I. Proof of Abuse

- Animals in traveling shows experience:
  - Inhumane training.
  - Severe confinement and travel.
  - Prolonged chaining.
  - Stress of performance.
  - Unnatural social conditions

- No agency, including the U.S. Department of Agriculture, which oversees the welfare of exhibited animals, monitors animals during training sessions, where the most severe abuse commonly occurs.

- The only federal law regulating circuses, in most cases, is the Animal Welfare Act (AWA). The AWA cannot adequately protect circus animals because of insufficient personnel and resources and only a few inspectors for thousands of exhibitors.

Circus animals like this tiger spend 70 – 90% of their lives in confinement, let out only to perform. Notice that the tiger is not able to fully stand with its head held high due to the smallness of the cage.
Animals in Circuses and the Laws Governing Them

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Summary:

This paper provides a detailed analysis of the federal, state, and international laws that affect circus animals. It also focuses specific attention on three species (primates, elephants, and big cats) that are a special concern for circuses. The threats facing circus animals themselves and the audience members who attend circuses are outlined. Finally, several other countries' laws regarding circuses are presented as a comparison to U.S. law.

I. INTRODUCTION

In a circus somewhere right now, an endangered tiger is leaping through a ring of fire as circus patrons gasp, and then cheer. Elsewhere, a majestic elephant, the world's largest land mammal, is carefully balancing on a tiny pedestal and performing for the crowd. Many have visited circuses and enjoyed animal entertainment without much thought behind the animals' treatment or the laws regulating them. This article seeks to present the lesser-known side of circuses—the threats this form of amusement poses to many animals and humans involved—and how the law addresses circus animals.

Circuses are exhibitions, usually put on by the exhibitors for profit, and viewed by the public for entertainment, which offer amusements and display “[a]n array of clowns, acrobats, daredevils, and animals.” [2] Not all circuses use animals in their exhibitions, but where circuses do use animals, controversy and concerns abound. [3] Many threats exist to both the circus-going public and the animals in circuses including: wild animal escapes; mistreatment; the sale of circus animals to “canned hunt” facilities and other unlawful animal trafficking; and more.

Circuses have existed in one form or another since Roman and medieval times. [4] Since their arrival in the United States, circuses have been governed by federal and state authorities, at the demand of circus-goers and “leisure reformers,” often chiefly concerned with animal issues surrounding the circus. [5] Despite the enactment of legislation aimed to ensure the welfare of
some animals in circuses and elsewhere, federal and state-level legislation often fails to protect circus animals, and sometimes even purposefully excludes them.

This paper provides an in-depth analysis of applicable laws, case precedents and issues concerning animals used in circuses. This paper will first examine the physical mistreatment and oft-neglectful living conditions that circus animals experience. The paper will then highlight the threats that circus animals face when their terms of service are done. The paper then briefly discusses economic threats to circus animals and specific issues regarding the use of primates, elephants and big cats in the circus. Next, the paper addresses risks of using circus animals for circus staff and circus patrons, including animal “activism.” The paper will then discuss federal, U.S. state and international laws governing animals used in circuses.

II. CIRCUS ANIMAL TREATMENT AND ASSOCIATED ISSUES

A. Generally

Generally, circuses allege that they treat animals well, and that they train them to perform unnatural acts such as jumping through rings of fire or balancing on small pedestals, with positive reinforcement or “guiding acts” only. [6] However, other sources such as Animal Defenders International [7] and the Humane Society of the United States state that “[a]lthough positive reinforcement is indeed part of a trainer’s repertoire, it is by no means his or her only tool, and its is not enough to guarantee control [of the animal] in the ring.” [8] While some circuses undoubtedly treat animals well, it is a well-documented fact that many animals in circuses experience physical abuse to compel them to perform for the circus staff, and ultimately for circus patrons. [9] Many issues surround the treatment of animals used in the circus such as concerns for their health and overall well-being, their training and treatment, the endangered nature of many such animals, the disposal of animals that circuses decide not to use anymore, activist opposition to the use of animals in circuses, animal escapes, provoked attacks, and more. These issues are discussed in further detail below.

B. Living Conditions and Threats to the “Animal Side” of Circuses

1. Mistreatment and Abuse

Circus animals do not naturally jump through rings of fire, balance on stools or perform the various acts that circuses require them to do. Those animals must be trained to perform, and circus animal training usually transpires as a result of negative reinforcement (e.g, physical abuse). However, some circuses claim training can also be accomplished with positive reinforcement (e.g. rewarding the animal with food). [10] Despite this claim, abuse in circuses takes many forms. [11] In some cases, this mistreatment can be attributed to violations of the Animal Welfare Act, where a circus will have hired an unlicensed, untrained person who mistreats the animals. [12] In other cases, a lack of training is not the reason for mistreatment. In one unfortunate instance, a circus trainer was convicted for twelve counts of animal cruelty to an 18-month-old chimpanzee who was kicked and whipped and spent fifteen
hours a day in a darkened box. [13] In other instances, elephants and other animals in the circus are subjected to beatings all across their bodies with sticks, metal rods, hooks and other brutal implements to compel them to do as the circus staff demands. [14] Also, sometimes circus animals are deprived of exercise time and room, food, warmth, shelter or other basic necessities when they fail to perform as required. It is because of this that one of the leading animal welfare organizations, HSUS, opposes the use of wild animals in circuses entirely, citing as their reason for opposition “because [such] cruelty to animals is inherent in such displays.” [15]

2. Confinement

The traveling nature of the circus means that animals in the circus “are routinely subjected to months on the road confined in small, barren cages.” [16] Additionally, “[t]hese animals often live in filthy and dilapidated enclosures or are chained in one position for the majority of the day.” [17] These confined spaces are also subject to the easy spread of sickness and wild temperature fluctuations often far different and greater than an animal would be accustomed to or subjected to in the wild. For instance, “[i]n the summer of 1997, an eight-year-old elephant named Heather died from heat prostration after the King Royal Circus parked her in a trailer in a New Mexico parking lot. . . . [t]he temperature inside the trailer was” estimated as high as 120 degrees. [18] In another tragic instance, in July 2004, a two-year-old male lion named Clyde died after being contained for six hours in a Ringling Bros. Circus boxcar traveling from Arizona through the Mojave Desert to California. [19] The temperatures in the cars were recorded at 109 degrees Fahrenheit, but Clyde and the other animals were not provided with water or adequate ventilation. [20] “A trainer who complained that Clyde was looking ill was ignored by the conductor and Ringling Bros. employees.” [21] Clyde died in Arizona as a result. [22]

Although circus personnel maintain that circuses take good care of their animals, [23] some experts assert that the way in which circus animals are constantly confined, often for the entire day except when they are performing, results in an environment that denies animals essential physical needs such as sunshine and exercise, as well as social and ecological freedoms. [24] Many find it difficult to believe circuses’ claims that they treat animals well, especially in light of the fact that “every major circus using wild animals as part of the circus has been cited for a violation of the AWA [Animal Welfare Act].” [25] An even more distressing fact is that when circuses do violate the Animal Welfare Act and “a violation is found, the animals are not removed, rather, a fine is imposed upon the circus.”

3. “Canned Hunts”

After their servitude comes to an end, either because a circus deems the animal no longer useful or profitable or for other reasons, many circuses sell their castaway circus animals to “canned hunt” facilities. These facilities “offer[ ] the illusion of hunting a dangerous [or wild]” former circus animal. [26] In actuality, “canned hunt” enterprises offer patrons the opportunity to kill a tame former zoo or circus animal at close range, “all from the safety and comfort of a tree stand or an off-road vehicle.” [27] These animals, formerly living in captivity, continue to depend on humans for food, and are easy targets at feeding stations. Also, these animals usually “have
no fear of humans, and would not even try to escape. Even if such an animal did attempt to escape, there is nowhere to run.” [28] Thus, the often unfortunate existence of some circus animals sometimes comes to an end in an even more painful and inhumane manner when they are killed in “like fish in a barrel” at a “canned hunt.” Circus animal victims of “canned hunts” fall within the legal protections of only five states (Iowa, New Hampshire, New Mexico, Oklahoma and Texas), which “specifically include captive wild animals under their anti-cruelty statutes.” [34] Even within these states that do protect some animals from canned hunts, not all circus animals are protected. [35] Further, if a circus animal is listed as threatened or endangered under the Endangered Species Act (ESA), then the animal is protected by ESA’s provisions and cannot legally be the victim of a “canned hunt.” [36] Despite these limited legal protections, canned hunt facilities often become the last stop on many circus animals’ careers.

4. Economics

Economics, at first glance, seem an unlikely threat to animals in the circus. However, some scholars argue that under-enforcement of animal protection laws such as the Animal Welfare Act (AWA), discussed infra at Section III.A, results in great costs to animal welfare law-compliant entities. The logic of this argument is that under-enforcement of animal welfare laws often makes compliant businesses unprofitable when they cannot economically compete with businesses that cut corners and costs by treating animals poorly while escaping enforcement. [37] This concern seems especially salient considering how Ringling Bros. and Barnum & Bailey Circus has held a monopoly of the circus business in America at least as far back as 1907. [38] Although an entity that is competitively injured can sue against the agency or the competitor, “the entity must first satisfy Article III standing requirements,” which can be difficult or daunting for any claimant, especially a small business attempting to run a circus emphasizing animal welfare at the same time as it competes with the country’s largest business in its industry. [39] For further discussion of standing issues, please see Section IIIA, infra, below.

5. Specific Animal Issues

There are a multitude of animals used by circuses. Significant, recurring issues exist in relation to three types of circus animals in particular: primates, elephants and big cats. These animal-specific issues are discussed below.

Primates

Primates, or animals such as lemurs and chimpanzees, have been used in circuses all across the globe for hundreds of years. The keeping of primates in captivity and using them in circuses is “rationalized under the wide net of ‘education’ [and entertainment].” [40] Because primates do not naturally inhabit or derive from North America, they are usually relocated here solely for the purposes of human “education” and entertainment. One specie of primates, chimpanzees, “are humans’ closest living relatives, sharing more than 98 percent of our genetic blueprint.” [42] Chimpanzees in particular are uniquely intelligent among primates, being capable of fashioning tools, walking upright and even learning sign language. [43] “Although chimps and humans are closely related, the apes have endured much at human hands.” [44] As
renowned primatologist Dame Jane Goodall has noted, “[s]ometimes chimps [and other circus primates] are well cared-for [but] very often, they are exploited . . . [and] the training of circus chimps and other exotic animals very often involves great cruelty, like beating them over the head with an iron bar and deforming their feet by pushing the feet day after day into shoes. . . . No life for our closest living relative.” [45] “Almost half (48 percent) of the world’s 634 primate species are [currently endangered or] classified as threatened with extinction.” [46] Thus, the mistreatment chimpanzees sometime endure, along with their endangered status, their high level of intelligence and numerous similarities to humans, are reasons why Jane Goodall strongly opposes the use of chimpanzees in circuses.

Elephants

The keeping of elephants in captivity and using them in circuses has been justified for hundreds of years for the sake of human entertainment and education.” [47] Like primates and big cats, Elephants also do not naturally inhabit North America, [48] they are usually relocated here solely for circus entertainment. These uniquely intelligent, social, friendly, cognizant and caring creatures have been known to mourn and specially take care of their injured dead. [49] Although many elephants are well-cared for while in confinement, many more elephants “are routinely tortured with bull hooks by handlers” [50] and even die at the hands of their captors. In one case, “California Humane Society workers charged Mark Gebel, a Ringling elephant trainer, with cruelty after he used his bull hook to inflict a large wound to the shoulder of an elephant.” [51] In another tragic case, a baby elephant had to be euthanized after falling from a circus pedestal, breaking its legs and not receiving adequate care. [52] Unfortunately, all too frequently, these endangered, big and gentle giants die as a result of conditions in circuses; which do not usually provide sufficient space and roaming room. Circus elephant care practices are outlined in the “Elephant Husbandry Resource Guide” published by the International Elephant Foundation (IEF), Association of Zoos & Aquariums (AZA) and the Elephant Managers Association (EMA). Even though Ringling Bros. Circus, a founding member of the IEF, helped develop the guide, Ringling Bros. Circus does not provide its elephants with the AZA’s minimum space requirements, and subjects them to prolonged periods of chaining. [53]

Big Cats

"Big cats," or animals such as lions and tigers, have been used in circuses worldwide from the inception of the circus. Many big cats, especially tigers, are endangered and located in remote regions of the world. Big cats are usually relocated to the United States solely by circuses for circus use. In modern times, “wild populations of big cats continue to decline precipitously,” raising ethical and environmental concerns about keeping cats in confinement and also maintaining and growing wild populations. [54] Although many big cats are well-cared for while kept in confinement, with some sources claiming that confinement may even increase a big cat’s lifespan up to five years over its expected lifespan in the wild, [55] there are many examples of big cats suffering and even dying in confinement. Some big cats kept by circuses have died due to lack of necessary medical care. In one example, in 2001, an endangered Bengal tiger named Jasmine had to be euthanized after Ringling Bros. circus failed to treat her for her kidney condition. [56] Another endangered Bengal tiger died in Ringling Bros. circus
when the circus failed to treat its facial and ear tumors. [57] There are only an estimated 1,300-1,500 endangered Bengal tigers remaining in the wild as of 2010; the World Wildlife Fund estimates that there are more than 5,000 tigers held in captivity in the U.S. alone, far exceeding those numbers in the wild. [58] Many of these endangered animals held in captivity may be mistreated or die while being held by circuses. Circuses then present a unique threat to the continuation of the species. [59]

C. Issues and Threats Involving the “Human Side” of Circuses

1. Escaped and Provoked Animals

Not only do circuses pose a threat to the animal performers, but the circus staff members and circus patrons also face danger. Occasionally, animals escape from confinement at the circus and cause damage to property or persons. These escapes or “rampages” can sometimes be deadly for circus staff, circus-goers and the public. For instance, in 1994, Tyke the elephant escaped from her confines, killing one of her Circus International handlers and injuring a dozen spectators while running amok. Eventually, Tyke was shot by police over 100 times, and died. [60] In another incident, a chimpanzee in a circus tent bit a four-year-old boy, causing him great harm. [61] Additionally, spectators and trainers often provoke the animals to act or move, [62] resulting in harm to those persons, and yet only the wild animals are usually punished, or are even killed, for acting on their instincts or the provocation. Some scholars attribute these animal killings, “at least in part, upon a simple primal [human] desire for revenge.” [63] For example, “in 1997, a 350-pound tiger named Arnie hit and seriously injured” [64] his circus trainer during a publicity photo shoot for Ringling Bros. and Barnum & Bailey Circus. “Nearby trainers were able to come to the man’s aid and returned the tiger to his cage. Nevertheless, in an act of vengeance after the attack, . . . the trainer’s brother, fired a shotgun multiple times into the tiger’s cage, killing Arnie.” [65] These incidents stand in sharp contrast to the way in which dog attacks are handled in many jurisdictions, where the provoking person, not the provoked dog, will often be held responsible and the dog will not be harmed for acting on its instincts or the provocation. [66] Unfortunate on all accounts, such incidents usually result in monetary loss for the property owners, costs to municipalities for animal control and police services, injury to persons and usually, physical harm and death for the escaped animal. [67]

Some modern-day critics take issue not only with the way in which escaped animals are treated, but also with the manner in which circus animal escapes are documented, calling them at minimum ineffectual. One scholar said that the USDA’s response to “study the issue” instead of promulgating regulations or guidelines for circus animal escapes:

focuses more on subduing exotic animals and enshrining customary current handling standards for exotic animals instead of seeking information on whether there is an underlying problem with the way animals in zoos and circuses are handled, which in turn, causes them to go on rampages.” [68]

The modern-day treatment of escaped or provoked circus animals – usually killing them for causing harm or for fear that they will cause damage or disruption – would likely be deemed unjust by some. Inexplicably, escaped and provoked animals historically received better
treatment and greater equity in medieval times than in current times. “Today, it would seem peculiar for a community to prosecute and punish an animal for a criminal or other offense.” However, in medieval times, at least as far back as year 824 A.D., escaped or provoked animals that caused damage were afforded a trial for their actions, either in secular or ecclesiastical court, depending on the type of animal and offense. The medieval animal courts “took these proceedings very seriously and strictly adhered to the legal customs and formal procedural rules that had been established,” affording animals the same rights and procedures as human criminal defendants. Modern and historical treatment of escaped or provoked animals has been known to differ widely depending on the culture and time period. Currently, in some states, exotic animal escape provisions exist, which allow for tort liability for damages caused by exotic animals kept as pets. In most states, circus animals are exempt from such provisions.

2. Animal Activists or “Terrorists”

Some humans’ concern for animal welfare seems to permeate nearly all aspects of animal-related culture. Some circuses claim that animal welfare “activists” risk economic and other harm to circus businesses and sometimes, even the animals themselves (e.g. when well-meaning animal “activists” attempt to free a wild animal from substandard conditions or harm in captivity, resulting in subsequent harm or death to that animal). Within the animal rights community, there is a wide spectrum of beliefs held and actions taken, ranging from non-violent, lawful protest to violent, unlawful action taken on behalf of animals. Even children have been known to engage in protests against the mistreatment of animals in circuses. For example, in the case of Walker-Serrano v. Leonard, Amanda Walker-Serrano, “a nine-year-old third grader in Pennsylvania used recess . . . to collect her classmates’ signatures on a petition protesting an upcoming voluntary field trip to the circus because of alleged cruelty to circus animals.” In the case, Walker-Serrano made several attempts to collect petition signatures against the circus, which school officials attempted to stop her, alleging that her efforts disrupted the learning environment. The court weighed Walker-Serrano’s First Amendment rights using a Tinker analysis, but found that the school acted within its rights and did not impermissibly discriminate against Walker-Serrano because of her viewpoint, so there was no constitutional violation.

On the more violent side of the animal activist spectrum exist organizations such as the Animal Liberation Front (ALF) and Earth Liberation Front (ELF). In 2002, the head of the FBI domestic terrorism section ranked the ALF and ELF as the top domestic terrorism threat after finding that the groups had collectively “committed more than 600 criminal acts in the United States since 1996, resulting in damages topping $43 million.” Such violent and extreme acts on behalf of animals spawned the passage of the Animal Enterprise Terrorism Act of 2006 (AETA). Under the AETA, anyone who engages in “force, violence, and threats” that would interfere with or damage businesses connected with an animal-use enterprise (including circuses) could be charged with a felony. Some states have statutes prohibiting activism with such effects, such as Florida, which defines circuses as “animal enterprises” and protects them from disruption, injury or damage. Arizona has a similar law, A.R.S. § 13-2301 (2010), which defines circuses as a type of “animal facility” and § 13-2312 protects circuses and other “animal facilities” against “animal or ecological terrorism.” Although this concern has not
really been thoroughly addressed by scholars or courts, it is relatively easy to see how the AETA raises concerns of chilling legitimate free speech on animal issues.

