation of horses  
5 to slaughter, as horse trailers already exceed  
6 these standards. New York and five other  
7 states have had laws on the books requiring  
8 these safety standards for close to 20 years.  
9 I will defer to the witnesses from New York  
10 State who have already testified to the Ag and  
11 Markets Law in New York.

12 The transportation of horses to  
13 slaughter is a black eye for the horse  
14 industry. Passage of H.B. 2127 will bring P.A.  
15 in line with our neighboring states. New  
16 trailers or modifications to existing trailers  
17 can benefit P.A. companies, such as Eby  
18 trailers. Some of you asked about what these  
19 trailers cost and who they buy them from.

20 Nickerson Livestock showed the design  
21 of a new trailer they bought from Eby. They  
22 showed this to a New York state trooper after  
23 they were convicted and the trailer cost them  
24 \$38,000.00. It's got a straight deck. It's  
25 got side unloading doors. It has the necessary

1 two doors. That side unloading door has a  
2 ramp; it has the necessary height. It's  
3 actually a very nice looking trailer, so it can  
4 be done.

#### 5 The New York Fit to Travel

6 Certificates required under H.B. 2127 would  
7 benefit P.A. equine veterinarians. Currently,  
8 the New York and New Jersey killer buyers go to  
9 their states and get a Fit to Travel -- not a  
10 Fit to Travel Certificate, but a health  
11 certificate to cross the Canadian border from a  
12 New Jersey or a New York vet and they generally  
13 use small animal practitioners, which is legal.

14 But, obviously, we all know that if  
15 they have been in practice for 30 or 40 years  
16 and they exclusively do small animals, they are  
17 not going to look at 40 horses with no halters  
18 in a pen. They're not going to go out there  
19 and examine them.

20 So that would benefit a Pennsylvania  
21 veterinarian by requiring the certificate, and  
22 they have to get a health certificate to cross  
23 into Canada.

24 The complete description required  
25 would aid in the prevention of stolen horses

1 going to slaughter. Pennsylvania-rendering  
2 companies would benefit from horses that are  
3 deemed unfit to transport and are euthanized.  
4 The safety specifications and Fit to Travel  
5 Certificate would define for the shippers what  
6 is and is not legal.

7 Building an equine slaughterhouse in  
8 Pennsylvania is not a solution to the transport  
9 problem. In recent years the United States has  
10 gone from 14 equine slaughterhouses to three.  
11 Connecticut passed their transport law due to  
12 the now closed slaughterhouse in their state.  
13 The horses leaving Pennsylvania for slaughter  
14 have come from all over the eastern seaboard;  
15 not just Pennsylvania. As horse meat prices  
16 rise, so does horse theft, increasing the risk  
17 of horse theft to Pennsylvania residents.  
18 Slaughterhouses do not look for stolen horses,  
19 and all the evidence of the crime can be  
20 disposed of in a matter of hours.

21 These magnificent animals, which  
22 grace our state seal, need to be transported  
23 safely no matter what their final destination.  
24 I hope the Pennsylvania legislature will  
25 represent the vast majority of Pennsylvania



1 residents and the equine industry who want to  
2 see these horses transported humanely, and not  
3 a handful of out-of-state killer buyers  
4 representing foreign-owned slaughterhouses.

5 Thank you for letting me testify. I  
6 can answer the questions. I've seen questions  
7 raised earlier that I would be happy to answer.

8 CHAIRPERSON GANNON: Thank you, Ms.  
9 Berry. Representative Manderino.

10 REPRESENTATIVE MANDERINO: Thank you,  
11 Mr. Chairman. Actually, Christine, I think  
12 your testimony has already fed into some of the  
13 questions that I asked earlier. So, thank you.  
14 I don't have any particular questions.

15 CHAIRPERSON GANNON: Representative  
16 Lynch.

17 REPRESENTATIVE LYNCH: No questions,  
18 Mr. Chairman. Thank you, Chris.

19 CHAIRPERSON GANNON: Representative  
20 Steelman.

21 REPRESENTATIVE STEELMAN: No  
22 questions.

23 CHAIRPERSON GANNON: Representative  
24 Walko.

25 REPRESENTATIVE WALKO: No questions.



1           example, of where a double-deck trailer was  
2           stopped. There were, I think 40 some horses  
3           on. There were horses severely injured on the  
4           trailer. It was stopped eight miles into the  
5           journey and had 1,800 miles more to go. After  
6           a three-year trial the judge dismissed the  
7           case. Why? Because he said, what is  
8           unnecessary cruel? These people don't believe  
9           this is cruel. Their vet thinks they are  
10          taking good care of these animals. How were  
11          these shippers to know what is cruel?

12                        What New York found was that under  
13          their cruelty statute it was general and it  
14          required expert testimony in court to prosecute  
15          successfully. It just did not effectively stop  
16          the cruel transport of slaughterbound horses.  
17          So, they defined what is cruel to transport a  
18          horse.

19                        Safety standards that are in H.B.  
20          2127 are already on trailers designed for  
21          horses. We're talking about, when you talk  
22          about the buyers, you're talking about a buyer  
23          from Bainbridge, New York; a buyer from  
24          Watertown, New York; a buyer from Cranbury, New  
25          Jersey and a buyer from Connecticut. And there

1 is one trucker who lives in Pennsylvania who  
2 transports for a New York killer buyer. That's  
3 who we are talking about.

4 REPRESENTATIVE SCHULER: With that  
5 argument, and I think it's a valid argument  
6 that you raise, why are we dealing just with  
7 horses then if we can't define what cruel and  
8 inhumane manner is?

9 MS. BERRY: Because I'm a horseman.  
10 I don't know anything about cattle. I don't  
11 know anything about sheep and hogs. I would  
12 leave that to those --

13 REPRESENTATIVE SCHULER: So you are a  
14 special interest?

15 MS. BERRY: I'm a horseman. I know  
16 horses. I don't know cows. For me to tell the  
17 cattle industry -- I don't know anything about  
18 cows. How can I tell them that. That's up to  
19 them.

20 REPRESENTATIVE SCHULER: The problem  
21 here may be dealing with the definition of  
22 cruel and inhumane, and you're trying to  
23 address that but only for slaughter horses?

24 MS. BERRY: I feel the legislation  
25 should be addressed -- When it comes to the

1 safety standards for vehicles, it should apply  
2 to all horses. That's the way it can be easily  
3 enforced. When it comes to the Fit to Travel  
4 Certificate, it should apply to only slaughter-  
5 bound horses because people who have horses who  
6 are injured and they are transporting them to a  
7 veterinary hospital are, obviously, going to  
8 take every precaution they can to not jury that  
9 animal further.

10 When you are going to slaughter, you  
11 are going to Texas; you're going to Canada.  
12 It's not economically feasible for them to gate  
13 that horse. How are you going to prove they  
14 gated it? Who's going to check? The whole  
15 process of making an injured horse, for  
16 example, horse with a broken leg or broken  
17 knee, they don't just come to the auction and  
18 get on that truck and go to slaughter. They  
19 often have gone a week in that condition.

20 There was recently a horse at a sale  
21 that had a hip tag on from a Friday night sale.  
22 Obviously, he broke his leg sometime on Friday  
23 or before. It's now Monday. He's going to  
24 Texas. He's not going to get to Texas until  
25 probably Wednesday. If they don't kill until

1 Thursday, I don't care how humane it is at the  
2 scene of the transport, that was wrong for that  
3 horse to ever get on the truck. He has  
4 suffered for a week. That's cruel.

5 REPRESENTATIVE SCHULER: Do you think  
6 a judge would believe that?

7 MS. BERRY: I think when you have  
8 expert testimony from a veterinarian; when you  
9 start doing heart rates and you start doing  
10 respirations and you would get the  
11 transportation experts in who would start  
12 testifying to the transport, some of this it's  
13 common sense. I mean, is it cruel?

14 REPRESENTATIVE SCHULER: I think a  
15 reasonable person would define what cruel and  
16 inhumane is.

17 MS. BERRY: Right now there is no  
18 criteria. If you talk to the vets they'll say,  
19 what is the criteria? What is the criteria for  
20 it to be cruel to ship the animal? What is it?

21 REPRESENTATIVE SCHULER: This law  
22 really means nothing, that section of the law.  
23 I don't want to pursue the argument, but I'm  
24 just trying to point out that we have some  
25 problems in the existing law.

1 MS. BERRY: Right, but when it comes  
2 to other animals you would have to talk to the  
3 people in those industries. I know nothing  
4 about those animals.

5 REPRESENTATIVE SCHULER: I under-  
6 stand. I don't know either.

7 MS. BERRY: I have no interest in  
8 their transport.

9 REPRESENTATIVE SCHULER: I under-  
10 stand. Thank you. Thank you, Mr. Chairman.

11 CHAIRPERSON GANNON: Representative  
12 Masland.

13 REPRESENTATIVE MASLAND: Just in  
14 quick response to Representative Schuler, one  
15 of the things about the existing law that needs  
16 to be changed I would suggest is the fact that  
17 it's only a summary offense. As such, it  
18 carries a three hundred dollar fine and 90 days  
19 maximum imprisonment. Depending on what some  
20 of these people are doing, I think it at least  
21 should be a misdemeanor 3, misdemeanor 2; maybe  
22 in a second or subsequent maybe even one, who  
23 knows.

24 I would also just mention to Ms.  
25 Berry that I think your testimony was helpful.

1 I think that members of the committee will  
2 discuss these things over the break. There's  
3 probably going to be amendments drawn to this  
4 bill when it's considered by the committee that  
5 will address your concerns and enable you to  
6 fully support it.

7 MS. BERRY: Thank you.

8 CHAIRPERSON GANNON: Representative  
9 Maitland.

10 REPRESENTATIVE MAITLAND: No thank  
11 you.

12 CHAIRPERSON GANNON: Representative  
13 Nickol.

14 REPRESENTATIVE NICKOL: No questions.

15 CHAIRPERSON GANNON: Representative  
16 Caltagirone.

17 REPRESENTATIVE CALTAGIRONE: Just one  
18 question. The pictures concerning -- Is it New  
19 Holland Sales?

20 MS. BERRY: Those are pictures of  
21 double-deck trucks that have been recently --  
22 The top truck is a truck from New York. It's  
23 owned by Arlo Kiehl from Watertown, New York.  
24 He recently pled guilty to 17 counts of  
25 illegally transporting horses. He had been on



1 a single-tiered trailer. He did not have the  
2 required two doorways. He paid a five hundred  
3 dollar fine.

4 He was supposed to go to trial on  
5 June 23. He was facing 48 counts for using  
6 that same trailer right there. Even though he  
7 had pled guilty and was facing a five hundred  
8 dollar fine and misdemeanor charges, he chose  
9 to use that truck and run through New York  
10 State facing at a minimum \$25,000 in fines.

11 The bottom truck is owned by a  
12 Michigan resident. He's hauling to Bel-Tex in  
13 Texas.

14 REPRESENTATIVE CALTAGIRONE: New  
15 Holland Sales, are they taking place in  
16 Pennsylvania?

17 MS. BERRY: Yes.

18 REPRESENTATIVE CALTAGIRONE: What  
19 county?

20 MS. BERRY: Lancaster County.  
21 There's also the Middleburg sale. I believe  
22 that's in Snyder County.

23 REPRESENTATIVE CALTAGIRONE: Anything  
24 in Dauphin County?

25 MS. BERRY: As far as killer sales?

1 I think they have horse sales in Dauphin  
2 County.

3 REPRESENTATIVE CALTAGIRONE: Farm  
4 Show Arena I know they have --

5 MS. BERRY: Right, obviously.

6 REPRESENTATIVE CALTAGIRONE: But I  
7 don't think there's slaughter --

8 MS. BERRY: No, that's Harrisburg,  
9 the Standardbred sales. These slaughter  
10 auctions are like the small end of the funnel.  
11 Dealers collect these horses from all over and  
12 bring them here to meet the agents for the  
13 foreign-owned slaughterhouses. Sometimes they  
14 are dropped off. They're called drop-offs.  
15 They're held there at the auction so they can  
16 be put onto the slaughter truck to go on.

17 So it's not just -- they're sold here  
18 this day. They will do whatever they can to  
19 avoid prosecution under the current laws.

20 The example about the law applying to  
21 all horses, when Nickerson Livestock was  
22 arrested on January 19 in New York this year,  
23 if H.B. 2127 as currently drafted had been law  
24 and a state trooper had gone out there and said  
25 you can't load slaughterbound horses on a

1 two-tier trailer, he would have said, but  
2 officer, I'm not taking them to slaughter. I'm  
3 going to Bainbridge, New York, which is what he  
4 was doing, and it would have been perfectly  
5 legal. But when he entered New York State the  
6 trooper said, you can't haul horses on a  
7 two-tier. I don't care where you're going.  
8 It's very easy to enforce. They can't get  
9 around it that way.

10 REPRESENTATIVE CALTAGIRONE: The  
11 largest number of sales that are taking place  
12 in the State of Pennsylvania, is it New Holland  
13 Sales in Lancaster?

14 MS. BERRY: New Holland is accepted  
15 in the horse industry as the largest weekly  
16 horse sale of slaughter horses. It could also  
17 be the largest weekly sale, but it's often  
18 referred as the largest weekly killer sale.

19 REPRESENTATIVE CALTAGIRONE: How many  
20 horses are being passed through?

21 MS. BERRY: The number that I have  
22 seen recorded that the auction owner has given  
23 to reporters is between 250 and 275. I have  
24 seen both figures. He stated both figures as  
25 an average.

1 REPRESENTATIVE CALTAGIRONE: Per  
2 week?

3 MS. BERRY: Per week.

4 REPRESENTATIVE CALTAGIRONE: Thank  
5 you. Thank you, Mr. Chairman.

6 CHAIRPERSON GANNON: Representative  
7 Lynch.

8 REPRESENTATIVE LYNCH: Yes, Mr.  
9 Chairman, I just want to respond quickly to  
10 Representative Schuler's concern about the  
11 enforcement of the current Prevention and  
12 Cruelty Act.

13 A few years ago during the  
14 Appropriations Hearing I asked the new  
15 Secretary of Agriculture, Secretary Brosius, if  
16 one of the concerns was that they did not have  
17 enough money allocated in their budget to  
18 provide people to go out and inspect such a  
19 thing. He turned it over to one of his deputy  
20 secretaries, who I talked to later on, who was  
21 from New Holland and found nothing wrong with  
22 the attitude that was going on at New Holland.

23 I recognize that since he was from  
24 New Holland he may not find anything wrong with  
25 the attitude, but, by God, the majority of

1           Pennsylvanians I think want this legislation,  
2           it's going to happen. As a result I have  
3           received no response from the Department of  
4           Agriculture in regards to whether they need any  
5           more money or not for the additional  
6           inspectors. Thank you.

7                   CHAIRPERSON GANNON: Representative  
8           Schuler.

9                   REPRESENTATIVE SCHULER: Thank you,  
10          Mr. Chairman. This thing with New Holland has  
11          come up quick a few times. I think we have to  
12          clear the air here. I think some  
13          misinformation has been distributed here to  
14          some degree.

15                   Is it not correct that New Holland  
16          Sales Stables not only deal with this type of a  
17          horse, but other horses?

18                   MS. BERRY: Yes.

19                   REPRESENTATIVE SCHULER: I want that  
20          to be clear for the record that New Holland  
21          also deals in very good horses. Some of the  
22          grand show horses that have won in New York  
23          came out of New Holland Sales Stables.

24                   MS. BERRY: That's correct. Catch 22  
25          who --

1                   REPRESENTATIVE SCHULER: Many of the  
2 Amish buy their horses at New Holland Sales  
3 Stables dealing with horses that have been on  
4 the track and are no longer in running, such  
5 as, the pacers are bought at New Holland.

6                   MS. BERRY: Right.

7                   REPRESENTATIVE SCHULER: I don't  
8 think we should refer to New Holland as the  
9 slaughter auction, although some of those  
10 horses may go to slaughter, but that's not the  
11 decision of New Holland Sales Stables, is it?

12                   MS. BERRY: That's correct. As I  
13 stated, in the horse industry, horse people  
14 when talking about it, that's how we refer to  
15 it across the board, people refer to it.

16                   Something I'd like to state is that,  
17 legislators hear about this and they say, well,  
18 they want to shut down New Holland. That's not  
19 true. The sale is a necessary sale. It's a  
20 place where horse dealers bring their horses to  
21 sell them. There is nothing wrong with the  
22 sale of healthy horses.

23                   This legislation would not affect  
24 that sale. And it doesn't matter if they're  
25 buying it for a kill or they're buying it to

1 ride, it would not affect the sale of fat,  
2 healthy horses. No one has an objection to  
3 that.

4 REPRESENTATIVE SCHULER: I understand  
5 that. I just wanted to clarify that we don't  
6 leave this hearing with the belief that New  
7 Holland Sales Stables is just in the business  
8 for slaughter horses.

9 MS. BERRY: Correct. They sell many  
10 other horses.

11 REPRESENTATIVE SCHULER: Thank you.

12 CHAIRPERSON GANNON: You had quoted a  
13 number you had seen in some press reports about  
14 the number of horses that are processed weekly  
15 through New Holland. Was that number just the  
16 number that are for slaughter or is that the  
17 total?

18 MS. BERRY: No, that's the average  
19 number of horses sold. Norman Kolb has stated  
20 to reporters that I have seen in published  
21 newspaper accounts, that it is somewhere 250 --  
22 I have seen the figure 250 and I have seen the  
23 number 275. If you take all the sale reports  
24 that are published in the Lancaster Farmer each  
25 week and you add them up and divide them, I

1 think that number is right there.

2 CHAIRPERSON GANNON: That represents  
3 all categories of horses.

4 MS. BERRY: Correct.

5 CHAIRPERSON GANNON: That's not just  
6 horses --

7 MS. BERRY: There was a published  
8 article in 1989 in the Baltimore Sun, Ross  
9 Pedicore (phonetic) did a four-part story on  
10 the horses going from the racetrack to the  
11 slaughterhouse. It was AmFran through New  
12 Holland. He reported that an auction worker  
13 gave the figure of 70 percent going to  
14 slaughter.

15 At the time that article was written  
16 was also at a time when horse slaughter had  
17 much higher figures. It was also the time when  
18 the legislation and the tax laws had changed.  
19 A lot of thoroughbreds were dumped on the  
20 market and went to slaughter. I don't believe  
21 the figure is that high right now.

22 CHAIRPERSON GANNON: Thank you very  
23 much, Ms. Berry, for coming here today and  
24 testifying before the committee and sharing  
25 information. I appreciate it.



1 MS. BERRY: Thank you for inviting  
2 me.

3 CHAIRPERSON GANNON: Our next witness  
4 is Ms. Linda Adkins with Good Form Equestrian  
5 Sports.

6 MS. ADKINS: Good afternoon. My name  
7 is Linda Adkins. I want to thank  
8 Representative Lynch and the other Judiciary  
9 Committee members who are supporting his  
10 efforts with H.B. 2127 and the media who also  
11 has an interest in bringing this situation out  
12 to the public so they can understand the plight  
13 that these horses are in.

14 I'd like to give you a little bit of  
15 my background before I go on so that you're  
16 familiar with it. I grew up living or working  
17 on Pennsylvania farms which raised both crops  
18 and livestock for market. That includes sheep,  
19 poultry and cows. I was involved in  
20 agriculture-related activities such as 4-H  
21 throughout my youth. I went on to college  
22 where my studies were mostly agriculture based,  
23 and I have further pursued a specialty directly  
24 in equine science.

25 Along with this I also spent the last

1           25 years of my life dedicated almost entirely  
2           to equestrian pursuits and have a long history  
3           of riding, coaching, competing and being  
4           involved as either a participant or volunteer  
5           in many various disciplines within the sport.  
6           That includes the lower backyard levels right  
7           up through the higher levels.

8                        Because of how serious I was about  
9           learning all the different facets of the horse  
10          industry, I additionally spent many years in  
11          the equine industry, not only on farms, but  
12          also accompanying vets on their farm calls.  
13          And also, myself have traveled extensively east  
14          of the Mississippi up and down the coast.  
15          During those trips I was either hauling horses  
16          for myself or I was in charge of horses which  
17          were being hauled.

18                       It occurred to me that you -- you all  
19          have been talking about double-decker trucks.  
20          There's a possibility that some of you aren't  
21          familiar with regular horse trailers. Although  
22          there's quite a few different models on the  
23          market, I wanted to bring in the most basic  
24          model I possibly could for you. What I did  
25          was, I put a horse and a pony, which are of

1 average size in a horse trailer. I wanted to  
2 show you a couple of basic things.

3 This roof right here is a seven-foot  
4 roof and it's marked off by a measuring tape  
5 which drops to the floor where the pony and  
6 horse are standing. Where I ran the tape was  
7 at five foot six inches, which is approximately  
8 the height of the roofs of the double-decker  
9 trucks that we're talking about on the  
10 interiors. Along with that, remember that  
11 there are three to four-inch beams dropping  
12 below that. This is actually six foot; this is  
13 six six and then on up to seven foot.

14 What I loaded on the trailer were two  
15 very basic horses. I wanted to show disparity  
16 without being extreme. This horse here is a  
17 16-hand horse who is basically equivalent of  
18 what a racehorse would be coming in off the  
19 racetrack, or your average riding horse. Some  
20 are smaller. Some are much larger. This down  
21 here is an eleven two hand pony. Some again  
22 are smaller than he and some would be larger.  
23 They are both your basic medium-sized animals.

24 I think what is interesting to note  
25 is that, this little pony's ears are actually

1 at where the roof line is. Then, obviously,  
2 this horse's hind end is already touching, and  
3 this horse's head is well above and well into  
4 the seven-foot high roof space and he utilizes  
5 that area.

6 I think what else is interesting is,  
7 you might even see the fact that his ears are  
8 already touching. His owner, who is down here  
9 in the back, informs me that she actually has a  
10 seven foot, six high trailer to put this horse  
11 in because she's aware of the fact that he  
12 doesn't have enough head room in a normal-sized  
13 seven-foot trailer.

14 Along with that I'd like to show you  
15 the fact that in between the two is a basic  
16 divider. It's actually a piece of plywood hung  
17 on hinges and it will swing to either way. If  
18 you wanted to give the horse more room, you can  
19 actually swing it where the pony is right now  
20 and that will give the horse more room to  
21 stand.

22 The purpose in showing you the fact  
23 that there's a divider is the fact that the  
24 centerbounds which Doctor Lopez talked about  
25 higher and the fact the horse's body is much

1 higher than that of the pony is pretty vividly  
2 shown here and easy to see how this smaller  
3 animal can easily be crushed by the bigger  
4 animals when the trucks are doing 70 or 80  
5 miles an hour bucking down the road and  
6 swaying.

7 I also happened to bring a couple  
8 photos that you can pass around. There was a  
9 question raised, and I just wanted to show the  
10 fact that somebody had mentioned the gray  
11 horse's head might be being held up into that  
12 position. That's not the case. He just  
13 happened to be turning his head at that exact  
14 moment I shot the picture. So the photo will  
15 prove to you that in his normal head carriage  
16 that he's utilizing that space.

17 The second picture, which I'm sorry,  
18 some of this didn't turn out so I have to pass  
19 this around, it will show a normal ramp at the  
20 back of this trailer. Again, some of these  
21 trailers are step-ups, but this typically would  
22 be a ramp that we all use and it has a rubber  
23 matted surface which you can also see in the  
24 overhead.

25 The purpose of the rubber matting is

1 the fact that--as you purchased the film, we  
2 really want to thank you for it--it gives  
3 security to the horses to be able to stand  
4 under driving conditions. The purpose of the  
5 matting on the ramp is so that, of course, they  
6 don't slip.

7 One other point I want to make about  
8 the rise of the ramp is that, it's about a  
9 15-inch rise and in these cattle trucks they  
10 are going up at about a 45-degree angle. I  
11 walked in one the other day. It's very, very  
12 steep and, of course, quite slippery. If  
13 anybody would like to take a look at those, I  
14 can pass them around.

15 I think another interesting point I'd  
16 like to make is that, at one point I was a  
17 trailer sales representative for the company  
18 that this trailer was purchased from. They  
19 don't even make trailers under seven foot tall.  
20 There's just no call for it. Nobody wants to  
21 buy them, and nobody is about to ship their  
22 horses in anything less than that.

23 The other point I wanted to make was,  
24 we were talking about air flow before. This  
25 specific trailer, for instance, when I

1 purchased it I actually added windows so that  
2 air would continue to flow through the nose of  
3 the trailer right back to the horses just in  
4 case it was needed. On hot days -- We don't  
5 even ship on hot days in the middle of the  
6 heat. Our point is to get up at 3 a.m. and  
7 ship in the early morning hours or the late  
8 part of the day. These horses are running  
9 south in the heat and that's quite wrong.

10 The other point about those photos  
11 was that, again, those were normal-sized  
12 horses. The Belgians, of course, tower over  
13 them. I come up to about the nose of a Belgian  
14 or a big draft mule.

15 I wanted to state my purpose for  
16 attending today. I have seen horses loaded on  
17 the double deckers at auctions in the past, and  
18 I have seen and I've heard them falling and  
19 crashing to the ground once they were inside.  
20 I have seen their broken legs. I've seen them  
21 down and can no longer get up. I've seen them  
22 moaning and being trampled. Although at the  
23 time I tried to stop the situation, I was easily  
24 deflected. The owner of New Holland actually  
25 laughed at me.

1                   Like many people of that era some  
2                   years ago, I turned away because there was no  
3                   one who would listen or control the situation.  
4                   Despite the police, Pennsylvania SPCA and the  
5                   Lancaster County Humane League, this continues  
6                   unabated.

7                   Although this was years ago, my peers  
8                   and colleagues in the equine field have  
9                   recently told horror stories of continued  
10                  cruelty to these animals and the extraordinary  
11                  tolerance of those actions by the Lancaster and  
12                  Snyder County communities because of the New  
13                  Holland and the Middleburg Sales being located  
14                  in them. Those professionals' own complaints  
15                  of the sales and trucking industry have been  
16                  systematically deflected as well.

17                  I was recently doing some research on  
18                  H.B. 2127 when I first heard about it to see if  
19                  it would really create a legal stance which  
20                  would end the torture that these horse go  
21                  through each week in our state, because of the  
22                  auctions' allowance of brutal practices and  
23                  also the commercial trucking industry's  
24                  perception of livestock handling.

25                  I then called the Pennsylvania



1 Department of Agriculture and I interviewed the  
2 state equine veterinarian. He thanked me for  
3 my objectivity, and he said that he gets calls  
4 from people who want to, quote, make the  
5 unusual incident seem like a regular  
6 occurrence. He told me to go ahead and go back  
7 to the auctions a few times and I would see  
8 that that was not the case. So I did.

9 I returned to the auctions to watch,  
10 and I have again been a witness to the  
11 tolerance of excessively abusive and cruel  
12 situations; plus, the unregulated effort of the  
13 out-of-state truckers and foreign-owned  
14 slaughterhouses to make vast amounts of money  
15 by sending these horses to kill on the  
16 double-decker trucks that they simply do not  
17 fit in. They are injured or killed while  
18 making their journey, and are intentionally  
19 deprived of food, water and rest for days with  
20 no human respect to their most basic  
21 well-being. Cattle prods are applied with  
22 vicious disregard.

23 Although laws against cruelty and  
24 water deprivation do exist, there is no regard  
25 for obeying these laws, and so the system

1 proliferates. As a result, these animals are  
2 suffering mightily every single week.

3 The efforts that H.B. 2127 makes is a  
4 step in the right direction. I want you to  
5 know that we support that as horsemen in the  
6 industry. Having recently spoken to several  
7 hundred other Pennsylvania horsemen and women  
8 we definitely applaud your efforts. Like  
9 myself, we want this insanity to stop and the  
10 humane efforts to finally begin.

11 We actually envy the 1981 New York  
12 State law which calls for protecting these  
13 animals and allows for the arrests, convictions  
14 and fines; and it's all based on the truckers'  
15 abuse. New York has actually been calling for  
16 stiffer fines on this issue.

17 Pennsylvania needs to aggressively  
18 follow this path, and I think that you are all  
19 aware of that today. However, H.B. 2127  
20 definitely needs several necessary amendments  
21 before it will work. The professionals of the  
22 Equine Placement Network have called your  
23 attention to these changes for a reason, and I  
24 am proud to join their ranks. I wrote to many  
25 of you in my support of this bill and I begged

1           you to make every immediate effort to expedite  
2           it forward.

3                         However, upon studying H.B. 2127  
4           further, I recognize that there are several  
5           loopholes that are glaringly obvious to  
6           Pennsylvanians who have not just witnessed the  
7           trucking abuse, but they also understand the  
8           equine industry. I'd like to state those for  
9           you clearly. Obviously, you traveled across  
10          some of this information earlier, but I want to  
11          make sure that I drive my point home.

12                        All horses, and that has to be  
13          included, and not just slaughterbound. If H.B.  
14          goes on and says that it has to be just the  
15          slaughterbound, then the killer buyers and the  
16          auction culture will not be prevented from  
17          going to their homes, their feedlots, their  
18          other farms and other auctions. As you know,  
19          it was testified earlier that they actually are  
20          sometimes going to different locations and that  
21          they will take the horses there and, therefore,  
22          they are not lying when they say they are going  
23          to the other areas.

24                        The second is that, if the term  
25          called intermediate handler does not get

1 further defined, and it specifically means  
2 those who gather these horses strictly for  
3 slaughter, then myself and other legitimate  
4 horsemen in the horse industry of Pennsylvania  
5 could potentially be affected when we ship our  
6 injured or ill animals for care. The killer  
7 buyers will make every effort to circumvent the  
8 law, and they will claim that they are taking  
9 the horse for treatment when, in reality, it's  
10 actually slaughterbound.

11 I witnessed this several weeks ago.  
12 There was a downed palomino at New Holland who  
13 was owned already by a killer buyer and was  
14 shipped in on his truck. He was down and could  
15 not stand up on his feet, they were so painful.  
16 The killer buyer claimed then that he was  
17 taking the horse back to New York for  
18 treatment. He should have never brought the  
19 horse to the state, and he should not have been  
20 allowed to ship it out of the state. Both  
21 occurred.

22 H.B. 2127 also must absolutely state  
23 that each violation becomes per horse per  
24 offense. The killer buyers cram these doors  
25 shut on as many horses as they can possibly

1           stuff into those trailers. To do this to these  
2           animals and then have the fine argued down to,  
3           say, \$50 for the full truckload is a real  
4           travesty.

5                           Fourth is the Fit to Travel  
6           Certificate is a must. It must stay in and  
7           must be secured. There are two reasons, one of  
8           which was not really discussed too much today.  
9           The first one is that, those of us who have had  
10          the experience of having our horses stolen will  
11          now have an opportunity to identify where those  
12          horses have gone. The Fit to Travel  
13          Certificate asks for specific identification  
14          marks.

15                           I've spoken to horsemen up and down  
16          the East Coast this week and previously and I  
17          was present recently at a Pennsylvania auction  
18          at New Holland when a neighbor's horse  
19          apparently walked right through the sale and  
20          onto a kill truck. It had been stolen some  
21          years before out of Warrington, Pennsylvania.  
22          The owner had frantically traced it up through  
23          New York, South of Unadillo, and then a week  
24          later back to New Holland. By the time she  
25          sorted out all the deceptions that she was told

1 and she managed to trace the horse down into  
2 Texas, it had already been killed and there was  
3 no way, of course, to trace that.

