

Feld Entertainment, Inc.'s Responses and Counter Designations  
FEI Exhibit 318A

Kenneth Feld

Washington, DC

January 16, 2008

Page 1

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, : Civ. No.  
7 V. : 03-02006  
8 RINGLING BROTHERS AND BARNUM & BAILEY : (EGS)  
9 CIRCUS, et al., :  
10 Defendants. :  
11 - - - - - X

13 Washington, D.C.

14 Wednesday, January 16, 2008

15 Videotaped deposition of KENNETH FELD,  
16 called for examination by counsel for the  
17 Plaintiffs in the above-entitled matter, pursuant  
18 to notice, the witness being duly sworn by OKEEMAH  
19 S. HENDERSON, a Notary Public in and for the  
20 District of Columbia, taken at the offices of  
21 Meyer, Glitzenstein & Crystal at 1601 Connecticut  
22 Avenue, Northwest, Suite 700, Washington, D.C.  
20009-1056, at 10:04 a.m., Wednesday, January 16,  
2008, and the proceedings being taken down by  
Stenotype by OKEEMAH S. HENDERSON and transcribed  
under her direction.



1 APPEARANCES:

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ALSO PRESENT:

16

RICK SANBORN, Videographer

17 JULIE ALEXA STRAUSS, ESQ.

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22

1 A. Correct.

2 MS. MEYER: And I'd like to have this  
3 marked as Exhibit 3, please.

4 (Feld Deposition Exhibit No. 3 was marked for  
5 identification.)

6 BY MS. MEYER:

7 Q. And what I have handed you, Mr. Feld,  
8 is an excerpt of the trial testimony from that  
9 case People for the Ethical Treatment of Animals  
10 versus Kenneth Feld and the trial excerpt that I  
11 have handed you is dated March 9, 2006. Do you  
12 see that on the front page?

13 A. Yes.

14 Q. And if you would turn to page 2106  
15 which is kind of towards the back, I'd like to  
16 draw your attention to some testimony that you  
17 provided in that trial?

18 A. (The witness complies.)

19 Q. Are you with me at page 2106?

20 A. Yes.

21 Q. You were asked whether you have ever  
22 seen a bull hook. Your answer was, "Yes." The

1 question was, "What is it called?" Your answer  
2 was, "It's an ancus or a bull hook." The question  
3 was, "A bull hook? Have you ever seen circus  
4 handlers striking elephants with these things?"  
5 Answer, "I have seen circus people strike  
6 elephants with it. Yes." So you testified in  
7 March of 2006 that you had seen elephant handlers  
8 strike elephants with bull hooks; is that correct?

9 A. Yes.

10 Q. So you must have known what strike  
11 meant on March, 2006?

12 A. Yeah, in the context. But I mean, I  
13 think, I don't know what you were trying to do  
14 with getting me to define words. So I mean you  
15 started someplace with is it a tap? Is it a  
16 touch? What is it? And so I think that's what it  
17 is. You know, yes, I have seen people which I  
18 said here touch elephants with a bull hook.

19 Q. You said --

20 MR. SIMPSON: Let him finish his  
21 answer.

22 MS. MEYER: Okay. I'm sorry.

1 A. So in the context of here you could  
2 say strike but you were asking me -- I don't know  
3 what your definition of strike is, so.

4 BY MS. MEYER:

5 Q. When you testified in March of 2006,  
6 quote, "I have seen circus people strike elephants  
7 with it. Yes." And the word strike is your word,  
8 what did you mean?

9 A. No. The question was, "Have you ever  
10 seen circus handlers striking elephants with these  
11 things." And I said, "Yes. I have seen circus  
12 people strike elephants with it."

13 Q. What did you mean by that?

14 A. That I have seen them touch an  
15 elephant with a bull hook.

16 Q. So when you said strike in your  
17 answer, you meant touch?

18 A. I meant made contact. Yes.

19 Q. So you have seen elephant handlers at  
20 Ringling Brothers make contact with a bull hook  
21 and the elephant; is that correct?

