

PLAINTIFFS' EXHIBIT 3

To Plaintiffs' Opposition to Defendant Feld
Entertainment, Inc.'s Motion for Leave to Amend
Answers to Assert Additional Defense and Rico
Counterclaim
Civ. No. 03-2006 (EGS/JMF)

Cruelty alleged in the big top

Ex-circus worker seeks ban on animal acts; Ringling official calls concern 'unjustified'

By BRIAN MEYER
News Staff Reporter
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John Hickey/Buffalo News

Former Ringling Bros. and Barnum & Bailey Circus worker Archele Hundley shows the Common Council a bull hook used on elephants to dramatize how handlers are taught to keep the animals afraid.

A former employee of the nation's largest traveling circus Tuesday claimed she witnessed vicious acts of animal cruelty and urged the Common Council to ban events in Buffalo that include exotic animal acts. "The abuse was not once in a while, it occurred every day," Archele Hundley told lawmakers. "The elephants, horses and camels were hit, punched, beaten and whipped by everyone from the head of animal care down to inexperienced animal handlers hired out of homeless shelters."

The West Virginia woman claimed handlers are taught to keep the animals afraid.

But an executive with Ringling Bros. and Barnum & Bailey Circus denied the allegations and submitted written testimony calling a ban "unnecessary and unjustified."

"We feel very strongly that our animal-care practices are second to none," Thomas L. Albert, the circus' vice president of government relations and animal policy, told The Buffalo News in a telephone interview.

Albert challenged Hundley's credibility, saying she only worked for Ringling Bros. for about two months last year. He also said that circus officials never heard Hundley's claims until animal advocates started "trotting" her around the country.

Hundley called that claim a lie.

"When I voiced concerns to Ringling management about the animal abuse, I was either ignored or told, 'If you don't like it, pack your bags,' " she insisted.

The Council's Legislation Committee held the hearing after advocates lobbied for a law that would make Buffalo off-limits to circuses that use lions, elephants and other exotic animals. More than 20 municipalities across the nation already have imposed such bans, including Hollywood, Fla.

North Council Member Joseph Golombek Jr. will likely sponsor legislation proposing such a ban in Buffalo, and Majority Leader Dominic J. Bonifacio Jr. of the Niagara District said he might co-sponsor the bill.

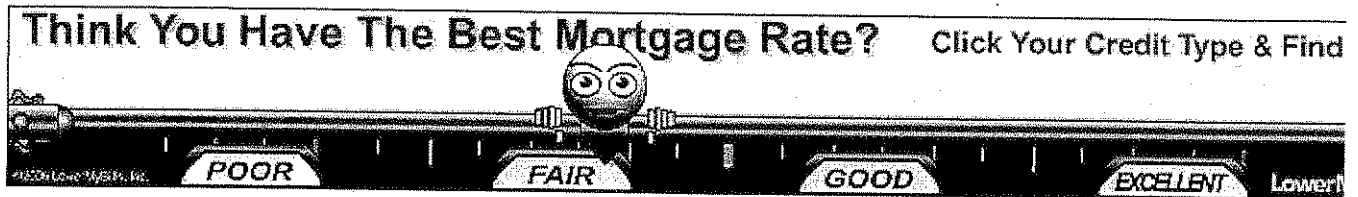
Albert said animals remain the top attraction for a traveling circus, adding that Ringling Bros. is committed to making them feel "safe and secure." He said the circus has been coming to Buffalo since 1919, when Ringling Bros. and Barnum & Bailey combined their operations. He said he hopes Buffalo follows the lead of other municipalities that have rejected bans, including Denver.

Circuses help to reinforce the role that people play as caretakers of animals, Albert said.

The education argument was dismissed by Jennifer Radecki of Animal Advocates of Western New York. She said exhibiting elephants "dressed up and performing silly tricks" contributes nothing to people's appreciation for animals.

Supporters of the ban claim animals in traveling circuses spend a lot of time in feces-filled boxcars or chained in arenas. They also downplayed the drawing power of animal acts.

"Banning exotic-animal acts would bring an end to the mistreatment that I witnessed on a daily basis but was powerless to stop," Hundley said.



About

No More Elephants in Chicago's Zoos?

From Virginia Soto, Your Guide to Chicago.

Read the tragic stories of Chicago's beloved elephants Ziggy and Mame

Chicago's 48th Ward Alderman Mary Ann Smith has introduced an ordinance requiring Chicago zoos to provide each of its elephants a minimum habitat of 10 acres. Many people think that if the ordinance passes, it will signal the end of elephants in Chicago's zoos.

Beth Stevens, PhD, president of the American Zoo and Aquarium Association (AZA) Board of Directors and vice president of Disney's Animal Kingdom and animal programs, has said that "This ordinance is not just about elephants in Chicago. It is an attempt by animal rights activists to make Chicago a national example of getting elephants out of zoos today, and getting other species, such as giraffe, lions and gorilla, out of zoos tomorrow."

Other people think that it's not just American zoos that will be affected. For example, Paul Grayson, a member of the Board of Directors of the International Elephant Foundation (IEF) thinks that "The decision on this ordinance here in Chicago will have far-reaching implications for the future of elephants globally. In the last year alone, AZA-accredited zoos supported more than 75 elephant conservation projects worldwide. These programs would not be possible without donors and zoo visitors, who, just by coming to the zoo, help care for the animals at the zoo and in the wild."

