

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 2

DANE COUNTY

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ROBERT A. LOWERY and
JULIE ANN DZIKOWICH,

Plaintiffs,

-vs-

Case No. 06-CV-2455

DANE COUNTY HUMANE SOCIETY
and COUNTY OF DANE,

Defendants.

* * * * *

DATE: January 23, 2007

PROCEEDINGS: Partial Transcript of Court Trial
(Testimony of John Goodwin)

BEFORE: The Honorable MARYANN SUMI

A P P E A R A N C E S

For Plaintiffs: CHARLES GIESEN
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Madison WI 53703

For Defendant Dane
County Humane Society: JOSEPH GOODE and ANTHONY SIEVERT
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1 I've got no reports of any sort. I would ask leave of
2 the court to have Dr. Link present in the courtroom to
3 assist me as consulting expert in evaluating any
4 testimony this witness may give.

5 MR. GOODE: I have no objection to that.
6 Miss Hamilton may.

7 MS. HAMILTON: No. I'm fine with it.

8 THE COURT: Okay. That's fine. Mr. Goode.

9 JOHN GOODWIN,
10 having been first duly sworn, was
11 examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MR. GOODE:

14 Q State your name please.

15 A My name is John Goodwin.

16 Q John, can you tell the court how it is that you are
17 currently employed?

18 A I'm the deputy manager of animal fighting issues at the
19 Humane Society of the United States.

20 MR. GIESEN: Hold on just a second. I'm
21 sorry.

22 A Deputy manager of animal fighting issues at the Humane
23 Society of the United States.

24 Q Just for the court's background can you tell us a
25 little bit about the Humane Society of the United

1 States, what it's all about?

2 A The Humane Society of the United States is the nation's
3 largest animal protection organization. We have 10
4 million members. It was founded in 1954.

5 Q What is its fundamental mission, its purpose?

6 A Well, our mission statement is celebrate animals and
7 confront cruelty. We engage in a range of activities
8 from lobbying to education, to working with animal
9 shelters, to help promote animal welfare.

10 Q And can you tell us generally, John, we're going to
11 talk about some specifics in a minute, about your
12 familiarity with this particular piece of litigation.

13 A Excuse me. Can you repeat the question, sir.

14 Q Yes. Can you tell us a little bit about your general
15 familiarity with this litigation?

16 A Well, I was familiar with the Windy City Combine and
17 Bob Lowery prior to the arrest that happened in June.
18 And since then, I've followed the case closely both
19 through the newspapers and also by monitoring the dog
20 fighting underground where I spend a lot of time
21 studying their journals and their web pages and talking
22 to confidential informants and things of that nature.

23 Q What is Windy City Combine?

24 A Windy City Combine was a kennel name that I know Bob
25 Lowery to have used.

1 MR. GOODE: Your Honor, may I approach?
2 THE COURT: Yes.
3 (Exhibit 2 marked for identification)
4 MR. GOODE: Your Honor, may I approach the
5 witness.
6 THE COURT: Yes.
7 Q Mr. Goodwin, I've handed you what's been marked as
8 Exhibit 2 for purposes of today's proceeding. Can you
9 identify that for the court?
10 A Yes, sir. This is my CV.
11 Q Is this curriculum vitae a relatively up to date and
12 accurate summary of your professional background?
13 A This is relatively up to date. I do have one addition
14 under affiliations. The attorney general of South
15 Carolina has a statewide task force to combat dog
16 fighting that I was just named to.
17 Q Now, the CV presents a reference to the deputy manager,
18 animal fighting issues for the Humane Society, which
19 you told us about a little bit before, correct?
20 A That is correct.
21 Q Tell us in this capacity, John, what you do.
22 A Well, I'm involved in a range of activities from
23 lobbying legislators, to upgrading penalties for animal
24 fighting, to putting together cases on suspected animal
25 fighters and taking them to law enforcement to help the

1 prosecution, to educating the public through media,
2 newspapers, even giving workshops for animal control
3 officers on training. A whole range of activities.
4 Just to give you kind of an idea of my last week, on
5 Thursday I was in Richmond, Virginia lobbying for a
6 cockfighting bill. On Friday I was in Prince George's
7 County, Maryland driving around with the chief of
8 animal services there because we were interviewing him
9 for a video that's being put together. Then I drove
10 down to rural Virginia and assisted federal, state and
11 local authorities on a raid on a major cockfighting pit
12 on Sunday. Came back to DC on Monday to catch a flight
13 to come out here. So I have a pretty large variety of
14 activities in my job.

15 Q When you talk about your legislative work, and we'll
16 get a little bit more into some of the law enforcement
17 cooperation and efforts that you've done there and
18 assisting law enforcement, when you talk about the
19 legislative work that you've done, could you tell the
20 court a little bit about that?

21 A Well, sure. I've been involved with legislation in so
22 many state capitals, I've testified in Maryland and
23 lobbied in Louisiana, New Mexico, Arizona, California,
24 Alabama, Mississippi, South Carolina, North Carolina.
25 I've prepared federal testimony pertaining to animal

1 fighting for the president and CEO of the Humane
2 Society of the United States. I've worked on ballot
3 and issue campaigns pertaining to animal fighting
4 issues. So I have a pretty broad legislative
5 background.

6 Q In your work with the State initiatives, those all
7 relate to animal fighting, is that correct?

8 A Every one of those states I listed was pertaining to
9 legislation pertaining to animal fighting.

10 Q Why is it in your estimation that the Humane Society of
11 the United States has to even have such legislative
12 initiatives?

13 A Well --

14 MR. GIESEN: Your Honor, I think we're going
15 beyond qualifying the witness.

16 THE COURT: The objection is sustained.

17 BY MR. GOODE:

18 Q Very well. Let's talk a little bit about your
19 experience with dog fighting.

20 A Okay.

21 Q Tell us a little bit about the work that you do in the
22 context of assisting law enforcement in animal fighting
23 issues generally.

