

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FELD ENTERTAINMENT, INC.

Plaintiff,

v.

AMERICAN SOCIETY FOR THE
PREVENTION OF CRUELTY
ANIMALS, et al.

Defendants.

Case No. 07-1532 (EGS)

**PLAINTIFF FELD ENTERTAINMENT, INC.’S OPPOSITION TO DEFENDANTS’
MOTION FOR CERTIFICATION OR, IN THE ALTERNATIVE, RECONSIDERATION**

EXHIBIT 1

**WAP'S WEBSITE LESS THAN ONE MONTH
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(CIV. ACT. NO. 03-2006, DOCKET NO. 85, 9/7/06)

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AFTER FEI'S REPLY BRIEF NOTING THAT THE
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(CIV. ACT. NO. 03-2006, DOCKET NO. 95, 10/3/06)



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[Home](#)

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[back to the top](#)

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Who We Are

[Home](#)

[About Wildlife Advocacy Project](#)

[Who We Are](#)

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Eric Glitzenstein - Board of Directors

Mr. Glitzenstein has been practicing public interest law in Washington, D.C. for more than 25 years. He worked for Ralph Nader's Public Citizen Litigation Group for many years, and in 1993, he and Katherine Meyer started their own public interest law firm. Mr. Glitzenstein specializes in animal and wildlife protection, endangered species law, environmental law, and open-government issues. He has testified before Senate and House Committees on such issues as the Endangered Species Act, Superfund, and the Federal Advisory Committee Act.

Mr. Glitzenstein has taught Public Interest Advocacy and Civil Litigation as an adjunct professor at Georgetown University Law Center. Additionally, he has taught Litigation Strategy at the Annual Conference on the Freedom of Information Act and Privacy Act sponsored by the American Civil Liberties Union and has been a visiting instructor at St. Petersburg Law School in Russia. He has authored publications appearing in the Westview Press, and in the following law reviews and journals: Endangered Species Update, Ecology Law Quarterly, American University Law Review, Cardozo Law Review, the American Civil Liberties Union's Handbook on Open Government Law, and Animal Law. He has appeared on CNBC, CNN, National Public Radio, and CBS News.

Katherine Meyer - Board of Directors

Ms. Meyer has been practicing public interest law in Washington, D.C. for over 30 years. After working for Ralph Nader's Public Citizen Litigation Group for more than a decade, she and Eric Glitzenstein started their own public interest law firm in 1993. Ms. Meyer specializes in animal and wildlife protection, endangered species law, environmental law, public health and open-government laws, including the Freedom of Information Act. She has represented a broad spectrum of grassroots animal protection, wildlife, environmental, and public health groups as well as writers, historians, and journalists seeking access to government information.

Ms. Meyer has taught Civil Litigation and Public Interest Advocacy for the Public Interest Law Scholars Program at Georgetown University Law Center, and co-authored the Litigation Strategy Chapter for the American Civil Liberties Union's Freedom of Information Act and Privacy Act Handbook. She has been on the Board of Directors of



Defenders of Wildlife and the Center for Auto Safety, and also served on the Advisory Committee on Procedures for the U.S. Court of Appeals for the D.C. Circuit. She has testified before Congress on many occasions and has appeared on television and radio programs, including "Larry King Live," "Good Morning America," CNN, National Public Radio and "Cross-Fire."

Patti Thompson - Board of Directors

Ms. Thompson was Director of Science and Conservation for Save the Manatee Club, a non-profit advocacy organization, and worked for SMC for more than 16 years. Her areas of expertise include manatee biology and aquatic habitat conservation. Her efforts are focused primarily on policy and regulatory issues relating to manatee and habitat protection on both state and federal levels. She has a BS in Zoology (a specialized degree in Biological Sciences), from the University of Central Florida (1988) and worked toward an MS in Biology at UCF, prior to obtaining employment at SMC. Patti is a member of the Florida Manatee Recovery Team and received an award for "Outstanding Contribution to Sirenian Conservation," at the International Sirenian Workshop, 15th Biennial Conference on the Biology of Marine Mammals, in 2003. Although manatee protection is her forte, she is actively involved in efforts to protect all endangered species.

D.J. Schubert - Board of Directors

Mr. Schubert is a wildlife biologist employed by the Animal Welfare Institute, a non-profit animal protection organization headquartered in Washington, DC, where he works on a variety of national and international wildlife issues. D.J. has a BS in Wildlife Biology from Arizona State University. His career in the animal protection movements spans more than 20 years and a number of advocacy campaigns. Such campaigns have involved a wide array of species and issues including Yellowstone's bison, mountain lions, argali sheep, predator control, black and grizzly bears, sport-hunting, squirrels, coyotes, ungulate management, whales, off-road vehicle management, koalas, international wildlife trade, wild horses and burros, deer, airport bird control, elk, beavers, endangered species conservation, and migratory birds. He has been employed by several organizations with his responsibilities ranging from undercover investigations to managing the Cleveland Amory Black Beauty Ranch, a national animal sanctuary. His educational background, broad range of experiences, along with his interest in the law has allowed him to effectively

combine science and law in his wildlife advocacy campaigns.

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[back to the top](#)

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**WAP'S REVISED WEBSITE
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- [Home](#)
- [About](#)
- [Who](#)
- [Support](#)

Current Activities:

**Ringling Brothers Circus
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Elephants**

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The Wildlife Advocacy Project is a non-profit advocacy group founded by Katherine Meyer and Eric Glitzenstein of the Washington, DC public interest law firm, [Meyer Glitzenstein & Crystal](#). We advocate the recognition and respect for the innate wild nature of all animals—whether in confinement or in the wild.

We assist grassroots activists in achieving long-term protection of wildlife and the environment, and in stopping the abuse and exploitation of animals held in captivity.

The Project provides resources, and strategic and substantive advice and expertise, to organizations. We can achieve greater protection for wildlife in the courts, legislatures and the regulatory agencies, when the public is educated and mobilized to fight against the degradation of wildlife.

The Wildlife Advocacy Project seeks to complement and supplement the efforts of grassroots activists. It uses the knowledge, experience, and expertise of its staff and Board members to help grassroots organizations pursue, support, and win long-lasting conservation benefits for animals and the planet.

Current p



[Ringling Brothers Bar](#)
[Mistreatment of /](#)

New: [Circus vide](#)



[The West Afric](#)

[Environmentally S](#)

[back to the top](#)

[Home](#) | [About](#) | [Who](#) | [Support](#) | [Contact](#)

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- Home
- About
- Who
- Support

Current Activities:

**Ringling Brothers Circus
Mistreatment of Asian
Elephants**

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About Wildlife Advocacy Project

The purpose of the Wildlife Advocacy Project is to advocate the conservation of the biodiversity resources, protection of wildlife, and curtailment of animal abuse and providing media, educational, legal, technical, and other forms of support and activists. The Project has been created by the nationally-known public-interest law firm [Glitzenstein & Crystal](#), which represents dozens of non-profit conservation, wildlife protection groups throughout the country.

- We are a small, but effective, group of experienced advocates who seek to help by infusing resources and broad-based support into campaigns to protect animals, and biodiversity. We work independently and also in collaboration with other organizations.
- We inform and educate the public through the media, internet, and public relations on significant issues and legal battles that need immediate attention and support. We generate, and disseminate media coverage of important environmental and conservation issues.
- We research, analyze, and write about controversial issues that the public is unaware of or opposed to protect wildlife and other natural resources from further degradation.
- We help grassroots activists develop and implement legal, organizing, media, and public relations strategies to achieve their goals.

[back to the top](#)

[Home](#) | [About](#) | [Who](#) | [Support](#) | [Contact](#)

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- Home
- About
- Who
- Support

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Current Activities:

**Ringling Brothers Circus
Mistreatment of Asian
Elephants**

- Watch Circus Video

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[back to the top](#)

[Home](#) | [About](#) | [Who](#) | [Support](#) | [Contact](#)
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- Home
- About
- Who
- Support

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The Wildlife Advocacy Project will achieve enforceable protections and permaner captive animals, and the Earth. We know that the opposition has power, influence support. Our goal is to level the playing field by raising resources, organizing the media attention for these important issues.

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"We now know what was unknown to all the preceding caravan of generations: that [humans] are only fellow-voyagers with other creatures in the odyssey of evo

This new knowledge should have given us, by this time, a sense of kinship with fe

A wish to live and let live; a sense of wonder over the magnitude and duration of t

~ Aldo Leopold, A Sand County Almanac, "On a monument to the pigeon" (1947) extinction of the last passenger pigeon.

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[back to the top](#)

[Home](#) | [About](#) | [Who](#) | [Support](#) | [Contact](#)
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- Home
- About
- Who
- Support

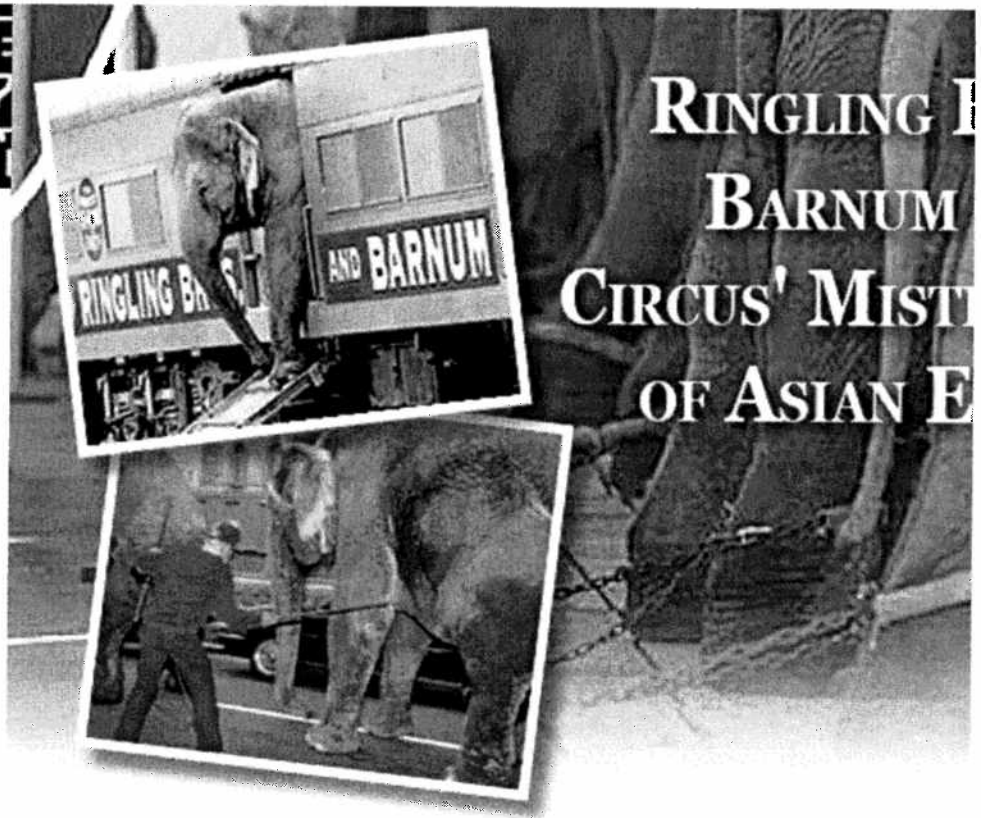
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Ringling Brothers Circus
Mistreatment of Asian
Elephants

- Watch Circus Video

West African Manatee

Environmentally Safe
Wind Power



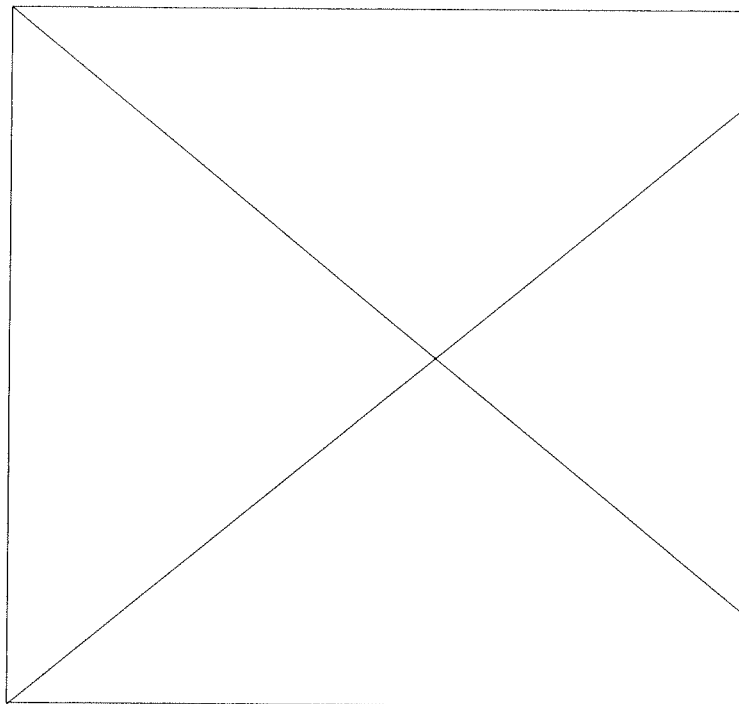
In recent years, several former employees of Ringling Brothers Barnum and Bailey Circus have been shedding light on the way elephants are mistreated under the circus. Some animals are "broken," "trained," and "disciplined" with sharp metal tools and chains for most of their lives. Other members of the public have documented the mistreatment on videotape, as the circus arrives in their cities and towns.

