

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON HEALTH

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October 20, 2016
Start: 10:15 a.m.
Recess: 3:55 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: COREY D. JOHNSON
Chairperson

COUNCIL MEMBERS: Rosie Mendez
Mathieu Eugene
Peter A. Koo
James Vacca
James G. Van Bramer
Inez D. Barron
Robert E. Cornegy, Jr.
Rafael L. Espinal, Jr.

A P P E A R A N C E S (CONTINUED)

Jeff Dupee, Senior Community Liaison
NYC Mayor's Office

Tim Thayer, Assistant Commissioner
Department of Cultural Affairs

Sarah Aucoin, Chief
Education and Wildlife
New York City Parks and Wildlife

Corinne Schiff, Associate General Counsel
NYC Department of Health and Mental Hygiene

Matt Drury, Director of Government Relations
NYC Parks Department

Mario Merlino, Assistant Commissioner
Veterinary and Pest Control
NYC Department of Health and Mental Hygiene

Catherine Doyle, Director
Science, Research and Advocacy
Performing Animal Welfare Society, PAWS

Michelle Villagomez, Senior Legislative Director
New York City ASPCA

Jessica Hollander, Board Member
Animal Cruelty Exposure Fund

Kevin Schneider, New York City Resident
Appearing for: Ron Kagan, Executive Director,
Detroit Zoo

Kate Zaluski
USA National Animal Welfare & Wildlife Conservation

Christina Scaringe
Animal Defenders International

Tom Albert, Vice President
Government Relations
Ringling Brothers and Barnum and Bailey Circus
Feld Entertainment

Ben Johnson, Director of Operations
UniverSoul Circus

Alexander Lacey, Lion and Tiger Trainer
Paul Binder, Founder and Artistic Director
New York's Big Apple Circus

Erica Matthews
Animal Legal Defense Fund

Elinor Molbegott,
Legal Counsel, Humane Society of New York

Joyce Friedman, New York City Coordinator
Human Society of the United States

Brian Shapiro, New York State Director
Humane Society of the United States

Michael Covell, Professor
Department of Psychology
Baruch College

Anthony Caifano, Secretary-Treasurer
Teamsters Local 1

Junior Santana, Local 32BJ

Keith Sheldon, Senior Vice President of Programming
Brooklyn Sports and Entertainment

Louis Goldstein
Donny Moss

Julie Cappiello, Campaign Organizer, NYCLASS

Sharon Destafano, Member NY State Bar
NYC Bar Association's Committee on Animal Laws

Dr. Christina Suzuki, NYCLASS

Rachel Matthews, PETA

Kathleen Desio, President and CEO
Alliance of Marine Mammal Parks and Aquariums

Lori Raphael, Vice President
Brooklyn Chamber of Commerce
Appearing for: Carlos Scissura
President and CEO, Brooklyn Chamber of Commerce

Ava Linderman

Allen Smith, Executive Director
Zoological Association

Student Testimony:

Artie Guerrera, 6 Years Old

Ruby, 11 years old

Charlotte Moore, 6 years old

Violet (age not given)

Alba, 13 years old appearing for:

Tammy, 13 years old

Drew, 13 years old

Shelley Della Rocca, Chief Mayor & President
Community Mayors

John Dunham, Managing Partner
NYC-based Economic Consulting Firm

Dr. Ashley Settles, Director of Veterinary Care
Ringling Brothers & Barnum and Bailey Circus

Christina Hanson, NYC Carriage Driver
Lauren Murray, Asian Elephant Trainer

Scott Giacoppo, Chief Community Animal Welfare
Officer of the Washington Humane Society

Lisette Ziaboga (sp?), Executive Committee
United Federation of Teachers and Humane Education
Profession Committee

Edita Birnkrant, Campaigns Director Friends of
Animals

Gail Mayer, Humane Education Instructor, HEART
Humane Educational Advocates Reaching Teachers

John De Leonardo Anthrozoologist
President, Long Island Orchestrating for Nature and
Animals and Entertainment campaigner for PETA

Fran Sperling, Aerialist
Big Apple Circus

David Karopkin, Founder
Goose Watch NYC

Yuka Azuma, Appearing for Chris De Rose
President & Founder, Last Chance for Animals

Nora Constance Marino, Commissioner
NYC Taxi and Limousine Commission
President of the Animal Cruelty Exposure Fund, ACEF

Emma Pacone, LK Productions
Founder of ECCO, Animal Support Group

Carol Davis, Representative
European Animal Rights Organization

Jill Carnegie, Circus Performer Trainer

Jill Laurie, Animal Advocate

Miriam Steinbeck, Animal Advocate

Margaret Whitaker, Animal Behavior Consultant
Oakland Zoo and Former Director
GFAS Accredited Sanctuary

Chelsea Shod Appearing for: Phillip Embley
Wildlife Veterinarian

Joanne Sample, Animal Rights Activist

Alex Dienstag, Animal Rights Activist

Eric Walton, Animal Rights Activist and Performer

Joan Solacko, Animal Advocate

Rosa Muniga, Animal Advocate

Meredith Shriver, Animal Advocate

Julianne Ballington, Animal Advocate

Roxanne Del Gado, Animal Advocate

Eli Cassara, Animal Advocate

Leslie Henry, Animal Advocate

Diane Williams, Animal Advocate

Theresa Rousso, Animal Advocate

Michael Fringen, Teamster

Justine Marie Vickers, Licensed Massage Therapist
Animal Reiki Specialist

Janet Kern, Documentary Film Maker

[sound check, pause] [gavel]

CHAIRPERSON JOHNSON: Good morning

everyone. I am Council Member Corey Johnson Chair of the City Council's Committee on Health, and I want to thank you all for joining us for today's hearing on Introduction 1233, legislation that I am co-sponsoring with Council Member Rosie Mendez. This bill would prohibit the use of exotic animals in performances before a live audience in New York City with the exceptions for accredited zoos, certain educational presentations, religious ceremonies and research. Keeping exotic animals in captivity, transporting them around the country and requiring them to perform tricks night after night for human amusement in my view is inherently inhumane. Although these practices are regulated by federal law as well as the local permitting process, I am not convinced that these measures have done enough to protect these animals. The growing number of municipalities around the country have enacted stricter regulations or outright prohibitions on the use of exotic animals in circuses and other performances. I believe New York City should join these other cities and towns in standing up for

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2 exotic animals. I would like to thank Council Member
3 Rosie Mendez for introducing this important
4 legislation. Before we begin, I will note that we
5 have received an outpouring of letters and emails on
6 this issue on both sides, and I know it's one that
7 people feel strongly about. This hearing as with all
8 of our hearings is open to anyone who wishes to
9 speak, and I certainly appreciate the passion that
10 people have for this issues. I would just ask that
11 witnesses please be respectful while testifying and
12 listening so that we can have a productive hearing.
13 We have over 100 people who have signed up to testify
14 today, and that's great, but it means that we are
15 going to be strict on the clock. So when you
16 testify, with the exception of the Administration,
17 who is going to testify first, we're going to hold
18 everyone to two minutes regardless of what side you
19 are on, who you are, why you're here. Everyone is
20 going to be at two minutes. We're not playing
21 favorites. I just want everyone to know that, and
22 then second as the sergeant-at-arms said if we could
23 have no clapping or cheering or bullying or hissing.
24 We can be respectful and ensure that everyone that
25 came here to testify today has the opportunity to say

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2 whatever they want, and are listened to
3 appropriately. So, with that, I want to acknowledge
4 that two members of the Health Committee are here
5 with this morning. I'm sure we'll be joined by more.
6 Council Member Jimmy Vacca from the Bronx and Council
7 Member Rosie Mendez from Manhattan. I want to turn
8 it over to Council Member Mendez for an opening
9 statement.

10 COUNCIL MEMBER MENDEZ: Thank you, Mr.
11 Chair. I also want to thank David Seitzer, our
12 counsel to the committee for all his work on this
13 legislation. I introduced this bill 10-1/2 years
14 ago. So it is really exciting to be here today and
15 finally have a hearing on this matter. I look
16 forward to hearing testimony from both sides, but for
17 me, this bill has always been about public safety and
18 about the safety of the animals. Animals are
19 mistreated. They in certain industries, the circus
20 industry they are taken from—in a boxcar and in
21 confined spaces from town to town, and this
22 confinement has an effect on the animals. Many of
23 them are—are sometimes abused to perform certain
24 tricks and, you know, there have been changes in this
25 country, and changes in other cities. Circuses are

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2 not being shown in certain places, elephants are not
3 being shown in other states. We look forward to
4 joining San Francisco, Bolder, Colorado and
5 Burlington, Vermont in just a few of the
6 municipalities that have banned in full or in part
7 the display of exotic animals, and I just want to
8 make clear we were conscious that there are
9 educational outlets, and that those will not be
10 impacted by this legislation. So, zoos, museums and
11 institutions operating wildlife conservancy,
12 conservation societies, veterinarians, wildlife
13 sanctuaries are other institutions that will not be
14 impacted by legislation, and they see past this. I
15 look forward to doing that in the near future. Thank
16 you, Mr. Chair, and I want to thank everyone who is
17 here to give testimony. I want to thank my staff
18 over the last ten years who have worked really hard
19 on this bill, but more recently my Legislative
20 Director Carlina Rivera and my previous Legislative
21 Directors John S. Martin and Matt Viggiano, who
22 pitched in and did some work on this before Carlina
23 came on board. Thank you very much.

24 CHAIRPERSON JOHNSON: Thank you, Council
25 Member Mendez. I also want to acknowledge David

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2 Seitzer, the Committee Counsel Crystal Pond, the
3 Policy Analyst for the Health Committee who Louis
4 Cholden Brown, my Legislative Director and David
5 Moss, my Communications Director. So with that,
6 we're going to go to the first panel, the
7 Administration. We are joined by Jeff Dupee from the
8 Mayor's Office; Tim Thayer from the Department of
9 Cultural Affairs, Sarah Aucoin from New York City
10 Parks and Wildlife; Corinne Schiff from the New York
11 City Department of Health and Mental Hygiene; and
12 Matt Drury, who is off to the side here, from the New
13 York City Parks Department. So if you all could
14 please raise your right hand. Do you affirm to tell
15 the truth, the whole truth and nothing but the truth
16 in your testimony before this committee and to
17 respond honestly to council member questions?

18 PANEL MEMBERS: [off mic] Yes.

19 CHAIRPERSON JOHNSON: Thank you very
20 much. So you begin whatever order you would like.
21 Make sure the red light is on, on your mic, and speak
22 clearly into it.

23 JEFF DUPEE: Good morning Chairman
24 Johnson and members of the committee. My name is
25 Jeff Dupee. I'm a Senior Community Liaison in the

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2 Mayor's Office working primarily on animal welfare
3 issues. I am joined today by colleagues from the
4 Departments of Health and Mental Hygiene, Cultural
5 Affairs and Parks and Recreation. On behalf of the
6 Administration thank you for the opportunity to
7 testify. We are pleased to be here today to discuss
8 the issue of animal welfare, which is a priority of
9 this administration, one that like the Council, we
10 are committed to addressing. I want to specifically
11 thank you, Chairman Johnson and Council Member Mendez
12 for your personal commitment to addressing animal
13 issues over the last several years. The Mayor has a
14 long record of supporting progressive animal welfare
15 legislation and reforms including when he sponsored a
16 version of this bill a decade ago, as the City
17 Council member. During the Mayor's first term, the
18 Administration has implemented an innovate non-legal
19 approach to managing the impacts of deer on Staten
20 Island, increase the operating budget for the city's
21 open admission animals shelters and committed to
22 having shelters in all five boroughs. In addition,
23 we have worked closely with the Council to regulate
24 pet shops so they—so they only sell spayed or
25 neutered dogs and cats, and no longer sell rabbits,

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2 or dogs and cats from puppy and kitten mills. We've
3 also ensured that animal crimes are appropriately
4 addressed by implementing an animal registry and
5 creating NYPD's Animal Cruelty Investigation Squad.
6 Animal Cruelty Investigation Squad. Finally, I'm
7 also happy to report that for the first time since
8 the law was established in 1947 the humane treatment
9 of animals is now a part of the Department of
10 Education's curriculum. It is in the spirit of our
11 shared commitment to animal welfare that the
12 Administration supports Introduction 1233 to promote
13 the humane treatment of wild and exotic animals by
14 prohibiting their inclusion in entertainment. It is
15 inappropriate for the wild and exotic animals covered
16 by this bill to be forced to perform for
17 entertainment purposes. Further, we agree with the
18 bill's intent to reasonably—to reasonable and fair
19 exemptions where warranted rather than a blanket ban
20 on specific animals. We look forward to working with
21 the Council to ensure that the scope of this bill
22 matches its intent and captures the right
23 performances and animals to allow certain
24 educational, cultural and religious programs to
25 continue. For example, it's currently written the

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2 Parks Department would not be allowed to continue
3 some of its educational work with rehabilitated wild
4 animals including foxes, which are used to teach our
5 young New Yorkers about the various animals co-
6 existing in our habitat. This is why we believe an
7 exception should be made for educational and-and
8 conservation programs or exhibitions supported by
9 governmental agencies. As you know, the enforcement
10 of this bill will involve a number of agencies
11 including NYPD and the Department of Health, which
12 currently permits to exhibit animals who are
13 otherwise prohibited in New York City Health Code
14 including animals covered by this bill.
15 Additionally, we continue to work with our partners
16 at NYC and Company and the Mayor's Office of Media
17 and Entertainment to ensure that New York City
18 remains a place where all sorts of entertainment will
19 continue to thrive. The Mayor and this
20 Administration strongly believe that it's
21 inappropriate for wild and exotic animals to be
22 forced to perform for entertainment of live
23 audiences. Our work to ensure animal welfare is
24 ongoing, and our goal is to make sure that all
25 animals in the City of New York are treated with

1 dignity. Thank you for the opportunity to testify.

2 I look forward to discussing with the Council ways to
3 continue to work for the betterment of the animals in
4 New York City. My colleagues and I would be happy to
5 take questions.

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7 CHAIRPERSON JOHNSON: Thank you, Jeff,
8 for testifying today. I want to acknowledge that we
9 are joined by Council Member Helen Rosenthal and we
10 are joined by Council Member Andrew Cohen. So, I'm
11 going to start off with a few questions, and then
12 turn it over to my colleague Rosie Mendez who is the
13 sponsor of this legislation if she has any. So, if
14 you just outline or maybe the Department of Health
15 could outline what does the Exotic Animal Exhibition
16 Permit process involve.

17 CORINNE SCHIFF: So there are animals
18 that cannot be kept in New York City currently
19 pursuant to New York City Health Code, and so when
20 someone wants to exhibit those animals temporarily,
21 they need to apply for a permit from the Health
22 Department, and that permit application process
23 requires the exhibitors to submit a variety of
24 information including how that animal will be
25 exhibited, safety precautions that will be put in

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2 placed to protect the public. How sanitary
3 conditions will be maintained. They have to submit
4 information about the animal's health status and
5 depending on the species whether vaccinations are
6 current. We require information about the caging of
7 the animal, its exercise schedule, and those sorts of
8 things so that we can evaluate whether the exhibit is
9 going to be designed to—to protect public safety.

10 CHAIRPERSON JOHNSON: And so DOHMH
11 inspects the animals, the facilities and the
12 enclosures for these animals?

13 CORINNE SCHIFF: So we conduct different
14 kinds of inspections. It may be that we before even
15 issuing the permit we need to go out and see what the
16 facility will look like to see if we think it's—it's
17 adequate to protect public safety, and then it really
18 depends on the kind of exhibits. We target our
19 resources to exhibits where there is a more inherent
20 risk so if there's a performance that will be in town
21 for a number of days, we will go out to see how the
22 animals are being held, and whether the permittee has
23 met the terms of the permit that we've approved.

24 CHAIRPERSON JOHNSON: And how often do
25 those inspections happen?

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2 CORINNE SCHIFF: It really varies. It
3 depends on who is here in town and—and who was
4 allowed and—and got it. If it's—if it's an exhibit
5 that—that because of the inherent risk we will go out
6 and inspect and make changes if necessary and then
7 check up on those changes. So it really depends on
8 the specific circumstances.

9 CHAIRPERSON JOHNSON: But if there's an
10 applicant that applied for a permit to be here for
11 two weeks or three weeks or a month, would the Health
12 Department go out every day, every other day, once a
13 week?

14 CORINNE SCHIFF: Well, it just depends on
15 what we find. If we—if we feel that the terms of the
16 permit are being met, then we may not need to go out
17 repeatedly. If—if we feel that something needs to—
18 there needs to be a compliance inspection to make
19 sure that the changes that have been made on site
20 while we're there need to be checked on, we'll do that
21 as well.

22 CHAIRPERSON JOHNSON: Does the department
23 have clear written policies on what constitutes a
24 sufficient distance and/or barrier between animals
25 and the public?

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2 CORINNE SCHIFF: We have guidelines and
3 then it really depends on the animal and the kind of
4 the exhibit and the sorts of interactions that are
5 possible. So, the kind of barriers that you might
6 need for a bear would be different from the kind of
7 barriers you might need for a goat. So we've got a
8 lot of guidelines, but then it's a very case-by-case,
9 and so we evaluate the documentation that's
10 submitted. We go out to the sites if necessary, and
11 we work with the permit applicant to make sure that
12 we think that—that—that the proposed set up will keep
13 the public safe.

14 CHAIRPERSON JOHNSON: So when you say
15 guidelines, are those promulgated rules that the
16 applicant must abide by or are they just suggestions?

17 CORINNE SCHIFF: So there's a combination
18 of things. There are—there are rules that are—and
19 there are some rules in the Health Code, and then we
20 have guidelines that we make available to permit
21 applicants.

22 CHAIRPERSON JOHNSON: And does the
23 Department have clear written policies about
24 appropriate enclosures and care for certain types of
25 exotic animals?

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2 CORINNE SCHIFF: We have guidelines about
3 exercise schedule, about cage sizes, and a cage needs
4 to be appropriate. It's all, you know, animal
5 dependent, but it needs to be the size that lets the
6 animal move around and stretch, but it's very much
7 dependent on the animal, and—and dependent on the
8 kind of display that will be happening.

9 CHAIRPERSON JOHNSON: When were those
10 guidelines adopted?

11 CORINNE SCHIFF: The last, the most
12 current version is from February of 2016.

13 CHAIRPERSON JOHNSON: And that was done
14 through the Board of Health?

15 CORINNE SCHIFF: So the Board of Health
16 has promulgated Article 161 of the Health Code. So
17 those are the broad rules that guide the process, and
18 then there are department guidelines that are—are
19 from February. So those we just keep—keep current
20 and update them as needed.

21 CHAIRPERSON JOHNSON: How does—how do the
22 requirements for the DOHMH permit that we're
23 discussing differ from a USDA license or the United
24 States Department of Agriculture license?

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2 CORINNE SCHIFF: The—the Health
3 Department's permitting is really addressing the
4 display of the animals in the city and making sure
5 that the—the public will be kept safe, that sanitary
6 conditions will be met, and USDA addresses other
7 sorts of animal welfare issues that we are—we're not
8 charged with here in the city.

9 CHAIRPERSON JOHNSON: But what's—so
10 what's the main—the main difference specifically is--
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12 CORINNE SCHIFF: So the city's role is to
13 ensure that animals that are otherwise prohibited to
14 be in the city are going to be brought in and—and
15 displayed in a way that the public is kept safe, and—
16 and all of these things I just—I just described,
17 sanitary conditions will be met, that the animals
18 will be caged in a way that's not too stressful, that
19 the animals have proper vaccinations, current
20 vaccinations depending on—on the species. Those are
21 the things we really focus on, and that we're
22 authorized to address.

23 CHAIRPERSON JOHNSON: And what are the
24 penalties for entities that violate the DOHMH permit?
25 What are the fines associated?

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CORINNE SCHIFF: So the—the way that we generally enforce this is we go out and inspect to see that the terms of the permit are complied with. If they're not, we have—we—we work with the—the permit holder to make those changes on site, or if the animal is being displayed in a way that's—that's unsafe and presents an inherent and immediate risk to the public. We're not really going to issue any fines. That's not going to be a fast enough solution. So we're going to work with NYPD to—to close down an exhibit if there's a public safety issue. So it's not so much these kinds of exhibits or not so much about fines.

CHAIRPERSON JOHNSON: But if—if someone has violated their permit, what is the fine structure?

CORINNE SCHIFF: So if there's a permit violation, we're not—the—the remedy for that is going to either be to fix the situation to make sure that the public is safe and that display can continue, or if necessary to close down the exhibit. I don't know that I—I—I will get back to you about what the fine amount be if we—if we—were we to issue an NOV. My point is that—that's just not generally how we handle

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2 that. It's not so much the fines. That's a-a slower
3 process, and usually if there's a permit violation
4 it's because there's a-a risk to the public that we
5 need to remedy immediately.

6 CHAIRPERSON JOHNSON: So in-in 2014, the
7 City of New York, and I assume it was the Health
8 Department required that UniverSoul Circus, they
9 required that they perform without elephants or big
10 cats after determining that tigers we kept in
11 undersized cages, and that the elephants did not have
12 their current Tuberculosis shots. Can you talk a
13 little bit about that, and what was required of that
14 applicant for permit after those violations were
15 issued?

16 JEFF DUPEE: If I may before Corinne goes
17 on, I just want radiate-reiterate the
18 Administration's position that it's inappropriate for
19 exotic animals to be made to perform tricks for
20 entertainment. So that's the-the underlying basis
21 here. So, the way things have happened in the past
22 is, you know, we're-we're supporting the Council's
23 intent of this bill.

24 CHAIRPERSON JOHNSON: Thank you. So I
25 asked about UniverSoul Circus.

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2 CORINNE SCHIFF: So in cases where the
3 permit applicant can't demonstrate to us that health
4 records are not current, that the vaccination status
5 isn't current for the particular species, or that the
6 protective measures in place are ones that we don't
7 think can actually protect the safety of the
8 audience, then we won't grant that permit.

9 CHAIRPERSON JOHNSON: Okay, but there's
10 no—again, there was no—there was no fine associated
11 with that? [background comments, pause]

12 CORINNE SCHIFF: So we—we did not issue a
13 fine. What we did was we had them change the
14 enclosures to make sure that that it could satisfy
15 the—the—the safety needs for that performance. So,
16 we didn't issue a fine in that case. [background
17 comments, pause]

18 CORINNE SCHIFF: And it—we also asked
19 them to update the vaccination information and
20 Tuberculosis testing information. The—the elephants'
21 TB testing, the information that they presented to us
22 was initially not current. We—we couldn't be
23 satisfied until they presented proper paperwork.

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CHAIRPERSON JOHNSON: Were the animals already in this city when this happened? Were the animals already transported here?

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CORINNE SCHIFF: So you can see that I don't know the details of this. So I'm going to-- [background comments]--I'm going to ask my colleague Mario Merlino because I don't know the details of this.

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CHAIRPERSON JOHNSON: Mario, do you affirm to tell the truth in front of this committee and answer honestly to all council member questions?

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MARIO MERLINO: I do. I'm Mario Merlino. I'm the Assistant Commissioner of Veterinary and Pest Control of the department. So what happened with UniverSoul Circus is they made--made an application. They were--before they were allowed to perform in the city, they were--they had to comply with the--the terms of the application, which stipulate proper enclosure of animals and humane treatment of the animals and a safety barrier. When we--we did a pre-operation inspection of the site, we found certain issues including lack of barrier between the animals and the patrons. There was an issue I think with the TB tests. It wasn't with some of the elephants, and

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2 inaccurate enclosure of the tiger. This—the—the plan
3 was to keep—have it in its transport cage and not
4 have the proper cage for it to exercise. So those
5 animals were not in the city yet. At that point,
6 they were sill outside the city. This is when we—the
7 pre-operation inspection. So we said, you know,
8 you're not going to be able to have the performance
9 until you fix those things, and so they had to fix
10 those things, and I think there's an issue with the—
11 how they were planning to enclose the elephant as—as
12 well. So we made them I think get an electric fence
13 for the—for the elephants because we were concerned
14 about the elephant escaping, which would have been a
15 problem.

16 CHAIRPERSON JOHNSON: Thank you. So how
17 many permits are granted per year and how many for
18 each type of animal?

19 CORINNE SCHIFF: So we took a look at a
20 recent 12-month period and we issued about 150
21 permits, and that's based on the types of animals
22 covered in the bill. I'm not sure if that's what you
23 were asking.

24 CHAIRPERSON JOHNSON: Yes.

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2 CORINNE SCHIFF: Okay. So it's about 100
3 and-150. We don't issue them by animal. It's for an
4 event, but we-we estimate that that covered about 480
5 animals those 150 permits.

6 CHAIRPERSON JOHNSON: Okay. I want to
7 turn it over to- Do you have any questions? I want
8 to turn it over to-to Council Member Andrew Cohen
9 from the Bronx.

10 COUNCIL MEMBER COHEN: Good morning. I-I
11 just had some questions. I guess the permit
12 violations-I-I gathered in your testimony your-your
13 goal here is to try to cure as opposed to sort of-
14 it's not a punitive thing. You just want to try to
15 get the situation straight, it sounds like from the
16 way-the way the agency handles violations.

17 CORINNE SCHIFF: To cure or if it can't
18 be cured right away, then we have to close the-the
19 exhibit down. [coughing] No, but you're right.
20 Yes, we're not really out there issuing violations in
21 this context.

22 COUNCIL MEMBER COHEN: But-so of the 150
23 permits that you issued last year, how many
24 violations did you document?
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CORINNE SCHIFF: We--there were no violations for those 150 permits. So we all--we issue--they satisfy the documentation requirements, and any pre-operational inspection requirements. We issue the permit. We will do compliance inspections to make sure that permit is being adhered to, and there were no violations issued. You could get a violation if you have one of these animals in the city and you had not gotten a permit from us, but in terms of permit violations, we didn't issue those and that's not--and as you described that's not how we handle this kind of enforcement.

COUNCIL MEMBER COHEN: But--but--okay. So, [coughs] I guess--so you--but you have uncovered on your inspections instances where people were out of compliance with the issuance of the permit?

CORINNE SCHIFF: That does have items and numbers for that. That could happen.

COUNCIL MEMBER COHEN: But--

CORINNE SCHIFF: [interposing] Or someone could be out of compliance having failed to get a permit at all.

COUNCIL MEMBER COHEN: But of the--where permits were issued and then you conducted

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2 inspections, how-do you know how often you found
3 people to be out of compliance with the terms of
4 their permit?

5 CORINNE SCHIFF: I don't have that
6 number right here. Let me see if I can get that.
7 We'll have to get back to you about that. I don't
8 have that number.

9 COUNCIL MEMBER COHEN: And-and then do
10 you-this is a follow-up. So I don't know if you'll
11 able to answer this either, but if you know what the
12 nature is generally or-or a variety of things when
13 people are out of compliance what is the nature of
14 their failure to comply?

15 CORINNE SCHIFF: We'll get back to you
16 about the details of that. So I want to make sure
17 that you have the full answer.

18 COUNCIL MEMBER COHEN: Okay. Thank you,
19 Chair.

20 CHAIRPERSON JOHNSON: Thank you, Council
21 Member Cohen. No questions? Thank you very much.

22 MARIO MERLINO: Thank you.

23 CHAIRPERSON JOHNSON: [pause] So, we're
24 going to do as much as we can and alternate panels.
25 So folks that are against and folks that are for or

1
2 folks that are for and folks that are against to go
3 back and forth so people don't feel like we're
4 lopsided or putting everyone up in one position. So,
5 I just want to let folks know that. So, we are
6 starting off. Our first panel is—and I apologize to
7 anyone if I mispronounce your name. Kate Zaluski,
8 Catherine Doyle, PAWS, Christina Carren—Skaren (sp?).
9 I don't know. Michelle Villa Gomez, Jessica
10 Hollander, and Kevin Schneider. [coughs] So if you
11 could come up. If you have testimony, you can give
12 it to sergeant. He will distribute it to the
13 committee. [pause] If folks could turn their phones
14 off. [background comments, pause] Okay, so maybe we
15 should start from—from this end, and then move down.
16 Again, two minutes. If you have more than two
17 minutes and you have written testimony, you can
18 submit it into the record. It will be recorded. It
19 will be part of our report, and if you could just
20 please hit the points that you think your most
21 important, and you don't need to repeat what other
22 people have said. So if you could make sure the red
23 light on your mic, and you may begin. Introduce
24 yourself.

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2 CATHERINE DOYLE: My name is Catherine
3 Doyle. I'm the Director of Science, Research and
4 Advocacy for the Performing Animal Welfare Society or
5 PAWS. PAWS operates three sanctuaries in California
6 for rescued or retired exotic and wild animals
7 including a 2,300-acre natural habitat refuge where
8 we care for elephants, big cats and bears, some from
9 traveling shows and we urge your support of Intro
10 1233. PAWS co-sponsored the Bull hook Ban passed
11 this year in California and passed bans in Los
12 Angeles and Oakland and we worked on the Rhode Island
13 ban. Of course the bull hook is the weapon that's
14 used to control elephants through fear and pain.
15 It's common in circuses. Opponents to 1233 are
16 presenting the very same arguments they used against
17 the bull hook ban. We heard the same numbers on
18 circus revenues for cities, which were identical for
19 the city no matter the population size. They said
20 they couldn't leave the animals outside the city
21 limits, and they threatened not to return if bull
22 hook use was prohibited. When encouraged to retool
23 their shows in order to comply with the ban, circuses
24 argued that they just could—they couldn't do that,
25 but once the bans passed, they adapted, and the

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2 world's largest circus, in fact, stopped using
3 elephants altogether. The fact is Americans are
4 concerned—Americans are concerned about wild animals
5 used for entertainment and for good reason. At the
6 PAWS' sanctuary, some of our animals have come from
7 circuses, and the fear of punishment was clearly
8 evident in the elephants who had been trained with
9 the bull hook. When they first arrived, they would
10 flinch or cower if you so much as moved your arm too
11 quickly. They expected to be jabbed or hit. The
12 circus lions were hyper-aggressive compared to other
13 lions from other circumstances. We attributed all
14 this behavior to the long-term effects of travel,
15 abusive training and performing. Tigers, lions and
16 elephants may be tamed, but they remain wild animals
17 with distinctive needs molded by evolution, needs
18 that cannot be met in a traveling show with such
19 drastically unnatural conditions as intense
20 confinement, chaining and near constant travel and
21 performing. Abandoning animal acts would not be the
22 end of the circus. In fact, circuses are already
23 changing. Its community is increasingly embracing a
24 more humane ethic, and take action through
25 legislation. Finally, what I'd like to do is also

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2 present—I have a letter from Bob Barker, the
3 legendary game show host, and he's a powerful animal
4 [bell] advocate and he's supporting this bill. Thank
5 you.

6 CHAIRPERSON JOHNSON: Thank you.

7 Good morning—I'm--

8 SERGEANT-AT-ARMS: [off mic] [interposing]
9 Please put your cell phones on silence, please. (sic)

10 CHAIRPERSON JOHNSON: If everyone could
11 please just check your cell phone and silence them.
12 That would be helpful. Go ahead.

13 MICHELLE VILLAGOMEZ: Good morning. I'm
14 Michelle Villgomez, New York City's Senior
15 Legislative Director for the ASPCA. On behalf of the
16 ASPCA and its nearly 70,000 New York City supporters
17 I'd like to thank Chairman Johnson, Council Mendez
18 and the Health Committee for the opportunity today to
19 testify in support of Intro 123—I'm sorry, 1233. The
20 ASPCA has long been opposed to using wild or exotic
21 animals where they're taking from the wild or cats
22 bred in circuses, carnivals and other traveling
23 shows. Training wild or exotic animals to perform on
24 command is done through physical force, other abusive
25 practices and intimidation. In the case of training

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2 elephants this includes the use of the bull hook, a
3 sharp metal device, which pierces the skin of the
4 animal, and has been banned by the states of
5 California and Rhode Island this year as well as in
6 the ways prohibitions passed in Los Angeles, Oakland,
7 Miami Beach, and also Richmond, Virginia and Fulton
8 County, Georgia. All of these jurisdictions have
9 recognized the inherent cruelty of using this device,
10 and it is unacceptable for New York City to such-to
11 allow such abuse. In addition to these cruel
12 practices, life on the road for performing wild and
13 exotic animals is replete with inhumanity. It is not
14 unusual for performing animals to travel in railroads
15 card for up to 50 weeks out of the year confined in
16 small cages or by short chains for 20 or more hours a
17 day when not performing. Forced to exist in
18 unhealthy environments that bear no semblance to
19 their natural habitat. Further, we reject claims of
20 educational value in wild animals performing
21 unnatural or dangerous behavior as well as the
22 industry's overarching assertion that large wild
23 animals such as elephants, bears and lions and tigers
24 can be trained without cruelty to perform them.
25 Ultimately, there is no meaningful or humane way to

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2 provide for these animals that are wild by nature.
3 The only lesson learned at these shows is that
4 beating and intimidating these majestic animals is
5 acceptable and entertaining. We applaud your close
6 examination of this important policy question, and we
7 believe that the passage of this legislation would be
8 a positive and proud step in ensuring that New York
9 City embodies [bell] humane values. Thank you.

10 CHAIRPERSON JOHNSON: Go ahead.

11 SERGEANT-AT-ARMS: [off mic] Is your mic
12 on?

13 JESSICA HOLLANDER: Oh, my name is
14 Jessica Hollander (sic) and I'm a Board Member of the
15 Animal Cruelty Exposure Fund. I am also a resident
16 of Brooklyn, and I strongly urge the Council to
17 support Bill 1233. Our society is fully awakening to
18 the responsibility we have to treat other species
19 with respect. This respect is profoundly violated
20 when animal is held captive and forced to entertain
21 us. Here is a bit of information about what goes
22 into training a baby elephant to be in a circus.
23 Circus training begins when a baby elephant is still
24 nursing. She is torn from her mother and chained
25 until her will is broke, a process that can take

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2 months. After that, she will be poke, prodded,
3 gouged and beaten with a bull hook until she submits
4 and learns the tricks that she will be forced to
5 perform for the rest of her life. Without the
6 constant threat of physical punishment, elephants
7 would not perform the unnatural, uncomfortable tricks
8 that the circus forces them to. Power moves such as
9 standing on two legs are extremely strenuous.
10 Elephants are trained to perform these tricks under
11 the threat and delivery of painful punishment with
12 the bull hook. We can't change the past for the
13 elephants, lions, tigers and other animals who have
14 endured this trauma, but we can refuse to perpetuate
15 it in New York by passing this legislation. It truly
16 hope our City Council will join the enlightened
17 movement to improve our laws so that animals are in
18 the future protected from the abuse and exploitation
19 humans have inflicted on them for far too long.

20 Thank you.

21 CHAIRPERSON JOHNSON: Thank you. [pause]

22 KEVIN SCHNEIDER: Good morning. My name
23 is Kevin Schneider. I'm a New York City resident in
24 Mark Levin's district, in the 7th District, Norther
25 Manhattan.

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CHAIRPERSON JOHNSON: Levine.

KEVIN SCHNEIDER: Excuse me. I'm—I'm new to the area, and thank you Councilman, Chairman Johnson and Councilwoman Mendez in particular for sponsoring this legislation. I'm actually reading testimony on behalf of Ron Kagan the Executive Director of the Detroit Zoo, and his—his comments are as follows: The Detroit Zoo applauds you for recognizing that entertaining with animals causes significant risk to both human and animal safety. The Detroit Zoo ended animal performances more than 30 years ago because we recognize that the amusement visitors experienced came at significant cost to the animals and caused enormous educational damage perpetuating the idea that animals share this world with as clowns. We believe that those holding captive exotic animals have a profound responsibility to ensure that these animals have healthy physical and social environments in which they can thrive. Anything else would be unethical. By definition traveling shows cannot provide the space, substrates, climate and social conditions necessary to meet even the basic needs of animals. In addition to the constant stressful travel, the daily living

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2 conditions often with prolonged restraints or worse
3 the cruel methods of physical training are very
4 harmful. We know this first hand. We have rescued
5 hundreds of animals from inhumane conditions
6 including animals from circuses. They come to us
7 with the irreversible physical and psychological
8 damage that results from life as a performing animal.
9 These psychological wounds can never be completely
10 healed. Performing animals also present very serious
11 risks to public safety. I'm sure you are aware that
12 numerous injuries and deaths both to people and
13 animals have occurred when animals are forced to
14 travel and perform. There is simply no reason to
15 continue these archaic practices that harm animals
16 and put people at risk. The Detroit Zoo supports
17 efforts to enact responsible legislation like Intro
18 Bill 1233, and we applaud your consideration of this
19 important public policy for the city of New York.

20 Sincerely, Ron Kagan, Executive Director and Chief
21 Executive Officer of the Detroit Zoo. Thank you.

22 CHAIRPERSON JOHNSON: Thank you very
23 much. We've been joined by Council Member Rafael
24 Espinal from Brooklyn and Council Member Peter Koo
25 from Queens.

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2 KATE ZALUSKI: Good morning. My name is
3 Kate Zaluski. I'm here for USA, a national animal
4 welfare and wildlife conservation organization, and I
5 thank you for the opportunity to testify this
6 morning. This bill grows—or builds upon a growing
7 concern for animals used for entertainment, and
8 follows in the foot steps of similar laws that have
9 been in 44 cities and counties around the United
10 States. The risks and threats to animal welfare that
11 you will hear about this morning are compounded by
12 the threat that the presence of these animals poses
13 to public safety. Wild animals are inherently
14 unpredictable and incapable of being tamed, and close
15 proximity to the public creates a serious risk. My
16 organization maintains a database of incidents
17 involved exotic animals around the country, and I
18 want to present a few that have occurred right here
19 in New York State and several in New York City. An
20 elephant with the Moscow Circus attacked a translator
21 off stage at ABC's Live with Regis and Kathy Lee
22 television show in New York City. The woman suffered
23 a skull fracture, broken ribs and a punctured lung.
24 Two elephants at the Clyde Beatty Cole Brothers
25 Circus in New York City became agitated and went on a

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2 rampage. Seven spectators were treated for minor
3 injuries. In Poughkeepsie New York an elephant with
4 the Haniger (sic)Circus escaped from the ring and
5 charged toward the crowd injuring three people. In
6 Apollo a white tiger escaped from the Cole Brothers
7 Circus in New York City and wandered through the
8 parks across Jackie Robinson Parkway and through
9 nearby residential streets. The incident caused a
10 multi-car accident and four adults and one child
11 suffered minor injuries. The 455-450-pound tiger was
12 eventually re-captured. These are just a handful of
13 the incidents that have occurred around the country,
14 and incidents that are preventable, but will continue
15 occurring if we continue to allow these wild animals
16 to come into the city. I respectfully urge the
17 committee to support Intro 1233. Thank you.