24 A Well, that could come in a number of forms. Sometimes
25 we put together cases and provide evidence about

1 suspected dog fighters and take that to law enforcement
2 and ask that investigations be undertaken. In other
3 cases law enforcement will come to us, either before a
4 raid or after a raid, to ask for assistance. This can
5 come through general intelligence that we have on
6 players in the dog-fighting world; it can come from
7 reviewing photographs and videotape to identify
8 evidence, how different pieces of equipment can be used
9 training and conditioning dogs for fighting. Or
10 providing expert testimony.

11 Q In terms of getting ready for a seizure what would you
12 do specifically for law enforcement in this regard?

13 A Well, in terms of getting ready for a seizure, we'll
14 coordinate with local animal control staff to provide
15 housing of dogs, make sure that we have vehicles on
16 hand to transport dogs, sometimes roosters, to make
17 sure that we have staff available. Because these can
18 be lengthy processes that take quite a bit of time if
19 there are a large numbers of dogs or sometimes roosters
20 on the property that have to be taken off the property.

21 Q Have you actually gone on animal fighting raids with
22 law enforcement officials?

23 A Yes, sir, I have.

24 Q How many times have you done that?

25 A Five.

1 Q Can you tell us about those experiences?

2 A Well, sure. On the dog fighting cases I've done, they
3 have been the general dog fighter setup, a lot of pit
4 pull on logging chains, various bits of paraphernalia
5 about the property, conditioning equipment, of course
6 the magazines and the books that are published kind of
7 for the underground world of dog fighting, videotapes,
8 usually dogs with the telltale signs of having been
9 fought.

10 Q Now, you're not a law enforcement officer, correct?

11 A No, sir, I am not.

12 Q Now, when the actual seizures occur what actually do
13 you do?

14 A Well, the law enforcement personnel generally don't
15 handle the animals. They leave that to us, the local
16 animal control. So we'll put animals into whatever
17 sort of crate they're being transported in. We'll have
18 vet, vet techs on hand. So we'll be holding the
19 animals so they can be photographed, or whatever the
20 protocol is in that particular jurisdiction for
21 documentation. We'll take photographs of evidence so
22 that we can help law enforcement identify what
23 different equipment was used for. The list is really
24 endless.

25 Q In your experience, John, have you ever seen,

1 physically witnessed a dog fight?

2 A Not in person. Just on videotape.

3 Q How many times have you seen videotapes of dog fights?

4 A You know, I couldn't even put a number. A lot.

5 MR. GIESEN: Object to the form of the

6 question.

7 MR. GOODE: I'm not sure what's wrong with

8 the form.

9 MR. GIESEN: Same one 10 times, how many

10 different --

11 THE COURT: Oh. Could you clarify that

12 please.

13 Q You testified it's countless times, is that fair?

14 A Yes, sir. And when I said countless times, I was

15 referring to different videotape.

16 Q Could you for the court's edification give a precise

17 number, or is it simply countless as good as we're

18 going to get today?

19 A 100.

20 Q Now, the videotapes of dog fighting that you have

21 personally viewed, John, what is your understanding

22 about the origin of most of those tapes if not all of

23 them?

24 A Well, most of these tapes --

25 MR. GIESEN: Your Honor, again we're getting

1 into the substance.

2 MR. GOODE: I'm not sure we are because one
3 of the things we're going to get into is the
4 admissibility of videotapes we presented to the court
5 for review, and I think the court needs to hear a
6 little bit about how he comes to expertise and
7 knowledge. I'm not getting into the substance.

8 THE COURT: I'll give you a little leeway
9 here, but whether he testifies as an expert and the
10 videotapes are a separate issue.

11 MR. GOODE: Sure.

12 THE WITNESS:

13 A Okay. Oftentimes videotapes are found on the
14 properties of dog fighters when they're raided or
15 search warrant is executed, and so I see a lot of these
16 tapes. A lot of times these tapes are provided to us
17 so they can be used for educational purposes. There
18 actually are a couple of people that sell underground
19 dog fighting videotapes, but as of 1999 the commercial
20 sale of video depiction of animal cruelty violates a
21 federal statute, so that's become a little less common.

22 Q In the context of your educating yourself about animal
23 cruelty issues, animal fighting, dog fighting issues,
24 have you ever seen one of these particular tapes, one
25 that's out there being sold for purposes of showing the

1 sport?

2 A Yes, sir, I have.

3 Q Do they differ in quality compared to some of the other
4 things that you've seen?

5 A They're usually the same. They seem to always be taken
6 with little amateur camcorders. I've never seen any
7 that were with professional cameras like those news
8 crews that were in here earlier might have used. It's
9 a criminal industry, so I mean, you know, they just use
10 common household video cameras.

11 Q You talked a little bit about using the tapes in your
12 background to educate. Do you remember that?

13 A Yes, sir.

14 Q Tell us what initiatives you personally are involved in
15 in terms of teaching about animal fighting, and in
16 particular dog fighting, if you could.

17 A Well, the most recent one was the Michigan Association
18 of Animal Control Officers at their annual convention
19 in late September, and I provided a four-hour workshop
20 on dog fighting and cockfighting, and the origins of
21 the blood sport, what would constitute evidence, advice
22 on how to make a case, dos and don'ts, just really to
23 educate all of the animal control officers in Michigan
24 as to how to deal with this issue in a proper and
25 effective manner.

1 Q Where else have you taught?

2 A I've taught classes in Washington, D.C., Maryland,
3 outside of the Washington, D.C. area. My services have
4 been sought in Florida. Just a number of locations.

5 Q And are they typically on animal fighting issues?

6 A They are now, yes.

7 Q When you say they are now, that implies that at some
8 other time you might have taught in different areas; is
9 that fair?

10 A I also used to give workshops on lobbying and
11 legislative skills, but that was a number of years ago,
12 on how to be effective in the electoral arena.

13 Q Why has your focus shifted, John?

14 A Because my job changed. When I first came to the
15 Humane Society of the United States I worked in
16 government affairs department. I showed particular
17 enthusiasm for the animal fighting issues and for
18 animal fighting bills. I started subscribing to the
19 underground publications and monitoring their websites,
20 and when the president and CEO decided that he wanted a
21 little bit more emphasis on this issue he asked me to
22 take over as a specialist that would focus solely on
23 dog fighting and cockfighting.

24 Q And how many years ago was that?

25 A Well, I came to work for the Humane Society of the

1 United States in the year 2000. In 2004 I shifted from
2 the government affairs department to my new campaigns
3 position.