And a recent Harris Interactive poll shows that an overwhelming majority of the public (95%) agreed that seeing elephants and rhinos in real life helps people appreciate them more and encourages people to donate money or time to animal conservation efforts.

Chicago, however, does have a tragic history when it comes to its zoo elephants:

Ziggy: "Ziggy: The World's Greatest Elephant," was kept in chains indoors at Brookfield almost thirty years after attacking his trainer, Slim Lewis. After Ziggy died, his bones were sent to the Field Museum for display, but his pelvis was so large, at 5-foot-by-5-feet, that it was left leaning against a wall until a display case could be found for it. Today, Ziggy is still at the Field Museum, but he is no longer on display. He is used for research purposes. At The Lizzadro Museum of Lapidary Arts in Elmhurst, there is a Ziggy memorial elephant, made from obsidian (its tusks are supposed to have been carved from Ziggy's own ivory).

Mame: On Tuesday, June 17, 2003, Mame (one of Brookfield's three female African elephants), had to be put to sleep after she broke an elbow and injured a shoulder. According to the Brookfield zookeepers, Mame might have gotten into a fight with Christy (the elephant with whom she shared her quarters in the Pachyderm House). Mame's weight -- 9,000 pounds -- made it difficult for her to survive broken bones, so she had to be shot with a lethal dart, then given an intravenous solution. The Field Museum refused to keep Mame's bones (it said they were too large and they had no room). But they did volunteer to clean them and return them to Brookfield Zoo so they could use them for educational purposes.

The Lincoln Park Zoo Elephants: The last three Lincoln Park zoo elephants all died within seven months of each other (Tatima died in October 2004 of tuberculosis; Peaches was put to sleep in January 2005 after she was found on the floor of her enclosure, unable to get up; and Wankie died on Sunday, May 1, 2005, while being transferred to the Hogle Zoo in Salt Lake City so she wouldn't have to remain at Lincoln Park Zoo all by herself). The Lincoln Park Zoo has said it has ordered a study on the longevity of zoo elephants and will not make a decision on bringing more elephants to Chicago until the study is

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Circus animals: Entertaining or inhumane?

Circus animals won't be performing in Minneapolis any more if a proposed ban passes the City Council.

By John Reinan, Star Tribune

Lions and tigers and bears -- no way. And no elephants, either, if Minneapolis joins about two dozen cities nationwide in banning wild circus animals.

City Council members Ralph Remington and Cam Gordon say they hope to amend city laws to bar circuses from bringing elephants, tigers and other exotic critters into Minneapolis.

"It's adapting to the times and trying to be more humane in our treatment of wild animals," said Remington, who represents the 10th Ward. The proposed ban could be introduced later this month, said Remington.

He added that he believes he has the seven votes necessary to pass the measure.

The idea, part of a movement to get animals out of the Big Top, drew a roar from the circus business.

"I think it's one of the most un-American things I've ever heard of," said Rodney Huey, a spokesman for the Outdoor Amusement Business Association, which represents about 2,500 circuses, carnivals and other entertainment companies.

"If you are against animals working in a circus, then don't support it," Huey said. "But to keep a legitimate, traditional American business from coming to your town is ridiculous. You're denying thousands of children the right to see an elephant or a tiger in person."

Bans in other cities

Bans on circus animals have been enacted in a number of North American cities, including Stamford, Conn.; Boulder, Colo., and Burlington, Vt. But proposed bans have failed in several larger cities, including Seattle, Denver, Winnipeg and Edmonton, Alberta.

The circus industry has mounted an informational campaign to head off bans. Feld Entertainment, owner of Ringling Bros. and Barnum & Bailey Circus, has an extensive website with information on animal care. The site also includes an open letter to animal rights groups, accusing them of targeting well-cared-for circus animals while ignoring wild animals that are "starving, ill, overpopulating, and dying in habitats that can no longer support them."

Gordon said the proposed ban in Minneapolis is the result of a long-term

lobbying effort by animal rights activists.

"It's arisen organically," said Gordon, who represents the Second Ward. "It is an issue coming from some active constituents and some people in my ward. But it's not a groundswell of people who are impatiently pounding on doors."

Among the circuses potentially affected would be the Minneapolis Shrine Circus, which is scheduled for the Target Center in mid-October. About 59,000 people attended the circus last year, said Don Wurden, potentate of the Zuhrah Shriners. Wurden declined to comment on the proposed ban.

It's unthinkable to have a circus without wild animals, said Tom Albert, a spokesman for Feld Entertainment.

"The fact is, people who come to the circus make it clear that the animals are the single biggest attraction," Albert said. "There may be activist groups, but our constituency is the millions of people who attend our circus and other circuses."

Those millions are watching tigers, elephants and other animals that have suffered inhumane treatment, said Nick Coughlin of Circus Reform Yes, a Minneapolis group that has pushed for the ban.

"You've got animals that are used to traveling 25 miles a day in the wild. Now they're tethered to chains 22 hours a day and forced to perform unnatural acts," Coughlin said.

"The tools of the trade tell the story. They use bullhooks, which are long, sharp rods with metal hooks. You've got hotshots -- electric prods -- whips and chains," Coughlin said. "These are the tools they use to train these animals to do these tricks."

Albert said modern training methods stress positive reinforcement.

"You don't get a reliable, predictable animal through mistreatment," he said. "We have every reason to take the best care of our animals. Our trainers live with the animals 24 hours a day."

Staff writer Terry Collins contributed to this report. John Reinan • 612-673-7402 • jreinan@startribune.com

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