
A Report by The American Society for the Prevention of Cruelty to Animals,
The Fund For Animals, and the Animal Welfare Institute

Government Sanctioned Abuse: How the United States Department of Agriculture Allows Ringling Brothers Circus to Systematically Mistreat Elephants

September 2003

ASPCA

The American Society for the Prevention of Cruelty to Animals

424 E. 92nd St.
New York, NY 10128-6804
(212) 876-7700
www.aspca.org



The Fund for Animals
we speak for those who can't

200 West 57th St.
New York, NY 10019
(888) 405-FUND
www.fund.org



**Animal Welfare
Institute**

P.O. Box 3650
Washington, D.C. 20027
(703) 836-4300
www.awionline.org

TABLE OF CONTENTS

I. Executive Summary

II. The Death of 3-yr. old Kenny

Documents:

Affidavit of Dr. Gary D. West (2/5/98)
Affidavit of Ringling Brothers employee, re: Dr. West's instructions to exclude Kenny from the performance (2/6/98)
Affidavit of Ringling Brothers employee, re: Dr. West's instructions to exclude Kenny from the performance (2/6/98)
Email to Michael Dunn from Ron DeHaven re: evidence of a prosecutable violation (3/6/98)
USDA Complaint (4/16/98)
Decision Memorandum from Ron DeHaven re: Settlement with Ringling Bros. (7/1/98)
Letter to Ringling Brothers counsel from Ron DeHaven (7/15/98)
Letter to USDA Office of General Counsel from Feld Entertainment re: former USDA employee Dr. Crawford (3/23/99)

III. Allegations of Abuse by Former Ringling Employees

Documents:

Complaint Letter to USDA (12/21/98)
USDA Inspector's Narrative (1/16/99)
Affidavit of Ringling Brothers employee (1/8/99)
Affidavit of former Ringling employee Glenn Ewell (1/20/99)
Memo to Craig Reed from Ron DeHaven re: case closed (5/7/99)
Wild Elephants in Captivity, excerpts from chapter 10, "The Bull Hook"
Letter to Julie Alexa Strauss from Elizabeth Goldentyer re: no further action on this investigation (8/21/00)

IV. The Forcible Removal of Baby Elephants from their Mothers

Documents:

USDA Inspectors' Narratives (1/16/99)
USDA Inspection Report (2/10/99)

Memo from Dr. Kohn to Miava Binkley with attachments;
Expert Responses summary (4/12/99)
Letter to Julie Strauss from Ron DeHaven informing RB that the handling of 2 baby elephants is not in compliance with the Animal Welfare Act (5/11/99)
Letter from Jacqueline Freeman to Charmain Zordan with attachment; affidavit of Dr. Gary West (2/16/01)
Letter to Julie Strauss from Ron DeHaven re:
investigation is closed with no action (7/23/01)
Letter to Ron DeHaven from Jeannie Perron re:
the use of the word "investigation" (8/9/01)
Letter to Jeannie Perron from Ron DeHaven re:
the investigation was more of a "fact gathering process" (8/10/01)

V. The Death of Benjamin

Documents:

Affidavit of Hugh Patrick Harned, Benjamin's trainer (7/29/99)
USDA Report of Investigation (9/1/99)
Memorandum to Ron Stanley from Kenneth Vail (11/24/99)
Memo from Craig Reed to Ron DeHaven re:
insufficient basis to support prosecution (12/2/99)

VI. The Santa Clara Valley Humane Society's Complaints of Routine Bullhook Use

Documents:

Investigations Report, Officer Franco (9/8/99)
Investigations Report, Officer Revier (9/8/99)
Investigations Report, Officer Wallace (9/8/99)
Investigations Report, Officer Reeve (11/15/99)
Affidavit of Dr. Joel Parrot re: review of 62 photographs (7/25/00)
Memo to Ron DeHaven from Barbara Kohn (7/5/01)
Letter to Alan Christian from Ron DeHaven re: case closed with no action (7/17/01)

VII. Allegations by Former Ringling Bros. Employee Tom Rider

Documents:

Complaint Letter to USDA (4/10/2000)
Memo to Robert Gibbens from Diane Ward (7/21/00)
Email to Diane Ward from Betty Goldentyer (8/7/00)
Memo to Alan Christian from Diane Ward (11/24/00)
Memo to Alan Christian from Diane Ward (3/26/01)
Email to Diane Ward from Alan Christian (8/8/01)