These accounts of mistreatment and abuse have spurred people throughout the world to speak out on the behalf of the elephants. One prominent spokesman is Tom Rider, who worked for the circus for a half years from 1997 to 1999. The Wildlife Advocacy Project supports these efforts and educates the public about how circus elephants are really treated and to dispel the myths perpetuated by extremely profitable circuses. If you want to make a tax deductible contribution to this campaign on this issue, click [donate now](#).

Click here to see live footage of Ringling Brothers' mistreatment of elephants (video player below). To learn more about elephants, the Ringling Brothers and the Wildlife Advocacy Project's efforts to protect elephants from abuse [keep reading](#). See also [www.meyergroup.com](#) about a lawsuit pending against Ringling Brothers under the Endangered Species Act.

See also [Animal Protection Institute](#); [The American Society for the Prevention of Cruelty to Animals](#); [The Animal Welfare Institute](#); and [The Fund for Animals](#).

> [Next page - About Asian Elephants](#)



... More on Ringling Brothers and Circus Elephants:

About Asian Elephants

Asian Elephants, the elephant species most often used by circuses, are endangered due to poaching, hunting, and the destruction of their natural habitat. They are listed under the Endangered Species Act, which prohibits anyone from "killing," "harming," or "disturbing" them. To learn more [click here](#).

About Ringling Brothers and Barnum & Bailey Circus

Dubbed the "Cruellest Show on Earth" by many animal advocates, Ringling Brothers and Barnum & Bailey Circus has operated several circuses: the "Red" and "Blue" Units, and the "Gold Unit" or "Hometown Edition." The circus has a breeding and retirement facility for the elephants it uses in its circus. To learn more

Tools of the Circus Trade

The cruel way in which circus elephants are broken, trained, disciplined, and trained is indicative of a life of misery in the circus. To learn more [click here](#).

Former Ringling Brothers' Employees

Largely due to the mistreatment of elephants and other animals at the "Greatest Show on Earth," several Ringling Brothers' employees have left the circus, and are speaking out about what they witnessed. To learn more [click here](#).

Elephant Mistreatment At Ringling Brothers

As described by several former Ringling Brothers employees, there is a culture of mistreatment that includes the constant use of bull hooks and other weapons on the elephants while the elephants are transported throughout the country to perform. The animals travel 48-50 weeks each year, with up to 3 performances a day. They are chained in backyards from town to town, chained all night long, and chained for most of the day, except when performing. The mistreatment occurs with both adult and baby elephants. To learn more [click here](#).

Baby Elephants Are Also Mistreated

From the time they are born at Ringling Brothers' breeding facility, the baby elephants are separated from their mothers, trained with bull hooks to perform tricks in the circus, and the U.S. Department of Agriculture has concluded that Ringling Brothers' routine "separation" from their mothers – using ropes around their legs to forcibly remove the nursing mothers – causes the young elephants "unnecessary harm." In recent years, at least 10 elephants have died prematurely while under Ringling Brothers' care. To learn more [click here](#).

Circus Myths

Circuses with animals are still around today because of several myths they perpetuate.

public that this is a harmless "all-American" activity. To learn more [click here](#).

What you can do

While the founder of Ringling Brothers circus, P.T. Barnum, boasted that "there's no show on earth that's more popular in a minute," it is up to the public to learn the truth about what goes on behind the scenes. [Click here](#).

[back to the top](#)

[Home](#) | [About](#) | [Who](#) | [Support](#) | [Contact](#)

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- Home
- About
- Who
- Support

Current Activities:

**Ringling Brothers Circus
Mistreatment of Asian
Elephants**

- [Watch Circus Video](#)

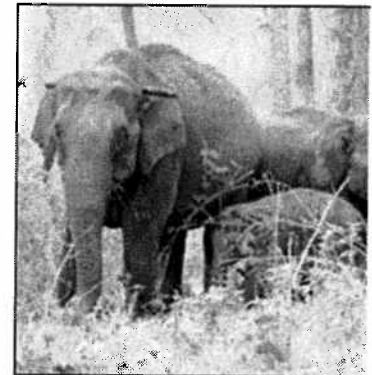
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About Asian Elephants

Asian Elephants, the only elephant species used by most circuses, including Ringling Brothers, are endangered in the wild, due to poaching, hunting, and the destruction of their natural habitat. Asian elephants' range includes Bangladesh, Bhutan, Cambodia, China, India, Indonesia, Laos PDR, Malaysia, Myanmar, Nepal, Sri Lanka, Thailand, and Vietnam. They are listed as "endangered" under the U.S. Endangered Species Act, which prohibits anyone from "killing," "harming," or "harassing" them.



Asian elephants are extremely intelligent and social animals. Adults weigh between 5,000 and 10,000 pounds, and live to be approximately 65 years old. In the wild, Asian elephants live in family groups, or herds, in which mothers, grandmothers, sisters, and aunts all care for the babies and young elephants. There are strong bonds within these family units, and elephants are not usually being weaned until they are about four years old or older when they are ready to give birth again. Female elephants remain with their mothers and other members of the herd for their entire lives, while male elephants leave their natal herds when they are about thirteen years old.



Elephants' close-knit families, where all members assist in the rearing of the young, support their sick and injured, and are led by a Matriarch of the herd, are important social and survival structures. The Matriarch passes on her knowledge and experience to the rest of the herd. Both female and male elephants have important social and survival roles. They learn from their mother, aunts, and other members of the herd. Each elephant has a home range within an area called the home range and searches for food, water, and other resources within this area.

In the wild, elephants typically travel about thirty to fifty miles a day, socializing with their herds.

Elephants are extremely sensitive and perceptive creatures. They communicate through infrasound – extremely low vibrations that cannot be heard with human ears. Sending and receiving infrasound communications capable of traveling several miles. Researchers believe that elephants also send and receive these communications with their fleshy footpads acting as the transmittal and receptor devices.

The biggest threats facing Asian elephants are habitat loss, elephant-human conflict, and poaching. Maintaining sufficient natural habitat for Asian elephants has become an increasingly daunting task due primarily to an encroaching human population and logging in elephant habitats. Elephant-human conflicts result when elephants who do not have enough forage for food are forced into areas inhabited by humans. Elephants straying in these areas eat agricultural crops and cause other damage, which results in the animals being translocated, or captured. Elephants are also illegally killed or poached in the wild for their tusks.

Habitat preservation, resolution of human-elephant conflicts, and efforts to stop elephant poaching all require extensive resources. These threats to Asian elephants can be solved by ensuring adequate investment in securing native range habitats, mitigating human conflicts, and increasing the number of active ground patrols to prevent poaching in Asian elephant ranges.

> [Next page - About Ringling Brothers](#)

[back to the top](#)

[Home](#) | [About](#) | [Who](#) | [Support](#) | [Contact](#)

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- Home
- About
- Who
- Support

Current Activities:

**Ringling Brothers Circus
Mistreatment of Asian
Elephants**

- [Watch Circus Video](#)

[West African Manatee](#)

[Environmentally Safe
Wind Power](#)



About Ringling Brothers

Ringling Brothers – the largest and most profitable animal circus in the world – has three traveling circuses: the “Red Unit,” the “Blue Unit,” and the “Gold Unit” or “Hometown Edition.” Currently about 10 elephants are forced to perform with the Blue Unit, 14 with the Red Unit, and three with the Gold Unit.



Ringling Brothers has dozens more elephants at its breeding facility, the “Center for Elephant Conservation” or “CEC” outside Tampa, Florida. Although Ringling facility as “conserving” this endangered species for future generations, the CEC elephants to be reintroduced into the wild, but is merely providing the circus with elephants to put on the road.

Also in Florida is Ringling Brothers’ retirement facility referred to as “Williston Ranch.” This is where the elephants who can no longer perform, or who are ill, in years, there have been numerous reports of tuberculosis among elephants at Williston Ranch (CEC). For example, at least nine Ringling elephants tested positive for TB in the 2000s. More recently, in the summer and fall of 2006, two elephants at Ringling facility tested positive for TB, and the state of Florida imposed a partial quarantine. Tuberculosis is a highly contagious disease that can be transferred between elephants. Typically, tuberculosis does not occur in elephants in the wild, and is believed to be spread to circus elephants because of the extremely stressful lives these animals are forced to live.

> [Next page - Tools of the Circus Trade](#)

[back to the top](#)

[Home](#) | [About](#) | [Who](#) | [Support](#) | [Contact](#)

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- Home
- About
- Who
- Support

Tools of the Circus Trade

The way in which circus elephants are trained, maintained, and transported is indicative of a life of misery in the circus.

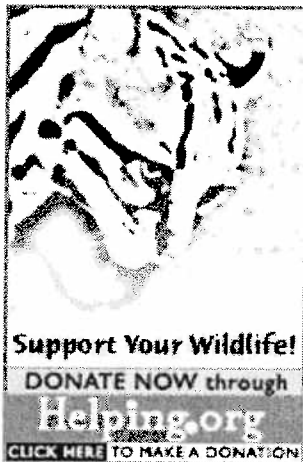
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Ringling Brothers Circus
Mistreatment of Asian
Elephants

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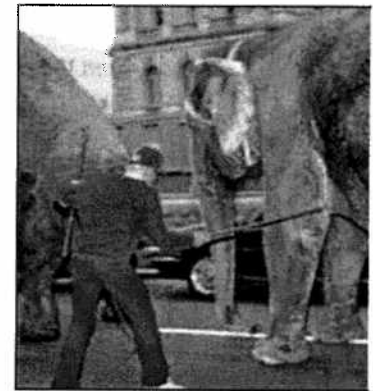
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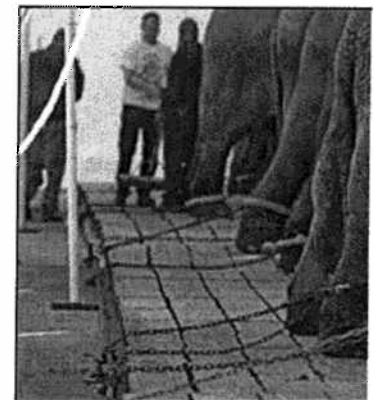
The Bull Hook

A “bullhook,” or “ankus,” is a 2-3 foot long club or stick with a sharp metal hook attached at the top. It is used repeatedly to beat, hit, and poke the animals, especially when they are young, to “train” and “break” them, and to make sure that they perform as required. Although elephants are thought to have strong hides, in reality their skin is extremely sensitive, particularly behind the ears, on the trunk, and on the head — places where they are most often struck w elephants’ skin is so sensitive that the animals often throw dust or mud on their their skin from sunburn. Once the animals have been hit repeatedly throughout showing them the bullhook will often instill enough fear to get them to act as de



Chains

Heavy metal chains are used to confine circus elephants and keep them under control. Elephants in circuses are almost always chained by one front leg and the alternate back leg. If you look at the ankles of a circus elephant carefully you can often see lines from where the chains have tightly clasped the animal’s leg.



When the elephants’ chains are all hooked to another chain that is anchored by two pickets, the elephants are “on the picket l

manner limits the elephants' ability to engage in normal behaviors, interact with and lie down. More often than not the elephants are chained on hard surfaces like the soil their feet and joints are designed for. As a result, elephants subjected to painful foot problems, arthritis, and other painful physical ailments.

The constant chaining also causes these highly intelligent and social animals severe distress, which is displayed by the elephants' constant swaying back and forth in a behavior called "stereotypic behavior."

Transportation

The Red and Blue Units of the Ringling Brothers Circus typically each perform in over 40 cities and towns each year. The Circus transports the elephants from city to city on a train, with the elephants packed in side by side, chained by the same front and back leg, and unable to lay down for many consecutive hours. Accounts from Ringling Brothers employees who recently left the circus describe the elephants chained in boxcars for over eight hours without stopping for water.



> [Next page - Former Ringling Brothers Employees Speak Out](#)

[back to the top](#)

[Home](#) | [About](#) | [Who](#) | [Support](#) | [Contact](#)

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- Home
- About
- Who
- Support

Former Ringling Brothers Employees Speak Out

Several former employees of Ringling Brothers circus have been speaking out to educate the public about what goes on behind the scenes at the "Great Escape."

Current Activities:

Ringling Brothers Circus
 Mistreatment of Asian
 Elephants

- [Watch Circus Video](#)

West African Manatee

Environmentally Safe
 Wind Power



Tom Rider

Tom Rider left Ringling Brothers Circus in 1999 after having worked at the circus as a barn man for the elephants. While at the circus, he spent over eight hours a day with the elephants. [Click here to view Mr. Rider's Affidavit to the USDA.](#)

Mr. Rider witnessed the constant chaining of the elephants, and the constant use of bullhooks including particularly vicious beatings of elephants, including the baby Benjamin while swimming in a pond when his trainer went after him with a bullhook. [To Benjamin, click here](#)

Frank Hagan

Frank Hagan, who worked for the circus for approximately ten years until August 1999 for Ringling Brothers after a young lion named Clyde died during a long train ride through the Mojave desert. Mr. Hagan had begged his supervisor to stop the train to water but he was ignored. When the train finally came to a stop, the baby lion had died of heat stroke. While he was with the circus, Mr. Hagan also witnessed the frequent use of bull hooks for the elephants and their constant chaining.

Archele Hundley

Archele Hundley worked for the Ringling Brothers Circus in 2006, and left after 2006 because she could not stand to witness the abuse of the animals, including the beatings of the elephants. Ms. Hundley witnessed a particularly brutal beating of an elephant named...

Baby would not lie down as commanded, a trainer began hitting her with two blunt one bull hook in the elephant's ear and the other in the elephant's back and on the animal with all his weight. This beating went on for over twenty minutes **[view Ms Hundley's Affidavit to USDA.](#)**

Robert Tom Jr.