4 We do nothing to approach this  
5 problem yet in the State of Pennsylvania. New  
6 Jersey, actually, I heard on the radio the  
7 other day they just announced that they are  
8 working on a five-year jail term for pet theft.  
9 I have to applaud that as well.

10 The second reason is that, an on-site  
11 equine veterinarian, and I emphasize equine,  
12 will then be obligated to approve only those  
13 horses who are capable of making the brutal  
14 journeys that these truckers are subjecting  
15 them to. Currently the truckers are going to  
16 Canada and they will stop off in another state  
17 and obtain a blanket health certificate for  
18 these animals. It's usually done by the side  
19 of the highway, and it's usually done by a  
20 small animal veterinarian. That is  
21 specifically so they can cross into the  
22 Canadian border.

23 This Fit to Travel Certificate will  
24 also stop what we view every week which is the  
25 shipment of the young and baby foals going.

1           They obviously get trampled enroute. The blind  
2           horses, we had spoken about that before. One  
3           thing that wasn't brought up I think--I did not  
4           hear it discussed--was the fact that when they  
5           go into the trailer, they need to drop down,  
6           it's simply a hole in the floor. These horses  
7           obviously can't see that. They are being  
8           whipped and beaten and cattle proded to get  
9           them in. It's quite awful. They can't see  
10          those ramps; they can't defend themselves.

11                   This will also stop the horses who  
12          are so emaciated, and this is not uncommon at  
13          New Holland or Middleburg. They can barely  
14          stand; the pregnant mares who are about to  
15          foal, and those who are full of cancer and  
16          melanomas and infectious diseases such as  
17          strangles which has been going every week for  
18          human food, and despite the laws which are  
19          forbidding this. This is allowed there every  
20          single week.

21                   This past week I also witnessed two  
22          mules who were suffering from a condition  
23          called tying-up. It's a spasmodic condition in  
24          their bodies. It's brought on by a lot of hard  
25          work and then maybe a day off. They actually

1 have a situation where they can no longer stand  
2 with their feet flat on the floor behind. They  
3 actually have to stand up on their toes just  
4 because everything is contracted. They were  
5 obviously in immense pain. They were actually  
6 very distressed and they needed immediate  
7 veterinarian care. They went on the killer  
8 trucks.

9 I also saw a three-legged crippled  
10 horse who could only hobble. He was allowed to  
11 go also because the current Pennsylvania law,  
12 and I'd like you to strike the next sentence in  
13 my testimony, which I got mixed up here. It  
14 says that it was stating that all four feet  
15 must be able to bear weight. That is  
16 incorrect.

17 The current P.A. cruelty law  
18 considered that situation acceptable. In  
19 truth, he had finally gotten so exhausted from  
20 trying to stand on one leg that he actually  
21 placed his one other leg on the floor.  
22 Therefore, they considered the fact that he  
23 could go. This happens there every single  
24 week.

25 The foundered horses, which is an



1 extremely painful foot condition, where they  
2 actually take their weight as far as they can  
3 off the front end and rock it entirely to their  
4 hind end, they still of course have to bear  
5 weight on all four limbs and lie down as often  
6 as they can to relieve the pain; and yet, they  
7 are still forced to travel.

8 Colicked horses are allowed to go.  
9 Obviously, I'm sure we have all heard of colic.  
10 That's a very, very painful stomach condition  
11 which can actually kill a horse. They're in  
12 extreme stress. It's a veterinary condition.  
13 It's an immediate and urgent veterinary care.  
14 Any colic condition can degrade immediately and  
15 horses can die from that. In all actuality, a  
16 normal horseman won't even allow this and will  
17 immediately put the horse down if they are not  
18 going to do surgery.

19 I want to make a very clear statement  
20 that I have heard over the years. I've heard  
21 it again, and, of course, it's coming from me  
22 myself is that, Pennsylvania horsemen do not  
23 want this to continue to keep occurring. We  
24 are questioning why a handful of non-taxpaying  
25 killer buyers are allowed to be condoned with

1           this industry.

2                       Two months ago I witnessed the horror  
3 of seeing two Amish animals hidden on a killer  
4 truck all day long before someone happened to  
5 look in and discover them. One was a three-  
6 legged Standardbred buggy horse who at one time  
7 had been a Standardbred horse with a racing  
8 career. The other was a very handsome blonde  
9 plowing mule. He had been hidden in the truck  
10 since a previous sale two days previously and  
11 his leg was snapped cleanly in half. It  
12 flopped uselessly and he gallantly tried to get  
13 off the back of the truck. There was 15-inch  
14 drop that he had to make it down. He also put  
15 that leg flat on the floor despite the fact it  
16 would bow when he did it.

17                      The killer buyer claimed he had no  
18 idea that it was broken; that he liked and did  
19 not what to ship injured horses; that he did  
20 not know how the Standardbred had even gotten  
21 on his trailer, and that he was only going six  
22 hours away, even though he was going to a  
23 Canadian slaughterhouse which is at least 12  
24 hours' distance.

25                      I helped kill those two horses that

1 day. I felt only relief for them and anger at  
2 the agriculture and trucking communities that  
3 allow and encourage this system, and the  
4 complete avoidance of obeying the current  
5 cruelty laws in Pennsylvania. If a legitimate  
6 horseman such as myself had shipped those  
7 animals, we would be prosecuted for cruelty.  
8 In this specific case, there has been no action  
9 taken either against the trucker or the farmers  
10 who did this to these animals and then, again,  
11 tried to make meat money off of them.

12 Finally, this is a personal request  
13 from all horsemen across Pennsylvania and in  
14 fact across the United States, this actually  
15 isn't approached in your bill. You might want  
16 to consider adding it if you have the  
17 opportunity. These animals need water. They  
18 are being denied water on their way to the  
19 sale. They're being denied water at the sale.  
20 They're being denied water on the truck.

21 I recently spent some time  
22 researching the Domestic Animal Act which does,  
23 in fact, require watering these animals by law  
24 at the auctions and the agricultural material  
25 put out by Penn State which I gathered for you.

1           Some is for the community and some is for the  
2           students of Penn State. Their books and the  
3           pamphlets are adamant; adamant about the fact  
4           that the water deprivation is not safe, nor  
5           reasonable, and the figures they're giving are  
6           that a five percent loss of body waste creates  
7           colics and a ten percent loss can be fatal.

8                        To give you a relative idea of ten  
9           percent, the horse that you saw on the picture  
10          there was about 1,000 pounds, 16-hand horse.  
11          So, ten percent of the body weight loss we're  
12          talking about a hundred pounds of water weight.  
13          That's about 20 gallons, and that's about four  
14          buckets of water. A horse will drink this  
15          amount in a day alone and will suck down even  
16          more than that under stressful conditions: Of  
17          heat, of shipping, and so on.

18                       These auctions and truckers willfully  
19          deny the animals water until they die,  
20          sometimes right at the sales. They get thrown  
21          out on top of the other animals that are on the  
22          dead pile. They call this mortality in the  
23          business, and claim that some mortality is  
24          expected in shipping animals to market. There  
25          are studies out right now that are proclaiming

1           that this is an okay practice in agriculture  
2           and shipping, but any livestock manager knows  
3           that studies can be skewed and that this is  
4           nonsense.

5                         You can't tell me or any other  
6           horseman across the United States that this is  
7           a normal practice. We can take hundreds of  
8           animals to competitions on a regular basis and  
9           none of those will die. We take ever  
10          precaution to make sure they get as much water  
11          as they possibly can drink while traveling. In  
12          fact, when we were talking about how many  
13          hours, I'm adamant about offering my horses  
14          water every two hours while they're traveling.  
15          Whether they drink or not actually hasn't been  
16          a problem. Sometimes they do. I don't go  
17          anymore than that. The loss of water intake is  
18          our greatest fear.

19                        Incidentally, we also give them rest  
20          when shipping across the state. A lot of  
21          people will run to Florida and run back. A few  
22          times I have done the same. Even with the best  
23          precautions we'll still have sick horses. They  
24          still get shipping fever, which comes from too  
25          much traveling without rest and so far. It's

1 an infectious disease. For instance, when I  
2 was running horses out to the Midwest I would  
3 actually stay over somewhere, give them a stall  
4 and a pasture break, and so forth, just so they  
5 could stay healthy.

6 One of the hardest things is to watch  
7 these horses desperately seeking water when  
8 they have spent days on the road coming into  
9 Pennsylvania from the other sales and then  
10 being denied water all day while there. This  
11 is simply pure abuse, nothing else.

12 The ones that suffer the worst are  
13 those who then are forced to travel the  
14 southern routes in the heat, some 1,500 miles  
15 distance to Texas and Nebraska slaughterhouses.  
16 No one that I have ever met in the equine  
17 industry finds this to be acceptable. Yet,  
18 everybody wants you to believe that this is an  
19 acceptable practice so that the system can  
20 continue unabated.

21 Horses obviously do not fit in double  
22 deckers and the truckers simply want to have a  
23 faster turnaround time while shipping all types  
24 of animals without regard to their actual  
25 physical ability to travel. By making these

1 changes with H.B. 2127, the killer buyers won't  
2 be losing significant amounts of money by not  
3 hauling the animals which are already in  
4 physical trouble, and it is only human decency  
5 to protect them or euthanize them before we  
6 torture them any further.

7 As horsemen and women of Pennsylvania  
8 we demand a change in our current laws, and we  
9 implore you to immediately make our requested  
10 changes in H.B. 2127. The professionals who  
11 have gathered as the Equine Placement Network  
12 have spelled them out. You have the power to  
13 write these changes in, and your silence on  
14 these would be acceptance. Otherwise, you  
15 would shackle us with this tragedy.

16 I can now take any questions that you  
17 might have.

18 CHAIRPERSON GANNON: Thank you.  
19 Representative Lynch.

20 REPRESENTATIVE LYNCH: No questions.

21 CHAIRPERSON GANNON: Representative  
22 Manderino.

23 REPRESENTATIVE MANDERINO: No, thank  
24 you.

25 CHAIRPERSON GANNON: Representative

1 Steelman.

2 REPRESENTATIVE STEELMAN: One  
3 relatively minor technical question. In the  
4 current bill we have got a requirement written  
5 in for any truck used to ship more than six  
6 horses should have an interior height of no  
7 less than six feet six inches.

8 From what you're saying, should we  
9 move up that standard to make it a minimum of  
10 seven feet, considering that these trucks often  
11 are used to transport draft horses and the fact  
12 that even the average sport horse in  
13 Pennsylvania seems to be getting bigger as more  
14 and more warm blood genes get in.

15 MS. ADKINS: I'm a little  
16 disappointed in myself. I actually had a photo  
17 of myself standing next to a Belgian. Again,  
18 you'll see that I only come to their nose.  
19 They are easily towering over me.

20 The tape line that you saw in the  
21 trailer is actually -- I'm the same height as  
22 that tape line. So, when you picture the fact  
23 that was a 16-hand horse and some of these  
24 Belgians are 18 hands, which for those of you  
25 who aren't in the horse business, it's four



1 inches to a hand, so it's eight inches tall at  
2 the shoulder and their heads just are so  
3 immense.

4 I personally, a horseman in  
5 Pennsylvania, would love to see you go to seven  
6 foot, and higher if you could. That's a  
7 personal preference. I don't write  
8 legislation. I don't claim to be able to do  
9 your job. I'm just telling you what basic  
10 horsemen in Pennsylvania have been trying to  
11 say.

12 They just stuff these Belgians -- I  
13 have seen them going into smaller ones and I  
14 have heard stories of them riding on their  
15 knees to these slaughterhouses because they  
16 simply can't get up. The truth of it is, the  
17 seven-foot high trailers is what they're going  
18 in currently.

19 Now, if you can just imagine the  
20 Coors Light commercials or the Budweiser  
21 commercials are putting those horses in seven-  
22 foot high trailers, that's what they're going  
23 in. That's a personal preference..

24 REPRESENTATIVE STEELMAN: Maybe we  
25 should emphasize we are talking specifically

1 about the largest trailers. There aren't a lot  
2 of -- The trailer that you showed us was a two  
3 horse.

4 MS. ADKINS: Right. That's your  
5 basic --

6 REPRESENTATIVE STEELMAN: There  
7 aren't very many trailers just used by backyard  
8 horse owners or by small stables that are built  
9 to carry more than six horses. We would only  
10 be talking about limitations on the biggest  
11 trailers run by --

12 MS. ADKINS: Commercial.

13 REPRESENTATIVE STEELMAN: --  
14 commercial operators.

15 MS. ADKINS: Right. That's correct.

16 REPRESENTATIVE STEELMAN: We won't be  
17 putting excessive hurdles in the way of people  
18 who may have the six foot six inch, two horse  
19 or four horse that has served them well for  
20 many years.

21 MS. ADKINS: That's correct. I don't  
22 see it being a problem. Quite frankly, there's  
23 good and bad in every industry. The horse  
24 industry in general, you know, it has its  
25 rotten people, and it's got the people that are

1 going to be tough on their horses and do things  
2 that aren't correct. In general, the horse  
3 industry, again the general population, it's  
4 fairly obvious if the horse doesn't fit you get  
5 a bigger trailer. It just doesn't get more  
6 obvious than that.

7 CHAIRPERSON GANNON: Representative  
8 Schuler.

9 REPRESENTATIVE SCHULER: Thank you.  
10 Ms. Adkins, you heard previous discussions here  
11 about enforcement; what is cruel; what is it as  
12 we say here, inhumane.

13 On page 3 of your testimony, the  
14 first full paragraph you mentioned, and the  
15 complete avoidance of obeying the current  
16 cruelty laws in Pennsylvania. If a legitimate  
17 horseman had shipped those animals, he would be  
18 prosecuted. Seems to me that you're saying  
19 that there are some laws. Maybe we have an  
20 enforcement problem.

21 MS. ADKINS: I think there are some  
22 laws and I think there are some vague laws. We  
23 have a problem with enforcement specifically in  
24 Lancaster County. Even if it was enforced,  
25 some of the stories that have come back or if

1           it goes on to trial of some sort, that the --  
2           I'm going back some years here because nobody  
3           seems to recall actually doing anything about  
4           this problem, despite all the complaints; that  
5           the fines are so minimal that it doesn't  
6           dissuade people from continuing to abuse these  
7           animals.

8                         REPRESENTATIVE SCHULER:   That's what  
9           the other representative was making a reference  
10          to.

11                        MS. ADKINS:   Correct.   I heard  
12          somebody, and I forget who it was said, if we  
13          are going to make some laws, we ought to put  
14          some bite into it.   Please, by all means.

15                        Legitimate horsemen aren't -- This is  
16          a criminal element we're talking about.  
17          Legitimate horsemen aren't doing this.   To some  
18          extent they're not going to be affected by this  
19          kind of thing, unless you get the kind of  
20          people who ship horses with snapped-off legs;  
21          not in the sense where they're to going to  
22          veterinarian care and all efforts are being  
23          made for their personal health and well-being,  
24          but shoving them in a trailer with a broken leg  
25          and not being concerned about their health.

1                   REPRESENTATIVE SCHULER: Did you see  
2 the pictures that the doctor showed?

3                   MS. ADKINS: Yes.

4                   REPRESENTATIVE SCHULER: Do you  
5 believe if that were to happen in Pennsylvania,  
6 could we in Pennsylvania prosecute that  
7 trucker --

8                   MS. ADKINS: I would like --

9                   REPRESENTATIVE SCHULER: -- under  
10 existing law?

11                   MS. ADKINS: Under existing law? I  
12 have heard of attempts to do it. I have heard  
13 of attempts that weren't successful in doing  
14 that sort of thing.

15                   REPRESENTATIVE SCHULER: Why weren't  
16 they successful?

17                   MS. ADKINS: I actually don't know.  
18 I was younger then. I remember that. That was  
19 I think '80 when those pictures were taken. I  
20 actually remember seeing it in the paper and  
21 people talking about it. I know that efforts  
22 are made.

23                   One of the things I think that we run  
24 into is, not everybody understands horses.  
25 They are a niche. They're a very strong niche

1 in Pennsylvania. I believe we are second to  
2 dairy. But the problem, of course, is that  
3 your basic person who might try to arrest or  
4 prosecute this trucker or the basic judge who  
5 might hear it, there has to be very, very set  
6 and specific guidelines that nobody can go  
7 wrong on and nobody can lower the fines on.

8 REPRESENTATIVE SCHULER: It just  
9 raised my concern because I think we may have  
10 some enforcement problem in this whole  
11 operation. You did say that if a legitimate  
12 horsemen shipped it, he would be prosecuted.  
13 But if the killer shipped it, it appears as  
14 though you're saying they wouldn't be  
15 prosecuted.

16 MS. ADKINS: They're not being  
17 prosecuted.

18 REPRESENTATIVE SCHULER: But  
19 legitimate people are?

20 REPRESENTATIVE STEELMAN: Nobody is  
21 being prosecuted.

22 MS. ADKINS: Nobody is -- Right.  
23 Nobody is chasing these horse people around.

24 REPRESENTATIVE SCHULER: You said  
25 they would be.

1                   REPRESENTATIVE STEELMAN: That might  
2                   be a typo.

3                   MS. ADKINS: I might have been  
4                   incorrect about that. If I tried to do the  
5                   damage that that mule had to it --

6                   REPRESENTATIVE SCHULER: In other  
7                   words, we're not enforcing any of the law.  
8                   Okay?

9                   MS. ADKINS: Sure.

10                  REPRESENTATIVE SCHULER: Thank you.

11                  CHAIRPERSON GANNON: Thank you,  
12                  Representative Schuler. Representative  
13                  Masland.

14                  REPRESENTATIVE MASLAND: I was an  
15                  Assistant DA in Cumberland County for a number  
16                  of years. We did have some cruelty to animal  
17                  laws. You do find that they're not the  
18                  transportation type cases that we're talking  
19                  about here.

20                  I was talking to Representative  
21                  Maitland. To a certain extent when you think  
22                  about limitations on law enforcement personnel,  
23                  if you are dealing with a three hundred dollar  
24                  fine for a summary offense, you're going to  
25                  probably look for the more serious misdemeanor

1           felony cases and spend your time there as  
2           opposed to worrying about summary offenses.

3                   MS. ADKINS: We would love to see  
4           this go to misdemeanors, quite frankly.

5                   REPRESENTATIVE MASLAND: I'm a little  
6           bit confused though about the water. If a  
7           horse is going to lose ten percent of his body  
8           weight, a hundred pounds, it would seem to me  
9           that somebody who wants to sell the horse for  
10          the most they can get is going to try to get  
11          that horse to drink as much water as they can  
12          before going to the auction. Is that what  
13          happens?

14                   MS. ADKINS: We are confused on that  
15          issue too. That would make total sense if  
16          you're buying by the pound. I think one of the  
17          complaints you hear back is that, well, it's  
18          water weight and we don't want to have to pay  
19          the gas to haul water weight. So if we let  
20          these horses drink, they're carrying water  
21          weight and we're paying extra money to get them  
22          across country.

23                   REPRESENTATIVE MASLAND: Is there  
24          some kind of unwritten agreement between the  
25          parties that if you are taking a horse and it's



1 going to be ultimately going to slaughter,  
2 don't give it a whole lot of water to drink or  
3 have it waiting around at the auction house for  
4 a day or so without drinking any water before  
5 you sell it and weigh it?

6 MS. ADKINS: I don't know about the  
7 unwritten agreement because I'm not in that  
8 industry, and I'm not in that business. I do  
9 know that it's just flat out livestock  
10 management that tells you that. I have friends  
11 who actually haul cattle to feedlots and  
12 conditioning lots and then slaughtered out  
13 West. They're appalled by what's going on  
14 here.

15 One of the things that they have is a  
16 conditioning lot. They say that the animals  
17 who come in who have been denied water for any  
18 length of time take months to put any type  
19 bloom back on them to fatten them up. You  
20 would think it's not to their benefit to be  
21 doing what they're doing.

22 REPRESENTATIVE MASLAND: One question  
23 about the height. I'm a little bit confused.  
24 As I look at some of these double-deck trailers  
25 I figure that if you just take out that second

1 deck then you don't need to worry about the  
2 height. Are there some trailers that they are  
3 shipping on that really are only six feet even  
4 as a single deck? That seems kind of short.

5 MS. ADKINS: Again, somebody had  
6 mentioned the minis. I think they exist. I am  
7 not aware of any. I might be wrong, but I'm  
8 not aware of any. It's perfectly logical to me  
9 that if you take the double deck out, suddenly  
10 you have height, and that's that.

11 REPRESENTATIVE MASLAND: You need to  
12 add a whole lot of other things in there too  
13 obviously; partitions. Thank you very much.

14 MS. ADKINS: That's not that big of a  
15 deal. I take that partition in and out in  
16 about 30 seconds by myself.

17 REPRESENTATIVE MASLAND: Thank you.

18 CHAIRPERSON GANNON: Representative  
19 Maitland.

20 REPRESENTATIVE MAITLAND: No  
21 questions.

22 CHAIRPERSON GANNON: Representative  
23 Caltagirone.

24 REPRESENTATIVE CALTAGIRONE: No  
25 questions.

1 CHAIRPERSON GANNON: Thank you very  
2 much, Ms. Adkins, for attending the hearing  
3 today and sharing your testimony with us.

4 That is the last witness who we'll  
5 have before the committee today. Mr. Russell  
6 Williams, Vice President of Hanover Shoe Farms,  
7 hosted the committee yesterday on a tour of  
8 that wonderful facility. We felt his testimony  
9 wasn't necessary. He gave us a lot of  
10 information when we met with him yesterday.

11 With that I'd like to recognize  
12 Representative Lynch to make a statement.

13 REPRESENTATIVE LYNCH: Thank you, Mr.  
14 Chairman. Once again, I want to thank you and  
15 all the members of the committee for being here  
16 and for everybody who did come. One thing I do  
17 want to put on the record here is something  
18 that I intentionally did not bring up at the  
19 time I gave my testimony.

20 As the discussions continue in this  
21 legislation, it's something that I would want  
22 to be involved in the discussions, and that's  
23 dealing with the importation of the mustangs,  
24 the wild mustangs from out West. A lot of  
25 people are probably unaware of this problem.

1                   The federal program, the  
2           Adopt-A-Program from out West where a person  
3           can go out and buy a wild mustang for as low as  
4           \$25 and bring it back, hopefully with the  
5           intent of giving little Johnnie or Susie a pet  
6           to ride which rarely happens. The fact that  
7           the meat market is working this area, they go  
8           out and buy these wild mustangs for as low as  
9           \$25; bring it back to Pennsylvania; keep it for  
10          the mandatory one year and then sell it for  
11          seven or \$800 or more.

12                   I think that when we do the  
13          discussion on this bill, somewhere, if it's  
14          possible, I'd like us to look at this issue as  
15          well, including it somewhere in the  
16          legislation. Thank you, Mr. Chairman.

17                   CHAIRPERSON GANNON: Thank you,  
18          Representative Lynch. I also wanted to thank  
19          the Gettysburg Hotel for providing this  
20          facility to the committee today. It's a very  
21          nice facility to have a hearing like this. I  
22          want to thank all the witnesses.

23                   If there is no other further business  
24          connected with the hearing, this meeting is  
25          adjourned.

1 (At or about 1:25 p.m. the hearing  
2 concluded)

3 \* \* \* \*

4  
5 C E R T I F I C A T E

6  
7 I, Karen J. Meister, Reporter, Notary  
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**\$**

\$100 60:21  
 \$11,000 60:13  
 \$150 76:2  
 \$2,500.00 62:6  
 \$25 184:4, 9  
 \$25,000 141:10  
 \$38,000.00 130:24  
 \$4 115:24  
 \$4,000.00 92:12  
 \$45,000.00 93:25  
 \$50 101:2, 161:3  
 \$50.00 45:4  
 \$500 59:22; 60:22; 61:5;  
 62:14  
 \$500.00 34:6  
 \$60,000 93:23  
 \$600 119 22  
 \$800 184:11

**1**

1,000 168:10  
 1,500 127:22; 170:14  
 1,800 135:5  
 10 39:22, 55:6, 15; 94:9;  
 108:12  
 10-feet 47:25  
 10-foot 47:20; 49:11  
 11 88:15  
 110 87:16  
 11:15 66:5  
 12 29:22; 58:7; 115:16,  
 17; 116:8, 22; 166:23  
 120 83:2  
 13 56:25; 57:2; 58:7  
 130 83:2  
 14 29:5; 55:13; 111:9;  
 132:10  
 140 33:17; 34:9; 61:18  
 15 29:6; 82:9, 14; 88:8;  
 89:23; 91:18; 94:14, 15,  
 15; 98:1; 109:16; 118:12  
 15-inch 154:9; 166:13  
 150,000 81:24  
 16 55:2  
 16-hand 151:17; 168:10;  
 172 23  
 17 140:24  
 18 87:5; 88:20, 100:4;  
 116:9; 118:10, 172:24  
 1863 79:21  
 19 142:22  
 1980 29:21, 22; 39:19, 20;  
 41:23  
 1981 158:11  
 1984 31:25  
 1989 31 8, 148:8  
 1992 31:14; 33:21  
 1997 55:2; 60:11; 61:11,

19  
 1998 185:20  
 1:24-26 7:17  
 1:25 185:1  
 1E 37 9

**2**

2 24:17; 83:24; 139:21  
 20 39:22; 116:9; 130:8;  
 168.13  
 200 90:4  
 203 55:13  
 2127 4:3, 6; 10:5; 28:15;  
 80:12, 15, 126:13, 18,  
 130:14; 131.6; 135.20;  
 142:23; 149:10; 156:18;  
 158:3, 19, 159.3, 160 22,  
 171:1, 10  
 22 145:24  
 22nd 185 20  
 23 141:5  
 24 90:4; 108:6  
 25 83:3, 118:18, 19;  
 119:1; 126:16; 150:1  
 250 128:5; 143:23;  
 147:21, 22  
 27 31:25  
 275 143:23; 147:23  
 28 83:3

**3**

3 22:13; 24:19; 51:19;  
 139:21; 155:6; 175.13  
 30 4:9; 42:6; 106:24, 25,  
 118:18, 19; 119:1; 127:23;  
 131:15; 182:16  
 30-foot 103:19  
 310,000 81:25  
 32 55:4; 61:20  
 34 12:10; 34:17  
 35 37:8; 38:13  
 359.A 37:9

**4**

4-H 104:11; 149:20  
 40 34:11, 12; 37:15, 22;  
 38:14; 61:12; 78:24;  
 112:1; 131:15, 17; 135:2  
 42 32:10; 35:3  
 45-degree 154:10  
 48 141:5  
 4:45 32:3; 35:5

**5**

5 11:11; 24:17; 52.23;  
 58:6  
 50 55:10, 15; 82:11; 88:4,

8  
 50-by-8 100:13, 14  
 54 88:10, 18, 20; 118:9  
 550 127:21  
 5:30 32:24

**6**

60 67:14; 81.10  
 60-foot 103:18  
 64 55:4; 61:25  
 65th 4:5

**7**

70 45:21, 82:11, 25;  
 148:13; 153:4  
 75 108.13

**8**

8 11 10  
 80 30:4; 82:11, 25; 153:4;  
 177:19  
 80's 30:18  
 800 76:3; 90:5  
 85 76:14

**9**

90 83:1; 108 11, 139:18  
 95 108:13

**A**

a.m 32:3, 24; 155:6  
 A9 32:1  
 abhorrent 21:15  
 abide 56:13  
 ability 14:25; 17:9; 23:19;  
 70:24; 170:25  
 able 15:1; 35:21; 41:7, 12;  
 44:14, 20, 22; 46:20;  
 49:21; 57:25; 71:11; 84:4;  
 89:12; 90:12; 119:20;  
 154:3; 164:15, 173:8  
 above 152:3  
 absolute 103.15  
 Absolutely 105:9;  
 160:22  
 absurd 90:7  
 abuse 158 15, 159:7;  
 170:11; 176:6  
 abused 66.23  
 abusers 7:8  
 abusing 17-10  
 abusive 157:11  
 academy 29:15; 55:3  
 accept 106:3  
 acceptable 68 16; 79:11,

14, 15; 164:18; 170:17, 19  
 acceptance 71:6; 171:14  
 accepted 8:5; 128:1;  
 143:14  
 acclimated 29:13  
 accompanying 150:12  
 accomplished 94:23  
 According 115:20  
 account 4:9  
 accountable 8:14  
 accountant 21:8  
 accounts 147:21  
 accumulative 33-12;  
 34.7  
 accurate 111:20, 21;  
 185 11  
 accustomed 21:18;  
 80:11  
 across 29:9; 72.22;  
 89 25; 112:21; 146:15;  
 159:9; 167:13, 14; 169:6,  
 20, 180:22  
 Act 144 12, 167:22  
 action 33:2; 167 8  
 actions 156.11  
 activities 149:20  
 actual 88:1; 170:24  
 actuality 165:15  
 actually 15:23; 20:20;  
 21:14; 24:4; 42:1, 15; 63:1;  
 73.5; 86:7; 98:8; 102:18;  
 104:19; 106.12; 114.7,  
 131:3; 133:11; 151:12, 25;  
 152:9, 16, 19; 155:1, 24;  
 158:11, 15; 159:19;  
 160:10; 162:6; 163:25;  
 164:3, 5, 20; 165:2, 11;  
 167:14; 169.15; 170:3;  
 172:16, 21, 176:3; 177:17,  
 20; 181:11  
 ad-lib 4:10  
 ADA 34:21; 61:8  
 adamant 168:3, 3;  
 169:13  
 add 33:14; 71:14, 147:25;  
 182:12  
 added 16:17; 127.2;  
 129:3; 155:1  
 adding 8:25; 167:16  
 addition 75:14  
 additional 15.8; 68:21;  
 145:5  
 additionally 150:10  
 address 22:15; 68:24;  
 104:20; 111:14, 113:10;  
 136:23; 140:5  
 addressed 136:25  
 adequate 58 12  
 adios 85 17  
 adjourned 184:25  
 Adkins 149:4, 6, 7;  
 172:15; 174(4); 175.10,  
 21; 176:11; 177(4);  
 178:16, 22; 179:3, 9;  
 180:3, 14; 181:6; 182:5,

