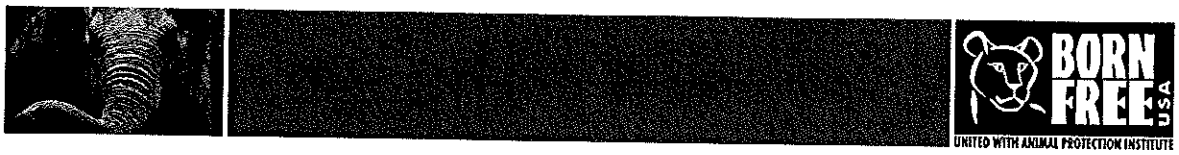

Support HB 6555
Regulate the Treatment of Captive Elephants

HB 6555 will make it illegal to use any implement that may reasonably result in harm to an elephant, including but not limited to the damage, scarring, or breakage of an elephant's skin. Such implement or device includes but is not limited to a bullhook, ankus, or other similar device. In addition, the bill makes it illegal to use a chain or similar device to restrain an elephant, except if utilized for the shortest amount of time necessary to provide actual medical treatment. Any person who violates the provisions within the bill shall be fined not more than $5000 per violation or imprisoned for not more than 1 year, or both.

BULLHOOK USE:
A bullhook, or ankus, is made of wood, metal, or other substantial material. It is approximately 2 to 3 feet long, and at one end is a sharp, steel, hook and poker. It is used to poke, prod, strike, and hit animals in order to "train" them and force them to perform tricks.

We have video footage of circus employees repeatedly hitting elephants with bullhooks, as well as video footage of the daily hitting and "hooking" of the elephants to make them stay in line, move in a particular direction, or perform on cue.

In addition, we have internal written documents from Ringling Bros. Circus that discuss the mistreatment of its elephants. 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.

CHAINING:
Chaining is one of the most common methods used to confine elephants in captivity. It severely restricts an elephant's movements, eliminating its ability to lie down, walk, or socialize with other elephants. The severity of these restrictions can result in neurotic psychological behavior, physical injury, and even the death of captive elephants.

There is evidence from a lawsuit against Ringling Bros. that reveals that Ringling keeps elephants virtually immobilized in chains for the majority of their lives. Internal records 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, as the circus moves across the country.

The bill is supported by a long list of experts, organizations, and constituents. Some of these entities are: former-elephant handlers, persons who study elephants in the wild, persons who rescue elephants, animal behaviorists, humane organizations, as well as thousands of concerned individuals.

For additional information, please contact Born Free USA at (916) 622-7170.

nbruck, Deborah
rday, January 08, 2005 07:30 PM
uart, Mike
mrfeld.doc
nts:mrfeld.doc

had forgotten I had written this. I never sent this to Mr. Feld but I send it along for your information.

These are internal documents, received by Ringling Bros. Circus as a result of a lawsuit, which is currently being litigated in Federal court, in Washiongton DC, regarding Ringling Bros. abusive use of the bullhook.

Mr. Feld
Feld Entertainment
8607 Westwood Center Drive
Vienna, Va 22182

Dear Mr. Feld,

Please first let me start by saying how much I enjoy working for you and Ringling Bros. Barnum & Bailey. The history, tradition, the dedication, and especially the people it is truly an adventure. I've been hearing here and there of all the changes taking place in the near future and look forward to seeing and being a part of it.

Unfortunlely I have recently felt compelled to write to you. I pride myself on being able to solve situations on my own but I feel I have to this point only been putting ban aids on one which has recently become worse. As we all anticipated the California run would be very trying for all of us but especially would be for Troy because of past experiences. Understanding this I looked upon it as a challenge and gave Troy and our entire animal department as much coverage, support and understanding as I could. I felt that if we could just stick it out and support each other we would all take a sigh of relief after we left the West Coast. I've witnessed some things done by Troy and his crew that were troubling but I cannot say were truly abusive. When I brought these issues to his attention strictly for his knowledge and for him to deal with as the barn head I was always met with resistance and always felt he considered me an outsider and threat. I will not go into them here but it made it very difficult at times to defend Troy not only in the media but to his crew, building employees, inspectors and others.

One example I will mention is that the activist's tape taken in Oakland could have been easily avoided. I surveyed the situation and saw it could become problematic and went to Troy to discuss it and fix the situation easily by putting up a tent wall. His reaction was that he was doing nothing wrong and they could take all the video they wanted. It ended with him swearing and gesturing towards the activist. The result of that was of course my defending us on the local news in San Jose after the activists held a press conference. I agree with Troy I didn't see any wanton abuse on the tape but we all understood how the activists would spin it and there really was no justification for what Brian did. I will add that after discussing the situation with Alex a short while later a tent wall went immediately up and further videoing ceased.

Things did settle down after leaving the coast but unfortunlely have taken a turn again. I believe Alex's transfer triggered some of this but Troy is Troy and even when he is confronted with his attitude acknowledges it and even sometimes apologizes but also says he not only has no plans to change but vows to increase it.

