



January 14, 2005

Ginny Conley
Acting Executive Director
West Virginia Prosecuting Attorneys Institute
90 MacCorkle Avenue, SW, Suite 202
South Charleston, WV 25303

Dear Ms. Conley:

We at The Humane Society of the United States (The HSUS) write to express our profound disappointment with your announcement that there will be no criminal charges in response to clear evidence of inexcusable and massive animal cruelty at Pilgrim's Pride slaughterhouse. As you have, The HSUS and many of our 8 million members and constituents have seen the video released by People for the Ethical Treatment of Animals that shows Pilgrim's Pride workers kicking chickens and violently slamming them against the wall. There are also witness statements that workers twisted chickens' heads off, sprayed aerosol paint into their eyes and dumped birds in a trash bin to die. We are astonished that West Virginia's animal protection laws may not be enforced in this case of blatant animal cruelty and this letter is to respectfully urge you to immediately reconsider this decision of inaction.

It has been reported by the *Associated Press* that you found the evidence regarding repeated incidents of cruelty at Pilgrim's Pride "disturbing", but that it did not warrant criminal charges because "these were chickens in a slaughterhouse". As you know, it is illegal in West Virginia to intentionally mistreat, torture or maliciously kill an animal, or to cause the same. *West Virginia Code § 61-8-19*. Chickens, including in slaughterhouses, are not exempted from these minimal but clear legal protections. Indeed, West Virginia's animal cruelty law applies to chickens with the same weight as it does to dogs or cats and there is no legal justification for law enforcement or prosecutors to turn a blind eye to the abuse of any animal.

It is further no excuse, as you are quoted by the *Associated Press*, to state that this matter is regulatory rather than criminal. West Virginia has clear animal protection laws and they should be enforced in the face of documented animal cruelty. Moreover, there is no regulatory agency that has jurisdiction in this case because there are no federal or state regulations that provide protection to chickens in slaughterhouses. The only protection provided to chickens in West Virginia is the state's animal cruelty law and to state otherwise is to ignore your prosecutorial obligation to enforce state law on a very serious matter of massive animal cruelty.

The HSUS believes that based on the videotape taken at Pilgrim's Pride slaughterhouse and statements from veterinarians and other experts, your office has credible evidence of massive and illegal animal cruelty. In light of the gravity of this documented animal cruelty, The HSUS urges an immediate change of course from your recent announcement, and that all responsible parties at Pilgrim's Pride be charged with animal cruelty and prosecuted as appropriate.

As I mentioned in my July 21 letter to Prosecuting Attorney Lucas See regarding this case, The HSUS has extensive experience with animal cruelty cases and we are pleased to offer our investigative and expert assistance in the case against Pilgrim's Pride and any culpable employees. Our vice president of farm animals and sustainable agriculture, Dr. Michael Appleby, has his doctorate in animal science and training in the appropriate care and handling of poultry. He is available to consult with your office or testify at trial regarding the gratuitous and abusive nature of the cruelty to the birds, which we hope helps you to decide to take this case forward. We also could assist with investigators, forensic scientists and professional evidence preparation, if that would be of assistance in this importance case.

I look forward to a response from your office on this important matter so that we can report it to our many concerned members.

Sincerely,

A handwritten signature in black ink that reads "Wayne Pacelle". The signature is written in a cursive, flowing style.

Wayne Pacelle
President and CEO

cc: Governor Bob Wise

Governor-Elect Joe Manchin