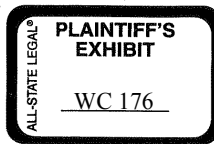


1 UNITED STATES DISTRICT COURT  
 2 FOR THE DISTRICT OF COLUMBIA  
 3 -----X  
 4 AMERICAN SOCIETY FOR THE PREVENTION, :  
 5 OF CRUELTY TO ANIMALS, et al., :  
 6 Plaintiffs, :  
 7 vs. : Civ. No.  
 8 RINGLING BROTHERS AND BARNAM : 03-02006  
 9 & BAILEY CIRCUS, et al., : (EGS)  
 10 Defendants. : VOLUME II

11 -----x  
 12 Videotaped deposition of GARY JACOBSON,  
 13 a witness herein, called for examination by  
 14 counsel for Plaintiffs in the above-entitled  
 15 matter, pursuant to notice, the witness being duly  
 16 sworn by Robert M. Jakupciak, a Notary Public in  
 17 and for the District of Columbia, taken at Judge  
 18 Facciola's Chambers, U.S. District Court for the  
 19 District of Columbia, 333 Constitution Avenue,  
 20 N.W., Washington, D.C., at 12:00 Noon, on November  
 21 20, 2007, and the proceedings being taken down by  
 22 Stenotype by Robert M. Jakupciak, RPR.



Certified Copy

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Also Present

21

Videographer: Nick Guzman

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C O N T E N T S

THE WITNESS: GARY JACOBSON

EXAMINATION	PAGE NO.
By Ms. Meyer .....	5

E X H I B I T S

JACOBSON EXHIBIT NUMBER	PAGE NO.
11 Report of Investigation .....	17
12 Statement of Gary Jacobson .....	69
13 Statement of Gary Jacobson .....	71

1 A. No.

2 Q. Did you have an opportunity to observe  
3 the relationship between Benjamin and Shirley when  
4 you were training them down at the CEC?

5 A. Between the two?

6 Q. Yeah.

7 A. Uh-huh.

8 Q. What kind of a relationship did they  
9 have?

10 A. About normal for a young male and his  
11 sister.

12 Q. So they were like siblings; is that  
13 correct?

14 A. Yeah. I mean the males are a little  
15 rough on the females.

16 Q. They play together?

17 A. Some.

18 Q. Did they -- you said they trained  
19 together when they were at the CEC; is that  
20 correct?

21 A. Yes.

22 Q. Were they also housed together at the

1 A. What do you mean?

2 Q. Did you give her any special treatment  
3 because of her nervousness or how did you handle  
4 her after she came back to the CEC?

5 A. I put her back in a group of elephants  
6 for exercise.

7 Q. Okay. And how was she housed at the  
8 CEC when she came back?

9 A. In the barns with the other elephants.

10 Q. Was she on chains in the barn?

11 A. Yes.

12 Q. How many hours was she on chains?

13 A. About the same. Tied up from 3 or 4 in  
14 the afternoon and out at 7:00 a.m.

15 Q. And was Mr. Harned at the CEC when  
16 Shirley came back?

17 A. No.

18 Q. That's when he was off driving the  
19 truck?

20 A. Yes.

21 Q. All right. Has Shirley remained at the  
22 CEC since that time?

1 A. Yes.

2 Q. And that again would have been January

3 2000; correct?

