May 26, 2008

Board of Animal Services Commissioners
City of Los Angeles
221 North Figueroa Street
Los Angeles, CA 90012

RE: (Draft) Application and Permit Requirements for Circuses and Animal Acts and Exhibitions

Dear Commissioners:

This is a follow-up to our letter of May 5th, 2008 regarding revisions to the Application and Permit Requirements for Circuses and Animal Acts and Exhibitions in the City of Los Angeles. We wish to comment on the proposed revisions and ask that our comments be made a matter of record in any hearing, studies and/or reports pertaining to this issue.

We own and exhibit elephants and have been doing movies and commercials and all types of special events with them in the City of Los Angeles for 30 years. We hold all necessary permits and have an excellent safety record.

Ed Baks, the General Manager of LA Animal Services tried to revoke one of our permits after he issued it because of his personal philosophy against animals in entertainment as outlined in our letter of May 5, 2008. The proposed new regulations and revisions are an attempt by Mr. Boks and the animal rights groups that he is aligned with to keep us and others with exotic animals from working with our animals in Los Angeles.

The first version of the new regulations was crafted by animal rights activists and put into effect without any input by or even notification to those of us affected by them. Mr. Boks is using the authority of the City of Los Angeles to promote a biased animal rights agenda. This is not right. If the commission believes that revisions need to be made to the regulations it should be done in a fair and impartial manner. That has not been the case.

Gary and Kari Johnson~27455 Peach Street~ Perris, CA ~ Phone: 951.943.9227
These are our comments on the proposed conditions;

2. Medical records and annual trunk washes for elephants are required by the USDA-APHIS in order to have a permit. Evidence of trunk washes and reporting of contagious disease is required by the California State Department of Fish and Game. Simply requiring permits from those agencies should be sufficient. We do not believe that LA Animal Services has the expertise to evaluate an elephant's health records.

3. Providing a description of the activity or exhibition should be sufficient.

4. We agree that a safety plan for the safe recapture or containment of the animal should be provided. It should also be required that access to the safety plan should be limited to the LA Animal Services Officers and law enforcement agencies that may be called upon for support and not be made public. Firearms and chemical immobilization should not be a requirement. Even if such extremes were needed shooting either a bullet or a dart in public in the City of Los Angeles is a liability we should not be forced to assume.

7. We do not see the point in disclosing previous names of the animal. Number 6 requires disclosure of previous incidents. That should be sufficient.

9. & 10. Possession of a valid USDA license should be sufficient to assure compliance with USDA regulations.

11. We do not believe that notification to adjoining property owners, etc. is necessary. This is a cumbersome requirement meant to make it more difficult to have animals at events and provides an opportunity for animal rights activists to disrupt or protest which we believe is Mr. Boks purpose in making new the regulations to begin with.

In summary, we object to the LA Animal Services Commission having a General Manager who is biased against the very activities that he is regulating. We believe that the new regulations were improperly crafted and implemented. We ask that the Commission put the proposed new regulations on hold until they determine that they are necessary and input from legitimate animal industry experts is considered.

Respectfully yours,

Kari and Gary Johnson
Have Trunk Will Travel, Inc.

cc: Mayor Antonio Villariogosa
Board of Animal Services Commissioners
Members of the Los Angeles City Council
May 5, 2008

Board of Animal Services Commissioners  
City of Los Angeles  
221 North Figueroa Street  
Los Angeles, CA 90012

Dear Commissioners:

We are in receipt of the new regulations Policy to Guide the Handling of Permit Applications which Include Elephant Walks and Similar Events for the Public (Revised Report), approved by the Board of Animal Services Commissioners on January 14th, 2008 as well as the letter from Edward Boks, General Manager, to the Board of Animal Services Commissioners, Subject: Potential Revisions to the Inherently Dangerous Wild Animal Permit Requirements. We are elephant holders and are required to have both a Wild Animal permit and an Out of City Supplier permit when we bring our elephants to Los Angeles for events. Anyone hiring or sponsoring our elephants at the event is also required to obtain a permit from LA Animal Services (LAAS). The new regulations directly impact us. We wish to comment on these new regulations and the potential revisions and ask that our comments be a matter of record in any hearing, studies and/or reports pertaining to this issue.