14; 183:2  
 admit 19:8; 52:14  
 Adopt-A-Program 184 2  
 adrenal 73:18  
 advised 6:22; 33:10  
 aesthetics 77:8  
 affect 73:3; 130:4;  
 146:23; 147:1  
 affected 73:3; 160:5;  
 176:18  
 affecting 76:25  
 affects 77:7, 8  
 afforded 80:4, 9  
 afraid 77:20  
 afternoon 23:11; 29:2;  
 149:6  
 Ag 29:14; 30:22; 31(4),  
 32:14; 33:5, 8; 34.4; 37:10,  
 55:15; 56:13; 61:6; 62:18;  
 107:6; 108.5; 130:10  
 Again 7:12; 8:16; 14:20;  
 16:3; 17:12, 18:9, 22:18;  
 26:21, 24, 34:6; 40.19;  
 41:25, 44.16; 50:11;  
 52:24; 59:15, 15, 21;  
 84:12; 93:9; 115:21;  
 116:11, 14, 151.21;  
 153:20; 155:11; 157:10,  
 165:21; 167:10; 172.17,  
 175:3; 182:5; 183 14  
 against 50.20; 60:14;  
 120:7; 157:23; 167:9  
 Agawam 76:1  
 agencies 38:21  
 agenda 28:16  
 agent 33:18, 23; 34:1;  
 55:2; 59:18  
 agents 142:12  
 ages 127:19  
 aggressive 50:5, 52:24;  
 54:10; 86 17  
 aggressively 158:17  
 aggressor 69:8  
 aggressors 69:19  
 aghast 6:24  
 ago 50:10, 23; 51:8;  
 67:17; 77:17; 80:24; 81:9;  
 88.10; 144:13; 156:2, 7;  
 160:11; 166:2  
 agreeable 98:22  
 agreement 180:24;  
 181:7  
 agricultural 167:24  
 Agriculture 23:3, 18;  
 31:17; 107 20; 108:23;  
 111:25; 144:15; 145:4;  
 149:22; 157:1; 167.2,  
 169:1  
 agriculture-related  
 149:20  
 ahead 157:6  
 aid 131:25  
 air 82:13, 84:16; 85:2;  
 97:23; 103:18; 145:12;  
 154:24; 155:2

aisleway 83:13  
**Albany** 33:8; 42:4; 62:17  
**Albany-I've** 61:7  
**Albany\_Times\_Union** 42:14  
**alive** 70:20; 129:24  
**allocated** 144:17  
**allow** 13:8; 128:17; 165:16; 167:3  
**allowance** 156:22  
**allowed** 160:20; 163:19; 164:10; 165:8, 25  
**allowing** 4:17, 20; 66:14  
**allows** 158:13  
**alluded** 64:21  
**almost** 29:5; 48:1, 49:13; 108:4, 150.1  
**alone** 168:15  
**along** 14:21; 55:17, 77:15, 79:6; 86:19; 95:15; 149:25; 151:10, 152:14  
**alongside** 79:22  
**already** 9:17; 24:8, 25:12; 41:17; 80:16; 104:4; 109:4; 113:10; 128:14; 130:5, 10; 133:12; 135:20; 152:2, 8; 160:13; 162:2; 171:3  
**although** 21:15; 66:15; 71:15; 146:9; 150:21; 155:22; 156:7, 157:23  
**aluminum** 86:6  
**always** 29:17; 32:2; 45:13; 82:6; 102:16  
**amenable** 94:21  
**amendment** 18:16  
**amendments** 63:13; 140:3; 158:20  
**America** 67:18  
**American** 6:10  
**AmFran** 74.11; 75:9; 148:11  
**Amish** 146 2; 166.3  
**amount** 168:15  
**amounts** 157:14; 171:2  
**analyst** 66:19  
**ancestors** 6:1, 6, 9  
**ancestral** 69:24  
**ancestry** 6:10  
**and/or** 185 18  
**anemia** 106:14; 107:18  
**anger** 167 1  
**angle** 154:10  
**anguish** 68.9  
**anguished** 69:22  
**animal** 6:15; 7:18; 11:10; 24 18; 25:15; 31:20, 42 15; 46:14; 47:15, 48:14, 16; 70:18; 74:11; 79:15; 98:4, 101:15; 116:3, 131 13; 134:6; 137:9, 138:20; 153:3; 162:20; 167:22; 179:16  
**animals** 7:4, 9, 21, 8:21;

11:13, 19, 23; 12:12; 16:24; 17:2; 20:8; 22:6; 25:22; 26:7, 19, 30.13; 31:20; 41:15; 53:3; 57:9; 58:9, 68:22; 69:21, 23; 70:4; 73:2, 21; 75:17; 80.3, 7; 92:3; 94:19; 95(4); 111:6; 113:4, 6; 131:16; 132:21; 135:10; 139:2, 4; 151:23; 153:4; 156:10; 158:1, 13; 160:6; 161:2; 162:18; 166:3; 167(4); 168:19, 21, 24; 169:8; 170:24; 171:3; 175:17; 176:7; 181:16  
**announced** 162:7  
**anybody** 51:3; 56:1; 57:17; 72:19; 104:6; 107:25; 154:13  
**anymore** 40:22, 43.21; 56:6; 81:3; 87:19; 90:10, 12; 112:15; 118:24; 169:17  
**anyone** 7:1, 3; 134:4  
**anywhere** 16:9; 79:2; 81:24; 83:2, 106:18  
**apart** 37:14  
**appalled** 181:13  
**apparently** 77:4; 161:19  
**appear** 33:4; 39:16  
**appearance** 31:3; 33:3; 35:16  
**appeared** 34:9; 36:8  
**appears** 178:13  
**applaud** 158:8; 162:9  
**applied** 98:18; 157:21  
**applies** 126:24  
**apply** 8:24; 11:13; 89:9; 94:2; 126:21; 137:1, 4; 185:16  
**applying** 24:10, 11; 142:20  
**appreciate** 78:13; 148.25  
**apprised** 42:18  
**approach** 162:4  
**approached** 167:15  
**appropriate** 26:6; 96:9, 11  
**appropriately** 13:3  
**Appropriations** 144:14  
**approve** 162:12  
**approximately** 151:7  
**April** 31:8, 14  
**area** 20:9; 23:10; 32:5; 75:1; 103:23; 117 7; 152:5; 184.7  
**areas** 27:18, 23; 159:23  
**Arena** 142:4  
**argued** 161:2  
**argument** 18:15; 19:11, 12; 23:1; 136:5, 5; 138:23  
**arguments** 22.3, 111:13; 112:12  
**Arlo** 140:23  
**Army** 6:18

**around** 17:3; 32:7; 35:22, 42:2, 43:25; 44:9; 47:23; 81:15; 83:9; 86:18; 95:19; 97:3, 25; 105:13; 115:7, 143:9; 153:8, 19; 154:14, 178:23; 181:3  
**arrangement** 28:23  
**arrest** 59:25; 60:11; 134:20, 178:3  
**arrested** 30.18, 21; 31 15, 18; 32:14, 18; 33:22; 55:1, 1, 4; 56:16; 61:11; 63:1, 7, 8; 142 22  
**arresting** 59:18, 19  
**arrests** 54:22; 55:14, 17, 158:13  
**arrive** 67:10  
**article** 148:8, 15  
**articles** 42:20, 23  
**aside** 73:7, 95:16  
**assembly** 127:10  
**assessment** 111 21  
**assets** 80:3; 115:22  
**assistance** 48:15  
**Assistant** 179:15  
**assisting** 67:11  
**Associated\_Press** 42:1  
**assume** 73.21; 94:4  
**assuming** 93.18; 98:21  
**assumption** 92:25  
**attached** 34:16  
**attack** 69:18  
**attempts** 177.12, 13  
**attendance** 27:11  
**attendant** 40:9  
**attendants** 85:5  
**attended** 31:8  
**attending** 66:2; 155:16; 183:2  
**attention** 158:23  
**attitude** 144:22, 25  
**attorney** 21:3, 7; 22:25; 32 24, 34:8, 21; 36:7  
**attorneys** 20:20; 33:9  
**auction** 9:14, 41:8; 45:3; 56:11, 17; 67:16; 75:7, 128:4; 137:17; 142:15; 143:22, 146:9; 148.12; 159:16, 161:17; 180:12; 181:3  
**auctioned** 41 11  
**auctions** 18:20; 89:3, 16, 142:10; 155:17; 156:22; 157:7, 9, 159:18; 167:24; 168:18  
**authority** 8:6, 8, 10  
**available** 81:22  
**average** 143 25; 147:18; 151:1, 19; 172:12  
**average-sized** 118:15; 119:1  
**averages** 128.5  
**avoid** 104:17; 142:19  
**avoidance** 167.4; 175.15

**aware** 9:23; 29:14; 75.4; 152:11; 158:19; 182:7, 8  
**away** 42:14; 44:17; 69:8; 97:17; 156:2; 166:22  
**awful** 163:9

## B

**B 29.7**  
**babies** 69 15; 71:1; 90:21  
**baby** 69:14; 70:8; 100:6; 162.25  
**back** 5:23; 16:3; 29:15, 21; 30:18, 31:25; 32:7, 7; 33:16, 17, 21; 34:24; 35:15, 18; 38:15; 39:2, 19; 40:6, 10; 48:16; 60:11, 19; 61:19; 62:25, 67:13, 16, 76:10; 84:15, 21, 85:4, 6, 7, 87 7, 14; 88:12, 14, 15; 95:15, 21, 97:14, 22; 98:10, 15; 100:16; 102:25; 105.2; 109:7; 114:19; 116.17; 123:4, 6, 8; 124:11; 129:13; 152:9; 153.20; 155:3; 157:6; 160.17; 161:24; 166:13; 169:21; 175:25; 176:2, 180:17; 181:19; 184:4, 9  
**backed** 95:15  
**background** 35:16; 44.20; 127:15; 149:15  
**backyard** 119:19; 150:6; 174.7  
**bad** 30:23; 98:7; 101:18, 20; 114:8, 8, 12; 123:14; 174:23  
**badly** 43:24  
**bag** 87:10  
**Bainbridge** 60:7; 135:23; 143:3  
**balance** 98:13  
**bales** 98:11  
**baling** 115:9  
**Baltimore\_Sun** 148:8  
**ban** 64:9  
**bare** 115:17  
**barely** 32:11; 163:13  
**barn** 24:24; 83:19, 87:2  
**Barney** 42:15, 24  
**Barracks** 29:7  
**base** 117.24  
**based** 149:22; 158:14  
**bases** 105:24  
**basic** 65:21; 71:9; 150 23; 151 2, 15, 23; 152.15; 157:20; 173:9; 174:5; 178:3, 4  
**basically** 12.21; 32 16; 47:8, 14; 51:23; 54.14; 58:4; 78:23; 114:23; 151:17  
**basis** 169:8  
**basketball** 85:23  
**bathroom** 116:8  
**beams** 129:7; 151:11  
**bear** 5:8; 164:15, 165:4  
**beat** 65:10  
**beaten** 163:8  
**beautifully** 45 7  
**beauty** 9:2  
**became** 29:14  
**become** 7:10; 13:17; 120:1  
**becomes** 160:23  
**beef** 21:18  
**begged** 158:25  
**begin** 110:18, 158:10  
**beginning** 16:12; 18:11  
**begins** 5:20  
**behavior** 52:24  
**behind** 79:20; 87.15; 107:6; 164:2  
**Bel-Tex** 141:12  
**Belgian** 155:13; 172:17  
**Belgians** 155:12; 172:24; 173 12  
**belief** 147:6  
**believe** 6:2; 10:4; 27:21; 29:21; 30:3, 31:19; 32:20; 33:24; 34:23; 36:8; 60:25; 61:13, 20; 76:20; 89:2; 135:8; 138:6; 141:21; 148:20; 170:18; 177:5; 178:1  
**belly** 44 9  
**below** 32:10; 35:3; 151:12  
**benefit** 130:17; 131:7, 20; 132:2; 181:20  
**Berks** 120:12  
**Berry** 28:6; 78.17; 81:19, 23, 88:6; 90:24; 91:13; 95:6; 96(4); 97(4); 101:16; 102:22, 103:13; 104:6; 106:7, 12; 107:22; 109:3, 11, 110(4); 111:7, 22, 15; 112:18; 113:7, 12, 15; 114:12, 21; 115:6, 117 7; 118:18, 23, 119:9; 120:20, 23; 121:2, 22; 122(4); 123:3, 7, 13; 124:12, 22; 125:6, 11, 24; 126:5, 7, 9; 133:9; 134:10, 15, 22; 136:9, 15, 24; 138:7, 17; 139:1, 7, 25; 140:7, 20; 141:17, 20, 25; 142:5, 8; 143:14, 21; 144:3; 145.18, 24; 146:6, 12; 147:9, 18; 148:4, 7, 23; 149:1  
**best** 16:1, 25:2; 33:2; 116:1; 118:11; 169:22  
**better** 4 12; 6:11, 7:6; 44:18; 65:21; 103:2  
**Bible** 7:16; 8:2, 18  
**biblical** 8:3, 18  
**big** 38:5, 7; 48:3, 7; 49:11, 50:11, 13, 51:1, 3; 57:12, 76:8; 100:6; 109:8; 155:14; 182:14  
**bigger** 86:22; 87:19;

153:3, 172:13; 175.5  
**biggest** 6:9; 174:10  
**Bill** 4:3, 6; 5:22; 10:5, 11; 15:8, 22:10, 27:17; 28:15; 37:19; 41:15; 42:2, 4, 46:10; 47:8; 53:15, 54:11; 65:13; 107:9, 115 16, 117:15, 118:13, 16; 140:4; 158:25, 167:15; 172:4, 184 13  
**Binghamton** 45:18  
**biologist** 24:6, 77:2  
**bit** 12:9; 31:12; 53 12, 25; 62:3, 91:7; 95:14; 115:14; 149:14, 180.6; 181:23  
**bite** 44:6, 176:14  
**bites** 41.1  
**biting** 54 6  
**bitterly** 116.12  
**black** 20:19; 21:10; 22:4; 130:13  
**bladder** 67:8  
**blanket** 162.17  
**bleeding** 44:10; 70.21  
**blind** 25:8, 46:14, 47.3; 49:8, 20; 50:6, 95(4); 96:1, 99:12, 15, 100:1, 101 12; 102:14, 23; 103:4; 163:1  
**blonde** 166:8  
**blood** 6:12; 64:3; 69:17, 23; 73(4); 106:13, 13; 120:18; 172:14  
**bloom** 181.19  
**blush** 22:25  
**board** 55:5; 146:15  
**bodies** 163:24  
**body** 35:13; 77.5; 152:25; 168:6, 11; 180.7  
**bolts** 81:20  
**bones** 44:8; 81:14  
**book** 77:16  
**booklet** 129:18  
**books** 80:16, 21, 130:7; 168:2  
**border** 29:9, 10; 131:11; 162:22  
**borders** 72.22  
**boss** 86.21, 23  
**both** 13:16; 25:8; 42:5; 46:15; 47:12; 49:8, 20; 50:6; 55:7, 56:19, 61:17; 74 11, 143:24, 24; 149:17, 151:23; 160:20  
**bother** 39:6, 86:11, 112:5, 24  
**bothers** 21:17; 107:4  
**bottom** 27.19, 25; 35.24; 43:24; 81:11, 141.11  
**bought** 76:13; 77:17; 130:21; 146:5  
**bounce** 84.21  
**bouncing** 84:25  
**bound** 16:9, 126:22; 137 5

**bounds** 100.18  
**bow** 71 12, 166:16  
**box** 49:12; 84:1, 9; 86:2; 93:24; 122:5  
**boxes** 122:8  
**boy** 81:2  
**brand-new** 32:23  
**break** 25:4; 66.5; 140 2, 170.4  
**breathing** 7:11  
**bred** 26 16  
**breeding** 122:6, 24  
**breeds** 127:19  
**brevity** 5:3; 7:14  
**brief** 8.21, 49:4  
**briefly** 6:8, 8; 40:14  
**bring** 7:18; 27 13; 36:20; 115.24; 130:14; 142:12, 146:20; 150:23; 153:7; 183:18; 184:4, 9  
**bringing** 56:12; 89:15; 149:11  
**brings** 70:6  
**British** 51:8  
**broaden** 16:21  
**broke** 137.22  
**broken** 24:20, 24; 81:13; 83:18; 96:23, 99:24, 100.5, 23; 137:16, 16; 155:20, 166:18; 176:24  
**broken-legged** 71:2  
**Brook** 78.17, 20, 21, 80.1, 24; 81:19; 88:2; 123:24; 128:14  
**Brosius** 144:15  
**brought** 31:12; 34 24; 42 3; 48:14; 85:4; 102:9; 160:18, 163 3, 24  
**brutal** 81:12; 156.22; 162.13  
**brutalized** 79.15  
**buck** 119:15, 16  
**bucket** 82 23; 84:11  
**bucketful** 41:1  
**buckets** 84:17; 168:14  
**bucking** 153:5  
**bucks** 90:15  
**buddy** 124:14  
**budget** 144.17  
**Budweiser** 173:20  
**buggy** 166:6  
**Building** 132:7  
**built** 91:9; 174:8  
**bunch** 53.20  
**burdensome** 105:23  
**buried** 90:13; 99:1  
**burnt** 84:5  
**burros** 11.20  
**business** 12:23, 36:15; 68:18; 75:25; 91:24; 102:19, 112:1, 120:3; 125:7; 127:7; 147:7; 168:23, 172:25, 181:8,

184.23  
**businessmen** 76 7  
**buy** 19.5, 76:1; 90:3; 105:1; 112:19, 124:16, 22, 23, 130:19; 146.2, 154 21; 184:3, 8  
**buyer** 135(4), 136:2; 160.13, 16; 166:17  
**buyers** 68:5; 75:8; 89:11; 102:20; 123:25; 127:14, 128.8, 9; 131:8; 133:3; 135:22; 159:15; 160.7, 24, 165.25; 171:1  
**buying** 18 23; 75:10, 93:10; 146.25, 25; 180:16  
**Byron** 8:23

## C

**California** 41 21; 57:6; 64:13, 71.17; 77:22; 78:3; 134.25  
**call** 5.24; 21:1; 39.21, 24; 51.24; 52:7; 53 5; 63:2, 3; 98:25; 101:2, 121:3, 123 17; 154:20; 168:22  
**called** 30:2, 24, 38:24; 40:12, 13; 45:19; 56:15; 77:18; 92:12, 105:4; 142:14, 156.25; 158:22; 159:25; 163.23  
**calling** 62.25; 158:15  
**calls** 9:21; 92:18, 150:12; 157:3, 158.12  
**Caltagirone** 13 22, 23; 14.18; 16 13, 20; 17:18, 22, 18:3; 19:21, 64:1, 2, 15; 76:17, 18, 120:10, 11; 140:16, 17, 141:14, 18, 23; 142:3, 6; 143:10, 19; 144:1, 4; 182:23, 24  
**came** 32:7; 33:17; 39:2, 24; 42:19; 45.2, 86:13; 145:23  
**camera** 85:10  
**cameras** 85:9  
**can** 9.15; 17:16; 22:23; 23.15; 25:17; 27:14; 28:7; 34:25, 35(4); 37:10; 38:18; 43:20, 22, 44:5, 13, 19; 47:6, 8; 53:6; 54:18; 55 21; 58:1, 15, 16; 69:9, 25, 70.4, 71.4, 72:19; 76:1; 77:2; 82.5, 8, 13; 83:13, 25; 84:7, 8, 25, 85:10; 86:4, 7, 14; 87:25; 88:8; 90:3; 91:17, 92:24; 94:13, 17, 23; 95.6, 25; 96.1; 97:4, 25; 98:21, 99:15, 16, 24; 102:10, 104:1; 105:12, 21, 107.25, 112 18, 114 10; 115 21; 116:5, 8, 23; 120:17; 125 25, 127:23, 128.10; 129:17; 130:17; 131:3; 132.19, 133:6; 136.18; 137:2, 8; 142.15, 18; 149:12,

152:18, 153:3, 8, 23, 154:14; 155:21; 160:25; 162:21; 163:13, 164:1, 165(5); 168:7, 169:3, 7, 11, 170:19; 171:16, 173:19; 178 6, 7; 180:10, 11; 184:3  
**Canada** 36:20; 57:12; 64:6; 67:23; 75:11, 110:24; 111:3; 120:25; 122:4, 123:2, 127:21; 128:7; 131:23; 137:11; 162:16  
**Canadian** 29.9, 30:19; 122:10; 131:11; 162.22; 166:23  
**Canadians** 55:22, 71:16, 124:5  
**cancer** 163:15  
**capable** 162:13  
**car** 32:11, 40:1; 76 10  
**Caracens** 50 23  
**care** 8.11; 20:8; 39:4; 56:1; 59.25, 66:25; 67.11; 68:20, 70:9, 12, 71:9; 83.14, 15, 96.21; 116 17; 121:6; 135.10, 138:1; 143:7; 160:6; 164.7, 165:13; 176:22  
**cared** 100:24  
**career** 166:8  
**carefully** 25:1  
**Carey** 30:8; 42:6  
**cargo** 68:14, 20  
**caring** 6:15; 68:4  
**Carlson** 29:23  
**Carol** 66:8, 9  
**Carolinas** 117 11  
**Carper** 31:16; 32:13; 33:22, 23, 34 23; 36 13; 60:11; 104:23  
**carpeting** 86:9  
**carriage** 153 15  
**carrier** 78:7; 123:25  
**carrier-size** 88:3  
**carriers** 78:25; 94:11; 111:23  
**carries** 134:5, 139:18  
**carry** 125:25; 174:9  
**carrying** 180:20  
**cars** 76:9  
**cart** 134:5  
**case** 16 10; 25:18, 37:8; 52:10; 77:3; 100:12; 118.8, 11; 134:24, 135:7; 153:12; 155:4, 157:8; 167:8  
**cases** 119.24; 179:18; 180:1  
**Catch** 145.24  
**categories** 148:3  
**cats** 70:10  
**cattle** 7:19, 21; 20:9; 26:2, 4, 15; 27:24; 43(5), 74:18, 20; 81.12; 82.10, 12,

87.15, 20; 88.2, 12, 95.22; 114:25, 118:10; 127:18; 129:10, 20; 136.10, 17; 154.9; 157:21, 163 8; 181:11  
**cause** 36:6; 68:7; 73:18, 127 24; 129:12, 13, 16  
**caused** 68:6  
**ceiling** 86:7; 128:20, 22; 129(4)  
**ceilings** 43:10  
**center** 39:9  
**centerbounds** 152:24  
**cents** 76:14  
**centuries** 26:16  
**certain** 22:11; 73:10; 101 5; 124:20, 21, 179:21  
**certainly** 8.24, 14:17; 16:16; 23:22; 68:19; 73:14; 77:2  
**certificate** 106:4, 20, 21, 107:2, 13, 19; 110:25; 120:20, 22; 131(4); 132:5; 137:4; 161:6, 13; 162:17, 23, 185:5  
**certificates** 109:10; 131:6  
**certification** 121:1; 185:16  
**certified** 31:10; 60.10  
**certify** 185:10  
**cetera** 21:19, 19; 99:2  
**chain** 87:9  
**Chairman** 4:16, 10:1, 20, 11:3; 12:7; 13.19, 24; 16:6, 17:20, 25, 19:20, 24.4; 28:12; 29:2, 48:25, 49 4; 51:17; 56:24; 64:16, 20, 76:23; 78:19; 91 3; 102:3, 109:22; 110:1; 114:5; 117:21; 126:10, 133:11, 18, 139:10, 144:5, 9; 145.10; 183:14; 184:16  
**CHAIRPERSON** 4.1; 10(5); 11:4, 12:4, 13:20; 17:21; 19 17; 23:25; 27.5, 10; 28 2, 9, 13; 39:13; 46:6; 49:1; 51:11, 14; 56:21; 59:9; 60:17; 63:22, 25, 64:17; 66:1, 7, 12; 71:23; 72(5); 73:25; 74:4, 76:16, 20; 77:21; 78:2, 10, 15, 90:25; 91.4; 102:4; 109:23; 114:2; 117 18; 118:4; 120(4); 121:18, 23; 122.2, 14, 25; 123:5, 11; 125:1; 126.1, 6; 133(4); 134:1; 139:11, 140:8, 12, 15; 144:6; 145:7; 147:12, 148:2, 5, 22; 149:3, 171:18, 21, 25; 175:7; 179.11; 182:18, 22; 183:1; 184:17  
**chances** 60.5  
**change** 70:24; 94:16; 171:8  
**changed** 36:11; 139:16;



148.18  
**changes** 67:20, 20, 80:12; 89:8; 158:23; 171:1, 10, 13  
**changing** 59:24  
**chaos** 50:25  
**Chapman** 66:9, 11; 71:24; 73:5, 23; 74:10, 19; 75 4, 18; 78:1, 4, 14  
**characteristics** 105.6  
**charge** 8:7; 31:4, 4, 6; 32:22; 33:4; 62:20, 150:16  
**charged** 32:19; 36:9  
**charges** 32:19; 36:10; 37:14, 15, 22; 38:14; 61 25; 141:8  
**charging** 33:18, 25; 34:10  
**chasing** 178 23  
**check** 30:14; 32:8; 37:10; 108 6; 112:6; 121:15; 137.14  
**checking** 73:8  
**checks** 107:10  
**chemicals** 77:5  
**chemistries** 73:14  
**chest** 50:13; 98:11  
**Chicago** 92:6  
**chickens** 74:19, 21  
**child** 7:8  
**children** 30:12; 81:4  
**choose** 58:19; 105:2  
**chose** 141:8  
**Chris** 28:6; 133:18  
**Christine** 126:7; 133:11  
**circumstances** 53:24; 58:22, 23  
**circumvent** 160 7  
**City** 29:11; 30:10; 120:13  
**civic** 42:17  
**Civil** 79:23  
**claim** 160:8; 168:23; 173:8  
**claimed** 160:16, 166:17  
**claiming** 112:14  
**clarify** 147:5  
**classified** 62:23  
**clause** 11:13; 16:8  
**clauses** 11:8  
**clean** 80:4, 117:6  
**cleanly** 166:11  
**clear** 56 12; 145:12, 20; 165:19  
**clear-cut** 31:22  
**clearance** 129:2  
**clearer** 27.4  
**clearly** 35 1; 159:9  
**climbed** 35:11  
**close** 75:1, 1; 117:8; 130:8  
**closed** 132 12  
**closely** 10 11  
**closing** 9:7; 74:25; 75.6;

95:18  
**Co-Franko** 33.23  
**co-sponsor** 10:5; 16:18  
**coaching** 150:3  
**Coast** 71:17; 150:14; 161:16  
**coggins** 55:16; 106(4); 107:2, 8, 13; 109:20; 110:23  
**cold** 32:11; 35.1, 13; 38:23; 39:22; 116:13  
**coli** 74:21  
**colic** 70:5; 165:9, 14  
**Colicked** 165:8  
**colics** 168.7  
**collapsed** 41:2  
**colleagues** 156:8  
**collect** 142:11  
**college** 149:21  
**comfortably** 49:13; 88:8  
**comforts** 80:9  
**coming** 35:3; 48:2; 82:7; 84:24; 95:10, 17; 108:17; 113:23; 117.10, 10; 126 2; 148:23; 151:18; 165.21; 170:8  
**commend** 19 14  
**comment** 24:7; 25:20; 48:22; 74:22; 76:21  
**commented** 49 25  
**comments** 27:16; 59:14  
**commercial** 78:25; 80 1; 88:3; 94:11; 111 23; 123:24, 124:1; 125:3; 128:19; 156:23; 174:12, 14  
**commercially** 124:2  
**commercials** 173:20, 21  
**commissioned** 185:8  
**Committee** 4(4); 5:21; 9 9, 13:12; 14 21, 15:22; 23:2, 19; 27:11; 39:16; 41:15; 66:7, 13; 71:11; 78:12; 104 19; 126:11, 140:1, 4; 148:24; 149:9; 183 5, 7, 15; 184:20  
**common** 79:9, 9; 100 18, 19; 107 5; 116:14, 16; 138 13  
**commonly** 43.4  
**Commonwealth** 80:19, 185:9  
**communities** 156:12; 167:2  
**community** 168:1  
**companies** 33:24; 130.17; 132:2  
**companions** 79:22  
**company** 36:20; 54 25, 59:17; 117 22; 154:17  
**compartment** 36:25; 47:22  
**compartmentalized** 38:1  
**competing** 150:3

**competition** 123.15, 22, 24  
**competitions** 169:8  
**competitor** 124:3  
**complaints** 156:14; 176:4, 180:17  
**complete** 131:24; 167:4; 175:15  
**completely** 26:1  
**complicated** 49:16  
**compromise** 102:9, 109:15  
**computer** 66:19; 185:13  
**con** 62:19  
**concern** 144:10, 178:9  
**concerned** 20:7; 58:10; 176:25  
**concerning** 140:18  
**concerns** 53:14; 140:5; 144:16  
**concluded** 185:2  
**condition** 9:4; 65:9, 75:24; 98:24; 99:18; 125:4, 137:19; 163:22, 23; 165(4)  
**conditioning** 181:12, 16  
**conditions** 25 1, 6; 26:17; 74:12, 96:3; 99:5; 103:11, 16; 154:4; 168:16  
**condoned** 9:16, 165:25  
**conferred** 61 7, 8  
**conform** 60:10  
**conforms** 58:9  
**confused** 113:14; 120:16; 180:6, 14, 181:23  
**congratulate** 10.12  
**conjunction** 23:2, 17; 123:20  
**connected** 184:24  
**Connecticut** 41.20; 66:18; 67:5, 19; 74:7; 132:11; 135:25  
**consequently** 70:19  
**consider** 15 10; 60:24; 62:9; 63:12; 134:9; 167:16  
**considerable** 4 24  
**consideration** 14:17; 84 19  
**considered** 71 20; 140:4; 164 18, 22  
**considering** 71:17, 172:10  
**consignor** 68.12  
**constantly** 82:2, 84:14; 85:8  
**constituent** 19:14  
**constitutionality** 23:20  
**consumption** 50:20, 21; 74:9, 11, 12; 79:11, 13; 117:2; 128 8  
**contacted** 32:23; 33 7  
**contain** 70:13  
**containers** 46:16  
**containing** 38 12; 65:17

**contested** 52:15  
**continue** 9:19; 37:1; 155:2; 165:23; 170:20; 183:20  
**continued** 156:9  
**continues** 156:5  
**continuing** 176:6  
**contracted** 43:21; 164:4  
**contractors** 123.17, 20  
**contribute** 26:11; 116:14  
**control** 108:15, 18; 156:3; 185.18  
**controversial** 128:11  
**convenience** 28:24  
**conversation** 4:10; 33.1  
**convicted** 34:2; 36:13; 38:10; 130:23  
**conviction** 34:3  
**convictions** 158:13  
**convince** 5:13  
**Coors** 173:20  
**copied** 41(5)  
**copies** 4.9  
**copy** 4:13; 34:17; 185:14  
**corner** 97:25  
**corporation** 59 19, 25, 78:22  
**correctly** 121 11  
**cost** 91:12, 92.11; 93.19, 20; 104 5; 130:19, 23  
**costs** 91.19; 93:23  
**couldn't** 34:13, 36:12, 40:21; 44 7; 111:10  
**counsel** 33:7; 61 6, 7  
**count** 33:12; 38:6, 9  
**counted** 34:12  
**country** 21:12, 16, 17; 28:21; 42 2, 22, 78:23; 79:2, 4; 90:1; 112:22; 120:5, 180:22  
**country's** 7.5  
**counts** 37:9; 38:14; 55.4; 61 18, 24; 140:24; 141:5  
**County** 18 19; 32:24, 34:20; 37:6; 63:3; 120:12; 141(4); 142:2; 156:5, 12; 175:24, 179 15; 185:9  
**couple** 12:10; 24:7, 35:15; 46:9; 50:18; 59:14; 67:25, 71:14; 77.17; 90:15; 96.8; 115:11; 151:2; 153:7  
**courage** 9:3  
**course** 13:25; 29:16; 33:2; 36:15; 51:6; 55:12; 80:11; 108:21, 154:5, 12, 155:12, 162:3, 165:4, 21; 178:2  
**court** 33:5; 34:9; 36.8; 37 5; 51:25; 52:9, 58:20; 63:6, 135:14  
**cover** 17 2; 25:22; 105 24  
**covers** 65 16  
**cow** 39:9