Robert Tom worked with Ringling Brothers for almost two years, until August 2006. The elephants were so scared of certain elephant trainers that they would urinate when they saw the trainers with their bull hooks. Mr. Tom frequently witnessed the beatings on the elephants, and trainers then rubbing dirt into the elephants' wounds to cause sores. **[Click here to view Mr. Tom's Affidavit to USDA.](#)**

Margaret Tom

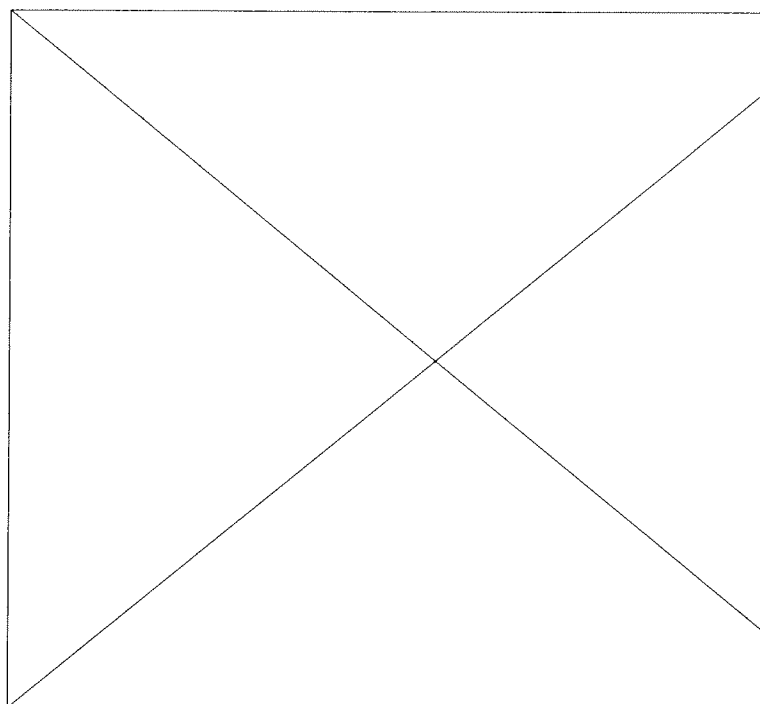
Margaret Tom worked backstage at the circus and witnessed first hand the punishment elephants received for not performing as required. She witnessed an elephant punished backstage because she had defecated during a performance. **[Click here to view letter to Mayor Daley of Chicago](#)**

Jerry Ramos

Jerry Ramos left Ringling Brothers Circus in the summer of 2006 after only a week of abuse that he witnessed, including elephants hit with bull hooks, such as a very young elephant named Sara.

> **[Next page: Elephant Mistreatment At Ringling Brothers](#)**

Also watch this video with interviews and circus footage:



[back to the top](#)

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Privacy Act Notice on Reverse

Page 1 of 7

AFFIDAVIT

I, (name of affiant) Tom E. Rider, being duly sworn on oath make the following statement to Diane Ward, who has identified herself as an employee of the USDA Investigative and Enforcement Services. I swear the following information is true and correct:

My mailing address is 600 East Holland, Washington, IL 61571. I have worked with elephants since 1997, my first elephant job was with Clyde Beary Circus. I worked for Ringling Brothers Circus, as a barn man, for 2 1/2 years- from 1997 to November 1999. When I was hired, I was told that if you complain to the USDA or the news media that we would loose our jobs. I traveled with the circus on the road (train). I refused to work the elephants with bull hooks.

I make this statement today to explain the on going abuse of the elephants that I witnessed at Ringling Brothers. The abuse at Ringling Brothers is 6 out of 7 days a week. It is just an on going daily event at every town listed on the route cards. The worst abuse that I witnessed was the following: 1.) in Lubbock, TX (about June 12, 1997)- there was a semi-emergency because of a tornado in the area. The employees started hitting and hooking the elephants to get them out of the tent and into one of the buildings. I saw blood on the trucks of the elephants. It was my job to unchain the elephants, the elephants were panicked and looked like they wanted to run. Graham Chipperfield was in charge of the elephants. 2.) On July 9, 1997, in Tupelo, MS- again a storm was coming in, all the elephants where chained in a line and getting wet, the elephants were starting to get antsy. After the storm, Graham and I unchained the elephants to walk back to the night facility. A cattle truck drove up and scared the elephants and four of them started to run. Graham took off after them and he hooked one elephant (it was Mini) in the front of the truck and brought her down on the ground. He did stop them from running, but Mini ends up with a 3 inch cut across the trunk. 3.) October 1997, in Detroit- the elephant "Susan" was sick (not eating, diarrhea), I reported it to Gary (Veterinarian with Ringling Brothers). Gary and Graham came out to see "Susan", looked at her from a distance, did no examination, and claimed

Tom E. Rider
SIGNATURE OF AFFIANT

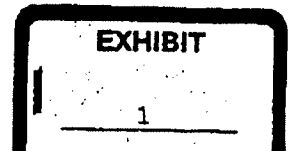
Subscribed and sworn to before me at Sacramento, CA
on this 20th day of July, 2000

Diane Ward- Diane Ward

AFRIS FORM 716C Edition of Form 2000 with 2 changes
(NOV 92)

DESIGNATED PURSUANT TO 7 U.S.C. 2170
ADMINISTER OATHS, AFFIDAVITS, AND AFFIRMATIONS.
AUTHORITY NO. 2414

FELD 0024122



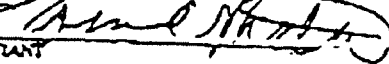
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AFFIDAVIT

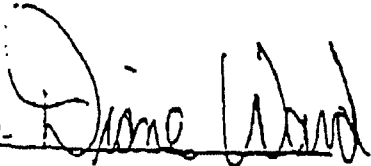
I, (name of affiant) Tom E. Rider, being duly sworn on oath make the following statements to Diane Ward, who has identified herself as an employee of the USDA Investigative and Enforcement Services. I swear the following information is true and correct:

the elephant looked fine. I took care of "Susan", and she does recover, but the Vet did not examine her. 4.) October 1997, in Pittsburgh, PA- I witnessed Alex Vargas and Daniel Raifo beating the elephant "Nicole and Sophie". Apparently the elephants did not perform in the show correctly and they were being punished. The people (public) outside the tent could hear the elephants screaming from the beating. 5.) During winter quarters (Nov. 12, 1997)- we were at the fairgrounds in Tampa, FL, where the tents and arena are set up for 2 months. Randy Peterson was sent out from the Ringling's permanent farm (in Florida) to be in charge of the winter barns. At winter quarters it is a relaxing time for the elephants, there is not as much hitting on the elephants except at rehearsals. From Tampa, we moved to St. Petersburg, FL. In St. Petersburg, I saw Graham run from the arena to his truck and get his gun. I found out that Richard Chipperfield (Graham's brother) got attacked by a tiger, and Graham put the tiger in the cage and then shot it 5 times (while it was in a cage). Richard was seriously injured in the accident, he is permanently disabled. After the accident Randy becomes superintendent of animals, replacing

Graham (because Graham resigned, due to the accident). After Graham left, the abuse to the elephants gets worse. 6.) February 1998- we were in Nashville, NC, and it was snowing. We were made to walk the elephants 3 1/2 miles in the snow (from the train, to where the show was set up), it was dangerous because it was slippery. 7.) February 1998, in Greensboro, NC- I had been doing a lot of complaining about the animal abuse, Randy wanted to get me out of the circus because of my complaints, Randy knew I didn't like the animal abuse. 8.) February 1998, in Richmond, VA- I saw Jeff Petagrew try to get two elephants (Zina and Rebecca) to lay down. The elephants would not respond to him and he beat the elephants. Immediately after the beating- I saw 24 plus lesions on Zina, and 36 plus lesions on Rebecca. Randy saw what Jeff had done to

Tom E. Rider 
SIGNATURE OF AFFIANT

Subscribed and sworn to before me at Sacramento, CA
on this 20th day of July, 2000


Diane Ward- 

DESIGNATED PURSUANT TO 7 U.S.C. 2217 TO
ADMINISTER OATHS, AFFIDAVITS, AND AFFIRMATIONS
AUTHORITY NO. 2414

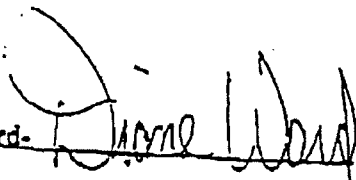
AFFIDAVIT

I, (name of affiant) Tom E. Rider, being duly sworn on oath make the following statement to Diane Ward, who has identified herself as an employee of the USDA Investigative and Enforcement Services. I swear the following information is true and correct:

the elephants, and got mad at Jeff because he was afraid that Mr. Feld would see the wounds on the elephants (Kenneth Feld was visiting the unit on this date). 9.) March/April 1998, in Madison Square Gardens, New York- the elephants got no exercise for 3 weeks. There was no place to exercise them in the city, they tried once to walk them about the block but it didn't work out. At this location 4 people quit work in one day because of the animal abuse- two of their names were Neil and Tony. 10.) May 1998, in New Haven, CT- Pat Harned was beating a young elephant named "Benjamin" because he was messing with the other elephant (Shirley). Another elephant named "Karen" started making noise (by rattling her chain) because Benjamin was getting hit- Pat came over and beat "Karen" for 23 minutes because she would not stop making noise. After Pat was done he asked me to get the "Wonder Dust" so that he could cover up the bleeding on Karen. One of the employees at the time, Rob Lyle, also witnessed this beating. There also was a security guard at the New Haven arena (downtown) who also saw what was going on. 11.) July 1998, in route to Phoenix, AZ- it was over 100 degrees and we were traveling during the day. I was riding with the elephants in the train, the heat was unbearable. The car that transports the elephants in close to the engine, and the heat and smoke from the engines was coming into the train car. I complained to Tommy Henry that I had no way to cool the elephants down, even the water was hot, Tommy said there was nothing we could do. There is no air conditioning in the train cars, and the ceiling vents/lights are always clogged with straw and dirt (they are a fire hazard). I feared for myself and the elephants during this trip, because of the heat. 12.) August 1998, in Anaheim, CA- the elephant "Lechme" was having problems with constipation. We had to "rack" her out (to clean her bowels).. While doing this Lechme accidentally hit me in the eye with her tail. Pat Harned and Randy Peterson hit Lechme because she flicked her tail at me. It

Tom E. Rider 
SIGNATURE OF AFFIANT

Subscribed and sworn to before me at Sacramento, CA
on this 20th day of July, 2000


Diane Ward- 

DESIGNATED PURSUANT TO 7 U.S.C. 117 TO
ADMINISTER OATHS, AFFIDAVITS, AND AFFIRMATIONS
AUTHORITY NO. 2414

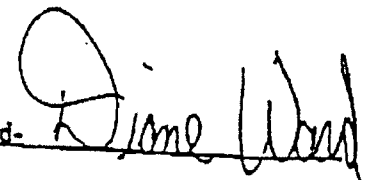
AFFIDAVIT

I, (name of affiant) Tom E. Rider, being duly sworn on oath make the following statement to Diane Ward, who has identified herself as an employee of the USDA Investigative and Enforcement Services. I swear the following information is true and correct:

was just an accident, the elephant did not intentionally hit me, she did not deserve to get hit for this. 13.) August 1998, in San Jose, CA- the Humane Society investigated an elephant bleeding behind the ear. They documented the bloody elephant, but they said they could not prosecute because they could not determine who had beat the animal. Ringling Brothers said that the blood was from drawing blood for veterinary care. 14.) September 1998, San Francisco, CA- Randy wanted all the doors (at the Cow Palace) kept closed because the animal activists were trying to film the hitting of the elephants. It was really hot, and the air conditioners were not working, and I had to keep the doors closed and let the animals suffer in the high heat. 15.) October 1998, Denver, CO- "Dateline" was coming to film the animals for animal abuse. Jeff Steele (unit manager) met with us about not abusing the animals while "Dateline" was here, we were instructed not to hit the animals while being filmed. Pat Harned and Kenneth Feld were interviewed by "Dateline" and stated that they never hit or beat the elephants. Of course the handlers do not hit the animals when they know a filming crew is present, or if they know the USDA is coming. 16.) November 1998, Cleveland, OH- it was so cold on the train that I could see my breath. I packed hay in the cracks of the door to try to stop the cold from coming in; there is no heat in the elephant car (only the baby animal car has a heater). 17.) January 1999- Miami, FL- Scott Green is hired as an elephant handler. This man had no elephant experience at all. The first night he worked he was walking elephants into the arena with a "bull hook". Green started hitting the elephants on a regular basis, stating it was discipline. Green was hired by Randy Peterson and Jeff Steele. 18.) January 1999, Jacksonville, FL- Alex Vargas came to visit the circus (he has a trapeze act, and use to work with the elephants), I told Alex about the animal abuse; he said he couldn't do anything about it because he did not want to lose his job (he was still

Tom E. Rider- 
SIGNATURE OF AFFIANT

Subscribed and sworn to before me at Sacramento, CA
on this 20th day of July, 2000

Diane Ward- 

DESIGNATED AFFIANT TO 7 U.S.C. 5217 TO
ADMINISTER OATHS, AFFIDAVITS, AND AFFIRMATIONS.
AUTHORITY NO. 3414

AFSIS FORM 7162 Expires 12/31/02
(NOV 92)

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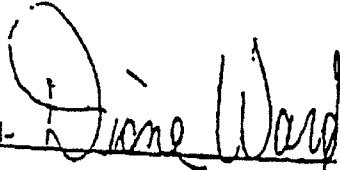
Page 5

