



1            APPEARANCES:

2            On behalf of the Plaintiffs:

3                      KATHERINE A. MEYER, ESQ.

4                      KIMBERLY D. OCKENE, ESQ.

5                      TANYA M. SANERIB, ESQ.

6                      Meyer, Glitzenstein & Crystal

7                      1601 Connecticut Avenue, Northwest

8                      Suite 700

9                      Washington, D.C. 20009-1056

10                      (202) 588-5206

11            On behalf of the Defendants:

12                      LISA ZEILER JOINER, ESQ.

13                      MICHELLE C. PARDO, ESQ.

14                      JULIE ALEXA STRAUSS, ESQ.

15                      Fulbright & Jaworski, L.L.P.

16                      801 Pennsylvania Avenue, N.W.

17                      Washington, D.C. 20004-2623

18                      (202) 662-0200

19            ALSO PRESENT:

20                      CONWAY BARKER, Videographer

21

22

Gary Jacobson                      CONFIDENTIAL                      October 24, 2007  
Washington, DC

Page 20

1                      Q.     In where?

2                      A.     Ocala, Florida.

3                      Q.     Okay.    So was the plan, as I understand it,  
4                      to get some African elephants from Mr. Jones and  
5                      exchange those elephants for Joyce?

6                      A.     I told you I cannot remember for sure if we  
7                      were talking about some that were coming in because  
8                      several people were importing at that time, or if we  
9                      were going to acquire some from Arthur Jones.

10                     Q.     Okay.    And, Mr. Jacobson, where do you work?

11                     A.     The CEC.

12                     Q.     And the CEC is the Center for Elephant  
13                     Conservation?

14                     A.     Yes.

15                     Q.     And that's owned by Feld Entertainment?

16                     A.     Yes.

17                     Q.     And what are your duties there?

18                     A.     I'm the general manager.

19                     Q.     Do you have any other titles besides general  
20                     manager?

21                     A.     Not really.

22                     Q.     I think I saw on a document somewhere that

Gary Jacobson                      CONFIDENTIAL                      October 24, 2007  
Washington, DC

Page 21

1        you're also the director of training; is that correct?

2            A.     Yeah.    That was an old card.

3            Q.     Excuse me?

4            A.     That was on old business card.

5            Q.     But that's not a title that you currently use  
6        -- director of training?

7            A.     Not anywhere.

8            Q.     Okay.    Just the general manager?

9            A.     Right.

10          Q.     And how long have you been the general  
11        manager?

12          A.     I think it was January 2007 or February.

13          Q.     January 2007 is when you --

14          A.     I mean 2001 -- 2000.    I'm sorry.    Seven  
15        years.

16          Q.     January 2000 is when you became the general  
17        manager of the CEC?

18          A.     Uh-huh.

19          Q.     And did you work at the CEC before you became  
20        the general manager?

21          A.     Yes.

22          Q.     When did you start at the CEC?

Gary Jacobson                      CONFIDENTIAL                      October 24, 2007  
Washington, DC

Page 23

1            A.    I oversee the current management of the  
2 elephants.

3            Q.    Anything else?

4            A.    That pretty well describes it all.

5            Q.    Okay. Do you supervise other employees of  
6 the CEC?

7            A.    Yes.

8            Q.    Who do you supervise?

9            A.    All of them.

10           Q.    Okay. Can you tell me the names of the  
11 individuals and what they do? How many employees are  
12 there at the CEC?

13           A.    I believe at the present time there are 14  
14 counting myself.

15           Q.    Could you name the employees and tell me what  
16 each employee's basic responsibilities are?

17           A.    Sure. Jim Williams.

18           Q.    Okay. And his responsibilities?

19           A.    He is sort of my right-hand man.

20           Q.    All right.

21           A.    And then there would be Pat Harned.

22           Q.    Pat Harned?

Gary Jacobson                      CONFIDENTIAL                      October 24, 2007  
Washington, DC

Page 30

1                      Q.     Angelica?

2                      A.     Yes.

3                      Q.     Doc?

4                      A.     Yes.

5                      Q.     Kelly Anne?

6                      A.     Yes.

7                      Q.     Shirley?

8                      A.     Yes.

9                      Q.     Bonnie?

10                     A.     Yes.

11                     Q.     Romeo?

12                     A.     Yes.

13                     Q.     Juliet?

14                     A.     Yes.

15                     Q.     Are there any others that I haven't named  
16                     that you consider to be young elephants?

17                     A.     You read those pretty fast. I think that was  
18                     all of them, wasn't it? I think that was all of them.

19                     Q.     You probably know them better than I do.  
20                     That's my list. That's my list of the elephants that  
21                     were born at the CEC.

22                     A.     Yes.

1 A. Colonel Woodcock.

2 Q. Okay. But I am confused because you said  
3 that you learned how to train elephants under Buckles  
4 Woodcock.

5 A. Uh-huh.

6 Q. So how did you learn how to train them if you  
7 only had one elephant?

8 A. He was working with two young elephants on  
9 the show on Carson and Barns.

10 Q. Oh, I see. Okay. Which elephants were  
11 those?

12 A. Bunny and Betty.

13 Q. Bunny and Betty?

14 A. Uh-huh.

15 Q. Okay, and were they young elephants?

16 A. Three or four.

17 Q. Both were three or four years old. And I  
18 assume they are both females?

19 A. Yes.

20 Q. So these were elephants that were owned by  
21 Carson and Barns?

22 A. Yes.

1 Q. And Mr. Woodcock was hired to come and train

2 them?

3 A. They were partially trained.

4 Q. Who were they partially trained by?

5 A. I do not have a clue.

6 Q. But Mr. Woodcock was hired to come in and

7 further train them?

8 A. Yes.

9 Q. And is that how you learned initially to

10 train young elephants under Mr. Woodcock when he was

11 training Bunny and Betty?

12 A. No. It was the start of it.

13 Q. That was the start of it, okay. And did you

14 receive your training from anyone else besides

15 Mr. Woodcock?

16 A. Robert Smokey Jones.

17 Q. Okay. And when did you train under Robert  
18 Smokey Jones?

19 A. I didn't actually work for him. I just kind  
20 of helped him.

21 Q. And when was that?

22 A. 1982.



1 A. No.

2 Q. Is there a difference between training an  
3 elephant and breaking an elephant?

4 A. "Breaking" is a horse term that came out of  
5 the Wild West.

6 Q. What does that mean?

7 A. Well, in the old days they would drag a horse  
8 and throw a saddle on it and ride it until it stopped  
9 bucking. And they kind of compared that with  
10 elephants, but it was nowhere near like that.

11 Q. When someone says someone "breaks" an  
12 elephant, what do they mean by that?

13 A. I don't have a clue.

14 Q. You have never heard that term before?

15 A. I have heard the term, but it doesn't fit.  
16 It doesn't correlate.

17 Q. So you would say there is a difference, then,  
18 between training an elephant and breaking an elephant?

19 A. I don't know what breaking an elephant is  
20 unless you are talking about what they do in Asia.

21 Q. What do they do in Asia?

22 A. I don't know. I have never seen one trained

1 in Asia.

