

AGENDA ITEM SUMMARY

DATE: 05/19/2014 **DEPARTMENT:** Admin/Legislative **DEPT. HEAD SIGNATURE:** HD

SUBJECT:

Sage School Students have proposed an ordinance be adopted to outlaw exotic animal use and abuse in the Wood River Valley.

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

An ordinance brought forward by the public can be adopted by the city council or can be taken to the public at large through an initiative measure.

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

1. Hailey has chosen to proceed in an orderly fashion with consideration of the Jordan World Circus Event Permit on May 5, which was conditionally approved, under MC 12.14 and IDAPA .02.04.27.
4. New ordinances, such as that proposed by the Sage School Students, take at least 4 city council meetings to adopt.
5. City Administration has been encourage the Sage School Students to utilize and initiative process within the City of Hailey, as this is a community- wide topic.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

There is no fiscal impact related to the amendment. There may be an economic impact.

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

<input type="checkbox"/> City Attorney	<input type="checkbox"/> Finance	<input type="checkbox"/> Licensing	<input type="checkbox"/> Administrator
<input type="checkbox"/> Library	<input type="checkbox"/> Community Development	<input type="checkbox"/> P&Z Commission	<input type="checkbox"/> Building
<input type="checkbox"/> Police	<input type="checkbox"/> Fire Department	<input type="checkbox"/> Engineer	<input type="checkbox"/> W/WW
<input type="checkbox"/> Streets	<input type="checkbox"/> Parks	<input type="checkbox"/> Public Works	<input type="checkbox"/> Mayor

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Council should hear the Sage School Student's presentation, take public comment, and deliberate toward one of the following options based on the material presented:

1. Move to hold further public hearings pertaining to a council adopted ordinance.
2. Move to deny the request to adopt an ordinance, without further support from the City.
3. Move to deny the request to adopt an ordinance, with encouragement from the City that the students conduct and initiative on the matter.
4. Request more information.

ACTION OF THE CITY COUNCIL:

Date _____

City Clerk _____

FOLLOW-UP:

*Ord./Res./Agrmt./Order Originals: Record
Copies (all info.):

*Additional/Exceptional Originals to: _____
Copies (AIS only)

15 April 2014

Hello City of Hailey Mayor and Council People,

My name is Maya Burrell and I am a resident of the Wood River Valley. I am the facilitator for The Sage School's independent study group, "The Elephant Student Project." Five students, between grades 6 and 9, volunteered for this project. Together we have learned about elephants and other exotic animals as part of traveling circuses. The amount of information currently available is such that any Internet search will easily and quickly produce a plethora of accurate facts about training and confinement methods necessary to handle exotic animals for performance.

Our conclusion from this research is that these methods are abusive. Scientists have observed that elephants, especially, are highly intelligent and emotionally developed beings. To subject sensitive creatures to a lifetime of brutality, simply for the purpose of entertainment, is not worthy of who we are as a human beings.

The indisputable basic fact of circus life is that wild/exotic animals must be subdued and broken in spirit. The circus industry itself acknowledges that this is how ALL wild animals are trained. Representatives of the circus like to claim that positive reinforcement is the predominant training method today... until they are forced to speak under oath. Under oath, they admit that all elephants are beaten with bullhooks, whips and electric shocks as standard training procedure. Under oath, they also admit that a form of elephant Tuberculosis that is contagious to humans is difficult if not impossible for the circus to get under control. People can claim all sorts of things when they are not testifying under oath. The circus industry made \$563 million in revenues last year. The circus lobby has millions of dollars at their disposal. I know the Mayor has suggested we take this matter to a ballot. The problem with this idea is that Hailey will become the center of a circus lobby campaign, inundated with pro-circus emails, publicity and advertisements. Our small group of students cannot compete with the kind of lobby campaign the circus industry can mobilize. What we can do is present the facts and trust our elected officials to listen to our voices and make an informed decision for our community.

There are a couple of reasons why *The Elephant Student Project* is speaking out. One of the arguments that the circus industry uses is that kids want to see an elephant. We object to the circus industry using this argument. On the contrary, what we see in our studies is that when young people learn the truth of how animals are handled in the circus, they want nothing to do with it. They are horrified. And they don't have the same filters as adults. They don't care about the justifications they hear from adults telling them that brutalizing these beautiful animals they love is ok. Young people just want the violence to stop.

The other reason *The Elephant Student Project* is presenting this issue for your attention is because these animals can't use human words to speak for themselves. They do scream and cry, headbob and sway repetitively, but the average public is not able to witness these behaviors. In addition, the small amount of behavior they are able to observe, the general public is not informed enough to understand what it means. If we saw a dog cowering, whimpering and urinating when we held up a stick and yelled, "Sit!" then most of us could

interpret that behavior. But very few people can recognize the wince of an elephant when its companion is being electric shocked or beaten with a bullhook.

Before we started this project, *The Elephant Student Project* kids didn't know what was happening behind the circus curtain. Very few people do. That is not by accident. The circus industry is top secret about their training methods. No government organization monitors training sessions. The public and media are never allowed to view or videotape training sessions. The only evidence we have of what goes on comes from testimony of trainers themselves and undercover video investigations.

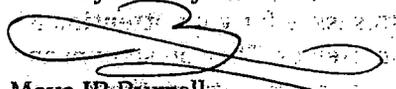
At this point, the evidence is irrefutable. Renowned scientists of animal behavior have testified that the behavior they have observed in circus animals and the conditions of the animals show abuse. There really is no debate. Publicity is one thing, facts are quite another. There are no counter arguments that a circus representative could provide that would refute the testimony and video now on the record. Here is just one example; *Have Trunk Will Travel* provided the elephants for the movie, *Water for Elephants*. They were outspoken in the media claiming that they train all their elephants with a 'positive reinforcement' method. A few months after the film premiered, a videotape was released by an undercover investigation showing the handlers using bullhooks and stun guns on Tai, the star elephant used in the movie. Brutality is the simple fact of exotic animal training and there is simply no way around it.

The Elephant Student Project kids are still optimistic enough to believe that the only reason exotic animals circuses are invited to perform in our community is because people don't know the truth. The package I am submitting for your perusal has more than enough information to inform you of the exotic animal traveling circuses issue. It is not ok that some grown ups, even with this information, think it is acceptable to abuse animals simply to make them perform tricks for entertainment. It is not ok that the circus industry uses children as an argument to perpetuate abuse on innocent and endangered wild animals.

We are grateful to be able to bring this issue to your attention so that you can do something about this injustice. You have the power to make decisions on our behalf to protect the health and well being of our community. You have the power to make the moral choice in this matter. Please, let us all celebrate doing the right thing and passing this Amendment to our Animal Law.

We are not just changing a law; we are challenging an uninformed consensus. This is why your voice as legislators matters so very much for all of us. Just as with the Civil Rights Movement fifty years ago, how we treat the intelligent beings with whom we share our planet determines who we are as society. We want to add the Wood River Valley to the list of communities that are affirming a higher consciousness and leading the way.

Thank you for your time,


Maya JB Burrell
Ketchum, Idaho

DATE: 31-March-2014

TO: Hailey City Hall

FROM: Maya JB Burrell and Students

EMAIL: Bhathorrai@fastmail.fm

TEL: 208-471-0360

ADDRESS: PO Box 5379, Ketchum ID 83340

RE: To introduce an Amendment to Hailey City Code currently titled "Exotic Wildlife Restrictions."

PURPOSE OF AMENDMENT

To restrict the use of exotic and non-domesticated animals in traveling circuses and exhibitions by amending Hailey City Code 6.04.090: "Exotic Wildlife Restrictions."

THE CURRENT HAILEY CITY CODE (6.04.090) READS:

Upon application, the city's police department may grant a special permit allowing the temporary presence of native or exotic wildlife within the city when the presence of such animals within the city would occur as part of a circus, exhibit or other special event, and then, only upon satisfactory assurance to the city police department that public safety would not be jeopardized, and that the animals would be treated humanely. (Ord. 516 § 9, 1988)

NEW RESEARCH AND FINDINGS

The City of Hailey finds that:

1. Traveling circuses are detrimental to animal welfare due to the adverse effects of captivity and transport;
2. Due to severe confinement, lack of free exercise, and the restriction of natural behaviors, animals in circuses suffer, are prone to health, behavioral and psychological problems;
3. The tricks that exotic and non-domesticated animals are forced to perform require extreme physical coercion techniques, including the restriction of food, the use of elephant hooks (objects used to control and punish elephants), electric shocks, metal bars, whips, and other forms of physical abuse;
4. The welfare of animals subject to the conditions in traveling circuses, such as constant travel, limited facilities, long periods of restriction of movement, stress, and physical coercion, will inevitably be compromised, which can lead to increased risks to public safety;
5. Animals in traveling circuses pose an additional risk to public safety because such animals have wild instincts and needs and have demonstrated unpredictability;
6. The use of collapsible, temporary facilities in traveling circuses increases the risk of escaping exotic and non-domesticated animals seriously harming workers and the public;
7. Traveling circuses bring people dangerously close to exotic and non-domesticated animals by displaying animals in inappropriate, uncontrolled areas that are not suited for the exhibition of such animals;
8. It is not possible to provide exotic and non-domesticated animals with facilities sufficient to maintain the optimum physical and mental health of the animals, because of the suffering caused to the animals by the nature of circuses, in which restriction

- of movement, separation from natural groupings, restriction of food and water, and physical abuse are standard operating procedures;
9. The Center for Disease Control (CDC) reports that elephants carry a form of Tuberculosis that is contagious to humans and is transmittable through the air;
 10. Due to the mobile and transitory nature of traveling circuses, law enforcement authorities cannot properly monitor the conditions of the animals or follow up on previous infractions by traveling circuses; and
 11. Restricting the use of exotic and non-domesticated animals in circuses is the most cost-effective and efficient way to safeguard both animal welfare and public safety.

TITLE

"Traveling Exotic Animal Protections"

AMENDMENT

Title 6, Chapter 4, Section 9, Paragraph 2 (6.04.090) of the Exotic Wildlife Restrictions Code of the City of Hailey is amended to read:

"TRAVELING EXOTIC ANIMAL PROTECTIONS": No exhibitor may allow for the participation of an exotic or wild animal in a traveling animal act that includes elephants, tigers, lions, other big cats, bears, non-human primates, exotic reptiles, and large aquatic mammals.

This restriction shall not apply to the use of an exotic or wild animal:

- i. In an exhibition at a non-mobile, permanent institution or facility;
- ii. As part of an outreach program for educational or conservation purposes by a non-profit organization, if the animal used for such purposes is not kept in a mobile housing facility for more than 12 hours a day;
- iii. When a species has a successful history of non-violent domestication, such as camels, llamas and bison;
- iv. In a rodeo.

Upon application and subject to the aforementioned restrictions, the Police Department may grant a special permit to allow the temporary presence of domesticated exotic species within city limits upon satisfactory assurance to the Hailey Police Department that public safety would not be jeopardized and that the animals would be treated humanely. Consideration of restraints used for exotic animals shall require special attention. Restraints shall not cause pain or discomfort. Restrained animals shall continue to have general freedom of bodily movement. All tools and instruments of animal handling that resemble bullhooks shall be banned.

EFFECTIVE DATE

15 September 2014

SUMMARY ANALYSIS

Financial:

- 1.) Since Law Enforcement will not need to monitor and patrol animal circus environments, it will realize cost savings.
- 2.) Cost savings would apply to the City by avoiding the potential situation of an escaped or aggressive animal that harms the public persons or property.

- 3.) There would be no loss of potential revenues to the community since animal circuses could be successfully replaced by human performance circuses.
- 4.) Since the City of Hailey does not have a circus training facility within city limits, there is no business in the county that will be directly affected by the change in code.
- 5.) The change in code will not cost taxpayers additional money to enact or enforce.

Public Safety:

- 1.) Circus animals are not domesticated stock. Enclosures for traveling circuses are suspect and there are many incidents of circus animals breaking free and creating havoc in communities. Since 1990, "performing" elephants have been responsible for 12 human deaths and more than 126 injuries nationwide. During that same time period, there have been more than 123 documented attacks on humans by captive large cats in the United States. Currently, Law Enforcement is unable to monitor public safety and animal abuse situations with traveling circuses since by the time they are able to investigate, the circus has moved out of the law enforcement jurisdiction. Adopting this amendment to the code would enhance public safety.
- 2.) The Center for Disease Control (CDC) reports that elephants carry a form of tuberculosis that is contagious to humans and is transmittable through the air.

Animal Abuse:

- 1.) For City of Hailey residents, the issue of animal abuse and traveling circuses is one of ignorance. Accurate information is not freely disseminated to the public. Our community cares very much about animal welfare. Support for this amendment to the code would be overwhelming if the public was able to witness the treatment and training of circus animals. However, these training sessions are closed to the public. Furthermore, training of wild exotic circus animals takes place in centers that are out of the state of Idaho and therefore cannot be evaluated accurately and regulated by Idaho.
- 2.) The training process for wild animals is not the same as training domesticated animals. Domesticated animals have been bred to respond and interact with humans. Wild animals must be forced into submission. It is a brutal procedure that occurs away from public scrutiny. The only witness the public has of training sessions is from undercover operations.
- 3.) Law Enforcement can only respond and investigate reports of animal abuse that are directly witnessed by the public. Since care and training of traveling circus animals takes place away from public witness, it is almost impossible to monitor the conditions of circus animals.
- 4.) If an abuse happens to be witnessed by the public and documented appropriately, often the traveling circus has left jurisdiction before an investigation can be initiated by Law Enforcement.
- 5.) This amendment to the City of Hailey Code would eliminate all potential abuse of exotic circus animals within the city and influence other laws within the Wood River Valley.

Common Arguments Against Proposed Amendment

- 1.) "I want little Johnny to see an elephant." **Rebuttal:** Exotic animals can have a profound effect upon us. We adore these special animals. However, for animals such as elephants and big cats to be brought to Blaine County and viewed for our pleasure, the scientific consensus is that, without exception, for reasons of training and transport, these animals are subject to abuse. It is not worth the cost to animal welfare and public safety to bring these exotic animals into our community via a traveling circus for the sole purpose of entertainment.

- 2.) "We use circus events to raise money and increase commerce." Rebuttal: Human performance circuses accomplish this same purpose without the dangerous repercussions and ethical violations of bringing abused wild animals into our community.

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Animal Defenders International

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April 8, 2014

Dear Hailey City Council Members,

Re: Wild Animals in traveling circuses

Animal Defenders International (ADI) applauds the Hailey City Council for taking the time to consider the important issue of the use of animals in circuses. ADI has investigated the use of animals in traveling circuses both here and around the world. We have filmed and photographed the day-to-day treatment of animals, animal care practices, and studied the physical and psychological effects of performing and constant travel in over thirty circuses worldwide. We produce reports and briefings discussing the scientific and empirical evidence of animal suffering, as well as the legal and economic factors, for local and national governments.

Please find enclosed some briefings on the key issues including: animal welfare; the effects of captivity and transport; violence; public health and safety; tuberculosis; economics; and regulations, oversight and enforcement difficulty.

For further information you can also view the enclosed Stop Circus Suffering DVD with evidence from our undercover investigations, and review our more detailed research included in our Science on Suffering Report which can be viewed online at the following link:

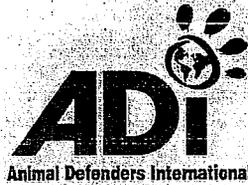
Science on Suffering Report: <http://bit.ly/science-on-suffering-US>

We would be pleased to assist you in any way with further background information.

Thank you for your attention to this important matter.

Yours sincerely,

Jan Creamer
President



Policy Briefing on Wild Animals in Traveling Circuses

Animal Defenders International (ADI) applauds the city of Hailey, Idaho for considering restrictions on the use of performing wild animals in traveling circuses.

There is extensive evidence that due to the very nature of a *traveling* circus, deficits in welfare of animals and therefore suffering is almost inevitable. The need for facilities to be small, collapsible and mobile, the long, arduous journeys and extended periods inside vehicles contribute to welfare problems. The chronic stress that this causes has been observed and recorded in the abnormal behaviors of these animals.

Large cats such as lions and tigers spend between 75-99% of their time in cages on the backs of vehicles in severely restricted space, with cages barely larger than the animals themselves. Elephants spend 58-98% of their time chained by at least one leg, and more commonly both a front and a hind leg, only able to take one step forward or back.

These welfare deficits are then compounded by the need to control these large and potentially dangerous animals when they are brought in close proximity to the public, creating a serious threat to public safety.

For these reasons, we believe it is important to separate the issue of animals used in *traveling* shows from that of animals that are normally kept in a permanent facility, and are brought to a specific location to perform tricks.

We strongly recommend an ordinance that bans the exhibition of wild and exotic animals in traveling circuses on the basis of the evidence summarized below, which has prompted cities and counties in the US and abroad to restrict the use of all wild animals in traveling shows.

Introduction and Background

ADI has provided evidence to city and county authorities in the US and other countries to support the case for a ban on the use of animals in traveling circuses, on grounds of protection of the welfare of the animals and public health and safety.

The scientific evidence is clear – if an animal has no control over its environment, and cannot exercise its body and mind this can result in repetitive, abnormal behaviors. This indicates compromised welfare, and suffering.

In response to this evidence, action is being taken in the US and all over the world:

Local restrictions: Currently, 38 cities and counties in 18 states in the US have restricted the use of animals in traveling shows including Southampton, NY, Green Bay, WI, Richmond, MO, and most recently Irvine, CA. These restrictions vary between full prohibition on performing animals, or wild animals, or specific species (see separate list).

City and local government bans have been instituted on performing animals in traveling circuses in many countries around the world, including the UK (over 200), Australia Brazil, Chile, Argentina, Ireland, Spain, Canada, and others.

National restrictions on performing animals in traveling circuses, either wild or all animals, have been enacted in 21 countries, including Austria, Denmark, Finland, Greece, Hungary, Croatia, Czech Republic, Bosnia and Herzegovina, Sweden, Poland, Portugal, Peru, Bolivia, India, Israel, Singapore, Taiwan and Costa Rica. Countries currently discussing restrictions include the UK, Brazil, Ecuador, the US and Germany.

Effects of Travel and Confinement

ADI's studies of the use of animals in traveling circuses over the past twenty years has used long-term observations and undercover footage of animal care practices, combined with research and examination of the scientific evidence of suffering during transport and captivity (both behavior and biochemical changes).

This evidence has shown that animals suffer deprived and restricted environments in traveling circuses:

Extended periods of time in vehicles and temporary facilities causes chronic stress. Studies have shown that during transport, animals suffer increased heart rate, raised hormone levels, lowered immunity to disease, weight loss, aggression and stereotypic behaviors. We have found no evidence that familiarity with transport can necessarily ease stress; in fact the opposite may be true.

In addition to the long and arduous journeys, animals remain in vehicles for excessive periods of time before and after travel. The animals are typically loaded before the circus is dismantled, and then afterwards remain in vehicles until the circus is set up at the next location, which can be the next morning or even afternoon. For example, observations found elephants in a trailer for 19½ hours for a 5-hour journey and a sick elephant in her trailer for nearly 18 hours for a 45-minute journey.

Inappropriate social groupings have a negative effect on animals. This includes solitary animals forced to live alongside other animals; herding or family-living animals forced to live alone; and prey animals kept in close proximity to predators:

- Isolation or separation from companions leads to complex changes in behavior, including a decreased interest in surroundings, apathy, stereotypies, increased heart rate, vocalizations and higher levels of physiological stress.

- Animals forced to live in close proximity with one another show a greater frequency of fighting and competitive behaviors and a greater incidence of stereotypies.
- Different species mixed or forced to live in close proximity to one another exhibit avoidance behaviors, increases in heart rate, greater expenditure of time in a state of alertness and other indicators of physiological stress.
- In the presence of predators, prey species show anxiety behaviors, changes in nervous systems, suppression of feeding and grooming behaviors.

Deprived environments: Bare boards and bars, empty or poor temporary enclosures and tents; lightweight, portable facilities with little to no environmental enrichment, results in the abnormal behaviors which indicate that the animal is not coping with its environment.

Violence in the Circus

The tricks that these animals are forced to perform require extreme physical coercion and violence. Investigations and undercover footage reveal that training is by use of bullhooks, (a heavy bar with a sharpened point and hook), stun guns, metal bars, whips, deprivation of food and water and intimidation. Wild animals are large and potentially dangerous. Unlike domesticated species such as horses and dogs, their behavior has not been modified for compliance over thousands of years, they remain wild. Their wild nature is in conflict with their captive environment and their captors and this contributes to the escalation of the levels of force and violence. It also means that these animals are less predictable and more dangerous in public.

Excessive force and abuse commonly occurs at flashpoints during the day. These animals do not want to perform. Violence occurs most frequently when workers are stressed, such as when moving animals quickly across open ground or moving unwilling animals into the ring to get to performance on time. Often, poorly paid circus workers who lack expertise about the species they are handling resort to screaming, punching, kicking and beating animals. Sometimes this occurs when they simply don't understand what the animal is feeling.

The training sessions frequently shown to the media when the circus is on the road are simply reinforcement and rehearsals; the animals are plodding through well-worn movements. The real training goes on behind the scenes out of the public eye, and has only been exposed by undercover investigations by ADI and other groups.

Primates are taken away from their mothers at an early age to ensure emotional and physical dependence upon humans – as they get older and more dangerous, punishments can be severe; lions, tigers and other large cats are clubbed, whipped, jabbed with metal poles (including tent poles) and screamed at to ensure compliance. Elephant calves begin training at an early age, when they are taken away from their mothers and subjected to a regimen that includes being bound with ropes, chained, and jabbed and struck with a bullhook.

ADI's studies have revealed that the culture of violence in traveling circuses is related to the need for direct and very close control over the animals, because they are held in lightweight, temporary facilities in public areas. It has been noted that the level of violence appears to correlate with

perceived danger, with the level of aggression vastly increased for lions, tigers and other large cats, elephants and stubborn exotics like camels.

Given the relatively small number of animal circuses in the US, and indeed worldwide (as compared to zoos or other wild animal exhibits), the number of incidents of violent abuse to animal numbers that has been caught on film is staggering. Such prevalence cannot be dismissed as being related to just certain individuals; it is inevitable due to the nature of the husbandry, casual, low-paid workers with no understanding of the animals, requirements for close control, training, and the type of tricks taught.

Safety, Health and Oversight

Traveling circuses pose a serious threat to public safety.

Keeping wild animals confined under duress in dangerously close proximity to the public in lightweight, temporary enclosures has proven disastrous. Circus workers, and members of the public, including children, have been killed and maimed by circus animals, and lions, tigers and elephants have all escaped.

Diseased animals pose public health risk at traveling circuses.

An estimated twelve percent of captive elephants in North America are infected with tuberculosis (TB), a contagious disease that can be passed from elephants to humans. Documented cases have confirmed transmission of TB from elephants to humans.

Difficulties for animal welfare inspections:

The transient nature of traveling circuses, where both animals and their handlers constantly change, combined with continuous travel across the country, makes law enforcement difficult. Local animal control officers are frequently faced with attempting to protect the welfare of species with which they are unfamiliar. Standards are difficult to enforce in these circumstances. Gathering evidence of compliance with local restrictions can be difficult and often a circus has moved on before action can be taken. Costly oversight arrangements cannot prevent accidents and physical abuse, or protect wild animals traveling for months on end in small, temporary facilities.

Economic impacts of a prohibition within the City of Hailey

Local oversight costs:

The City issues permits for "performance related activities" involving wild animals with associated fees to cover the costs of issuing and enforcing the permits. Even if the fees recover all the fiscal costs, a ban on exotic animals in traveling circuses would provide a benefit in terms of human resources, in that Animal Control officers' time would be freed up for other responsibilities.

Constituents want to see wild animals protected:

Circuses, like all American businesses, have to change with the times to stay relevant and profitable. An educated public prefers to see humane entertainment and human only circuses are thriving. Take for example *Cirque du Soleil*, which has grown from one show in 1990 to 19 shows performing now in 271 cities, with eight separate shows on stages right now in Las Vegas alone, and generating an estimated annual revenue exceeding \$810 million. In sharp contrast, Piccadilly Circus, a traveling circus that still uses wild animals, recently canceled shows across Southern California due to poor ticket sales.

Language

It is respectfully suggested that the following language could form the basis of a local policy or ordinance, on the use of wild animals in traveling circuses:

"Exotic or wild (non-domestic) animals may not be used in a performing animal act if the animal is part of a traveling exhibition or show living in a mobile housing facility. An animal is deemed to be part of a traveling exhibition or show if, during the 15-day period* preceding such participation, such animal was traveling in a mobile housing facility.

This restriction shall not apply to the use of an exotic or wild animal used—

- (a) In an exhibition at a non-mobile, permanent institution or facility, including an accredited zoo or aquarium;***
- (b) As part of an outreach program for educational or conservation purposes by an accredited zoo or aquarium, if the animal used for such purposes is not kept in a mobile housing facility for more than 12 hours a day;***
- (c) By a university, college, laboratory, or other research facility registered under the Animal Welfare Act***
- (d) In film, television or advertising if such use does not involve a live public exhibition; or***
- (e) In a rodeo"***

***15-day period:**

A 15-day period is recommended as it provides a reasonable limitation to ensure that the policy restriction covers only those shows that are constantly traveling, and not other performing animal suppliers. It also ensures a reasonable rest period for animals with traveling shows.



