



ENTERTAINMENT, INC.

August 5, 2014

VIA E-MAIL AND FACSIMILE

Mayor Leffingwell and Austin City Council
301 W. Second Street
Austin, Texas 78701

Dear Mayor Leffingwell and Council Members:

Feld Entertainment, Inc. ("Feld") is the world's leading producer of live family entertainment spectacles *Ringling Bros. and Barnum & Bailey® Circus*, *Marvel Universe Live*, *Disney On Ice*, *Disney Live!* and *Feld Motor Sports®* (FMS) events, including *Monster Jam®* and *Monster Energy® Supercross*. Once again *Ringling Bros.* will be performing in Austin at the University of Texas Frank Erwin Center August 20 through 24, 2014.

We understand that the Council recently enacted a resolution regarding the treatment and welfare of circus animals. We believe that the resolution is misguided and reflects incorrect information about the regulation and treatment of circus animals. It also maligns an animal husbandry tool that is necessary to ensuring the safety of elephants and the people who work with them. Allow us to set the record straight.

Existing Regulatory Oversight

The care and treatment of animals in circuses is regulated by the United States Department of Agriculture (USDA) under the federal Animal Welfare Act (AWA). AWA regulations are comprehensive and address such topics as the animals' traveling facilities, food, watering, ambient temperatures, public and animal safety standards and other regulatory oversight. All USDA licensed exhibitors, including zoos and circuses, are open to regular, unannounced inspections by the agency, and USDA frequently inspects licensed exhibitors to ensure they comply with AWA regulations and standards. Circuses are governed by the same rules and requirements that are applied to zoos. A special team of USDA staff dedicated to inspecting only traveling elephants is also in place.

Although the resolution suggests that there is currently no local oversight of animal welfare when *Ringling Bros.* or other circuses perform at the University of Texas, that is not the case. Each year we work closely with the University to provide information regarding our animals' safety, care and well-being. We also communicate with and on numerous occasions have opened our doors to local Animal Control as a courtesy to demonstrate that our animals are in fact healthy and well-cared for at all times. In that same vein we would be happy to provide a behind the scenes tour of our animal areas to Mayor Leffingwell, Council Members and the City Manager.

Animal Care at *Ringling Bros.*

At *Ringling Bros.* we pride ourselves on the excellent care that all of our animals receive and the fact that they are healthy, thriving, vigorous and safe. They consume fresh, nutritious food that is purchased locally and delivered to each performance site. We have a team of full-time veterinarians, veterinary technicians and animal caregivers who oversee all aspects of the animals' care and well-being. Our veterinary team includes leading experts in the areas of elephant health and reproduction who regularly work with and assist zoos and other facilities throughout the world.

Allegations of abuse or mistreatment in the training, handling and transport of our elephants are not true. As a result of the care they receive our elephants tend to live significantly longer than their counterparts in zoos and the wild. *Ringling Bros.* elephant management practices are accepted by USDA and are consistent with those outlined in the ***Elephant Husbandry Resource Guide***, which was published by the International Elephant Foundation (IEF) and endorsed by the Association of Zoos and Aquariums (AZA) and the Elephant Managers Association (EMA). This book reflects the recognized, state-of-the-art, industry standards for the safe and humane care and management of elephants.

Animal Husbandry Tools

The bull hook, also called a guide or ankus, is a time-tested, humane tool for handling elephants safely around the public. It is a proven and humane management tool accepted by not only USDA and the U.S. Fish and Wildlife Service (FWS), but also by the American Veterinary Medical Association (AVMA), as well as the IEF, AZA and EMA.

Ringling Bros. like all other circuses and at least half of the zoos in the US, uses a method of elephant handling known as "free contact." The bull hook is fundamentally necessary to free contact handling, and without it, you cannot have elephants in the circus. There is no alternative manner or tool for free contact management. This fact is uncontroverted, even by animal rights activists who promote such bans.¹ Thus, you are in fact being asked to ban elephants by outlawing the tool necessary to exhibit them safely in a public setting, whether in a circus, a film production, rides at the fair or even religious events and ceremonies.

