



**NEW YORK
CITY BAR**

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**REPORT ON LEGISLATION BY THE
ANIMAL LAW COMMITTEE**

**A.5407
S.5971**

**M. of A. Paulin
Sen. Latimer**

AN ACT to amend the agriculture and markets law, in relation to restricting the use of exotic and wild animals in traveling circuses and shows

THIS LEGISLATION IS APPROVED

SUMMARY OF THE PROPOSED LAW

A.5407/S.5971 would add a new section 352 to the New York Agriculture and Markets Law to restrict any “traveling circuses or show”¹ from allowing the “participation of an exotic or wild animal, including a non-human primate, in an animal act if during the thirty day period preceding such participation, such animal was traveling in a mobile housing facility.” The definition of “exotic or wild animal” includes non-human primates, tigers, lions, wolves, bears elephants, giraffes, camels, zebras, and certain other enumerated non-domesticated animals. Domesticated animals, including dogs, cats, sheep, swine, cattle, horses, donkeys, mules and goats would be excluded from the restrictions.

Additionally, the restrictions would not apply with respect to the following: (a) accredited zoos and aquariums and other institutions accredited by the American Zoo and Aquarium Association; (b) wildlife sanctuaries;² (c) non-profit environmental education programs;³ (d)

¹ The term “traveling circus” is defined to mean “a Class C Licensee that is licensed under the Animal Welfare Act . . . that offers performances by live animals, clowns and/or acrobats that travel in mobile housing facilities.” The term “show” is defined to mean “any mobile or stationary act, circus, public show, trade show, photographic opportunity, carnival, city or county fair, agricultural fair, ride, parade, race, performance, or similar undertaking incorporating wild or exotic animals wherein the animals are taken from their permanent residence and required to travel for any distance.”

² Defined as “a 501(c)(3) organization described in section 170(B)(1)(A)(VI) of the Internal Revenue Code 1986, and its subsequent amendments where: (i) no commercial trade in animals occurs . . . (ii) no propagation of animals occurs in the facility; and (iii) no escorted public visitation is allowed; no direct contact between the public and wild animals is allowed; animals are not taken from the sanctuary or enclosures for exhibition.”

³ Defined as “animal use or exhibition that is devoted to imparting knowledge or information about the exhibited animal’s behavior, habitat, life cycle, migratory patterns, feeding habits or similar pedagogical information and is conducted by an individual or individuals who is/are accredited or similarly qualified to impart such information. At no time during an educational exhibition will any animal be made to perform any behavior that is not intrinsically natural to the animal.”

universities, colleges, laboratories or other research facility registered with the USDA pursuant to the Animal Welfare Act (7 U.S.C. Section 2136); (e) the use of exotic animals in film, television or advertising if such use does not involve a live public exhibition; and (f) the use of wild or exotic animals in a rodeo. The fine for illegally exhibiting wild or exotic animals is \$10,000 per violation.

JUSTIFICATION

The Animal Welfare Act (AWA)⁴ and Article 26 of the N.Y. Agriculture & Markets Law have not effectively protected circus animals who perform in New York from harmful conditions inherent in circuses involving animal shows. As explained below, (a) the tricks that circus animals are forced to perform can involve physical coercion and abuse, (b) extensive travel and prolonged confinement of animals in circuses can be detrimental to their physical and psychological health and welfare, (c) the public safety and the safety of workers may be put at risk by the exhibition of wild and exotic animals in circuses, and (d) current law does not adequately protect circus animals from abuse and mistreatment.

(a) The tricks that circus animals are forced to perform can involve physical coercion and abusive tactics.