Animal Defenders International

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Local Bans on Circus Animals in the US – at October 2, 2012

- There are **38 partial or full bans** on circus animals in municipalities in the US, in **18 states**.
- A 'partial' ban or restriction includes specific species/types of performance/certain uses of animals.
- At the last count, ADI estimates (conservatively) that there are around 300 exotic/wild animals with US circuses.
- There are currently around 18 non-animal circuses (human-only performances).

City/County Ordinance	Species	Prohibition/use
AR, Sherwood	Wild, exotic	Possession
CA, Corona	Wild, exotic	Display
CA, Encinitas	Wild, exotic	Entertainment, amusement
CA, Huntington Beach	Wild, exotic	Performance
CA, Irvine	Wild, exotic	Display
CA, Pasadena	Wild, exotic	Display
CA, Rohnert Park	Wild, exotic	Display
CA, Santa Ana	Wild, exotic	Display
CO, Boulder	Exotic	Display
CT, Stamford	All	All
FL, Hollywood	All	Displays or exhibits
FL, Margate	All	Painful substances & devices
FL, Pompano Beach	All	All except education + Painful techniques & devices
FL, Tallahassee	All	Exhibiting and performing + Use of substances and devices
FL, Clearwater	Wild	Keeping, harboring
GA, Fulton County	Elephants	Painful instrument or device
IL, Collinsville	All	Performing
IN, Fort Wayne	All	Painful substances & devices
KY, Jefferson County	All	Painful substances & devices
MA, Braintree	Non-domesticated	Entertainment
MA, Quincy	Non-domesticated	Entertainment
MA, Revere	Non-domesticated	Entertainment, amusement
MA, Somerville	Non-domesticated	Display
MA, Weymouth	Non-domesticated	Display, entertainment
MO, Richmond	Wild, exotic	Display
NC, Orange County	Wild, exotic	Display
NC, Chapel Hill	Wild, exotic	Display
NY, Greenburgh	Wild, exotic	Circuses
NY, Southhampton	Wild, exotic	Display
NY, Southhampton	Non-wild, non-exotic	Painful substances & devices
SC, Aiken County	All	Painful substances & devices
SC, Chester	Dangerous	Display, exhibition
TX, Simonton	Dangerous	Possession
VT, Burlington	Non-domesticated	Display
WA, Port Townsend	Wild, exotic	Display
WA, Redmond	Wild, exotic	Display
WI, Dane County	Elephant	Circuses, entertainment
WI, Green Bay	Wild, exotic	Traveling shows, circuses

Wild Animals in Traveling Circuses

Background Briefing for Council Members and local elected representatives



Animal Welfare in U.S. Traveling Circuses

The welfare of an animal can be assessed by whether it has control over its environment and can move about to exercise its body and mind. The 'Five Freedoms' defines good animal welfare as: freedom from hunger and thirst; freedom from discomfort; freedom from pain, injury or disease; freedom to express normal behaviors; freedom from fear and distress.

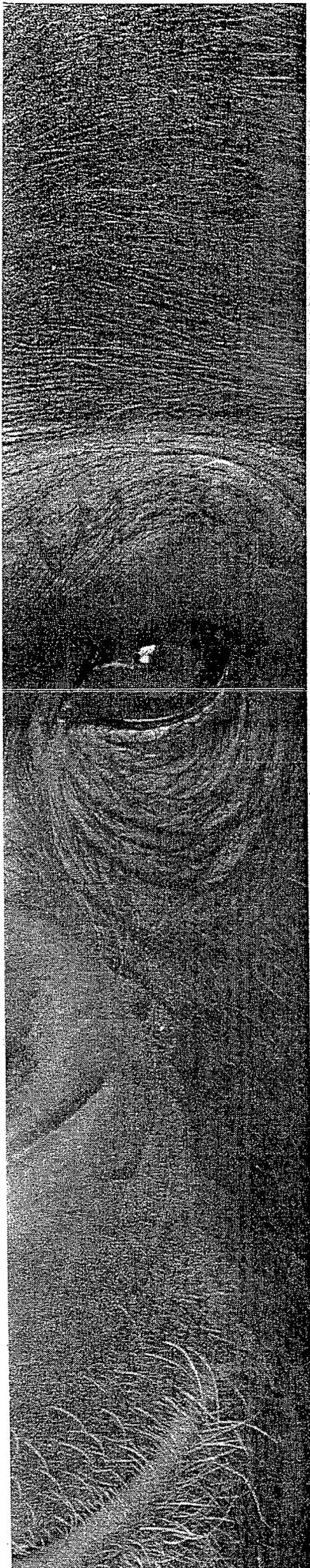
Many wild/exotic (non-domestic) animals studied in U.S. traveling circuses by ADI endure restrictions on most, and sometimes all, of these basic freedoms. A worldwide study of traveling circus practices shows²:

- Tigers and lions spend between 75% and 99% of their time in severely cramped cages on the backs of trailers.
- Elephants spend 58% to 98% of their time chained by at least one leg, and generally, both a front and hind leg.

In the U.S., wild animals in traveling circuses endure confinement, physical and social deprivation, long, arduous journeys, brutal control methods and physical violence. Studies have shown²:

- Severe confinement, lack of free exercise and restriction of natural behaviors causes suffering among all species observed including elephants, tigers, monkeys and ponies.
- It is known that restriction of ability to move around and existing in deprived and barren environments causes mental suffering to animals; this oftentimes results in abnormal, stereotypic behaviors that indicate that the animal is unable to cope with its environment.

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- Studies of animals in traveling circuses have shown these abnormal behaviors to be present in all species.
- Animals that would normally live in a herd or family group live alone, for example zebras.
- Chaining of elephants for most of the day, restricting their movements to a few steps backwards or forwards and worse, lack of free access to water.
- Long, arduous journeys and excessive periods in trailers, before, during and after the journey. For example, lions and tigers remained in their cages and elephants in their trailer for 19 hours for a 5½ hour journey. One circus started a tour in Mexico before heading into the U.S. and did not return to their permanent quarters for almost eleven months.
- Large animals spending their lives in small 5'x7' cages on trailers – barely larger than the animal itself.
- Elephant hooks (also known as a bull hook or ankus, which are heavy bars with a sharp hook) were used to punish elephants.
- Electric shocks were used on elephants during training sessions and while being walked to the performances.
- Elephants were beaten with a hosepipe and broom handle.
- A tiger cub was smashed in the face to make him “behave.”
- An elephant was dragged down and kicked in the face as she lay on the ground; the worker had got into a temper.
- Often, casual workers who do not understand the species they are handling use screaming, punching, kicking and beatings to move the animals around if they perceive a difficulty.

These examples show restrictions of all the basic freedoms of wild and exotic animals in traveling circuses in the U.S. and are indicators of poor animal welfare overall.

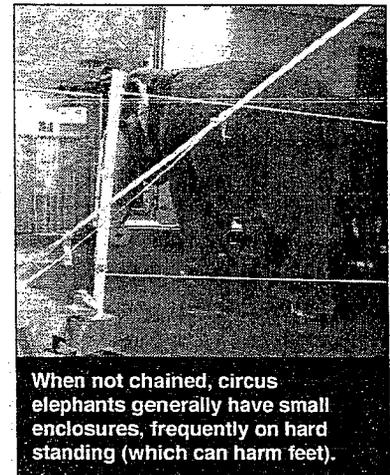
There has been growing public concern and outrage at the treatment of wild and exotic animals. They suffer particularly badly from the severe confinement and brutality of the traveling circus life.

Thousands of letters are generated to the USDA, Congress, the President **and to local councils and governing authorities in cities around the country, pleading for urgent action to control these traveling shows.**

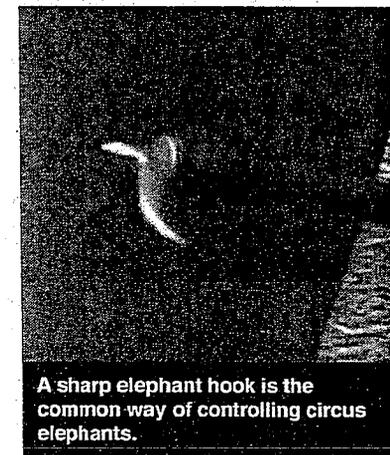
Despite the best intentions, given the



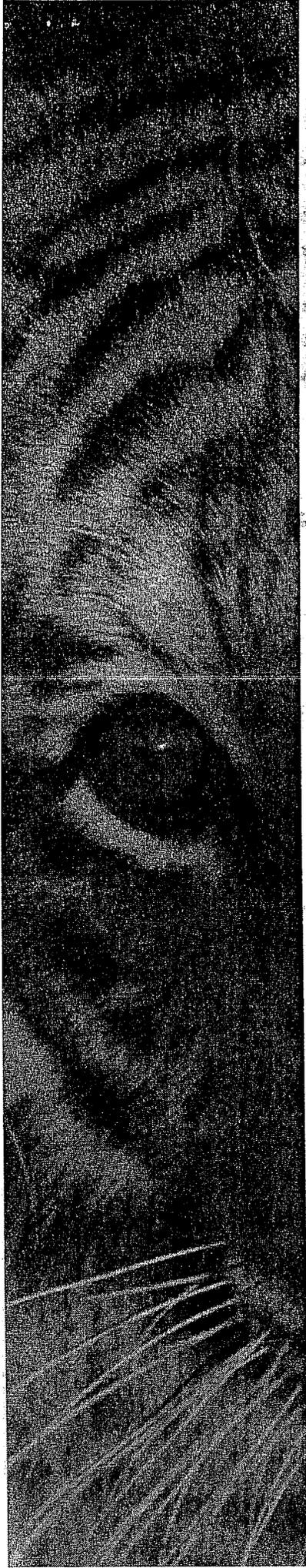
Chained by a front and a back leg, barely able to move.



When not chained, circus elephants generally have small enclosures, frequently on hard standing (which can harm feet).



A sharp elephant hook is the common way of controlling circus elephants.



circumstances of constant travel with most of the year spent in temporary, collapsible accommodation, animal welfare in traveling circuses and the public's safety in the U.S. will inevitably be compromised.

All too frequently, the extreme stress to which these animals are subjected, can cause them to react in ways that can present a danger to the public.

Such incidents contravene the intent of the Animal Welfare Act on humane care and treatment of animals used for traveling circus and exhibition purposes.

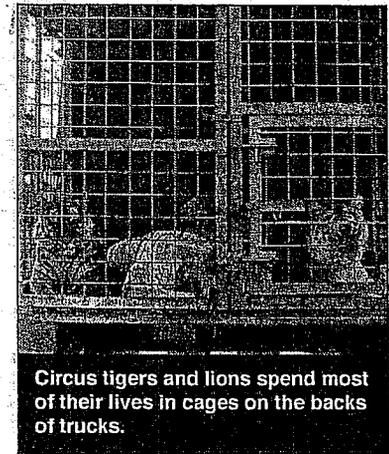
Public Safety

Around the world, circus workers and members of the public, including children, have been killed and maimed by circus animals.

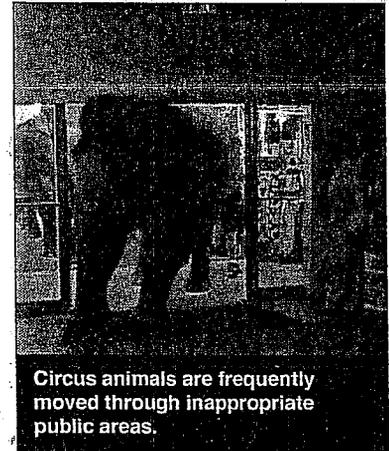
Common practices in U.S. traveling circuses bring people into dangerously close proximity to wild animals (non-domestic species) by displaying animals in areas that are inappropriate, unnatural and unsuitable for the exhibition of these animals.

Recent incidents in the U.S. demonstrate that traveling circuses pose a serious threat to public safety:

- In February 2010, a zebra escaped from Ringling Brothers Circus in Atlanta and ran into the city. Police had to chase it for 40 minutes until it was recaptured on a busy interstate. A few weeks later, the animal was euthanized.
- Two weeks earlier, during a pre-show at the same circus in South Carolina, an elephant broke through a main door and ran into the arena. It was reported that there were about 100 people on the floor.
- On November 4, 2009, an elephant escaped from the Family Fun Circus in Enid, Oklahoma and was truck by an SUV on U.S. Interstate 81.
- In March 2008, three zebras with Ringling Brothers Circus in Baltimore escaped from their temporary enclosure and ran onto the traffic lanes. According to press reports, the same three animals had previously escaped in June 2007 in Colorado Springs.
- A lifelong animal trainer was clawed by a tiger during a performance at Hadi Shrine Circus in Evansville, Indiana, in November 2006. The trainer suffered injuries to his hand and leg.



Circus tigers and lions spend most of their lives in cages on the backs of trucks.



Circus animals are frequently moved through inappropriate public areas.



A three month old tiger cub is hit in the face to teach him to obey.



Action Request

- Please restrict the use of exotic and non-domesticated animals in traveling circuses in your jurisdiction.
- This ordinance will protect the safety of workers and the public.
- A wild animal circus ordinance is the only and best way to protect animal welfare.
- The use of domesticated animals in traveling circuses will not be affected.
- An educated public prefers humane entertainment without wild animal acts.
- A restriction on use of wild animals in traveling circuses lowers costs and animal-related accidents.

Cities around the world have recognized the importance of protecting both wild animals, and the public:

In the United States, 38 cities/counties in 18 states have taken action to restrict wild animals from traveling circuses (see separate list). Around the world, hundreds of local ordinances are in place, including in the UK, Europe, South America.

National measures to restrict the use of wild animals, or selected species/uses have been adopted in twenty countries around the world, including: Austria, Czech Republic, Denmark, Malta, Slovakia, Sweden, Portugal, Taiwan, Singapore, Bolivia, Peru, Costa Rica, India, Israel and others. Similar laws are being discussed in: the United States, United Kingdom, Netherlands, Brazil, Chile, Columbia, and Norway (see separate list).

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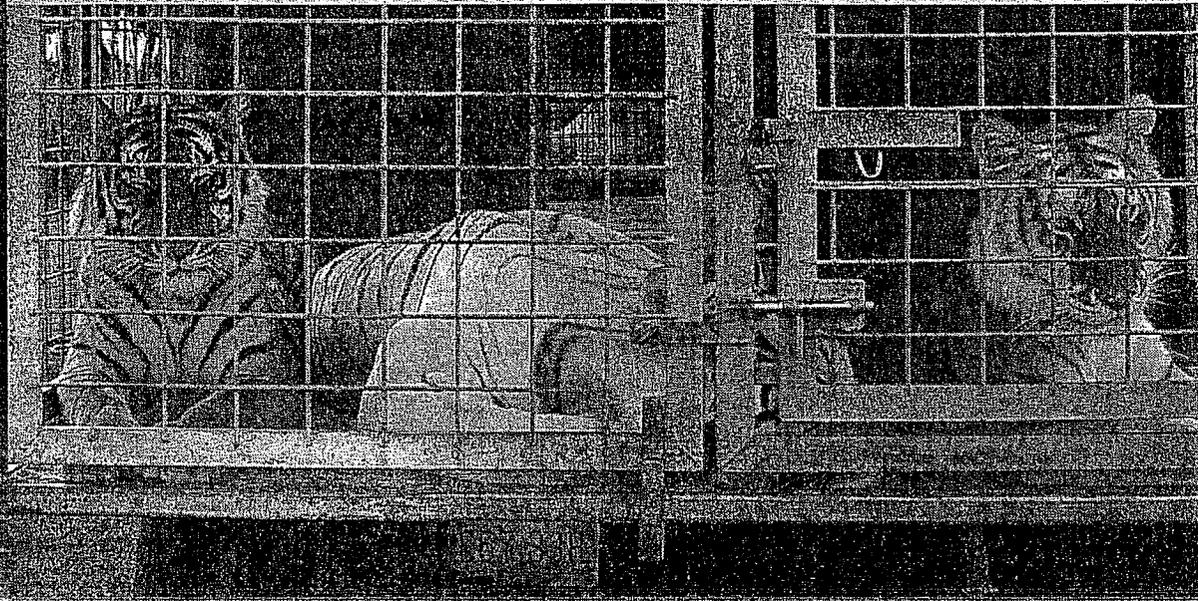
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Wild Animals in Traveling Circuses

Background Briefing for Council Members and local elected representatives



The Effects of Captivity & Transport on Wild Animals

When animals need to adapt to both accommodation and husbandry practices for the traveling environment a number of issues and challenges arise. While attempts may be made to manage these challenges, we would submit that the practical difficulties they present are an integral part of the traveling circus environment and, therefore, cannot be completely eradicated. Wild and exotic (non-domestic) animals suffer serious problems.

Limited periods in the same location

The nature of the traveling circus is such that most of the year is spent on tour; this is the primary source of income. The Bailey Brothers Circus started one tour in Mexico before heading into the U.S. and did not return to their permanent quarters for almost eleven months. They took a six-week break before departing again. Generally, a circus will spend between a few days and two weeks at a particular location, sometimes longer.

Portable accommodation

A circus needs to be able to set up and dismantle accommodation on a weekly basis – caging and fencing therefore, needs to be collapsible, small and lightweight. Thus, the very nature of the business sets restrictions on the animal facilities that can be provided.

Even if large transporters and complex enclosures were available, there would still be a cost to animal welfare; the animals would need to spend even longer waiting to be unloaded while more extensive and complex enclosures and caging are erected.

The character of a site (e.g., parking lots or industrial areas) can also have an impact on animal welfare. Animals tied on concrete or asphalt will suffer a poor environment, unnatural hard standing, lack of interest and stimulation. Busy downtown activity adds to the circus noise, lights, visitors and vehicles that can disturb animals attempting to rest.

LO.27

Frequent transportation

On a regular, often weekly, basis animals must be loaded onto transporters and taken to a new location. The common routine is for animals to be loaded in the late afternoon on a Sunday, remaining in their transporters until the rest of the circus is loaded and then traveling to the new location. The animals are not unloaded until the next morning or even afternoon¹.

Inevitably, some animals will become sick or injured or even give birth on tour. At best, sick or injured animals would face a long journey back to the circus' permanent quarters to recover, but it is more common for the animal to continue the tour. The distances involved in traveling across the the U.S. means that once animals leave their permanent facility, they are soon well beyond the point of no return.

Extended periods in transporters

As mentioned earlier, animals suffer extended periods in vehicles due to the need to dismantle and pack up the circus for travel and then, on arrival at the new location, erect the facilities before finally unloading the animals. Thus, they must remain in their trailers for far longer than the journey has taken.

Even a short journey can entail several hours in vehicles. This extended confinement represents poor animal welfare and causes suffering. For example, observations found elephants in a trailer for 19½ hours for a 5-hour journey and a sick elephant in her trailer for nearly 18 hours for a 45-minute journey².

When animals are moving to and from the circus to fulfil additional commitments – for example elephants giving rides at fairs – it can significantly increase the time they spend in transporters. Elephants with Bailey Brothers Circus spent a whole day inside the trailer, traveling to a Hindu festival to provide rides. Two days later, they traveled from Austin to Kansas and did not leave the trailer for the entire day. As a result, in a 72-hour period the elephants left their transporter for only six hours, in order to give rides at the festival. Following this, they were driven to Butler, Missouri, and were not let out of their trailer until noon. One elephant was immediately chained up outside and only released for the afternoon show.

Such distances and schedules are unavoidable in a traveling circus or exhibition, and therefore, by their very nature, these shows present a welfare cost to the animals they use.

The scientific evidence on suffering

A review of the scientific literature on studies of the effects on animals of transport, captivity and confinement elucidates the biological indicators of stress, as well as the behavioral and psychological effects. Three widely used groups of wild animals are considered here:

Elephants

It has previously been found that *"species that were naturally wide-ranging were more vulnerable to welfare problems in captivity, including psychological dysfunction and stress as exemplified by stereotypy"*³.

A stereotypy is a repeated, relatively invariable sequence of movements, which has no obvious function⁴. Stereotypies are indicators that the animal is having problems coping with the environment which, *"While commonly observed in elephants in captivity, stereotypic behavior has*



never been reported in over 34,000 sightings of wild elephant groups containing 1 to 550 individuals⁶. This is a good indication that captivity has extremely detrimental effects.

The unavoidable mobile nature of the circus means that below standard animal care is inevitable. For example, "It is obvious that the need to bathe and dust is an important mental and physical requisite in the life of an elephant. Elephants who travel with circuses and shows are not provided with necessary daily mud and water baths⁶."

Additionally, improper foot, leg and spine posture, due to the smooth concrete surfaces in captivity lead to painful arthritis as well as other joint problems⁷. Clearly, elephants suffer both physically and mentally from the conditions imposed by the traveling circus.

Big cats

Carnivores frequently show stereotypic behaviors such as pacing when in captivity. A study revealed that carnivore stereotypy levels and captive infant mortality rates are significantly predicted by natural ranging behavior (e.g. home-range size and typical daily travel distances)⁸.

Lions have diets and feeding patterns that are difficult to duplicate in captivity where they lack the opportunity for brief, but intense periods of exertion related to hunting. It is therefore perhaps not surprising that lions in captivity tend to become obese and suffer the associated problems⁹.

Tigers are solitary hunters in the wild, with limited social contact. Their solitary way of life makes them unsuitable for housing in groups, as both sexes are territorial and fights are likely to occur¹⁰. A study of the circus industry described how circuses often transport tigers in groups and that severe fights can break out¹¹. Circus tigers have shown a wide range of abnormal behaviors, including stereotypes such as pacing, which has been shown to increase as the duration of transport increases¹².

Non-human primates

Non-human primates are our closest relatives. They are highly intelligent, have emotional and social lives and many live in close family groups. They suffer in captivity, just as we would. Most non-human primate species share more than 90% of their DNA with humans¹³, with the chimpanzee DNA sequence differing from ours by only 1-1.5%¹⁴.

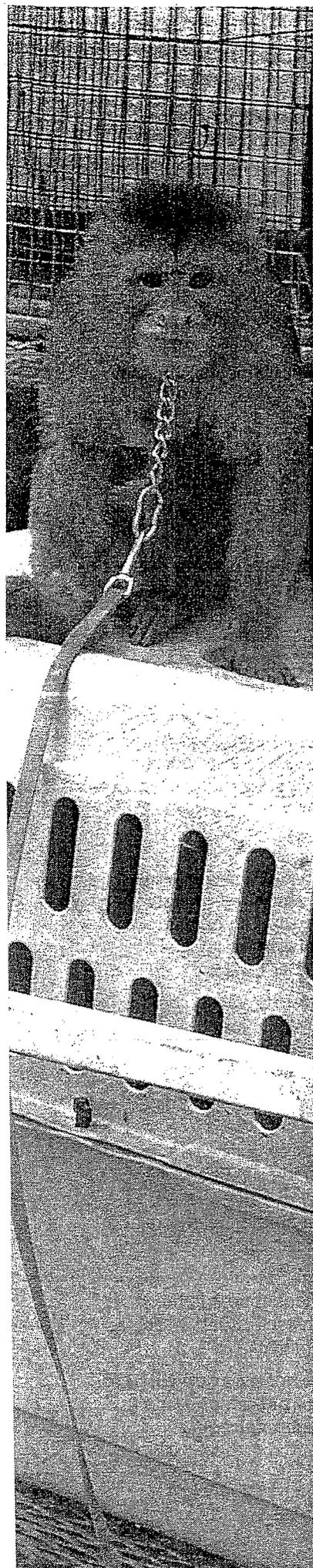
Captivity affects different animal species in very different ways. There is, however, consensus among researchers regarding the higher risks of suffering for the species with more intelligence and cognitive abilities¹⁵. Clearly, the impoverished environment and lack of stimulation in the traveling circus seriously compromises the welfare of the non-human primates.

Chimpanzees display a range of postures and gestures both similar to and in the same context, as humans¹⁶. For these highly intelligent animals stress may be psychological as well as physical¹⁷. For chimpanzees, socially deprived individuals show reduced levels of normal behaviors and a higher level of abnormal behavior, as well as a wider range of abnormal behaviors¹⁸.

The demands of continual transport and re-adjustment appear to be directly related to abnormal primate behavior, which itself usually indicates that the animal's psychological welfare is at a suboptimal level¹⁹.

This brief outline of scientific findings related to animals subjected to captivity and transportation highlights just some of the concerns for the health and well being of wild animals in traveling circuses.

Traveling shows are no place for wild animals.



Action Request

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Wild Animals in Traveling Circuses

Background Briefing for Council Members and local elected representatives



The violence flash points during the circus working day

During an average performing week, usually twice a day, performing animals with traveling circuses will be moved from their living quarters or temporary enclosures to the circus ring to perform. This often entails moving large and potentially dangerous animals across open ground. They are often unwilling or distracted.

The transfer from the cage to the circus ring creates two factors that can result in animal suffering: Firstly, workers are under pressure to get the animals into the ring on time, and secondly, they need to keep the animals moving to prevent them identifying opportunities for escape. As a result, these workers (who are often untrained general hands, not animal presenters or trainers) may abuse the animals due to irritation, anxiety, stress and sometimes simply because they don't understand the species that they are handling¹.