22 A. Yes.

1 Q. And to you, that's striking them; is  
2 that correct?

3 MR. SIMPSON: Object to the form.  
4 You're arguing with the witness.

5 MS. MEYER: I am not.

6 A. It might be. It's semantics.

7 BY MS. MEYER:

8 Q. Have you seen Ringling Brothers  
9 employees strike elephants on the legs?

10 A. Yes.

11 Q. And have you seen them strike  
12 elephants behind the ears?

13 A. I have seen them touch elephants  
14 behind the ears. I don't know if it's a strike.

15 Q. Is that also a matter of semantics  
16 then?

17 A. Well, it's more of a prod.

18 Q. When you say, "prod," what do you  
19 mean?

20 A. I mean if somebody pushing part of the  
21 bull hook so it moves the elephant along.

22 Q. Which part of the bull hook have you

1 don't know that that's disciplining them. I think  
2 it's more of a reminder that when I say pick up  
3 your head, you should pick up your head. It's  
4 conditioning.

5 BY MS. MEYER:

6 Q. Okay. Do you know whether any of the  
7 elephant handlers that you've seen strike an  
8 elephant with a bull hook have ever received a  
9 written reprimand?

10 A. I don't know.

11 Q. And if they had not received a written  
12 reprimand for striking an elephant with a bull  
13 hook, would that be against company policy?

14 MR. SIMPSON: Object to the form of the  
15 question.

16 A. Well, it can be very appropriate to  
17 correct an elephant with a bull hook. You're  
18 saying that's the same as striking, so that's  
19 where we have our issue in language and that would  
20 be appropriate for them and as an accepted method  
21 of working and handling elephants.

22 BY MS. MEYER:

1 Q. When is it appropriate to correct an  
2 elephant with a bull hook?

3 A. When it's deemed that the elephant is  
4 not responding to the trainer in the way that the  
5 he's been trained or is not responding to the  
6 trainer, to what their verbal command is.

7 Q. Any other circumstances?

8 A. Yes. There could be a veterinarian  
9 inspection and they want to lift up a foot, they  
10 want the elephant to lay down, this would be used  
11 as a guide or cueing instrument for the elephant  
12 to do that.

13 Q. What if the elephant were exploring an  
14 area around it with its trunk. Is that a time  
15 when it could be corrected with a bull hook?

16 A. It depends on what the situation is.

17 Q. Under what situation would that be  
18 appropriate -- let me just finish my question.  
19 Under what situation would it be appropriate to  
20 correct an elephant with a bull hook when it was  
21 exploring its surroundings with its trunk?

22 A. If an elephant were going for a



1 garbage can or if there was some glass or cans or  
2 things that could injure the elephant and the  
3 elephant would not listen. So if the trainer were  
4 to correct the elephant so it wouldn't get  
5 involved with that, that would be appropriate.

6 Q. And it would be appropriate enough to  
7 strike the elephant on its trunk with the bull  
8 hook?

9 A. I don't know. I'm not a trainer.

10 Q. Would it be appropriate to strike the  
11 elephant with a bull hook in that situation to  
12 keep it from exploring its surrounding with its  
13 trunk?

14 A. Yes.

15 Q. Now, would that kind of correction  
16 have to follow a verbal command first?

17 A. I think that there probably would be.

18 Q. Would it be appropriate to correct an  
19 elephant with a bull hook by striking the elephant  
20 without first using a verbal command?

21 A. I don't know.

22 Q. You don't know whether it would be

1 you; is that correct?

2 A. That's correct.

3 Q. Now, Ms. Fahrenbruck's job as animal  
4 behaviorist required her to make sure that the  
5 animals were treated well; is that correct? Was  
6 that part of her job?

7 A. I presume so. I don't know. I don't  
8 know the job description of what her position was  
9 and I don't know if it was animal behaviorist and  
10 if there was some other title to her job.

11 Q. I thought you said she was hired to  
12 provide enrichment for the animals.

13 A. She was originally. I don't remember.  
14 I think she was hired prior to January of '05. I  
15 think she worked for the company prior to that  
16 time.