Have Trunk Will Travel, Inc. has been caring for elephants for over 30 years. We are members of the American Zoo and Aquarium Association, the Species Survival Plan, and are on the California State Fish and Game Animal Welfare Advisory Committee. We are members of the animal welfare committees for the Western Fairs Association, the Outdoor Amusement Business Association, current members and past board member of the Elephant Manager's Association, and Gary Johnson is a founding board member of the International Elephant Foundation. Our elephants participate in research projects to advance elephant health and a breeding program to help insure the survival of this endangered species. We currently have two baby elephants that were born at our ranch.

Regarding Policy to Guide the Handling of Permit Applications which Include Elephant Walks and Similar Events for the Public (Revised Report) 1/14/2008, we strongly object to the fact that the "appropriate and experienced subject-matter experts external to the Department" who were consulted have no background in elephant care or training. They were Dr. Erna Toback, who has a background in research on chimpanzees, and Catherine Doyle, who is affiliated with the animal rights group, In Defense of Animals (IDA). According to the IDA website, idausa.org, elephants should not be in human care and they should not be trained and presented to give rides, do tricks, appear in movies and commercials, travel or participate in the type events that we generally engage in and for which we are required to have a permit from LAAS.

Gary and Kari Johnson~27455 Peach Street~ Perris, CA ~ Phone: 951.943.9227
Mr. Boks shares the IDA philosophy. The following excerpt is from a 9/16/06 blog which is linked from the LAAS website; From the Desk of Ed Boks; There Really is an Elephant in the Living Room

"...Los Angeles is a city that has made many people wealthy through the exploitation of animals. We see wild and exotic animals everywhere: in the movies, commercials, TV shows, billboards, ads, art exhibits, and even in the homes and yards of the rich and famous. Dare we admit there is a suffering elephant in our living room?..."

One of our elephants, Tai, appeared in an art exhibition in Los Angeles in September of 2006. We had all the permits required of us including a USDA-APHIS Animal Welfare permit, California State Fish and Game permit, as well as a Wild Animal Permit and an Out of City Supplier permit from LAAS. The art exhibition had also applied for and obtained their permit from LAAS. We had a meeting at the location where the event would take place with LAAS officers prior to receiving the permit. Everything we did was legal and we complied with every law, regulation or request that applied to us. Mr. Boks tried to revoke the permit that his own department had issued and objected publicly to the elephant being at the event because of his philosophical beliefs as stated in the following newspaper article.

Excerpts from the Los Angeles Times, 9/15/06, “Painted Pachyderm Draws Outcry” by Carla Hall and Amanda Covarrubias:

"...I think it sends a very wrong message that abusing animals is not only OK, it’s an art form,” said Ed Boks, general manager of Los Angeles Animal Services...."

...However, Boks would have to give five days’ notice to revoke the permits. And in five days, the exhibit will be gone. It is to run today and Sunday from about noon to 8 p.m.

“This situation is causing the department to rethink its permitting procedures so there will be more scrutiny, so permits will not be issued for such frivolous abuse of animals in the future.” he(Boks) said....

“...The animal appears to be looked after well. During her time 'onstage,' she was fed and watered and watched over by two handlers and at least two city animal control officers....”

In the same article a director of the animal rights group, IDA, that Mr. Boks is aligned with, admits that the elephant was well cared for “...Bill Dyer, a regional director of the group In Defense of Animals, went to see the animal at the exhibit Friday afternoon. 'It didn't seem the elephant was under stress, Dyer said. There were carrots and things, but it's another example of our exploitation of animals - so gimmicky and unnecessary....”

On September 16, 2006 at approximately 12:00 PM, Kari Johnson (elephant owner and handler) and Keith Jones (elephant handler) arrived at the event. Three LAAS Officers were already on site. Soon after our arrival the officers introduced Ed Boks, the General Manager of LAAS. Mr. Boks had arrived with a woman in a uniform named Mary Cummings who could not provide a card or identification.
We did not know who she was but since she was with Mr. Boks we did not question her presence. Ms. Cummings looked at the elephant and transport vehicle with Mr. Boks and she took photos. One of the photos she took later appeared on www.helpelephants.com, an In Defense of Animals website. She and Mr. Boks inspected the paint that was being used to touch up the elephant. Mary Cummings took the paint container and called a number on the back. She and Mr. Boks agreed in the presence of the LAAS officers and everyone else present that the paint was nontoxic and was safe for the elephant.