Thus, large cats are usually chased down temporary cage tunneling using screaming and bars to bang on the tunneling; they are moved as quickly as possible in order to focus their attention. Groups of elephants are led (or chased) through the circus to get to the big top quickly, in order to minimize the risk of them being out in the open for too long and therefore given time to think. If there is a delay before going into the ring, they are often made to go over their tricks to keep their attention.

Although some animals that are well versed in their routine may appear calm, without close control and discipline, a minor event or the sight of something unusual can cause panic. Wild, non-domesticated animals traveling with circuses have not been bred over thousands of years for compliance and familiarity with humans; their wild nature can make them unpredictable. Thus, handlers shouting, banging bars, threatening, hitting and whipping the animals commonly accompanies animal movement around the circus.

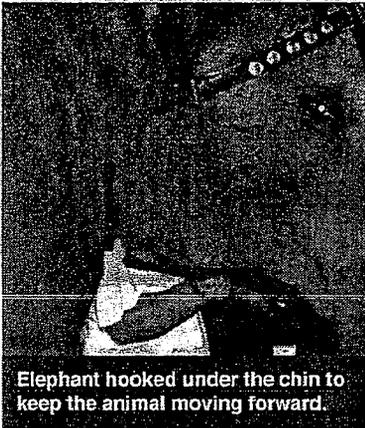
The close proximity of large and dangerous animals to the public, and the temporary nature of the facilities holding them, means that these shows can never be entirely safe. While traveling with the Bailey Brothers Circus, Krissy the elephant escaped frequently,

LO.3.7

even dismantling the electric fence. She threw hay, grass and stones at people and had a reputation for cornering and pushing circus workers. Despite this behavior, the circus allowed her to be fed by the public, separated by just a small, temporary, metal barrier. Around the world, circus workers and members of the public, including children, have been killed or maimed by circus animals. Lions, tigers and elephants have all escaped.

Circus Animal Control Methods

In the circus, intelligent and social creatures with acknowledged cultural habits such as elephants are commonly shackled to the ground by one front and one rear leg in order to control them. They can barely take a step forward and backward, and cannot exhibit most of their natural behaviors. Social interaction is restricted as contact is limited to the elephant shackled next to them². Many circuses now claim to give their elephants regular access to a pen or outdoor enclosure, but the elephants' free time is limited; the circus is constantly on the move, and the elephants have to be prepared for their performances each day. At night, elephants are commonly chained from the time the workers finish their day to when they arrive the next day. Therefore, over half the elephants' time (up to 12 hours) may be spent chained to a stake in the ground or inside a truck¹.



Elephant hooked under the chin to keep the animal moving forward.

It is a myth that circus animals are trained using kindness and reward. ADI's undercover investigations of circus animal training over the past 15 years has shown that the tools of the trade are whips, goads, iron bars, elephant hooks and electric shock devices.

The following cruel and archaic methods are used on elephants, for example:

The bullhook/elephant hook (ankus): A heavy bar with a sharp metal hook at the end is jabbed into the elephant's sensitive areas (behind the ears; near the eye; between the legs; on bony areas; under the stomach), in order to discourage undesired behavior.

Martingales: These are restraints. One end is fastened onto the elephant's tusks, the other end attached to chains around their front feet. These restrict head movement, the severity of which depends upon the length of the chain.

Chaining to the ground: Frequently used in the circus, the animal's movement is restricted for protracted lengths of time, usually from the evening until the next morning. Typically one front and one back leg will be chained, sometimes the neck, leaving the animal only able to walk one step forward and backward. Some scientists believe that these long periods of forced inactivity contribute to the development of abnormal behaviors such as rocking and weaving; possibly an attempt to relieve the pressure on joints and muscles.

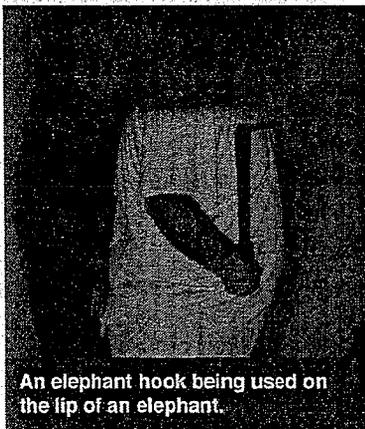
Electric shock: Elephants may be punished with electric prods, jolted by the electric current, to discourage "undesirable behavior".

Whips: Whipping is "especially brutal" as the "sting of a whip is excruciatingly painful to an elephant"³.

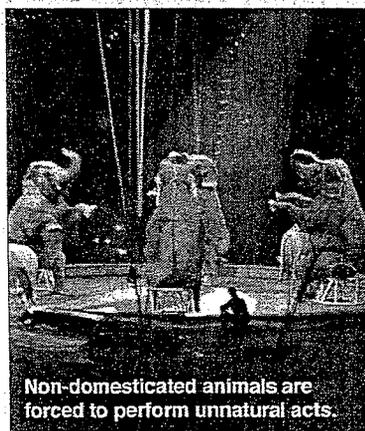
The concept of punishment is not something that is seen in natural elephant society. The claim that punishment is 'natural' for elephants is incorrect. A world authority on elephants commented, "African elephants do not 'discipline their young' nor is discipline 'natural in elephant society [and] therefore something that an elephant can understand'. And, 'I have never seen calves 'disciplined'... Elephants are raised in an incredibly positive and loving environment"⁴. This makes the treatment of elephants in traveling circuses even more brutal. The animal will not understand what is happening and why.

Zoos manage their elephants utilizing one of three key management systems: free contact, protected contact and passive control. Free contact (where the handler is in constant contact with the animal) is the method used in most circuses. Directing and moving the animal depends upon the use of the bullhook or ankus – the elephant must comply. The human is in the same physical space as the elephant and establishes and maintains a position of social dominance. The handler becomes part of the social structure of the elephants, usually dominating the animals. As this makes the handler vulnerable, the elephants may be restrained and manipulated with harsh discipline.

It could be argued that the physical circus environment even prohibits the use of other methods. Protected contact or passive control is not feasible in the traveling circus situation because it is not possible to create areas where the animals are permanently



An elephant hook being used on the lip of an elephant.



Non-domesticated animals are forced to perform unnatural acts.

separated from the handlers. Protected contact and passive control systems require permanent facilities. Whereas in the traveling circus, domination over the animal is gained by using methods involving violence; physical punishment is used as a tool which, in turn, can lead to increased aggression⁷. Such training has been criticized by renowned elephant experts⁸.

Training, human interaction, the impact on the animal

Elephants in captivity do not have the space or the ability to expend the vast amounts of energy that they have or to fill their day with cognitive tasks and food processing, as they would in the wild. This pent up energy and frustration can lead to the elephant keeper being injured.

Actual training of the animals takes place in secret. "Training sessions" seen by public and media when on the road are simply rehearsals; the animals are being put through well-worn paces. Circus animals are reminded during these rehearsals that disobedience will be punished. Even huge, powerful animals can be beaten into submission. Young animals, so inquisitive and playful, learn from an early age that disobedience is not tolerated; a lesson repeated throughout their lives.

In order to be useful for entertainment, highly intelligent and emotional animals such as primates are removed from their family group to create a relationship of dependency. Handlers and trainers require regular one-to-one contact with young primates to maintain control over the animal, which makes them dependent and more likely to be obedient. The handler becomes the only source of food, water, and approval. Trainers deprive performing primates of normal social contact with their own kind, locking them into a lonely world where food, water, and affection are the prizes for compliance. The chimpanzee's "smile" that we see so often in performances is, in reality, a grimace of fear.

It is these emotionally and socially deprived conditions, combined with beatings, which have often given rise to attacks by abused and mentally disturbed animals.

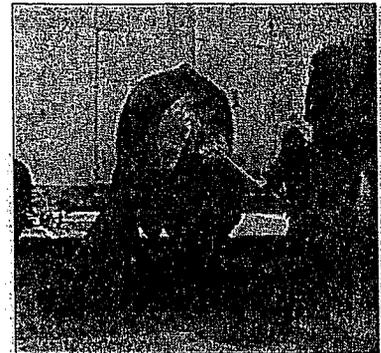
Aggression by handlers towards animals can be physical and verbal – either can intimidate and cause fear. Such fear and stress makes these animals more dangerous. ADI has filmed:

- A full-grown lioness urinated in fear, when she was screamed at
- Lions and tigers shouted at, poked, prodded, stones thrown at them and struck with metal bars
- A tigress being beaten with a tent pole
- A lioness rammed in the mouth with a tent pole
- Camels, llamas and other animals being beaten, kicked and punched
- Electric shocks applied to elephants' stomachs as they walked to the big top
- An elephant hacked in the leg with a golf club so that she fell to her knees
- A tiger cub smashed in the face to make him "behave"
- An elephant dragged down with vicious blows and then kicked in the face as she lay on the ground.

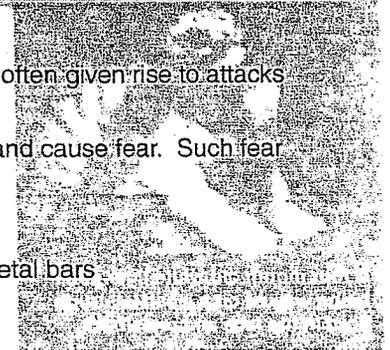
The use of punishment on elephants is acknowledged and accepted amongst some who work with elephants. "Punishment may also be used to establish social or physical dominance. The traditional method of initial training of elephants uses physical punishment first to establish dominance and then shifts to reinforcement training to establish desired behavior patterns"⁹.

It would be easier on our consciences to suppose that only a few "rogue" handlers abuse the animals in their care. However, the *San Francisco Chronicle* reported "Elephant handlers all over the country concede that they regularly discipline the animals with electric shocks, beating them with axe handles"¹⁰.

Between 2000 and 2005 there were three fatalities in the U.S., two in circuses, and five injuries involving elephants. Internationally, over the same period, there were thirteen fatalities and six injuries. This data is only for captive elephants in non-endemic countries⁶.



An elephant hook is used to beat and drag an elephant to her knees then she is kicked in the face.





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A four month old white tiger cub being walked on a leash is struck hard in the face and reels back.

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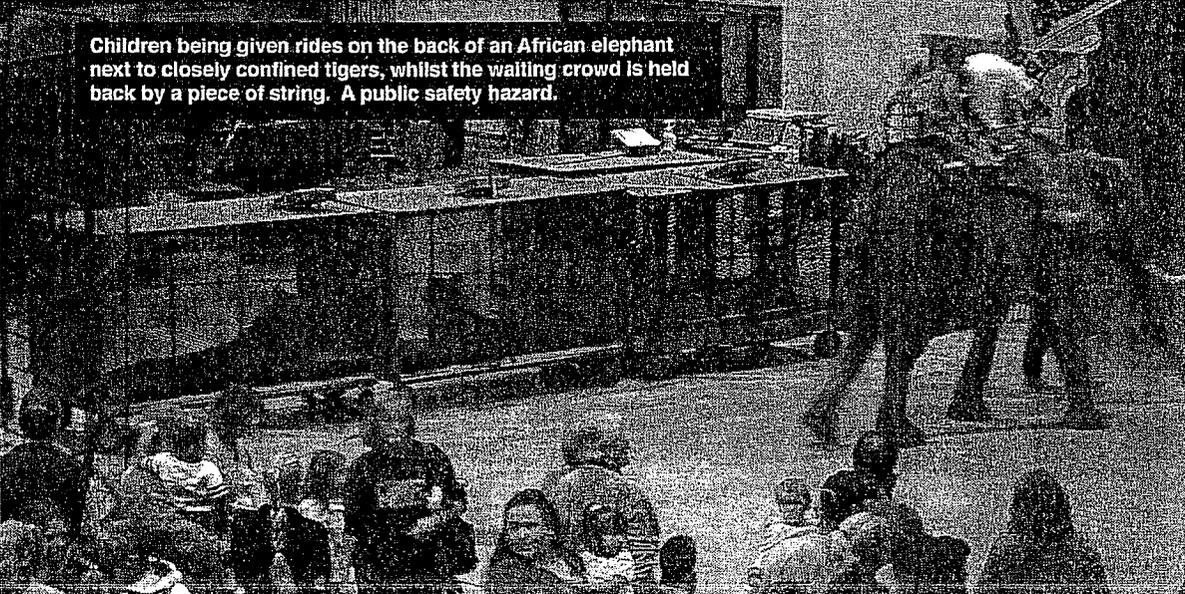
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Wild Animals in Traveling Circuses

Background Briefing for Council Members and local elected representatives



Children being given rides on the back of an African elephant next to closely confined tigers, whilst the wailing crowd is held back by a piece of string. A public safety hazard.

Public Health and Safety

Disease

The spread of diseases between animals and people has been documented in scientific literature. A paper describes the transmission of Tuberculosis (TB) from elephants to humans: three elephants from an exotic animal farm in Illinois who were being used in a circus, died between 1994 and 1996, and were found to have TB. Of twenty-two handlers tested, eleven tested positive for TB, although the risk from human-to-human was thought to be unlikely due to the lack of a cough in the handler with active disease. However the three elephants that died *"had evidence of widespread pulmonary disease and, therefore, represented a greater risk for dissemination."* The paper also discussed the problem that the real risk for transmission to the general public is poorly understood¹.

As one study showed, it is not always apparent when an elephant has TB. The authors said, *"most elephants with active TB have no clinical signs of disease"*. The study pointed out that the only officially recognized test for TB in elephants, trunk wash culture, has serious limitations².

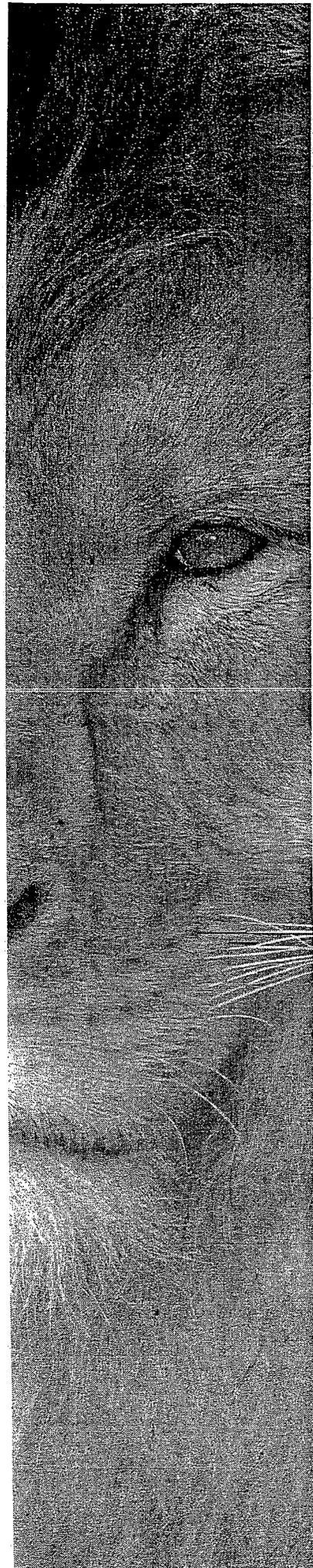
Bearing this in mind, there is a clear case for concern about public health. It has been reported that there were 34 confirmed cases of tuberculosis in elephants in the U.S. population between 1994 and June 2005³.

Accidents and escapes

Circus workers and members of the public, including children, have been killed and maimed by circus animals. Lions, tigers and elephants have all escaped.

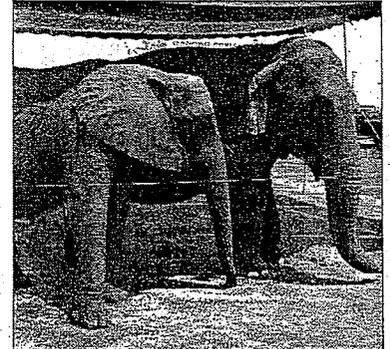
Common circus working practices increase the likelihood of such incidents by bringing

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people into dangerously close proximity to wild animals. Any animal can be unpredictable, especially when stressed or if it sees an opportunity to escape its confinement. The 2007 San Francisco Zoo tragedy illustrated how agile big cats can escape even a purpose-built facility⁴. It is easy to see that the risks are much greater in the portable facilities found in traveling circuses.

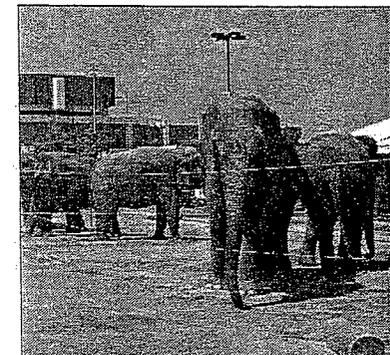
- In April 2010 a startled elephant stamped its trainer to death at the Irem Shrine, which was hosting the James Hamid Circus. The cause of the incident was not finally established, but it was reported that the elephant came into contact with electrical wires.
- On at least two occasions, zebras from Ringling Bros. and Barnum & Bailey Circus have escaped. In 2008 three ran out into traffic before being caught; in 2010 one zebra escaped onto a busy interstate and led police and keepers on a 40-minute chase through downtown. The circus said: *"It was just an unavoidable accident"*.
- In April 2010, it was reported that an elephant belonging to a traveling circus in Vietnam killed a 13-year-old boy. The boy and several friends found the elephant chained to a truck inside a local stadium and teased it, throwing things at it. The distressed elephant grabbed the boy and twice threw him to the ground. The boy suffered brain injuries and died on the way to hospital. The circus said the accident happened when the guard had gone to lunch.
- 2004; at the Bailey Brother Circus, Penny the zebra escaped from her pen twice in four days. She would put her head through the metal railings and lift the hinges; she also barged the railings and paced when her companion pony, Tony, was away performing. Penny would also try to escape when workers moved her from the enclosure to her trailer, pulling and kicking. Occasionally, she bit circus workers and members of the public.



African and Asian elephants in a small electric tape enclosure. The African regularly attempted to escape.

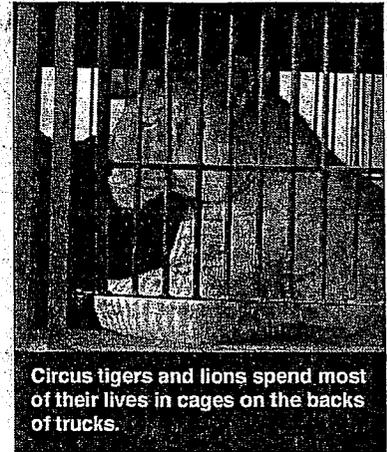


Naturally herding animals like zebras are often isolated and kept severely confined – little wonder they try to escape.



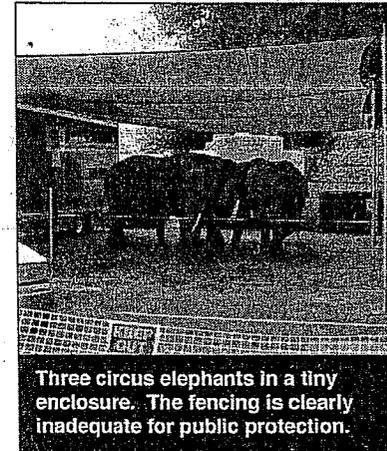
An 'exercise enclosure'. There is little to interest or engage these intelligent animals.

- In 2008 a bus killed an elephant after it escaped from a circus in Mexico and wandered onto a busy highway. The bus driver died and at least four passengers were taken to hospital after the accident. The elephant apparently knocked down a metal door that led to the street and wandered through two neighborhoods, before trying to cross the road. The keeper at the Circo Unión circus said *"I untied her so she could eat. She never did this before, but suddenly she ran at full speed and broke through the gate"*.



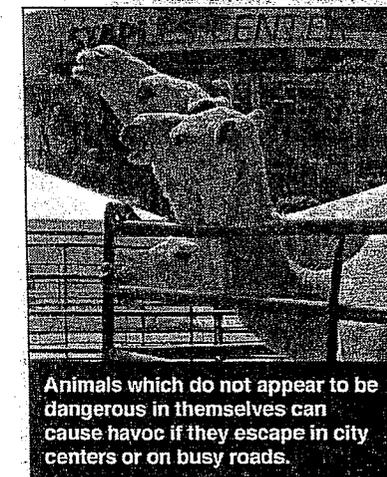
Circus tigers and lions spend most of their lives in cages on the backs of trucks.

- Ireland in 2006; an elephant lifted an electric wire over her head and then charged at a member of the public who had taken his granddaughter to see the animals. The elephant hit him in the back knocking him to the ground; hit him in the chest and then stamped on him. The man commented that the psychological terror of the experience was worse than the physical injuries.



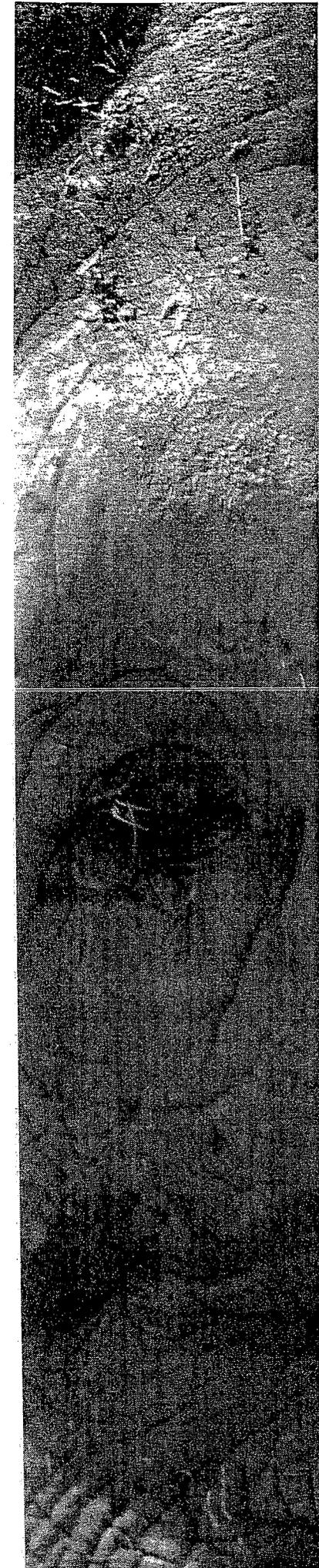
Three circus elephants in a tiny enclosure. The fencing is clearly inadequate for public protection.

- A 16-year-old on holiday in China in 2006 was attacked by a tiger. On a visit to a Chinese circus the victim had her photo taken on the stage and was then attacked from behind by the animal. The tiger broke her ankle, causing a 5-inch wound on her leg, down to the bone.
- Krissy an Asian elephant performing with Bailey Brothers Circus in Oklahoma and Kansas in 2004, repeatedly escaped; she was able to dismantle the electric fence. She threw hay, grass and stones at people and had a reputation for cornering and pushing circus workers. Despite this potentially dangerous behavior, the circus allowed Krissy to be fed by the public, protected by just a small, temporary, metal barrier.



Animals which do not appear to be dangerous in themselves can cause havoc if they escape in city centers or on busy roads.

These incidents highlight the danger to the public of using wild and exotic (non-domestic) animals in traveling circuses.



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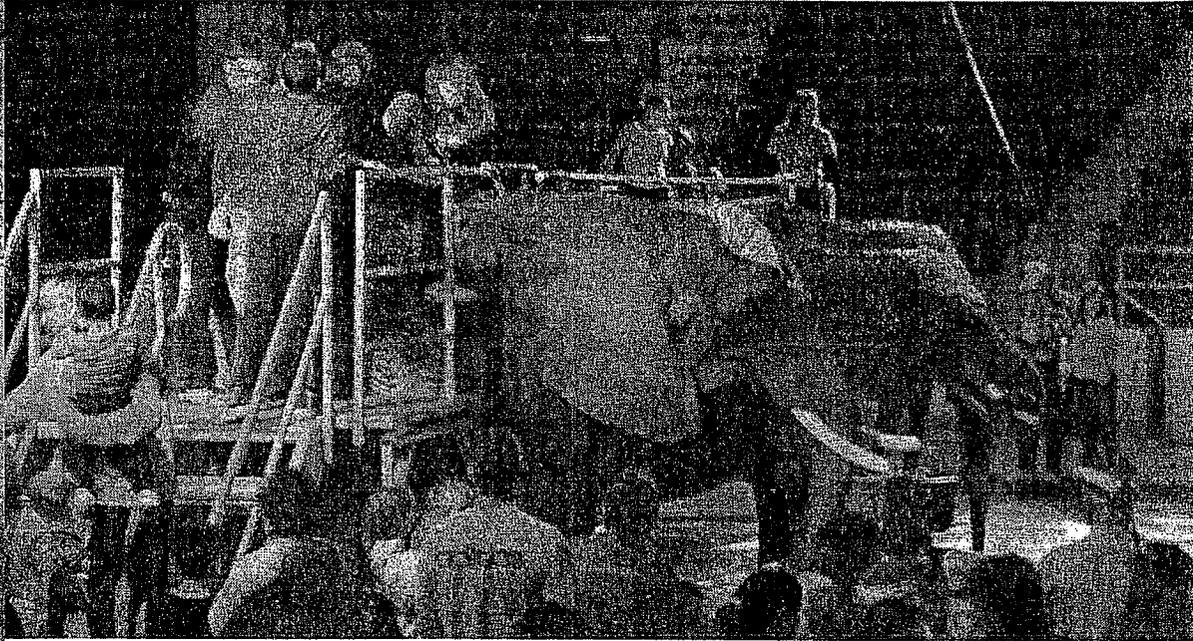
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Wild Animals in Traveling Circuses

Briefing for Council Members and local elected representatives



Public Health & Safety: Tuberculosis (TB)

The ability for certain diseases to cross the species barrier is determined by a number of factors which include the degree and amount of contact between the human and the infected animal. Although there are no direct confirmed cases of TB from a traveling circus, this does not mean that such transmission is not possible or that it has not occurred. As discussed below, it is possible for TB to be passed from elephants to humans, even without direct physical contact.

