Plaintiffs’ Exhibit 15
Civ. No. 02-0265 (CKK)
THE HUMANE SOCIETY OF THE UNITED STATES, ET AL.

Plaintiffs,

v.

MIKE JOHANNS, ET AL.

Defendants.

Civ. No. 1:06CV00265 (CKK)

DECLARATION OF CHRISTOPHER J. HEYDE

I, Christopher J. Heyde, declare as follows:

1. The Animal Welfare Institute (AWI) and Society for Animal Protective Legislation (SAPL) are plaintiffs in the above referenced action.

2. I am the Deputy Legislative Director of SAPL, a division of AWI. I am a research associate for AWI.

3. AWI is a national non-profit organization which was formed in 1951. Its mission is to reduce the sum total pain and fear inflicted on animals by humans through its many programs and campaigns.

4. SAPL is the legislative division of AWI and was formed in 1955 with the sole purpose of lobbying for animal welfare legislation. In addition to supporting legislation which protects and promotes the welfare of animals, SAPL combats legislation which may have a negative impact on animals.

5. AWI and SAPL engage in extensive research, public education and advocacy in our efforts to promote horse welfare and to prevent horse slaughter for human consumption
abroad. These activities include but are not limited to sending action alerts to our members and supporters as well as the dissemination of press releases to the public. AWI also publishes a magazine on a quarterly basis called the *AWI Quarterly*, which is sent to interested persons in the United States and abroad including our members, public libraries, humane societies, law enforcement officers, scientists, animal care technicians, as well as to federal, state and local government agencies and all members of Congress. In addition to such activities we also maintain websites on the World Wide Web containing information about horse slaughter at <www.saplonline.org> and <www.awionline.org>. Our press releases, action alerts, the information contained in the *AWI Quarterly* and the information on our websites inform our members, supporters, and the public regarding our efforts to prevent horse slaughter in the United States and inform readers about actions that they can take to promote the protection and humane treatment of horses.

6. Faced with the reality that tens of thousands of horses are slaughtered each year in three foreign-owned slaughterhouses in the United States to be sent abroad for human consumption and that thousands more are transported under deplorable conditions across our borders into Canada and Mexico to be slaughtered, SAPL and the Doris Day Animal League (DDAL) have long advocated for a law which among other things, would prohibit the transport and slaughter of horses in the United States for human consumption abroad.

7. AWI and SAPL have invested considerable organizational resources on promoting horse welfare and preventing the slaughter of domestic and wild horses in the United States for human consumption. In addition to bringing this current litigation, SAPL, along with DDAL, initiated a national campaign in 2001 with the goal of ending the transport and slaughter of horses in the United States for human consumption abroad. This goal was attained, at least
temporarily, late last year when Congress approved an amendment to the FY2006 Agricultural Appropriations Act.

8. From the beginning of our campaign, SAPL and DDAL have worked to garner support from our members, constituents, other humane groups, horse industry organizations and business leaders, equine rescue groups, veterinarians and celebrities. As people became aware of cruelty the horses endure in the horse slaughter industry and the AHSPA, they signed a letter in support of a ban on the transport and slaughter of horses in the United States for human consumption abroad. Signatories to the letter continue to mount to this day. (Please see letter, attached hereto as Exhibit A).

