

PLAINTIFFS' EXHIBIT 47

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)

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 2138 RAYBURN HOUSE OFFICE BUILDING,
 WASHINGTON, DC 20515-6216

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SUBCOMMITTEE ON CRIME

**LEGISLATIVE HEARING
 ON**

H.R. 2929, THE "CAPTIVE ELEPHANT ACCIDENT PREVENTION ACT OF 1999"

**TUESDAY, JUNE 13, 2000
 2237 RAYBURN HOUSE OFFICE BUILDING
 9:30 A.M.**

WITNESSES

- Bob Barker, Hollywood, California
- Dr. Joel Parrott, Office of the Director, Oakland Zoo, Oakland, California
- Mr. Tom Rider, formerly of Ringling Bros. and Barnum & Bailey Circus
 West Boxford, Massachusetts
- Mr. Blayne Doyle, Palm Bay Police Department, Palm Bay, Florida
- Ms. Pat Derby, President, Performing Animal Welfare Society, Galt, California
- Ms. Debbie Olson, Director of Conservation and Science Programs, Indianapolis Zoo
 Azle, Texas
- Dennis Schmitt DVM, PhD, Associate Professor, Agriculture Department
 Southwest Missouri State University, Springfield, Missouri
- Mr. David Blasko, Elephant Encounter Supervisor, Six Flags, Marine World,
 Vallejo, California
- Ms. Kari Johnson, Have Trunk Will Travel, Perris, California
- Mr. David Rawls, President, Kelly Miller Circus, Hugo, Oklahoma

Testimony of Tom Rider

600 East Holland**Washington, IL. 61571**

Good morning Mr. Chairman and members of the committee. I am Tom Rider, a former circus employee. I worked with Clyde Beatty Cole Brothers Circus in 1997 as an elephant keeper and I loaded the children for the elephant ride. The elephant which we used, Pete or Petunia, was considered to be a dangerous animal and we were cautioned not to go near her. Despite this, she was used for rides before the show and during intermission carrying as many as ten children at a time on her back. She was surrounded by people waiting to ride. The only barrier between her and the public was a plastic net fence.

Typically during elephant rides, the handler walks in front of the elephant as she carries the riders on her back. If the elephant decides to wander off, it would take at least a few minutes for any handler to regain control. Since the elephant is surrounded by people, literally, there would be no way to prevent serious injuries if she decided to take off like the elephant in Florida. It never ceased to amaze me that the circus would tell people to put their children on an elephant's back when they knew how dangerous the elephant was.

I left Beatty Cole because in White Plains New York, when Pete did not perform her act properly, she was taken to the tent, laid down and five trainers beat her with bullhooks. Pete is now dead.

After I left Beatty Cole, I went to work for Ringling Brothers Circus in Austin, Texas. I was hired as a barn man's assistant and two months later, I became the afternoon barn man. In that capacity, I was present during the majority of the performances.

During my two and a half year's employment with the circus, I was slammed between two elephants while I was working in the stock cars. Even though the elephants were chained, they are capable of doing incredible damage and most of the staff had similar incidents. It was very common to be stepped on, hit by the tail or injured in other ways just because of the sheer size and power of the elephant. My experiences have left me with a considerable respect for the damage that elephants can do even unintentionally.

We had an elephant named Karen who was labeled "killer" yet she was kept on the road performing because she was a good performing elephant. Although she was the most dangerous elephant in the group, she is the one they used in the three-ring adventure where the public is allowed to stand around the elephant with no safety net or other protection around her. Karen had a habit of knocking anyone who came into range, slamming them into the ground, yet they allowed her to have contact with the audience.

While I worked for Ringling Brothers, I heard stories all the time about dangerous elephants and how they could kill you if you got too close. One of the top trainers for the circus had been killed by one of his elephants and a lot of the handlers were hit while they were working around them. I was injured in the eye when an elephant slammed me with her tail and I have been slammed a few times while working around them.

After my three years working with elephants in the circus, I can tell you that they live in confinement and

they are beaten all the time when they don't perform properly. That makes them dangerous and they want to get away.

My first experience with an elephant running was in Tupelo, Mississippi when we were on the elephant walk returning to the train and a cattle truck stopped to let us pass. Karen, who was in the front, was startled by the cattle and she, Minnie and Mysore took off running straight down the road. Luckily, it was at night and there were some police cars in their path which stopped them and the trainer was able to catch them. If this had occurred during the day, with a lot of public around, it would have caused a lot of injury to innocent people.