A recent Vanderbilt University article estimated that of approximately 500 captive elephants in North America, around 12 percent of Asian and 2 percent of African have a TB infection. The Vanderbilt website was discussing recent research findings that concerned an outbreak of TB in humans. One of the authors of the paper about an outbreak in 2009 said "*Ours is the first study to clearly document TB transmission from an elephant with TB disease to humans*" Another of the co-authors advised "*This study will be of great interest to the captive-elephant community, which includes zoos, circuses and private owners*"¹.

The paper describes the transmission of TB from elephants to administrative staff with no direct contact with elephants, at an elephant refuge. The problem of TB and its transmission between elephants and humans is complicated by the fact that "*no standard definition exists for latent TB in elephants, and no sound clinical criteria exist for diagnosing TB in elephants*".

The authors suggest that the transmission was aided by the practice of washing the elephant quarantine area with a high pressure washer on a daily basis, which would have resulted in a dense mist of moisture which could then drift to the administration block. The paper reported that "*All 3 administrators who worked in these areas had no direct contact with elephants, but their TST [tuberculin skin test] results converted*". The team explains the difficulties involved in this field of disease study as elephants with negative TB test results may still be infected. The authors highlight how "*Knowledge gaps exist*

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about the timing between elephant exposure, seroconversion, latent infection, active disease and shedding", showing how the situation regarding this disease is far from clear-cut².

The authors conclude that "Captive elephants have emerged as an unanticipated source of *M. tuberculosis* infection among humans and therefore must be integrated in our strategies to control and eliminate TB"².

Another paper, this time in the *Veterinary Record*, described how "Zoo animals, especially animals such as elephants that can be handled, are in close and frequent contact with people who may be infected, thus enabling the disease to spread to the animals and back again to other people"³ the paper goes on to describe how the fact that the sources of the infection were not known may mean that "cases of undetected *M. tuberculosis* infection may be more common among captive elephants than has been reported".

A 1998 paper on the 1996 TB outbreak stated that "This report describes the first case of zoonotic *M. tuberculosis* transmission. The epidemiological investigation strongly suggests *M. tuberculosis* transmission between humans and elephants". The paper discusses the risks connected with circuses and elephant rides; "The risk for TB transmission from an animal with a case of active TB is higher for daily

handlers than for persons with only brief contact, e.g., members of the public viewing a performance or receiving elephant rides"⁴. This proposes that there are degrees of risk and that visiting the circus, although it is could be a low risk activity, it is not without risk.

A public health note written by a veterinarian at the Los Angeles County department of health services stated that "Various species of wild-life are susceptible for *M. tuberculosis* and it can present a problem when people and wildlife intermingle such as in wild animal compounds, zoos and circuses"^{5,6}, another clear indication that being around infected animals, wherever the venue, does involve an element of risk. This is reiterated in a paper entitled "Wildlife, Exotic Pets and Emerging Zoonoses"⁷, which states that "Exposure to captive wild animals at circuses or zoos can also be a source of zoonotic infection."

APHIS's Policy 21⁸, concerns the control of TB in elephants. It outlines how "Several elephants owned by licensed exhibitors have either tested culture positive for tuberculosis or have died due to this disease. In addition, elephants with tuberculosis can transmit the disease to other elephants, other animals, and, potentially, to humans". To this end, APHIS AC (Animal Care) requires periodic testing of all AWA regulated elephants. In addition, an APHIS FAQ advises "TB in elephants is a zoonotic disease with public health implications"⁹. An animal care resource guide pertaining to tuberculosis management states that "All employees in contact with elephants should be TB skin tested yearly" and "New employees should be tested prior to any contact with the elephants"¹⁰.

However, as one study showed, it is not always apparent when an elephant has TB. The authors said, "most elephants with active TB have no clinical signs of disease". The study pointed out that the only officially recognized test for TB in elephants, trunk wash culture, has serious limitations¹¹.

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Economic benefits of a wild animal restriction

Background Briefing for members of city councils and other local elected representatives



The evidence of the animal welfare problems in traveling circuses are well documented and widely accepted (acknowledged in legislation in over 20 countries). However, there are also substantial economic and employment benefits, with the evidence mounting that a prohibition of wild animals in traveling circuses (whether local or national level) can:

- Increase employment
- Increase revenue and growth in the sector
- Save taxpayers' money

A prohibition of wild/exotic animals in circuses would not end circuses (or even all animals in the show); it is a proportionate, reform measure reflecting modern understanding of the needs of these animals, which are not domesticated and retain their wild characteristics.

Wild/exotic animal acts represent a small part of the animal circuses and they can adapt surprising rapidly – as shown elsewhere. A prohibition of wild/exotic acts removes a negative aspect of the traveling circus and provides opportunities for what is demonstrably the growth sector of the industry – human performance. Consequently the human only circus has been seen to expand, where animal acts have diminished.

Circuses don't need wild animals

Ending the use of wild animals in traveling circuses is a progressive measure that affects only a small part of the industry. The largest, and growing, sector of the circus industry is human performance. If there is an appetite for animal acts (and this is clearly diminishing around the world), then the domestic animal performances remain. In a survey of nine major U.S. circuses by ADI with 321 animals between them, the ratio was 42% wild/exotic animals and 58% domesticated species.

Wild animal acts represent a relatively minor part of the show as a whole, for example when the Ringling Brothers Barnum & Bailey Circus visited Los Angeles in 2012, wild/exotic animals represented just 13 minutes of the two-hour show.

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There is also a case that the continued use of wild/exotic animals is steadily tarnishing the image of the circus and alienating potential audiences, especially in light of the now regular exposés of physical abuse. While wild/exotic animal acts remain, the audiences will continue to look elsewhere for more acceptable entertainment.

For example Gerry Cottle was one of the most successful owners of wild animal circus shows in Great Britain for almost 30 years. In 2012 he began touring with a new human only circus saying he had "reluctantly decided to move on", commenting "The animal issue has given circuses a bad name." He added "Sad as it is for me to say, I now support the ban," and "times have changed and this issue has to be decided one way or the other. I believe a ban will, in the end, improve the image of circuses in Britain."

National and international precedents for prohibitions on traveling circus animals

Over 20 national governments around the world have banned the use of wild animals in circuses (three countries have banned the use of all animals in circuses).

These countries represent a wide spread of socio-economic circumstances, and indeed, different political leanings—for example Austria, Greece, Bosnia Herzegovina, Croatia and Portugal in Europe (Both Great Britain and the Netherlands have promised bans); in South America Bolivia, Peru, Ecuador, and Paraguay (Brazil and Colombia currently have legislation at an advanced stage); Costa Rica in Central America; in Asia, India, China, Singapore and Taiwan.

These represent a spread of agrarian and industrial-based economies, some facing severe economic problems, other more affluent. These countries also include some with large and well-established circus industries. Economic and employment concerns have been considered and prohibitions have still passed.

In the United States, 38 cities/counties in 18 states have taken action to restrict wild animals from traveling circuses, of which 6 are restrictions on 'painful substances and devices' (see separate list). Around the world, hundreds (over 200 in Great Britain alone) of local ordinances are in place.

As these changes have taken place, the circus industry has adapted and moved forward.

In fact, extremely rapid adaptation is possible. ADI released the findings of a long-term investigation of the remarkably large British circus industry for the size of the country. The public were so shocked that a survey revealed in the six months that followed, the number of animal circuses touring declined from 22 to 11—but interestingly the number of animal-free circuses rose from 9 to 23.

Human only circuses: the growth sector

ADI's research in the US has found that an adult ticket for an animal circus ranges from \$14 to \$100, with most ticket prices below \$30. Some animal circuses offer incentives such as free or reduced price children's tickets, or will offer 'buy one get one free' deals. In contrast, adult tickets for circuses with only human acts range from \$25 to \$300, with most ticket prices over \$35. For example the average adult ticket price for Carson and Barnes Circus (animal) was \$19, while the average adult ticket price for Circus Vargas (non-animal) was \$42.50. It is worth noting that Circus Vargas converted from a high percentage of wild animal acts to becoming animal free.

Like all American businesses, circuses must change with the times to stay relevant and profitable. Human only circuses are thriving. Cirque du Soleil has grown from one show in 1990 to 19 shows performing in 271 cities including 8 in Las Vegas, generates an estimated \$810+ million annually. In sharp contrast, the Piccadilly Circus traveling wild animal show, recently canceled shows across Southern California due to poor ticket sales. Indeed Cirque du Soleil has swept aside the animal shows that once littered the Las Vegas strip.

Guy Laliberté, founder and director of Cirque du Soleil said, "I'd rather feed three artists than one elephant."

Cirque du Soleil has shown that there is still an expanding market for the traditional human circus performance. In Los Angeles the company is now opening more shows and staying in venues for longer, offering substantially more revenue and employment to the city than the current, transient, wild animal circus shows offer.

Local employment and economic issues

The numbers of local people employed when a circus comes to town are relatively low, and for a limited number of days. The majority of personnel arrive with the circus, and with the tenting circuses using non-unionized venues (for example Circus Ramos), local labor is generally not employed for unloading.

Where circuses visit unionized venues such as the Staples Centre in Los Angeles or the Shrine Auditorium (some volunteer work) — they will employ IATSE workers for the unloading and set up.

However, it would be a simplistic approach to consider that if the circuses cannot bring wild animal acts, then these limited employment opportunities will evaporate. The first option is that the circus can return with just domestic species like horses and dogs, or without animal acts. The second option is that the venues are given time to fill the vacancy with another show. Other shows, like concerts for example, may actually employ more local workers.

It is reasonable for elected officials to consider giving sufficient time for venues to replace what are likely to be regular bookings, while ensuring that a deadline for the change provides an incentive.

In the short term part of any employment impact is down to the reaction of the handful of animal circuses, who could choose to adapt their shows in line with more modern animal welfare practice. Circus claims that they would close if they cannot use wild animals are not credible – nor is this supported by experience elsewhere. There would be no labor, nor animal protection laws, if they were rejected every time an employer said “If this goes through we will be forced to close”. Yet, this rarely happens when such measures are passed.

In the long term, the evidence against the suffering of circus animals is rising. That is reflected in scientific studies and legislation around the world. The animal circus is also a declining industry as tastes change, awareness about how animals should be treated grows, and older forms of entertainment are challenged by new ones. We do not believe that resisting gradualist measures to restrict animal use in circuses on grounds of welfare, is necessarily in the best interests of those employed in the entertainment industry.

For employees traveling with the circus, ADI’s investigations of working practices in circuses have found that the majority of circus workers fulfill more than one role. Those involved in animal care are generally also involved in selling concessions, unloading and setting up tents, equipment, promotions, advance posters, etc. This does create an enormous potential to rapidly adapt to a new show – provided the will is there.

Sustaining an industry that is simply trying to stand still at all costs, in fact creates an obstacle to development of new shows and businesses, and may ultimately do more harm than good. Protecting animal welfare does not mean that workers lose out – a well managed change can benefit workers as well as the animals.

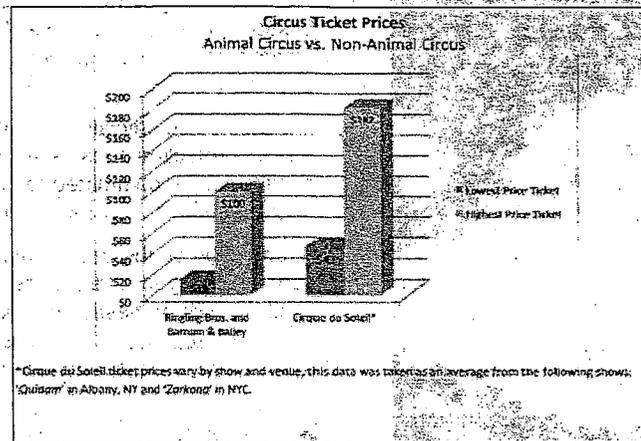
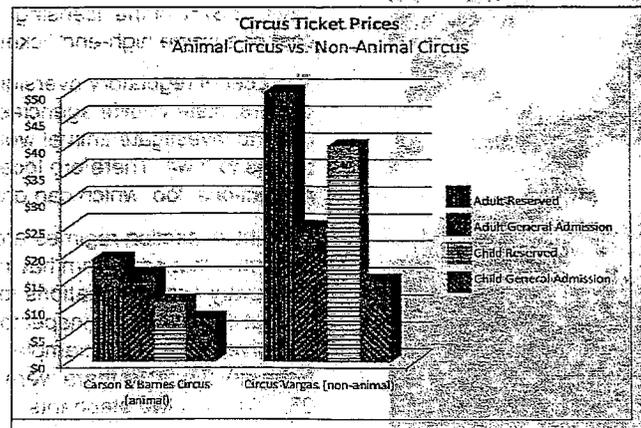
Reducing Federal and local costs by eliminating wild animal acts

The U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) is responsible for regulation and licensing of circuses and enforcement of the Animal Welfare Act (AWA). Licensed exhibitors are required to comply with AWA standards and APHIS conducts inspections, investigates cruelty complaints, performs an educational and enforcement role.

Local animal welfare officers carry out inspections with a view to both local and national regulations. ADI made a Freedom of Information Act (FOIA) request to the USDA for the costs of APHIS inspections of animal circuses for the years 2007, 2008 and 2009. The USDA was only able to provide general animal inspection data (not specific to circuses). General animal (non-circus) inspection costs for 2010 showed an average cost of “an Animal Welfare inspection” was \$1363 and the average of “issuing licensing and registrations” was \$665.

USDA records show for example, that the animals with Carson & Barnes Circus were inspected 42 times from 2007 to 2010. If the average cost of an animal welfare inspection is in the region of \$1363, the total cost of the 42 inspections is around \$57,246.

This is not recovered through the license fee, which is nominal. The Code of Federal Regulations shows a small to medium-sized circus, with between six and twenty-five animals, could pay as little as \$85 a year for their USDA license. If the average cost of issuing licensing and registrations is \$6652, the US taxpayer effectively





pays for 87% of the licensing costs whereas the circus only pays 13%. Less than the cost of a single high-end ticket to a Ringling Circus performance.

The cost of regulatory oversight goes beyond the federal level. Local animal control officers, state wildlife agencies and other local and state authorities are often called upon to investigate animal welfare and human safety concerns when a travelling circus comes to town. Therefore local time and resources are taken up with these inspections, too, which can draw officials away from other work.

Current inspection regimes are unable to address the insurmountable welfare problems that arise from having animals constantly on the move and living in temporary accommodations for most of the year. The nature of the circus means it is almost impossible for inspectors to establish what animals should be with a circus at any given time. For example, an inspection of George Carden Circus showed that on February 25, 2010 there were seven elephants, on March 18, 2010, four, but on June 25, 2010 just two elephants.

Given the circumstances of constant travel, the need for animal accommodations to be small, lightweight, collapsible and capable of fitting onto a truck, semi, trailer or boxcar, it is simply not possible for circuses to provide their animals with the space, environment and companionship they need in order to remain psychologically and physical healthy.

If local elected officials decide not prohibit the use of wild animals, then in terms of animal protection consideration would need to be given to what resources can continue to be committed to inspections and where the escalating costs will be raised. The question is, how much should the taxpayer pay for 13 minutes of entertainment?

A restriction on the use of wild animals in traveling circuses is the most effective and economic way to address the welfare issues. Inspectors would still need to visit circuses with domestic species, however reducing the animal component by around 42% and reducing the species to those most commonly found in the US, would have a major positive impact on workload and effectiveness.

Conclusion

While most people accept that there may be economic costs if, as a society, we are to protect people, animals and our environment, in this case there are benefits for all parties. We believe animal protection can be advanced without damage to the local economy or jobs and indeed, traveling circus shows can flourish.

Animal Defenders International

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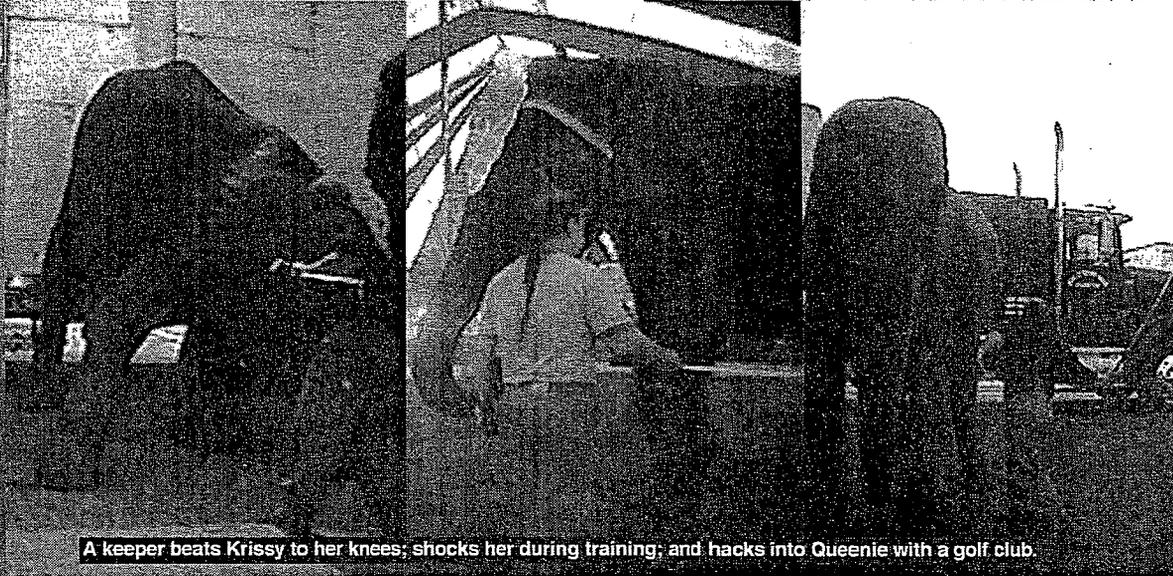
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Wild Animals in Traveling Circuses

Background Briefing for Council Members and local elected representatives



A keeper beats Krissy to her knees; shocks her during training; and hacks into Queenie with a golf club

Enforcement Difficulties: local and federal provisions

The case of Krissy and Queenie

Krissy and Queenie (aka Boo) are two female Asian elephants who have toured with traveling circuses throughout the U.S. During an ADI investigation the elephants were filmed being abused by their handler. Incidents included Krissy being beaten with a bullhook, then dragged to the ground and kicked in the face as the handler screamed at her. Queenie cowered next to her. The same handler was also filmed hitting the elephants with a golf club and giving them electric shocks during rehearsals and on the way to the performance. The elephants are owned by separate individuals; neither of them is the person filmed beating Krissy. The USDA has recently removed Queenie to San Antonio Zoo. Krissy remains with her owner traveling around to give elephant rides).

The U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) is responsible for enforcing the Animal Welfare Act (AWA), which includes regulating and inspecting exhibitors of wild and exotic animals.

Local animal welfare inspectors enforce local regulations as well as looking at AWA enforcement issues.

The case of Krissy and Queenie highlights the problems faced by USDA officials when pursuing enforcement the AWA and their own policies and guidelines when it comes to wild and exotic animals used in traveling circuses and exhibitions.

Local animal welfare officers can also face similar obstacles, especially related to following up on enforcement when it comes to traveling shows.

LD 7.7



Wild animals handled by untrained or casual workers

The APHIS Animal Care Program acknowledges that wild and exotic animals are dangerous and as such *"only qualified, trained professionals should keep these animals (...) Care and handling of these wild and exotic cats should be left to trained professionals who have the knowledge and means to maintain them properly"*.

Despite this policy, ADI's studies have shown that animal handlers in traveling circuses in the U.S. fail to meet these criteria. A report published in 2008 noted: *"For most of their time, animals are being cared for by untrained minimum-wage workers who are under pressure to move the animals fast and do not understand the species they are dealing with; this alone can lead to violence"*.

APHIS has reported that there have been instances *"where wild and exotic cats kept by untrained people have not only harmed people but suffered themselves due to poor care" and in addition that this lack of expertise "[...] result in the unnecessary suffering and premature death of animals"*.

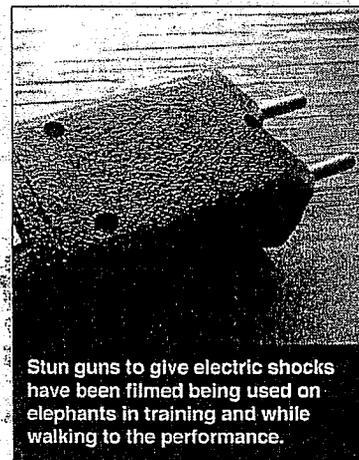
The traveling nature of the circus presents difficulties for setting standards and law enforcement

In the case of Krissy and Queenie, it is evident that the keeper lacked the training and skills to handle elephants and he frequently lost his temper. His actions were a violation of section 2.131(2) (i) of the AWA, which stipulates that physical abuse shall not be used to train, work, or otherwise handle animals.

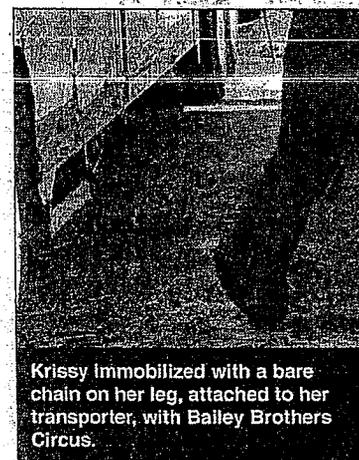
However, due to the circumstances of the traveling circus and exhibition industry where both animals and handlers constantly change as well as move location, law enforcement officials face practical difficulties. The process of inspection, gathering and assembling evidence and then locating animals and individuals in order to follow up with enforcement action can be extremely difficult.

In the case of Krissy, the USDA was unable to take any further action because the handler stated that he neither owned, nor was he currently handling, any elephants. Others owned both elephants and gathering evidence of the individual handling them would require a major investment in time and resources. Although ADI has continued to track these elephants and eventually filmed the same handler with the elephants – even posing in a photo with Krissy, this matter remains unresolved.

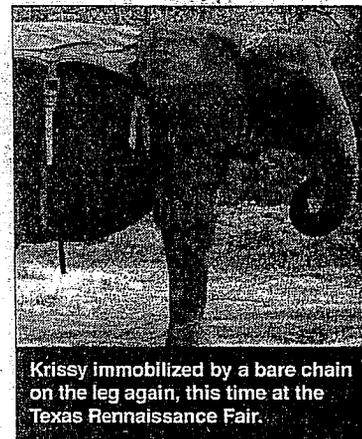
This case is a clear example of the difficulties presented by the itinerant nature of the traveling circus industry, the constant movement of staff and animals, and employment of casual labor. All of these factors make it extremely difficult to lay down and maintain standards of animal protection and welfare and follow up with enforcement.



Stun guns to give electric shocks have been filmed being used on elephants in training and while walking to the performance.



Krissy immobilized with a bare chain on her leg, attached to her transporter, with Bailey Brothers Circus.



Krissy immobilized by a bare chain on the leg again, this time at the Texas Renaissance Fair.

Although local animal control inspectors also contribute to enforcement of state and local animal welfare laws, they face similar challenges. In addition, their staff may not have the necessary knowledge and training to assess welfare, since many of the animals in traveling circuses are wild species, mostly not native to the U.S. Furthermore, local inspection agencies are often already stretched with local duties. For example, it is easier for animal control inspectors to enforce legislation on local issues, such as the horse carriages in Manhattan or Chicago, rather than to inspect exotic animals with a traveling circus that will only be in their jurisdiction for a couple of weeks.

Thus, despite the best efforts of federal and local enforcement to keep track of animals with traveling circuses it is very difficult to maintain standards while they are on tour, in order to ensure compliance.

The conclusion is that given the circumstances:

- (a) it is not possible for traveling circuses to provide their animals with the facilities they need to maintain optimum physical and psychological health;
- (b) adequate welfare standards cannot be devised and enforced in mobile and temporary facilities;
- (c) it is not feasible to devise an affordable inspection system, which could protect animals from abuse when traveling; any abuse takes place behind the scenes, away from public view, presenting difficulties with evidence and enforcement.