17 Q. Okay. I'm sorry. What was the last  
18 part of it?

19 A. I think she worked for the company  
20 prior to this time.

21 Q. Okay. And she was working for the  
22 company in 2005, correct?

1 Q. Would it be in writing?

2 A. I don't know.

3 Q. You have no idea how that would be  
4 accomplished in your company?

5 A. No.

6 Q. And do you want to be informed about  
7 observations by people whose job it is to care for  
8 the animals if they've seen individuals working  
9 for you mistreating animals?

10 MR. SIMPSON: Object to the form of the  
11 question.

12 A. Yes. I like to be, you know, informed  
13 about my business and, you know, I assume that  
14 people are responsible and they do, there is a  
15 procedure. I mean, I'm not always available. I'm  
16 traveling a great deal of the time. So whenever  
17 this was in January, I'm assuming that it was  
18 reported to the appropriate people and it was  
19 looked into and it was dealt with.

20 BY MS. MEYER:

21 Q. Do you know whether or not it was  
22 looked into?

1           A.       I don't know because I never knew  
2 about this until yesterday.

3           Q.       And are you concerned that you didn't  
4 know about it until yesterday?

5           A.       Well, I can't be concerned because I  
6 didn't know about it. So I found out yesterday  
7 and looking at this, you know, it refers to an  
8 elephant Lutzi who is at The Center for Elephant  
9 Conservation, as far as I know is in wonderful  
10 shape, and I have to assume that whatever happened  
11 here was dealt with and I think if it hadn't been  
12 dealt with appropriately and investigated, that  
13 there would have been some other result.

14           Q.       Okay. Referring to the first full  
15 page of the drafted letter to you which is at FEI  
16 15026. And looking down at the last paragraph  
17 Ms. Fahrenbruck states there that: "Last night in  
18 the show I observed him, and she's referring to  
19 Icham, hook Lutzi under the trunk three times and  
20 behind the leg once in an attempt to line her up  
21 for the team out." Do you see that?

22           A.       Yes.

1 Q. So you don't know what it's used for?

2 A. Excuse me?

3 Q. You don't know what it's used for?

4 A. I don't know what it is.

5 Q. Would you be concerned about members  
6 of the public seeing elephants with multiple  
7 abrasions and lacerations during a performance?

8 MR. SIMPSON: Object to the form of the  
9 question.

10 A. I don't know because it depends -- you  
11 know, obviously we want our animals to look in  
12 tip-top shape all the time. We have animals, as I  
13 mentioned earlier, as well because we put out tree  
14 branches and things that they play with and they  
15 get lacerations as a result of that and that's out  
16 there in their animal open houses and before the  
17 public, so they can see that and that's just what  
18 happens.

19 They scratch each other, they may get in  
20 fights with each other, the elephants. So yeah,  
21 the answer is that I would rather not have the  
22 public see any abrasions on elephants.

1 that?

2 A. Yes.

3 BY MS. MEYER:

4 Q. Have you seen this document before?

5 A. This appears to be a document that I  
6 have seen before. Yes.

7 Q. When would you have -- when did you  
8 see it before?

9 A. I know that I saw this or a very  
10 similar document in the PETA trial two years ago.

11 Q. Did you see it prior to that time?

12 A. I don't recall if I did or not.

13 Q. You may have seen it prior to that  
14 time?

15 A. That's correct.

16 Q. Do you know who prepared this  
17 document?

18 A. I believe it was prepared by Richard  
19 Froemming.

20 Q. At the time it was prepared by  
21 Mr. Froemming, what was Mr. Froemming's  
22 relationship to Feld Entertainment, Incorporated?

1           A.       At the time that this was prepared, I  
2 believe he was a consultant that we used with  
3 respect to animal operations and along the  
4 traveling circus units.

5           Q.       What were Mr. Froemming's duties in  
6 that regard?

7           A.       His duties were to keep us aware of  
8 animal activists, of demonstrations that were  
9 happening to help us with proactive animal  
10 activism on our part and welfare, to really  
11 improve our animal how we worked with the animals,  
12 how our people handled them, the whole demeanor  
13 with the public.

14                   And that was sort of the advent of how we  
15 would secure our animal logs. He was responsible  
16 for security and other things like that.

17           Q.       When you say he was responsible for  
18 keeping you aware of the activities of activists,  
19 what do you mean by that?

20           A.       Well, when there would be protests or  
21 demonstrations at the circus or at the animal  
22 logs.