I, (name of affiant) Tom E. Rider, being duly sworn on oath make the following statement to Diane Ward, who has identified herself as an employee of the USDA Investigative and Enforcement Services. I swear the following information is true and correct:

employed by Ringling, but no longer with the Blue unit). 19.) February 1999, Fayetteville, NC- Rob Lyle (barn man) quit work due to the abuse to the elephants. 20.) March 1999, Cincinnati, OH- the vice presidents of Feld Entertainment (Richard Fremming and John Jamison) were visiting the blue unit while Randy was working on the front feet of the elephant known as "Nicole". Nicole pulled her feet away, so Randy hit her on the head. The vice-presidents witnessed Randy hitting Nicole, and never said a word about it. 21.) April 1999, Chattanooga, TN- Randy and Adam had me drop a side wall on the tent (close the tent), so that they could beat "Sophie and Karen" for playing with each other. 22.) June 21, 1999- the elephant "Nicole" was taken off the train and trucked back to Florida, because of all the scars. They didn't want the USDA to see all the hook marks on her leg, which had swollen. We knew the USDA would be inspecting us, because we were moving from the U.S. into Canada. I have asked numerous people what ever happened to "Nicole", no one knows. 23.) June 1999; Ottawa, Canada- five elephants get into a fight in the exercise pen. We were using the new exercise pen instead of chaining the elephants in a line. All five elephants broke out of the pen, two ran into the horse tent and three continued to fight. I was lucky that the two elephants went into the horse tent, because I was the only one there with the animals and I had no way of stopping the elephants from leaving (they could have easily just ran out into the public street). Adam Hill, Randy, and Pat showed up in about 5 minutes with bull hooks and start beating on the elephants to stop the fight. I got in trouble for not beating the elephants to stop the fight. Adam Hill was in charge of the barn at that time. 24.) August 1999; Dallas, TX- I found out that "Benjamin had died". The baby elephant known as "Benjamin and Shirley" travel separately from the group in trucks, with Pat Harned. Pat was always beating on Benjamin, because he was a young bull elephant and was

Tom E. Rider 
SIGNATURE OF AFFIANT

Subscribed and sworn to before me at Sacramento, CA
on this 20th day of July, 2000

Diane Ward- 

DESIGNATED PURSUANT TO RULE 2.117 TO
ADMINISTER OATHS, AFFIDAVITS, AND AFFIRMATIONS.
AUTHORITY NO. 2414

APRIS FORM 7162 (NOV 92)

PRIVACY ACT NOTICE TO INDIVIDUALS

AFFIDAVIT

I, (name of affiant) *Tam E. Rider*, being duly sworn on oath make the following statement: *Diane Ward*, who has identified herself as an employee of the USDA Investigative and Enforcement Services, I swear the following information is true and correct:

full of play. 25.) October 1999, travel from Detroit to Boston- it very cold, snowing and the elephants were freezing cold; there was not heat on the train car.

About the USDA Inspections: During my employment at Ringling Brothers, we always knew a few days a head of time (up to a week in advance) of any USDA inspection (this happened at least 5 times). Randy Peterson or Adam Hill would come and tell me a few days before the inspection to get the place cleaned up because the USDA Inspector would be here on a certain day. Either Randy and David Keyser always showed the USDA around; we were told not to answer any questions for the USDA. The USDA would never do there inspections in the evening when the abuse is happening. The ideal time to do an inspection would be right before a show (because that is when they are hitting the elephants). The USDA does not inspect every animal, just what Randy wants to show them. If the USDA would inspect each animal behind the ears, behind the leg, and around the tail; they would find gross scarring and lesions. I never saw the USDA do a close inspection of the elephants.

The people employed by Ringling Brothers who abused animals daily were Adam Hill, Pat Harned, Randy Peterson, Scott Green, Jeff Petagrew, Robert Ridley, Jeff (known as "Cowboy"), James (from the Ringling farm in Williston, FL), Dave McFarland, Steve Heart, Josh, Dave Whailey, Dave Wiley, Daniel Raffo, and Gary Jacobson (baby trainer). These people use excessive hooking and hitting with the bull hooks, and hooking the elephants then giving them commands (they just hook the elephant for no reason, they never even give the elephant a command so how could she have disobeyed). I witnessed most of the animal abuse from 6 p.m.

Tam E. Rider- *[Signature]*
SIGNATURE OF AFFIANT

Subscribed and sworn to before me at Sacramento, CA
on this 20th day of July, 2000

Diane Ward- *[Signature]*

DESIGNATED PURSUANT TO 7 U.S.C. 2217 TO
ADMINISTER OATHS, AFFIDAVITS, AND AFFIRMATIONS,
AUTHORITY NO. 2414

AFFIDAVIT

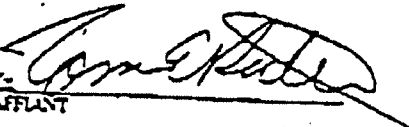
Page 1

I, (name of affiant) *Tom E. Rider*, being duly sworn on oath make the following statement to *Diane Ward*, who has identified herself as an employee of the *USDA Investigative and Enforcement Services*. I swear the following information is true and correct:

to 10 p.m- which is when the handlers came to work with the elephants. I saw baby Benjamin systematically abused, 5 to 6 times a day, by Pat Harned; this included verbal abuse all the time. Adam Hill was extremely violent with the elephants, he is now working at Clyde Beauty Circus.

In the 2 1/2 years that I was employed at Ringling Brothers, I saw at least 59 people hired to work with the elephants in the blue unit. All of these people either quit, were fired, or left for some other reason. Most of these individuals had no prior experience working with elephants.

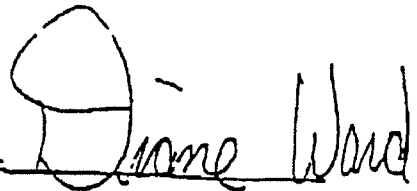
Tom E. Rider
SIGNATURE OF AFFIANT



Subscribed and sworn to before me at Sacramento, CA
on this 20th day of July, 2000

AFHS FORM 7162 Replaces VP Form 3-80 used in violation
(10/97)

Diane Ward



DESIGNATED PURSUANT TO 1 U.S.C. 2217 TO
ADMINISTER OATHS, AFFIDAVITS AND AFFIRMATIONS
AUTHORITY NO. 2414

FELD 0024128

DECLARATION OF ARCHELE FAYE HUNDLEY

I, Archele Faye Hundley, declare as follows:

1. I am currently 30-years-old and the mother of five children who range in age from 5 to 14. I worked for Ringling's red unit from approximately April 20, 2006, through June 27, 2006. I was part of the animal crew and primarily provided care to the horses and miniature horses. My duties included feeding, watering, cleaning, grooming, setting up the compounds, and escorting animals on the animal walk. Prior to joining Ringling, I worked for U.S. Security Associates for nearly four years as a sub-contractor. In that position, I was cleared by the federal government to provide security at a dam excavation project and also did part-time security at chemical companies and the post office.
2. I currently live in Sissonville, W.V., and my cell phone number is 304-590-3771. An alternative number for me is 252-339-1135.
3. During my employment at Ringling, I was never disciplined by Ringling and my only infraction was once being docked for oversleeping. I was complimented by co-workers and management for doing my job well. I reported to Sacha Houcke and Alex Vargas.
4. I quit the circus because the animal abuse was too upsetting. The abuse was not once in awhile, it occurred every day. Witnessing this abuse was a traumatic experience for me and left me a nervous wreck.
5. When I voiced concerns to management, including John Belfore, Jason Griggs, and Sacha Houcke about animal abuse, I was either ignored or told, "If you don't like it, pack your bags," and warned not to show affection towards the animals.

6. While we had a 2-week layover at the fairgrounds in Tulsa, Oklahoma, (between May 25 and June 6) three elephants got into a fight. Two of the elephants were Banana and Baby, and I believe the third one was Tonka. I observed Sacha Houcke as he tried to make the elephants lie on their bellies and put up their trunks. Baby was distressed and kept getting up and refused to lie down. Sacha smacked her with the bullhook repeatedly behind the ear and on the leg. He then hooked Baby behind the ear, holding the bullhook with both hands, and pulled with all of his body weight. Baby refused to go down. Sacha then inserted the bullhook into Baby's ear canal and holding the bullhook's handle with both hands, again pulled down with all of his weight. This incident lasted for approximately 30-45 minutes. Baby bled profusely from inside the ear and behind the earflap. She squealed in pain 3 or 4 times and let out a loud, shrill shriek.
7. I was present during the animal walk in Oklahoma City in 2006. As the animals were being walked from the arena to the train, I was holding a horse named Jonah. I observed Sacha Houcke intentionally bring two elephants, one named Luna and another named Tonka, just inches from a PETA staffer during the walk while the PETA staffer was standing on public property. I was towards the end of the line, approximately 30 feet away from Sacha. It was unusual to see Sacha break away from the line, and his movement off to the side got my attention. Sacha appeared to be arguing and raised his bullhook.
8. Sacha is known to have a violent temper. I have observed Sacha beating animals and threatening employees with physical violence.
9. About 60 to 90 minutes after the assault incident in Oklahoma City, I was on the circus bus (the circus bus transports employees from the animal stock cars to the

resident cars on the train, which can be several miles away), with other members of the animal crew. My co-workers talked about how Sacha had taken the elephants dangerously close to the PETA person; some employees laughed, others were outraged that Sacha would be so reckless.

10. While on the bus shortly after the incident, Sacha laughed about it, saying "If I would have socked the guy like I wanted to, I would have knocked him on his ass and he would not have been able to get back up."
11. Tonka and especially Luna, are considered dangerous, the other handlers won't go near Luna. Luna is unpredictable and acts up constantly. During the animal walks, a marksman with a rifle or tranquilizer gun travels behind the elephants in a white truck in case Luna rebels. Other animal handlers including Howard and Pista won't go near Luna. A handler named Antonio would warn circus personnel walking by "don't get close to the elephants, particularly Luna." They often keep Luna and Tonka away from the other elephants as much as possible because they are both dangerous and aggressive. Luna is said to have thrown things at people. I have seen Luna throw branches at people inside of the animal compound while eating.
12. A co-worker named David Holister had told me about an incident, prior to my employment, where Luna turned around in a threatening manner and grabbed him by the shirt and pulled him with her trunk as he placed a bucket under her to urinate. David requested transfer out of the elephant department back to the horses after that for fear of his personal safety.
13. I learned from Carey Coleman, the vet tech, that Sacha was nearly fired by operations manager John Griggs following the assault incident in Oklahoma City.

I was told that Griggs observed the whole thing and was furious with Sacha for being so irresponsible.

14. I observed PETA staffers on the road quite a bit. I never saw PETA people do anything dangerous or anything to interfere with the operations of the circus. The PETA staffer remained calm during Sacha's assault in Oklahoma City. I was impressed by PETA's professionalism, and despite the efforts of some Ringling employees to antagonize PETA staffers, they never engaged the circus or allowed the harassment to bother them.
15. I have witnessed Sacha viciously whip the camels in the ring during practice.
16. In Tulsa, Oklahoma, this year, I observed Sacha punch a miniature horse named Gunther in the face twice with his fist with great force. The force he used would have knocked down a full grown man. The horse shrieked and was knocked senseless for about a minute. The thump of Gunther being slugged in the face by Sacha could be heard 20 feet away.
17. Garrison told me that he has seen Sacha beat animals. He described an incident where a horse named Mizean had cuts across the sides and back from being whipped by Sacha. He saw Baby, the elephant, beaten and bleeding from the bullhook in Tulsa and said the incident lasted about 45 minutes.
18. Garrison told me that the elephants scrape their backs when they are loaded on and off the trains because the opening in the boxcars is not large enough.
19. The animal crew is not allowed to carry cameras because Ringling does not want photos circulating of the elephants while they are chained in the boxcars and at arenas. The elephants are only unchained when the public is around. Whenever the public is not around, the elephants are chained up.

20. At most arenas, Ringling's elephant crew does not bother to put out the wood pallets to soften the area for the elephants to lie on. The elephants have sores from lying on concrete instead of wood.
21. When the vet tech. Carey Coleman was hired, she told me that she was upset because there were no medical records for the animals.
22. I was told by Carcy that one of the elephants has a tear that goes from her vagina to anus. They do not clean the area frequently, as they are supposed to, in order to prevent infection.
23. I believe we were at the DCU Center when the USDA came out to videotape the elephants. Carey told me that she was instructed by John Belfore and Sacha Houcke to tell investigators that the lame elephant would be stiff after standing around. I heard Carey tell a USDA inspector that the stiffness works itself out and improves during the day in an elephant suffering from lameness. In fact, the opposite is true. This elephant gets worse on days when there are 2 and 3 performances.
24. Ringling always knew when the USDA was coming for inspections. The animal crew was instructed not to speak to USDA inspectors. In one case, Carey had told me that she had to cancel our lunch plans and stay at work later because they were expecting the USDA. The USDA came out twice while I was with the circus and never questioned members of the animal crew about how the animals are cared for.
25. I believe that Ringling pays the police in some cities because I have overheard Ringling employees discuss how expensive it is to hire police and complain that

- the police were sometimes late, despite being paid by the circus, to provide escort for the animal walk to and from the train and arena.
26. Jimmy, an elephant handler, told me that he and another employee (a Russian handler who I believe was named Sea shank) were once attacked by an elephant while Jimmy was trying to hook them. The elephant tossed them and knocked them down, knocking the air out of them. The elephant was later taken off the road.
27. The circus regularly hires people with no animal care experience and provides little in the way of training. There is a high turnover in staffing for the animal crew.
28. I have observed Kelly Hook administer injections to horses and tigers, although he is not a trained veterinary technician.
29. While we were in Oklahoma City, I observed Mike hit a horse named Sonny 3 or 4 times with his fist, while walking Sonny from the show and in front of bystanders. Mike walked Sonny to the animal compound and continued to beat him, using the lead. Alex Vargas witnessed this and did not say or do anything to stop him. Members of the public, who saw the horse punched in the face complained to arena management who in turn told Ringling officials about it. Mike told me that he almost lost his job because he slugged the horse in front of witnesses. He said that Ringling management told him that if he needs to discipline animals, do it in the compound and not where there are witnesses.
30. Garrison told me he observed Mike beat the hell out of Sonny in Oklahoma City and that he got away with it.