III. DOMESTIC LAWS CONCERNING CIRCUSES

A. Federal Laws

1. The Animal Welfare Act

The singular and primary piece of U.S. federal legislation regulating the use of animals in circuses is the Animal Welfare Act (AWA), 7 U.S.C. §§ 2131-2159, originally passed in 1966 and subsequently amended six times, most recently in 2007. The AWA is the only federal law that directly regulates circus animals, also known within the act as animals used in “transport” or “exhibition.” The AWA “is not a broadly stated anti-cruelty law. It does not deal with all species of animals, as do most state anti-cruelty laws. Instead, the law focuses upon several very specific activities that have been shown ... to be potential areas of animal abuse, and that have a nationwide aspect to them.” [82] The AWA requires circuses to be licensed and subjects them to periodic inspections by the USDA’s Animal and Plant Health Inspection Service (APHIS). [83] The AWA covers all animal circuses defined as exhibitors under the Act (see below), regardless of the number or type of animals in the circus. However, the AWA’s provisions “provide only vague, very minimal standards for keeping animals for exhibitions” (e.g. the AWA prohibits subjecting animals to “trauma, overheating, excessive cooling, behavioral stress, physical harm and unnecessary discomfort” of animals in circuses and elsewhere, but never defines the terms). [84] Although well-intentioned, the practical reality when it comes to enforcement of the AWA is that the federal government has allotted insufficient personnel and resources to adequately protect circus animals under the AWA. There are only a few APHIS inspectors for the thousands of animal exhibitors, circuses and other non-circus businesses using animals that APHIS must inspect. [85] The AWA stands alone in terms of federal legislation on circus animals, as other federal animal anti-cruelty provisions “are virtually useless against ... circuses” because the other pieces of federal legislation may protect a type of animal, but usually exempt circuses as an activity. [86] The AWA is really the only federal law directly regulating circuses in most cases.

An examination of some pertinent sections of the AWA is instructive:

7 U.S.C. § 2132(c)(2)(h) (Definitions):

The term "exhibitor" means any person (public or private) exhibiting any animals, which were purchased in commerce or the intended distribution of which affects commerce, or will affect commerce, to the public for compensation, as determined by the Secretary, and such term includes ... circuses, ... whether operated for profit or not.

7 U.S.C. § 2133 (Licensing of dealers and exhibitors):

The Secretary shall issue licenses to ... exhibitors upon application therefore in such form and manner as he may prescribe and upon payment of such fee established pursuant to section 23 of
this Act: Provided, That no such license shall be issued until the dealer or exhibitor shall have
demonstrated that his facilities comply with the standards promulgated by the Secretary pursuant
to section 13 of this Act. . . . The Secretary is further authorized to license, as dealers or
exhibitors, persons who do not qualify as dealers or exhibitors within the meaning of this Act
upon such persons' complying with the requirements specified above and agreeing, in writing, to
comply with all the requirements of this Act and the regulations promulgated by the Secretary
hereunder.

7 U.S.C. § 2134 (Valid license for dealers and exhibitors required):

No . . . exhibitor shall sell or offer to sell or transport or offer for transportation, in commerce, to
any research facility or for exhibition . . . any animal, or buy, sell, offer to buy or sell, transport
or offer for transportation, in commerce, to or from another dealer or exhibitor under this Act any
animal, unless and until such dealer or exhibitor shall have obtained a license from the Secretary
and such license shall not have been suspended or revoked.

7 U.S.C. § 2136 (Registration of research facilities, handlers, carriers and unlicensed exhibitors):

Every research facility, every intermediate handler, every carrier, and every exhibitor not
licensed under section 3 of this Act shall register with the Secretary in accordance with such
rules and regulations as he may prescribe.

7 U.S.C. § 2140 (Recordkeeping by dealers, exhibitors, research facilities, intermediate handlers,
and carriers):

Dealers and exhibitors shall make and retain for such reasonable period of time as the Secretary
may prescribe, such records with respect to the purchase, sale, transportation, identification, and
previous ownership of animals as the Secretary may prescribe. . . . At the request of the
Secretary, any regulatory agency of the Federal Government which requires records to be
maintained by intermediate handlers and carriers with respect to the transportation, receiving,
handling, and delivery of animals on forms prescribed by the agency, shall require there to be
included in such forms, and intermediate handlers and carriers shall include in such forms, such
information as the Secretary may require for the effective administration of this Act. Such
information shall be retained for such reasonable period of time as the Secretary may prescribe.
If regulatory agencies of the Federal Government do not prescribe requirements for any such
forms, intermediate handlers and carriers shall make and retain for such reasonable period as the
Secretary may prescribe such records with respect to the transportation, receiving, handling, and
delivery of animals as the Secretary may prescribe. Such records shall be made available at all
reasonable times for inspection and copying by the Secretary.

While the language of the AWA seems to mandate strict caretaking and recordkeeping
requirements, it becomes ineffective without enforcement. As stated, currently the only
enforceable penalty under the AWA is monetary fines. Due to overworked inspectors and
enforcers, and with only small monetary fines to deter conduct that is far more profitable to
continue than not, the AWA is as ineffectual as it is idealistic. Unfortunately for circus animals,
as of right now, the AWA seems to speak softly and carry a small stick.
2. Endangered Species Act (ESA)

The cast of circus animals in large circuses may include one or more species of endangered animals, such as elephants or tigers. Thus, the issue arises as to when the overarching federal law on the taking of endangered species, the ESA, comes into play. [87] Recently, in American Society for Prevention of Cruelty to Animals v. Feld Entertainment, Inc., [88] the ASPCA and other animal advocacy organizations brought suit against the operator of Ringling Bros. Circus on behalf of a former Ringling Bros. Circus elephant trainer. Plaintiffs alleged that defendants’ use of bull hooks on, and prolonged periods of chaining, circus elephants violates the Endangered Species Act (ESA), 16 U.S.C. § 1531, et seq. The plaintiffs alleged that Feld Entertainment’s routine beating and chaining of endangered elephants unlawfully violated the “take” provision of the ESA by harming and adversely affecting the species. [89] Defendants countered that their elephants were subject to a captive-bred wildlife permit, [90] allowing the defendants to make such a “taking,” and that defendants were therefore exempted from certain ESA exemptions. If the defendants did have a valid captive-bred wildlife permit, they would be permitted to “take” an endangered elephant if they could show that doing so would enhance the propagation or survival of the species. [91] While the court found that the defendant’s permit did not insulate them from taking claims under the ESA, the court did hold that the permit did not provide for a challenge under the citizen-suit provision. Basically, the plaintiffs may have been correct, but could not procedurally bring their claim because of deficiencies with their case. [92] Additionally, the court stated that standing was not established because the court found the witness was paid too much to offer his testimony, rendering it non-credible. Since the court found that the plaintiffs lacked standing, it did not reach a decision on the merits of the case—the mistreatment and ESA claims. This case stands for the important proposition that the barrier to bringing a claim on behalf of animals is a high one, and that some circuses propagate and “take” endangered animals, sometimes lawfully and other times unlawfully, in spite of the fact that many circus animals are endangered and covered under one of the toughest federal animal laws (the ESA).


CITES is an international convention (legal agreement) that subjects international trade in specimens of certain species of animals to certain controls. All import, export and other introduction of a species covered by CITES has to be authorized through a licensing system. CITES requires each party to the Convention to designate one or more authorities to administer the licensing system, and one or more scientific authorities to advise on the effects of trade on the species. [93] The practical effect of CITES is to regulate the international transport, import and export of listed endangered species. However, Article VII, section 7, permits a management authority to waive the requirements of the Convention “and allow the movement without permits or certificates of specimens which form part of a traveling zoo, circus, menagerie . . . or other traveling exhibition.” [94]

4. The Lacey Act
The Lacey Act [95] prohibits the import, export, transportation, sale, receipt, acquisition, or purchase in interstate or foreign commerce of any live animal of any prohibited wildlife species. However, the Lacey Act specifically exempts circuses from regulation and defers to their regulation under the AWA.

C. Issues of Standing to Sue

Even where violations of other state and federal laws occur in circuses, litigants face other obstacles in bringing lawsuits against circuses at the federal and state levels. Most notably among the challenges is standing to sue, or who is injured and can bring suit for redress of their injuries. Since the United States considers animals property, and does not grant them rights or status as sentient beings, standing can be a tricky and often disappointing barrier to animal advocates’ attempts to improve conditions and treatment for circus animals.

In addition to standing challenges in bringing claims on behalf of animals for harm done by circuses to those animals, some plaintiffs have met challenges seeking standing even to protest or exercise their free speech rights on behalf of circus animals. In Utah Animal Rights Coalition v. Salt Lake County, 566 F.3d 1236 (10th Cir. 2009), plaintiff-appellants filed a 42 U.S.C. § 1983 claim for alleged violations of their First Amendment rights to free speech and assembly after the plaintiffs attempted to protest a circus taking place in South Jordan, Utah. [98] The Tenth Circuit Court of Appeals held that the individuals did not have standing to seek an injunction against the county from prohibiting small demonstrations, could not prove injury in fact and did not suffer a violation of their First Amendment rights. [99]

As discussed, “[s]tanding doctrine has been one of the chief impediments to using the courts to vindicate animal interests.” [100] Even in the rare instances when a plaintiff surpasses the standing obstacle as most fail to do, [101] they often lose on the merits in these difficult and burgeoning cases. [102] Even so, there have been a few instances of plaintiffs bringing and winning cases on an aesthetic harm theory, or on an intentional infliction of emotional distress theory. These claims are based on the theories that viewing circus animals or circus patrons being harmed harms the plaintiff, warranting redress and damages from the defendant. In one case, Eyrich v. Earl, 495 A.2d 1375 (N.J. Super. A.D. 1985), the neighbors of a five-year-old child watched as the child was mauled to death by a circus leopard. The plaintiffs sued for emotional damages and the court found that the plaintiffs had standing to sue based on their aesthetic injuries, and held the defendants liable on principles of products liability (by analogy) and public policy.

V. CONCLUSION

Unfortunate stories about mistreated, neglected and abused circus animals such as Tyke the elephant, [150] and Arnie the tiger, [151] evidence a larger scope of issues surrounding the use of animals in the circus. Circuses are regulated in the United States at the state level, and at the federal level by one main, very ineffective law (the AWA). However, many states exempt circuses from cruelty and other provisions that would otherwise improve conditions for circus animals. Circuses are also regulated at multiple levels in countries across the globe. Not all circus animals are mistreated, but unfortunately, a multitude of them are mistreated, and many
even die often brutal deaths. While many strides have been made toward bettering the conditions for animals in the circus, even with the passage of laws at the state, federal and international levels, many loopholes and exemptions exist, and are exploited by those seeking to make a profit off of these animals. This article has provided information designed to educated readers about the current state of the law on circus animals, in the hope that further strides toward effective legislation will result in better treatment of animals in circuses across the world. As Albert Schweitzer once counseled, and as it applies to circuses, readers may want to “think occasionally of the suffering of which you spare yourself the sight.”
Ringling Bros. and Barnum & Bailey Circus has failed to meet minimum federal standards for the care of animals used in exhibition as established by the Animal Welfare Act (AWA). Since 1990, the U.S. Department of Agriculture (USDA) has cited Ringling over 150 times for AWA noncompliances, including the following: improper handling of dangerous animals; failing to provide animals—including an elephant with a stiff leg, an elephant with a “large swelling” on her right hind leg, elephants with abrasions, a camel with bloody wounds, and a camel injured on train tracks—with veterinary care; causing trauma, behavioral stress, physical harm, and unnecessary discomfort to two elephants who sustained injuries when they ran amok during a performance; endangering tigers who were nearly baked alive in a boxcar because of poor maintenance of the enclosures; failing to test elephants for tuberculosis (TB); and unsanitary feeding practices. At least 35 elephants, including five babies, have died since 1992.

In 2004, a 2-year-old lion died from apparent heatstroke while the circus train crossed the Mojave Desert, and an 8-month-old elephant calf was euthanized after he fractured his hind legs when he fell from a circus pedestal. In the late 1990s, Ringling paid $20,000 to settle a USDA case against it for failing to provide a dying baby elephant with veterinary care. The circus also received warnings from the agency for shooting a caged tiger to death and inflicting rope lesions on two baby elephants as they were prematurely pulled from their mothers.

In late 2011, the USDA ordered Feld Entertainment, the parent company of Ringling, to pay $270,000—the largest civil penalty ever assessed against an exhibitor under the AWA—to settle dozens of noncompliances dating from June 2007 to August 2011.

On January 11, 2016, Ringling announced that it would phase elephants out of its circus performances by May. Citing “shifting consumer preferences” and an increase in prohibitive local legislation, Ringling plans to keep the elephants at its so-called “Center for Elephant Conservation” (CEC) in Polk City, Florida. The CEC routinely chains elephants—including baby elephants, whom the facility forcibly separates from their mothers—for prolonged periods and abuses them with
bullhooks and electric prods. The facility is also a hotbed of TB. The USDA's elephant specialist has said that the CEC is the “facility with the highest incidence of TB in their elephants.” The facility has been the subject of a series of government-mandated quarantines. Ringling plans to continue to breed elephants at the CEC, even though the company acknowledges that not one of these animals will ever be released into the wild.

Contact PETA for documentation.

January 25, 2016: Mike, a 2-year-old Asian elephant, died from elephant endotheliotropic herpesvirus (EEHV), a deadly disease that affects 24 percent of elephant calves born in captivity and kills 80 percent of the calves who contract it. Mike had been born at the CEC.

January 11, 2016: Ringling announced that it would be ending elephant acts in May 2016 and moving all elephants to the CEC. The circus confirmed that it would continue to chain elephants overnight, use bullhooks to handle them, and breed them. It also said that it would be using the animals in cancer experiments.

November 15, 2015: A 46-year-old Asian elephant named Tova was euthanized approximately six weeks after Ringling transferred her to the Tulsa Zoo in Oklahoma. Her medical records show that she lost 450 pounds following the transfer and developed colic twice while at the zoo. The second colic episode lasted seven days before Tova was ultimately euthanized. She was found to have a large bladder stone on necropsy.

October 23, 2015: Asian elephant Icky II was placed under quarantine for TB along with Alana, who had been exposed to Icky II. At the time, 15 elephants at the CEC were under travel restrictions related to the disease.

July 22, 2015: During an inspection of Ringling’s Red Unit in Anaheim, California, an Orange County Animal Care inspector noted that a 58-year-old elephant named Assan appeared stiff as she exited the circus’s transport trailer. Ringling’s vet, Dr. Jessie Ziegler, said that the stiffness was caused by Assan’s age and circulatory issues occurring during transport. The inspector also noted that the elephant Angelica was kept out of several performances because of “behavioral issues.”

May 20, 2015: The USDA cited Ringling for failing to have records available for inspection.

December 5, 2014: The USDA cited Ringling for failing to maintain an adequate program of veterinary care for three elephants. The facility’s veterinarians prescribed daily treatments for these elephants, but the treatment logs showed one- to four-day gaps, during which time treatments were not given. The primary individual administering the medications stated that he could not access the elephants to treat them when they were in transit.

June 27, 2014: According to an e-mail from the
Florida Department of Agriculture and Consumer Services, nine elephants were on the TB quarantine list at the CEC.

**April 17, 2014:** Asian elephant Banko was tested for TB in Fairfax, Virginia. More than two months later—after she had traveled and performed in Charles Town, West Virginia; Albany, New York; Columbus, Ohio; Louisville, Kentucky; and New Orleans—the test results came back positive. Banko was removed from the road and returned to the CEC for quarantine.

**September 9, 2013:** A 61-year-old elephant named Jewel was euthanized at the Little Rock Zoo in Arkansas. According to the *Texarkana Gazette*, the zoo said that “[n]ecropsy results showed that tissue from the elephant tested positive for tuberculosis, though the official cause of death will be listed as euthanasia due to arthritis and severe musculoskeletal problems.” Jewel was with Ringling from 1954 to 2011, and records show that she was transferred to the zoo in violation of Florida’s TB quarantine orders.

**April 10, 2013:** According to the Florida Department of Agriculture and Consumer Services, the elephant Smokey tested positive for TB. Smokey had previously tested positive in 2006.

**April 9, 2013:** Carol, a 39-year-old Asian elephant traveling with Ringling’s Gold Unit, was hit in the shoulder by a bullet as a result of a drive-by shooting. Carol was in an enclosure outside the BancorpSouth Arena in Tupelo, Mississippi, when the shooting took place.

**April 2013:** Asian elephant Asia was tested for TB. In June—after she had traveled to Youngstown, Ohio; Norfolk and Hampton, Virginia; Louisville, Kentucky; Providence, Rhode Island; Hartford, Connecticut; Trenton, New Jersey; and Hershey, Pennsylvania—the test results came back positive. Asia was removed from the road and returned to the CEC for quarantine.

**March 27, 2013:** PETA filed a complaint with the USDA after an employee of the Nassau Coliseum in Uniondale, New York, reported in a sworn affidavit that she had witnessed a Ringling handler repeatedly strike an elephant with a bullhook while yelling and cursing at the animal. The whistleblower also reported that the handler put the sharp end of the bullhook inside the elephant’s mouth and yanked on it repeatedly with full force while the elephant wailed and made other distress noises in response to the attack. Local law enforcement initiated an investigation into the reported incident.

**December 2, 2012:** Susan, a 61-year-old Asian elephant, was euthanized “due to quality of life issues.” She had tested positive for TB earlier in the year. Records also show that she tested positive for the disease in 2010.

**October 31, 2012:** Sid, a 45-year-old Asian elephant, was euthanized because of “declining health.” She had been used as part of Ringling’s breeding program.
July 3, 2012: PETA filed a complaint with the USDA after a security guard at the World Arena in Colorado Springs, Colorado, who was working through a temporary-employment agency, reported violations that he had observed at the arena while Ringling was performing there. Some of the issues that he had observed included a vicious and unprovoked beating of an elephant by an animal handler, prolonged chaining of elephants and resulting abnormal behavior patterns, inadequate space and insufficient exercise for big cats, and the aggressive, unprovoked hitting of a small dog by a Ringling employee.

June 27, 2012: Minyak, an Asian elephant born in the wild around 1966, died after spending the majority of her 46 years performing in the circus. She was removed from performances two years before her death.