Once the elephant was inside the exhibit Mr. Boks brought an LAPD officer over to speak with me, Kari Johnson. The officer asked questions regarding the safety and training of the elephant which I answered to his satisfaction. Mr. Boks continued to express safety concerns to the officer and asked me more questions which I also answered. The officer walked away during Mr. Boks' questioning. Mr. Boks then went around to the front of the building and gave media interviews that basically said we were abusing Tai by having her in the art exhibit. Mr. Boks left when the media did, and did not return. The LAAS officers were always at the site when the elephant was there.

On 9/17/06 Mr. Boks called at 7:32 AM to ask if I had checked my e-mail. I told him that I had not. He said that he had decided that the Tempera was not safe for the elephant and that we needed to wash the color off and then use children's face paint. His e-mail on 9/16/06 @ 11:25 PM said that we needed to use children's face paint. The second e-mail on 9/17/06 at 4:31 AM said that children's face paint wasn't legal either because it did not specifically state that it was safe for animals. Mr. Boks called back at 10:58 AM to say again that it was okay to use face paint. Although we felt we were completely within the law and knew the Tempera was safe we washed Tai off because we were reluctant to disobey a person in Mr. Boks position who had authority over us.

We have logs, copies of e-mail from Mr. Boks and witnesses to the events described above should the Board of Animal Services Commissioners wish to review them.

Mr. Boks is aligned with animal rights groups that actively work to keep animals out of entertainment. He used Catherine Doyle, a representative of In Defense of Animals as one of the "experts external to the Department" to advise on the "Policy to Guide the Handling of Permit Applications which Include Elephant Walks and Similar Events for the Public" (Revised Report), approved by the Board of Animal Services Commissioners on January 14th, 2008. This is a conflict of interest because Mr. Boks has power over the permitting process and granting of the permits necessary to do events with our elephants in Los Angeles. Mr. Boks does not personally approve of our elephant being used in such events and has publicly denounced these permitted activities in many newspaper and television interviews.

Mr. Boks has made negative public comments about us regarding an event at the Discovery Science Center in Santa Ana which is not even in his jurisdiction. This quote is from the Los Angeles Times, 3/12/08, by Tony Barboza, "Pachyderm Plan in Santa Ana is in Bubble Trouble"; The plan has renewed debate over what constitutes animal cruelty and led to a stern rebuke from L.A. Animal Services General Manager Ed Boks.
"It's cruelty in the worst possible form in that it says it's not only acceptable, it's an art form," Boks said. Though he has no say over the Santa Ana event, Boks said, "I think that's the wrong message to be sending."

The above referenced encounter, along with statements to the media show that Ed Boks, the General Manager of LAAS does not believe that animals should be used in the activities for which he is in charge of issuing permits. Mr. Boks has specifically targeted Have Trunk Will Travel, Inc. This is a problem that we ask the Board of Animal Services Commissioners to address before any new regulations or revisions are enacted or considered. Thank you for your consideration.

Respectfully yours,

[Signature]

Kari and Gary Johnson
Have Trunk Will Travel, Inc.

cc: Mayor Antonio Villaraigosa
    Board of Animal Services Commissioners
    Members of the Los Angeles City Council
DATE: May 21, 2008

TO: All Animal Services Personnel

FROM: Edward A. Boks, General Manager

SUBJECT: Update on the Proposed Budget for 2008-2009

The nation's economic downturn has had a significant impact on preparing the City's Fiscal 2008/2009 Budget. Every Department was asked to cut back on expenditures even in the current fiscal year. To balance next year's budget, the City had to go a step further by cutting multiple programs from each Department. What this means to Animal Services is a reduction of shelter business hours to seven hours a day and restricting use of the new Mission Animal Care Center in the Northeast San Fernando Valley to house evidence animals and special operations, with no general public services.

The Mayor's proposed budget also showed many jobs cut. Most of those jobs were vacant positions, but many were filled. For Animal Services, after taking into account our vacancies, we would still have had to revert several supervisors to lower positions, and lay off over 30 ACT and other positions.

Throughout the review of the Mayor's budget, Department management explained to the City Council the serious consequences of such severe cuts. We asked to retain as many people as possible. We have been developing alternatives to keep from losing supervisors and staff. In the public hearings, members of the humane community and rescue organizations came out in support of the important work you do every day to care for the lost and homeless pets of this City.