4 Q Now, as part of your work for the Humane Society of the
5 United States you mentioned that you subscribe to
6 certain -- is it dog fighting magazines?

7 A Yes. There are underground dog fighting magazines, and
8 I try to get every single one of them.

9 Q Why do you do that, John?

10 A I think that it's important for me to be knowledgeable
11 about current events in the dog fighting world, the
12 individuals, the personnel, the trends, the behavior,
13 the methods, the equipment, just so that I can be at
14 the top of my game in terms of being an effective
15 advocate against dog fighting.

16 Q Can you tell us about other training you've had in the
17 area, training or background or experience you've had
18 in the area of animal fighting?

19 A Yes. I did attend training at the Iowa Law Enforcement
20 Academy. It was specifically a class for animal
21 fighting investigations.

22 Q Now, prior to working for the Humane Society of the
23 United States, going to Exhibit 2, there's a reference
24 to another Humane Society of the United States job, and
25 then there's another one, relating to it says

1 consultant. Do you see that?

2 A Yes, I do.

3 Q What is that in reference to?

4 A Well, for a number of years I advised a number of
5 animal protection organizations on a number of issues.
6 For about two years prior to coming to work for the
7 Humane Society of the United States I acted as a
8 consultant for them, and before that I was consultant
9 to other organizations as well.

10 Q How old are you, John?

11 A I'm going to be 34 in February.

12 Q Tell us a little about about your past history in
13 animal rights issues. If you could explain so the
14 court understands fully the breadth of your experience
15 where you came from and how you got to where you are
16 now.

17 A I became involved in animal rights issues when I was 16
18 years old, and I was quite the young radical in my late
19 teens and early 20s. When I first became involved in
20 these issues I was particularly passionate about the
21 fur issue. And when I was 19 years old, I was arrested
22 for a misdemeanor vandalism charge at a fur store in
23 Memphis, Tennessee. After that, for a few years I
24 continued to advocate for that sort of activity before
25 I started to mature and I guess learn a little bit more

1 about the way the world works and the proper way to
2 behave oneself.

3 Q Did you graduate from high school?

4 A No, I did not.

5 Q You basically went off at 16 and proceeded to your
6 cause?

7 A At 18. I later went back and got some University
8 credits, but no. When I was a young man I was
9 rip-roaring, ready to go.

10 Q Why, John, did you decide to change your tactics when
11 it comes to animal rights issues?

12 A Well, I was always interested in the legislative
13 component of things, in passing laws. Like for
14 example, in my early days I mentioned that I was a
15 campaigner against the fur industry. And I was very
16 ecstatic when various states started passing ballot
17 initiatives to ban leg-hold traps. But it came to
18 occur to me that we couldn't really pass laws and
19 expect people on the other side of these issues to
20 follow those laws if the advocates on my side of the
21 fence weren't also willing to follow the law.

22 Q Are you writing or publishing anything about this time?

23 A Yes, sir, I am.

24 Q Could you tell the court what that's all about.

25 A I have a contract with Lantern Books, which is a

1 publishing company in New York, to have a book
2 published in September which I've just now got the
3 draft ready to send to them for their comments and
4 edits, and basically it is a condemnation of radical
5 tactics and radical activities. I have a chapter in
6 there, "A Better Way." It talks about the way that
7 young people should begin campaigning.

8 My target audience is young animal rights
9 activists, people that are now where I was 15 years
10 ago. So hopefully, I can persuade them to follow a
11 better course and just be better people.

12 Q Do you feel qualified to talk about the mechanics of a
13 professional dog fight?

14 A Yes, sir, I do.

15 Q Why do you feel that way?

16 A Well, I understand this issue inside and out. I have
17 read 40 books on the subject. I follow every single
18 one of the trade journals. I know the rules. I know
19 that a variety of different sets of rules that they
20 use. I've seen countless videotapes of dog fighting
21 footage. I've received training from law enforcement
22 in the field on investigating animal fighting. I've
23 testified on animal fighting issues before legislative
24 bodies. I've prepared testimony for the Congress on
25 animal fighting issues. I've assisted the FBI and also

1 state and local authorities on animal fighting cases.
2 So I feel like I have experience in just about every
3 area of this issue that I need experience in.

4 Q Do you feel that you're qualified to talk about the
5 associated patterns of behavior that surround dog
6 fighting, animal fighting schemes?

7 A Yes, I do.

8 Q And by that -- do you understand what I mean by that?
9 I guess I should ask that question first.

10 A Well, I believe I understand, but perhaps you could
11 elaborate.

12 Q With respect to other crimes, conduct that flows from
13 dog fighting, do you believe you could talk about that
14 issue before the court?

15 A Yes, I do. We have been compiling for several years
16 now, the Humane Society of the United States, a chart
17 that has excerpts from news articles about animal
18 fighting where there was a connection to narcotics,
19 violence, or any other sort of related criminal
20 activity. And this has been something we've been
21 compiling for several years. It's quite lengthy. It's
22 been put together under my direction. I've also been
23 interviewed by the Texas Rangers about a dog
24 fighting-related homicide that just recently happened
25 down there.

1 Q Do you feel qualified to talk about the underside of
2 this particular industry as it relates to breeding and
3 the preservation of blood lines?
4 A Yes, I do.
5 Q Why do you feel that?
6 A Well, I've studied the breed lines of these dogs. I
7 understand the methods behind the breeding and the
8 logic that goes into selecting individuals for
9 breeding. I understand how they test them to determine
10 which dogs are going to be useful and adequate for
11 fighting and also breeding to produce other fighters.
12 Q Do you have specific knowledge with respect to any dogs
13 that have been associated or owned by Bob Lowery?
14 A Yes, I do.
15 Q What about the concept of training dogs to fight, John?
16 Do you feel qualified to talk to the court, to provide
17 and teach a little bit with specialized knowledge with
18 which you're aware on the issue of training dogs?
19 A Yes, I do. You're referring to a period of six to
20 eight weeks they call the keep, which is a training and
21 conditioning regimen that the dogs are put through
22 prior to the contract match, and I do feel qualified to
23 speak on that.
24 Q What about the issue of what comes with criminal
25 seizures of dog fighting rings? Do you feel qualified

1 to talk about the kinds of items that are seized and
2 what they mean in a dog fighting scheme?