I have some first hand knowledge on how he berates his crew and a lot of second hand. I think we will probably lose at least several good people and possibly one key one. I will tell you of my own recent incident. As everyone is aware Isham is practicing to take over ring one in manage. Last night in the show I observed him hook Lutzi under the trunk three times and behind the leg once in an attempt to line her up for the T-mount. After the act I stopped backstage and observed blood in small pools and dripped along the length of the rubber and all the way inside the barn. Troy was readying two elephants for Spec. Not knowing if he was aware I asked very quietly if he had seen the blood. Ignoring me

and thinking he didn't hear me I asked again. He was very abrupt in his acknowledgement. Understanding this I said nothing more and went up to the barn to check on the elephant. I asked Mike which elephant was bleeding and was told Lutzi. I told him I was not surprised as I had seen Isham hook her in the show fairly severely. Mike said he thought it might have been Suny during the act either way we had an elephant dripping blood all over the arena floor during the show from being hooked. I observed Suny cleaning Lutzi's trunk and decided to let the elephant department handle it. I had decided to wait twenty-four hours before talking to Troy as I have found in the past he tends to get very defensive and apologies later. Before leaving the show that night I stopped by the barn for something totally different and was told by Mike Troy wanted to talk to me and that I was "banned" from the barn unless he was there. I left telling Mike I didn't want to talk to Troy tonight and would deal with it tomorrow.

As of now I haven't talked to him and see no purpose in doing so. He has made it clear his feelings and I will stay out of the barn for now only. Troy is very unhappy here and has said so himself. His attitude and quality of work has slowly declined. We are all aware of his moods but things are not progressing. This is very hard for me as I never have questioned Troy's love of elephants but I'm beginning to question his judgment and wonder what is best not only for the elephants and people but the company.

I ended up talking to Mike Stuart and John Griggs about Troy. I found both of them to be very supportive. Mike said he would talk to him. That night I realized I needed to talk to Troy. I wasn't looking to Mike to fight my battles but be there if I needed him for back-up. This is how I've done it in the past and have found it to be the best method. The problem is again I feel we are only putting ban-aids on the situation.

I talked to Troy the next morning and he immediately apologized and stated his side of the story. His main point being big fish were being made out of little ones and what happens in the elephant barn stays in the barn. I wasn't trying to make something more of the situation then necessary but it warranted a follow up. The resistance I met from Troy made this a bigger fish.

Deborah Fahrenbruck
Animal Behaviorist
Feld Entertainment, Inc.

From: Lindsay, William
Sent: 7/25/2004 1:36:27 AM
To: Strauss, Julie;Gaipo, Mark;Andacht, Jim
Cc: Jacobson, Gary;
Subject: FW: a few updates

Heather is the new veterinary technician on the Red.

style='font-size:12.0pt;font-family:"Monotype Corsiva";color:navy'>W. A. Lindsay, D.V.M.

style='font-size:12.0pt;color:navy'>Director of Veterinary Care, Ringling Bros. and Barnum & Bailey Circus.

style='font-size:12.0pt;color:navy'>Diplomate, style='color:navy'>American style='color:navy'> Collegecolor=navy> of Veterinary Surgeons

style='font-size:12.0pt;color:navy'>Cellular: 608-239-9043

style='font-size:12.0pt;color:navy'>Facsimile: 801-640-1310

style='font-size:12.0pt;color:navy'>

-----Original Message-----

From: Riggs, Heather

Sent: Saturday, July 24, 2004
12:41 PM

To: Lindsay, William; Wiedner,
Ellen; Case, Allison

Subject: a few updates

Hello all. I have finally received
my business cell phone (apparently it has been on Mark's desk for over a
week...), number is 941.928.7640. I will still have my 801.787.6774 if
you are unable to reach me on the other phone.

I spoke to Dr. Wiedner a few minutes ago, and she asked me to send this on. After this morning's baths, at least 4 of the elephants came in with multiple abrasions and lacerations from the hooks. Sacha and Jimmy were, I believe, the only handlers with them outside. The lacs were very visible, and I had questions at the open house from 2 members of the public about where they were from. Jimmy applied silvadene and wonder dust just before the show. I am making a list of what I find once the lights are back on, and it will follow shortly.

Updates on Dr. Case's visit and current tx to follow.

Heather

From: Lindsay, William
Sent: 7/25/2004 1:37:36 AM
To: Strauss, Julie;Gaipo, Mark;Andacht, Jim
Cc: Jacobson, Gary;
Subject: FW: elephants

style='font-size:12.0pt;font-family:"Monotype Corsiva";color:navy'>W. A. Lindsay, D.V.M.

style='font-size:12.0pt;color:navy'>Director of Veterinary Care, Ringling Bros. and Barnum & Bailey Circus.

style='font-size:12.0pt;color:navy'>Diplomate, style='color:navy'>American style='color:navy'> Collegecolor=navy> of Veterinary Surgeons

style='font-size:12.0pt;color:navy'>Cellular: 608-239-9043

style='font-size:12.0pt;color:navy'>Facsimile: 801-640-1310

style='font-size:12.0pt;color:navy'>

-----Original Message-----

From: Riggs, Heather

Sent: Saturday, July 24, 2004 2:09 PM

To: Lindsay, William; Wiedner, Ellen; Case, Allison

Subject: elephants

3/24/04color=black face=Arial> AM

list of injuries (that i was able to see
without approaching and without help of handler)

Siamstyle='font-size:10.0pt;font-family:Arial'>: 2 1-2cm laceration on front of trunk

Baby: 1 1cm laceration on front of trunk, 1 3-5cm laceration and 1 2-3cm laceration behind left ear, bleeding (enough to drip)

Asiastyle='font-size:10.0pt;font-family:Arial'>: 1 cm laceration on front of trunk

Assan: 6-8 cm laceration behind L ear, bleeding (this is the one pointed out by 2 members of the public); L tusk sulcus (term?), 2-3cm laceration

Banko: 1cm laceration of front of trunk

I will make note of this in my daily notes as well.
Please let me know if or what I should do. Thanks.

