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Animal abuse in the United States' circus industry: A comparative case study analysis

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Animal Abuse in the United States’ Circus Industry: A Comparative Case Study Analysis

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Accepted by the faculty of the Department of Justice Studies, James Madison University, in partial fulfillment of the requirements for the Degree of Bachelor of Science.

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Abstract

The topic of animal abuse is a widespread, controversial issue within the United States. Animal abuse and neglect is commonly associated with food industry animals and domesticated animals; however, animal abuse is a problem within other industries, such as the circus industry. In particular, the circus industry is notoriously known by animal advocates for continuous violations to animal protection laws that hinder its animals’ welfare. Pressure by animals rights organizations and a growing public sentiment against the exploitation of circus animals, the industry has seen various changes in recent years including more stringent USDA enforcement and a transformation to programs that exclude animals entirely (most notably Cirque de Soleil). Ringling Bros. and Barnum & Bailey Circus, Cole Bros. Circus, and Carson & Barnes Circus have all experienced these changes while maintaining their animal performers. The purpose of this study is to analyze the prevalence of animal abuse in the industry and to draw conclusions to how the growing anti-animal movement is impacting the circus and vice versa with how a circus’s actions impact public perception via three comparative case analysis. This study seeks to determine where the circus industry stands in regards to animal involvement and what the future looks like.
Introduction

In recent years, the animal rights movement has gained an increase in both attention and popularity. This movement is applicable to a variety of animals, most notably domestic animals (i.e. pets such as dogs and cats), industrial animals (i.e. animals utilized for food production such as cows, pigs and chickens), and research animals (i.e. primates). As this thesis will indicate captive animals within the entertainment industry are becoming increasingly common amongst animal rights literature, although they remain overshadowed by the categories of research and industrial animals.

The issue of animal abuse with the United States circus industry has just recently received ample publicity as a result of lawsuits combined with numerous violations of animal protection laws. While the debate surrounding animal welfare is not a new issue it remains controversial today as the competing sides hold firm in their beliefs. In the circus industry, animal advocates argue for reforms on animal performers’ welfare ranging from improved quality of animal welfare to the immediate elimination of animals from the industry (Schmidt, 2011). Collectively animal advocates agree that change must occur within circuses while the circus corporations promote their love for their animals concluding that there is nothing wrong with how the circus industry currently operates. Strong personalities on both sides make it difficult to discover the truth about animal abuse within the circus industry.

The first section of the literature review discusses the competing philosophies surrounding the animal rights movement and proceeds to discuss animal involvement and legal issues pertaining to animal abuse in the circus industry on a national scale. This section will also address how the circus industry as a whole has recently promoted animal welfare. The second section of the literature review will specifically focus on current legislation and governmental
departments responsible for protecting circus animals and the problems that still reside within both. This study seeks to determine the prevalence of animal abuse within the U.S. circus industry through a comparative case analysis of three circuses.

Ringling Bros. and Barnum & Bailey Circus, Cole Bros. Circus, and Carson & Barnes Circus are all recognizable and prominent names in the U.S. circus world and all three are major circuses in North America according to the 2013-2014 Travel & Tourism Market Research Handbook (“Chapter 59: Live Events,” 2013). These particular circuses also reveal a history of heavy animal involvement with repeated violations of animal protection laws and other legal matters associated with animal abuse. The purpose of this study is to analyze the prevalence of animal abuse in the industry and to draw conclusions to how the growing anti-animal movement is impacting the circus and vice versa with how a circus’s actions impact public perception.
Literature Review I


Two opposing philosophies compete for publicity within the movement, the approach of the animal ethicists versus the animal welfare scientists. The ethicists approach is signified by it’s call for an end to animal involvement in all the previously listed categories, including captive animals in the circus industry, and is further divided into the sections of the rights-based approach and the utilitarian approach (Dieterle, 2008). Often referred to as the abolitionist view of animal ethicists, supporters of the animal rights approach, most notably Tom Regan, demand an “immediate abolition of most forms of making use of animals” (Schmidt, 2011). The Encyclopedia of Animal Rights indicates that the animal rights approach holds that human’s use of animals “is wrong in principle and should be abolished in practice” (Bekoff & Meaney, 1998). On a philosophical level it is argued under the rights-based approach that animals have rights because they possess a certain quality that serves as the ground of moral rights (Dieterle, 2008). Meanwhile, proponents of the utilitarian approach, most notably Peter Singer, argue that animals are sentient beings and thus must be treated equally to humans. Utilitarianism revolves around the idea that “the morally right action among all possible actions is the one that leads to the greatest overall benefit for every sentient being that is concerned” (Schmidt, 2011). When applied to animal ethics, the utilitarian approach therefore concludes that, as sentient beings, animals’ interests must weigh in equally to the interests of humans when a moral course of action is decided (Dieterle, 2008).