18 CHAIRPERSON JOHNSON: Thank you.

19 CHRISTINA SCARINGE: Good morning. I'm
20 Christina Scaringe with Animal Defenders
21 International. Thank you, New York for considering
22 this measure to protect wild animals and New York
23 citizens. We have you provided you by email
24 extensive data supporting our statements and stand
25 ready to answer question, sit down with labor provide

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2 additional data. Council Member Mendez, kudos for
3 your commitment. We were honored to work with your
4 staff and the City Attorney towards 1233. Violence
5 makes clear that wild animals are inherently unsuited
6 for this business mode. We have sent you one recent
7 comprehensive study of the latest clients in the
8 industry worldwide consulting more than 650
9 organizations including, by the way, animal trainers
10 and circuses, which concluded that for circus animals
11 this "no life worth living." At the CITES
12 Conference in Johannesburg this month, seven, count
13 them, seven African nations passionately pled to end
14 this use of animals declaring it has no conservation
15 value. Federal oversight is complex and costly. The
16 America taxpayer pays for it primarily, and by the
17 agency's own admission, it's just not working.
18 Animals aren't protected, workers aren't protected
19 under OSHA as they should be, and the public isn't
20 protected at all. Federal oversight does not
21 consider public safety. That is left to you. It's
22 your local cops in the fix that goes wrong, and
23 things do go wrong. Many circuses including
24 UniverSoul lease their animal acts, which complicates
25 oversight where they can claim that they are

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2 responsible for or mislead the public regarding
3 violations related to animals they exhibit but don't
4 actually own. USDA no longer requires annual TB
5 testing for its elephants and USDA license renewal
6 does not—does not evaluate or require current
7 compliance. OSHA—OSHA relies upon self-reporting.
8 Banning wild animal acts isn't the end of the circus.
9 Forbes and Wall Street Journal: "Circus titans
10 crediting diversification away from traditional acts
11 and identifying their primary economic driver in
12 today's circus as being the celebrity clown.
13 Celebrity clowns they say are paid upwards of 600
14 grand a year." Most of these jobs don't live here,
15 and their dollars don't stay. Were bans have been
16 instituted, alternate job sources have taken their
17 place. Thank you.

18 CHAIRPERSON JOHNSON: Thank you very
19 much. Are there any questions from council members
20 for this panel? Council Member Mendez.

21 COUNCIL MEMBER MENDEZ: Thank you. I—I
22 think our last panelist is Christina. I always have
23 problems pronouncing your name.

24 CHRISTINA SCARINGE: Scaringe.
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2 COUNCIL MEMBER MENDEZ: Scaringe, has
3 stated very articulately why federal legislation is
4 not enough, but I wanted to ask any of the other
5 panel members if they could elaborate on that or if
6 there's anything else, Christina, that you wanted to
7 add as to why you would need municipalities to pass
8 legislation and why the federal oversight isn't
9 enough at this point.

10 CHRISTINA SCARINGE: I'd be happy to
11 elaboration. The federal government doesn't address
12 the public safety. The agencies at the federal level
13 are very quick to say that it's not that they don't
14 care about public safety, but it's not their mandate.
15 A good example was last year the City of Dallas
16 prohibited three UniverSoul elephants from coming to
17 the city of Dallas because of some Tuberculosis
18 findings on TB testing. The UniverSoul sued the City
19 of Dallas Department of Health and the City of Dallas
20 won. While that case was going on, UniverSoul was
21 showing the same elephants in the City of
22 Philadelphia. So we have questionable health
23 concerns going on right there in Philadelphia, and
24 during that show actually zebras escaped from
25 UniverSoul, and those zebras escaped again later.

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2 With OSHA, OSHA even though it's a federal law, it's—
3 it's applied regionally, and there's no cross-
4 communication between these jurisdictions. So, for
5 instance, we have some undercover footage of the
6 Carson and Barnes elephant attacking its trainer. So
7 that would appear to most as a workers' issue
8 correct, to protect the workers. Well, we have tried
9 to report that, but the problem is the OSHA process
10 is shorter than the time that the circus remains in
11 the jurisdiction. We get the same defenses form the
12 same—at this point in time we're getting the same
13 letter from the same attorney that say the same three
14 defenses, and those three defenses have already been
15 eviscerated by the—the—a lower and an appellate
16 court. So OSHA has won on these saying that this is
17 a violation of the employers' duty to provide a safe
18 work place. So it's up to the cities. Where things
19 have gone wrong, it's been the local cops and it
20 would be surprised to find out that they're the ones
21 holding bill. Officer Blaine Doyle was an off-duty
22 cop directing traffic in Florida when Janet, an
23 elephant, who was carrying a mom and five kids on her
24 back decided she had enough of circus life and tried
25 to leave the circus tent. So while you have patrons

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2 running out of the circus tent, a mom and five kids
3 on an elephant who has decided I'm making a run for
4 it, the circus turned to Officer Doyle and to his
5 surprise had no back-up plan, had no tranquilizer to
6 bring down this elephant. Hadn't—didn't have the
7 fire power, but just looked to this officer, the cop,
8 and said it's up to you to take down this elephant.
9 Officer Doyle said he was thrown twice by this
10 elephant, and he finally was able to bring the
11 elephant down, 54 fun shots later. When Tike (sic)
12 through the street of Hawaii, it was the local cops
13 that did it. So it's your dollars that had to chase
14 down those zebras in Philadelphia. It's your dollars
15 that had to chase down and kill that elephant in
16 Honolulu, and it's your dollars that had to fire 54
17 shots at an elephant in Florida. It is a city issue.

18 COUNCIL MEMBER MENDEZ: Thank you. For
19 anyone on this panel, on other cities or the
20 municipalities that have banned the display in part
21 or in whole of the exotic animals. What, if any,
22 repercussions have happened in those cities of states
23 in those municipalities?

24 CATHERINE DOYLE: Well, right now in
25 California, it's now in Rhode Island and both states

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2 this year banned the use of bull hooks, and
3 originally services that we said it will and also in
4 Los Angeles and Oakland, California as well we banned
5 bull hooks there. And at that time, there circus
6 said, you know, they would not return and—and they
7 also discussed jobs loss, et cetera, and really just
8 none of that came to be. So, again, you know, the
9 circuses they just—they adapted. They're—they're
10 always going to adapt to the market. So, and if you
11 pass a ban here in New York City, the circuses are
12 going to return. In fact, even with UniverSoul
13 Circus, for example, they're not even bringing their
14 elephants to California, and that was even before we
15 passed any of the bull hook bans. So, as far as
16 repercussions go, I—I think it's only been positive
17 so far quite honestly.

18 COUNCIL MEMBER MENDEZ: Thank you very
19 much. Thank you, Mr. Chair.

20 CHAIRPERSON JOHNSON: I have a question.
21 Anyone can answer it. Well, I'm going to go to
22 Council Member Cohen before I ask questions.

23 COUNCIL MEMBER COHEN: Thank you Chair.
24 I just, have one question and I'm sort of embarrassed
25 that I don't know the answer because I—I—people have

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2 come to see me on both sides of this piece of
3 legislation. But a number of you testified about
4 elephants. Does anyone know that the status is? Are
5 elephants currently performing in the City of New
6 York or—because I guess—I guess Ringling Brothers
7 has—is no longer using elephants. In their shows in
8 New York. Are there other circuses that are using
9 elephants in—in shows in New York or New York City?

10 Christina SCARINGE: There's—there's no
11 law to stop Ringling from changing its mind, and
12 elephants are performing in circuses, but the issue
13 isn't just about elephants. One of the documents
14 that I sent to you is actually comments regarding the
15 oversight not just related to elephants but big cats,
16 non-human primate and bears, which was the petition
17 before the USDA to prohibit public contact. So
18 there's issues there as well, but the short answer to
19 your question is yes, there are elephants performing
20 in circuses.

21 COUNCIL MEMBER COHEN: In New York City?

22 CHRISTINA SCARINGE: There are—Ringling
23 is not the only circus to come into New York City.

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2 COUNCIL MEMBER COHEN: That's what I--what
3 I want. So there are other circuses. Thank you very
4 much.

5 CHAIRPERSON JOHNSON: So do any of you
6 believe that there are policies and laws or
7 regulations that could ensure that exotic animals
8 could be used in a safe and appropriate manner for
9 entertainment uses?

10 CATHERINE DOYLE: The Science Center
11 (sic) supports that, but--

12 CHAIRPERSON JOHNSON: [pause] Does
13 anyone else have anything?

14 CHRISTINA SCARINGE: The regulations on
15 the books right now aren't working. The Internal
16 Audit Reports of USDA going back at least as far as
17 2007 have said that it's now working.

18 CHAIRPERSON JOHNSON: Do you think that
19 there could be any further regulations put in place
20 that could make it work?

21 CHRISTINA SCARINGE: We're sending a lot
22 of--what the Internal Audit Report said is we're
23 spending a lot of money for regulations that aren't
24 working, and they're not doing what they should be
25 doing with the money they're getting. They've asked

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2 for more money. That was their response, and the
3 same reports have said the same thing year after
4 year. And again, the more Science that come out, the
5 latest report that I did send you from 2016, which
6 was a worldwide study. It included experts from all
7 realms including government officials that said that
8 wild animals are inherently unsuited. So there is no
9 humane assistance for these animals. There's no way
10 to-to make this a stress-free situation for these
11 animals even if-even if we're to believe that they're
12 treated with the love and respect that hear.

13 CHAIRPERSON JOHNSON: And ideally, where
14 would exotic animals end up if they were no longer
15 being exhibited?

16 CHRISTINA SCARINGE: Many of these laws
17 include a saving plan, and that's possible that it
18 can allow the circuses to adjust. For New York City
19 it's whether or not there was a-a circus that's based
20 here. I'm-I-I may be wrong, but I'm not-it's not my
21 understanding that there's any circuses actually
22 based here. So there's nothing to prevent them from
23 going to other cities. There's nothing to prevent
24 them from-the animals are their property under our
25 current law. So, they're still their animals. If

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2 the concern is, which we sometimes hear, is what will
3 happen to the animals if the circuses go out of—they
4 have to get rid of them? We—ADI has helped rescue
5 animals around the world to help enforce these laws.
6 There are—there is a strong sanctuary network in the
7 United States. There is a strong animal protection
8 network, but if these organizations want to give up
9 their animals rather than retire them as Ringling has
10 announced what they're doing with their elephants.
11 They're standing ready to take them. These animals
12 aren't going to disappear on the side of the road.

13 CHAIRPERSON JOHNSON: And do any of you
14 believe that there is a bond between trainer and
15 animal that's important to maintain even if the
16 animal is no longer performing?

17 CATHERINE DOYLE: I would say certainly
18 addressing this idea of a bond between animal and
19 trainer if you're talking about a traveling show or a
20 circus situation, it's a dysfunctional bond. It's—
21 it's not natural for the animals, but it's also—it's
22 based on dominance. It's based on fear, and that's
23 how they control animals. There are dangerous wild
24 animals. They're not domesticated animals, and so
25 these animals have to be controlled at every minute.

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2 They have to remain under control and then, of
3 course, when performing they have to perform on cue.
4 So as far as say for example when an elephant or a,
5 you know, a tiger or a lion comes to our sanctuary,
6 and as I said, we have had, you know, animals that
7 have come from the circuses. It's-it's-we use only
8 positive reinforcement training with them. We use
9 the Protective Contract Training, and-and that's, I-I
10 would say a positive bond to have with these animals,
11 because it's-it's not about coercion. It's not about
12 dominance, and it's not about controlling them
13 through fear and pain.

14 CHRISTINA SCARINGE: So, I-the science
15 also the addition of--of-and-and forgive me it's
16 either the-I'll have to get it for you, the quote. I
17 provided it to you already is that human species
18 interaction, humans with other species interaction or
19 that bond that you're about, is no substitute for
20 their own kind. There's no substitute for species-
21 for the specie's own interaction with its own kind,
22 and-and I'll-I'll resend that to you.

23 CHAIRPERSON JOHNSON: Thank you. Any
24 other questions. Yes, Council Member Mendez.

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COUNCIL MEMBER MENDEZ: Thank you, Mr. Chair for letting me ask another question. For anybody on this panel can you tell me is there anything that can be done now, right, that would allow for the safe—the safe and secure places, and more natural settings for these animals in a traveling situation and in a non-traveling situation when they're in the wild life or a zoo or a conservatory? Is there anything else outside of this ban that could make things safer and more humane for the animals.

CHRISTINA SCARINGE: You're saying safer and more humane within the traveling shows?

COUNCIL MEMBER MENDEZ: Traveling shows and in conservatories and zoos as well.

CHRISTINA SCARINGE: Well, there's a big difference between what a zoo or conservatory can provide for these animals. Because they are stationary facilities, they can provide more natural environments. They can also provide more enrichment for the animals and also use positive reinforcement training, and everything. What happens in traveling shows is the exact opposite of that. There's no way to provide anything close to natural for these

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2 animals or begin to meet these wild animals' needs
3 because of the very nature of circuses. They're
4 constantly moving and travel. So they're not able to
5 provide. For example, with elephants it's important
6 for them to—to mud and to protect their skin through
7 mud baths, and a circus is not able to provide
8 something as basic as that much less the opportunity
9 to forage, the opportunity to socialize naturally
10 with other animals for a social species or for
11 species that—are loners to allow them the space to be
12 alone and not be under the constant stress of
13 interacting with other animals. So, you know, so
14 there's a huge. It's a world of different between
15 what say example you could provide versus what
16 traveling shows just can't provide. They just can't
17 even begin to meet these animal's needs.

18 COUNCIL MEMBER MENDEZ: Okay, thank you.

19 CHAIRPERSON JOHNSON: Thank you all very
20 much. The next panel is Tom Albert, Paul Binder.
21 Paul Binder is on there twice. Ben Johnson and Alex
22 Lacey. [pause] [background comments] Okay, so you
23 may begin in whatever order you'd like. Just make
24 sure the red light is on. So press the button on—on
25 your mic. Two minutes. Thank you for being there.

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2 TOM ALBERT: Thank you, Chairman Johnson.
3 My name is Tom Albert, and I'm with Feld
4 Entertainment and producer of Ringling Brothers and
5 Barnum and Bailey. We're opposed to this bill that
6 would ban circuses with animals including Ringling
7 Brothers from New York City. This bill would end a
8 century long tradition of family entertainment. It
9 remains one of the most highly attended shows in the
10 New York City. More than half a million went to see
11 our shows at the Barclay--have attended our shows at
12 the Barclay center. That's half a million people who
13 came to our shows, which have always featured animals
14 as the primary component. They vote with their
15 pocketbooks and they should not be dismissed or told
16 that they are bad people for enjoying the circus.
17 They include thousands of underserved families and
18 children as we work closely with community groups and
19 non-profits to make our shows as accessible to as
20 many people as possible. The circus also produces an
21 economic impact of an estimated \$6 million a year in
22 New York City, and supports hundreds of local jobs.
23 Given the large number of people who would impacted
24 before you act to eliminate the circus and all it
25 brings, we urge the members of this committee and

1
2 other City Council Members to first come out behind
3 the scenes to see what we—what we actually do
4 Ringling Brothers when we return to the Barclay
5 Center in February. This ban is legally unnecessary.
6 The welfare of animals, as you've already heard, is
7 already protected at multiple government levels
8 including 300 pages of regulations with the USDA.
9 The same regulations governing circuses and zoos.
10 There—there is no distinction between a circus or a
11 zoo or a sanctuary under federal law, and despite
12 what you've heard, Ringling Brothers has never been
13 found in violation of the Federal Animal Welfare Act.
14 We have a clean record of inspections here in New
15 York City by multiple government agencies. The bill
16 is also constitutionally flawed because it prohibits
17 animal performances in circuses, but it would allow
18 specific exemptions based only on the setting of
19 this—of the performance. That's a content based
20 censorship where the only difference is where the
21 activity is occurring. These are the same—the same
22 animal can be doing the same activity and it's—it's
23 not allowed in the circus, but it's allowed in a
24 different setting. Results of scientific evidence,
25

1
2 attached to my written testimony. I'll be happy to
3 take any questions.

4 CHAIRPERSON JOHNSON: Thank you.

5 BEN JOHNSON: [coughs] Good morning the
6 Health-Health Committee. My name is Ben Johnson with
7 the UniverSoul Circus. UniverSoul Circus recognizes
8 the enormous responsibility protecting the public
9 health and welfare that has been entrusted to the New
10 York City Council Health Committee. However, we
11 believe the banning of circus animals does not meet
12 that criteria. While there is a great deal of so-
13 called (sic) violent animals in circuses, there is no
14 disagreement on either side that ongoing debate about
15 protecting animals or humans from physical harm and
16 abuse. We submit that the New York City Health
17 Department meets and exceeds their mission to protect
18 the welfare of New York residents and animals. We
19 believe that it makes such a profound and life
20 changing decision for citizen in the media and arts
21 in the cultural capital of the world, which you must
22 consider the rights of millions of New York City
23 residents that support animals in circuses. Those
24 residents are entitled to the same level of
25 consideration that supporters of this bill have

1
2 enjoyed, which include 160,000 New York City
3 residents that came to see the UniverSoul Circus in
4 the Bronx at Mill Pond Park close to Yankee Stadium;
5 Roy Wilkins Park in Queens, and Floyd Bennett Field
6 in Brooklyn this year. UniverSoul Circus' impact on
7 New York City reaches well beyond the excitement and
8 experience by patrons and—and our good will in the
9 community through outreach program. In 2016, we
10 provided over 4,000 tickets to youth, senior and
11 church programs as well as agencies and organizations
12 working with the disadvantaged to provide people with
13 an uplifting experience at the circus. Since 1997,
14 we've provided almost 100,000 free tickets to New
15 York City residents, and have entertained over a
16 million people here in New York City with animals in
17 our shows. We are not in support of the ban that has
18 been proposed, and as Ringling and other acts, we
19 work with agencies across the country including the
20 New York City Health Department.

21 CHAIRPERSON JOHNSON: Thank you.

22 ALEXANDER LACEY: Good morning. My name
23 is Alexander Lacey and thank you for the opportunity
24 to speak in opposition to the proposal to ban circus
25 animals in New York City. As someone with years of

1
2 experience in caring for performing lions and tigers,
3 I am asking you not to support the proposed bill. I
4 train and present my lions and tigers for Ringling
5 Brothers Barnum and Bailey. I've spent my entire
6 life working with and caring for big cats, and after
7 decades of experience, I can tell you that the claims
8 about animal care, training and transport that are
9 made in support of this bill are wrong. I'm
10 originally from English where my family raised and
11 cares for lions and tigers. I've known and cared for
12 the animals I work with their entire lives. All my
13 cats are bred in captivity, and a part of many
14 generations raised and cared for by my parents and
15 me. The statements made by the supporters of this
16 proposal about performing animals are not based on
17 any actual first hand knowledge of big cat training,
18 transport of care. The health and wellbeing of my
19 animals is my top priority every single day, and I
20 spend my days ensuring they are fed, exercised and
21 that all their needs are met. The cats are part of
22 my family, and I would never tolerate anything less
23 than the best care for them. My animals live very
24 comfortable lives, and they're transported in a
25 manner that ensures they have plenty of space,

1
2 opportunities to socialize with other animals and
3 engage in natural behaviors. Like all cats, their
4 favorite pastime is sleeping, which they do plenty,
5 but they also lead active lives filled with physical
6 and mental stimulation. I spend hours every day
7 building a positive and trusting relationship with
8 every animal. My training is based on repetition and
9 reward. Anyone who has trained animals recognizes
10 that this is the only effective training method
11 because abuse and mistreatment results in
12 unpredictable and fearful animals. None of the
13 behaviors my cats are trained to do result in any
14 harm or discomfort to them. They're not forced to
15 perform and they are not afraid of me or the tools
16 that I use. Thank you. I'm happy to ask any-answer
17 any questions you have.

18 CHAIRPERSON JOHNSON: Thank you.

19 PAUL BINDER: Good morning Council
20 Members and thanks for the opportunity to speak here
21 today. My name is Paul Binder. I am the founder and
22 the founding Artistic Director of New York's Big
23 Apple Circus, and I am here to oppose this ordinance.
24 As a student, teacher, historian and a preserver of
25 the circus arts and culture on five continents with

1
2 honorary degrees from my alma mater at Dartmouth
3 College, Long Island University and the Pratt
4 Institute, I've spent countless hours of my life
5 observing the day-to-day behind-the-scenes world of
6 the circus, a community that unites and celebrates
7 culture, geography and artistry. I've worked with
8 performers both human and animal for most of my
9 professional life, and I can speak first hand not
10 only to the iconic role that animals play, both
11 exotic and domestic, and the culture and art of the
12 circus, but also the commitment to the care and
13 wellbeing of animals partners that's practiced every
14 day, day in and day out by the responsible trainers
15 in our profession Working animals, working animals,
16 animals that have worked with human beings for
17 thousands of years are something that the Big Apple
18 Circus has presented and supported in our 38 years in
19 this city. As you will hear today, their—their care
20 indeed is regulated by the federal government, and
21 that's not what motivates those who live and work day
22 in and day out in this profession. Their love for
23 the animals and the commitment to them is plain to
24 see, and often dictates every aspect of their day
25 24/7. That commitment can last for a lifetime. At

1
2 the Big Apple Circus we just saw—we—we saw how
3 impactful animal performances are on our patrons,
4 kids and families, old and alike, 190,000 per year in
5 all of the boroughs of New York City. We firmly
6 opposed the action of New York City in this matter.

7 CHAIRPERSON JOHNSON: Thank you. So, are
8 people have referenced today the fact that the
9 federal government has oversight and enforcement
10 capability when it comes to the issues that we're
11 talking about, and for me that's not a great
12 argument. Gun laws are up to the federal government
13 in some ways. The minimum wage federally is up to
14 the federal government in some ways. So just because
15 the federal government has the opportunity and some
16 laws on the books that haven't been updated in a very
17 long time I'm not sure that's the most salient point
18 to be using. The fact that Washington, which is
19 fundamentally broken in many ways has something on
20 the books. Does that mean that we should never
21 change anything because Washington has the
22 opportunity to step in, and because there's a federal
23 agency that has some oversight power and enforcement
24 capability? That's what legislative bodies do all
25 the time both on the city, state and federal level.

1
2 They look at what's on the book, and they tinker with
3 it, they change it and they adapt depending on what
4 evidence is presented before them and how they think
5 things need to be changed. So with that being said,
6 I have a few questions for—for—for any of you who
7 want to answer it. We're joined by Council Member
8 Eugene from Brooklyn. So, for Feld and Ringling
9 Brothers, what was the reasoning for removing
10 elephants from your acts but not other animals?

11 TOM ALBERT: Thank you, Mr. Chairman.
12 That decision was made because of the-the growing
13 uncertainty created by some of the-the local
14 legislative action that was passed particularly in
15 California that would have made it more difficult to—
16 to have elephants, and the fact that we plan our
17 shows. We have two traveling circus units. They
18 each visit about 40 cities a year. Those tours are
19 planned several years in advance. We do not have the
20 ability to just take animals out of the show for one
21 city and then put them back in for the next whether
22 it be elephants or—or something else. The company
23 ultimately made the decision, frankly a business
24 decision that—that it would make more sense to—to—to
25 retire the elephants and to remove the uncertainty

1
2 created by having them there. It was not a rejection
3 of elephants as being in the circus. We're very
4 proud of the very long history, the iconic nature of
5 the elephants that they—they hold within Ringling
6 Brothers and—and the circus, and—and frankly, no—no
7 organization has done more for the Asian elephant,
8 which is a highly endangered species than Ringling
9 Brothers. We have had them. [background comments].

10 CHAIRPERSON JOHNSON: [shushing for
11 quiet] Please.

12 TOM ALBERT: We're talking--

13 CHAIRPERSON JOHNSON: [interposing] We're
14 talking respectful on both sides. No noise.

15 TOM ALBERT: We're talking about a—a
16 species that there are less than 35,000 left on this
17 planet, and there are elephants killed in the wild
18 every day, hundreds of elephants killed in the wild
19 and not—not because they're being poached or hunted,
20 because they are in constant conflict with the human
21 populations in the parts of the world that they are
22 native to. Our—our organization, our Center for
23 Health and Conservation supports con—elephant
24 conservation projects both in the field as well as
25 scientific research and we've also done more on the

1
2 captive breeding of elephants than any other
3 organization—organization, and we—we do similar
4 efforts for other species, tigers, also, even more
5 endangered in the wild than elephants. So, you know,
6 we have not. We have decided to try and to—to—a new
7 approach with the—as far as elephants not being in
8 shows. That's not—that's not a—I—I don't want to be
9 misunderstood. I'm not saying this is a test and
10 they might come back. We don't have any intentions
11 to bring them back. They are retired. They're all
12 down in our facility in Florida, but removing all the
13 other animals which do still figure very prominently
14 in shows is not really an option. It would
15 essentially take away the bulk of our shows.

16 CHAIRPERSON JOHNSON: So, when—when does
17 that phase-out happen? Has it already happened?

18 TOM ALBERT: The elephant yes. The
19 elephants are--

20 CHAIRPERSON JOHNSON: [interposing]
21 Elephants are no longer being used?

22 TOM ALBERT: In—in our shows--

23 CHAIRPERSON JOHNSON: In your shows?

24 TOM ALBERT: Right as of May 1st of this
25 year.

1
2 CHAIRPERSON JOHNSON: As of May 1st of
3 this year.

4 TOM ALBERT: So we had elephants. I'm
5 sorry, but we did have elephants here in Brooklyn in
6 February, but they will not be here next February.

7 CHAIRPERSON JOHNSON: So in your 2014
8 permit for the application for the Borough of
9 Brooklyn, Ringling Brothers and Feld Circus permit
10 coordinator Kate Shay listed stunts that would be
11 performed. These stunts included elephants that
12 would paint using their trunks, and big cats that
13 would do pyramid stands. How do you train elephants
14 to paint and how do you train cats to do pyramid
15 stands, and are bull hooks or other means of physical
16 forced used to train animals to perform these stunts?

17 TOM ALBERT: Well, I'm—I'm not an animal
18 trainer. I would defer to Mr. Lacey who trains.

19 ALEXANDER LACEY: Yep. I train lions and
20 tigers and that's loaded question when you describe
21 the things as weapons, and—and tricks and stunts.

22 CHAIRPERSON JOHNSON: Sir, I didn't say
23 weapons. [background comments, pause]

24 SERGEANT-AT-ARMS: Quiet, quiet please.
25

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2 ALEXANDER LACEY: Oh, bull hooks as a
3 weapon.

4 CHAIRPERSON JOHNSON: I didn't—I didn't
5 use—I didn't use the word weapon.

6 ALEXANDER LACEY: Well, I apologize.
7 Sorry about that. [background comments, pause]

8 CHAIRPERSON JOHNSON: If—if folks could
9 be quiet and be respectful. Everyone is going to
10 have the opportunity to speak and answer questions
11 and say their part. Please let the folks that are up
12 here answer the questions. I didn't use the word
13 weapons. I used the word bull hook, which is a word
14 that has been used many times in the past, and there
15 was no connotation to that work and it was a
16 description of a tool that is used or has been used
17 in the past to train elephants.

18 ALEXANDER LACEY: I apologize, sir.

19 CHAIRPERSON JOHNSON: So if you could—if
20 you could answer the question how are—are cats
21 trained to pyramid stands and what types of physical
22 means are used to train animals to do these type of
23 performances?

24 TOM ALBERT: Well, first of all, you have
25 to understand that all the animals that I—that I work

1
2 with have been born and bred by my family. The lions
3 that I work with are the--are the 11th generation that
4 my family have bred. The tigers are the ninth
5 generation, and all of the training is based upon
6 each individual animal. You cannot expect any animal
7 to perform any movement that is uncomfortable for
8 them for the whole duration of their life. All of
9 our animals live to be at least 25 years old. The
10 average age for a lion or tiger in the wild is about
11 12.

12 CHAIRPERSON JOHNSON: But that's--those
13 are your animals? So, what you're saying is--

14 ALEXANDER LACEY: [interposing] I'm
15 talking about my animals.

16 CHAIRPERSON JOHNSON: You're talking
17 about yours. So your family has bred it--bred lions
18 and tiger.

19 ALEXANDER LACEY: Yes.

20 CHAIRPERSON JOHNSON: You've trained big
21 cats your entire life. Your family has done that,
22 but not every big cat in the circus--

23 ALEXANDER LACEY: [interposing] But I'm--

24 CHAIRPERSON JOHNSON: --comes from a
25 similar way that you're talking about.

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ALEXANDER LACEY: Yes, I have tigers and that's how I know to train lions.

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CHAIRPERSON JOHNSON: We don't need to talk about that. I mean I want to talk about

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6

Ringling Brothers. You're here on behalf of Ringling

7

Brothers. You are as well. I—I want to talk broadly

8

and generally about the—the exotic animals that you

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are using for performances in circuses, how are they

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trained to do tricks?

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ALEXANDER LACEY: I was. That's what I was trying to do.

12

13

CHAIRPERSON JOHNSON: But you're telling

14

me you bred your animals. I want to know about the

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animals that weren't bred by you, other cats, other

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elephants that weren't bred by you.

17

ALEXANDER LACEY: On—on the show that I

18

work with they—they are the tigers and lions that

19

will come in.

20

CHAIRPERSON JOHNSON: Fine. Okay, but

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what about the other trainers that didn't grow with

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the cats?

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ALEXANDER LACEY: I don't know how other

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trainers--

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2 CHAIRPERSON JOHNSON: [interposing] Well,
3 that's what I'm asking for. So maybe Ringling can
4 answer that.

5 TOM ALBERT: Well, I mean Mr. Lacey is—
6 works with Ringling Brothers so he presents cats he's
7 trained for Ringling Brothers.

8 CHAIRPERSON JOHNSON: Okay, so—so what's
9 your title with Ringling.

10 TOM ALBERT: I'm the Vice President of
11 Government Relations.

12 CHAIRPERSON JOHNSON: So would—wouldn't
13 you know the answers to these questions?

14 TOM ALBERT: Well, I—I—I'm not sure I
15 understand the question because he—you're asking how
16 we train tiger.

17 CHAIRPERSON JOHNSON: Okay, so let me—let
18 me ask this. So before May 1st when elephants were
19 phased out of—of Ringling Brothers Circuses, were
20 bull hooks used with elephants?

21 TOM ALBERT: Yes, our an—our elephants
22 and to this day are still handled with a bull hook
23 guide, ankus whatever term you want to attach to it,
24 but again, that—if you're asking are they trained
25 through—through punishment or pain or torture,

1
2 absolutely not. The bull hook, the guide it-it is a
3 tool that has evolved over many years. It is used as
4 a communication tool. It is used as a safety tool
5 for the animal and the handler.

6 CHAIRPERSON JOHNSON: So, in-in other
7 cities and states where bull hooks have been banned,
8 did Ringling Brothers oppose that ban?

9 TOM ALBERT: Well, we've opposed it
10 everywhere yes. The two states that passed bull hook
11 bands--

12 CHAIRPERSON JOHNSON: [interposing] Rhode
13 Island and--

14 TOM ALBERT: California.

15 CHAIRPERSON JOHNSON: California.

16 TOM ALBERT: And both of them did not do
17 so until after we had announced that we were removing
18 the elephants and would not be returning those
19 states.

20 CHAIRPERSON JOHNSON: Well, but you knew
21 that they were contemplating it before you announced
22 that they were going to--before you announced you were
23 getting rid of it.

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TOM ALBERT: I-I-I can't speak for them.

3

I mean certainly bills had been proposed in the past,

4

but they had never passed before.

5

CHAIRPERSON JOHNSON: Okay. So, what

6

percentage of your shows use other types of exotic

7

animals besides elephants?

8

TOM ALBERT: Our circus?

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CHAIRPERSON JOHNSON: I mean all of them,

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all your shows?

11

TOM ALBERT: Well, again, we—we produce

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other family entertainment production. Disney on

13

Ice, Disney Live, Monster Jam and also Marvel

14

Universe Live. Those to not involve animals. Disney

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on Ice is an ice show obviously and Marvel Universe

16

Live is an action adventure show. The circus—the two

17

Ringling—the two units for Ringling Brothers Barnum

18

and Bailey are the two that feature animals. So,

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the--Ringling Brothers, as you know, is probably

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about 146 years—we're at our 146th year. Animals

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including elephants have always been a featured part

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of--of Ringling Brothers. It is very much about what

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defines and distinguishes Ringling Brothers from

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other kinds of entertainment.

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CHAIRPERSON JOHNSON: So during the circus, though, how-well, how much of the time during that circus is an exotic animal being used on stage?

ALEXANDER LACEY: Around about 30 minutes out of a two-hour show.

CHAIRPERSON JOHNSON: How many?

ALEXANDER LACEY: Thirty minutes out of a two-hour show.

CHAIRPERSON JOHNSON: Thirty?

TOM ALBERT: Well, and-and-sorry, but is that just animal?

ALEXANDER LACEY: No, that's--

CHAIRPERSON JOHNSON: Okay.

ALEXANDER LACEY: --that's--that's all the show. It's 25% of the show.

CHAIRPERSON JOHNSON: Twenty-five percent of the show?

TOM ALBERT: There-we also do have domestic animals as well, which I'm going to guess another 25% of the show.

CHAIRPERSON JOHNSON: Which aren't touched by this bill. Domestic animals aren't touched.

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TOM ALBERT: I-I-I-dogs and horse I'd say, as I understand it they're not covered.

3

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CHAIRPERSON JOHNSON: Are not covered by this bill. So 25% so if-if-if you weren't able to use the cats and zebras and elephants, not for you but for the other circuses that still use them, you guys can't continue to have a nice lovely wonderful circus?

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TOM ALBERT: Just-just in New York?

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CHAIRPERSON JOHNSON: This is the New York City Council. I can't-

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TOM ALBERT: Right, I-I'm-I'm-I just want to make sure I understand the question.

15

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SERGEANT-AT-ARMS: [interposing] Quiet please.

17

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TOM ALBERT: So-so are you-are you asking could we just do shows here and take them out of the shows in New York and then put them back in everywhere else?

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CHAIRPERSON JOHNSON: I don't really care about anywhere else. I mean this bill is about the city, and so that's what I'm talking-- I mean I--I don't' know your inner operations and how you do

1
2 coordinate between states and cities and all that.
3 I'm talking about the five boroughs of New York City.

4 TOM ALBERT: What I can tell you is that
5 given the—the nature of our tours, and the—the multi-
6 city, multi-year nature of them, we—we could not and
7 we would not be able to produce a show just for New
8 York city that doesn't have animals. So, we would
9 not take them out because taking them out here would
10 mean taking them out everywhere and we—again, we're—
11 we're doing 82 circuses visiting 80 cities a year
12 roughly over—planned out a couple of years in
13 advance. I—I understand there are obviously a lot of
14 people in this room here who—who don't like circuses
15 with animals. That's obviously, you know, a right
16 for people to hold that view, but there—there are
17 still hundreds of thousands, and millions of people
18 who come to circuses with animals and it's not a
19 secret to them that the animals are there. It's not
20 even a secrete that there are some people who don't
21 like their animals being in circuses, and—and again
22 I'm—despite-- I heard certainly obviously your
23 opinion regarding what difference federal laws should
24 make. I—I will point out that they do count for
25 something and—and I believe one of the speakers in

1
2 the earlier panel mischaracterized to some extent.
3 The USDA absolutely does look at public safety
4 specifically because they realize that public safety—
5 If—if people aren't safe, then animals are not safe.
6 So the USDA does have regulations that require that
7 animals always behave in a manner in which the
8 public—the public safety is protected. They will
9 look at things like barriers. They have fencing
10 requirements, enclosure requirements. Even, you
11 know, for—for elephants for instance you have to have
12 a handler there. If you have an elephant out in a
13 public setting, you have to have a handler there with
14 a guide in their hand because that's how the animal
15 is directed and communicating there.

16 CHAIRPERSON JOHNSON: So in 19—in 2011
17 there is a Ringling Brothers elephant named Sarah who
18 collapsed while boarding a railcar. Sarah had an
19 illness and was showing symptoms before the collapse,
20 and ultimately the USDA, as you just mentioned, cited
21 Ringling Brothers in a report for not adequately
22 caring for Sarah between the time that her illness
23 became evident and the time that she collapsed. In
24 that report, Feld was cited for potentially violating
25 the Animal Welfare Act that you just mentioned. But

1
2 Feld was never found in violation of the Animal
3 Welfare Act. Instead, as allowed by federal law, it
4 paid \$270,000 fine, the largest fine ever levied on
5 an animal exhibitor. Your organization that you're
6 here representing in exchange for not being found to
7 have violated. So to not get the violation, you paid
8 a fine, in violation of the AWA for this and a number
9 of other incidents. Has Feld ever been found in
10 violation of the Animal Welfare Act at any time?

11 TOM ALBERT: No.

12 CHAIRPERSON JOHNSON: How many times have
13 you paid fines?

14 TOM ALBERT: Again, the—the settlement
15 that you refer to, I believe—believe there may have
16 been one other occasion in the 1990s where there was
17 a similar settlement, and I—I—I have to—I have to,
18 you know, defend ourselves here. You know, the
19 settlement with USDA was again a decision made on the
20 totality of circumstances. We strongly disagreed
21 with the USDA regarding—including the—the—the
22 issues with Sarah that you mentioned and, in fact,
23 those inspections—those two incidents were not
24 connected. But as any regulated industry from time
25

1
2 to time is faced with, we—we had a very strong
3 disagreement with the agency.

4 CHAIRPERSON JOHNSON: How many times has
5 Feld Entertainment paid a fine to avoid being held
6 liable under the Animal Welfare Act?

7 TOM ALBERT: I will tell you I'm aware of
8 one other—I'm not sure if it was termed a settlement
9 agreement or one other instanced in which we agreed
10 to donate some money to Elephant Conservation Project
11 that were part of the settlement of an alleged
12 violation.

13 CHAIRPERSON JOHNSON: [interposing] Okay,
14 so I—I—I just want to be clear. The incident that I
15 mentioned \$270,000 that you disputed whether the USDA
16 was correct, but you made the settlement anyway.