Another time, in Ottawa, Canada, in the afternoon, I was alone and the elephants were contained behind their electric fence. I was approximately 75 yards away cleaning when I heard an elephant scream. When I turned around, I saw three elephants fighting and two others were heading for the horse tent, having broken through the fence. Since I was alone, I was unable to control the situation. It took about five minutes before I could get help and another five minutes before we could begin to regain control. During this time, if the elephants had run in a different direction and had not moved toward the horses, they would have been right in the middle of the public.

My experiences with the circus has convinced me that, because of the way they live and are trained, elephants are extremely dangerous and should not be around the public. I also know first hand that the circus keeps the danger and the public exposure well hidden and we were cautioned never to let the public know if anything goes wrong. We could have lost our jobs if we had ever reported to the USDA or others any incidents that put the public at risk.

When I became disturbed about the treatment of the elephants, the continual beatings, including the baby Benjamin, I was told "that's discipline". On another occasion, I was confronted by my supervisor that I was overheard on the train saying I was going to report the beatings of the baby Benjamin to the USDA. It was common knowledge that I was the one who complained about the treatment of the elephants.

Whenever the USDA inspected the circus, the circus always knew in advance that they were coming. We were always told to clean up, don't hit the elephants when they come around. I know for a fact that any attempt by the USDA to regulate the circus or to enforce laws is a joke. I was present at many inspections where the inspectors never saw the marks on the elephants from the bull hooks and the beatings. Obviously, they would not be able to regulate a situation that they see only two or three times a year.

In closing, I would like to quote from the Ringling Brothers Barnum & Bailey Animal Care Manual:

"Remember that exotic animals can be trained, but not tamed, and they can be dangerous to people and to each other."

Thank you for your time.

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COMMITTEE ON JUDICIARY
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SENATOR BOURNE: ...Get started, or restarted. Senator Price to open on Legislative Bill 1,000. As Senator Price makes her way forward, can I have a show of hands here of those here wishing to testify in support of this next bill? I see three or four, five, six. Those in opposition? It's okay. I see a number of hands in opposition as well. I know some of you are here for the last hearing. I want to articulate again that, in my mind, anyway, the Legislature is an exchange of ideas, so we won't have any demonstrations from the audience. No cheering, jeering, cat calling, we're just not going to do that today. And again, we're going to make use of the on-deck area. We'll take the introducer first, of course, proponents, opponents, and then neutral testifiers. We're going to ask that you sign in in the on-deck area, then when you come forward, where the senator is, to clearly state and spell your name for the record. With that, Senator Price to open on Legislative Bill 1000. Welcome.

LB 1,000

PL 08769

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SENATOR PRICE: Good afternoon, Senator Bourne and members of the Judiciary Committee. I am Marian Price and I represent the 26th Legislative District, and I am here to introduce LB 1000. I think that's rather significant that this bill is number 1000. This bill, LB 1000, has created quite an uproar in my office, as well as it should. I'm going to emphasize this bill will not ban circuses in Nebraska. LB 1000 will ban the use of certain devices and training or disciplinary methods often used on elephants in circuses and other traveling shows. The most common of these devices is the bullhook, or the ankus, which is a handle with a pointed, often sharpened steel hook at one end. The sharp point is often used to puncture the elephant's skin, causing pain and sometimes infection and scarring. The handle end can also be used to inflict pain or injury when swung like a baseball bat. Proponents here today have an ankus to show you this afternoon. Proponents today will also tell you that there are other ways to control and train elephants without devices such as the bullhook. Voice commands and devices with soft, rounded ends are much more modern as far as use and techniques. One

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Nebraska zoo, which is the Henry Doorly Zoo, is exempt from the bill. It is exempt due to the fact that they adhere to the American Zoo and Aquarium Association standards that prohibit the traditional use of the bullhook. Based on opposition that I have received this week and in preparation for this, I would be willing to work with the committee staff to develop some language to eliminate this exemption as the device they use is not an industry standard bullhook. LB 1000 states that a person who violates the provisions of the bill shall be guilty of a class I offense, and each day of the violation shall be considered a separate offense. A class I offense has a maximum sentence of one year in prison, \$1,000 fine, or both with no minimum. The bill also sets out certain exemptions as long as such care or treatment of animals does not conflict with the prohibited acts. As you can see in the room, there's a large contingent of testifiers here, including school children. It always pleases me to see students who are interested in the political process and the legislative process. I'm confident all testifiers will be professional in their intent as they give their information to the committee. I will be happy to answer your questions, and appreciate your

PL 08771

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attention to LB 1000. Are there questions at this point, sir?

SENATOR BOURNE: Thank you, Senator Price. Are there questions? Senator Aguilar.