2 Q. Well, why did you say that?

3 A. Because I have heard stories of them training  
4 one in 30 days. I don't know.

5 Q. How long does it take to train a young  
6 elephant?

7 A. Forever.

8 Q. How long does it take to train a young  
9 elephant to do the basic -- respond to the basic  
10 commands?

11 A. It depends on the elephant.

12 Q. What's the last elephant that you trained?

13 A. PT.

14 Q. And how long did it take to train him?

15 A. Well over a year.

16 Q. Is there a difference between training an  
17 elephant and disciplining an elephant?

18 A. Pardon?

19 Q. Is there a difference between training an  
20 elephant and disciplining an elephant?

21 A. Certainly.

22 Q. Okay. Have you ever heard of anyone

1 disciplining an elephant?

2 A. Yes.

3 Q. Have you ever disciplined an elephant?

4 A. Yes.

5 Q. Is there a particular way that an elephant is  
6 disciplined?

7 A. If I understand your question, I could write  
8 a book if I understand your question.

9 Q. I am just wondering if there is some kind of  
10 industry standard for disciplining an elephant?

11 A. I would think that would be listed in the  
12 Elephant Managers Association, a book that we worked  
13 long and hard on to put together.

14 Q. Did you ever learn how to discipline an  
15 elephant from Buckles Woodcock or Smokey Jones?

16 A. I have a problem with the word "discipline."  
17 You are making it out to be something that I am not  
18 sure I understand.

19 Q. Okay. Well, you said you have disciplined an  
20 elephant. So what did you mean by that?

21 A. I meant correcting.

22 Q. Correcting. What does that mean when you say

1 "correcting"? What do you mean by that?

2 A. Simply to get them to comply with your  
3 wishes.

4 Q. And is there a particular way that you do  
5 that?

6 A. Well, you can scold them. You can invite  
7 them to stop what they are doing. You could tie them  
8 up.

9 Q. Anything else?

10 A. I would think I would have to need a little  
11 more to go on before I could answer that question.

12 Q. Okay. Mr. Vargus, do you know Alex Vargus?

13 A. Yes, I know him.

14 Q. Have you ever worked with him?

15 A. Very little.

16 Q. You know who he is?

17 A. Yes.

18 Q. Where does he work?

19 A. The Red Unit.

20 Q. Do you know what his job on the Red Unit is?

21 A. Yes.

22 Q. What is it?

1 Q. I am just trying to find out what methods you

2 would use to correct an elephant?

3 A. All that would probably depend on what they

4 have done.

5 Q. Would you ever use a bull hook to correct an  
6 elephant?

7 A. I carry a bull hook.

8 Q. Would you ever use one to correct an  
9 elephant?

10 A. Yes.

11 Q. How would you use it to correct an elephant?

12 A. It depends on what they are doing.

13 Q. What if they were not doing what you wanted  
14 them to do?

15 A. Normally, you can just pull them to you, and  
16 they will stop.

17 Q. Pull them how?

18 A. Like this.

19 Q. With your hand?

20 A. No.

21 Q. Pull them how?

22 A. With the hook.

Gary Jacobson                      CONFIDENTIAL                      October 24, 2007  
Washington, DC

Page 105

1            Q.    With the hook at the end of the bull hook?

2            A.    Uh-huh.

3            Q.    You would use the hook to grab the elephant  
4 by its skin and pull it towards you?

5            A.    Yes.

6            Q.    And if that didn't work and the elephant  
7 still was not doing what you wanted it to do?

8            A.    That would work.

9            Q.    That would always work. Have you ever had to  
10 hit an elephant with a bull hook to correct it?

11           A.    Yes.

12           Q.    When is the last time you had to do that?

13           A.    Probably six months ago.

14           Q.    Which elephant was it? Which elephant?

15           A.    Smokey.

16           Q.    Smokey?

17           A.    Uh-huh.

18           Q.    You own Smokey; don't you?

19           A.    Yes.

20           Q.    How long have you owned Smokey?

21           A.    Since '92 or '93.

22           Q.    How did you come to own Smokey?

1 Q. Are you in charge of deciding what they are  
2 fed?

3 A. There is a group of people that have made up  
4 their diets.

5 Q. But, I mean, are you ultimately responsible  
6 for the diet that the elephants are fed at the CEC?

7 A. Myself and the veterinarians and other people  
8 have taken into consideration.

9 Q. But you are aware of what the diet consists  
10 of--

11 A. Yes, I am aware of it, yes.

12 Q. Let me ask the question so the court reporter  
13 can get both the question and the answer. Are you  
14 aware of what the elephants are fed at the CEC?

15 A. Yes.

16 Q. And what do they eat?

17 A. They eat hay, normally oat hay, or a triple  
18 grain hay made of oats, barley, and wheat. They also  
19 get bread, corn, apples, and carrots.

20 Q. Anything else?

21 A. They get fresh cut grass and banana leaves,  
22 sometimes banana plants and also an African cane grass

1 that we grow for them.

2 Q. Is the African cane grass also freshly cut  
3 for them?

4 A. Yes.

5 Q. And where does the other freshly cut grass  
6 that you mentioned come from?

7 A. We have hay on the property called Argentine  
8 bahia. And we chop that with a chopper. It's blown  
9 into a wagon and then doled out to the elephants.

10 Q. Okay. In addition to this diet, do the  
11 elephants spend part of their day grazing at the CEC?

12 A. There are outside pastures.

13 Q. And do they graze?

14 A. Yes.

15 Q. So they eat whatever grass is in the outside  
16 pasture?

17 A. Yes.

18 Q. And what species of grass?

19 A. Mainly it's Argentine bahia.

20 Q. That's what you grow at the CEC?

21 A. That's what grows in most of the pastures in  
22 Florida.



1 Q. And how much time do the elephants spend per

2 day grazing?

3 A. The ones that go outside, from about 7 to 3.

4 Q. And which ones go outside?

5 A. You want the names?

6 Q. Yes.

7 A. Okay. Ready?

8 Q. Yes.

9 A. Icky, Alana, Mala, Joskey, Sally, Louis.

10 Q. Lilly?

11 A. Louis.

12 Q. Louis.

13 A. Sid. And Toba, Litsy, Susan, Mysor, Zyna,

14 Jewel. And sometimes the young elephants when they are

15 with their mothers go out.

16 Q. How often is that?

17 A. Normally it is every day when we have cows

18 that have calves nursing with them.

19 Q. I am sorry?

20 A. It's Normally every day that we have cows

21 with calves out there. If the calves are with their

22 mothers, they go out there and feed with them.

Gary Jacobson                      CONFIDENTIAL                      October 24, 2007  
Washington, DC

Page 154

1            Q.    When you say if the calves are with their  
2 mothers, you mean if they are nursing. Is that what  
3 you mean?

4            A.    Right.

5            Q.    But if they are not nursing, they wouldn't be  
6 outside with their mothers?

7            A.    No.

8            Q.    And you said before -- I think you said  
9 before that the male elephants are never chained at the  
10 CEC; is that correct?