1 Q. How would he keep you aware?

2 A. He would I think send memos like this

3 and he would meet with people of the circus

4 management; he was traveling between the different

5 units and with other security firms that we would

6 hire for protection.

7 Q. Would you have been a recipient of the  
8 reports that Mr. Froemming made with respect to  
9 his duties in this regard?

10 A. I received some reports from I think  
11 some time in '94 on this.

12 Q. So it's likely that you received a  
13 copy of this report?

14 A. It may have been.

15 Q. And at page 38280, which is the very  
16 last page, at the bottom of the page it states,  
17 "R. Froemming received a message from Mary Reed."

18 A. Uh-huh.

19 Q. Who is Mary Reed?

20 A. Mary Reed was an employee at the  
21 company.

22 Q. What was her job at the company?



1 A. She was in the creative services  
2 department, prepared advertising and promotional  
3 paraphernalia.

4 Q. Do you know what her title was?

5 A. No.

6 Q. Do you know how long she was employed  
7 by Feld Entertainment?

8 A. She was a long time employee. I mean,  
9 it was well over 10 years.

10 Q. It was well over 10 years as of 1994?

11 A. I believe so. Yes. Or it was at  
12 least let's say at least 10 years at that time.

13 Q. Okay. Did she stay employed at Feld  
14 Entertainment after 1994?

15 A. Yes.

16 Q. When did -- is she still at Feld  
17 Entertainment?

18 A. I'm not sure.

19 Q. She might be?

20 A. I'm not sure. I think that she  
21 retired but I'm not quite sure.

22 Q. So you see in the very last paragraph

1 A. Yes.

2 Q. And it says, "Just great. Trying to  
3 get her moving into ring faster." Do you see  
4 that?

5 A. Yes.

6 Q. Siam is an elephant who is still on  
7 the red unit; is that correct?

8 A. There is a Siam on the red unit?

9 Q. You don't know whether it's the same  
10 elephant?

11 A. I don't believe it is.

12 Q. Now, who is this Buckles that's being  
13 referred to here?

14 A. Buckles Woodcock was the elephant  
15 trainer at the time. What happened in January of

16 1994, we had a train accident and there was

17 basically all the living cars, the coaches for the  
18 people were destroyed.

19 Also in that accident there was two people  
20 that were killed. One of them was the head  
21 elephant trainer Ted Svertesky.

22 Q. How do you spell the last name?

1 November.

2 Q. So you're saying in November of 1994  
3 he was let go; is that correct?

4 A. Whenever his contract was up. Yes.

5 Q. When you say he was let go, was he  
6 fired?

7 A. No. He was not rehired.

8 Q. Between March of 1994 and November of  
9 1994 when he was not rehired, did he receive a  
10 written reprimand for this incident that's  
11 recounted on page 38277?

12 A. I don't know. My understanding is  
13 that Richard Froemming did have discussions about  
14 the improper use of a hot shot.

15 Q. But you don't know whether or not  
16 there was a written reprimand put in  
17 Mr. Woodcock's record about this incident, do you?

18 A. No, I do not know.

19 Q. There should have been, though,  
20 correct?

21 A. I presume so.

22 Q. And why did you decide to not renew

1 Mr. Woodcock's contract?

2 A. Because I was not satisfied with say  
3 the job that he had done with the elephants. I  
4 did not approve of the use of a hot shot and I had  
5 time to plan and get what I felt were better,  
6 qualified personnel.

7 Q. And is this because you regarded using  
8 the hot shot on an elephant to try to get her to  
9 move faster inappropriate use of a hot shot?

10 A. Yes.

11 Q. And you said you knew that Buckles  
12 Woodcock was a capable elephant trainer, was that  
13 correct?

14 A. Yes.

15 Q. How did you know that?

16 A. Because he worked for me I think I  
17 hired him initially in 1972 to train some  
18 elephants, to work with elephants.

19 Q. Do you know which elephants he  
20 trained?

21 A. A multitude of elephants. I don't  
22 remember the names of the elephants.

1 Q. Are some of them still with Feld  
2 Entertainment?

3 A. I believe so.

4 Q. You don't know any of the elephants  
5 that Buckles Woodcock trained?

6 A. I don't know them by name.

7 Q. Were you aware of the kinds of  
8 training methods that Buckles Woodcock used to  
9 train elephants when you hired him in 1972?