SENATOR AGUILAR: Thank you, Senator Bourne. Senator Price, you said that zoos are exempt from this bill, but then you follow that by saying because they do not use the bullhook. Is that correct?

SENATOR PRICE: I have been told that they use a tool which has rounded edges, or rounded. It does not have a sharp point. It has rounded edges.

SENATOR AGUILAR: What if we had the same standards for circuses that we did for zoos?

SENATOR PRICE: You will have to ask, sir, the people that are actively working in circuses. Again, that would lead to more humane treatment.

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SENATOR AGUILAR: Thank you.

SENATOR BOURNE: Thank you. Further questions for Senator Price? Senator Price, thank you for bringing the bill. I don't know if I agree with the bill or not, but I absolutely agree with your ability to express your thoughts and bring it. I know you've been maligned in the newspapers, and there's not a lot we can do with that, but what particularly disturbs me about this bill is some of the criticism and jokes and mockery by the lobby. And I'm really offended by that. I've some of my colleagues tell about, and I don't want to offend you at all, but say things that in my mind that are totally inappropriate regarding the introduction of this bill. So I just wanted to extend to you my support for you doing this. You absolutely have the right to do it, and I'm very offended by some of the members of the lobby that have made a joke out of this.

SENATOR PRICE: Thank you for your words. But when we came into the Legislature, we knew that it was going to be a nice little walk in the park, that we would also take our slings and our arrows as well as a few compliments along the way.

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And what doesn't kill us or injure us will make us stronger people.

SENATOR BOURNE: Well, there's not a lot we can do about the public's perception, but I think there are things we can do about the lobbyist conduct. I'm very upset. Further questions for Senator Price? Seeing none, thank you.

SENATOR PRICE: I have asked that Tom Rider follow me as the first proponent, if you would permit that, sir.

SENATOR BOURNE: Absolutely, as a courtesy to you, Senator.

SENATOR PRICE: And I will stay to close.

SENATOR BOURNE: Thank you.

SENATOR PRICE: And I welcome questions or comments.

SENATOR BOURNE: Thank you.

SENATOR PRICE: Thank you.

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SENATOR BOURNE: First testifier in support. Welcome.

TOM RIDER: Thank you, Senator. Good afternoon, ladies and gentlemen of the hearing. My name is Tom Rider, T-o-m R-i-d-e-r. I am from California, that's my home base. I travel around the United States trying to help these elephants. This bill before you today is two-folded. One, a baby elephant named Benjamin, I worked at a circus for Ringling Brothers from 1997 to 1999. I saw this baby elephant literally beaten every day with what the circus calls an ankus or a bullhook. This is the item right here. This poor baby at four years old was beaten every day with this, and the USDA decided when it died, it died from poking and touching of a bullhook. That's one elephant at Ringling that has died from the use of a bullhook. There has been four baby elephants die at Ringling in the past, well, since 1997. I am here to tell you this is a very important bill. The one thing that makes this bill so important is that when a baby elephant at the age of four, at eight years old was giving birth to a baby elephant named Ricardo, this elephant was chained by three legs. One in the front and two, or two

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in the back and one in the front, her three legs were chained. My point is, when they got done, this elephant was actually, Ricardo was coming out of the womb and they were sitting here with this bullhook in its trunk doing this. There is video available of this given to us from Ringling Brothers. Now this is not just about Ringling Brothers. It's about every circus in the United States that uses a bullhook. These are not a tool or an extension of your arm, you know. Here's my arm, piece of paper, that makes an extension. This is a weapon. It should be classified as a weapon the same as the state of Connecticut. And their hearing described that as a weapon. I come before you today speaking for the elephants, not for myself, for the citizens of this state, you need to be the first state to stand up and say, we're going to put a stop to this. I would ask you to think in your hearts about these elephants, these creatures that are getting poked, hit with these things every day. This is actually dull. By Ringling standards, we do this, we would have to sharpen it. Now I'm lucky. You see me with that bullhook in my hand here. I didn't use a bullhook at Ringling. I walked around those elephants every day with no bullhook. Now if Ringling will say they

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use positive reenforcements, which is food and verbal commands, then why are they going to oppose us getting rid of this weapon? So think about this, think about the children, think about the future of these elephants. If we want the endangered species to stay around, then we've got to treat them more humanely. Thank you. Is there any questions?

SENATOR BOURNE: Thank you. Questions for Mr. Rider?
Senator Chambers.

SENATOR CHAMBERS: When this device is used, by whatever name it's called, what are the types of injuries that might be inflicted and what are the results of some of these injuries that you may have observed or be aware of?