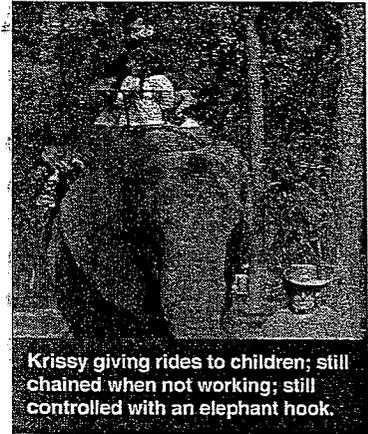
Enforcement of regulations is time consuming and expensive

Law enforcement of animal welfare legislation for owners of animals used in traveling shows and exhibitions, and for elephant rides, has proven to be time consuming and expensive for federal agencies:

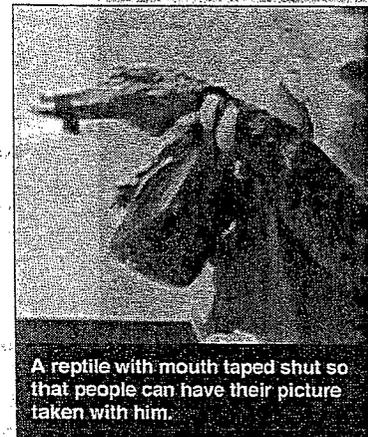
For example one owner had been exhibiting three elephants, Queenie, Jewel and Tina. The USDA received complaints from various organizations and individuals on their treatment and tracked his activities over many years. Finally in 2009 the Texas USDA confiscated Tina and Jewel because the animals had been losing substantial amounts of weight; the owner surrendered his exhibitor license. Charges were filed for violations of the AWA, with the USDA commenting, *"the gravity of the violations alleged...is great"* and the owner had *"not shown good faith"* in his repeated unwillingness to comply with AWA regulations⁹. This investigation took a long time to complete before charges could be filed, and such delays can have a negative impact on the welfare of the animals involved, as they remain with the owner. Queenie remained with the owner until finally removed by the USDA in 2010.

A male Asian elephant called Benny has languished in a Mexican zoo, used as a temporary holding facility for confiscated illegal animals, for ten years. He was taken out of the U.S. and into Mexico illegally by Circo Hermanos Vasquez. He was immediately seized by the Mexican authorities. The circus said, *"we needed an elephant and they are not precisely easy to get in Mexico."* In 2001, the U.S. Fish and Wildlife Service advised the Mexican authorities that Benny had been transported to Mexico illegally and was required as evidence in a case, requesting his return to the United States in accordance with the Convention on International Trade in Endangered Species (CITES) regulations. However, the Mexican authorities have not returned Benny; the circus has made a successful legal challenge over the procedures (due process) implemented in the original confiscation and the Mexican zoo and authorities have now launched a legal counter-measure. Only pressure from the U.S. for CITES regulations to be complied with, can move this case forward.

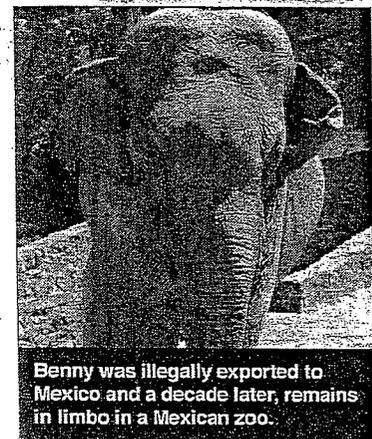
The practical difficulties of maintaining standards, inspecting, gathering evidence and ensuring compliance with animal welfare legislation and local regulations justifies a restriction on the use of wild animals in traveling circuses.



Krissy giving rides to children; still chained when not working; still controlled with an elephant hook.



A reptile with mouth taped shut so that people can have their picture taken with him.



Benny was illegally exported to Mexico and a decade later, remains in limbo in a Mexican zoo.

Action Request

- Please restrict the use of exotic and non-domesticated animals in traveling circuses in your jurisdiction.
- This ordinance will protect the safety of workers and the public.
- A wild animal circus ordinance is the only and best way to protect animal welfare.
- The use of domesticated animals in traveling circuses will not be affected.
- An educated public prefers humane entertainment without wild animal acts.
- A restriction on use of wild animals in traveling circuses lowers costs and animal-related accidents.

Cities around the world have recognized the importance of protecting both wild animals, and the public:

In the United States, 38 cities/counties in 18 states have taken action to restrict wild animals from traveling circuses (see separate list). Around the world, hundreds of local ordinances are in place, including in the UK, Europe, South America.

National measures to restrict the use of wild animals, or selected species/uses have been adopted in twenty countries around the world, including: Austria, Czech Republic, Denmark, Malta, Slovakia, Sweden, Portugal, Taiwan, Singapore, Bolivia, Peru, Costa Rica, India, Israel and others. Similar laws are being discussed in: the United States, United Kingdom, Netherlands, Brazil, Chile, Columbia, and Norway (see separate list).

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Refs

1. http://www.aphis.usda.gov/animal_welfare/downloads/big_cat/position.pdf
2. 2008. Animal Defenders International, *Animals in Traveling Circuses: The Science on Suffering*, p.4
3. The charges included: degrading federal officials, including counts of abusing USDA/APHIS officials; failure to provide minimal veterinary care to the elephants between March 2008 and August 2009; failure to handle elephants safely and humanely: four counts, including an incident in Indianapolis when all three elephants were used to give rides and one elephant Queenie (Boo) and 13 people, many of them children, were injured; failure to abide by welfare standards, including protecting elephants from extreme temperatures and providing sufficient and nutritious food. *Animal Defender*, Winter 2009/2010.



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DECLARATION OF SAMUEL DEWITT HADDOCK JR.

I, Samuel Dewitt Haddock Jr., declare as follows:

1. I am currently 53 years-old and competent to make this declaration. The information set forth in this declaration is based on my personal knowledge of events described herein unless otherwise noted.
2. I reside at [REDACTED] and my telephone number is [REDACTED]
3. I worked as an elephant trainer, handler, and/or caretaker for Ringling Bros. and Barnum & Bailey Circus off-and-on from 1976 until 2005. I left Ringling in 2005 to care for my ailing wife, Millie, who was dying from complications of diabetes.
4. I had requested a humanitarian leave from Harry Sugarman, Feld Entertainment's human resource officer, but was denied. Millie died in February 2008. My wife never liked what the elephants went through at the circus, especially the baby elephants, or that I was a part of it. Before she died, she told me, "Sammy, I know you'll do the right thing." I have contacted People for the Ethical Treatment of Animals (PETA) in an effort to "do the right thing."
5. I was mentored in the practice of training and handling elephants by Gary Jacobson, William ("Buckles") Woodcock, Theodore Svertesky, and Gary Hill. **Training Baby Elephants at Ringling's Center for Elephant Conservation**
6. Gary Jacobson, head trainer, hired me in August 1997 to work as an elephant handler at Ringling's breeding farm, called the Center for Elephant Conservation (CEC) in Polk City, Florida, where I worked off-and-on for about 10 years. I left CEC in 1999 and was re-hired back in August 2002. While I was not working

SH / 6

there, I often dropped in for visits. My job title was animal care groom and my duties included mucking the barns, feeding and watering the elephants, taking care of the grounds, and to help with training the baby elephants. I was basically a full-time ranch hand.

7. While I was at CEC, the facility had more than a dozen employees. I reported directly to Gary Jacobson. Other employees who worked there while I was there included [REDACTED]

[REDACTED]
[REDACTED] who just got out of prison for DUI manslaughter for killing a little girl, [REDACTED]
[REDACTED]

8. I was involved in training about eight or so elephants born at CEC, including Angelica, Asha, Doc, Gunther, Kelly Ann, P.T., Rudy, and Sara. All the babies were trained in the same fashion. Benjamin and Shirley were probably the first elephants being trained while I was there. Babies are typically pulled from their mothers around 18-24 months of age. Once they're pulled from their mothers, they've tasted their last bit of freedom and the relationship with their mother ends.
9. When pulling 18-24 month-old babies, the mother is chained against the wall by all four legs. Usually there's 6 or 7 staff that go in to pull the baby rodeo-style. We put ropes around the legs, one leg at a time. No specific leg first. The ropes are tied off to the pipes. We bring in an anchor elephant and put a rope collar around the anchor elephant and put the other end around the baby's neck. The anchor elephant leads the baby to the North end of the barn. It can take between

30 minutes to an hour to capture and restrain the baby. The baby tries to run away and fights having the ropes put on. Some mothers scream more than others while watching their babies being roped. If the screaming matches continue after the baby has been moved, we might take the mothers outdoors to quiet them down.

10. The first step in training a baby elephant is to cinch cotton-rope slip knots around all four legs, the other end is tied around a bar, and they are restrained in the North end of the barn, the opposite end from where their mothers are chained in the birthing pens. I've seen up to five baby elephants in this area restrained at one time.

11. Sometimes, from outside of the barn, you could hear one baby start screaming, and then the others would join in. Sometimes they would start crying when they saw their mothers brought in from outside. The babies often had rope lesions from straining against the ropes that would require treatment with betadine in a salve form.

12. During the first 10 days of being tied-up, we'll use an anchor elephant to keep the baby from taking off while we take the baby on a short walk inside the barn to get them used to human handling and to give them a little exercise. The baby has a collar made from rope around its neck that is attached to a collar around an adult elephant's neck. The adult elephant used as an anchor is never the baby's mother. The baby is walked twice a day. The babies spend about 23 hours each day restrained.

13. Next, we'll take them on short walks in the barn without the anchor elephant. We untie the ropes from the bars but leave the cinch rope around their legs. They are

surrounded by six to seven people. One, or sometimes two people hold the ropes on each leg, one out front in case they run and a trainer on both sides of the head. A bullhook is kept on the front of the elephant's trunk. More hook pressure is applied if they pick up the pace. They are walked around the barn for about 2 to 3 laps for 30 minutes and given treats to distract them from running. They are never turned loose outdoors to play; that would defeat the purpose, all their movements are under the control of staff.

14. After they stop struggling from being restrained with the ropes, which could take up to six months, ropes are replaced with chains that are padded with clear plastic tubing.

15. If the elephant is not trying to escape while being walked, we might take them outside. We'll take them about 75 to 100 yards to the wash-off area and give them a bath.

16. Gary decides on the spot during a walk outdoors, "Let's take them to the ring." We walk them around the ring to get them used to it for about a week. Then basic training is over and it's time for full-fledged training. Full-fledged training sessions last 1-1/2 to 2 hours each, twice per day, until they get it right. They go through the same routine every day. We put them in the ring where they are trained to lie down, sit up, down-salute, spindle, where 2 to 3 guys make the elephant turn while one foot is on a spindle. It could take up to a year of training before they're ready to go on the road.

17. No one is allowed in the training area and the training area is fenced in with solid fencing so no one can see. Loud rock-and-roll music is played to drown out the

baby's screaming and to get them used to the music played in the circus. After the initial training session, the babies fight to resist having the snatch rope put on them, until they eventually give up. The snatch rope goes over their back, under their belly, and is fastened to their left hind leg. We drive stakes into the ground in the ring area. The ropes are tied to the stakes or to bars.

18. I have provided photographs to PETA that I took during some of these training sessions. To the best of my knowledge, most, if not all, of these photos were taken in 2001 and 2002. These photos reflect training procedures that I observed throughout my employment at CEC. When I left in 2005, baby elephants were being trained in the same manner shown in these photos. To my knowledge, training procedures have not changed since I left. Based on my experience, these violent training methods are the only way an elephant can be trained to perform certain tricks required for a circus act. It's bunk when the circus says that it's showcasing an elephant's natural behaviors.

19. The photos show baby elephants in various stages of being trained. Numerous photos taken in the training ring show a baby elephant with ropes tied around all four ankles, around the trunk, waist, and neck. There are 5 to 7 trainers present. As many as four adult men will pull on one rope to force the elephant into a certain position, such as lay down, stretch, or sit up. My role during these training sessions was to pull on ropes and clean up the crap. Others use bullhooks and hot shots. I've seen Gary Jacobson and his wife Kathy using hot shots to train baby elephants. Some photos show Gary Jacobson using a hot shot on baby elephants. Gary usually kept a hot shot in his pocket to use in training sessions.

20. Training a baby to lie down is one of the more difficult tricks and is done in three sequences. First, it's stretched out by all four legs, then it's dropped to its hind quarters, then it's slammed down. The throw down rope is connected to a neck rope that connects to the left hind leg and is anchored to a stake driven in the ground or a bar on the side of the paddock. On Gary's command, he says pull, several guys will yank on the rope, which pulls the baby's left leg underneath it and Gary pulls down with a bullhook on top of the ~~head~~. The baby elephant is slammed to the ground and held there for ~~3 to 4 minutes~~. Then the tension is released, we let it up, give it a break, and do it all over again. During these training sessions, the baby is screaming and struggling the whole time. Some photos show the elephant's with their mouths open because they are screaming.
21. A photo of a baby learning the head stand shows a baby on its head, someone is pulling on a rope attached to the trunk. The trunk is pulled between the front legs, two people are poking the elephant on the tender spots on its hind feet so it will keep its legs raised and Gary is hooking the tender spot behind its head so it won't raise its head.
22. Training techniques used by Gary Jacobson include a lot of man power, brute force, electricity, and a savage disposition. Raising a baby elephant at Ringling is like raising a kid in jail.
23. Gary Jacobson told me that when he retires they plan to bring in Joe Frisco Jr. and Terry Frisco as a replacement.

Riccardo

24. I was at CDC when Gary Jacobson was training 8-month-old Riccardo the day Riccardo died. This was the first time Gary had decided to take Riccardo to the training area. It was unusual to train such a young elephant, especially one that was undersized for his age. His mother Shirley rejected Riccardo at birth and he had been kept by himself in a pen and bottle fed. Being bottle fed, he was way undersize.

25. I was inside the barn when Gary and Kathy brought Riccardo back to the barn after he injured himself. He collapsed in the same pen where he was born and he appeared to be in shock. One of the employees told me and the rest of the animal crew who were present in the barn that Riccardo fell off the tub in the practice ring (there were no bull tubs in any play area) and busted up his legs and started screaming. This was early, around 8:30 a.m. or 9:00 a.m. No other elephants had been out in the ring yet. Someone, I believe it was Gary, instructed me to clean up the ring about 5 minutes later. When I went out to clean up the ring, I saw the bull tub that Riccardo had fallen from. The tub was about 20"-24" inches tall, much taller than Riccardo's legs. Myself, along with others on the animal crew including Gary's wife, Kathy, were surprised that Gary had put Riccardo on a tub that was so tall.

26. I was told that when Riccardo fell off the bull tub, his front legs hit the ground first and his hind quarters hit the tub as he fell. Despite being wobbly on his legs, he was made to walk about 100 yards to the barn where he collapsed in his pen and never got up again. I had to go out back to the ring and clean up the baby crap because he'd messed all over himself when he fell off the tub.

27. Once he got back to the pen and collapsed, he was not moving. His eyes were open and he was breathing. Myself, along with a few others, had to lift him onto a board and slide it into a trailer, similar to those used to haul horses. He was driven to the veterinary college in Gainesville, about 135 miles away. Later that afternoon, we heard that the vet called back to the farm and said the elephant had broken his legs and he was euthanized. I could tell by looking at Riccardo that he was in bad shape and probably wouldn't make it.

28. Even before this training exercise, it was obvious that he didn't have much strength in his legs, he was pretty clumsy. I was never interviewed by the USDA about Riccardo's death. None of my colleagues who were present when Riccardo died ever mentioned being questioned by the USDA in relation to his death.

Birthing

29. Except for the adult bull elephants and the babies that have not yet been pulled, all the elephants at CEC, including mothers that are about to give birth, are chained up from about 4 p.m. to 7 a.m. every night. Someone sleeps in the barn when the birth is imminent and there are cameras on the birthing pens. When she shows signs of labor, the vets are called in and some of the staff is brought to the birthing area.

30. When the calf drops, it lands on a concrete floor. The calf is pulled away by staff, washed off, inspected and usually introduced back to its mother a short time later.

31. Since males can only perform in the circus for a few years before they become too unmanageable and dangerous, the circus prefers females. Someone might express

-51 disappointment and say "just another male" if a male calf is born.

Inspections

32. During USDA inspections at CEC, we would try to hide injuries, such as rope burns, from USDA inspectors by putting mud on their legs. Hot shots are kept hidden.

33. It is my understanding from Gary that Ringling has an arrangement with the USDA that the agency is only allowed to conduct two announced and one unannounced inspection per year at CEC.

34. I am not aware of any inspections conducted by the Florida Fish and Wildlife Conservation Commission.

Tuberculosis

35. In late 1978, I left Ringling's blue unit and went back home to [REDACTED] and took a job working in construction. When I returned home, my brother, who was a medic in the military heard me hacking in my sleep, and warned me that it sounded like I might have tuberculosis. I was diagnosed with active TB about a month or two after leaving the blue unit. I was hospitalized and quarantined for two weeks and treated for a year. While I worked at Circus World, I knew from Theodore Svertesky that elephants at Circus World had TB and we had tried to treat them.

36. After I was diagnosed with TB, the health department had the entire blue unit tested for TB. [REDACTED] tested TB-positive and were treated. [REDACTED] was treated for exposure.

37. All the elephants at CEC have been treated for TB, some because they were TB-positive, others because they were exposed.

38. Vance, a bull elephant, is in bad shape from TB. He has lots of trunk discharge and is spitting sputum all over the place. He had TB while I worked there, and I saw him again 6 to 8 months ago. He's lost a lot of weight. He's no good for breeding any more. He's rogue, treatment is a big ordeal so they've stopped.

39. At CEC, the vet ordered TB meds in bulk from a drug company in Gaffney, SC. He would order 750,000 tablets at a time.

40. *S.H. / most* CEC employees cannot take skin tests for TB because they've had TB. They have to take chest x-rays once per year.

Career Background

41. My circus career started in 1976 when I got a job at Circus World in Haines City, Florida. I was right out of high school. At the time, Circus World was owned by Ringling. My supervisor was Gary Hill. I worked there for about a year walking elephants in a circle for elephant rides and cleaning up after the elephants.

42. I left Circus World to join Ringling's touring blue unit and worked under Buckles Woodcock. I began as a groom for Minyak and four other elephants known as the "Minyak 5." At the time, there were 22 elephants on that unit. As a groom, I prepped the elephants for shows, mucked out their stall areas, and provided water and food. Buckles had warned me, if you see the whites of the elephant's eyes, they're "eyeballing" you and that's cause to correct them on the spot." "Eyeballing" meant that they were looking for an opportunity to attack.

43. In 1977, on my first night with the blue unit, [REDACTED] and I were dragging hay to the elephants in stockcars. Vance, who was nicknamed "Punchy" because he punched everybody, hit me under my jaw with his trunk. I went flying and was knocked out. When I woke up, I was under Gildah. Vance was straining against his chains trying to reach for me. At first, I thought Gildah had downed me. She was stretched out over me, but was barely touching me. Gildah was protecting me from Vance. Either she didn't want to see me hurt, or didn't want to see Vance punished for acting up, or both. I had an abrasive scrape wound on my chest and chin caused by the friction of Vance's rough-skinned trunk hitting me with such force [REDACTED] found me a minute later. I went after Vance with a hot shot in the stockcar. I burned out two hot shots and fried him for about ten minutes. He was screaming and regurgitating water.

44. A year later, I left the blue unit and went back home to [REDACTED].

45. Buckles left Ringling when they could not reach agreement on a contract and he went to work for the Big Apple Circus. Axel Gautier transferred from Circus World and took Buckle's place on the blue unit. Franz Tisch was hired to replace Gautier at Circus World. Tisch hired me back to the circus in 1978. I was hired as an experienced bull hand to manage the tough elephants, Major, Vance, Hugo, Juno, Syd, and Charlie. These elephants had been on the road for two years and were taken off and brought to Circus World. I was hired by Franz to "square them all away," the circus term for beating an elephant. Franz couldn't work Major or the other tough elephants. Gunther Gebel-Williams had gotten Franz the job.

Gunther was a horse and cat man. He worked elephants, but didn't know how to train them.

46. One day, Major and Juno nearly killed an elephant handler named [REDACTED]. They were on the picket line, outside, chained by one front leg. When [REDACTED] walked by, Major knocked him over to Juno with his trunk. Juno knocked him back to Major with her front leg. Major was trying to do a head stand on [REDACTED] and I rescued [REDACTED] as Major was trying to gore him with his one short tusk. He was bruised, but didn't need to go to the hospital.
47. Sometime after that, Major knocked me down at Circus World. I walked into the barn to throw down hay. Major lunged forward and got me on the head with his trunk and tried to gore me with his one tusk. I was knocked into the barn wall. I went behind Major and beat him for five minutes with a bullhook and used a hot shot. I took a break, then beat him more. I laid him down and hooked him repeatedly in his ear canal. The second beating lasted 10 minutes. Major was screaming bloody murder.
48. Major was a very dangerous, rogue elephant who is now dead. Theodore Svertesky put Major down in Venice, Florida. Svertesky was later killed in Ringling's 1994 train wreck. When the train derailed, a refrigerator fell on him.
49. After about six months of being back at Circus World, sometime in 1978, Gary Jacobson offered me a job working for him in Reno at the JA Nugget casino. I was hired to train Tina, a young elephant who performed with an older elephant *S.H. Help* named Bertha. Tina was originally named Brenda and came from Carson &

Barnes Circus. She was running amok on stage. She was six years old and we had
^{SH The ORIGINAL TINA}
only six weeks to train her. Gary Jacobson and I trained her with brute force.

50. Tina could lie down, move up, trunk up, but didn't do them very well. We trained her to "bottle walk." The "bottle walk" is where they walk on small pedestals and they have to synchronize their front and opposing back leg while walking forward and backward.

51. We trained Tina to walk a balance beam, pull slot machines with her trunk, head stand, hind leg stand, front leg walk, and we harness broke her.

^{SH / STAND}
52. We trained Tina by working with her twice a day, 1-1/2 hours each session; beatings were daily. She was a smart elephant and caught on quick. She had quite a few hook marks on her and we used quite a bit of electricity. Tina had one day off a week, but we still worked her on her day off by putting her through her routines to see what she had learned.

53. Bertha knew not to crap on stage, but Tina didn't. Tina was fed sparingly during the day so that she wouldn't crap on stage while performing inside the theater. Gary presented the elephant act during the show. We opened for a number of famous entertainers, including Red Skelton, Dick Clark, Bo Diddly, and Susan Anton.

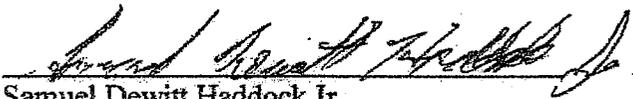
54. I worked at the Nugget for six months. I quit in 1979 and went to Myrtle Beach, S.C., where I again worked in construction. I left because I didn't like Reno and was tired of working there. Gary was at the Nugget for about two years.

55. I was out of the circus business for awhile and worked in carpentry and construction. In 1997, Gary Jacobson hired me to work at CEC.

56. When Kenny, the baby elephant, died on the road in 1998, Gary told me that Mark Oliver Gebel called him up at CEC and said, "Send me another," like he was ordering up a replacement for a broken prop. Gary refused to send him another baby.
57. I was absent the day that David Mannes was attacked in 2005. A co-worker told me the next day what happened. Tova nearly killed him while he was moving Tova out to a pen and crushed him up pretty bad.
58. Some power tricks they've stopped doing because it was crippling the elephants at too young of an age and causing arthritis and ruptures in their uterus. Power tricks include standing on a tub on one leg and walking on their hind legs. The one foot stand has crippled quite a few elephants, including Sophie.
59. The bullhooks used in the ring during a show are called "show hooks." It's smaller and the handle is painted black or taped with black plastic tape so it can't be seen by the audience. Bigger, non-breakable bullhooks are used in training and handling.
60. A bullhook was never referred to as a "guide." I never heard anyone in the circus ever refer to the bullhook as a "guide." The bullhook is designed for one purpose, and one purpose only, to inflict pain and punishment. I should know, I used to make them. I built them to where you can't break them, no matter how hard you hit the elephant. The first test is to go out to an oak tree and test drive it by whacking as hard as I could to try to break it and to try to shake the hook loose. I've probably made at least fifty bullhooks throughout my career.

61. During the course of my career, I've seen elephants being beaten who have no idea why they are being beaten or what is expected of them. They will start randomly lifting one leg, then another and another, lifting their trunk, hoping some trick will satisfy the trainer and make the beating stop.

62. Towards the end of my career, when someone would ask me what I did for a living and I'd say that I was an elephant trainer for Ringling, the first thing they would ask is, "Is it true you have to beat elephants to make them perform those tricks?" I stopped telling people what I did for a living. I was ashamed.


Samuel Dewitt Haddock Jr.

State of Florida

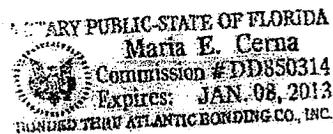
County of Lake

City of Clermont, to-wit:

Subscribed and sworn to before me this 28 day of August 2009, by
Samuel Dewitt Haddock Jr.



Notary Public



Mother Jones

The Cruellest Show on Earth

Bullhooks. Whippings. Electric shocks. Three-day train rides without breaks. Our yearlong investigation rips the big top off how Ringling Bros. treats its elephants.

By Deborah Nelson | Mon Oct 31 2011 3:00 AM GMT



It's a classic image: elephants lumbering trunk to tail. But is this docility born of positive reinforcement—or fear of being beaten? Keith Meyers/The New York Times/Redux

It was a drizzly winter day, and inside the Jacksonville Coliseum [1], Kenny, a three-year-old Asian elephant, was supposed to perform his usual adorable tricks in *The Greatest Show on Earth*: identifying the first letter of the alphabet by kicking a beach ball marked with an "A," twirling in a tight circle, perching daintily atop a tub, and, at the end of his act, waving farewell to the audience with a handkerchief grasped in his trunk [2].