4 A. Yes.

5 Q. And did she receive any more training  
6 to prepare her to go out on the road?

7 A. No. Nope.

8 Q. No training at all, no more training?

9 A. Not, not to prepare her to go out on  
10 the road, no.

11 Q. Okay. And how -- and Shirley at that  
12 time would have been how old?

13 A. Four or five.

14 Q. Almost five; right?

15 A. Around five.

16 Q. Did you make a decision that she wasn't  
17 going to go back out on the road?

18 A. Not necessarily.

19 Q. But she hasn't gone back on the road?

20 A. She has not.

21 Q. And over seven years later; is that  
22 correct?

1 Q. I'm sorry, what?

2 A. Could you repeat the question?

3 Q. I was asking you if -- well, the  
4 immediate question is what is negative  
5 reinforcement?

6 A. That, again, depends on who you're  
7 talking to.

8 Q. I'm talking to you. So I'm asking you.

9 A. Well, it could be the same as  
10 correction I suppose.

11 Q. What do you mean by that?

12 A. I guess there would have to be a  
13 certain amount of discipline involved.

14 Q. To reinforce a certain behavior of the  
15 elephant? Is that what you mean?

16 A. Probably, if there was negative  
17 behavior involved.

18 Q. Okay. If -- does negative  
19 reinforcement mean that if an elephant were asked  
20 to do a particular command and it refused to do  
21 so, some kind of negative consequence would be  
22 experienced by the elephant?

1 A. That's possible.

2 Q. And the purpose of that would be so  
3 that the next time the elephant, to avoid the  
4 negative consequence, would actually do as  
5 commanded; is that correct?

6 A. Possibly, or to get their attention  
7 back again.

8 Q. To get whose attention back again?

9 A. The elephant.

10 Q. So the negative reinforcement could be  
11 used to get the attention of the elephant as well?

12 A. Which is normally where the problem  
13 arises.

14 Q. What's the problem that you're speaking  
15 of?

16 A. Whatever problem you have in mind.  
17 Negative reinforcement.

18 Q. Right.

19 A. Normally it's just a lapse between the  
20 man and the elephant.

21 Q. Can you describe that?

22 A. If you lose their attention, then they



1 get lost in the shuffle, so-to-speak. So you get  
2 their attention back.

3 Q. And how do you do that?

4 A. You just talk to them, make them stop  
5 what they're doing, stand still for a minute, walk  
6 them around, go have a coke and come back later.

7 Q. And is this -- the things you're  
8 describing, that's negative reinforcement?

9 A. Yes.

10 Q. Why would it be negative reinforcement?

11 A. Because you're not continuing with what  
12 you're setting out to do. You're stopping it.

13 Q. And that has a negative consequence for  
14 the animal?

15 A. Yes.

16 Q. Okay. So a verbal reprimand could be  
17 negative reinforcement?

18 A. Yes.

19 Q. All right. And how about striking the  
20 elephant with a bull hook, would that be negative  
21 reinforcement?

22 A. That's possible.

1 Q. How about use of a hot shot, would that  
2 be negative reinforcement?

3 A. That would be very negative.

4 Q. That would be very negative  
5 reinforcement?

6 A. (Nodding head indicating yes.)

7 Q. All right. Now, was any negative  
8 reinforcement used to train Juliet?

9 A. Not that I know.

10 Q. So you didn't see any of the training  
11 of Juliet?

12 A. No.

13 Q. Well, you observed Mr. Woodcock train  
14 other young elephants; correct?

15 A. Yes.

16 Q. Did he ever use negative reinforcement?

17 A. Yes.

18 Q. And did he ever use striking an  
19 elephant with a bull hook as negative  
20 reinforcement?

21 A. Yes.

22 Q. Did you ever use rope, tying the

1 and a half according to my records; is that right?

2 A. Yes.

3 Q. Who trained him?

4 A. I did.

5 Q. And did you use any negative

6 reinforcement when you trained Doc?

7 A. I would imagine.

8 Q. That would be normal for --

9 A. He was pretty easy to train. He was a  
10 pretty nice little guy.

11 Q. But use of negative reinforcement, is  
12 that part of your normal training regime?

13 MS. JOINER: Objection to form.

14 A. Some, I guess. It depends on what you  
15 call negative again.

16 Q. Based on your description of it.

17 A. Okay. Yes.

18 Q. And would you have used negative  
19 reinforcement to train Bonnie?

20 A. Very little. Very smart elephant.

21 Q. But that would have been something that  
22 you would have used in your training to some