As noted in the legislative findings of the proposed legislation, traveling circuses and shows are detrimental to animal welfare because the “tricks that exotic and non-domesticated animals are forced to perform require extreme physical coercion techniques, including the restriction of food, the use of elephant hooks . . . , electric shocks, metal bars, whips, and other forms of physical abuse.” The tricks that circus animals are forced to perform such as headstands and jumping through rings of fire are not behaviors animals would perform in nature. In order to make the animals perform these tricks, it has been reported that some exhibitors use extreme physical coercion that results in trauma, physical injury and, in extreme circumstances, death. For example there are numerous accounts of elephants being hit by circus employees on sensitive parts of their bodies with baseball bats, electric prods, and pitchforks and being beaten on the face with sharp metal hooked rods known as bullhooks during training and exhibitions.⁵

⁴ 7 U.S.C. §§ 2131 *et seq.* The AWA requires that minimum standards be provided for the care, treatment, transportation, housing, handling, purchase and sale of certain warm-blooded animals used for research, exhibition, and commerce in order to ensure their humane treatment. A federal bill to amend the AWA, known as the Traveling Exotic Animals Protection Act (“TEAPA”; H.R. 3359) would bar the exhibition of animals traveling 15 days prior to a circus exhibition. The Committee submitted a report in support of TEAPA (*available at* <http://www2.nycbar.org/pdf/report/uploads/20072237-HRBillTravelingExoticAnimalProtectionAct.pdf>). The Committee has also submitted a report in support of New York City Council Intro. No. 49, to prohibit the display of any wild or exotic animal in New York City (*available at* <http://www2.nycbar.org/pdf/report/uploads/20072396-Prohibitingdisplayofexoticanimalsforentertainment.pdf>).

⁵ See, e.g., Deborah Nelson, *The Cruellest Show on Earth*, MOTHER JONES 48-57 (Nov./Dec. 2011), *available at* <http://motherjones.com/environment/2011/10/ringling-bros-elephant-abuse> (last visited Nov. 7, 2013). The City of Los Angeles enacted a ban on the use of bullhooks on circus elephants in October 2013. *LA City Council Bans Use of Bullhooks On Circus Elephants*, CBS Los Angeles, October 23, 2013, *available at* <http://losangeles.cbslocal.com/2013/10/23/la-city-council-to-debate-use-of-elephant-hooks-at-circuses/> (last visited

The widespread use of such abusive training methods is reported both by concerned animal welfare organizations and also by former circus employees who have documented baby elephants being tied up with rope and forcibly stretched and beaten to make them perform tricks like headstands⁶ and animals suffering serious bodily injury resulting in death as a result of dangerous and abusive training.⁷ Elephants are not the only animals to suffer; undercover investigators have also photographed and videotaped the abuse of camels, lions, dogs, monkeys, tigers, and other animals used in circuses in the United States and abroad. Occasionally, circuses kill animals that they are unable to control. For example, in 1997, the brother of a circus animal trainer shot and killed a tiger while the tiger was in his cage after the tiger attacked the animal trainer.⁸ In acknowledgement of the inhumane brutality routinely visited upon elephants in performances and exhibitions, the Los Angeles City Council in October 2013 voted unanimously to ban the use of bullhooks and, in addition, any implement (*e.g.*, baseball bats, ax handles, etc.) that would be similarly used to prod, poke or strike an elephant and inflict pain.⁹

(b) Circuses are detrimental to animal physical and psychological health.

In addition to being victims of brutal training tactics, records indicate that some circus animals travel for extremely long periods of time, live in inadequate housing, suffer harsh conditions on the road as they are transported to different venues, and are frequently denied adequate veterinary care. One animal welfare group estimates that many circus animals spend eleven months a year traveling,¹⁰ which can cause trauma and stress.¹¹ In recent years,

Nov. 7, 2013). *See also* Last Chance for Animals Web site, at <http://www.lcanimal.org/index.php/campaigns/elephants/circuses> (last visited Nov. 22, 2013) (including undercover video footage of circus training of elephants in which the animals are hit by circus employees on sensitive parts of their bodies and faces with baseball bats, electric prods, pitchforks, and other objects).

⁶ *See* “Baby Elephants’ Circus Misery,” In Defense of Animals, May 3, 2013, *available at* <http://www.idausa.org/baby-elephants-circus-misery/> (last visited Nov. 7, 2013).

⁷ For example, in 2004 an eight-month-old circus elephant was euthanized after a training session in which he fractured his back legs as a result of falling off of a platform used for a circus trick. Marc Kaufman, *USDA Investigates Death of Circus Lion*, WASHINGTON POST (Aug. 8, 2004) A3, at <http://www.washingtonpost.com/wp-dyn/articles/A48042-2004Aug7.html> (last visited Nov. 22, 2013).

