

January 1998

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Recommended Citation

Jane Garrison, *A Call to Attorneys: Brainstorming to Help Captive Elephants*, 16 Pace Envtl. L. Rev. 133 (1998)

Available at: <https://digitalcommons.pace.edu/pelr/vol16/iss1/14>

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A Call to Attorneys: Brainstorming To Help Captive Elephants

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I think that some of the comments that Katie made about understanding bears and their behavior also applies when fighting against enemies of elephants in circuses. What I would like to do, this afternoon, is to give everyone an outline of exactly what elephants endure in a circus, from the beginning to the end, in order to better understand their role in the circus. I think it is important that everyone has a bit of information about what the natural behavior of an elephant is, without knowing that, it is difficult to understand how elephants in circuses are deprived of nearly everything that makes their lives worth living.

Elephants in the wild live in herds in a social structure that is made up of all male or all female herds. The female herds consist of aunts, cousins, and grandmothers who live together in very tightly-knit herds. The males live together in what is called a bachelor herd. They spend their days foraging for food. Elephants eat approximately two to five hundred pounds of food per day. They spend much of their time walking and swimming. Many people do not realize that elephants are excellent swimmers and they are the closest relative to a manatee. They like to take mud baths and spend a lot of time soaking in the mud and resting in the sun. They sleep very little, approximately four hours or less. Elephants are extremely loyal. When a baby is born in the herd, it is a

* Jane Garrison is the campaign coordinator for People for the Ethical Treatment of Animals (PETA), campaigning to end the abuse of elephants in the circus and other traveling exhibits. Ms. Garrison's most recent victories include the permanent revocation of King Royal Circus' license to exhibit animals and Universal Studios' cancellation of elephants scheduled to appear in a circus. She has appeared on many national television shows denouncing the use of elephants in circuses.

very big event and the rest of the herd will help the mother, not only to deliver the baby, but to care for him or her as well. Elephants have a gestation period of twenty-two months. Many times, elephants that are pregnant in the circus are on the road for the entire time. Baby elephants nurse from two to two and a half years of age and occasionally, longer. Female babies will stay with their herd their entire lives; they will never leave their mother's side. Male elephants leave the herd between ten and fifteen years of age.¹ I think that these facts are important for everyone to know.

Unfortunately, life in the circus is quite a contrast to life in their natural habitat. Elephants' babies are ripped away from their mothers at a very, very young age. Last month, a three-year-old baby elephant, with a popular circus, died on the road without his mother. We received a call from a circus employee who said that the baby was forced to perform when he was obviously sick. The employees of the circus heard him wailing on the morning of the performances. The circus failed to let him rest and forced him to perform three shows. He died after the third show. We reported the incident to the United States Department of Agriculture (USDA). They conducted an investigation and fined the circus twenty thousand dollars.

In the circus, baby elephants and circus elephants are trained in cruel ways. The first thing they do is beat the spirit out of the elephant. For days and weeks on end, they will beat the elephants many times with an instrument that looks like a long wooden stick with a sharp metal hook on the end. They also use food and water deprivation, as well as sleep deprivation, to control and force the elephants to do what they are supposed to do.

The circus claims to have used positive reinforcement, but of course, we all know that is not the case. After the elephants are trained to do these ridiculous tricks, they are forced to go on the road. They are often kept in trailers or

1. *Dr. Sue's Elephants Fun Page* (visited Nov. 3, 1998) <<http://www.dcn.davis.ca.us/vme/DrSue/elephant.html>>. See also *African Elephant Miniature Zoo* (visited Nov. 3, 1998) <<http://www.mzoo.com/vw9090.htm>>.

trains for days at a time. The trailers are little more than metal boxes with little ventilation. The only fresh air the elephants get, as they travel through hot summer weather, comes from tiny vents on the top of the trailers. The vents are very small, just a few inches across. The elephants are crammed into the trailer, often in chains. There is no heat, no air conditioning, and no water. It is rare that circuses stop to give the elephants water, even during trips that last for many hours or several days. The elephants are forced to stay in their own excrement during the trip. When they unload the elephants, many times, the last thing they want to do is give them water because circus employees are too busy setting up for the show.

The walk from the trailer to the arena where they perform, the famous elephant walk, may be the only chance that these elephants get to move around and stretch. Unfortunately, everything they do at the circus is surrounded by beatings, especially with the bull hook. The hook is placed on very sensitive areas. Also, when they have to walk from the train to the arena, many times it is in extreme temperatures that are not comfortable or healthy for elephants. Sometimes the pavement is hot. Next week there is a circus coming to Manhattan. They will unload the elephants at eleven o'clock at night in Queens and the elephants will walk through the tunnel into Manhattan. I have been monitoring the weather at night and it has been in the upper twenties and lower thirties. The elephants are going to be forced to walk in cold weather, which is a far cry from their natural warm climate.