17 TOM ALBERT: Well, if we--

18 CHAIRPERSON JOHNSON: [interposing] And--
19 and you're saying one other time so you mentioned--

20 TOM ALBERT: [interposing] That I'm—that
21 I'm aware of.

22 CHAIRPERSON JOHNSON: That you're aware
23 of. You're the Vice President of Government Affairs.

24 TOM ALBERT: I'm—I'm fairly confident
25 that that's—that's correct.

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CHAIRPERSON JOHNSON: Okay, because we've been provided with information that Ringing Brothers and Barnum and Bailey has been cited more 150 times since 1990 for Animal Welfare Act violations. So I just want to—I just want to be clear you are saying two. We having information that says 150. That's a pretty big delta and disconnect between those two numbers. I don't want this to sound like a presidential debate but the fact checkers should go fact checked--

TOM ALBERT: [interposing] The-

CHAIRPERSON JOHNSON: --to find out what the real number is.

TOM ALBERT: No, actually and—and that question is addressed in our written testimony because, in fact, those 150 things you mentioned, those are not violations. Okay? That—that is--

CHAIRPERSON JOHNSON: [interposing] I said cited.

TOM ALBERT: --cites. Again, a citation is not a violation, and a citation can be anything as simple as you had unexpired medication in your—in your medicine cabinet to something more serious. A citation is on an inspection. When a USDA inspector

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2 comes out, they inspect animals, they inspect
3 facilities. If they find something that they think
4 is a problem, they issue what's called a non-
5 compliance. They—they don't really use the term
6 citation.

7 CHAIRPERSON JOHNSON: Okay, I have one
8 more and then I'm going to go to Council Member
9 Mendez.

10 TOM ALBERT: Yes.

11 CHAIRPERSON JOHNSON: So in April of
12 1998, the USDA cited Ringling Brothers for failing to
13 "handle a juvenile Asian elephant—you talked about
14 Asian elephants before—known as Kenny as
15 expeditiously and carefully as possible. The
16 citation noted that it was determined that Kenny was
17 ill and was in need of veterinary examination but
18 Kenny was forced to perform, and before it received
19 that examination that elephant Kenny died the night
20 of the incident. Legally speaking, what was the
21 outcome of the incident?

22 TOM ALBERT: That is I believe the other
23 instance in which we—we had a settlement with the
24 USDA, but we just—again, we've been—we disputed it.

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2 Kenny was never forced to perform. He was—he was
3 not.

4 CHAIRPERSON JOHNSON: But did he die that
5 night?

6 TOM ALBERT: He—he did die we think
7 ultimately of what turned to be a—a very deadly virus
8 for elephants that really hadn't been discovered at
9 that time, but has since been. He was not forced to
10 perform, that—and that was a big dispute. Their—
11 their—the veterinarian and the trainer at that time,
12 were very concerned about him, but they also because
13 he was a young elephant who was usually—not usually
14 left back by himself, my understanding—I wasn't
15 there—was that he was allowed to go out on the floor
16 while the other elephants were out there. He was not
17 forced to perform. He did not perform the night he
18 died.

19 CHAIRPERSON JOHNSON: Do trainers ever
20 punch elephants, ever for any—for any reason?

21 TOM ALBERT: They—they shouldn't.

22 CHAIRPERSON JOHNSON: But do they?

23 TOM ALBERT: I—I don't know. I mean—you
24 mean our trainer?

25 CHAIRPERSON JOHNSON: Yeah.

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TOM ALBERT: Not that I'm aware of.

CHAIRPERSON JOHNSON: Not that you're aware of. Okay, Council Member Mendez.

COUNCIL MEMBER MENDEZ: Thank you. I need to be running over across the street for a vote. So I want to try to get as many questions in. First, to UniverSoul Circus, what kind of animals do you have in your circus?

BEN JOHNSON: This year we have elephants, tigers and dogs. We-it's varied over the years. So it's-we don't have the exact same animal acts every year.

COUNCIL MEMBER MENDEZ: Okay, and what kind of tools do your trainers use?

BEN JOHNSON: The-I'm not sure about the-the dogs or-or the-or the tigers. They don't-I-I haven't-I don't recall seeing any particular tools. I know the elephant-elephant trainer does use the anchor.

COUNCIL MEMBER MENDEZ: Does use the what?

BEN JOHNSON: Anchor, bull hook.

COUNCIL MEMBER MENDEZ: Bull hook.

BEN JOHNSON: Uh-huh.

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COUNCIL MEMBER MENDEZ: Okay. Can you at a later time after this hearing provide to the committee what tools are used for the different animals that you used this year and in previous years, and what those animals were in previous years that you're using for your circus?

BEN JOHNSON: Alright. Certainly we could get the list of the animals from previous years. How far back do you want to go?

COUNCIL MEMBER MENDEZ: The last two or three.

BEN JOHNSON: Okay, yes ma'am.

COUNCIL MEMBER MENDEZ: And tell me how different they are, you know, if it is--

BEN JOHNSON: [interposing] Yes, ma'am.

COUNCIL MEMBER MENDEZ: Okay.

BEN JOHNSON: Okay, as far as the tools are concerned, I will work on that as well, Council Member.

COUNCIL MEMBER MENDEZ: Okay. Big Apple Circus, right?

PAUL BINDER: That's correct.

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2 COUNCIL MEMBER MENDEZ: What animals do
3 you have in your circus and what tools do-do your
4 trainers use?

5 PAUL BINDER: Well, we have horses, dogs,
6 camels, lamas. There is-well, I forget the name of
7 the creature, but it's a-the largest rodent in the
8 world from South America. We-we want to make very
9 clear that we believe that animals that have worked
10 with humans for thousands of years have to be
11 considered as the-as the paramount issue. That
12 separating animals from people that again from human
13 beings that worked with for thousands of years is
14 making a large error.

15 COUNCIL MEMBER MENDEZ: [interposing]
16 Thanks-thank you.

17 PAUL BINDER: I'm-I'm shocked for example
18 to see that the ordinance is saying that camels
19 should not be part of-of this kind of presentation or
20 lamas, for example. These are animals that are--
21 they're not wild animals.

22 COUNCIL MEMBER MENDEZ: Uh-huh.

23 PAUL BINDER: They're animals that-that--

24 COUNCIL MEMBER MENDEZ: [interposing] Let
25 me--

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PAUL BINDER: --have been bred and handled by human beings--

COUNCIL MEMBER MENDEZ: Sir, sir--

PAUL BINDER: Yes.

COUNCIL MEMBER MENDEZ: --thank you. I-- I--I need to run across the street for a vote and I want to rush back, but I don't want to miss the opportunity to ask all my questions. What tools does your circus use with your animals?

PAUL BINDER: The--the trainers with horses use whips. The dog trainers use a variety of --mainly--they're mainly hand signals, and rewards. Always rewards are--are part of the process of training animals.

COUNCIL MEMBER MENDEZ: Okay, tools are which ones, whips and--?

PAUL BINDER: Nothing--nothing more-- nothing more serious than that.

COUNCIL MEMBER MENDEZ: Thank you. Mr. Lacey.

ALEXANDER LACEY: Yeah.

COUNCIL MEMBER MENDEZ: Okay. So are you the only trainer at Ringling Brothers?

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ALEXANDER LACEY: With lions and tigers
yes.

COUNCIL MEMBER MENDEZ: You're the only
trainer?

ALEXANDER LACEY: With--on the show that I
am on yes.

COUNCIL MEMBER MENDEZ: Okay.

ALEXANDER LACEY: There's two shows.

COUNCIL MEMBER MENDEZ: So there are
other trainers on another show with big cats--

ALEXANDER LACEY: Yes.

COUNCIL MEMBER MENDEZ: --or not? Yes.
And you don't know whether those trainers have bred
their animals, is that correct?

ALEXANDER LACEY: Those--those tigers
belong to Ringling Brothers not to the--the man that
presents them.

COUNCIL MEMBER MENDEZ: Okay, and what
tools do you use when working with your big cats?

ALEXANDER LACEY: I train them with two
guiders, the guide in my left hand, which is the one
that was always--we present the award--the reward to
the animal with a piece, which is a piece of meat,
and in the case of the tigers a bamboo stick, exactly

1
2 the same thing as your grandma would use to grow
3 tomatoes in the garden. And the guide in right hand
4 which I would--

5 COUNCIL MEMBER MENDEZ: [interposing]
6 What--what is that that a grandmother, and I don't
7 know. My grandmothers died before I was born. What
8 is it that grandmothers use for example?

9 ALEXANDER LACEY: It's a bamboo stick.

10 COUNCIL MEMBER MENDEZ: A bamboo stick.

11 ALEXANDER LACEY: It's similar to what
12 your grandmother would use in the garden to grow
13 tomatoes. That's all it is, and the guide in right
14 hand is riding crop, which is actually the same thing
15 that any other girl that owns a pony in any riding
16 stable.

17 COUNCIL MEMBER MENDEZ: Is a what?

18 ALEXANDER LACEY: A guider. It's a
19 riding crop, a riding crop.

20 COUNCIL MEMBER MENDEZ: A riding crock?

21 ALEXANDER LACEY: Crop.

22 COUNCIL MEMBER MENDEZ: Crop?

23 ALEXANDER LACEY: C-R-O-P.

24 COUNCIL MEMBER MENDEZ: Okay.
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ALEXANDER LACEY: It is actually the same thing that any young girl that owns a pony in the riding stables in the US would use as well.

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COUNCIL MEMBER MENDEZ: Okay, Mr. Chair,

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I need to run across the street. I'm needed for

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quorum and for the vote. I'm going to pose my

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questions now, but you can finish. I'm just going to

do the string of questions--

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CHAIRPERSON JOHNSON: [interposing] Go

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ahead.

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COUNCIL MEMBER MENDEZ: --and then you

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can make sure they answer them.

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CHAIRPERSON JOHNSON: I'll be here. You

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have to come back, though. [laughter]

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COUNCIL MEMBER MENDEZ: Mr. Lacey--

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ALEXANDER LACEY: Yes.

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COUNCIL MEMBER MENDEZ: --is your family

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banned from the--from United Kingdom from having

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animals and trainers?

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ALEXANDER LACEY: No, not at all.

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COUNCIL MEMBER MENDEZ: No?

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ALEXANDER LACEY: No.

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2 COUNCIL MEMBER MENDEZ: I understand that
3 there is a video of your father whipping and hitting
4 an elephant?

5 ALEXANDER LACEY: No.

6 COUNCIL MEMBER MENDEZ: No?

7 ALEXANDER LACEY: It's not true at all.

8 COUNCIL MEMBER MENDEZ: Okay.

9 ALEXANDER LACEY: We don't have
10 elephants.

11 COUNCIL MEMBER MENDEZ: Okay, and now I'm
12 going to put these questions out there, and it is for
13 the vice president. I didn't catch your name from
14 Feld Entertainment. One is I want you to describe
15 from what you said in your testimony exactly what you
16 mean by concept based discrimination? How is this
17 legislation specifically discriminating on concept
18 based issues? Please point out the section. Please
19 explain how you think its concept based, and how it
20 is as opposed to other places that have wild animals?
21 My other question is federal law doesn't distinguish
22 between circus and zoos and other things. You said
23 it in your testimony, but to me they're different. I
24 want to know if you think they're different, and if
25 you don't think they're different, I want to

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2 understand how you don't—you know, why you don't
3 think it's different. I want to know how Ringling
4 Brothers or Feld Entertainment or any—actually all of
5 these circuses, how do you work with local law
6 enforcement regarding public safety and escaped
7 animals, and I hope to come back and catch some of
8 these answers myself. Thank you.

9 CHAIRPERSON JOHNSON: Thank you. You can
10 start in whatever order you would like to answering
11 those questions.

12 TOM ALBERT: Sorry, Mr. Chairman. I
13 tried to write down the Council Member's questions
14 here. So, regarding the question of content based, I
15 mean we believe that is the case here because all
16 you're really doing is prohibiting animal
17 performances in a circus environment, but—but the
18 bill as written would allow the exact same activities
19 to occur in another setting in which that is the only
20 difference. The—the bill does not say anything about
21 how animals are trained or handled. It just says if
22 it's in this context it's okay. There's reference
23 made to AZA accreditation, but let me point out that
24 AZA is a private trade association for zoos, and we
25 don't have a problem with zoos. We work closely with

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2 a lot of zoos. We help zoos. They help us. It-it
3 is part of a larger community. But AZA is a private
4 trade association for zoos, and its accreditation
5 standards focus primarily on the physical facilities
6 for which—in which animals are kept and displayed.
7 But that's—that's not the only thing they address,
8 but it is the primary focus. It is about regulating
9 the physical facility. My point being that having an
10 AZA accredited connection to an animal doing a
11 performance somewhere doesn't tell you anything about
12 how that animal is handled or trained. We also would
13 not that, in fact, if—if that's true, the bill would
14 allow camels to stand on the—the stage at Radio City
15 Music Hall with the Rockettes, but camels would not
16 be allowed to run around a ring at the circus.
17 Again, that seems totally based on you're stopping a
18 circus. That's bad, but if it's happening at Radio
19 City Music Hall, that's okay. Constitutionally—I
20 mean a circus is like any other artistic endeavor.
21 It is a form of expression. It is a form of speech,
22 and like any other artistic endeavor, it is protected
23 as a form of free—by freedom of speech. So you can't
24 just decide that you're going to not allow something
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2 because you don't like it, but then make exceptions
3 that let the same activities occur--

4 CHAIRPERSON JOHNSON: Are you a lawyer?

5 TOM ALBERT: Yes, I am. So, and this is
6 something we have looked at. I-I would also--

7 CHAIRPERSON JOHNSON: [interposing] Have
8 you challenged ordinances in other place where these
9 have been enacted?

10 TOM ALBERT: No because--

11 CHAIRPERSON JOHNSON: [interposing] Has
12 this--has this been litigated?

13 TOM ALBERT: I'm not aware. Well, I'm
14 not aware that it's been litigated. Most of the
15 ordinance--

16 CHAIRPERSON JOHNSON: [interposing] So,
17 if it hasn't been litigated, how are you so sure that
18 we're violating the First Amendment?

19 TOM ALBERT: It's a--based on legal
20 research and opinion, and not that--

21 CHAIRPERSON JOHNSON: [interposing] But
22 there's been no court case on this.

23 TOM ALBERT: Not that I'm aware of.

24 CHAIRPERSON JOHNSON: And you're giving
25 your opinion, but not the opinion of a court of law?

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TOM ALBERT: True. Yes.

CHAIRPERSON JOHNSON: Okay, thank you.

TOM ALBERT: The—the mention to other municipalities, part of the reason we haven't seen challenges necessarily, one is they don't always—a lot of those don't contain these kinds of exceptions. So San Francisco was mentioned. It has no exceptions in there at least not for movies or performances at stages or anything like that. The other reason we haven't seen challenges is most of these bans happen in municipalities where we don't play. Even San Francisco. We don't play in the city of San Francisco. There is no performance venue in the city of San Francisco that Ringling Brothers could currently perform in. We perform in a venue. It is our San Francisco engagement, but it's actually outside the city, and we perform—we have performed there since that ordinance was passed. So, when it's talk about in municipalities, other municipalities the vast majority of them are municipalities where we don't play. Therefore, we have no basis to do a legal challenge, because you have to—you have to have—in order to be able to do that, you have to be planning to go through this.

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2 CHAIRPERSON JOHNSON: So maybe this will
3 get litigate.

4 TOM ALBERT: Regarding federal law, USDA
5 has only one license for exhibitors. It is a Class C
6 license. If you are exhibiting animals to the public
7 in any way, that is the license you get. Those are
8 the regulations you must follow. Circuses get the
9 same license as zoos, as to any sanctuary that's open
10 to the public. In fact, sanctuaries are not required
11 unless they're open to the public. Unless they're
12 acting as exhibitors, they're not even required to
13 have a federal license and be inspected by USDA
14 unless they are bringing in members of the public.
15 But it is the same license. It is the same
16 regulations, the same laws that apply to zoos as to
17 circuses, as to a sanctuary that has the same and an
18 exhibitor's license. In terms of local law
19 enforcement, we obviously work to comply with any
20 permit requirements. In New York that's obviously
21 the Department of Health. We certainly try to make
22 sure we provide—we—we satisfy all their requirements
23 and we try to work with them in a cooperative way to
24 make sure that happens. We don't even always agree
25 with all the requirements, but we—we try to, you

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2 know, we—we try to work with them in a constructive
3 manner. From a safety standpoint to—if—if there's an
4 activity going on in the—in a public setting, we will
5 make sure that we are in coordination with—with a—you
6 know, local police or enforcement are there, law
7 enforcement that might be there. We certainly—we
8 also but are required to have ability to—to
9 tranquilize an animal in case of emergency. So our
10 shows do travel with multiple tranquilizer dart guns
11 with pre-set measurements for—for—for the necessary
12 drugs to, you know, based on the different kinds of
13 animals. We have a protocol. All of our staff get
14 trained on the use of—how to use that. Our senior
15 staff get trained on the use of that tranquilizer.
16 We try to have our veterinarian or a vet—vet tech
17 always involved so that if—if there's ever a need for
18 any kind of emergency to tranquilize an animal that—
19 the decision to do so is made by the person who is in
20 charge of the animal as well as a veterinarian.

21 CHAIRPERSON JOHNSON: But doesn't that
22 really get to the heart to the matter? That if
23 exotic, wild non-domesticated animals are
24 behaviorally not probably suited to be traveling
25 around the country being transported, performing in

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2 front of thousands of people, and sometimes they may
3 act out. That to control them they need to be shot
4 with a tranquilizer gun with medicine inside to calm
5 them down. Like doesn't that sort of tell us what--
6 that sort of goes to the heart of like maybe these
7 are animals that shouldn't be used for those
8 purposes. That's how they need to be potentially
9 controlled.

10 TOM ALBERT: What I can tell you, Mr.
11 Chairman, is that by regulation we are required to
12 provide--be prepared for any possible emergency. It's
13 not that we-we think that it's going to happen. I'm
14 not aware of it--

15 CHAIRPERSON JOHNSON: [interposing] But
16 does it happen?

17 TOM ALBERT: I'm not aware that we've
18 ever had a situation where we've had to tranquilize
19 an animal in there. I can't--I can't be sure of that
20 because it's not something I specifically research.

21 CHAIRPERSON JOHNSON: So in Atlanta in
22 2012, there was a 12-year-old zebra--

23 TOM ALBERT: [interposing] Right.

24 CHAIRPERSON JOHNSON: --named Lima who
25 escaped custody and led the Atlanta Police on a 40-

1
2 minute chase through Downtown Atlanta. It was
3 Ringling Brothers.

4 TOM ALBERT: Yes, and actually that's a
5 case where I mean actually the mistake we made there
6 was we did not tranquilize that animal.
7 Tranquilizing an animal is always risky, and so it's
8 something you don't want to do unless you absolutely
9 have to.

10 CHAIRPERSON JOHNSON: So what ultimately
11 happened with that animal?

12 TOM ALBERT: I'm sorry.

13 CHAIRPERSON JOHNSON: What ultimately
14 happened with that animal?

15 TOM ALBERT: That animal I think it was
16 captured. She was taken to the University of
17 Georgia. She was there for several weeks. She
18 actually ended up—needed to be euthanized because
19 she—zebras are not made to be running for 40 minutes
20 on pavement, and she did so much damage to her feet
21 that she—the humane thing to do was to euthanize her.

22 CHAIRPERSON JOHNSON: [interposing] Well,
23 the Ringling Brothers' Spokesperson Crystal Drake
24 said after the incident that we Lima was in "good
25 shape, and would like perform as scheduled." As you

1 just mentioned the injuries however were not minor.

2 A month later, Lima was euthanized for injuries that
3 he sustained during this incident. So the animal was
4 put down.
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6 TOM ALBERT: Ultimately, yes, though I-I
7 actually it was rather strange because the animal
8 seemed to be recovering just fine, and then for-
9 because we were getting regular reports on her from
10 the University of Georgia, and note the-the-for the
11 first two or three weeks, the reports were very
12 encouraging. She's doing better. She's doing fine,
13 and then she took a turn for the worse. So, you
14 know, the-the statement you made there was made in
15 the immediate aftermath. When she was recaptured,
16 she was checked out. Her feet obviously had been run
17 down a lot, but other than that, she seemed in good
18 condition, but we immediately took her to the
19 veterinarian hospital-the veterinary school at the
20 University of Georgia, and turned her over to the-the
21 veterinary staff there.

22 CHAIRPERSON JOHNSON: So, what-why do we
23 think that incidents like won't happen in the future?
24 Can't animals escape and run through the streets of a
25 downtown major metropolitan city, and harm themselves

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2 and then get potentially tranquilized or euthanized
3 or injured or injure someone else, and then
4 ultimately the animal gets put down. That can
5 happen, right? It happened here.

6 TOM ALBERT: There are--there is
7 absolutely no way to guarantee that nothing bad will
8 ever happen in any situation. I mean I--I mean I
9 can't guarantee you that the train I'm taking back to
10 Washington is going to arrive safely. They're going
11 to do everything they can, and that they're required
12 to do to make sure that happens.

13 CHAIRPERSON JOHNSON: [interposing] Did--
14 did--

15 TOM ALBERT: We take all the steps we can
16 to make sure that our animals are comfortable, and
17 Mr. Lacey can address this better than me, but--

18 CHAIRPERSON JOHNSON: Did--did--did four
19 zebras escape from Ringling Brothers in Colorado
20 Springs?

21 TOM ALBERT: Yes.

22 CHAIRPERSON JOHNSON: Okay. Less than a
23 year later three of those same zebras escaped again
24 in Baltimore and ran into traffic in Baltimore?

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TOM ALBERT: I—I don't know they were the same zebras. We certainly did have a—they did escape in Baltimore.

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CHAIRPERSON JOHNSON: [interposing] The Baltimore Sun said they were the same.

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TOM ALBERT: They may have been.

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CHAIRPERSON JOHNSON: Okay. So--

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TOM ALBERT: [interposing] And that--that is frankly--

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CHAIRPERSON JOHNSON: [interposing]

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There's a like a zebra escape pattern that I'm picking up on.

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TOM ALBERT: There was actually that's one—that is one of the reasons we no longer have zebras on our shows.

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CHAIRPERSON JOHNSON: So you no longer have zebras. You no longer have elephants.

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TOM ALBERT: And we—that was one of the—in the settlement you mentioned--

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CHAIRPERSON JOHNSON: [interposing] And the show still goes on. You're still able to be successful. No longer zebras. No longer elephants.

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You're still making a lot of money. You're traveling

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2 the country. You're performing. You have a lot of
3 employees. People are doing well.

4 TOM ALBERT: With lions--

5 CHAIRPERSON JOHNSON: [interposing] But
6 no zebras and elephants.

7 TOM ALBERT: But with lions and tigers.

8 ALEXANDER LACEY: [interposing] We
9 change—we change animals in the show from one—from
10 one tour to the next. So, there may be zebras in the
11 show one time or maybe horses, tigers and lions.

12 CHAIRPERSON JOHNSON: No, no, but he's
13 saying now there are no zebras at all.

14 ALEXANDER LACEY: At any moment, yeah,
15 they—they may have them again in the future.

16 TOM ALBERT: There are currently no
17 zebras in our shows.

18 CHAIRPERSON JOHNSON: There are
19 currently—are there plans to bring zebras back?

20 TOM ALBERT: I'm—I'm not aware of any
21 but--

22 CHAIRPERSON JOHNSON: [interposing] Are
23 there plans to bring elephants back?

24 TOM ALBERT: No.
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CHAIRPERSON JOHNSON: Are there plans to use polar bears?

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TOM ALBERT: Not that I'm aware of.

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CHAIRPERSON JOHNSON: So like how do we determine what animals work and what animals don't?

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ALEXANDER LACEY: If you can provide an environment for all those animals that is comfortable for them—

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CHAIRPERSON JOHNSON: [interposing] But tell me species by species how do we decide that one day zebras are okay, then they're not. One day elephants are okay, then they're not. How come in five years we're not going to have people suddenly say alright, well, we finally decided that in Baltimore two tigers escaped and then in Colorado Springs three tigers escaped and then in Atlanta two tigers escaped?

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ALEXANDER LACEY: But that's speculation how can we decide on speculation? That's like me asking you what members of the Council are going to be here next year if we have this hearing again.

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CHAIRPERSON JOHNSON: I could probably predict that. [laughter]

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2 ALEXANDER LACEY: Well, it all depend
3 upon the shows. The shows change every year. Every
4 tour that we do, we change the show from one tour to
5 the next.

6 CHAIRPERSON JOHNSON: Okay. So in a
7 recent report published by an animal behaviorist Jay
8 Pratt, he detailed the living conditions of big cats
9 in Ringling Brothers Red unit. To quote Mr. Pratt he
10 said "The primary means to coerce the cats to
11 response in a desired manner is to yell at them, bang
12 on the cages, use long goads, prods or whips. These
13 prods were ubiquitous. They are in the trainer's
14 hands. The assistants carry them, and they are left
15 strategically near the cats to remain readily
16 available. He describes the living conditions that
17 are lacking in pools and in toys to keep the animals
18 enriched and cages that are small they do not meet
19 the minimum standards set forth by the Association of
20 Zoos and Aquariums. Are—are goads, prods and whips
21 used with big cats at Ringling Brothers?

22 ALEXANDER LACEY: I don't use them, no.

23 CHAIRPERSON JOHNSON: I'm talking about
24 you. Are they used at all by Ringling Brothers?
25

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2 TOM ALBERT: Mr. Chairman, that report is
3 addressed in our written testimony.

4 CHAIRPERSON JOHNSON: Are they used at
5 all? Are goads, whips and prods used at all with big
6 cats?

7 TOM ALBERT: I think what he referred to
8 in that report is seeing them being used to—to get
9 animals to move from one end of the enclosure to the
10 other.

11 CHAIRPERSON JOHNSON: So are they used.

12 TOM ALBERT: In that manner yes, they
13 are.

14 CHAIRPERSON JOHNSON: They are?

15 TOM ALBERT: Yeah.

16 CHAIRPERSON JOHNSON: Okay.

17 TOM ALBERT: Let me point out, and again
18 this addressed in my written testimony, we think
19 report is—I'm—I'm trying to think of an appropriate
20 language—is bogus. Mr. Pratt is not a veterinarian.
21 He's not an animal behaviorist. He doesn't have a
22 PhD. He has not clear experience with big cats. He
23 was paid. He was hire by PETA, which I think what
24 you think of PETA nobody questions where they are on
25 this issue to out and write a report. He spent

1
2 roughly two hours just like in public standing around
3 watching animals—watching the animals, animals he had
4 no prior knowledge or experience with and went to our
5 shows. And on the base of that, wrote that report,
6 which again, we have sort of a detailed critique of
7 it in my testimony.

8 CHAIRPERSON JOHNSON: So—so all of the
9 videos that are online on You Tube and there are
10 hundreds of them, that show very clearly different
11 animals being abused at Ringling Brothers through
12 training purposes back stage, through transport. Are
13 all of them bogus? Are animals being hit, whipped,
14 prodded and punched? I mean you know the videos
15 exist. You're the Vice President for Government
16 Affairs. I'm sure you looked at them. There are
17 lots of videos. Are they bogus videos? Are they
18 fake? Are they doctored? Because they exist. So in
19 those circumstances where anyone can go online and
20 look and see animals being physically beaten and when
21 you watch it, it's like sickening. Like, it's like
22 it makes you sick to your stomach. Do you dispute
23 that they exist?

24 TOM ALBERT: We—we dispute-- First of
25 all, again, I think he can better address--

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CHAIRPERSON JOHNSON: [interposing] No, I don't want to talk about it. I'm asking you.

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TOM ALBERT: But did we get--not knowing specific videos that you're talking about, what I would say is yes there are videos out there that we think are bogus. There are videos out there that we think are doctored. There are videos out there that actually take things out of context and--

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CHAIRPERSON JOHNSON: [interposing] Okay, are there any real videos that show abuse? Or are there no real videos that show abuse?

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TOM ALBERT: We do not believe that any of the videos you--you refer to reflect how animals are cared for and handled on a regular basis Ringling Brothers.

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CHAIRPERSON JOHNSON: The fact checker should check this one as well.

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TOM ALBERT: Yeah.

CHAIRPERSON JOHNSON: So when you had elephants, did you ever acquire baby elephants to perform? I mean to--did you put--did you acquire baby elephants ever?

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TOM ALBERT: Acquire?

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CHAIRPERSON JOHNSON: Or they--were elephants brought in captivity where then you owned the baby elephants?

TOM ALBERT: Yes, since mid-90s, Ringling Brothers has had an elephant--

CHAIRPERSON JOHNSON: [interposing] And were elephants ever chained when they were being-- when they were being trained? Were their--were their legs ever chained with chains--

TOM ALBERT: [interposing] Well--

CHAIRPERSON JOHNSON: --when they were being trained?

TOM ALBERT: Elephants are regularly tethered with chains, one back leg and one front leg, and chains are used because of obviously the strength, but also for sanitary reasons.

CHAIRPERSON JOHNSON: And do we have any information anywhere from any scientific sources that chaining elephants is good for them or if they enjoy it or--?

TOM ALBERT: As--as I tried to mention, actually again, in my written testimony we have a number of scientific studies that address elephants and tigers and other animals in traveling performing

1
2 environments including how they are housed and
3 whatnot, and all those find that there's actually no
4 scientific evidence that traveling or performing—
5 performing is detrimental to them. Tethers are used
6 on elephants just like a horse is put in a stall. It
7 is how the elephant is—is kept in its space.

8 CHAIRPERSON JOHNSON: But the different
9 between horses are that horse have been domesticated
10 for hundreds of year with human beings, and elephants
11 are from wild exotic environments and they were never
12 domesticated. So that's like comparing, you know,
13 pineapples to Snickers bars.

14 TOM ALBERT: I'm—excuse—

15 ALEXANDER LACEY: [interposing] It's—it's—
16 it's—it's a little bit of a different—the wrong
17 mindset to think that a living, breathing animal
18 doesn't have the ability to learn new and different
19 things. My tigers and lions that are born—born and
20 bred by myself, are very, very content with the
21 lifestyle that they have?

22 CHAIRPERSON JOHNSON: How do you know
23 that? How do you know they're content?

24 ALEXANDER LACEY: How do you know your
25 dog is content? You know, right?

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COMMITTEE ON HEALTH

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CHAIRPERSON JOHNSON: I don't have a dog.

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[laughter]

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ALEXANDER LACEY: If you have a dog.

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PAUL BINDER: I'm sad for you that you

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don't because you'd learn a lot about animals.

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ALEXANDER LACEY: [interposing] What I'm

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trying—what—what I'm trying to explain is that the

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public have come so—so far disconnected from animals

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that they base their own feelings and emotions

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thinking that's the way an animal thinks?

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CHAIRPERSON JOHNSON: You're doing that

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right now. You're saying they're content.

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ALEXANDER LACEY: They are content

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because I know that--

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CHAIRPERSON JOHNSON: [interposing]

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That's what you're doing. You're saying the public

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does that. That's what you're doing right now.

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ALEXANDER LACEY: I spent 25 years--

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CHAIRPERSON JOHNSON: [interposing] I have

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to put more flies (sic) or however you say it.

22

Projecting human emotions on your animals

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ALEXANDER LACEY: I've—I've spent my

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entire life with these animals. I know if they're in

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a good mood, if they're in a bad mood. Their right

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2 and left handed just like you and I, and if you spend
3 enough time with these animals you understand that
4 they're extremely intelligent, and they have the
5 capability to learn new things and evolve and adapt,
6 and my animas are very content. They breed very
7 because I'm--

8 CHAIRPERSON JOHNSON: [interposing] But
9 I'm sure there are animals—I'm sure there are animals
10 that aren't. Maybe yours are, but I'm sure there are
11 other animals that aren't.

12 ALEXANDER LACEY: Yeah, but that's the
13 whole point. The fact is that there are. So this
14 isn't a clear cut—clear and cut case like keeping
15 animals in a circus environment is wrong. When our
16 animals are kept very well—very, very, very well,
17 breed very well, live very long healthy lives and are
18 still performing at an age where any other animal in
19 that captive environment is not as agile and as fit
20 as their—as my animals are in the circus.

21 CHAIRPERSON JOHNSON: Okay, I just want
22 to revisit it, and we don't need to go over all the
23 things Ringling Brothers has done for conservation
24 efforts with Asian elephants. I would just state
25 that there are many, many, many global animal welfare

1
2 organization, the World Wildlife Fund and many other
3 organizations that do conservation efforts all over
4 the world.

5 ALEXANDER LACEY: Yeah, we've seen their
6 adverts and both you and I have all our lives, but
7 yeah what you have to realize is that in all this
8 time that we've seen these adverts where charities
9 have been asking for money, wildlife is in the worst
10 state now than it's ever been on our planet. So it's
11 not really helping.

12 CHAIRPERSON JOHNSON: So should they
13 close up shop and--?

14 ALEXANDER LACEY: No it shouldn't. What
15 you should really be doing is you should be happy
16 with people like my family that have been breeding
17 and caring for big-big cats, for example, for 50
18 years. Because of my family's effort we have bred
19 over 500 lions and tigers that have lived a very
20 healthy and dignified life. Because of my family's
21 effort, we have up to seven different blood lines of
22 lions and tigers, and we could quite easily breed
23 tigers and lions for the next 40 years with outside
24 help. So you should really be applauding people like
25 myself that are prepared to get up every single

1
2 morning and put in the effort and the hard work to do
3 what I do.

4 CHAIRPERSON JOHNSON: So--so you guys are
5 the answer to saving mostly--

6 ALEXANDER LACEY: [interposing] No, we're
7 part--we're part of the answer--

8 CHAIRPERSON JOHNSON: [interposing] Okay,
9 but--

10 ALEXANDER LACEY: --and that's what
11 people need to understand.

12 CHAIRPERSON JOHNSON: But yeah I'm not
13 sure it's fair to denigrate other conservation
14 groups.

15 ALEXANDER LACEY: I'm not denigrating
16 them. I wanted to explain.

17 CHAIRPERSON JOHNSON: Well, you just
18 called them a failure.

19 ALEXANDER LACEY: No, I didn't say it was
20 a failure. I didn't use that word. Just as you
21 didn't use the word for a weapon. What I said is
22 that with all their efforts, wildlife all over the
23 world is in a worst state now than it ever has been.
24 One-third of the Barrier Reef has disappeared this
25 year along.

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CHAIRPERSON JOHNSON: That's called
global climate change.

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ALEXANDER LACEY: Exactly, and we're all
to blame for it including yourself. [laughter]

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CHAIRPERSON JOHNSON: Thank you.

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SERGEANT-AT-ARMS: [interposing] Quiet
please.

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CHAIRPERSON JOHNSON: So--so the point I
wanted to make--

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SERGEANT-AT-ARMS: [interposing] Keep it
down, please.

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CHAIRPERSON JOHNSON: --was that, you
know, there--I'm sure you guys are doing some
hopefully good work on this, but it's a little
presumptuous to say that you've done more than any
one else for Asian elephants anywhere in the world.

18

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ALEXANDER LACEY: [interposing] It's the
largest breed--it's the largest breed--

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CHAIRPERSON JOHNSON: Sir, I'm asking the
Vice President. You don't work with elephants.

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ALEXANDER LACEY: If I can explain.
You're asking a question about that, I can--I can
answer that if you'd like.

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2 CHAIRPERSON JOHNSON: Okay, but Council
3 Member Mendez, do you have any questions.

4 COUNCIL MEMBER MENDEZ: I understand that
5 some of my questions weren't answered.

6 CHAIRPERSON JOHNSON: Yes.

7 COUNCIL MEMBER MENDEZ: Again, in your
8 testimony, Mr. Vice President. I'm sorry I keep
9 forgetting your name. You said that circus and zoos
10 and I don't know what else are not, you know, they're
11 the same--

12 TOM ALBERT: [interposing] Right.

13 COUNCIL MEMBER MENDEZ: --under federal
14 law. I don't know which ones were different, but to
15 me those things were very different, and I wanted to
16 ask you do you think they're the same, and what were
17 the other categories that the federal laws says that
18 they are the same? And where in your testimony--
19 because you have a lot of pages here. I will go
20 through it but--

21 TOM ALBERT: Right. No, and I'm sorry
22 and I did try to address that question earlier, but
23 I'm happy to--to do so. So, under--under the Federal
24 Animal Welfare Act, if you--there is one kind of
25 license and one set of regulations and laws that

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2 apply to exhibitors. If you are exhibiting animals
3 to the public, whether it's as a circus or a zoo or
4 as a sanctuary that is open to the public, because
5 sanctuaries are not required to be regulated by USDA
6 unless they are open to the public.

7 COUNCIL MEMBER MENDEZ: Unless?

8 TOM ALBERT: Unless they are open to the
9 public, but there is only one kind of exhibitor's
10 license. If you exhibit animals to the public, you
11 get a Class C exhibitor's license. It's the license
12 we have had for—since the Animal Welfare Act was
13 created. It's the license every zoo has. It's the
14 license any entity that presents animals to the
15 public. We have people who provide camels for Radio
16 City Music Hall who have to have a USDA license. The
17 people that bring animals onto TV shows will have a
18 USDA license. They're not all going to be AZA. AZA
19 is a private trade association that regulates zoos as
20 a—as a trade association.

21 COUNCIL MEMBER MENDEZ: So where in your
22 testimony is that exactly?

23 TOM ALBERT: I—I don't have my—my written
24 testimony in front of me, but it's—we do talk in
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2 there about the--the regulations that govern zoos and
3 circuses.

4 COUNCIL MEMBER MENDEZ: And if--if later,
5 because this is like three pages.

6 ALEXANDER LACEY: [interposing] Excuse me
7 Council Member, I have to leave to catch a plane.
8 Thank you.

9 COUNCIL MEMBER MENDEZ: There are about
10 20 pages here so with attachments. So if you could
11 specifically tell me where in here it is--

12 TOM ALBERT: [interposing] Sure

13 COUNCIL MEMBER MENDEZ: --a little later
14 that would be helpful to me.

15 TOM ALBERT: Right, but it--but it, and I
16 hope that helps answer the question all exhibitors
17 have to have--get the same license and have to
18 therefore follow the same rules and regulations for
19 exhibitors and it doesn't matter what kind of
20 exhibitor you are. A circus is an exhibitor. A zoo
21 is an exhibitor. A sanctuary that brings the public
22 in is an exhibitor.

23 COUNCIL MEMBER MENDEZ: And exhibitors
24 are the same to you?

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TOM ALBERT: What—under federal law all exhibitors are the same. (sic)

COUNCIL MEMBER MENDEZ: [interposing] I'm not asking about the federal law now. You've made it clear what the federal law says. I want to know to you do you think that all exhibitors are the same?

TOM ALBERT: I—I think that--

COUNCIL MEMBER MENDEZ: [interposing] Yes or no.

TOM ALBERT: Well, I—I want—I want to make sure I understand your question.

COUNCIL MEMBER MENDEZ: Okay, are all exhibitors, zoos, museums, circuses the same? Start with a yes or no and then you can explain your answer?