11           A.    The adult males.

12           Q.    The adult males.

13           A.    The ones that are not handled.

14           Q.    I see. Are the younger males chained at all  
15 during the day?

16           A.    Yes.

17           Q.    How long are they chained for?

18           A.    They get turned outside about seven and come  
19 in about three.

20           Q.    And the rest of the time they are in chains?

21           A.    Yes.

22           Q.    And how are they chained?

Gary Jacobson                      CONFIDENTIAL                      October 24, 2007  
Washington, DC

Page 157

1            Q.    All right. Who else? And is that -- in the  
2 main barn, is there a concrete floor as well?

3            A.    Yes.

4            Q.    Who else?

5            A.    And the other males are all loose.

6            Q.    Loose?

7            A.    In the yards or in the barn -- in the male  
8 barns.

9            Q.    These are the -- The other males you are  
10 talking about now are the males that are not handled?

11          A.    Right, that are not handled, correct.

12          Q.    And Does Smokey get to go outside, too?

13          A.    In the yards, yes.

14          Q.    He does, because I don't think he was on your  
15 list.

16          A.    He doesn't go on the grass yards.

17          Q.    Oh. Where does Smokey get to go?

18          A.    In the other yards.

19          Q.    They are not grass yards, though?

20          A.    No.

21          Q.    What kind of substrate?

22          A.    Sand.

1 Q. Sand. Why is Smokey treated differently?

2 A. Than what?

3 Q. Than the other elephants who get to go out on  
4 the grass?

5 A. None of the males go out on the grass.

6 Q. Oh, none of the males go out on the grass?

7 A. Except when they are young.

8 Q. And why is that?

9 A. Because they will probably tear the yard down  
10 and go out of the yard.

11 Q. What about at nighttime? Are the male  
12 elephants chained during the night?

13 A. Which males?

14 Q. The young elephants.

15 A. Yes.

16 Q. Yes. Okay. And what about the older  
17 elephants?

18 A. The older males?

19 Q. Yes.

20 A. They are out in the yards loose.

21 Q. They sleep out there?

22 A. Yes.

Gary Jacobson                      CONFIDENTIAL                      October 24, 2007  
Washington, DC

Page 162

1                      Q.     And she is in her own stall?

2                      A.     Yes.

3                      Q.     And is there a concrete substrate?

4                      A.     Yes.

5                      Q.     And is she on chains?

6                      A.     Yes.

7                      Q.     Front and back?

8                      A.     Yes.

9                      Q.     And is she also chained throughout the night?

10                     A.     Yes.

11                     Q.     In the same area?

12                     A.     Uh-huh.

13                     Q.     Why is Emma only allowed out for an hour and

14                     a half?

15                     A.     Because she baby-sits Shirley and her calf.

16                     Q.     Who is Shirley's calf?

17                     A.     Mabel.

18                     Q.     Does that mean Shirley's calf and Shirley are

19                     also in the same place as Emma-- at the same place as

20                     Emma?

21                     A.     Yes -- not in the same place; next to.

22                     Q.     Is there some kind of --

Gary Jacobson                      CONFIDENTIAL                      October 24, 2007  
Washington, DC

Page 163

1            A.    Partition.

2            Q.    -- partition between them?

3            A.    Uh-huh.

4            Q.    What kind of partition is it?

5            A.    Pipes.

6            Q.    Can they actually interact with each other?

7            A.    Yes.

8            Q.    And how do they do that?

9            A.    Reach in through the pipes.

10           Q.    With their trunks?

11           A.    Yes.

12           Q.    Is there any other way that they can interact  
13 with each other? I mean, is it just with their trunks?

14           A.    Well, they can stick their legs through there  
15 if they want to.

16           Q.    But you said Emma was on chains.

17           A.    That doesn't make any difference. They can  
18 still stick their legs through there.

19           Q.    Oh, okay. And is -- are Shirley and her baby  
20 also on chains?

21           A.    Shirley is.

22           Q.    I am sorry?

Gary Jacobson                      CONFIDENTIAL                      October 24, 2007  
Washington, DC

Page 164

1                      A.     Shirley is.

2                      Q.     Shirley is. But Mabel is not?

3                      A.     No.

4                      Q.     And is the stall that they are in, does it  
5 also have a concrete substrate?

6                      A.     Yes.

7                      Q.     And how long is Shirley on chains?

8                      A.     Most of the day, except when she is outside  
9 with her calf.

10                     Q.     How many hours a day does she spent outside?

11                     A.     Probably about an hour and a half.

12                     Q.     Is she, is Shirley also chained during the  
13 night?

14                     A.     Yes.

15                     Q.     And does the calf stay with her during the  
16 night?

17                     A.     Absolutely.

18                     Q.     Is there a place to swim at the CEC for the  
19 elephants?

20                     A.     No, no.

21                     Q.     So the elephants don't do any swimming there?

22                     A.     No.

Gary Jacobson                      CONFIDENTIAL                      October 24, 2007  
Washington, DC

Page 172

1            Q.    And did you have to correct him, then, too?

2            A.    No.

3            Q.    No. Why did you decide to correct him the  
4 time that you described?

5            A.    He has TB. I have to treat him.

6            Q.    Where did you hit him when you hit him?

7            A.    Uhm?

8            Q.    Where did you hit him? On what part of his  
9 body? Did you --

10           A.    On the side of his leg.

11           Q.    Which leg?

12           A.    Left.

13           Q.    And did he -- after you corrected him, did he  
14 take the medicine again?

15           A.    Yes.

16           Q.    And did not spit it out?

17           A.    Did not spit it out.

18           Q.    Okay. So was that a successful use of the  
19 bull hook?

20           A.    Probably, yes.

21           Q.    Now, you said you used the bull hook -- and I  
22 think you may have testified about this before. You



1 said you use the bull hook sometimes to bring an

2 elephant to you.

3 A. Yes.

4 Q. Do you use the hooked end of the bull hook to

5 do that?

6 A. Yes.

7 Q. And so do you actually hook the bull hook

8 into the skin of the elephant and pull the elephant

9 toward you?

10 A. Normally, you are saying come here and then

11 you move the hook.

12 Q. But does the hook have physical contact with

13 the elephant when you are doing that?

14 A. Sometimes.

15 Q. And elephants have sensitive skin, don't

16 they?

17 A. Yes.

18 Q. Does that cause any discomfort to the

19 elephant when you do that?

20 A. You would have to define discomfort.

21 Q. Do you think the elephant feels that bull

22 hook on its skin when you use the bull hook in that

1 way?

2 A. Yes, about like a fly bite.

3 Q. A fly bite?

4 A. Yeah.

5 Q. But it is enough of an impact on the elephant  
6 that it makes it do what you want it to do, though,  
7 right?

8 A. Yes.

9 Q. And how much do these adult elephants weigh  
10 at the CEC approximately?

11 A. Smokey weighs 14,000 pounds.

12 Q. And how much does Alana weigh?

13 A. Alana weighs -- it's right around 9,000, I  
14 believe.

15 Q. Do you use the bull hook -- I'm sorry. You  
16 said you also use the bull hook to make the elephant  
17 get over. What do you mean by that?

18 A. To move them away from you.

19 Q. To move them away from --

20 A. Right. Away from me.

21 Q. When would you want to make them get over?

22 A. If they are not in the right position.

1 Q. How would you use the bull hook to make an  
2 elephant get over?

3 A. Touch them with it.

4 Q. Which end would you use to touch them?

5 A. The end with the hook on it.

6 Q. Okay. And where on their body would you  
7 touch them to make them get over?

8 A. That would depend on what part of their body  
9 you wanted them to get over.

10 Q. And would you use like a pushing motion when  
11 you do that?

12 A. No. They just touch them.

13 Q. Well, how do they know just touching them--  
14 how do they know what that means?

15 A. Because normally we have told them two or  
16 three times before to get over.

17 Q. But how do they know just touching them with  
18 the bull hook that that's what that means?

19 A. Because you are telling them to get over.

20 Q. If you touch them with a candy cane, would  
21 they know that that meant to get over?

22 A. Most of the time they would probably get

Gary Jacobson                      CONFIDENTIAL                      October 24, 2007  
Washington, DC

Page 198

1                      Q.     Have you ever seen one?

2                      A.     Yes.

3                      Q.     When have you seen one?

4                      A.     Almost every day for 35 years.

5                      Q.     Where?

6                      A.     Everywhere.

7                      Q.     You see them everywhere every day for 35

8     years? You see them at the CEC?