TOM RIDER: Well, what I observed in my two-and-a-half years at Ringling was, most of the time, it was behind the ankles; under the chin is another good spot, they hook them under here; and behind the ears, I've actually stuck my little finger that far into scars left from putting the bullhook behind their ear and ripping down so they could get their

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head down. They come in the front, rip it down, they do it in the back. Down in Richmond, Virginia, we actually had to cover up 30-plus hook marks on one elephant and 20-plus hook marks on another elephant.

SENATOR CHAMBERS: When you say cover them up, what do you mean?

TOM RIDER: We had a product that's called Wonder Dust. It was a charcoal colored substance that coagulates the blood, and we would just sow it on there, and it turns a kind of a gray color so that they could go in and perform, stuff like that.

SENATOR CHAMBERS: Were there instances where infections would result from the injuries?

TOM RIDER: I've seen numerous what our so-called vet tech, he would call them hook boils. They're just, they get round and it's from hooking. They like to call them mosquito bites or ingrown hairs. That's not what they are. They're actually hook boils, and they'll get lumps on them. There's

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actually in Sacramento, California, the USDA was investigating, I called the investigator and said, do you know we have video of one of the handlers at Ringling taking and stabbing the elephant with a pair of leatherman pliers that open up like a butterfly. And the next day, they went and checked and found a golf ball-size knot on that baby. And when she called me, I told her exactly where it was, and she goes, yeah, we found that.

SENATOR CHAMBERS: When you were working with Ringling Brothers for the period of time you were there, you said you walk around these elephants. Exactly what was it that you did?

TOM RIDER: I was the afternoon barn man. My job was to take care of the elephants, clean up after them, feed them at night, make sure, you know, that no strangers got around them and stuff like that, and a memo from Ringling to never take my eyes off the elephants. So I was there, I saw it all. And I spoke out, actually got threatened with my job in Greensboro, North Carolina. I had to go the union to save my job. I've been wrote up three times at Ringling

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because I was complaining about people doing stuff with elephants, hitting the animals. When Dateline came to Denver, Colorado, they said, watch out, there's TV cameras here. Don't get caught hitting the elephants. And that's unacceptable.

SENATOR CHAMBERS: Thank you.

SENATOR BOURNE: Further questions? Mr. Rider, what does one of these elephants cost?

TOM RIDER: Oh...

SENATOR BOURNE: And the reason I'm asking that is, I mean, it just, you know, you don't, I mean, assets, you tend to take care of. You know, just...

TOM RIDER: Well, I'm looking at...a, White Top, it was a magazine. When I first started in the circus, I happened to glance at, and I could see in there where, I saw some small elephants for like \$10,000 in there, and up.

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SENATOR BOURNE: Is it...

TOM RIDER: I never bought any elephants and I, you know, a lot of circuses lease them around and stuff.

SENATOR BOURNE: The reason I'm asking, it just, it doesn't make a lot of sense that you'd spend money on something and then abuse it. And I'm just, are there...

TOM RIDER: Well, it's the only way, you see, they're going to tell you they have to have this to control the elephant, or to guide it, or to a...this is strictly, it's not a guide or a tool. If you have to make this elephant perform those tricks, you have to abuse it. You have to use a bullhook on it. If they say that they're going to use a pat on the hands or a bag of carrots, then do it. If this elephant is so expensive, then why would they harm it, is that's what they would love for you to think. But honestly, for two-and-a-half years, and even today, and since we have this on video, we have all kinds of video, of not guiding an elephant, I mean, how is guiding an elephant when it's giving birth, the baby's actually coming out of the womb,

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and they're setting there with a bullhook ripping it in the trunk, come on, do you think that elephant isn't in pain? You cannot inflict pain. That's against the USDA, although the governing agent of the USDA, all the inspectors, were trained by the circus industry. They do absolutely nothing as far as, you know, investigating. They haven't done anything against any, they didn't do anything on the death of Benjamin, even though their only inspector said the cause of death was this ankus, or bullhook.

SENATOR BOURNE: Further questions? Senator Aguilar.

SENATOR AGUILAR: Thank you, Senator Bourne. As we all know, there are good trainers and bad trainers in everything. I guess my question is, is there a use for that instrument where it doesn't cause harm or extensive pain to the animal?

TOM RIDER: I would have to say absolutely none. There's no way you can use that it ain't going to inflict pain. Now, if you're going to do this, say, "Come here, elephant," and hold it right here, well that's not touching the elephant.

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But if the elephant doesn't move and you have to hook it, as we call hooking it, then yeah, that's causing pain to an elephant. You can't cause this kind of pain. I don't care what anybody says in the industry.