⁸ Jen Girgen, *The Historical and Contemporary Prosecution and Punishment of Animals*, ANIMAL LAW 129 (May 12, 2003), at http://www.animallaw.info/journals/jo_pdf/lralvol9_p97.pdf (last visited Nov. 22, 2013).

⁹ *LA City Council Bans Use of Bullhooks On Circus Elephants*, CBS Los Angeles, Oct. 23, 2013, *available at* <http://losangeles.cbslocal.com/2013/10/23/la-city-council-to-debate-use-of-elephant-hooks-at-circuses/> (last visited Nov. 22, 2013).

¹⁰ Born Free USA, *Ten Fast Facts About Animals in the Circus*, *available at* <http://www.bornfreeusa.org/facts.php?more=1&p=431> (last visited Nov. 22, 2013).

¹¹ G.A. Bradshaw, Animals and Society Institute, *Elephants in Circuses: Analysis of Practice, Policy, and Future* 14 (2007), at http://www.kerulos.org/projects/elephant_ptsd_assets/Bradshaw_ASI-Elephant_Policy-2007.pdf (last visited Nov. 22, 2013).

inspections and internal circus memoranda document circus animals being confined to train boxcars for periods of over 24 hours, including a trip of 36 hours through the California and Arizona desert region.¹² Such conditions have led to numerous reports of injury and illness among circus animals. For example in August 2011, a 54- year old circus elephant collapsed while boarding a train car shortly after a circus performance; video shot by eyewitnesses shows the elephant laying on the ground for several minutes.¹³ Inspection reports have frequently identified circus elephants suffering from painful chronic lameness and osteoarthritis—two of the leading reasons why elephants are euthanized—untreated by the circuses for a period of years.¹⁴ At times circus animals’ traveling conditions may be so extreme that they result in death. For example, in 2004, a lion died while traveling in a boxcar¹⁵ and in 1997 an elephant died from heat prostration in a trailer.¹⁶ The conditions of such confinement have been found to be extremely restrictive in space and often unsanitary and unsafe in condition.¹⁷

As noted in the legislative findings of the proposed legislation, traveling circuses and shows are detrimental to animal welfare because the “severe confinement, lack of free exercise, and the restriction of natural behaviors cause animals used in traveling circuses and shows to suffer and be prone to health, behavioral, and psychological problems.” Animals that are subjected to coercive training techniques, stressful travel conditions, and long periods of confinement are prone to serious health problems as is documented in reports by governmental agencies and animal advocacy organizations. For example, a 2007 report by the Animals and Society Institute entitled *Elephants in Circuses: Analysis of Practice, Policy, and Future* states that the stress of performing in circuses and in being forced to live in captivity can have a

¹² E.g., Michael Smith to Dr. Garland regarding a 7/12/04 Ringling Brothers train arrival (7/21/04) (documenting a 36-hour train ride), available at <http://c206728.r28.cf1.rackcdn.com/Plaintiffs-Will-Call-Exhibit-48.pdf>; J. William Misiura, Ringling Director of Transportation, Blue Unit Transportation Order Memos (2000-2008), available at <http://c206728.r28.cf1.rackcdn.com/Plaintiffs-Will-Call-Exhibit-49A.pdf> (last visited Nov. 22, 2013).

¹³ Lucy Blodgett, *Elephant Abuse: Ringling Circus Cited After Elephant Collapses*, HUFFINGTON POST (Aug. 10, 2011), at http://www.huffingtonpost.com/2011/08/10/elephant-abuse-adi-protest_n_923882.html (last visited June 3, 2013).

¹⁴ See, e.g., Letter from Penny E. Cistaro, City of Sacramento Animal Care Services Manager, to Feld Entertainment regarding the findings of an inspection of Ringling Bros. and Barnum & Bailey (“Ringling Brothers”) (Sept. 9, 2010), at [http://www.mediapeta.com/peta/PDF/20100909LetterFromCityofSacramentotoFeldEntmt\(00057028\).pdf](http://www.mediapeta.com/peta/PDF/20100909LetterFromCityofSacramentotoFeldEntmt(00057028).pdf) (last visited June 3, 2013); USDA Inspection Report of Feld Entertainment, Inc. (Ringling) on Nov. 18, 2010, <http://tiny.cc/Ringling111810> (at Adobe page 9) (last visited June 3, 2013). See also Murray E. Fowler, *An Overview of Foot Conditions in Asian and African Elephants*, THE ELEPHANT’S FOOT: PREVENTION AND CARE OF FOOT CONDITIONS IN CAPTIVE ASIAN ELEPHANTS 5 (2001).