3 A Yes, sir, I do.

4 Q Okay. I understand you're not a veterinarian; correct?

5 A No, sir, I'm not.

6 Q You have no medical degree?

7 A I have no medical degree.

8 Q Despite this, do you feel comfortable talking about in
9 a general sense physical injuries that result or come
10 as a result of dog fighting?

11 A I do feel comfortable talking about the injuries in a
12 general sense.

13 Q Could you describe the way dog fighting rings house
14 their animals?

15 A Yes, sir, I could.

16 Q Why do you feel comfortable talking about that issue,
17 the issue of kenneling and storage of the animals for
18 lack of a better word?

19 A I have visited these operations where these dogs are
20 kenneled and stored, to use your word, both when I have
21 accompanied law enforcement on raids and in other
22 capacities playing an undercover role.

23 MR. GIESEN: I didn't hear the last part of
24 the answer.

25 THE COURT: Playing an undercover role.

1 MR. GIESEN: Thank you.

2 MR. GOODE: Your Honor, I believe this
3 gentleman John Goodwin does qualify as an expert who
4 can provide specialized knowledge to the court on the
5 relevant statutes as an expert on animal fighting
6 issues, and I hereby proffer him on behalf of
7 respondents as an expert on animal fighting issues.

8 THE COURT: Mr. Giesen, you can cross-examine
9 just on his qualifications, and then I'll make a
10 ruling.

11 MR. GIESEN: Thank you.

12 CROSS-EXAMINATION

13 BY MR. GIESEN:

14 Q Mr. Goodwin, did you say you did or did not graduate
15 from high school?

16 A I said I did not, sir.

17 Q So you do not have a high school degree?

18 A No, sir.

19 Q Do you have any post high school education other
20 than -- do you have any post high school education,
21 formal education?

22 A Yes, sir, I do.

23 Q What is that?

24 A Well, political science and campaign management through
25 American University.

1 Q Do you have a degree from American University?
2 A No, sir, I do not have a degree.
3 Q How many credits did you take in political science and
4 campaign management?
5 A Four.
6 Q Total?
7 A Yes, sir.
8 Q Is Exhibit 2 a complete and accurate resume of your
9 work experience?
10 A Minus when I was a young man and worked as a carpet
11 cleaner or delivering pizzas or some other sort of low
12 skill labor.
13 Q Other than that it's complete and accurate?
14 A Well sir, I did testify earlier that under
15 affiliations, that that need to be updated because I
16 was recently asked to be a member of the South Carolina
17 task force on animal fighting issues that the attorney
18 general of that state has put together.
19 Q With that single omission then, this is a complete and
20 accurate statement of your work experience?
21 A Sure. I mean when I put in bullet points here, been
22 interviewed by these various media, of course I didn't
23 list every single one. So there are tiny little
24 details like this. But this is a fair and accurate
25 summary.

1 Q You were at one time, were you not, the executive
2 director of the Coalition to Abolish the Fur Trade?
3 A Yes, sir, at one point I was.
4 Q And that does not appear on your resume?
5 A No, because that was an organization that I didn't make
6 a living from.
7 Q It does not appear on your resume?
8 A No, sir. My salary during that time period was paid
9 through consulting for other organizations and through
10 my work --
11 Q In fact, you formed the Coalition to Abolish the Fur
12 Trade and served as its executive director from 1994 to
13 2000?
14 A That is correct.
15 Q And that six-year stint as executive director was just
16 an oversight in your preparation of this curriculum
17 vitae?
18 MR. GOODE: Objection, argumentative.
19 THE COURT: Overruled.
20 A It was not an oversight. It was not put on here
21 because it was not a paying job. It was just something
22 I put together as a nonprofit organization and in a
23 volunteer capacity. I believe that you had asked about
24 things that were put under professional experience.
25 Q What other groups were you a consultant to that you've

1 not included in your resume?

2 A Underneath the consulting category where it covers
3 that, I was a consultant for In Defense of Animals and
4 also for Last Chance For Animals.

5 Q Anything else?

6 A No, sir.

7 Q Were you a member of the Animal Liberation Front?

8 A Well, no, sir, but the Animal Liberation Front is an
9 underground organization that people will claim
10 affiliation with when they go out and vandalize fur
11 stores. So in that context, we had been grouped in
12 with that because of my arrest when I was 19 years old.
13 I did, though, in the mid-'90s, speak to the media
14 numerous times during the last years of my history
15 basically as a radical support various different things
16 that they had done.

17 Q And that included arson and vandalism of fur retailers,
18 correct?

19 A Yes, sir, it did.

20 Q And the Animal Liberation Front was also involved and
21 its members convicted of animal terrorism; that is,
22 breaking into fur farms, releasing the animals to die
23 on the highway or go wherever they might?

24 A Yes, sir. And you will read all about that in my book
25 because those were some of the very things that

1 influenced me to take a different path.

2 Q On how many occasions have you been convicted of a
3 crime for your -- well, convicted of a crime?

4 A Well, I had the misdemeanor vandalism charge when I was
5 19, and then I had four other convictions that related
6 to sit-down protests, at department stores that sold
7 fur, things of that nature.

8 Q Can you tell me when and where you have been convicted
9 of crimes.

10 A Yes, sir, I can. The 1992 incident in Memphis
11 Tennessee; and then with the civil disobedience
12 protest, Memphis, Tennessee in 1996; Dallas, Texas in
13 1997; Atlanta, Georgia in 1997; and Davis, California
14 in 1997.

15 Q Do you recall either you or one of your colleagues
16 saying that you were sluts for the media and you
17 relished these arrests because of the publicity it
18 garnered for you?

19 MR. GOODE: Object to foundation as to what
20 colleagues might have said. I think that calls for a
21 hearsay answer. He can certainly testify whether he
22 ever said it.