9. To better understand the cruelty involved in the horse slaughter industry, I personally visited Cavel International in early 2002. Cavel International is one of the three foreign-owned horse slaughterhouses in the United States. I was accompanied by Anyes VanVolkenburgh, DVM, a licensed veterinarian, and we were given unrestricted and unaccompanied access to the facility. Located at the rear of the facility was a double decker trailer tightly packed with horses, all of whom appeared to be young and healthy but were unable to stand upright due to the low ceilings in the trailer and cramped conditions. Several of the horses appeared to be bleeding from their mouths and noses. I observed workers moving some of the horses off the trailer by poking them with long fiberglass rods. I also observed horses falling down a ramp off the trailer and being beaten by workers using the fiberglass rods. All of the horses I saw who were being moved off of the trailer and being held in the holding area exhibited fear typical of “flight” behavior in horses where they pace in prance-like movements with their ears pinned back against their heads and their eyes wide open. After the horses were moved off the trailer, they were taken to a barn where I witnessed workers beating the horses on
their noses, foreheads, necks, backs and/or hindquarters in an effort to move them through the holding area and toward the kill box. Running across the floor of the barn in the holding area and through the guiding stalls was a grate-covered drain about three feet deep and one foot wide. A section of the grate cover was missing in one of the stalls through which the horses were being forced. The horses were crammed into the stalls and I watched each horse fall into the open hole, unable to easily get out. I observed the workers beat the horses until the horses were able to throw their bodies out of the hole and regain their footing. One of the horses moving through the holding room toward the kill box got his leg hooked over a rail. I observed workers beat the horse continually until the horse lunged forward forcing his leg free from the rail and gouging it open on a metal fence.

10. In 2003, SAPL, DDAL, the Thoroughbred Retirement Foundation, Blue Horse Charities and several industry leaders and veterinarians founded the National Horse Protection Coalition (NHPC) of which I became the Executive Director. NHPC was formed in an effort to bring together a diverse group of people and organizations committed to ending horse slaughter in the United States. Other groups from the humane community, equine rescue, veterinary field and horse industry joined NHPC and have worked collectively toward the passage of legislation to ban horse slaughter in the United States. Bo Derek, Tony Curtis, Willie Nelson and Kentucky Derby winning trainer, Nick Zito are the national spokespersons for NHPC.

11. NHPC produced a video featuring Bo Derek and Nick Zito speaking about the horrors of the horse slaughter industry and why horse slaughter should be banned in the United States. The video was distributed to Congress and the media in an effort to convince them to support the legislation.
NHPC groups also ran advertisements in supporting the legislation in local and major newspapers, wrote articles and letters to the editor in publications all across the country, distributed a brochure on horse slaughter, ran a booth at Breeders Cup in Texas educating the public about horse slaughter, performed radio interviews, produced a video news release and performed television interviews.

12. From the beginning of our efforts on this issue, it has been crystal-clear that the purpose of the legislation was to end horse slaughter, not merely to change the way in which inspections are funded. Obviously, we would not have been able to galvanize public opinion in the way that we have if all we were seeking to accomplish was a change in the inspection funding scheme. Moreover, we have worked closely with all of the principal sponsors of the legislative initiative – including Congressman John Sweeney (R-NY), Congressman John Spratt (D-SC), Congressman Ed Whitfield (R-KY), Senator John Ensign (R-NV), Senator Mary Landrieu (D-LA), and Senator Robert Byrd (D-WV) -- and at no time did any of them suggest to us that the purpose of the legislation was anything other than to end the wholesale slaughter of horses in the U.S. for consumption abroad. Consequently, for USDA to suggest that Congress only intended to change the funding mechanism – or that the purpose of the amendment is in any way ambiguous – ignores the history and context of the legislative process culminating in the amendment, as well as the plain terms of the provision.

Pursuant to 28 U.S.C. § 1746, I declare, under penalty of perjury, that the foregoing statements are true and correct to the best of my knowledge.

Christopher J. Heyde

Dated: February 2, 2006
Attachment A to Heyde Decl.
Civ. No. 02-0265 (CKK)
September 12, 2005

Dear Senator:

RE: Ensign/Byrd Agriculture Appropriations Amendment

We urge you to SUPPORT the Agriculture Appropriations Amendment introduced by Senator John Ensign (R-NV), one of only two veterinarians in the US Congress and Senator Robert C. Byrd (D-WV) to prevent taxpayer funds from being used to support horse slaughter. The Ensign/Byrd Agriculture Appropriations Amendment will put an end to an extremely cruel practice, which claims all breeds, ages, sizes and conditions of horse. The majority of Americans, horse industry organizations, veterinarians and horse owners are outraged that our horses are being brutally slaughtered and want the practice to end. In June, the House overwhelmingly approved a similar amendment to the Agriculture Appropriations bill. We strongly support this amendment and are pleased to provide any assistance we can to ensure its swift passage into law.