¹⁵ Kaufman, *supra*.

¹⁶ Donna Horowitz, *Elephant Death has Marin Wary of Fall Circus*, THE EXAMINER, (Aug. 8, 1997), at <http://www.sfgate.com/news/article/Elephant-death-has-Marine-wary-of-fall-circus-3104995.php> (last visited Nov. 22, 2013).

¹⁷ See Llanos, *supra* (noting citations of circuses for such violations as housing big cats in rusty cages with splintered floors and for using the same containers for both food for tigers and their waste).

profound impact on elephant health and behavior:

[E]lephants used in circuses are subjected to absolute control, social and physical deprivation, and in many cases, psychological and physical violence. . . . The costs of such chronic stress and trauma are evident in elephant biology and behavior. Symptoms of elephants' inability to successfully adapt to captive conditions include decreased longevity, foot ailments, auto-immune disease, unanticipated aggression, depression, aggression toward each other, stereotypy [persistent repetition or sameness of act], and infanticide, all of which are commonly observed in elephants kept in close confinement.¹⁸

Indeed the frequency and extent of such physical and psychological health problems suffered by circus animals is well documented in numerous state and federal inspection reports wherein many circuses—including nationally recognized circuses that regularly perform in New York State—have been cited numerous times by the USDA for violation of the animal welfare and public safety provisions of the AWA, including for failing to provide adequate veterinary care, causing animals discomfort, failing to provide appropriate enclosures, and failing to remove excrement from enclosures to prevent animals from contamination.¹⁹ These violations are especially troubling given that many of the wild animals injured and neglected in circuses are endangered or threatened species.²⁰

(c) The public safety and the safety of workers are put at risk by the exhibition of wild and exotic animals in traveling circuses.

As noted in the legislative findings of the proposed legislation, because of the “conditions in traveling circuses and shows, such as constant travel, limited facilities, long periods of restricted movement, stress, and physical coercion” the welfare of animals “will inevitably be compromised, which can lead to increased risks to public safety,” which is compounded by the

¹⁸ G.A. Bradshaw, *supra*; see also Joyce Poole, co-founder ElephantVoices, letter to City of Hartford, CT Joint Committee on the Environment (Feb. 27, 2009) (discussing the psychological and emotional harm to elephants caused by common circus practices), at http://www.elephantvoices.org/multimedia-resources/document-download%20-%20%20center/doc_download/46-poole-j-2009-elephantvoices-letter-supporting-bill%20-to-protect-elephants.html (last visited Nov. 22, 2013); G. Iossa *et al.*, *Are Wild Animals Suited to a Travelling Circus Life*, ANIMAL WELFARE 129-140 (2009).

¹⁹ See Llanos, *supra*. Compilations of AWA violations by various circus exhibitors available generally at *Citations and Other Problems*, People for the Ethical Treatment of Animals, available at <http://www.peta.org/issues/animals-in-entertainment/circuses-USDA-citations-problems.aspx> (last visited Nov. 13, 2013). We note that in November 2011, Ringling Brothers entered into an agreement to pay \$270,000 to settle USDA claims that it violated the Animal Welfare Act on multiple occasions from 2007 to 2011. The Feld Entertainment settlement agreement is available at http://www.aphis.usda.gov/animal_welfare/downloads/FEI_signed_agreement.pdf (last visited Nov. 22, 2013).

²⁰ For example, the Asian Elephant, commonly used in circus performances, is listed as Endangered under the Endangered Species Act. See Nelson, *supra*. The African Elephant, also commonly used in circuses, is Threatened. 16 USC 4201.

“additional risk to public safety” presented by wild and exotic animals which “have wild instincts and needs and have demonstrated unpredictability.” Additionally, the legislative findings note that “[t]raveling circuses and shows bring people dangerously close to exotic and non-domesticated animals,” including through the use of collapsible and temporary facilities that increase the risk of such animals escaping.