SENATOR AGUILAR: When they're manufactured, are the points on them at that time, when they're manufactured?

TOM RIDER: Actually, a guy at Ringling made all of ours. They had a mill, he used to buy the blanks and make them. I don't know if you could buy one. I suspect you could somewhere, but...

SENATOR AGUILAR: My only concern is if an elephant in a circus situation were totally out of control, what would be the method of stopping that elephant?

TOM RIDER: If an elephant is out of control? About the same thing that happened to Tyke or to, one of our other speakers will be telling you about an incident that happened in Florida. They're going to get shot. This is not going to stop a rampaging...have you ever seen When Animals Attack

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on TV and you seen Tyke down in Hawaii? Would this stop that elephant? Absolutely not. What that does is it instills fear in them because they've been hit with that since they were babies. You see, babies are stripped away when they're born. And this is the weapon that they're scared of their whole life, so just by holding it...

SENATOR AGUILAR: Should we even have performing elephants?

TOM RIDER: Well, do I believe there should be elephants in the circus? No, I don't think they belong in the circus because, if they're getting abused, they're riding in train cars. Is there a humane way to have elephants in the circus? I have not found any humane way yet unless you're letting them walk 25 miles a day and letting them do what they do in the wild, which is not tricks.

SENATOR AGUILAR: Thank you.

TOM RIDER: So I don't see any way.

SENATOR AGUILAR: Thank you.

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SENATOR BOURNE: Senator Flood.

SENATOR FLOOD: Thank you, Chairman Bourne.

TOM RIDER: Thank you, Senator.

SENATOR FLOOD: Thank you for your testimony. I guess, just for purposes of the record, let's make sure the record reflects that you brought a bullhook to the hearing today. Because I heard you testifying earlier, you know, using it nonverbally, and I want to make sure that anyone that reads the record understands you have a bullhook with you.

TOM RIDER: Okay.

SENATOR FLOOD: Actually, I got a letter from a constituent of mine in Madison County that has been working, that has worked for years with the circus. And short of giving you a copy of it, I guess I just want to ask you to respond to some of his allegations, or some of his comments here. He's very much in favor of using a bullhook, and his contention

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here, and I'm not telling you, you know, I take a position one way or the other as I'm learning with the rest of us here...

TOM RIDER: Right.

SENATOR FLOOD: ...is that these are not domestic animals. They are huge and powerful. A whack with the trunk can kill a man. And they're very intelligent and they can be strong-willed. Mr. Ballard suggests to me that short of...you know, if you're not using a bullhook or some way to modify immediately the behavior of one of these very strong, capable elephants, that they threaten the public and those watching the performance and those in the immediate vicinity of the elephant. Would you respond to that? are trained by the circus industry. They do absolutely nothing.

TOM RIDER: Well, if he thinks that way, then I suggest that he approaches his senator and has them put a ban in to ban the elephants in Nebraska. Because if you're going to do that, I mean, that's...he's sitting there saying he likes the bullhook, and I'm saying, no, you can't...that...

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SENATOR FLOOD: I think what he's saying is the bullhook is a necessary tool.

TOM RIDER: It's not going to stop a rampaging elephant. But why, in two-and-a-half years, if that's the case, I was around elephants, 14 of them and sometimes 11, you know, walking them...

SENATOR FLOOD: I guess...

TOM RIDER: ...and never had a bullhook.

SENATOR FLOOD: That begs the question, how do you stop a rampaging elephant?

TOM RIDER: Like I said, with a gun. If they rampage, I only know of, you know, I mean some of them, like the ones that went through the windows up in, here in the United States, they crashed through a couple of windows, I believe those two stopped on their own. I know the one that went into the church, it was Debbie, and the other one was blind,

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Judy, they both stopped. But unfortunately, you get an elephant like Tyke or an elephant like, I believe it's name was Janet or Janice, that have to be shot, that's the unfortunate end of an elephant is...if the bullhook doesn't work, they have to shoot it.

SENATOR FLOOD: See...but now...

TOM RIDER: But now he supports the bull.

SENATOR FLOOD: My constituent says the bullhook is a necessary tool to modify or control the behavior of an elephant so that it, elephants can entertain audiences and so that elephants can participate in the circus. And then, they receive good care. It would seem to me that if the bullhook is a reasonable tool to be used to ride elephants, that's a much better way to handle the elephant than ever having to resort to shooting the elephant, which will hopefully...

TOM RIDER: Well...

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SENATOR FLOOD: ...which would be done to cause lethal,
which would end the elephant's life...

TOM RIDER: Um-hum.