Sincerely,

Christopher J. Heyde
Executive Director

National Industry Organizations
Akindale Farm (NY)
The American Holsteiner Horse Association, Inc.
The American Sulphur Horse Association
American Indian Horse Registry
Arizona Racing Commission
Blue Horse Charities (KY)
The Breeders Cup
Churchill Downs Incorporated
Eaton & Thorne
Eaton Sales, Inc.
Fasig-Tipton Company, Inc.
Gainesway Farm
Hambletonian Society, Inc.
Horse Connection magazine
Hughes Management
Iowa Racing and Gaming Commission
Keeneland Association Inc.
**National Industry Organizations (con’t)**
Magna Entertainment Corp.
National Show Horse Registry
National Steeplechase Association, Inc.
National Thoroughbred Racing Association
Natural Horse Magazine
New Jersey Racing Commission
New Jersey Thoroughbred Owners and Breeders Association
New York Racing Association
New York State Thoroughbred Racing and Development Fund Corporation
New York Thoroughbred Breeders, Inc.
Palomino Horse Association, Int.
Racetrack Chaplaincy of America
Thoroughbred Retirement Foundation (KY, VA, FL, NY, NJ)
Virginia Thoroughbred Association
The United States Harness Writers Association
Walnut Hall Limited

**Horse Industry Leaders**
Peggy Augustus - Keswick Farm
Gary Biszantz – Owner, Cobra Farm
Niall and Stephanie Brennan - Niall Brennan Stables
W. Cothran "Cot" Campbell – Dogwood Stables
W.A. "Jimmy" Croll, Jr - Thoroughbred racing Hall of Fame trainer
Nick and Jaqui de Meric - Nick de Meric Bloodstock
Richard L. Duchossois – Chairman, Arlington Park
Tracy & Carol Farmer - Shadowlawn Farm
John Fort - Peachtree Racing Stable
John Gaines - the late founder of the Breeder's Cup World Thoroughbred Championship
Arthur & Staci Hancock – Stone Farm - Owners/Breeders of two Kentucky Derby Winners.
Dell Hancock - Claiborne Farm
Randy Hartley - Hartley/De Renzo Thoroughbreds
Summerfield "Skeet" Johnston - ex-Chairman and CEO of Coca-Cola Enterprises
John Hettinger – Owner, Akindale Farm, Principal stockholder Fasig-Tipton Co, Inc.,
Chairman Emeritus Grayson-Jockey Club Research Foundation, Trustee NY Racing
Association
Reiley McDonald – Partner, Eaton Sales
Nick Nicholson - President and Chief Executive Officer, Keeneland Association
John & Carol Oxley – Owners of Monarchos, 2001 Kentucky Derby winner
Dan and Jocelyn Sumnerel - Sumnerel Training and Therapy
Becky Thomas - Sequel Bloodstock
D.G. Van Clef, Jr. – NTRA Commissioner, CEO & Breeders' Cup President
Donna Ward
Marylou Whitney and John Hendrickson – owners of Birdstone, 2004 Belmont Stakes winner
Russell Williams - VP, Hanover Shoe Farm
Nick Zito - Two-time Kentucky Derby Winning and Hall of Fame trainer