Heather

From: Fahrenbruck, Deborah
Sent: Saturday, January 08, 2005 07:32 PM
To: Stuart, Mike
Subject: Notes on Phoenix/California

These are the notes I jotted down at the time.

Walkin Phoenix
Troy was observed hitting Angelica 3 to five times in the stocks before unloading her and then using a hand electric prod within public view after unloading

California Tour
Troy carried an electric prod in his back pocket throughout most of the California tour during walk-ins. The use of an electric prod in California is strictly forbidden by state law. I didn't personally observe Troy using it in California. Dr. Lindsay also observed and commented about it in San Franciso.

From: Case, Allison
Sent: Monday, July 26, 2004 06:16 PM
To: Andacht, Jim;Gaipo, Mark
Cc: Lindsay, William;
Subject: watering and petting zoo

Greetings Jim and Mark,

I continue to have concerns about animal watering on the red unit. In my recent visit to Houston, I found all species water buckets to be in unacceptable condition – e.g. feces or food in water, water level too low, and/or poor quality water. The red unit uses a system of watering from a limited number of large drums instead of hoses with running water. One of several problems with the dispensing of all animal water from a few large drums is the quality or content of the "water" in the drums. I have witnessed both soapy water and, in Houston, bleach water being dispensed to the animals. In both cases the large dispensing drum was being "cleaned" or "soaked" but the grooms are not aware or are not able to recognize when this is taking place. Another major problem with this system is the overall incompleteness of cleaning water buckets and difficulty in watering fully.

I have voiced these concerns before and have recommended a solution: make working water hoses available to each animal department. This would not only make watering easier for the grooms (thus it might actually get done), but more importantly, it would provide an unlimited supply of fresh water for the animals and for their buckets to be properly cleaned. I am aware that in indoor compounds this is more difficult, but I have seen it work well even indoors.

It has also been brought to my attention by more than one person that the elephants are not receiving enough water "so as to minimize the amount they urinate". I did notice very dry hard feces and in reflecting on my three days, did not happen to see any urination. I asked Sacha directly if his grooms were watering the elephants enough and I was told "yes, three times a day". Perhaps this is worth investigating. It is certainly worth rectifying.

Finally, I know you have both been made aware that the unexpected petting zoo presents a significantly clear and present health risk to our animals and possibly even to the Ringling staff who make contact with these animals. I just want to introduce another problem with this situation: I was surprised to see the petting zoo staff wearing Ringling shirts. From my understanding, these people are not Ringling staff and their animal husbandry practices certainly do not reflect those of our veterinary care department. They interact very closely with the public during open house and by wearing Ringling shirts they misrepresent themselves as RBBB employees and also suggest the animals are RBBB animals. My concern is we have no idea what their message is in their interactions with the public. I would hope there would not be future joint exhibits, but if so, outside organizations should be in a separate location and clearly identified with their own brand.

Thank you both for your time and consideration,

Allison L. Case, DVM
Associate Veterinarian
Feld Entertainment, Inc.
352.454.7363 cell
240.359.5830 fax
acase@feldinc.com

REDACTED
Non-Responsive

-----Original Message-----
From: Wiedner, Ellen
Sent: Saturday, October 16, 2004 8:04 AM
To: Lindsay, William; Case, Allison; Isaza, Ramiro
Subject: Visit to red, Boston, #2

10/12-10/14/04
Dr. Ellen Wiedner

REDACTED
Non-Responsive

REDACTED
Non-Responsive

Elephants are being walked not even ten minutes a day -- on one day, the 'exercise' consisted of three circles around the wooden pallets. The unit continues to find reasons why the elephants cannot go outside. The local ACO called me to ask why the elephants are not getting exercised which means that someone in the arena called them about this. This is not surprising since the security guards are older, retired people who were very interested in the animals, and kept asking lots of questions. REDACTED
REDACTED

From: Wiedner, Ellen
Sent: Monday, August 30, 2004 06:15 AM
To: Lindsay, William;Case, Allison;Isaza, Ramiro
Subject: Visit to red in Jackson, MS

Visit to Red Unit
Jackson, MS
8/28-8/29/04
Dr. Ellen Wiedner

REDACTED
Non-Responsive

Non-medical items

REDACTED
Non-Responsive

Lewis Glover has been openly hostile to Heather Riggs in my presence. Heather reports problems also with Bill Bennucci

Heather and new teamster, Sandy, have witnessed Peshta hitting elephants on head with hook. Peshta substituting for Jimmy who is home having hand surgery and will not be back for several weeks.

From: Cathy Shilton
Sent: Sunday, February 04, 2001 01:25 AM
To: Gaipo, Mark
Cc: Froemming, Richard;Kendrick, Tracy;Isaza, Ramiro;Kirtland, John;Lindsay, William;
Subject: Re: Vet report for Red Unit

The main thing I wanted to accomplish was examining all the elephant's feet. There's a lot of severe, likely not completely treatable foot problems at Williston, that originated in the years that the elephants were on the road, so I'm trying to both study foot problems and also prevent them. I noticed some small lacerations behind the forelegs and ears in some elephants. I went specifically looking for these with just Pete present with Dutchess, Jenny and Judy, and found several bloody spots and one small abscess. I didn't have the opportunity to examine the Ringling elephants without a trainer being present. Not being familiar with all the politics etc.that is going on at the Red Unit, with respect to trainers etc., and being new myself, I was reluctant to be too aggressive about obviously searching for lacerations. Two of the Ringling elephants do however have superficial abscesses (brought to my attention by Sasha, and being treated by him), one on the top of the neck in one elephant and one behind the ear in the other.