Memo to Diane Ward from Charmain Zordan (8/27/01)

VIII. Abuse In San Francisco

Documents:

Affidavit of Joseph Patrick CuvIELLO (9/25/00)
Anonymous letter re: eye-witness to elephant abuse by Ringling handler (8/23/00)
USDA Inspection Report (9/7/00)

IX. Striking of Asia With A Bullhook

Documents:

Humane Society of Santa Clara Valley citation to Mark Oliver Gebel (8/25/01)

X. Tuberculosis

Documents:

Ringling Brothers Elephant Inventory noting positive TB elephants (6/9/98)
Email reporting on a visit to Williston Elephant Retirement Center
and "Dolly's" euthanasia (12/10/98)
USDA Inspection Report re: lack of treatment for positive TB elephant (2/10/99)
Email to Miava Binkley from Janet Payeur re: another TB positive elephant (9/10/99)
Florida Dept. of Agriculture Inspection Report (10/14/99)
Deposition of Joel Kaplan (excerpts)
Memorandum to Samuel Santiago from Diane Ward re: TB and "Tillie" (8/30/00)
USDA Inspection Report re: Tillie not receiving TB treatment (9/6/00)
Memo to Dr. Miava Binkley from Tom Callahan re:
TB treatment of Tillie (9/7/00)
Memorandum to Alan Christian from Diane Ward (11/24/00).
Letter to Dr. Jeannie Perron from Ron DeHaven
re: withdrawing Animal Welfare Act violation (1/31/01)
Memorandum to Diane Ward from Frank Keyser (2/5/01)
Record of conversation with Dr. Miava Binkley
re: Dr. DeHaven's overriding a citation (2/20/01)
Two letters to Dr. M. Binkley from William Lindsay
re: positive TB elephant "India" (3/26/01)
Memorandum to Alan Christian from Diane Ward (3/26/01)
Affidavit of Dr. Janet Payeur
listing RB elephants who tested positive for TB (4/16/01)

Requested), jeterw@doacs.state.fl.us (IPM Return Requested)
CC: Ulysses.J.Lane@usda.gov, David.P.Warner@usda.gov,
John.A.Jones@usda.gov, Lisa.Conti@doh.state.fl.us (IPM Return
Requested), fmarkham@vsfla.aphis.usda.gov (IPM Return Requested)

On Thursday December 10, 1998, I went to the Williston Elephant Retirement Center of the Ringling Brothers-Barnum and Bailey Circus to conduct an epidemiologic investigation relative to M. tb diagnosis in an elephant named Dolly. The address is 18655 NE 81st St., Williston, FL 32696. The manager of the facility is [redacted]

b6
DKE [redacted] cell phone is b6
[redacted] b6
The operations manager is [redacted]
The facility veterinarians are Dr. Bill Lindsey (703)403-8412 from Oregon, WI and Dr. Romero Isaza from Kansas State University.

The facility is located on a dirt/gravel road off of US 27/41 approximately 6 miles south of Archer between Archer and Williston on NE 81st Street. The land is rented from Pat Zerbinini of the Tarzan-Zerbinini Circus who also owns elephants at this facility. The facility occupies approximately 10 acres of this 30 acre tract.

Elephant census - Ringling Bros - 14, Zerbinini - 4 = 18 total elephants
Tigers - Ringling Bros - 2 [redacted] 3 = 5 total tigers

Significant epidemiologic findings. b6

Dolly (TB affected elephant):

- This was an apparently healthy elephant in excellent condition. Dolly was born in 1958 and was euthanized at age 40 in late September due to a chronic foot problem. TB lesions were identified in the trachea and upper bronchi at necropsy. Samples submitted were positive for Mycobacterium tuberculosis. I

do not have a copy of the lab report. This elephant was transtracheal wash negative in April 98 according to Dr. Lindsey. [redacted] of b6

- Dolly was one of three elephants purchased from [redacted] of Canton, OH in 1985. She was used in the circus from 1985 until she entered the retirement center in 1987. Dolly remained at the retirement center from 1987 until she was euthanized 9/98. Other elephants obtained from [redacted] in 1985 b6 include

Calcutta (DOB 1946) and King Tusk (DOB 1945).

TB test history at the Elephant Retirement Facility which was opened in the mid 1980's:

All elephants at the retirement facility have been test negative by trans-tracheal wash April 98. All elephants were retested for TB in December 1998.