31. Most of Ringling's horses are head shy from being hit and punched in the face. If you go to pet one, they jerk their head away because they fear being hit.
32. I was told by Carcy that she has been instructed by Sacha to put records in the personnel files of an employee named Bob Tom, who left the circus in early August 2006 that falsely claimed he was abusive or neglectful towards animals because they feared he was contacting PETA to report abuse. Bob Tom was fired for complaining about mistreatment. They fabricate employee records so they can be used to discredit former employees who report abuse. Carcy told me they falsified personnel records on other employees, including Dave, when they quit or are fired after complaining about animal abuse.
33. I have never observed Bob Tom abuse or neglect animals. I was told by Garrison and Kenny that they never observed Bob Tom abuse or neglect animals and both were aware that the circus manufactured allegations in case they needed to discredit him for contacting PETA.
34. I was told by Howard that an elephant named Banana has arthritis and they have not been giving her medication.
35. George, an animal handler, told me that an elephant named Congo attacked him years ago when the circus was in Knoxville and that Congo is no longer alive.
36. George described to me how, if a horse becomes unruly, he grabs the horse by the throat and shoves him back and also grabs their lip and twists.
37. Garrison told me that the circus claims to audiences that the animals are trained with voice commands and the whip is simply used as an extension of the arm, when in fact he has observed trainers use the whip to beat animals during practice.

38. In Lexington, KY, I observed George jab a horse in the face with a pitchfork when the horse stuck his nose into the muck bucket (trash can for manure). The horse jerked his head back. I then saw George grab the horse by the throat and push the horse backwards.

39. It was a 3-day train ride when we traveled by train from Worcester, Mass., to Tulsa, Okla. The elephants and horses were only let out once for exercise during the trip. There was such an accumulation of elephant feces that it took two dump trucks to remove all the waste from their boxcars.

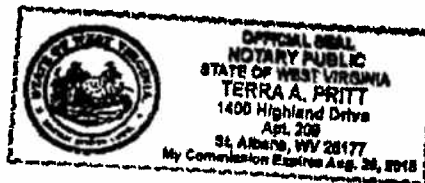
40. The boxcars are poorly ventilated. The stench from urine and feces is overwhelming and makes your eyes water and your nose burn.

Archele Faye Hundley
Archele Faye Hundley

City of Chas, to-wit:

Subscribed and sworn to before me this 19 day of September, 2006, by Archele Faye Hundley.

Terra A. Pritt
Notary Public



FROM SENT BY FELD ENTERTAINM

(FRI) 9. 21. 01 12: 37) 12:03/NO. 4862969838 P 2

Privacy Act Notice on Reverse

Page 1 of 7

AFFIDAVIT

I, (name of affiant) Tom E. Rider, being duly sworn on oath make the following statement to Diane Ward, who has identified herself as an employee of the USDA Investigative and Enforcement Services. I swear the following information is true and correct:

My mailing address is 600 East Holland, Washington, IL 61571. I have worked with elephants since 1997, my first elephant job was with Clyde Beary Circus. I worked for Ringling Brothers Circus, as a barn man, for 2 1/2 years- from 1997 to November 1999. When I was hired, I was told that if you complain to the USDA or the news media that we would loose our jobs. I traveled with the circus on the road (train). I refused to work the elephants with bull hooks.

I make this statement today to explain the on going abuse of the elephants that I witnessed at Ringling Brothers. The abuse at Ringling Brothers is 6 out of 7 days a week. it is just an on going daily event at every town listed on the route cards. The worst abuse that I witnessed was the following: 1.) in Lubbock, TX (about June 12, 1997)- there was a semi-emergency because of a tornado in the area. The employees started hitting and hooking the elephants to get them out of the tent and into one of the buildings. I saw blood on the trucks of the elephants. It was my job to unchain the elephants, the elephants were panicked and looked like they wanted to run. Graham Chipperfield was in charge of the elephants. 2.) On July 9, 1997, in Tupelo, MS- again a storm was coming in, all the elephants where chained in a line and getting wet, the elephants were starting to get antsy. After the storm, Graham and I unchained the elephants to walk back to the night facility. A cattle truck drove up and scared the elephants and four of them started to run. Graham took off after them and he hooked one elephant (it was Mini) in the front of the trunk and brought her down on the ground. He did stop them from running, but Mini ends up with a 3 inch cut across the trunk. 3.) October 1997, in Detroit- the elephant "Susan" was sick (not eating, diarrhea), I reported it to Gary (Veterinarian with Ringling Brothers). Gary and Graham came out to see "Susan", looked at her from a distance, did no examination, and claimed

TOM E. RIDER
SIGNATURE OF AFFIANT

Subscribed and sworn to before me at Sacramento, CA
on this 20th day of July, 2000

Diane Ward- 

AFRIS FORM 7162
(NOV 97)

DESIGNATED PURSUANT TO 7 U.S.C. 21770
ADMINISTER OATHS, AFFIDAVITS, AND AFFIRMATIONS.
AUTHORITY NO. 2414

FELD 0024122

EXHIBIT
1

FROM SENT BY FELD ENTERTAINM:

(FRI) 9. 21 ' 01 12: (T) 12:03/NO. 4862969838 P 3

Privacy Act Notice on Return

AFFIDAVIT

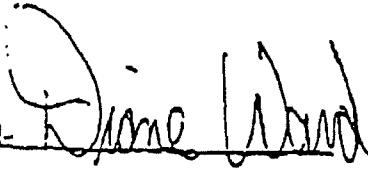
I, (name of affiant) Tom E. Rider, being duly sworn on oath make the following statements to Diane Ward, who has identified herself as an employee of the USDA Investigative and Enforcement Services. I swear the following information is true and correct:

the elephant looked fine. I took care of "Susan", and she does recover, but the Vet did not examine her. 4.) October 1997, in Pittsburgh, PA- I witnessed Alex Vargas and Daniel Ruffo beating the elephant "Nicole and Sophie". Apparently the elephants did not perform in the show correctly and they were being punished. The people (public) outside the tent could hear the elephants screaming from the beating. 5.) During winter quarters (Nov. 12, 1997)- we were at the fairgrounds in Tampa, FL, where the tents and arena are set up for 3 months. Randy Peterson was sent out from the Ringling's permanent farm (in Florida) to be in charge of the winter barns. At winter quarters it is a relaxing time for the elephants, there is not as much hitting on the elephants except at rehearsals. From Tampa, we moved to St. Petersburg, FL. In St. Petersburg, I saw Graham run from the arena to his truck and get his gun. I found out that Richard Chipperfield (Graham's brother) got attacked by a tiger, and Graham put the tiger in the cage and then shot it 5 times (while it was in a cage). Richard was seriously injured in the accident, he is permanently disabled. After the accident Randy becomes superintendent of animals, replacing

Graham (because Graham resigned, due to the accident). After Graham left, the abuse to the elephants gets worse. 6.) February 1998- we were in Nashville, NC, and it was snowing. We were made to walk the elephants 3 1/2 miles in the snow (from the train, to where the show was set up), it was dangerous because it was slippery. 7.) February 1998, in Greensboro, NC- I had been doing a lot of complaining about the animal abuse, Randy wanted to get me out of the circus because of my complaints, Randy knew I didn't like the animal abuse. 8.) February 1998, in Richmond, VA- I saw Jeff Petagrew try to get two elephants (Zina and Rebecca) to lay down. The elephants would not respond to him and he beat the elephants. Immediately after the beating- I saw 24 plus lesions on Zina, and 36 plus lesions on Rebecca. Randy saw what Jeff had done to

Tom E. Rider 
SIGNATURE OF AFFIANT

Subscribed and sworn to before me at Sacramento, CA
on this 20th day of July, 2000

Diane Ward- 

DESIGNATED PURSUANT TO 7 U.S.C. 2217 TO
ADMINISTER OATHS, AFFIDAVITS, AND AFFIRMATIONS.
AUTHORITY NO. 2414

FROM SENT BY FELD ENTERTAINMENT


(FRI) 9. 21 '01 12: 12:03/NO. 4862969838 P 4

AFFIDAVIT

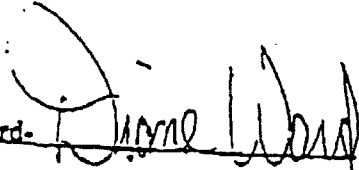
Page 3

I, (name of affiant) Tom E. Rider, being duly sworn on oath make the following statement to Diane Ward, who has identified herself as an employee of the USDA Investigative and Enforcement Services. I swear the following information is true and correct:

the elephants, and got mad at Jeff because he was afraid that Mr. Feld would see the wounds on the elephants (Kenneth Feld was visiting the unit on this date). 9.) March/April 1998, in Madison Square Gardens, New York- the elephants got no exercise for 3 weeks. There was no place to exercise them in the city, they tried once to walk them about the block but it didn't work out. At this location 4 people quit work in one day because of the animal abuse- two of their names were Neil and Tony. 10.) May 1998, in New Haven, CT- Pat Harned was beating a young elephant named "Benjamin" because he was messing with the other elephant (Snirley). Another elephant named "Karen" started making noise (by rattling her chain) because Benjamin was getting hit- Pat came over and beat "Karen" for 23 minutes because she would not stop making noise. After Pat was done he asked me to get the "Wonder Dust" so that he could cover up the bleeding on Karen. One of the employees at the time, Rob Lyle, also witnessed this beating. There also was a security guard at the New Haven arena (downtown) who also saw what was going on. 11.) July 1998, in route to Phoenix, AZ- it was over 100 degrees and we were traveling during the day. I was riding with the elephants in the train, the heat was unbearable. The car that transports the elephants in close to the engine, and the heat and smoke from the engines was coming into the train car. I complained to Tommy Henry that I had no way to cool the elephants down, even the water was hot, Tommy said there was nothing we could do. There is no air conditioning in the train cars, and the ceiling vents/fights are always clogged with straw and dirt (they are a fire hazard). I feared for myself and the elephants during this trip, because of the heat. 12.) August 1998, in Anaheim, CA- the elephant "Lechme" was having problems with constipation. We had to "rack" her out (to clean her bowels).. While doing this Lechme accidentally hit me in the eye with her tail. Pat Harned and Randy Peterson hit Lechme because she flicked her tail at me. It

Tom E. Rider 
SIGNATURE OF AFFIANT

Subscribed and sworn to before me at Sacramento, CA
on this 20th day of July, 2000

Diane Ward- 

DESIGNATED PURSUANT TO 7 U.S.C. § 17 TO
ADMINISTER OATHS, AFFIDAVITS AND AFFIRMATIONS
AUTHORITY NO. 2414


AFRIS FORM 7163 Replaces AF Form 7-803 (Rev. 2-80)
(NOV 92)

AFFIDAVIT

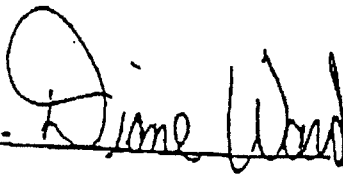
I, (name of affiant) Tom E. Rider, being duly sworn on oath make the following statement to Diane Ward, who has identified herself as an employee of the USDA Investigative and Enforcement Services. I swear the following information is true and correct:

was just an accident, the elephant did not intentionally hit me, she did not deserve to get hit for this. 13.) August 1998, in San Jose, CA- the Humane Society investigated an elephant bleeding behind the ear. They documented the bloody elephant, but they said they could not prosecute because they could not determine who had beat the animal. Ringling Brothers said that the blood was from drawing blood for veterinary care. 14.) September 1998, San Francisco, CA- Randy wanted all the doors (at the Cow Palace) kept closed because the animal activists were trying to film the hitting of the elephants. It was really hot, and the air conditioners were not working, and I had to keep the doors closed and let the animals suffer in the high heat. 15.) October 1998, Denver, CO- "Dateline" was coming to film the animals for animal abuse. Jeff Steele (unit manager) met with us about not abusing the animals while "Dateline" was here, we were instructed not to hit the animals while being filmed. Pat Harned and Kenneth Feld were interviewed by "Dateline" and stated that they never hit or beat the elephants. Of course the handlers do not hit the animals when the know a filming crew is present, or if they know the

USDA is coming. 16.) November 1998, Cleveland, OH- it was so cold on the train that I could see my breath. I packed hay in the cracks of the door to try to stop the cold from coming in; there is no heat in the elephant car (only the baby animal car has a heater). 17.) January 1999- Miami, FL- Scott Green is hired as an elephant handler. This man had no elephant experience at all. The first night he worked he was walking elephants into the arena with a "bull hook". Green started hitting the elephants on a regular basis, stating it was discipline. Green was hired by Randy Peterson and Jeff Steele. 18.) January 1999, Jacksonville, FL- Alex Vargas came to visit the circus (he has a trapeze act, and use to work with the elephants), I told Alex about the animal abuse; he said he couldn't do anything about it because he did not want to lose his job (he was still

Tom E Rider- 
SIGNATURE OF AFFIANT

Subscribed and sworn to before me at Sacramento, CA
on this 20th day of July, 2000