---- Original Message ----
From: "Gaipo, Mark" <MGaipo@feldinc.com>
To: "Cathy Shilton" <cshilton@feldinc.com>; "Isaza, Ramiro" <RIsaza@feldinc.com>; "Lindsay, William" <WLindsay@feldinc.com>; "Kirtland, John" <JKirtland@feldinc.com>
Cc: "Froemming, Richard" <RFroemming@feldinc.com>; "Kendrick, Tracy" <TKendrick@feldinc.com>
Sent: Saturday, February 03, 2001 9:56 AM
Subject: RE: Vet report for Red Unit

> Did your visit center around foot care? Did you notice any lacerations
> or on or about he legs and ears. Call to discuss. Should be a
> conference call with Bill, John, Richard. Perhaps Tracy can set it up
> or we can get
> together in Greensboro. Mark
>
> -----Original Message-----
> From: Cathy Shilton [mailto:cshilton@feldinc.com]
> Sent: Friday, February 02, 2001 19:51
> To: Isaza, Ramiro; Lindsay, William; Kirtland, John; Gaipo, Mark
> Subject: Vet report for Red Unit
>
>
>
>
>

The Show Will Still Go On: An Economic Analysis of Passage of Circus Legislation Restricting Training Methods Utilized on Elephants

Jennifer Fearing
Chief Economist

February 2, 2009

THE HUMANE SOCIETY
OF THE UNITED STATES

www.humanesociety.org

An Economic Analysis of Passage of Circus Legislation Restricting Training Methods Utilized on Elephants

Jennifer Fearing[1]

Legislation has been introduced in various states which seek to limit the training and restraint devices used when housing, possessing, or traveling with elephants utilized in a circus or traveling show.[2]

The purpose of this report is to provide insights concerning the economic impact, if any, of this type of legislation. As such, the report will demonstrate the following:

- Legislation prohibiting training devices utilized on traveling elephants does not prohibit any amusement event from taking place in a state.
- If certain events do not take place because parties affected by such legislation elect not to tour in the state, and continued demand exists for circus-type amusement events, the market will respond and other events will come to the state, replacing any lost economic activity.
- Alternatively, local economies within a state may see improved economic activity if family spending shifts away from touring events owned and operated by non-residents and toward resident events and activities.
- The state will experience no economic loss in the absence of amusements that may choose not to operate in a state if this type of legislation is enacted.

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[1] Jennifer Fearing currently serves as Chief Economist of The Humane Society of the United States. From July 1995 through June 2003, she was employed as a professional economist for a national economic research and consulting firm based in Los Angeles. Ms. Fearing's primary responsibilities were to provide economic research and complex damage analysis in the framework of expert witness litigation involving government and commercial entities on antitrust, intellectual property and fraud matters. Her principal fields are applied microeconomics and industrial economics – including the study of markets, consumer and price effects and the strategic behavior of firms. Ms. Fearing holds a Bachelor of Arts in Economics with highest honors from the University of California, Davis and a Master of Public Policy with an emphasis on Business and Government policy from the John F. Kennedy School of Government at Harvard University.

[2] State of Massachusetts, Senate No. 2002, "An Act Relating to the Treatment of Elephants," http://www.mass.gov/legis/bills/senate/185/st02/st02002.htm, accessed on October 15, 2007; State of Connecticut, House Bill 7019, "An Act Concerning the Treatment of Elephants;" State of California, Assembly Bill 777, http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_0751-0800/ab_777_bill_20070222_introduced.html; State of Nebraska, Senate Bill 1000, http://uniweb.legislature.ne.gov/FloorDocs/99/PDF/Intro/LB1000.pdf.

- To the extent there is no adverse impact on local or state economies, such legislation cannot adversely impact the national economy.

The Economics of Events

The local economic activity generated by an event staged at any one of the arenas or facilities hosting a traveling show or circus featuring elephants derives from four sources: (1) spending to attend the event (e.g., tickets and parking); (2) spending on concession items sold during the event such as popcorn and t-shirts; (3) spending before and after the event on other consumable items like meals or gas; and (4) taxes paid to local government on spending for these three categories. An indirect source of economic activity is any jobs created by this spending.[3]

Three important caveats should govern evaluations of the economic activity of such an event. First, spending generated at or by the event can only be considered a benefit to the local economy if the spending would not have taken place in the absence of the event. Second, only that portion of the spending that stays in the local economy can be counted as providing a local benefit. Finally, all benefits must be weighed against the direct and indirect costs (including the opportunity costs) of holding the event. These caveats are routinely ignored by those who favor specific events, namely because their consideration – and thus a complete economic picture – will offset any private gains accruing to the event's owners.

The most relevant literature for considering the economic impact of performing events is that which deals with the economics of arenas and sports stadiums.[4] Economists roundly agree that these venues do not generate new economic spending

[3] Job quality/types can vary from permanent full- and part-time jobs for residents, temporary jobs for residents and income paid to the show's performers (non-resident full- and part-time).
[4] See Exhibit 1 for a brief bibliography of this literature.

in a region – they only redistribute the discretionary spending of families to different owners of capital.[5]

This finding is based on the conclusion – based on dozens, if not hundreds of studies – that arenas and the events staged there do not tend to attract significant proportions of tourists and visitors (e.g., non-residents). Any new economic activity must be generated by new spenders visiting from outside the local area. Without such spending, no additional tax revenue is generated and oftentimes local business owners who operate complementary or substitute efforts in other parts of the region will lose whatever the new venue gains – making it a wash for the region and specifically deleterious to those local businesses not operating in the venue's immediate vicinity.