All employees were on yearly TB skin testing. In 1997, one employee at Williston (and another employee at the Polk City Facility) were skin test positive / chest xray negative. Both were placed on prophylactic treatment according to public health protocols. Employees are now on a TB health monitoring program for TB testing every 6 months. Skin testing was performed at the Levy Co Health Dept last year and this year at a clinic in Gainesville.

Elephant Movements:

In general, no movement of elephants occur once they enter the Retirement Center. Exceptions: When the Polk City Center for Elephant Conservation opened in 1985, 12 elephants moved from Williston to the Polk City Facility. In addition, King Tusk left the retirement facility to do a TV commercial in Ohio approximately 3 months ago and was returned to the facility.

All of the elephants moved from Williston to Polk City have been test negative for TB. However, one elephant named Maya was M. tb positive at the Polk City facility in June 1998. This elephant was leased to Ringling from [redacted] b10

[redacted] and appears to be completely unrelated to the TB case in Dolly at Williston. b6

Adjacent herds:

1. Approximately 16 cows are fenceline adjacent to the Ringling premise on the east side. These cows are fed bedding material from the elephants and have been known to stray onto the Ringling premise to visit their haybarn. Distance from the elephants to the fenceline is less than 100 yards. The owner's last name was not known - they called her [redacted] Her phone number is b6

[redacted] - b6

2. One small cattle herd is located approximately 1/4 mile to the west.

Owners name is unknown but the cattle belong to a [redacted] that [redacted] b6

[redacted] b6

3. At least four premises along the dirt road have horses.

4. One premise across the road has Tigers owned by [redacted] b6

Most Probable Source of Infection:

[redacted] b5

Actions Taken:

Dr. Coffman has requested that the Elephant Retirement Facility and the adjacent cattle herds be placed under quarantine and tested. Please advise as to who is responsible for this assignment. Dr. Jones is on annual leave until the first of the year. I will be happy to go down and do the TB testing if Frank Markham can get the cattle herds lined up on or before next Monday, December 21. Remember, we will need three days for the testing, one to inject and come back and read the test 72 hours later and pull the brucellosis samples.

Dr. Coffman, also, please advise as to what the requirements for quarantine release will be so that this information can be explained to the owners. My recommendation would be for one negative brucellosis and TB test on the cattle herds. As for the elephants, I really don't have a good answer. However, if the current trunk washes are negative, [redacted]

] b5



United States Department of Agriculture
Animal and Plant Health Inspection Service
Animal Care

RECEIVED

FEB 18 1999

INSPECTION REPORT

Feld Entertainment Inc.
Ringling Bros/Barnum & Bailey
8607 Westwood Center Drive
Vienna, VA 22182

Site 002
Center For Elephant Conservation
12850 Old Grade Road
Polk City, FL 33868

0137
52-C-0136
2/9-10/99
9:45 AM
Reinspection

NARRATIVE

Current Inventory 27 Asian Elephants

CATEGORY I: Non-compliant item(s) previously identified that have been corrected.

Veterinary Care 2.40

A new Program of Veterinary Care has been completed.

CATEGORY III: Non-compliant item(s) identified this inspection

Records 2.75

The TB test results of Jenny, which recently came from the Red unit on December 1, 1998, are not available for review. All records shall be readily available for review by any APHIS official.

To be corrected by: February 16, 1999

NOTE:

Culture results on Vance indicated a positive TB status early January 1999. As of this date, no treatment has been instituted. This animal is owned by [bb]

There were large visible lesions on the rear legs of both Doc and Angelica. When questioned as to the cause of these lesions, it was stated by [bb] & Mr. Gary Jacobson that these scars were caused by rope burns, resulting from the separation process from the mothers on January 6, 1999. Angelica's lesion appeared as a pink linear scar, approx 6" long x 1" wide on the right rear leg. The left rear leg also had an scar directly below the cloth leg tie. Both lesions appeared to have been treated with an iodine-based ointment (they were moist). Angelica also had two linear healing scars on the back of the right hind leg. Doc had a pink scar on the right rear mid-leg area.

All these lesions now appear to be healing scars. After removal of the medicated ointment on 2/10, they appeared much less pink.

This issue is of concern, and will be forwarded to Headquarters for review to determine if it is a violation of the AWA (per instructions by Dr. Betty Goldentyer). A formal determination will be made at a later date and forwarded to the facility.