**Celebrity Supporters**
Shane Barbi-Wahl
Sia Barbi
Barbara Bosson
Bruce Boxleitner
Jeff Bridges
Christie Brinkley
Rita Coolidge
John Corbett
Alex Cord
Catherine Crier, *Court TV*
James Cromwell
Tony and Jill Curtis
Ellen DeGeneres
Ron Delsener - *Ron Delsener Presents*
Bo Derek
Clint Eastwood
Mike Epps
Will Estes
Shelley Fabares
Morgan Fairchild
Mike Farrell
Kinky Friedman
Melissa Gilbert
Whoopi Goldberg
Jane Goodall, PhD.
Arlo Guthrie
Merle Haggard
Daryl Hannah
Tess Harper
Tippi Hedren
Laura Hillenbrand - author of *Seabiscuit*
George Jones
Toby Keith
Eddie Kilroy, Program Director, *"Hank’s Place" XM 13*
Carole King
Kris Kristofferson
Chief Arvol Looking Horse - 19th generation keeper of the White Buffalo Calf Pipe Bundle and holds the responsibility of spiritual leader among the Lakota, Dakota and Nakota People
George Lopez
Mrs. Roger (Mary) Miller
Steve Miller
Mary Tyler Moore
Sir Paul McCartney
Ali McGraw
Connie Nelson - *Outlaw Management*
Willie Nelson
Alexandra Paul
Richard and Jennifer Lee Pryor
Keith Richards
Theresa Russell
Bernie Taupin
**Celebrity Supporters (con't)**
Billy Bob Thornton
Shania Twain
Ken Wahl
Dwight Yoakam

**National Humane Groups**
American Horse Defense Fund
American Humane Association
American Sanctuary Association
The American Standardbred Adoption Program, Inc.
American Society for the Prevention of Cruelty to Animals
Animal Legal Defense Fund
Animal Protection Institute
Association of Veterinarians for Animal Rights
Doris Day Animal League
Episcopal Network for Animal Welfare
The Fund for Animals
Habitat for Horses
Hooved Animal Humane Society
The Humane Society of the United States
The Progressive Animal Welfare Society
The National Humane Education Society (NHES)
Society for Animal Protective Legislation
United Equine Foundation
United States Equine Sanctuary & Rescue
Wild Horse and Burro Freedom Alliance
World Society for the Protection of Animals

**Arizona**
Conquistador Equine Rescue Program (In Defense of Animals)
Equine Voices Rescue & Sanctuary
Hacienda de los Milagros, Inc.
Humane Education Club - Barry Goldwater High School (Phoenix)
In Defense of Animals At Arizona State University (Student Organization)
Keepers of the Wild
Superstition Horse Ranch
Wildhorse Ranch Rescue

**California**
Access Nurses
California Equine Retirement Foundation
Cooper Racing (Carol Cooper) - Qtr Horse Breeding, Training and Layups
East Bay Animal Advocates
The Piedra Foundation
Tranquility Farm
**Colorado**
Colorado Horse Rescue
Love Can't Wait Pony Rescue
Lucky Three Ranch, Inc.
Political Voice for Animals
Project Equus

**Connecticut**
The Humane Organization Representing Suffering Equines (H.O.R.S.E.) of Connecticut, Inc.

**Florida**
Retirement Home for Horses

**Georgia**
Big Sky Farm - Quarter Horse boarding and breeding facility
Georgia Equine Rescue League
Magic Hollow Farms

**Idaho**
Horse Haven Rescue

**Illinois**
Arlington Park Racecourse
Balmoral Park Racetrack
Blackberry Station Feed Store
Block Thoroughbred Farm
CANTER Illinois
Central Illinois Humane Society
Crosswinds Equine Rescue, Inc
Drexler Horse Transportation
Eastland Farm and Training Center
Fairberry Farm
Fairmount Park
Hawthorne National Racecourse
Hill 'N Dale Farm
Horsin' Around TV
Illinois Thoroughbred Horseman's Association
Illinois Thoroughbred Breeders and Owners Foundation
Illinois Harness Horseman's Association
Illinois Horseman's Benevolent Protective Association
International Brotherhood of Teamsters Local 727
John Marshall Law School, Animal Law Society, Chicago, IL
Lazy Maple Equine Rescue
Manhatten Acres
Maywood Park Racetrack
Oak Tree Farm
Pam Kuhl Horse Transportation
RERUN Illinois
Shawnee Hills Farm
Three Way Farm
Top of the Hill Farm
Tower Farm
Indiana
Animal Protection Coalition
CANTOR of Indiana
Indiana Horse Rescue