As of today, we still do not have all the details on the final Budget that will go into effect on July 1, 2008, but things are looking up. For example, we found a way to retain the key supervisor positions using in-lieu authority. And Councilmember Tony Cardenas made a motion that was supported by the City Council, to allocate an additional $500,000 to Animal Services so we can keep longer operating hours at least through the summer, when demand is high. This will help us avoid laying off ACTs. Another City Council motion, made by Richard Alarcon, may result in additional funding later in the year.

I know this has been a difficult time of wait and see, and I wanted to give you an up to date account of what is happening. There is reason to be hopeful. I salute your dedication to the animals even in this time of fiscal challenge. We will continue to fight for you and the resources you need. We will continue to keep you updated.

We create happiness by bringing pets and people together.
May 26, 2008

Board of Animal Services Commissioners
Department of Animal Services
221 North Figueroa Street, 5th Floor
Los Angeles, CA 90012

RE: Revised Requirements for Application and Permit for Circuses and Animal Acts and Exhibitions

Dear Commissioners:

This letter concerns the above referenced Requirements that are listed on the Commission's Agenda for the May 27, 2008 Meeting. I learned of these Requirements for the first time on Friday, May 23, 2008. As discussed in this letter, as drafted, the Requirements are far too broad and onerous and will have serious impact on both commercial and charitable organizations operating within the City limits. I urge the commission to withhold approval of the Requirements so that the Requirements can be more narrowly tailored to address public safety concerns without impacting activities that provide no threat to human or animal health and safety.

The draft Requirements apply to "circuses, exhibitions, acts, displays, or any other lawful exhibits involving animals, including but not limited to animals requiring restricted species permits ...." According to the Report to the Board of Animal Services Commissioners, expanding the requirements to include all animals is so that the Department of Animal Services "can require applicable high standards for elephants, zebras, raptors, dogs, horses, lions, tigers, bears and any other animals that might be used in an act or display." Thus, it is clear that parties handling any animal, including dogs, housecats, sheep, horses, rabbits, birds, etc. are subject to the Requirements.

The negative impacts the Requirements would have can be seen by the broad range of activities that would be affected, and therefore discouraged. For instance, the Requirements would apply to animals (whether dogs, cats or
birds) present for a motion picture premier; church-sponsored nativity scenes; Frisbee competitions; petting zoos at fundraisers; animal education programs at schools; and animal adoption events. Under the Requirements, Parties wishing to engage in any of these activities would have to, among other things, obtain insurance coverage up to $2 million; submit written plans addressing the public's safety; utilize only transport vehicles and cages to transfer animals to the permitted location (i.e. no walking dogs on leashes); provide written information regarding the animals to the property owners, the neighbors, and individuals entering the location; and submit plans for providing emergency veterinary care. It appears that the Requirements require these actions and submittals for every event.

Applying the Requirements to virtually any animal-related activity within the City will discourage animal providers from engaging in business in the City. Not only will this cause a financial impact, but it also will deprive many of the City's residence from having important contact with animals, including educational experiences. Yet, there will be no public safety benefit.

Additionally, the draft Requirements state "[t]hese permit requirements do not apply when filming in the City pursuant to a permit issued by the official Los Angeles City film permitting agency." However, it is not clear from the Requirements whether actions done in connection with filming, but not during filming, also are exempt. For instance, in advance of filming, it is common to bring animals to the filming location to rehearse and become acclimated to the area. This is important for the animal's safety as well as the filming crew. While it is unclear if such rehearsals would constitute an animal act, display or exhibit, the film exemption should be revised to make clear that such activities are not subject to the Requirements.

While the need to ensure protection of human health and safety and the well being of animals is extremely important, as drafted, the Requirements go beyond what is necessary. Indeed, their application ultimately would cause harm to businesses, residents, and animals. Moreover, administering such a broad program would tax the Department's resources. Please do not approve the Requirements and instead revisit them to narrowly address true public safety concerns.