GOVERNMENT EXHIBIT
1
Page 1 of 1
APHIS FORM 7070 (MAR 99)

Prepared By: [Signature]
Title: Robert Brandes, D.V.M. Veterinary Medical Officer, USDA, APHIS, Animal Care

Date: 2/10/99

LARIS ID NO. 2002

Copy Received By: [Signature]
Title: [Signature]

Date: 2-10-99

Please note our concern over the inspection of these lesions with

RECEIVED MAY 3 2002



Janet B Payeur
09/10/99 12:48 PM

To: Miava F Binkley/NC/APHIS/USDA@USDA
cc:
Subject: Teechie the elephant

Just a heads up that we reported out last Friday another Ringling Brothers elephant as M. tuberculosis positive- Teechie, a 52yr old Female at their retirement facility. Bill Lindsey knows already. He was not surprised. Hope things are going well for. Are you coming to USAHA?
Janet

NOV-29-99 MON 04:02 PM

FDA/ANIMAL INDUSTRY

Fax: 850-467-3641

Nov 23 '99 15:52

P.01

RECEIVED MAY 3 2002

Subject: M-tb Investigation, Center for Elephant Conservation, Ringling Brothers Circus, Polk City, FL

Date: October 14, 1999

An unannounced visit/inspection was conducted at the Center for Elephant Conservation (CEC), Ringling Brothers Breeding Compound at approximately 1:30 p.m. on October 14, 1999. The CEC facility is located north of Interstate 4 on County Road 557, near Polk City (Polk County), Florida. The visit/inspection was conducted by a joint state/federal investigative team and consisted of the following individuals:

Dr. William C. Jeter, DVM, Assistant Bureau Chief, Bureau of Animal Disease Control, Division of Animal Industry, Florida Department of Agriculture and Consumer Services (FDACS), Tallahassee, FL.

Officer Gary Bain, Agriculture Law Enforcement Office, FDACS, Winter Haven, FL.

Dr. Dave Warner, DVM, Assistant Area Veterinarian In-Charge, USDA/APHIS/US, Gainesville, FL.

Dr. Robert Brandis, DVM, USDA/APHIS/Animal Care, Orlando, FL.

The purpose of the visit/inspection was to investigate the validity of recent information received by Dr. Leroy M. Coffman, State Veterinarian, FDACS regarding the following items:

1. Several elephants on the premise have been or are being treated with anti-tuberculosis drugs for Mycobacterium tuberculosis (M-tb, i.e. human tuberculosis).
2. A number of elephants will be leaving the CEC facility during the week of October 11-15, 1999 for Boston, MA. Some of these elephants were treated with M-tb drugs.
3. The amount of Isoniazin supplies on hand at the facility far exceeds the amount that would be needed to treat one elephant. Information received indicates that this medication is being used on several elephants at the compound.
4. Manure from the facility, including manure from a known M-tb positive elephant, is hauled from the facility daily and being spread on farmland at a nearby location.

Post-it® Fax Note	7671	Date	11/23	# of pages	4
To	Mary Beth Swedland	From	Dr. Coffman		
Co/Dept	PETA	Co	FDACS		
Phone #		Phone #			
Fax #	757-622-0457	Fax #			

NOV-29-99 MON 04:03 PM

FDA/ANIMAL INDUSTRY

Fax: 850-487-3641

FAX NO.

Nov 25 '99

15:53

P.02

5. M-tb positive elephants are being used in the breeding program at the facility.

The inspection team arrived at the entrance to the CEC at approximately 1:30 p.m. [] CEC [] was summoned to the entrance gate where introductions were made and a request was made to allow the team to conduct an inspection of the facility. The inspection would include a physical inspection of the facility and all elephants, an inspection of records, and an interview with [] was advised that the unannounced inspection was in regards to the presence of M-tb positive animal(s) on the premise. [] agreed to our request and invited us into the facility. b6 b6

Prior to conducting the facility, animal and records inspections, [] agreed to answer our questions as best he could, but reserved the right to refer questions regarding medical records and treatment protocols to Ringling Brothers consulting veterinarian Dr. Bill Lindsey, Madison, WI. b6

[] stated that the CEC opened in 1995 and was built solely for the purpose of breeding elephants. The facility layout and building design certainly confirms his statement. The facility is located a good distance from the main road and provides excellent security and isolation. The buildings and turn-out pens are very sturdy and maintained in excellent condition. b6