TOM ALBERT: I would say yes they are because they are all required to meet minimum standards, and requirement, and if they are meeting those standards then they are—they are a-meeting the requirements under the Animal Welfare Act.

COUNCIL MEMBER MENDEZ: They're required to meet minimum standards?

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TOM ALBERT: Well, I mean any regulated entity is—is subject to minimum standards. That's—that's what regulations are is minimum standards.

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COUNCIL MEMBER MENDEZ: So you're saying yes they're all the same based on whatever the standard is, and you think that that—they're all the same?

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TOM ALBERT: Yes.

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COUNCIL MEMBER MENDEZ: Okay. How does Ringling or Feld Entertainment work with local law enforcement regarding public safety and/or escaped animals?

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TOM ALBERT: Well, as—as I mentioned earlier we—we always try to make sure we are communicating with any local law enforcement that's on site related to animals and our staff—staff—if we ever had an emergency situation, our staff would work closely with local law enforcement. We—we actually have protocols to follow for say an animal escape and we would try to follow those and—and work in conjunction with local law enforcement.

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COUNCIL MEMBER MENDEZ: Okay, what does we always try mean? That you request a meeting every time like in New York when you come to New York with

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2 what part of the NYPD? What does always try mean,
3 that you ask for it and you don't get a meeting or
4 that you ask for it every other year? What--what does
5 that mean?

6 TOM ALBERT: I believe in most cities
7 including New York we get a meeting with law
8 enforcement every year. That meeting is not just
9 about animals. Animals are just a small part of that
10 but we do have regular-- You know, we actually work
11 very proactively because we do have a lot of things
12 from it. As a--you're traveling with 300 people,
13 equipment, vehicles, animals. There's a lot of
14 security concerns of different natures that we--we
15 need to be thinking about. We're hosting thousands
16 of people. You know, we want the--we want to make
17 sure that venues are, you know, that the safety of
18 patrons is--is clear.

19 COUNCIL MEMBER MENDEZ: In regards to the
20 NYPD, what unit do you meet with or what timeline?
21 (sic)

22 TOM ALBERT: I--I believe it's the Special
23 Events Unit, but I'd have to confirm that. When we--
24 when we used to walk elephants to Madison Square
25 Garden, I know it was the Special Events Units that

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2 we had to work in conjunction with them on, and—and
3 we always had a police—a large police escort with us.
4 Mostly because so many people came out. I mean the—
5 the bigger challenge when you have animals in a
6 public setting like that is not really the animals.
7 It's the people.

8 COUNCIL MEMBER MENDEZ: When you used to
9 bring the elephants through the East Smithtown
10 Tunnel--

11 TOM ALBERT: Uh-huh.

12 COUNCIL MEMBER MENDEZ: who—who did you
13 work with then?

14 TOM ALBERT: Again, I—I will double check
15 this, but I believe it was the Special Events Units
16 at NYPD.

17 COUNCIL MEMBER MENDEZ: Uh-huh. Okay. So
18 Special Events deals with not—I mean they get, they
19 probably deal with crowd control and some of these
20 others issues. Do—are they the same unit that deal
21 with what happens with an escaped animal?

22 TOM ALBERT: I think—my understanding
23 would be that we—there's typically say for our shows
24 there'll be police on site for just as a general
25 security precaution, not specific to animals. So we

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2 would—in that case we'd work with whatever police are
3 on site. I—I don't believe there's a special unit
4 that gets called out. There is now—my understanding
5 is under—since ASPCA surrendered its role, that there
6 is a unit within NPI—NYPD that enforces animal
7 cruelty, and we've had them come out and—and visit
8 with us, and with—with no problems or issues, but
9 again they are, as I understand it, particularly on
10 animal cruelty I don't think they would necessarily
11 be involved if there were an escape or something like
12 that.

13 COUNCIL MEMBER MENDEZ: Thank you and I
14 was not here when you answered the question about
15 content based discrimination. I also understand that
16 you drew a distinction between—tell me—the sort—the
17 Christmas—the Christmas Spectacular that uses a
18 camel. And for me, you know, I think there is
19 educational purpose to recreating something in the
20 Bible. Some people believe that what's in the Bible
21 is historical and did happen. Some people don't, but
22 I—I think there's an educational purpose for that.
23 So what would be the educational purpose for having
24 camels in your service--

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TOM ALBERT: [interposing] Well, let-let
me first say--

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COUNCIL MEMBER MENDEZ: --or other
animals.

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TOM ALBERT: --we don't have a problem
with the camels at the Radio City Music Hall. I
agree it's--

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COUNCIL MEMBER MENDEZ: [interposing] And
neither do I.

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TOM ALBERT: -it's a great tradition and
whatnot. I-I-I don't know that I personally would
consider that educational because I don't know what
the current going rate is for a ticket to that show,
but I-I bet you it's a lot more than it cost to go to
the circus, and it is part of a larger entertainment
production. But that-that said, the distinct-the-the
issue I was raising is that those exceptions are
based purely on where the activity, the setting for
the activity. So in other words, there-if-if you're
concerned about how an animal is being treated,
there's nothing in those exceptions that addressed
training, handling, treatment of the animals. It
just says if you're doing it in this context it's
okay. So, it-it doesn't-what it results in is that

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2 the only thing that is bad is when it's done in the
3 circus. So we have camels in one of our shows.
4 They—they run around a ring with—with acrobats
5 riding—with the lady acrobats. That's what they do.
6 That's—that's—it's a liberty act. I don't—those
7 camels are not trained differently than the came that
8 would go stand on the stage of city--Radio City Music
9 Hall or go out and do PR events in front of Radio
10 City Music Hall. The—the only difference is that
11 it's happening at Radio City Music Hall versus at—at
12 the Barclay Center and—and for it's worth, the way
13 the language of the exception is written, I—I don't
14 see how even Radio City Music—how that event actually
15 qualifies for that exception.

16 COUNCIL MEMBER MENDEZ: So I mean, I will
17 go back to the attorneys in the City Council
18 regarding that. However, my question and you still
19 didn't answer it is what is the educational value of
20 having the acrobats on top of the camels at your
21 circus?

22 TOM ALBERT: Look, I'm—we are first a
23 foremost about entertainment, but there's no denying
24 that people, children they learn by being entertained
25 as much as by anything, and if you don't think—I mean

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2 I—I think everybody here who has ever been to a
3 circus the animals--at our circus, the animals are a
4 big part of it. They do learn about the animals.
5 There are--there are very--fewer and fewer places
6 where--where people particular kids can see a lot of
7 these animals, see them in--in--in an up close setting.
8 And I'm not talking--and, you know, TV movies that's--
9 that's not the same thing. So do we think there's
10 some educational value? Absolutely. We think just
11 being able getting the exposure to the animals, we do
12 do other things. We have--where we can have an
13 animal open house where people going to the show can
14 go back there and see the animals, talk to the
15 trainers, ask questions about the animals. That's
16 part of pre-show activities. We do--try to do the
17 same thing. Mr. Lacey comes out, talks and brings
18 out one of his animals. Talks about how he does. He
19 does public training demonstrations. They--some of
20 those are YouTube as well, and I'd be happy to send
21 you the link where he shows how he teachers. In fact
22 the very thing that the Chairman was asking about,
23 the pyramid, the tigers all standing on different
24 levels to form a pyramid, he shows how he does that.
25 So, the--you know, again first and foremost we're

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2 about making people happy. We're about
3 entertainment. We're about putting smiles on--on
4 kids' faces. But we also do believe there is an
5 educational value to any time kids can see and
6 learning a little of the--about animals, and to see
7 people working with animals. Working with animals is
8 not a bad thing whether it's animal in the circus or--
9 or carriage horses or any other context.

10 SERGEANT-AT-ARMS: [interposing] Keep it
11 down, please. Keep it down.

12 COUNCIL MEMBER MENDEZ: Mr. Vice
13 President, are you aware that there is a video
14 showing that Mr. Lacey is hiding an injured or a lion
15 one of the cats?

16 TOM ALBERT: I--I don't believe that's
17 true.

18 COUNCIL MEMBER MENDEZ: A video was
19 provided to this committee. We can certainly share
20 it with you. So you're not aware of this video?

21 TOM ALBERT: I've--I've never seen this
22 video--I--I and knowing Mr. Lacey, I find that very
23 hard to believe.

24 COUNCIL MEMBER MENDEZ: Okay.
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TOM ALBERT: You know, and—and I'm sorry he had to leave, but he did have a hard ahead of time. There are, as I said, videos of him doing his public training demonstrations. We'd be happy to provide that to the committee as well, and—and I also—I would again reiterate please come out and see for yourselves. If—if you're concerned about how the animals are housed, if you want to see how—what they do when they're here in New York City come out, we're—we're coming in February. We'd be happy to bring you behind the scenes. You know, come with the Department of Health when they come. Come with out them. You know, we—we—we—we certainly try to make sure that we were in compliance with the Department of Health and—and the permit requirements. You know, it--

COUNCIL MEMBER MENDEZ: [interposing]
Does the Department of Health inform you when they're coming over?

TOM ALBERT: I do not believe they typically do, no. They—they usually try to come early on because obviously, as I said, they want to make sure everything is the way it's supposed to be.

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2 But I do not believe they give us like an appointed
3 time of when they're going to be there.

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COUNCIL MEMBER MENDEZ: And so I could
5 just show up at any time unannounced?

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TOM ALBERT: I'm sorry?

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COUNCIL MEMBER MENDEZ: I could just show
8 up any time unannounced.

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TOM ALBERT: I'm sorry.

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COUNCIL MEMBER MENDEZ: I could show up
11 at any time unannounced and you would or someone
12 would take me through a tour?

13

TOM ALBERT: Within reason. I mean we
14 would ask that you would not show up in the middle of
15 the night when people and animals are sleeping. We
16 would ask that you, you know, not ask for a tour of
17 Mr. Tiger and Mr. Lacey's tigers when he's in the
18 middle of his act, but within-within those kinds of
19 reasonable parameters, we'd be happy to have you come
20 in.

21

COUNCIL MEMBER MENDEZ: I have no further
22 questions. Thank you. Mr. Chair.

23

CHAIRPERSON JOHNSON: Thank you.

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TOM ALBERT: And-and to the-the point of
25 that, USDA inspections are always unannounced.

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CHAIRPERSON JOHNSON: Yes. So I want to ask about USDA. So-so you cited USDA, those regulations, those, you know, you were—you were talking about all of that. So what USDA regulations should be strengthened?

TOM ALBERT: USDA regulations?

CHAIRPERSON JOHNSON: Which regulations should be strengthened? Are they perfect as is?

TOM ALBERT: I'm not—I can't think of any specific changes I would recommend. It's not something we've looked at. We--

CHAIRPERSON JOHNSON: [interposing] There's nothing to be improved?

TOM ALBERT: With USDA regulations?

CHAIRPERSON JOHNSON: Yes.

TOM ALBERT: I don't believe so, no.

CHAIRPERSON JOHNSON: Should they be loosened?

TOM ALBERT: Should they be loosened?

CHAIRPERSON JOHNSON: Yeah.

TOM ALBERT: No. I mean the current--

CHAIRPERSON JOHNSON: [interposing] When they were written, they were written perfectly?

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2 TOM ALBERT: Well, again, the regulations
3 have evolved over time. As was mentioned earlier
4 USDA is contemplating some changes to the
5 regulations. We like other people comment on them.
6 Where we disagree with them, we disagree with them
7 and we say why, but I mean the—the suggestion that
8 USDA regulations is some kind of static thing that
9 hasn't changed in years that's—that's not true. I
10 mean it evolves. I mean the Tuberculosis testing.
11 Last year USDA announced that it had pretty much
12 decided that TB in elephants is not really a public
13 safety issue. Therefore, they're not going to
14 require testing any more. It still—still should be
15 done in order to make sure a particular animal is not
16 sick, but the—the 20 years of evidence showed that it
17 really did not present a significant public health
18 risk.

19 CHAIRPERSON JOHNSON: Do the enclosure
20 sizes ever change the USDA regulations or has it
21 always been the same size?

22 TOM ALBERT: I believe they have changed
23 over the years.

24 CHAIRPERSON JOHNSON: Did you support
25 those changes when they went through?

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TOM ALBERT: I was not personally involved.

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CHAIRPERSON JOHNSON: Did know if Ringling Brothers supported those changes when they went through?

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TOM ALBERT: I—I do not know off the top of my head. It could have been. I'm not sure even when it occurred. So I'll be happy to —to find out and—and get back to you with a response.

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CHAIRPERSON JOHNSON: Are the—are the prods that are used electric prods?

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TOM ALBERT: I—you're talking with—with tigers and--

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CHAIRPERSON JOHNSON: [interposing] With any of the animals? Are they—are they like cattle prods. Are they electric?

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TOM ALBERT: No. No, I mean the only time we ever under our policies would allow some kind of—that would be again for an emergency situation. It's not to be used for regular handling or training. So, it's—but—but other than—so with the cats, no there—when he's talking about prods he talking about sticks. That—that's what they used is when—when the elephant—when the tigers are being—trying to be moved

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2 from one end to the other and the tiger is not
3 moving, you poke them with this stick in the butt and
4 he moves forward. I mean it's not about hurting
5 them. It's not about punishing them. It's move
6 along. I mean it's--again, I'm sorry Mr. Lacey is not
7 here, but again that--that report is--and the Red unit
8 is what will be here in February. You can come see
9 those tigers. You could come and see those prods,
10 tools. You can see them for yourself.

11 CHAIRPERSON JOHNSON: The bill might be
12 enacted before February.

13 TOM ALBERT: Well, I certainly hope not
14 given that the--the impacts it would have to do.

15 CHAIRPERSON JOHNSON: So, you--you saying
16 you have Disney on Ice and you have a whole bunch of--
17 bunch of other productions, right that Feld--

18 TOM ALBERT: We do other productions.

19 CHAIRPERSON JOHNSON: You do other
20 productions.

21 TOM ALBERT: Circus is--the--the nature of
22 the circus, though, it's our--it's the largest
23 physical footprint because again it's 300 people.
24 It's whatever number of animals. It's the most
25 equipment and vehicles. It also has the largest

1
2 economic impact because—because it's so many people
3 in such a large physical footprint it has.

4 CHAIRPERSON JOHNSON: Well, if you didn't
5 have the exotic animals, would Ringling Brothers go
6 out of business?

7 TOM ALBERT: [pause] We didn't have a--
8 We are-- As I said, we are not in a position where we
9 can adapt our show through one locality. So if—if
10 this ordinance were passed--

11 CHAIRPERSON JOHNSON: So if New York City
12 came off the market for you, would you go out of
13 business?

14 TOM ALBERT: I certainly hope not.

15 CHAIRPERSON JOHNSON: And so have you
16 ever heard of a production Cirque Soleil?

17 TOM ALBERT: I'm very familiar with
18 Cirque Soleil.

19 CHAIRPERSON JOHNSON: Do they use
20 animals?

21 TOM ALBERT: No, they do not.

22 CHAIRPERSON JOHNSON: Do they travel the
23 country?

24 TOM ALBERT: Not the way we do. No,
25 they--

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CHAIRPERSON JOHNSON: But they—but they travel the country?

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TOM ALBERT: They travel, Cirque Soleil. They do some arena shows, but historically their shows have been mostly tent shows. So they—so they typically don't rent say the Barclay Center. They--

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CHAIRPERSON JOHNSON: [interposing] No, but they travel from city to city.

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TOM ALBERT: Yeah, again their—the way they travel through the country--

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CHAIRPERSON JOHNSON: [interposing] And they're based in Las Vegas. That's where their biggest performances are. Bit they the country.

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TOM ALBERT: But rather—they're actually based in Montreal.

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CHAIRPERSON JOHNSON: They started in Montreal, they moved to Vegas. They have a big permanent place.

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TOM ALBERT: Yeah, I mean they have permanent shows in Vegas. Those are not the same as ours?

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CHAIRPERSON JOHNSON: [interposing] Have you ever been to Cirque Soleil?

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TOM ALBERT: I've been Cirque Soleil.

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2 CHAIRPERSON JOHNSON: Do you find it
3 entertaining?

4 TOM ALBERT: I—I think it's certainly
5 it's—it's entertaining, it's artistic, but it's—it's
6 different than what we do. It—it—you know, the same
7 people who go to Cirque Soleil are not the people who
8 for the most part come to Ringling Brothers. Part of
9 it is economics.

10 CHAIRPERSON JOHNSON: But you enjoyed
11 yourself?

12 TOM ALBERT: I—I enjoyed the traditional
13 circus more, but it was certainly—I—I recognized the
14 artistry involved, the talent involve. I was just
15 going to say--

16 CHAIRPERSON JOHNSON: [interposing] And
17 they don't use animals.

18 TOM ALBERT: Cirque Soleil--

19 CHAIRPERSON JOHNSON: They don't use
20 animals.

21 TOM ALBERT: But they have also publicly
22 stated that they do not opposed the use of animals.
23 It—it was not done as--

24 CHAIRPERSON JOHNSON: But their success
25 is not based off the use of animals?

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TOM ALBERT: Well, they don't—their shows do not involve animals.

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CHAIRPERSON JOHNSON: And they're doing very well economically I think.

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TOM ALBERT: The own—they almost went bankrupt a couple of years ago. I—I don't know we're doing now, but about two years ago, they were searching for someone to buy them.

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CHAIRPERSON JOHNSON: If they had animals do you think they wouldn't have gone bankrupt?

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TOM ALBERT: No, they are a different product. They—it is not comparable. It's not comparable with circus content?

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CHAIRPERSON JOHNSON: [interposing] Okay, I have a questions for—for UniverSoul. You guys use elephants still, right?

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BEN JOHNSON: Yes, we do.

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CHAIRPERSON JOHNSON: How many elephants do you have?

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BEN JOHNSON: Three elephants.

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CHAIRPERSON JOHNSON: How old are they?

23

BEN JOHNSON: I don't recall exact ages. I believe the range is—they're in their 20s or 30s. I—I don't have the exact ages.

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CHAIRPERSON JOHNSON: What's—what's your title with the company?

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BEN JOHNSON: Director of Operations.

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CHAIRPERSON JOHNSON: You should probably know how old the elephants are. Okay, so in 2015, an elephant named Bow refused to exit the stage at the UniverSoul show in Atlanta. Are you familiar with this incident?

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BEN JOHNSON: Yes.

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CHAIRPERSON JOHNSON: A trainer named Larry Dean Carden allegedly inserted a bull hook into Bow's mouth to forcibly remove him from the stage. Are you familiar with that?

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BEN JOHNSON: I'm familiar with the allegations.

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CHAIRPERSON JOHNSON: Animal abuse charges were brought against the trainer, and in response to the incident, UnverSoul released a statement that read, "UniverSoul Circus remains committed to ensuring that no acts of animal cruelty, abuse or mistreatment are visited upon any animals that travels or performs with us. In the spirit of that, was Mr. Carden fired for this incident?

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BEN JOHNSON: No, he was not.

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CHAIRPERSON JOHNSON: Were there any disciplinary actions taken against him for this incident.

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BEN JOHNSON: No--no disciplinary actions were necessary, because the incident was not--

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CHAIRPERSON JOHNSON: [interposing] Were there any disciplinary actions taken against anyone in response to this incident?

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BEN JOHNSON: No, so do you have the--the-- do you have the findings of the incident? The--the end result.

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CHAIRPERSON JOHNSON: What--

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BEN JOHNSON: The end result was that Larry Carden was acquitted because the--the evidence was not there.

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CHAIRPERSON JOHNSON: Acquitted by who?

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BEN JOHNSON: By the--by the court in the City of Atlanta, in the City of Atlanta Court. He was acquitted because the evidence was not there and so it, you know, to answer that, you could written up for anything someone says. Someone could say hey, Corey Johnson--

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CHAIRPERSON JOHNSON: [interposing] It was on--

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BEN JOHNSON: --hit you, and then you---
and in your sights--

CHAIRPERSON JOHNSON: [interposing] It
was on--it was on video.

BEN JOHNSON: Oh, we have video as well,
sir, and it does not show any where in the video
where he put anything in any orifice, a bow on Betty
or the other--or the other elephant.

CHAIRPERSON JOHNSON: There is never any
abuse that happens with any of your animals?

BEN JOHNSON: Correct.

CHAIRPERSON JOHNSON: And nobody knows
about any that were online?

BEN JOHNSON: I'm--I'm not--I'm not aware
of any videos so my--

CHAIRPERSON JOHNSON: [interposing] So
twice in the span of four months. A zebra has
escaped from universal confinement and dashed out in
the major metropolitan areas. In Philadelphia,
November of last year 2015, about a year ago, in
Oakland in March of this year. We mentioned before
with Feld similar instances with zebras who had
escaped. Two questions: Why should we believe this

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2 won't happen again in the near future? It's happened
3 twice in the past year?

4 BEN JOHNSON: So you said two questions.
5 So the first one is—is what? What's your first
6 question?

7 CHAIRPERSON JOHNSON: Why should we
8 believe that this isn't going to happen again. It's
9 happened twice in the past year with zebras escaping.

10 BEN JOHNSON: We—well right now we don't
11 have any zebras on the tour, but if we were to add
12 zebras, we—we took additional measures to avoid any
13 sort of escape. So after that second incident, we
14 did add additional measures.

15 CHAIRPERSON JOHNSON: So when a zebra
16 escapes onto the streets of a densely populated city,
17 do you think that's a threat to pedestrians,
18 cyclists, motorists, trainers, police officers and to
19 the animals themselves?

20 BEN JOHNSON: It-it can pose a threat.
21 Yes it could.

22 CHAIRPERSON JOHNSON: Okay. I think that
23 it.

24 BEN JOHNSON: Chairman--

25 CHAIRPERSON JOHNSON: [interposing] Yes.

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BEN JOHNSON: --Johnson, if I may. So one of the--someone spoke about the elephants in Dallas in 2015, and as mentioned earlier that the--the years of study of TB have found that it's relatively--extremely low risk. The same jurisdiction--

CHAIRPERSON JOHNSON: [interposing]
What's--what's low risk?

BEN JOHNSON: In transfer of TB, Tuberculosis from elephants to humans.

CHAIRPERSON JOHNSON: Okay.

BEN JOHNSON: The same elephants, which have--have negative trunk wise tests for years, were allowed back in Dallas this year. So what the finding was is that the city had overreacted and that the elephants did not pose a health risk. So--so--

CHAIRPERSON JOHNSON: Okay.

BEN JOHNSON: So I just wanted to make--I just wanted to make sure because sometimes things are brought out only on one side. You don't get the full--the full story. I wanted to make sure people were aware of that.

CHAIRPERSON JOHNSON: So, in--in Universal's 2015 description of acts that includes elephants and zebras performing choreographed

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2 movements and a magic act in which four women appear
3 to be turned into two white tigers, how are these
4 elephants and zebras trained? And when they don't
5 comply with orders during training sessions, what's
6 done to correct their behavior?

7 BEN JOHNSON: I—I honestly can't give you
8 the exact training techniques for the different
9 animals. I'm not involved in training elephants or
10 tigers in anything.

11 CHAIRPERSON JOHNSON: Well, this hearing
12 is about that.

13 BEN JOHNSON: The hearing is about the--
14 the ban that is--

15 CHAIRPERSON JOHNSON: [interposing] The
16 hearing is about how exotic animals are used at
17 circuses.

18 BEN JOHNSON: Correct, yes sir.

19 CHAIRPERSON JOHNSON: Part of that is
20 training.

21 BEN JOHNSON: Okay.

22 CHAIRPERSON JOHNSON: I'm glad Ringling
23 Brothers brought--brought someone who could discuss
24 that.

25 BEN JOHNSON: Yeah.

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CHAIRPERSON JOHNSON: You all probably should have well, and that's what we're here to talk about.

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BEN JOHNSON: Okay, and--and there are other people here who can testify to training.

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CHAIRPERSON JOHNSON: From UniverSoul?

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BEN JOHNSON: No, from the industry, sir.

9

So the--you know, we work together as an industry to

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make sure that things are done well, and sometimes we

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learning Ringling or from Big Apple and vice versa.

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CHAIRPERSON JOHNSON: Okay. So I will

13

confess that--

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BEN JOHNSON: Uh-huh.

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CHAIRPERSON JOHNSON: --growing up as a

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child I loved going to the circus, and I loved going

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to the circus because I loved seeing the animals,

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BEN JOHNSON: Uh-huh.

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CHAIRPERSON JOHNSON: --and I found it

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interesting and entertaining, and I found that it was

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majestic and beautiful, but as a small child or a

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teenager or even as a young adult, I'm not sure that

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I fully understood the implications of what it meant

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to have an exotic animal traveling the country, being

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confined, being trained and broken down and treated

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2 in certain ways. I have a distinction in my own mind
3 between domesticated animals, and I'm sure there are
4 some folks here that will disagree with me on this.
5 But in my own mind I see some sort of difference
6 between domesticated animals and exotic animals.

7 PAUL BINDER: Mr. Chairman, I would also-

8 -

9 CHAIRPERSON JOHNSON: [interposing] Just
10 let me—let me finish my statement and then you can
11 respond. So for me, you know, I'm not someone that
12 always come to this—to this point of view. I'm
13 someone that through my own research and reading and
14 my own sensitivity has come to believe that exotic
15 wild animals should likely not be used for these
16 purposes. And I am not—I am not here to say that
17 everyone who works in the circus is a terrible person
18 and a bad person. I'm not here to say that. I'm not
19 here to—to castigate every single person. I'm sure
20 there are people that work at the circus that
21 actually care about these animals and have some type
22 of connection with them. And I don't want to take
23 that away from folks that have that. But I think in
24 the grander scheme as our city and country become
25 more enlightened on how we deal with animal species

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2 on what we find acceptable and what we don't find
3 acceptable. And then we look at factory farming and
4 the horrors of factory farming, and then we look at
5 all of these things, I think that this thing we're
6 probably going to look back on years from now, my own
7 opinion, and say why were we comfortable with that?
8 Why were comfortable with beautiful large majestic
9 gorgeous elephants to be told they had to stand on
10 their hind legs and act a certain way and be dressed
11 up little pets. For me, I feel uncomfortable with
12 that, and all of the incidents that have occurred
13 over the years. The citations that have been levied.
14 The—the instances of animals escaping, of videos
15 being shown. This is not just the feel good thing
16 you see when you see these elephants come out on
17 stage. It's not just that. It's more than that.
18 It's an industry. There is money. People are being
19 entertained and sometimes it's hard to look at the
20 whole picture. It's uncomfortable to look at the
21 whole picture. This is not the only animal issue.
22 We had last year over 40,000 animals that were put
23 for adopting in New York City in our shelters, 7,000
24 of which were euthanized, and that's a tragedy.
25 There are—there are a lot things we need to look at,

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but for me this is what I feel most comfortable with. As a legislator, I have to wake up every day and looking myself in the mirror and feel like I did the right thing, and live by my conscience. I turn my head down to the pillow at night and think the same thing. I'm not always perfect in how I do that, but I have to feel comfortable, and this makes me feel uncomfortable. What I've seen and learned and heard makes feel uncomfortable, and in the largest city in the United States, I think we need to set the tone and example for the rest of the country. Thank you all for testifying today. We're going to move onto the next panel. [applause]

SERGEANT-AT-ARMS: Keep it down. No applause, please. [cheers/applause]

CHAIRPERSON JOHNSON: No, if-please, please wait, wait. If folks could keep it down. If folks can-if folks can keep it down, please. Okay. So we're going to go to the next panel. Elinor Molbegott, Erica Matthews, Mark Wood, Joyce Friedman and Brian Shapiro [background comments, pause] and Michael Covell.

SERGEANT-AT-ARMS: Please be quiet on the floor, please. [pause]

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2 CHAIRPERSON JOHNSON: Okay, you may begin
3 in whatever order you'd like. Speak directly into
4 the mic. Make sure the red light is on. You have
5 two minutes. We still have a lot of people to get to
6 today. So if folks could stay in their two minutes,
7 I would really appreciate it. After this panel,
8 we're going to flip back to the other side for folks
9 that have signed up, and we're going to keep rotating
10 back and forth. You may begin.

11 ERICA MATTHEWS: Hi, my name is Erica
12 Matthews and I'm speaking on behalf of the Animal
13 Legal Defense Fund in support of Intro 1233. The
14 existing legal scheme has routinely failed animals
15 who are forced to perform. It is up to localities to
16 ensure that cruelty does not happen on their watch.
17 The major federal law governing the treatment of
18 animals in commercial settings, the Animal Welfare
19 Act sets forth only the barest minimum standards. It
20 is not an anti-cruelty law, and does not protect
21 these animals from the worst conditions that are
22 intrinsic to the industry. For example, Ringling
23 travels 50 weeks out of the year. Their own records
24 indicate that animals spend literally—literally days
25 at a time in transit without access to habitat or

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2 exercise and USDA inspection reports from Chicago,
3 Sacramento, and DC indicate that apart from
4 performance time Ringling routinely denies its big
5 cats exercise confining them in transport cages
6 barely bigger than their body. The USDA lacks the
7 resources and the political will to enforce the act
8 meaningfully. For example, the Act requires on the
9 annual inspections of licensees and these inspections
10 never occur during training, which is why most of the
11 worst abuses occur. State and local law enforcement
12 agencies are similarly ineffective at preventing
13 cruel treatment. For example, a federal judge in
14 Iowa recently found that operators of a roadside zoo
15 had actually killed injured big cats through neglect.
16 Despite the court's determination, the USDA renewed
17 the operator's license, the state agency gave glowing
18 reviews, and the local sheriff's office found nothing
19 wrong with the facility when more than half a doze
20 big cats died over the course of just three years.
21 Here in New York City I will add that shortcomings in
22 enforcement are basically guaranteed since the ASPCA
23 after nearly 150 years surrendered its enforcement
24 role to the NYPD meaning there are now even fewer
25 agents with less expertise to determine if an

1
2 animal's welfare is compromised. In short, the only
3 truly effective way to protect wild and exotic
4 animals from the harms intrinsic to this industry is
5 to prohibit the use of these animals in public
6 entertainment. Thank you. [bell] [pause]

7 ELINOR MOLBEGOTT: My name is Elinor
8 Molbegott. I'm Counsel to the Human Society of New
9 York right here on East 59th Street in the City, and
10 I first just want to thank Council Member Mendez for
11 sponsoring this legislation and to Council Member
12 Johnson for his eloquent words. We strongly support
13 Intro 1233. While the exotic animals are used to
14 entertain, they suffer psychologically and physical
15 from continuous confinement living in environments
16 that do not resemble their natural habitats from
17 cruel training, and for being forced to perform acts
18 that are totally unnatural to their species. As has
19 already been noted, Ringling Brothers already paid
20 record fines to settle a case against it, and there
21 have been many others. And when they retire their
22 elephants Ringling said there's been on the part of
23 our consumers a mood shift where they may not want to
24 see elephants transported from city to city. We
25 believe that this mood shift is applicable to other

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2 wild and exotic animals as well who deserve the same
3 consideration and should not be subjected to a life
4 of misery. Many municipalities including in New York
5 State have recognized that wild animal performances
6 present humane concerns and public safety concerns.
7 Perhaps in the past society did not recognize or know
8 enough about the sad plight of wild animals. We can
9 no longer escape what we now do know, that wild
10 animals have inherent needs of their own that cannot
11 be met when they are severely confined, chained or
12 forced to do tricks. There is nothing amusing or
13 entertaining about the suffering of animals. You
14 have the opportunity here to do something about it.
15 We appreciate your humanity and respect for wild
16 life, and we ask this Council to support Intro No.
17 1233. Thank you.

18 MARK STAUFFER: Thank you, Council
19 members. I am Mark Stauffer (sp?). I am here today
20 to read a statement on behalf of Big Cat Rescue, a
21 wonderful animal sanctuary in Florida. Residents and
22 our supporters in New York City, Big Cat Rescue
23 strongly supports the proposed ordinance to prohibit
24 this display of wild or exotic animals for public
25 entertainment or amusement. Big Cat Rescue is one of

1
2 the world's largest accredited sanctuaries for exotic
3 cats. Our sanctuary has been the final stop for 21
4 tigers and leopards that previously performed in the
5 circus. We have helped this retired circus-circus
6 cat since the year 2000 and note they always arrive
7 fearful of people especially those carrying anything
8 that looks like a weapon. As part of our daily
9 operations, we use long poles two ways thorough the
10 side of the cages and have to be very careful never
11 to raise these poles near these particular cats as
12 they flinch, wince, lay back their ears, run, roar or
13 hide in terror at the site. We do not see that
14 reaction of cats that were not forced to perform. We
15 use operant conditions also known as reward based
16 training to agile to do natural behaviors for medical
17 or management issues. We train consistently everyday
18 never telling a cat no. Never withholding food or
19 punishing a cat for failing the requested action. As
20 a result, the cats only do the requested when
21 they're—when they're in the mood. Such positive
22 training techniques will not make them perform on
23 cue. We now know from 16 years of daily observations
24 of ex-circus cats that we could never been made to
25 perform reliably in the ring if they are not being

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beaten, shocked, whipped, intimidated, or deprived of food. We know it is the case when we see the cats in the ring with their ears laid back in distress. Circuses know that people today do not want to see the abuse. So it can only happen behind closed gates and doors. [bell] Please do not reward this abuse by continuing to allow circus actors of exotic animals such as wild tigers within our city limits. Thank you.

JOYCE FRIEDMAN: Hi, my name is Joyce Friedman. I'm the New York City Coordinator for the Human Society of the United States. I am also a lifetime New York City resident who in the past worked as a clinical social worker with children and children and families. We strongly support Intro 1233. With all that is now known about the rich and varied lives that elephants, tigers, lions and other wild animals naturally lead, it's become apparent and quite obvious that life in circuses is nothing but misery for them because they are denied everything that is natural and important to them, trained with punishment and pain, and bullied to perform unnatural tricks. They are also forced to endure months of grueling travel each year. Contrary to

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2 what some representatives of Ringling Brothers said,
3 Jay Pratt, who investigated his big cats in Ringling
4 Brothers in Nebraska, and this report was referred to
5 prior. He actually is an animal behavior—he is an
6 animal training behaviorist and welfarist who is a
7 consultant for the AZA, which is the American
8 Zoological Association, the USDA and the Global
9 Federation of American Sanctuaries. He has BS in
10 zoology and behavioral psychology. I raise this
11 because this is just one of the distressing
12 statements that representatives from the circus
13 industry say that is simply not true. Ringling also
14 says they have never been found guilty of animal
15 welfare violations. However, keep in mind that most
16 of the cases in which circuses are charged with the
17 Animal Welfare Act violations don't reach a judge's
18 decision because they are settled by the circus who
19 pay fines including very large fines like Council
20 Member Johnson spoke about before. The circus
21 industry repeatedly denies documented cruelty
22 violations and undercover evidence. This is
23 documented cruelty and videos that they are denying.
24 Please keep in mind just because Ringling's tiger
25 trainers breed tigers in his "family" doesn't mean

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2 that these tigers are not suffering in forced travel
3 and performance like any other tiger who wasn't bred
4 by one family. We urge you to support this bill.

5 CHAIRPERSON JOHNSON: Thank you.

6 BRIAN SHAPIRO: Thank you Chairman and
7 Council Members. My name is Brian Shapiro, the New
8 York State Director for the Humane Society of the
9 United States, and we're pleased to offer the
10 following comments in support of 1233. We urge you
11 to pass this important legislation. The proposed law
12 will not have an adverse impact on the local economy.
13 Exotic animal displays do not generate additional
14 economic spending in a region. Families have a fixed
15 amount of entertainment dollars that will be spent
16 locally whether it's on a movie, a museum or a
17 circus. Similarly, union jobs will not be affected
18 because venues that previously hosted animal circuses
19 will simply book other entertainment or human
20 circuses. For example, when Ringling Brothers did
21 not return to Madison Square Garden following the
22 venue's remodeling, the Garden did not sit empty.
23 Although circuses may threaten not to perform in
24 cities that consider this law, and Mr. Chairman, as
25 you so eloquently said, the show will go on. Twenty-

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2 five percent is not an insurmountable percentage to
3 overcome with this type of entertainment. We do want
4 to keep circuses in New York. I will wear one of
5 those stickers. We want humane circuses that adjust
6 to the shifting public attitude, more arrays and
7 market conditions. Additionally, to present circuses
8 as conservation organizations is respectfully an
9 outlandish suggestion. Profit is the motive of the
10 gentlemen from Feld Entertainment and
11 representatives, not animal welfare or as the
12 gentleman from UniverSoul said an industry because
13 that's exactly what this is. As has been mentioned,
14 the Animal Welfare Act only meets minimum standards
15 and even government audits show that there are
16 deficiencies and that the USDA is unable to
17 effectively enforce these laws that contain again
18 deficiencies. The AZA was mentioned earlier. They
19 are long recognized as setting industry standards
20 that greatly exceed the minimal requirements of the
21 USDA, and AZA accredited facilities such as the Bronx
22 Zoo and New York Aquarium do not take large wild
23 animals off site for performances. Thank you so
24 much.

25 CHAIRPERSON JOHNSON: Thank you.

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2 MICHAEL COVELL: Hi, my name is Michael
3 Covell. I'm testifying as a citizens. I'm a PhD
4 candidate, a researcher and an adjunct professor for
5 the Psychology Department at Baruch College. I'm
6 concerned specifically with two issues that I want to
7 focus on. The first is on captivity specifically.
8 So we've talked about all of these different types of
9 issues already. Regardless of—of how debatable they
10 might be, captivity is cruel. If we were talking
11 about people, there would be no question about
12 ethics. Americans have historically condemned
13 holding people, innocent people captive. This
14 condemnation was notably demonstrated in the U.S.
15 Civil War and World War II. As a member of the
16 academic community, psychology community, the
17 relevant question for me is whether we have any
18 reason to believe that animals do not suffer just
19 like humans suffer in captivity. Although we can't
20 read animals' minds, we know that animals breathe
21 oxygen and drink water just like people do. We know
22 that animals form social bonds to defend their young
23 just like people do. Therefore, research and theory
24 in psychology on the painful psychological effects of
25 isolation, sensory deprivation and the inability to

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2 pursue goal directed activity may apply to humans and
3 animals alike. Hence, captivity alone is reason
4 enough to support this bill. Also, this issue has
5 very limited grounds for ethical debate. It could be
6 argued that some animal rights issues are valid
7 grounds for debate. For example, animal research in
8 which animals spend their lives living in cages
9 inside a laboratory may ultimately—ultimately lead to
10 knowledge that reduces human suffering. And one way
11 to approach this issue might be to compare the amount
12 of the suffering created by the research to the
13 amount of suffering reduced by the research. An
14 ethically responsible analysis of the present issue
15 does not allow for the same type of comparison
16 because it is ludicrous to compare the amount of
17 animal suffering to the amount of entertainment their
18 suffering affords. Hence, being—thank you.