Sincerely,

David J. McMillan
Worldwide Movie Animals, LLC
Re: (Draft) Application and Permit Requirements for Circuses, Animal Acts and Exhibitions

May 22, 2008

To Whom It May Concern:

Please accept this letter regarding the (Draft) Application and Permit Requirements for Circuses, Animal Acts and Exhibitions ("Requirements"), which are currently being considered for adoption by the Board of Animal Services Commissioners ("Board"). Please place these comments into the record of any hearing, administrative record, studies and/or reports pertaining to this issue. The International Animal Welfare Association (IAWA) is a non-profit organization of animal owners, trainers, handlers, educators, and enthusiasts, the majority of which are located in Southern California, who are dedicated to protecting the rights of legal, responsible, and humane animal professions and industries. We recognize and support the education and positive ecological impact such industries provide the public and the animals. IAWA works diligently to be an instrumental part of the evolution of animal training and handling to assure the public, the animals and the trainers/handlers/owners the safest and most professional care and treatment.

IAWA members only learned of the previous version of the Requirements (previously the Requirements were referred to as the Requirements for Inherently Dangerous Wild Animals) adopted by the Board in January 2008 after they were adopted and were being implemented by the Department of Animal Services. In January 2008, IAWA members were not provided any notice that Animal Services was going to be considering any new rules related to the handling of "inherently dangerous" wild animals. These Requirements impact a relatively small number of people, including the membership of IAWA; however, IAWA and its members were not provided the opportunity to participate in the process and were not notified that Animal Services would be accepting comments on the proposed changes to permitting requirements and procedures. Few are affected more significantly by these regulations than the members of IAWA and most of our members are very familiar with the staff of Animal Services. IAWA and its members would have welcomed the opportunity to participate in the process and could have offered many valuable recommendations that would be both protective of the animals and actually implementable for the industry, which should be the ultimate goal of any such rules. Few know more about the animals, the industries involved, and safety of working with both, than the professionals who work in the industry everyday. However, IAWA and its members were not notified of Animal Services' intention to adopt these new Requirements. IAWA was extremely troubled to learn of the input from that was solicited by Animal Services from organizations that have an explicit aversion to the use of animals in the entertainment industry when any such input was not solicited from those who work in the industry, including members of the IAWA.

It is imperative that IAWA and its members be included in the process of formulating and adopting the Requirements. Such professionals have the greatest knowledge of tranquilization techniques and effects, current federal and state law, individual animal needs, and filming and photography techniques; thus, their input is critical to ensuring that any rules adopted are protective of animal health and safety, protective of public health and safety and are actually implementable by those that work in the industry. As such, we request that IAWA be notified of any and all new policies being considered by Animal Services related to the permitting requirements discussed herein to allow for full participation in the process and to ensure compliance with state and local laws regarding public meetings.

Mission Statement: The International Animal Welfare Alliance is an international non-profit organization of animal owners, trainers, handlers, educators and enthusiasts dedicated to protecting the rights of legal, responsible and humane animal professions. Our members adhere to a code of ethics and are committed to providing animals humane care at the highest professional level.
In response to the latest revisions posted by Animals Services, the following are IAWA's recommendations regarding the Requirements. We hope that Animal Services, in considering the revisions will accept these comments and take them into consideration in revising the Requirements.

- **Condition No. 1 of Proposed Conditions**: Additional clarification is needed regarding the insurance requirement, specifically what “authorized or approved to write such insurance in California” means to comply with this rule. Is there a formal classification or qualification in the insurance industry that more clearly describes the requirement?

- **Condition No. 2 of Proposed Conditions**: A health certificate should be sufficient for an animal to work within the City. An animal’s health history could only be responsibly evaluated by a veterinarian, the same of which would be issuing the health certificate. It is important to note that interstate requirements only require a health certificate for most animals. TB requirements could be handled differently.

- **Condition No. 3 of Proposed Conditions**: This language should be limited to a detailed description of the activity and an explanation of such an activity will be accomplished.

