



Performance
Show Horse
Association

December 23, 2013

The Honorable K. Michael Conaway
Chairman, House Committee on Ethics
1015 Longworth House Office Building
Washington, DC 20515

The Honorable Linda T. Sanchez
Ranking Member, House Committee on Ethics
1015 Longworth House Office Building
Washington, DC 20515

Dear Chairman Conaway and Ranking Member Sanchez:

We are writing today to bring a serious and troubling issue to your attention and to request your consideration of this matter and advise our organization on the proper steps or procedures to take so that the U.S. House of Representatives can investigate what we consider to be, at the least, a serious breach of the Code of Conduct of the House.

Our organization represents the various interests involved in the Tennessee Walking Horse industry and our board members come from across the United States. The organization was established to help provide a voice for our industry in order to counter the negative attacks and misperceptions put forth by anti-agriculture and anti-show horse groups and, most importantly, provide the leadership, resources and expertise to initiate necessary reforms within our industry.

The Tennessee Walking Horse industry and, in particular the show or performance segment, is an important industry in a number of states providing more than 20,000 jobs and approximately \$3.2 billion dollars in economic impact across the country. Our owners, breeders, trainers, riders and show enthusiasts have a great love for this historic breed and while we understand that a very small minority has created the negative perceptions affecting our industry, we are working hard to restore integrity to our sport and protect our horses.

As noted above, our industry has been under attack for some time from various advocacy groups and, now, from Congressman Ed Whitfield (KY-1). Earlier this year, Congressman Whitfield introduced H.R. 1518. This legislation would be devastating to our industry and effectively eliminate the performance show horse segment of the equine industry. The legislation also has significant fiscal and regulatory impacts by bringing all aspects under government control rather than the existing industry self-regulation as established in the Horse Protection Act.



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The merits of this legislation are not, however, the reason for this letter. Instead, we wish to bring to your attention the connection between the sponsor, Mr. Whitfield, and his wife, a compensated lobbyist for the Humane Society Legislative Fund which is the primary advocate against our industry, and request your guidance on this issue. Additionally, we seek to bring to your attention actions taken by Mr. Whitfield whereby he “recruited” a former walking horse industry official, had this person testify in a hearing in November regarding H.R. 1518 and, within a few days, hired this person as a “Congressional Aide” on his personal staff. These actions would seem to be, at the least, violations of the House Code of Conduct and, with regard to the recruitment and subsequent hiring, a violation of a more serious nature.

For the past two years (2012 and 2013), Congressman Whitfield’s wife, Constance Harriman-Whitfield, has been a registered and compensated lobbyist for the Humane Society Legislative Fund (Lobbying Disclosure House ID 41941000 and Senate ID 400873559-12). During that time, Mrs. Whitfield is identified as a lobbyist for a number of bills, including three (3) that Mr. Whitfield has been listed as sponsoring (H.R. 1733 and H.R. 6388 in 2012 and H.R. 1518 in 2013). Additionally, Mrs. Whitfield noted a number of other bills in the 2012 and 2013 filings which Mr. Whitfield co-sponsored.

It is incomprehensible that a registered lobbyist would not engage and discuss in detail the specifics of legislation with that legislation’s sponsor and, as a result, this interaction would seem to be a serious violation of the House rules governing this matter. Secondly, it must be assumed that the compensation provided to Mrs. Whitfield (a direct financial gain to them as a married couple) is a result of her ability to have legislative initiatives important to her organization (the Humane Society Legislative Fund and, indirectly, the Humane Society of the United States) acted upon and is, therefore, directly connected to her husband, Congressman Whitfield, sponsoring legislation advocated by that organization. Again, this seems to be a significant violation of House rules.

With regard to the second matter, Congressman Whitfield and supporters of H.R. 1518 have utilized as a lobbyist and advocate Mr. Marty Irby. Mr. Irby served as President of the Tennessee Walking Horse Breeders’ & Exhibitors’ Association from 2010 to 2012. During his tenure as President, Irby illegally obtained domain names in violation of registration marks for the world championship show and subsequently attempted to extort that organization for a sponsorship in exchange for his giving them the domains. The matter was resolved in arbitration with the arbitrator ruling against Mr. Irby.

From various social media outlets, it appears that Mr. Irby decided to “get back at the industry” and developed a relationship with an official of the Humane Society of the United States. Social media postings by Mr. Irby and family members of Mr. Irby noted that he “had been offered a job by the Humane Society and by Congressman Whitfield” if he became an advocate for passage of H.R. 1518. For several months, Mr. Irby and others lobbied a number of Members of Congress on H.R. 1518. What is troubling is that Mr. Irby, according to his own postings, has significant financial issues and yet was able to be in Washington, DC for a number of months but did not file as a registered lobbyist or indicate the sources of compensation for his lobbying activities.

Additionally, from the postings made by Mr. Irby and Irby family members, it appears that Mr. Irby was recruited by Mr. Whitfield to advocate for his legislation and was promised or offered a position for that



advocacy prior to his testimony. Mr. Irby undertook this advocacy through lobbying for the legislation and, on November 13, testified as a witness in support of H.R. 1518 at a hearing held by the Commerce, Manufacturing and Trade Subcommittee of the House Energy and Commerce Committee. This hearing was held at the request of Mr. Whitfield and he was present to question witnesses as part of the hearing proceedings. Evidently Mr. Irby performed very well because Mr. Whitfield hired him as a “Congressional Aide” with an annual salary of \$40,000 just days after hearing was held.

These actions by Mr. Whitfield to push a legislative initiative directly connected to his wife’s position as a compensated lobbyist and to recruit and reward a former walking horse industry official for his advocacy of this legislation cannot in any way be actions acceptable to the United States House of Representatives. Our organization believes that in a fair debate the facts and unbiased information support our contention that this legislation is not needed and will, in fact, eliminate our industry. We cannot, however, engage in or expect a fair hearing with the U.S. House of Representatives with this type of unethical action taken by a Member.

It is, therefore, our request that the U.S. House of Representatives Committee on Ethics investigates these matters and takes action so that our organization, and the thousands of people associated with our industry, can have faith that the legislative process can and does occur in a fair and non-biased manner. We also request that if, as we contend, Mr. Whitfield, through these actions, has violated the rules of the House, the proper and appropriate disciplinary actions are taken.

Additionally, if there are steps or procedures we need to take in order to initiate this request in another manner, please provide our organization with that information and we will take whatever actions are needed.

Thank you in advance for your time and attention to this serious matter. We regret having to send this letter but due to the gravity and nature of the actions this Member of Congress has taken against our industry and the people who depend upon it for their livelihood, we feel we have no choice. We look forward to your prompt action on this issue.

Sincerely yours,

Jim Cortner

Terry Dotson

James L. Griffith

Jamie Hankins

Gayle Holcomb

Jeffrey Howard

Mike Inman

Bruce Macdonald

Lee W. McGartland

Dr. Doyle Meadows

Mickey McCormick

Buddy Stasney

Duke Thorson

Members of the Board of the Performance Show Horse Association