January 23, 2012: Banana, a 55-year-old Asian elephant, was euthanized because of her declining health. She had performed for Ringling for 41 years, from 1969 to 2010.

January 11, 2012: Sabu, a 29-year-old Asian bull elephant who had been removed from performances 14 months earlier, died from complications of severe arthritis. He collapsed in his sleeping stall, and veterinarians euthanized him after determining that he would be unable to stand again because of weakness and pain in his joints. Sabu had been born at the Portland Zoo in Oregon and began performing two years later. A necropsy found that his arthritis was exceptionally severe for an animal his age. Records show that he had tested positive for TB in 2000, and the disease was also found on necropsy.

January 6, 2012: Ringling animal trainer Tabayara Maluenda told The Miami Herald, “I’ve had more than 250 stitches around my body, and for this new season, I had 44 new ones from one tiger, trying to do something more energetic for ‘Fully Charged.’”

November 23, 2011: Ringling’s parent company, Feld Entertainment, was ordered to pay $270,000—the largest civil penalty ever assessed against an exhibitor under the AWA—to settle violations dating from June 2007 to August 2011. Ringling was also ordered to provide all employees who handle animals with AWA compliance training and to hire a staff member dedicated to AWA compliance. The circus hired former USDA attorney Kenneth Vail to fill this role.

September 26, 2011: According to the Florida Department of Agriculture and Consumer Services, the elephant Mala tested positive for TB. She had previously tested positive for the disease in 1998.

August 25, 2011: After a tiger named Kimba had her tail caught in the gate of a transfer cage, the USDA cited Ringling for failing to handle animals in a manner that prevents physical harm. Kimba sustained a laceration on her tail that was “about 1½ inches long and ½ [inch] wide.” A Ringling veterinary technician told the USDA that a handler had closed the tiger’s tail in a gate, but she was uncertain about the details. When the USDA asked to interview the employee
involved, access to this person was denied. Ringling was also cited for requiring Banko, a 35-year-old Asian elephant, to perform even though she was “experiencing pain and distress” while suffering from diarrhea and abdominal discomfort that required pain medication.

**August 8, 2011:** Ringling euthanized a 46-year-old elephant named Louie because of “quality of life issues.”

**August 7, 2011:** Sarah the elephant collapsed while being loaded into a boxcar in Anaheim, California. She stayed down for period of time following her fall before attempting to stand back up. Ringling had prior knowledge of Sarah’s health problems, including possible necrotic tumors on her reproductive organs, an elevated white blood cell count indicative of infection, and a chronic fistula. (See June 10, 2011.) Ringling continued to force the 54-year-old elephant to perform after this incident.

**July 30, 2011:** An official with the Animal Care Department in Orange County, California, noticed a crack on one of Tonka the elephant’s right rear toenails during preparation for a show.

**July 2, 2011:** Putzi, a 50-year-old female Asian elephant who had been captured from the wild and shipped to the circus at approximately 2 years of age in 1964, was euthanized.

**June 16, 2011:** Siam I, a 60-year-old Asian elephant who had been captured from the wild and shipped to the circus as an infant in 1954, was euthanized because of “quality of life issues.” She had tested positive for TB in 2000 and 2010 and was undergoing treatment for it when she died. TB was also found on necropsy.

**June 10, 2011:** The USDA issued Ringling a repeat citation for failing to give adequate veterinary care to an Asian elephant named Sarah, whom circus veterinarians reported as having possible necrotic tumors on her reproductive organs or a condition known as pyometra, a bacterial infection of the uterus that causes the uterus to become filled with pus. Sarah reportedly had an elevated white blood cell count indicative of infection, and Ringling also acknowledged that she had a chronic fistula (an abnormal connection) between her rectum and her vagina. The inspector wrote that there were discrepancies among what was written in Sarah’s medical records, what the circus’s on-site veterinarian said, and the treatment that she was receiving from handlers. In addition, Ringling was issued a repeat citation for failing to maintain primary-transport enclosures in a manner that prevents injury to the animals.

**May 7, 2011:** The *Times Union* of New York reported on a Ringling show, writing, “The two-hour performance, full of mile-wide smiles and surface sheen hiding an almost frantic desperation to be ‘the greatest show on Earth,’ seems pale and hokey in 2011, following a quarter-century of the genuine polish, showmanship, artistry and human achievement of Cirque du Soleil and its ilk. … The roteness is most apparent in just about everything involving animals. Ponies, donkeys and llamas trot in clockwise and counterclockwise circles. Some jump over things. … [T]he sad fact is that tigers and elephants and their wild brethren simply aren’t entertaining. … And the elephants? Those big, sad lumberers are as placid as a pond and about as interesting to watch. The nine tigers are much less fun than even the laziest house cat you’ve ever met; they sit on trapezoidal platforms, snarling and swatting at the trainer’s stick before rolling over
on their backs or putting paws the size of snowshoes onto a pylon. One of them defecated in the middle of the act. That was my verdict, too."

**April 22, 2011:** Ringling euthanized Lutzi, a 61-year-old Asian elephant who had spent 56 years of her life with the circus. In a sworn deposition taken during Ringling’s 2009 trial to answer claims that its elephant-handling practices violated the federal Endangered Species Act, the general manager of Ringling’s CEC admitted that Lutzi and other elephants had been chained by two legs on a concrete floor for 15 hours a day. Records from that trial also show that Lutzi underwent TB treatment in 2000.

**March 22–27, 2011:** The Washington, D.C., Department of Health conducted an animal exhibit inspection of Ringling. When the elephants were being unloaded, it was noted that the train door openings were barely large enough to allow them to disembark. It was also noted that no water was present for them. Per Ringling’s elephant staff, the elephants were chained each night and could not turn around. The tigers were divided into several compartments with no bedding present, and there wasn’t an exercise enclosure for them. The district’s Department of Health suggested that Ringling put 6 to 12 inches of sawdust on the floor for the elephants to simulate natural substrate better and that something be done to find a way to provide the tigers with exercise other than performing.

**March 1, 2011:** *The Brooklyn Paper* reported that after just two summers at New York’s Coney Island, Ringling would not be returning—partially because of financial issues.

**February 8, 2011:** Ringling’s parent company, Feld Entertainment, released a media statement announcing that a 2-year-old elephant named Barack had been taken off the road because he tested positive for deadly EEHV after veterinarians noticed early symptoms. This was the second time that the virus has been found in Barack’s blood—he recovered from an initial diagnosis in 2010. One of the leading threats to young, captive elephants, this virus is strongly associated with stress and, according to the media statement, “usually has a fatal outcome within a week of the onset of symptoms.”

**January 17, 2011:** *The Times-Tribune* of Corbin, Kentucky, reported that Ringling canceled one of its performances in the town because of low ticket sales. **2011:** According to documents received from the USDA, 29 elephants with Ringling tested reactive on blood tests for TB.

**December 17, 2010:** An e-mail to a Tennessee Wildlife Resources Agency officer from Dr. Dennis Schmitt, Ringling’s chair of veterinary care and director of research and conservation, revealed that an elephant named Karen, who was on the road with the circus, had tested reactive on a blood test for TB. She was subsequently denied entry into Tennessee.

**November 18, 2010:** The USDA cited Ringling for failing to maintain an adequate program of veterinary care for a 9-year-old elephant named Sara, who had chronic lameness. The inspector wrote that “the licensee has not conducted adequate diagnostics, developed an adequate treatment plan, or
ensured that the elephant received prescribed treatments.” The USDA also cited Ringling for failing to maintain primary transport enclosures in a manner that prevents injury to the animals and for interfering with the inspection for more than an hour, during which time it refused the USDA personnel access to the areas where the animals could be inspected.

**November 14, 2010:** According to an internal memo by an elephant field specialist with the USDA, “The facility with the highest incidence of TB in their elephants at this time is the Ringling CEC.”

**November 4, 2010:** The USDA cited Ringling for failing to maintain an adequate program of veterinary care, because it had kept expired drugs in stock and other pharmaceutical drugs had no expiration date listed.

**October 13, 2010:** The City of St. Louis brought in an independent expert to assist with the Department of Animal Care and Control’s circus inspections and provided the expert with express written authorization to act on the city’s behalf. Ringling’s general manager refused to allow the expert to inspect, and Ringling employees physically impeded the inspection team’s ability to move forward and see the animals.

**August 17, 2010:** The USDA cited Ringling for failing to store food in a manner that protects against deterioration and contamination after ripped fiberglass insulation panels installed in the hay barn at Ringling’s Polk City, Florida, training center were found to be “hanging down in the direction of the hay underneath.” The report continued, “The hay could become contaminated with fiberglass and compromise the well-being of the animals.”

**February 19, 2010:** The USDA cited Ringling for failing to keep an elephant under the direct control of a handler. The incident occurred while the animal was being walked into an arena for a pre-show in Greenville, South Carolina. (See February 7, 2010.) The USDA citation stated, “This noncompliance presents a safety risk to the animal, individual handlers, and the public.” Ringling was also cited for failing to have an adequate outer perimeter fence for the hoofstock after a zebra “bolted away from a caretaker” on February 18, 2010, in Atlanta.

**February 18, 2010:** According to the Associated Press, Lima, a zebra traveling with Ringling in Atlanta, “broke away from his trainers and bumped up against a fence, then wriggled through an opening.” The animal then “galloped along a busy section of interstate.” Lima led police and trainers on a 40-minute chase through downtown before being captured. A man who was startled by the fleeing zebra told *The Atlanta Journal-Constitution*, “All of a sudden a freaking zebra comes running down the street like a car.” He continued, “Five or six police cars were in hot pursuit. And a bunch of officers on foot.” The zebra was euthanized several weeks later as a result of injuries sustained during the chase.

**February 7, 2010:** According to *The State* of Columbia, South Carolina, “A startled elephant took a wrong turn backstage and broke through the main prop door leading into the Colonial Life Arena during the afternoon pre-show for the Ringling Bros. and Barnum & Bailey Circus . . . .
About 100 spectators on the floor watching the pre-show saw the elephant break through the door toward them and rumble around the performance area, just a few feet away. "The pre-show ended early as a result of the incident.

February 3, 2010: The Daily Times of Delaware County, Pennsylvania, reported that the Neumann University Alumni Association would halt its promotion of discounted tickets to Ringling, partly in response to a letter from PETA describing how Ringling separates baby elephants from their mothers and beats and jabs elephants with bullhooks.

February 3, 2010: Ringling announced that an elephant named Barack had tested positive for EEHV.

January 26, 2010: Ringling announced that elephant Barack was being taken off the road after appearing in circus shows in Orlando and Jacksonville, Florida. Barack was under 1 year old when Ringling transported him from its Polk City, Florida, training center to the Florida State Fairgrounds in Tampa.

January 8, 2010: Ringling euthanized Josky, a 43-year-old female Asian elephant who had been captured from the wild in 1967.

August 28, 2009: According to a sworn statement from a former Ringling trainer, Samuel Haddock, "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. ... 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.” Mr. Haddock shared photos that can be found at http://headlines.peta.org/ringling-boundbabies/.

Mr. Haddock also stated that all the elephants at the CEC had been treated for TB because they had either tested positive for it or been exposed to TB-infected elephants and that the veterinarian ordered TB medication in bulk.

July 22, 2009: PETA released the findings of its months-long investigation into Ringling and documented dozens of incidents in which numerous Ringling employees, including an animal superintendent and a head elephant trainer, hit elephants on the head, trunk, and ears with bullhooks and a tiger trainer whipped tigers. PETA filed complaints with the USDA, the U.S. Fish and Wildlife Service, and law-enforcement agencies in Alabama,
Connecticut, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia. Video footage from the investigation is available at RinglingBeatsAnimals.com and shows trainers hitting elephants backstage just before they were forced to perform for the audience and whipping tigers during practice sessions.

March 12, 2009: The USDA cited Ringling for failing to maintain the primary enclosures for the elephants and big cats at its Williston, Florida, facility in a manner that would prevent injury to the animals. The USDA also cited Ringling for an unsanitary food storage area that was contaminated with rodent droppings and for failing to maintain a perimeter fence behind an enclosure housing a tiger.

March 11, 2009: The USDA cited Ringling for failing to repair damaged perimeter fencing around enclosures housing elephants at its breeding compound. The inspector wrote that the perimeter fence “had evidence of small mammal tracks and paths and several areas where gaps were ... large enough for a person to crawl under the fence.”

Early 2009: Evidence was presented during a federal lawsuit alleging that Ringling’s routine abuse of Asian elephants violates the Endangered Species Act. The evidence revealed that when traveling, elephants are chained for an average of more than 25 hours at a time, sometimes for as long as 100 hours straight; that the CEO of Feld Entertainment witnessed handlers hitting elephants with bullhooks; that Ringling’s own animal behaviorist saw an elephant who had been struck with a bullhook dripping blood on the arena floor during a show; and that an internal report documented that Troy Metzler, a longtime Ringling elephant trainer, struck Angelica, an Asian elephant, three to five times while she was held in stocks before unloading her and then shocking her with an electric prod. The evidence also revealed that in an e-mail, a Ringling veterinary assistant reported, “After this morning’s baths, at least 4 of the elephants came in with multiple abrasions and lacerations from the [bull]hooks. ... The [lacerations] were very visible ... [A handler] applied ... wonder dust just before the show.” (Wonder Dust is a powder that is used to conceal bullhook wounds.)

November 13, 2008: Michigan-based home-repair company Hansons Windows agreed to end its Ringling ticket giveaway.

August 1, 2008: In a report about Ringling’s Anaheim, California, performance, the Highland Community News wrote, “Surprisingly, the amazing acts with ... elephants and Bengal tigers did not receive as large a response from the audience as the seven motorcycle riders zooming around at the same time inside the ‘Globe of Steel.’”

July 18, 2008: Ringling euthanized Calcutta II, a 62-year-old Asian elephant who had been captured from the wild in India and shipped to U.S. circuses as an infant.

April 9, 2008: The USDA cited Ringling for failing to maintain the transport cages for the tigers, failing to clean and repair the transport vehicle for the tigers, improperly storing food and
bedding, and failing to clean the cutting board and chainsaw used to cut and prepare food for the tigers. Both had dried food residue on them.

March 21, 2008: According to the Associated Press, three zebras—Mali, Giza, and Lima—escaped from the 1st Mariner Arena located in downtown Baltimore and dashed into traffic. They had also escaped in June 2007 during the circus’s visit to Colorado.

March 15, 2008: The president of Harris Teeter, a Southeastern supermarket chain, confirmed in an email to PETA, “Going forward we will not be supporting Circus promotions. ... [W]e already have turned one sponsorship down.” The food giant had been promoting Ringling in some of its 200 stores.

February 20, 2008: The USDA cited Ringling for failing to have adequate perimeter fencing around two tigers.

January 15, 2008: The Miami New Times reported that Ringling had issued a statement claiming that elephant trainer Joe Frisco Jr. “received minor injuries after falling while walking with a juvenile elephant in the elephant barn in Miami.” During trial testimony on March 9, 2009, Ringling trainer Gary Jacobson confirmed that Frisco had been knocked down by an elephant named P.T. Frisco is the brother of elephant trainer Tim Frisco, who was caught on tape viciously beating elephants with bullhooks for the Carson & Barnes Circus.

January 11, 2008: The USDA cited Ringling for failing to provide six dogs with adequate housing.

January 9, 2008: Denny’s confirmed that it had ended its partnership with Ringling in December 2007, less than six months after announcing the joint promotions. The move came after months of PETA protests and consumer complaints.

December 11, 2007: The USDA cited Ringling for failing to maintain records of acquisition and disposition for tigers.

June 16, 2007: According to the Associated Press, four zebras and three horses who were being walked into an arena in Colorado Springs, Colorado, for practice for a Ringling performance became spooked. They reportedly ran loose along a road near an interstate for 30 minutes.

April 16, 2007: A Florida Fish and Wildlife Conservation Commission captive-wildlife inspection report noted that Ringling’s breeding compound in Polk City, which housed 30 elephants, was still under a TB watch.

February 8, 2007: According to the Florida Department of Agriculture and Consumer Services, the elephant Shirley tested positive for TB.

February 27, 2007: The state of Florida ordered quarantine for five elephants at Ringling’s Williston location. They had been exposed to two elephants with TB—including one named India, who was found to have TB on necropsy. One of the five, Tillie, had also tested positive for the disease on a trunk wash.
January 18, 2007: According to documents obtained from the Florida Department of Agriculture and Consumer Services, Ringling veterinarian Dr. Ellen Wiedner called an official with the Florida Bureau of Animal Disease Control in an attempt to persuade the agency not to issue a state quarantine, in order to avoid negative publicity after laboratory tests confirmed the growth of TB on a lung sample from Asian elephant India, who had died in September and had been housed at Ringling’s Williston, Florida, facility.

December 8, 2006: Lucky Brand Jeans pulled T-shirts emblazoned with the Ringling logo off store shelves and the company’s website after learning from PETA about the animal abuse associated with the circus.

November 3, 2006: Former Ringling employees Bob Tom and Archele Hundley provided PETA with signed statements that described routine animal abuse. The following are among their allegations: An elephant was left covered with blood after a violent beating that lasted for 30 minutes, a horse was whipped with the metal snap on a lead for 10 minutes and was later found to have a broken tooth, a miniature horse was knocked senseless after he was repeatedly slugged in the face with such force that the sound of the handler’s fist hitting the horse’s face could be heard 20 feet away, and the elephants were forced to stand in foul-smelling feces and urine during transport. When the waste was disposed of, it would fill up to one and a half dumpsters.

November 2, 2006: According to a news report on WJLA-TV, the D.C. Armory, which had hosted Ringling in Washington, D.C., for 33 years, announced that the circus would no longer be performing at the venue. The district’s Sports and Entertainment Commission, which operates the armory, said that it had been losing money on the show.

September 19, 2006: The USDA cited Ringling for failing to have an 8-foot perimeter fence around dangerous animals at its Williston, Florida, facility.

September 15, 2006: The circus euthanized India, a 55-year-old Asian elephant who had been captured from the wild and shipped to the circus as an infant in 1954. She was later found to be positive for TB on necropsy.

September 5, 2006: Two male elephants at Ringling’s Polk City, Florida, breeding facility tested positive for TB. Other elephants at the facility who had been housed near the TB-positive males were also placed under quarantine. Three female elephants were pulled out of the traveling units because they had been exposed to one of the infected elephants.