19 CHAIRPERSON JOHNSON: We were joined by
20 Council Member Elizabeth Crowley. We're joined by
21 Council Member Fernando Cabrera. Any questions? No.
22 Okay, thank you all very much.

23 PANELISTS: Thank you.

24 CHAIRPERSON JOHNSON: So the next panel
25 Keith Sheldon, Junior Santana, Susan Chin, Tony

1
2 Caifano and Sean Mackle. [background comments,
3 pause] If folks could please keep it down.

4 SERGEANT-AT-ARMS: Quiet, please.

5 CHAIRPERSON JOHNSON: Is Susan Chin here?

6 FEMALE SPEAKER: [off mic] She's going to
7 not testify.

8 CHAIRPERSON JOHNSON: She's not
9 testifying okay. Is-is Sean here from the Central
10 Labor Council? [background comments] He's not here.
11 Okay. So, you may begin. Just make sure your-the
12 red light on the mic is on.

13 ANTHONY CAIFANO: Good afternoon,
14 Chairman Johnson and fellow members of the Health
15 Committee, and thank you for the opportunity to
16 testify before you today. My name is Anthony
17 Caifano. I'm Secretary-Treasurer of Teamsters Local
18 1 proudly representing 5,000 active and retired
19 members here in the New York City and Tri-State area.
20 Today, I also stand for my brothers and sisters from
21 Local 688 In St. Louis, Missouri that represent the
22 200 Teamsters who are the animal handlers and operate
23 the floor crews for the Ringling Brothers Circus and
24 whose jobs are directly threatened by Intro 1233. As
25 the lithographer, a Teamster and trade unionist, I

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2 stand before you to vehemently oppose any legislation
3 that would eliminate good union jobs for any of our
4 members, and arguably for the exotic animals who
5 share those same working conditions. We also stand
6 in opposition to Intro 1233 because it's a misguided
7 bill that threatens the elimination of an American
8 institution, the circus, which I as a native New
9 Yorker had the district privilege of enjoying
10 throughout my youth. The only opportunity to marvel
11 at the wonders of nature's beautiful creatures in the
12 middle of the Island of Manhattan. We know there is
13 no animal abuse and these unfounded and
14 unsubstantiated claims from a small but well funded
15 group of animal extremists who are using for their
16 own personal benefit, which is by no means in the
17 interest of the workers or the community surround the
18 Barclay's Arena. Jobs that include the 32BJ ushers,
19 the United Concession workers, the painters, the
20 electricians, and most importantly local community
21 hiring jobs and opportunities. We strongly urge you
22 to oppose Intro 1233 and I respectfully submit that.
23 Anthony Caifano. Thank you.

24 CHAIRPERSON JOHNSON: Thank you, Tony.
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2 JUNIOR SANTANA: Good morning. My name
3 is Junior Santana. We're here to represent the Local
4 32BJ represents 150,000 property service workers
5 along the East Coast, 70,000 which work here in New
6 York City Metropolitan area. Our members include
7 general security offices in building services, who
8 work in the residential and commercial buildings,
9 plus many iconic arenas like Madison Square Garden
10 and Barclay Center. I am here today to register a
11 concern of Local 32BJ regarding to answer the
12 consequence by Bill 1233. Many of the job earnings
13 and members in play at the city's arena, but those
14 workers do not have guaranteed working hours. But
15 instead represent building—instead depending on
16 building buses and the venue's book. (sic) During
17 this opportunity we would like to communicate with
18 the arenas in large block and island. (sic) The loss
19 of booking due to a ban on exotic animals as a
20 proposed by Bill 1233 could mean shifts of lost
21 incomes for our members. Considering the risk of
22 potential loss of healthcare benefits and events of
23 workers for each member in the union show. This
24 block booking with circuses and a position is
25 reachable for the loss of many jobs. The loss of

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2 circus performance will also affect workers outside
3 by all members, few shows, canceling booking will
4 also hurt workers directly employed by production
5 capitalizing the effects of catering, transports
6 banjos (sic). We ask the committee to carefully
7 consider the impact this will be on families and the
8 workers. Thank you.

9 CHAIRPERSON JOHNSON: Thank you, Junior.

10 KEITH SHELDON: Members of the committee,
11 thank you for the opportunity to speak to you today
12 regarding proposed legislation 1233. By way of some
13 background, my name is Keith Sheldon. I'm the Senior
14 Vice President of Programming at Brooklyn Sports and
15 Entertainment, the company that oversees the booking,
16 the marketing, sales and operations for Barclay
17 Center and Long Island's Nassau's Veteran's Memorial
18 Coliseum. As many of you know, Barclay Center opened
19 in September 2012, and over the last four years,
20 we've hosted a wide variety of events from
21 professional sports to concerts to family
22 entertainment like Ringing Brothers and Barnum and
23 Bailey Circus. In fact, and not surprisingly at all,
24 Ringling Brothers is among the most popular shows at
25 Barclay Center. Every year we host Ringling Brothers

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2 for two weeks and feature about 20 shows during that
3 time. There is so much interest in Ringling Brothers
4 that our venue supports an additional week of shows
5 compared to that of many other venues. In sum, over
6 the last four years a half million people have
7 attended this event along at Barclay Center. Of
8 course, attendance is not a sufficient argument in
9 opposition to the legislation as drafted. Rather, we
10 strongly believe that any organization that is
11 trusted with the wellbeing of animals must comply to
12 the highest standards whether a circus, an aquarium
13 or a zoo or otherwise. To be clear, our promoters
14 are required to ensure that any show at Barclay
15 Center complies with all laws regarding the treatment
16 of animals. Further, beyond strict compliance with
17 laws and regulations, the promoter of Ringling
18 Brothers Feld Entertainment has published significant
19 documentation surrounding its commitment to animal
20 welfare and working with the most qualified animal
21 experts in the world. Given those assurances, we are
22 confident that the safety and wellbeing of animals is
23 of the highest priority to the Feld organization. We
24 applaud the City and the Council for its interest in
25 animal welfare. We share this concern and it's

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2 something that we would expect from the people of New
3 York and its leaders. However, we disagree greatly
4 with the suggestion that the animals in the circus
5 are treated poorly, and we are adamant in our
6 disagreement as to legislation that exempts so many
7 establishments, aquariums, zoos and others, and
8 effectively singles out circus performances. We are
9 concerned that the net effect is not great protection
10 for animals, but rather the greatest impact will be
11 the end of the family-oriented tradition in New York.
12 Certainly, we do believe regulation regarding the
13 treatment of animals is of critical importance and
14 something Feld has addressed more directly already,
15 but we would also like to provide you with some facts
16 regarding Ringling Brothers at Barclay Center and its
17 irreplaceable positive impact within the New York
18 community. As I mentioned, [bell] in the last four
19 years a half million people have attended the circus
20 in Brooklyn, over 20 shows on average during a two-
21 week period. That translates into employing nearly
22 400 people show.

23 CHAIRPERSON JOHNSON: Thank you, Keith.

24 CHAIRPERSON JOHNSON: I'll have some
25 question so you can—you can tie in the other part

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2 that you weren't able to finish on the questions that
3 I have.

4 KEITH SHELDON: Thank you.

5 CHAIRPERSON JOHNSON: Yes.

6 CHAIRPERSON JOHNSON: So, [coughs] you
7 said 20 shows during a two-week period. [coughs] In
8 that two-week period that's 14 days. I mean it's all
9 seven days that are being used?

10 KEITH SHELDON: Correct whether it's a
11 loading period, a rehearsal period or an actual
12 performance window, it's approximately 14 days on an
13 annual basis that we're in.

14 CHAIRPERSON JOHNSON: Okay, and now many
15 performances or things that you book from a
16 programming perspective, you're the Vice Presidents
17 for Programs at Barclays, are things that happen
18 annually over and over and over again. What
19 percentage of your things are things that are on a
20 fixed schedule. They happen every single year?

21 KEITH SHELDON: So outside of our anchor
22 tenant events, which would be the next--

23 CHAIRPERSON JOHNSON: [interposing] Yeah.

24 KEITH SHELDON: --nine at Barclay Center,
25 I would say a very small percentage are--are

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2 annualized like that outside of family oriented
3 programming like the circus.

4 CHAIRPERSON JOHNSON: So, and just give
5 an example, you know.

6 KEITH SHELDON: Um--

7 CHAIRPERSON JOHNSON: No, no, I'm going
8 to give an example, which is as a gay man I love
9 Barbara Streisand. So Barbara came and performed at
10 the Barclay Center, right?

11 KEITH SHELDON: She did.

12 CHAIRPERSON JOHNSON: She doesn't come
13 every year.

14 KEITH SHELDON: She does not.

15 CHAIRPERSON JOHNSON: It was a hot
16 ticket.

17 KEITH SHELDON: I wish she did come every
18 year.

19 CHAIRPERSON JOHNSON: And you have to
20 continually book new things annually to be able to
21 fill the seats and have things that are going to be
22 interesting to New Yorkers to come.

23 KEITH SHELDON: That is correct.

24 CHAIRPERSON JOHNSON: So you have to do
25 that all the time?

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KEITH SHELDON: Yes, year in and year out.

CHAIRPERSON JOHNSON: So, if the circus was suddenly not allowed to have exotic animals I think since it's 25% of what they do a Cirque Soleil is successful, and they are a big venue. They could be successful without exotic animals, but if they decided they weren't going to come Barclays any more, you would still potentially look to fill those days.

KEITH SHELDON: You would look to fill those dates, but on an annualized basis the circus provides terrific family based content for us in a diversity of programming on our, you know, music and sports schedule.

CHAIRPERSON JOHNSON: But there—but there are other family based programming. I mean there's Disney on Ice. Do you guys host Disney on Ice?

KEITH SHELDON: We do and that's a one-week program.

CHAIRPERSON JOHNSON: And that's a one-week program. Is it popular?

KEITH SHELDON: Yes, it's very popular.

CHAIRPERSON JOHNSON: Very popular. Okay, so I'm sure there are other options potentially out

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2 there. Well, you live in the most creative city in
3 the world, and I'm sure there are other things. The
4 reason why I ask that is because it's my hope that
5 given how successful Barclay's has been, given the
6 amount of world class international acclaimed
7 performers and folks that want to come to the Barclay
8 Center, because of where it's located and because of
9 what you all have done over the past four years of
10 being open, but even before it opened in drawing that
11 type of entertainment to Barclays that you would be
12 able to find something else. And in the hope that,
13 the wonderful workers at 32BJ who are ushers and the
14 folks that are there working everyday and the
15 Teamsters and the stage hands, and all the folks that
16 are integral to making sure that the show goes on
17 will hopefully continue to have work at Barclays.

18 KEITH SHELDON: Yeah, I'd like to answer
19 your question kind of in-in two-two phases. The
20 first being yes, of course, if the circus were to,
21 you know, make a change or perhaps go away, we would
22 love to fill those dates with other content.
23 However, it's not easy to find any content that's
24 consistent over a two-week period. Also with
25 multiple-multiple events on a daily basis with the

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2 circus it does provide a variety of workers with
3 longer days on a consistent basis day in and day out
4 including those loading days, load our days,
5 rehearsal day, staging days and performance days,
6 which are-are not just calls for the traditional
7 concert 7:00 to 10:00 p.m. It-it starts in the
8 morning and ends in the evening. So from that
9 perspective there really is no other event on our
10 calendar that can match the quality from a job
11 creation standpoint that the circus brings on an
12 annual basis.

13 CHAIRPERSON JOHNSON: But if you didn't
14 have the circus you would look to fill those days?

15 KEITH SHELDON: Yeah, perhaps with a
16 Barbara Streisand concert or-or-other guests.

17 CHAIRPERSON JOHNSON: Maybe Cher.

18 KEITH SHELDON: Potentially.

19 CHAIRPERSON JOHNSON: Okay.

20 KEITH SHELDON: They would all do
21 terrific business.

22 CHAIRPERSON JOHNSON: Liza Minelli.

23 KEITH SHELDON: The second-the second
24 piece of our response is with those concerns that are
25 in such high demand, it doesn't allow us to provider

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2 a diversity of content that's family based
3 necessarily. Over the past four years Feld has
4 provided the community with 200,000 complementary
5 tickets to support community benefits. This is
6 representative of children in hospitals, families in
7 need, service men and women who are receiving these
8 tickets, and not many other shows on our calendar, if
9 any at all, provide us an opportunity to give back to
10 the community in a way that the circus affords us.

11 CHAIRPERSON JOHNSON: But could they
12 still do that if they didn't have exotic animals?

13 KEITH SHELDON: Potentially. I would—I
14 would defer to them on that question.

15 CHAIRPERSON JOHNSON: I think Barclays is
16 great and I think that the wonderful Teamsters and
17 32BJ members and the stage hands, and NYATSI and all
18 of the incredible union workers who help make this
19 city the most unionized city in the country and the
20 most unionized state in the country. They are
21 integral to our workforce, and I really value their
22 work, and I work with these unions on a regular basis
23 on all sorts of labor fairness issues. It's my—this—
24 this bill was never intended, it was not intended to
25 be a bill that harms hardworking New Yorkers who are

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2 providing an extraordinary to our city. But for me
3 the—the overarching goal of this bill is to ensure
4 that exotic animals are not being used for
5 entertainment purposes, and it's my hope that the
6 Barclay Center, which again has been hugely
7 successful, and the men and women who make it run
8 that you all will be able to help them find other
9 venues and shows and continue the work. Now, I know
10 that a lot of the folks they're not all who do this
11 type of work are folks that kind of live show by show
12 whether it be folks that are working at Lincoln
13 Center of other places around the city where these
14 performances happen and where they're needed. So
15 it's kind of job-by-job basis. So when you cut back
16 a little bit without total predictability of what's
17 going to replace that, of course, that's scary. Of
18 course, that's upsetting. That's part of what the
19 construction industry has to go through on a very
20 regular basis depending on the amount of development
21 that's happening in New York City. There are ebbs
22 and flows. I think Barclay is going to be successful
23 for a long time. I think Barclays is going to be in
24 business for a long time. I think Barclays will
25 remain an international world class venue for a very

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2 long time, and it's my hope that as any good business
3 does, as any good arena does, that you all if, in
4 fact, this gets adopted, will be able to adapt to
5 this, and maybe hopefully influence Feld and Ringling
6 Brothers to have a circus without exotic animals. So
7 they can still come to Barclays and you can still
8 have the employees that are used, and you can still
9 have fun, friendly and clown filled entertainment
10 that is humane. Thank you very much. Thank you for
11 being here. Okay, no clapping. We're going to call
12 the next panel up. So Martha Gozar, Sharon Discofano
13 (sp?) Louis Goldstein, Louis Gatto, Julie Cappiello,
14 Christina Abu Suzuki, Donny Moss, and Rachel
15 Matthews. [background comments, pause]

16 CHAIRPERSON JOHNSON: Sergeant, we need
17 one more—I believe we need one more chair for this
18 panel. It's going to be a big panel.

19 LOUIS GOLDSTEIN: Good afternoon, Mr.
20 Chairman and Council Member Mendez and those who have
21 been here and had other responsibilities. I appear
22 before you as Vice Chair of the Bronx Democratic
23 County Committee, and as the liaison to the Animal
24 Protection Community and as a person who is very
25 concerned with human and humane rights. Please keep

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2 in mind that it was the Bronx Democratic County
3 Committee that first appointed myself as liaison to
4 the animal rights community and it was Speaker Carl
5 Heastie who at a point had a hearing animal rights
6 with John Phillips and told about his locating and
7 finding an abandoned pit bull and adopting it. Each
8 of us have many identifies. I'm asking that each of
9 you for now say your identity as a human being,
10 adopted the identity of a either a lioness, a
11 tigress. Keep in mind you're in a jungle. Suddenly--
12 you're nursing babies, suddenly a human being
13 appears, tranquilizes you. When you wake up, you are
14 in the--on a ship. You are enslaved. You are
15 shackled. You are taken to a foreign country and
16 forced to perform. You are never going to see your
17 natural environment again. It is not right for
18 circuses to capture wild animal, exotic animals, and
19 take them out of their natural environment. The
20 Bible also says that animals should be taken care of--

21 -

22 CHAIRPERSON JOHNSON: Thank you, ma'am.

23 LOUIS GOLDSTEIN: --et cetera.

24 CHAIRPERSON JOHNSON: [interposing] Thank
25 you very much.

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LOUIS GOLDSTEIN: So I beg you--

CHAIRPERSON JOHNSON: [interposing] We got—we got the message.

LOUIS GOLDSTEIN: I see--

CHAIRPERSON JOHNSON: [interposing] I got the message.

LOUIS GOLDSTEIN: --some people doing--

CHAIRPERSON JOHNSON: [interposing] We're moving on.

LOUIS GOLDSTEIN: --keep the--

CHAIRPERSON JOHNSON: We got the message.

LOUIS GOLDSTEIN: --the circuses in New York .

CHAIRPERSON JOHNSON: Thank you.

LOUIS GOLDSTEIN: I say keep wild animal in their environment.

CHAIRPERSON JOHNSON: [interposing] We got the message. We got the message. Lou.

LOUIS GOLDSTEIN: Thank you.

CHAIRPERSON JOHNSON: You just took up another 26 seconds. We're going to move onto the next speaker. [background comments, pause]

DONNY MOSS: My name is Donny Moss. I work with hundreds of animal advocates in New York

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2 City to fight animal abuse. I want to address this
3 testimony not only to the Health Committee, but to
4 also the people who were recruited by the circuses to
5 be in the audience today. Wild animals have very
6 rich lives in the wild, in their natural habitats.
7 They have families. They raise children just like we
8 do. By holding them captive and keeping them in
9 shackles and in boxcars, we strip them of everything
10 that makes their lives worth living. We have no
11 right. They're not our property. Entertainment is
12 never an excuse for the inhumane treatment of
13 animals. In the same way that we look back at past
14 atrocities committed by people before us, future
15 generations will look back at images and videos of
16 tigers being forced to jump through hoops of fire,
17 and of elephants in shackles, and they're going to
18 say what did you---what did--what--how is that possible
19 that that happened? How could that have possibly
20 happened? I implore you to go home and watch the
21 videos of these animals being beaten into submission
22 with weapons, with hooks--with--with prods, with whips
23 and that might explain to you why we've heard so
24 many stories today of animals trying to escape,
25 trying to escape from their captors who beat them

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2 into submission for our entertainment. [background
3 comments, pause] I have 19 seconds. I have—I have a
4 statement here from PETA that I'll start to read and
5 then—and then turn in. In 2011, Ringling was ordered
6 to pay the largest fine in circus history settle
7 dozens of violations of the federal Animal Welfare
8 Act. For example, USD rec—USDA records show that—
9 Okay, sorry. [laughter]

10 CHAIRPERSON JOHNSON: Thank you, Donny.

11 SERGEANT-AT-ARMS: [off mic]

12 [interposing] Keep it down, please.

13 JULIE CAPPIELLO: Good afternoon. My
14 name Julie Cappiello, and I'm the Campaign Organizer
15 for NYCLASS. Thank you, Council Member Mendez for
16 your perseverance and your leadership and thank you
17 Council Member Johnson for bringing this issue to the
18 committee. The triple summersault, the iron jaw, one
19 on flanges. What do all of these things have in
20 common? They were all performed by my Great Aunt
21 Antoinette Concello and Mickey King in Ringling
22 Brothers and Barnum and Bailey Circus. My father
23 told stories of a time behind the scenes at Madison
24 Square Garden watching the circus perform live from
25 back stage. I sat in awe as I watched my aunt Toni

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2 perform her aerialist stunt in the Greatest Show on
3 Earth, the 1952 movie that celebrated the circus. My
4 family had a choice to work in the circus. They
5 choice—chose this profession, but wild animals ripped
6 from their mothers, beaten into submission and forced
7 to perform humiliating acts for cheap thrills did not
8 choose this life. The abuse that goes on behind the
9 scenes when training wild animals is nothing but a
10 stain on the wonderfully talented human aerialists
11 who are willing participants. Wild and exotic
12 animals are just that: wild and exotic. Elephants
13 do not naturally wear tutus. Tigers do not
14 instinctively jump the rings of fire. Bears do not
15 ride bikes. Circuses without animals celebrate an
16 amazing feat of human performers without subjecting
17 these exotic animals to abuse and harm. The founder
18 of Ringling Brothers, Henry Ringling North stated in
19 his book, *The Circus King*, that tigers and lions are
20 "Chained to their pedestals and ropes are put around
21 their necks to choke them down. They work from
22 fear." The big cat expert Jay Pratt observed
23 multiple Ringling Brothers shows and concluded that
24 big cats performance showed body language indicating
25 stress, fear and psychological duress. When big cats

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2 are not performing, they are crammed into cages so
3 small that they can just barely turn around. We
4 support Intro 1233 and respect—respectfully urge its
5 passing to make New York a more humane city for all.
6 Thank you.

7 CHAIRPERSON JOHNSON: You beat the
8 buzzer.

9 JULIE CAPPIELLO: Yes, goal.

10 SHARON DESTAFANO: Good afternoon. My
11 name is Sharon Destafano. I am a member of the New
12 York State Bar and of the New York City Bar
13 Association's Committee on Animal Law. I'm here
14 testifying in a personal capacity in support of Intro
15 1233. As you have been hearing and will hear from my
16 colleague next, the proposed bill would be the most
17 effective way to ensure the humane treatment of
18 animals as well as public safety. Furthermore, many
19 cities as well as whole countries already have taken
20 similar steps with bans of substantial restrictions
21 on the display or use of wild and exotic animals for
22 entertainment. On a more personal note, I'd like to
23 share my experience as six-year-old whose mother
24 brought her to Madison Square Garden to see the
25 circus for the first time. I can still see the

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2 Garden from those child's eyes. I was mesmerized by
3 the light, the crowd, the music, the pink clouds of
4 cotton candy all around me. But I also have a very
5 visceral memory of the immediate distress I felt when
6 the circus performers brought out the bears. They
7 were wearing muzzles. I looked up to my mother for
8 an explanation, something that would make what I
9 instinctively knew was wrong somehow okay. Without
10 going into details, she tried to assure me that it
11 was for our own safety and the bears didn't mind. A
12 hard swallow, I looked back to the animals in the
13 ring, and about two more heartbeats, I was sure I
14 wanted to go home. So while advocating for animals
15 through our legal system is always something I
16 consider a privilege to be able to do. Today has
17 added significance to me because as we discuss the
18 treatment of any animals who will be affected by
19 passing 1233, I am 40 years later, Council Members,
20 speaking on behalf of those bears who were forced to
21 dance for us that day in Madison Square Garden. To
22 conclude, I wholly support Intro 1233. In the
23 testimony I'm submitting I am giving a few—putting my
24 legal hat back on—a few recommendations to make the
25 law, the proposed law stronger, but I wholly support

1
2 it and I thank you again for all your efforts to get
3 us here to this point today. Thank you.

4 CHAIRPERSON JOHNSON: Thank you.

5 MARTHA GOLAR: My name is Martha Golar.
6 I'm a New York Attorney testifying today on behalf of
7 the New York City Bar Association Animal Committee.
8 The City Bar is one of the country's oldest and
9 largest bar associations of more than 24,000 legal
10 professionals. The committee wholeheartedly supports
11 Intro 1233. The proposed legislation stands to
12 benefit both animals and New Yorkers to a better
13 aligning our city's laws with our city's values,
14 values that support the humane treatment of animals
15 and prioritize public safety. We note that the Animal
16 Law Committee is a longstanding supporter of New York
17 City, New York State and federal law-federal animal
18 entertainment bans. We support the proposed
19 legislation because the use of animals in circus is
20 both inherently harmful to animals and poses a risk
21 to public safety. Current law including the Federal
22 Animal Welfare Act, which you've heard about today
23 and Article 26 of the New York Agriculture Markets
24 Law known as the Animal Cruelty Statute does not
25 adequately protect circus animals from harm. We note

1
2 that nationally recognized circuses that regularly
3 perform in New York, and you've heard about that
4 today as well, have been repeatedly cited by the USDA
5 for non-compliance of the AWA, the Animal Welfare
6 Act. Current law does not adequately protect these
7 animals because many of these shows are traveling.
8 Law enforcement faces special challenges in
9 monitoring them and following up on them for actions.
10 Additionally, it is not possible for New York City
11 Police to protect animals from potentially cruel and
12 inhumane training techniques because this training
13 occurs before the animals arrive in the city and
14 other jurisdictions. Further, most local police lack
15 the training and expertise necessary to determine
16 when and when a wild animal's welfare has been
17 compromised, and they're trained from the Penal Law,
18 not in the Agriculture Markets Law, and not in the
19 Environmental Conservation Law. This is further
20 exacerbated as again you've heard about today the
21 ASPCA relinquished its law enforcement law after 147
22 years. That was back in January 2014. On the
23 federal level, the Federal Animal Welfare Act has
24 been under-enforced, and has not been effective in
25 improving practices common in this industry. [bell]

1
2 So we—we look forward to you supporting the bill, and
3 we note that the bill, as you've heard again today,
4 will not end circus entertainment, just circus
5 entertainment with animals. Thank you very much.

6 CHAIRPERSON JOHNSON: Thank you.

7 DR. CHRISTINA SUZUKI: Good afternoon.

8 My name is Dr. Christina Abu Suzuki and I'm with
9 NYCLASS and Goose Watch in New York City. I support
10 Intro 1233 because wild animals do not belong in
11 circuses. Circuses that perform in New York City
12 using wild animals have long histories of Federal
13 Animal Welfare Act violations in those incidents.
14 Wild animals are dangerous and unpredictable and
15 their use in circuses puts the public at risk.
16 Circuses have no impact on the economy. Circus
17 owners and performers do not reside in the towns they
18 perform in. When the show leaves, it takes its
19 revenues out of the city. Six states and at least 60
20 other localities have passed legislation addressing
21 the abuse of wild animals in circuses. That's why I
22 support Intro 1233. I thank the committee for the
23 opportunity to speak.

24 CHAIRPERSON JOHNSON: Thank you.
25

1
2 RACHEL MATTHEWS: Hi there. Good morning
3 or good afternoon. My name is Rachel Matthews, and I
4 am here on behalf of PETA, and its more than 80,000
5 members in the city. Life in a steel cage flinching
6 away from a whip is no life at all, but that's
7 exactly what Jay Pratt, who we've all heard about
8 already this morning, found when he attended Ringling
9 Brothers shows earlier this year. He saw tigers
10 pacing in frustration. He saw other tigers with sore
11 joints from being held on concrete, and he saw
12 trainers using fear to get tigers to do what they
13 want. The UniverSoul Circus on the other hand uses a
14 tiger exhibitor who was cited for keeping cats locked
15 in cages 24/7 never giving them a chance o exercise
16 for seven weeks or more in a row—at a time when
17 they're on tour. Inspectors have also found that
18 exhibitor with big cats locked in feces caked
19 trailers that were teaming with flies and maggots.
20 The UniverSoul Circus also still uses elephants and
21 still brings them into New York, and two of those
22 elephants for years have tested reactive to
23 Tuberculosis on screening tests. This puts
24 employees, arena workers and the public at risk
25 because they could develop active Tuberculosis at any

1
2 time, and elephants can pass Tuberculosis to humans
3 simply by sharing the same air space as them, and
4 that's why these elephants have been barred from
5 entering Wisconsin, Michigan and Dallas as we already
6 heard earlier. And it's not limited to UniverSoul.
7 A whopping 18% of elephants in the United States are
8 believed to carry Tuberculosis, and most traveling
9 exhibitors have some history of the disease. That
10 includes, which has had elephants with active TB on
11 the road in past years. Since federal authorities
12 don't regulate Tuberculosis testing or treatment,
13 it's a huge burden on state and local authorities who
14 don't have the expertise with this of disease. They
15 have to figure out what the best way to protect the
16 public is, and--and that would be not having wild
17 animals on the road.

18 CHAIRPERSON JOHNSON: Thank you very
19 much. Thank you all for being here today.

20 RACHEL MATTHEWS: Thank you.

21 CHAIRPERSON JOHNSON: The next panel is
22 Lori Raphael, Carlos Scissura, Kathleen Dego-Desio,
23 Desio. I apologize. Allen Smith and Ava Linderman.
24 [pause] So after this panel, if there are any high
25 school students or kids that came to testify today--

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2

FEMALE SPEAKER: [off mic] Yes. Enfield

3

4

CHAIRPERSON JOHNSON: So, you—so those—
those folks are going to be next up. Does everyone
recall the—Okay, so just make sure the red light is
on—on the mic and speak directly into the mic.

7

8

KATHLEEN DESIO: Thank you Chairman
Johnson. My name is Kathleen Desio. I am President
and CEO of the Alliance of Marine Mammal Parks and
Aquariums, AMPA. We're the main trade association
and accrediting body for zoos, aquariums and marine
parks to exhibit marine mammals. Our mission is to—
to support the highest standards of care for those
animals and to contribute to their conservation in
the wild through public education and scientific
research. We have 61 accredited institutions in the
US, Canada, Mexico, Europe, Asia and the Caribbean.
It is our members who pioneered the use of the now
widespread positive reinforcement as a training
method. Many of our member institutions transport
sea lions, seals, sea otters and other animals for
the purposes of educational exhibits and
presentations including those on news and other
television programs here in New York and elsewhere.
When they do so, transportation of the animals is

25

1
2 done in compliance with AMPA standards and
3 guidelines, which are the most comprehensive and most
4 stringent-stringent standards in the world for marine
5 animals and are based on decades of professional
6 zoological experience and best practices. Our
7 standards to ensure-ensure the animals and transport
8 crew are transported safely and comfortably in a way
9 that meets their unique requirements. Our members
10 transport record is exemplary, and we have been the
11 primary resource of scientific information to
12 governments, regulatory agencies sitings, IATA about
13 the safe and humane transportation of the marine
14 mammals. We oppose this ban for several reasons.
15 First, because it defines performance in an overly
16 broad manner and includes many forms that serve as
17 safe ways to educate the public and inspire them
18 about these animals, and so we want to conserve them
19 in the wild. Second, the ordinance only exempts-
20 narrowly only exempts the members of only one
21 accrediting body the AZA and does not do so for AMPA
22 institutions, which includes the majority of marine
23 mammals in the US, and are governed by much stricter
24 and more comprehensive accreditation standards that
25 are specific to marine mammals and how they are

1
2 treated, trained and cared for. While some of our
3 members are also AZA members, many are not and will
4 be adversely impacted by this ordinance. We also
5 believe it's unnecessary because federal law does
6 regulate the way these animals are treated, cared for
7 and transported.

8 CHAIRPERSON JOHNSON: Thank you.

9 KATHLEEN DESIO: Thank you.

10 LORI RAPHAEL: Good day, Council Members.

11 My name is Lori Raphael and I'm the Vice President of
12 the Brooklyn Chamber of Commerce speaking on behalf
13 of Carlos Scissura, the President and CEO of the
14 Brooklyn Chamber. The Brooklyn Chamber is a member
15 based business assistance organization representing
16 the interests of its member businesses across the
17 Borough of Brooklyn, and the Brooklyn Alliances are
18 non-profit economic development organizations, which
19 addresses the needs of businesses throughout the
20 borough. This would prohibit most animas that are
21 typically part of the circus from participating in
22 programs for public entertainment. This prohibition
23 negatively impacts the tens of thousands of New
24 Yorkers who have been enjoying the circus for well
25 over 100 years, but more importantly would negatively

1
2 impact the local economy in Brooklyn, Ringling
3 Brothers and Barnum and Bailey's premier northeast
4 venue through loss of jobs and revenues. When
5 Ringling Brothers comes to the Barclay Center, it
6 generates close to \$4 million in direct economic
7 activity utilizing suppliers from all five boroughs
8 with over \$2.5 million in indirect benefit as
9 suppliers, performer, staff and crew increase local
10 spending on everything from supplies to hotel room.
11 Families and individuals traveling into New York City
12 are spending significant amounts on parking, meals,
13 transit fares and taxes. To again use Feld
14 Entertainment and Ringling Brothers as an example,
15 they spend over a million dollars per year on
16 advertising alone. The economic benefit of
17 supporting traditional traveling circuses that are
18 dependent upon animal acts like Ringling-Ringling
19 Brothers and UniverSoul Circus cannot be overstated.
20 In terms of the care the animals are given, Ringling
21 Brothers has a long and distinguished history of
22 providing the highest standard of care and all the
23 staff. The shows travel with veterinarian
24 technicians. Ample space is given for movement
25 during travel, and the animals are fed special diets

1
2 all of which leads to longer life spans than these
3 animals frequently enjoy in the wild. In addition,
4 we refer to New York Agricultural and Markets Laws
5 353, which prohibits the over-driving, torturing and
6 deprivation [bell] of food or drink to any animal.
7 We do not believe any further regulation on the
8 municipal level is required. Can I do one more
9 paragraph?

10 CHAIRPERSON JOHNSON: No.

11 LORI RAPHAEL: Okay.

12 CHAIRPERSON JOHNSON: Thank you.

13 LORI RAPHAEL: Thank you.

14 AVA LINDERMAN: My name Ava Linderman.

15 I've grown up around exotic animals my entire life,
16 and I currently work for Exotic Animal Exhibitors. I
17 would first like to address this idea that the
18 animals have been ripped out of the wild, and that
19 they are not domesticated animals. For example,
20 Asian elephants in America have been domesticated for
21 generations and generations. They're not just
22 snatching them out from their families while their
23 calf is sucking on their teat. They've actually been
24 domesticated for generations. There's also a pretty
25 big misconception when it comes to circus that we're

1
2 all really big corporations or companies that are
3 making millions and millions of dollars a year.
4 Unlike PETA, that makes \$44 million a year, and has a
5 lot more money, put out propaganda misleading very
6 well-intentioned people as to what's happening in the
7 circus. You know, a lot of us actually work to take
8 care of our animals and that's what--what I've heard a
9 lot of discussion during this just talking about the
10 money, and I think we've really gotten away from the
11 point that it--the most important thing to all of us
12 that are working with animals is the care of the
13 animals. I'm 100% for animal welfare. I'm 100%
14 against animal rights. The Animal Rights Movement
15 seeks to separate people from animals, and I don't
16 understand exactly when in time the demonization that
17 the moving spaces families (sic) came to be, but this
18 is what we're dealing with right now. There are
19 generations and generations of families in the circus
20 that have been working with animals that learned that
21 since they were children that do everything they can
22 to take care of the animals. We are one of the most
23 highly regulated industries that you can find. It's
24 just on a federal level. It's state level as well.
25 I don't know really any other industry where you say

1
2 any time you guys want to walk in, we are consenting
3 that you can come day or night unannounced, inspect
4 our animals. Not just our animals, but also our
5 homes. They can go through anything they want on our
6 property anywhere that they are, and we are more than
7 willing to give that to them because we want everyone
8 to know that we are taking care of our animals. This
9 is an issue of the animal rights propaganda machine
10 that has been misleading very well intentioned people
11 into thinking that the circus is about animal abuse
12 or some kind of animal domination, and really, we
13 just want to continue to be able to take care of our
14 animals and provide the livelihood for them that we
15 do. So they can have the best and proper care,
16 veterinary health--

17 CHAIRPERSON JOHNSON: [interposing] Thank
18 you.

19 AVA LINDERMAN: --mental and physical.

20 CHAIRPERSON JOHNSON: Thank you.

21 ALLEN SMITH: Mr. Chairman and Council
22 Member Mendez, my name is Allen Smith. I'm the
23 Executive Director of the Zoological Association of
24 America. I wanted to bring up a couple of things
25 about the specific language in the bill. Our members

1
2 are 60 plus accredited facilities around the country.
3 We have a couple around the world, and most of them
4 are in this country. They have some of the finest
5 zoological parks anywhere, and we don't think we're
6 creating any kind of either a public safety problem
7 or—or a humanness problem, and I'll explain why in
8 just a minute. There are two exemptions currently
9 granted in the bill. One of them is for the
10 Association of Zoos and Aquariums, which has already
11 been mentioned here. It's also been mentioned that
12 the Bronx Zoo and the Aquarium here in New York
13 don't—are not interested in—in doing this kind of
14 approach with the outreach with animals. So it
15 doesn't really apply to them until they become
16 interested. The other one, the Global Federation of
17 Animal Sanctuaries if you look at their website, it's
18 prohibitive to be an accredited member of the
19 association, and exhibit animals, take them out. So,
20 they can't do it. So they got exempted
21 organizations, and not mine. My guys are the ones
22 that are here. They're not in a Barclay Center
23 unfortunately. They're at the Museum of Natural
24 History. We're on Steph Myers, Jimmy Fallon, Steve
25 Harvey Show, we're on Animal Planet now, and National

1
2 Geographic. We're on all these shows, the Today
3 Show, Tonight Show and have been for decades with no
4 problem, and they hate to see that ended because we
5 can't see how—it's hard to draw a line between—
6 sometimes between education and—and entertainment.
7 It's very difficult to do, and we have all these
8 things. These are the impacted—the businesses. We
9 have 23 different kinds of species prohibited here.
10 If somebody—if Jimmy Fallon wanted to bring one of
11 these capybaras, which is has been referred to. It's
12 this large South American Rodent, they're this big if
13 he wanted to bring it on the show, he couldn't be
14 able to do it by this. Public safety is really
15 important at the end.

16 CHAIRPERSON JOHNSON: [interposing] Sir,
17 I'm not—I'm not sure that's true actually.

18 ALLEN SMITH: What?

19 CHAIRPERSON JOHNSON: What you just said,
20 I'm not sure that's true. I mean I think you should
21 have a conversation with Council Member Mendez about
22 the actual intent of the legislation, and I want to
23 go to her for a question.

24 ALLEN SMITH: Please.

25

1
2 COUNCIL MEMBER MENDEZ: Well, I-I want to
3 from you know where in the legislation you're
4 interpreting that, and I'd like to have a
5 conversation off line, and just to make sure I'm
6 going to go back and look at what the Vice President
7 of Feld Entertainment said about the content base.
8 So these are things we will continue to look at. So
9 where in the legislation are you saying specifically
10 that--

11 ALLEN SMITH: About capybaras? I-I
12 guess, you know, I looked at the 23 different kinds
13 of species. That's just classes of species and then,
14 of course, there are many species within each class.
15 So there are hundreds of species that are banned
16 here. We're not talking--

17 COUNCIL MEMBER MENDEZ: [interposing] So
18 in looking, did--well, but did you read the entire
19 legislation? What section.

