Civ. Action No. 06-930 (RMC)

EXHIBIT 43
AFFIDAVIT

I [redacted] being duly sworn on oath make the following statement:

I am a Senior Investigator with USDA APHIS IES. My address is 2150 Centre Ave Bldg B3W10, Fort Collins, CO 80526. My phone number is [redacted].

I was present during an interview conducted at the Veterinary Services Office, 1200 Cherry Brook Dr, Little Rock, Arkansas, 72211. The person being interviewed was [redacted] concerning an investigation on conducting research on animals without being registered. The interview took place at 11:40 A.M. [redacted] conducted the interview and I took notes. [redacted] stated that [redacted] home address is [redacted] business address is 1818 North Taylor Suite 213, Little Rock, AR 72207. Phone number is [redacted]. Social security number is [redacted]. [redacted] is employed as a [redacted] for [redacted] and is also an [redacted].

I watched a portion of the video and said that [redacted] were doing videotaping on [redacted] farm in [redacted]. Part of the video was taken on a friend's farm, and [redacted] farm hands were present. This video was taken 1 1/2 years ago and released January 2004. About 1000 copies of the video were distributed, [redacted] was demonstrating the impact results of 9mm, 45caliber, 308 caliber and 556 caliber rounds. Clients are law enforcement and military personnel. [redacted] legal advisor told [redacted] that as long as the animals were killed and not wasted and experienced no undue suffering, that no law was broken. [redacted] stated this does not constitute any testing, just demonstrating the impact of the rounds.

This was taken late fall or early winter of 2003. There was only one occasion and 5 or 6 boar hogs were used in the demonstration. Some hogs were X Rayed to demonstrate the fragmentation of bullets and the edible parts were eaten by [redacted] farm hands.

[redacted] website is currently out of service.

Subscribed and sworn to before me at Little Rock, AR on this 25 day of February, 2005.

APHIS FORM 7162 Replace VS Form 5-19G which is obsolete (NOV 92)