July 11, 2006: The USDA cited Ringling for improper handling of elephants by failing to ensure that appropriate security was provided when the train containing the animals was stopped on the railroad tracks. The inspector wrote, “[T]hree [USDA] personnel … were able to approach and walk unchallenged directly to the open doors of the elephant cars.” The inspector stressed that under “these circumstances
a member of the public would have been able to enter the cars and approach the animals, thus jeopardizing their own safety, or place items inside the cars that could adversely affect the well-being of the animals.”

**June 23, 2006:** According to the Florida Department of Agriculture and Consumer Services, the elephant Smokey tested positive for TB.

**May 24, 2006:** The USDA cited Ringling for failing to provide an elephant named Jewel, who had an abnormal gait and a stiff front left leg, with adequate veterinary care. The inspector found that Jewel’s stiffness didn’t disappear within a few minutes of walking, as Ringling’s veterinarian had claimed.

**May 18, 2006:** The USDA cited Ringling for failing to dispose of expired medication.

**May 3, 2006:** The USDA cited Ringling for failing to give adequate veterinary care to and maintain medical records for an elephant named Zina, who had “a large swelling” on her right hind leg. Ringling didn’t have the prescribed medication on hand, and the staff was unaware that the medication needed to be administered.

**April 18, 2006:** PETA supplied the USDA with videotape showing elephant trainer Troy Metzler abusively hooking elephants, elephants kept on the road in spite of crippling arthritis, and elephants who were suffering from painful pressure wounds. Two elephant experts confirmed that Metzler’s acts of hooking were clear abuse and that the lame elephants should not be traveling or performing.

**March 31, 2006:** The USDA cited Ringling for failing to maintain an enclosure housing zebras.

**February 15, 2006:** The USDA cited Ringling for failing to provide a camel named Spike, who had two actively bleeding wounds, with veterinary care. Also, according to the Florida Department of Agriculture and Consumer Services, the elephant Osgood tested positive for TB.

**January 6 and 17, 2006:** The USDA cited Ringling for causing trauma, behavioral stress, physical harm, and unnecessary discomfort to two elephants, Rudy and Angelica, who had sustained cuts and scrapes from arena seats after becoming startled by a barking dog while performing in Puerto Rico. Ringling was also cited for failing to have a safety barrier between the elephants and the public.

**November 16, 2005:** The *East Valley Tribune* in Arizona wrote the following about elephants Reba and Sheena: “Reba and Sheena came [to the Phoenix Zoo] from Ringling Brothers Barnum and Bailey Center for Elephant Conservation after years of circus performing, zoo officials said. Negative reinforcement, such as hits and pokes, along with years of doing unnatural tricks, caused the elephants to become aggressive and dangerous. . . . Reba [who once killed a circus trainer] pulled on her own nipples and Sheena was angry and withdrawn. All were threatening to zookeepers and dangerous to one another. . . . ‘When you think about these animals, they had traumatic lives,’ [said Geoff Hall, Phoenix Zoo vice president of living collections].”
October 5, 2005: The USDA cited Ringling for failing to maintain medical-care records “for all the elephants, and Günther in particular.” There was no treatment plan for Günther, who had been suffering from a foot lesion for at least five months.

September 22, 2005: The Florida Fish and Wildlife Conservation Commission issued a verbal warning to Ringling for having enclosure fences for the elephants of insufficient height and not having shelter in a paddock at its Williston facility. The report also noted that four out of eight elephants (Siam, India, Tilly, and Prince) housed at Ringling’s Williston facility had tested positive for TB in 2001.

September 7, 2005: The USDA cited Ringling for failing to dispose of expired and undated TB drugs and failing to have the necessary documentation to note that Asian elephant Siam had been transported from the Williston, Florida, facility to the CEC.

September 6, 2005: The USDA cited Ringling for failing to supply shade to an elephant named Doc, who was in an outdoor pen “that does not provide any shade or shelter” at the CEC.

August 10, 2005: According to the Asian Elephant Studbook, an 11-day-old elephant named Bertha died.

April 26, 2005: During an examination, the USDA confirmed that a 3-year-old elephant named Günther, who toured with Ringling’s Home Edition (Gold Unit), suffered from lameness.

April 13, 2005: Elephant handler David Mannes was airlifted to a medical center to treat a fractured pelvis and soft tissue wound to his arm after being knocked down and kicked by an elephant named Tova while feeding the elephants at Ringling’s breeding compound in Polk City, Florida.

March 29, 2005: The New York Times reported, “[Men] are still the ones cracking whips as Bengal tigers (beautiful but a little fat) walk in circles, occasionally roar and run in and out of cages that look too small for them. Their trainer, Taba, did not seem worthy of them. But our consciousness has changed. We worry about how the animals are trained and treated.”

March 3, 2005: The USDA cited Ringling for failing to maintain the cages used to transport tigers. The flooring was peeling up, creating a risk that the animals might eat it.

February 17, 2005: The Star-Telegram of Fort Worth, Texas, reported, “[I]n less than two decades, the Canadian entertainment phenomenon [Cirque du Soleil] has reached levels of revenues that it took Ringling Bros. and Barnum & Bailey more than 100 years to attain.”

January 26, 2005: A USDA inspector noted in an inspection report that elephants Günther (age 3) and Angelica (age 7) had nail lesions.
November 20, 2004: The Hamilton Spectator in Ontario, Canada, reported, “[Ringling production manager Brian Newman] said the circus has lost some of its appeal, which may account for fair ticket sales at each of this weekend’s five shows at Copps Coliseum. Organizers say none of the shows at the modified 4,000-seat venue are sold out. . . . [B]ehind the scenes, allegations of animal cruelty involving its elephants [have] plagued Ringling Bros. . . . A Spectator reporter’s request to view the elephants was declined.”

November 5, 2004: The Chicago-area Daily Herald reported, “Less enthralling, at least to those of us who go to the circus every year, are those acts that seem to appear in every edition of the circus: the high-wire acts, the marching elephants, the motorcyclists that zoom around the inside of a metal sphere.”

October 9, 2004: A 44-year-old Asian elephant named Roma was euthanized because of osteoarthritis. A necropsy revealed that Roma had TB.

September 8, 2004: The USDA cited Ringling for failing to dispose of a number of outdated drugs and failing to maintain the transport enclosure used to hold tigers.

August 25, 2004: According to the Alameda Times-Star in California, Oakland Zoo elephant manager Colleen Kinzley described a video showing a Ringling handler hitting and jabbing an elephant as clear abuse. Kinzley also commented on video footage showing a chained elephant swaying neurotically, saying, “For such a young animal to be exhibiting that amount of abnormal behavior is just tragic.”

August 5, 2004: An 8-month-old elephant named Riccardo was euthanized after sustaining severe and irreparable fractures to both hind legs when he fell off a circus pedestal during a training exercise involving a bullhook and ropes. Riccardo was born to 8-year-old Shirley, although in the wild Asian elephants do not usually have their first calves until they are 18 to 20 years old. After birth, Riccardo was taken away from his mother to be raised by humans. According to the necropsy report, it was suspected that he may have suffered from metabolic bone disease—this disorder has been linked to hand-rearing and being fed an imbalanced diet.

July 13, 2004: The USDA launched a formal investigation into the death of a 2-year-old lion named Clyde. According to former Ringling lion handler Frank Hagan, Clyde died while traveling through the intense heat of the Mojave Desert in a poorly ventilated boxcar without being checked on or given water. He is believed to have died from heatstroke and dehydration. Hagan stated in an affidavit dated July 31, 2004, that employees who had knowledge of how Clyde died were instructed not to speak to USDA inspectors who were investigating the death. Before USDA officials arrived, Ringling quickly had misters installed in the boxcar holding the lions. Hagan also said that Ringling elephant trainer Troy Metzler, nicknamed “Captain Hook” by circus staff, was frequently observed abusively hooking elephants, including babies, with a bullhook.

July 1, 2004: An Asian elephant died from an aortic aneurysm.
May 11, 2004: Two horses with Ringling were struck by a freight train as they were being unloaded from the circus train near Dayton, Ohio. One horse died instantly, and the other was euthanized at the scene.

April 8, 2004: A Bengal tiger was euthanized for thoracic neoplasia.

March 5, 2004: MasterCard International dropped its controversial sponsorship of Ringling. It joined Visa and Sears, Roebuck & Co. to become the third national sponsor to end its Ringling promotions amid a flood of complaints.

December 21, 2003: A Bengal tiger was euthanized because of aortic thrombosis.

December 5, 2003: An 8-year-old elephant named Shirley, who was bred by Ringling when she was only 7 years old, gave birth to Riccardo while she was chained on three legs (video). Elephants in the wild begin mating at age 18. Studies show that captive elephants who breed before age 12 have a shorter life span.

October 26, 2003: The Topeka Capital-Journal in Kansas reported, “[T]he Ringling Bros. and Barnum & Bailey Circus, which hadn’t been to Topeka in 12 years, had ‘dismal numbers.’”

July 19, 2003: A Bengal tiger was euthanized because of gastritis.

May 2, 2003: According to a report on the CBS program 60 Minutes, freelance journalist Jan Pottker filed a lawsuit against Ringling for fraud and conspiracy. Pottker charged that Ringling spent an estimated $3 million over an eight-year period in an attempt to sabotage her writing career after she wrote an unflattering article about the circus.

February 20, 2003: The USDA cited Ringling for failing to have a complete perimeter fence around dangerous animals at its Williston, Florida, facility.

January 24, 2003: An Asian elephant was euthanized because of osteoarthritis.

December 21, 2002: A 57-year-old Asian elephant named King Tusk was euthanized because of osteoarthritis.

December 16, 2002: The USDA cited Ringling for keeping alpacas and goats in areas with an accumulation of debris that included wood with sharp pointed nails sticking up.

December 5, 2002: The USDA cited Ringling for failing to have an appropriate perimeter fence around dangerous animals at its winter quarters.

November 7, 2002: The USDA cited Ringling for failing to have four elephants tested for TB and failing to store food in a manner that protects it from contamination.

October 7, 2002: According to a review of Ringling’s veterinary records, there have been 10 cases of elephant TB at Ringling.
October 6, 2002: As reported in *The Macomb Daily*, Ringling hired veterinarian Gretchen Steininger to provide medical care and defend its use of animals while the circus was in Michigan. She had previously been fined $500 and reprimanded for negligence by the Michigan Department of Consumer & Industry Services on June 22, 2002.

March 26, 2002: The *New York Daily News* reported, “I went to see the Ringling Bros. and Barnum & Bailey Circus at Madison Square Garden. . . . The Garden was half full. . . . The tigers moved with the half-speed of a Municipal Building bureaucrat and were more stoned than the bums you had to step over in Penn Station on the way into the Garden. . . . [M]y little guy’s favorite attraction was the giant industrial dung vacuum.”

February 21, 2002: The USDA cited Ringling for improper food storage, failing to dispose of expired medication, and poor sanitation.

August 30, 2001: According to an article on Salon.com titled “The Greatest Vendetta on Earth,” a 163-page sworn deposition given by Joel Kaplan, a private investigator who had performed security and wire-tapping services for a Feld Entertainment subsidiary for 20 years, stated, “[Ringling] had some real problems with the elephants. . . . I was told [by the circus veterinarian] . . . that about half of the elephants in each of the shows had tuberculosis and that the tuberculosis was an easily transmitted disease to individuals, to human beings. . . . I was asked by Chuck [Smith], through Kenneth [Feld], to find a physician who would test the people [in] the circus to see if they had tuberculosis but who would destroy the records and not turn them [in to] the Centers for Disease Control [and Prevention].”

August 25, 2001: California humane officers charged Mark Oliver Gebel, son of animal trainer Gunther Gebel-Williams, with cruelty to animals for alleged elephant abuse. According to the *Los Angeles Times*, Gebel allegedly used a bullhook on an elephant named Asia when she hesitated before entering the performance ring at the Compaq Center in San Jose, California. Asia was found to have a bloody spot on her leg.

August 24, 2001: Ringling was fined $200 by the city of San Jose, California, for allowing a yak to run at large and cause a public nuisance.

August 20, 2001: The USDA cited Ringling for failing to provide access for the inspection of animals, records, and property at its facility in Polk City, Florida.

August 16, 2001: According to *The Wichita Eagle*, Ringling failed to secure a date at the Kansas Coliseum because of concerns about its declining circus attendance.

May 25, 2001: A 34-year-old Asian elephant named Birka was euthanized at Ringling’s breeding compound because of abdominal neoplasia.
May 5, 2001: Ringling and exhibitor Josip Marcan subjected a tiger in advanced stages of pregnancy to stressful conditions associated with transport. Four cubs were born while the circus was performing in Columbus, Ohio.


May 1, 2001: A 7-year-old Bengal tiger named Jasmine was euthanized because of chronic renal disease.

April 30, 2001: An Asian elephant was euthanized because of chronic osteoarthritis.

April 16, 2001: An affidavit from a veterinarian at the National Veterinary Services Laboratories stated that elephants Teetchie, Vance, Sabu, Mala, Dolly, Calcutta I, Calcutta II, and Siam I had tested positive for TB.

April 12, 2001: An Asian elephant was euthanized because of chronic osteoarthritis.

April 8, 2001: According to The New York Times, a Ringling spokesperson admitted that a trainer who had been videotaped tormenting elephants was still on elephant duty.

March 26, 2001: An internal USDA memo stated, “This is a request for a subpoena to compel testimony and provide documentation ... under the AWA. ... I have been involved in an investigation into allegations of elephant abuse and exhibiting elephants infected with TB by Ringling Brothers Circus. ... The investigation has been very frustrating in that Feld Entertainment has not been cooperative with allowing the USDA to review medical records on the elephants, and that key witnesses will not cooperate due to court settlements with Feld Entertainment that prevent them from discussing any circus issues with anyone.”

March 14, 2001: A Bengal tiger was euthanized because of tumors in her ear canal and sinuses.

February 20, 2001: The USDA cited Ringling for improper food storage.

2001: Ringling’s Red Unit leased five elephants— including a male elephant named Bo—from the George Carden Circus even though two Carden employees reportedly pleaded guilty that year to cruelty-to-animals charges in provincial court in St. John’s, Newfoundland, and each had been fined $200. According to the Canadian Broadcasting Corp., the charges were brought after investigators found bears kept in cages that were dirty and too small—for 23 hours a day. The judge stated that “the maximum sentence needs to be looked at.” He added that “the best sentence may be for people to simply stay away the next time this circus comes to town.”

November 3, 2000: The Chicago Sun-Times reported, “Founded in 1871, the ‘greatest show on earth’ has steep competition these days from artier circuses, such as Cirque du Soleil,
that rely more on theatrics than on lions and tigers and bears, oh my. This may explain why the east and west wings of the venue were empty.”

**September 19, 2000:** The Seattle Times reported, “More than anything, I noticed how many seats were empty, how The Greatest Show on Earth was more of a no-show here in Seattle than anything else.”

**September 7, 2000:** The USDA cited Ringling for failing to provide animals with adequate veterinary care. The inspector wrote, “There is no documentation maintained on elephants that have minor lesions, scars or abrasions. ... Records of medical treatment were not available on the camel that recently had both rear feet caught in a train track.” Ringling was also cited for storing the animals’ food near toxic substances and failing to maintain transport enclosures that could be properly cleaned and sanitized.

**September 6, 2000:** The USDA cited Ringling for failing to provide an elephant named Tillie, who had been diagnosed with TB and wasn’t receiving treatment, with adequate veterinary care. Tillie, who was owned by Patricia Zerbini, was at Ringling’s Williston, Florida, facility and commingled with other elephants, which put them at risk for infection or reinfection.

**August 5, 2000:** An Asian elephant was euthanized because of degenerative osteoarthritis.

**August 1, 2000:** A Bengal tiger was euthanized because of degenerative osteoarthritis.

**July 12, 2000:** The USDA cited Ringling for failing to provide adequate care in transit, failing to provide drinking water, and failing to maintain transport enclosures. The inspector wrote, “[A]nimals must be visually observed at least every four hours. ... Tiger transport vehicle is inaccessible as long as train is in motion. ... [I]t is not clear if the opportunity to water the tigers every 12 hours is available. ... Tiger transport design has allowed excessively high temperatures during routine transport ... Vent failure pushed these temperatures to a point of immediate danger to the animals.”

**July 5, 2000:** The USDA cited Ringling for failing to maintain the structural strength of its enclosures housing tigers. Two tigers had injured themselves attempting to escape from cages in which an excessive rise in temperature occurred when faulty vent doors blew shut. One tiger tore at the cage, tearing the track from the door and breaking off a tooth. A tiger in another enclosure was injured above the eye.

**June 13, 2000:** Congressional testimony by Tom Rider, a former Ringling employee, identified elephant Karen as a killer: “Although she was the most dangerous elephant in the group, she is the one they used in the three-ring adventure where the public is allowed to stand around the elephant with no safety net or other protection around her. Karen had a habit of knocking anyone who came into range, slamming them into the ground, yet they allowed her to have contact with the audience.”

Rider also included this in his testimony: “[Elephants] live in confinement and they are beaten all the time when they don’t perform properly. ... When I became disturbed about the treatment of the elephants, the continual beatings, including the baby Benjamin, I was told ‘that’s discipline.’”
**May 22, 2000:** A horse suffering from life-threatening colic as the Ringling train was traveling through Pennsylvania had to wait three hours for treatment while employees searched for a large-animal veterinarian.

**May 21, 2000:** The *Dayton Daily News* in Ohio reported, “But the most amazing thing of all wasn’t even what was going on in the three rings [at Ringling Bros. and Barnum & Bailey Circus]. It was to be seen elsewhere in the arena, up in the seats. In all the empty seats. ... [T]he show we attended was nowhere close to sold out. In fact, the place was nearly empty.”

**April 17, 2000:** In comments submitted to the USDA, Ringling opposed language in the agency’s “Draft Policy on Training and Handling of Potentially Dangerous Animals” that read, “Hot shots, shocking collars, or shocking belts should not be used for training or to handle the animals during exhibition and any such use will be closely scrutinized. An ankus [a bullhook] may not be used in an abusive manner that causes wounds or other injuries.”

**February 22, 2000:** Ringling was cited for failing to maintain a transport-shift cage for the tigers—it had a hole in the floor. The USDA also cited the circus for failing to provide dogs with minimum space and failing to identify dogs and cats with USDA tags.

**November 19, 1999:** The *Chicago Tribune* reported, “Last Thursday’s performance of Ringling Bros. and Barnum & Bailey Circus at the 16,000-seat Allstate Arena was so small that two of the three rings were playing to rafts of empty seats. Attendees at several other first-week performances reported similarly small houses.”

