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Horse slaughter legislation fails to make it to the governor's desk

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Once Texas horse enthusiasts got wind of the horse slaughter issue, and figured out by trial and error how state legislature works, they were relentless in fighting House Bill 1324 sponsored by Representative Betty Brown (R-Terrell) that would have legalized horse slaughter for human consumption in Texas.

According to a news release from the Texas Humane Legislation Network (THLN), the bill was approved by the House, but efforts to get the bill to the Senate floor for a vote failed when Senator Rodney Ellis (D-Houston) used a procedural move to hold the bill in committee.

"Had this bill passed, it would of opened up a Pandora's Box for foreign companies to have the ability to operate illegal activities in the U.S.," Pat Dickey, owner operator of Common Ground, a local horse rescue, said.

The only two slaughter plants still in operation in the U.S. are located in Texas. French

owned Dallas Crown is located in Kaufman County, and Belgian owned Beltex is in Fort Worth. Both of these slaughter houses kill horses by the bleed out method, which is required if meat is to be eaten by humans, and then the meat is shipped overseas. The two slaughter houses have been able to do this, even though eating horses in Texas has been illegal since the 1940's, by claiming they are protected by international trade agreements.

According to section 149.002 of the Texas Agriculture Code, a person who sells horse meat as food for human consumption or who possess horse meat intending to sell it as food for human consumption commits a criminal offense. The code states a person has committed an offense if they sell, offer for sale, exhibit for sale horse meat as food for human consumption or possess horse meat with the intent to sell it for human consumption.

Section 149.003 similarly criminalizes the transfer of horse meat to a person who intends to sell it for food for human con-

sumption, offers or exhibits it for sale, possesses it for sale, knows or in the exercise of reasonable discretion should know that the person receiving the horse meat intends to sell it, offer or exhibit horse meat for sale or possesses it for sale as food for human consumption.

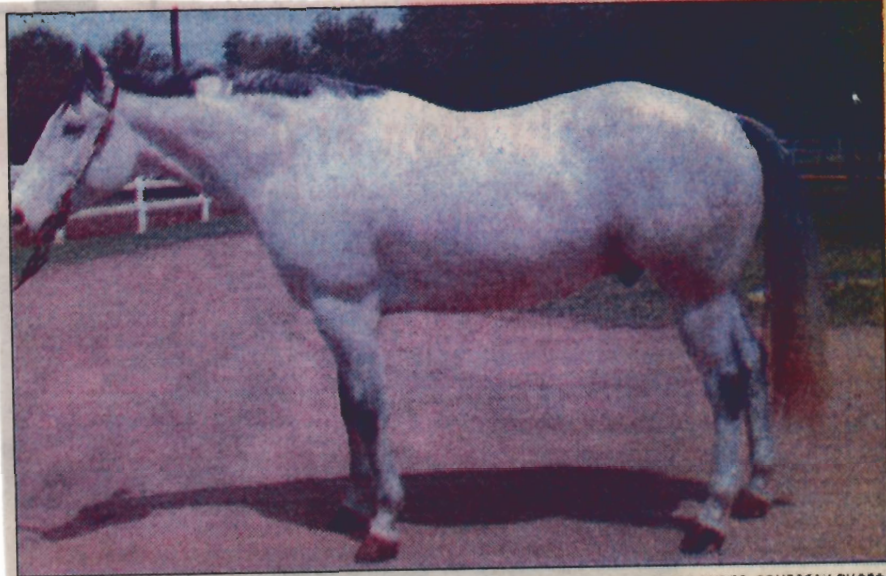
In a letter dated August 7, 2002 from then Attorney General of Texas John Cornyn to Representative of the Texas House Tony Goolsby, who had inquired about the specifics of slaughter and transportation of horse slaughter, Cornyn wrote:

"We conclude that chapter 149 of the Agriculture Code applies to horse slaughter plants in Texas that process, possess, sell or transport horse meat to foreign countries as food for human consumption in those countries. You ask specifically whether chapter 149 of the Texas Agriculture Code applies to horse slaughter plants in Texas that process, possess, sell and transport horse meat for human consumption in those countries.