23 THE COURT: Can you reframe the question.

24 Q Surely. Other than the five instances you've mentioned
25 have you been convicted of any other crimes?

1 A No, sir.

2 Q Have you been arrested or charged with any other
3 crimes?

4 A No, sir.

5 Q The Coalition to Abolish the Fur Trade was the
6 defendant in a racketeering action in Pennsylvania,
7 correct?

8 A I don't recall that because there were several
9 different other organizations that popped up that we
10 allowed to use the name that were loosely affiliated,
11 but I was never a defendant in a racketeering action in
12 Pennsylvania.

13 MR. GOODE: Your Honor, I understand that
14 I've opened the door somewhat with respect to
15 Mr. Goodwin's past, and he wanted to make sure that you
16 understood the full gamut of that past, but at a
17 certain point we're going to get beyond qualifications
18 I think with this cross-examination. If he wants to do
19 it, assuming you accept him as an expert, and he can
20 testify if it makes sense at that point.

21 THE COURT: No. Your objection is overruled.

22 Q Are you familiar with Jacques Ferber Furs in
23 Philadelphia?

24 A I've heard of it.

25 Q Well, they filed a racketeering action against three

1 groups, including the Coalition to Abolish the Fur
2 Trade, of which you were the executive director,
3 correct?

4 A No, not against the Coalition to Abolish the Fur Trade
5 of which I was an executive director. As I mentioned
6 we were kind of a kitchen table organization, and so
7 other people would form -- I use this term loosely,
8 chapters, and do their own things in their own
9 communities. But I was never involved with any sort of
10 campaign pertaining to Jacques Ferber Furs.

11 Q Are there any other arrests other than those five you
12 mentioned?

13 MR. GOODE: Objection, asked and answered.

14 THE COURT: Sustained.

15 Q The Coalition Against the Fur Trade and the Animal
16 Liberation Front are what are commonly known as animal
17 rights groups; correct?

18 A You could define animal rights groups in a number of
19 ways. I certainly think that it's a broad enough term
20 that it could describe those two organizations and many
21 others.

22 Q And those organizations to which you belonged or were
23 executive director attempt to elevate species of
24 animals to equality with humans; correct?

25 A That's not my philosophy.

1 Q Have you ever consulted for PETA?

2 A No, sir, I have not.

3 Q Have you subscribed to its philosophies?

4 A I'm not sure how you define their philosophies. If you
5 mean opposing cruelty to animals, then I believe that
6 most people subscribe to their philosophy. But if you
7 are referring to some of the zanier stunts they've
8 engaged in, then I would say absolutely not.

9 Q You believed, did you not, that property destruction is
10 a legitimate political tool called economic sabotage?

11 A That would characterize my belief at one point when I
12 was a young man.

13 Q And that was meant to attack businesses and
14 corporations with which you disagreed; correct?

15 A That is what it was meant to do, and it was a very
16 mistaken notion, I might add. That's part of the
17 reason that I'm writing the book and have put also some
18 other published articles.

19 Q Did you not, the Animal Liberation Front, comment in
20 its memo on the destruction of a \$10,000 research
21 microscope, "The \$10,000 microscope was destroyed in
22 about 10 seconds with a steel wrecking bar we purchased
23 for less than \$5. We consider that a pretty good
24 return on our investment."

25 A I never made that statement. I never heard that

1 statement, so I couldn't testify to that.

2 Q The Humane Society of the United States shares many of
3 the philosophical motivations of the Coalition Against
4 the Fur Trade and the Animal Liberation Front, does it
5 not?

6 A Well, I would say that the Humane Society of the United
7 States unequivocally condemns the Animal Liberation
8 Front. When they hired me one thing that they wanted
9 to know and that they were very adamant about was what
10 my feelings were and what my feelings had come to be on
11 that issue. As a matter of fact, we received some heat
12 from the radical wing of the animal rights movement
13 recently because our executive vice president, very
14 good friend of mine, told the New York --

15 Q What's his name?

16 A Michael Marcarian. That we applaud the FBI in their
17 efforts to round up these people.

18 Q Are you acquainted with Michael W. Fox?

19 A Michael W. Fox is not someone I'm acquainted with.
20 He's someone that used to work at the Humane Society of
21 the United States many years ago.

22 Q And in his capacity -- he was actually the vice
23 president of the Humane Society of the United States,
24 correct?

25 A I believe at one point he may have been. But again, I

1 don't know Michael Fox, and he does not work there
2 right now.

3 Q When he spoke on behalf of the HSUS, Mr. Fox stated,
4 "The life of an ant and the life of my child should be
5 accorded equal respect." Do you recall that?

6 A I believe that may be why he's not working here now.

7 Q Well --

8 A Or that sort of sentiment, rather.

9 Q You yourself have said that, "My goal is the abolition
10 of all animal agriculture."

11 A I've been quoted saying that. I've seen the cock
12 fighters distributed that on the internet. I have no
13 idea where that came from.

14 Q You've never made that statement?

15 A I can tell you that my goal is to --

16 Q My question is, sir, have you ever made that statement?

17 A I do not recall making that statement. I have --

18 Q Do you deny having made that statement?

19 A No, sir.

20 THE COURT: One at a time please.

21 MR. GOODE: I was going to say Mr. Giesen
22 complained this morning with Miss Hamilton that she was
23 cutting off the witness. I think he's guilty of the
24 same thing.

25 MR. GIESEN: Your Honor, I'm asking yes or no

1 questions. I would ask the witness be admonished to
2 answer with yes or no.

3 THE WITNESS: I would like to actually answer
4 this with --

5 THE COURT: No. There will be a question,
6 and there will be an answer.

7 A I do not recall ever having said that. I was quoted as
8 saying that.

9 THE COURT: Wait for the question please.

10 THE WITNESS: Okay.

11 Q Did you give a speech at the World Congress For Animals
12 on June 20th of 1996?

13 A I was in Washington, D. C. in that time period and gave
14 a speech. I don't remember the exact date.

15 Q Did you give a speech to the World Congress For
16 Animals?

17 A You know, there was animal conference and a march on
18 Washington. I don't remember the formal name. I'll
19 just say yes, because that was probably what they
20 called it.

21 Q And at that conference you said, "It's time for the
22 animal rights movement to take this fur industry and
23 drive the final nail into the coffin by whatever means
24 it takes. If that means being outside the executives'
25 houses, if that means blockading their doors, whatever

1 it takes." Is that quote accurately attributed to you?