- **Condition No. 4 d & e of Proposed Conditions**: It is unclear if “access” in Proposed Condition No.4.d coupled with “emergency veterinary care in a timely fashion” in Proposed Condition No.12 would allow for tranquilization drugs and equipment to be on call with a veterinarian in the surrounding area rather than on the set or location? The immobilization requirements raise many concerns that we feel could possibly contradict the firearm laws in the City and/or the State. In addition, we question whether or not such drugs and/or equipment may legally be obtained, possessed or discharge through a firearm by anyone other than a peace officer or other qualified individual. There are also significant issues regarding the ability of a veterinarian to discharge a weapon in the City and the potential liability for doing so. We should note that our attempts to clarify this matter with City, the California Veterinary Association and the American Veterinary Association have not resulted in any clarification; in fact, no one knows for sure how this requirement is supposed to be applied and how it will be enforced, which raises significant due process concerns. Thus, we would ask that Animal Services recognize the serious risks and liability associated with such drugs and weapons, as well as the history of a need for such requirements, which we find non-existent. In addition, our experience has proven that the true and tested effect of any tranquilization drug on most exotic animals (especially those under any stress or excitement) does not accomplish the immediate immobilization of the animal making the application of this rule highly problematic from a practical and legal perspective. Again, we would strongly urge Animal Services to review the history of the entertainment industry working with animals in the City and reevaluate the need for such a difficult and dangerous requirement.

- **Condition No. 8 of Proposed Conditions**: We have significant concerns with respect to labor/employment law issues associated with asking for or sharing the legal histories of those we employ with Animal Services or any other regulatory agency. This issue should be further considered by Animal Services, and additional clarification is needed to provide sufficient guidance for the regulated community. There is no reason for non-animal related offenses should not be included in this requirement.

- **Condition No. 9 a of Proposed Conditions**: Differentiation should be made between a United States Department of Food and Agriculture (“USDA”) citation and a USDA conviction. Correctable citations and/or discrepancies in a report or file that has been corrected and approved by USDA should not prevent a person from being issued a permit in the City. A current USDA license signifies good standing with USDA, and Animal Services should not be further evaluating USDA’s protocol. In addition, IAWA members have no knowledge of a “Repeat Direct Non-Compliant Item” violation, and as such, additional clarification is required with respect to this proposed condition. If such an issue exists between the USDA and a licensee, USDA has the authority and the responsibility to suspend and/or revoke their permit, which would disable that person’s ability to work anywhere, including the City. A current and valid USDA exhibitor license should be all that is required to meet this requirement and operate in the City, thus Proposed Conditions No. 9 b and 9 c should be removed.

- **Condition No. 10 of Proposed Conditions**: Such a disclosure should only ask for USDA convictions and or pending charges being filed by USDA. “Alleged violations”, “stipulations” and “settlements” are both vague and unnecessary if the final outcome is a valid USDA permit.
Condition No. 14 of Proposed Conditions: As with the Federal requirements, this requirement should only solicit information regarding convictions and/or pending charges filed by the State, not prior violations. Prior violations have no bearing on an applicant’s current status, especially if they are in possession of a current California license.

IAWA would welcome the opportunity to be present at the meeting with Calif. F&G to better define this provision for several members of IAWA are in fact members of the Calif. F&G Commission Advisory Committee.

Condition No. 16 of Proposed Conditions: The exemption of AZA accredited facilities is both reckless and unwarranted. This provision creates an unfair advantage to an organization that competes with IAWA in the entertainment industry, as well as an organization that has far less experience working with animals, and is therefore far less qualified to work animals in such an environment. We cannot understand how the health and safety of the public and the animals is less important to the City if the animals are owned by a facility that belongs to the private institution of AZA.

We sincerely hope the above comments will be received in the spirit that they are intended: an attempt to participate in the evolution of safe, humane and professional animal handling. To that end, IAWA would welcome the opportunity to be present at the meeting with the California Department of Fish & Game to better define these Requirements. In fact, several members of IAWA are members of the Department’s Advisory Committee, which deals with animal safety and handling issues on a regular basis. In addition, we would welcome the opportunity to meet with Animal Services to discuss these Regulations further. We feel confident that we could be extremely instrumental in helping author a final draft of the Requirements that will benefit not only the City and its citizens, but also the animals and the industries involved.

Sincerely,

Charlie Sammut
President, IAWA

cc IAWA Board of Directors and Members
For Immediate Release: May 21, 2008

Animal Protection Groups Ask Federal Court to Halt Ringling Bros.’ Cruel Chaining and Confinement of Endangered Asian Elephants

Washington, D.C. — Today, a coalition of animal protection organizations and a former Ringling Bros. employee asked a federal district court in Washington D.C. to immediately order a halt to Ringling Bros. and Barnum & Bailey Circus (Ringling Bros.)’s cruel practice of shackling and confining endangered Asian elephants for days on end in a manner that prevents them from walking or even turning around in place.