9                      A.     Yes.

10                     Q.     Oh. What are they used for at the CEC?

11                     A.     To make sure the males don't jump on me when  
12     I am collecting semen.

13                     Q.     Oh, you use them on the male elephants?

14                     A.     No, We do not use them on the males. We have  
15     them for safety only.

16                     Q.     I don't know what that means. Can you  
17     explain that to me?

18                     A.     Certainly. When I am on my knees under the  
19     males collecting semen, there's a hot shot nearby in  
20     case it tries to jump on me or grab me or kick me  
21     around or I should have a heart attack and fall  
22     underneath it or something.

Gary Jacobson                      CONFIDENTIAL                      October 24, 2007  
Washington, DC

Page 199

1            Q.    I see. Have you ever had to use a hot shot  
2 on an elephant?

3            A.    Yes.

4            Q.    When was that?

5            A.    Whoo -- the last time. I guess collecting  
6 semen.

7            Q.    When was that?

8            A.    A month ago.

9            Q.    Okay. Which elephant?

10           A.    Raja.

11           Q.    And when was the -- before that when was the  
12 last time you had to use a hot shot on an elephant?

13           A.    A year ago last November.

14           Q.    Which elephant?

15           A.    It was loading Casey.

16           Q.    To go to the Forth Worth Zoo?

17           A.    Uh-huh.

18           Q.    Why did you have to use a hot shot?

19           A.    So he would get up in the truck.

20           Q.    Because he didn't want to get up in the  
21 truck?

22           A.    Well, I don't know if it's a matter of him

1 not wanting to get up in the truck.

2 Q. He wasn't getting up in the truck?

3 A. He did not get up in the truck.

4 Q. Okay. And--

5 A. Rather than drug them.

6 Q. Okay. Can you recall any other times you  
7 have used a hot shot on an elephant?

8 A. Occasionally with a male when we collect  
9 them.

10 Q. When you collect semen? Collect the males?

11 A. Yes.

12 Q. Oh, okay. What do you mean by that --  
13 correct them for what purpose?

14 A. Occasionally when you collect semen.

15 Q. Oh. Did you mean anything else other than  
16 collect semen --

17 A. No.

18 Q. -- when you said that?

19 A. No. Collect is to collect semen.

20 Q. Okay. And have you ever seen anyone else who  
21 works for Feld Entertainment use a hot shot on an  
22 elephant?

Gary Jacobson                      CONFIDENTIAL                      October 24, 2007  
Washington, DC

Page 201

1            A.     No.

2            Q.     So as far as you know, you are the only one  
3 who has ever used a hot shot with an elephant at Feld  
4 Entertainment?

5            A.     We have a policy against using them.

6            Q.     Oh, you do.

7            A.     Yes.

8            Q.     Feld Entertainment has a policy against using  
9 hot shots on elephants?

10           A.     Yes.

11           Q.     Okay. But no policy on whips?

12           A.     I do not know about the whips.

13           Q.     Okay. But you do know about the hot shot  
14 policy?

15           A.     Yes.

16           Q.     And are the uses that you have described here  
17 today exempted from the policy?

18           A.     I don't know. I have never talk to anybody  
19 about it.

20           Q.     Okay. But, I mean, are you violating the  
21 policy when you use a hot shot?

22           A.     I do not know. All I know is I am not

1 violating personal safety of me and people. So --

2 Q. Okay. Do you own a hot shot?

3 A. Yes.

4 Q. Just one?

5 A. Yes.

6 Q. Are there any other hot shots at the CEC

7 other than the one that you have?

8 A. Yes.

9 Q. How many?

10 A. Two.

11 Q. Who else has one?

12 A. Nobody.

13 Q. Where are the other two?

14 A. Well, wherever we are with the male  
15 elephants.

16 Q. Okay. So do the other elephant handlers who  
17 handle the male elephants know how to use a hot shot?

18 A. They don't handle the males. They are hands  
19 off.

20 Q. Okay. Well, what is the purpose of having a  
21 shot hot near the male elephants?

22 A. When they are in the chutes.



Gary Jacobson                      CONFIDENTIAL                      October 24, 2007  
Washington, DC

Page 207

1        that they can perform in the circus?

2            A.    I don't know. I used to deal with them when  
3        they were about a year old, but it's kind of shifted to  
4        about two now due to herpes.

5            Q.    Oh. Now, why is that?

6            A.    Because the elephants that acquire herpes,  
7        most of them pick it up when they are 16 to 22 months  
8        old.

9            Q.    And how do they get that?

10          A.    It is a virus.

11          Q.    Do they get it from another elephant?

12          A.    They can. Nobody really knows.

13          Q.    So I am going to give you a command, and I  
14        want to you to, if you can, tell me how you teach an  
15        elephant to respond to the command, okay?

16                      All right.

17          A.    It sounds like a good game show.

18          Q.    And tell me if it is not a command, also.

19        I mean, This is based on what I have been able to piece  
20        together. So if you say to an elephant trunk, is that  
21        a command?

22          A.    Uh-huh.

1 Q. What does that mean?

2 A. It means hold your nose up.

3 Q. And how do you teach an elephant to do that?

4 A. With food.

5 Q. With food?

6 A. Uh-huh.

7 Q. Is there any other way to teach an elephant  
8 to do that?

9 A. Well, there's always other ways of doing  
10 anything. But food is the easiest. You put the food  
11 in the little elephant's trunk and hold its trunk up.

12 Q. Okay. And once it is taught the command, you  
13 don't need the food anymore, right?

14 A. No, you don't.

15 Q. And would a bull hook ever be used as a way  
16 of teaching an elephant to put its trunk up in response  
17 to that command?

18 A. You can, but it is easier just to put a piece  
19 of food in its trunk, pull its trunk up and stuff a  
20 piece of food in its mouth. Repetition. They go for  
21 it pretty quick.

22 Q. Okay. But if the bull hook were being used,

1 how would it be used?

2 A. You touch them under the trunk.

3 Q. Under the trunk?

4 A. Right. But you still have to hold the trunk

5 up.

6 Q. I'm sorry. I can't hear you?

7 A. You still have to hold the trunk up.

8 Q. Okay. You hold the trunk up with your

9 hand --

10 A. Right.

11 Q. -- while you are using the bull hook to put  
12 some pressure under its trunk?

13 A. Just touch them is all, yeah.

14 Q. Just touch them?

15 A. Uh-huh.

16 Q. Well, it has to be enough pressure to make  
17 them know what you want them to do with the trunk,  
18 doesn't it?

19 A. I doesn't take much. If you can do it  
20 without one, it wouldn't take much with one.

21 Q. Okay. What about the command "foot." Is  
22 that a command?

1 A. Yes.

2 Q. Foot?

3 A. Foot.

4 Q. How do you teach an elephant to raise --

5 describe what that means when you say foot to an

6 elephant? What is an elephant supposed to do?

7 A. Dance for them.

8 Q. And how do you teach an elephant to do that?

9 A. Initially?

10 Q. Sure.

11 A. Initially, you just touch them on the back of  
12 their foot.

13 Q. With a bull hook?

14 A. You can touch them with a bull hook. You can  
15 touch them with a stick. You can touch them with  
16 anything. You can touch them with your fingers.  
17 Tickle them with your fingers and they will pull their  
18 foot away.

