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**WRITTEN TESTIMONY OF  
THE ANIMAL LAW COMMITTEE  
OF THE NEW YORK CITY BAR ASSOCIATION**

**NEW YORK CITY COUNCIL  
COMMITTEE ON HEALTH  
HEARING ON PROPOSED INT. NO. 1233-2016,  
PROHIBITING THE DISPLAY OF WILD OR EXOTIC ANIMALS  
FOR PUBLIC ENTERTAINMENT OR AMUSEMENT**

**October 20, 2016**

My name is Martha Golar. I am a New York attorney testifying today on behalf of the New York City Bar Association’s Animal Law Committee (“the Committee”). The City Bar is one of the country’s oldest and largest bar associations, with more than 24,000 legal professionals. The Committee voices its support of Intro 1233. The proposed legislation stands to benefit both animals and New Yorkers by better aligning our city’s laws with our city’s values—values that support the humane treatment of animals and that prioritize public safety.

We note that the Committee is a long-standing supporter of similar legislation, and supported two similar animal entertainment bans in New York City in 2009 and 2010, as well as State and Federal bills restricting the use of exotic and wild animals in traveling circuses.

**REASONS FOR SUPPORT**

We support the proposed legislation because the use of animals in circuses is both inherently harmful to animals and poses a risk to public safety. Current law—including the Federal Animal Welfare Act (AWA)<sup>1</sup> and Article 26 of the N.Y. Agriculture & Markets Law—does not adequately protect circus animals from harm.

Abuses and harmful conditions are inherent in the use of wild and exotic animals in entertainment. Animals in circuses are forced to perform “tricks” and otherwise behave in ways they would never behave in nature.<sup>2</sup> Coercive and brutal techniques are regularly used to force these unnatural behaviors. Techniques include electric prods, metal bars, whips, and hooked rods known as “bullhooks.”<sup>3</sup> This is a weapon that resembles a fireplace poker with a sharp steel hook on one end. Some states, including Rhode Island and California, have banned bullhooks outright.<sup>4</sup> Widespread use of these implements and methods has been reported by animal welfare organizations as well as by former circus employees.<sup>5</sup>

Animals in circuses are further harmed because they regularly endure extensive travel and prolonged confinement—tied up, chained, or in cages and standing in their own excrement—which can be detrimental to their physical and psychological health.<sup>6</sup> In fact, some animals in circuses travel eleven months of the year, spending long periods in transport, without exercise and in inadequate housing.<sup>7</sup> We note that nationally recognized circuses that regularly perform in New York have been repeatedly cited by the USDA for violations of the AWA.<sup>8</sup>

Elephants are one species that has been mistreated in circuses. From 1994 to 2016, at least 65 circus elephants suffered premature deaths from causes that include being burned to death, shot to death, drowned, collapsed and died, euthanized, and often from reportedly “unknown” reasons.<sup>9</sup>

In addition, using wild and exotic animals in performances puts public safety and the safety of workers at risk. They not only are subjected to coercive training and control techniques, but these animals labor under the additional and chronic stress caused by the conditions and abuses suffered in captivity.<sup>10</sup> They can act instinctively and therefore unpredictably, and may attempt to attack or escape, thereby posing risks to public safety.

Finally, current law does not adequately protect wild and exotic animals used in performances from abuse and mistreatment. Because many of these shows are *traveling*, law enforcement faces special challenges in monitoring them and following up on infractions to ensure problems have been corrected.<sup>11</sup> Additionally, it is not possible for NYC police to protect animals from potentially cruel or and inhumane training techniques, because this training occurs before the animals arrive in the city, in other jurisdictions. Further, most local police lack the training and expertise necessary to determine when an exotic or wild animal’s welfare has been compromised.<sup>12</sup> This is further exacerbated by the fact that the ASPCA in NYC relinquished its law enforcement duties as of January 2014 to the NYPD to handle animal abuse and neglect cases.<sup>13</sup> On the federal level, the Federal Animal Welfare Act has been under-enforced and has not been effective in improving practices common in the circus and animal entertainment industry that result in mistreatment and neglect.<sup>14</sup>

An increasing number of jurisdictions—such as Greenburgh, Plattsburgh and Southampton in New York State—are enacting laws prohibiting the display and exploitation of wild or exotic animals for entertainment or amusement.<sup>15</sup>

A number of municipalities throughout the country have passed similar laws, including (to name a few): San Francisco; West Hollywood; Boulder, Colorado; Burlington, Vermont; and cities in Arkansas, Florida, Massachusetts, Missouri, North Carolina, and Wisconsin.<sup>16</sup>

At the international level, the list of countries that have banned or substantially limited the display or entertainment of wild and exotic animals continues to grow. Among them are Austria, Belgium, Bolivia, Costa Rica, Colombia, the Czech Republic, Denmark, Finland, Greece, India, Israel, Malta, Mexico, the Netherlands, Paraguay, Peru, Poland, Portugal, Singapore, Slovenia, Sweden, and, in 2016, both Iran and Scotland.<sup>17</sup> China also issued a ban on animals in circuses in 2011.<sup>18</sup>

We note that this bill would *not* end circus entertainment in New York. Rather, it simply makes circuses focus on acts that do not harm animals. The Cirque du Soleil, with one of its productions currently on Broadway and several in Las Vegas, is just one example of a successful, animal-free circus. Bindlestiff Family Cirkus and Russian American Kids Circus, the latter of which is made up of performers age 6-16, are also New York-based animal-free circuses.