**cowboy** 40:18  
**cows** 20:10; 86(6); 136:16, 18; 149:19  
**cram** 69.2; 90:5; 123:15; 160:24  
**crammed** 80:8; 81:10  
**cramming** 69:11  
**Cranbury** 135:24  
**crashing** 155:19  
**crawl** 83:7  
**create** 58:4; 156 19  
**created** 21:11, 12  
**creates** 168:6  
**creatures** 7.11; 8:13  
**cries** 69:22  
**crime** 132:19  
**criminal** 31:4; 37:5, 62:20; 176:16  
**crippled** 164:9  
**criteria** 138:18, 19, 19  
**criticize** 5:16  
**crops** 149:17  
**cross** 107:3; 131:11, 22; 162:21  
**crowd** 35:23, 39:1, 2  
**crowded** 14:13  
**Crown** 79:3, 4  
**cruel** 24:18; 126:14; 134:6, 9; 135(5); 136:7, 22; 138(4); 157:11; 175:11  
**cruelly** 14:13  
**cruelty** 12:12; 31.20, 20; 134:23; 135:13; 144:12; 156:10, 157:23; 164:17; 167:5, 7; 175 16; 179:16  
**crush** 86 7  
**crushed** 83 9, 90:21; 153:3  
**cry** 70:7  
**crying** 18:20; 21:11  
**cues** 49:20  
**cultural** 21 23, 25; 22:6  
**culture** 6:11, 22; 159:16  
**cultures** 79:10, 12  
**Cumberland** 179:15  
**cumbersome** 105:23  
**cure** 85 13  
**curious** 14.7; 74:8; 119:4  
**current** 14:5; 142:19; 144:11; 164:11, 17; 167:4; 171:8; 172:4; 175.15  
**currently** 126 16; 127:16; 131:7; 142:23; 162:15; 173 18  
**Curt** 78:20  
**Curtis** 78:16  
**custody** 127:7  
**cut** 36.5; 44:10; 69:6; 93:13

**D**

**D.O.T** 110:11  
**DA** 179:15  
**dairy** 178 2  
**Dakota** 6:19  
**damage** 69:9; 179:5  
**dangerous** 52:24  
**dare** 20:25  
**Darren** 31:16  
**dash** 85:10  
**database** 63:9  
**date** 33:4, 6  
**Dated** 185:20  
**daughter** 119:20  
**Dauphin** 141:24; 142:1  
**David** 32:13; 34:23  
**David's** 33:19  
**day** 30:15; 39:3; 62:16; 71:7, 82:14, 83:1, 108:6; 142:18; 154:11; 155:8; 162:7; 163:25; 166:4; 167:1; 168:15; 170:10; 181 4; 185:20  
**day—but** 96:2  
**days** 15:21; 40:21; 42:6; 44:1; 50:18; 51:5; 106 24, 25; 116:1; 139:18; 155:4, 5; 157:19; 166:10; 170:8  
**daytime** 45:17, 18  
**dead** 30 5; 39:25; 40:5, 11; 67:9; 74:14; 168:22  
**deal** 12:13; 16:15; 50:2; 89:19; 109:8; 113:17; 145:16; 182:15  
**Dealers** 142:11; 146:20  
**dealing** 7:10; 16:16; 17:4; 19 22; 50:5; 54:22; 113:6; 136.6, 21; 146:3; 179:23, 183.23  
**deals** 145:21  
**dealt** 11:9; 33:1  
**death** 69:11; 70:23, 127:25  
**Debra** 34:21  
**deceased** 8:23  
**deceiving** 114:22  
**December** 16:12; 29:22; 39:20  
**decency** 79:9; 100:19, 171:4  
**decent** 7:10; 15:11, 13  
**deceptions** 161:25  
**decided** 33:3; 41:8  
**decision** 37:8; 52:25; 146:11  
**deck** 129:5, 16; 130:24, 182:1, 4, 9  
**deckers** 127:18; 155:17, 170:22  
**deckers—and** 89:5  
**decks** 128:22; 129:4  
**decrepit** 67:13

**decrying** 9:21  
**dedicated** 150:1  
**deemed** 132:3  
**deep** 6:5  
**deer** 77:3, 4  
**defeated** 69:7  
**defend** 70:9; 163:10  
**defendant** 36:7; 37:21  
**defer** 130:9  
**definable** 18:4  
**define** 99:10; 132:5; 136:7; 138:15  
**defined** 59:4; 135 17; 160:1  
**definitely** 158:8, 20  
**definition** 23:23; 127:1; 136 21  
**deflected** 155:24; 156:16  
**degrade** 165:14  
**degree** 62:4, 5, 145:14  
**degrees** 39:22; 83 1, 2  
**dehydrated** 115:25  
**deletes** 122:7, 11  
**delicacy** 71:20  
**delivering** 53:19; 68:22  
**demand** 171 8  
**demonstrating** 100:7  
**denial** 69:1  
**denied** 167:18, 19, 20; 170:10; 181:17  
**Dennis** 117:25  
**deny** 89:11; 126:22; 168:19  
**Department** 23:3, 18; 107:21, 108:23; 111:25; 145:3, 157:1  
**Depending** 139:19  
**depends** 91:16; 116:11  
**deplorable** 74:13  
**depression** 70:7  
**deprivation** 157:24; 168:4  
**deprived** 157:19  
**depths** 70 17  
**deputy** 144:19  
**Dermody** 27:12  
**descendant** 6:20  
**description** 131:24  
**deserve** 7:6  
**design** 84:3; 114:6; 127:23; 130:20  
**designated** 121:25  
**designed** 83:10, 15, 114:13; 127:17; 128.18, 25, 129:10, 19; 130:1; 135:20  
**desirable** 105:5  
**desire** 5.15, 13:15  
**desperately** 170 7  
**Despite** 156:4; 163.18; 166:15; 176:4  
**destination** 68:23; 99:12, 19; 132:23

**destinations** 80:1  
**destined** 129:23  
**detailed** 12.16; 24:16  
**details** 12:25; 13:5  
**deter** 127:13  
**determination** 13.13; 16:7; 22:24, 101.5  
**determine** 22:14; 51:21; 93:16  
**determined** 33:2  
**developing** 29:18  
**diagram** 82:9; 129:17  
**diagrams** 118.7  
**die** 70:4; 165:15; 168:19; 169:9  
**died** 41:2  
**Diesel** 34:25  
**difference** 21:23; 64:25, 71 5, 103:9; 121:19; 124 3  
**different** 26:18; 73:18; 81:21; 102:11, 111:17, 18; 119.22; 150.9, 22; 159:20  
**differently** 37:3  
**difficult** 22:12  
**difficulty** 53:24  
**digging** 6:5  
**dimension** 48:5  
**dimensions** 88.1, 1  
**direct** 6:19, 63:11; 185:18  
**direction** 158:4  
**directly** 75:5; 149:23  
**dirty** 90:8  
**dis** 62.19  
**disabled** 30:5  
**disadvantage** 97:2  
**disagree** 89:17  
**disappointed** 172:16  
**disciplines** 150:5  
**discover** 166:5  
**discuss** 70:11; 140:2  
**discussed** 161:8  
**discussed—was** 163:4  
**discussion** 17:15, 16; 184:13  
**discussions** 16:4, 5; 175:10; 183:20, 22  
**disease** 170:1  
**diseases** 163.16  
**dislocated** 24:20  
**dismantled** 67:23  
**dismissed** 135:6  
**disparity** 151:15  
**displays** 68:17  
**disposed** 132:20  
**disregard** 157:22  
**disrespect** 100:18  
**dissuade** 176:6  
**distance** 75:15, 20, 23; 91:16; 166:24, 170:15  
**distinction** 121:24  
**distressed** 164:6  
**distributed** 145:13

**District** 4:6; 32:24; 34 20  
**disturbing** 25:25, 26:8  
**divide** 147:25  
**divider** 152:16, 23  
**dividers** 48:1; 125:5  
**Division** 29:4  
**Doctor** 28:19, 20, 22; 39:14, 15, 46:7, 9, 24; 47:10; 48:10, 18, 22; 49:9, 25; 50:9; 52:15, 20; 53.1, 10, 17; 54:2; 57(5); 64:13; 66:2; 134:15; 152:24; 177:2  
**document** 37:5  
**dog** 8:23  
**dogs** 70:10; 79:11  
**dollar** 15:8; 63.18; 139:18; 141:3, 8; 179:23  
**dollars** 31:5; 59 21; 61.1, 25, 62:12; 76:4; 119:14  
**Domestic** 167:22  
**dominance** 49:17  
**domination** 86:20  
**Don** 54:25  
**done** 4:23; 7:22; 15:1; 26:1, 32:9; 37:2, 18; 58:4; 77:23; 90:16; 95:25, 96:2, 111:8; 121:8, 11, 11, 131:4; 162:18, 19; 169:22  
**donkeys** 11.20  
**door** 61 22, 23; 82:16; 83:11; 88:14; 131:1  
**doors** 55:7; 85:16; 130:25; 131.1, 160:24  
**doorway** 88:12  
**doorways** 129:12; 141:2  
**double** 89:4; 93:17; 127:18; 155:17, 170:21; 182:9  
**Double-deck** 81:7; 128:13; 129:5; 135:1; 140:21; 181:24  
**double-decker** 43:5; 45:11; 84:20; 85:20; 86:5; 93:24, 97:15, 18, 118:24; 125:12; 150:19; 151:8; 157:16  
**double-deckers** 88:22; 93:22  
**down** 4:12; 19:7; 27:20; 33:9, 10; 36:5, 20; 37:20; 38:4, 7; 40:2, 23, 43:22; 44.15; 45:1; 55:3, 62:17, 67:22, 68:2, 69:6, 15, 16; 75:8; 84:22; 85:11, 24; 86:8, 88 16; 98:8; 99 1; 103:20; 104 9, 11; 105:22; 107:5; 112:25, 115:11; 122:8, 9; 124:5, 22; 146:18; 150:14, 151:20; 152:8; 153:5; 155:21; 160:14; 161:2, 15; 162:1; 163:5; 165:5, 17; 166:14; 168:15  
**downed** 40:16; 67:15; 160:12

**dozen** 49:15  
**draft** 50:11; 60:23; 90:22; 100:3, 155:14; 172:11  
**drafted** 126:16; 142:23  
**drag** 81:15; 100:20, 25  
**dragging** 67:15; 74:14  
**drained** 80:7  
**draw** 57:25  
**drawn** 140:3  
**drink** 71:3; 84:8, 13, 13; 116:6; 168:14, 169:11, 15; 180:11, 20; 181:2  
**drinking** 181:4  
**drive** 92:5; 97.24; 159:11  
**driver** 33:18, 20; 50:15; 52:25; 55:1; 59:18; 61:18; 65:6  
**drivers** 59:24; 68:5  
**driveway** 101 22; 104.14  
**driving** 110:17, 154:4  
**drop** 163:5, 166:14  
**drop-offs** 142:14  
**dropped** 142:14  
**dropping** 151:11  
**drops** 151:5  
**drove** 40:2  
**drown** 69:21  
**druthers** 64:9  
**Due** 67:19; 68:4, 5; 129:9; 132:11  
**duly** 185:8  
**dumped** 148:19  
**during** 144:13, 150.15  
**Dutch** 82 16  
**dying** 74.14  
**dynamics** 69:4

**E**

**E** 74:21  
**each** 33:13, 13, 13; 47:15, 17; 127:12; 128:4, 5; 129:5; 147:24; 156:21; 160:23  
**earlier** 35:4; 133:7, 13; 159:10, 19  
**early** 30.18; 42:4, 155:7  
**ears** 151:25; 152:7  
**earth** 7:18, 24, 8:7  
**easier** 59:5  
**easiest** 65:22; 123.1  
**easily** 22:7; 43:13; 115:2; 137:2; 153:3; 172:19  
**east** 128:3; 150:13, 161.16  
**eastern** 132:14  
**easy** 55:21; 95:11; 97:24; 108:15, 18; 119:16; 143:8, 153:2; 155:23  
**eat** 5:15, 39:6; 44:14, 22; 51:3, 5, 9; 64:6; 73:15; 84:14  
**eaten** 21:15

**eating** 21:18; 30:13; 40 25; 51:7  
**Eby** 91:9; 130:17, 21  
**economically** 125:9; 137:12  
**economics** 67:21, 91:7  
**economy** 118:12  
**effective** 17:2  
**effectively** 102:18; 135:15  
**effort** 157:12; 159:1; 160:7  
**efforts** 149:10; 158:3, 8, 10; 176:22; 177:21  
**egress** 61:22  
**eight** 36:18; 47 21; 48:4; 84:10, 10; 85:21; 86:3; 88:5, 8; 94:17; 115:3; 135:4; 173:1  
**Eight-foot** 88:6, 7  
**either** 20:15; 21:7; 48:17; 91:17; 118:24, 139:6; 150:4, 15; 152:17; 167:9  
**elaborate** 64:24  
**elect** 94:14, 15  
**electric** 81:12; 87:17  
**element** 176:16  
**eleven** 43:6; 151:21  
**else** 18:25; 46:3; 47:13; 73:19; 99:16; 152:6; 170:11  
**emaciated** 163:12  
**emergency** 67:7  
**emits** 77:4  
**emotion** 21:12  
**emotional** 22:1; 81:16; 120:2; 128:11  
**empathetic** 70:11  
**empaths** 70:18  
**Empathy** 70:15  
**emphasize** 162:11; 173:25  
**employed** 29 3; 78:20  
**employee** 33:21, 22  
**empty** 92:5  
**enable** 140:5  
**enact** 13:9  
**enactment** 13:15  
**encourage** 167:3  
**end** 5:20; 15, 22, 24; 16:2; 32 8; 39:3; 61:14; 64:11; 67 8; 68:23; 126:14; 142:10; 152:2; 156:20; 165:3, 4  
**endorsed** 110:24; 111:1; 122:20  
**ends** 70:23  
**enforce** 17:9, 89:12; 143:8  
**enforceable** 23:22  
**enforced** 13:10, 56:14; 80:17; 107:20; 111:15; 137:3; 175:24  
**enforcement** 13:8; 17:9;

23.18; 24:13, 59:5; 65:3; 108:24; 111.24; 126:24; 144:11; 175:11, 20, 23; 178:10; 179:22  
**enforcing** 179:7  
**engaged** 127:6  
**enjoyed** 120:14  
**enlightenment** 110:7  
**enormous** 68:18; 76:4  
**enough** 13:8, 14; 29:12; 38:4; 63:20; 79:8; 82:13, 16, 24; 87:18; 101:6; 105:5; 111:13; 112:14; 144:17; 152:12  
**enroute** 163:1  
**ensure** 49:7  
**entered** 143:5  
**entire** 17:8, 29:6  
**entirely** 150:1; 165:3  
**entry** 108:8  
**environment** 26:22, 22  
**envy** 158:11  
**epic** 51:3  
**equal** 56:2; 99:3  
**Equestrian** 149:4; 150:2  
**equine** 11:9, 19; 17:4; 24:18; 54:16; 57:21; 65:16; 80:2, 6; 106:14; 107:18; 110:4, 115:22; 117:16; 126:7, 17; 131:7; 132:7, 10; 133 1; 149:24; 150:11; 156:8; 157:2; 158:22; 159:8; 162:11, 11; 170:16; 171:11  
**equines** 130:1  
**equipment** 67:22  
**equipped** 85:9  
**equivalent** 70:20; 151 17  
**era** 156:1  
**ERT** 117:15  
**especially** 5:1; 31:13, 23; 44:14, 21, 64:5  
**essence** 47:7  
**essentially** 25:5  
**essentials** 80:10  
**Essex** 32:23; 34:20; 37:6  
**establish** 49:18  
**establishment** 127:9  
**et** 21:18, 19; 99:2  
**ethics** 68:24  
**Europe** 50:24; 71:21  
**European** 57:21  
**ethanize** 171.5  
**ethanized** 90:13; 132:3  
**even** 25:12; 30:10; 38:1, 43:2, 15; 53:13, 56:5; 69:5; 70:10, 75:6; 89:14; 92:22; 93:16, 94:18; 104:13; 111:25; 112:5; 116:17; 127:25; 129:8, 23; 139:22; 141:6; 152:7; 154:19; 155:5; 165:16; 166:20, 22; 168:15; 169:22; 172.12; 175:24; 182:3

**event** 63-18  
**every** 7:18, 19; 9:19; 37:25; 47 19; 50:17; 65:14; 82(4); 84:1; 94:9; 96:2; 111:9; 115:15, 16, 17; 116:5; 118:22; 125:15; 137:8; 158:2; 159:1, 160:7; 162:24; 163:17, 19, 164:23; 169:14; 174:23  
**everybody** 51:7; 76:9, 104:3; 106:10; 170:18; 177:24; 183:16  
**everything** 46:20; 47:13; 65:16; 73:19; 97:23; 98:12; 107:10; 112:8; 114:23; 164:4  
**evidence** 27:22; 37:17; 132.19  
**evidently** 64:4  
**evil** 90:7  
**exact** 93.7; 153:13  
**Exactly** 22:6; 125:17  
**examine** 131:19  
**example** 22:13; 23:10; 24:16, 52 22; 94:6; 135:1; 137.16; 142:20  
**exceed** 130:5  
**except** 45:17; 57 6  
**exception** 125:15  
**excessive** 174:17  
**excessively** 157:11  
**exclusively** 131:16  
**exhausted** 164:19  
**exhibited** 116:16  
**exhibition** 122:6  
**exist** 157:24; 182:6  
**existing** 18:16; 130:16; 134:4; 138:25; 139:15; 177-10, 11  
**expand** 24:10; 103:24  
**expanding** 25:21  
**expands** 15:2  
**expansion** 27:17  
**expect** 83:21  
**expected** 168:24  
**expedite** 159:1  
**expense** 90:13  
**expenses** 41:9  
**experience** 24:22; 26:12, 18, 25; 67:2; 79:6; 161:10  
**experiences** 73:18  
**expert** 18 10; 135 14; 138:8  
**expertise** 23:12  
**experts** 5:12; 22.22, 25:3; 138 11  
**expose** 73:11  
**exposing** 70:21  
**expressions** 22:25  
**extensively** 150:13  
**extent** 176:18; 179:21  
**extra** 180:21  
**extraordinary** 156:10

**extreme** 151:16; 165:12  
**extremely** 75:25; 116:13; 165:1  
**eye** 44:25; 50:1; 85:8; 129:16, 130:13  
**eyeball** 45:1  
**eyes** 25:9; 46:15; 49:8, 21; 50:6; 66:22; 70:6; 95:18; 102 25

**F**

**F** 29:3  
**face** 15:19; 43:25  
**facets** 150:9  
**facilities** 129:20  
**facility** 66:18; 73:10, 183:8; 184.20, 21  
**facing** 97:14, 21; 141 5, 7, 10  
**fact** 6:9; 13:9; 14:18; 19:1; 21:13; 26:6; 64:21; 94.13; 129:9; 139:16; 152(6); 153:10; 154:1; 163:4, 164:22; 166:15; 167:14, 23, 168:3; 169:12; 172:11, 22, 184:6  
**factor** 86:20; 97:10  
**factors** 92:2  
**factual** 111:15  
**failed** 60:12  
**fair** 46:3  
**fairly** 175:4  
**fall** 40:23; 129:14  
**falling** 155:18  
**falls** 86:8; 103 20  
**familiar** 30:25; 80 14; 110:14; 119:4; 149:16; 150:21  
**family** 6:4; 54:16; 65:15  
**far** 18:4; 23:18, 19; 83:16; 86 13; 93:5, 6; 95:6, 20; 117:8, 129:21; 141:25, 165.2; 169:25  
**farm** 67:25; 101:17, 103:5, 105:9, 14, 19; 106:21; 107:1; 142:3; 150.12  
**farmers** 167:9  
**Farms** 14:1; 23:11; 79 2; 149 17; 150:11; 159:18; 183:6  
**fashion** 98:9, 18; 99:3  
**fashioning** 98:17  
**fast** 45:21; 97:25  
**faster** 45:21; 170:23  
**fat** 147:1  
**fatal** 69:8; 168:7  
**father** 33:20  
**fatten** 181.19  
**fattened** 45:8  
**fear** 69:23; 70 4; 169:18  
**fear-crazed** 69:21

**fearful** 69:14  
**feasibility** 67:21  
**feasible** 125:9; 137:12  
**features** 129.11  
**fed** 133:12  
**federal** 106:16; 107:19, 110:11; 111:1, 2; 120:25; 121:1; 122:3, 23; 128:16; 184:1  
**federally** 110:24; 122:20  
**feed** 8:11; 40:24  
**feedlot** 127:10  
**feedlots** 159:17; 181:11  
**feeds** 71:3  
**feel** 5.11; 13:7; 90:14, 23; 108:2; 136:24  
**feeling** 68:9  
**feelings** 6:21  
**feels** 116:7  
**feet** 30:23; 37:24, 25; 43:13; 47:19; 50:14; 55:6; 65:14, 15; 69:15, 17; 88.4, 5; 94.9; 98:2, 118:22; 128:20; 129:7; 160:15, 164:2, 14; 172:7, 10; 182:3  
**fellow** 42.13  
**fellows** 115:23  
**felony** 180:1  
**felt** 6:22; 13:2, 5; 167:1, 183:8  
**ferocity** 9:4  
**fever** 169:24  
**few** 15:20, 39:17; 41:1; 90:22; 93:14; 144:13; 145:11; 150:22; 157:7; 169:21  
**fewer** 79:12  
**field** 29:16; 87 2; 102:25; 156:8  
**fiercely** 70:9  
**fight** 52:1; 58:11, 20  
**fighting** 50:2; 54:5, 6; 79:23; 83:5  
**fight** 69:7; 103:21  
**figure** 147:22; 148.13, 21; 181:25  
**figured** 73:17  
**figures** 143:24, 24; 148:17; 168:5  
**filed** 60:13  
**filling** 40:9  
**film** 34:19; 154:1  
**final** 9:6, 9, 79:20; 132:23  
**finally** 158:10; 164.19; 167 12  
**financial** 63:19  
**find** 9:24; 21:20; 38:8; 64:4; 73:14; 115:3; 144.24, 179 17  
**finding** 21:14  
**finds** 170:17  
**fine** 34:5, 39:6; 60:4; 61:1, 5; 62:1, 6; 63:18; 90:18; 102:24; 139:18; 141:3, 8;

161:2; 179:24  
**fined** 31:5  
**finer** 60:12, 13; 63:15;  
 127:13; 141:10; 158.14,  
 16; 176:5, 178:7  
**finesse** 87 22  
**fingerprint** 62:21  
**fingers** 35:12  
**finished** 39:23  
**fires** 83:19  
**firewood** 99:25  
**firm** 66:19  
**first** 4.3, 15, 11:7; 22:25;  
 24:9, 34:17, 39:4, 40:4;  
 47:22, 60:21, 62.11, 17,  
 95:8; 114:6; 156:18;  
 161:9, 175:14  
**firsthand** 66:24, 67:2  
**fit** 49:12; 101:6; 118:17;  
 125:23; 128:13, 131:5, 9,  
 10; 132.4; 137:3, 157.17;  
 161:5, 12; 162:23; 170:21,  
 175:4  
**fitness** 101 11, 13  
**five** 32(4); 43:5, 6, 6;  
 55.10, 78:5; 82:21; 85.21,  
 21; 93.4; 96:25; 111:9;  
 115:16; 116:5; 119:13, 21;  
 129 6; 130:6; 141:2, 7;  
 151 7; 168:6  
**five-minute** 66:5  
**five-year** 100:3; 162:8  
**fix** 25:4  
**flashlights** 40:15  
**flat** 164:2; 166:15; 181:9  
**flaying** 70:20  
**flesh** 40:16  
**flip** 121:14  
**float** 84:17  
**floor** 15:24, 35 20; 37.15,  
 16; 151:5; 163:6, 164 2,  
 21; 166:15  
**floors** 38.15, 129:2, 13  
**flopped** 166:12  
**Florida** 75:21; 92:11;  
 107.12; 108:10, 11; 118:2;  
 169:21  
**flow** 7:12, 154.24; 155:2  
**flower** 104:14  
**fluff** 5:6  
**foal** 67:6; 163:15  
**foals** 69:2; 127:3; 162:25  
**focus** 25:13, 27:2  
**focusing** 103:9; 104.16  
**folks** 105:21  
**follow** 5:12, 18:2; 80:6,  
 110:8, 10, 16, 158:18  
**follow-up** 49:5; 56:24;  
 124:4, 125:2  
**followed** 41:22  
**following** 12:21; 16 6;  
 22:23; 126:19  
**follows** 80:3  
**food** 44:1; 50:16, 25;

51:5, 122:1; 127:20;  
 157:19; 163:18  
**foolish** 108:4, 8  
**foot** 43:3, 4, 7; 48:4;  
 82:11; 84:10, 10, 86.3;  
 151:7, 12, 13; 152.10,  
 154:19; 165:1; 173:6, 22;  
 174:18  
**forbidding** 163:19  
**forced** 26:10, 22, 165:7;  
 170:13  
**foregoing** 185:10  
**foreign-owned** 128:6;  
 133:4; 142:13; 157.13  
**forget** 77:16; 176:12  
**form** 34:18; 71:7; 149:4  
**formula** 91:17, 25  
**forth** 7:18; 42:18; 77:1;  
 170:4  
**forty** 93:25  
**Forum** 66:16; 67:2  
**forward** 77:19; 159.2  
**found** 35:5; 37(4); 38:13;  
 128 24; 135:12; 144:21  
**founded** 164:25  
**founding** 21:11  
**four** 36.16, 43:12, 13;  
 119.13, 164 14; 165:5;  
 168 13, 172.25, 174.19  
**four-inch** 129 7; 151:11  
**four-part** 148 9  
**Fourth** 161:5  
**fowl** 21:18  
**Fowler** 42:15  
**fraction** 93:10  
**France** 64:5  
**Frank** 33.21, 23; 36:12;  
 104 23  
**frankly** 15:6, 25; 174:22,  
 180:4  
**frantically** 161:22  
**free** 35:22; 84:12  
**free-for-all** 86:24  
**French** 30:19; 51:6;  
 55:22; 64:3, 5; 71.16;  
 122:10  
**Friday** 137:21, 22  
**friend** 6.17, 18  
**friends** 19:5; 181:10  
**front** 27.13; 34.23; 61:14;  
 97:14, 21; 114:19, 165.3  
**Frontier** 40:18  
**frosted** 35:9  
**frozen** 40:6  
**fuel** 34:25  
**full** 15:24; 44:6; 50:14;  
 91:18; 92:9, 10, 24; 93:3;  
 114.25, 161.3; 163:15;  
 175:14  
**full-blooded** 6 19  
**fully** 140 6  
**funnel** 142:10  
**further** 32:18; 59:8,

77:15; 97 11, 13, 137:9;  
 149:23; 159:4; 160:1;  
 171:6; 184 23

## G

**G** 78:16  
**gain** 68:21  
**gallantly** 166:12  
**gallon** 93:5  
**gallons** 168 13  
**game** 119:22  
**GANNON** 4:1, 16; 10(5);  
 11:4; 12.4; 13:20; 16:6,  
 17:21; 19.17; 23:25; 27:5,  
 10, 28:2, 9, 13; 39:13;  
 46:6; 49:1; 51:11, 14;  
 56:21; 59:9; 60:17; 63.22,  
 25; 64:17; 66:1, 7; 71:23;  
 72(5); 73:25, 74:4; 76:16,  
 20; 77.21, 78 2, 10, 15;  
 90:25; 91:4, 102.4;  
 109:23; 114:2; 117:18;  
 118:4; 120(4); 121 18, 23;  
 122:2, 14, 25, 123:5, 11;  
 125:1; 126:1, 6; 133(4);  
 134:1; 139:11; 140:8, 12,  
 15; 144:6; 145:7; 147:12;  
 148:2, 5, 22; 149:3;  
 171:18, 21, 25; 175:7;  
 179.11, 182:18, 22; 183 1,  
 184.17  
**gap** 18:6  
**garage** 63.4  
**Garcia** 28:17, 22, 29 1, 3,  
 47:17; 48:3, 49:10; 51:22;  
 52:4, 8, 13; 54.4, 14, 24;  
 55:12, 20, 25, 56:5, 10, 20,  
 58:25; 59:12, 16; 60:6, 16,  
 25; 61:4; 62.15; 64:20;  
 65.3, 25; 66.2  
**gas** 40:8, 9; 180 19  
**gash** 50:13  
**gate** 137:12  
**gated** 137:14  
**gather** 160:2  
**gathered** 167:25; 171:11  
**gave** 7:1, 13; 8:6; 89.23,  
 129.18; 148.13; 183:9, 19  
**geldings** 69:6  
**general** 34:17; 103:25,  
 104:21; 134.24, 135:13;  
 174.24; 175:2, 3  
**generally** 8:5, 58:23;  
 80:2, 5; 123 16, 131:12  
**generally-accepted** 8.2,  
 17  
**generated** 21:10  
**genes** 172:14  
**Genesis** 7:17  
**gentleman** 104:23  
**gentlemen** 29:2; 39.15  
**George** 29:9  
**Germans** 51 7  
**gets** 12:16, 82:22; 86.1,

103:21; 106:5; 114:9;  
 117.8; 157:3  
**Gettysburg** 4:19; 79:21;  
 184:19  
**ghastly** 40:20  
**girls** 104:10  
**given** 23:5; 81 6; 98:23;  
 99:4; 100:11; 143:22  
**gives** 70:16; 71:3, 154:2  
**giving** 168:5; 184.5  
**glad** 45:23  
**glands** 73:19  
**glaringly** 159:5  
**gloves** 35:10  
**goats** 70:10  
**God** 7(4); 8.6, 14; 144:25  
**God's** 8:13  
**goes** 9:13; 51:10; 59:22;  
 72:21; 77:13; 86:8, 87:8;  
 105:1; 159:14; 176:1  
**good** 17 7, 22:16; 29:1;  
 50:2; 53:17; 54:2; 66 11;  
 77:6; 89:25; 103:25;  
 104:1; 106(4), 134:25;  
 135:10; 145:21; 149:4, 6;  
 174:23  
**gooseneck** 112.20  
**gosh** 40:12  
**gouged** 44:25  
**Gouveia** 31:16  
**Governor** 30:8; 42:6  
**grabbing** 87:16  
**grace** 132 22  
**grammar** 5.5  
**grand** 145:22  
**graphically** 68:17  
**grave** 5:19  
**gravity** 39:9  
**gray** 153:10  
**great** 8:8, 8; 98:13  
**greater** 68.20; 75:16;  
 96.5  
**greatest** 169:18  
**grew** 149:16  
**ground** 84:24; 85:1; 86:9;  
 129:2, 21; 155:19  
**group** 23:9  
**grouped** 125:21  
**groups** 102.10, 11;  
 125:21  
**grown** 21.17  
**guess** 13:13; 20:2, 21:15;  
 23:1; 51:10, 58.3; 73:21;  
 118:8; 123:14  
**guessing** 118:19  
**guests** 66.13  
**guidelines** 178:6  
**guilty** 37(4); 38 13;  
 140:24; 141:7  
**guy** 40:11; 63:1, 104:9,  
 13; 124:17  
**guy's** 102:23  
**guys** 29:17, 36:22; 56:15,