¹ We would be happy to provide excerpts from sworn testimony in a federal court case that demonstrates this to be true.

Any tool can be misused, but that is determined by the user not the tool. Electric livestock prods and whips are regularly and humanely used across your state by 4-H livestock exhibitors, cattle ranchers, and horse owners. A “bull hook” is nothing more than a shorter version of the “show stick” that is used when exhibiting beef or dairy cattle projects. Like the show stick, a guide is used to request certain behavior from the animal in order to maintain control, which includes humanely making contact with the animal at specific cue points on its body. It is irrational and perhaps legally invalid to ban animal management tools for one species yet not extend such restrictions when similar tools are used for other species, e.g., horses and livestock.

Legal Issues and Cases

We support reasonable and effective regulatory measures for purposes of ensuring the welfare of all animals. In fact, *Ringling Bros.* is subject to inspection and oversight related to animal care in every place we go whether it be by USDA or by state and local authorities. Yet it is vital to recognize that there are federal laws and regulations in place that govern the safe and humane display and management of elephants and other animals. We believe that local legislation that unnecessarily and unreasonably interferes with the ability of lawful, federally regulated exhibitors to manage elephants would conflict with and would arguably be preempted by the federal Animal Welfare Act. Moreover, any legislation that discriminates between different kinds of animal facilities would arguably be unconstitutional.

It is noteworthy that many of the allegations regarding elephants put before the Council can be traced to a long (14 years) federal court case brought against our company attacking our elephant care and handling, a case that was ultimately resolved in our favor. In fact, the plaintiffs and other parties, including some of the “leading animal rights organizations” ultimately agreed to pay our company more than \$25 Million to settle the cases that they instituted. See www.ringlingbrostrialinfo.com.

Ringling Bros. and Elephants

Ringling Bros. knows how to care for elephants and is also demonstrably committed to the preservation of the endangered Asian elephant. We currently care for more than 40 Asian elephants, the largest herd outside of Asia. Our elephants generally live longer and reproduce at a greater rate than any other group of captive elephants in North America, if not the world. Federal, state and local authorities, as well as zoos and other facilities, often look to our company for guidance regarding appropriate elephant husbandry practices.

The majority of our elephants are cared for at the *Ringling Bros. and Barnum & Bailey Center for Elephant Conservation* in central Florida. This state-of-the-art-facility dedicated to the research, reproduction and retirement of Asian elephants. Our breeding program is uniquely successful with 26 births since 1992. This program, in and of itself, is noteworthy, and with less than 35,000 Asian elephants left in the world and elephants dying in the wild every day, our role in preserving and propagating this species is pivotal. Indeed, our company has made a

commitment to the Asian elephant both here and abroad to ensure that future generations have the chance to see this magnificent yet endangered species.

Other Cities

The recent resolution contains some incorrect information. While the City Council of Los Angeles did recently adopt a "bull hook ban" that ban is not yet effective. Furthermore, it is not true that the cities of Tallahassee, Fort Wayne and Louisville have adopted similar bans. *Ringling Bros.* regularly performs with elephants in all of those cities. In fact, *Ringling Bros.* had engagements in both Tallahassee and Louisville earlier this year.

Conclusion

Make no mistake -- the current debate is not about animal welfare; it is about the ability of audiences to see and appreciate elephants and other animals up close and in person. For millions of families, the opportunity to see elephants and other animals up-close in a performance setting is a unique and treasured experience. Yet animal rights groups want to deny the public that right and will no doubt continue to distort the care and commitment *Ringling Bros.* has for its animals.

The decision as to whether to attend a circus should rest with the public, not be made for them by a government prohibition that does nothing for the animals. The proposed censorship should be rejected to avoid interference with free choice. We respectfully urge you to oppose any measure that would take away the opportunity to experience these animals by preventing *Ringling Bros.* and other traveling exhibitors from visiting Austin.

Sincerely,



Thomas L. Albert

Vice President – Government Relations

Cc: Marc Ott, City Manager