SENATOR FLOOD: ...in the event...and trust me, I'm from
northeast Nebraska. We're aware of incidents like this
following the Royal zoo situation.

TOM RIDER: Oh, okay. Well, where he says you have to
modify the behavior of the elephant...

SENATOR FLOOD: Yeah.

TOM RIDER: ...that means hitting the elephant...

SENATOR FLOOD: How else do you get the elephant...

TOM RIDER: ...to modify it.

SENATOR FLOOD: ...not to, how else do you get the elephant
to comply with your orders? Do they respond to verbal

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commands?

TOM RIDER: Well, they, some, they could. They may not. It's, you know, once you have an elephant rampaging, who's to say what it's going to do? It can go crashing out of a gate, it could kill somebody, but the bullhook is not going to stop them. But the only way you're going to modify the behavior, if he's supporting a bullhook, means he's going to use the bullhook to either hit that elephant, poke it, or jab it with something. They're not going to use this to say, stop! What I would do is I would walk away. If the elephant is going to rampage, it's going to rampage. You just as well get out of the way because it's a lot bigger than us. But, you know, you could just really stop all that if the circuses just decide, oh, well, you know, if that's such a public danger of having these elephants, if we, if they think that's going to stop an elephant, and the, you know, truth of it is the only way we can stop it is by shooting it with a gun, then I think we should put legislation before every state in the United States and say, let's just get rid of the elephants. Put them back where they came from, or put them in sanctuaries. Put them in

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accredited zoos. Why do we have them out here doing...

SENATOR FLOOD: Thank you very much for testifying.

TOM RIDER: Okay.

SENATOR FLOOD: I appreciate that.

SENATOR BOURNE: Senator Aguilar.

SENATOR AGUILAR: Yeah. You keep using the term, rampaging elephant. Let's use another scenario here where an elephant just gets confused and maybe even loses his sight of vision, and starts walking to where the audience is. What happens in that case? What could happen?

TOM RIDER: Well, in that case, the trainer should be able to walk up and give a verbal command...

SENATOR AGUILAR: What if he couldn't?

TOM RIDER: ...and have the elephant...then, that's the

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handler's problem at that point, if he can't do it.

SENATOR AGUILAR: I think it's the audience's problem as well.

TOM RIDER: Well, that's...it's more the handler because the handler is supposed to have control of that elephant. That's the USDA says you have to have control of that animal. If they ain't got control of it and it goes rampaging towards the audience, my suggestion is the audience better get out of the way just like they tried to do in Hawaii, and it didn't work.

SENATOR AGUILAR: Thank you.

SENATOR BOURNE: Further questions? Senator Chambers.

SENATOR CHAMBERS: I've heard arguments and read letters where if an animal is worth a lot of money, people won't abuse it. People in this society don't know anything about slavery. They look at something like that movie with Clark Gable and these people where all the slaves are happy and

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they're dressed well and they're fed well. An argument is made that because slaves are so expensive they wouldn't be abused. The records of these so-called good masters show where they clipped the noses of slaves, clipped their ears, blinded them in one eye, branded them, cut them, poured salt in the wounds, crippled them, maimed them, and that did away that argument that because money is involved, they're not going to hurt their property. We were owned as property, and if anybody is interested in the records that were written contemporaneously, not by black people, they can see it. But there's not that interest in this society, so when these people come up here and try to convince me that because the animal costs money they're not going to abuse it, they're going to have to do more than just state it. And the reason I'm saying that they need an argument better than saying, well, if I spent this money, I'm not going to do anything wrong. No, it's going to take more than that to convince me. And the point that I want to get to in terms of a question, if I understood you correctly, you say that the circus people or industry make these bullhooks. If they're not designed to inflict pain and injury, why would they be made in the way in the way that they are? They're

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made for the purpose of inflicting pain and injury. The design is such, I saw one up close, and I held it, and even though you could support the hook, you could let the hook part be on your palm, and the weight of it, or handle be hanging below your hand, there still is enough sharpness in the hook for your to see that if somebody jerked on it at that point, they might could penetrate the palm of your hand. If they are sharpened, in addition to having the amount of, what I'm going to say the same word, sharpness that they have already, the only purpose that I can see is to inflict pain. But I won't have you answer for the people in the...circus people come up here, I will ask them the kinds of questions that are swirling in my mind now. But the mere fact that something costs a lot of money doesn't mean they won't abuse it. People can pay a lot of money for a car and take it out on the road and wreck it.

TOM RIDER: Um-hum.

SENATOR BOURNE: Further questions? Further questions?
Seeing none, thank you, appreciate it.