82:11, 24; 89 3; 96:22,  
 108.5; 119:15, 124.12, 20

## H

**H.B** 80:12, 15; 126.13, 18;  
 130:14; 131:6; 135:19;  
 142:23, 149:10; 156:18;  
 158:3, 19; 159:3, 13;  
 160:22; 171:1, 10  
**hack** 105:4  
**hadn't** 32 17; 40.23  
**half** 29:5; 31:1; 41:11, 12,  
 43:13; 49:15; 79:3; 81:9;  
 166:11  
**halter** 45:2  
**halters** 131:17  
**halves** 84:1  
**hand** 26:14; 109:6;  
 151:21; 173:1  
**handful** 133:3; 165:24  
**handle** 75:2  
**handled** 18:8; 129:25  
**handler** 127:2, 5; 159:25  
**handlers** 85:5  
**handling** 156 24  
**handout** 81:6  
**hands** 100:4; 172:24  
**handsome** 166.8  
**hang** 84:11, 17, 87:9  
**hanging** 40:7; 45:1  
**Hanover** 14:1, 23:11,  
 101:17, 125:12; 183:6  
**happen** 4:18, 14:24, 25,  
 20:11; 41 4; 66.15, 76:13;  
 134.13; 145:2, 177 5  
**happened** 39 18, 42:9,  
 18; 119.18; 134:19, 153:7,  
 13; 166 4  
**happening** 6.23, 9:13,  
 16, 23; 58:24, 89:1  
**happens** 20 13, 54.10;  
 90:8; 164:23; 180.13,  
 184:6  
**happy** 39:17; 45:8; 56:1;  
 133:7  
**hard** 6:16; 19:7; 36:4;  
 38:5; 52:5, 62:25; 84:21;  
 86.6; 163:24  
**hardest** 170:6  
**Haroff** 29:24  
**Harrisburg** 142:8  
**hasn't** 169:15  
**hats** 66:20  
**haul** 75:20; 78:22; 79:3;  
 81:24; 82:1, 8; 83:17, 19;  
 84:9; 123 22; 124 1, 2;  
 143:6; 180:19, 181:11  
**hailed** 79:4; 83:18; 95:7;  
 150:17  
**haulers** 67:1; 80:1,  
 124:2; 125:3  
**hauling** 67:20; 78.23,  
 79:7, 80:2; 115:22, 23;

125:10, 141:12; 150:15; 171:3  
**hauls** 68:16  
**haven't** 9:17, 60:9, 77:18; 116:20  
**hay** 83:14; 84:14, 14; 87 10  
**head** 35:22; 40:4, 11; 43(4); 61:12; 82(4); 86:5; 91-19; 95:14; 98:1; 118 10; 129:12, 16; 152:3, 12; 153:11, 13, 15  
**heading** 68:2; 75:11  
**heads** 71:12; 173:2  
**health** 8:12; 106:4, 20, 20, 107(5); 110:23, 25; 120.20, 21; 122:3; 131:10, 22; 162:17; 176.23, 25  
**healthy** 106:15, 23; 146:22; 147:2; 170:5  
**hear** 9:12, 15:16, 53:4; 69:25; 75:19; 102 13; 111:13; 146 17; 163:4; 178:5; 180:17  
**heard** 30:10; 45:4, 50:22; 59.13; 111:17; 112:12; 155:18; 156:18; 162:6; 165.9, 20, 20, 173:14; 175:10; 176:11; 177:12, 12  
**hearing** 4:18, 20, 21; 10:6, 12:21; 16:5; 22:19; 66:3, 77:13; 104:18; 126:12; 144:14; 147:6; 183 2; 184:21, 24; 185:1  
**hearings** 10:13  
**heart** 138:9  
**heat** 82 20; 155:6, 9; 168 17; 170:14  
**heck** 37.19  
**height** 43:4; 97:19; 128 23; 129:1, 5, 8; 131:2; 151 8; 172:6, 21, 181 23; 182 2, 10  
**heights** 70:16; 85:19, 128:16, 20, 129:6  
**held** 128:4, 142:15; 153:11  
**hell** 69:24  
**help** 7:2, 42:20; 91:8, 95:14; 98:12  
**helped** 42:19; 166:25  
**helpful** 139:25  
**herd** 69 4  
**herdmate** 70.7  
**herdmates** 70:9  
**Here's** 43:8, 19; 44:3; 45 11  
**hereby** 185:10  
**heritage** 79:18  
**hey** 21:20, 113:7; 115:9; 124:16  
**hidden** 166 3, 9  
**high** 10:14, 43:1; 87:5; 100.4; 148:21; 152:4, 10, 173:17, 22

**higher** 39:8; 68:22; 70:16; 128:17; 148.17; 150:7; 152 25, 153.1, 173:6  
**highway** 38:12; 45:12; 67:14, 24; 162:19  
**highways** 47:6; 108:11  
**himself** 49 24; 81.14; 116:4  
**hind** 152:2; 165:4  
**hinges** 152:17  
**hip** 137:21  
**history** 7:5, 9; 79:18; 150:2  
**hit** 44:4; 86:5, 6, 95:22  
**hobble** 164:10  
**hog** 129:20  
**hogs** 26:4, 16; 43:15, 15, 17; 86:13; 114:25; 127:18; 129 10; 136:11  
**hold** 14:10; 87:16  
**holds** 8:14  
**hole** 163:6  
**holes** 36:3  
**Holland** 75:10; 81:2, 8; 93:6, 7; 117:10; 119:4, 21, 128:4; 140:19, 141:15, 143:12, 14; 144:21, 22, 24; 145(4); 146(5); 147:7, 15, 148:12; 155:24; 156 13, 160:12; 161:18, 24, 163:13  
**home** 32:24; 36:18, 37:3; 63:3; 124:7; 128:2; 159:11  
**homes** 159:17  
**Honda** 85:24  
**Honorable** 4:3  
**honored** 66:12  
**hook** 76:10; 87:2  
**hope** 15:4; 56:8; 132 24, 134:22  
**hopeful** 15:21  
**hopefully** 184:4  
**hopelessly** 70:8  
**hoping** 59:1, 2  
**hopping** 76:5; 84:23  
**horror** 156:9; 166:2  
**horrors** 68:3  
**horse** 5:14, 15, 8:24; 12:22; 18:3, 20; 23(4), 24:6, 23; 25:5, 8, 24; 26:8; 30:23; 33:14; 34:7; 35:21; 38:24; 39(4); 40:5; 43(4); 44:3, 15, 45:1, 16; 46:20; 47:1, 3; 49:20, 22; 50(4); 59.22, 23; 61:3, 4, 9, 62:14; 64:6; 66:15, 18, 21; 67(4), 69(4); 70:6; 73:13; 75:16, 24; 76:1, 12; 78:5, 18, 21; 79:1, 17, 19; 81:13; 82:22; 83:8; 84(4); 85(4); 86:4, 6, 8, 87:2; 90:4, 15; 91:9; 92:13; 95(4); 96(5); 97 1, 5, 12; 99(5); 100(4), 101(5); 102:24, 24, 103:4; 106(4); 107:1; 108.4, 21;

109:13; 112:21; 115.10, 24; 116:3, 8; 119(5); 120:3, 17; 121(4); 122:13, 24, 123:1; 124:2, 127:12, 128(4), 130:5, 13; 132:15, 16, 17; 135:18; 137(4); 138:3; 142:1; 143:15, 16; 145:17; 146:13, 13, 20; 148 16; 150:9, 21, 25; 151(5); 152:10, 18, 20; 156:20; 160(5), 161:18; 162:1; 164:10; 165:11, 17; 166.6, 7; 168 9, 10, 14; 172:12, 23, 25; 174(5); 175:2, 4; 178:23; 180(4)  
**horse's** 98:11; 152:2, 3, 25; 153:11  
**horseman** 136 9, 15; 165:16, 167:6; 169:6; 173 4; 175:17  
**horsemen** 158:5, 7; 160.4; 161:15, 165:22; 167 13; 171:7, 173:10; 176.15, 17; 178:12  
**horses** 6:11, 21; 11:14, 16, 12 2, 14, 23, 14:3, 9; 16:9; 17:15; 18(5); 19:6, 10, 22; 20(4); 21:14, 19, 20; 22:7; 24:11, 12; 25:7, 14; 26 1, 9, 18; 27:2, 20; 28:1, 4, 5, 29:20; 30:2, 4; 31(4); 32:7, 16; 34:5, 11; 35(4); 36:21, 23, 23; 37:25; 38(6), 39:8, 25; 40:19, 20; 41(5); 42:25; 43:1, 18, 44 12, 19, 45.6, 25; 46:1, 4; 47:21; 49(4), 50:3, 5, 19, 51(4); 53 19; 54:9, 18; 55:4, 15; 58:14; 61(4); 64 10; 66:23, 67:4, 10, 15; 68 13; 69 15, 22; 70:3, 9, 17; 71:3, 7, 19; 73:1, 6, 9; 74:14, 18; 75:3, 14, 20, 77:1, 25; 78:22, 24; 79(6); 80.4, 18; 81(4); 82:17, 19, 21; 83(9); 85(4); 86.9, 20; 87:1; 88(6), 89(7); 90(5); 92:7, 17, 23; 93:10; 94(4); 95:7; 96(4), 97:2, 14; 98(5); 99:13, 24; 100(4); 101:5, 18, 21; 102(4); 103:12, 16; 104:16; 105 1, 4, 8; 106:10; 107:9, 10; 108:12, 14; 109 6, 16; 110:3, 9, 15; 114:11, 13; 116.15; 117:1; 118(4), 119:2, 5; 122:4; 123 15, 23; 124:1, 2, 23, 125(4); 126(4), 127(7); 128:5, 13, 19; 129(6); 130:3, 4, 12, 131:17, 25; 132:2, 13, 18; 133:2; 135(4), 136:7, 16, 23; 137:2, 5, 5; 140 25, 142:11, 21, 25; 143:6, 16, 20, 145:17, 21, 22; 146(5); 147(5); 148:3, 6, 10; 149:13; 150:15, 16; 151:15; 154 3, 22; 155(4); 157:15; 159:12, 21, 160:2, 25; 161:10, 12; 162 13;

163:2, 6, 11; 164:25; 165:8, 15; 166:19, 25; 169:13, 23; 170:2, 7, 21; 172:6, 11; 173:21, 174 9; 175:1; 176:20; 177:24, 180:20  
**hospital** 46:2; 137.7  
**host** 4 20; 58:15  
**hosted** 183:7  
**hot** 38:21; 116:13; 155:4, 5  
**hotel** 4:11; 184:19  
**hour** 45:21; 67:14; 153:5  
**hours** 82:21; 83:4; 90:4; 108:6; 111:9; 115:16, 16, 17; 116(4); 127:23; 132:20; 155:7; 166.22, 24; 169:13, 14  
**House** 4(5); 10:5; 15 24; 28:15; 67:16; 126:10; 181:3  
**houses** 42:5; 75:7  
**huge** 92.13  
**human** 50:20, 20; 74:8, 11; 79:11, 13, 117:2; 128:7; 157:20; 163 18, 171:4  
**humane** 70:25; 76:6; 79:25; 98:20, 23; 99:4, 10; 101:15; 138:1; 156:5; 158:10  
**humanely** 39:7; 133:2  
**humanly** 73:2  
**humans** 73:18  
**hunched** 35.21  
**hundred** 31:5; 55:10; 59:21, 61:1, 25; 63:18; 90:15, 91:14; 119:24; 139:18; 141:2, 7; 158:7; 168:12; 179:23; 180:8  
**hundreds** 169:7  
**hung** 152:16  
**hungry** 71:3  
**hunter** 30:11  
**hurdles** 174:17  
**hurt** 7:1  
**hurting** 53:3

**I**

**I-87** 29:25  
**ID** 34:19  
**idea** 35:2; 76:15; 91:17, 92:9; 111.19; 113:8; 166 18, 168 8  
**identification** 161:13  
**identify** 161:11  
**ignorance** 68:7  
**ill** 160:6  
**illegal** 32:15, 21; 55:14  
**illegally** 58:13; 140:25  
**Illinois** 93:7; 117:5  
**imagine** 63:14; 88:9; 173:19

**immediate** 159:1; 164:6; 165:13  
**immediately** 85:13; 165:14, 17; 171:9  
**immense** 164:5; 173:3  
**impact** 68:13; 73:20  
**implemented** 69.1  
**implore** 9:17; 171 9  
**imply** 15:12, 13  
**important** 7:5; 27:1; 40:25; 46:22; 65:12, 66:4  
**importation** 183:23  
**impossible** 128:21; 129:3  
**impression** 114:17  
**imprisonment** 139:19  
**improper** 66:25  
**improperly** 58:14  
**improve** 93:12  
**in-house** 14:2  
**inadequate** 80:8  
**inappropriateness** 26:13  
**Inc** 28:21  
**incensed** 15:7  
**incentive** 76:5  
**incentives** 63 19  
**inch** 35:19; 174:18  
**inches** 35:20; 87:5; 151 7; 172:7; 173:1, 1  
**incident** 157:5  
**Incidentally** 169:19  
**incidents** 39:12  
**inclined** 17:14  
**include** 16 8; 18:17; 22:5  
**included** 16:11; 67:3; 159.13  
**includes** 11:20; 149:18; 150.6  
**including** 18:16; 127:10, 18; 184:15  
**incorrect** 164:16; 179:4  
**incorrectly** 26:2  
**increases** 26:24  
**increasing** 7.7, 119:5; 132:16  
**incredible** 40:3  
**incredulously** 6:14  
**indeed** 7:2  
**independent** 123:17, 19  
**Indian** 6:10  
**Indiana** 108:3  
**indicated** 14:1  
**indicating** 49:22  
**individual** 94:7; 96.10; 97:5, 19, 20, 102:16, 21; 107:21  
**individually** 82:23  
**individuals** 111:17  
**industries** 139:3  
**industry** 12:22, 23(4); 76.11; 108:22, 110.2; 111:18; 119:5; 126 17;

128:1, 15; 130:14; 133.1;  
136:17; 143:15; 146.13;  
150:10, 11, 156:15; 158:6;  
159:8; 160:4; 166:1,  
170 17, 174:23, 24; 175:3;  
181:8  
**industry's** 156:23  
**ineptitude** 68.6  
**infected** 50 19  
**infectious** 106 14;  
107:18; 163.16; 170:1  
**information** 28:7, 15;  
29.19; 33:25; 91.8; 93:18,  
148:25; 159:10; 183.10  
**informations** 33:18;  
34:10  
**informative** 126:3  
**informs** 152.9  
**inhuman** 24.18  
**inhumane** 80:21; 89:16,  
20; 113:6, 126.14; 134:6,  
9, 136:8, 22; 138:16;  
175:12  
**Initially** 36:10  
**injecting** 50:17  
**injured** 83:16, 18; 85 4;  
95 4; 96:15, 16, 22, 97.5;  
99:13, 16, 102.15; 127:4;  
135 3; 137 6, 15; 157 17;  
160:6; 166.19  
**injuries** 69:7; 129:13, 17  
**injury** 69:3, 10; 97:9, 12,  
13, 98:4, 127:24; 129:12  
**injustice** 5.20  
**input** 32:25  
**inquisitive** 20:15  
**insanity** 158 9  
**inside** 19:2, 4; 35:7; 36.4;  
40 1, 14, 43:8; 83:2, 7, 24;  
85:21; 86 4, 24; 155:19  
**insight** 39:18  
**insolence** 9:3  
**inspect** 74:17; 144:18  
**inspection** 74:22  
**inspectors** 145:6  
**instance** 154:25; 170:1  
**instead** 59:21  
**insulation** 51:20; 58:12,  
17  
**insures** 104:1  
**intact** 69 2  
**intake** 169 17  
**integral** 79:17  
**integrity** 74:20  
**intended** 11:16; 74:8  
**intent** 12:11, 18:13;  
33 11, 61:6, 9, 184:5  
**intentionally** 11:12;  
157 18; 183.18  
**interest** 116 2; 119:11,  
136:14; 139:7, 149 11  
**interested** 45:25; 46:1;  
118:7  
**interesting** 126:3,

151 24; 152:6; 154:15  
**interestingly** 79:8  
**interfere** 127:2  
**interior** 172:6  
**interiors** 151:10  
**intermediate** 127:1, 5;  
159:25  
**intermingle** 100 2  
**intermingled** 100:7, 12  
**intern** 72:20  
**internal** 48:5  
**international** 122 18  
**Internet** 66:16  
**interpret** 22:12  
**interpretation** 8.4, 17  
**interstate** 38.2, 108:12,  
12, 13  
**interviewed** 32:14; 157:1  
**into** 16:22; 17:6; 25:11;  
26:10, 22; 27:17, 33:17;  
39 18; 47.1; 49:18; 58 11,  
70:7, 71:1; 73:12; 75:25;  
76:5; 77:5; 81:11; 84:18;  
87:5, 7, 93:13; 94.14,  
96:24; 97:5; 98 24;  
102:24; 107:3, 14, 108:7,  
11, 14; 111:3; 120:24;  
122:4, 13, 24, 123.15;  
128:13, 129.22; 131:23;  
133:12; 135.4; 152:3;  
153:11; 161:1; 162:1, 21,  
163:5; 170:8; 173:13;  
176:14, 177:24  
**introduce** 20:4  
**introduced** 5:18; 42:4  
**introducing** 10:12;  
126.13  
**inundated** 9:21  
**inverted** 9:15  
**invest** 104:4  
**invite** 69:3, 10  
**inviting** 126:11; 149:1  
**involved** 25:25; 111.18;  
149.19; 150:4; 183:22  
**involves** 79.9  
**involving** 34 4  
**Iroquoian** 6:12  
**irresponsible** 67:1  
**Island** 29:11  
**issue** 9:20, 15:17; 16:15;  
17(4), 26.9, 33.3, 99.18;  
101:13; 104:21, 111 14;  
117 5; 120:2; 128:10, 11,  
158.16; 180:15; 184:14  
**issued** 31 1  
**issues** 27:3; 102 8;  
113.11  
**it-it** 154:2  
**itself** 35:13

## J

J 185:7, 24  
J.R 37:7

**jail** 162 8  
**James** 4:4  
**jammed** 43:14; 44:8  
**January** 24:21; 31:25;  
41:25; 42:5, 142.22  
**Japan** 71:20; 77:25; 78:7  
**Japanese** 77:24  
**Jean** 37:7  
**jell** 34:25  
**jeopardizing** 112:4  
**Jere** 20.18; 22:23  
**Jersey** 55:20; 60:14,  
105:2, 10; 124.13; 131.8,  
12, 135:25, 162:6  
**Jim** 21 5; 22:10  
**job** 32:3; 63 6; 85 6,  
124:14; 173 9  
**Johnnie** 184:5  
**join** 10:6, 28:22, 158 24  
**joined** 28:19  
**joining** 78:11, 80:24  
**journalist** 42:16  
**journey** 127.22; 135 5,  
157:18  
**journeys** 127:21; 162.14  
**joy** 70:13  
**Judge** 37:6; 59:2; 62:1;  
135:6; 138:6; 178 4  
**judgment** 51.24; 52:2;  
53:4, 98:25  
**Judiciary** 4:2, 17, 22;  
5:21; 9:9; 13:12; 23 2, 19;  
66:13; 126:10; 149:8  
**July** 185:20  
**jumped** 40.1  
**June** 141:5  
**junked** 76:9  
**jury** 52:9; 59:2; 137:8  
**justices** 63 3

## K

**Karen** 185.7, 24  
**keep** 59.24; 77:15; 85:8;  
87:20; 165:23; 184:9  
**keeping** 63:7  
**keeps** 71 1  
**Kennedy** 79 20  
**Kentucky** 107 5, 112.23,  
118:1  
**kept** 36 14, 41:4  
**kick** 50.1  
**kicked** 43:25; 44 25,  
50:12  
**kicking** 39 10; 53:2; 54:6;  
83:6  
**kidding** 23 14, 117:17  
**kids** 81:4  
**Kiehl** 140:23  
**kill** 30:16, 16; 68:16;  
137:25; 146:25; 157:15;  
161:20; 165:11; 166:25

**killed** 83:8; 157:17; 162 2  
**killer** 68:1; 75:8; 89:10;  
123:25; 127:14; 128:8;  
131:8; 133:3; 136 2;  
141:25; 143:18; 159:15;  
160(4), 164:7; 165.25,  
166:3, 17; 171:1; 178:13  
**killer-bound** 68:5, 12  
**killers** 119:23  
**kind** 7:18, 19; 18:22, 28:3,  
51:24; 54.4; 62:24; 74:13;  
77:5; 91:11; 92.23, 97:17;  
103:16; 106:3; 113.5;  
120:19; 176.19, 19,  
180:24; 182.4  
**kindness** 87:22  
**kinds** 25:6  
**kingdom** 70 18  
**knee** 137:17  
**knees** 173:15  
**knew** 6 10  
**knock** 85:1; 98:1  
**knowledge** 23:12;  
100 11  
**knows** 19:1; 139:23;  
169.2  
**Kolb** 147.19

## L

**lack** 66:25; 68:4, 129:10,  
20  
**Ladings** 107:9  
**lady** 45:2  
**Lake** 29.7, 8, 32:4; 40:1  
**Lancaster** 141:20;  
143:13; 156:5, 11; 175:24  
**Lancaster\_Farmer**  
147:24  
**Lange** 78.17, 19, 20,  
87:25, 88 7, 91:20, 92:2,  
10, 18, 93 2, 21, 94:8,  
98:3; 99:6, 22; 100:16;  
101:9; 104:22; 109:13;  
113:17, 22; 114:14, 20;  
115:1, 20; 116:25; 117:12,  
23; 118.21, 25; 119 8, 17,  
121:25; 122:17, 21;  
123:13, 19, 124.8, 20,  
125:8, 14; 126:4  
**language** 12:15; 18:17;  
46:17; 48:13; 80:15, 16;  
89:8; 104:1  
**large** 108:21, 128:5  
**larger** 151:20, 22  
**largest** 78:25; 128:2,  
143(4); 174.1  
**last** 45:4; 70.19, 90:15,  
19, 125:1; 127:23, 149:25,  
183:4  
**late** 12:9, 155 7  
**Lately** 36:1; 116:21  
**later** 17:13; 33:4, 16;  
90:4; 113 23, 144:20;  
161:24

**laughed** 155:25  
**laundry** 58:5  
**law** 13:8; 14:6; 16:23;  
17.6, 9, 10; 20:20; 29:15,  
30 22; 31(5); 32 15; 33:11,  
12, 14; 34:9; 41:19, 21;  
48(4), 51:1, 2, 23; 52:16;  
53:19; 54:14; 55:11, 16,  
56:8, 14; 57:2; 59:6; 62:18;  
64:21; 104.8, 12; 105 23;  
106:17, 111:10, 24; 113:5;  
126.24; 128:16; 130:11;  
132:11; 134.4, 13, 23;  
138:21, 22, 25; 139.15;  
142 20, 23; 158:12; 160:8;  
164:11, 17; 167:23;  
177:10, 11; 179:7, 22  
**law-l** 37:10  
**laws** 21.7, 9; 22:4; 42:17;  
45:14, 46.4; 80:15, 20;  
107:19, 110(5); 111:5, 8,  
13, 112:14; 113:10; 130:7;  
142:19; 148:18; 157:23,  
25; 163:18; 167:5; 171:8,  
175(4); 176:13; 179:17  
**layman** 11 18  
**laypeople** 63:5  
**lead** 87:3, 3, 5  
**leading** 127:8  
**League** 156:5  
**learn** 5:25; 6:13; 18:11  
**learning** 5.25; 18:21;  
150:9  
**least** 34:12; 44:18; 49:14,  
55 13; 62:7; 139:20;  
166 23  
**leave** 5.12; 13:11; 18:6;  
103.4; 136:12, 147:6  
**leaving** 132:13  
**Ledge** 78 17, 21, 21;  
80:2, 24; 81:19; 88:2;  
123:24; 128:14  
**left** 15 21; 44:17, 83:12  
**leg** 24:24, 25; 96:23;  
137:16, 22; 164:20, 21;  
166:11, 15; 176:24  
**legacy** 7.6  
**legal** 31:18; 47:20;  
105:11, 131:13; 132 6;  
143:5; 156:19  
**legalities** 20:19  
**legality** 23:20  
**legged** 166:6  
**legislation** 5 11, 18;  
12:19, 13 4, 16; 14.11;  
15:3; 16:11, 18, 22; 17:5,  
18:6; 19:3; 20 5; 22:3,  
23:4; 24 10, 15; 25:13, 22,  
27:2; 30:6; 46:13; 59:4,  
60:21; 64:24; 65:2; 88:23;  
89:7, 13, 18; 94:2, 6, 8;  
95 2; 98:17, 18; 103:24;  
125:21; 136:24; 145:1;  
146:23; 148:18; 173 8;  
183:21, 184 16  
**legislation's** 33:11  
**Legislative** 4 5; 15 20,

16:1, 61-6  
**legislator** 21 8  
**legislators** 146:17  
**Legislature** 42:3; 132:24  
**legitimate** 127:3; 160:3;  
 167:5; 175:16; 176:15, 17;  
 178:11, 19  
**legs** 43:24, 25; 83:18;  
 98:5, 5; 99:24; 100:5, 23;  
 155:20; 176:20  
**Leh** 117:25  
**length** 61:21; 181:18  
**less** 30:22; 37 23; 76.6, 7,  
 90:4; 129:1; 154:22, 172:7  
**lessons** 79 7  
**letters** 9:21  
**letting** 133 5  
**level** 12:13; 43:2, 73:11,  
 104 16  
**levels** 73:11; 150:6, 7  
**Lexington** 118.1  
**liabilities** 80:6; 115:23  
**liberty** 8:25  
**license** 117:15  
**lie** 165:5  
**lien** 60:13  
**life** 7:24; 150:1  
**lift** 95:14  
**light** 6:7; 14:22; 15:15;  
 173:20  
**lights** 107:7  
**liked** 166-18  
**likely** 112:18  
**limb** 24:20  
**limbs** 165:5  
**limitations** 174:10;  
 179:22  
**limited** 64:22, 22; 100:11  
**Linda** 149:4, 7  
**line** 8:25; 27:21; 30:14,  
 15; 87:17, 23; 130:15;  
 152 1; 172 20, 22  
**lines** 55:17  
**lip** 121-14, 14  
**list** 58-5, 19  
**listen** 156.3  
**listening** 114:7  
**little** 12:9; 18:20; 28:18;  
 29:19, 31:12; 35:8; 36:3,  
 37:2; 38:4, 7; 40:18; 44:23;  
 48:7; 53:12, 25; 62:3; 81:2;  
 86:2; 88:11, 90:6, 8; 91:7;  
 95:14; 105 4; 112:19;  
 115:14; 116:16; 117:4;  
 125:17; 149:14; 151:25,  
 172:15; 180:5; 181:23;  
 184:5  
**live** 68:22; 77:25, 94:20  
**livelihood** 101:19  
**lives** 136:1  
**livestock** 8:9; 130 20;  
 142:21; 149:18; 156:24;  
 169:2; 181:9  
**living** 7:11; 8:2; 68:9;

75:20; 82:2, 149:16  
**load** 34:11; 38:2, 2; 54:18;  
 67:15, 85:11; 86:14; 87:1;  
 91:18; 92:6, 7; 93:17;  
 95:12; 109:16; 112:4,  
 125:24; 129:15; 142:25  
**loaded** 30:1; 87:21;  
 88:20; 151:14; 155:16  
**loading** 46:25; 66:25;  
 88:13; 129:19  
**local** 37:5; 63:3; 75:7;  
 101:16; 111:24  
**located** 29 25, 117:22;  
 156:13  
**locations** 159:20  
**logbook** 32:20  
**logbooks** 110:18  
**logic** 47:12  
**logical** 182-8  
**long** 29:12, 47 20; 50:14;  
 75:12, 20, 82:18; 88:4;  
 95:11; 103:18; 150:2;  
 166:4  
**longer** 25:12; 77:12;  
 115:21; 116:8; 117:4;  
 146:4; 155 21, 164:1  
**look** 5:23; 16:25; 17 7,  
 56:5; 58:1, 21, 59.1, 82 9,  
 84:6; 89:22; 109:7;  
 121:13; 125:17; 131:17;  
 132:18; 154:13; 166:5;  
 179.25; 181-24; 184-14  
**looked** 32:6; 38-19, 40.14  
**looking** 11:8; 14:22,  
 15:15, 18, 42:10; 61:24;  
 63:13, 64:13; 71:18;  
 77:19, 104:24; 131:3  
**looks** 106:22; 107:10;  
 114:16, 22  
**loopholes** 159:5  
**lose** 97 1  
**loosen** 85:14  
**Lopez** 28:20, 22; 39:14,  
 15; 46:24; 47:10; 48.10,  
 18, 22; 49-9, 25, 50 9;  
 52:15, 20; 53:1, 10, 17;  
 54:2; 57(5); 64:13; 66:2;  
 134:16; 152:24  
**Lord** 8:23  
**lose** 15:9; 98:12; 180:7  
**losing** 171:2  
**loss** 68:11, 14; 70:7;  
 168:6, 7, 11; 169:17  
**lost** 38:14; 50:1, 67 13,  
 70 8  
**lot** 12:15; 16:24; 20.9;  
 21:6, 8; 23:4; 25:25; 36:2;  
 37-19; 39:7; 42:19; 49.19,  
 59:13; 64:5; 71:19, 77 23,  
 78-8, 82:4, 19, 83.17;  
 85:22; 89.13; 90:14,  
 96:25; 108:3; 114:9,  
 115:6, 20; 117:3, 9,  
 119:18, 25; 120:4, 5,  
 122:8, 11; 123:9; 148:19;  
 163:24; 169:20; 174:1;  
 181:2, 16; 182:12; 183:9,

24  
**lots** 181:12  
**loud** 18:20; 21:11  
**love** 173-5; 180.3  
**low** 43:11; 69:12, 129:6;  
 184:3, 8  
**lower** 36.25, 62:8; 63:16;  
 70.16; 129:8; 150:6; 178:7  
**lowering** 129.8  
**loyal** 6:14, 16  
**loyalty** 9:4  
**lucky** 44:4  
**lucrative** 75:25  
**lying** 159:22  
**Lynch** 4:4, 7, 8; 10:3;  
 11-15, 21, 25, 12:7, 20,  
 13 7, 24; 14:16; 16:19;  
 17:12, 19, 25; 18:9; 19:16,  
 23; 20(4), 21:2, 6, 24;  
 22:16, 22; 23:9; 24:13;  
 28(4); 51.18; 58:2, 63:20;  
 71:24, 25; 76-21, 23;  
 77:11, 14; 91 1, 2; 126 13;  
 133:16, 17; 144 7, 8;  
 149-8, 171:19, 20; 183:12,  
 13; 184.18

**M**

**ma'am** 29.2; 47:18; 134:4  
**madly** 69:18  
**magnificent** 132:21  
**maimed** 101-14  
**main** 108:11; 117:24  
**mainly** 11-24  
**maintained** 32:20  
**maintaining** 127:7  
**Maitland** 4:19; 11:1, 2,  
 59:10, 11; 60:2, 15; 74:1,  
 2; 117:19, 20; 118:3;  
 140:9, 10; 179:21, 182:19,  
 20  
**major** 53 4, 57:20; 67 18;  
 78:5; 126:16  
**majority** 132:25; 144:25  
**makes** 38:5; 50 18;  
 72.20; 99:9; 158:3  
**making** 137:15, 157:18;  
 162.13, 170:25; 176:9  
**man** 7:23; 9:5; 76:1; 107:6  
**man's** 79:18  
**managed** 25:1; 162-1  
**management** 181:10  
**manager** 169:2  
**mandatory** 184:10  
**Manderino** 27:7, 8; 46:7,  
 8; 47:5, 11, 24; 48(4),  
 72:2, 3, 91(4); 92:8, 15,  
 19; 93 15, 94.1, 22, 95:23;  
 96:7, 14, 18, 97(4), 98:15;  
 99:7; 100:9; 101:7, 10;  
 102:2, 8, 103:9; 133.9, 10;  
 171:22, 23  
**Manderino's** 49:5