2 A Probably because that was during the time period

3 when --

4 Q Thank you.

5 A -- when I was quite a radical.

6 Q And did you testify in a subsequent convention the

7 following year, or state, "We have found that civil

8 disobedience and direct action has been powerful in

9 generating massive attention in our communities and has

10 been very effective in traumatizing our targets."

11 A I would say probably because that was still during that

12 time period. I don't keep copies of talks that I give

13 like that, even today, but that fits into the time

14 period during which I was a feisty young man.

15 Q You said the current -- you mentioned Mr. Marcarian, is

16 that right?

17 A Yes, sir, I did.

18 Q And he's the executive vice president of the Humane

19 Society of the United States?

20 MR. GOODE: Objection, asked and answered,

21 and I also think relevance is starting to come into

22 play here. This is supposed to be an examination of

23 qualifications of this gentleman with respect to the

24 issue we proffered him on, and Mr. Goodwin has

25 testified specifically that this gentleman no longer

1 works for the Humane Society of the United States and
2 does not subscribe to --

3 MR. GIESEN: Not Marcarian.

4 THE COURT: I don't know what Mr. Marcarian's
5 statements or policies has to do with this witness's
6 qualifications. The objection is sustained.

7 Q It's a fact, is it not, Mr. Goodwin, that the HSUS sets
8 forth its goals on its website? You made reference to
9 its goals earlier.

10 A Yes, sir. We have a website.

11 Q And those goals include supporting the enactment of
12 animal control ordinances designed to regulate, deter,
13 and reduce companion animal breeding, correct?

14 A To reduce companion animal overpopulation.

15 Q The HSUS opposes the sale of dogs, cats, and other
16 animals through pet stores and other commercial
17 operations; correct?

18 A Actually I don't know what our policy is on that
19 because I have never really worked on that issue. I
20 know that we oppose puppy mills and that we recommend
21 ordinances that require that dogs be spayed and
22 neutered with an exemption for licensed breeders that
23 would pay a fee to get a license, the purpose of which
24 is to get the companion animal population down.

25 Q The HSUS is primarily a political organization, is it

1 not?

2 A No, sir. We're a 501 C-3 organization, and under the
3 rules set forth by the IRS you can only spend a limited
4 percentage of your budget on political activities.

5 Q Well, you worked as a lobbyist for this organization
6 for many years, correct?

7 A Well, we have 400 staffers, and so a government affairs
8 department of 10 people is actually a tiny percentage
9 of the overall organization.

10 Q The HSUS opposes rodeos, correct?

11 A We oppose certain rodeo acts, certainly.

12 Q And the HSUS also opposes hunting of any animals for
13 fun, trophy, or sport, correct?

14 A Well, as a matter of policy, we do not like sport
15 hunting. As a matter of legislative priorities we have
16 never pursued a deer hunting bill or a duck hunting
17 bill or anything like that. What we lobby for are
18 prohibitions on things like canned hunts where people
19 will put wildlife in a fenced-in acre to shoot them for
20 a trophy, or leg-hold traps.

21 Q So you disagree with that statement on the HSUS website
22 that opposes all hunting of any living animal?

23 A Actually, I don't believe that's what it says because
24 we're supportive of subsistence hunting and hunting
25 where people have to have food to survive and things of

1 that nature.

2 Q When you say that you've testified before legislatures

3 in several states, on whose behalf did you testify?

4 A The Humane Society of the United States.

5 Q You testified that you have gone on raids with law

6 enforcement on five occasions?

7 A Yes, sir.

8 Q Some of those involved cockfighting?

9 A Yes, sir.

10 Q Where were those?

11 A Well, on Sunday we were in Boydton, Virginia at a

12 cockfight raid there, and then also cockfighting in

13 Tennessee and cockfighting in California; dog fighting

14 in Louisiana and South Carolina.

15 Q So your total -- let me ask you this. You've never

16 observed an actual live dog fight, is that correct?

17 A No, sir, I have not. I might mention being a spectator

18 at a dog fight is a crime.

19 Q And you're no longer willing to commit crimes; is that

20 right?

21 MR. GOODE: Objection, argumentative.

22 THE COURT: Sustained.

23 MR. GIESEN: Withdraw the question.

24 Q Have you ever been recognized in any court as an

25 expert?

1 A On the fur issue
2 Q On the fur issue?
3 A Yes. I testified as an expert witness about trapping
4 in 1997, I believe.
5 Q Where was that?
6 A Austin, Texas.
7 Q So you've never been recognized in any court anywhere
8 on the issue of dog fighting, is that correct?
9 A This is the first time that I've been called in to
10 testify in a dog fighting case.
11 Q Have you published any learned treatises on the subject
12 of dog fighting?
13 MR. GOODE: Object to form of the question.
14 THE COURT: The objection is overruled.
15 A I have had published articles and op ed pieces about
16 animal fighting and dog fighting specifically. For
17 example, in the Atlanta Journal Constitution.
18 Q My question, sir, was have you published any learned
19 treatises. Maybe you didn't understand.
20 MR. GOODE: I'm going to make the same
21 objection.
22 THE COURT: It's overruled.
23 A I have not published any academic papers.
24 Q Do you have a list of the 40 books that you claim to
25 have read?

1 A I could sit here and tell you the names of all of them.
2 I haven't written them down on paper to be brought here
3 today, but I would be more than happy to go through the
4 list.

5 Q Would you please?

6 A Sure. We have four books written by an author named
7 Richard Stratton, "The Truth About the American Pit
8 Bull Terrier," "The World of the American Pit Bull
9 Terrier," and so forth. There are several books
10 written by a man named Dieter Fleig, D-I-E-T-E-R,
11 F-L-E-I-G. There were two books written by a name
12 named Bobby Hall about a particular fighting dog,
13 Bullyson, B-U-L-L-Y-S-O-N.

14 A man named Ed Mullins put together a book
15 about the history of the rules of dog fighting, and the
16 second book about what he proposed to be a new form of
17 rules that were used for determining champions and
18 grand champions in the dog fighting world. A man named
19 Don Mayfield wrote a book about his life as a dog
20 fighter called "American Gameness and Heritage."
21 Volume 1, Rednecks -- he was a rather colorful person.
22 My goodness, there's so many of them. Do you want me
23 to just keep on going with every single book I can
24 think of?