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TOM RIDER: Thank you very much. Thank you.

SENATOR BOURNE: Appreciate your testimony. Next testifier in support.

BLAINE DOYLE: Good afternoon, gentlemen, ladies. My name is Blaine Doyle, D-o-y-l-e, and I'm a retired police officer from the state of Florida. I started my career here in Nebraska and worked nine years in law enforcement in the Omaha area, and light came on one day, and said that I needed to move to a warmer climate, so I've enjoyed 24 years with the Palm Bay Police Department. During my tenure as a policeman, I was assigned to work a traveling circus that came to our community, and they had four elephants, two babies and two adult Asian females. One of the elephants was a 9,000 pound Asian elephant named Janet. And during the interlude between two performances, they were using Janet to give rides to our community. With a lady and five children on Janet's back, she decided it was time to leave the circus and started to revolt and try and get out of her confinement. Her trainer at the time, Tim Frisco, was a gentleman by the name of, a gentleman by the name of Tim

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Frisco, used his bullhook to no avail in trying to control Janet. Ultimately, she ran outside the tent area and after we rescued the lady and children off her back, at the request of her trainer and due to the fact she was running back into a circus tent full of 2,500 of our citizens, myself and other officers were forced to shoot Janet. It took 56 rounds of nine millimeter ammunition shot from several police officers over a ten-minute period to get Janet to fall to the ground. After about another ten minutes of her lying on the ground, it took two rounds of .308 armor piercing ammunition from our S.W.A.T. team in order to kill Janet. Now, I'm not here to say that bullhooks are good or bad. I am just here to relate to you the information that happened at our city and has happened in other places and will probably happen again. I am not an animal trainer. I don't know if a bullhook is a viable tool. I'm just going to tell you that in the instance in Palm Bay, the bullhook did not work. It was not a controlling instrument for her trainer to use, and it solved no problems there. And that's about all I have to say.

SENATOR BOURNE: Thank you. Are there questions for mister,

PL 08796

COMMITTEE ON COMMUNITY AFFAIRS

MINUTES: MARCH 7, 2005, 4:00 PM

IN ATTENDANCE:

COMMUNITY AFFAIRS COMMITTEE MEMBERS: José Alvarado, Chair, Robert Astorino and Lois Bronz.

OTHERS: BOL: Barbara Dodds, Kiley Blackman, Animal Defenders of Westchester, Tom Rider, former trainer, Richard Presser, Greenburgh Parks & Recreation Commission and Louise Simons.

ITEM DISCUSSED: Proposal to ban exotic animal acts in Westchester.

With a quorum present, Chair Alvarado called the meeting to order at 4:25 pm.

Minutes of the meetings of June 1, 2004, June 21, 2004, Aug 21, 2004 2pm, Dec 6, 2004 3pm, Feb 14, 2005, Mar 1, 2005 were approved--moved by Leg. Bronz seconded by Leg. Astorino.

Committee items 17, 21, 30, 37, 41, 45, and 46 were received and filed--moved by Leg. Astorino and seconded by Leg. Bronz. The items remaining in committee: 3, 9, 47, 54 & 55. (Item 21, presently discussed, was removed in error--will be put back as a continuing item)

Proponents of the ban made a number of comments reiterating their position. Legislator Alvarado told them that this meeting was to hear another side of the question and that this time was allotted to the Hanneford Circus owners through a conference call.

Mrs. Stufli Hanneford, the co-owner of the Hanneford Circus, was contacted by telephone by pre-arrangement. Mr. Alvarado told Mrs. Hanneford that the committee has been asked to consider banning wild animal acts.

Mr. Alvarado: Can you tell us your perspective on the treatment of these animals.

Hanneford: I do appreciate the call--may I ask you what is the problem? What seems to be the problem to taking away the animals from the education of kids who never would be able to see them? What animals are we talking about?

Alvarado: We're not talking about horses and dogs we are talking about wild animals like elephants, lions and tigers.

Hanneford: What do you know about the animals? Why are you trying to take them away from the circus--what seems to be the problem?

Alvarado: The alleged maltreatment of them in training, health issues, etc.

Hanneford: We are governed by the PETA people which are against the animals, but we are very appreciative to the PETA people that they control the system from mistreating animals.

The USDA controls us. Our animals are registered in Washington DC. All these problems have absolutely been taken care of and Hanneford Circus has never had any problems or any complaints that the animals have been mistreated or not taken care of. I have been a successful trapeze artist in circuses for many years and my love of the animals has been overpowered by what you can do for these beautiful creatures. You people have no idea—because you are in business, you are behind computers, behind desks, your'e doing your paper work. But we are the people now well educated by {PETA, by USDA, and the County Health Department. There have never been any problems in our 30 years at Westchester County Center. We have a beautiful relationship with Mayor Delfino he has only missed our performance one year.