19 Q. And how do you do it when you do it?

20 A. Any -- any and all of those. You just touch  
21 them to get a reaction-- front and back feet. You are  
22 not going for this. You just want them to move their

1 foot.

2 Q. Okay. What about the command "steady"? Is  
3 that a command?

4 A. Yes.

5 Q. And what does that mean?

6 A. It means to hold still or hold what you are  
7 doing, stop.

8 Q. And how do you teach an elephant to be still?

9 A. Repetition.

10 Q. But how does it know that that's what that  
11 word means?

12 A. Say you teach the little elephant to pick its  
13 foot up. Once it reaches the point where you want the  
14 foot, you say steady. And if it starts to move the  
15 foot down, then you touch the foot and tell it lift.  
16 They will move it back up and then you say steady.  
17 Then you take the steady part from the other things  
18 that you teach it to do, the other commands. And that  
19 eventually all gels into the elephant standing there.

20 In Asia they take those big males and they  
21 take a 10-foot stick and they rest it against the  
22 male's side. And then the male will stand there. I

1 have seen them stand there for eight hours and not move  
2 so the stick wouldn't fall down. It's relatively  
3 simple -- all of this stuff. Everybody assumes that it  
4 is a horror show. It's pretty easy.

5 Q. When you say you teach them to stand still in  
6 response to steady --

7 A. Yes.

8 Q. You said by -- I thought you said by touching  
9 them. Touching them with what?

10 A. If they learn how to hold up all four of  
11 their feet one at a time, you know? They learn how to  
12 pick their feet up. They learn how to get up on a tub,  
13 when you tell them steady, and they stand still on the  
14 tub. You can lead them up to the same spot without the  
15 tub after some repetition and some time, And they know  
16 to stand still when they get to that point.

17 It all -- the steady thing doesn't come  
18 overnight. It is something that takes some time. But  
19 all of it assimilates to the one thing; that's the fact  
20 that they should hold still.

21 Q. Okay. Is a bull hook used to teach them what  
22 steady means?

1 A. Not really, no.

2 Q. Not really. But are you--

3 A. Well, it's all -- As I have just explained,

4 it's all the accumulation of them holding still on the

5 little parts till the whole just stands there.

6 Q. But even on the-- is the bull hook used at

7 all to teach them to stand still for the little parts

8 of the bigger picture?

9 A. Yes. You touch them with it, right.

10 Q. You touch them with the bull hook?

11 A. Right.

12 Q. Okay. All right. What about the command

13 mouth?

14 A. I have never used that.

15 Q. Okay. You never heard of that one, okay. I

16 made that one up, I guess. Is there a command "back"?

17 A. Back, yes.

18 Q. What does that mean?

19 A. Exactly as it sounds. You have the elephant

20 trunk up and you hold its trunk. And you walk into it

21 and push it back and they go back.

22 Q. Push it back with a bull hook?

1 A. Not necessarily. I just push them back like  
2 this.

3 Q. When you say not necessarily, sometimes a  
4 bull hook is used?

5 A. You can use one, but you don't necessarily  
6 have to.

7 Q. Okay. And have you ever used a bull hook to  
8 train an elephant to back up in response to the command  
9 back?

10 A. It depends on the elephant, yes.

11 Q. Okay.

12 A. You just hold the trunk, touch them on the  
13 face -- same thing. They go backwards.

14 Q. What about the command "move up"? Is that a  
15 command?

16 A. Yes.

17 Q. That's an important command, isn't it?

18 A. That's a big one.

19 Q. Okay. What does it mean?

20 A. It means move up, go forward.

21 Q. And how do you teach an elephant to move up?

22 A. It depends on the elephant.



1                      Q.      Generally speaking, how do you teach an  
2 elephant to move up?

3                      A.      Generally speaking, I put ropes on them.

4                      Q.      Okay.

5                      A.      I have men on ropes.    When they pull on the  
6 ropes the elephant goes with me.

7                      Q.      I am sorry?

8                      A.      I have ropes on the elephant --

9                      Q.      Right.

10                     A.      -- a couple of guys on the rope and they walk  
11 and I walk.    I hold the little elephant's trunk.

12                     Q.      Ropes on all four legs?

13                     A.      Sometimes on all four, but sometimes just one  
14 in front and one in back.    Depends.

15                     Q.      And the handlers holding the ropes pull the  
16 elephant forward?

17                     A.      Right.    Yes.

18                     Q.      As you are saying move up?

19                     A.      Yes.

20                     Q.      And why does the elephant learn to do that  
21 without the ropes eventually?

22                     A.      Because it is trained to move up.    And you

1 hold its trunk, too. And it will go right along.

2 Q. Is the holding of the trunk uncomfortable for  
3 the elephant?

4 A. No.

5 Q. Is the pulling on the ropes that are tied  
6 around the legs of the elephant uncomfortable for the  
7 elephant?

8 A. No.

9 Q. So it is not that the elephant is learning to  
10 move up on command because it wants to avoid the  
11 discomfort from the ropes?

12 A. They like moving up.

13 Q. They like moving up.

14 A. They like backing up. And also, there's a  
15 woman walking along with them -- my wife -- shoving  
16 food in its mouth.

17 Q. And what about is "stand up" a command?

18 A. Yes.

19 Q. And what does that mean?

20 A. I means they stand on their hind legs.

21 Q. And how do you teach -- and I haven't been  
22 clear about this, so let me ask it for this question.

1 I am talking about how do you teach an elephant who has  
2 never learned that commend before, ever, a brand-new  
3 elephant being trained, how to stand up?

4 A. It's easy.

5 Q. I am sure it is for you. But how do you do  
6 it?

7 A. First you teach them to pick up their front  
8 feet.

9 Q. Okay.

10 A. Okay? And then you teach them how to sit up  
11 on a tub. They sit on the pedestal like I am sitting,  
12 with their feet up. They understand up, all right?  
13 They understand steady. Their feet are up. Then you  
14 take them away from the tub, take them over to a corner  
15 in the pan or a pile of hay in a corner or whatever.  
16 You back them up into that, holding them in the trunk  
17 and tell them up.

18 Q. How do you back them up?

19 A. Hold their trunk and back them up.

20 Q. With your hand?

21 A. Right, right. Right. So they are in a  
22 corner, like over there. Then they rear up and lean

1 back into the corner. You do that for a couple of  
2 weeks, and they are used to being up steadied against  
3 something. You move them four or five feet from the  
4 corner, do it again, and they automatically go up.  
5 There is nothing to it. Simplest thing in the world.

6 Q. Okay, but you can make a 14,000 pound-- I  
7 guess they are little. How much do they weigh when you  
8 are training them?

9 A. Two or 3,000.

10 Q. Okay. You can make a 3,000 pound animal back  
11 up into a corner just by holding its trunk?

12 A. Yes, absolutely.

13 Q. Why would that make the elephant back up?

14 A. Because I have asked him to. He is trained  
15 to back up.

16 Q. How do you train him to back up?

17 A. I already went through that.

18 Q. Oh, okay. That was the --

19 A. They back up really easy. If you see wild  
20 elephants or zoo elephants or circus elephants, they  
21 spend half of their time backing up.

22 Q. Now, did you learn how to teach an elephant

Gary Jacobson                      CONFIDENTIAL                      October 24, 2007  
Washington, DC

Page 219

1        to do these commands from Smokey Jones?