25 Q I think that's sufficient. Do you know who published

1 any of these books?

2 A A lot of them were self-published, but there was a
3 company that I believe was out of California called TFH
4 that published all of the Richard Stratton books.

5 Q When you mean self-published, a person can write a book
6 regardless of who they are and pay somebody to print
7 it, is that right?

8 A Yes. Some of these books --

9 Q Thank you. With respect to the two raids that you
10 participated in, I understand your function was to take
11 custody of the dogs?

12 A Well, that was part of it. Also, to identify things
13 that would constitute evidence. So there's been
14 various roles played.

15 Q When and where were those raids?

16 A December of 2004 and March of 2005.

17 Q Where?

18 A The December 2004 raid was in South Carolina.

19 Q Do you know the city?

20 A Well, it was in Chester County. It was a small town I
21 believe called Fort Lawn. And then the March 2005 was
22 Lafayette, Louisiana.

23 Q So for the past two years you haven't been involved in
24 any raids on any alleged dog fighting operations?

25 A Not in the on the ground sense.

1 MR. GIESEN: Thank you. Your Honor, I have
2 no further questions regarding Mr. Goodwin's
3 qualifications.

4 THE COURT: Anything by way of follow-up?

5 MR. GOODE: Just a couple questions.

6 REDIRECT EXAMINATION

7 BY MR. GOODE:

8 Q John, the books that you were testifying about, can you
9 tell me the authors of those books, whether
10 self-published or published by an actual publisher?

11 A Sure.

12 Q Is it your understanding based on your experience in
13 animal fighting issues, that those folks are
14 authorities, that is experts on the subject of animal
15 fighting?

16 MR. GIESEN: Objection, foundation,
17 competence.

18 MR. GOODE: He can testify to what he knows.

19 THE COURT: The objection is overruled.

20 A Okay. There's one book in particular called "The
21 Complete Game Dog" by Ed Farren, a convicted dog
22 fighter. So I would understand him to be someone who
23 has some degree of expertise in that field.

24 Q The cross-examination by Mr. Giesen spent a lot of time
25 on your past.

1 A Yes, sir.

2 Q You don't engage in any of those kind of behaviors
3 anymore, correct?

4 A No, sir.

5 MR. GOODE: I have no further questions,
6 Judge.

7 THE COURT: Okay. I take it you maintain
8 your request that I find this witness to be qualified
9 as an expert in the area of animal fighting.

10 MR. GOODE: That's correct, Judge.

11 THE COURT: And Mr. Giesen.

12 MR. GIESEN: Your Honor, we would object to
13 that. As the witness acknowledged, he's never been
14 recognized by any court as an expert in the area of dog
15 fighting. He seems to be more of a political activist,
16 lobbyist, cause-oriented type person, not that there's
17 anything wrong with that, but he's an advocate. He is
18 espousing certain philosophies. He has participated in
19 violent and nonviolent violations of the law in
20 furtherance of his activities and beliefs. He doesn't
21 really have any specialized knowledge that will assist
22 the trier of fact in this particular case, entirely
23 apart from his qualifications. We are not disputing
24 that dog fighting, intentional dog fighting exhibition
25 is a deplorable thing. That's not the issue before the

1 court. And that ties into the motion in limine with
2 respect to the tapes. We acknowledge that it's been
3 made a felony in the State of Wisconsin. This person
4 is what I would characterize as a faux, F-A-U-X,
5 expert, a self-proclaimed expert without any real
6 expertise. He's gone twice on dog raids, read
7 something about it. But more importantly, it's not
8 going to assist the court in determining any issues
9 that the court has to determine.

10 With respect to the videos that he intends to
11 present to the court, these are graphic, brutal, gory.
12 I don't think they serve any realistic purpose,
13 certainly with respect to assisting the court in
14 deciding the issues to be determined in this petition.
15 Thank you.

16 THE COURT: Thank you. Anything else?

17 MR. GOODE: Brief rebuttal. First of all,
18 the court is well aware through its years of experience
19 on these kinds of issues that he doesn't have to be
20 qualified as an expert as a professional expert witness
21 to be an expert. He brings specialized knowledge.
22 That's just the plain fact. In this case, as we talked
23 about the beginning of the morning, we have a duty to
24 establish that there are reasonable grounds to believe
25 that Mr. Lowery and Miss Dzikowich have mistreated the

1 animals in question in violation of Chapter 951. That
2 implicates dog fighting.

3 In order for the court to be in the best
4 position to understand the testimony that follows, that
5 from continued examination of Dr. Link, that from
6 Sandra Newberry, who we will probably end up getting to
7 tomorrow, I suspect, and others. It is I believe
8 educational and of value for the court and trier of
9 fact to be able to understand contextually what a dog
10 fight is all about, how it works. In addition, this
11 gentleman has talked specifically about knowledge that
12 he has about Mr. Lowery, the very person here and the
13 dogs that are implicated by this proceeding. It seems
14 to me that the proffer should stand and that he should
15 be accepted as an expert on dog fighting, and we should
16 be able to move forward with the direct examination.

17 THE COURT: Thank you. Section 907.02 of the
18 Wisconsin Statutes allows a witness who is qualified as
19 an expert to testify in the form of an opinion. And to
20 qualify as an expert in a particular field, as I've
21 been requested to find that this witness is, I look for
22 specialized knowledge, training, some basis for
23 expertise that would allow me to accept testimony in
24 the form of opinion.

25 I look at Mr. Goodwin's qualifications, and

1 it seems to me that they belong in the world of issue
2 advocacy. His background, his training, his experience
3 is in the field of advocating for a particular issue,
4 in this case animal-related issues. But in looking at
5 his qualifications, I don't see anything in the way of
6 training with respect to animal physiology, for
7 example; law enforcement training, that would give me
8 some factual basis for the world of dog fighting. I
9 don't see anything about other than books that he's
10 read, any course work that he's taken in the areas of
11 animal fighting, and particularly, dog fighting.
12 Instead, Mr. Goodwin's entire background seems to be
13 involved in advocating for this particular issue.