**mangled** 67:11  
**mankind** 8 6  
**manner** 14:11, 24:18;  
 134:7; 136:8  
**Manning** 29:24  
**Many** 30:5; 50:23; 51:7, 8;  
 70:19, 74:25; 76:12; 77:3;  
 79:7; 80:18; 81:13; 90:2;  
 109:1; 118:16; 143:19;  
 146:1; 147-9; 150:5, 10;  
 156:1; 158:24; 160.25;  
 169:12; 174:7, 20  
**mare** 67:6; 100:6  
**mares** 53:21; 69-2, 6;  
 90:20; 127:3; 163:14  
**margin** 68:18; 93:14  
**mark** 122:10  
**marked** 122:5; 151:4  
**market** 18-23, 33:5;  
 55:16; 57:22; 77:24,  
 148:20; 149:18; 150:23,  
 168:24; 184:7  
**marketplace** 73:4  
**Markets** 29:15; 30:22,  
 31(5), 32:14, 33:8; 34:4;  
 37:10; 56:14; 61-7, 62:18,  
 130:11  
**marks** 161:14  
**Masland** 12:5, 6, 25;  
 13:18, 21, 56:22, 23;  
 57(4); 59:7; 60.18, 19;  
 61:3; 62:2; 63:10, 72:16,  
 17, 73:16, 24; 77:10;  
 114:3, 4, 15, 115:13;  
 116:20, 117 14, 139:12,  
 13; 179:13, 14, 180:5, 23;  
 181:22; 182:11, 17  
**Masland's** 76.24  
**Massachusetts** 41:19,  
 75:22, 76-2  
**master** 7.24  
**matches** 121:16  
**material** 25:11; 50:4;  
 134:7; 167:24  
**matted** 153:23  
**matter** 59:20; 63:7,  
 132:20, 23; 146-24  
**matters** 42:17, 17  
**matting** 153:25; 154:5  
**maxed** 62:1  
**maximize** 118:15  
**maximum** 34:5; 61:1, 5;  
 62:5; 116:10; 139:19  
**may** 27:21; 28:25; 34:12;  
 42.11; 53:24; 58:19, 20;  
 63.20; 66:9; 75:15; 77:13;  
 78:18; 90:16, 16, 96:8;  
 101.14; 104:20; 112:25;  
 136:21; 144:24; 146:10;  
 174:18; 178:9  
**maybe** 4:11; 8:20; 13:2;  
 14.6; 15:14; 16:20, 23;  
 17 7, 22:15; 27:20; 32:21;  
 35:19; 44:4; 47:2, 21;  
 60:23, 64:5; 72:21; 102:9;  
 109:16; 111:19; 112:10;

116:22, 23; 139:21, 22;  
 163:25; 173:24; 175:19  
**mean** 13 10; 15:13; 52:6;  
 53:8; 100.17; 124:13;  
 138:13  
**meaning** 15:12; 65:1  
**means** 100:13; 122:8,  
 138:22; 160:1; 176:14;  
 185:17  
**measure** 60:9  
**measured** 32:17, 60:9  
**measuring** 151 4  
**meat** 18:23; 26:20; 64:6;  
 73-1, 4, 8; 74:8, 17; 75:24;  
 76 25; 77:7; 119:11, 13,  
 25; 132:15; 167:11; 184:7  
**mechanism** 113:5  
**media** 5-2; 9:10, 23;  
 149:10  
**Medicine** 28:20  
**medium-sized** 151:23  
**meet** 130:3; 142:12  
**meeting** 184:24  
**Meister** 185:7, 24  
**melanomas** 163 16  
**member** 4:4; 27-11;  
 54:16; 71:11  
**members** 4-21, 5:20, 6:5;  
 9:8, 29:22; 65:15; 66:12;  
 104:19; 126:10; 140:1;  
 149:9; 183:15  
**memo** 62:16  
**memories** 69:24  
**mention** 120:12; 139:24  
**mentioned** 33 20; 53:13;  
 64:20; 89:7; 153:10;  
 175-14; 182:6  
**mentioning** 65:13  
**mercifully** 70-23  
**merry** 109:8  
**mess** 39:11  
**met** 6:18; 170:16; 183:10  
**metal** 35:12; 129:13  
**method** 88:13  
**methods** 68:25, 127:24;  
 130:1  
**Mexico** 112:23  
**Michigan** 141:12  
**middle** 103 17; 105.16;  
 155 5  
**Middleburg** 81:8; 88:9;  
 141:21; 156 13; 163:13  
**midway** 29:8  
**Midwest** 57:10, 16; 170.2  
**might** 15:10; 24:7; 25:7;  
 44-18; 45 24; 46:11, 19;  
 48:9; 63:12, 16; 85:14, 15;  
 89-17; 93:13; 96:4; 152:7,  
 153:11; 167:15, 171:17;  
 178:3, 5; 179:1, 3, 182:7  
**mightily** 158:2  
**mile** 91.25  
**mileage** 93:3, 8  
**miles** 45:21; 67:14, 25;



81 25, 25, 92:4, 93:4,  
127:21, 22; 135:4, 5;  
153:5; 170:14  
**milk** 86:15, 15  
**milling** 47:23  
**million** 115:24  
**mind** 5:8, 19:21; 35:10  
**mine** 6:18; 19:14; 124:23,  
24  
**miniature** 125:16  
**minimal** 176:5  
**minimum** 115:17;  
141.10; 172:9  
**minis** 182:6  
**minor** 32:22; 80:12, 89:8;  
172:3  
**misdemeanor** 62.4, 4,  
23; 139:21, 21; 141:8;  
179:25  
**misdemeanors** 36:10;  
180 4  
**misinformation** 145:13  
**missed** 12:8  
**missing** 11 12; 109:19  
**Mississippi** 128:3;  
150:14  
**mistreating** 7:9  
**mix** 100:3  
**mixed** 164.13  
**moaning** 155:22  
**model** 41:22; 118:12;  
150 24  
**models** 150:22  
**modifications** 130:16  
**moment** 6:25; 8:22;  
153 14  
**moments** 39:17  
**Monday** 137:23  
**Monetarily** 68:11  
**money** 89:24, 25; 93:12;  
116:19; 144 17; 145:5,  
157:14; 167:11; 171:2;  
180:21  
**Monica** 31.16  
**month** 41:6, 81:9  
**months** 54:25; 81:9;  
88:10; 93:14; 166:2;  
181:18  
**Montreal** 57:12, 13; 93:6;  
116:21, 22, 25; 117 7  
**moo** 86.19  
**moot** 13.17; 51:25  
**moral** 9:15  
**more** 6:6; 7:10; 9:12;  
13:3, 15:10; 24:16; 29.19;  
31:12, 23; 34:13, 36:2;  
37.19, 38:11, 12; 50 7;  
53.12, 25; 59:4, 23; 62:3;  
65:14, 17; 68:1; 70:12, 13,  
13; 94 18; 99:9; 112 18;  
116.19; 119:11; 128-19,  
25; 130.3, 135:5; 145 5;  
152:18, 20, 168:16, 172.5,  
13, 14; 174:9; 175:5;  
179.25; 184:11

**morning** 4:10; 32:2, 10;  
33:7, 36:19, 45:22; 66:12;  
155:7  
**mortality** 168.22, 23  
**most** 15:5, 6; 26:19;  
36:23, 24; 45 9; 46:10;  
65:12; 69:4; 79:8, 18;  
81.25; 82:8; 85:20; 86:14;  
94:14, 21; 110:22, 111 23;  
112:4; 115:1; 150:23;  
157:20, 180:10  
**mostly** 34:14; 35:22;  
57:5, 149:22  
**mother** 69:13  
**mothers** 71 1  
**motorist** 30:2  
**mount** 38 20  
**Mounted** 31:9, 10, 11  
**mouth** 44:5, 16  
**movable** 94:23  
**move** 5:22; 15:22; 35.21;  
83:24; 107:1; 172:9  
**moved** 102:17  
**moving** 97:3; 116:4  
**MSM** 66:16  
**much** 24:15, 27:4; 28:10;  
35:4, 53:23, 54.12; 65:24;  
69:10; 71:22, 75:16,  
78 11, 13, 82:1; 90:16;  
91.25; 120 6; 126:2;  
148:17, 23, 151:20;  
152:25, 161:8, 169:10, 25,  
180:11; 182:13; 183 2  
**mule** 155:14; 166:9;  
179 5  
**mules** 11:20; 163:22  
**multicompartment** 97.6  
**mundane** 42:17  
**muscles** 44:9  
**must** 68:13; 91 24;  
126:21; 127:2, 12; 160:22,  
161.6, 6, 7; 164:15  
**mustang** 184:3  
**mustangs** 183.23, 24,  
184 8  
**myself** 11:18, 14:21,  
55:15; 150 13, 16, 158:9,  
160:3; 165:22; 167:6;  
172.16, 17; 182.16

## N

**nail** 105:21  
**name** 29:2, 30:20; 42:12;  
77:16; 78:20; 149:6  
**narrow** 129:12  
**national** 126:17  
**nature** 69:4; 75:15  
**near** 57:12  
**nearby** 40:17, 18  
**Nebraska** 170:15  
**necessarily** 14:10;  
21:16; 54:9, 75:23; 104:2  
**necessary** 5:6, 11; 13:5;

14:6; 27:21; 50:8; 90:7;  
109.14, 18; 129:11, 15;  
130:25; 131:2; 146:19;  
158.20, 183:9  
**necessity** 80.13  
**neck** 81:15; 101:1  
**need** 12:17, 17; 37:24;  
84:8; 96 4, 6; 103:24;  
104:20; 106 7, 110:24;  
111:2, 112:15; 117.15;  
121:6; 129:24; 132.22,  
145:4; 163.5; 167:17;  
182-1, 11  
**needed** 25.3; 155:4;  
164:6  
**Needless** 6:24  
**needs** 14.21; 49:23; 71:9;  
84:2; 139:15, 158:17, 20  
**neglected** 37:16  
**negotiable** 46:25  
**neighbor's** 161.18  
**neighborhood** 30:4;  
118 20  
**neighboring** 80:17,  
130:15  
**nerve** 70:21  
**Network** 126:8; 158:22;  
171:11  
**New** 28:17, 29:4, 11, 14,  
30:6, 10, 21; 31:8, 11;  
34:3, 17; 36:5; 37:6; 38:23;  
39:18, 21; 41:18, 42:3, 21;  
45:15; 48:21; 49:18;  
51:23; 52.13; 54:13, 21;  
55(4); 56:13; 57:18; 58:3;  
60:7, 7, 14; 62:23; 64.21,  
67 5, 75:9, 21, 81.2, 8,  
85:17; 93:5, 6, 22; 104:25;  
105:2, 10; 107:3; 112:20,  
23; 117:10; 119:4, 21,  
124.13, 13; 126:24, 128:4,  
130(6); 131(5), 134:18;  
135(4); 136:2; 140.18, 22,  
23; 141 9, 14; 142.22;  
143(4); 144(4), 145(5),  
146(5); 147 6, 15; 148:11;  
155 24; 156:12; 158 11,  
15, 160:12, 17, 161 18, 23,  
24, 162:5; 163:13  
**newborn** 90:21  
**news** 5:1, 9:10  
**newspaper** 42:20;  
112:13, 147:21  
**next** 28.16; 66:8; 67:7;  
78:15; 86.21; 90:21;  
126 6; 149.3; 164:12;  
172:17  
**nibbles** 115:10  
**nice** 57:25; 131:3; 184:21  
**niche** 177:25, 25  
**Nickerson** 130:20;  
142:21  
**Nickerson's** 54.25  
**Nickol** 11(4); 12:3, 63.23,  
24; 74(4), 75:13; 118:5, 6;  
119:3; 120:8; 140:13, 14  
**night** 32:1; 33:17; 35:5;

39:22; 45:13, 20; 67:9;  
88:16, 105:16; 137:21  
**nine** 32:1; 36:18; 43:6,  
85.21, 129:2, 5  
**nine-to** 32:3  
**Ninety** 52:20, 91.13;  
108:13  
**noble** 7 4  
**nobody** 19:1; 103:20, 21;  
107.4, 112:24; 154:20, 21,  
176:2; 178(5)  
**non-taxpaying** 165:24  
**nonabrasive** 37:15  
**none** 9:5; 80:9; 169:9  
**nonsense** 169:4  
**nonsighted** 96:11  
**Nor** 5 13, 64:6; 168.4  
**normal** 38 2, 153:15, 19;  
165:16; 169:7  
**normal-sized** 152.12;  
155:11  
**normally** 36:14  
**Norman** 147:19  
**North** 28:21; 57:12, 19  
**northbound** 32:5  
**northeastern** 57:5  
**Northway** 29:25; 35:4;  
45:19; 50:11  
**nose** 129:15, 155:2, 13;  
172:18  
**Notary** 185:7, 24  
**note** 10:14; 63:8; 151:24  
**notes** 185.12  
**Nothing** 91:2; 138:22;  
139:3, 144:21; 146:21;  
162:4; 170:11  
**notice** 60:23  
**noticed** 11:7  
**November** 15:25  
**nowhere** 79:14  
**Number** 11:10; 54:22;  
92:2, 3, 4; 128:6; 143:11,  
21; 147(6); 148 1; 179:15  
**numbers** 28:3  
**nuts** 81:20

## O

**o'clock** 36:19; 45:22;  
88:15  
**obeying** 157.25; 167:4;  
175:15  
**objection** 147:2  
**objectivity** 157:3  
**obligated** 162.12  
**observation** 57:24  
**observed** 32:3; 66:24  
**obtain** 162:17  
**obvious** 54:4, 7, 58:21,  
159:5; 175:4, 6  
**Obviously** 12 11; 50:19,  
64:23; 73:17; 89:22; 90:2,  
131:14, 137:7, 22; 142:5;

152:1; 159:9; 163:1, 7;  
164:5; 165:9, 170:21,  
182:13  
**Ocala** 118:1  
**occasionally** 45:22  
**occurred** 66 6; 150:18;  
160:21  
**occurrence** 157 6  
**occurring** 165:23  
**October** 55:2; 61:19  
**off** 4.15; 10:13, 35:10;  
36(4); 41:8, 11, 24; 43:23,  
71:2, 74:14; 76:9; 84:24;  
86:1; 87:14, 88:18, 19;  
95.8; 98:1; 102:11, 20,  
103:17; 107:1; 120:1;  
125:13, 129:21; 142:14;  
151 4, 18; 162 16, 163:25;  
165:3; 166 13; 167:11  
**offended** 20.24  
**offenders** 59.13  
**offense** 59:24; 61:5;  
62(5); 63:16; 127:13,  
139.17; 160:24; 179:24  
**offenses** 180.2  
**offer** 70:19  
**offering** 169:13  
**office** 39:24  
**officer** 31.10; 143:2  
**offices** 9:20  
**often** 137:19; 143.17;  
165:5; 172:10  
**Oglala** 6:20  
**Ohio** 24:24; 107:4; 108:2  
**oink** 86:18  
**old** 67:6; 90:9; 100:3  
**older** 29 17  
**Oley** 117.23  
**on-site** 162:10  
**Once** 29:16; 32:6; 34:6,  
95:15; 155:19; 183:14  
**one** 5:7; 8:25; 11 9; 18:14;  
19:20; 22:17; 23:9; 24:9;  
26:14, 29:23; 33:4, 20, 24,  
34:22; 38:10, 12, 42:23;  
44:17; 45:11; 48:17; 52:5,  
23; 53:14, 17; 56:10, 15;  
57:14, 23; 60:6; 61:19, 22,  
62.16, 17; 63:11, 17;  
65:17, 20; 67:6, 8, 17;  
68:1; 70:17, 21; 71:9, 16,  
73 5; 76 21; 77:21, 78.24;  
79:20; 81 10; 82:1, 5,  
85:22; 86:21, 88:11;  
90:20; 91:11, 18; 92:23,  
25; 93(4); 95:12; 99:23;  
104:22, 24; 106:2, 8, 16,  
109:19; 111:12; 112.12;  
114:12, 115 13; 118:10,  
10; 119:21; 124:10, 18,  
125:1, 14; 134:3; 136:1,  
139:14, 22; 140:17,  
144:16, 19; 147:2; 154:7,  
11, 16; 156:3; 161:7, 9;  
163:2; 164:20, 21; 166:5,  
6, 170:6, 16; 172:2;  
177:23; 180:16; 181.15,



22, 183 16, 184:10  
**one-tier** 47.9  
**one-tiers** 47:14  
**one-way** 123:7  
**ones** 37:11; 38(4); 44:21;  
 48:7, 8, 8; 65:21, 22;  
 101:24; 105:5; 170:12;  
 173:13  
**only** 5 4; 9:15; 11:16;  
 17:14, 15; 20:5; 42:21;  
 43:12; 45:25; 47-9; 61 22;  
 67:25; 68:25; 87:4; 92:25;  
 94:16; 98-5; 101:12;  
 108:10; 112:22; 130:4;  
 136:23, 137 4; 139:17;  
 145:16; 150:11; 162:12;  
 164:10; 166.21; 167:1;  
 171-4; 172:18; 174:9,  
 182-3  
**onto** 80:8; 98.4; 100:21;  
 101:1; 142:16; 161.20  
**open** 34.14; 44:10; 46:18,  
 21, 82:15; 83:10  
**opened** 88:13; 114:24  
**opening** 100 17  
**operation** 103:10;  
 178:11  
**operations** 117:24  
**operator** 60:6; 66:17;  
 67 12  
**operators** 174:14  
**opinion** 94:25; 120:6  
**opportunity** 56:2;  
 161:11; 167:17  
**opposed** 13:4, 30:13;  
 180:2  
**opposing** 55:7  
**optimum** 94:11, 12;  
 103:11  
**option** 64:14  
**order** 4:2, 28:19; 66:8  
**Oregon** 78:5, 6, 9  
**original** 6:20, 98:16  
**originally** 29.11  
**others** 16:6; 69:16;  
 70:13; 107:23  
**otherwise** 89:10; 171:14  
 176:13  
**ourselves** 7:23; 23:15  
**out** 9 24; 14:13; 15:22;  
 17:17; 18:20; 20:8, 16;  
 21:11, 14, 20; 22:8, 21;  
 24:14; 27:20; 28:1, 18,  
 29 7, 16, 32:11, 33:25;  
 38.25, 25; 39:5, 10; 40(4);  
 44:5, 8, 25; 45:7; 48:7, 8;  
 51.1, 3; 57:10; 59:14; 60:6;  
 63 4, 67:13, 16; 69:21;  
 71.13; 72.21; 76:13;  
 81:10; 82.19; 83:8; 87.2;  
 88:15, 89 2; 90 15; 92:7;  
 95:5; 101:22; 102:19;  
 103-1, 2; 104:13, 106 21;  
 107:15; 108:17; 109:18;  
 112:6, 19, 114:10; 115:4;

117.10, 11; 123:4, 6;  
 124:19; 125:19; 131 18;  
 138:24; 142.24; 144.18;  
 145:23; 149:11; 153:18;  
 160:20; 161:21, 25;  
 167:25; 168:21, 25; 170:2,  
 171:12; 181:9, 12, 25;  
 182:9, 15; 183:24; 184:2,  
 3, 8  
**out-of-state** 128:9;  
 133:3; 157 13  
**outraged** 9:25  
**outrages** 9:22  
**outset** 72:23  
**outside** 88:1  
**oven** 83:3  
**over** 32:6; 34 20; 35-8,  
 21; 38:3, 11; 43:3, 55.6,  
 12; 58:11, 61:21; 68:15;  
 71:20; 78:23; 79:4; 81:10;  
 104:25; 106:22; 107:7, 25;  
 120 4; 132:14; 140:2;  
 142:11; 144:19; 155:12;  
 165:20; 170:3; 172.19  
**overhead** 129:14; 153:24  
**overrun** 50:24  
**overseas** 119:14; 128:8  
**oversee** 74:17  
**owes** 60 12  
**own** 8.9, 9; 12:22; 14:3;  
 15:5, 47 16, 18; 56:16;  
 66:22; 67:4; 69:14; 76:12;  
 84:7; 96:21, 97:22; 156:14  
**owned** 81 1, 140 23;  
 141:11; 160 13  
**owner** 24:7; 33:19; 34:1;  
 55:2; 59:18; 66:17, 21;  
 100:22; 106:5; 143:22;  
 152:8, 155:24; 161:22  
**owner's** 121:2  
**owners** 69:5; 70:10,  
 174:8

**P**

**P.A** 105:19; 130:14, 17;  
 131:7; 164:17  
**p.m** 185:1  
**pacers** 146:5  
**pack** 114:18; 118:9  
**packed** 38:6; 43:1  
**packing** 78:6  
**pad** 63:9  
**page** 11:11; 22:13; 24:17,  
 35:6, 14, 37:23; 51:19;  
 52:23; 83 24; 175:13  
**pages** 81.7  
**paid** 36.8, 76:14; 116:1;  
 125:10; 141.2  
**Pain** 68-8, 70:5, 23,  
 164:5; 165:6  
**painful** 160:15; 165:1, 10  
**palomino** 160:12  
**pamphlets** 168 3  
**paper** 106:19; 112:25;

122 4, 177:20  
**papers** 107:8  
**paperwork** 109:6, 14, 18;  
 112:6, 121(6); 122 15  
**paragraph** 175:14  
**park** 40:18  
**parked** 32:4  
**parking** 32:21  
**part** 6-9, 8.22; 24:19;  
 25:23; 37 4, 40:24; 67.1;  
 68:4, 12, 75:13; 79 17;  
 127:6; 155:8  
**participant** 150:4  
**particular** 42:10; 44:23;  
 76:12; 99:4; 133 14  
**particularly** 45:15; 46:15  
**parties** 180:25  
**partition** 12:17, 18;  
 81:12; 100:14, 102:20,  
 115:10; 118:22; 182:15  
**partitioned** 95 5; 96:10;  
 102:11, 17  
**partitioning** 94(4)  
**partitions** 30:22; 32:17;  
 37-23, 24; 46:16; 47:15,  
 18, 55:6; 61:13, 21; 65:14,  
 83:24; 88:21, 24, 25; 94:9,  
 97:20, 114.16, 21, 115(4);  
 125:19, 20; 182.13  
**pass** 51:2; 56:7; 57:18,  
 70 1; 71:10; 84:22; 153.8,  
 18, 154:14  
**Passage** 130:14  
**passed** 30:7; 41:17, 18;  
 42:5, 14; 44 5, 16; 51:1;  
 67:24; 132:11; 143:20  
**passing** 30:2  
**past** 20:18; 54:24;  
 155:17; 163:21  
**pasture** 69:3, 6; 170.4  
**path** 158:18  
**Patrol** 31:9, 10, 11; 38:20  
**patterns** 114:22  
**pay** 41-9; 60:4, 12, 101-2;  
 180:18  
**paying** 89:24, 108:5;  
 180:21  
**Peck** 31:15  
**Pedicore** 148:9  
**peers** 156:7  
**pen** 76:13; 131 18  
**penalize** 17:10  
**penalty** 60.3  
**penicillin** 50 17  
**peninsula** 108:16  
**Penn** 117.23, 167:25;  
 168:2  
**Pennsylvania** 6:23;  
 10:16; 28:5; 57:17; 71 8;  
 75:2, 2, 5; 78 22; 92:6;  
 105:1, 15; 107:3; 108:21;  
 109:2; 111-5, 116:22;  
 117:13; 124:6, 10, 12;  
 126:15, 17; 128:2; 131 20;  
 132(6); 134:13, 14, 19;

136:1; 141:16; 143:12;  
 149:17; 156:4, 25; 158 7,  
 17; 160:4; 161:17, 21,  
 162:5; 164:11; 165:22;  
 167 5, 13; 170:9; 171:7;  
 172:13; 173:5, 10; 175:16;  
 177:5, 6; 178 1; 184:9;  
 185:10  
**Pennsylvania-**  
**rendering** 132:1  
**Pennsylvanians** 55:24;  
 145 1; 159:6  
**people** 9:23, 24; 12:22;  
 14:18; 15:5, 7, 12; 18:12,  
 21; 19:6; 21:13, 20; 33:9;  
 45:8; 50:24; 56:12; 70 11,  
 12; 75:19; 76:5; 89:13, 18,  
 24; 90:14; 98:10; 100:20;  
 101:24; 105:24; 108:22;  
 111:18; 112 10; 119:18;  
 120:1, 4, 5; 123:14, 14;  
 135:8; 137:5; 139 3, 20,  
 144:18; 146:13, 15, 156:1;  
 157:4; 169:21; 174:17, 25,  
 25; 176-6, 20; 177:21;  
 178 19, 23, 183:25  
**people's** 80:2, 115:22  
**per** 33:14; 34.7, 59(4);  
 61(6); 62:14; 63 18; 75:24;  
 91:25; 144:1, 3; 160:23, 23  
**perceive** 69:19  
**percent** 52:20; 68:15;  
 108:11, 13; 148-13,  
 168(4); 180:7  
**percentage** 68:14, 22  
**perception** 156:24  
**perfectly** 100 3; 143:4;  
 182:8  
**perhaps** 24:5; 53:18;  
 75:14; 102:13  
**period** 116:19  
**perished** 41 12; 79.22  
**permission** 40 17  
**permit** 45:15  
**person** 42.16; 83:6;  
 127 6; 138 15; 178:3;  
 184:2  
**personal** 84:12; 167.12;  
 173:7, 23; 176 23  
**personalize** 8:21  
**personally** 5:15; 60:9;  
 90:11; 98:25; 173:4  
**personnel** 109:1; 179:22  
**pet** 8:9; 70:10; 101:25;  
 162:8; 184:5  
**Peter** 31 14  
**phone** 9:21; 63:2  
**phonetic** 33:24; 66:16,  
 148-9  
**photo** 153:14; 172:16  
**photographs** 34:18,  
 89.23  
**photos** 34:22, 153.8;  
 155:10  
**physical** 170.25; 171 4  
**physically** 61:16, 63:2

**pick** 92:6, 109:13;  
 119:21, 124:6, 125:25  
**pick-up** 105:8; 112:20  
**picked** 55:17  
**picture** 35:24; 59:2;  
 93:17; 153 14, 17; 168:9;  
 172:22  
**pictures** 34:16; 35:6, 11,  
 14; 37:16; 38:15, 18;  
 42:13, 75:9; 140:18, 20,  
 177.2, 19  
**picturing** 47:25; 48:1  
**piece** 106.19; 152.16  
**pig** 39:9; 114:14  
**pigs** 86:18  
**pile** 168:22  
**pin** 19:7  
**Pittsburgh** 10:17  
**place** 38 3; 46:23, 69:12,  
 112:22, 124:24, 24;  
 141:15, 143:11, 146:20  
**placed** 164:21  
**Placement** 126:7;  
 158:22; 171:11  
**places** 9:14, 16, 18  
**plain** 68:6  
**plant** 67:11, 21  
**planter** 104 14  
**plants** 67:18; 78:6  
**player** 85:24  
**playing** 119:22  
**please** 5:8; 9:22, 176.14  
**pleased** 7:22  
**pleased-for** 32:25  
**pleasure** 7:2  
**pled** 140:24; 141.7  
**plenty** 43:16  
**plight** 149:12  
**plowing** 166:9  
**plus** 101:16; 108:16;  
 118:23; 126:16, 157:12  
**plywood** 34:14; 36:1, 2;  
 152:16  
**pocket** 15:8  
**point** 5 7, 7; 9:6, 14:20;  
 16:14; 17:14, 16, 16;  
 19:13; 20:18; 27:22; 29:8;  
 41:14; 51:25, 52:19, 54:1;  
 90:6; 100 8, 104:22,  
 105:8; 117:6; 118:10;  
 127:11; 128:12; 138:24;  
 154(4); 155:6, 10, 159:11  
**pointed** 24:13  
**points** 5:4; 7:14; 13:17  
**poisons** 73:12  
**pokes** 102:25  
**Police** 28:18, 29:4; 34:18;  
 111:24; 156:4  
**policed** 56:16, 17  
**poll** 35:8, 19  
**ponies** 11:20; 44:15;  
 125:16  
**pony** 40:5; 44:23, 24,  
 45:4; 47:21; 49:25; 67 12,

13; 104:11; 150:25; 151:5, 21, 152:19; 153:1  
**pony's** 151:25  
**poor** 45:16  
**Pope** 51:1, 2, 9  
**population** 175:3  
**pork** 21:18  
**port** 108:8  
**portage** 80:4  
**position** 52:12; 102:9; 153:12  
**possess** 9:2  
**possession** 34:22; 51:4; 79:19  
**possibility** 48:10; 150:20  
**possible** 25:2; 39:25; 57:24; 184:14  
**possibly** 25:17; 150:24; 160:25; 169:11  
**potable** 115:14  
**potentially** 160:5  
**poultry** 149:19  
**pound** 75:24; 76:3, 14; 119:14; 180:16  
**pounder** 122:10  
**pounds** 168:10, 12; 180:8  
**pouring** 43:23; 88:16  
**power** 9:22; 171:12  
**practical** 65:4  
**practice** 64:12; 103:25; 104:2; 131:15; 169:1, 7, 170:19  
**practices** 156:22  
**practitioners** 131:13  
**precaution** 137:8; 169:10  
**precautions** 25:17; 169:23  
**precious** 25:16  
**prefer** 64:7  
**preference** 173:7, 23  
**pregnant** 90:20; 100:5; 163:14  
**prepared** 33:16  
**present** 9:9, 10; 161:17  
**presented** 34:9; 118:7  
**presenting** 66:3; 78:12  
**President** 28:21; 79:19, 183:6  
**Preski** 123:12, 13; 124:4, 9, 25  
**press** 52:9; 147:13  
**presume** 11:19  
**pretty** 12:16; 43:1; 122:16; 124:16; 153:1  
**prevented** 159:16  
**prevention** 131:25; 144:11  
**previous** 9:7; 30:8; 34:3; 166:10; 175:10  
**previously** 33:19; 34:2; 36:12, 13; 161:16; 166:10