**November 9, 1999:** The USDA cited Ringling for tiger cages in need of repair. The inspector noted that an elephant with chronic arthritis was continuously housed on concrete instead of a more comfortable surface such as rubber.

**November 8, 1999:** The *Chicago Sun-Times* reported, “As master of ceremonies, baby-faced Johnathan Lee Iverson was a congenial [Ringling Bros. and Barnum & Bailey Circus] ringmaster who didn’t let on if the half-empty venue affected him.”

**October 28, 1999:** A 52-year-old Asian elephant named Teetchie was euthanized because of a TB infection and multiple joints affected by osteoarthritis.

**September 16, 1999:** Ringling’s Williston, Florida, facility was quarantined by the Florida Department of Agriculture and Consumer Services because elephants had TB.

**September 8, 1999:** According to a review of Ringling’s veterinary records, Alana, Romeo, Juliette, Kelly Ann, and Nicole were undergoing treatment for TB.

**August 1999:** Two frightened zebras who were tethered together escaped from their handler and ran toward a main street while being transferred from the arena between performances in San Jose, California.
August 23, 1999: According to an inspection conducted by South Bay Animal Control Services, seven elephants were found to have multiple lacerations. A zoo veterinarian who reviewed photographs of these and other injuries concluded, “The majority of the wounds documented in these photographs are fresh, actively draining puncture wounds caused by an ankus or hook.”

During a subsequent visit, Ringling veterinarian Bill Lindsay and two other circus employees surrounded a humane investigator in a threatening manner and angrily confronted the investigator in an attempt to impede an investigation into a citizen’s complaint regarding Persian cats used in the show.

July 26, 1999: Benjamin, a 4-year-old baby elephant, drowned while swimming in a pond when the circus was traveling through Texas. According to an affidavit, the trainer took elephant Shirley back to the truck and returned to get Benjamin out of the pond. He ignored commands to exit the pond and drowned as the trainer entered with a bullhook in hand and began poking him with it. According to the Asian Elephant Studbook, Benjamin was taken from his mother when he was only 1 year old. During an investigation into his death, the USDA was forced to subpoena a necropsy report from Texas A&M University’s veterinary laboratory after Ringling ignored AWA requirements and two investigators’ requests for the document.

May 27, 1999: The USDA cited Ringling for failing to keep cages used to hold tigers in good repair, failing to have locking mechanisms on several cages, and failing to dispose of medication that had expired as far back as February 1996.

May 11, 1999: In a letter to Ringling, USDA Deputy Administrator Ron DeHaven wrote, “We have completed our review of the lesions observed on two juvenile elephants, Doc and Angelica, during the inspection of the Center for Elephant Conservation in Polk City, Florida, on February 9, 1999 .... [W]e find that the handling of these two elephants was not in compliance with the Animal Welfare Act regulations .... We believe there is sufficient evidence to confirm the handling of these animals caused unnecessary trauma, behavioral stress, physical harm and discomfort to these two elephants.”

February 25, 1999: According to internal USDA memos written by inspectors detailing injuries found on two baby elephants during a February 9, 1999, inspection, “[Ringling veterinarian] Dr. Lindsay was very upset and asked repeatedly why we could not be more collegial and call him before we came. I explained to him that all our inspections are unannounced. ... All Ringling personnel were very reluctant to let us take pictures [of the elephant calves’ rope lesions].” Ringling personnel were described as “badgering,” “disgust[ed],” “antagonistic,” and “defensive” toward the inspectors.

February 22, 1999: Saber, a Polish Arabian horse, collapsed and died during Ringling’s animal march to the Scope Convention Center in Norfolk, Virginia. According to the necropsy, Saber died from a pulmonary hemorrhage. He had been treated during performances for chronic asthma for the previous three to four years and was very sensitive to dust in hay. The attending veterinarian, who had not seen Saber since the previous month, did not know if the horse had received hay on the train ride to Norfolk.
February 9, 1999: A USDA inspection report indicated that wounds on two baby elephants’ legs were from separating them from their mothers. The report stated, “[T]here were large visible lesions on the rear legs of both Doc and Angelica [baby elephants]. When questioned as to the cause of these lesions, it was stated by Mr. Jim Williams & Mr. Gary Jacobson that these scars were caused by rope burns, resulting from the separation process from the mothers on January 6, 1999. Angelica’s lesion appeared as a pink linear scar, approximately 6” long x 1” wide on the right rear leg. The left rear leg also had a scar directly below the cloth leg tie. Both lesions appeared to have been treated with an iodine-based ointment .... Angelica also had two linear healing scars on the back of the right hind leg. Doc had a pink scar on the right rear mid-leg area.” Both baby elephants were just under 2 years old when taken from their mothers. (In the wild, female elephants remain with their mothers their entire lives and males for up to 15 years.) The USDA cited Ringling for failing to have TB tests for one elephant available for review. It was also noted that no treatment was instituted for another elephant with a positive TB status.

1999: Records from the USDA National Veterinary Services Laboratories indicated that elephants Siam, Vance, Calcutta II, Dolly, and Teetchie had tested positive for TB.

December 17, 1998: The state of Florida issued a notice of quarantine for all animals—elephants and tigers—at Ringling’s Williston location.

December 9, 1998: A USDA inspector noted on an inspection report that an elephant with confirmed TB had been euthanized (likely Dolly). The inspector also noted that Siam, Calcutta II, and India did not have adequate shade and that an elephant named Congo had intermittent lameness and what appeared to be hyperkeratosis, a skin condition.

November 21, 1998: The Calgary Herald reported that the goat Ringling featured in 1980 as a “unicorn” had been purchased from serial killer Leonard Thomas Lake. The “unicorn” was actually a mutilated goat whose horns had been manipulated to grow in the center of the animal’s forehead.

November 6, 1998: Records from the USDA National Veterinary Services Laboratories indicated that elephant Vance had tested positive for TB.

November 1998: A tiger escaped from a cage in a Chicago parking lot and attacked a Ringling handler. The handler was hospitalized in serious condition with bite wounds to his neck and side.

October 7, 1998: A USDA inspection found three elephants—Lechamee, Sophie, and Minnie—with lameness and one, Susan, with lacerations on her forehead.

October 1, 1998: The USDA cited Ringling for having a damaged transport enclosure for the hippopotamus.
September 11, 1998: A USDA inspector noted in an inspection report that three elephants (32-year-old Lechamee, 28-year-old Sophie, and 42-year-old Minnie) had suffered from arthritis for at least 12 years.

September 3, 1998: According to the Asian Elephant Studbook, a 40-year-old elephant named Dolly died. She was found to have TB.

August 31, 1998: A 12-year-old sea lion named Gypsy was found dead in a transport container in Moline, Illinois.

July 15, 1998: The USDA entered a settlement with Ringling following the death of Kenny, a baby Asian elephant who was forced to perform in Jacksonville, Florida, despite being sick. The circus agreed to institute annual education requirements for all animal handlers on husbandry and AWA compliance. It also agreed to donate a total of $20,000 to an animal sanctuary and to an organization that studies animal diseases.

June 9, 1998: The USDA cited Ringling for failing to maintain records of veterinary care for an elephant named Seetna, who was euthanized because of prolonged dystocia (difficult labor).

March 11, 1998: The USDA cited Ringling for failing to have USDA identification tags on eight poodles.

January 24, 1998: A 3-year-old baby elephant named Kenny was forced to perform in two shows while the circus was in Jacksonville, Florida, despite obvious signs of illness. According to affidavits, Kenny was suffering from diarrhea and passing blood. He was led to the ring for the third performance and was a “little unsteady” on the return to the barn. He was dead a couple of hours later.

January 7, 1998: Ringling trainer Graham Chipperfield shot a Bengal tiger named Arnie five times with a 12-gauge shotgun while he was locked in a cage, killing him after Arnie attacked Graham’s brother, Richard, during a photo shoot. On March 26, 1998, the USDA issued a warning for Arnie’s killing.

September 5, 1997: The USDA cited Ringling for failing to store supplies properly.

July 24, 1997: The USDA cited Ringling for failing to clean bags used to hold meat for cats.

February 3, 1997: The USDA cited Ringling for failing to correct a previously identified violation of failing to clean the food-storage truck.

January 21, 1997: The USDA cited Ringling for failing to clean and sanitize the food-storage truck.

December 20, 1996: The USDA cited Ringling for failing to provide primates with environmental enrichment. The inspector stated, “There is no enhancement plan developed. The primates show signs of stereotypic behaviors (rocking, weaving, shaking, cage-bar chewing.
& licking). All primates are housed singly. Cages have no enrichment.” Ringling was also cited for not providing a baboon with adequate space and a hippo with adequate shelter. The inspector noted, “The length of the hippo is greater than the width of the hippo pool.”

**August 14, 1996:** The USDA cited Ringling for failing to give the elephants tetanus vaccinations, deworming treatment, and fecal exams.

**May 22, 1996:** An elephant named Seetna was euthanized because of prolonged dystocia (difficult labor). According to the *Asian Elephant Studbook*, she was nearly 30 years old when she died.

**1995:** According to the *Asian Elephant Studbook*, the following Ringling elephants died: 53-year-old Cita, 53-year-old Ranni, 45-year-old Rhani, and 34-yearold Karnaudi.

**December 7, 1995:** The USDA cited Ringling for failing to maintain tiger cages, failing to provide records of disposition for 10 elephants no longer on the premises, and improper food storage.

**December 5, 1995:** The USDA cited Ringling for failing to allow access to its property for an inspection.

**September 30, 1995:** A lion bit off the index finger of a 31-year-old woman after she stuck her hand in a cage holding the animal at a staging area in downtown Indianapolis.

**September 20, 1995:** The USDA cited Ringling for failing to have a program of veterinary care, failing to dispose of expired drugs, and failing to have a record of tetanus vaccinations.

**June 8, 1995:** The USDA cited Ringling for improper food storage.

**February 14, 1995:** The USDA cited Ringling for failing to have an exercise program for dogs and using enclosures that were in need of repair to contain dogs.

**December 28, 1994:** The USDA cited Ringling for failing to keep primary transport enclosures in good repair.

**November 10, 1994:** The USDA cited Ringling for failing to store food properly.

**October 18, 1994:** During a routine USDA inspection, an elephant was being beaten by a Ringling trainer. The USDA inspector stated, “Upon entering facility, I heard yelling and the sound of someone hitting something. I observed an elephant handler hitting an elephant with the wooden end of the handling tool to get it up.” The inspector cited Ringling for failing to handle animals in such a way that there is minimal risk of harm to the animal and the public. In addition, after noting that three elephants who didn’t get along were confined together, the inspector wrote, “Animals shall not be housed near animals [who] interfere with their health or cause them discomfort.” The USDA also cited Ringling for failing to keep facilities in good repair, failing to store food properly, failing to have sufficient barriers around enclosures holding tigers, and failing to have someone available to accompany the inspector during the inspection.
August 8, 1994: According to the *Asian Elephant Studbook*, a 41-year-old elephant named Jenny died.

April 26, 1994: The USDA cited Ringling for failing to have shade cloth over a pen holding elephants.

February 4, 1994: The USDA cited Ringling for failing to store food properly.

January 21, 1994: The USDA cited Ringling for electrical wires hanging loose inside a cage holding a lion, causing the potential for injury.

December 29, 1993: The USDA cited Ringling for failing to provide dogs with minimum space and having inadequate lighting in the enclosure holding dogs. The boxes were too small “for most dogs to stand, sit, lie, & turn about freely.” Ringling was also cited for improper food storage, failing to repair the cages housing lions, and failing to correct previously identified violations of not providing bears with minimum space, including one bear with rub marks.

December 14, 1993: The USDA cited Ringling for failing to provide bears with the minimum space required by the federal AWA, failing to keep two cages used to hold tigers in good repair, failing to store food and bedding properly, failing to practice safe watering (water for tigers was kept in unlabeled red gasoline cans), failing to have identification for new dogs, failing to have an exercise plan for the dogs, and failing to have acquisition records for new bears and dogs.

December 14, 1993: The USDA cited Ringling for failing to have a sufficient perimeter fence around the compound housing tigers at the breeding facility.

October 21, 1993: The USDA cited Ringling for failing to keep five transfer cages used for tigers in good repair; failing to store food properly; failing to dispose of waste properly; failing to have the exercise plan for dogs available for review; failing to maintain good housekeeping (conditions included clutter around cages, paint that was peeling in an enclosure used for elephants, and cans of fuel between cages holding tigers); failing to practice safe watering (water for tigers was kept in unlabeled red gasoline cans); and failing to maintain medical and treatment records.

June 19, 1993: The USDA cited Ringling for failing to have records available for review.

May 6, 1993: An elephant named Reba killed trainer Axel Gautier in Gainesville, Florida. The elephant knocked the 51-year-old trainer down and stepped on his chest.

April 15, 1993: The USDA cited Ringling for failing to allow access to the pharmacy trailer for inspection.

March 22, 1993: The USDA cited Ringling for failing to store food and bedding properly.

March 18, 1993: The USDA cited Ringling for failing to have official USDA identification for two sheepdogs.
January 7, 1993: The USDA cited Ringling for failing to clean the pharmacy trailer, failing to have disposition records, and failing to dispose of expired drugs.

1992: According to the *Asian Elephant Studbook*, the following elephants at Ringling died: a 26-year-old male named Petely, 50-year-old Nelly, and 50-year-old Mia.

1992: Ringling gave away five tigers to New Jersey resident Joan Byron-Marasek, who owned a poorly maintained private menagerie. One of the tigers killed four other tigers at the facility. Byron-Marasek had been charged by the USDA with failing to provide her tigers with adequate veterinary care and failing to maintain programs of disease control and prevention for them, and state officials found conditions at the compound to be dangerous, severely crowded, and unhealthy.

September 3, 1992: The USDA cited Ringling for failing to have sufficient documentation of standards and procedures of veterinary care.

August 3, 1992: The USDA cited Ringling for failing to have animal-care records available for review.

July 22, 1992: The USDA cited Ringling for failing to dispose of outdated drugs and failing to maintain animal-care records.

July 7, 1992: The USDA cited Ringling for failing to provide shelter cover in the outdoor exercise area used for dogs and failing to have complete records on three new dogs.

February 27, 1992: The USDA cited Ringling for failing to provide dogs with enclosures of sufficient room, failing to have an exercise plan for the dogs, failing to maintain the railcars used to transport elephants, and failing to provide a tiger, who had an
February 19, 1992: The USDA cited Ringling for failing to store food properly; failing to keep primary enclosures used to hold tigers, cougars, and lions in good repair; and failing to maintain water receptacles. The receptacles in the enclosures holding lions and tigers were rusty, and those in the enclosure holding pigs were dirty. The circus was also cited for failing to clean the transport cage used to hold a tiger cub and a railcar used to hold an elephant, failing to have a barrier around two young cougar cubs, and failing to dispose of expired drugs.

December 30, 1991: The USDA cited Ringling for failing to store food properly, failing to keep the barns holding llamas and goats in good repair, failing to maintain the transport enclosures and railcars for elephants and camels, and failing to have effective pest control. There were many flies on camels’ legs as well as rodent droppings in the trailer holding hoofstock feed. Ringling was also cited for failing to provide three dogs with sufficient cage space, failing to maintain the cages and the ceiling of the mobile facility used to transport dogs, and failing to have IDs and records of acquisition for the dogs.

July 3, 1991: The USDA cited Ringling for failing to keep the flooring of a large enclosure used to hold tigers and lions in good repair.

March 1, 1991: The USDA cited Ringling for failing to maintain transfer carts used by the Blue Unit—they had scratched and splintered surfaces. At the breeding compound, Ringling was cited for failing to dispose of expired drugs and failing to have records available for review.

January 31, 1991: The USDA cited Ringling for failing to store food properly and failing to provide animals with adequate veterinary care. An elephant named Congo had excessively cracked, dry, and
irritated skin, and a lion named Nero had an open wound.

**September 28, 1990:** The USDA cited Ringling for failing to have a program of veterinary care for emergencies.

**August 27, 1990:** The USDA cited Ringling for failing to provide eight elephants with shade from direct sunlight and failing to have records available for review.

**August 1, 1990:** The USDA cited Ringling for failing to store food properly.
Shrine circuses do not possess their own animal exhibitor licenses from the U.S. Department of Agriculture (USDA). The Shriners contract with outside companies, including Tarzan Zerbini Circus,* George Carden Circus,* Jordan World Circus,* Hawthorn Corporation,* Royal Hanneford Circus,* Franzen Bros. Circus,* Circus Hollywood,* and Have Trunk Will Travel, so Shrine circuses are not subject to citations under the name “Shrine Circus.” Each Shrine temple produces its own circus, so animal exhibits will vary from temple to temple and from year to year. Exhibitors of leased animals at Shrine circuses have failed to meet minimal federal standards for the care of animals used in exhibition as established in the Animal Welfare Act (AWA). The USDA has cited Shrine circus exhibitors for failure to provide veterinary care, adequate shelter from the elements, nutritious food, and clean water. Exhibitors have also been cited for failure to handle animals in a manner that prevents trauma and harm to the animals and ensures public safety. Animals used by Shrine circuses have killed and injured people. Contact PETA for documentation.

April 27, 2015: The USDA filed an AWA complaint against Carson & Barnes Circus and Royal Hanneford Circus for mishandling elephants during performances with Shrine circuses, resulting in injuries to the elephants. While Royal Hanneford was performing with the Moolah Shrine Circus in March 2014, three elephants were being escorted to an enclosure when the handlers lost control of one of them. Employees of Royal Hanneford Circus had encouraged audience members to make loud noises, stressing one elephant and causing her to escape from the handlers, resulting in abrasions and lacerations to her right side. A second elephant also sustained lacerations, to her left and right sides. (See March 22, 2014.) In addition, while performing with Zembo Shrine Circus in April 2014, Carson & Barnes was cited for mishandling elephants. The circus didn’t have a barrier behind three elephants as they were led toward the housing area. A small boy and a man were able to approach the animals and take photos. (See April 14, 2014.)

April 10, 2015: The USDA cited big-cat exhibitor Mitchel Kalmanson, performing with the Shrine circus in Springfield, Missouri, for failure to have sufficient barriers between the tigers and the public, leaving the area holding the tigers unattended, failure to provide the tigers with adequate space and exercise, failure to store meat properly for the tigers, and transporting animals in a vehicle with exposed
insulation material, a “foul odor,” numerous flies and maggots, and a buildup of debris that appeared to be hair, food waste, and excreta.

April 14, 2014: The USDA cited Carson & Barnes, performing as the Zembo Shrine Circus, for failure to have a handler or an attendant present behind three elephants as they were led toward the housing area. A small boy and a man were able to approach the animals and take photos.