Reports too numerous to list here document escapes and attacks by circus animals and zoonotic illnesses that put the public, circus employees’, and the animal’s safety at risk. In New York City, a 450-pound tiger escaped from the New Cole Bros. Circus while being transferred from one cage to another near the Forest Park bandshell in Queens; as a result a few drivers who encountered the tiger were injured and received \$1 million from the circus as a settlement.²¹ On November 24, 2012, a camel escaped from a circus in Glendale, California and ran down a busy four-lane boulevard.²² On April 9, 2010, an elephant in a circus killed her handler.²³ In February 2010, a zebra escaped from a circus and ran down a section of Interstate 75 in Atlanta, Georgia, and was euthanized due to injuries sustained during the escape.²⁴ In 2009, an elephant escaped a circus in Oklahoma and was hit by an SUV.²⁵ In 1997, a handler was killed by his tiger in a circus performance in Carrollton, Pennsylvania.²⁶ In 1994, an elephant crushed her trainer at a circus in Honolulu; after the attack, the elephant charged out of the arena onto the street and was gunned down by police.²⁷ In 1991, a leopard jumped out of a ring in Wilkesboro, North Carolina

²¹ Janon Fisher, *Tiger, Briefly on the Loose, Causes Collision*, N.Y. TIMES (Aug. 1, 2004), at <http://www.nytimes.com/2004/08/01/nyregion/tiger-briefly-on-the-loose-causes-collision.html>; Jen Chung, *Escaped Circus Tiger Lawsuit Settlement*, Gothamist.com (Jan. 7, 2009), at http://gothamist.com/2009/01/07/escaped_circus_tiger_lawsuit_settle.php (last visited Nov. 22, 2013).

²² Camel Escapes Circus, Runs Amok Through Streets Of Glendale, Calif., Huffington Post (Nov. 24, 2012), at http://www.huffingtonpost.com/2012/11/24/camel-escapes-circus-runs_n_2184860.html (last visited Nov. 22, 2013).

²³ Sherry Long, *Circus Fatal Blamed on Wire Sparks The Worker Killed by a Shrine Circus Elephant on Friday is Identified as Andrew Anderton, of Florida*, THE TIMES-LEADER (WILKES-BARRE) (April 11, 2010), at http://archives.timesleader.com/2010_16/2010_04_11_Circus_fatal_blamed_on_wire_sparks_news.html (last visited Nov. 22, 2013).

²⁴ Lindsay Barnett, *Lima, Zebra that Escaped Ringling Bros. Circus in Atlanta, is Euthanized*, L.A. TIMES (Mar. 19, 2010), at <http://latimesblogs.latimes.com/unleashed/2010/03/lima-zebra-ringling-bros-circus-escape-euthanized.html> (last visited Nov. 22, 2013).

²⁵ Murray Evans, *Elephant That Escaped and Was Hit by SUV OK*, THE SEATTLE TIMES (Nov. 6, 2009), http://seattletimes.nwsourc.com/html/nationworld/2010218625_apuscircuselephantescapes.html (last visited Nov. 22, 2013).

²⁶ Zoocheck, *The Bull in the China Shop: An Assessment of the Human Safety Risks Associated With Wild Performing Animals in Circuses*, at <http://www.zoocheck.com/Reportpdfs/BullinCinashop.pdf> (last visited Nov. 22, 2013).

²⁷ Rosemarie Bernardo, *Shots Killing Elephant Echo Across Decade*, HONOLULU STAR -BULLETIN (Aug. 16, 2004), at <http://archives.starbulletin.com/2004/08/16/news/story2.html> (last visited Nov. 22, 2013).

and bit a three-year old girl on the neck.²⁸ And it is reported that more than a third of a particular circus's elephants have been diagnosed with tuberculosis,²⁹ a potentially deadly disease that can be transmitted to humans.³⁰

(d) Current law does not protect circus animals from abuse and mistreatment.