All too often, economists have trouble getting this message across to politicians and team owners with the financial and political resources to push through public subsidies to build large-scale sports venues. Proponents often argue that new money is generated, creating jobs and tax revenue. But this stream of thought is problematic from the outset – how is this "new" money generated? Most families have entertainment budgets, and the $100 they would spend going together to the circus is $100 that they don't spend on miniature golf or a zoo visit later in the month. Circus or no circus, that $100 gets spent in the local economy anyway, so the event does not generate any new economic impact. It has simply transferred it. The only way that the loss of a circus electing to discontinue shows in the state, due to passage of legislation to prohibit

[5] "Academic studies of the economic impact of professional sports facilities... have generally found either no evidence of positive economic benefits, or evidence of a negative economic impact." Coates, Dennis and Brad Humphreys, "Voting on Stadium and Arena Subsidies," March 7, 2002 (http://www.umbc.edu/economics/seminar_papers/brown_new.pdf). For a succinct discussion, see also Noll, Roger and Andrew Zimbalist, "Are New Stadiums Worth the Cost?" *The Brookings Review*, Summer 1997, Vol. 15 No. 3, Pages 35-39.

certain training devices utilized on elephants, would have any economic impact whatsoever is if all the spending associated with the circus event never takes place in the local economy at all.[6]

It might be plausible to argue that the economic activity associated with circus events would evaporate from the region if it turns out that a significant proportion of circus goers are coming into the state to attend the circus from elsewhere. If tourists are not otherwise attracted to a particular state, they may stay in their home state and spend their money there. Without data, it is difficult to know for certain, but it is highly unlikely that a significant number of circus goers are out-of-state tourists.[7] Ringling Bros. and Barnum & Bailey Circus ("Ringling") itself schedules stops each year in numerous cities across the country within close proximity of each other. For example, if you live in Massachusetts you have a choice to see the Ringling circus in Boston, Worcester, Providence, and Manchester. Thus it is reasonable to conclude that the willingness to travel for such events is limited to a short distance, and hence that most audiences are made up of residents, not tourists.[8]

Any finding of economic impact relies on an assumption that there is or would be nothing to fill the void left by the traveling shows or circuses exhibiting elephants, should such exhibitors elect not to tour in a particular state. But there are many options for residents wishing to entertain their families on a budget comparable to that needed for

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[6] How can a handful of nights of the circus create economic impact if most economists agree that the arena in which the circus operates doesn't? (See, e.g., Reich, Brian, "Baseball and the American City: An examination of public financing and stadium construction in American professional sports, April 30, 2001, http://www.stadiummouse.com, "There is virtually no evidence to demonstrate that such spending has had anything but a negligible impact on employment, tax revenues, and regional income.")

[7] The opportunities to attend circus events including wild and exotic remain plentiful. For example, Ringling has three units that travel simultaneously across the country to 44 states and the District of Columbia.

[8] See Exhibit 2 for a list of 2008 Ringling performance dates.

attendance at circus events. In every market that is visited by traveling circuses such as Ringling, there are many venues and events for families in the price range comparable to the circus events all across the country.

The owners and performers of traveling shows and circuses performing in a particular state do not reside in the state where they are performing with the exception of the entities home state.[9] When the circus leaves town, it takes its performers and its profits out of the state, thus limiting the economic benefits of such shows to the state in which the performance is.[10] From an economic perspective, family spending would create more economic impact if spent on local attractions instead of traveling shows. The owners and employees of local amusement and recreation attractions live in the same state and therefore spend their incomes locally, paying sales tax on their purchases and paying income tax to the state.

The Show Will Go On

Legislation which seeks to prohibit certain training devices utilized in traveling circuses does not prohibit any exhibition of or travel with elephants within any given state. The bill bars the possession or use of implements that "may reasonably result in harm to the elephant including, but not limited to, the damage, scarring or breakage of

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[9] The main circuses that are known to have tour across the country with elephants include: Ringling (based in Vienna, VA), Carson & Barnes (based in Hugo, OK), Cole Bros (based in Deland, FL) and R W Commerford & Son Inc (based in Goshen, CT).

[10] Economists refer to this as the "leakage" of funds from a local economy. "The money that stays in the community is taxed over and over again as it is exchanged for goods and services, but the money that flees elsewhere is no longer taxed by the local government." (Marasco, David, PhD, "Leaky Stadiums - Milwaukee's Stadium Experience," http://www.thediamondangle.com/ marasco/ opan/leaky.html)

an elephant's skin."[11] The legislation also seeks to limit the use of chains to restrain an elephant, "except if utilized for the shortest amount of time necessary to provide actual medical treatment."[12] Passage of this type of legislation would have no direct economic consequences for local economies that presently host traveling elephant displays, since all that is limited by the bill are training and restraint methods.

This type of legislation is modest when compared to other policy approaches to elephant displays – approaches which themselves have produced no known adverse economic impacts. To date, 29 municipalities across the country have prohibited the performance or display of wild and exotic animals in circuses and traveling shows within their borders.[13] None of these towns have reported any economic losses as a result of the prohibition. Concern about the public health, safety and animal welfare issues associated with the public display of wild and exotic animals in traveling shows and circuses is growing across the country, with many cities choosing to address the issue through the ordinance process.