March 22, 2014: While the Moolah Shrine Circus was performing at The Family Arena in St. Charles, Missouri, elephants reportedly escaped from their handlers in the area of children’s rides. They were loose for about 45 minutes and damaged multiple cars before the handlers were able to regain control of them.

February 23, 2014: According to multiple eyewitnesses, dogs were punched and kicked in the face during the Arab Shrine Circus, which was organized by Hamid Circus, at the Kansas Expocentre in Topeka. Horrified circusgoers shared what they had seen on Hamid Circus’ Facebook page.

December 28, 2013: According to the Black Hills Pioneer, the Shrine circus in Deadwood, South Dakota, wouldn’t have its annual parade that preceded the performances. The Jordan World Circus, which provides the annual event, told the Shrine circus committee that its animal handler insurance wouldn’t cover the liability of having elephants possibly be startled while walking down the street.

April 20, 2013: A tiger with the Isis Shrine circus at the Salina Bicentennial Center in Salina, Kansas, escaped after a performance. A woman came face to face with the animal when she entered the women’s bathroom and found him in there. She was able to back out of the restroom, and the tiger was recaptured.

April 19, 2013: An elephant whom Hamid Circus was planning to use at the Kora Shrine Circus in Maine was denied entry into the state. Hamid Circus didn’t have the proper documentation for Nosey, an African elephant who has suffered from a chronic skin condition for more than two decades (see the Liebel Family Circus factsheet), to prove that she didn’t have tuberculosis, which can be spread to humans.

March 16, 2011: The USDA cited exhibitor George Carden Circus, performing as Abou Ben Adhem Shrine Circus in Springfield, Missouri, for failure to have direct control and supervision of elephants during elephant rides. Two elephants were being used for rides, and two were standing in the center of the same ring used for rides. The two stationary elephants did not have handlers with control over them at all times. The handlers of the two giving rides were distracted several times, leaving the elephants to continue around the ring without direct control. At one point, the trunk of one elephant came very close to the passengers on the other elephant. During intermission, three elephants were used for rides while one stood in the center. At this time, three handlers were left to manage the three giving rides, leaving the center elephant unattended. At one point, one handler was assigned to two elephants to oversee giving rides, leaving the rear elephant with no direct handler. Again, an elephant handler was distracted, leaving the elephant to continue around the ring with no direct handler.
February 12, 2011: The USDA cited exhibitor Hanneford Family Circus, performing as the Shrine circus at the Tingley Coliseum in Albuquerque, New Mexico, for failure to establish and maintain an adequate program of veterinary care. Liz, a 36-year-old Asian elephant, appeared to be thin and underweight, and she also had an angular limb deformity of the front left leg and a congenital deformity of her right hind leg. Both conditions affected her gait, which needed more frequent veterinary evaluations as she was aging. Hanneford was also cited for failure to provide an adequate barrier between the public and an elephant giving rides—children were able to get inside the rope barrier. The circus was also cited for not properly maintaining the trailer used to transport the elephants. There were numerous areas where metal lining had sharp, jagged edges, which could injure an elephant.

April 9, 2010: An animal handler with the Hamid Circus was kicked and thrown approximately 20 feet by an African elephant named Dumbo between performances at the Irrem Shrine Circus in WilkesBarre, Pennsylvania. The handler died at the scene from multiple traumatic injuries. The elephant had been leased from The Tiger and Elephant Encounter from Joe Frisco’s Wonderful World of Animals. Frisco was later issued a $1,600 penalty by the Occupational Safety & Health Administration for not furnishing the employee with a safe workplace. He was also issued an official warning from the USDA for violating the AWA for failing to provide Dumbo with a sufficient temporary enclosure and for failing to provide the USDA with an itinerary—during the investigation into the employee’s death, the USDA discovered that Frisco had not notified the agency’s animal-care regional director about this planned exhibit at this event.

April 4, 2009: The USDA cited exhibitor Will Davenport, dba Maximus Tons of Fun, performing as the Hejaz Shrine Circus in Greenville, South Carolina, with a direct noncompliance for failing to provide adequate veterinary care when all three elephants were found to be in poor body condition. All the elephants had lost more than 500 pounds each since the last time they were weighed, and one elephant was so thin that the vertebrae in her spine were prominent and her face sunken.

March 7, 2009: At least 15 children and one adult were injured when an elephant who was being used to give rides at the Murat Shrine Circus in Indianapolis became startled, stumbling and knocking over the scaffolding stairway leading to the elephant ride. People on the elephant’s back and others who were standing on, under, and around the scaffolding were injured. Their injuries were treated at the scene. The Shriners had leased the elephant from exhibitor Will Davenport, dba Maximus Tons of Fun.

May 16, 2008: The USDA cited animal exhibitor Brett Carden, performing as the Al Kaly Shrine Circus in Colorado Springs, Colorado, for failure to maintain an elephant transport enclosure properly. The enclosure had a bent metal panel with sharp edges that protruded into the area that contained the elephant. Carden was also cited for failure to provide sufficient employee supervision during periods of public contact with the petting zoo exhibit.

May 6, 2008: The USDA cited Ari and Lana Steeples, dba Steeples Bears, performing as the Kosair Shrine Circus, in Barbourville, Kentucky, for three noncompliances pertaining to their failure to provide adequate barriers between a 6-foot-tall, 700-pound black bear and the public.
March 28, 2008: The USDA cited Rosaires Bears, performing as the Zembo Shrine Circus in Harrisburg, Pennsylvania, for failing to have a handler in control of two bears during a performance and failing to have barriers protecting the public from direct contact with the bears.

March 19, 2007: A New York Times examination of Shrine records found that more than 57 percent of the $32 million raised in 2005 through circuses, bingo, and other fundraising events went to Shriner activities and temple expenses, including parties, liquor, and travel. Only 2 percent of the Shrine hospitals’ operating income comes from money raised by Shrine temples. The investigation revealed that “more than 30 temples had discovered fraud like theft of money and inventory, altered bank statements, padded payrolls, and fake invoices.”

March 1–4, 2007: The Al Chymia Shrine Circus in Memphis, Tennessee, featured elephant trainer Tim Frisco, who, in his capacity as animal-care director for Carson & Barnes Circus, had been videotaped viciously attacking terrified elephants with sharp metal bullhooks and electric prods. Frisco had instructed other trainers to hurt the elephants until they screamed and to sink the bullhook into their flesh and twist it and had cautioned that the beatings must be concealed from the public.

November 24, 2006: Animal trainer Wade Burck was clawed by a tiger during a performance of the Hadi Shrine Circus in Evansville, Indiana. Burck received hospital treatment, including stitches, for wounds to his left forearm and leg.

October 19, 2006: The USDA cited animal exhibitor Brett Carden, performing as the Al Menah Shrine Circus in Nashville, Tennessee, for failure to keep two elephants under the direct control and supervision of a handler. The elephants were being used to give rides to members of the public. The inspector wrote, “The handler walked away from the elephants and turned away from the elephants to assist in another matter unrelated to the elephants.” The USDA also cited Carden for failure to store food supplies in a manner adequate to protect them from deterioration, mold, or contamination by vermin.

April 29, 2006: The USDA cited George Carden Circus, performing as the El Jebel Shrine Circus, in Denver for failure to have dangerous animals under the direct control and supervision of a knowledgeable and experienced animal handler. The inspector wrote, “Only one animal handler was available to manage two elephants providing rides to the public. There were times when both elephants were loaded with [members of the] public and the handler was not in the ring with the animals and could not have been in control of either elephant. No other knowledgeable and experienced elephant handler was available to assist this handler during public exhibition.”

March 25, 2006: A Montréal Gazette article reported that a former Shrine circus clown was sentenced to three years in prison for sexually abusing his daughter and sister-in-law. He was found guilty of nine of the 42 charges filed against him, including sexual assault.
March 16, 2006: The USDA cited Hawthorn Corporation, an exhibitor performing for a Shrine circus in Springfield, Missouri, for failure to give veterinary care to a male lion who had three lesions, including a 3-inch-long open scrape on his right hip and scabbed-over lesions at the base of his tail and on his left hip. The licensee said that these lesions were caused by the lion’s rubbing against the bars of the enclosure.

March 16, 2006: The USDA cited George Carden Circus, performing as a Shrine circus in Springfield, Missouri, for failure to give veterinary care to an elephant named Judy, who had three open wounds on her forehead and one open wound on her left front leg.

February 24, 2006: The USDA cited Hawthorn Corporation, an exhibitor performing for the Arab Shrine Circus in Topeka, Kansas, for failure to give adequate veterinary care to three tigers who had sores and spots of missing hair on top of their heads and near their eyes. Hawthorn was also cited for failure to have “any weapons that could immobilize, tranquilize, or [euthanize] any of the [eight] tigers if escape occurred.”

February 24, 2006: The USDA cited Jorge Barreda, an exhibitor performing for the Arab Shrine Circus in Topeka, Kansas, for failure to maintain the sanitation of a transport trailer in which the inspector found “dried & caked elephant waste on the walls.”

November 18, 2005: According to a *Milwaukee Journal-Sentinel* article, a volunteer clown for the Shriners was sentenced to four years in prison and eight years of extended supervision for using a computer to facilitate a sex crime. The man traveled from Kentucky to Wisconsin with the intent of having sex with a 14-year-old girl. The president of the Owensboro Shrine Clowns defended the man’s character.

February 2005: During a Shrine Treasurers Association of North America seminar, a Shriner commented that the temple’s circus committee was disguising the fact that the circus was losing money in a budget report.

January 31, 2005: An elephant trainer with Tarzan Zerbini Circus was trampled to death by one of the elephants as the animals were being loaded into a trailer following performances at the Mizpah Shrine circus in Fort Wayne, Indiana.

November 26, 2004: An ambulance was called to the Hadi Shrine Circus at Roberts Stadium in Evansville, Indiana, after a circusgoer was bitten on the cheek by a chimpanzee belonging to Zoppe-Rosaire Chimpanzees while posing for pictures. The patron was treated at the hospital for a puncture wound.

April 9, 2003: The USDA filed charges against Hawthorn Corporation, a company that supplies elephants and tigers to Shrine circuses. The complaint alleges 47 violations of the minimum standards of care established in the Animal Welfare Act. Charges include using physical abuse to train, handle, and work an elephant; causing physical harm and discomfort; failing to give veterinary care to an emaciated
elephant; failure to give veterinary care to an elephant suffering with severe chemical burns and a bacterial infection; failure to give veterinary care to several elephants with potentially deadly foot problems; and unsafe public contact.

**March 24, 2003:** The Associated Press reported that a Shetland pony at a Shrine circus in Lincoln, Nebraska, was chased by police officers and stopped traffic in the downtown area after bolting from the circus tent.

**March 13, 2003:** An editorial in the *Calgary Sun* stated, “Three years ago, I attended the Shrine Circus with my then 2½-year-old twin boys and vowed then that I’d never attend another circus that used wild, exotic animals for entertainment. ... [T]he animals were miserable and terribly treated, and ... the routines ... were, frankly, extremely boring.”

**March 10, 2003:** According to *The Edmonton Sun*, a local Shriner admitted that statements made by club members may have misled the public into believing that circus profits would help sick kids and fund hospital operations when in fact the circus funds are used for administrative costs.

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

**August 2, 2002:** According to *The Halifax Herald Limited*, three elephants performing in Shrine circuses and giving rides to children were quarantined in Ontario and removed from Canada on July 13 after Canadian authorities were alerted by the USDA that the elephants had been in prolonged contact with a tuberculosis-positive elephant.

**June 17, 2002:** Two elephants, named Tory and Mary, performing with a Shrine circus in Menomonie, Wisconsin, bolted out of a circus tent during a show, scattering crowds. Mary hiked 2 miles through town and was recaptured at the University of Wisconsin–Stout campus when trucks blocked her escape. One child was injured, and the elephants damaged a door at the park and caused $600 in damage to a city truck. The Shriners had contracted with George Carden Circus for the event.

**May 29, 2002:** According to *The Detroit News*, attendance had declined 10 percent at the 2001 Metro Detroit Shrine Circus.

**April 13, 2001:** A letter to the editor published in the *Chicago Sun-Times* stated, “I escorted a group of schoolchildren, including my 8-year-old daughter, to this year’s Medinah Shrine circus. ... When the elephants were brought behind the curtain, the trainer began verbally abusing and hitting the elephant. We watched in horror as he swung a stick with all his force and struck the elephant in the back of the leg. This must have hurt because the elephant let out a scream that could be heard throughout the UIC Pavilion. The kids were frightened and asked me why the man was hurting the elephant.”

**April 13, 2000:** An elephant named Tina used in Shrine circuses was quarantined after testing positive for the human strain of tuberculosis.
January 26, 2000: A 4,500-pound female African elephant named Kenya, who had been featured in Shrine circuses, attacked and killed a circus worker in Florida. The 18-year-old elephant knocked the woman to the ground and crushed her.

October 15, 1999: The San Antonio Express-News reported, “The money coming from this weekend’s [Alzafar Shrine] circus proceeds does not go toward the 22 children’s hospitals in the United States, Mexico, and Canada.”

April 29, 1999: As a result of sustaining multiple injuries from an elephant while performing for a Shrine circus in Duluth, Minnesota, an animal handler was hospitalized in serious condition.

March 1999: An evaluation by the Council of Better Business Bureaus determined that the Shriners did not meet its standards, which recommend that at least 50 percent of a charity’s income be spent on programs directly related to the organization’s stated purpose. According to the evaluation, Shriners had spent only 24 percent on program services.

February 1999: During a risk-management presentation to the Shrine Treasurers Association of North America, the Shriners learned that they had been provided by a circus’s insurance agent with a fraudulent certificate of insurance on a policy that did not exist after an attendee was injured at a Shrine circus.

November 13, 1998: The same tiger used in Shrine circuses who killed a trainer on October 8, 1998, attacked and killed his owner in Newberry, Florida. The tiger was shot dead.

October 8, 1998: A tiger attacked and killed a trainer in Newberry, Florida. The tiger, who had been featured in numerous Shrine circuses, grabbed the trainer by the throat.

April 13, 1997: A spooked elephant performing at a Shrine circus in the city of Calgary in Alberta, Canada, slapped a handler with her trunk and bit him on the head and back, causing injuries serious enough to require hospitalization.

March 18, 1997: A bear with a Shrine circus in Grand Rapids, Michigan, bit off the tip of a 2-year-old child’s finger. There were no safety barriers around the bear cages, and 30 other children had been petting the bear.

February 6, 1995: An employee of Tarzan Zerbini Circus was stepped on by an elephant while loading the elephants into a trailer at the Mizpah Shrine Circus in Fort Wayne, Indiana. The employee sustained a crushed pelvis and was in critical condition.

August 20, 1994: An elephant named Tyke, who had rampaged at an Altoona, Pennsylvania, Shrine circus on April 21, 1993, killed a trainer while performing in Honolulu, Hawaii, stomped on a circus groom, and injured a dozen spectators.
April 1994: Three children were injured when an elephant who was being used for rides at a Shrine-sponsored circus in Muskegon, Michigan, fell into the passenger loading platform, spilling the riders and bending the platform.

April 21, 1993: An elephant named Tyke charged through an arena entryway during a Shrine circus performance in Altoona, Pennsylvania, ripping away part of the wall and causing $10,000 in damage. More than 3,000 children were in the audience, and one young girl was injured.

October 15, 1992: A handler was hospitalized for a leg injury after an elephant grabbed him with her mouth while giving rides to several children at a Shrine circus in Bloomington, Minnesota. One child sustained a minor leg injury.

July 8, 1990: A 600-pound tiger terrified hundreds of children and their parents when he ran loose for 15 minutes at a Shrine circus at Mississauga’s Square One mall in Ontario, Canada.

February 17, 1990: According to the Capital Times, a woman alleged that “her foot was crushed by an elephant as she dismounted the behemoth she and her son had been riding at the Zor-Shrine circus at the Dane County Exposition Center” in Madison, Wisconsin.

March 5, 1988: A Detroit elephant trainer was treated in the intensive care unit of a Montréal hospital after being stomped on by an elephant during a performance of a Shrine circus. The trainer required emergency surgery for multiple abdominal injuries, including three cracked ribs and a damaged liver.

1978: A Hawthorn Corporation elephant performing in Chicago with a Shrine circus picked up a trainer with her trunk and threw him into a pillar, killing him.

*Factsheet available*
BACKGROUND

The use of elephants in circuses has become increasingly controversial. This is due to the inadequate conditions that are inseparable from traveling shows, and the understanding that circuses cannot meet the complex physical, social and psychological needs of these very large, highly intelligent and socially complex animals. Elephants are one of the few mammals scientifically shown to be self-aware, along with Great Apes, dolphins and humans. For elephants in circuses, the rigors of daily life – including travel, training and intensive confinement – take a psychological and physical toll. And the tricks they are made to perform cause irreparable physical damage that often leads to premature death. For all these reasons, many leading authorities on elephants, including scientists, conservationists, welfare experts and veterinarians, agree that elephants have no place in entertainment.

Elephants in circuses spend the majority of the day intensively confined, and they are subject to physical and social deprivation, long periods of time in transport, and brutal methods of control that include physical violence. The bullhook, a heavy rod with pointed metal tip, is used to prod, hook, hit and intimidate elephants. Circuses, by their very nature, have a limited ability to improve these conditions and the instruments they use. Performing elephants may also present a threat to public health and safety. Elephants have escaped from circuses, they can carry a strain of tuberculosis that is transmissible to humans, and they have injured and killed their handlers.

The conditions forced upon elephants used in traveling shows are inherently detrimental to individual welfare, since physical and social needs are always secondary to performance. In the wild, elephants are on the move for 20 hours a day, exploring their environment, foraging, socializing, caring for their young, and searching for mates, distant friends and relations. Elephants live in an extensive social network, the core of which is the family in which females remain for life. In circuses this critical bond is broken, as calves are torn from their mothers to be broken and intensively trained. They are held in small pens and on chains and transported around the country in semi-trucks and train cars. Circus conditions do not allow for natural physical and social behaviors, with enormous consequences for an elephant’s health and well-being over the course of a lifetime.

The primary purpose of displaying elephants in traveling circuses is entertainment. Circuses offer no real education or conservation value. Instead, they trivialize highly endangered species such the Asian elephant, the species primarily found in circuses, and send a message to children that it is permissible to present elephants as objects of frivolous entertainment.