As noted in the legislative findings of the proposed legislation, due to the “mobile and transitory nature of traveling circuses and shows, law enforcement authorities cannot properly monitor the conditions of the animals or follow-up on previous infractions by traveling circuses.” The Animal Welfare Act (AWA)³¹ and Article 26 of the N.Y. Agriculture & Markets Law³² have proven ineffective in preventing or improving the common practices of mistreatment, neglect and extreme cruelty in the animal entertainment industry and have similarly failed to adequately protect the public health and safety. Indeed, the U.S. Department of Agriculture, the agency charged with enforcing the AWA, has itself acknowledged its limitations in enforcing the AWA. According to a USDA Inspector General report:

[F]or 6 of 40 traveling exhibitors we reviewed, Animal Care inspectors could not perform timely reinspections to ensure that serious noncompliant items that were identified in previous inspections had been resolved. For example, one exhibitor continued to show its elephants on the road even though an animal care inspector had previously cited the exhibitor for the animals being too thin for travelling exhibition. . . . Without reinspection, APHIS Animal Care inspectors cannot determine if the serious safety violations cited have been corrected.³³

²⁸ Exotic Animal Incident Report, Born Free USA, at http://www.bornfreeusa.org/database/exo_incident.php?id=14 (last visited Nov. 22, 2013).

²⁹ See Nelson, *supra*.

³⁰ Rendi Murphee, *Elephant-to-human Transmission of Tuberculosis*, EMERG INFECT DIS (Mar. 2011), at http://wwwnc.cdc.gov/eid/article/17/3/10-1668_article.htm (last visited Nov. 22, 2013).

³¹ The AWA requires that minimum standards be provided for the care, treatment, transportation, housing, handling, purchase and sale of certain warm-blooded animals used for research, exhibition and commerce. 7 U.S.C. Sections 2131 *et seq.* The de minimis nature of these standards as well as the inconsistent enforcement of the law have proven grossly inadequate to insure the humane treatment of the covered animals.

³² 24 RCNY Health Code Reg. Section 161.01. New York City requires a permit only for circuses not licensed under the AWA. The City's regulation is focused on protecting humans from exposure to dangerous animals and not on the well-being of animals in circuses. While N.Y. AGRIC. & MKTS. LAW §353 precludes the cruel treatment of animals, because the training of these animals usually occurs in jurisdictions outside of New York, it is not possible for City law enforcement to protect animals being subjected to abusive training or confinement prior to their arrival in the City. Furthermore local law enforcement most likely lacks the training and resources necessary to determine whether an exotic circus animal's welfare is compromised.

³³ Audit Report by the USDA Office of the Inspector General, Controls Over APHIS Licensing of Animal Exhibitors, 33601-10-Ch at 2 (June 2010), at <http://www.usda.gov/oig/webdocs/33601-10-CH.pdf> (last visited Nov. 13 2013).

Given these constraints, “restricting the use of exotic and non-domesticated animals in traveling circuses and shows is the most cost-effective and efficient way to safeguard both animal welfare and public safety.”³⁴

REGULATION OF TRAVELING CIRCUSES AND ANIMAL SHOWS IN OTHER JURISDICTIONS

Several countries have banned the use of animals in circuses.³⁵ The following is a partial list of some of the countries that have such bans:

- Austria bans the use of wild animals in circuses.³⁶
- Bolivia prohibits the use of both wild and domestic animals in circuses.³⁷
- China bans the use of circus acts in zoos.³⁸
- Greece bans the use of all animals in circuses.³⁹
- India bans lions, tigers, monkeys, panthers and bears from performing in circuses.⁴⁰
- Israel bans the use of wild animals in circuses.⁴¹
- The Netherlands bans the use of wild animals in circuses.⁴²

³⁴ Assembly Bill No. 5407, Section 2(1) (Legislative Findings).

³⁵ More extensive lists of laws concerning restrictions on animals in circuses are available on the Animal Defenders International Web site at http://www.ad-international.org/animals_in_entertainment/go.php?ssi=10 and the Born Free U.S.A. Web site at http://www.bornfreeusa.org/b4a3_circuses_and_shows.php (last visited Nov. 22, 2013).

³⁶ In December 2011, the Austrian Constitutional Court determined that Austria’s ban on the use of wild animals in circuses was not unconstitutional. Decision G74/11; V63/11 (Dec. 1, 2011), at http://www.ris.bka.gv.at/Dokument.wxe?Abfrage=Vfgh&Dokumentnummer=JFT_09888799_11G00074_00 (last visited Nov. 22, 2013).