Diane Ward- 

DESIGNATED PURSUANT TO 7 U.S.C 2317 TO
ADMINISTER OATHS, AFFIDAVITS, AND AFFIRMATIONS.
AUTHORITY NO. 3414

FROM SENT BY FELD ENTERTAINMF

(FRI) 9. 21 '01 12:03 PM 12:03/NO. 4862969838 P 6


PROPERTY ACT, NOTICE ON RETURN

AFFIDAVIT

Page 5

I, (name of affiant) Tom E. Rider, being duly sworn on oath make the following statements to Diane Ward, who has identified herself as an employee of the USDA Investigative and Enforcement Services. I swear the following information is true and correct:

employed by Ringling, but no longer with the Blue unit). 19.) February 1999, Fayetteville, NC- Rob Lyle (barn man) quit work due to the abuse to the elephants. 20.) March 1999, Cincinnati, OH- the vice presidents of Feld Entertainment (Richard Fremming and John Jamison) were visiting the blue unit while Randy was working on the front feet of the elephant known as "Nicole" Nicole pulled her feet away, so Randy hit her on the head. The vice-presidents witnessed Randy hitting Nicole, and never said a word about it. 21.) April 1999, Chattanooga, TN- Randy and Adam had me drop a side wall on the tent (close the tent), so that they could beat "Sophie and Karen" for playing with each other. 22.) June 21, 1999- the elephant "Nicole" was taken off the train and trucked back to Florida, because of all the scars. They didn't want the USDA to see all the hook marks on her leg, which had swollen. We knew the USDA would be inspecting us, because we were moving from the U.S. into Canada. I have asked numerous people what ever happened to "Nicole", no one knows. 23.) June 1999; Ottawa, Canada- five elephants get into a fight in the exercise pen. We were using the new exercise pen instead of chaining the elephants in a line. All five elephants broke out of the pen, two ran into the horse tent and three continued to fight. I was lucky that the two elephants went into the horse tent, because I was the only one there with the animals and I had no way of stopping the elephants from leaving (they could have easily just ran out into the public street). Adam Hill, Randy, and Pat showed up in about 5 minutes with bull hooks and start beating on the elephants to stop the fight. I got in trouble for not beating the elephants to stop the fight. Adam Hill was in charge of the barn at that time. 24.) August 1999; Dallas, TX- I found out that "Benjamin had died". The baby elephant known as "Benjamin and Shirley" travel separately from the group in trucks, with Pat Harned. Pat was always beating on Benjamin; because he was a young bull elephant and was

Tom E. Rider 
SIGNATURE OF AFFIANT

Subscribed and sworn to before me at Sacramento, CA
on this 20th day of July, 2000

Diane Ward- 

DESIGNATED PURSUANT TO 7 U.S.C. 2217 TO
ADMINISTER OATHS, AFFIDAVITS, AND AFFIRMATIONS.
AUTHORITY NO. 2614

AFRMS FORM 7162 Replaces VP Form 3-90 and is obsolete
(NOV 92)

Privacy Act Notice on Records


AFFIDAVIT

I, (name of affiant) Tom E. Rider, being duly sworn on oath make the following statement to Diane Ward, who has identified herself as an employee of the USDA Investigative and Enforcement Services. I swear the following information is true and correct:

full of play. 25.) October 1999, travel from Detroit to Boston- it very cold, snowing and the elephants were freezing cold; there was not heat on the train car.

About the USDA Inspections: During my employment at Ringling Brothers, we always knew a few days a head of time (up to a week in advance) of any USDA inspection (this happened at least 5 times). Randy Peterson or Adam Hill would come and tell me a few days before the inspection to get the place cleaned up because the USDA Inspector would be here on a certain day. Either Randy and David Keyser always showed the USDA around; we were told not to answer any questions for the USDA. The USDA would never do there inspections in the evening when the abuse is happening. The ideal time to do an inspection would be right before a show (because that is when they are hitting the elephants). The USDA does not inspect every animal, just what Randy wants to show them. If the USDA would inspect each animal behind the ears, behind the leg, and around the tail; they would find gross scarring and lesions. I never saw the USDA do a close inspection of the elephants.

The people employed by Ringling Brothers who abused animals daily were Adam Hill, Pat Harned, Randy Peterson, Scott Green, Jeff Petagrew, Robert Ridley, Jeff (known as "Cowboy"), James (from the Ringling farm in Williston, FL), Dave McFarland, Steve Heart, Josh, Dave Whaley, Dave Wiley, Daniel Raffo, and Gary Jacobson (baby trainer). These people use excessive hooking and hitting with the bull hooks, and hooking the elephants then giving them commands (they just hook the elephant for no reason, they never even give the elephant a command so how could she have disobeyed). I witnessed most of the animal abuse from 6 p.m.

Tom E. Rider- 
SIGNATURE OF AFFIANT

Subscribed and sworn to before me at Sacramento, CA
on this 20th day of July, 2000

Diane Ward- 

APHIS FORM 7162 2-88 (Rev. 3-93) with a change
(NOV 97)

DESIGNATED PURSUANT TO 7 U.S.C. 2217 TO
ADMINISTER OATHS, AFFIDAVITS, AND AFFIRMATIONS,
AUTHORITY NO. 2414

FROM SENT BY FELD ENTERTAINMF

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AFFIDAVIT

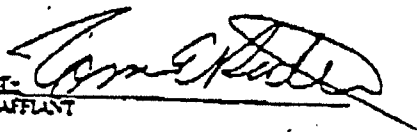
Page 1

I, (name of affiant) *Tom E. Rider*, being duly sworn on oath make the following statement to *Diane Ward*, who has identified herself as an employee of the *USDA Investigative and Enforcement Service*. I swear the following information is true and correct:

to 10 p.m- which is when the handlers came to work with the elephants. I saw baby Benjamin systematically abused, 5 to 6 times a day, by Pat Harned; this included verbal abuse all the time. Adam Hill was extremely violent with the elephants, he is now working at Clyde Beatty Circus.

In the 2 1/2 years that I was employed at Ringling Brothers, I saw at least 59 people hired to work with the elephants in the blue unit. All of these people either quit, were fired, or left for some other reason. Most of these individuals had no prior experience working with elephants.

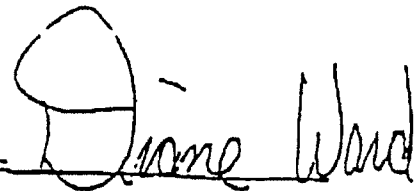
Tom E. Rider
SIGNATURE OF AFFIANT



Subscribed and sworn to before me at Sacramento, CA
on this 20th day of July, 2000

APRIS FORM 7162 Replaces VP Form 3-80 used in violation
(NOV 97)

Diane Ward



DESIGNATED PURSUANT TO 1 U.S.C. 2217 TO
ADMINISTER OATHS, AFFIDAVITS AND AFFIRMATIONS.
AUTHORITY NO. 3414

FELD 0024128

Margaret Tom
Murray, Kentucky
Telephone: 941-448-6248

November 13, 2006

The Honorable Richard M. Daley
Mayor of Chicago
121 N. LaSalle Street, 5th Floor
Chicago, IL 60602

Dear Mayor Daley:

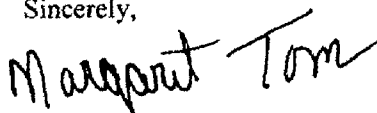
I worked for Ringling Bros. and Barnum & Bailey Circus along with my husband Bob. Bob cared for horses and other hoof stock while I worked backstage in props. We worked for the circus for almost two years. I would see the elephants backstage as they were prepared for the show and entered and exited the arena.

It was common for the elephants to be hit, whacked, and prodded with bullhooks just before going into the arena. Trainers carry, but do not really use the bullhook during the show so striking the elephants ahead of time was supposed to remind them to obey. If the elephants messed up a trick, trainers would again strike them with bulhooks as soon as they were out of the arena.

I recall one particularly bad episode that happened this year. An elephant named Asia performs an act where she carefully walks over six dancers who lie down on the floor. The idea is that the audience thinks that this trick is dangerous because a mis-step by the elephant would crush them. One time Asia defecated on one of the dancers during the routine. I witnessed two guys beat Asia the minute she left the stage, hitting her at least 10 times with bullhooks, making her scream.

I encourage the Chicago City Council to pass the elephant protection ordinance. I grew very fond of the elephants while working for the circus and it was very distressing to see them treated with such cruelty. Thank you.

Sincerely,



Margaret Tom

cc: Chicago City Council



- Home
- About
- Who
- Support

Elephant Mistreatment At Ringling Brot

As former Ringling Brothers employees have described, there is a culture at the circus that includes the constant use of bull hooks and other weapons on elephants and keeping the elephants chained for most of their lives.

Current Activities:

Ringling Brothers Circus
Mistreatment of Asian
Elephants

- Watch Circus Video

West African Manatee

Environmentally Safe
Wind Power

The Mistreatment and Deaths of Baby Elephants

While Ringling Brothers touts its successful breeding program as the answer to the declining population of elephants in the wild, in recent years at least four of Ringling Brothers' young elephants have died: Kenny, Benjamin, Ricardo, and Bertha.



In January 1998, the U.S. Department of Agriculture ("USDA") charged Ringling Brothers with multiple violations of the Animal Welfare Act in connection with its decision to have a three-year old elephant named Kenny appear in three different shows in one day even though he was extremely ill and the attending veterinarian had advised that he "remain in the barn." Within an hour of his last appearance he died.



In January 1999, USDA inspectors observed "large visible lesions" on the legs of less than two years old -- Doc and Angelica. According to Ringling Brothers own records, the wounds resulted from the "routine separation process" that Ringling Brothers uses to separate elephants from their mothers at its "Center for Elephant Conservation" -- i.e., workers tie ropes around the baby elephants' legs, they force the nursing elephants away from them so they can start "training" them for use in the circus. **The USDA concluded that the animals "trauma, behavioral stress, physical harm and unnecessary discomfort."**

On July 26, 1999, a four-year old elephant named Benjamin died in a pond. Ringling elephant trainer Pat Harned took Benjamin and Shirley – two baby elephants – one morning while the circus was on the road. Elephants are naturally excellent swimmers and babies loved the opportunity to play in the water. When Pat Harned called for Benjamin to get into the water she obeyed, but when he told Benjamin to come out, he refused and kept swimming. Eye witness accounts reported that Pat Harned then went to the end of the pier and pulled Benjamin with a bull hook, and that when Benjamin swam to the other end of the pier Harned went into the water after him with the bull hook in hand. Benjamin then died and drowned. **According to an official USDA Report, the trainer's use "created behavioral stress and trauma which precipitated in the ph ultimate death of the animal."**

On August 5, 2004, an eight-month old elephant named Ricardo died at Ringling Brothers facility – the Center for Elephant Conservation. Ringling Brothers claims that Ricardo "fell" off a tub while playing, broke both his legs, and had to be euthanized. Ricardo was used for many of the tricks the elephants are made to perform in the circus – and Ricardo was being trained to do these tricks (with a bull hook) when he "fell."

On August 11, 2005, an eleven-day old elephant named Bertha died during surgery at Ringling Brother's breeding facility. In sharp contrast to its usual practice, Ringling Brothers announced the birth of Bertha – and her existence and death only came to light after submitted requests under the Freedom of Information Act to the USDA about F

Recent Accounts of Mistreatment

Although these are numerous eye-witness accounts and video tapes of Ringling Brothers' mistreatment of elephants, spanning many years, some of the most recent incidents are:

Spring/ Summer 2006: Before a crowd of Ringling Brothers' employees, on the Red Unit beat an elephant for over twenty minutes, at times using bull hooks on the elephant until she was bleeding. Two former Ringling Brothers employees who witnessed this beating are now speaking up about the abuse they witnessed at the facility. For more information click here ***Former Ringling Brothers Employees Speak Out***

Summer 2006: Two Ringling Brothers elephants at the breeding facility in Florida were diagnosed with tuberculosis and the facility was placed under a partial quarantine by government officials.

Summer 2005: A baby elephant named Bertha died during surgery at Ringling Brothers breeding facility.

2004: An activist caught on tape a Ringling Brothers elephant handler beating

named Angelica.

2000: Video footage taken in San Francisco, California at Cow Palace shows B elephant trainer Troy Metzler striking a young elephant on the trunk, other han elephants with bull hooks and brooms, pinching them with pliers, and brandish in front of the elephants.

August 25, 2001: A San Jose Police Officer cited Ringling Brothers' trainer M of legendary Ringling trainer Gunther Gebel-Williams, with violating California by striking an elephant with a bull hook. The Officer reported that Gebel "lunge with his ankus," before taking her into a performance. Immediately after the pe Officer and two Santa Clara Valley Humane agents reported that the elephant h her leg where she had been jabbed with the ankus. Gebel was later found "not g cruelty by a Santa Clara jury.

March 2000: Tom Rider, who worked as a barn man for Ringling Brothers fo circus. In sworn testimony presented to the USDA, Mr. Rider reported that the chained for as long as 23 hours a day, and that Ringling Brothers routinely beat elephants, including the babies, with bullhooks. Mr. Rider reported that, at one more than a dozen bullhook wounds on each of two older elephants, "Zeena" an here to read Tom Rider's USDA Affidavit.

February 1999: While conducting an unannounced inspection at the Ringlin; for Elephant Conservation" in Florida, inspectors for the U.S. Department of Ag **"large visible lesions"** on the rear legs of two baby elephants, Doc and Ange were approximately 6 inches long and an inch wide. When the inspectors inquit wounds, they were informed by Ringling Brothers employees that they were cau during the "routine" separation process from the babies' mothers. They were fu the babies, who were only 18 months old, had been forcibly dragged away from month earlier, with the use of ropes around each leg and a chain around their n **convening a panel of elephant experts, in May 1999 the USDA infor** **Brothers that this treatment violates the Animal Welfare Act and ca** **"trauma, behavioral stress, physical harm and unnecessary discon**

August 1999: Inspectors for the Santa Clara Valley Humane Society in San Jo reported seven Ringling Brothers elephants with multiple lacerations and punct their left ears – the location where former Ringling Brothers employees say eleph hit with bull hooks. Another humane officer who attended each of the performa reported "that some of the elephants had punctures and lacerations on various : which included the foreleg, trunk, and behind the left ear."