20 ALLEN SMITH: It's 117--no, Section 17-
21 199.1-(b)(1) where the exemptions are, the two
22 exemptions. We're a national association. We have
23 accredited facilities. We're not exempted, but we
24 have been recently in Texas, Wisconsin, Kansas,
25 Beaufort County, South Carolina, North Carolina,

1
2 Maine, Arizona, Pittsburgh, Jersey City last month,
3 Arkansas, West Virginia and Illinois.

4 COUNCIL MEMBER MENDEZ: Okay. So we can--
5 there's a lot of people to give testimony. I'd like
6 to get

7 ALLEN SMITH: [interposing] Of course.

8 COUNCIL MEMBER MENDEZ: --your card and
9 we can continue this conversation off line. For the
10 young woman next to you, you mentioned some animal in
11 your testimony.

12 AVA LINDERMAN: Asian Elephant.

13 COUNCIL MEMBER MENDEZ: Aging elephants?

14 AVA LINDERMAN: Asian.

15 COUNCIL MEMBER MENDEZ: Asian

16 AVA LINDERMAN: Asian elephants. There
17 are two kinds, Asian and African. Asian elephants.

18 COUNCIL MEMBER MENDEZ: Okay. So that's
19 what you were talking about. Okay, I didn't hear
20 exactly the species. For Kathleen Desio, okay. So
21 is your organization under the same federal rules
22 that were mentioned earlier during the testimony of
23 the Vice President of Feld Entertainment that said
24 that federal considered the same. Do you fall into
25 that same category?

1
2 KATHLEEN DESIO: We do but we have a lot
3 of additional regulation on our industry well, the US
4 Animal Protection Act. We're also regulated by
5 several other federal agencies.

6 COUNCIL MEMBER MENDEZ: Okay, and you—is
7 your organization or institution do you take your sea
8 animals traveling?

9 KATHLEEN DESIO: Yes, I would say most
10 modern zoos and aquariums do what they call Animal
11 Ambassador Educational Outreach, programs of varying
12 kinds where they will take various kinds of animals
13 out usually short distances, but it varies, for
14 short-term duration educational opportunities, meet
15 and greet. Sometimes a fundraiser for non-profit
16 organizations for different reasons, but also on
17 television shows as well.

18 COUNCIL MEMBER MENDEZ: So what is this
19 educational outreach? What does it entail with the
20 animals?

21 KATHLEEN DESIO: It—it could be going to
22 schools, it could be going to all kinds of different
23 events. It's a wide variety. Sometimes educational
24 vans will go around to neighborhoods. There are so
25

1
2 many different types of ambassador animal programs in
3 this country.

4 COUNCIL MEMBER MENDEZ: These ambassador
5 animals are sea animals or do they include other
6 animals?

7 KATHLEEN DESIO: They include a wide rang
8 of animals, but for our purposes, yes, it could be a
9 seal or a sea lion. It could be other smaller marine
10 animals, but yes zoos do it with all kinds of
11 animals.

12 COUNCIL MEMBER MENDEZ: So these sea
13 animals they're not—they're the ambassadors. Are
14 they taken to schools or they're taken to what kind
15 of other places? Are they taken to schools, first of
16 all?

17 KATHLEEN DESIO: I believe they are, yes,
18 sometimes.

19 COUNCIL MEMBER MENDEZ: Okay, and they're
20 taken to what other places besides the school?

21 KATHLEEN DESIO: It could be a fundraiser
22 for a non-profit organization. It could be for
23 special events. It could be—I've seen them on
24 Capitol Hill for example. It could be all kinds of
25

1
2 different types of scenarios where they are invited
3 to bring animals for educational purposes.

4 COUNCIL MEMBER MENDEZ: Okay, thank you.
5 Thank you all for your testimony.

6 AVA LINDERMAN: Can I add something about
7 the educational value that you're referring to?

8 CHAIRPERSON JOHNSON: Go ahead. Good
9 ahead.

10 AVA LINDERMAN: One of my favorite things
11 in doing what I do and interacting with the public
12 and doing circus is that I get to speak to a lot of
13 different people, kids and adults on a regular basis.
14 And we really—it might not be in a formal setting of
15 a school or a n arena or something like that, but I
16 talk to thousands of people every single day, and I
17 am able to relay to them, you know, what we do, what
18 we do when we're not there right in front of them.
19 Because what you see at the circus what you see in
20 the show is such a small percentage of the animal's
21 life. People really don't have an understanding for
22 that, but it is such a great opportunity to interact
23 with people to give them the opportunity to interact
24 with the animals and understand what a magical thing
25 that could be. When you go to the circus, you're not

1
2 just seeing, you know, the—the animal or the person
3 perform their acts. You're seeing years and years of
4 dedicated training and care for these animals.
5 You're seeing a bond that you can't just create out
6 of nothing. That is years or hard work and
7 dedication to your one thing, and I think that you
8 can feel that when you see the show, and I think
9 that's why you saw the magic as a kid.

10 CHAIRPERSON JOHNSON: Thank you. Thank
11 you all for being here. So next up are the fabulous
12 young people that are here to testify.

13 [pause][background comments] If folks could—could
14 keep it down. [background comments, pause]

15 CHAIRPERSON JOHNSON: Okay.

16 ARTIE GUERRERA: Okay, is this on. Okay.

17 CHAIRPERSON JOHNSON: Okay, so who is
18 going to go first?

19 ARTIE GUERRERA: Me.

20 CHAIRPERSON JOHNSON: You're going to go
21 first. Okay, give us your name.

22 ARTIE GUERRERA: Artie.

23 CHAIRPERSON JOHNSON: What is it?

24 ARTIE GUERRERA: Region (sic) Kid Artie.
25

1
2 CHAIRPERSON JOHNSON: Okay, great. You
3 may begin.

4 ARTIE GUERRERA: Hi there. My name is
5 Artie Guerra, and I'm here to tell you to improve the
6 animals to get out of the circus. The animals are
7 not approved to do crazy tricks, and it's real sad to
8 see the animals suffer. It makes me happy to see
9 them be at peace. Thank you. That's for the
10 animals.

11 CHAIRPERSON JOHNSON: Great job. How old
12 are you? How old are you? How old?

13 ARTIE GUERRERA: Six.

14 CHAIRPERSON JOHNSON: Six? Amazing job.
15 Great job. [applause]

16 CHAIRPERSON JOHNSON: Okay, next up.
17 Just pull the mic towards you. There you go. Great.

18 RUBY: My name is Ruby and I'm in support
19 of the ban prohibiting the display of wild and exotic
20 animals for public entertainment. I love the circus
21 and watching people acrobatics, walking on tight
22 ropes and other events. I love the circus, except
23 for one thing, knowing the animals are exploited and
24 abused for the show. I believe that animals are not
25 necessary for human entertainment. Maybe those who

1
2 oppose this cause may think nothing of animals in
3 chains, deprived of their mothers while they stay
4 there. But maybe they don't realize this happening.
5 I've always loved animals. I think we all love
6 animals, yet until you meet one you don't fully
7 understand their personality and their ability to
8 feel pain or love. I'm so happy when I think the
9 animals from the circus but what makes the other
10 animal's ability to show they're different from an
11 elephant. I realize lots of people believe elephants
12 are smarter than lions, kangaroos, dogs and many
13 other, but an animal's intelligence should not
14 determine the degree of suffering they should be
15 subject to. By supporting this abuse and by
16 following—and by allowing animals to be in the place,
17 (sic) they are forgetting that we're all mammals and
18 their feelings are not so different from ours. It's
19 most certainly possible to put a ban (sic). It's in
20 harmony with the benefit—benefit of all beings. As a
21 matter of fact, I studied circus life in camp this
22 summer and had the time of my life. My favorite was
23 trapeze. It was a great challenge. My friends love
24 to watch me, and absolutely no animals are harmed in
25 the process. If Ringling Brothers and other circuses

1
2 agree to safe animals, I would love to share my
3 trapeze skills in their show whenever I have time off
4 of school. In conclusion, if all these things were
5 done to a human, it would be illegal. So what's the
6 difference between us and the circus animals, but
7 they are ready to speak our language. That's why
8 we're here to be a voice for the voiceless.

9 [applause]

10 CHAIRPERSON JOHNSON: Okay, okay, if
11 folks could--

12 SERGEANT-AT-ARMS: Keep it down.

13 RUBY: Whoo.

14 SERGEANT-AT-ARMS: Quite, please.

15 CHAIRPERSON JOHNSON: Ruby, how--how old
16 are you?

17 RUBY: I'm 11.

18 CHAIRPERSON JOHNSON: You're 11 and--and
19 how long did it take you to write all that.

20 RUBY: I did a bunch of drafts and then I
21 kind of--

22 CHAIRPERSON JOHNSON: [interposing] You
23 did a great job.

24 RUBY: Thank you.
25

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CHAIRPERSON JOHNSON: A great job. Okay.

3

Up next. Go ahead.

4

CHARLOTTE MOORE: Hi my name is Charlotte

5

Moore and I am six years old. I don't like the

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circus because it is no fun for the animals—to animal

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fun. Tigers and other animals are hurt, and taken

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away from their families. They feel sad when they

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get taken away from their families. The animals are

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treated bad because they are forced to do a trick in

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the show, and the animals are locked in cages all day

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and all night when they are not in the show. To all

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the kids who want to go to the circus, I would say

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that it might be fun for you, but it is not fun for

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the animals. So that is why we don't go there. We

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do better things. Every year I go to the circus with

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a sign to say please don't go to the circus. Last

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year they saw my sign and took elephants out of the

19

circus. [background comments] I was so happy. I

20

hope they will see my sign again and take all of the

21

other animals out of the circus, too. I hope that

22

the circus will not come back to New York City.

23

CHAIRPERSON JOHNSON: Thank you,

24

Charlotte. [applause] [coughs] Okay, if folks could

25

keep it down.

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2

CHARLOTTE MOORE: [off mic] Thank you

3

CHAIRPERSON JOHNSON: Okay. Up next

4

5

VIOLET: Hello, my name is Violet, and I'm going to tell you why it's not a good idea to

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bring animals to the circus. I have three reasons

7

why. (1) They use whips on big cats. They also use

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bull hooks on elephants. (2) They are kept in small

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cages where they can't move well. (3) I think the

10

animals will be happier in nature. I think they

11

should be moved to a sanctuary. I am a second grade

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student at PS-22 Park Slope School, and I helped get

13

my school to not go on field trips to the circus any

14

more because they use animals.

15

CHAIRPERSON JOHNSON: Thank you, Violet,

16

great job. [applause] Up next.

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ALBA: My name is Alba. I am 13 years

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old and I attend the Stephen Gaynor School in New

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York City. I strongly support the ban on using

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animals in circuses. I'm here to be a voice for

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animals who don't have one, and my classmates who are

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going to be here today. I truthfully love the circus

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and felt sick to my stomach once I heard about the

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horrors that happen behind the scenes, and I once I

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heard it, I couldn't unhear it. I have three

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2 testimonies from the other kids at my school. This
3 is from Tammy and she's also 13 years old: Animals
4 are amazing, beautiful and wild. When circuses use
5 animals, they take away that wildness and the beauty
6 is replaced with pain and suffering. The circus—in
7 the circus people see animals who are forced—who are
8 forced to be in performances instead of being in
9 nature. When people—when people young people see
10 this, they start to think it's okay to hurt and abuse
11 animals when reality it's not, it's torture. This is
12 from Drew and he's also 13. Every day kids go to the
13 circus to watch animals perform. We see an illusion.
14 The creature his spirit has been completely
15 destroyed. Children should not grow up to see
16 another living creature be publicly humiliated? What
17 do we learn? Animals are living creates. They think
18 and feel. No other human or animal should be so
19 cruelly abused for public entertainment. These are
20 just small examples of numerous testimony that I
21 received. I appreciate the Student Council Members
22 who introduced this important legislation. Please do
23 the right thing and support changing circus and think
24 about animal suffering when passing your vote. Thank
25 you. [applause]

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CHAIRPERSON JOHNSON: Thank you all.

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MICHELLE ASHKIN: [off mic] [sic] Can I read for the students from this school and for the students that had to leave, as you just stated.

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CHAIRPERSON JOHNSON: Sure.

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MICHELLE ASHKIN: My name is Michelle Ashkin, and I am reading a statement from high school students who had to leave, and even if they had been here they would not have been allowed to speak due to the Department of Education did not want them to speak. So I am speaking on their behalf. This is a statement they wrote. At the cost of entertainment we treat animals less humanely than we treat ourselves. You have to put yourself in the perspective of the animal. Would you like to be treated like them? They're forced to be—to adapt to the unadaptable, something that goes against their very nature. They are put into an environment that is unknown to them, and forced perform unfamiliar actions for our mere amusement. For example, bear cubs are forced to walk on two legs while attached to a metal leash. Tigers jump through flaming hoops. Elephants have to sit on tiny chairs and walk on their hind legs. In addition, by not banning animals

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1
2 in the circus, we are desensitizing children of the
3 future. We need our children to learn at a young age
4 that it is not okay to treat animals badly.

5 Therefore we as high school students of New York City
6 are supporting Intro 1233, which would ban the use of
7 exotic and wild animals in the circus. [applause]

8 CHAIRPERSON JOHNSON: Thank you. So for
9 the—for—for the five wonderful young people that are
10 here, I want to say thank you. We really appreciate
11 the fact that you came here today, and that you came
12 to testify on an issue that was important to you no
13 matter what the issue is. We really appreciate it,
14 and I hope that today hearing both sides and watching
15 how democracy in New York City functions was
16 educational to you all, and I know that it's not easy
17 even for adults to get up at that table and give
18 testimony. So for you all to come today and to be
19 here, I'm really grateful that you are learning from
20 a very young age how to be engaged citizens and
21 engaged New Yorkers. So thank you all very, very
22 much. [applause] Okay. Up next is Nick Giamino,
23 Laruen Murray, Jenny Vibell (sp?), Eric Zeidler, and
24 Shelley Della Rocca. [pause]

1
2 SERGEANT-AT-ARMS: [off mic] Folks, keep
3 it down, please.

4 CHAIRPERSON JOHNSON: Are any more of
5 those folks here? [background comments, pause]
6 Anyone else? Miss, what's your name? Laura Murray—
7 Lauren Murray, and Miss, what's your name? Shelley
8 Della Rocca. Okay, is Eric Zeidler here? No. Is
9 Jenny Vibell here? No. Is Nick Giamino here? No.
10 Okay. So we're going to call some more people up.
11 Ashley Settlers. Who is that? Ashley? Okay, Ashley
12 Settlers. Settles. I apologize. John Dunham, Jane
13 Isoline (sp?) Is Jane here? Christina Hansen. Is
14 Ian McKeever here? He's not here. He left. Okay
15 and James Mosley. [background comments] Okay. So
16 just so folks know, if folks could quiet, we have
17 called up everyone who signed in and said they were
18 opposed to the legislation. If there's anyone else
19 here today that is opposed to the legislation that
20 want to sign up to speak, you may do so with the
21 sergeant. I don't want people to think we stopped
22 rotating. The only other folks that we have after
23 this panel are folks that are in favor of the
24 legislation. So if you're here and you want to put a
25 statement on the record and you're opposed to the

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2 bill, you may continue to sign up. You may begin in
3 whatever order you'd like. [background comments] We
4 did—we did she's up there.

5 SHELLEY DELLA ROCCA: Hi. Hello. My
6 name is Shelley Della Rocca, and I am the Chief Mayor
7 and President of the Community Mayors, a not-for-
8 profit 501(c)(3) organization dedicated to enhancing
9 the lives of children with special needs. My father
10 founded the Special Needs Program 65 years ago, and I
11 grew up among the Community Mayors along with their
12 children, and we were family. We called each other
13 cousin and we still do today. So it is not a
14 question of if the Community Mayors and Ringling
15 Brothers and Barnum and Bailey Circus would
16 collaborate together to do good work for those less
17 fortunate, but when it would happen. We were a match
18 made in heaven serving children, and bringing the
19 other joy, amazement and excitement of the circus to
20 the children while making millions of big smiles on
21 the little faces. For forty-five years the
22 generosity of the Feld family and Ringling Brothers
23 circus has been unwavering. Private shows just for
24 the Community Mayors and our children with special
25 needs every year were donated free of charge at

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2 Madison Square Garden. Close to a million children
3 have had this opportunity. Even the NYPD were happy
4 to participate by closing 34th Street between 7th and
5 8th Avenues so hundreds of school buses could drop
6 off and pick up the children safely. There were
7 hundreds of wheelchairs at every event. I can
8 remember a child in a bed being wheeled up what I
9 called the elephants' ramp, and another with an
10 oxygen tank being wheeled along side her wheelchair.
11 Many of the clowns and performers volunteered, and
12 their--they volunteered their time and would also come
13 out onto the street before the show to help and greet
14 the children. We have the whole street to ourselves
15 and the atmosphere outside was just as exciting as
16 inside. The wheelchairs were placed around the
17 center ring, and the children would have an
18 opportunity to pet some of the smaller animals before
19 the show. When the ring master said good-bye to the
20 children, the performers would again attend to
21 helping the children back to their buses. There are
22 no words to describe the combined element of humanity
23 along with the love for the animals this partnership
24 brings not only for the children but for the adults
25 as well. To take this opportunity--

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CHAIRPERSON JOHNSON: [interposing] Thank

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you--

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SHELLEY DELLA ROCCA: --for future

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generations--

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CHAIRPERSON JOHNSON: [interposing] Thank

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you.

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SHELLEY DELLA ROCCA: --of children--

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CHAIRPERSON JOHNSON: [interposing] We

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have to move on. I apologize.

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SHELLEY DELLA ROCCA: --is just plain

12

criminal.

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CHAIRPERSON JOHNSON: We have to move.

14

We have--there--there are still after this panel 50

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people that are scheduled to testify. So we have to

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keep moving. Whoever wants to go next can go next.

17

JOHN DUNHAM: Chairman Johnson and

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members of the New York City Council, my name is John

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Dunham. I'm the Managing Partner of the New York

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City-based Economic Consulting firm. I've been--I've

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been retained by Fed Entertainment to conduct an

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economic impact analysis for the circus in New York

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City's economy. I'm here today to present my

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findings--the findings of my research to the Council.

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Circuses that include animals such as Ringling and

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2 UniverSoul are an important part of the city's
3 economy. The circus generates nearly 14,850 days of
4 work employees in the city paying nearly \$3.7- \$3.2
5 million in wages. The total economic benefits to the
6 city is almost \$6.5 million, but this is economic
7 activity, the production in the city, not just a
8 simple calculation of ticket sales. The figures
9 don't include the economic activity generated by
10 spending, but attendees to the circus make to local
11 establishments that we estimate to be about \$288,000
12 from people attending an average Ringling Brothers
13 Circus and the other 96 for UniverSoul. Compare this
14 with concert tours that stops in the city for one or
15 maybe two days at a time. Using the same model that
16 we did for the circus impact, we show that such a
17 show creates only \$160,000 in the total economic
18 activity, and one full-time equivalent job. When
19 circuses and other travel shows come they bring with
20 them dozens of workers and performers, hire hundreds
21 of local people staging their performances, caterers,
22 food service, animal feed, utilities, security,
23 transportation. The benefits extend far beyond the
24 venues themselves. Most of the circuses are held in
25 Brooklyn or Queens, but they also benefit Manhattan,

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2 Staten Island, et cetera. Replacing jobs lost by
3 forcing the circus out of New York City is easier
4 said than done. The elimination of one activity does
5 not imply growth in another. In addition claims of
6 traveling performers and their acts do not benefit—
7 generate benefits to the city's economy because they
8 are not permanently located here should be looked at
9 carefully. It's like saying the cruise to and from
10 the port of New York to not generate any economic
11 benefits in the city. Since they're owned by foreign
12 companies, they're not permanently moved to the dock.
13 I have provided written testimony, and I thank you
14 for your consideration today.

15 CHAIRPERSON JOHNSON: Thank you.

16 JIM MOSLEY: Mr. Chairman, since you have
17 50 people, I'm going to be very brief. My name is
18 Jim Mosley and I reside in Brooklyn and work for Feld
19 Entertainment and I oppose this bill. I've seen
20 first hand the care we give our animals and I, too,
21 Mr. Chairman love animals myself, and I dare say that
22 I would not feel comfortable working for a company
23 that mistreats its animals or doesn't consider the
24 care of animals its highest priority. Thank you.

25 CHAIRPERSON JOHNSON: Thank you.

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2 DR. ASHLEY SETTLES: Good afternoon. My
3 name is Dr. Ashley Settles. I'm one of the
4 veterinarians for Ringling Brothers and Barnum and
5 Bailey Circus. My title is Director of Veterinary
6 Care. I am one of four full-time veterinarians that
7 work for Ringling as well as three consultant
8 veterinarians. In addition to our seven
9 veterinarians we also have veterinary technicians
10 that live and travel with each of our circus units as
11 well as on-call vets in every city to ensure that our
12 animals have 24/7 veterinary coverage. Our primary
13 concern is the health and wellbeing of our animals.
14 My team and I are in charge of the veterinary care
15 for all of our traveling animals, our herd of Asian
16 elephants at the Center for Elephant Conservation as
17 well as well as our retired animals. We are
18 responsible for deigning and implementing the feeding
19 and herd health programs for each of the species in
20 our care. This includes annual physical exams, blood
21 work, vaccines as well any veterinary needed
22 throughout the year. Due to the unique bond between
23 our--[coughs]-excuse me-between our trainers and
24 animals, there have been many occasions where we have
25 been able to catch medical conditions early enough

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2 where they're treated and prevented from escalating
3 into a more serious condition. In regards to the
4 travel and housing of our animals, first let me
5 reiterate that we're highly regulated. In addition
6 to USDA, we're also frequently inspected at the local
7 Interstate level in each city that we visit. All of
8 our enclosures and animal haulers meet or exceed
9 state and federal guidelines, and are designed with
10 the comfort and wellbeing of our animals in mind.
11 Studies have shown that circus animals experience no
12 rise in cortisol during travel, which indicates that
13 they do not experience stress or distress due to the
14 process of transport. [coughs] In addition,
15 Ringling Brothers is committed to conservation.
16 Every time our kangaroos on the blue unit come out
17 and you hear a collective gasp and oohs and ahs from
18 the audience.

19 CHAIRPERSON JOHNSON: Thank you. Yeah,
20 I-I think Council Member Mendez has questions. So
21 you'll probably be able to continue to talk about
22 things you want to talk about.

23 DR. ASHLEY SETTLES: Thank you.

24 CHAIRPERSON JOHNSON: Okay, go ahead.
25

1
2 CHRISTINA HANSON: Alright, good
3 afternoon, Council Member on the Health Committee.
4 My name is Christina Hanson, and I'm a New York City
5 carriage driver, as you all know. I've been here
6 before. You may be wondering why I'm here today to
7 testify against a bill that does not apply to horses
8 or carriages, but to specifically target the circus.
9 As an animal welfare advocate, I cannot sit by and
10 let the same extremist animal rights organizations do
11 to the animals their people in the circus what they
12 tried and failed to do our carriage horses and to us.
13 The organizations who have testified today in favor
14 of this bill are the exact same organizations who
15 spearheaded the anti-carriage horse campaign over the
16 course of many years. They are the same people who
17 lied to you and to the public when they told that the
18 carriage horses were being abused. They were the
19 ones that lied to you and told you that the carriages
20 were unsafe. They were the ones who lied to you
21 about the conditions of our stables, and they were
22 the ones who lied to you when they said that the
23 carriage horses were stressed. They were the ones
24 who lied to you when they slandered us, me. I know
25 what it's like to be called an animal abuser. In the

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2 end, the members of this Council took the time to
3 research and consider the facts about the carriage
4 industry. You met with the drivers and discovered
5 that we loved our horses and cared for them. You
6 listened to the equine vets and—who have examined the
7 horses and found them healthy. You saw the
8 statistics that show that carriages are the safest
9 form of traffic in Midtown, and you accept science
10 when the scientists presented studies that the horses
11 aren't stressed, cortisol studies like we just heard
12 about, about the circus animals. It turned out that
13 virtually everything these animal rights groups had
14 said about the carriage industry in New York City was
15 wrong. So why on earth would you believe anything
16 they have to say about the circus here today?
17 Instead, I am urging the Council to meet with the
18 animal trainers and handlers. Find out what they do,
19 and how to properly care for circus animals. There's
20 even discussions here about what a wild animal is.
21 Exotic animals like camels, and elephants they're
22 domes—lamas, they're domesticated animals. They've
23 been working with human being for 5,000 years.
24 Camels are draft animals just like horses. Where is
25 the line between horses? PETA has declared that

1
2 horse are wild animals, you know, and—and—and—and
3 circus animals.

4 CHAIRPERSON JOHNSON: Thank you.

5 LAUREN MURRAY: Hi. My name Lauren
6 Murray, and I have been born and raised and work
7 with Asian elephants and have in my heart. The
8 biggest problem I have with a bill like this is
9 that you can sit in this room and hear everyone
10 talk about it, and only maybe three people in this
11 room actually had hands-on experience with exotic
12 animals. The only reason laws like this are
13 getting passes is because people don't know the
14 other side, and they are getting lied to. Animal
15 abuse does not exist in the circus. Animal abuse
16 exists in individual bad people, and instead of
17 creating a new law to try to fix that, why don't we
18 try to reinforce the laws we have already in place?
19 After you put this through, if you do, who is going
20 to take care of the animals and who is going to
21 give them money that they would have made here?
22 You're all going to go home. I'm going to go take
23 care of my animals. She's going to go take care of
24 her animals every day, and if you're whole idea is
25 that we're going to donate animals that have been

1
2 born and raised with us to a sanctuary, sanctuaries
3 also don't believe in breeding, and they also don't
4 believe in hands-on training, and when you don't
5 have hands-on training, they suffer from horrible
6 things like foot infections. PAWS Sanctuary had
7 nine elephants die from foot infections. That is
8 not something I've ever even heard of happen in the
9 circuses. It's because we are very attentive to
10 our animals, and because we work hands-on with
11 them, they don't have these kinds of problems.
12 These animals are facing real problems in the wild.
13 We are literally watching the species-certain
14 species disappear. At this moment, we might have
15 to rely on our captive bred Asian elephants to keep
16 the wild elephant population alive because of how
17 bad the blood line is getting and how inbreeding is
18 getting the wild due to where overpopulation of
19 people are pushing elephants in the only spaces
20 they have. So they have not wild left.

21 CHAIRPERSON JOHNSON: Thank you--

22 LAUREN MURRAY: You're welcome.

23 CHAIRPERSON JOHNSON: --for your
24 testimony.
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LAUREN MURRAY: And I will answer questions if you have any.

CHAIRPERSON JOHNSON: I don't have any questions. I think Council Mendez does. I have to leave and get on an airplane in the next couple of hours. So I'm leaving the hearing. Council Member Mendez is going to step in as Chair of the hearing, and anyone who is still here who signed up to testify, there are 50 names. I'm sure not everyone is here. Everyone will be heard from. I want to thank Council Member Mendez for agreeing to step in for me because I have to leave. I thank everyone from both sides that came to testify today, and I'm going to turn it over to Council Member Mendez. Thank you. [applause] [background comments, pause]

COUNCIL MEMBER MENDEZ: Good afternoon. For the veterinarian, how long have you been working as a veterinarian there at Ringling Brothers?

DR. ASHLEY SETTLES: I've been with Ringling for three years.

COUNCIL MEMBER MENDEZ: Excuse me?

DR. ASHLEY SETTLES: Three years.

COUNCIL MEMBER MENDEZ: Three years.

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DR. ASHLEY SETTLES: Yes, ma'am.

COUNCIL MEMBER MENDEZ: And I'm sorry,
you said you worked with elephants.

LAUREN MURRAY: Oh, it's Elephant Walk.
I am privately owned. It's a privately owned family
just like Common Places that was talking--

DR. ASHLEY SETTLES: Uh-huh.

COUNCIL MEMBER MENDEZ: --we--most of
circus families that own animals are privately owned.

COUNCIL MEMBER MENDEZ: Okay. Just I
know that both of you, your testimonies were cut off,
and I'm just wondering if there is something very
important that you didn't--I mean it's in the record,
but for the people who may not go back and read the
testimonies, is there something you want to say on
the record now from your testimony that you didn't
get to say?

LAUREN MURRAY: All I wanted to say is
that the more we cut off these animals' ability to be
in our lives on a regular basis, the less likely we
are going to see them in the future. They really
don't have a future in the wild. I mean we can work
on that, but as is, we have to pay attention to the
ones that we have in captivity, and the biggest--

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2 When you work hands-on like Ringling Brothers is one
3 of the biggest breeding facilities, if we don't have
4 that happening then we will watch the Asian elephant
5 dis-disappear. Sanctuaries don't believe in
6 breeding, which means whatever is in their facility
7 when they die out that is it for the future.

8 COUNCIL MEMBER MENDEZ: So they're
9 disappearing because they're not breeding? What-why
10 are the--

11 LAUREN MURRAY: [interposing] Well, no
12 the-well, in general in the wild they're getting
13 killed left and right, and not just because of
14 poaching because there's a human elephant conflict,
15 some animal conflict in general. It's-we're
16 overpopulated or the-we don't have any places for
17 them to go. All of their migratory paths are getting
18 infringed on. So they don't really have anywhere to
19 go.

20 COUNCIL MEMBER MENDEZ: Okay. Do you
21 want to say something on your statement?

22 SERGEANT-AT-ARMS: Thank you. I just
23 wanted to say that in regards to the conservation
24 efforts of Ringling Brothers, our primary function in
25 the circus is to entertain families, but I strongly

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2 believe in the adage out of sight, out of mind. So
3 although our primary function is to entertain
4 families, I still get to see every day at work
5 children's faces light up with awe when they get to
6 go behind the scenes at our animal open house and get
7 up close and personal to these animals, and ask
8 questions of our very knowledgeable animal care
9 staff. And then they get to go to the show and see
10 their natural abilities showcased during the
11 performance, and like I said, there is always a
12 collective gasp when our kangaroo comes out during
13 our mixed-animal act. And to me, that is a very
14 telling sign of how important it is for people to be
15 able up close to these animals, and further our
16 conservation efforts.

17 LAUREN MURRAY: I don't think it needs to
18 be a learning-like a program. I think that when you
19 come in contact with any animal, you learn. I mean
20 my animals teach me something literally every day I
21 work with them. So when it comes to this I feel like
22 no matter what, animals will teach you something any
23 time you're around them.

24 CHRISTINA HANSON: I would concur with
25 that as—as my experience in Central Park South that

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having animals in the city where, you know, I see kids from, you know, Harlem that have never seen a live horse. So you know, if they're going to UniverSoul Circus or to or to Ringling Brothers, you know, that's an opportunity to learn how elephants and tigers are. You know, like it's—you know that that's—that's an opportunity to start to care about this. How many people in this room are here just because--

COUNCIL MEMBER MENDEZ: [interposing]

I'm—I'm—I'm going to stop you because I don't know that you go—if you're going to go to see how they are, I mean elephants don't walk around on their two hind legs.

CHRISTINA HANSON: Not all circuses make them walk on their two hind legs.

COUNCIL MEMBER MENDEZ: So that's what I'm going to say about that. Regarding the veterinarian, how many veterinarians did you say are traveling?

DR. ASHLEY SETTLES: We have four full-time veterinarian and three people who are veterinarians. So I mean all of us travel. So seven total.

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COUNCIL MEMBER MENDEZ: Seven in total return. The consultant veterinarian what distinguishes them?

DR. ASHLEY SETTLES: So they are board certified. We have our board certified who do the challenges such as reproduction. We also have a board certified equine surgeon, and two Board Certified internal medicine. So I do a lot of-

COUNCIL MEMBER MENDEZ: [interposing] Do you all travel? Do the consultants travel or just the full time travel?

DR. ASHLEY SETTLES: No, the consult-the consultants consult. So on an as-needed basis yes they will travel and help with cases. Yes, ma'am.

COUNCIL MEMBER MENDEZ: They-I'm sorry. Please repeat that. They will travel?

DR. ASHLEY SETTLES: On an as-needed basis.

COUNCIL MEMBER MENDEZ: On an as--

DR. ASHLEY SETTLES: [interposing] So, they'll work--

COUNCIL MEMBER MENDEZ: [interposing] So on a needed basis you have three veterinarians traveling all the time?

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DR. ASHLEY SETTLES: Four.

COUNCIL MEMBER MENDEZ: Four.

DR. ASHLEY SETTLES: Four full-time veterinarians traveling.

COUNCIL MEMBER MENDEZ: [interposing] Traveling all the time.

DR. ASHLEY SETTLES: The other ones that have the extra education that specialize we use them as-needed for cases to provide their expertise for.

COUNCIL MEMBER MENDEZ: For how many animals?

DR. ASHLEY SETTLES: Total I'd have to look up to see how many animals we have total.

COUNCIL MEMBER MENDEZ: Ballpark.

DR. ASHLEY SETTLES: Fifty on each show.

COUNCIL MEMBER MENDEZ: Fifty wild or exotic animals, and you have four full-time traveling--

DR. ASHLEY SETTLES: No, in total.

COUNCIL MEMBER MENDEZ: Total?

DR. ASHLEY SETTLES: Yes.

COUNCIL MEMBER MENDEZ: Oh.

DR. ASHLEY SETTLES: Dogs, horses, lamas, goats. Total.

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COUNCIL MEMBER MENDEZ: Travel.

DR. ASHLEY SETTLES: Yes, ma'am.

COUNCIL MEMBER MENDEZ: And when you get into a city I think your testimony said that you have some veterinarians some from schools (sic). In every city you have someone there?

DR. ASHLEY SETTLES: We have on-call veterinarians, yes, ma'am. So we have a technician that travels with each show, and is intimately aware of everything going on with our collection of animals, but we have on-call vets in every city that we schedule with ahead of time. So that if there's an emergency or for whatever reason one of the ring vets is not out there, we have someone to call.

COUNCIL MEMBER MENDEZ: And that's separate and apart from your three consultants?

DR. ASHLEY SETTLES: Yes, ma'am.

COUNCIL MEMBER MENDEZ: Okay. I want to thank this panel for their testimony.

DR. ASHLEY SETTLES: Thank you.

COUNCIL MEMBER MENDEZ: So next will be Scott Gia-Gia-Giacoppo. I hope I'm saying that correctly. Goodman Reeves, Kimberly Span-Spange or Spangel (sic), Adida Berncrant (sp?), Lisett

1
2 Ziaboga, and Michael Dowling. Okay, let me say that
3 once again. We called up six people. I only see
4 four. Scott Giacoppo. (sp?)

5 SCOTT GIACOPPO: [off mic] Yes, ma'am.

6 COUNCIL MEMBER MENDEZ: Goodman Reeves,
7 Kimberly Spin-Spingel. [background comment] Had to
8 leave, okay. Edit Birnkrant. Okay. Lizbeth
9 Churaboga, Michael Dowling. Okay, do we have another
10 one for this panel? The first one up. Gale Mayor,
11 Gale Mayor? Nope. You're coming. Okay. So let's
12 get started with the testimony, whoever wants to
13 start first, grab the microphone and make sure the
14 little red light is on when you press the little
15 silver button in front of it.

16 SCOTT GIACOPPO: Good afternoon, madam
17 Chair. Thank you for the opportunity to speak today.
18 My name is Scott Giacoppo and I'm the Chief Community
19 Animal Welfare Officer of the Washington Humane
20 Society. Prior to that role, I was a Special State
21 Police Officer with the Massachusetts SPCA in Boston
22 where I was their Chief Circus Inspector. The
23 inspecting circuses are hands-on for the past 20
24 years and if there is one thing I have learned in
25 that time is that these animals are considered

1
2 nothing more than commodity or a resource to the
3 people that handle them on a daily basis. These
4 animals live miserable lives. I have inspected
5 animals that have come off of the boxcar limping and
6 sore. I have seen elephants in a row chained one
7 foot in the front, chained one leg on the back,
8 unable to move for hours on end. I have seen them
9 poked and prodded with bull hooks only to be seen
10 later on covered in—their wounds covered in wonder
11 dust, which is a product that's designed specifically
12 to cover up wounds caused by bull hooks on elephant
13 skin. I've seen animals with severe dental disease.
14 I've seen emaciated animals, malnourished animals and
15 at every turn I was prevented from doing anything
16 about because there was always a veterinarian saying
17 oh, it's okay, they're under my care. And my only
18 recourse was that I would—would pull them from being
19 able to perform that evening at that show. The laws
20 in each individual city are different, which makes it
21 even more difficult. For instance, in the city of
22 Boston where I was a Special State Police Officer,
23 that chaining, that type of chaining was not illegal.
24 So I could force myself into a circus for an
25 inspection, but there was no violations noted. And

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2 some circuses have even gone as far as taking my
3 inspection reports and utilizing them to show that
4 there were no violations when, in fact, it was just
5 because the laws were so weak. In DC, that type of
6 chaining is illegal, and I am barred from inspecting
7 the circuses because of that. They know they chain
8 their animals so they won't let me inspect certain
9 circuses that perform there. [bell] In closing, I
10 just want to support his bill. I hope that you are
11 able to pass it. Thank you.

12 LISETTE ZIABOGA: Good afternoon. Thank
13 you for allowing me to testify. My name is Lisette
14 Ziaboga (sp?). I currently serve on the Executive
15 Board of the United Federation of Teachers, Humane
16 Education Profession Committee. I have been a New
17 York City elementary school teacher in underserved
18 areas of the Bronx for the past 12 years. Today, I
19 will explain how bringing children to view wild
20 animals performing tricks is antithetical to the
21 character building and anti-bullying efforts we are
22 so desperately trying to implement in New York City
23 Schools. Whether or not we allow wild animals to be
24 used for entertainment is an ethical issue, and when
25 questions about ethical situations arrive—arise, as a

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2 teacher I always look at how it will affect children
3 and what kind of message it will send them.
4 Elementary teachers have a responsibility as per New
5 York State Education Law Article 17 Section 809 to
6 provide instruction in the humane treatment and
7 protection of animals. I take this responsibility
8 very seriously, and have seen first hand the positive
9 impact on disenfranchised children when they not only
10 learn facts about what an animal eats or how they
11 reproduce, but when they learn how to help animals
12 such as those who are exploited by the circus. This
13 build character and empowers them to stand up for
14 other. We saw a perfect example of this today with
15 the children who came here to testify. Circuses who
16 exploit wild animals market heavily to our
17 underserved communities of color in New York City.
18 They take advantage of children's natural affinity
19 for animals, and their lack of awareness of the
20 cruelty that wild animals endure when forced to
21 perform. I have seen countless students over the
22 years come to their own determination that forcing
23 wild animals to perform is just misery inflicted on
24 another creature that is more vulnerable. It 's a
25 mixed message to teach children about the rich

1
2 emotional lives of wild animals and then bring them
3 to circuses that present them as creatures whose
4 purpose is to amuse us where their emotional lives
5 are completely discounted. Make no mistake, watching
6 wild animals perform demeaning tricks shows children
7 exactly the kind of bullying mentality that we want
8 to discourage. In closing, our children will be
9 exposed to so much cruelty in the world that we
10 cannot control. We have a responsibility to show our
11 children that we can evolve in our thinking and
12 prevent inherent cruelty when we have the opportunity
13 to do so. Please pass Intro 1233. Thank you.