2            A.     Most of it.

3            Q.     The ones that we have gone through?

4            A.     Most of it because it was just -- it was more  
5        scientific.

6            Q.     And did you use the methods that he used as  
7        well for elephants?

8            A.     Smokey?

9            Q.     Yes.

10          A.     Yes.

11          Q.     And what about -- is standing up, as you  
12        described it, by an elephant on its hind legs, a  
13        natural position for an elephant?

14          A.     They climb on one another. They will climb  
15        up into a tree. They will be virtually straight up.  
16        They will stand up on their hind legs and pull fruit  
17        out of a tree, pull limbs down. It is fairly common.

18          Q.     But I am asking whether or not standing up  
19        just on two hind legs with the two front legs in the  
20        air is a natural position for an elephant?

21          A.     Yes. They can walk on their hind legs.

22          Q.     Now, what about is "sit up" a command?

1 for an elephant?

2 A. They do that. They sit up quite a bit almost  
3 like a dog. When they get up a lot of times after they  
4 are sleeping, they will stop and kind of scratch and  
5 sit there, pushed back like this.

6 Q. What about blow? Is that a command?

7 A. Uh-huh.

8 Q. And what does that mean?

9 A. To get them to blow water on somebody. Now,  
10 it is do trunk washes.

11 Q. To do what?

12 A. Trunk washes.

13 Q. How do you get an elephant to blow in  
14 response to that command?

15 A. It is quite simple. They drink water. So  
16 it's the same process every day. Instead of putting  
17 the water in their mouth, you just hold the trunk like  
18 this and they blow it out that way. They will expel  
19 the water.

20 Q. Where do you put the water?

21 A. When they drink, they suck it up in their  
22 trunk.

1 Q. Yes.

2 A. And then you hold their trunk and then they  
3 get tired of it and they expel it. Or you take a large  
4 syringe, put water in their trunk, make them trunk up,  
5 shake it around. And then the first few times, they  
6 just let it run out into the bag. And then after a  
7 while you talk to them and touch their trunk a little  
8 bit and they will blow into the bag, believe me.

9 Q. How does the young elephant react to having a  
10 syringe -- put in its mouth, did you say?

11 A. No, in its nose.

12 Q. Oh, in its trunk?

13 A. Yeah.

14 Q. How does a young elephant react to having a  
15 syringe put in its trunk?

16 A. You don't put the syringe in. You just put  
17 the water in.

18 Q. I thought you said you use a syringe to put  
19 the water in.

20 A. You take a 60 ML syringe and you just squirt  
21 some water in the end of its trunk, like the USDA  
22 requires us to do.

1 Q. Okay.

2 A. And then we hold the trunk up for a few

3 seconds and let it run out in the bag. And after a few

4 days of that, you stimulate the end of their trunk with

5 your finger and they blow the water out. They expel

6 the water out into the bag. It's quite simple.

7 Q. How does the young elephant react to that

8 process?

9 A. It is simple. I mean, they are already

10 learning how to do everything else. It is just one

11 more thing in their day.

12 Q. They don't show any anxiety or --

13 A. No.

14 Q. -- stress in response to having water sprayed

15 into their -- or a syringe into their trunks?

16 A. No. You squirt a little water into their

17 nose. The first few times you use 10 mL's. You don't

18 use 60. It is all a gradual process.

19 Q. Do you have to keep the elephants still to

20 submit them to that process?

21 A. It is nice that they stand still, but it is

22 not mandatory, no.



1 Q. Typically, do you use -- do you chain them at  
2 all for the trunk washes?

3 A. Sometimes you tie them up; sometimes not.

4 Q. When you say -- you tie them up with ropes?

5 A. Yeah.

6 Q. Do you ever use chains?

7 A. Yes.

8 Q. And is this true of the young elephants as  
9 well as as the adult elephants?

10 A. Yes.

11 Q. How long does it take to do a trunk wash?

12 A. To do a trunk wash?

13 Q. Yes.

14 A. Forty seconds. That's from putting on gloves  
15 to spraying it in the elephant's nose, to catching it  
16 in the bag, to pulling it out of the bag with the  
17 syringes, putting it into bottles and taking the gloves  
18 off. Maybe 40 seconds.

19 Q. Who does the trunk washes at the CEC?

20 A. I do and Jim Williams, Trudy Williams, the  
21 vets.

22 Q. Okay. I do want to get back to that. But I

Gary Jacobson                      CONFIDENTIAL                      October 24, 2007  
Washington, DC

Page 240

1            A.    Yes.

2            Q.    -- because of TB?

3            A.    Yes.

4            Q.    How long was the quarantine for?

5            A.    Indefinite.

6            Q.    Is it still in operation?

7            A.    Yes.

8            Q.    When was it imposed?

9            A.    I am not even sure.

10           Q.    You have no idea?

11           A.    It has probably been a year and a half.

12           Q.    And when -- under what circumstances will the  
13 quarantine be lifted?

14           A.    When all of the elephants are treated in  
15 accordance with the guidelines.

16           Q.    Which guidelines?

17           A.    The USDA guidelines.

18           Q.    And what does the quarantine mean for the CEC  
19 elephants?

20           A.    It means that the bulk of them -- the  
21 elephants in the main barn cannot leave.

22           Q.    Cannot leave the CEC or leave the main barn?

1 A. Cannot leave the CEC.

2 Q. And what about the other elephants?

3 A. The males, of course, wouldn't go anywhere  
4 anyway.

5 Q. Older males?

6 A. Right. And there is young elephants that are  
7 housed away from the other elephants.

8 Q. Which young elephants are housed away from  
9 the other elephants?

10 A. Gunther, PT, Rudy, Asha, and Angelica.

11 Q. And where are they housed?

12 A. In separate quarters.

13 Q. Are they all together?

14 A. No.

15 Q. Can you be more specific about where each of  
16 these elephants is housed at the CEC? Let's start with  
17 Gunther.

18 A. All right. He lives at night under a metal  
19 roof on a cement slab.

20 Q. Is he chained?

21 A. Yes.

22 Q. Is he by himself?

Gary Jacobson                      CONFIDENTIAL                      October 24, 2007  
Washington, DC

Page 243

1                      A.     At night, yes.

2                      Q.     How about during the day?

3                      A.     During the day they are loose in the yard.

4                      Q.     I think we may have talked about some of  
5 these before, right?

6                      A.     Yes.

7                      Q.     Are Gunther's parents -- is Gunther's mother  
8 at the CEC?

9                      A.     Yes.

10                     Q.     Who is his mother?

11                     A.     Mawa.

12                     Q.     But Gunther is not kept with Mawa?

13                     A.     No.

14                     Q.     And is PT's mother at the CEC?

15                     A.     Yes.

16                     Q.     Who is his mother?

17                     A.     Joskey.

18                     Q.     And they are not kept together?

19                     A.     Nope.

20                     Q.     And Rudy's mother there?

21                     A.     Yes.

22                     Q.     Who is Rudy's mother?

Gary Jacobson                      CONFIDENTIAL                      October 24, 2007  
Washington, DC

Page 245

1            Q.    When did she test positive for TB?

2            A.    Sometime in the last four or five months, six  
3 months.

4            Q.    Is she the most recently -- is she the  
5 elephant that's most recently tested positive for TB?

6            A.    Yes.

7            Q.    Has Mable been tested for TB?

8            A.    No.

9            Q.    Why not?

10           A.    She is a wild little thing with her mother.

11           Q.    Who is may Mable's mother?

12           A.    Shirley.

13           Q.    She is with Shirley right now?

14           A.    Uh-huh.

15           Q.    Even though Shirley has tested positive for  
16 TB?

17           A.    Yes. She is not weaned.

18           Q.    Is there a risk that Mable will get TB from  
19 Shirley?

20           A.    I am not a medical doctor. I couldn't tell  
21 you.

22           Q.    Have you ever had any discussions with anyone

1 about that?