Another circus activity that is abusive, considering that elephants walk many miles a day in the wild, is the use of chains. In chains, the elephants are confined. They are forced to stand in their own excrement. One front foot and one back foot are chained so that they actually develop a problem with their feet from standing for so long in that position in their own waste. The elephants sometimes become crippled and when they cannot walk, they die. It is very frustrating for the elephants. When you see them chained, you will see the stereotypical behavior, swaying back and forth. It is the same behavior you can see in humans in mental in-

stitutions. Sometimes, they will chain the elephants together. It is not as common, but sometimes, with what they would consider problem elephants, they do it. Those are the elephants you want to watch. If you are there to see the elephants being unloaded or if you are trying to get a video, you definitely want to watch for that. I want to stress that, if you see them chained, just remember that it is unnatural for elephants. Of course, this is how the circus achieves its goal of forcing elephants to perform degrading tricks that do not highlight the true beauty of an elephant.

The bull hook is placed in the sensitive area under the elephant's neck. Although it looks tough, an elephant's skin is very sensitive. The general public thinks that it is very thick and they can withstand the poking and the jabbing, but they cannot. That is why control with a bull hook is possible. Also, many of the tricks that they are forced to perform are physically dangerous. Elephants in the wild do not stand on their back legs and will sometimes fall on their knees from being forced into that position. Even if they are not feeling well, they are still forced to perform and stand in this way. Last year, a performing elephant in Las Vegas died after his knee was blown out from standing in that position.

Many times, the circus elephants try to escape or go crazy, running wild through the tent and then into the streets. They want to get away from the abusive life. An elephant named Janet, that traveled with a circus in Florida a few years ago, ran madly through the street with children on her back. Police officers were forced to shoot and kill her. Incidents such as this are not uncommon; they occur every year around the world. This poses a liability problem for the circuses and is something for attorneys to focus on. Many people just do not care about animal abuse, but they may care if an eight to ten thousand-pound animal suddenly rampages from the arena into the crowd. Fear of lawsuits may motivate service organizations that sponsor circuses as fund-raisers to find other ways to make money. Of course, if people can understand that there is a liability issue, then they may want to know why elephants are going crazy and we can educate

them about the abuse and deprivation of elephants in the circus.

Now, what I would like to do is show a short video that highlights some of the rampages that have taken place as well as a health problem facing animals. Also, I want everyone to know that this video is available from PETA.² If you would like a copy, just give me your business card and I will be happy to send you one. I know that this is very difficult to watch, but in our lifetimes we are going to see an end to this. If this is the last thing I do, I will definitely see an end to this. It is just not acceptable to treat other beings this way. I ask everyone in this room to make a commitment to do something for captive elephants, even if it is to tell people that have children not to go to the circus. We have to educate people. The fact is, people still go to the circus. I have surveyed people who go to the circus, people who do not know that I work to free elephants, if they would still go to the circus if they knew that the elephants are abused. Their answer is always the same, absolutely not. We have to educate people.

There are many things that, as attorneys, you can do, but we would ask you to become very familiar with the Endangered Species Act (ESA)³ in order to look for legal remedies to stop this kind of abuse.⁴ There is an attorney, Kathy Myers, who worked right at our side on a case involving orangutans in Las Vegas and she used violations of ESA as the basis for the charges.⁵ We also need you to file comments when you see a notice in the Federal Register. It is important and it would make a difference if the letter came from an attorney who understands the liability problems. We receive a lot of

2. Contact Jane Garrison at PETA, (757) 622-7382 ext. 635, for a copy of the video.

3. Endangered Species Act, 16 U.S.C. §§ 1531 to 1544 (1998).

4. *See id.*

Except as provided in section 1535(g)(2) and 1539 of this title, with respect to any endangered species of fish or wildlife listed pursuant to § 1533 of this title, it is unlawful for any person subject to the jurisdiction of the United States. . . to take any such species within the United States or the territorial seas of the United States.

Endangered Species Act, 16 U.S.C. § 1538(a)(1)(B) (1998).

5. *See PETA v. Berosini*, 110 Nev. 78 (1994).

comments from local citizens about the abuse. It is important and we need to cover as many angles as possible. We also ask that you try to work on local legislation and state legislation to stop this or impose serious restrictions on the use of elephants performing in public, which would, in the end, stop the use of them altogether. You must contact the organizations that sponsor circuses in your local communities. It is very simple. Just call or write to the organization and explain that elephants are abused in circuses and that it can be dangerous to have them around people. When a circus is coming to your town and you see that it is being sponsored, you must contact that sponsor. I have seen many circus performances cancelled this way. You can go to your city council and board of supervisors and ask them to prohibit circuses that utilize animals.

In January 1998, I was in California and there was a circus that was coming to Universal Studios. I called Universal Studios to complain and I asked them about the elephants. I learned a very important lesson that many of us sometimes forget, so I want to emphasize it: never stop at the first person who says "no." The first person I talked to said, "Oh yes, I am familiar with that and we looked into the background of the person who is supplying the animals for the circus and the record was clean." Well, I went beyond that person to the Chief Operating Officer at Universal Studios. I faxed a letter, and followed up with a phone call, every day, for the next two weeks, saying that we were not going to back down until the elephants were not permitted to be a part of the circus. Two days later, I received a phone call, saying they would not have any animals in that circus.