14 [background comments, pause]

15 COUNCIL MEMBER MENDEZ: Who is ready
16 please?

17 KISLAN REEVES: Okay. Hello and thank
18 you for having this meeting today. My name is Kislán
19 (sic) Reeves. I'm a resident of Manhattan in
20 Councilman Johnson's district, and I represent Tigers
21 in America also Manhattan based, and what we do is
22 pick up the pieces after the deeds are done. We
23 rescue tigers from bad situations here in the United
24 States, and get them to the best big cat sanctuaries
25 that exist in this country. And when we are called

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2 into rescue tigers, we find them broken. They are
3 physical broken. They are mentally broken. They are
4 spiritually broken. Where we take them as we're
5 providing primary vet care and transportation is to
6 14 sanctuaries spread across the country where they
7 can live out their lives naturally and in a natural
8 environment free from abuse and obligation to
9 preform. Thank you. [background comments, pause]

10 EDITA BIRNKRANT: My name is Edita
11 Birnkrant, and I'm the Campaigns Director for Friends
12 of Animals. We were founded in 1957 in New York City
13 and I work out of that office. We're an
14 international animal advocacy group with hundreds of
15 thousands of members, and we urge passage of Intro
16 1233. Wild animals used in circuses and other
17 displays are often trained by having their spirits
18 broken, endure painful training techniques in order
19 to perform—perform ridiculous degrading stunts while
20 otherwise caged and chained in trains and trailers
21 enduring arduous travel each year confined in small
22 cages. Captive animals used for entertainment are
23 denied their natural behaviors such as having
24 extended social groups and living and moving freely
25 in large outdoor areas. If the wild animals are

1
2 removed from nature, they don't belong in animal
3 entertainment businesses. They should reside in
4 legitimate sanctuaries where they're neither
5 exploited for profit nor confined to a life
6 performing stunts, and where they would be provided
7 with socialization and a degree of enjoyable freedom
8 not available to animals trapped in traveling
9 circuses and other exhibits. Animals such as tigers,
10 lions, bears, alligators, elephants, monkeys and apes
11 shouldn't suffer to entertain us in the Year 2016.
12 The Council should pass Intro 1233 to assure that New
13 York City has a humane standard regarding the
14 treatment of wild animals. Friends of Animals also
15 operates a wild life sanctuary in Texas. Over 350
16 monkeys, chimpanzees, big cats, and other animals are
17 cared for there, and many are cast offs from the
18 entertainment industry. Once used in circuses, films
19 or TV ads, discarded when they're no longer easily
20 manipulated. We have first hand knowledge of the
21 psychological, emotional and physical trauma that
22 results from forcing these animals to become
23 performers. Please respect the treatment of wild
24 animals by supporting Intro 1233 and swiftly passing
25 it into law, and if I have another second to respond

1
2 to some of the comments made by the previous panel
3 that give the impression that somehow breeding wild-
4 breeding wild animals such as tigers or elephants for
5 profit for the purpose of exploiting them, that has
6 absolutely nothing to do with the hard work that my
7 organization and many others does to preserve and
8 conserve animals in Africa and other countries where
9 they are in peril. That's very important work, and
10 that has absolutely nothing to do with what these
11 circuses do in strictly breeding them to be
12 exploited, and putting them in unnatural, harmful
13 situations. That's only for their benefit. It does
14 nothing to help or preserve habitat and wildlife
15 living as they should be, freely. Thank you.

16 MICHAEL DOWLING: Michael My name is
17 Michael Dowling. I'm a Brooklyn resident and I'm
18 with Our Kind of Fairs 2. (sic) I'm speaking here
19 today to remind us all that animals are not things.
20 They are sensitive feeling individuals just like you
21 and I, and just like you and I they deserve to be
22 free. It doesn't take an expert to see that holding
23 animals captive, beating them, and forcing them to
24 entertain us is wrong. But here are some quotes from
25 the experts. Jay Pratt, an Animal Behaviorist wrote

1
2 that big cats used by Ringling endure neglect and
3 physical and psychological trauma after he saw
4 trainers yell at cats, bang on their cages and jab
5 them with prods. The late Dr. Mel Rich-Richardson, a
6 wildlife and zoo veterinarian, wrote that there is
7 nothing natural under the big top. Instead, kids
8 learn that it is to treat an endangered animal as
9 though he or she were a clown or an acrobat. The
10 late Dr. Ron Tilton, who served as Conservation
11 Director at the Minnesota Zoo Foundation said that
12 forcing tigers to perform in circuses is detrimental
13 to conservation because it gives the impression that
14 tigers should be trained through brute strength and
15 physical punishment. What we are teaching children
16 at the circus is that animals are here to amuse us,
17 and that it's okay to bully them. That's not a
18 message we should perpetrate in 2016. Kids should be
19 singing: Free the animals. Let them all go. Free
20 the animals. Let them all go. Free, free, free,
21 free. Let them all go. Free these animals.
22 [background comments] They deserve to be free from
23 this never ending abuse. Please pass Intro 1233
24 because animals are not things. [cheers/applause]

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SERGEANT-AT-ARMS: Keep it down, please.

Keep it down.

GAIL MAYER: Alright, good morning. My name is Gail Mayer. I'm a humane education instructor for a non-profit called HEART, which stands for Humane Educational Advocates Reaching Teachers. It's a non-profit public charity based in New York City that's a full service provider of humane education. HEART urges you to support Intro 1233. Our humane education programs cultivate empathy in students and help them become caring members of society. We assist youth in developing their critical thinking, problem solving and conflict resolution skills. We encourage our students to have compassion for all living beings, and the planet and to consider the humane treatment of others when making decisions. We hope that our city will be a humane model for students. We want youth to know that our legislators consider the impact of their decisions on not only people but also other species. Many children choose to attend circuses because they love animals without realizing the unnatural living conditions that these animals have to endure or the mistreatment that they experience behind the scenes.

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2 We have found that children are shocked and appalled
3 to learn about the conditions in which circus animals
4 live especially compared to what their lives would be
5 like in the wild. And when they find this out, they
6 no longer want to attend the circus. In fact, I've
7 had students promise me that they will never go to
8 another circus again after learning the conditions
9 that the animals are living in. Our treatment of
10 other species is a reflection of who we are as a
11 community. What do we want to teach our children
12 about wild animals? Do we want to convey that they
13 are only here for our amusement and our entertainment
14 at the expense of their own wellbeing? As a society,
15 we're evolving way beyond this way of thinking. Wild
16 animals deserve to live in their natural environments
17 and engage in their natural behaviors. There are
18 cities and countries all over the world in over 60
19 municipalities in the United States that have passed
20 bans on the use of animals in circuses. It's time
21 for New York City [bell] to join the movement and do-
22 do the same. Thank you. Please pass the resolution.

23 COUNCIL MEMBER MENDEZ: Thank you very
24 much. We're going to move onto the next panel. I
25 don't have any questions for this panel. The next

1
2 panel Yuki Endo, Marissa Miller-Wilson, Fran
3 Sperling, John De Lenardo, Julianna it looks like
4 Sanone (sp?) [background comments, pause] Okay. Can
5 I—I'm just going to call your names. Raise your hand
6 if you're there. [background comments, pause] Yuki
7 Endo.

8 YUKI ENDO: Present.

9 COUNCIL MEMBER MENDEZ: Okay, Marissa
10 Miller.

11 FEMALE SPEAKER: She's not here now.

12 COUNCIL MEMBER MENDEZ: Marissa Miller
13 left. Fran Sperling, John De Lenardo, Julianna
14 Sanone, David Kerpokin (sp?). Come on in. Yuka
15 Azuma. Yuka.

16 MALE SPEAKER: She's here. She's coming
17 down.

18 COUNCIL MEMBER MENDEZ: Okay, come on
19 down. Alright, it's—we're ready. Yuki, I understand
20 we're going to give you a little bit more than two
21 minutes to get through your testimony. If you want
22 to start or whoever is ready to start. [background
23 comments, pause]

24 YUKI ENDO: Normally, if you cannot
25 designate all the different circus, and members other

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2 than an investigation they are certainly different
3 than other animal rights access, but in quoting the
4 honorable New York City Council Member Speaker
5 Melissa--Melissa Mark-Viverito, Mayor Bill de Blasio,
6 but to support this--a bill to control animals service
7 in the New York City service and in Upstate New York.
8 New York City and the Mayor has the Ringling Brothers
9 Circus where--where they don't--and it has covered the
10 circus. All the circus has--has not USDA Animal
11 cruelty (sic) violations. I have been going all over
12 New York to make the person obvious, but I support
13 these all three circus (sic) because animal circuses
14 never takes care of--of the animals. Only persons who
15 know this are the big operating circus. In the time
16 that all three is, if I see prior to coming that they
17 are coming for the cold-blooded circus for the 2016
18 at Boulevard Park, (sic) but because the code doesn't
19 accept this animal at the historic Boulevard Park and
20 didn't clean up at their places when they did the
21 park. And it's supposed to turn over all three and
22 that's all taxpayer's money that they put in cleaning
23 up the park. I also have participated against an
24 animal cruelty protest at the Brighton Beach (sic)
25 for the meeting in the city. (sic) And they honestly

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2 figured this into why are the rescues since we have
3 been. (sic) All the circus on-on May 27 of 2016, I
4 went to-I went to be in the city or to some upstate
5 for the pro-voter circus and-and I went shopping at
6 the outlet (sic). After shopping I ended up getting
7 those and-and works with the other way against, and-
8 and-and up in the Coldwater (sic) Circus area then
9 after asking-after asking a circus employee for-for
10 the directions to the complex, they give the right
11 directions. After that, I cross by gates to that,
12 which are to--- They take you off of here. Also,
13 many prior to coming, and it was already--also it's
14 like going there (sic) prior to coming, and don't
15 adding some more figures in any sort for the funding.
16 I am asking you to support New York City Bill 1233, a
17 bill to ban animal cruelty circus. Thank you for
18 your cooperation. (sic) [background comments, pause]

19 COUNCIL MEMBER MENDEZ: Whoever is ready
20 can you please grab the microphone and go next.

21 JOHN DE LEONARDO: Thank you. My name is
22 John De Leonardo. I am an Anthrozoologist and
23 President of Long Island Orchestrating for Nature and
24 Animals and Entertainment campaigner for PETA.
25 Banning wild animal acts will not function as a ban

1
2 on the circus. The circus has existed for centuries
3 precisely because it is constantly evolving with the
4 times. As t he former manager of several day
5 programs for people developmental disabilities, I
6 know changing attitudes towards human rights, along
7 with legislation banning the exploitation of people
8 with disabilities, led Ringling and other circuses to
9 phase out so-called human freak shows long ago.
10 These days, circuses simply have to perform without
11 wild animals in cities where restrictions exist, and
12 some were completely animal free. UniverSoul show is
13 about two hours long, and the animals are on stage
14 for just a few minutes. The same goes for Ringling.
15 The rest of the shows are filled with dazzling
16 acrobats, death-defying trick riders, hilarious dance
17 acts and more. Are we really willing to ignore the
18 lifetime of abuse that animals face to see them for
19 just a few minutes on stage? The circus' willing
20 performance—human performers are its true stars, and
21 the show will certainly go on without wild animals.
22 Please support Intro 1233. Your vote will go a long
23 way in supporting the humane treatment of animals in
24 New York City. Thank you.

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COUNCIL MEMBER MENDEZ: Whoever is ready grab the microphone and make sure you press the little silver button so the red light is on.

JOANNE ISHANONI: Hi. My name is Joanne Ishanoni (sp?). I have had the pleasure of teaching humane education to children within New York City Schools and yoga studios as well. On the streets of New York when animals--

COUNCIL MEMBER MENDEZ: [interposing] I'm—I'm sorry. Can you just grab the microphone and point it a little closer toward you? Right. Thank you very much. [pause] I've—[pause] I've had the pleasure of teaching humane education to children within New York City schools and Yoga studios as well as on the streets of New York when animal circuses are in New York city. According to the US Department of Health and Human Services, bullying is defined as a repeated aggress—aggressive behavior by someone who uses the position of power to control or harm others. Wild animals whether wild or passive bred are not willing participants in circuses, and anyone can see that trainers make them perform tricks under the threat of force. Children who watched these performers learn that domination of other living

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2 creatures through the threat of physical punishment
3 is acceptable. It's also important to remember the
4 link between animal abuse and domestic violence.
5 Children who are violent toward animals or who
6 witness violence are much more likely to be violent
7 towards humans later on. Allowing your child to
8 witness an adult routinely using violence against
9 animals let alone celebrating it, normalizes abuse.
10 In a time when bullying is dangerously prevalent, we
11 owe it to the kids of New York to keep wild animal
12 acts out of the city. Thank you.

13 FRAN SPERLING: Hi. I just want to say
14 that I've just been sitting here as everyone has this
15 long, and I just noticed the two things that seem
16 very prevalent in this conversation is revenue,
17 money, worrying about the lack of it and not being
18 able to sustain the circuses or the-or the revenue or
19 the-

20 COUNCIL MEMBER MENDEZ: [interposing]
21 I'm-I'm sorry, you need to give your name for the
22 record.

23 FRAN SPERLING: Oh, okay, I'm-I'm getting
24 there. My name is Fran Sperling. I'm a circus
25 performer. I'm an aerialist acrobat and working with

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2 places like Big Apple Circus, and work along with
3 family circuses as well on tours. So I do get an
4 idea a little bit of how they think. But I just
5 wanted to say that my—my biggest question also here
6 is why do animals that are endangered have to sing
7 for their supper to survive. That's even a bigger
8 question I think. I—I wished you had asked actually
9 when the other pane was here. Circuses do have
10 options for their talent Cirque Soleil did create a
11 roar, and my pun is intended, when they proved that
12 circuses can create thrilling entertainment without
13 the use of animals. Circus performers do not need to
14 be bred in cap-captivity, controlled with whips, bull
15 hooks, prodding or be forced against our will to put
16 together a daring and thrilling act. We thrive at
17 the opportunity to perform, and we don't need to
18 compete with for the spotlight with animals
19 performing unnatural acts. Animals are not a
20 necessity for circuses. Circuses have been a
21 traditional mainstay, and that is one of the things
22 that circus companies will continue to tell you.
23 It's been there for a long time. It's been there for
24 centuries, and it has. Circus families have passed
25 on their skills and acts throughout generations, and

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2 I respect and understand that they don't know how to
3 do anything else that this is their life and their
4 livelihood. So when it comes to animal training and
5 entertainment, the times have changed and the
6 circuses have evolved. The circuses do have options.
7 Contemporary circus has been born out of those needs
8 to change, and it is a huge, huge breakthrough, and
9 it's—it's really changing the whole outlook of—of
10 circus and of—of circus performing. The modern
11 circus community welcomes the support and supports a
12 fresh create to—approach to our circuses that do not
13 include animals or animal entertainment. This bill
14 is about enlightenment and an opportunity to educate.
15 Controlling animals particularly for the use of
16 entertainment is archaic and ignorant. I hear about
17 all the people that are going to Ringling Brothers.
18 That is true. A lot of the people that can afford to
19 go to those are from lower socio-economic income
20 brackets. They cannot afford Cirque Soleil or some
21 of the other circuses.

22 COUNCIL MEMBER MENDEZ: [interposing] I'm
23 sorry, Fran, they forgot to put the timer on. So I
24 need you to wrap up because I still have 37 people.

25 FRAN SPERLING: I hear you.

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2 COUNCIL MEMBER MENDEZ: If they're still
3 here who want to testify.

4 FRAN SPERLING: Great. Well, just to-
5 just to make a point, unfortunately a lot of the
6 lesser educated do not have the opportunity to see
7 other shows that do not have animals, which is
8 unfortunate. But this--this will give people an
9 opportunity if--if this reinforced that they will be
10 able to learn why there is a reason that we don't
11 need to have these animals in the circuses, and
12 hopefully be more educated.

13 COUNCIL MEMBER MENDEZ: Thank--thank you
14 so much for your testimony.

15 DAVID KAROPKIN: Thank you. Good
16 afternoon, Chair Mendez, I mean Council Member
17 Mendez. Thank you for having this hear-hearing.
18 Good afternoon to my colleagues working to make New
19 York City a better and more humane place. My name is
20 David Karopkin. I'm a lifelong New Yorker. I'm
21 excited to be testifying in favor of this legislation
22 today. Growing up like many children in New York
23 City I went on trips on the circus. The Greatest
24 Show on Earth I was told, but only later in life did
25 I begin to recognize the dark side of wild animal

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2 performances and understand what's involved behind
3 the scenes. I submitted testimony on behalf Goose
4 Watch NYC a Wildlife Advocacy Group that I started in
5 2011 and have volunteered it for several years. Our
6 group is made up everyday New Yorkers who care about
7 wildlife protection. With thousands of supports in
8 New York City and beyond, Goose Watch NYC advocates
9 for the protection and appreciation of local wildlife
10 and promotes humane treatment of animals. And though
11 our main focus has been to protect Canada geese,
12 turkeys, swans, deer and other wildlife that live
13 here New York City, we've also worked to advance a
14 positive view of wildlife and have been active on a
15 broad range of issues and passing-issues and passing
16 animals in New York City. And our group joins every
17 single animal advocate here and so many experts here
18 today in strongly supporting this Intro 1233, which
19 would ban performances using wildlife, and we applaud
20 the sponsors of this forward thinking legislation.
21 In truth rather than providing an educational
22 opportunity exposing children to circuses normalizes
23 -circuses with animals normalizes the exploitation of
24 others and teaches that it is appropriate to confine
25 abuse and gawk at non-humans and to put their most

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2 trivial interests ahead of the fundamental interest
3 of others. And despite what was said previously,
4 even in this concrete jungle New York City is home to
5 a great diversity of majestic urban wildlife in dire
6 need of appreciation, attention and protection. And
7 the presence of free living animals provides a
8 meaningful opportunity for New Yorkers to learn about
9 and engage with wildlife in a way that artificial
10 experiences like marching elephants down the city
11 streets can never satisfy. So we thank the Council
12 and commend you for rejecting the inherent cruelty
13 involved in the circuses with animals.

14 COUNCIL MEMBER MENDEZ: Thank you.

15 [pause]

16 YUKA AZUMA: Hello, my name is Yuka
17 Azuma. (sic) New York City has been my home for 21
18 years, and people in my home country admire me for
19 living in the city of high standards for arts and
20 entertainment. Yet, I am ashamed that this great
21 city still allows animal torture to be considered as
22 entertainment. On behalf of LCA, Last Chance for
23 Animals, I am here to present a letter from Chris De
24 Rose, Founder and President of LCA. Dear Council
25 Members, I implore you to join the right side of

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2 history and support Intro 1233 for having the display
3 of wild or exotic animal for public entertainment or
4 amusement. Finally, New York City has the
5 opportunity to end circus torture of animals, the
6 very abused and exploited for profit. Circus animals
7 do not willingly stand on their heads, jump from high
8 dive boards or parade around—parade around in
9 demeaning or dressed in tutus. These meaningless
10 acts go against their very nature. The only reason
11 circus animals perform is because they are scared of
12 the painful consequences that come with disobeying
13 their human captors. Investigation by Last Chance
14 for Animals has revealed the true cruelty to behind
15 the scenes practices trainers use in bull hooks, blow
16 torches and other kick shocks to force the animals
17 into submission. When they are not performing circus
18 animals are imprisoned in tiny cages and hauled
19 across the country for days and in boxcars and
20 trailers. This is no life for a wild animal, and so-
21 called enlightened society should treat any living
22 creature with such cruelty and dismiss that. (sic)
23 Please vote City Council [bell] and pass Intro 1233
24 and help end the suffering of animals for
25

1
2 entertainment. For the animals, Chris De Rose.

3 Thank you.

4 COUNCIL MEMBER MENDEZ: Thank you. Yuki
5 had provided some pictures that I looked at. Thank
6 you Yuki for that, and Fran, you—you were saying that
7 you're a circus performer and you started to name
8 some of the places you perform.

9 FRAN SPERLING: Well, I've—I've worked—my
10 partner, my acrobatic partner and I have worked in
11 conjunction with the Apple Circus.

12 COUNCIL MEMBER MENDEZ: Okay.

13 FRAN SPERLING: We've also worked with
14 smaller, and probably less known family circuses like
15 traveling in trailers performances. I understand a
16 family mentality of continuing their legacy.

17 COUNCIL MEMBER MENDEZ: Okay. Alright, I
18 want to thank you and I want to thank everyone on
19 this panel for your testimony. The next panel will
20 be Mora Constance Moreno. [background comments,
21 pause] If you could just raise your hand as you walk
22 into the front so that I know that you're here.

23 Amber Pinken (sp?)

24 AMBER PINKEN: Can I sit—
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2 FRAN SPERLING: [interposing] Can I say
3 one more thing. I'm sorry.

4 COUNCIL MEMBER MENDEZ: Yes.

5 FRAN SPERLING: I just had this
6 passionate need to just mention one thing. That I'm
7 just curious why if-if all these people say they love
8 their animals so much, and they're so well taken care
9 of such as Siegfried and Roy had done as well, why do
10 animals still-still freak out and eventually perhaps
11 kill their trainers. It's a very dangerous-it's a
12 very dangerous thing to do I would think, and I-I
13 just don't see any real need for it. Thank you.

14 COUNCIL MEMBER MENDEZ: Agreed. Thank
15 you for just saying that on the record. So, Amber.
16 Amber, come on and sit down. Carol Raphael Davis.
17 Nava Goldblum. Nava? Jill Carnegie. Jill? Nava is
18 not here, right? Jill Laurie (sp?). Alright. So
19 we've got Nora here. We have Amber. We have Carol,
20 Jill-Jill Carnegie. Okay, Jill Laurie, and let's get
21 Nicole Zone, Nicole? Is Nicole Zone here? No.
22 Annie Juda Shannon. Annie Juda Shannon? Miriam
23 Steinbeck(sp?), come on up. [background comments,
24 pause] Whoever is ready can start your testimony.

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2 NORA CONSTANCE MARINO: Is it correct?
3 Yeah, here we go. Okay. Hi, my name is Nora
4 Constance Marino. I'm a residence of Queens County,
5 an attorney, a former JAG Officer of the United
6 States Army Reserves, and a Commissioner on New York
7 City's Taxi and Limousine Commission. I'm not here
8 in my official capacity with respect to the ARMY or
9 the TLC here today. I am here as President of the
10 Animal Cruelty Exposure Fund, a 501(c)(3) whose
11 mission is to expose and prevent animal cruelty.
12 ACEF supports Intro 1233. Claims that circus animals
13 are well taken care of are not credible. Claims that
14 all their needs are met, and I say that in quotes,
15 are preposterous. Their need for freed is not met.
16 Their need to be free from being beaten into
17 submission is not met. Even animals born into
18 captivity still have an innate need to be free. In
19 addition to obvious suffering from brutal training
20 techniques, evidence shows that circus animals suffer
21 from a condition known as circus madness where
22 animals mentally shut down to cope with the intense
23 confinement of being shackled and caged. This
24 manifests itself in abnormal behaviors such as
25 rocking back and forth, incessant grooming or chewing

1
2 on bars, pacing and self-mutilation. This is all so
3 wrong. Those in opposition to this bill will claim
4 that their businesses will suffer if this bill
5 becomes law. They will not, and this argument is
6 unsupported. Many animals in these circuses thrive.
7 Cirque Soleil has been whooping and wowing audiences
8 without the use of animals for over 30 years. There
9 are over 80 non-animal circus acts that can be
10 performed. There is nothing stopping a circus from
11 continuing to thrive without animals. Nothing.
12 Other may claim that if this bill passes certain
13 circuses will just have bypass New York City
14 altogether if they cannot remove animals from the
15 acts just for the city. If that is the case, so be
16 it. Other animal-free acts will fill the void. The
17 bottom line is that animal-free entertainment is the
18 wave of the future. Countless cities have passed
19 similar bills to 1233. Major conglomerates such as
20 Sea World, Ringling Brothers, and the like have
21 already bowed to public pressure and removed and/or
22 limited the animals they use in entertainment, and
23 yes they did it because of public pressure, not out
24 of concern. Just recently Trip Advisor publicly
25 stated that they will no longer support or recommend

1
2 any tourist enterprise that uses animals. This is
3 the wave of the future, and let me just please take
4 another ten seconds. There is no humane way to train
5 a confined circus animal period. The public realizes
6 this, and that it is morally reprehensible to-to
7 deprive a wild animal of everything that is natural
8 to them. This is not a fad. This is the future, and
9 we ask that New York be a leader with this and
10 support and pass this bill.

11 COUNCIL MEMBER MENDEZ: Thank you very
12 much. Next.

13 EMMA PACONE: Hello. I am Emma Pacone
14 from Queens, New York. I work with LK Productions
15 and created my own animal support group named ECCKO,
16 E-C-C-K-O. Members total one, me and I'm on
17 Facebook. (sic) And I'm here today to only present
18 my very first small speech I wrote in honor of animal
19 rights. Animals have a voice. We just do not
20 understand them as well as they don't understand each
21 other. That does not allow us to take the advantage
22 of their lives and freedom. You don't see other
23 animals enslaving each other for entertainment and
24 mass production. It's not normal. It's not right.
25 This is New York City. No, this is America. We are

1
2 meant to represent freedom and equality, but where is
3 the equality when it comes to the sake of other
4 species? Why are all beasts other than humans
5 devalued of their purpose? Millions slaughtered,
6 tortured and abused every day from slaughter houses,
7 the circus and even homes. No animal wants to be
8 enslaved their whole life, beaten, humiliated,
9 exhausted and malnourished? These circus animals
10 they're not getting paid. They're not receiving
11 benefits. They don't need jobs. They don't need
12 your money. They need a life. They need freedom.
13 So let's take a step closer to the true meaning of
14 America. Let's free animal from performing. Let's
15 be America. [pause]

16 COUNCIL MEMBER MENDEZ: Who's next?
17 [background comments, pause]

18 CAROL DAVIS: I'm here today representing
19 European Organization 259 Life [speaking foreign
20 language]. My name is Carol Davis. I'm a native New
21 Yorker. I'm from the Upper West Side, and on behalf
22 of our membership, we urge the passing of the Intro
23 1233. I'd like for the record to list the countries
24 that have implemented bans on circuses that use wild
25 animals: Austria, Belgium, Bolivia, Bosnia,

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2 Bulgaria, Croatia, the Czech Republic, Colombia, Cost
3 Rica, Cyprus, Denmark, Estonia, Finland, El Salvador,
4 Greece, Hungary, Israel, India, Malta, Mexico, the
5 Netherlands, Paraguay, Peru, Sweden, Singapore,
6 Sylvania. In the United States, there are 50 partial
7 or full bans on circus animals. I've been protesting
8 circus cruelty for 20 years, and I don't want to be
9 protesting this abuse for another 20 years simply
10 because some lawmakers could not be brave enough to
11 take what looks like a political risk today. There's
12 ample evidence that animals do not belong in chains
13 and in cages on trucks, jumping through hoops under
14 the threat of the whip or the hook. It's time to put
15 an end to this cruel and unnatural incarceration for
16 animals for entertainment and profit. It is time to
17 respect nature, to respect the victims who have been
18 used and abused by circus owners, and to focus now
19 our attention on preserving their natural habitat as
20 they are being destroyed. Their survival in nature
21 is at stake, and the only way to witness their
22 magnificence in nature is in nature or filmed in
23 nature, not in for-profit prison under a gaudy tent.

24 COUNCIL MEMBER MENDEZ: Next please.
25

1
2 JILL CARNEGIE: Hi. Thank you for the
3 opportunity to testify. My name is Jill Carnegie.
4 I'm a proud resident of Hells Kitchen, New York City
5 and for several years now I've been training circus
6 performers who by and large are incredibly supportive
7 of my presence here today in support of Intro 1233.
8 Local government exists so that a community can
9 determine its own values, and New York's values
10 support an end to wild animal acts. The local
11 support for this measure has been overwhelming, and I
12 hope that you will put the voices of New York above
13 all others. Traveling acts don't care about our
14 city. They come through, make their money and then
15 they leave. The opposition to this humane ordinance
16 is coming either from those who only know how to
17 relate to animals based on how they can profit from
18 those animals, or they are coming from just a few
19 money driven groups none of which are based in this
20 city. For example, the International Elephant
21 Foundation was co-founded by Ringling and routinely
22 opposes legislation that would improve elephant
23 welfare. The Zoological Association of America
24 caters to exotic animal breeders and dealers hunting
25 ranches and the pet trade. The ZAA's accreditation

1
2 program caters to substandard roadside views and is
3 widely regarded as dubious at best. The American
4 Humane Association has been called an "Entrenched
5 industry insider, and is notorious for turning a
6 blind eye on horrific animal deaths on movie sets."
7 And the National Animal Interest Alliance whose board
8 includes at least one representative of Ringling,
9 caters to industries that profit from the
10 exploitation and animal use, and opposed a wide
11 spectrum of legis--legislation that would improve
12 animal welfare. These people liken bull hooks to
13 leashes, but only one of those inflict pain. Jabbing
14 an elephant with a bull hook or striking a tiger with
15 a whip is abuse not "guidance". Wild animal acts
16 don't belong in New York City. Please listen to your
17 constituents. Thank you. [bell]

18 COUNCIL MEMBER MENDEZ: Thank you. Next.

19 JILL LAURIE: Good afternoon. Thank you,
20 Council Members for holding this hearing. My name is
21 Jill Laurie and I am here on behalf of the animals in
22 the circus and children and families in New York
23 City. As you consider Bill 1233, I ask that you
24 continue to look beneath the circus glitz and popcorn
25 to find the truth. The sores that circus suffer from

1
2 are not always visible. Emotional abuse can be far
3 worse than physical wounds. I ask that you explore
4 not only with your eyes but with your heart. Most of
5 all, I ask that you be courageous enough to do the
6 right thing even if it means acknowledging that
7 circuses that use wild animals are, in fact, cruel
8 and harmful to animals and people. Wild animals in
9 their native environments are strong, they're bold,
10 brave, proud, intelligent and above all freedom
11 lovers. We are a nation that professes to value
12 freedom. Yet when it comes to circus animals, we
13 stand in this idea. We track them, transport them,
14 confine them, and break their spirits using fear and
15 intimidation to force them to behave in ways that are
16 completely unnatural to them all for our own
17 amusement. We teach our children that oppression of
18 circus animals is fun, that they like being held
19 captive and forced to entertain, and perhaps the most
20 insidious lie of all that this constitutes an amazing
21 bond between wild animals and their union performers.
22 As a clinical social worker, I have seen the results
23 of these types of messages, and the damage that they
24 do to children, families and our community. I leave
25 you with one last thought, a question to ponder: Why

1
2 does a 600-pound tiger jump through a ring of fire?
3 There is only one true answer. He jumps through a
4 ring of fire only because he knows that his survival
5 depends on it. Thank you.

6 COUNCIL MEMBER MENDEZ: Okay, next.

7 MIRIAM STEINBECK: Madam Chair and
8 Council Members, thank you for this opportunity to
9 testify on behalf of my support for Intro 1233. My
10 name is Miriam Steinbeck. I'm a native Brooklynite,
11 mental health counselor in training and I've been a
12 proud vegan and animal advocate for 1-1/2 years.
13 Ever since I was a child I used to attend the circus
14 often as my father worked in the entertainment
15 industry, and he took me to various shows. However,
16 when I was only 10 years old, something clicked when
17 I attended my last circus with wild animal
18 performers. It was on my own volition and I easily
19 convinced my family to boycott them as well. I saw
20 in animals' faces and their postures that they were
21 suffering and being exploited, and the amazing
22 experience I was supposed to be, I found gut
23 wrenching. It's not my intention to negatively
24 affect my father's business, or others in the
25 entertainment industry, and I think that passing

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2 Intro 1233 will make the experience better for the
3 animals and for the patrons of these shows by forcing
4 the shows to get more creative. I currently support
5 circuses that do not use animals like Cirque Soleil,
6 and I'm going in two weeks, and I see that as a
7 natural progression to those who love animals, and do
8 not want to see them exploited for entertainment. As
9 I stated previously, I am training to be a therapist,
10 and I am a vegan. It is because when I see others in
11 pain, I want to help them, human and animal alike. I
12 vividly remember the pain on the wild animals' faces
13 when I was a child. I encourage everyone to consider
14 that these animals are not performing musicians, can
15 feel pain inside, and aren't able to consent to being
16 used for entertainment. I find it also disturbing
17 that those who opposed the ban consistently refer to
18 wild animals as "it". It shows the lack of respect
19 for them continue to feeling pain. Thank you to
20 those who volunteer their time to advocate for wild
21 animals, who do so out of the kindness in their
22 hearts. I am impressed by the changing tide of
23 today's legislation guided by compassion. I hope
24 that this legislation will pass and set a precedent
25 for animal rights in New York City. Thank you.

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COUNCIL MEMBER MENDEZ: Thank you very much. I want to thank this panel for their testimony. [bell] Coming up next Margaret Whitaker. Margaret—Margaret. Okay, come on up. Joan Sample. Joan, just raise your hand. Okay, great. Michael Cline. [background comments] No, no it was Joan Sample. Michael Cline.

FEMALE SPEAKER: He went home a long time ago.

COUNCIL MEMBER MENDEZ: He left, Michael?

FEMALE SPEAKER: Mahal (sp?) Cline.

COUNCIL MEMBER MENDEZ: Oh, Mahal.

Sorry. Okay. Fria—Fria—or Friar Lamb, Alexander Dinestag, Eric Wal—Walton. Lindsay Kirshall. Okay, I'm going to run the names again. Please raise your hand if you're sitting there. (sic) Margaret Whitaker, Joan Sample, Mike Mahal—Mahal Cline. Thank you. Fria Land, Fria. Got it. No. Alexander Dienstag. Thank you. Eric Walton. Eric. Lindsay Kirshall. [background comments, pause] Okay. Whenever you're ready, just take the microphone. I—Ms. Whitaker, I know you were supposed to be here earlier, so can you please start?

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2 MARGARET WHITAKER: Good afternoon. My
3 name is Margaret Whitaker and I am asking you to ban
4 wild animals in traveling performances. As you
5 contemplate this, please consider what the animals
6 experience. Their quality of life, training
7 methodologies, and the opportunity for species
8 appropriate normal behaviors. I'm an animal behavior
9 consultant. I work at the Oakland Zoo, and I was a
10 Director at GFAS Accredited Sanctuary. I have 30
11 years experience in zoos and sanctuaries. I've
12 inspected animals for animal control agencies,
13 reviewed hours of training video and in zoos and
14 sanctuaries worked to rehabilitate ex-performers.
15 Quality of life involves an animal's individual life
16 experiences. Performing animals are trained with
17 aversive methods like dominance and punishment. The
18 foundation of this learning is fear. The found-the-I
19 have assessed elephants, lions, tigers, bears,
20 primates and crocodilians, and have seen countless
21 incidences of heavy handed techniques such as hitting
22 and whipping animals with excessive force. Fear is a
23 powerful emotion with long lasting control of the
24 behavior. Individuals may appear cooperative, but
25 reach a state of learned helplessness wherein they

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2 cease attempts to change the situation. Essentially,
3 they give up. In this state, wellbeing is severely
4 compromised. Please consider the life they lead, and
5 how it's in sharp contrast to their wild
6 counterparts. Sea lions occupy huge territories and
7 spend considerable time maintaining this territory.
8 Performing cats spend the majority of their 20 plus
9 year life span in a cage not much larger than they
10 are. The cages are situated close together so the
11 animals are always—always can perceive each other, a
12 constant infringement on their territory. Retired
13 cats are often fearful of people, overly aggressive
14 and exhibit abnormal behaviors. Other species such
15 as elephants and primates live in the complex social
16 groups in the wild. Given the confinement they
17 endure when performing, there is minimal opportunity
18 for natural behaviors. Stereotypic and abnormal
19 behaviors are commonly seen, and indicative of
20 frustration and detrimental to physical health.

21 COUNCIL MEMBER MENDEZ: Thank you. Next.

22 CHELSEA SHOD: Hi, my name is Chelsea
23 Shod and I've been asked to read the following
24 statement on behalf of Wildlife Veterinarian Philip
25 Embley. (sic) My name is Embley. I've been a

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2 veterinarian for 46 years, over 30 in zoological
3 medical practice, 29 as an associate veterinarian at
4 the San Diego Zoo, and a Board Certified Veterinarian
5 of the American College of Zoological Medicine, which
6 certifies professionals (sic) in zoological medicine.
7 I am in favor to Intro 1233. From all my years in
8 practice, I agree with this statement in the USDA's
9 Training Module 22 that an animal with good welfare
10 would be one that is successfully coping with man's
11 (sic) service environment. The module continues that
12 animals have needs in three main domains: Physical
13 needs, spacing needs and psychological needs. By
14 this definition, the animal has good welfare when
15 these needs are met. When these needs are not met,
16 an animal becomes abused and mistreated. For wild or
17 exotic animals used in entertainment or amusement in
18 my experience I have learned the creature's domains
19 are not met. Finally, and this is very important, I
20 have learned that animal abuse is a difficult issue
21 to understand. It is a subject not well understood
22 by the general public. Often, it is not well
23 understood by those managers working in zoos,
24 circuses and even regulatory agencies charged with
25 looking out for the wellbeing of wild or exotic

1 animals used for public entertainment or amusement.

2 It takes time and experience to understand how
3 certain bans of care and living conditions can be
4 harmful to these animals. We cannot always count on
5 our regulatory agencies to look out for the welfare
6 of animals used for public entertainment or
7 amusement. Ultimately, it is up to each municipality
8 to undertake such responsibility. Thank you.

9
10 COUNCIL MEMBER MENDEZ: Thank you. Next.