Further, although to date no state has taken the step of banning the public display of wild and exotic animals, there is a trend toward introduction of state legislation that would either prohibit the display of certain species commonly utilized in circuses and traveling shows, or set state-specific standards for how these animals are trained and treated while performing. States like Connecticut, California, Massachusetts, Nebraska, and Rhode Island have held hearings to evaluate the

---

[11] State of Massachusetts, Senate No. 2002, "An Act Relating to the Treatment of Elephants," http://www.mass.gov/legis/bills/senate/185/st02/st02002.htm, accessed on October 15, 2007. This language is model language that has been used in other states such as Connecticut and California.
[12] *Ibid.*
[13] Note the legislation described herein is far less restrictive than the 29 municipal ordinances – not prohibiting any animal act, but limiting the use of specific implements or devices used to train or restrain an elephant. Please see http://www.bornfreeusa.org/b4a3_circuses_and_shows.php.

appropriateness of wild and exotic animals as performers in traveling entertainment events.[14] And across the Atlantic, in late 2006, the Rural Affairs Minister of Scotland introduced a ban on the exhibition of wild and exotic animals in circuses, after similar legislation passed in England and Wales.[15]

Circuses featuring only human performers are gaining in popularity across the country. These shows feature acts of human ingenuity, physical prowess, daring and talent. Nearly 30 wild and exotic animal-free circuses perform throughout the United States.

The most popular of these shows, Cirque du Soleil, describes itself as "based on a totally new concept: a striking, dramatic mix of the circus arts, street entertainment, featuring wild, outrageous costumes, staged under magical lighting and set to original music. With not a single animal in the ring..."[16] Cirque du Soleil reaches audiences across the country, with six traveling and six resident shows. More than 70 million people (including 10 million expected during 2007 alone) have seen a Cirque du Soleil show and since 1984, the shows have made almost 250 stops in nearly 100 cities around the world.[17]

Another popular show is the Big Apple Circus which was established in 1977 and stopped touring with wild and exotic animals in July 2000. According to a company spokesperson, the circus has continued to be successful witnessing no observable

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[14] During the 2006 through 2008 legislative sessions the states of California, Connecticut, Massachusetts, Nebraska, and Rhode Island introduced and debated legislation addressing the display of wild and exotic animals as well as whether these animals are humanely treated.

[15] "Scotland plans circus animal ban," BBC News, March 24, 2006, http://news.bbc.co.uk/1/hi/scotland/4842912.stm. See also http://edmi.parliament.uk/EDMi/EDMDetails.aspx?EDMID=30065&SESSION=875.

[16] http://www.cirquedusoleil.com/CirqueDuSoleil/en/Pressroom/cirquedusoleil/factsheets/cds_history.htm

[17] http://www.cirquedusoleil.com/CirqueDuSoleil/en/Pressroom/cirquedusoleil/factsheets/cds_glance.htm

decline in attendance.[18] The circus prides itself in only partnering "with animals that have a traditional working relationship with man... We continue to explore and address the needs of our performing animal partners and insist upon sensitivity to quality of life both in and out of the ring for all of our performers."[19]

Traditional Circuses Re-think Animal Use

There is also evidence to indicate that even the traditional circuses are recognizing the potentially higher profitability resulting from showcasing interesting human acts rather than animal acts. After all, Cirque du Soleil's "Ka" show in Las Vegas is reported to have earned a 35 percent profit margin on its 2005 revenues of $90 million.[20] Some traditional circuses have already taken the step of dropping animal acts from their shows, while others, in response both to competition and profitability, have changed their strategies to focus less (or not at all) on animal acts.[21]

In 2005, the Moscow State Circus purchased the rights to the name of Circus Vargas, when the traveling show featuring animal acts "folded up its tent." Circus Vargas was "reborn as an animal-free, Latino-themed one-ring circus" that had its first performance in San Diego, California in mid-October of 2005.[22] The show, delivered entirely in Spanish, features an aerial motorcycle act. Acrobats, trapeze artists, contortionists, daredevil stunt performers, aerialists and clowns round out the show's

[18] Notes from telephone conversation between Bob Mackay and media spokesperson.
[19] See http://theorganization.bigapplecircus.org/AnimalCare/.
[20] *Brandweek*, May 21, 2007.
[21] Note that all the amusement activities discussed in this section, including Ringling, are privately-held and thus financial information is available only from news accounts.
[22] "Circus Vargas reborn as Latino-themed entertainment," North County *Times*, October 7, 2005.

line up. There are no public reports indicating that the new Circus Vargas is any less popular than when animals were showcased.

In 2004, the Cole Bros. circus, a 121 year-old traveling show, eliminated its use of elephants, lions and tigers, citing the "expense of meeting animal welfare standards... [as] a losing venture."[23] The current show focuses on acrobats, a high wire motorcycle team and performers dressed up as comic book movie heroes.[24]

According to a number of media accounts, Cole Bros.' revenue did not suffer for making these changes. A May 2005 article reported that advance ticket sales for the four evening performances in Vineland, New Jersey were the highest amount in the prior five years.[25] This trend was also observed when Cole Bros. traveled to St. Louis, Missouri on its 2005 animal-free tour. Cole Bros. reported that the circus had its "best year...in a long time" and "can put on as good or better show without the exotics."[26] Cole Bros. observed that children "no longer care much for exotic animals," rather that they appreciate "action... fast moving lights, fast moving music."[27] The leader of the local Kiwanis club concurred, stating that "advanced sales for the circus have done well," and that the comic book heroes and other attractions will "appeal to children probably even more than the animals."[28]

Finally, a *Wall Street Journal* article from mid-2005 described the trend toward branded clown acts, even among the largest circuses. A "headliner clown strategy" emerged in the early 1990s, when "some of America's roughly 40 circus companies