I. Elephant Welfare Problems Inherent To Circuses

A. Inhumane Training
Elephants are forced to perform strenuous and unnatural tricks through physical violence, fear, intimidation, emotional deprivation and withholding of food and/or water. Trainers use bullhooks, ropes, baseball bats, ax handles, block and tackles, and electric shock devices to train and control elephants.

The bullhook is the most commonly used device to train and control elephants. A bullhook is approximately 2 to 3 feet long and resembles a fireplace poker. It has a sharp metal hook and spiked tip, and the handle is typically plastic or wood. It is used to poke, prod, strike, and hit elephants on their sensitive skin in order to "train" them.

The thickness of an elephant’s skin ranges from one inch across the back and hindquarters to paper-thin around the mouth and eyes, inside the ears, and at the anus. The skin appears deceptively tough, but in reality it is so delicate that an elephant can feel the pain of an insect bite.

A bullhook can easily inflict pain and injury to these areas and trainers often embed the hook in the soft tissue behind the ears, inside the ear or mouth, in and around the anus, and in tender spots under the chin and around the feet. Both ends of the bullhook are used to inflict damage. When the hooked end is held, the handle can be used as a club, inducing substantial pain when the elephant is struck in areas where little tissue separates skin and bone.

The bullhook is used in the “free contact” system of management, in which a trainer must dominate an elephant through the use of negative reinforcement training (an aversive stimulus, the bullhook, is withdrawn only when the correct behavior is performed), physical punishment or threat of it, and some positive reinforcement (food rewards). Elephants are hooked and hit with bullhooks before performances in order to instill fear in them and ensure the tricks will be performed, during training to learn new routines and reinforce existing tricks, to ensure tricks are performed at an unnaturally rapid pace, to punish them when they fail to perform properly, to ensure that elephants who may be ill or injured continue performing, and to control elephants during routine handling.

Even when not in use, the bullhook is a constant reminder of the painful punishment that can be meted out at any time. Evidence from the federal lawsuit against Ringling Bros. and Barnum & Bailey Circus (ASPCA, et al. v. Feld Entertainment, Inc.) confirmed this:

Q. So just to be clear about this, an elephant can be afraid at just the sight of a guide. Correct?

A. It could be.

Mike Keele, deputy director of living collections for the Oregon Zoo, Trial Tr. 62:8–62:10, March 12, 2009, afternoon
The circus industry claims that the elephants perform tricks that they would normally perform in the wild. However, in the wild, an adult elephant would lie down in slow, gradual movements no more than once or twice per day and would not lie down and rise very quickly several times, as in a single circus show. In addition, elephants would not play with balls, do headstands, crawl, or twirl. If it were possible for an elephant to simply be “guided” to perform rapid successions of headstands, hind-leg stands, lying down, crawling, and twirling, the trainer would be carrying a soft, cotton wand, not a hard, sharp, heavy object.

Ringling Bros. and Barnum & Bailey Circus’ own internal written documents, received through discovery during ASPCA, et al. v. Feld Entertainment, Inc., discuss the mistreatment of the elephants as a result of using the bullhook. For example, Ringling’s animal behaviorist reported “an elephant dripping blood all over the arena floor during the show from being hooked.” In an internal email, a Ringling veterinary assistant reported that “[a]fter this morning’s baths, at least 4 of the elephants came in with multiple abrasions and lacerations from the hooks.” After the release of this information to the public, Ringling moved to prohibit the release of any additional information to the public provided via discovery.

In addition, Kenneth Feld, CEO and President of Feld Entertainment which owns Ringling Bros. admitted under oath at trial, that he has seen his employees strike and hit the elephants using both ends of a bullhook on the chin and behind the ears:

Q. And you have seen Ringling Brothers’ employees strike elephants with bullhooks, haven’t you?
A. Strike, hit, touch, tap, yes. Whatever the terminology is you’d like to use, yes.

Q. And you’ve seen them, Ringling Brothers’ employees, use the hooked end of the bullhook to prod elephants behind the ears, haven’t you?
A. I’ve seen them use both sides of the bullhook behind the ear of the elephant, yes.

Q. And you have also seen Ringling Brothers’ employees strike elephants under the chin with a bullhook, haven’t you?
A. Yes.

Kenneth Feld, CEO of Feld Entertainment, parent company that owns Ringling Brothers, Trial Tr. 34:25–35:11, March 3, 2009 pm

The “training” sessions that are shown to the media are simply rehearsals and reinforcement of well-worn movements. Studies have shown how the real training goes on behind closed doors at animal training compounds to assure the total control and consistent performance that the handler needs. (Handlers never use this same training in front of an audience, which suggests they know that the public may find it unacceptable.)

Baby Elephants. In the wild, elephants often nurse until their babies are five years old, and the young elephants are raised in a nurturing herd environment in which they are protected, comforted,
reassured, and taught to cope with life, but never physically disciplined. Females stay with their mothers for life, and males stay until 10 to 15 years of age.

In circuses, trainers must condition baby elephants to fear the bullhook at a very young age. At about 18 months of age, still nursing baby elephants are forcibly removed from their mothers. From this point forward, the relationship between the mother and her calf is terminated, and the baby’s every movement, every instinct, and every natural behavior is subject to discipline.

According to a retired Ringling Bros. and Barnum & Bailey Circus elephant trainer, baby elephants are subjected to violent training sessions that last for three to four hours a day until they learn out of fear of punishment to lie down, sit up, stand on their heads, stand up on their hind legs, raise their trunk, kick a ball, and perform other often confusing tricks that can be incorporated into a circus routine. The baby elephants are bound with ropes and wrestled by several men into physically difficult positions. They scream, cry, and struggle as they are stretched out, pushed, pulled, slammed to the ground, gouged with bullhooks, and shocked with electric prods. The Washington Post in December 2009 published an exposé releasing several photographs baby elephants, bound with ropes, wrestled by several men into physically difficult positions, and being shocked with electric prods.

Alternative Methods to the Bullhook. Protected Contact is an alternative approach to captive elephant management which prohibits the use of a bullhook and any form of physical punishment. Instead, it relies on the exclusive use of positive reinforcement and benign tools called targets, which are long sticks with a soft padding on top. Since introduced in 1991, protected contact is now recognized as the industry’s best practices and more than 50% of U.S. zoos and many others worldwide have voluntarily converted to Protected Contact.

Evidence from the federal lawsuit against Ringling Bros. (ASPCA, et al. v. Feld Entertainment, Inc.), circus employees and elephant handlers admit to an alternative method that is viable and not abusive:

THE COURT: Could you control the elephants with those bamboo sticks you use with the tigers?

THE WITNESS: I did use the bamboo sometimes, yes.

THE COURT: With elephants?

THE WITNESS: Yes, I did that. I always try different things and try this can work, this can be like that, it can be easy for me to work. I, you know, I always try different things myself. I always try to find a better way to do it.

Daniel Raffo, animal handler for Ringling Bros., Trial Tr. 70:13–70:20, March 4, 2009 am.

The California Veterinary Medical Association has stated

“Elephant bull hooks have been used in free contact training and for control during health management and exhibition. The free contact method of training should be replaced by positive reinforcement methods such as protected contact training.” (emphasis added)
Further, the American Zoo and Aquarium Association (AZA) has stated

“As soon as possible and no later than September 1, 2014, elephant care providers at AZA facilities with elephants shall not share the same unrestricted space with elephants, except for certain well-defined circumstances...”

New guidelines by the AZA will now require its members with elephants to utilize protected contact as a management system thus doing away with free contact and the use of the bullhook. The underlying reason for this change is the safety of elephant caretakers and employees as well as the elephants.

Based on the growing body of video evidence and legal testimony documenting the physical suffering inflicted on elephants with the bullhook, an increasingly vocal faction of elephant experts, renowned scientists, trainers and animal welfare organizations condemn its use. They allege that there is no humane or “right” way to use a bullhook which, by its very design, is meant to cause pain and fear.

B. Intensive Confinement and Travel

By their nature, circuses are constantly on the move. Performance schedules can last up to twelve months as circuses travel across the country, with the elephants performing in forty or more cities. This means that the elephants are constantly in transit, standing in severely restricted enclosures, train cars and trucks tethered in chains. In addition to travel, elephants may spend several hours before and after travel in transport vehicles, waiting to be unloaded or for departure to the next venue.

According to the *Mother Jones* article, Ringling Bros. and Barnum & Bailey Circus’ own documentation (transportation orders) showed that elephants traveled 26 hours straight on average, with some legs as long as 70 hours without a break; the longest being 100 hours. Five elephants were crammed into each boxcar. The average elephant produces 15 gallons of urine and 200-plus pounds of solid waste in a 24-hour period. The article states that former circus workers described an unbearable stench when they opened the train cars for a water stop, during which they typically restocked supplies without letting the elephants out, leaving them to stand in their own filth.

An extensive study on circuses (Iossa, Soulsbury and Harris, 2009) states: “Given that transportation is a significant stressor negatively affecting the welfare of domestic animals, it is reasonable to assume that the experience it is equally if not more stressful for wild animals.” While it has been suggested that there is a degree of habituation to travel, there is insufficient evidence to assess whether elephants habituate to traveling. In fact, there is evidence that traveling is stressful for captive wild animals and that it may have adverse effects on reproduction.

Circuses often argue that elephants are more stimulated than those in zoos because they travel to new and different locations. While novelty may be desirable for humans, for animals it is a very strong stressor. Temple Grandin, professor of animal science at Colorado State University states that “in the wild, novelty and strange sights or sounds are often a sign of danger.”

Lack of space. Once at a venue, the elephants are provided minimal space – typically a small area in a parking lot. These barren pens are usually surrounded by an electric fence and the elephants are
Elephants typically walk 7 to 14 miles a day and are on the move for 20 hours a day as they walk on different soft natural surfaces, allowing the pads and nails of the elephants’ feet to remain healthy. In *The Elephant’s Foot: Prevention and Care of Foot Conditions in Captive Asian and African Elephants* (Csuti, 2001) it is stated: “There is a general consensus that lack of exercise, long hours standing on hard substrates, and contamination resulting from standing in their own excreta are major contributors to elephant foot problems.”

Both the amount of space and the quality of the space are important for elephants. In zoos, enclosures can be provided with a range of environmental enrichment items that are used to mitigate problems stemming from captivity and provide a more diverse range of stimuli. Environments that include mud wallows and pools cannot be set up in circuses and enrichment items such as logs are not provided because they could be used by the elephants to break barriers. Therefore, in circuses the elephant’s life is unavoidably impoverished.

Relentless travel and performance, and being forced to stand in one place for long hours on hard surfaces, are responsible for the foot disease and musculoskeletal disorders that often lead to premature death in elephants, as well as a prevalence of abnormal repetitive behaviors. Given the mobile nature of circuses, the welfare problems associated with travel and intensive confinement cannot be significantly, if at all, mitigated.

**C. Prolonged Chaining**

Chaining is one of the most common methods used to confine elephants in circuses. It virtually immobilizes them, severely limiting movement and the ability to lie down and to walk. Handlers claim that chaining is needed for safety reasons, and because trainers regard it as a means to establish and maintain dominance over the animals. However, the severity of these restrictions can result in neurotic repetitive behaviors, chronic foot disease and arthritis, and even the death of captive elephants. The elephants are chained or confined to small pens at all times, except for brief periods during performances, training or immediately prior to show time.

Elephants are naturally adapted to continuous movement over long distances. In the wild, they are on the move 20 out of 24 hours, foraging, caring for young, exploring and looking for mates, family members and friends. The reverse is true in circuses. When traveling, elephants are always kept chained, whether in box cars or semi-trucks. According to Ringling’s own documentation, this means elephants spend an average of 26 consecutive hours on chains, and they are often kept chained in the box cars for 70 consecutive hours or more, and as long as 100 consecutive hours.

*Ringling employee Brian French testified at trial (ASPCA, et al. v. Feld Entertainment, Inc.) that the elephants can only “take up to about a step-and-a-half or two steps forward and back and side to side to the extent of the walls of the train.”* The evidence also shows that the train cars fill up with excrement and urine, which the elephants are forced to stand in because they are chained in place.

The Washington Humane Society reported that when Ringling’s Blue Unit was in Washington, DC, the Unit Manager Mike Stuart stated that “the elephants spend four to five hours a day outside and are kept chained during the performance except for a 20 minute period at the beginning and end of each show.
when they are performing,” and that “[a]ccording to these numbers, the elephants spend 17–20 hours a day chained.”

As a result of prolonged chaining, many elephants suffer from lameness, foot abscesses and arthritis. According to Dr. Gary West (in Biology, Medicine and Surgery of Elephants, 2006), a former Ringling veterinarian, prolonged chaining and limited movement may contribute to degenerative joint disorder (DJD). And elephants that constantly pull on their chains or resist chaining may cause joint damage. Because elephants often stand in their own excrement, they can suffer urine burns on the legs and foot disorders such as rotting foot pads, sole cracks, cracked nails and nail infections. Foot and joint disease are the leading reasons for the euthanasia of captive elephants. (Also see Stress of Performance for other contributors to joint disease.)

Chaining not only restricts elephants’ ability to adequately exercise, it prevents them from socializing, exploring, and exercising free choice, all of which are fundamental to the basic well-being of these highly social and intelligent animals, according to testimony by Dr. Joyce Poole, one of the world’s leading elephant biologists, before the Massachusetts State Legislature (2007). She concluded: “Given elephants’ high level of intelligence and inquisitive nature, the confinement of elephants on chains is inhumane.”

Prolonged chaining is associated with stereotypic behavior (see section on Abnormal Behaviors), a repetitive, abnormal behavior pattern that is observed most in chained elephants and includes head-bobbing, rocking and swaying. Stereotypic behaviors are not observed in in wild elephants. Studies have shown that when elephants are removed from chains, there is a substantial decline in stereotypic behavior, attributed to an increased range of movement and ability to engage in different behaviors.

The prolonged chaining of elephants does not occur only while the elephants are on the road; the practice continues during the off-season. According to court testimony, at Ringling’s breeding facility in Florida elephants are not free to move about and socialize as they please:

- Female elephants are chained on two legs in a concrete barn from about three in the afternoon until seven the next morning – 16 hours total.
- At about eight years of age, male elephants are “put behind bars” and never allowed to go out on grass; they also are chained for 16 hours.
- Two elephants, Emma and Shirley, spent 22 ½ hours a day chained in a concrete barn.
- Elephants giving birth are chained by their front and back legs, and sometimes by three legs.

No federal law mandates that animals be chained while in transport. 9 CFR §3.137 of the Animal Welfare Act, relating to the transport of elephants, states: (c) Primary enclosures used to transport live animals shall be large enough to ensure that each animal contained therein has sufficient space to turn about freely and to make normal postural adjustments: Provided, however, that certain species may be restricted in their movements according to professionally acceptable standards when such freedom of movement would constitute a danger to the animals, their handlers, or other persons. (emphasis added)

Professionally accepted standards do not support the prolonged chaining of elephants. The Association of Zoos and Aquariums (AZA) Standards for the Care and Management of Elephants (2012) state that “temporary” tethering of elephants is acceptable for travel and veterinary purposes, however, “Any
planned restraint over two hours must be approved by the institution’s administration, elephant management committee, and veterinarian.” The AVMA website states: “Tethers provide a means to temporarily limit an elephant’s movement for elephant or human safety and well-being... The AVMA only supports the use of tethers for the shortest time required for specific management purposes. ([https://www.avma.org/KB/Policies/Pages/Elephant-Guides-and-Tethers.aspx](https://www.avma.org/KB/Policies/Pages/Elephant-Guides-and-Tethers.aspx)) And the CVMA website states: “The CVMA only supports the use of tethers for the shortest time required for specific management purposes.” ([http://www.cvma.net/doc.asp?id=21606](http://www.cvma.net/doc.asp?id=21606))

As prolonged chaining is an intrinsic part of elephant management in traveling circuses, both during travel and at venues where they are held in temporary enclosures, the welfare of the elephants cannot be significantly improved in this area.

D. Stress of Performance

There is evidence that the performance of circus behaviors can physically damage an elephant, particularly if they are trained at an early age. A study by Kuntze (1989) concluded that some of the ailments found in elephants used in circuses were the direct result of performing unnatural behaviors that required “static straining or over-exertion of individual parts of the body.” Elephants in circuses perform “power behaviors” such as standing on the hind legs, mounting and sitting. Although a similar behavior may occasionally be seen in the wild (standing on hind legs to reach upper branches of a tree), repeated performance is associated with several health problems. These include swelling of the joints and other premature wear and tear of the joints, tendons and muscles of the legs. Excessive pressure placed on the diaphragm during sitting can cause hernias, which can lead to death.

An inspection of nine female Asian elephants with the Ringling Bros. and Barnum & Bailey Circus was conducted in 2012 by Dr. Phil Ensley, formerly of the San Diego Zoo, at the request of the Los Angeles Department of Animal Services. He found that two of the elephants were in a condition where it would be beneficial for them to be removed from performing. Dr. Ensley noted that the behaviors he saw during performances “were potentially harmful due to the cumulative effect when performed time and time again, causing wear and tear on limb joints, and having the ability to exacerbate any prior injuries.” (p. 6) He noted that five other elephants had a history of foot, toe nail and musculoskeletal problems, writing: “It is reasonable to predict their health status will progressively worsen if the current standard of care is perpetuated” (p. 1). Dr. Ensley noted that elephants as young as nine years old have been diagnosed by Ringling with chronic lameness/stiffness and provided medications to mask pain and facilitate performance.

Other findings by Dr. Ensley include:

- “The elephants were unloaded after midnight following more than 24 hours tethered or chained in transit from their previous appearance location in Fresno, CA. An examination of the interior of the rail cars revealed one car (Fig. 1) measuring 9 feet and 8 inches in width by 78 feet in length, or just over 750 square feet. In this car five elephants had been tethered or chained, allowing each elephant approximately 150 square feet on average.” (page 2)

- “When the elephants are not performing they are tethered or chained or maintained on unyielding asphalt or concrete surfaces, or chained on wooden pallets in a temporary tent like
that seen at the Staples Center. The AZA Standards for Elephant Management and Care minimum standards for indoor space recommend that at least 400 sq. ft. for a single animal, and approximately 800 sq. ft. for two animals and so on, be provided.” (page 2-3)

- “Following the visual inspection a brief review was completed of one of the elephants’ (Bonnie) recent medical record. Due to time restrictions the balance of the elephants’ recent medical records did not take place. Further access to review the elephants’ medical records was refused by Feld Entertainment, Inc., which prohibited as well behavioral observations of the elephants following the opening night performance.” (page 4)

- “...elephants participated in non-species typical behaviors that were athletic, repetitive and fast paced, particularly when several elephants were performing in groups. These behaviors were potentially harmful due to the cumulative effect when performed time and time again, causing wear and tear on limb joints, and having the ability to exacerbate any prior injuries.” (page 6)

- “The RBBBC elephants inspected suffer unneeded existing detrimental medical conditions and should not participate in forced, non species-typical behaviors that are repetitive rigorous physical activities under the current standard of care and living conditions. An effective standard of care is one that is primarily preventative.” (page 7)

Performances in the presence of spectators may also cause stress in elephants. One indicator is the display of repetitive behaviors known as “stereotypies.” Stereotypic behavior is known to increase in elephants in the hour leading up to performance and when they are on public display. Other stressors in circuses include being chained in loud environments with considerable low frequency generator and other machine noise. The elephants’ extreme sensitivity to these frequencies means that the loud low frequency noise that circus elephants are subjected to at various urban locations and during transport are neither humane nor healthful.