December 1998: Two Ringling Brothers' employees, Glenn Ewell and James :



- Home
- About
- Who
- Support

Circus Myths

Circuses that use animals still exist today because of several myths the public to believe:

Current Activities:

Ringling Brothers Circus
Mistreatment of Asian
Elephants

- Watch Circus Video

West African Manatee

Environmentally Safe
Wind Power



Myth #1: Performing elephants are engaging in their “natural behaviors.”

Most scientists who study elephants in the wild say they have never seen an elephant head or engage in many of the other unnatural acts that the animals are forced to do at a circus. Yet Ringling Brothers and other circuses tell the public that these behaviors are natural and that the tricks are designed around these natural behaviors. In reality, the elephants spend weeks, months, and years of training with sharp metal tipped bull hooks and other tools to perform these unnatural tricks, and to “obey” their handlers and be completely submissive. Ringling Brothers use a type of training called “free contact” to break the elephants’ spirits and do so through force and intimidation.

Myth #2: Circus elephants receive the “highest standard of care.”

Far from receiving the “highest standard of care,” circus elephants are forcibly separated from their mothers when they are very young, beaten with bull hooks, and kept in chains for long periods of time. Several baby elephants have died in recent years under suspicious circumstances. Ringling Brothers elephants have tested positive for tuberculosis. See [About Ringling Brothers](#) to truly see elephants in captivity receiving the “highest standard of care,” visit the website of the Elephant Sanctuary in Tennessee which rescues abused and neglected elephants at www.elephants.com.

Myth #3: Ringling Brothers is “conserving” Asian elephants.

Ringling Brothers and other circuses are allowed to keep Asian elephants in captivity.

claim to be “conserving” this endangered species for future generations. In reality, not breeding elephants to return them to the wild, nor is it preserving their natural habitat. Ringling Brothers is simply breeding elephants to stock its extremely profitable circus. Elephants perform unnatural acts in a circus performance, and seeing them starve and bleed concrete for hours while they sway back and forth, is counterproductive to educating the public about the true nature and biology of these magnificent creatures, their natural habitat, and the extinction that they currently face.

> [Next page: What you can do](#)

[back to the top](#)

[Home](#) | [About](#) | [Who](#) | [Support](#) | [Contact](#)

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- Home
- About
- Who
- Support

Current Activities:

Ringling Brothers Circus
Mistreatment of Asian
Elephants

- Watch Circus Video

West African Manatee

Environmentally Safe
Wind Power



What you can do

The founder of the Ringling Brothers circus, P.T. Barnum, boasted th
sucker born every minute." Therefore, it is up to the public to becom
what really goes on behind the Big Top, and to patronize only those c
not use animal acts, such as Cirque du Soleil.

As more people learn the truth about what goes on under the Big Top, there are
ensure that these cruel practices are halted through the enactment of local ordi
legislation in different states and cities throughout the country. For a list of the
and to find out how you can support them, go to: <http://www.api4animals.org/>

Community Outreach

Hosting a panel discussion on circuses or animals in entertainment to coincide
coming to your town will help educate people in your community and get them
pros and cons of attending the circus. If you are interested in having a former c
at an event or assist you with a press conference please contact the Wildlife Adv

Letters to the Editor

Sending Letters to the Editor of your local newspaper is a great way to educate p
issues.

Tell Your Friends & Family

Few people realize what it really takes to force highly intelligent animals to perf
"tricks" in the circus. Once people – especially animals lovers – learn what is ac
often choose not to patronize this kind of anachronistic "entertainment." Expla
friends about the real life on the road; these animals experience will help them

decisions about whether or not to attend the circus.

Support The Wildlife Advocacy Project

With the help of former Ringling Brothers employee Tom Rider, who has had b
speak out and the inside knowledge to do so intelligently, The Wildlife Advocac
conducting a public education campaign throughout the country – to educate p
teachers, students, grass roots groups, legislators and the media about the mist
at the circus. Mr. Rider is traveling around the country, in a used van, so that h
local media when the circus comes to town and tell them about his experiences
efforts have resulted in numerous articles and broadcast news reports that shed
treatment of the elephants. To see some of the stories Mr. Rider has generated
want to help The Wildlife Advocacy Project to speak for the elephants, please m
contribution to this project by sending a check to:

The Wildlife Advocacy Project
1601 Connecticut Ave., N.W., Suite 700
Washington, D.C. 20009

(Marked: Elephant Project)

Or you can make a tax deductible contribution through Helping.org
(please indicate that this contribution is for the Elephant Project).

[back to the top](#)

[Home](#) | [About](#) | [Who](#) | [Support](#) | [Contact](#)

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- Home
- About
- Who
- Support

Current Activities:

**Ringling Brothers Circus
Mistreatment of Asian
Elephants**

- Watch Circus Video

West African Manatee

**Environmentally Safe
Wind Power**

The West African Manatee

As part of its efforts to conserve the endangered manatees throughout the world, the Wildlife Advocacy Project is now supporting important conservation work to protect and conserve the West African manatee in the Ivory Coast. The work is being done by Dr. Akoi Kouadio, a leading figure in conservation efforts in that country, who is working with the Wildlife Conservation Society to conserve the forests adjacent to the lagoon system where there are important populations of elephants, chimps, pygmy hippos, and probably the only stable manatee population in West Africa. Dr. Kouadio is collecting important informat status of the manatee and developing and implementing much needed long-term strategies for the species' survival and recovery.



To learn more about this project, [click here \(pdf\)](#).

[back to the top](#)

[Home](#) | [About](#) | [Who](#) | [Support](#) | [Contact](#)

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The Project

The West African manatee (*Trichechus senegalensis*) is found in shallow coastal waters, slow-moving rivers, estuaries, and some lakes along the Atlantic coast of Africa, from the Senegal River in the north to the Cuanza River (in Angola) in the south. It has also been recorded as far inland — 2,000 km from the sea — as the Niger River, from Koulikoro to Gao, and Lake Debo in Mali and Lakes Léré and Iréné in Chad. The species is listed as vulnerable in the IUCN Red Data Book and is legally protected by national legislation throughout its range. However, enforcement of such legislation has not been effective, and it is believed that the West African manatee population has drastically declined and that several local populations have even been extirpated due to subsistence hunting, incidental entanglement in fishing nets and habitat modification. Very little is known about the distribution and the biology of the species and until fairly recently, the species was among the “forgotten” marine mammals. Only a handful of scientists have attempted to carry out preliminary studies on the distribution and the biology of the West African manatees thus, there is still much research needed to provide adequate management for the species over the continent.

The manatee conservation and education project in Côte d'Ivoire was set up in 1986, by the Wildlife Conservation Society, headquartered in New York, in collaboration with the Ivorian Ministry of Water and Forests to gather basic information on the biology and status of the West African manatee and develop and implement a long-term management strategy for manatees in their most important habitats. The project was established in response to a recommendation from the IUCN/Sirenian Specialist Group to improve management of the sirenian populations, particularly the least known such as the West African manatee, with the aim of promoting their protection and recovery. Hence, the project has conservation implications well beyond the borders of the study area in southern Côte d'Ivoire.

The distribution of manatees on the entire coastal area of Côte d'Ivoire has been mapped from 1986 to 1990 and six different habitats has been identified of which the lagoon complexes of Grand-Lahou and Fresco (about 300 ha) linked together by the Fresco canal was found to be the most important (see study area maps in Appendix I). The project has shown that the total numbers of manatees still surviving in Côte d'Ivoire were well below 750-800 individuals severely persecuted for their meat and that manatees should be, therefore, regarded as an extremely endangered species in Côte d'Ivoire. Data obtained from 18 manatees tracked from April 2000 to present in the coastal lagoons has shown that the West African manatee spent its time resting, moving, feeding and cavorting and that time spent in different activities was highly correlated to period of the day, seasons of the year and tidal stages and that different parts of the lagoon system are used for each of these activities.



- Home
- About
- Who
- Support

Environmentally Safe Wind Power

At the request of the House Subcommittee on Fisheries, Wildlife and Oceans, Eri President of the Wildlife Advocacy Project, appeared before the Committee on M about the issue of siting wind power facilities to avoid injuries to migrating birds thousands of bats and migratory birds – including eagles, warblers, and hawks – when they come into contact with spinning wind turbines that are typically locate mountain ridges that birds use to migrate. The Wildlife Advocacy Project support clean energy alternative that will help in reducing the adverse effects of global wa important to construct and locate these facilities in ways that take into account th devastating impacts on wildlife. To date, federal conservation laws have proven in such impacts, and hence the Wildlife Advocacy Project is urging a strengthening (To read Mr. Glitzenstein’s complete written testimony, [click here](#).

Current Activities:

**Ringling Brothers Circus
Mistreatment of Asian
Elephants**

- [Watch Circus Video](#)

West African Manatee

**Environmentally Safe
Wind Power**



[back to the top](#)

[Home](#) | [About](#) | [Who](#) | [Support](#) | [Contact](#)
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TESTIMONY OF ERIC R. GLITZENSTEIN
MEYER GLITZENSTEIN & CRYSTAL
BEFORE THE HOUSE SUBCOMMITTEE ON FISHERIES,
WILDLIFE AND OCEANS
HOUSE COMMITTEE ON RESOURCES
MAY 1, 2007

I appreciate the opportunity to testify before the subcommittee on the vitally important topic of the impact of wind turbines on wildlife, particularly migratory birds and bats. I am a partner with the Washington, D.C. public-interest law firm Meyer Glitzenstein & Crystal, which provides legal representation to non-profit environmental, conservation, and animal protection organizations. I am also the President of the Wildlife Advocacy Project, a non-profit organization dedicated to assisting grassroots activists in their efforts to educate the public concerning threats to wildlife. A brief Biographical Statement is being provided.

As requested by the subcommittee, my testimony will focus on the current legal and regulatory framework that applies to the impact of wind turbines on wildlife. As discussed below, while a number of federal environmental laws may come into play when wind turbines are being planned and constructed, there is, at present, no comprehensive, effective federal system for avoiding, minimizing, and mitigating the effects of wind power projects on migratory birds, bats, and other wildlife. In addition, some of the most important regulatory and legal tools that are available depend entirely on the willingness of officials in the Department of the Interior to threaten or bring appropriate enforcement actions. Because such officials have demonstrated that they are completely unwilling to bring such actions, even in the face of flagrant violations of federal laws, wind power companies have little incentive to avoid or minimize impacts on wildlife, including federally protected species.

Before turning to these issues in greater detail, it is important to stress that wind power facilities, if properly sited, constructed, and monitored, can and should be a part of the answer to the global climate change crisis. At the same time, strenuous efforts must be made to avoid creating new ecological crises in the name of solving an existing one. By the same token, the fact that wind power may prove to be a piece of our energy puzzle does not mean that the wind power industry should get a free pass when it comes to safeguarding wildlife and other natural resources. Nor does it mean that the industry should have blanket

immunity from federal environmental laws. Just as the nation would not tolerate the nuclear, oil, or coal industries asking to be relieved of all obligations to protect wildlife and other resources, nor should that be an acceptable outcome for the wind power industry. As in most situations, it is crucial to find the appropriate balance between encouraging the construction of wind turbines in appropriate locations while, at the same time, ensuring that common-sense protections for wildlife are adopted and satisfied. After explaining the current untenable situation, my testimony will suggest appropriate legislative solutions for striking that balance.

THE INADEQUACY OF CURRENT CONSERVATION LAWS AND REGULATORY SYSTEMS TO ADDRESS THE ADVERSE IMPACTS OF WIND POWER PROJECTS ON WILDLIFE

To date, the federal government has played an extremely limited role in ensuring that wind turbines are sited and constructed in an environmentally sound and sustainable fashion. At present, all that is required for most wind power projects to begin construction and operation is a permit from the relevant state or local public service commission. These agencies have neither the expertise, the incentive, nor the legal mandate to fully evaluate the impact of wind power projects on wildlife and other natural resources. Most important, state and local agencies cannot reasonably be expected to evaluate, let alone to act upon, the potential *cumulative* effects of projects over which they have no jurisdiction – particularly impacts to migratory birds, which are a uniquely national (indeed, international) resource.

On the other hand, while several federal conservation laws may be used to reduce the impacts of wind turbines on birds, bats, and other wildlife under some circumstances, each of these statutes has proven to have severe limitations and deficiencies in addressing this issue. Taken together, they fall woefully short of the sort of comprehensive protection that will be necessary, particularly if wind power projects expand at the exponential rate presently being projected.

The Endangered Species Act only affords protections to the relatively few species that have been formally listed as endangered or threatened. Under the best of circumstances, it generally takes years to persuade the Fish and Wildlife Service (“FWS”) to list a new species. Accordingly, while the ESA has afforded some

vital protections to listed species like the Indiana bat and Northern flying squirrel (which the FWS is now proposing to delist on highly dubious legal and factual grounds), it provides no protection at all for the vast majority of birds and bats that are killed, injured, and harassed by wind turbines. And even for listed species, the ESA can be a crude instrument for protecting wildlife from wind turbines. If projects are not being built on federal lands – as is the case with most projects – the FWS has no legal authority to secure access to sites even to ascertain whether listed species are present in the area, let alone to insist that siting or construction changes be made to protect such species. Accordingly, although the ESA makes it unlawful for any power company to build a turbine that kills, injures, or harms a listed species – including, in some circumstances, through habitat destruction – the companies presently have a perverse incentive to remain ignorant regarding such impacts and hoping that the safeguards of the ESA never come into play.