**prey** 69:22  
**price** 119:10, 13, 25  
**prices** 132:15  
**pride** 5:24  
**primary** 12:23  
**prime** 4:6  
**principal** 62:24  
**printout** 185:13  
**Prior** 30:11; 81:1  
**privilege** 66:14  
**prized** 51:4; 79:19  
**probable** 36:6  
**probably** 14:8; 15:25; 16:16; 22:17; 31:1; 37:18; 40:21; 43:2; 46:24; 49:12; 55:15; 58:15, 18; 62:8; 80:10; 91:13; 92:11, 25; 93(4); 102:18; 112:23, 115:3; 117:1; 118:18; 119:1; 137:25, 140:3; 179:25; 183:25  
**problem** 12:14; 27:23; 46:19, 48:9; 52:21; 53:8, 75:14; 84:7; 85:12, 13; 86:10; 104:18, 20; 132:9; 136:20, 162:5, 169:16; 174:22; 175:20, 23; 176:4, 178:2, 10; 183:25  
**problems** 24:12, 14; 74:20; 84:6; 138:25  
**proceed** 28:25; 66:9; 78:18; 109:19  
**process** 137:15  
**processed** 147:14  
**proclaiming** 168:25  
**prod** 87:16, 20; 88:12; 95:22  
**prodding** 87:20  
**proded** 163:8  
**prods** 81:12; 157:21  
**production** 87:23  
**professional** 110:2  
**professionals** 75:19; 156:14; 158:21; 171:10  
**profit** 68:18, 19; 76:4, 8; 93:14, 118:15; 119:12  
**profitable** 60:3  
**program** 184:1  
**projector** 42:11  
**proliferates** 158:1  
**promote** 79:24  
**prompted** 30:6  
**proof** 13:9  
**proper** 23:23  
**property** 60:14  
**proposed** 42:2, 46:11, 48:13; 64:23; 65:2; 88:24; 125:20  
**proposes** 14:11  
**proposing** 11:9; 41:16, 16  
**prosecute** 135:14; 177:6; 178:4  
**prosecuted** 134:12;

167:7; 175:18; 178(4).  
**prosecution** 142:19  
**protect** 49:23; 69:13; 80:21; 129:11; 171:5  
**protecting** 158:12  
**protection** 14:2; 101:13  
**protections** 96:5  
**protects** 96:4  
**protocols** 25:5  
**proud** 6:2, 42:7; 66:17; 158:24  
**prove** 34:2; 65:22; 137:13; 153:15  
**provide** 4:9; 28:7; 128:22; 129:4; 144:18  
**providing** 103:11, 15; 184:19  
**provision** 48:12, 18  
**provisions** 22:11; 46:10; 129:3  
**psychologically** 26:19  
**public** 10:6; 120:6; 149:12; 185:8, 24  
**publicize** 42:21  
**published** 147:20, 24; 148:7  
**pudding** 13:10  
**pull** 81:10, 83:7; 107:6, 7, 25  
**pulling** 88:15  
**purchase** 18:12  
**purchased** 45:3; 128:6; 154:1, 18, 155:1  
**pure** 170:11  
**purpose** 14:15; 22:18; 48:16, 64:11, 152:22; 153:25; 154:4, 155:15  
**pursue** 138:23  
**pursued** 149:23  
**pursuits** 150:2  
**purview** 46:4  
**pus** 50:14, 15  
**push** 118:15  
**pushing** 53:2  
**put** 4:12; 16:22; 17:6, 25:10; 36:21; 46:22, 25, 49:17, 53:20; 64:11; 82:19; 86:17; 87:9, 88:10, 19; 94:15, 17; 95:16, 97:15, 98:8, 10; 99:1; 101:3; 112:21; 115:8; 125:19; 142:16; 150:25; 152:10, 165:17; 166:14; 167:25; 176:13; 181:18, 183:17  
**puts** 95:18  
**putting** 46:15; 76:10, 82:11, 24, 85:23; 90:2; 173:21; 174:17

## Q

**quadruple** 116:18  
**qualified** 185:8

**quality** 72:25, 73:3, 8, 74:23; 77:7  
**quarter** 122:10  
**Quebec** 124:17  
**questioning** 165:24  
**quick** 11:7, 29:16, 30:16, 114:5; 119:12, 15; 139:14, 145:11  
**quicker** 37:13  
**quickly** 42:9, 12; 144:9  
**quiet** 71:5  
**Quite** 15:6, 25; 39:10; 43:4; 44:3, 24; 46:21; 54:6; 56:12, 117:3, 128:14; 150:22; 154:12; 155:9, 163:9, 174:22; 180:4  
**quote** 6:25, 7:16; 18:23; 157:4  
**quoted** 147:12

## R

**rabbit** 70:5  
**race** 90:11, 12, 92:14; 121:4; 122:13, 24  
**racehorse** 121:13; 151:18  
**racehorses** 80:25; 92:16  
**racetrack** 148:10; 151:19  
**racetracks** 79:2  
**racing** 115:25; 122:6; 166:7  
**radio** 162:6  
**rain** 88:16  
**raise** 26:20; 43:21; 80:25; 136:6  
**raised** 19:14; 53:15; 76:22, 133:7; 149:17; 153:9; 178:9  
**ramp** 47:1; 87:4; 95:13; 131:2, 153:19, 22; 154:5, 8  
**ramps** 129:15, 20; 163:10  
**ran** 151:6  
**ranks** 158:24  
**rapidly** 7:7  
**rarely** 184:6  
**rates** 63:14, 17; 138:9  
**rather** 25:13; 64:9, 66:17  
**ratio** 68:16  
**rational** 76:7  
**raw** 70:21  
**read** 6:4; 8:1, 22; 62:7, 77:16, 18; 112:13  
**readily** 18:4; 70:5  
**reading** 13:2; 22:10; 47:12; 77:20; 120:13  
**reads** 8:5  
**ready** 28:25; 66:10; 87:10  
**real** 29:15; 30:25; 32:25; 36:4; 38:5, 85:25; 95:11; 97:24; 161:3  
**reality** 15:20; 160:9  
**realize** 6:14; 91:15, 22, 100:23  
**really** 15:4; 17:7; 19:1; 48:17; 50:7; 53:3; 58:10; 62:20, 63:21; 72:19, 74:22; 86:17; 89:17; 98:13, 99:8, 100:17; 102:22; 103:11, 111:7; 112:5; 113:18, 118:19, 128:14; 138:22, 154:2; 156:19; 161:8, 182:3  
**rear** 86:4, 6  
**reason** 7:13; 13:1; 19:12; 22:7, 25:24; 46:11, 49:7, 53:17; 57:15; 77:22; 158:23; 162:10  
**reasonable** 14:22, 138:15; 168:5  
**reasonably** 60:8  
**reasons** 5:10; 18:15; 25:8; 71:16; 76:6, 126:19; 161:7  
**recall** 176:3  
**received** 39:20; 145:3  
**receiving** 127:7  
**recent** 132:9  
**Recently** 6:17; 137:20; 140:21, 24; 156:9, 17; 158:6; 161:17, 167:21  
**recess** 66:6  
**recidivism** 63:14, 16  
**recognize** 144:23, 159:4; 183:11  
**recommend** 97:7  
**recommendations** 94:5  
**reconsider** 77:13  
**record** 30:7; 145:20; 183:17; 185:15  
**recorded** 143:22  
**recording** 34:18  
**records** 37:11; 62:25; 63:6  
**recouped** 68:21  
**reduced** 185:13  
**reestablished** 67:24  
**refer** 146:8, 14, 15  
**reference** 176:9  
**referred** 143:18  
**referring** 23:8; 134:16  
**regard** 93:18; 94:25; 98:22; 157:24, 170:24  
**regarding** 31:22; 51:19; 55:14; 79:7; 128:16  
**Regardless** 68:7, 79:14; 99:11  
**regards** 15:16; 145:4  
**regrettable** 68:25  
**regular** 150:21; 157:5; 169:8  
**regulations** 13:4; 107:17; 108:24  
**rehabilitate** 48:15  
**relate** 110:14  
**related** 54:23  
**relationships** 49:17, 19

relative 168:8  
 relatively 172:3  
 release 73 12  
 released 9:20  
 reliance 7:7  
 relief 70:22, 167:1  
 relieve 165:6  
 relocation 110:4; 117 16  
 remarks 5:4; 9,8, 10; 12:8  
 remember 30:20; 31:6, 93:9; 151:10, 177:18, 20  
 removed 115:2  
 render 74:15  
 rendered 37:8  
 rep 117:25  
 repeat 59:13; 99:6  
 report 9:19  
 reported 148:12  
 reporter 42:13; 185:7, 24  
 reporters 143:23; 147:20  
 reports 147:13, 23  
 represent 132:25  
**Representative** 4(4); 10(11); 11(8); 12(6); 13(6); 14:16, 17; 16:13, 19, 20; 17(7); 18:3, 9, 10; 19(7); 20(9), 21(5); 22(4), 23-7, 9, 24, 24(4), 25:20; 27(6); 28(4); 46:7, 8; 47:5, 11, 24, 48(4); 49:1, 3, 5, 51(5); 52(5); 53(4); 54:8, 20, 55-9, 18, 23; 56(6); 57(4), 58:2; 59:7, 9, 11; 60(4); 61:3; 62:2, 63(5); 64(4); 65:23; 71:24, 25; 72(10); 73:16, 24, 25; 74(5); 75:13; 76(5), 77:10, 11, 14; 91(6), 92:8, 15, 19; 93:15; 94 1, 22; 95:23, 96 7, 14, 18; 97(4); 98:15; 99 7; 100:9; 101:7, 10; 102(4), 103-7, 8, 14, 104:15, 106.1, 9; 107:16; 108.20; 109(4); 110:6, 13, 19, 111:4, 12; 112:9; 113(5); 114:2, 4, 15; 115:13, 15; 116:20, 117:14, 18, 20; 118:3, 4, 6; 119:3, 120:8, 9, 11; 126 13; 133(8); 134(4); 136:4, 13, 20; 138:5, 14, 21; 139(5); 140(6); 141-14, 18, 23; 142:3, 6; 143 10, 19; 144(5); 145:7, 9, 19; 146:1, 7, 147.4, 11, 149:8; 154 17; 171(5); 172:2; 173:24; 174:6, 13, 16; 175:7, 9; 176:8, 9, 177(4); 178(4), 179(7); 180:5, 23; 181:22; 182(6); 183:12, 13, 184 18  
**Representatives** 4 5  
 representing 133:4  
 represents 148 2  
 reproduction 185:17  
**REPRESENTATIVE** 21:2

reptiles 7-19, 21  
 repulsive 64:4  
 request 167:12  
 requested 171:9  
 require 106:4, 111:5; 167:23  
 required 110:8; 131:6, 24; 135:14; 141:2  
 requirement 107 17; 172:4  
 requires 110:22  
 requiring 104:2; 130:2, 7; 131:21  
 rescue 66:18  
 research 128:24; 156:17  
 researching 167:22  
 resident 141:12  
 residents 55:19; 132:17; 133:1  
 resources 8:13  
 respect 157:20  
 respectively 127:22  
 respirations 138:10  
 respond 27:16; 144:9  
 responded 6.25  
 response 76:24; 139:14; 145:3  
 responsibility 8:8, 11; 121:3, 7, 10  
 responsible 69:5  
 rest 32:4; 37:1; 46:17; 53:8; 79 20, 109:15; 127:21, 157:19; 169:19, 25  
 restrictions 46:23  
 rests 71:4  
 result 50:1; 69:9; 145:2; 158 1  
 resulting 69:7  
 results 66:24, 67:12; 68:8  
 resume 66:5  
 resurrects 69:24  
 retired—Trooper 29:23  
 retreat 69:13  
 returned 157:9  
 revenue 68:11  
 rewrite 62:16  
 rich 6:13; 7:4  
 rid 104:3  
 ride 67-12, 70 19, 25; 84:16, 20, 25; 85:2, 7; 86-19, 90:19; 97:23; 98 10; 103-18, 20, 124 10, 147:1; 184:6  
 rides 69:25  
 riding 24:23; 105:4; 150:3; 151-19; 173:14  
 right 6:3; 13:6, 16:3, 19:12; 35:18, 19; 38:6; 44:15, 25; 50:12; 74:15; 78 5, 9; 79:21; 83:12; 86:12; 87:6; 88:20; 89:1; 93:22; 96:13; 98:1; 101:16, 103:7, 13; 104:15;

105 13, 22; 107:22, 24; 109:11; 110:3; 112 25; 118:25; 123 3, 134 22; 138:17; 139:1; 141:6; 142 5; 146:6; 148:1, 21; 150:6; 151:3, 152 19; 155:3; 158.4, 161:19, 168:20, 25; 174:4, 15, 178 22  
 rights 106 25  
 rise 132:16; 154:8, 9  
 risen 119:25  
 risk 132:16  
 road 70:2, 71:10; 84:22; 85.12, 25; 107:6; 113:1, 122:8; 153:5; 170:8  
 Robert 28:20  
 rock 165:3  
 roll 34-19  
 roof 151:3, 4; 152:1, 4  
 roofs 151:8  
 room 35:8; 38:4; 43:16; 94:18; 95:19; 152:12, 18, 20  
 roots 5:24  
 rope 81:14; 87:3, 14; 100:25; 115:9  
 Ross 148:8  
 rotten 40:16; 174:25  
 Route 12:9  
 routes 108:15; 170:14  
 routinely 75:22; 81:8  
 row 115:3  
 rubber 153:22, 25  
 rules 99 12  
 run 30:14; 81:24, 25, 95 19; 125:13, 141:9; 169:21, 21; 174.11; 177:23  
 running 50:14; 56 11; 76 11; 146:4, 155:8; 170 2  
 runs 6:13; 102 24  
 rupturing 67:8  
 Russell 183:5

**S**

**S.P.C.A** 28:21; 30.24  
 safe 25:7, 80:4; 99 8, 10; 168:4  
 safely 25:6; 67:5; 75:22; 102:10; 132:23  
 safety 71:1, 8; 126:20; 129:11; 130:3, 8, 132:4; 135 19; 137:1  
 sake 7.15  
 sale 128:3; 137:20, 21, 141:21; 143.16, 17, 18; 146(4); 147:1, 23; 161:19; 166:10; 167:19, 19  
 sales 89:16; 140 19; 141:15, 25; 142:1, 9; 143:11, 13, 145:16, 23; 146:2, 11; 147:7; 154:17;

156:13, 15; 168:20, 170:9  
**salmonella** 74:21  
 same 5:19; 14:11; 15:15; 51:22, 23; 52:10; 64:14, 68:8; 73:20; 78:7; 82:10, 90:23; 100:13, 14; 125:20, 22; 134.19; 141:6; 169:22; 172:21; 185:15, 17  
 sanely 75:22  
 sanitary 74:12  
 Sara's 27.16  
 satisfactory 94:10  
 save 41:13  
 saw 32:5; 40:2, 4, 11; 68:1, 14; 90 22; 164:9; 168:9; 172:20  
 saying 6:25; 21:25; 22.1; 47.8, 14, 65.7; 100:2, 15; 101:4; 102:14, 105:12; 106:2; 107:24; 172:8; 175:18; 178.14  
 scarce 51:6  
 scared 56.6  
 scenario 118:9  
 scene 52:4; 83:6; 138:2  
 schedule 28:24; 78:16  
 scheme 15:19  
 scholars 8:4, 19  
 School 31:9  
 Schroon 29:7, 32:4; 36.9, 37:6; 40:1; 60:13  
 Schuler 10:22, 23; 19:18, 19, 25, 20(5); 21:3, 4, 22; 22:9, 20; 23.7, 24; 24 1, 27:14, 15; 51:15, 16, 52(5); 53:6, 11, 22; 54:8, 20, 55-9, 18, 23; 56(4); 72:13, 14; 109:24, 25; 110:6, 13, 19; 111:4, 12; 112:9; 113(5); 115:15; 134(4); 136 4, 13, 20; 138:5, 14, 21, 139:5, 9, 14; 145:8, 9, 19; 146:1, 7; 147 4, 11; 175:8, 9; 176:8; 177(4); 178:8, 18, 24; 179:6, 10, 12  
 Schuler's 25:20, 144:10  
 science 149:24  
 scope 15:2, 16:21  
 screaming 70:1  
 screams 69:20  
 seaboard 132.14  
 seal 132:22  
 search 70:8  
 seas 7:25  
 seat 27:13, 14  
 Second 11:17; 25:19; 26:15, 34:6, 35:6; 36:21; 37:22; 38 10; 48 11; 59:23; 60:22; 61:5; 62(5); 63:15; 139:22; 153:17; 159 24; 162:10; 178:1; 181:25  
 seconds 182.16  
 secretaries 144:20

**Secretary** 144:15, 15  
 section 11:13; 12:12, 24:16; 33:13; 34:19; 35:17; 37 9; 59:5; 61:16; 94:18; 129:16; 138:22  
 sections 31:18; 61:14  
 secured 161:7  
 security 154:3  
 seeing 7:8; 36 2; 166:3; 177:20  
 seeking 170:7  
 seem 70.12; 157:5; 180:8  
 seems 99:9; 113:3; 119:10; 172 13; 175:18, 176:3; 182:4  
 sees 53:19  
 segregate 69.5  
 segregated 89:1; 94:19  
 segregates 70.25  
 seize 37:17  
 selected 26:23  
 sell 18:24; 19:5; 41:10; 76:3; 90 5, 17; 146.21; 147:9; 180:9; 181:5; 184:10  
 selling 93:11  
 sells 105:3  
 send 50:19; 55:25; 62:17; 85:24; 95:22; 109:8, 121:4  
 sending 157:15  
 sends 107:11  
 sense 79:9; 81:17, 99:10; 100:19, 116:14, 16; 138:13, 176:21; 180:15  
 sense—Holly 72:21  
 sensitive 70:4  
 sent 29:24; 51 1, 3; 57:10  
 sentence 164:12  
 separate 33:17; 48:8; 62:10; 127:13  
 separated 47.15  
 separates 46:18  
 separating 48:7  
 serious 103:21; 150:8, 179:25  
 seriously 89:24  
 served 174:19  
 session 15 21, 23; 16 2, 2  
 set 23:12, 14, 15, 24:25, 25:4; 33.5; 41.22; 124:16; 178:5  
 setting 4:20  
 seven 31:2; 43:4; 86:3; 128 20; 129 7; 151:13; 152.10; 154:19; 172:10; 173:5, 21; 184:11  
 seven-foot 128:22; 151 3; 152:4, 13; 173:17  
 several 31.18; 33 8, 9; 34:13; 40:21; 44 1; 47:2, 49:10; 54:24; 55:1; 58.18; 80:12; 125:19; 158:6, 20; 159:4, 160:11

<b>severely</b> 135:3	<b>sighted</b> 96.5, 9	90.17; 92:22; 94:3, 98:20, 99.13, 14; 101:24; 102:19, 20; 103:14, 104:17, 105 14; 119:6; 121:20, 124:1, 21; 126.15, 21, 23, 127.8, 9; 128:3, 6, 10; 129.24; 130:5, 13, 132:1, 13, 136:23; 137:4, 10, 18, 142:7, 9, 16; 143 2, 16, 146:9, 10; 147:8, 16; 148:14, 16, 20; 160:3, 181-1	<b>someone</b> 7:23; 70:20; 166:4	<b>spent</b> 149:25; 150:10; 167:21; 170 8
<b>sex</b> 94 19; 127:19	<b>signed</b> 30:8; 42:6	<b>slaughterbound</b> 64:23; 89:10, 19, 90:1; 105:8, 18; 115 23; 116:15; 123:23, 127:16; 135 16; 142:25; 159:13, 15, 160:10	<b>something</b> 4:12; 5.24; 13:3; 14 20, 23, 24; 15:4, 17; 30:16; 32.21, 36:14, 50.22; 58:21; 60:22, 24; 62:8; 73:15, 92:1; 101 17; 104.4, 109:5; 115 9, 119:6; 120 6; 123:21, 146:16; 183:17, 21	<b>spill</b> 84:18
<b>shackle</b> 171:15	<b>significance</b> 64.25	<b>slaughtered</b> 78:3, 4; 79:16; 100:21, 181:12	<b>some</b> 27.20; 137:22	<b>spoken</b> 158:6; 161:15; 163:2
<b>shame</b> 71:12	<b>significant</b> 62:3, 65:1; 171.2	<b>Slaughterhouse</b> 77:19; 124:17; 148:11; 166:23	<b>Sometimes</b> 5:23; 13:1, 15:9; 45.17; 65:20; 98:7, 10; 142:13; 159 20; 168:20, 169:16	<b>sponsor</b> 4:6
<b>shape</b> 30:23; 41:7	<b>significantly</b> 26 11; 62:7	<b>slaughterhouses</b> 132:10, 133:4; 157.14; 170:15, 173:15	<b>son</b> 119:20	<b>sport</b> 150:5; 172:12
<b>shared</b> 93:17	<b>silence</b> 171:13	<b>slaughters</b> 87.12	<b>sore</b> 43:22	<b>Sports</b> 149:5
<b>sharing</b> 28:14; 148:24, 183:3	<b>similar</b> 19:20, 54:13, 80.15, 16	<b>sleep</b> 101:3	<b>sorrow</b> 70:14	<b>spot</b> 87:9
<b>sheep</b> 26:16; 136:11; 149:18	<b>similar-sized</b> 118.14	<b>sleeping</b> 37:3	<b>sorry</b> 12:7; 20.23; 153:17	<b>spousal</b> 7:8
<b>ship</b> 25:7, 8; 39:5, 78:7, 101:18; 102:23, 138.20; 154:21, 155:5, 7; 160:5, 20; 166:19; 172.5; 176:20	<b>similarly-sized</b> 118:17	<b>slides</b> 134.7, 15	<b>sort</b> 41:3; 91:25, 103:9; 176:1; 177:14	<b>spread</b> 68:20
<b>shipment</b> 106:3; 127 3; 162:25	<b>simple</b> 128:14	<b>slip</b> 105:25, 129:14; 154:6	<b>sorted</b> 161.25	<b>spring</b> 84:20, 25, 103 20
<b>shipped</b> 24 11, 12; 25.14, 23; 26(4); 49:8; 80:5, 160:14; 167:6; 175:17; 178:12, 13	<b>simpler</b> 65:20	<b>slippery</b> 38 14; 154:12	<b>sorts</b> 7:20; 73:17	<b>squeeze</b> 90:14
<b>shipper</b> 41 8	<b>simply</b> 157:16, 163:6, 170:11, 22; 173:16	<b>slots</b> 35:2; 48 2; 82:12	<b>Souix</b> 6:20	<b>stables</b> 105:4; 145:16, 23; 146:3, 11; 147:7; 174:8
<b>shippers</b> 103:15; 126.22, 132 5; 135:11	<b>single</b> 20:8, 61:15; 83:25, 158:2; 163:20; 164:23, 182:4	<b>slowly</b> 70 20	<b>sound</b> 100:3; 102.10	<b>staff</b> 4:23; 63:11
<b>shipping</b> 25:5, 15; 26:6; 71:19, 78:6, 8; 168:17, 24, 169:2, 20, 24, 170:23; 182 3	<b>single-deck</b> 88:11, 19	<b>small</b> 38:8; 81 3; 127 13, 131:13, 16; 142 10, 162:20; 174.8	<b>sounds</b> 52 19, 71:13	<b>stains</b> 69:17
<b>shipping-to-slaughter</b> 26:21	<b>single-tier</b> 30:20	<b>small-time</b> 67:12	<b>source</b> 12:24	<b>stake</b> 80:23
<b>ships</b> 78:8	<b>single-tiered</b> 141:1	<b>smaller</b> 43:15; 44.14, 21, 50:12; 151:20, 22; 153:2; 173:13	<b>sources</b> 12.18	<b>stall</b> 49:12; 83 25; 84:9, 13; 87 7, 8; 95:9, 96:8, 10, 24; 97:5, 22; 170 3
<b>shock</b> 88:9	<b>singled</b> 22:8, 27:20	<b>smallest</b> 43:3	<b>South</b> 6:18; 155:9; 161:23	<b>stallions</b> 53:2, 7, 20
<b>Shoe</b> 101.17; 125:12, 183:6	<b>singling</b> 20.16; 27.25	<b>smell</b> 40:16, 69:23	<b>southern</b> 116:21, 170:14	<b>stalls</b> 48:4; 83:25; 84:1; 89:24; 94:14, 15; 96:21; 102:17, 21
<b>shoot</b> 35:10	<b>sit</b> 108:6; 109:17	<b>smells</b> 71.13	<b>SP</b> 31:15	<b>stamp</b> 122:7
<b>short</b> 50:25; 66.6; 67:17; 116:19; 182 4	<b>site</b> 67:10	<b>smile</b> 71:11; 121:15	<b>space</b> 47:16, 18; 69:12; 115.5, 152:4; 153:16	<b>stance</b> 156:19
<b>shortened</b> 5:4	<b>sits</b> 93:22	<b>smooth</b> 5 7	<b>spaces</b> 49:11	<b>stand</b> 44.20; 69:16; 84:7, 85 22; 100:5, 10, 20, 139.6, 10; 152:21, 154:3; 160:15; 163:14; 164:1, 3, 20
<b>shorter</b> 37:13	<b>sitting</b> 44:17	<b>smoothly</b> 7:13	<b>spasmatic</b> 163:23	<b>standard</b> 23:13, 14, 16; 49:12; 91:11; 98:22; 99:8, 10, 128:15; 172.9
<b>shot</b> 44:18; 77:4; 116.23; 153 14	<b>situation</b> 35:23; 49:18, 24; 149.11; 155:23; 156:3; 164:1, 18	<b>snapped</b> 166 11	<b>SPCA</b> 156:4	<b>Standardbred</b> 80:25; 142:9; 166:6, 7, 20
<b>shoulder</b> 173:2	<b>situations</b> 50:3; 157.12	<b>snapped-off</b> 176:20	<b>speak</b> 75:19; 77:1, 2	<b>standards</b> 89:9; 117:15, 118:13; 130:3, 6, 8; 135:19; 137:1
<b>shouldn't</b> 96:16	<b>six</b> 31:2, 9, 24; 38:11; 41:6, 17; 43:3, 6; 47:7; 57:3, 3, 4, 58:6, 80.24; 85:21; 93:4; 128.18, 19, 25; 129:1, 5; 130:2; 151(4), 152 10; 166 21; 172:5, 7, 7; 174:9, 18, 18; 182 3	<b>sniff</b> 93:13	<b>speaker</b> 90:3; 113 23	<b>standing</b> 43:9; 90:19, 20; 151:6; 172:17
<b>shoving</b> 176:24	<b>six-horse</b> 103:19	<b>Snyder</b> 141:22; 156:12	<b>speaking</b> 66.14, 20, 21	<b>standpoint</b> 53:18; 65.4, 4
<b>show</b> 36:12; 39 12; 42:8; 95:13; 103:17, 104 11; 122:5; 123:8; 142:4, 145:22; 151:2, 15; 152:14; 153:9, 19	<b>six-week</b> 67:6	<b>society</b> 7:10; 9:15	<b>special</b> 84:2; 96 3, 21; 136:14	<b>start</b> 25:10; 29 18, 82:18; 97:2; 128:20; 138:9, 9, 11
<b>showed</b> 56:15; 125:11, 130 20, 22; 134 16; 174:2; 177:2	<b>size</b> 82:10; 104:5; 125:22; 151:1	<b>sold</b> 41:11; 45.6, 80:18; 142:17; 147.19	<b>specialty</b> 83:22	<b>started</b> 20:3, 40:25; 51:7; 56:12; 59.17; 88:14
<b>showing</b> 152 22	<b>skewed</b> 169:3	<b>solid</b> 40:6	<b>specific</b> 12:15; 53:12; 60:20; 154:25; 161:13; 167:8; 178:6	<b>starting</b> 10.13
<b>shown</b> 91 10; 153:2	<b>skies</b> 7:25	<b>solution</b> 132:8	<b>specifically</b> 11.11; 12:13, 25:13; 50:4, 91:9; 160:1; 162:21, 173:25; 175:23	<b>starving</b> 113:4
<b>shows</b> 42:12; 72:25; 79.1	<b>skin</b> 44 9	<b>somebody</b> 18:25; 24:5; 25:15; 41:14; 56:14; 63 21; 95:18; 153 10; 176:12; 180:9, 182 5	<b>spacings</b> 126:20; 132:4	<b>state</b> 16:25; 17:3; 24:24; 28:17; 29:4, 4, 14; 30:7, 22; 31:9, 11; 34:3, 17; 38:24; 39:18, 21; 42:3, 22, 45:15; 51:23; 54:21; 56:13; 62:23; 64:10, 67:9, 19; 71:8; 80:25; 92:13, 16; 107(4); 108:7, 14, 16, 110(5); 111:24; 113:5, 126:24, 130:10, 22; 132:12, 22; 141:10; 142:24; 143:5, 12; 146 16, 155:15; 156:21, 157:2; 158:12; 159:8; 160:19, 20, 22; 162:5, 16; 167:25;
<b>shut</b> 67 22; 85:16; 146 18; 160:25	<b>skull</b> 86:7	<b>somebody's</b> 122:9	<b>spasmatic</b> 163:23	
<b>sic</b> 31 25	<b>slant</b> 103:19	<b>somehow</b> 30:13	<b>SPCA</b> 156:4	
<b>sick</b> 50:18; 127:4; 169:23	<b>slats</b> 40:6		<b>speak</b> 75:19; 77:1, 2	
<b>sickness</b> 8:12	<b>slaughterhouse</b> 57:13, 21; 74:7, 25; 75:7; 99:2; 117:2, 9; 124:15, 132:7, 12		<b>speaker</b> 90:3; 113 23	
<b>side</b> 35:25, 36:3; 40:10; 61:23, 82:12; 83:11; 123:8; 130:25; 131:1; 162:18	<b>slaughterhouses</b> 68:17; 75:1; 105:7; 123:16, 21; 128:7, 132:18, 142:13		<b>speaking</b> 66.14, 20, 21	
<b>sides</b> 55:7, 7	<b>slaughter</b> 5:14; 11:10, 16, 24; 12:1, 15; 14:4, 9, 14; 16 10; 18 5, 7, 13; 19:10; 21 21, 24:11, 25(4); 26.3, 5, 9; 28:5; 39:6; 46:1, 5, 14; 48:17, 49:14; 54:15, 17; 57.9; 64.11; 65(4); 67:10, 18; 68:25, 74:17, 75:16, 76:3, 13; 79:10, 13; 80:5, 19, 89:6, 12, 15;		<b>special</b> 84:2; 96 3, 21; 136:14	
<b>sight</b> 40.2			<b>specialty</b> 83:22	

168:2; 169:20  
**State's** 52:14  
**stated** 127:12; 143:24; 146:13; 147:19  
**statement** 64:3; 65:6; 112:16; 165:19; 183:12  
**statements** 100:17  
**Staten** 29:11  
**states** 41:17; 45:14; 57:1, 2, 5, 58:4; 63:13, 71:18; 76:12; 79:1; 80:17; 107:21, 22; 108:2; 130:7, 15, 131:9; 132:9; 167:14; 169:6  
**stating** 164:14  
**station** 29:17; 108:5, 109:4  
**station--all** 29:22  
**statistics** 54:21; 72:24  
**statute** 12:12; 13:6; 17:2; 25:11; 57:25; 135:13  
**statutes** 31:21  
**stay** 37:25; 97:17, 105:3; 161:6; 170:3, 5  
**staying** 4:11  
**steak** 5:15  
**Steelman** 10(4); 24:2, 3; 27:6; 49:2, 3; 72:6, 7; 102:5, 6; 103:7, 14; 104:15; 106:1, 9; 107:16; 108:20; 109:9, 21; 133:20, 21; 172:1, 2, 173:24; 174:6, 13, 16; 178:20; 179:1  
**steep** 154:12  
**steers** 20:10; 86:16, 16; 88:20, 21  
**stenographer** 4:13  
**stereotype** 185:12  
**step** 129:22, 158:4  
**step-ups** 153:21  
**Steve** 4:19  
**stewardship** 8:15  
**stick** 65:21, 87:17, 102:25  
**sticking** 35:12; 40:5, 11; 44:8, 86:1  
**stiff** 43:20, 22; 84:25  
**stiffer** 63:15, 158:16  
**still** 24:6; 38:7; 44:13; 51:10; 60:8, 62:22, 24, 75:10, 10, 120:16; 122:14; 129:24; 165:4, 7; 169:23, 24  
**stimulate** 22:3  
**stock** 34:13; 55:5; 56:13; 83:20; 84:19; 88:2, 11, 19, 89:3  
**stockyard** 127:10  
**stolen** 131:25; 132:18, 161:10, 20  
**stomach** 165:10  
**stomped** 83:8  
**stop** 63:21; 82:17; 85:13; 111:9; 115:2; 116:2, 5,