Newly obtained evidence based on the circus’s own documents reveals that Ringling Bros. keeps elephants virtually immobilized in chains for the majority of their lives. Internal records of the circus’s train travels show that the elephants are chained while confined in boxcars for an average of more than 26 hours at a time, and sometimes for as much as 60–100 hours without a break as the circus moves across the country.

“The evidence is simply shocking,” says Lisa Weisberg, Senior Vice President of Government Affairs and Public Policy of the American Society for the Prevention of Cruelty to Animals (ASPCA). “The public should be outraged at the amount of time these animals are forced to be shackled and confined, and Ringling Bros. should be ashamed at hiding this cruelty from the public eye.”

“We hope that the Court will order Ringling Bros. to immediately unchain these incredibly intelligent and, social animals and spare them from suffering a lifetime of misery,” says Tracy Silverman, General Counsel for Animal Welfare Institute. “No animal should be chained for days at a time, week after week, month after month and year after year.”

The request for an immediate halt to prolonged chaining and confinement of elephants is part of a groundbreaking lawsuit by the ASPCA, the Animal Welfare Institute, The Fund for Animals, Born Free USA united with Animal Protection Institute (Born Free USA), and former Ringling Bros. employee Tom Rider against Ringling Bros. Circus. The suit alleges that the circus is violating the Endangered Species Act by abusively training and disciplining elephants with sharp implements such as bullhooks, and by intensively confining and chaining the animals for prolonged periods of time.

“Shackling elephants for days on end without the ability to walk or even turn around is inherently cruel,” said Michael Markarian, President of The Fund for Animals. “Endangered species deserve something better than a lifetime of suffering.”

Although Ringling Bros. has denied that the elephants spend most of their lives in chains, former circus employees and other witnesses have given sworn testimony to the U.S. Department of Agriculture that the elephants are kept tightly chained by one front and hind leg — unable to move freely or even turn around — for hours on end.

“The overwhelming evidence we have obtained confirms what former Ringling Bros. employees have said for years about the unimaginable cruelty that goes on under — and behind — the Big Top,” says Nicole G. Paquette, Senior Vice President for Born Free USA. “These new revelations of prolonged chaining of elephants should not only have significant implications for this case, but also assist in our national efforts to pass legislation prohibiting cruel training practices commonly used on captive elephants.”

The plaintiffs are represented by the public interest law firm Meyer Glitzenstein & Crystal.

Media Contacts:
Anita Edson/ASPCA: 212-876-7700 x 4566, anitae@aspca.org
Tracy Silverman, Esq./Animal Welfare Institute: 301-537-0612, tracy@awionline.org
Michael Markarian/The Fund for Animals: mmmarkarian@fundforanimals.org
Nicole Paquette/Born Free USA united with API: 916-622-7170, nicole@bornfreeusa.org
Tom Rider: 202-374-1503, tomeasyrider06@hotmail.com

###
Facts:
- Ringling Bros.’ own internal train records show that the elephants are chained in boxcars for an average of **more than 26 hours, and often 60–70 hours at a time**, when the circus travels from city to city.
- The records also show that in some cases, the elephants have been kept chained on trains **for 90–100 hours**.
- Elephants at the “Center for Elephant Conservation” (CEC), which is owned and operated by Ringling Bros., are also kept in chains (details about this cannot yet be made public because of a protective order that has been entered in the case). The CEC is where elephants are bred to produce more elephants for the circus.
- In the wild, elephants travel many miles each day.
- Research shows that chaining and confining animals for days at a time leads to psychological and severe physical problems such as arthritis, crippling foot problems, and behavior that is indicative of high levels of stress.

Copies of these documents are available upon request.