[] stated that there were 25 elephants currently housed in the compound; ages range from 2 months to 57 years. In addition to the elephants owned by Ringling Brothers (17) [] Bradenton, FL maintains seven (7) elephants at the compound and Gary Jacobson, Polk City, FL has one (1) elephant on the property (see inventory list). b6

[] was asked if there were plans to move any elephants from the facility within the next 30 days. His response was no. When asked to provide the team with a current inventory of elephants at CEC, he admitted that five (5) elephants that would be on the current inventory list had left the compound that morning before our arrival. He provided the team with a copy of a current Certificate of Veterinary Inspection, dated October 7, 1999 and signed by Dr. Bill Lindsey (see OCVI, Certificate No. 034822).

[] was asked if there were any M-tb positive elephants at the compound and if they were being treated with anti-tuberculosis drugs. He reported that the elephant Mala was previously treated as a M-tb positive elephant, but was successfully treated and has had a least two negative cultures on trunk washings. He also reported that Vance, a 32 year old male was positive for M-tb and is currently being treated and is in isolation at the facility. b6

NOV-29-99 MON 04:03 PM

FDA/ANIMAL INDUSTRY Fax: 950-487-3641

Nov 23 '99 15:53 P.03

b6 C] was then asked if there were other elephants at the compound being treated with anti-tuberculosis drugs. His response was that all other elephants in the compound have negative trunk washes. When advised that his response did not answer the question, he referred us to Dr. Lindsey to answer this question. While in the office, Dr. Warner and I noticed a trash can full of empty bottles of Isoniazid*.

The team was given a tour of the CEC breeding facility. All the elephants appeared healthy and the facility was in excellent condition and very clean. None of the elephants appeared to be physically ill and they were in good condition. A diagram of the compound provided to the team indicated the location of the resident animals. (See attached information).

Vance appeared to be healthy and in excellent physical condition. There was some swelling over one of his knees, but there was no evidence of lameness. As stated above, Vance is being housed in an isolation unit. He is turned out a night into a small outside pen adjacent to a larger turn out pen for other elephants. Vance is turned out at night while the other elephants are housed inside one of the larger buildings.

Upon return to the office, the medical records for Vance and Mala were made available for our review. The records search showed that Mala was treated for M-tb and appears to be free of the disease as indicated by at least two consecutive negative cultures on trunk washings. She is now back with the general population. Vance's medical records shows that he is positive for M-tb on positive cultures of trunk washings and is currently being treated in accordance with the standard M-tb treatment protocol and is isolated from all other elephants.

The records search of Vance and Mala also showed that other elephants were or have been treated with anti-tuberculosis medications. The records contained several entries showing laboratory test results for other elephants for serum levels of Isoniazin, PZA and Rifampin. In addition to Vance and Mala, serum levels for other elephants include: Sid, Minyak, Sally, Birka, Josky, Kelly Ann, Romeo, Alana, Juliette and Nichole.

b6 C] was asked if there was any movement of elephants between the CEC and Ringling Brothers Retirement Center for Elephants located in Williston, FL (there have been two cases of M-tb disclosed at both facilities). He stated that there was no interaction between the two compounds. The inventory list shows that 12 of the elephants currently housed at the CEO location came from Williston in July, 1995. However, this appears to be relocation of animals upon opening of the CEC compound in 1995. There appears to be no other information regarding movement of elephants between these two facilities.

USDA-APHISUSDA, APHIS.
INVESTIGATIVE &
ENFORCEMENT SERVICESDiane Ward
California and Nevada
(703) 812-6681

Memorandum

To: *Samuel Santiago, IES, FL*
From: *Diane Ward, IES, CA*
cc: *Dan Hutchings, IES, MO- report only*
Date: *August 30, 2000*
Subject: *CA00136-AC*

This is a request for additional information involving the elephants with the Ringling Brothers Circus. This request should be given high priority.

I first got involved with this case because of a complaint of abuse on the elephants in the Blue Unit. The complaints were initiated by the Performing Animal Welfare Society (PAWS) located in California. In the past, this group has filed other complaints of abuse against Ringling Brothers; which have been investigated by IES but have been closed with "no violation".

While investigating the current allegations of abuse on the elephants, another allegation was made by PAWS that Ringling Brothers knowingly has exhibited elephants infected with TB.