³⁷ Bolivia Law 4040; Jean Friedman-Rudovsky, *Bolivia’s Freed Circus Animals Need Homes*, TIME (Oct. 27, 2009), at <http://www.time.com/time/world/article/0,8599,1932343,00.html> (last visited Nov. 22, 2013).

³⁸ Malcolm Moore, *China Bans Animal Circuses*, The Telegraph (Jan. 18, 2011), at <http://www.telegraph.co.uk/news/worldnews/asia/china/8266563/China-bans-animal-circuses.html> (last visited Nov. 22, 2013).

³⁹ Victoria Mindova, *Greece Bans Circuses with Animals*, GR REPORTER (Greece) (Feb. 9, 2012), at http://www.greporter.info/en/greece_bans_circuses_animals/6044 (last visited Nov. 22, 2013).

⁴⁰ Animal Defenders International, *Help for India Circus Rescue* (Jan. 5, 2006), at http://www.ad-international.org/animals_in_entertainment/go.php?id=212&ssi=10 (last visited Nov. 22, 2013).

⁴¹ Animal Defenders International, *Worldwide Circus Bans* (updated Oct. 4, 2012), at http://www.ad-international.org/animals_in_entertainment/go.php?id=281 (last visited Nov. 22, 2013).

⁴² Government of the Netherlands Web page, *Agriculture and Livestock, Animal Welfare*, at <http://www.government.nl/issues/agriculture-and-livestock/animals/animal-welfare> (“The cabinet Rutte-Asscher has decided that circuses will be banned from using wild animals in their performances.”) (last visited Nov. 22, 2013).

- Paraguay bans the use of wild animals in circuses.⁴³
- Peru bans the use of wild animals in circuses.⁴⁴
- Singapore bans travelling circuses that display wild animals.⁴⁵

OPPOSITION TO REGULATION OF TRAVELING CIRCUSES AND SHOWS IS UNFOUNDED

In response to other legislation designed to protect circus animals, circuses have argued that their employees will lose jobs if animals may no longer perform, that animal acts are a kind of protected artistic expression, that the public will lose an opportunity to view entertainment, and other businesses will decline.⁴⁶

The opposition fails to address the overwhelming evidence, and common sense judgment, that wild and exotic circus animals experience profound suffering when they are forced to endure coercive training techniques and long hours of travel. Wild and exotic animals belong in their natural habitat; it is cruel to pack them into cages for ongoing transport and to force them to do tricks in front of loud audiences. The opposition also exaggerates the intent and effect of a ban on the use of wild and exotic animals in circuses. Such a ban will not mean the end to all circus entertainment in New York and a concomitant loss of hundreds of jobs. Circuses will simply have to focus on acts that do not use animals. Cirque du Soleil is wildly popular despite the fact that it does not use animals in its circus shows. The roughly dozen animal-free circuses in the United States are a testament to the public's desire to see circuses that do not exploit wild and exotic animals.⁴⁷

CONCLUSION

For the reasons explained above, the Committee supports the proposed legislation.

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⁴³ Resolution 2002/12.

⁴⁴ Stacey Samuel, *Bob Barker Touts Bill to Protect Traveling Circus Animals*, CNN.com (Nov. 2, 2011), at <http://www.cnn.com/2011/11/02/politics/barker-circus-animals-bill/index.html> (last visited Nov. 22, 2013).

⁴⁵ Agri-Food & Veterinary Authority of Singapore Web page (Dec. 29, 2000), at <http://www.ava.gov.sg/NewsEvents/PressReleases/2000/Ban+on+Performing+Wild+Animals+in+Travelling+Circuses.htm> (last visited Nov. 22, 2013).

⁴⁶ *See, e.g.*, Feld Entertainment (owner of Ringling) Press Release (Nov. 1, 2011), available at <http://www.feldentertainment.com/Press/PressRelease.aspx?id=55873> (last visited Nov. 22, 2013).

⁴⁷ In Defense of Animals, "Fun Circuses: Circuses that Do Not Use Animal Acts," available at <http://www.idausa.org/facts/circusfacts.html> (last visited Nov. 22, 2013).