14 Now, I may agree or I may disagree with this
15 witness's beliefs and positions. That's really not
16 relevant to whether Mr. Goodwin has qualifications as
17 an expert in the field of animal fighting. I do have
18 to find -- or the issue that I have to find in this
19 case is whether there are reasonable grounds to believe
20 that animal mistreatment has occurred. And if I want
21 to understand the political issue of animal treatment,
22 animal mistreatment, dog fighting, whether legislative
23 efforts are a good idea or a bad idea, Mr. Goodwin is
24 my man. If I want to understand what and whether there
25 is animal fighting constituting mistreatment in this

1 case, I don't think I can look to Mr. Goodwin to give
2 me an opinion on that because he just doesn't have the
3 requisite expertise and training. So for those reasons
4 I will not allow him to testify as an expert in this
5 proceeding.

6 MR. GOODE: Your Honor, in light of the
7 court's ruling, would you consider allowing to
8 Mr. Goodwin to testify about his specific knowledge
9 involving documents that have been produced by
10 Mr. Giesen in relation to specific personal knowledge
11 he has of certain dogs that are at issue in this case?

12 THE COURT: Mr. Giesen?

13 MR. GIESEN: If he's testifying about items
14 that are before the court, the court can see and
15 observe those. Again, it seems to be a quasi or a
16 sidestep around the court's ruling. I'm not sure that
17 he has any personal knowledge as to a discrete factual
18 matter. He just got into Madison last night.

19 MR. GOODE: Your Honor, this gentlemen
20 Mr. Lowery has produced -- Mr. Giesen as lawyer, has
21 produced to us breeding certificates purportedly under
22 the guise they establish Mr. Lowery's ownership in
23 these dogs. Mr. Goodwin has reviewed those, has
24 working knowledge of the dog names, and can speak
25 directly to what the references mean. And I think that

1 does go to the heart of this issue. And if he has
2 personal knowledge, he certainly can testify about
3 them. Mr. Giesen of course is fully capable of
4 cross-examining him.

5 THE COURT: Is it simply based on his review
6 of documents that have been supplied to him?

7 MR. GOODE: It's based on his review of these
8 breeding certificates produced by Mr. Giesen and based
9 on his knowledge from the past in terms of what he
10 knows about these dogs or doesn't know about these
11 dogs.

12 THE COURT: Mr. Giesen, you want to be heard
13 on that?

14 MR. GIESEN: The only thing we have -- we
15 were requested to provide proof of ownership. We
16 provided the registration papers. They show the mother
17 and father of the dogs here. That's what they show. I
18 don't know what relevant testimony this witness could
19 offer beyond what's in those documents.

20 THE COURT: Mr. Goode, I think what you're
21 asking me to do is accept his opinion testimony even
22 though he's not an expert at this point, and I can't do
23 that. I can't allow a witness who is not qualified to
24 testify in the form of an opinion. So for that reason
25 I will not allow his testimony.

1 MR. GOODE: Okay.

2 THE COURT: Okay. Thank you.

3 MR. GIESEN: Can we resume with Dr. Link.

4 THE COURT: We can. Do people want a short
5 break? Okay. Let's do that.

6 (A recess)

7 MR. GOODE: Your Honor, before Miss Hamilton
8 continues with her cross-examination of Dr. Link, we
9 would like to make an offer of proof so that we have an
10 appellate record on the issue of your decision with
11 Mr. Goodwin. Before we do so, I'm wondering -- I guess
12 I need some clarification about the decision because I
13 don't want the court to be under the mistaken
14 impression that we are offering John Goodwin to testify
15 about the ultimate issues in this case or even in the
16 criminal case. He is simply here to talk about his
17 firsthand experience and knowledge. And so I would ask
18 the court to give me some latitude, at least put him on
19 and make a record so the appellate court understands
20 what he would have said so we understand what's been
21 excluded.

22 THE COURT: You want to make an offer of
23 proof.

24 MR. GOODE: Yes, ma'am.

25 THE COURT: You can do that. Can you do that

1 in the form of "if he were allowed to testify he would
2 say this" without having him actually testify?

3 MR. GIESEN: We agree to that, and I ask that
4 it be in writing so we don't use court time and
5 Mr. Lowery's limited availability.

6 MR. GOODE: You know what? Actually I'll
7 take him up on that offer. If the court will allow us
8 to do that, then I'll get that submitted to the court
9 as soon as we can.

10 THE COURT: All right. Thank you.

11 MR. GIESEN: And since he will not be
12 testifying, I would ask at least that it be submitted
13 under seal.

14 MR. GOODE: I guess that's the court's
15 decision for -- why does it need to be under seal?

16 THE COURT: Why under seal? I don't seal
17 records unless there's a statutory authorization for me
18 to do that, and I really don't know of one.

19 MR. GIESEN: Okay. It would avoid any --
20 obviously, the court has ruled and will not consider
21 anything submitted by a nontestifying witness, but to
22 avoid any possible perception that the court could have
23 considered it in whatever it rules, I think the better
24 course, if it's just for the appellate record --

25 THE COURT: Well, it's going to be submitted

1 after the fact from what I've just gathered. I've
2 ruled on whether his testimony is acceptable or not,
3 and the presumption is that all records are open, all
4 court records are open, and unless there's a motion
5 with specific authority to ask me to seal the records,
6 I'll consider that when the motion is made, but I'm not
7 going to tell somebody to file something and that I'll
8 put it under seal. That's not something I would do.
9 So let's continue then with Dr. Link. We were with
10 Miss Hamilton.

11
12 (Morris Link resumes witness stand)

13 CROSS-EXAMINATION

14 BY MS. HAMILTON (Continuing):

15 Q Yes, your Honor. Dr. Link I believe was going through
16 the steps that he generally goes through when he does
17 an annual physical examination of dogs that come into
18 his clinic. He listed the various vaccinations he
19 might give, and then he described generally what he
20 would look at physically on the dog's body.

21 A I have some trouble understanding you. If you could
22 speak into the microphone it would help greatly.

23 Q Dr. Link, I think that you were talking about the
24 examination you would make of the dog's mouth.

25 A Yes.