The National Environmental Policy Act (“NEPA”) requires all federal agencies to analyze – in Environmental Impact Statements – the environmental impacts of “major federal actions significantly affecting the quality of the environment.” However, where – as is the case with most wind power projects – there is no necessary federal approval or other agency action, the EIS requirement is not triggered. Moreover, even where NEPA applies, the statute is purely procedural, i.e., the NEPA analysis could disclose that a project will have massive adverse impacts on a project that involves federal action (such as a project being built on national forest land, or with federal funding), but NEPA would not prevent the project from going forward.

On their face, the two federal statutes with the greatest potential to ameliorate the adverse effects of wind turbines are the Migratory Bird Treaty Act (“MBTA”) and the Bald and Golden Eagle Protection Act (“BGEPA”). The MBTA, which implements various treaties between the U.S. and other countries to protect migratory birds, makes it “unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, [or] kill” any migratory bird protected by the treaties. Any person who “kills” or “takes” a migratory bird in violation of the Act may be fined or even imprisoned for up to six months. Similarly, the BGEPA generally prohibits the taking, wounding, killing, or disturbing of bald and golden eagles – species that are also protected by the MBTA – and provides for criminal penalties when there is “wanton disregard for the consequences” of actions on eagles. In addition, civil enforcement actions may be brought by the government

even when there is harm but no intent to harm eagles.

Unfortunately, while these statutes *should* be of enormous value in addressing the adverse effects of wind turbines on birds, their actual benefit has been negligible at best. This is because of two related problems – first, neither the MBTA nor the BGEPA contains a “citizen suit” provision; accordingly, citizen enforcement of the statutes directly against wind projects that are killing and injuring protected birds is, at present, legally impossible. Second, although enforcement of these statutes against private violators is *entirely* dependent on the willingness of federal officials to bring, or at least threaten, actions for civil or criminal penalties, Interior Department and other federal officials have consistently *refused* to do so with respect to wind turbines, although they have known for *decades* that these projects may – if not properly sited and constructed – result in rampant violations of the MBTA and BGEPA.

Unlike the Endangered Species Act and most other modern environmental laws – such as the Clean Water Act, Clean Air Act, and Toxic Substances Control Act – neither the MBTA nor BGEPA authorizes citizens to bring enforcement actions against statutory violators. Indeed, “citizen suit provisions are now fixtures in the landscape of federal environmental law,” Fadil, *Citizen Suits Against Polluters: Picking Up the Pace*, 9 Harv. Env. L. Rev. 23, 24 (1985), precisely because Congress has repeatedly recognized that the enforcement of environmental laws will be lax to nonexistent unless vigilant and concerned citizens are empowered to bring suit.

That has certainly been the case with wind power projects. Interior Department officials have known since the early 1980s – when wind turbines were installed in the Altamont Pass in California – that such projects have the potential to maim, dismember, and otherwise destroy eagles, hawks, owls, falcons, and many other bird species. Indeed, in disturbing documents my firm obtained in a Freedom of Information Act lawsuit on behalf of Friends of Blackwater – a West Virginia conservation group – FWS enforcement officers documented that even single turbines were killing, every month, hundreds of such birds in the most horrific manner imaginable.

For example, according to one internal “Report of Investigation” documenting “Violations of the Migratory Bird Treaty Act” and “Violations of the

Eagle Act," the report explains that "[m]igratory bird mortalities at the wind farms usually occur by the birds being dismembered when they come into contact with the fully exposed spinning turbine blades," and that one "particular Golden eagle was found in four separate pieces," with the "left wing and one leg [] so badly twisted together, they could not be readily separated." According to the Report, other "[t]ypes of injuries observed are: severed beaks resulting in massive hemorrhage; decapitations, either mid-skull or complete; complete mid-body separation; wing amputations or fractures." (A copy of this Report and several similar internal FWS investigatory records are being submitted along with this testimony for the convenience of the Subcommittee). The Report also documented many "electrocution mortalities," while stressing that "[m]ost migratory bird electrocutions are preventable using current technology."

Yet although such killing and injuring of eagles, hawks, and other birds has now been going on for decades and this constitutes a patent violation of the MBTA and the BGEPA, federal officials have *never* even initiated civil or criminal enforcement actions against any of the Altamont (or any other) facilities. Unfortunately, the same pattern of official abdication of enforcement responsibilities is now being repeated on the East Coast. For example, soon after a 44-turbine project called the Mountaineer Wind Energy Center became operational in December 2002 in the West Virginia Appalachian highlands, dozens of migrating songbirds – including blackpoll, magnolia, and Canada warblers and other species on the FWS' s list of migratory birds of "special concern" – were killed in a single night after colliding with turbines during foggy conditions characteristic of the Appalachian ridges. Once again, although this was the largest single bird kill ever recorded at a wind power facility in the U.S., Interior Department officials again took no enforcement action against the company for this flagrant violation of the MBTA,

It has become painfully apparent that, without further direction from Congress, the situation facing wildlife will become even more ominous as Interior Department officials adhere to their "hands off" policy. Indeed, in an effort to prompt a change in approach, in June 2003, over thirty national and regional conservation groups – including Defenders of Wildlife and the National Audubon Society – along with concerned scientists and citizens wrote to the Secretary of the Interior and the Director of the FWS urging them to exercise their authority under the MBTA to take "immediate steps to ensure that appropriate biological

information is gathered and considered before an expansive series of large-scale wind power projects is constructed throughout the Appalachian Mountain ridges, with potentially devastating and irreversible impacts on the hundreds of migratory bird species that funnel through those ridges each year.” The conservation groups and scientists urged the Interior Department to establish appropriate siting and construction criteria and, equally important, in order to “ensure that these criteria are followed by the wind power industry,” to “us[e] the threat of MBTA enforcement as leverage if necessary, so that illegal ‘takes’ of migratory birds are avoided or minimized.”

In a September 2003 response, the Department made clear that it had no intention of enforcing the MBTA or even using the threat of such enforcement to ameliorate the impact of wind turbines. Thus, while acknowledging that “impacts on birds, bats, other wildlife, and [] disruption and fragmentation of habitats are of concern,” the Department stated that it would merely “encourage” compliance with “voluntary” siting and monitoring “guidelines,” and that it hoped that a “spirit of partnership and cooperation” would prompt power companies to comply with the guidelines. In other words, the Department made clear that it would continue to rely on the same laissez-faire approach that has already proven to be woefully inadequate in preventing bird kills at the Altamont pass and other wind turbines.

Finally, as bad as the present regulatory situation is for birds, it is, if possible, even worse for bats. Except for the few bat species that are presently listed as endangered or threatened, bats have no substantive protection under any federal conservation law, although the projected wind facilities may well decimate bat populations. The FWS has estimated that the Nedpower Mount Storm Wind Project in West Virginia could alone “kill approximately 9,500 bats a year,” which is a “significant level of fatalities which local populations would have a difficult time sustaining.” (9/15/07 letter from FWS West Virginia Field Office to Newpower).

Likewise, scientists with Bat Conservation International (“BCI”) found that 66 turbines at two wind power sites in West Virginia and Pennsylvania killed as many as 2,900 bats in just a six-week study period – an alarming rate that the organization said was simply not “ecologically sustainable.” Yet FPL Energy – which owns the plants – reneged on a commitment to allow further monitoring of

bat impacts because it might put pressure on the company to shut down turbines. In the absence of further legal safeguards, it is inevitable that bat populations will be decimated by the ever-expanding wind power operations, and that additional bat species may eventually have to be listed as endangered or threatened as a direct result of wind power.

In sum, there are, at present, gaping holes in the protection of wildlife – and birds and bats in particular – from poorly sited, constructed, and monitored wind turbines. While migratory birds are ostensibly protected by the MBTA and BGEPA, that protection has proven illusory because federal officials simply refuse to enforce those statutes against even the most egregious violations in connection with wind turbines. Except for a handful of listed bat species, bats lack even theoretical protection under federal law. And, even in the rare instances where federal regulatory tools are being brought to bear on individual projects – such as projects on federal lands or where the FWS knows that an endangered or threatened species is present – no agency is even evaluating the *cumulative* effects of present and planned wind turbines on at-risk wildlife species, let alone incorporating such analysis into a precautionary regulatory regime. Accordingly, in the absence of further federal safeguards, it is inevitable that the nation will, perversely, wind up creating a new ecological crisis in the guise of addressing another one. Now is clearly the time for Congress to act, before it is too late.

PROPOSED LEGISLATIVE RESPONSE TO THE LOOMING WILDLIFE CRISIS POSED BY EXPANDING WIND TURBINES

Fortunately, relatively modest measures can afford wildlife invaluable protections, while still allowing wind power projects to expand into ecologically appropriate locations.

First, Congress should require the FWS, based on recommendations of an independent committee of scientific experts (*i.e.*, experts who have not served as consultants for, and have no other financial connection with wind power companies) to (1) evaluate the likely cumulative effects of present and planned wind turbines on birds, bats, and other wildlife populations, and (2) devise appropriate measures for minimizing and mitigating such cumulative effects to the greatest extent practicable. A temporary moratorium on the construction of new turbines should be imposed while this analysis – which could probably be

completed within six to twelve months – is conducted.

Second, Congress should amend the MBTA by authorizing citizens to bring appropriate enforcement actions for violations of the statute. There is no sensible policy reason why citizens should be able to enforce the ESA and other major environmental laws, but may not do so with regard to MBTA violations; rather, the lack of a citizen suit provision is merely an historical artifact, *i.e.*, the MBTA was enacted long before it became routine for Congress to look to citizen enforcement as a critical supplement to enforcement efforts by perennially underfunded and frequently indifferent federal officials. A citizen suit provision in the MBTA could be modeled after the ESA's citizen suit provision (section 11(g) in that Act), which has generally worked well in helping to curb egregious violations of that law.

Third, Congress should require the FWS to adopt, following public notice and comment procedures, mandatory siting, construction, monitoring, and adaptive management standards that are designed to avoid, minimize, and mitigate wildlife (and particularly bird and bat) impacts, and with which all wind turbines must comply. These standards should be informed by and consistent with the cumulative impacts analysis conducted by the FWS and independent scientists. Many such standards could parallel the voluntary "guidelines" on which the FWS is now relying and which are sound in principle but largely ignored by the wind power industry – which, once again, has no incentive to comply with such guidelines and concrete financial reasons not to do so.

Turbines should not be permitted to operate unless the FWS expressly certifies that they are in compliance with the standards; to ensure that they remain in compliance, such certifications should be renewed periodically. In addition, as with other major energy facilities – such as nuclear and hydroelectric plants – the public should have an opportunity to comment on the adequacy of a company's plans for complying with standards designed to avoid, minimize, and mitigate environmental impacts.

For example, as with the present guidelines, such standards should provide that turbines must be sited so as to minimize wildlife impacts, including by avoiding ecologically sensitive areas such as known bird migration routes, wetlands where birds and other wildlife are known to congregate, and all

hibernation, breeding, and maternity/nursery colonies of bats. In addition, turbines should be sited and configured so as to avoid landscape and other features that are known to attract wildlife (e.g., because eagles, falcons, and other raptors are known to use cliffs and ledges for perching, turbines should be set back from such features).

To ensure that appropriate information is brought to bear on such siting and configuration decisions, the standards should require comprehensive pre-construction site surveys that are of sufficient scope and duration to reasonably evaluate the extent to which a particular site is used by migratory birds, bats, and other wildlife. Congress should make clear that the FWS has authority to oversee all such surveys and, of critical importance, to obtain access to all sites under consideration so that the Service can evaluate for itself the value of a particular site for wildlife.

Consistent with the present voluntary guidelines, mandatory standards should also require wind companies to monitor impacts of turbines on wildlife, to ensure that predictions of acceptable impact are not exceeded. All monitoring plans should be approved by the FWS, and all data produced as a result of the monitoring efforts should be made available to the Service and, in turn, the public. Where monitoring reveals that turbines are exceeding anticipated wildlife impacts, the standards should require that adaptive management measures be brought to bear to reduce such impacts to the "baseline" conditions predicted by the turbine operator. Where companies fail to comply with the standards for siting, constructing, monitoring, and reducing unanticipated impacts, both the FWS and interested citizens should be authorized to bring appropriate enforcement actions to ensure such compliance.

With regard to turbines already in existence, while it may be impractical to relocate them, they should not be relieved of all obligations to monitor for wildlife impacts, and to make appropriate technological and other adjustments to reduce such impacts. Accordingly, Congress should direct that the FWS should adopt specific standards – again, with public notice and comment – regarding the appropriate means to minimize and mitigate impacts at turbines already in operation. Because impacts on bats have already proven to be an enormous concern at such facilities, Congress should make clear that the standards should specifically focus on appropriate measures for reducing such impacts, including by

requiring plant operators to retrofit turbines with newly available technologies for reducing impacts and/or to compensate for them by, e.g., offsetting any unavoidable impacts by purchasing and preserving in perpetuity mitigation habitat. Of course, all such turbines should remain fully subject to preexisting conservation laws, such as the ESA and MBTA.

If common-sense measures such as these are adopted to conserve precious wildlife resources, wind power will be worthy of the “green energy” and “environmentally friendly” labels that its promoters and supporters use to describe it. Without them, those labels will, over the coming years and decades, be increasingly viewed as tragically ironic, as birds, bats, and other wildlife are needlessly killed and maimed in ever-increasing numbers.