Kentucky
Blairs Equine Rescue
Bluegrass Equine Products, Inc.
Brandeis Student Animal Legal Defense Fund
DreamCatcher Stables, Inc.
Holly's Place Animal Rescue
Home at Last animal sanctuary
Humane Society, A.L.L. of Madison County
Kentucky Animal Relief Fund, Inc.
Kentucky Animal Rescue Alliance
The Kentucky Coalition for Animal Protection, Inc.
Lexington Humane Society
Marion Co. Humane Society, Inc.
Wolfrun Wildlife Refuge, Inc.
Woodstock Animal Foundation

Louisiana
The Coalition of Louisiana Animal Advocates

Maine
Barrel Race in Maine
Downeast Border Riders Saddle Club

Maryland
Horsenet Horse Rescue
University of Maryland Equestrian Club

Massachusetts
Suffolk Downs

Michigan
Horses' Haven
C.A.N.T.E.R Michigan

Minnesota
Midwest Horse Adoption Program
Misfit Acres Inc.
Save Our Souls Equine Rescue

Montana
WindDancer Foundation
Nevada
Miracle Horse Rescue, Inc.
Shiloh Horse Rescue and Sanctuary
Wild Horse Preservation League
Wild Horse Spirit, Ltd.

New Jersey
Save the Animals Foundation
Standardbred Retirement Foundation

New Mexico
Animal Protection of New Mexico
Perfect Harmony Animal Rescue & Sanctuary
Wild Horse Observer's Association (W.H.O.A.)
Independence Farm

New York
Carpe Diem Equine Rescue, Inc. (NY, PA, NJ)
Equine Rescue Resource, Inc.
Vassar Animal Rescue Coalition

North Carolina
Jus Linda's Stables
North Carolina Equine Rescue League
Stillwater Farm

North Dakota
Tremont's Pet Sitting Service

Ohio
Angels4horses Adoption-Placement Foundation
Living Legend Arabians
Sound Horse Organization of Ohio

Oklahoma
Angel Horse Rescue, Inc.

Pennsylvania
Animal Care and Welfare/SPCA
Another Chance for Horses
Bran Manor Equine Rescue & Placement
CANTOR Pennsylvania
Cozee Valee Farm
Eastern University Equestrian Team
Lost and Found Horse Rescue
OohMahNee Farm Animal Sanctuary
Pennsylvania SPCA
R.A.C.E Fund, Inc.

South Carolina
Hollow Creek Farm Equine Rescue
Neverending Farms Horse Rescue
Texas
Animal Connection of Texas
Animal Sanctuary of the United States/Wild Animal Orphanage
Austin Zoo
Black Beauty Ranch
City of Flower Mound, TX
Common Ground Foundation
Lone Star Equine Rescue, Inc.
Lone Star Park
Madden Investigations
The Queenie Foundation
R-9 Ranch
Sound Horse Organization of Texas
Texans for Horses
SPCA of Texas
The Texas Federation of Humane Societies
Texas Humane Legislation Network
Texas EquuSearch Mounted Search and Recovery Team
Wild Horse & Burro Refuge & Registry

Tennessee
Misfit Ranch

Utah
Sound Horse Organization of Utah

Virginia
Ches-N-Oak Farms
The Laughing Horse Sanctuary
Parkway Quarter Horse, Inc.
White Bird Appaloosa Horse Rescue - Stillwater Farm

Wisconsin
All God’s Creatures Equestrian Center
Animal Rescue and Farm Sanctuary
Midwest Horse Welfare Foundation, Inc.

Wyoming
Wyoming Animal Network