But Kenny was clearly sick. Elephants are highly intelligent creatures that develop at a similar rate as humans. In the wild, Kenny would still be at his mother's side, just beginning to wean. In captivity, he was a voracious consumer of water and hay but for the past day or so had showed little interest in either [3]. He seemed listless. Worried attendants in the tent where the elephants were chained between shows twice alerted a circus veterinary technician.

Under federal regulations, sick elephants must get prompt medical care and a veterinarian's okay before performing. Neither occurred, and at showtime Kenny trotted out to the center ring. He developed diarrhea during the morning show. During the afternoon performance, he began bleeding from his bottom and

afterward struggled to stay on his feet. It was only then that Gary D. West, a circus veterinarian, arrived from St. Petersburg to examine the young elephant. West prescribed antibiotics and recommended that Kenny skip the evening show—in a later affidavit, he didn't stress concern for the elephant's health but rather that "to not show some blood which might be seen by a spectator and cause speculation as to his well being [4]."

West was overruled by Gunther Gebel-Williams [5], Ringling Bros. and Barnum & Bailey's legendary golden-haired animal tamer who'd retired from the ring to be vice president of animal care. So Kenny made his third appearance, although he was too weak to perform any stunts.

After the evening show, the bleeding continued. The elephant crew gave Kenny rehydration fluids and shackled him in his stall. Less than two hours later, a night attendant discovered his bloodied body on the concrete floor [6]. The cause of death remains unclear.

Feld Entertainment, Ringling's corporate parent, did not announce Kenny's death to the public for nearly a week [7], until an employee tipped off animal rights activists. They demanded action from the Department

of Agriculture, which licenses and inspects circuses under the Animal Welfare Act. Under intense public pressure, including a letter-writing campaign headlined by Kim Basinger, the USDA charged Feld Entertainment with two willful violations [8] for making Kenny perform ill without prompt or adequate veterinary care.

That was in 1998, and at the time it seemed like a turning point in the decades-long fight over circus elephants. For years, animal rights organizations had been releasing horrific undercover videos showing Ringling trainers abusing elephants, but USDA investigations never produced evidence that officials deemed strong enough to warrant action. Now there was a dead body—and a recent precedent. The agency had just fined the King Royal Circus, a small family operation, \$200,000 for allowing an elephant to die in an overheated trailer of an untreated salmonella infection.

More: Read court transcripts, vet records, and other primary sources [9] from this investigation.

But after a few months, the USDA announced a settlement. Feld Entertainment would donate \$20,000 to elephant causes. In return, the agency absolved the company of blame for Kenny's death and further declared, "Ringling Bros. has never been adjudged to have violated the [Animal Welfare Act]."

"If I were an elephant, I wouldn't want to be with Feld Entertainment," admitted a USDA official. "It's a tough life."

The USDA unwittingly opened a new chapter in the animal rights movement. Frustrated by the agency's inaction, advocates turned to federal courts. This shift in strategy has not yet produced a judgment against Feld Entertainment, but it has unearthed an extraordinary trove of records that its lawyers and government regulators had taken great pains to ensure the public would never see; in one notable instance, documents came to light only after a judge threatened to put Feld executives in jail [10]. They include dozens of videos and thousands of pages of investigation files, veterinary records, circus train logs, and courtroom testimony.

Feld Entertainment is a privately held corporation owned by Kenny's namesake, CEO Kenneth Feld, whose family bought Ringling for more than \$8 million in 1967 and folded it into an entertainment empire [11] that includes Ringling's three-year-round touring circus troupes, as well as Disney On Ice, Disney Live, and Monster Jam. Together these shows play for more than 30 million people a year, with annual revenues estimated at between \$500 million and \$1 billion. But the four-ton behemoths are the biggest draw,

generating more than \$100 million annually in revenues, according to testimony by Feld executives.

It's hard not to be captivated. Elephants are smart, social creatures that communicate through a complex score of rumbles, trumpets, and gestures; they also have long memories and the capacity to celebrate, mourn, and empathize.



CEO Kenneth Feld at the circus' winter quarters Jim Stem/St. Petersburg Times/Zuma Press

Feld Entertainment portrays its population of some 50 endangered Asian elephants as "pampered performers" who "are trained through positive reinforcement, a system of repetition and reward that encourages an animal to show off its innate athletic abilities." But a yearlong *Mother Jones* investigation shows that Ringling elephants spend most of their long lives either in chains or on trains, under constant threat of the bullhook, or ankus—the menacing tool used to control elephants. They are lame from balancing their 8,000-pound frames on tiny tubs and from being confined in cramped spaces, sometimes for days at a time. They are afflicted with tuberculosis and herpes, potentially deadly diseases rare in the wild and linked to captivity [12]. Barack, a calf born on the eve of the president's inauguration, had to leave the tour in February for emergency treatment of herpes—the second time in a year. Since Kenny's death, 3 more of the 23 baby elephants born in Ringling's vaunted breeding program have died [13], all under disturbing circumstances that weren't fully revealed to the public.

Despite years of denials, Kenneth Feld has now admitted under oath that his trainers routinely "correct" elephants [14] by hitting them with bullhooks, whipping them, and on occasion using electric prods. He even admitted to witnessing it.

But perhaps more disturbing still is the government's failure to act. Since Kenny's death, the USDA has conducted more than a dozen investigations of Feld Entertainment. Inspectors have found baby elephants injured and bound at Ringling's Center for Elephant Conservation in Florida. Whistleblowers have stepped forward with harrowing accounts of beatings [15]. Activists have released even more videos of elephant

abuse [16], and local humane authorities [17] have documented wounds and lamenesses among animals. None of that has moved regulators to action.

Circus oversight rests with the animal care unit in the USDA's Animal and Plant Health Inspection Service. Officials there, as at Feld Entertainment, were not willing to be interviewed. So I called W. Ron DeHaven, who headed the animal care unit from 1996 until 2001 before ascending to lead all of APHIS from 2004 to 2007. (He is now executive vice president of the American Veterinary Medical Association.)

During DeHaven's tenure at the USDA [18], a 2005 audit by the department's inspector general criticized the animal care unit for being too lenient on violators. The report singled out the Eastern region, which oversees Ringling's operations, for its failure "to take enforcement action against violators who compromised public safety or animal health."

With an annual budget of only \$16 million and 111 employees to monitor nearly 9,000 animal entertainment, breeding, and research facilities, the agency didn't have the capacity to prosecute many cases, DeHaven explained. He acted on the egregious cases, he said, like King Royal. I asked what made that case worse than others. A dead elephant, he said, and a clear violation.

How was that different than Kenny? DeHaven said he didn't recall the particulars of that case. But, he added, "You don't take on an organization like Feld Entertainment without having strong evidence to support it."

That sentiment was echoed by Kenneth H. Vail, who for decades served as the USDA's lead legal counsel on animal welfare cases. We met at his red brick townhouse in northwest DC in July, just after his retirement. Thin-faced, with soft eyes and a quiet voice, he invited me in out of the 100-degree heat to talk for more than an hour. He said Feld Entertainment cases received special attention from him and other top department brass. "A case involving a multimillion-dollar company is significant," Vail said. "There's a political aspect to Feld cases. The company is a big target for animal rights groups." True, USDA investigators advocated action against Feld Entertainment on numerous occasions, but Vail said he never felt their evidence could withstand a legal challenge by the company. "There's no way to control an elephant without an ankus," and the Animal Welfare Act doesn't prohibit it, he explained. Maybe a time will come when bullhooks, chains,

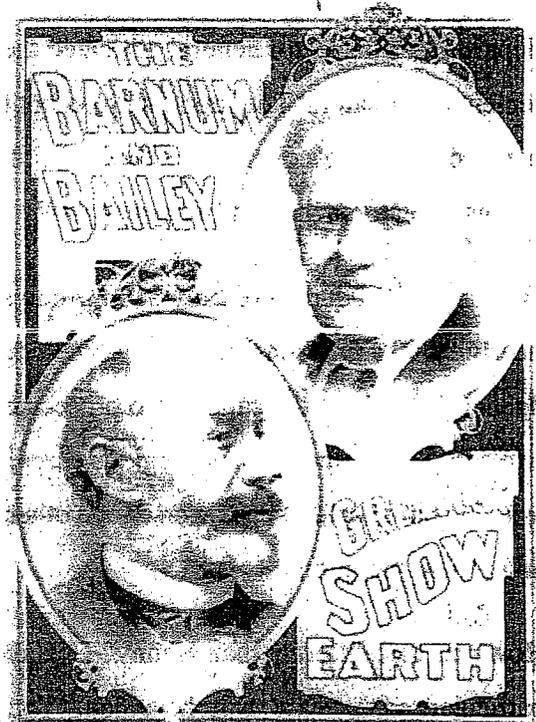
Ringling elephants spend most of their long lives either in chains or on trains, under constant threat of the bullhook, or ankus—the menacing tool used to control elephants.

and "elephants getting paraded around doing unnatural things" is prohibited, he said, but until then, litigating abuse is difficult.

"If I were an elephant, I wouldn't want to be with Feld Entertainment," Vail conceded. "It's a tough life."

Save for modern sound and lighting systems, today's circus hasn't changed all that much from the spectacle created by P.T. Barnum [19], the corpulent showman who delighted audiences with midget Tom Thumb, faux mermaids, and soprano Jenny Lind [20] (PDF).

By 1850, Barnum also had a traveling menagerie that featured an elephant or two. But he imagined an entire herd, so he dispatched agents to sail to Ceylon (now Sri Lanka), where they hired 160 "native assistants" to search the jungles [21]. The most daring waited until an elephant napped against a tree. They would tickle a sensitive spot on the elephant's hind leg and, when it lifted its foot to shake off the nonexistent insect, slip a noose around its ankle. The expedition "killed large numbers of the huge beasts," Barnum wrote in an autobiography. But 11 live ones were hoisted into a ship's hold for the 12,000-mile voyage to New York City. One died en route and was dumped overboard. Barnum paraded the rest down Broadway harnessed to a chariot, and they became the featured attraction of a new traveling show, Barnum's Great Asiatic Caravan, Museum, and Menagerie.



Courtesy Library of Congress

The elephants drew rave reviews—"It is astonishing to think how docile these huge creatures are, when it is remembered that but a brief time since they were running wild in the jungle," a writer mused in Gleason's Pictorial Drawing Room Companion [21]—and huge profits. Barnum's circus grew into ever more elaborate productions, with dangerous cats, prancing horses, legions of clowns, trapezes, high-wires, and three rings under a tent the size of a palace. Barnum joined James Anthony Bailey and then merged with the seven Ringling brothers to make "The Greatest Show on Earth." The conga line of elephants was the act that crowds most flocked to see.

This was the circus Irvin Feld envisioned when he acquired Ringling in 1967 [11]. Feld, born in 1918, got his first taste of circus life as a teenager, selling snake oil (literally) from a card table at carnivals. He became an innovative music promoter, recognizing early on that serious money could be made using sports arenas for concerts and promoting then-unknowns like Chubby Checker and The Everly Brothers. In 1956, when Ringling had lost both luster and financial footing, Feld persuaded Ringling's grandson to abandon the big top for sports arenas. After 10 years as the circus' booking agent, he and two partners bought it. John Ringling North cited "their dedication to maintain the concept, tradition, and artistic standards of the circus." Feld called it "the happiest moment of my life."

Feld immediately recruited German superstar Gunter Gebel-Williams [22], "the greatest wild animal trainer of all time," to help boost lagging ticket sales. Back then, Ringling had just one touring company, the Blue Unit. Feld added the Red Unit to showcase Gebel-Williams and his menagerie of some 20 elephants and 50 big cats. Svelte and handsome, Gebel-Williams would enter the ring bare-chested astride two galloping steeds, send tigers leaping through flames, lead a line of elephants through a tumbling act, cuddle up with panthers, and exit with a leopard draped around his neck—an image memorialized in a 1970s American Express commercial [23].

Feld seemed on his way to restoring The Greatest Show on Earth to the height of its glory. But outside the ring, times were changing. The movie Born Free, about a couple who raised an abandoned lion cub and then set it free in Kenya, won two Academy Awards the same year that Feld bought the circus. "Animal rights" had entered the popular lexicon. Congress expanded the Animal Welfare Act in 1970, charging the USDA with setting humane standards for treatment of warm-blooded animals by researchers, breeders, and exhibitors—including circuses. In 1973, Congress passed the Endangered Species Act [24], which barred "harm" or "harassment" of listed animals. Asian elephants made the endangered list several years later, and their import was banned under international conventions. Smaller than their African cousins and generally considered much easier to manage, Asian elephants had for decades comprised the vast majority of Ringling's stock. The listing effectively shut down the supply line.

By the time Irvin Feld died in 1984, leaving his son, Kenneth, to run the show, animal rights organizations were proliferating. Zoos began adopting an emerging animal management philosophy called "protected contact," which controls animals with physical barriers instead of sticks and chains. But this was of little use to the circus, where direct interaction between humans and wild beasts is the point. Feld Entertainment faced a conundrum [14]: The audiences still wanted to see elephants—but they wanted to see them treated

nicely.



Renowned Ringling Bros. trainer Gunther Gebel-Williams during his 1989 farewell tour Scott McKiernan/Zuma Press/Newscom

So the company poured tens of millions of dollars into PR campaigns that portrayed the elephants as willing performers, as well as legal firepower to keep regulators and activists at bay. Gebel-Williams got a makeover. A press release lauded his "animal training based on mutual respect and positive reinforcement" that "forever changed the standards of animal training." It's true that Gebel-Williams had an extraordinary rapport with the animals, but it's also true that he routinely whipped elephants and struck them with bullhooks. A few months after Kenny's death, Gebel-Williams was spotted whipping a baby elephant in the face outside a circus train in Mexico City [25].

Nonetheless, the sleight of hand worked. When Gebel-Williams died in 2001, the *Sarasota Herald-Tribune's* obituary noted that he had "substituted humane, positive reinforcement and reward for the fear and force upon which many animal trainers rely."

The biggest challenge for Feld Entertainment's "positive reinforcement" campaign was the ubiquitous bullhook or ankus. It's a malevolent-looking instrument, about three feet long, with a sharp, metal point-and-hook combination at one end [26]. The point is for pushing. The hook, inserted in the mouth or at the top of the ear, is for pulling. Both are sharp enough to pierce elephant hide.

In Rudyard Kipling's 1894 classic, *The Jungle Book*, Mowgli finds an ankus and asks the panther Bagheera what it is used for:

"It was made by men to thrust into the heads of [elephants]," said Bagheera. "That thing has tasted the blood of many."

"But why do they thrust into the heads of elephants?"

"To teach them Man's Law: Having neither claws nor teeth, men make these things, and worse."

Feld Entertainment rebranded the ankus as a "guide." Handlers hid them in their sleeves or carried smaller, less menacing-looking models during the show. As Joan Galvin, the company's vice president, assured the Associated Press in 1998: "Elephants are one of the most beloved acts that performs in the circus today. Abusive techniques are absolutely prohibited."

In December of that same year, two attendants on the Blue Unit left the tour during a stop in Huntsville, Alabama.

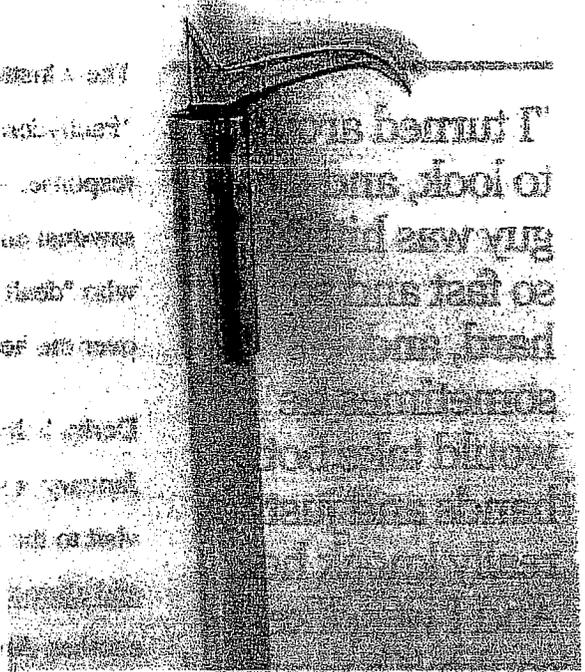
They called a local animal welfare office, explaining they had quit in disgust over the way the elephants were treated. The woman put them in touch with Pat Derby, a former Hollywood trainer who had founded the Performing Animal Welfare Society (PAWS).

With fiery orange hair atop a stout physique, a gravel voice, and a talent for attention-grabbing tactics, Derby had been Ringling's No. 1 antagonist for more than a

decade [27]. Her supporters organized protests outside performances and shot videos of trainers hitting elephants.

Derby arranged for lawyers to take the men's videotaped depositions and written affidavits [28]. The attendants, Glenn Ewell and James Stehcon, had lived transient, sometimes troubled lives, working off and on for circuses.

At Ringling, where they mucked out elephant pens and assisted with feeding, they claimed to have witnessed regular elephant abuse and more than a dozen extended beatings during their three months on the road.



Baby Benjamin's trainer struck him with a bullhook "all over the head, quite forcefully and repeatedly. It was not pretty." David Handschuh/New York Daily News/Getty Image

Several of the beatings targeted Nicole, a twentysomething elephant named after Kenneth Feld's eldest daughter. Sweet-natured but clumsy, Nicole would frequently miss her cues to climb atop a tub and place her feet on the elephant next to her, Stehcon said in his videotaped statement [28]. "I always rooted for her,

"Come on, Nicole, *get up*," he said. "But we left the show, brought the animals back to their area, and... we took the headpieces off, and as I was hanging them up, I heard the most horrible noise, just whack, whack, whack. I mean, really hard. It's hard to describe the noise. Like a baseball bat or something striking something not—not soft, and not hard... I turned around to look, and this guy was hitting her so fast and so hard [with the ankus], and sometimes he would take both hands and just really knock her, and he was just doing that. And I was, like, I couldn't believe it."

Benjamin, a precocious three-year-old, also suffered frequent beatings from his trainer, Ewell and Stehcon said. Able to balance on a wooden barrel, ride a tricycle, shoot hoops, play musical instruments, and paint a picture by holding a brush with his trunk, Benjamin had appeared on *The Today Show* and *CBS This Morning*. His trainer, Pat Harned, told journalists that Benjamin had been trained thanks to rewards of bread or bunches of bananas.

"I turned around to look, and this guy was hitting her so fast and so hard, and sometimes he would take both hands and just really knock her. And I was, like, I couldn't believe it."

The whistleblowers told investigators that Harned also used force.

"Pachyderms want to throw things on their back, it's a—it's a genetic response. Anyway, I saw Benjamin, after he was brushed off, take some sawdust and throw it on his back," Stehcon said [28]. That upset Harned, who "dealt with it accordingly, with a bullhook, striking Benjamin all over the head, quite forcefully and repeatedly. It was not pretty."

Derby helped the men file a formal complaint to the USDA. In early January, a senior investigator and veterinarian followed up with a surprise visit to the Blue Unit, on tour near Miami. The USDA team found scars and abrasions on several elephants [29] and a fresh puncture wound on another. Another Ringling employee reported treating hook boils—infected bullhook wounds—"twice a week on average."

But all five trainers and handlers named by Ewell and Stehcon denied abusing elephants or ever seeing anyone else do so. "I have a very good relationship with the elephants, especially the babies Benjamin and Shirley," Harned told the investigator. "There is no abuse of any of the elephants. I treat these elephants as my children."

Ewell Harned Affidavit: "I treat these elephants as my children" (p. 1)

DeHaven, the animal care unit director, received a report from the senior investigator that none of the allegations could be confirmed. But he also received a complaint from the director of the Eastern regional office [30] about the quality of the investigation. She wrote that the investigator hadn't interviewed the Ringling employees whom the whistleblowers had identified as potential corroborating witnesses, nor had he followed up on the worrisome admission that hook boils were commonplace.

Yet another back-channel note [31] came from Feld Entertainment's corporate counsel, Julie Strauss. She wrote that the company had dug up a past misdemeanor harassment charge against Ewell and a couple of arrest reports on Stechcon for fighting. "We bring this information to your attention so that you may consider whether it is pertinent to your assessment of the reliability of those two former employees' allegations."

Vail advised against proceeding. ("Credibility problem," he told me.) And DeHaven closed the case [32], writing that he ultimately was swayed by the vehement denials of the accused trainers.

Meanwhile, DeHaven received alarming reports from the USDA investigators who'd conducted a routine inspection of Ringling's Center for Elephant Conservation [33], the \$5 million, 200-acre complex the company had opened in 1995 to ramp up its nascent captive breeding program.

On February 9, 1999, two animal care veterinarians arrived and were escorted around by Gary Jacobson, then the center's director of elephant training and now its head. Their last stop was the night holding barn, where they found two baby elephants, restrained with ropes and chains, barely able to move. The elephants, 18-month-olds named Doc and Angelica, each had lesions on their hind legs and scars from healed injuries [34].

"Gary Jacobson said Doc and Angelica were weaned from their mothers on January 6th and that the scars were from rope burns during this process," the vets' report later read. "He described the process as putting a cotton rope around each leg, then a chain around the neck, and leading the baby off with another elephant."

In the wild, elephants suckle for two to four years and remain under their mother's care until their late teens to learn social and survival skills—not unlike humans. But Ringling's elephants can be forcibly removed from their mothers when they are barely more than a year old. (Nearly a decade later in testimony [35], Jacobson would describe a recent separation of two babies from their mothers this way: "We just grabbed them and tied them up," one for 10 days and the other for four months—except for 40 minutes of exercise a

exercise a day.)

The inspectors wanted to cite Ringling; DeHaven concluded, "There is sufficient evidence to confirm the handling of these animals caused unnecessary trauma, behavioral stress, physical harm and discomfort." Even so, he declined to take action. Instead, he wrote to Feld officials that he felt "certain that you will address this situation to ensure that it does not reoccur."

It wasn't even a slap on the wrist, but Feld was still aggrieved. DeHaven finally agreed to downgrade the matter from an "investigation" to a "fact gathering process."

Two months later, *Today Show* star Benjamin and a four-year-old named Shirley were being transported by an 18-wheeler from Houston to Dallas when trainer Pat Harned—who'd worked with them since they'd been taken from their mothers—decided to stop overnight at a property owned by the truck driver's father-in-law. In the morning, Harned let the elephants wander into a pond on the property. A little while later, Benjamin was dead. Harned says when he called to the elephants to get out, Shirley came, but Benjamin just dove underwater and died. Experts hired by Feld eventually surmised that he may have suffered a heart attack, though they puzzled over why such a young, healthy elephant would succumb.

Wild elephants suckle for two to four years and remain under their mother's care until their late teens—not unlike humans. Ringling elephants can be forcibly removed from their mothers when they are barely a year old.

A senior USDA investigator interviewed the other witnesses who said Harned struck Benjamin with his bullhook while he was playing near the shore, which is why he swam into deeper water. "The elephant seeing and/or being 'touched' or 'poked' by Mr. Harned with a ankus created behavioral stress and trauma which precipitated in the physical harm and ultimate death of the animal," the investigator wrote his superiors.

Once again, DeHaven and Vail saw no cause to act. "Benjamin? Give me a break," Vail said when I asked about the incident.

But if the USDA didn't have enough evidence to suspect that abuse—or fear of it—may have been a factor in Benjamin's death, it soon would. Tom Rider arrived on PAWS's doorstep in March 2000. A big man with a wide, friendly face, he'd spent two and a half years feeding and watering elephants on Ringling's Blue Unit. Eventually, he'd provide a USDA investigator with a seven-page sworn affidavit [38] describing 25 incidents of elephant abuse by more than a dozen members of the Ringling crew.

humans. Ringling elephants can be forcibly removed from their mothers when they are barely a year old.

A year before Benjamin died, Rider said he saw Harned strike the young elephant repeatedly with his bullhook in the presence of the adult elephants. Females are very protective, and Karen, an older elephant, began to clank her leg chains aggressively. Harned stopped hitting Benjamin, the affidavit said. "And then he came over there and he started in on Karen for at least 21 minutes, 23 minutes. He had her jabbing her under the leg, making her raise her foot up and hold it there, hitting her behind the leg, come up and jabbing her in the side," Rider later testified. "Hooking on the head and behind the ears. It just went on and on." Rider also said Nicole was singled out for terrible punishment.

After taking Rider's affidavit, the investigator added a personal observation [39]: "There is no question that he loves the elephants that he worked with, and wants to help them find a better life than what is provided by the circus." She also sent a request to her superiors that Nicole be located and examined, and that her medical records be obtained immediately—to no avail. The agency "has let many people down (as well as Nicole) on being able to truthfully report the disposition and well being of this animal," the investigator wrote [40].

Soon after, the case was closed without action.

By early 2000, Derby of PAWS had had enough. She turned to Katherine Meyer, a gregarious blonde who, with her husband, Eric Glitzenstein, ran what *Washingtonian* magazine called "the most effective public-interest law firm in Washington." The couple met working for Ralph Nader in the 1980s and, after striking out on their own in the 1990s, scored a string of animal rights victories that caught Derby's attention.