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[23] "Circus reflects changing times; gone are tigers, hello kitty," *The Gazette* (MD), April 27, 2005.
[24] According to its web site, Cole Bros. has re-introduced elephants into its 2006 touring show.
[25] "Circus to launch animal-free show," *The Daily Journal* (NJ), May 17, 2005
[26] "Send in the clowns, but forget tigers," *Daily Record* (MO), May 27, 2005.
[27] *Ibid.*
[28] *Ibid.*

started worrying about flat sales. At that time, circuses were generally building their shows around traditional acts like lion tamers and trapeze artists."[29] The circus was facing strong competition, from new traveling children's entertainment shows such as The Wiggles, Barney and Rugrats, resulting in a loss of revenue for the traditional circuses. On the cost side of the ledger, even costly clowns are less expensive to maintain than wild and exotic animals. According to the news account:

> ...a newborn elephant can cost about $100,000 to buy, plus annual costs of $11,000 to feed, $7,500 to care for, $7,500 to insure and $20,000 to transport (Ringling has 22 performing elephants among its three troupes.) By contrast, annual salaries for clown-alley clowns generally run from $15,000 to $40,000. For most circuses, roughly 20 percent of the overall budget goes to insurance – and rates for exotic animals have more than doubled in the past five years, according to circus insurer Mitchel Kalmanson.[30]

In response to this cost structure, Ringling and other circuses have reduced the number of animal acts in their shows. According to the *Journal* article, in 1965, Ringling employed 65 such acts; by 1995, that had dropped to 22 and in 2006 it presented just 16.[31]

It is also worth noting that several circuses have struggled to meet the USDA's minimum care requirements for exhibiting wild and exotic animals. While violations of the Animal Welfare Act may not be economic *per se*, the fundamental failure to provide appropriate care at issue in such cases is invariably tied to the high costs of doing so. Caring for and treating wild and exotic animals properly is an expensive endeavor and one that is not always profitable for the traveling shows. For example, in 2004 The Hawthorne Corporation, which owned traveling circus elephants, was ordered by the

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[29] "The Power Clown," *Wall Street Journal*, August 12, 2005.
[30] *Ibid.*
[31] *Ibid.*

USDA to pay a $200,000 civil penalty for failure to properly care for the animals and ordered to transfer its sixteen elephants to persons who could properly provide care for the animals.[32] In addition, in 2004, the Walker Bros. Circus was fined $25,000 and lost its elephant exhibition license for five years after admitting to 18 violations of the Animal Welfare Act, including failure to provide veterinary treatment for ailing elephants on several occasions.[33]

If present trends continue, there is no reason to conclude that elephant acts are a necessary component for children's entertainment to be a profitable venture.

Conclusion

For all of the reasons discussed herein, a state will not experience any economic loss associated with passing legislation seeking to prohibit certain training devices utilized on elephants in traveling shows. The bill does not prohibit any amusement vendor from displaying elephants in the state. However, if parties affected by such legislation elect not to operate in state where legislation such as this has passed, spending on similar amusement activities will offset that spending, or else family spending may shift from touring events to resident events and activities – which would lead to a net positive impact as more (or all) of the revenue generated is spent in-state. The departure of any affected parties will create more demand for alternative children's entertainment and there is no shortage of shows that would find it profitable to tour in

[32] Thirteen of the elephants were transferred to two elephant sanctuaries: The Elephant Sanctuary in Tennessee and the Performing Animal Welfare Society in California.
[33] In 2004, the Walker Bros. Circus settled with the U.S. Department of Agriculture on multiple counts of violating the Animal Welfare Act between 2001 and 2002. Among the 18 violations, Walker Bros. was found to have caused physical harm and discomfort to animals and to have failed to provide veterinary care for elephants.

the state or expand their current offerings. The fact that the market – driven by both the increasing demand for non-animal entertainment and the higher costs (and therefore reduced profitability) of animal acts – is moving in the same direction, only further insulates the state from any possible negative economic impact of this type of legislation.

EXHIBIT 1: ABRIDGED BIBLIOGRAPHY OF SPORTS ECONOMIC LITERATURE

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EXHIBIT 2: 2008 RINGLING SHOWS

City	State	Performance Dates
Tampa	Florida	January 2-6, 2008
Miami	Florida	January 4-13, 2008
Lakeland	Florida	January 4-6, 2008
Tallahassee	Florida	January 8-9, 2008
Orlando	Florida	January 10-13, 2008
Fort Myers	Florida	January 11-14, 2008
Jacksonville	Florida	January 16-20, 2008
Sarasota	Florida	January 17-21, 2008
Columbia	South Carolina	January 17-20, 2008
Birmingham	Alabama	January 23-27, 2008
Nashville	Tennessee	January 24 -27, 2008
Macon	Georgia	January 24 -27, 2008
Savannah	Georgia	January 30-February 3, 2008
Charlotte	North Carolina	January 30-February 3, 2008
Greenville	South Carolina	January 30 - February 3, 2008
Greensboro	North Carolina	February 6-10, 2008
Raleigh	North Carolina	February 7-11, 2008
Albany	Georgia	February 8-10, 2008
Augusta	Georgia	February 13-17, 2008
Richmond	Virginia	February 13-18, 2008
Atlanta	Georgia	February 15-24, 2008
Norfolk	Virginia	February 21-24, 2008
Florence	South Carolina	February 21-24, 2008
Hampton	Virginia	February 27-March 2, 2008
Cincinnati	Ohio	February 27-March 2, 2008
Fayetteville	North Carolina	February 28-March 2, 2008
East Rutherford	New Jersey	March 5-9, 2008
Knoxville	Tennessee	March 5-9, 2008
Youngstown	Ohio	March 7-9, 2008
Uniondale	New York	March 12-16, 2008
Baltimore	Maryland	March 12-23, 2008
Johnson City	Tennessee	March 13-16, 2008
Salisbury	Maryland	March 20-24, 2008
Washington	DC	March 26-30, 2008
Chattanooga	Tennessee	March 27-30, 2008
Fairfax	Virginia	April 2-13, 2008
Montgomery	Alabama	April 3-6, 2008