I am requesting that you contact the Inspecting VMO with Animal Care, and go to the sites where Ringling Brothers houses their elephants (Williston and Polk City), and thoroughly examine each elephant. Document any scars and injuries found on the animals- it is alleged that scars can be found behind the ear, around the tail area, and behind the legs. The elephant known as "Nicole" was the subject of abuse in FL99028; after thorough documentation this case was closed "No Violation". Nicole's name has come up again in this current investigation. It is alleged that on June 21, 1999, this elephant was removed from the Blue Unit train and trucked back to Florida because of the severe scaring, hook marks, and swelling in her legs. The elephant was never returned to the Blue Unit. Obtain the medical records and current disposition of this animal (please conduct a thorough inspection of this particular animal).

Inquire and obtain any documentation regarding the testing of their elephants for TB (see the attached USDA Policy for TB testing). Inquire about the elephant known "Tilly" at the Williston, FL facility; she supposedly is known to be infected with TB. Obtain this

Santiago

page #2

animals medical records, the date she was found positive for TB, and document all locations that she has been exhibited since found with TB. For any animal found positive for TB, document where the animal has been exhibited and housed since infected.

Thanks for your help.

ATTACHED:

- 1.) Complaint letter from the office of Meyer & Glitzenstein.
- 2.) Affidavit from [redacted] b6, b7C, b7D
- 3.) USDA AC Policy #21- Control of TB in Regulated Elephants.
- 4.) USDA AC guidelines for the control of TB in Elephants- Note the management of the animals per the TB results (groups A, B, C, D).

- set of color photos sent



United States Department of Agriculture
Animal and Plant Health Inspection Service
Animal Care

INSPECTION REPORT

#1

Feld Entertainment, Inc.

8607 Westwood Center Drive
Vienna, VA 22182

Site Williston Elephant Retirement
Facility

18653 NE 81st Street
Williston, FL

52-C-0137
9-6-00
10:30 AM
Special

NARRATIVE

CURRENT INVENTORY: 5 Tigers, 14 Elephants (12 owned by Feld entertainment and 2 owned by P. Zerbini)

CATEGORY III: Non-compliant item(s) identified this inspection:

Section 2.40(b)(2) - Veterinary Care -

This special inspection is in response to information that there is an elephant at the Ringling Brothers Williston Elephant Retirement Facility that is TB positive and not receiving treatment. At this time there is in fact one culture positive elephant (Tillie) owned by Ms Patricia Zerbini who is not receiving treatment. This elephant is commingled with the elephants owned by Ringling Brothers Circus. This situation could potentially lead to infection or reinfection of these elephants. This is a violation of the above section of 9 CFR Subchapter A.

CORRECT BY: 10-06-00

Prepared By:	<u>Tom Callahan DVM</u>	Date:	<u>9-6-00</u>
Title:	<u>Tom Callahan, Veterinary Medical Officer, USDA, APHIS, Animal Care</u>	LARIS ID:	<u>1039</u>
Copy Received By:	<u>[Signature]</u>	Date:	<u>9-6-00</u>
Title:	<u>[Signature]</u>		

RECEIVED MAY 3 2002



USDA, APHIS,
INVESTIGATIVE &
ENFORCEMENT SERVICES

Diane Ward
California and Nevada

Memorandum

To: Alan Christian, IES Director, MD
From: Diane Ward, IES, Investigator
cc: Dan Hutchings, CO- no attachments
Frank Keyser, WV- no attachments
Date: 11/24/00
Subject: CA00136-AC, Ringling Brothers

This is a request for a subpoena to compel testimony from [redacted] under the AWA. b6
b7C
b7D

As you are aware, I have been involved in an investigation into allegations of elephant abuse and exhibiting elephants infected with TB by Ringling Brothers Circus.

The investigation has been very frustrating in that Feld Entertainment has not been cooperative with allowing the USDA to review medical records on the elephants, and that key witnesses will not cooperate due to court settlements with Feld Entertainment that prevent them from discussing any circus issues with anyone.