And why are we discussing something that takes away from the children, which is an education. Some of them don't know what an elephant is until they come to see the show, they see an elephant, they see a tiger. The parents are absolutely enthused and even the parents want to ride an elephant, a life achievement which they never could do in a zoo or anyplace else. In Thailand, where the elephants are used for helping as working animals, they are not mistreated. The same here.

We control. The worse thing is that we cannot control the human being lying in the streets in New York City and other places. Our animals are taken care of 24 hours a day. They get watered in the morning they get fed in the afternoon they get watered three or four times a day and the cages are cleaned. You've never had the experience where the animals are happy to see you. Hanneford has been in this business for many years for generations and we have been the most successful and proud people in this business. Why are you trying to take the enjoyment away. Why change it? Animals have been in the circus for hundreds of years. Now all the sudden things are stirred up by the computers, the CDs, and kids sitting home watching this on. The circus is the greatest family entertainment in existence. It is clean, it is wonderful and it is happy entertainment. The people leave Westchester County telling us how much they enjoyed the show and how great it is. I cannot fight you because you are sitting too much behind the computer from nine to five but we are working 24 hours a day to take care of our animals not because of the money because of our love of the business.

Leg. Bronz: Can you give us some specific comments on the veterinary care of the animals . . .

Hanneford: Anything that goes wrong we have animal care, a plan provided by USDA that is well organized and well commanded by our people.

Bronz: Who in Westchester is responsible for the inspections and reports?

Hanneford: We are registered by USDA. I don't understand why you people want to take the animals. In the wilderness they would be dying twenty years younger. We have been well educated by USDA and PETA people.

Alvarado: We listen to propositions from people against wild animal acts.

This is your opportunity to tell us how the animals are treated and why we should continue to have these acts in Westchester.

Hanneford: The animals are treated to the best--the horses, the elephants were not tied down they have the fencing and the tigers have bigger clean cages. Ladies 40-50 years of age rode the elephants and they were as happy as kids.

Alvarado: You mentioned that you have thirty years experience with Westchester County. Do you consider this last season as successful as in the past?

Hanneford: It was. Elephants used to do work like pulling up the tents. If you ever could see them in an electric fenced in area and give them a tire or a ball how they play and what fun they have and how beautiful it is. Elephants are treated correctly today.

Alvarado: I apologize for not reaching out to you when you were in town.

Hanneford: Mayor DeFino was there and he is the kindest, greatest person and I'm sure he would be the first one to see anything wrong. He said it is the best family entertainment. We bring to you what we love most and know best. My husband is the eighth generation in this business.

Bronz: Do you rent animals or do you own them?

Hanneford: We own two animals and we rent animals

Bronz: Who do you rent animals from?

Hanneford: From Brian Franzen. He has been with us for four or five years and his animals are very clean and well kept.

Alvarado: Thank you Mrs. Hanneford for your participation and time. (hung up)

Tom Rider said that Brian Franzen was the Ringling name that Brian Cristiani uses and he has him on film hitting animals. He also said that the day after his testimony before Congress, he was told by Michael Dunn, the Under Secretary of Agriculture in the Clinton Administration, that it was true that Ringling Bros. trains the USDA inspectors. He then told about working at a benefit show in the county when an elephant was beaten into submission out of sight because she was not fast enough. In his opinion, the whole county needs to restrict circuses or take a big hit in liability. He also discussed the stressful birth delivery and removal of infant elephants. Hanneford gets their elephants from Cuneo Hawthorne Corp. who has had them all confiscated.

Mr. Alvarado asked Mr. Rider if he used to train animals. Rider said he was the afternoon barn man from 3:30 to 10:30 and was supposed to never take eyes off the elephants. Several people gave rebuttals to some of what Mrs. Hanneford had to say.

Mr. Alvarado reminded those in attendance that this meeting was not designed to be a forum but to gain information on the Thank you so

designed to be a forum but to gain information on the. Thank you so much for your time and please let us know what is next and this committee will continue to look at it. When you want to take it beyond this committee. With a quorum this committee can sign out a resolution against wild animal acts in the future if the members feel that is something they want to do. He asked Barbara to look into the County's liability issue. He thanked everyone for attending and the meeting was adjourned.

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the Department of Planning and the Department of Parks, Recreation and Conservation
for so generously sharing photos of scenes from Westchester displayed on our site.