East Rutherford	New Jersey	April 9-13, 2008
Carbondale	Illinois	April 11-13, 2008
Charleston	West Virginia	April 16-20, 2008
Philadelphia	Pennsylvania	April 16-27, 2008
Champaign	Illinois	April 18-20, 2008
Texarkana	Arkansas	April 23-24, 2008
State College	Pennsylvania	April 24-27, 2008
Murray	Kentucky	April 26-27, 2008
Jonesboro	Arkansas	April 29-May 1, 2008
Providence	Rhode Island	April 30-May 4, 2008
Worcester	Massachusetts	May 1-4, 2008
Cape Girardeau	Missouri	May 3-4, 2008
Ottumwa	Iowa	May 6-8, 2008
Hartford	Connecticut	May 7-11, 2008
Albany	New York	May 8-11, 2008
Dubuque	Iowa	May 10-11, 2008
Trenton	New Jersey	May 14-18, 2008
Columbus	Ohio	May 15-18, 2008
Clemson	South Carolina	May 16-18, 2008
New York City	New York	March 20-30, 2008
Hershey	Pennsylvania	May 21-26, 2008
Concord	North Carolina	May 21-26, 2008
Asheville	North Carolina	May 28-June 1, 2008
Wilkes Barre	Pennsylvania	May 29-June 1, 2008
Oklahoma City	Oklahoma	June 5-8, 2008
Louisville	Kentucky	June 5-8, 2008
Council Bluffs	Iowa	June 6-8, 2008
Austin	Texas	June 11-15, 2008
Colorado Springs	Colorado	June 12-15, 2008
Winston-Salem	North Carolina	June 12-15, 2008
Pensacola	Florida	June 19-22, 2008
Tupelo	Mississippi	June 19-22, 2008
Las Vegas	Nevada	June 19 -22, 2008
Phoenix	Arizona	June 25-29, 2008
Baton Rouge	Louisiana	June 26-29, 2008
New Orleans	Louisiana	June 26 -29, 2008
San Antonio	Texas	July 2-6, 2008
Tucson	Arizona	July 3-6, 2008
Fresno	California	July 9-13, 2008
Corpus Christi	Texas	July 9-13, 2008
Prescott Valley	Arizona	July 11-13, 2008
Los Angeles	California	July 16-20, 2008
Houston	Texas	July 16-27, 2008

Waco	Texas	July 17-20, 2008
Anaheim	California	July 23-August 3, 2008
Odessa	Texas	July 24-27, 2008
Dallas	Texas	July 30-August 10, 2008
Lafayette	Louisiana	July 31-August 3, 2008
Lake Charles	Louisiana	August 5-6, 2008
San Diego	California	August 6-10, 2008
Beaumont	Texas	August 8-10, 2008
Fort Worth	Texas	August 13-17, 2008
Hidalgo	Texas	August 13-17, 2008
Oakland	California	August 14-17, 2008
San Jose	California	August 20-24, 2008
Biloxi	Mississippi	August 21-24, 2008
Portland	Oregon	August 28-31, 2008
Moline	Illinois	August 28 -September 1, 2008
Everett	Washington	September 4-7, 2008
Indianapolis	Indiana	September 4-7, 2008
Jackson	Mississippi	September 4 -7, 2008
Bloomington	Illinois	September 10-13, 2008
Kansas City	Missouri	September 10 -14, 2008
Sacramento	California	September 11-14, 2008
Bowling Green	Kentucky	September 16-17, 2008
Duluth	Georgia	September 19-21, 2008
Stockton	California	September 18-21, 2008
Grand Rapids	Michigan	September 19-21, 2008
Salt Lake City	Utah	September 24-28, 2008
Lexington	Kentucky	September 25 -28, 2008
Glen Falls	New York	September 26-28, 2008
Manchester	New Hampshire	October 2-5, 2008
Denver	Colorado	October 2-13, 2008
Portland	Maine	October 2-5, 2008
Boston	Massachusetts	October 8-13, 2008
Binghamton	New York	October 10-13, 2008
Johnstown	Pennsylvania	October 15, 2008
Newark	New Jersey	October 16 -19, 2008
Huntington	West Virginia	October 17 -19, 2008
Tulsa	Oklahoma	October 17-19, 2008
Syracuse	New York	October 22-23, 2008
Bridgeport	Connecticut	October 23-26, 2008
Cleveland	Ohio	October 24-November 2, 2008
Bethlehem	Pennsylvania	October 25-26, 2008
Erie	Pennsylvania	October 30-November 2, 2008
Pittsburgh	Pennsylvania	October 30-November 2, 2008

Auburn Hills	Michigan	November 12-16, 2008
Pikeville	Kentucky	November 14-16, 2008
St. Louis	Missouri	November 6-9, 2008
Springfield	Massachusetts	November 6-9, 2008
Rosemont	Illinois	November 6-16, 2008
Chicago	Illinois	November 18-30, 2008
Bossier City,	Louisiana	November 20-23, 2008
Houma	Louisiana	November 28 – 30, 2008
Alexandria	Louisiana	December 2, 2008
Little Rock	Arkansas	December 4-7, 2008
Charlottesville	Virginia	December 11-14, 2008
West Palm Beach	Florida	December 26-31, 2008