Meyer proposed that PAWS file a federal lawsuit against Feld Entertainment, seizing on a provision in the Endangered Species Act that allows citizens to sue violators directly. Such citizen lawsuits had been used to protect endangered animals in the wild but not in captivity. A win would revolutionize animal exhibits.

As part of its multimillion-dollar spying operation on animal rights groups, Feld hired former CIA covert ops head Clair George.

That same spring, two private detectives visited Derby. They explained that they'd been retained by a fired Feld executive to gather evidence of the company's illicit spying on animal rights groups. The former executive had reportedly stiffed them on their fee, so—for \$200,000, records show—they offered up 20 boxes of documents on her organization. The materials included purloined records, weekly surveillance reports, and evidence that two Feld moles had infiltrated PAWS by posing as volunteers; one had gained entry to Derby's inner circle. There was evidence of similar schemes against the People for the Ethical Treatment of Animals (PETA) and the Elephant Alliance.

It was part of a multimillion-dollar spy operation run out of Feld headquarters to thwart and besmirch animal rights groups and others on the company's enemies list, according to a stunning Salon piece by Jeff Stein [41]. Feld had even hired Clair George—the CIA's head of covert operations under President Reagan until his conviction for perjury in the Iran-Contra scandal. (George, who died in August, received a pardon from President George H.W. Bush.)

Derby filed a civil lawsuit [42] against Feld Entertainment for racketeering and fraud on June 8, 2000, in the federal courthouse for the Eastern District of California. About a month later, Meyer filed the elephant lawsuit in the federal district courthouse in Washington, DC. Soon after, lawyers for Feld approached Derby with a generous settlement offer on the spy case. They would donate elephants and cash to her wildlife sanctuary if she dropped the elephant lawsuit and refrained from publicly criticizing Feld Entertainment. She agreed.

But the elephant lawsuit limped along with Meyer remaining lead counsel and Rider and seminal players in the animal rights movement—including the American Society for the Prevention of Cruelty to Animals, the Animal Welfare Institute, the Fund for Animals, and eventually the Animal Protection Institute—as plaintiffs. The case was assigned to US District Judge Emmet Sullivan, a mercurial jurist who quickly tossed the suit for lack of standing; he found that none of the *people* involved could prove that Feld Entertainment's actions had caused them harm. (Animals don't have standing.) The appeals court overruled him in 2003, at which point Meyer subpoenaed government documents and filed discovery requests with Feld Entertainment. Feld stalled for more than a year until the company's lawyers finally sent word that the records would be delivered on June 9, 2004.

Meyer prepared for a sizable document dump. But at the appointed hour the deliveryman left just two cardboard file boxes of press releases and other innocuous materials. Instead of the detailed veterinary charts Meyer had requested, she got a page or two on each elephant. She pressed, but Feld Entertainment stonewalled [43].

Meanwhile, the casualties at Ringling were mounting. In early August of 2004, an eight-month-old elephant named Riccardo was euthanized after he broke two legs. A Feld press release explained that he had been playing outside when he climbed, as he often did, onto "a round platform 19 inches high. This time, he lost his balance and fell." Although Ringling denied it, the activity sounded suspiciously like a training drill. Investigators recommended that Ringling be found in violation for failing to provide adequate care after he fell.

On August 20 and 21, an anti-cruelty activist in Oakland, California, videotaped a Ringling handler repeatedly striking a seven-year-old elephant with a bullhook while it was chained. It was Angelica, the same animal USDA inspectors discovered bound and injured at the Center for Elephant Conservation in 1999. This time, they recommended an \$11,000 penalty [44] for excessive force and chaining. A regional USDA director for animal care urged his superiors to take action: "Feld Entertainment is a large corporation with a previous enforcement history." Then-Illinois Sen. Barack Obama joined the chorus at PETA's request. The cases landed in Vail's office, where they hit a dead end.

But Meyer saw an opening. There had been no mention of Riccardo's birth, let alone death, in the "complete" veterinary records she had received. When Judge Sullivan demanded an explanation, Feld's lawyers responded that their client had recently found a stash of about 2,100 pages stored in the home of William Lindsay, the company's chief elephant veterinarian.

"How could you overlook 2,100 pages of documents?" Sullivan thundered [10]. "If I have to march those CEOs in here for explanations under oath and under penalty of perjury I'll do that...I'm not going to rule out incarceration either. Because I'm sick and tired of all these efforts by litigants to hide the ball...And when I say all, I mean all, every last record."

"I'm sick and tired of all these efforts by litigants to hide the ball..." (p. 36)

Dozens of boxes of medical records promptly arrived at Meyer's office. Riccardo's veterinary charts were tucked inside one. He'd been the firstborn of Shirley, the elephant who as a baby swam with Benjamin on the day he died. Subsequently unable or unwilling to perform, Shirley was returned to the Center for Elephant Conservation and was impregnated before her seventh birthday. Elephants enter puberty around 10. In the wild, they practice mothering by babysitting younger elephants [45], begin breeding in their teens, and give birth surrounded by experienced females who assist and trumpet the calf's arrival to the rest of the herd.

Shirley gave birth on December 5, 2003, at age eight. She was chained by three legs and surrounded by human handlers, who poked her with bullhooks during labor. When the slippery newborn dropped, trainers whisked him away. Riccardo was placed in the care of center training director Jacobson and his wife. His training started at three months, while he was still being bottle-fed. The couple tied ropes to his trunk and feet to get him to climb on the tub or attempt other tricks. By six months, he developed knee problems. "Not laying down, seems to be uncomfortable," read a notation by the animal care staff for June 15, 2004. "Left rear leg, knee appears to be swollen." They administered a painkiller and training resumed [46]. On July 9, 2004, another notation said, "Front leg stiff." He received a painkiller and training resumed.

Four weeks after that entry, the fatal accident occurred. Testimony would later reveal it wasn't during play, as Feld Entertainment had contended, but during a training exercise [47] while being pulled by a rope tied to his trunk onto a 19-inch-high tub.

One of the problems bedeviling the plaintiffs was their inability to line up an elephant veterinarian as an expert witness. And no wonder: Nearly all worked for zoos, which feared for their own operations should the Endangered Species Act protections be extended to captive wild animals. But the plaintiffs lucked into Philip K. Ensley. Recently retired after 29 years at the San Diego Zoo, he agreed to review the evidence.

Ensley pored over medical documentation, regulatory records, and deposition testimony; he inspected the

inspected the elephants at the Center for Elephant Conservation and on tour. He detailed his findings in a 290-page report.

"Nearly 100 percent" of the adult elephants were lame with serious foot problems or musculoskeletal disorders, he found. Their feet were misshapen, ulcerated, abscessed, and infected—no small matter for a four-ton animal forced to spend most of its life standing in place. Twelve of sixteen young elephants suffered from various foot or limb maladies. His analysis read like the shift report at a geriatric ward: "stiffness," "peg-legged," "lameness," "chronic left stifle," "sloughing toe nails," etc.

Ensley blamed the elephants' relentless travel and performance schedule—48 weeks a year—and being forced to stand for long hours on hard surfaces for their injuries. "These are large terrestrial mammals, the largest," he later testified in court. "I think what you're seeing here is an abundance of conditions related to an environment that they weren't genetically programmed for."

The Blue and Red units crisscross the country in trains of 50 cars or more, each covering 16,000 miles annually to perform in 30-plus cities. The company boasts that the animal cars are specially designed with fresh water supplies, fans, misters, and heaters, and it asserts that rest stops are built into the travel schedule to allow the animals to disembark for fresh air and exercise.

Yet Meyer's staff found transportation orders for 600 trips from 2000 through 2008—and just 14 included rest stops. Michelle Sinnott, a young paralegal who postponed law school to work on the case, typed the data into a spreadsheet. Her calculations revealed that the elephants traveled 26 hours straight on average. Some legs extended beyond 70 hours without a break. The longest stretch: 100 hours on a 1,830-mile journey from Lexington, Kentucky, to Tucson, Arizona.

Up to five elephants are crammed in each boxcar. The average elephant produces approximately 15 gallons of urine and 200-plus pounds of solid waste in a 24-hour period. Former circus workers described the unbearable stench when they opened the cars for water stops—during which they typically replenished supplies without letting the animals out.

supplies without letting the animals out. ...
Feld Entertainment's medical charts made virtually no mention of bullhook injuries. But Ensley found repeated references to scars on the animals' left sides where handlers traditionally stand and at one point — ears, jaws, anuses, and other sensitive spots that handlers prod to get the animals' attention. He also found evidence elsewhere in the discovery materials.

"After this morning's baths, at least four of the elephants came in with multiple abrasions and lacerations from the hooks," a new veterinary technician wrote in 2004 to chief vet Lindsay. "The lacerations were very visible and I had questions at the open house from two members of the public about where they were from."

A Ringling animal behaviorist complained about an elephant

hooked so severely that it was "dripping blood all over the arena floor during the show."

Another Ringling animal behaviorist told a supervisor in 2005 that she'd been banned from the elephant barn after complaining about an elephant hooked so severely that it was "dripping blood all over the arena floor during the show." She added that she saw the Blue Unit's elephant superintendent, Troy Metzler, "hitting Angelica three to five times... and then using a hand electric prod within public view [51]" during a train unloading in Phoenix. When Meyer deposed Metzler, he admitted to "bopping" elephants if they didn't obey him. He said he did not believe even a forceful strike could hurt an elephant. "They are big tough animals," he observed.

hooked so severely that it was "dripping blood all over the arena floor during the show."

Another Blue Unit handler said he saw three to four puncture wounds a month from bullhooks, but they were considered too inconsequential to record in the medical files. When Ensley inspected the elephants with famous elephant biologist Joyce Poole and two other experts hired by the plaintiffs, they found "extensive evidence of scarring from bullhook use" — including scar tissue on Karen's jaw [52] where a Ringling video had shown a handler embedding a bullhook so deep that he had trouble removing it.

Ensley also found the documentation of rampant tuberculosis that the USDA had sought unsuccessfully for years. In 2000, an agency investigator had been assigned to get to the bottom of allegations that Feld

Entertainment was hiding the full extent of TB infections, which can be transmitted to humans as well as other pachyderms. But company attorneys refused to turn over the medical records, and, in an internal memo, the investigator complained that Vail's office did not back her up. (Vail does not recall this.) The

discovery materials showed that as of 2008, 19 animals had been diagnosed with the disease. At least three more were discovered to have the disease when autopsied. That's more than a third of Ringling's population.

Faced with such damning evidence, at the March 2009 trial the company shifted its strategy from denying the practices to putting them in the best possible light.

Ted Friend, a professor of animal sciences at Texas A&M University, took the stand for the defense [53]. He testified that the elephants likely enjoyed the train rides, because the long hauls satisfied their "nomadic" urge to roam—a theory Friend said he based on a USDA-funded study that he had conducted for the *Journal of the Elephant Manager's Association*. Under cross-examination, he conceded that the study had not been peer-reviewed, and that Feld Entertainment was paying him \$500 an hour to testify—\$100 more than his usual hourly fee and 10 times Ensley's rate.

At trial, Feld's lawyer compared being chained in boxcars for days to wearing a seatbelt. "It's no different than that."

Nevertheless, defense attorney John Simpson, a tall, mustachioed ex-Marine, took up the argument. "They know that when they get on that railcar that they're going to a new place," he told Judge Sullivan. "It stimulates them. The whole concept stimulates them."

"But chains are put on their legs," the judge said.

"That goes with the territory. It's like getting in your car," Simpson said.

"It's time to go. Put your seat belt on. It's no different than that."

"The average person doesn't have to sit in their feces, though."

When Jacobson, now the Center for Elephant Conservation's director, took the stand, he conceded that Ringling's baby elephants are hit with bullhooks to train them to follow commands. Sullivan twice pressed him to say whether he considered the training practices to be "humane." Jacobson described them as "better" than they used to be, but under cross-examination he admitted that he conducts the earliest training sessions with baby elephants behind closed doors and never on videotape.

"Why don't you think—what is it about the training that [the public] wouldn't understand?" Judge Sullivan interjected [54].

"Because everything is kind of *Born Free* based. Everything has to be free and warm and fuzzy and, you know, we handle elephants and then, you know, they handle thousands of them in Asia, and they tie them up

and they have bullhooks, you know, but in the modern world it's just more difficult to explain. Your Honor.

It is "this is no word"

When CEO Kenneth Feld took the stand, he finally admitted that his trainers and handlers hit elephants with bullhooks as a routine method of control and discipline.

"And you have seen Ringling Bros. employees strike elephants with bullhooks, haven't you?" Meyer asked him.

"Strike, hit, touch, tap, yes. Whatever the terminology is you'd like to use, yes," he said.

Feld also acknowledged that employees hooked elephants with the ankuses, whipped, and even shocked them on occasion, but he added that he did not believe any of those practices constituted abuse. And then he got to the bottom line: Without bullhooks and chains, Feld told the judge, the circus couldn't have elephants. And he had no intention of letting that happen.

"I mean, the symbol of The Greatest Show on Earth is the elephant," Feld said, "and that's what we've been known for throughout the world for more than 100 years."

The remarks might have resonated with Sullivan, who questioned whether a single judge should decide how elephants should be handled.

The summer came and went without a decision. PETA released another undercover video [55] of Ringling workers repeatedly striking elephants as they lined up wearing pink "The Greatest Show on Earth" headaddresses. ("Fuck you, fat ass [56]," one says as he delivers several unprovoked blows.)

On December 30, 2009, Sullivan issued a 57-page opinion [57] that made

no mention of the evidence against Feld Entertainment or the torrent of testimony about elephant misery that had rolled through his courtroom. Instead he took singular aim at Rider, the whistleblower. Adopting the defense's argument, he wrote that payments Rider received from animal groups to talk to the press about Ringling proved his motives were mercenary—even though the arrangement was modest (\$190,000 over 10 years) and had been disclosed to the judge, who had raised no objections.

An undercover video of Ringling shows workers repeatedly striking elephants as they lined up wearing

Sullivan cited a photo the defense had produced of Rider holding a bullhook (Rider said he never used it) as further evidence the former barn man didn't really care about the elephants and thus had no standing to sue on their behalf. He ruled the animal welfare groups weren't harmed by Ringling's treatment of its elephants and so didn't have standing either. "Because the Court concludes that plaintiffs lack standing, the Court does not—and indeed cannot—reach the merits of plaintiffs' allegations," he wrote [57].

pink "The Greatest Show on Earth" headdresses. ("Fuck you, fat ass," one says as he delivers several unprovoked blows.)

That March, just ahead of the cherry blossoms, the Ringling Bros. and Barnum & Bailey Circus marched its prized herd of elephants around Capitol Hill, an annual rite announcing the arrival of its traveling show. But this time, instead of swinging east of the Capitol, as it had in the past, the procession veered west, heading straight into the dark canyon of buildings that make up the federal courts complex [58]. Lead defense attorney Simpson, in a brown leather bomber jacket, strode alongside the animals as they passed directly under Judge Sullivan's window.

The plaintiffs appealed [59], but on October 28, 2011, a three-judge panel of the US Court of Appeals in Washington, DC, upheld Judge Sullivan's decision [60] on standing. Feld Entertainment is pursuing sanctions and more than \$19 million in legal expenses, alleging they and their lawyers conspired to pursue a fraudulent case against the circus. Meanwhile, the elephants' fate is back in the hands of the USDA. In 2010, PETA asked for a status report on the USDA's six-year-old investigations into Angelica, Riccardo, and a young lion that died in a train trip across the desert. The agency responded that the statute of limitations had run out. So last March, PETA petitioned the agency to reopen the cases and revoke Feld Entertainment's exhibitor's license. The organization also took the trial evidence to the Federal Trade Commission, asking that Feld Entertainment be barred from claiming its elephants are trained with positive reinforcement. Both matters are pending, as are investigations into subsequent videos and reports of abuse. Vail said he considered the "fuck you, fat ass" incident a clear-cut violation but added that he thought TB would prove to be a much bigger problem for Feld Entertainment. New guidelines for TB are under consideration that would utilize a faster test to identify infected elephants—potentially complicating logistics for touring circuses, which also could face the prospect of state health officials turning them away. "That's probably going to be the downfall of Feld's elephants," Vail predicted.

One final note: During the trial, Feld Entertainment called Kari and Gary Johnson as their leading experts in

industry standards for elephant care and management. The Johnsons are the proprietors of Have Trunk Will Travel, an elephant rental company in Southern California that supplies elephants for rides at fairs, weddings, commercials, and movies. The USDA also has tapped them to conduct agency staff trainings. Recently one of their elephants, Tai, starred as Rosie in *Water for Elephants*, a movie that depicts circus animal abuse. The Johnsons claimed that in real life Tai had been trained humanely. But in May, Animal Defenders International released a 10-minute video compilation from 2005 of the Johnsons and other trainers repeatedly striking and shocking elephants. At one point, the video captures Tai's cries as a trainer shocks her with an electric prod to get her to perform a headstand.

In a written statement, the Johnsons said the video was heavily edited, that none of it was taken during training for the movie, and that "you can make something look like anything to suit your purposes." But they don't deny that the images show the methods they use to train elephants.

A spokesman for the USDA said an inspector was dispatched to "fully look into the matter" and "turned up no evidence of abuse."

Front page image: Jonathan Bruck [61]/Flickr

Source URL: <http://www.motherjones.com/environment/2011/10/ringling-bros-elephant-abuse>

Links:

- [1] <https://www.documentcloud.org/documents/256934-kenny-performance-schedule.html>
- [2] <https://www.documentcloud.org/documents/262321-kenny-gebel-williams-affidavit-2.html>
- [3] <https://www.documentcloud.org/documents/262322-kenny-veterinary-assistant-affidavit.html>
- [4] <https://www.documentcloud.org/documents/262323-kenny-west-affidavit-2.html>
- [5] <https://www.documentcloud.org/documents/262324-kenny-witness-affidavit-re-west-being-overruled.html>
- [6] <https://www.documentcloud.org/documents/262379-kenny-night-attendant-affidavit-reporting-kenny.html>
- [7] http://jacksonville.com/tu-online/stories/013198/2b1DEAD_.html
- [8] <https://www.documentcloud.org/documents/262448-kenny-complaint.html>
- [9] <http://motherjones.com/politics/2011/10/primary-sources-ringling-bros-elephant-abuse>
- [10] <https://www.documentcloud.org/documents/262476-2005-hearing-on-motion-to-compel.html>
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- [28] <https://www.documentcloud.org/documents/262320-james-stechcon.html>
- [29] <https://www.documentcloud.org/documents/262510-ewell-cox-memo.html>
- [30] <https://www.documentcloud.org/documents/262513-ewell-goldentyr-request-for-further-investigation.html>
- [31] <https://www.documentcloud.org/documents/262514-ewell-internal-memo-on-ewell-stechcon-case.html>
- [32] <https://www.documentcloud.org/documents/262515-ewell-dehaven-closure-of-case.html>
- [33] http://www.elephantcenter.com/Facts_and_Figures.aspx
- [34] <https://www.documentcloud.org/documents/262516-babies-roi-and-memos.html>
- [35] <https://www.documentcloud.org/documents/262517-babies-jacobson-testimony.html>
- [36] <https://www.documentcloud.org/documents/262518-babies-fact-gathering-not-investigation.html>
- [37] <https://www.documentcloud.org/documents/262519-benjamin-harned-affidavit.html>
- [38] <https://www.documentcloud.org/documents/262523-rider-usda-affidavit-redacted.html>
- [39] <https://www.documentcloud.org/documents/262521-rider-ward-memo-on-interview.html>
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- [41] <http://www.salon.com/news/feature/2001/08/30/circus/print.html>

*This Circus Performed
in Hailey Summer 2013*

Jordan World Circus

4040 S. Pearl St., Las Vegas, NV 89121

Jordan World Circus no longer possesses an exhibitor license from the U.S. Department of Agriculture (USDA). The animals are leased from outside companies, so Jordan is no longer subject to citations under its own name. During the time it was USDA-licensed, Jordan World Circus failed to meet minimal federal standards for the care of animals used in exhibition as established in the Animal Welfare Act (AWA). The USDA cited Jordan numerous times for inadequate and unsafe enclosures and for failure to provide proper veterinary care, proper animal handling, nutritious food and clean water, shelter from the elements, and exercise. Jordan waited a month to seek treatment for a malnourished tiger with a fractured leg, and it forced another sick tiger to perform. Jordan left tigers and lions in small travel cages for up to 11 days without any exercise and used elephants with a history of aggressive behavior. Contact PETA for documentation.

July 29, 2010: The British Columbia, Canada, provincial Ministry of Environment denied Jordan a permit to transport and display wild animals because the circus did not have a safety plan in place that would protect the public in the event that the elephants broke loose during a show. The circus had already entered British Columbia without having first secured the required permit.

July 11, 2010: A bear got loose from a handler's leash during one of Jordan's shows in Meadow Lake, Saskatchewan, Canada, and attacked another bear. Witnesses said that the incident lasted approximately five minutes, and according to one witness, "[The circus workers] hit [the bears] with their hands really hard trying to get them separated."

March 10, 2007: The USDA cited Jordan World Circus exhibitor Steeples Bears for failure to safely handle an adult black bear who was being used for public photo shoots. During the circus's intermission, the bear sat on a chair next to members of the public—without any restraint and with no barrier other than a 4-foot-wide and 5-foot-high piece of Plexiglas. Other members of the public observing the photo shoot were separated from the bear by only a 6-inch-thick and 11-inch-high circus ring.

October 12, 2004: The USDA cited George Carden Circus, which was performing as Jordan World Circus, for failure to have written documentation to show that foot care was being provided for an Asian elephant named Duchess who had a long crack in a toenail on a hind foot.

March 2, 2003: A 9,000-pound African elephant performing with Jordan World Circus at the Shrine Circus in Muskegon, Michigan, escaped from a tent shortly before a performance and was recaptured 15 minutes later in a busy downtown area.

February 11, 2000: The *Albuquerque Journal* reported that Jordan leased an elephant named Misty from Hawthorn Corporation for a Shrine circus. On July 24, 1983, Misty killed a handler in Riverside County, California. In a 1996 incident, Misty attacked her trainer while giving rides to children.

January 2000: The Federal Motor Carrier Safety Administration fined Jordan World Circus \$4,950 for failure to implement a random controlled substances and/or alcohol testing program for employees.

October 7, 1999: The USDA cited Jordan for using a poorly ventilated trailer to transport a camel.

December 9, 1998: The USDA cited Jordan for giving dirty drinking water to animals, filthy enclosures, and failure to maintain corrals and a transport trailer.

November 12, 1998: Jordan transferred ownership of its four tigers and four lions to Sterling & Reid Circus.

September 30, 1998: The USDA assessed Jordan World Circus a civil penalty of \$2,475 for violations of federal regulations, including failure to provide veterinary care, improper animal handling, and failure to provide animals with adequate nutrition, water, and shade.

August 31, 1998: Jordan was cited for failing to provide an accurate itinerary.

August 7 and 9, 1998: The USDA cited Jordan for failure to provide adequate veterinary care. The circus was not following veterinary instructions for administering drugs or maintaining health logs to indicate treatments. The USDA cited Jordan for improper handling. A tiger named Dutchess was forced to jump out of the bed of a pick-up truck onto a hard surface when being unloaded at a veterinary facility while she suffered from a fractured right front leg. Dutchess' fracture went undiagnosed and untreated for four weeks. The veterinarian confirmed that Dutchess suffered from inadequate nutrition,

which appeared to have affected her bone development. The inspector noted that previously recommended veterinary care had not been administered.

August 5-6, 1998: The USDA cited Jordan for failure to provide adequate veterinary care. A tiger named Dutchess was limping and had a hard lump on her leg, her coat was dry and dull, and she was thin, with protruding bones. Jordan had not obtained appropriate veterinary care for Dutchess. Veterinary recommendations for deworming and blood tests for the animals had not been followed. The big cats were not being fed a veterinarian-approved, nutritionally sound diet, and the hoofed animals were fed in an unsanitary manner. Dutchess was kept in a poorly ventilated trailer with no water in 95°F heat. When offered water, she drank "intently for longer than 2½ minutes." The circus was cited for failure to provide adequate shelter to the llamas and camels, who were out in the sun with no shade while the temperature was in the mid-90s. Jordan was cited for failure to handle animals in a manner that prevents behavioral stress. Beaujolais, a tiger, became very agitated when the trainer attempted to remove her from the cage; began snarling, salivating, and hyperventilating; and attacked the bars in an attempt to attack the trainer. The inspector also noted that the llamas were running loose near fairground traffic and that there were inadequate barriers between the public and the big cats. Jordan was cited for failure to provide adequate space for two lions whose heads were bumping the top of their transport enclosure and one lion who was unable to fully extend himself while lying down. The inspector noted that lack of space and recurring lack of exercise might exacerbate Rafin's (a lion) loss of muscular control after observing that Rafin had weak hindquarters and difficulty sitting down. The trainer said that four lions and two adult tigers had been confined to the transport enclosures for eight consecutive days and that one tiger was confined for an additional three days. The circus was cited for an insufficient number of adequately trained employees, improper cage cleaning, and failure to have an emergency plan in case of an animal attack or escape.

July 29, 1998: The USDA cited Jordan for failure to provide adequate veterinary care. A tiger named Dutchess was limping, and there was no veterinary evaluation or treatment plan. The circus was cited for failure to provide adequate water. The inspector noted that there was only one water dish for eight animals. Jordan was cited for keeping two big cats excessively exposed to the sun in temperatures above 100°F and failure to provide adequate space.