One such witness that I requested to be interviewed was [redacted]. There is documentation showing that [redacted] had discussed the issue of TB in the performing elephants with several individuals. Frank Keyser, IES, has talked with [redacted] attorney who has indicated that [redacted] would be willing to talk with us if he was subpoenaed to compel testimony. Apparently at one time [redacted] had documentation pertaining to TB infection in the elephants. b6
b7C
b7D

I would like [redacted] interviewed as to what documentation exists pertaining to TB in the elephants, which elephants were supposedly infected, what was his knowledge of hiring a Veterinarian or Physician to test the elephants and cover up their findings of TB, and who has knowledge about the infection in the elephants (Feld, trainers, employees, etc.). b6
b7C
b7D

Please be aware of the following facts in making a decision about this request: [redacted] so what ever information he has is 3 to 4 years old. The USDA had jurisdiction in diseased animals being exhibited in 1997, but the Policy Statement for the Control of TB in Elephants was not in force until 1998. Even if the information is b6
b7C
b7D

Christian

page #2

old. I would think that if Ringling Brothers Circus knowingly exhibited TB infected animals at any time we would want to pursue action.

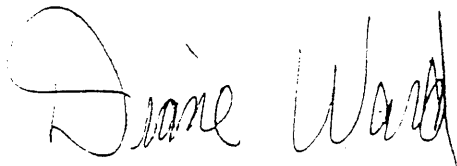
For your information, I am providing you a complete copy of my request for additional information to Frank Keyser dated 8/29/00; a copy of Frank Keyser's investigative report dated 10/30/00 (report only, with a copy of pages 43 and 44 of

b6
b7c
b7D
against Feld which is her testimony as to what [redacted] said about the elephants with TB); and a complete copy of a Memorandum from Frank Keyser dated 11/3/00, documenting his conversation with [redacted] torney. b6 b7c b7D

If the subpoena is issued, it can be served to [redacted] through his attorney b6, b7c, b7D

b6
b7c
b7D
[redacted] I would request that Frank Keyser conduct the interview, since he is the person who has been involved in this portion of this investigation in the IES Eastern Region.

If you need any further information pertaining to this request, please advise.



Diane Ward

RECEIVED MAY 3 2002



Animal and Plant Health Inspection Service Investigative and Enforcement Services

USDA, APHIS, IES 920 MAIN CAMPUS DRIVE SUITE 200 RALEIGH, NC 27606 (919) 716-5618

FRANCIS W. KEYSER INVESTIGATION SPECIALIST (240) 381-0699 CELL/VOICE MAIL

Memorandum

TO: Diane Ward, Investigator, IES, Western Region

FROM: Frank Keyser, Investigation Specialist, IES Eastern Region

cc:

DATE: February 5, 2001

SUBJECT: Case No. CA00136AC; Additional Information

On January 31, 2001, Dr. Miava-Binkley and I met with [redacted]

Their appearance was in response to a

Attached to this memo you will find an Interview Log, and a

copy of a letter from Dr. Binkley to Dr. Dehaven, [redacted]

de [redacted]
b6 b7c

As indicated in the Interview Log [redacted] claims [redacted] does not have any materials or documents to provide USDA which may relate to the care and treatment of elephants or other animals by Ringling Bros. Circus or Feld Entertainment. [redacted]

b6 b7c
de b7c

Of significance are [redacted] concerning the existence of audio tapes made from a conversation [redacted] had with [redacted] claims that these tapes contain statements by [redacted] that Ringling Brothers had knowledge of elephants in both the Blue and Red Units (at that time) that were infected with tuberculosis and being exhibited to the public. [redacted] was performing experimental treatment on the elephants at that time and the elephants were clinically ill. Like other materials formerly in his possession these tapes were turned over to the law firm, Fulbright and Jaworski, LLP, for safekeeping as a neutral party. Fulbright and Jaworski were to release the materials to Kenneth Feld on or about 2/2/01.

[redacted]
de b7c

That same afternoon Dr. Binkley and I went to the law office of Covington and Burling, located at 1201 Pennsylvania Ave. NW, Washington, DC, to review the TB test records on Ringling Brothers elephants. Covington and Burling are representing Feld Entertainment, and arrangements were made by OGC Attorney, Robert Ertman, for them to have the records made available to us for inspection. I had very little to do with these arrangements and it was Mr. Ertman who established which records would be made available to us. As I understood it, Mr. Ertman and Feld Entertainment representatives agreed that we would be provided TB test records on elephants which were to have been on exhibit (traveling) or removed from exhibiting, from 1/1/99 until present. Dr. Binkley was utilizing a recent inventory list which she used to account for the elephants in the TB records. (Attachment 6) As for the elephant named, "Nicole", Dr. Binkley did indicate to me that this animal had left the Blue Unit prior to 2000. I do recall seeing her name in the TB records however we were not provided any additional records to review, so I could not ascertain her disposition.

This completes my response to your additional information request. However, should you need more assistance please call me.