10 A. No. I don't know the methods. I  
11 think they may be very appropriate methods to  
12 train elephants.

13 Q. Did you ever watch Buckles Woodcock  
14 train an elephant?

15 A. No. I watched him rehearse many times  
16 but not train an elephant.

17 Q. And after you did not renew his  
18 contract in November of 1994, did you ever hire  
19 Mr. Woodcock again to work for Feld Entertainment?

20 A. Not after his contract was up. No.

21 Q. So that was the last time he worked  
22 for Feld Entertainment was in 1994?

1 A. If that's when the contract was up. I  
2 don't know. It may have been at the end of there,  
3 it may have been '95, I'm not sure. I said at the  
4 end of term of that, so I don't recall --

5 Q. I see?

6 A. -- when it was.

7 Q. Okay. So the earliest his contract  
8 would not have been renewed you said was the end  
9 of the season for 1994; is that correct?

10 A. Correct.

11 Q. But it might have been after that that  
12 his contract was up?

13 A. Yeah. I don't recall the terms of his  
14 contract.

15 Q. So he might have stayed at the circus  
16 for another year and a half after this incident;  
17 is that correct?

18 A. It may have been through the end of  
19 the entire tour. Yes.

20 Q. So the use of a hot shot was not a  
21 grounds for immediately firing Mr. Woodcock; is  
22 that correct?

1 hook or the guide, it's a cueing device. It will  
2 hit a -- there will be a place where the elephant  
3 is prodded and it could be I guess on its hip, the  
4 back of the leg and the elephant would move or if  
5 you say lift to the elephant and at the same time  
6 you either have your hand under the foot or the  
7 guide and the elephant will lift its foot.

8 Q. And again, as I understand what you're  
9 saying, that could be a form of negative  
10 reinforcement; is that correct?

11 A. I think it's a form of training.  
12 Maybe it shouldn't be called negative  
13 reinforcement.

14 Q. Well, it's not positive reinforcement,  
15 right? The example that you just gave?

16 MR. SIMPSON: Object to the form of the  
17 question.

18 A. Right. It's a way -- it's a training  
19 method is what it is. Yes.

20 BY MS. MEYER:

21 Q. So Ringling Brothers elephant handlers  
22 do use negative reinforcement to train elephants;

1 is that correct?

2 MR. SIMPSON: Object to the form of the  
3 question. Object to the form. We've been over  
4 this. Go ahead.

5 A. I explained what I thought my thoughts  
6 on it were, so I don't know what the terminology  
7 is that they use that is the training method, they  
8 use guides to work with and train the elephants  
9 and cue them on different behaviors.

10 BY MS. MEYER:

11 Q. And as far as you know, do the  
12 Ringling Brothers elephant handlers use negative  
13 reinforcement to discipline elephants for behaving  
14 in a way that is not desired by the handler?

15 MR. SIMPSON: Object to the form.

16 A. Why don't you explain that to me.

17 BY MS. MEYER:

18 Q. Well, I think we talked earlier  
19 about -- I think you agreed that elephants are  
20 sometimes disciplined by elephant handlers at  
21 Ringling Brothers; is that correct?

22 MR. SIMPSON: Object to the form. The



1 record will show what he said.

2 BY MS. MEYER:

3 Q. Let me ask you that question. Do you  
4 agree that elephants are sometimes disciplined by  
5 elephant handlers at Ringling Brothers?

6 A. Yes.

7 Q. So what was I was asking you was  
8 negative reinforcement is used as a disciplinary  
9 tool by the Ringling Brothers handlers; is that  
10 correct?

11 MR. SIMPSON: Object to the form of the  
12 question.

13 A. What definition of negative  
14 reinforcement are we going to use?

15 BY MS. MEYER:

16 Q. Who is Joan Galvin?

17 A. Joan Galvin was formally with the  
18 company and I believe she was vice president of  
19 government relations.

20 Q. How long was she with the company?

21 A. I don't know.

22 Q. You don't know?