

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____))
AMERICAN SOCIETY FOR THE))
PREVENTION OF CRUELTY TO))
ANIMALS, et al.,))
Plaintiffs,) **Case No.: 03-2006 (EGS/JMF)**
v.))
FELD ENTERTAINMENT, INC.,))
Defendant.))

_____)

**DEFENDANT'S OPPOSITION TO THE HUMANE SOCIETY
OF THE UNITED STATES'S MOTION TO STRIKE**

EXHIBIT 7



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OF THE UNITED STATES
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Few are in a position to speak for the animals like Wayne Pacelle. As President and CEO of The Humane Society of the United States, he leads 11 million members and constituents in the mission of celebrating animals and confronting cruelty. [Read more »](#)



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Wayne Pacelle

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FEBRUARY 03, 2009

Circus Elephant Trial Starts Tomorrow

Tomorrow, after a dizzying array of delays and obstructionist tactics that have persisted for more than eight years, Ringling Bros. and Barnum & Bailey Circus will finally stand trial in federal district court in D.C. over charges that the world's most famous circus cruelly mistreats the endangered Asian elephants in its care, in violation of the Endangered Species Act. HSUS affiliate The Fund for Animals brought this groundbreaking lawsuit in 2000, along with the ASPCA, Animal Welfare Institute, Born Free USA united with Animal Protection Institute, and former Ringling Bros. employee Tom Rider. The trial is anticipated to play out over three weeks.

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Elephants at a Ringling Bros. circus.

The lawsuit alleges that a number of Ringling Bros.' routine handling practices violate the Endangered Species Act, including the striking of elephants with sharp instruments, called bullhooks, for control and "discipline," and the constant chaining and confinement of the elephants for most of the day and night, sometimes for days at a time when they are transported between circus venues in dark and cramped rail cars. Life at Ringling Bros. is a source of unyielding misery for the elephants, who in the wild may walk dozens of miles a day, and organize their social lives in close-knit matriarchal family groups.

Indeed, many of Ringling Bros.' elephants were captured and removed from their homes and families in the wild. Others were bred by Ringling Bros. at the circus' breeding facility—which Ringling Bros. euphemistically calls its "Center for Elephant Conservation"—only to endure a lifetime of confinement and forced submission.

Don't be fooled by Ringling's misleading rhetoric, which claims that the circus is breeding elephants to save this endangered species. Ringling Bros. is breeding elephants for one purpose only: to continue to draw elephant-loving crowds to the circus and make money. None of these elephants ever make it back to the wild; Ringling operates a one-way street, with elephants moving from the wild into captivity, or from one captive facility to another.

The Fund's lawyers will come to court tomorrow equipped with a superabundance of evidence to support the plaintiffs' claims, including damning video footage depicting aggressive use of the bullhook on the elephants, documents and investigative reports from the U. S. Department of Agriculture, and detailed eyewitness accounts by former Ringling Bros. employees of the unacceptable treatment of the elephants by trainers and handlers and the deficient, inadequate housing and transport conditions they endure as they are shuffled from city to city for demeaning live performances.

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The legal team—led by Katherine Meyer of the Washington, D.C.-based public interest law firm Meyer Glitzenstein & Crystal—will also present Ringling Bros.' own internal documents detailing the mistreatment of the elephants. For example, Ringling Bros.' own animal behaviorist noted "an elephant dripping blood all over the arena floor during the show from being hooked," and internal emails from veterinary staff document multiple abrasions on the elephants caused by bullhooks.

Leading elephant experts from around the world have also traveled to Washington to testify on the elephants' behalf in this trial. For example, Dr. Joyce Poole, whose research forms the basis for much of what we know about elephant behavior, will take the witness stand tomorrow.

The Fund and its co-plaintiffs have fought long and hard, and expended extraordinary amounts of time and resources, battling Ringling Bros.' unceasing attempts to forestall trial and dismiss this case. This battle is certainly not over yet, and Ringling Bros. is sure to use its vast resources to confuse the issues and tell the federal judge that the circus loves the elephants and the elephants don't mind being struck by bullhooks, kept away from their family members, and trucked from Hartford to Detroit to Boise for performances where they stand on their heads.

But one thing is certain, the plaintiffs are finally going to have the opportunity to pull back the curtain and show the court and the public the truth about what goes on behind the Big Top.

Our own vice president and chief counsel for Animal Protection Litigation and Research, [Jonathan Lovvorn](#), is one of the Fund's lawyers in the case, and will be [posting daily updates](#) on the proceedings at this historic trial. We encourage you to stay tuned as it unfolds.

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