2 A. Yes.

3 Q. Who have you had discussions with?

4 A. Dr. Schmitt.

5 Q. What were the discussions?

6 A. We can't treat Shirley because of the drugs

7 interacting in the milk with Mable. So Mable is at a

8 critical age for herpes, so.

9 Q. You are totally losing me. I'm sorry. Can  
10 you explain that?

11 A. The drugs will come out through the milk and  
12 possibly hurt the calf. There is more risk in that  
13 than there is of her picking up TB.

14 Q. This is what Dr. Schmitt told you?

15 A. Yes.

16 Q. When did you have this conversation with him?

17 A. Sometime in the last few months.

18 Q. So does that mean Shirley is not being  
19 treated for the TB?

20 A. She is not being treated at this time.

21 Q. And how old is Mable? She was born in April  
22 of 06; is that correct?

Gary Jacobson                      CONFIDENTIAL                      October 24, 2007  
Washington, DC

Page 271

1            Q.    And is that something that's written down  
2            somewhere -- the procedure that's used during the  
3            birthing process?

4            A.    You know, I don't know. It probably is now,  
5            yes.

6            Q.    Have you ever seen any written procedure for  
7            the birthing process.

8            A.    I am not sure if I have. I certainly know it  
9            by heart.

10          Q.    But you may have seen some written  
11          procedures.

12          A.    I may have. I may have, but I am not sure.

13          Q.    Now, at some point a baby is separated from  
14          its mother; is that correct?

15          A.    Yes.

16          Q.    When is it decided what that point is?

17          A.    It depends on the mother and the calf.

18          Q.    What is the purpose of separating the baby  
19          from the mother?

20          A.    So you can manage it. The mothers get pretty  
21          tired of them when they hit about two. They start  
22          kicking them around. The aunties in particular start

1 kicking the calf around. They get tired of the calves  
2 stomping on their tails and abusing them and butting  
3 them all the time. And sometimes you have to separate  
4 the aunt from the mother before they hit two years of  
5 age.

6 Q. You are saying that the reason that Feld  
7 Entertainment separates the babies from the mothers is  
8 to protect the baby?

9 A. Part of that is, yes. Not from that mother,  
10 but you have to protect them from the other ones that  
11 they live with. It is sort of interesting to watch.

12 Q. Well, couldn't you leave the babies with the  
13 mothers and just separate the baby and the mother from  
14 the auntie?

15 A. Sure. But the mother would rather live with  
16 an auntie than it would with a calf.

17 Q. Really?

18 A. They stomp them around pretty good. It's  
19 pretty incredible to watch.

20 Q. When you they say they stomp them around,  
21 what do you mean?

22 A. The cows and the aunties. They kick the



1 daylight's out of these calves when they hit about two  
2 years of age. If they are males, sooner.

3 Q. So you say that's part of the reason for the  
4 separation process is to protect calves from the other  
5 elephants?

6 A. That. And it is time for the calves to start  
7 becoming elephants.

8 Q. What does that mean?

9 A. Well, they end up being trained.

10 Q. So part of the reason you separate the babies  
11 from the mother is so that you can start training them?

12 A. Right. Some you can train with the mothers;  
13 some you can't.

14 Q. Now, when they are separated from the mothers  
15 by you, are you involved in that process?

16 A. Yes.

17 Q. Are you always involved in that process?

18 A. Yes.

19 Q. And when they are separated from the mothers,  
20 are they still nursing at that point?

21 A. Yes.

22 Q. And at what age are they typically separated

1 from the mothers?

2 A. Around two.

3 Q. Because before you were suggesting that  
4 having a baby nurse is good for the baby. And so I am  
5 questioning why you would want to separate a baby who  
6 is still nursing from its mother?

7 A. They will nurse till they are eight feet tall  
8 if their mother will let them. They will get on their  
9 knees and they will lay down under them and nurse.

10 Q. And would they be too old, then, to train?

11 A. It wouldn't be a very healthy situation for  
12 man or beast having something that size around hands  
13 off. It all depends on the elephants and the calf.

14 Q. But, I mean, is part of the reason that you  
15 take them away at the age you take them away from their  
16 mother because they are more easily trained at that  
17 age?

18 A. Yes.

19 Q. Can you describe the process that's used to  
20 separate the babies from the mothers?

21 A. It depends on the mother and the baby.

22 Q. Is there a normal process that you typically

1 use?

2 A. I've changed the process time and time again

3 since I have been there.

4 Q. Okay. When is the last time that you did the  
5 separation process?

6 A. Six months ago.

7 Q. And who was the baby?

8 A. Arie and Irvin.

9 Q. You did them at the same time?

10 A. Yes.

11 Q. And Arie's mother is Mala. And Irvin's  
12 mother is Alana, correct?

13 A. Correct.

14 Q. And how did you separate Arie from Mala and  
15 Irvin from Alana?

16 A. We just grabbed them and tied them up.

17 Q. You grabbed the babies and tied them up?

18 A. Yes.

19 Q. Tied them up where?

20 A. Each in a separate paddock inside the barn.

21 Q. By themselves?

22 A. Yes.

1 Q. And how long were they tied up for?

2 A. For approximately 10 days.

3 Q. And were there chains used as well?

4 A. At first there were only ropes and bands.

5 Q. I'm sorry?

6 A. Ropes and cotton bands.

7 Q. Where were the ropes?

8 A. On their legs.

9 Q. The rope on all four legs?

10 A. The first night, four legs.

11 Q. I am sorry?

12 A. The first night, four legs.

13 Q. And then after the first night, how many

14 legs?

15 A. Two.

16 Q. And why did you have to tie them up in the

17 barn?

18 A. Because they are wild.

19 Q. What does that mean?

20 A. They can hurt themselves.

21 Q. Would they want to get back to the mother?

22 A. They run around.

Gary Jacobson                      CONFIDENTIAL                      October 24, 2007  
Washington, DC

Page 277

1                      Q.                      Would they want to get back to their mother?

2                      A.                      Well, the one's mother was right next to it.

3                      And he didn't have to go very far.

4                      Q.                      Whose mother was right next to it?

5                      A.                      Irvin's.

6                      Q.                      Irvin's mother was right next to him in the

7                      barn?

8                      A.                      Uh-huh.

9                      Q.                      But he was tied up?

10                     A.                     Right.

11                     Q.                     For 10 days?

12                     A.                     Right.

13                     Q.                     And how did Alana react to her brand new baby

14                     being tied up for two 10 days right next to her?

15                     A.                     Not bad.

16                     Q.                     Not bad at all?

17                     A.                     No.

18                     Q.                     Not distressed in the least?

19                     A.                     It is the fourth time she went through it.

20                     Q.                     She exhibited no signs of distress or anxiety

21                     at all?

22                     A.                     Stress and anxiety are strange words.    How

Gary Jacobson                      CONFIDENTIAL                      October 24, 2007  
Washington, DC

Page 278

1     about a little excitement, something that would be  
2     normal. This isn't really a horrible situation like  
3     you are making it out to be.