Prolonged stress has severe consequences for animal welfare, especially in confined individuals who cannot escape or control stressors. The effects of even minor stresses combine to suppress immune function, reproduction, metabolism and behavior. In zoos, stress is mitigated by the use of environmental enrichment that allows elephants to expand behavioral choices through increased environmental complexity, something that is not possible in circuses. Given the evidence, no credence can be given to the claim that circus activities provide adequate exercise, enrichment or somehow compensate for elephants’ unnatural lifestyle in the circus.

E. Unnatural Social Conditions
Elephants naturally have an unusually large and complex social network compared to most terrestrial mammals. They have evolved physical and behavioral traits and mental and emotional capacities for thriving in a rich social world. Depriving elephants access to a range of social partners deprives them and harms their emotional well-being, according the The Elephant Charter, a scientific document signed and supported by the world’s top experts in Asian and African elephants.

In circuses, highly social female elephants are frequently housed singly or in small groups with far fewer elephants than a typical herd size in the wild or in groupings with incompatible elephants. Offspring are
separated from their mothers when young for training and performances, though females would remain with their mothers for life and males until their teens. When in groups, elephants are kept chained apart from one another, in what the circus terms a “picket line,” and are unable to interact normally or to establish typical social dynamics. While some degree of socialization may be possible in penned elephants, uninhibited social interactions are not possible.

Because of their transitory nature and management practices, circuses cannot provide elephants, who are behaviorally and emotionally adapted to living in close-knit societies, the space and the freedom necessary to live in natural family groups and engage in natural behaviors.

F. Abnormal Behaviors

Restricted movement, intensive confinement and the inability to engage in natural behaviors result in stereotypic behavior, repetitive behavior patterns that have no obvious goal or function. Stereotypic behavior is most associated with substandard conditions, deprivation and poor welfare – an environment that circuses represent. The most common stereotypies in elephants are head bobbing, swaying and rocking. Studies show that chained elephants spend an average of 44% to 54% of their time engaged in stereotypies. Stereotypic behavior is associated with foot disorders, as it puts abnormal pressure on the lateral toes of the front feet, eventually leading to nail cracks and other disorders.

Some circus trainers believe that stereotypic behavior is part of an elephant’s normal behavioral repertoire. However, studies have found that stereotypies increase in frequency with increasing restraint of movement and with more barren environments, indicating an environmental effect. Stereotypic behaviors are unseen in elephants in the wild.

III. Public Health and Safety

Safety. Though trained, elephants are still wild animals. Bringing the public into dangerously close proximity to these already stressed animals presents a serious threat to public safety. The great majority of elephants used in circuses were taken from the wild, and those born in captivity cannot be considered “domesticated” because they have not been selected for tameness and have been bred for a relatively low number of generations. They are fundamentally no different from free-living elephants. This makes elephants the largest and potentially the most dangerous animals to have in close proximity to the public, yet circuses lack sufficient controls for public safety.

Elephants in circuses typically perform without any type of barriers to protect the public. Many circuses also use them to give rides. There are recorded incidents in which elephants have escaped their handlers, and in which trainers have been injured and killed by elephants. Since 1990, at least 15 human deaths and 135 injuries in the U.S. have been attributed to elephants, primarily in circus-related incidents; nine escapes have occurred since 2000. Law enforcement officers are often the first to respond to an elephant escape. In some incidents, police officers without the proper firearms were called in and killed the elephant. Tranquilizing an elephant is generally not an option, especially if the public is in immediate danger.

Public health. Elephants used in traveling circuses can carry this contagious disease, which may pose a
public health risk because it can be transmitted from elephants to humans. An estimated 12% of Asian elephants (typically used in circuses) and 2% of African elephants in North America are infected with tuberculosis (Murphree et al, 2009). Most infected elephants never display clinical signs of the disease.

Circuses have historically struggled with tuberculosis in elephants. Between 1994 and 1996, three elephants owned by the Hawthorn Corporation in Illinois, which leased elephants to traveling circuses, died from TB (Michalek et al, 1998). In 1998, the State of Florida Department of Agriculture and Consumer Services placed all elephants at Ringling’s Williston, Florida facility under quarantine. By 1999 two elephants at this facility had been diagnosed as TB-positive. That same year, two elephants held at the circus’s breeding facility (Center for Elephant Conservation) in Florida tested positive for tuberculosis. In 2006, two additional elephants at the facility were diagnosed with TB, according to a Ringling Bros. press release. Quarantine was ordered by the state of Florida for most of the remaining elephants, and some elephants who were performing publicly were recalled to the center. The state of Florida also quarantined five of the elephants at Ringling’s retirement facility in 2007.

The Royal Hanneford Circus has treated elephants for tuberculosis, according to an APHIS inspection report (Apr. 13, 2000). And in 2010 the necropsy report for an elephant named Dondi, who performed and gave rides in New England and Florida until her death in July of that year, reportedly indicated severe lung damage likely caused by tuberculosis.

According to news reports this year, state officials in Maine and Wisconsin took action to protect public health after elephants tested positive for tuberculosis antibodies in elephants:

- Maine barred the Piccadilly Circus from bringing an elephant into the state.
- Wisconsin barred an elephant who was to give rides at a Renaissance Faire.
- An elephant owned by the Carson & Barnes Circus was barred from public contact at Circus World in Wisconsin.

IV. Changing Regulatory Environment

With no effective federal or state oversight on the training methods, the intensive confinement on chains, and the long travel spent confined to small areas, other legal and regulatory avenues have been pursued to address regulating training methods for elephants in circuses. For example, Ringling had to defend itself in federal court against charges of animal cruelty. The case was dismissed for failure to demonstrate standing to sue, which is a preliminary technical issue. The judge did not decide the case on the merits, thus leaving unchecked the abusive animal training and control methods, such as bullhook use and prolonged chaining utilized by circuses.

At least 34 local jurisdictions in the United States have restricted the use of wild animals in circuses, and the number is expected to increase. Bullhook bans are found in four U.S. cities (Pompano Beach, Margate and Tallahassee, Fla. and Ft. Wayne, Ind.) and three counties (Jefferson Co., Kentucky; Aiken
Co., S.C.; and Fulton Co., Ga.). Over 20 countries worldwide have passed national restrictions on the use of exotic animals in circuses. This includes Austria, Costa Rica, Czech Republic, India, Israel, Peru and Taiwan. Other countries are discussing legislation to ban the use of wild animals in circuses, including Brazil, Chile, Colombia, U.K., Netherlands and Norway. In 2011, federal legislation was proposed in the U.S. that would prohibit the use of wild animals in traveling circuses.

V. Federal and State Oversight is Not Enough

Wild and exotic animals used in traveling circuses are not well protected on the federal or state levels. Under the current legal framework intensive confinement, long travel in boxcars and trailers, and use of training and restraint methods, such as bullhooks and chains on elephants, is perfectly legal.

All traveling circuses using elephants must obtain a United States Department of Agriculture (USDA) exhibitor’s license pursuant to the Animal Welfare Act (AWA) and are subject to periodic inspections. The AWA mandates minimal standards of animal care in the areas of housing, handling, sanitation, nutrition, water, veterinary services, and protections from extreme weather. With the exception of guidelines for monitoring tuberculosis in elephants, the AWA contains no language to specifically address the special care, exceptional physical and psychological needs, and humane handling of elephants. No agency, including the USDA, monitors the animal training sessions in which the most severe abuse commonly occurs.

A 2011 Mother Jones article reported that the USDA “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 (former head of USDA). 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.”

Even when traveling circuses are charged for violating the AWA, the circuses are allowed to settle the charge by paying a fee, assert they have never violated the law, and it is back to business as usual. In 2011, the Ringling Bros. and Barnum & Bailey Circus paid the largest fine ever assessed against an exhibitor ($270,000) under the federal Animal Welfare Act to settle multiple animal care violations. These included losing control of an elephant inside an arena with the public present and forcing an elephant to perform even though she suffered from a painful physical condition.

VI. Conclusion

Though elephants may be popular attractions in circuses, their appearances are brief and just one of many other acts in a show. In fact, of the two-hour show presented by Ringling, the elephant portion is typically less than 10 minutes long. Yet an elephant will endure intensive confinement, prolonged chaining, and cruel training methods for the duration of her life. She will likely end up suffering from painful foot and joint diseases that end her life prematurely.

There is no scientific evidence to suggest that the natural needs of elephants can be met through the living conditions and husbandry offered by circuses. Circuses cannot provide a natural environment or
sufficient opportunities for elephants to express natural behaviors. Unlike many zoos, circuses cannot create more complex environments that provide a more diverse array of stimuli for elephants’ keen minds.

The evidence against the use of elephants in circuses is compelling and provides a foundation for legislation banning their use in traveling shows and for prohibiting use of the bullhook in any public displays.

A recent study, the Harris Report, found that wild animals in circuses are denied a “life worth living”. The report is over 200 pages, so we have included an article summarizing the report. Humane Action Pittsburgh can provide the full report upon request.

**Wild animals in circuses denied a "life worth living" | Animal Defenders International**

Expert review finds “all five of the ‘freedoms’” compromised and supports ban on wild animal acts. Animal Defenders International (ADI) has called for immediate action to end the suffering of wild animals in circuses in Britain after a comprehensive and expert analysis of scientific evidence found “all five of the ‘freedoms’” are compromised in travelling animal shows. Experts said that circus life for animals is one not “worth living”.

Jan Creamer, President of Animal Defenders International, said: “This new report supports decades of reports and evidence that the welfare of wild animals is seriously compromised in circuses. Having time and again exposed the suffering and brutality of animals in circuses, Animal Defenders International is calling on the Government to act on the Harris report now.”

‘The Welfare of Wild Animals in Travelling Circuses’ report was commissioned by the Welsh government and undertaken by Professor Steven Harris, the 2nd Lord Dulverton Memorial Professor of Environmental Sciences at Bristol University. The report summarizes: “The available scientific evidence indicates that captive wild animals in circuses and other travelling animal shows do not achieve their optimal welfare requirements, as set out under the Animal Welfare Act 2006, and the evidence would therefore support a ban on using wild animals in travelling circuses and mobile zoos on animal welfare grounds.”

The Harris team consulted 658 experts and organizations around the world including 138 animal trainers/circuses, 206 lawyers/veterinarians with expertise in wild animal welfare, 107 people working for NGOs, 144 biologists, researchers, behavioral and species experts, 58 zoo and wild animal sanctuary staff and relevant government officials and wildlife experts.

The views of the animal trainers and circuses were “very different to the other groups of experts” on several issues. The group “did not believe that frequent training is stressful for animals”, that the “frequency and duration of transport should be minimised to avoid unnecessary stress”, and “disagreed that the portable enclosures required for regular travel cannot meet the preconditions for good welfare” – in contrast to all other expert groups.

Findings of the 178-page report include:

- “All five of the ‘freedoms’ are compromised in travelling circuses and mobile zoos”
- “Most if not all of the twelve ‘welfare criteria’ used in the [European] ‘Welfare Quality project are compromised”
- “Life for wild animals in travelling circuses and mobile zoos does not appear to constitute either a ‘good life’ or a ‘life worth living’”
- There is “No scientific evidence to suggest that some species of wild animals (vertebrates or invertebrates) are more suited to life in a travelling circus or mobile zoo”
- Most animal performances “focus on tricks that do not reflect natural behaviours”
“Traditional animal training methods are coercive and based on force and aggression”. Circus trainers “have few or not recognised qualifications or formal training”.

“Minimum recommended enclosure sizes for animals in circuses are on average 26.3% of the recommended enclosure size for animals in zoos”

There is “No scientific evidence that wild animals fully adapt to frequent transport”

The study included a review of 764 scientific reports and articles that had been peer-reviewed since 2007, following publication of the last UK Government report on the subject. The report noted that there had been “a substantial increase in the amount of information available” since the Government’s last report.

Lesley Griffiths, Cabinet Secretary of Environment and Rural Affairs has stated that the Wales Animal Health and Welfare Framework Group would be drawing up “detailed options on the next steps regarding the use of wild animals in circuses, as well as further considerations on the use of all animals in MAEs”.

The issue of animal circuses has become an embarrassing parliamentary saga, with various governments promising to take action since 2006. In 2009, ADI exposed the abuse of elephants with the Great British Circus. The ensuing outrage led to a Defra consultation in 2010 which saw almost 95% of respondents back a ban on wild animal acts. In 2011, ADI exposed how Anne, an elderly elephant with Bobby Roberts Super Circus, was kept permanently chained and physically abused, resulting in a cruelty conviction for her owner. Backbench MPs responded with a unanimous vote for a wild animal ban, and a year later the Government agreed to pass legislation. A Government bill was drafted in 2013, but has been left to gather dust. In an unprecedented political and parliamentary commitment, for the 2015 General Election the Labour, Conservative, DUP and Green parties all included manifesto commitments to ban wild animals in circuses – 98% of MPs are committed to action.

Wales and Scotland have both pledged to take action on the issue.

Changing attitudes and awareness of animal suffering have seen the number of wild animal circuses in Britain plummet, with opinion polls commissioned by ADI consistently supporting a ban for over a decade.

Only two circuses are currently performing in England with wild animals, Circus Mondao and Peter Jolly’s Circus, but with no bar to wild animal circuses in place, the door is open to others joining them. In April 2016, ADI exposed the miserable lives of the animals at Peter Jolly’s Circus when they are not on the road: appalling overcrowding, fighting between animals, a worker spitting in the face of and tormenting a camel, ponies tangled in short tethers, animals crammed in a run-down building for 14 hours a day, some animals shut in the dilapidated building for days on end, on one occasion animals tethered for up to 40 hours, government regulations ignored.

The continued use of wild animals in circuses is opposed by animal welfare experts, animal protection groups, politicians and a huge majority of the public. The Federation of Veterinarians of Europe (FVE) has concluded “there is by no means the possibility that their [wild mammals in travelling circuses’] physiological, mental and social requirements can adequately be met.” and the British Veterinary Association that “The welfare needs of non-domesticated, wild animals cannot be met within a travelling circus – in terms of housing or being able to express normal behaviour.” A 2009 research paper co-authored by Professor Harris concluded “the species of non-domesticated animals commonly kept in circuses appear the least suited to a circus life.”
32 nations around the world have now restricted either wild animals, or all animals, from travelling shows. It is time for the UK to become top of this list.

DECLARATION OF NATALIE FRISTICK

I, Natalie Fristick, hereby declare as follows:

1. The Pittsburgh Shrine Circus performed at the CONSOL Energy Center, 1001 Fifth Avenue, Pittsburgh, Pennsylvania 15219, on Sunday, April 6, 2014.

2. That day, around 4:15 p.m., I was standing on the southwest corner of the third floor of the CONSOL Energy Center ("Energy Center") parking garage. I was facing southwest, and could see the back entrance of the Energy Center.

3. From this vantage point, I observed three elephants walking east in a single-file line out of the back entrance of the building. I had a clear view of two handlers walking to the left of the elephants. One of the handlers, a woman with long red hair, was swinging a bullhook as she walked beside the second elephant in line. The woman smacked the elephant behind the left front leg several times.

4. The elephants were taken to an area near a green roll-off dumpster and a few travel trailers, where they were made to kneel down so the handlers could remove the elephant ride saddles. I observed the red-haired handler tug on the underside of an elephant’s trunk and strike her on the leg several times with the hook end of a bullhook. I heard the elephant make a squeaking noise. Seeing the woman hit the elephant with a bullhook really upset me. I had a strong physical reaction, and felt like I was going to throw up. I then walked east along the edge of the parking garage to get a better look at the elephants.

5. The elephants were then led into the first floor of the parking garage, which the public was blocked from entering. I could not see the elephants for the 20 or 30 minutes while they were in the garage.

6. Around 4:45 pm, the elephants were led back out from under the garage. I observed a male handler command the elephants to walk in a counter-clockwise circle around him. The elephants then kneeled down on their right hind knees while lifting their left front legs. While in this kneeling position, one of the elephants urinated on herself. The elephants were then walked back into the Energy Center.

7. Several minutes later, the elephants were walked back out of the Energy Center and led to an area near the parking garage. The male handler placed a hose in a shallow feed pan and allowed the elephants to drink. I went down the stairs to the second floor of the parking garage to get closer to the elephants. From the second floor, I watched the handlers remove the elephants’ headdresses. When the elephants were allowed to drink, they immediately reached into the feed pan with their trunks, and appeared to be very thirsty.
8. I observed one elephant with a long mark on her left side, extending from her chest and running back along her belly to her rear left leg just above the knee. This mark looked like an injury.

9. A second elephant had many dark marks on her body, including marks on her right shoulder, below her right hip, above her left front knee, on her left flank, a longer mark on her rear left leg just above the knee, and two marks above her left front elbow. These marks looked like injuries.

10. My daughter, Karina Findling, who is 5 years old, also witnessed these events.

11. I have reviewed the photographs in the document entitled "Photographs Taken by Natalie Fristick" and confirm that I took these photos and they are a true and accurate depiction of my observations on April 6, 2014, on the premises of the Energy Center.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed in McKees Rocks, Pennsylvania, on this 15th day of April 2014.

[Signature]

Natalie Fristick

Photographs taken by Natalie Fristick
Elephants Used at the Pittsburgh Shrine Circus on April 6, 2013
The woman with red hair reportedly used the bullhook on the leg of the second elephant in line.

A bullhook is visible in the woman's hand.

The mark on the elephant's left side extended from her chest to her rear left leg.
The mark, which appears to be an injury, runs the length of the elephant's left side.
In this picture, a dark mark is also visible above the elephant’s left elbow.

Another elephant had dark marks on her right and left front legs, as well as marks on her left side (which are not visible in this photograph.)