July 25, 1998: The USDA cited Jordan for failure to provide adequate veterinary care. A veterinary report from July 23, 1998, did not describe tests, treatments, or follow-up needed for Maya, a 22-year-old tiger. There was no written veterinary diagnosis or treatment for a 2-year-old tiger named Dubonnet, who was prescribed topical medication. There was no log to indicate timely and appropriate health care. The inspector also noted that a tiger's transport enclosure was not structurally sound.

July 21, 1998: The USDA cited Jordan for failure to provide adequate veterinary care. A tiger named Maya was limping and lacked coordination while being observed jumping through a flaming hoop, nearly missing the pedestal. The inspector noted that Maya "performed with reluctance." Another tiger also lacked coordination and snarled during the performance. Both tigers appeared "resentful." After the performance, both tigers "were not bright and alert, and the eyes of both tigers did not focus." Maya's abnormal condition was known to her handlers, but she "was required to perform in spite of her limitations." Jordan was cited for handling animals in an abusive manner. The inspector observed two tigers who refused to leave their cage for a performance being poked and prodded by as many as three people striking the tiger with rods for up to four minutes. The handlers then struck the cage, causing a loud noise, and shook the cage for 10 minutes. The inspector wrote, "The complaint allegations that animals were treated harshly and that animals were slow and wobbly on their feet were confirmed during this inspection." Jordan was also cited for a damaged trailer for the big cats, and the circus was cited a second time for improper food storage.

February 26-27, 1998: The USDA cited Jordan for failure to provide adequate space for its big cats. The circus was also cited for improper food storage, a damaged trailer for the camels, and inadequate recordkeeping.

September 5, 1996: The USDA cited Jordan for failure to provide shelter and adequate space to two camels tethered to a truck with a short lead.

June 14, 1996: An elephant leased from Hawthorn Corporation knocked down and repeatedly kicked her trainer during a Jordan World Circus performance in Casper, Wyoming. At the time of the incident, the elephant was giving rides to children. One child fell off the elephant.

March 16, 1996: The USDA cited Jordan for improper food storage.

February 17, 1996: The USDA cited Jordan for failure to provide veterinary care to a "markedly underweight" tiger named Tess.

August 21, 1995: Jordan was cited by the USDA for failure to provide adequate veterinary care to the animals who had not been given an annual check for parasites.

March 19, 1995: The USDA cited Jordan for failure to correct previously identified noncompliances of not repairing a transport trailer and inadequate barriers.

March 1, 1995: The USDA cited Jordan for failure to maintain a transport trailer, failure to provide the required itinerary, and inadequate barriers.

January 9, 1995: The USDA cited Jordan for improper food storage.

April 6, 1994: While giving rides to two children, an elephant picked up, tossed, and stepped on a Jordan World Circus animal trainer, breaking his arm and ribs and causing internal organ damage. Another trainer was also injured in the incident.

April 1993: The USDA fined Jordan \$500 after an animal escaped from a cage and attacked a girl.

RINGLING BROS. CIRCUS CRUELTY DOCUMENTED IN 2009 TRIAL

ELEPHANTS BEING HIT

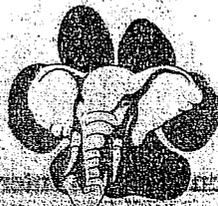
- The CEO of Feld Entertainment Inc., which runs the Ringling Bros. Circus, admitted under oath that "all" of the elephant handlers "strike" the elephants with bullhooks.
- Gary Jacobson, Ringling's head elephant trainer, testified that he uses the bullhook to "hit" the babies to make them do as he wishes. Also, the CEO of Feld Entertainment said that elephants are struck with bullhooks as "a reminder that when I say pick up your head, you should pick up your head."
- Ringling Bros.' attorney admitted that the evidence shows that Ringling Bros. "wounds" and "injures" the elephants with bullhooks.
- Robert Ridley, who has handled elephants for Ringling Bros. for over 40 years, testified that he sees "puncture wounds" on the elephants caused by bullhooks "3 to 4 times a month." He also testified that he sees "hook boils" — infections caused by bullhook wounds — on average twice a week.
- One internal Ringling Bros. memorandum reported that an elephant had "22 puncture wounds" caused by a beating with a bullhook.
- Ringling Bros.' own "animal behaviorist" reported that an elephant was bleeding "all over the arena floor" because she was hit with a bullhook several times during a show.
- Internal Ringling Bros. e-mails recount "lacerations" from "hooks" observed on the elephants after their morning baths.
- Another internal document recounts that Feld Entertainment's "Superintendent of Elephants" "was observed hitting [the elephant] Angelica 3 to five times in the stocks [with a bullhook] before unloading her."
- The record also showed that some of the elephant handlers use electric "hot shots" on the elephants.

- The record also showed that, despite the overwhelming evidence that bullhooks are routinely used to strike the elephants, no Ringling Bros. handler had ever received a written reprimand for hitting an elephant with a bullhook.

LIVING IN CHAINS

- Gary Jacobson, who runs the Circus' breeding farm in Florida testified that most of the female elephants are kept chained on two legs for at least 16 hours each day on concrete floors and some are kept in chains for 22 ½ hours every day.
- Ringling Bros.' documents show that, on average, the elephants are chained by two legs on hard surfaces, on narrow dark railroad cars for 26 consecutive hours when on the train — about 48 weeks each year — and that they are often chained for 60-70 hours at a time, and longer.
- Ringling Bros.' own employees admitted under oath that when the elephants get off the train, they are always chained "at night" — which means 10-18 hours, depending on when the last show ends, even though elephants only sleep 3-4 hours out of every 24.
- The trial record also contains voluminous evidence that the Ringling Bros. elephants — both adults and babies — engage in classic harmful "stereotypic behavior" when they are chained — i.e., they sway, bob, and weave repetitively. Dr. Joyce Poole, one of the world's leading experts on elephants, testified that she has never seen an elephant engage in such abnormal behavior in the wild, and that this behavior is a result of the extreme confinement of the elephants.
- The record further showed that many of Feld Entertainment's elephants had tested positive for tuberculosis over the years — a disease that is linked to a stressful life, and can be transmitted between animals and humans.

You can help. **BOYCOTT RINGLING BROS. CIRCUS AND OTHER CIRCUSES THAT USE ANIMALS.** Take your kids to shows that have human performers. Thank you.
Compassion4Animals.org



PAWS
Performing Animal Welfare Society
www.pawsweb.org

**LOS ANGELES
ALLIANCE FOR
ELEPHANTS**

April 28, 2010

Ms. Elizabeth Gabler, President
"Water for Elephants"
c/o Fox 2000
10201 W. Pico Blvd
Bldg. 78
Los Angeles, CA 90035

Dear Ms. Gabler,

We are writing to you as concerned citizens and world-recognized experts on wild and captive elephants to express our viewpoint regarding your upcoming production, *Water for Elephants*. In this story, an elephant named Rosie features prominently. Traditionally, Hollywood would use trained wild animals in this role. Without wishing to presume that this is your plan, we would like to offer important information and perspectives for your consideration regarding the possible use of a live elephant in the film's production. In today's climate we believe that animatronics and high-tech visual effects techniques would show far greater compassion and respect for animals while offering the best result.

Signatories to this letter include Pat Derby, director and founder of the Performing Animal Welfare Society (PAWS), who spent fifteen years working a variety of animals in film and television and is the author of the best-selling book, "The Lady and Her Tiger," which exposed the cruel training, neglect and abuse often hidden on film productions. Joyce Poole, PhD, is recognized as one of the world's foremost authorities on elephants, having studied their behavior and communication for more than 30 years. She is the founder of ElephantVoices and a trustee with the Amboseli Trust for Elephants.

Many leading authorities on elephants, including scientists, conservationists, welfare experts and veterinarians, agree that elephants have no place in entertainment. Elephants are socially complex, keenly intelligent and vigorous animals who, by their very size and nature, are ill-suited to life in captivity. In the wild, they are on the move for 20 hours a day, exploring their environment, foraging, socializing, caring for their young, and searching for mates and distant friends and relations. Elephants live in an extensive social network that radiates out from the mother-offspring bond to include family, extended family, bond groups, clans, the entire population, including adult males, and even beyond to strangers. At the core of this network is the family in which females remain for life.

The conditions forced upon elephants used in entertainment are inherently detrimental to individual welfare, since physical and social needs are always secondary to performance. Calves are torn from their mothers to be broken and intensively trained. By long tradition and often by necessity elephants are held in small pens or on chains and transported around in semi-trucks. On location they are often even further restricted. These conditions bear no semblance to an elephant's natural lifestyle. Lack of space and companions, and physical and mental inactivity all have enormous consequences for the individual's health and well-being over the course of a lifetime.

Training is a violent affair that begins when elephants are still babies; it is life-long and unrelenting, meant to break them and force them to be compliant and obedient. In the performance industry there can be no room for error with an animal as powerful and as intelligent as an elephant. To ensure that elephants perform consistently they are kept under the constant control of a handler. At the core of this control is the bullhook, a steel-tipped device similar to a fireplace poker that is used to prod, hook, jab (so-called "guiding") and strike elephants. Even when not in use, the bullhook is a constant reminder of the pain and punishment that can be meted out at any time, for any reason. So powerful is the negative association with the bullhook that an elephant who has not even seen the device in years will respond immediately to its mere presence.

The *Washington Post* published a shocking story (and even more shocking photos) last year about the training of baby elephants at the Ringling Brothers breeding center, as revealed by former handler Sammy Haddock. He described screaming babies (still at an age when they would be suckling) being forcibly taken from their mothers and the months of trauma they endured as they struggled to free themselves from ropes and chains. The postures of the babies in the photographs illustrate the fear that these calves experienced as they strained against their fetters. Only when the babies had given in to the constraints did the next phase of training begin, using more ropes, prodding with bullhooks and electric shock devices. Training sessions could last for three to four hours a day (see article attached).

The training employed by Ringling Brothers and Barnum & Bailey Circus is no different than that used by those who force elephants to perform for movies or to give rides. (In fact, some Hollywood trainers provide elephants for both these uses, such as Have Trunk Will Travel, based in Southern California.) This training is always secretive, performed at animal training compounds away from the main production to assure the total control and consistent performance that the handler needs once on the set. This also circumvents on-set monitoring by humane inspectors and scrutiny by actors and crew who might object to training practices.

The depth of knowledge we have as a society about elephants and their natural lives and needs, in concert with what we know about their suffering in captivity, should compel anyone in the film industry to use alternatives to live animals on the set. Surely, in this time of advanced film and computer-based technologies, including animatronics and VFX, there is no reason to do otherwise. The amazing strides made in this area allow films to be realized without the cruelty or harm that exists, though it may not be seen on the set.

Water for Elephants

April 28, 2010

Page Three

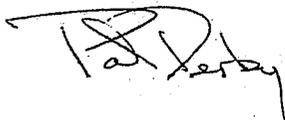
The use of elephants in circuses, zoos and entertainment is a highly controversial issue that draws major media attention, and public sentiment about their welfare is growing steadfastly. We, therefore, believe that production teams should be concerned about the public relations fallout from using live elephants.

As readers and fans of *Water for Elephants*, we believe that the computer-based creation of elephants and other wild animals in the film's production would be consistent with one of the central messages of the book, which exposes the callous exploitation and abuse of both humans and animals in the circus. By using computer technology the studio would not perpetuate the real-life exploitation and abuse of these intelligent wild animals. Rather, the production would send a very strong message to the public that would confirm Hollywood's position at the forefront of an ethically conscious society.

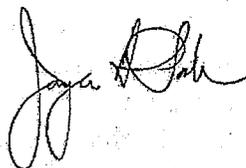
Most elephants in zoos, circuses and entertainment were forcibly taken from their families in the wild and endured capture, horrific breaking techniques, intense confinement and training. In fact, their sad stories are not very different from that of Rosie, the elephant in *Water for Elephants*. What better way to celebrate the spirit of her character and the book than to make the most compassionate choice possible and refrain from using wild animals who also have suffered in the name of entertainment.

We look forward to being able to see and enjoy an animal-free *Water for Elephants* in the not so distant future, and we are happy to discuss any elephant issues further with you if you so wish. We would appreciate hearing from you on this important issue.

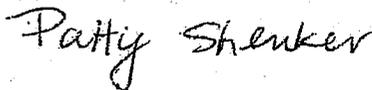
Respectfully,



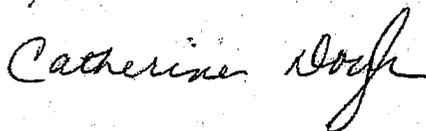
Pat Derby
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Board Member, ElephantVoices
Patty@pattyshenker.com



Founder, Los Angeles Alliance for Elephants
davidkca@earthlink.net

cc: Ms. Carla Hacken
Mr. Erwin Stoff

at a... The increased frequency of stereotypic behavior... related to the stress these elephants experience prior to and during the... confinement of elephants by Ringling Brothers and Barnum and Bailey Circus... as I know them, and I am sorry that...

What I have observed in the... I have observed in the... in a 20-page report... As an expert in elephant... **Statement by Joyce Poole, PhD**

22 July 2009

Undercover footage by PETA of the treatment of elephants by employees of Ringling Brothers and Barnum and Bailey Circus between January and June 2009

To whom it may concern,

Joyce N. Poole, PhD

I have studied elephants and worked for their conservation and welfare for over three decades. I am considered a world expert in the field of elephant behavior and communication. I wish to comment on undercover footage captured by PETA between January and June 2009, showing the treatment of elephants by employees of Ringling Brothers and Barnum and Bailey Circus.

Elephants are highly social, complex and intelligent individuals. The footage shows gratuitous violence against them - hitting, poking, jabbing, hooking elephants on the head, ears, trunk and limbs with bullhooks; whipping elephants on the ears, trunk and torso. This form of treatment is painful and causes distress to these individuals; it wounds and injures them and causes them physical and psychological harm and suffering. The unwarranted striking of elephants with bullhooks, whips and other objects keeps them in a constant state of fear and stress so that they will obey and perform on command.

The elephants respond to these blows by closing their eyes, wincing, ducking and jerking their heads away, facing away, stepping forward or backward, and by snorting, trumpeting and screaming in pain. When an elephant is being beaten or shouted at, its neighbors react immediately by trying to do the "right" thing (e.g. trunk-up), so as to avoid being hit. All of these behaviors are obvious signs that the elephants are fearful. Why don't they retaliate? Sometimes they do - but they have learned from years of beatings that disobeying is met with severe brutality.

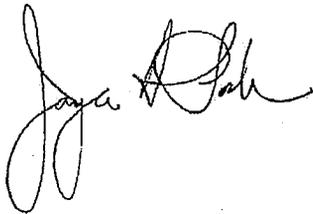
Elephants in the Ringling Brothers Circus spend the majority of their time chained. In my opinion such chaining and confinement is extremely abusive to any animal - particularly one so large and so active as an elephant. In the wild elephants are on the move all but 3-4 hours in a 24-hour day, covering many miles with their family and companions. I have made tens of thousands of observations of individual wild elephants and have never observed one swaying or head bobbing. The swaying and bobbing exhibited by elephants in the circus is abnormal, stereotypic behavior caused by the confinement these individuals have to endure, year in and year out.

The swaying and lifting of their feet is triggered at a young age, when first chained, when these individuals attempt to walk. Standing for hours chained on concrete or chained in a train leads to arthritis and other physical ailments. As these diseases progress individuals may lift their feet to

relieve physical pain. The increased frequency of stereotypic behaviors preceding performances is related to the stress these elephants experience prior to and during the shows. The chaining and confinement of elephants by Ringling Brothers removes any semblance of normal elephant behavior patterns, as I know them, and is extremely cruel.

Filmed this year, this video documents unquestionable abuse of elephants by Ringling Brothers and Barnum and Bailey Circus. The casual and repetitive manner in which the handlers strike the elephants demonstrates that such treatment is routine.

What I have observed in the video is completely consistent with the evidence that I reviewed and documented in a 50-page report as an expert witness in the legal case against this circus for their mistreatment of elephants. In reviewing the material for the trial I watched hours of similar footage. As an expert in elephant social behavior I am sickened that human beings can treat innocent creatures in this manner - all in the name of entertainment and making a buck.



Joyce H. Poole, PhD

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INDEPENDENT

Elephants console each other in times of distress

The animals put their trunks in each other's mouths as a way of 'hugging' and offering reassurance, according to a new study

Heather Saul

Tuesday, 18 February 2014

Asian elephants console each other when they are distressed by touching and "talking" to each other, according to new research suggesting the animals have the ability to be both empathetic and reassuring.

The study focused on a group of 26 Asian elephants in captivity, spread over 30 acres at an elephant camp in northern Thailand.

Researchers observed instances when an elephant displayed a stress reaction, and the responses other elephants nearby gave for over a year.

The study, led by Joshua Plotnik of Emory University, found that nearby elephants affiliated significantly more with a distressed individual through directed, physical contact following a stressful event than during control periods.

They also responded to another's distress in a similar way to humans, offering comfort through physical contact. "Humans are unique in many ways, but not in as many ways as we once thought," Mr Plotnik said.



Typically, one elephant would go to the side of the distressed animal and use its trunk to gently touch its face, or put its trunk in the other animal's mouth.

The gesture of putting their trunks in each other's mouths is almost like an elephant handshake or hug, Mr Plotnik said. "It's a very vulnerable position to put yourself in, because you could get bitten. It may be sending a signal of, 'I'm here to help you, not hurt you.'"

The responding elephants also showed a tendency to vocalise reassurance. "The vocalisation I heard most often following a distress event was a high, chirping sound," Mr Plotnik explained. "I've never heard that vocalization when elephants are alone. It may be a signal like, 'Shshhh, it's okay,' the sort of sounds a human adult might make to reassure a

baby."

"With their strong social bonds, it's not surprising that elephants show concern for others," co-author Frans de Waal, an Emory professor of psychology said. "This study demonstrates that elephants get distressed when they see others in distress, reaching out to calm them down, not unlike the way chimpanzees or humans embrace someone who is upset."

The elephants frequently responded to the distress signals of other elephants by adopting a similar body or emotional state, a phenomenon known as "emotional contagion," which may be related to empathy.

In pictures: Wildlife Trust for orphaned animals in Kenya

Groups of nearby elephants were also more likely to huddle together and make physical contact with each other.

Mr Plotnik conceded that the current elephant study was limited due to the fact that it was restricted to captive animals, but said it was just "a first step". He added: "I would like to see this consolation capacity demonstrated in wild populations as well."

Wild populations of elephants, however, are becoming increasingly scarce, and both Asian elephants and African elephants are endangered.

Read more: [Editor's letter: One final push to hit £500,000 for Africa's elephants](#)

[Join our call for world leaders to stop the illegal killing of elephants](#)

[Elephants in the Dust](#)

June 15, 2013

Changing Perspectives Propel Chimp Protections

By JAMES GORMAN

More than 50 years ago, Jane Goodall, then a young researcher at what would become the Gombe National Park in Tanzania, began introducing the public to the "fantastic beings" she had studied and lived with. In her book "In the Shadow of Man" and in later works, she showed the world complex animals with intricate social lives and helped change the way the world looked at the great apes.

On Tuesday, Dr. Goodall, 79, now a longtime champion of chimpanzee conservation, participated in what may turn out to be another milestone. She joined the director of the United States Fish and Wildlife Service, Daniel M. Ashe, in announcing a proposal to add chimpanzees in captivity to the endangered species list.

Wild chimpanzees have been listed as endangered since 1990, but the new proposal, which is open to public comment for 60 days, covers all chimps, including nearly 2,000 captive in the United States. The listing, if adopted, could block most experimentation on them, stop interstate trade in the animals and perhaps discourage use of chimpanzees in entertainment.

The Fish and Wildlife Service proposal came in response to a petition filed in 2010 by the Jane Goodall Institute, the Humane Society of the United States, the Association of Zoos and Aquariums and other groups. It would require permits for interstate commerce involving any chimpanzees, or for what the law calls "taking," which could be anything from harassment to major harm to something as simple as obtaining a blood sample. And those permits, Mr. Ashe said, would be granted only if the action could be shown to benefit the survival of the species.

If the new rule is enacted, it will be a major success for animal welfare groups, a grave disappointment for some scientists and another sign of the profound changes over the last half-century in the way animals are used and imagined in science and popular culture.

"What the chimpanzee has done is to prove there is no hard and fast line dividing us from

the rest of the animal kingdom,” Dr. Goodall said Friday. “That’s the greatest gift the chimpanzee has given those of us who care about animal welfare.”

In a blog post about the proposal, Mr. Ashe reflected this connection. “The chimpanzee is said to share 98 percent of our genes,” he wrote. “It is in our nature to protect and conserve this iconic species, and this proposal will help.”

Like any cultural shift, the change in how chimps are viewed has been spotty and uneven, but profound. In the 1950s and ’60s, chimps provided comic relief in movies like “Bedtime for Bonzo” with Ronald Reagan. Although chimps are still dressed in costume and used on television and in advertisements, a recent film like “Rise of the Planet of the Apes” used human actors and technology for its apes, who were decidedly the heroes of the movie.

Pressure from animal welfare groups and the advance of technology have changed the climate. Patti Ragan, who runs the Center for Great Apes, a sanctuary in Florida that houses many chimps once involved in entertainment, said that 20 years ago, there were 10 to 15 trainers who “worked great apes.” “There’s really only three trainers left now,” she said.

The genomics revolution revealed the genetic commonality that Mr. Ashe referred to, and science has a very different view of animals of all sorts than it did when Dr. Goodall went to Cambridge for her doctorate.

“I could not talk about chimpanzees having personalities,” she said. “That was the worst anthropomorphic sin.”

Now, she said, the “mind” of the chimpanzee is a legitimate subject of study, and chimpanzees used in research are routinely referred to by name in scientific papers.

In fact, most of the roughly 1,000 chimps held at biomedical laboratories are not being used. Animal welfare groups are hoping, with good reason, that the great majority of these animals will go to sanctuaries — places like Chimp Haven in Louisiana, where more than 120 chimps are kept in large social groups when possible, with time to roam in forested enclosures of four or five acres.

The National Institutes of Health is expected to act soon on a recommendation from one of its committees that most of the 450 or so chimps it owns or supports be retired to sanctuaries.

Robert R. Gabriel, chief of the division of management authority for the Fish and Wildlife

Service, said listing captive chimps as endangered would not necessarily mean the end of research on human diseases using chimps. The service might still be able to issue a permit based on the benefit-to-chimpanzees clause.

"We will be talking to the biomedical community over the coming months," he wrote, "to determine what actions they might be able to take to provide such enhancement for the chimpanzees, which would then qualify them for the necessary take permits to cover their research activities with the captive animals."

What the new rule would clearly do is require a permit for almost any kind of biomedical research. While this is viewed as great progress by Dr. Goodall and animal welfare groups, some scientists who conduct research on chimpanzees to find treatments or vaccines for human diseases are disappointed by the proposal.

Christian R. Abee, a veterinarian who is the director of the Michale E. Keeling Center for Comparative Medicine and Research at the M. D. Anderson Cancer Center at the University of Texas, said the new rule would require an application for a permit "for even sending a blood sample that is banked blood that is sitting in a freezer" to another lab in a different state, which in the best circumstances "could take months and months to obtain."

Dr. Abee said chimps were important in research on a hepatitis C vaccine. They can be infected with the virus, but it does not make them sick the way it does humans. A vaccine may well be achieved without chimps, he said, but time could be saved by using them.

"In the United States alone," he said "15,000 people a year die from hepatitis C. If we save six months because we can test in chimps, that's 7,500 human lives. Those of us who work in research think about those lives every day."

Stephen Ross, the director of the Lester E. Fisher Center for the Study and Conservation of Apes at the Lincoln Park Zoo, runs Project ChimpCARE, which keeps track of the number of chimps in the United States. Of the 1,884 chimps in the country, 864 are in biomedical facilities, 254 are in accredited zoos and 480 are in accredited sanctuaries.

Roadside zoos or unaccredited sanctuaries account for 206 chimps, while 59 are kept as pets or by breeders, and 21 are owned by trainers or used in entertainment.

How an endangered listing would affect the nonresearch chimpanzees is not yet clear. Dr. Ross and others argue that costumed chimpanzees cavorting in advertisements suggest to the public that chimpanzee populations in the wild are not in trouble.

Dr. Ross also said chimpanzees trained for entertainment were taken from their mothers at a young age, which affected their development. "Those practices do incur harm," he said, and should come under the scrutiny of the Fish and Wildlife Service.

Dr. Goodall said she was fully committed to seeing an end to the use of chimps in entertainment, as well as in biomedical research. Her goal, she said, is to see all captive chimps in sanctuaries. She said the Fish and Wildlife Service proposal was one more move in a continuing struggle.

"It's a big step forward," she said. "We're getting towards the endgame."

Circuses that do not use animals (partial list):

Cirque do Soleil

The New Pickle Family Circus

Bindlestiff Family circus

Circus Millennia

Circus Smirkus

Cirque Eloize

Circus Oz

Mexican International Circus

Cirque Ingenieux

Earth Circus

Fern Street Circus

Little Russian Circus

Neil Goldberg's Circus

New Shanghai Circus

Circus Vargas