4             Q.     No, I am just asking?

5             A.     The next day she is out in the field with the  
6     other elephant without any thoughts about it.

7             Q.     And when you say she was right next to him,  
8     was there a barrier between the two of them?

9             A.     Yes.

10            Q.     What kind of barrier?

11            A.     Pipe.

12            Q.     And what about Arie? Same situation. Was  
13     Mala also--

14            A.     Mala was on the other side of Alana.

15            Q.     And where was Arie?

16            A.     On the other side of Irvin.

17            Q.     And were Irvin and Arie tied up in separate  
18     stalls from each other?

19            A.     Right, right.

20            Q.     And they were both tied up for 10 days?

21            A.     Right.

22            Q.     And what was being done about feeding them

1 during that time period?

2 A. What do you mean?

3 Q. What were they being fed?

4 A. The same thing they always were fed.

5 Q. Which is what?

6 A. They start eating solid food in about 10

7 days-- these guys. So by the time this happens, they

8 have been eating solid food for almost two years.

9 Q. Okay. But they are no longer getting any  
10 milk?

11 A. They are no longer getting any milk.

12 Q. You don't pump the mother for milk?

13 A. No. It would be extremely difficult with  
14 elephants.

15 Q. And then after the 10 days, what happened to  
16 Arie and Irvin?

17 A. Irvin is turned completely loose and Arie was  
18 on one chain.

19 Q. And how long was Arie on one chain?

20 A. Probably four months, except when I was  
21 working here -- working with her and turning her loose,  
22 walking her around. But now, just for the record, she

Gary Jacobson                      CONFIDENTIAL                      October 24, 2007  
Washington, DC

Page 280

1            is completely loose.

2            Q.     She was on one chain for four months?

3            A.     Uh-huh.

4            Q.     And which leg was chained?

5            A.     Alternate legs.

6            Q.     You mean you would take the one chain and  
7            switch it to various legs?

8            A.     Right, to the front legs.

9            Q.     And was she chained all day and all night  
10           like that?

11           A.     Except when she was loose with me.

12           Q.     How how many hours was she loose with you  
13           during the day during this four months?

14           A.     Probably about 40 minutes a day.

15           Q.     Okay. So other than that, she was chained?

16           A.     Right.

17           Q.     And was Irvin chained at all during the  
18           separation process?

19           A.     He was tied up for about 10 days.

20           Q.     Just ropes, though, or were there chains  
21           involved?

22           A.     Once in a while I would put a chain on him.



1 But basically just ropes.

2 Q. But I am specifically asking about Irvin.

3 Did he have a chain on him?

4 A. Once in a while. But basically we just had  
5 ropes on him.

6 Q. Okay. Sometimes you used a chain, but other  
7 times it was just the ropes?

8 A. Right, affixed to a band.

9 Q. And now are Arie and Irvin, do they spend any  
10 time at all with their mothers?

11 A. No.

12 Q. And when you said you have used different  
13 ways of separate babies from their mothers over time,  
14 how does the way you used it the last few times you did  
15 it differ from ways you have used it in previous years?

16 A. Sometime we would move them to the other end  
17 of the barn; sometimes not. It depends on the cow and  
18 the calf. They dictate most of that.

19 Q. But were ropes used?

20 A. Yes.

21 Q. Always with the separation process?

22 A. Sometimes.

Gary Jacobson                      CONFIDENTIAL                      October 24, 2007  
Washington, DC

Page 285

1            A.    Yes, they were.

2            Q.    Did you have occasion to observe the other  
3 elephants around Angelica?

4            A.    Yes.

5            Q.    And how would they behave that would indicate  
6 that they were not happy with her?

7            A.    They would hit her.

8            Q.    They would hit her?

9            A.    And kick her.

10           Q.    Hit her with their trunks?

11           A.    Their heads.

12           Q.    I'm sorry.

13           A.    Hit them with her head, kick them.

14           Q.    What about vocalizing? Would they vocalize?

15           A.    Yes.

16           Q.    Make noises. What kind of noise does an  
17 elephant make when it is miserable?

18           A.    They all make different noises. I don't  
19 know.

20           Q.    But can you tell by the sound of an elephant  
21 whether or not it's miserable or not?

22           A.    Not necessarily.

Gary Jacobson                      CONFIDENTIAL                      October 24, 2007  
Washington, DC

Page 286

1                      Q.    Can you tell if an elephant is distressed at  
2 all by the way it is vocalizing?

3                      A.    Distressed is a hard word for me. Excited,  
4 yes. Distressed, I don't know.

5                      Q.    Excited. Can an elephant be excited because  
6 something good is happening?

7                      A.    Yes.

8                      Q.    Can an elephant be excited because something  
9 bad is happening?

10                     A.    Absolutely.

11                     Q.    Is the sound they make the same?

12                     A.    It can be, yes.

13                     Q.    It can be, but sometimes it is not?

14                     A.    It is very hard to tell if you are not  
15 looking at them.

16                     Q.    But you can differentiate the difference in  
17 the sounds?

18                     A.    If I am looking at them. If I am not looking  
19 at them, I have a hard time.

20                     Q.    How do you tell by looking at them.

21                     A.    If you can see what is going on.

22                     Q.    What about when an element smacks its trunk

Gary Jacobson                      CONFIDENTIAL                      October 24, 2007  
Washington, DC

Page 314

1            Q.    And where are the elephants kept during  
2 Winter Quarters?

3            A.    In the portable building.

4            Q.    And are they on chains?

5            A.    Some of the time.

6            Q.    How much of the time are they on chains?

7            A.    Probably about 12 hours a day there.

8            Q.    And are they on chains during the night?

9            A.    Yes. They are only tied at night.

10          Q.    Excuse me?

11          A.    They are only tied at night. During the day  
12 they are loose.

13          Q.    In the portable building, they are all loose  
14 together in the portable building?

15          A.    It is at a large fairgrounds, and they have  
16 portable yards.

17          Q.    Are they in separate stalls -- the elephants?

18          A.    They are in groups according to how they get  
19 along. They are in the hot wire yards, on dirt.

20          Q.    And are they outside during the night?

21          A.    No, they are inside during the night.

22          Q.    And what does the inside quarters look like

1 conversations?

2 A. No.

3 Q. Do you remember who they might have been  
4 with?

5 A. No.

6 Q. Did you ever take -- have you ever taken any  
7 disciplinary action against a Feld Entertainment  
8 employee for the way he or she treated an elephant?

9 A. No.

10 Q. And Has any disciplinary action ever been  
11 taken against you for the way you have treated an  
12 elephant?

13 A. No.

14 Q. And has, to your knowledge, any disciplinary  
15 action ever been taken against a Feld Entertainment  
16 employee for the way he or she treated an elephant?

17 A. I do not know.

18 Q. Has your approach to managing elephants  
19 changed over the years?

20 A. Yes.

21 Q. How has it changed?

22 A. I think everybody's has changed.

1 Q. I just want to know about you.

2 A. Yeah. I don't know. I am older. I

3 understand them better. I have a lot more experience  
4 than I had 25 years ago.

5 Q. And how does that manifest itself in the  
6 change to your approach to the management of the  
7 elephants?

8 A. Well, you see things that are going to happen  
9 before they happen and circumvent that. With people  
10 and the elephants.

11 Q. Do you have anything else to add to how your  
12 approach has changed?

13 A. Not really.

14 Q. All right. Has your use of the bull hook  
15 changed at all over the years -- how you use the bull  
16 hook with the elephants?

17 A. Once again, I think everybody changes.

18 Q. But I just want to know about you?

19 A. I suppose.

20 Q. In what way?

21 A. I think I probably have a lighter touch than  
22 I had when I was younger.