"The state laws prohibiting the slaughter
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Horses: no consumption

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This 9-year-old gelding named Levi is just what killer-buyers look for at horse auctions. Fat and healthy, Levi would have brought several hundred dollars. After being saved from the slaughter house, Levi is now enjoying his new job at the Retama race track in San Antonio ponying and babysitting thoroughbred race horses.

ing of horses for human consumption are not additional to or different from federal statutes relating to a slaughterhouse's premises, facilities, or operation; rather, the state laws relate to the production, sale and transfer of horse meat. Also, the federal inspection and labeling requirements do not implicitly preempt the Texas prohibition.

"Chapter 149 of the Agriculture Code applies to slaughterhouses in Texas that process, possess, sell and transport horse meat to foreign countries as food for human consumption if the slaughterer has the requisite intent. The federal Meat Inspection Act, 21 U.S.C. ch. 12, does not appear to preempt prosecution for violations of chapter 149," Cornyn said.

"Slaughtering horses for human consumption has been illegal for years," Dickey said. "Why have Dallas Crown and Beltex been allowed to operate illegally for so long?"

Anti-slaughter proponents main focus is the kill method. Horses slaughtered for human consumption must be bled out by a beating heart. Horses are driven into a cattle shoot where a captive bolt is shot into a horse's head. Once rendered helpless, horses are hoisted up by their back legs, their throats are slit and the heart pumps out the blood. It is virtually impossible to restrain a panicked horse to a complete standstill. If the captive bolt misses it's mark, the horse must be shot again.

The bleed out method of slaughter, referred to as live kill, is the method of slaughter for cattle, hogs, chickens and any other livestock consumed by humans. The anti-slaughter people's position is that horses are considered companion animals and the live kill method on regular livestock, such as cattle and hogs, is not as difficult to do because of their docile nature and shorter necks.

Horse meat, tissue and body parts will still be used for animal chow, research and teaching aids, but horses used for these purposes don't have to be bled out. They can be rendered once they are euthanized or die of natural causes.

According to THLN a statewide voter survey concerning horse slaughter was conducted by Mason-Dixon Polling and research from May 4 to 6, 2003. The survey revealed that 77 percent of Texans are opposed to changing state law to legalize the slaughter of horses for human consumption.

Dickey, and thousands of other horse lovers, argued letting HB 1324 pass would have opened doors to the international market.

Dickey said by passing HB 1324, foreign markets would be allowed to open plants, produce goods and ship them overseas, regardless if the good was illegal in the U.S.

"If the bill had passed, the international markets would have been able to grow things that are illegal in Texas because they would be protected by foreign trade agreements," Dickey said. "Can you imagine marijuana fields in Fredericksburg, owned by a foreign company who ship the product overseas for human consumption? Had this bill passed, that would be legal! It's the same with horse slaughter. It's illegal to consume horses in Texas. It's illegal to possess horse meat intended for human consumption in Texas. Yet two foreign companies are allowed to buy American horses, slaughter them in Texas, and ship them overseas because they say they are protected by foreign trade agreements."

Dickey said once anti-slaughter people figured out the tricky system of how pro-slaughter representatives worked, for example, pushing bills through over holiday weekends, that horse enthusiasts became relentless in their endeavors.

"There were more phone calls to the house (of representatives) than any other combined issue (in history)," Dickey said. "Once we figured it all out...and I've learned more about politics than I thought I ever would...we absolutely pounded the phone lines at the capital."

Dickey, along with a hundred more anti-slaughter proponents, spent hours at the capital.

"We spent Easter and Memorial Day weekend waiting in the halls, waiting for sessions to reconvene...standing on those marble floors...it was tough. The bones in my feet felt like stubs," Dickey said.

Dickey said the sessions would break, then not go back into session until late in the evening, or an amendment would be tagged on to the bill at the last minute before session began or a holiday weekend started.

"We had to really pay attention," Dickey said. "A lot of the time we didn't know what was going on. Pro-slaughter representatives used some tricky tactics to try and get this pushed through."

"Now we're waiting for a federal judge to rule whether or not federal law preempts state law, and whether or not the slaughter houses are protected under international trade rights," Dickey said.