Timeline of Case
- May 21, 2008 – Plaintiffs file Motion for Preliminary Injunction on chaining claim until the Court has a trial and issues a final decision about all of plaintiffs’ claims.
- January 30, 2008 – Fact Discovery closes.
- August 23, 2007 – U.S. District Court Judge Emmet G. Sullivan issues a ruling rejecting Ringling Bros.’ attempts to have the case dismissed, and permitting the plaintiffs’ case to proceed to trial.
- October 2006 – After being ordered to do so by the court, Ringling Bros. discloses the internal veterinary records for the elephants, which show elephants with severe foot, leg, and other injuries.
- August 2006 – Baby elephant Bertha dies at the CEC — the details of her death have never been revealed.
- September 2005 – The federal district judge assigned to the case announces that he will “incarcerate” Ringling Bros.’ lawyers and executives if they do not turn over critical veterinary documents that were required to be produced much earlier in the litigation.
- August 2004 – 2-year-old Riccardo mysteriously dies at the CEC after falling while “climbing on a tub.”
- February 2003 – A unanimous panel of the federal appeals court in the District of Columbia finds that the plaintiffs have standing to sue Ringling Bros. for its mistreatment of Asian elephants.
- June 2000 – Animal welfare groups file suit against Ringling Bros. in federal court in the District of Columbia under the Endangered Species Act to stop Ringling Bros.’ inhumane and unlawful mistreatment of highly endangered Asian elephants.
- July 1999 – Baby elephant Benjamin drowns in a pond when traveling between Ringling Bros. shows; witnesses state that he was evading his Ringling Bros. handler who had chased him with a bullhook.
- February 1999 – USDA cites Ringling Bros. after inspectors observe large rope burn "lesions" on two baby elephants — Doc and Angelica — caused by forcibly separating the babies from their mothers well before the end of their natural weaning period.
- January 1998 – USDA concludes that baby elephant Kenny dies after being made to perform by Ringling despite the fact that he is extremely ill.
My name is Thomas Albert and I am Vice President of Government Relations for Feld Entertainment, Inc. Feld is the world's leading producer of live family entertainment and the parent company of Ringling Bros. and Barnum & Bailey® and Disney On Ice®. Ringling Bros. is the largest and most well-known traveling exhibitor of live animals in the world, with more than 138 years of experience working with a wide array of animals. Each year Ringling Bros. entertains an average of 75,000 people during our Los Angeles engagements at the Staples Center.

I am here today to offer some brief comments on the draft revisions to the Application and Permit Requirements for Circuses, Animal Acts and Exhibitions.

Each year Feld obtains the necessary permits from the City of Los Angeles for its circus engagement, as well as the related animal walks to and from the arena. In fact, it is our understanding that it was as a result of some matters that came up and were addressed prior to our walks last year that triggered the adoption of new requirements in the first place.

In general we think these revisions reflect an improvement over the version that was put in place in January by clarifying certain aspects and removing some of the vagueness and ambiguities that was in the previous version. We appreciate the efforts of the Department to address some of the concerns previously expressed to them.

However, there are still some areas where we think the revised requirements still suffer from a level of vagueness that may make it difficult to comply with or enforce. In particular we believe that the requirement No. 3 regarding a description of activities is unreasonably vague and potentially unenforceable as it provides no guidance as to what kind of information is required or what the standard is for determining whether or not the requirements have been met. Rather it seems to leave the determination of what constitutes compliance completely at the discretion of the Department. We think this should be revised to eliminate this vagueness.

We support the provision within the revisions that allow for the satisfaction of certain documentation requirements by making the records available for inspection and review. We agree that this is a reasonable approach though which the Department can ensure compliance without unreasonably burdening its staff and resources or those of the permit applicants.

In regards to requirement No. 4 we request that the "make available for inspection" alternative be extended to the emergency plans and procedures that are required to be in place. Not only might these same materials be voluminous and burdensome to manage,
but these documents may contain confidential business and/or sensitive security information that should not be made part of public records. While we recognize that there may be procedures under city ordinance or state law in place for withholding and protecting such information from improper disclosure, these procedures in themselves will impose additional burdens on Department resources, as well as increase its liability exposure. We ask that requirement No. 4 be revised so as to extend the alternative of making the required protocols and documentation available for inspection.

Regarding requirement No. 9, while we recognize that this revision clarifies and focuses the nature of this provision regarding USDA violations, we believe that by being framed as an absolute requirement it is too narrow. Rather we would recommend that applicants be required to disclose any and all Direct and Repeat Direct Non-Compliant Items from its USDA inspections within the past three years. The Director should be required to factor this information into a permit decision but would still have the discretion to determine whether or not a permit should be granted based upon specific findings. We believe that this approach would better serve the City's objective of ensuring both public safety and animal welfare while not unduly restricting the activities of responsible exhibitors.

Thank you for the opportunity to submit these comments.

Feld Entertainment, Inc
8607 Westwood Center Drive
Vienna, VA 22182
(703) 448-4000