



Privacy Act Notice on Reverse

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## AFFIDAVIT

I, (name of affiant) *Dr. Michael J. Smith*, being duly sworn on oath make the following statement:

I, Dr. Michael J. Smith, swear under oath that the following statement is true and correct. I make this statement to Diane Ward who I know to be employed as an Investigator with the United States Department of Agriculture, IES, Investigative and Enforcement Services.

My present work address is 9580 Micron Avenue, Suite J, Sacramento, CA; telephone number 916-857-6205. I have been employed by USDA-APHIS-AC, as a Veterinary Medical Officer for approximately six years.

On September 7, 2000; as the result of a complaint (from P.A.W.S.) I inspected all the elephants with the Ringling Brothers Circus, Blue Unit. Accompanying me on this inspection was Diane Ward and Neil Williamson, both with USDA, IES. The inspection of the elephants took place at the Arco Arena, Sacramento, CA; this was an unannounced inspection. The elephants were all loose inside an enclosed area in the parking lot; with the exception of the animal "Zina" who was chained and staked by one foot. The area was enclosed by a single strand of "hot wire" (rope type), which was not hooked up to any electrical current during the time we were there. Apparently the elephants must have been trained that the wire/rope is hot because they stayed away from it, and never challenged the rope to get loose.

The [ ] assisting us with the inspection were [ ] with the older elephants and [ ] with the three baby elephants. I inspected each animal, including behind the ears, their legs, and the tail areas. I found some minor lesions and older minor scars; but nothing significant to suggest severe mishandling or severe abuse. My findings are as follows:

Michael J. Smith-  
SIGNATURE OF AFFLANT

Subscribed and sworn to before me at Sacramento, CA  
on this 26th day of September, 2000

Diane Ward-

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I, (name of affiant) *Dr. Michael J. Smith*, being duly sworn on oath make the following statement:

- 1.) Zina- one old scar, a fresh scratch, and a hard abscess (lesions) on the left jaw.
- 2.) Jewel- wound on the head (which I also examined two week prior), and lameness in the front leg.
- 3.) Lutzi- pressure mark on the right side of head, old scar on hind left leg, crack in nail on hind left foot.
- 4.) Susan- large split in nail on front right foot, small sore between the eye and the ear on left, small sore by right ear, old scars behind the left ear and upper ear. This animals had a larger (three inch), deep scar on the hind area (which was old and healed). This animals also had the pressure marks on the head.
- 5.) Minyak- small scratch on ear.
- 6.) Bonnie (baby)- small scar by right eye.
- 7.) Juliette (baby)- small sore on left side of head. The [ ] <sup>He</sup> claims the sore was caused by the head piece worn in the show.
- 8.) Kelly-anne (baby)- 2 lumps; both on the left side, one in the middle midsection (1 1/2 inches long), the other lower midsection towards abdomen (1 inch long). Pressure mark on left side of head. [ ] <sup>He</sup> claims the lumps are mosquito bites.

None of the above mentioned sores or wounds found on the elephants were bad enough that veterinary care would be needed. The employees are not keeping records to indicate when treatment is being provided for minor scratches and wounds which I cited them for.

Michael J. Smith- *Michael J. Smith*  
SIGNATURE OF AFFIANT

Subscribed and sworn to before me at Sacramento, CA  
on this 26th day of September, 2000

Diane Ward- *Diane Ward*

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I, (name of affiant) *Dr. Michael J. Smith*, being duly sworn on oath make the following statement:

Several of the elephants have "pressure marks" on the head. These marks consist of dried thickened skin, where some of the skin actually is split making a small wound or scrapped looking area. According to the trainers, these areas are caused by the pressure applied when the elephant lays down, and they then use their heads to push themselves back up. The areas affected are consistent with the explanation by the trainers.

do The lumps on the one baby's side (Kelly-anne) could be caused by mosquito bites as indicated by the E but they also could be caused by other means. I have since viewed the video given to Diane Ward by Pat Cuvillo. On this video you can see one of the handlers taking out a pair of pliers and manipulating them in the area of the animal.

While we were doing the inspections, the elephants were playing with large pieces of tree branches, which could be the cause of some of the minor scratches since they aggressively throw the branches around at times.

Dr. Murray Fowler, attending veterinarian, did arrive during our inspection. Dr. Fowler claims that all the elephants are in good health and cared for properly. Dr. Fowler claims that the lameness in Jewels leg does not appear to cause her any pain, and that he sees no problem with allowing her to continue with her routines in the show. Apparently this animals has been affected by the lameness for a couple years and exercise is the recommended procedure for treatment.

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Michael J. Smith-  
SIGNATURE OF AFFIANT

Subscribed and sworn to before me at Sacramento, CA  
on this 26th day of September, 2000

Diane Ward-

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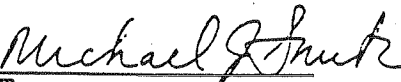
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AFFIDAVIT

I, (name of affiant) *Dr. Michael J. Smith*, being duly sworn on oath make the following statement:

During this inspection, I also cited Ringling Brothers for improper storage and handling of food, and the need for repairs on the train cars (peeling a flaking of surface areas) used to haul the elephants.

Michael J. Smith-  
SIGNATURE OF AFFIANT



Subscribed and sworn to before me at Sacramento, CA  
on this 26th day of September, 2000

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Diane Ward-