135:15; 155:23, 158:9; 162:16, 24; 163:11  
**stopped** 5:14; 40:8, 8; 50:9; 52:17; 57:17; 82:22; 109:2, 3; 112:23, 135:2, 4  
**stops** 71:2  
**stories** 29:18, 156:9; 173:14; 175:25  
**story** 9:19; 41:6, 25; 42:24, 50:22; 53:7; 148:9  
**straight** 93:23; 116:23; 130:24  
**strange** 95:19  
**strangles** 163:17  
**straw** 98:11  
**street** 104:9  
**strength** 9:3  
**stress** 73:17; 77:4; 165:12  
**stress-level** 73:7  
**stressed** 66:23; 73:13  
**stressful** 168:16  
**strict** 104:8, 12  
**strictly** 42:16, 46:4; 160:2  
**strike** 164:12  
**strong** 177:25  
**stronger** 69:17  
**strongest** 69:20; 70:17  
**Strothenke** 37:7, 7  
**stuck** 15:8  
**students** 168:2  
**studies** 115:21; 149:22; 168:25; 169:3  
**study** 72:25  
**studying** 159:3  
**stuff** 114:24; 161:1; 173:12  
**stuffed** 86:25  
**sturdy** 37:24  
**Sub** 37:9  
**subject** 34:8; 56:16, 66:4  
**subjecting** 162:14  
**subsection** 24:17; 33:13; 58:6; 61:10  
**subsections** 58:6  
**subsequence** 63:16  
**subsequent** 62:14, 15; 139:22  
**subsequently** 185:12  
**substantially** 15:3  
**successful** 177:13, 16  
**successfully** 135:15  
**suck** 168:15  
**suckers** 90:5  
**sudden** 88:13; 103:1; 104:12  
**suddenly** 182:9  
**suffer** 30:17; 50:7; 70:13; 170:12  
**suffered** 138:4  
**suffering** 24:19, 23; 26:12; 27:3, 4, 68:8; 158:2; 163:22

**sufferings** 26:24  
**sufficient** 22:13, 15; 38:17; 51:20, 20; 58:12; 60:3; 61:23  
**suggest** 94:24; 139:16  
**suggested** 17:6; 72:20  
**suggesting** 46:13; 94:5, 96:1  
**suggestion** 94:2; 98:16  
**suggestions** 51:19  
**suited** 26:10  
**summary** 139:17, 179:24; 180:2  
**supervision** 185:14, 19  
**support** 16:17, 84:8; 126:18; 129:7; 140:6; 158:5, 25  
**supporters** 126:18  
**supporting** 27:17; 149:9  
**supposed** 32:8, 107:19; 141:4  
**sure** 4:14; 17:8; 46:21; 54:2, 56:3; 77:8, 94:21; 104:16; 105:21; 118:19, 121:10, 16; 122:16; 159:11; 165:9; 169:10; 179:9  
**surely** 77:2  
**surface** 153:23  
**surgery** 165:18  
**Susie** 184:5  
**swaying** 153:6  
**sweat** 43:23  
**sweating** 82:18  
**swing** 152:17, 19  
**sword** 70:15  
**sylvania** 117:24  
**Sys-Op** 66:16  
**system** 49:16; 157:25; 167:3; 170:19  
**systematically** 156:16  
**systems** 66:19

## T

**T** 31:7; 32:19  
**tag** 137:21  
**talk** 5:9; 6:4, 8; 11:19; 17:13, 91:7; 108:22, 25; 135:21; 138:18; 139:2  
**talked** 6:17, 33:8; 63:20; 74:7; 115:14; 120:4; 144:20; 152:24  
**talking** 20:11, 28:3; 53:13; 55:10; 61:6, 71:15; 83:16; 89:20; 92:16, 16; 94:7, 9, 95:24, 24; 97:17; 102:7; 104:24, 126:2, 135:21, 22; 136:3; 146:14, 150:19; 151:9, 154:24; 168:12; 169:12; 173:25; 174:10; 176:16; 177:21, 179:18, 20  
**tall** 43:13; 154:19; 173:1

**taller** 47:7; 85:22  
**tape** 60:10; 151:4, 6; 172:20, 22  
**taste** 77:6  
**tattoo** 121:15  
**tattooed** 121:14  
**taught** 79:6  
**tax** 148:18  
**teach** 55:3  
**tears** 70:6  
**technical** 5:10; 172:3  
**technician** 110:5, 117:16  
**teeth** 13:8, 14; 16:22; 17:6  
**telling** 173:9  
**tells** 42:24; 181:10  
**temperature** 52:5; 106:22  
**ten** 30:23, 37:24, 25; 43:6; 47:19, 21; 48:4, 65:14, 14, 68:15; 94:17; 96:25; 101:21; 115:3, 18; 118:22; 168:7, 8, 11; 180:7  
**ten-foot** 94:18; 96:8  
**term** 123:14; 159:24, 162:8  
**terminal** 117:25; 118:1  
**terms** 28:4; 63:12; 94:5  
**terrible** 44:10; 134:8  
**terribly** 31:21, 32:10  
**terrified** 47:4  
**territory** 69:19  
**test** 106:13, 16; 107:18, 120:18  
**testified** 118:8; 128:15; 130:10, 159:19  
**testifiers** 4:25  
**testify** 14:8; 112:11; 126:11; 133:5  
**testifying** 4:25; 14:19, 28:8; 138:12; 148:24  
**testimony** 9:13; 15:16; 28:14, 38:16; 66:3; 78:12; 114:8, 120:14; 126:3; 133:12; 135:14, 138:8; 139:25; 164:13, 175:13; 183:3, 8, 19  
**tests** 55:16; 73:6, 10; 106:13  
**Texas** 117:3, 4; 127:21, 23; 128:7; 137:11, 24, 24; 141:13; 162:2; 170:15  
**thanked** 157:2  
**thanks** 10:10, 19  
**that--as** 154:1  
**theft** 132:16, 17, 162:8  
**them--the** 61:9  
**themselves** 116:6; 163:10  
**there--and** 72:21  
**there--I** 43:9  
**there--those** 43:10  
**thereabouts** 34:11  
**therefore** 159:21; 164:22

**They'll** 54:5; 86:19; 98:9, 10, 109:5, 112:5; 115:7; 138:18  
**they're** 14:12; 18:22; 26:3, 12, 20; 36:5; 38:6; 39:9, 10; 43:11, 13, 14; 47:20; 49:17; 54:5, 10; 56:6; 57:11, 19; 58:13; 65:9, 10; 71:17, 20; 75:11; 83:6; 84:24, 25; 85:5, 86:25, 25, 87:23, 24; 89:15, 90:2; 93:10, 11; 97:23; 99:19; 101:2, 17, 22; 105:13, 14, 15; 111:14; 112:13; 115:11; 116:18; 117:10; 119:22; 121:25; 123:25; 125:21, 22, 22; 131:18; 142:14, 15, 17; 146:24, 25; 165:11; 167:19, 20, 168:5; 169:14; 173:17, 22; 176:18, 21; 177:25; 178:16; 179:17; 180:20, 181:13, 21  
**they've** 104:4  
**think--I** 163:3  
**thinking** 103:8, 25  
**third** 37:4; 62:5, 13  
**thirsty** 71:4  
**thirteen** 47:7; 128:18  
**Thirty-two** 61:24  
**Thomas** 28:17; 29:3  
**thoroughbred** 24:23  
**thoroughbreds** 148:19  
**though** 93:16; 110:22; 122:20; 129:23, 141:6; 166:22; 178:14; 180:6  
**thought** 16:14; 24:5; 111:19; 113:9, 125:14  
**thoughts** 115:18  
**thousand** 62:6, 12; 63:17; 76:4; 91:14, 92:12, 119:24  
**thousands** 79:21  
**threatening** 49:22  
**three** 8:3, 18; 45:22; 49:13, 81:6; 92:11, 96:24; 98:5; 108:10; 132:10; 139:18; 151:11; 166:5; 179:23  
**three-legged** 164:9  
**three-year** 135:6  
**throughout** 42:22; 149:21  
**throw** 47:22; 81:14; 83:20; 85:16; 96:23, 99:25; 101:20; 107:6  
**thrown** 168:20  
**thumb** 105:13  
**Thursday** 138:1  
**ticket** 31:3, 3; 33:3; 123:7  
**tickets** 31:2  
**tied** 47:23  
**tier** 38:13; 47:2, 61:15; 62:10; 65:18  
**tiers** 47:3; 61:16, 17; 65:20

**tight** 69:11  
**tighten** 85:15  
**tighter** 59:3  
**tightly** 58.1  
**till** 70:22; 82:23  
**times** 39:7; 55:1; 85:11;  
 90:22; 108:1; 110:22;  
 111:23; 112:4; 115:11;  
 145:11; 157:7; 169:22  
**timid** 69:12  
**today** 5:1, 2, 9; 10:6;  
 28:14; 44:11, 51 10;  
 66:15, 20; 78:11; 79:24;  
 81:18, 22, 126:2; 148.23;  
 155 16; 158:19; 161:8;  
 183:3, 5, 184:20  
**toes** 164:3  
**together** 23:21; 69:3, 11;  
 86:25; 127:20  
**told** 36:21; 156 9; 157:6;  
 161 25  
**tolerance** 156:11; 157:11  
**tolerate** 26:17, 23  
**tomorrow** 92:14; 112:19  
**tongue** 40:7  
**tonight** 92:13  
**took** 35:10; 39:4; 40:17;  
 41:1, 6; 44:16; 61 15;  
 88:18; 92:7  
**top** 11:11, 36:4; 90:20;  
 129:16; 140 22, 168 21  
**torment** 70:22; 71:5  
**Toronto** 121:4; 124:19  
**torture** 45:20; 68:9,  
 70:25; 156:20; 171 6  
**tortured** 73:1, 1; 79:16  
**total** 61:25; 147:17;  
 180:15  
**totality** 58:22  
**totally** 64:9, 73-7  
**Touching** 110:1; 152:2, 8  
**tough** 105.20, 175.1  
**tougher** 86:22; 107:23  
**tour** 32 8; 183:7  
**toured** 13:25; 23:10  
**toward** 18.1; 45:18  
**tower** 155:12  
**towering** 172:19  
**Town** 36:9; 37:6; 40:18;  
 60:12, 67:6  
**toxins** 73:7, 11, 77:5  
**trace** 162:1, 3  
**traced** 161.22  
**track** 15.9; 19 2, 4; 63:8;  
 77:15; 146:4  
**tracks** 129:14  
**tractor** 50:9  
**tractor-trailer** 30:1, 19,  
 47:6  
**traditionally** 11:23; 12:2;  
 104:25  
**traffic** 12:9; 31:2, 62:19  
**tragedy** 45:7; 171:15

**trail** 45:20  
**trailer** 30:1, 5, 21; 31:24;  
 32:4, 5, 16, 34:14; 35(4);  
 38:12; 39:8; 40:11; 43(4);  
 44:1; 50:10, 54:18, 55-5, 8,  
 60:7; 61.14; 65:17; 67:14;  
 69:25; 82(6); 83(4); 84-2,  
 19, 23; 85-7, 86 5, 18, 24;  
 87(5); 88 2, 11, 19, 91 10,  
 11; 92:23, 97(6), 99.15,  
 17, 23; 100(4), 101-1, 21;  
 103:18, 19; 104:10,  
 105.10; 112:20; 114:6, 13,  
 14; 118:14, 17, 125:12;  
 128(4), 129.4, 22, 130.21,  
 23; 131-3, 135 1, 4, 141:1,  
 6; 143-1; 151:1, 14;  
 152:10, 13; 153:20;  
 154.17, 18, 25; 155:3;  
 163.5; 166:21; 172:21;  
 174.2; 175:5; 176.24  
**Trailer** 67 4, 5  
**trailers** 43:5, 17; 44:11;  
 68:1; 70:1; 80:9; 81:7, 21;  
 82:8, 19; 83:10, 23, 25;  
 84:16, 20; 85:20; 86:3,  
 88:3, 89:15; 93:12; 104:3;  
 113:18; 114:10, 18,  
 118:11; 123:15; 127:17,  
 24, 128:13, 18, 129 6, 9,  
 25, 130(6), 135.20,  
 150:21, 153.21, 154:19;  
 161:1; 173.17, 22, 174-1,  
 7, 11; 181:24; 182:2  
**trailers--They** 89:4  
**trainer** 103.16, 106:5  
**trainers** 94.14  
**trampled** 155:22; 163:1  
**trampling** 69:14; 71:2  
**transcript** 185:11  
**transition** 5:7  
**translation** 8:3  
**transparencies** 42:8  
**transparency** 42:11  
**transport** 11.10; 14:3;  
 16:23, 24, 25; 24:22;  
 45 16; 46:14; 58:8; 67:3, 7;  
 69.1; 71:7; 75:16, 17; 76.2;  
 78:18; 79 25; 80.22;  
 89:25, 91 9, 19, 93:20;  
 95(4); 96:11; 98 20, 23;  
 99:9, 11; 114:10; 120:17;  
 125:3, 127:8, 16; 128:19,  
 25; 132:3, 8, 11; 135:16,  
 17, 138:2, 12; 139:8,  
 172:11  
**transportation** 9 14,  
 18:1, 4; 28:4; 29.19, 31 2,  
 19, 23; 32:15; 34.5; 55:14;  
 64:10, 22, 78 21; 104:21;  
 110(4); 130:4, 12; 138:11,  
 179 18  
**transported** 11:14, 23;  
 12.1; 18.18; 24.19; 57 9,  
 73:2; 77:25; 94.3, 98 6,  
 99:20; 126:15; 127:17, 20,  
 25; 129:25; 132:22; 133 2  
**transported--it's** 96 2

**transporting** 12:14;  
 14:8, 13, 17-3, 8; 18:5;  
 38:11; 43:18; 58:14; 65:9,  
 17; 92 21, 22; 99:3; 119 5;  
 121 19, 20; 130.2; 137:6;  
 140:25  
**transports** 136:2  
**trap** 30 14, 15  
**trapper** 30:12  
**travel** 45:13; 71-8, 87:10;  
 98:14; 101:6, 11, 13;  
 102:10, 15, 16, 103 11;  
 108:12; 112.21; 125.23,  
 131:5, 9, 10; 132.4, 137:3;  
 161:5, 12; 162:23, 165 7;  
 170 13, 25  
**traveled** 116:21; 150:13;  
 159-9  
**traveling** 75:11; 108:4;  
 116:12; 117:12; 169.11,  
 14, 25  
**travesty** 161.4  
**treat** 8.13  
**treated** 14.10, 12, 13  
**treatment** 6:21; 89:21;  
 101:15; 113 6, 160:9, 18  
**trees** 78.8  
**tremendous** 8:6  
**trial** 36:16; 135 6, 141:4,  
 176:1  
**tribute** 8:22  
**tried** 42.25; 44:6, 52:16;  
 58 3; 155:23; 166:12,  
 167:11; 179:4  
**trip** 24:25, 75:12; 83:21;  
 87.11  
**Triple** 79:3, 4  
**trips** 150:15  
**Troop** 29:7  
**Trooper** 28.17, 22, 29(4),  
 36:25, 39:14; 47 17; 48 3,  
 49 9, 51:22; 52:4, 8, 13;  
 53:13; 54(4); 55:12, 20,  
 25, 56(4), 58:25; 59:12,  
 16; 60(4); 61:4; 62:15;  
 64:20; 65:3, 25; 66.2;  
 104:23; 130:22, 142:24,  
 143-6  
**Troopers** 31:14; 36:17;  
 39:21; 40 13, 15, 56:10;  
 105:17  
**trouble** 103:22; 171:4  
**truck** 34:25, 35:11, 13;  
 36:20, 21; 37.17, 20;  
 39:25; 40(6); 42 10; 47:20;  
 48:5; 50:15; 52:17, 25;  
 61.21, 68:5, 14; 82:2, 22,  
 84:22; 85:10; 87:13, 14;  
 88.18, 92-5, 9, 10; 94:13;  
 95:21; 98 4; 104:13;  
 106:6; 110 17; 112:20;  
 116:4; 137.18; 138:3;  
 140:22, 22, 141:9, 11;  
 142:16; 160:14, 161 20,  
 166:4, 9, 13, 167-20, 172-5  
**trucker** 53:18; 134:20,  
 136 1; 167:9; 177:7; 178:4

**truckers** 124.10, 157:13;  
 158:14; 162:14, 15;  
 168:18; 170:22  
**trucking** 41:15; 66:25;  
 110.11, 12; 156:15, 23;  
 159:7; 167:2  
**truckload** 113:3, 161:3  
**trucks** 26:3, 5; 45 12;  
 71 10; 74:14; 89:23,  
 109.1; 117:9; 140 21;  
 150:19; 151:9; 153.4;  
 154-9; 157:16; 164:8;  
 172:10  
**true** 112:16; 146.19;  
 185:11  
**trust** 95:12  
**truth** 164.19; 173:16  
**try** 5:13, 45 23; 49:18;  
 95.17, 98:8; 178.3, 180:10  
**trying** 21:8; 25-10; 27:12,  
 19, 34:1; 36:5; 50:24;  
 53.25; 83:9; 85:24; 93:16;  
 100:10; 101:8; 104:17,  
 111:16; 118.14, 136 22;  
 138:24; 164.20; 173:10  
**turn** 9:25, 18.24; 96 24,  
 25; 153-18  
**turnaround** 170.23  
**turned** 32.7, 34:20;  
 75:25, 120:1; 144:19;  
 156:2  
**turning** 153:13  
**twelve** 119:24  
**twenty-five** 63:18  
**twice** 30:15  
**twine** 115 9  
**two** 11-7; 35:19; 44.6;  
 45.21, 49:12; 50:10, 13;  
 61.16, 20, 24; 65:20; 75:7;  
 78:24; 81:9; 85:21; 88:9;  
 92:25; 98:5; 100.4, 22;  
 104:10; 114:5, 115:25;  
 128:21; 129:4, 131:1,  
 141-2, 151:14, 21; 152:15,  
 161-7; 163:21; 166(4);  
 169:14; 174:2, 18  
**two-edged** 70 15  
**two-horse** 104:10  
**two-page** 37:4  
**two-tier** 30:1, 4; 32.4, 5,  
 16, 35:17, 17, 25, 39:8;  
 61:13, 15; 65:19; 143:1, 7  
**tying** 60:10  
**tying-up** 163:23  
**type** 22:1; 33:12; 54:23;  
 73:9; 94:20; 116:11;  
 145:16; 179:18; 181.18  
**types** 21:9; 22:2; 81 21;  
 102:12, 170 23  
**typical** 35:16, 24  
**typically** 153:21  
**typo** 179.2

## U

**U.S** 79:12; 123:8  
**ugly** 83:6  
**ultimately** 19:9; 58:13;  
 181:1  
**unabated** 156:6; 170:20  
**unacceptable** 80:22  
**Unadillo** 161:23  
**unanimously** 42:5  
**unavoidable** 27:4, 80:20  
**unaware** 183:25  
**uncommon** 44:11;  
 163:12  
**under** 14:5; 25:1, 6;  
 30.21; 31:18, 20; 43:6;  
 52:19; 58:5, 7; 77:4; 96:3,  
 98:11, 100:9; 118:13, 16;  
 125:3; 131:6; 134:12;  
 135:12; 139:5, 9; 142:19;  
 154:4, 19; 168 16; 177:9,  
 11; 185:13, 18  
**undercut** 65 1  
**understands** 177:24  
**understood** 46:17  
**unending** 70.22, 71:5  
**unfeeling** 69-1  
**unfit** 132:3  
**unfortunately** 89:14;  
 90:7; 119:17  
**unhappy** 85.25  
**unique** 66:18  
**United** 78 25; 132:9,  
 167:14; 169:6  
**United\_Press** 42.1  
**university** 98:7; 103:3  
**unless** 19:2; 35:23; 63:2;  
 92:12; 110:23; 176:19,  
 185:18  
**unload** 129:21  
**unloaded** 40:19; 44:13;  
 68:15  
**unloading** 36:18; 129:19;  
 130:25; 131:1  
**unnecessary** 135:8  
**unpleasant** 24:22  
**unregulated** 76:11;  
 157:12  
**unusual** 157:5  
**unwritten** 180:24, 181:7  
**up** 4:21; 18:2, 19, 21;  
 19:5, 10; 21:17; 23.22,  
 24:8, 27:13; 29:9; 31:12;  
 33:5, 15, 34:25; 35(4);  
 36:1, 4; 38:15; 42.3, 19;  
 44:17; 45:2, 8, 18; 47:1, 1,  
 52:8; 55:17; 56:1, 6, 15;  
 58:15; 61:17; 62.12; 63:3,  
 15; 65:10; 67:17, 24;  
 76:11; 82:5, 7; 85(5); 86-4,  
 6, 14; 87(4); 92:6, 93.13;  
 95.13, 14, 21, 98.4, 21;  
 100:5; 102:9, 106.23,  
 107:6; 109 13; 110:25;

114:24, 119 11, 21, 23;  
121:4, 123.2, 18; 124:6,  
16; 125 11, 25; 129:22;  
136:18; 145:11; 147:25;  
149:16; 150:7, 14, 151 13;  
153:11; 154 10; 155:6, 13,  
21; 160:15, 161:15, 22;  
163:3; 164:3, 13; 172:9;  
173:16; 181:19; 183:18  
upon 7:24; 134:5; 159.3  
upper 47:2  
upsetting 41:3  
upstate 29:12; 67:4,  
75:21; 105 15, 19  
urgent 165 13  
USDA 74:16, 22  
Use 8:13, 9:22; 12:23,  
34:18; 42:11; 65:18;  
131:13; 141:9; 153:22  
used 24:6, 17; 43:17;  
58.8, 75:8; 80:24; 81:2;  
90:9; 127 24; 172:5, 11;  
174:7  
usefulness 80:8  
uselessly 166:12  
Using 22:24; 55.5; 65:19,  
20; 100:13; 129:25; 141:5  
usually 26:5; 59:17;  
108:25, 162:18, 19  
utilizes 152:4  
utilizing 153:16

**V**

V 31:7; 32:19  
vague 31:21; 52:13, 14;  
53:14, 25; 134:24, 175:22  
valid 17:16; 19:11; 136:5  
valuable 79:7  
Vance 78:17, 88:4; 98:9  
vanity 9:2  
various 11:8; 94:24;  
150:5  
vast 132:25; 157:14  
vegetarian 72:22; 77:12  
vehicle 26 14; 46:19;  
58:8; 89:9; 92:3; 126:20;  
134:5  
vehicles 26:10, 47:9,  
93:19, 20; 137:1  
veins 6:13; 64:4  
venison 77:3  
ventilation 22:14; 23:23;  
36 3; 38:17, 51:20; 58:12,  
17, 20; 82:6, 16  
Vermont 29:10; 41:18  
verses 8:3, 18  
versus 99:2  
vet 70:3; 101:2; 103:2;  
106:21; 109:17; 131:12;  
135:9  
veterinarian 111:1, 2;  
115:21; 120 25; 122:23;  
131 21; 138:8; 157 2;

162:11, 20; 164:7; 176:22  
veterinarians 131:7  
Veterinary 28:20; 48:15;  
137:7; 165:12, 13  
vets 99:17; 138:18;  
150:12  
via 88:12  
viable 80:20  
Vice 183:6  
vices 9:5  
vicious 157:22  
videotaped 39:11  
view 162:24  
violation 33:5, 13, 14;  
34:4; 37:9; 59:22, 23; 61:9;  
62:18, 20; 160 23  
violations 31:17; 32:15;  
34:10; 36:11; 55:16; 58:5,  
18; 61:20  
violator 18:6  
Virginia 41:20; 45:3;  
117:11; 124:13  
virtually 80:19  
virtues 9:5  
visual 49:19  
vital 80:12  
vividly 153:1  
void 116:4, 6  
voluntary 65 6  
volunteer 150:4  
vote 15:24

**W**

wait 105:16; 109:17  
waiting 181:3  
walk 40:21; 83:11; 84:12;  
86:10, 18; 87:4, 6, 13;  
95:10  
walked 6:1; 154 11;  
161:19  
walking 115:11  
Walko 10:16, 17, 19;  
17:23, 24, 18:10, 19:13;  
51:12, 13, 64:18, 19;  
65:23; 72:10, 11; 133:24,  
25  
wall 84:11; 115:10  
Wallach 31:15  
wants 84:13, 104.7,  
154:20; 170:18; 180:9  
war 29:17; 79:23  
warm 82:19; 172:14  
warrant 55:22  
Warren 18:19  
Warrington 161:21  
waste 168:6  
wasted 115:5  
watch 85:10; 89:3; 103:5;  
104:7; 157:9; 170:6  
watched 81:9, 88:10,  
97:24; 100:19, 134 7  
watching 67:15; 105:17

water 44:2; 82:21, 23, 24;  
83:4, 13; 84(5); 111:10;  
115:14; 117:6; 127:20;  
157:19, 24; 167(4);  
168(4); 169:10, 14, 17;  
170:7, 10; 180(5); 181:2,  
4, 17  
watered 40:24; 82:23;  
111.6  
watering 40 24; 167.23  
Watertown 29:10;  
135:24; 140:23  
wave 101:21  
way 6:3; 33:10; 36:1;  
37 2; 48:2; 51:23; 55:3;  
58:1; 59:3; 62:7; 69:13;  
79:6, 81 11; 82:13; 83:14;  
84.3, 85.18; 86 12; 90:23,  
92:5; 93:1, 2; 95:20; 98.5,  
13; 99:4; 103:6; 107.11,  
23; 108:17, 19; 109:8;  
114:22; 123.1; 126:14,  
134:23; 137:2; 143:9;  
152:17; 162:3; 167:18;  
174:17  
ways 25:7; 94:24  
weak 69:16  
weaker 69:22  
weary 71.4  
weather 38:25; 39.1;  
116.12  
Wednesday 137:25  
week 128:4, 5; 137:19;  
138:4; 144:2, 3, 147:25,  
156:21; 158.2, 161:16, 23;  
162:24; 163:17, 20, 21;  
164:24  
weekly 128:2; 143:15, 17,  
18; 147:14  
weeks 31:9; 41:6; 77:17;  
160:11  
weigh 109 4, 181 5  
weight 164:15; 165:2, 5;  
168 11, 12; 180(4)  
weight-bearing 98:3  
welcome 10:5; 66:9;  
120:13  
well-being 157 21;  
176:23  
Welsh 44:24  
weren't 18 7, 30:23,  
38:20, 100:25; 134 12;  
177 13, 15  
West 71:17; 181:13;  
183:24; 184:2  
Western 10:16  
Westport 31:15; 50:10  
What's 26:8; 106:10;  
119:17; 121:18, 181:13  
whatsoever 134:6  
wheels 84:23  
whenever 57:24; 84:13  
whereas 94:13  
wherewithal 134:20  
which—they 37:12

whipped 163:8  
whippings 81:13  
white 20:19; 21:10; 22:4  
Whitson 34 21  
who's 63:8; 137:14  
whole 8:7; 16:25; 20:3;  
25:4; 41:5; 58:19, 59:1;  
100:8; 101:14; 108:3,  
122:7, 11, 123 9; 137:14;  
178:10; 181:2; 182:12  
whose 6:12; 100.22  
wide 48:5, 88:5, 6, 7  
widely 42 21  
width 47:19  
wild 7:20; 183:24; 184:3,  
8  
wildlife 7:19  
willfully 168.18  
Williams 183:6  
willing 73:15  
Willy 31:15  
wind 19:10  
windchill 35:3  
window 82:15  
windows 32:12; 35:9;  
155.1  
wisely 8:14  
wish 8:10; 39:11; 43:10  
within 42:6; 54:21, 75 2;  
80:19; 100:14, 18; 106 7,  
150:5  
without 5:5; 9(4); 44:1,  
93:24; 104:2; 107:15;  
112:3; 116:24; 151:16;  
169:25; 170:24; 181:4  
witness 4:3; 28:16; 66:8;  
126:6; 149:3; 157 10;  
183:4  
witnessed 68:3; 74:13;  
159.6, 160.11; 163:21;  
166:2  
witnesses 14:7, 28.24;  
36:17; 78 16, 130.9,  
184:22  
women 158:7; 171:7  
won 145:22  
wondered 41:4, 88:17  
wonderful 183.8  
wondering 14.5; 38:3,  
57 15; 102:7  
word 57:25; 103 5  
wording 51 24, 60.20,  
105:22  
words 8:16; 179:7  
work 4:23; 17:14; 19:15;  
33:17; 38:22, 23; 39:23,  
84:4; 123:16, 124.18, 20,  
158 21; 163:25  
worked 10:11; 32:1  
worker 148:12  
working 6:16; 23 21,  
29.6; 30 9, 32.1, 35:23;  
37 1, 39:3, 63:4; 113:8;  
123 20; 124:15; 149:16;

162:8; 184:7  
works 81 19  
worn 39:10  
worry 182:1  
worrying 180:2  
worse 69:10; 114:10;  
118:8  
worst 103:15; 170:12  
worth 42:10; 112:3;  
115:24  
write 104:1, 171:13;  
173:7  
writes 106:23  
writing 4:12  
written 20:20, 21:9;  
33:11; 88:23; 134:23;  
148:15; 172:4  
wrong 9:14; 107:25;  
138 2; 144 21, 24; 146:21;  
155:9; 178:7; 182:7  
wrote 42:19, 24; 158:24

**X**

x-rays 98:7

**Y**

yeah 19:6  
year 79:5; 82:1, 106:8,  
16; 142.22; 184:10  
years 29:6; 50:10, 23;  
51:8; 55:13; 78:24; 80:24;  
111:9; 112:2; 119:7, 8, 10;  
130:8; 131:15; 132:9;  
144:13, 150:1, 10; 156 2,  
7; 161:21; 165:20, 174:20;  
176:2; 179:16  
yesterday 14:1; 23 11;  
183:7, 10  
York 28:17; 29:4, 11, 14;  
30:6, 10, 21; 31.8, 11;  
34:3, 17; 37:6; 38:23;  
39:18, 21; 41:18; 42:3, 21;  
45:15; 48:21; 51:23;  
52:14, 54:13, 22; 55:19,  
21, 21; 56:13; 57:18; 58:3;  
60:7; 62:23; 67:5; 75 21;  
85.17; 104:25; 107:4;  
124 13, 126.24; 130(4);  
131:5, 8, 12; 134:18;  
135:12, 23, 24; 136:2;  
140:22, 23; 141:9; 142:22,  
143 3, 5; 145:22; 158 11,  
15; 160:17; 161:23; 185:9  
York's 36:5; 64:21  
young 162:25  
younger 95:2; 177:18  
yours 104:5; 114:7;  
124.23  
yourselves 9:18; 20:21;  
41:17  
youth 149:21



**Z**

zero 32:10, 35:3



**Lawyer's Notes**

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