## **CONCLUSION**

For these reasons, the Animal Law Committee supports the proposed legislation. Whatever recommendations the Committee would make for the legislation to be even stronger—which it would provide in a written report containing some language clarification and recommendations for other civil enforcement mechanisms—would not mitigate our wholehearted support for the bill.

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\* *Committee Chair Lori Barrett recused herself from the preparation of this testimony.*

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<sup>1</sup> 7 U.S.C. §§ 2131, *et seq.*

<sup>2</sup> New York City Bar Animal Law Committee, Report on Int. No. 0049-2010, at 2-4 *available at* <http://www2.nycbar.org/pdf/report/uploads/20072396-Prohibitingdisplayofexoticanimalsforentertainment.pdf>. Unless otherwise stated, all websites listed in this testimony were last visited on October 14, 2016.

<sup>3</sup> *Id.*

<sup>4</sup> *Rhode Island Becomes First State to Ban Elephant Bullhooks*, PROVIDENCE JOURNAL, July 21, 2016, <http://www.providencejournal.com/news/20160721/rhode-island-becomes-first-state-to-ban-elephant-bullhooks>; Patrick McGreevy, *Bullhooks to Control Elephants Banned in California*, L.A. TIMES, Aug. 29, 2016, *available at* <http://www.latimes.com/politics/essential/la-pol-sac-essential-politics-updates-gov-brown-outlaws-use-of-bullhooks-to-1472519298-htmlstory.html>.

<sup>5</sup> See Animal Law Committee Report on Int. No. 0049-2010, *supra*, at 2-4.

<sup>6</sup> G.A. Bradshaw, Animals and Society Institute, *Elephants in Circuses: Analysis of Practice, Policy, and Future* 14 (2007) (“[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.”), *available at* [https://web.archive.org/web/20121114141006/http://kerulos.org/projects/elephant\\_ptsd\\_assets/Bradshaw\\_ASI-Elephant\\_Policy-2007.pdf](https://web.archive.org/web/20121114141006/http://kerulos.org/projects/elephant_ptsd_assets/Bradshaw_ASI-Elephant_Policy-2007.pdf).

<sup>7</sup> Born Free USA, *Ten Fast Facts About Animals in the Circus*, <https://web.archive.org/web/20130131100418/http://www.bornfreeusa.org/facts.php?p=431&more=1>.

<sup>8</sup> PETA’s website, for instance, lists hundreds of citations against circuses for violating the Animal Welfare Act. See PETA, Citations and Other Problems, <http://www.peta.org/issues/animals-in-entertainment/circuses/circuses-usda-citations-problems/>.

<sup>9</sup> Born Free USA, *Circus Elephant Death List*, <http://www.bornfreeusa.org/facts.php?more=1&p=422>.

<sup>10</sup> See Animal Law Committee Report on Int. No. 0049-2010, *supra*, at 4-5.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> David B. Caruso, *NYPD Takes Over After ASPCA Closes Enforcement Unit*, PoliceOne.com, Jan. 7, 2014, <https://www.policeone.com/police-jobs-and-careers/articles/6719145-NYPD-takes-over-after-ASPCA-closes-enforcement-unit/>.

<sup>14</sup> For a discussion of the under-enforcement of existing laws relating to animals, see Animal Law Committee Report on Int. No. 0049-2010, *supra*, at 6-7.

<sup>15</sup> Code of Town of Greenburgh, New York, § 345-2.A; Code of Town of Southhampton, New York § 150-8; Joe LoTempio, PRESS REPUBLICAN, June 23, 2016, [http://www.pressrepublican.com/news/local\\_news/city-bans-shows-with-captive-animals/article\\_af0f225c-5cd2-5c22-b612-7e5d0523b765.html](http://www.pressrepublican.com/news/local_news/city-bans-shows-with-captive-animals/article_af0f225c-5cd2-5c22-b612-7e5d0523b765.html).

<sup>16</sup> *Id.*

<sup>17</sup> Scott MacNab, *Scotland Leads the Way with Wild Animal Ban at Circuses*, THE SCOTSMAN, June 10, 2016, <http://www.scotsman.com/news/politics/scotland-leads-the-way-with-wild-animal-ban-at-circuses-1-4151878>; Animal Defenders International, *Iran Says No to Wild Animal Circuses!*, March 29, 2016, [http://www.ad-international.org/animals\\_in\\_entertainment/go.php?id=4155&ssi=10](http://www.ad-international.org/animals_in_entertainment/go.php?id=4155&ssi=10).

<sup>18</sup> Zoe Triska, *China Bans Animal Circuses, Issues New Warning to Zoos About Abuse*, HUFFINGTON POST, May 25, 2011, [http://www.huffingtonpost.com/2011/01/20/china-bans-animal-circuses\\_n\\_811664.html](http://www.huffingtonpost.com/2011/01/20/china-bans-animal-circuses_n_811664.html).