11 MAHAL CLINE: Good afternoon New York
12 City Council Members. My name is Mahal Cline and I'm
13 here to speak in support of Intro 1233, which would
14 prohibit wild animal performances from occurring in
15 New York City. I was born and raised in Corey
16 Johnson's district, and I want to thank him for co-
17 sponsoring the bill as well as Council Member Mendez
18 for sponsoring it. Animals in nature do not perform
19 tricks. Human trainers get animals to perform with
20 daily negative reinforcement and repeated abuse.
21 Their motivation is solely monetary gain. People
22 have been profiting off of animals that have been
23 taken out of their natural environment and forced to
24 perform coerced behaviors. This has been normalized
25 and accepted by society, but it is wrong and should

1
2 be stopped. The animals are often isolated, chained
3 and confined, which goes against their natural
4 behavior of socializing in groups and roaming through
5 large areas. There are many willing human performers
6 who can choose that line of work. Animals do not
7 make that choice. They are forced. Many animals are
8 as intelligent as three-year-old human children.
9 They are ascension, and experience many of the same
10 emotions as humans. They form bonds with their
11 friends and family. They feel happiness, sadness,
12 anger, fear and pain. Animals are not something to
13 manipulate for profit. They are unique individuals
14 who deserve respect and basic rights to dignity and
15 freedom. They should not be used as a commodity. I
16 do not believe that businesses will suffer if wild
17 animals are banned from circuses. However, this is
18 not about money and profit. This is about doing what
19 is morally and ethically right for the animals.
20 Ability to make money is no excuse for exploiting and
21 harming animals. It is time to evolve. Please vote
22 in support of Intro 1233. Thank you.

23 JOANNE SAMPLE: Hello. [coughs] Excuse
24 me. Thank you for having me here to speak. My name
25 is Joanne Sample and I am a resident of Queens, New

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2 York, an animal rights activist and an author.
3 [coughs] I'm here to speak, of course, on Intro
4 1233. Animals acts have been used in circuses for a
5 very long time, and as long as I can remember I've
6 enjoyed them as a kid, and then as an adult I enjoyed
7 them as well, and then later on with my children.
8 Sadly, I didn't see the misery of these animals used
9 in these acts. I was blind to the enslavement.
10 Equally sad is the fact that it's been allowed to go
11 on for so long. In this great country where we have
12 fought for freedom, liberty and justice, tell me were
13 these rights only for human Americans? Do not
14 animals deserve to be free and live as they were
15 meant? It's time to end the suffering of the
16 eternity of suffering, and we can do this if we step
17 up and pass 1233. I'd like to quote a line from one
18 of my favorite movies, *A Streetcar Named Desire*.
19 It's spoken by the main character Blanche Du Bois.
20 She replied, "I've always relied on the kindness of
21 strangers." While the animals that 1233 would affect
22 are doing just that now. They're relying on our
23 kindness. They're relying on us to be human, no more
24 humane. They're relying on us for the safety of the
25 public for their safety, and to end their eternal

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2 suffering. I sat around here for the first time.
3 I've never been in here before. This is a beautiful
4 place, and it's an historic place where laws have
5 been passed, issues have ben addressed, and I just
6 feel the air of hope that this will be passed because
7 this needs to stop. I can't get my head around a
8 prod or a whip or the fact that these animals have no
9 choice. Do you think they want to be there? Do you
10 think they would choose it? I don't think so. I
11 think they would choose freedom, and to live in a
12 natural habitat. Now, that might not be possible put
13 them to a sanctuary. Breeding. I didn't even want
14 to hear that, and as far as the liars of the-the
15 horse advocates, I was up there recently, and I could
16 not believe the state of the horses that I saw.
17 Sores. Some of them seemed lame, and they seemed so-
18 just-just so unhappy. I had my five-year-old with
19 me.

20 COUNCIL MEMBER MENDEZ: [interposing] I-I
21 still have 20 more people who need to give testimony,
22 so if you could--

23 JOANNE SAMPLE: Alright, I-I just wanted
24 to mention that because it is in truth, and just try
25 to discredit something that I've-I've seen myself.

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2 It's-it's-it's-it's a fact that they are abused. So
3 I just want you guys to realize that we need to stop
4 this and money--

5 COUNCIL MEMBER MENDEZ: [interposing]

6 Thank you.

7 JOANNE SAMPLE: --wasn't made for New
8 York City.

9 COUNCIL MEMBER MENDEZ: Thank you.

10 JOANNE SAMPLE: Thank you.

11 [applause][background comments, pause]

12 ALEX DIENSTAG: [coughs] Good afternoon.

13 My name is Alex Dienstag, and I'm a resident of the
14 Bronx. Day after day, year after year animals in
15 circuses are chaired and carted across the United
16 States. Now the world is waking up to just how cruel
17 animal circuses really are. Suffering animals is not
18 entertainment. It's exploitation. Each and every
19 day more and more people are joining those outside of
20 the circus and actually going. Many don't know the
21 horrors animals go through such as being whipped,
22 beaten with weapons such as bull hooks, tased and
23 force to jump through a ring of fire. [background
24 comments] Amazing and thrill-thrilling fetes by whom
25 performers provide more excitement and entertainment.

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2 Feld Entertainment, the parent company of Ringling
3 Brothers knows that non-animal entertainment acts
4 make money. They own several other non-animal shows,
5 which feature only humans such as Disney on Ice and
6 Monster Jam, are both very popular shows that don't
7 use animals. It's time we take animal abuse out of
8 the equation. Let's make New York the best city it
9 can be and ban exotic and wild animal acts from
10 coming here. Thank you to Council Members Mendez and
11 Johnson who are so correctly standing on the right
12 side of history by sponsoring Intro 1233, and I
13 respectfully urge other council members to join them.
14 Thank you.

15 COUNCIL MEMBER MENDEZ: Okay. Next.

16 ERIC WALTON: Hello and good afternoon.
17 My name is Eric Walton. I am a performer and I'm
18 rights activist and resident of Hells Kitchen, which
19 is, of course, Corey Johnson's district. Perhaps the
20 greatest civil rights leader of the 20th Century Dr.
21 Martin Luther King once said, "One day the absurdity
22 of the almost universal human belief in the slavery
23 of other animals will be palpable. We shall then
24 have discovered our souls and become worthier of
25 sharing this planet with them." And I believe that

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2 if Dr. King were alive today he would be encouraged
3 by the moral progress that society has made with
4 regard to non-human animals. The public's attitude
5 toward non-human animals and the rights to which they
6 are entitles has indeed evolved. It has shifted and
7 it has shifted in favor of more rights, more
8 consideration, and the recognition that animals are
9 not our slaves. We are not their maters. They do
10 not exist for human ends, and they do not owe us
11 anything. And least of all do they owe us their
12 freedom. This shift in the public's attitude toward
13 non-human animals is reflected in many of the laws
14 that have been passed in recent years. Earlier this
15 very year Governor Jerry Brown of California signed
16 into law a bill that prohibits the captive breeding
17 of orcas in that state. Last week, the world's
18 largest—one of the world's largest travel websites,
19 Trip Advisor, announced that it will no longer
20 partner with organizations that profit from the
21 captivity and exploitation of wild and exotic
22 animals. Bans on the use of wild animals in circuses
23 already exist in among other places Austria,
24 Argentina, Belgium, Colombia, Costa Rica, Croatia,
25 Denmark, Ecuador, Israel, The Netherlands, Norway,

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2 Mexico, Panama, Peru, Poland, Portugal, Sweden and
3 Singapore among many, many other cities, countries
4 and municipalities around the world. It is
5 inevitable that New York City, the capital of the
6 modern world will catch up with countries like
7 Mexico, and Singapore by passing progressive
8 legislation that prohibits the use and exploitation
9 of wild animals in circus—in circuses. The only
10 question is whether New York City will emerge ahead
11 of the moral curve by passing this legislation now or
12 will be on the wrong side of history by postponing it
13 further. I urge the City Council to vote yes on
14 Intro 1233. Thank you.

15 COUNCIL MEMBER MENDEZ: Thank you very
16 much. Ms. Whitaker, I know you traveled from
17 California to be here today, and I'm just wondering
18 if there is anything else that you want to state on
19 the record since you were cut short on your time.

20 MARGARET WHITAKER: There were a couple
21 of other things that I was hoping to address. Some
22 of them regard the AZA, the Association of Zoos and
23 Aquariums, and there was discussion earlier about
24 ambassador animals. The AZA actually has within its
25 document animal care manuals. These animal care

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2 manuals are species specific. For instance, there's
3 one for even little monkeys all the way up to
4 elephants and all the sea lions and big cats. There--
5 they also exist for ambassador animals. We have
6 welfare standards within the AZA that specify how
7 these ambassador animals, which are the ones that are
8 used in educational programming, are handled and how
9 they must be housed. So I just wanted to have that
10 on the record--

11 COUNCIL MEMBER MENDEZ: [interposing]

12 Okay.

13 MARGARET WHITAKER: --that there are
14 these guidelines within the AZA for not only species
15 specific housing and everything from biotic to a
16 biotic condition in which the animals are kept. But
17 also things like training methods and enrichment.
18 You know, those sorts of things. So those are
19 spelled out within the animal care manual, and then
20 these methods for handling ambassador animals and
21 considering their welfare is also included.

22 COUNCIL MEMBER MENDEZ: Are those
23 ambassador animals also include the animals that are
24 being shown on television on various late night
25 shows? Do you know?

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MARGARET WHITAKER: Yes, but again many of those are not coming from within the AZA facilities. Most of those are coming from other facilities. They might be AZA members.

COUNCIL MEMBER MENDEZ: Okay, thank you. Anything else? You said a couple of things.

MARGARET WHITAKER: [interposing] Yeah, I guess, you know, there—there were a lot of interesting issues that were brought up during previous discussions, some of them regarding TB in elephants, and the testing and why testing is no longer required by the USDA. It isn't due to a risk posed to people. It is because of the efficacy of the test. There are different types of tests that we do on elephants. One of them is a trunk wash test, which is the only way [bell] to tell if an elephant actively has TB, which is when they can transmit it to somebody else be it elephant or a human, and this test is not very valid. Only 2% of the time does it catch an elephant that's actually what we call shedding or with active disease. So that test is not reliable. It's--a no, a negative test is not necessarily negative. A positive is certainly positive. So that's—that's one of the tests that's—

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2 that's used. The others are blood tests, and these
3 test for exposure to TB. So if there are antibodies
4 within the—the animal's system, and there are a
5 couple of different types of tests that look at
6 different things. They measure different things,
7 which aren't necessary to go into now, but it's those
8 tests that have been called into question, and part—
9 so the—the combination of all three of those.
10 There's two blood tests and then the trunk wash test.
11 Those were what were called into question, and
12 because of the range of I guess efficacy in the
13 testing is why USDA actually withdrew that, not risk
14 to people. And elephants that have been exposed to
15 TB can convert to active TB, and it's a kind of TB
16 it's like Herpes. You know, you would have cold sore
17 on your face. The only time you can give that Herpes
18 virus to somebody else is when you have the cold
19 sore, but you always have it within you system. It's
20 intermittent—intermittently shed. Tuberculosis is
21 the same way, it's intermittently shed. So you may
22 have it, and harbor it, but you're only shedding it
23 intermittently, and I—I could bore you with numbers
24 for that but I—I won't. [laughs]

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COUNCIL MEMBER MENDEZ: Thank you.

That's—that's real interesting things that I didn't know. So that's very enlightening to me. If your numbers are not in your—I didn't see your written testimony. Maybe if we can get some of that, if you can get that to the committee and to my office I'd like to know--

MARGARET WHITAKER: [interposing] Okay.

COUNCIL MEMBER MENDEZ: --more about that. Thank you very much.

MARGARET WHITAKER: The only other thing I wanted to comment on was the use of cortisol to determine if an animal is stressed or not. Most—most of those doing welfare research and science and looking at how stressed an animal is and how it's responding to its environment, recognize that cortisol is not a stand-alone measure of welfare. And so, I—I—I was interested to hear, and I don't remember who said it now. I think it was maybe the vet from Ringling. I don't think she's here any more. But the—they don't see a rise in cortisol in their animals during transport, and again I would be interested to know if they're looking at blood levels of cortisol, which are—respond differently to say

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2 saliva levels of cortisol. And so I'm curious how
3 they're measuring that, and what other physiological
4 measures are being used. There's a—I can also
5 reference this paper to you. There's a lovely paper
6 that shows different blood value levels to help
7 determine how stressed an animal is, or how they're
8 responding to a particular situation.

9 COUNCIL MEMBER MENDEZ: I see. Okay,
10 thank you. I'd like to see that. Alright. I want
11 to thank this panel for your testimony, and I want to
12 call up next Sabina MacDoney (sp?), Ruby Goodman.
13 [background comments] She was one of our kids.
14 Alright, the kids. Rosa Moonsfior (sp?). Okay.
15 Jennifer Copense (sp?). No? Meredith Shriver,
16 Adelle Beavin. Adelle left. Michelle Carrera.
17 What? She left. So we—who do we have here?
18 Jennifer Copense is up here. Jennifer. Meredith,
19 Meredith, Rosa. [background comments] Ali Carrera.

20 MALE SPEAKER: [off mic] He's a little
21 boy. He's gone.

22 COUNCIL MEMBER MENDEZ: He was a little
23 boy. Okay, and Jones Salatsy (sp?). Okay. Alyssia
24 Metlosky—Metlosky (sp?). Eli Kissaman. Okay. Leslie
25 Henry. Leslie. Roxanne Del Gado. Roxanne. Julian

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Balentine. Oops, move it. Okay. Let me see.

2

Meredith is here, right? Jennifer. Jennifer, no,

3

she's not here. Rosa is here. Adelle is not here.

4

Michelle Carrera.

5

FEMALE SPEAKER: [off mic] No, she left.

6

COUNCIL MEMBER MENDEZ: No. Eli. Eli is

7

here. Okay. Let's get started whoever is ready.

8

Let me start with you.

9

JOAN SOLACKO: Hi. My name is Joan

10

Solacko and I want to pose this question to you:

11

Where do the animals go when they get old and their

12

working days are done? Nobody ever asks or answers

13

this question? Do they go off to be sold or

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auctioned off to the highest bidder for canned Hunts.

15

I suggest you use social media and look up the

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whistle blowers who risk their life to film what

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really goes on, and what the public doesn't see, and

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then make up your mind. But please do your homework

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because we're not talking about food, water and

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regulations. We're talking about training these

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animals and not giving them treats for stupid pet

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tricks, but about whipping them into submission. We

23

know about the plight of the elephants, which is why

24

Ringling Brothers are phasing them out, but let's not

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1
2 kid ourselves into thinking that they treat elephants
3 the same way as they treat lions and tigers. They
4 may be trainable, but at what cost? They go back to
5 wherever the circus resides and the big cats live in
6 a boxcar or metal cage. They don't stretch out their
7 paws or limbs on grass or soil, which is natural for
8 them. They are stressed out and perhaps on drugs so
9 they can perform stupid pet tricks to the naïve
10 public as long as the customers pay the money. Is
11 that what these animals were bred for? Were they
12 born to a life existing of cages and drugs? These
13 wild animals have their own life and their own world.
14 Who are we to think or say otherwise? The world is
15 changing and the people are saying enough with—with
16 your hands on—on their lives for money. What kind of
17 world and society are we living in when we treat
18 animals this way? Cirque Soleil represents and
19 exemplifies what one can do with the human body, but
20 more importantly, the people perform by choice. The
21 animal doesn't have a choice. If the animal had our
22 human language, how do they think they would want to
23 be treated? Now is the time to give back their life.
24 I urge you to look at the film footage on the
25 training and go to the Lion Art documentary, which

1
2 will be shown November 10th, although I would have
3 had it show here earlier so you can see for yourself.
4 You don't see or hear that from the circus people
5 because it is a well kept secret how they are
6 trained. Well the secret is out. Thank you.

7 COUNCIL MEMBER MENDEZ: Thank you. Next.

8 ROSA MUNGIA: My name is Rosa Mungia. I
9 reside in Park Slope Brooklyn. I am

10 COUNCIL MEMBER MENDEZ: Your name is
11 what?

12 ROSA MUNGIA: Rosa Mungia.

13 COUNCIL MEMBER MENDEZ: Okay. Thank you.

14 ROSA MUNGIA: I'm a life long native of
15 Brooklyn. I saw the Barclay's stadium built. I went
16 to the circus as a child, brought there by a day camp
17 or a school, and even then I did not enjoy it. I
18 went to the Ice Capades, though, and enjoyed it
19 immensely. Just the fact that entertainment is on
20 the back of cruelty and punishment and violence to
21 the animals is wrong, and the fact that economically
22 the Hudson Yards are going to be built—are being
23 built for the 32BJ. Because I understand economics.
24 You know, people do need to make a living. I believe
25 the circus can continue without the animals. The

1
2 Hudson Yards are being built. So all those workers
3 for 32BJ can go work there. Coney Island just had a
4 theater built for music. My son is eight. He's
5 never asked me to go to the movies. He wants to go
6 see a basketball game, okay. I've been a resident my
7 whole life. I've had so many people offer me free
8 tickets. Oh, I have free tickets to the circus. I
9 have free tickets. Honestly, I think it's subsidized
10 by Ringling resales because I think they make so much
11 money off their other events that they can cut a loss
12 and they fill these seats up with the free tickets.
13 So I am a strong supporter, and I hope you guys all
14 vote and put that Intro 1233 into action.

15 COUNCIL MEMBER MENDEZ: Thank you. Next.

16 MEREDITH SHRIVER: Good afternoon. My
17 name is Meredith Shriver. I'm a resident of New York
18 City, and I thank you for the opportunity to speak
19 today. Children love the circus, and children love
20 animals, but if children knew what is done to circus
21 animals they would be horrified and distraught. The
22 animals forced to participate in circuses are
23 subjected to cruel training practices that include
24 the use of whips, tight collars, muzzles, electric
25 prods, bull hooks and other tools. The abuse is

1
2 daily, it's systematic and it's rampant. The
3 suffering that these wild animals endure day in and
4 day out wreak havoc on their physical and
5 psychological wellbeing. In their natural habitats,
6 they are majestic and free, but as circus performers
7 their spirits are broken as they spend their lives
8 confined, crowded and abused in an environment that is
9 completely unnatural to them. Their lives are
10 reduced to tedious, repetitive and demeaning acts.
11 They are exploited for profit and seen only
12 commodities—commodities by the industry. New York is
13 better than this, and as a New Yorker, I'm outraged
14 and embarrassed that such acts are condoned. Acts
15 that are committed against a cat or a dog would be
16 punishable by law. Circuses can go on and continue
17 to thrive without the use of wild animals, without
18 acts of cruelty and abuse and without
19 compromising the welfare of a living being. Please
20 understand and respect the plight of these wild
21 animals and support Intro 1233. Then you can tell
22 your children what you did to save and protect the
23 animals they love. You'll be a hero to them, to us
24 and to the animals. Thank you.

1
2 JULIANNE BALLINGTON: Hello, my name is
3 Julianne Ballington, and I live in Queens, New York
4 and I'm sure as you all can tell, I'm not originally
5 from New York. As a little girl growing up in South
6 Carolina, I dreamed of living in New York City. To
7 me the city was an inspiration even though I lived a
8 thousand miles away. As I got older, I began
9 following the city's politics. I remember when New
10 York City got Citi Bike, and then just a few years
11 later a Citi Coast (sic) and you got it as well. I
12 tell you this because as I'm sure you know, what New
13 York City does, the rest of the country does as well.
14 This proposal seeks to ban exotic animals within the
15 city limits. These intelligent animals are cruelly
16 mistreated. They are confined to cramped cages for
17 long amounts of time, and are only allowed exercise
18 when performing. Their food is tainted with fecal
19 matter at times, and they are deprived at times of
20 water. Young cubs are ripped away from their
21 mothers, and then they are beaten and tortured in
22 order to perform. And if this is not bad enough, big
23 cats that are deemed untrainable are killed. New
24 York City has the power to inspire people thousands
25 of miles away in cities that they have never heard

1
2 of. By passing this bill, the Council will not only
3 protect wild animals within its jurisdiction, but
4 will serve as an inspiration for other cities to do
5 the same. Thank you.

6 ROXANNE DEL GADO: Hi. Roxanne Del Gado,
7 Bronx, New York. Okay. Last year doing my outreach
8 in the Bronx at UniveSoul Circus, a sole person
9 informed that no animals were used in the prior year,
10 and they still enjoyed the show. I also heard
11 elephants cry as they were whipped in a small tent
12 adjacent to the large tent. One man stood watch
13 outside the tent as the other man snapped his whip.
14 I could hear the cries of the elephants and their
15 chains. I also saw the top of the tent move up and
16 down the elephants did their standup. After a few
17 minutes, two men and a lady escorted the three
18 elephants into a large tent. I noticed the largest
19 elephant swayed his head back in forth in distress as
20 they entered the large tent to perform. Anyone can
21 see that those animals' performed in fear and under
22 great duress. I am here for them to tell their
23 story, and also to mention that DOH doesn't issue
24 violations because their mandate is for public health
25 and safety, not for the wellbeing-being of animals.

1
2 It's not their mission. What the circus refers to as
3 education, is—is called marketing, and they target
4 the young and low-income areas to peddle their crude
5 shows, the plastic toys and their junk foods. Yeah,
6 I'm sorry about that, and the people who exploit
7 these same animals are the same that exploit people,
8 the poor and uninformed as they make—because they
9 really believe they are the superior ones on this
10 earth. Thank you. That's it.

11 ELI CASSARA: Hi. My name is Eli Cassara,
12 a resident and human being. New York City Council
13 Members, the Ringling Brothers Circus is coming to
14 town, and we need your help. We are the wild and
15 exotic circus animals, and we have no voice and we
16 have choice. We are beaten, whipped, shocked and
17 bullied into performing tricks. We eat, drink,
18 sleep, defecate, and urinate in cramped coffin-like
19 cages. We forced into boxcars and trucks, and hauled
20 endlessly around the country in freezing cold and
21 blazing heat. Our lives our filled with misery and
22 our spirits are broken. Our care is terrible.
23 Ringling Brothers has, in fact, been fined \$270,000
24 by the USDA for poor treatment. We are kept alive
25 only to make money for the circus. We cannot speak

1
2 out, and we cannot leave the circus. Some of us go
3 insane and blindly try to run, but are brutally
4 gunned down. Sometimes we accidentally hurt audience
5 members in our desperate attempts to escape the
6 relentless pain and suffering. Wild animal acts are
7 dammed or restricted in more than 40 cities and
8 counties across the county from Pasadena, California
9 to Stamford, Connecticut. A few brief facts: Since
10 2000, there have been 35 incidents of elephants
11 running amuck into audiences in the streets. Every
12 single major circus has been cited for violation care
13 standards of the United States Animal Welfare Act.
14 Circuses travel 48 weeks a year. Virtually 96% of a
15 circus animal's life is in chains or caged, and since
16 1990, there have been over 123 lion attacks. Thank
17 you. [pause]

18 LESLIE HENRY: Hi. I am resident of
19 Washington Heights, and I am speaking here today in
20 support of restricting--restricting exhibitions and
21 performances of wild animals and as entertainment in
22 New York City. My name is Leslie Henry, and I am a--a
23 constituent of Council Member Mark Levine, and I urge
24 him to join Council Members Mendez and Johnson, and--
25 and approve this bill. Restricting this--this type

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2 of entertainment is, as people have said, it's a sign
3 of New York City's progressive culture and our
4 leadership, and socially responsible business. Made
5 in New York is a branding that is attached to many of
6 the apps and start-ups and the culture that's so
7 bright-vibrant here in the city. And I think played
8 in New York should have the same connotation. The-
9 this type of entertainment we also have heard with
10 the evidence presented today is obviously contracting
11 in its economic impact. I've, you know, I will need
12 to be fact checked, but I heard that 500,000 attended
13 the circus over four years at Barclay Center, and I
14 also heard that 200,000 tickets per year were given
15 away. That means 800,000 tickets per year if they
16 did 200. Anyway, you can do the math. So what that
17 tells me is that the revenue per customer is more
18 based on concessions or other sources of revenue than
19 the ticket price. Because you can't sustain a
20 business giving away 800,000 tickets and only having
21 500,000 people. So I believe that the-- [bell.
22 That's all I can say then. Thank you.

23 COUNCIL MEMBER MENDEZ: You just have a
24 couple of more seconds. You can finish up.

1
2 LESLIE HENRY: Oh, well, I was just going
3 to mention that—well, I don't even have time to
4 mention it now. I'll—I'll do my closing. My closing
5 was that as long as employers give their animal
6 handlers, their trainers the tools of intimidation
7 and expect them to coerce ever more exciting
8 performances from wild animals, there's going to be a
9 profit motive that's in conflict with worker safety
10 and animal welfare.

11 COUNCIL MEMBER MENDEZ: Thank you. I
12 want to thank everyone on this panel. I think we're
13 getting to the last panel of the day. So I want to
14 also thank everyone for their patience today, and for
15 staying on this long to get your testimony on the
16 record. Brenda Goldman. Brenda. Elana Natal or
17 Natalli. No. Michael Frin—Fringen—Fringen. Diane
18 Williams Messa, Janet Patterson, Teresa Rousso and
19 Jane Kern. So sitting down is [background comments]
20 Diane Williams. Yes. Teresa Rousso. You sir?

21 MICHAEL FRINGEN: [off mic] I'm Michael
22 Fringen.

23 COUNCIL MEMBER MENDEZ: Okay, and Janet
24 Kern. Okay. So Brenda is not here? Elana is not
25 here. Janet is not here. Okay, if anyone else wants

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2 to join this panel who has not given testimony, you
3 can except I will need you to fill out one of the
4 little white things. So, anyone else who comes to
5 the front, I need you to fill this out. Okay, the
6 sergeant will give you a piece of paper for you to
7 fill out. Okay, let's get started.

8 DIANE WILLIAMS: Okay, my name is Diane
9 Williams. I'm here on behalf of myself, and in
10 memory of Ceil the Lion. Most of what I had actually
11 written to say has already been said, but I wanted to
12 bring up a point. First of all, conservation and
13 circuses are complete opposites. Anybody who says
14 that what they do is conservation is completely
15 wrong. They're lying completely. None of these
16 animals could ever possibly go back into the wild.
17 Ever. Even if you took them as cubs and put them in
18 the wild, they could never survive in the wild. So
19 that's their argument out the window. They could
20 neve ever call it conservation. The other thing I
21 wanted bring up is the treatment of these animals.
22 It's horrible. As we've heard multiple times today
23 they are kept in small cages where they can barely
24 move. They're given food that where they, you know,
25 defecate and pee, and everything in their food is

1
2 there. We don't even treat prisoners like that in
3 this country. Prisoners in New York State have
4 better living conditions than these animals do, and
5 there's no reason these animals should be treated
6 like this. They're majestic animals and they should
7 be in the wild where they belong. They should be
8 able to do what animals do, not perform tricks for
9 someone's wallet. It's—it's absolutely absurd.
10 Another point I wanted to bring up was one of the
11 people earlier mentioned that tigers have been in his
12 family for generations. That doesn't mean anything.
13 All it means is that his family has been breeding
14 tigers. It doesn't mean that those animals could
15 ever be again ever be in the wild. It's not
16 promoting conservation. It's doing nothing. The
17 animals are just being abused over and over. They're
18 beaten into submission, as we've heard. New York
19 City we're as everyone says, we're the greatest city
20 in the world. So my question is do we really want to
21 be a part of this? Do we want to encourage further
22 abuse and neglect and exploitation of animals? I
23 don't and I think you will agree. In memory, it just
24 seems—you know, in closing in memory of all the
25 animals who have died never feeling love or freedom,

1
2 please New York City Council Members, do the right
3 thing and don't allow them to do this.

4 COUNCIL MEMBER MENDEZ: Thank you very
5 much for your testimony.

6 TERESA ROUSSO: Hi. My name is Teresa
7 Rousso. Circus animals are—as much as it's been
8 said, the circus animals do not willingly stand on
9 their heads, jump through burning hoops, stand on
10 their hind legs and then form conga lines and ride
11 bicycles or any other of the silly tricks that are
12 confusing and unnatural to them. They also do not do
13 these tasks because they're expecting a reward or
14 food or any kind of positive training. It's—what the
15 circus business doesn't want you to know is that the
16 only way to train wild animals to do the circus
17 tricks is to take them away from their mothers at a
18 very young age, and then subject them to cruel
19 training regimens. That includes severe beatings
20 with sticks or as with baby elephants bull hooks, and
21 sometimes starving the animal until it becomes more
22 complacent. In other words, terrified of its
23 trainers and, therefore, willing to do anything to
24 make the beatings stop. In their natural habitat
25 these wild animals will roam freely for miles often

1
2 with family members. When imprisoned in the circus,
3 they're kept in tiny cages where they can do nothing
4 but pace back and forth to the point of madness. The
5 only time they get out of the cages is when they are
6 in the circus ring performing. Included in my
7 testimony are some photos taken of the animals being
8 abused by the circus trainers. I hope that the
9 Council Members will be able to see them for what
10 they are, animal abuse and cruelty. We should not be
11 raising our children by teaching them that cruelty to
12 animals is acceptable, and something that we do to
13 entertain ourselves. Some people—some people here
14 have said that they will lose their jobs. So the
15 animals should stay in the circus. The point is when
16 something is wrong, we all know it. It doesn't make
17 a difference that money is being made. It's not an
18 excuse for cruelty. It's barbaric to hurt and abuse
19 animals or watch animals being abused. I hope that
20 the humane race will strive to reach a higher level
21 of development where we don't abuse animals in order
22 to entertain ourselves or to prove that we're smarter
23 [bell] or more powerful than other living species.
24 Alright, and we don't excuse the inhumane treatment
25 of animals just because someone is making money from

1
2 that. And it's said, other countries and cities
3 around the world have banned the use of wild animals
4 in circuses. I hope that New York City will be the
5 next to take this important and inhumane step. Thank
6 you.

7 COUNCIL MEMBER MENDEZ: Thank you.

8 MICHAEL FINGER: Hello, everyone. My
9 name is Michael Fringen (sic). I'm a New York City
10 Teamster that does not support animal abuse no matter
11 which union supports it. Hey, everyone, I have this
12 beautiful tiger here and I love him so much I'm going
13 to whip him and make him jump through a fire hoop for
14 your entertainment. Now, can you see how much I
15 truly love this animal? Give me a break. That's not
16 any type of love I would want, but there is no need
17 any more for me to discuss why these animals should
18 not be used and abused any more by these industries.
19 We all know how wrong it is, and I've seen the video
20 of how these animals are forced and beaten to do
21 these completely unnatural tricks over and over
22 again. The abuse is not subject to debate. It's bad
23 and it needs to be ending. I am here to speak on two
24 things I am sick of. I'm sick and tired of hearing
25 from industries that are continuously expose and

1
2 abuse animals that they care for these animals
3 already and getting away with it. Rewarding animals
4 after you whip them does not constitute caring for
5 them. If they cared so much for these animals, they
6 would not be subject to any abuse at all. In many
7 cases, the moment these animals cannot make money for
8 their exploiters and abusers is the day they're so-
9 called castoffs. As evidenced by Ringling's horrific
10 decision to instead of retire their elephants to a
11 sanctuary they decided to subject them to cancer
12 research testing as if they hadn't suffered enough
13 already through the years. The last thing I want to
14 say I'm sick and tired of hearing about job losses as
15 the only issue that matters here from the opposition.
16 You do not get a pass for abusing animals because
17 it's your job and expect tears from an evolved
18 society over losing that job any longer. I'm sorry,
19 but if your job involves the abuse of beings or
20 supporting these abusers, it needs to go. It's 2016
21 and this should not even be up for debate. Do the
22 right thing and support this bill that once helps end
23 abuse of these animals instead of continuing to
24 support the animal abuse bills. [cheers]

25 COUNCIL MEMBER MENDEZ: Next.

1
2 JUSTINE MARIE VICKERS: My name is
3 Justine Marie Vickers. I'm a lifelong resident of
4 Flushing, Queens and I was happy to see my
5 Councilman, Councilman Koo here earlier today,
6 however briefly. This is totally off the cuff. I
7 wasn't even prepared to come up here and speak today.
8 So, I am a New York State License Massage Therapist,
9 and also work closely with animals in my role as a
10 healer, Reiki Master Teacher. I'm an animal Reiki
11 Specialist. I work closely with animals and their
12 human companions. I come up there in—I come up here
13 to state that I am implore the bans on the
14 performance of these animals, these living, sensing
15 beings for the purposes of profit, and I wish to see
16 an eradication of the use of all animals for profit.
17 They're being exploited, they're being tortured,
18 they're being abused. I would like to see it stop,
19 and it was very disheartening to see some people in
20 attendance here today who seemed to be more concerned
21 with their own selfish concerns whether it be
22 financial profit or the fear of losing jobs. And as
23 I look around this room, I look up and I see one of
24 the quotes that says, Our commercial policy should
25 hold an equal and impartial hand. Washington. And I

1
2 believe that impartial hand should extend to the
3 wellbeing of all living and thinking beings and that
4 includes the animals. Thank you.

5 COUNCIL MEMBER MENDEZ: Thank you.

6 JANET KERN: [off mic] My name is Janet
7 Kern.

8 COUNCIL MEMBER MENDEZ: Can you press the
9 little button and make sure the red light is on.
10 Now.

11 JANET KERN: Thank you. My name is Janet
12 Kern. I'm a documentary film maker, a resident of
13 Little Italy and a member of IATSE Local 161. For
14 Ringling in order to call exotic animals in circuses
15 family entertainment is a pieced perspective at best.
16 What about the lion, tiger and bear family destroyed
17 by kidnapping and living in cages, living unnatural
18 lives absent the vitality and socialization of herd
19 or pride or habitat? Wild animals are the children
20 of creation as are humans. They were not put on this
21 earth for our specie's amusement. It is not a
22 question of humane treatment or the lack of it in
23 captivity. Inhumane treatment begins with captivity.
24 Exotic animals used for entertainment and huge profit
25 is as offensive as this reference may be similar to

1
2 the enslavement of some humans by other humans made
3 to labor or entertain in captivity for profit by
4 their owners with the use of whips and chains. It is
5 the undeniable pleasure of circus, which I enjoyed as
6 a kid, too, should not also occasion grief when
7 thrill turns to shame. Lion King good. Circus lion
8 not so much. It is disingenuous at best to claim
9 exotic animals in circuses are some of public
10 service. They are revenue. Human dominion requires
11 human decency. If the threshold of decency is human
12 amusement and corporate profit shame on us all.
13 Please pass 1233. The children are watching.

14 COUNCIL MEMBER MENDEZ: Thank you.
15 [applause] I want to thank this panel, and I want to
16 thank Justine for joining us at this last minute and
17 getting your testimony on the record, and Michael and
18 Diane for your heartfelt testimony. Thank you all
19 for being here today. Also, testimony that's been
20 submitted from the—for the record we have written
21 testimony from Marissa Miller-Wilson and Gabriel
22 Wilson. We have testimony from Samuel S. Cole,
23 Attorney. We have testimony from a Amari Thompson.
24 We have testimony from NYCLASS and we have testimony
25 from Kimberly Spanjolle, Humane Education Learning

1
2 Program, Inc., and we also have the testimony and the
3 Big Cat Report on Ringling Brothers Circus, the Red
4 Unit by Jay Pratt. So all of that has been submitted
5 into record. I-I just want to say we started this
6 hearing almost six hours ago [laughs]. We've gotten
7 a lot of testimony on the record here in addition to
8 written testimony and--and many people were unable to
9 stay, and give their testimony, and hopefully we'll
10 get it in writing in time. We can still submit it
11 into the record if they email it to us by--

12 MALE SPEAKER: [off mic] The next 24
13 hours.

14 COUNCIL MEMBER MENDEZ: --the next 24
15 hours. So whoever you know who had to leave or was
16 unable to make it here today they can email their
17 testimony to the Council Committee?

18 MALE SPEAKER: [off mic] They can email
19 you.

20 COUNCIL MEMBER MENDEZ: Email me at
21 rmendz@council.nyc.gov. My staff is going to love me
22 for that one. [laughter] Sure, and we will make
23 sure we forward it to the Council Committee to get it
24 into the record. Like it's already been said. I've
25 carried this bill for 10-1/2 years. Certainly it's

1
2 more compelling when you hear all this testimony.
3 You know, one of the things that I think we didn't
4 speak enough about is the intelligence of animals,
5 and their emotions. You know, I saw video I don't
6 know if it was on a documentary or on YouTube where
7 an elephant that was shot down, but with something
8 that tranquilized him or her. I--I don't know the
9 gender [laughs] but the--the elephant was crying, and
10 you could see the tear. I--I want to share my story.
11 My mother lives in Puerto Rico. She has lots of
12 animals, mostly chickens, roosters, chicks, cats.
13 She used to have a dog. The dog got to be a little
14 bit too much for her. She had this one giant huge
15 rooster that was bigger than any other, and she
16 particularly loved this rooster [laughs] because he
17 was big and he was, you know, like this whitish
18 color. When he got older, he turned a little beige,
19 but he was huge. All the other roosters were short
20 in comparison, and he kind of led the whole pack.
21 They all hung out in the yard. At some point,
22 Ghoulie was his name. Ghoulie started leaving the
23 house, and for days on end my mother noticed Ghoulie
24 was not at home in the back yard. One day she sees
25 him leave in the morning. She follows him down the

1
2 paved road. He was going down the paved road to
3 visit his girlfriend this chicken in someone else's
4 house, and hanging out there everyday. He'd come
5 back every night before 7:00 p.m. to climb the tree
6 and sleep. When he got too big he wouldn't climb the
7 tree and my mother would have him sitting her porch,
8 and he would sit on her rock porch—her rocking bench
9 on the porch. One time I came to visit. My mother
10 did not know I was coming. It was a little after
11 7:00. He got up and started staring me down like he
12 was going to attack me because he didn't know who
13 this stranger was. His girlfriend unfortunately was
14 with him one day, and she got killed by a car. My
15 mother said she came running out of the house because
16 she heard this noise she had never heard before and
17 it was Ghoulie. He really was chasing the car and
18 screaming I believe crying in pain and in anguish.
19 These are just—but that's my story, but there are so
20 many stories about these incredible intelligent
21 animals. So I wanted to put my story on the record,
22 and I wanted to share that all with you. I want to
23 thank everyone particularly this man right here
24 [applause] who works hard everyday not just on this
25 legislation, but so many others and stays here even

1
2 when like in this case when the Chair of the
3 committee, my good friend and colleague who had to
4 leave. He's always here. So thank you all for being
5 here today. [cheers/applause] I want to thank—put
6 another—thank you, thank you. I want to put another
7 thank you out to my staff who's worked on this. I've
8 had staff over three legislative terms [applause] too
9 many people to name again. I want to thank the
10 sergeants-at-arms who have been here all day long,
11 and for keeping everyone. You've all been great.
12 The security and police from the NYPD who protect us
13 here everyday and who are here to keep order, thank
14 you for all of your time here today, and they are
15 still holding some of the signage downstairs. You
16 can go get it on your way out. Thank you very much.
17 This hearing has come to an end officially.

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COMMITTEE ON HEALTH

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date November 20, 2016