Dieterle, in her article Unnecessary Suffering proposes a new approach to animal ethics through the uncontroversial principle that “it is wrong to cause unnecessary pain or suffering” (2008). Through this principle she deduces that “pain and suffering is unnecessary if and only if
it can be prevented without sacrificing anything of comparable moral importance” (Dieterle, 2008). As a result of the Confined Animal Feeding Operations of the food industry, the commercial and medical use of animals for research, and a majority of animal use within the entertainment industry (including circuses, rodeos, and some zoos) are all morally wrong because they cause pain and suffering even though they can be prevented without sacrificing anything of comparable moral importance (Dieterle, 2008). This new approach calls for common ground among the various approaches within the animal ethics sphere; however, it maintains the key component of the animal ethics approach that much of the human utilization of animals is immoral and should be abolished.

On the other side of the spectrum is the animal welfare approach that deals with the quality of the animal’s life and does not necessarily condemn human’s use of animals. By only advocating the humane use of animals, animal welfare is often viewed by ethicists as deeming human’s use of animals as morally acceptable “albeit it has to be restricted to ensure at least a minimum welfare for the animal” (Schmidt, 2011). Animal welfare is generally defined as “a state of complete mental and physical health, where the animal is in harmony with its environment” (Harrison, 2002). To determine an animal’s welfare the animal must have certain freedoms, such as “freedom from hunger and thirst, freedom from discomfort, freedom from pain, injury, or disease, freedom to express normal behavior, and freedom from fear and distress” (Harrison, 2002; Teachout, 2011). In consensus with Dieterle’s approach, welfare scientists agree that animals should not be caused unnecessary pain nor should they be treated inhumanely (Bekoff & Meaney, 1998).

While animal welfarism and animal rights remain the two prominent viewpoints when examining the human utilization of animals, the literature has begun to indicate the conversion of
these two sides. Schmidt demonstrates that there is a significant amount of overlap between the two with welfare concepts embedded in all animal ethics theories, including Tom Regan’s animal rights approach, and the importance of ethical motivation behind the animal welfare science (2011). Furthermore, a hybrid approach labeled New Welfarism has emerged that establishes animals’ welfare as a short-term goal with animal rights as the long-term goal (Bekoff & Meaney, 1998). As this thesis examines the utilization of animals in the circus, the competing attitudes of animal ethicists and welfare scientists will be evident as well as the conversion of the two sides in recent years.

A Brief History of the American Circus

Dating back to 1770, the first “circus” was actually an equestrian performance by Sergeant-Major Philip Astley who performed a variety of tricks on horseback in front of an audience in England (Jando, n.d.; Hammarstrom, 2008; Kotar & Gessler, 2011). The successful transformation of Astley’s riding school to Astley’s New Circus led John Ricketts to repeat history in the United States. Like Astley, Ricketts opened a riding school in Philadelphia in 1792 and eventually transformed the school into a circus. Ricketts’ show included a variety of horse riding stunts combined with comedy acts and it is reported that President George Washington attended a performance on April 22, 1793 (Hammarstrom, 2008; Kotar & Gessler, 2011). Since this initial circus was launched in Philadelphia, the circus gradually evolved with the introduction of the portable circus tent in 1825 and the change from wagons to railroad cars (Hammarstrom, 2008). However, during its early years the circus was notoriously known for its shady atmosphere and the violence that frequently erupted in its stands (Hammarstrom, 2008).

While the circus was viewed as an entertainment source since it’s beginning, Phineas Taylor Barnum and William Coup have been credited for the great expansion that the American
circus experienced in the late 1800s. The debut of P.T. Barnum’s Museum, Menagerie & Circus would combine the circus with a travelling zoo and P.T. Barnum’s renowned sideshow of human oddities (“History of the circus,” n.d.; Hammarstrom, 2008). In an effort to further increase their profitability Barnum and Coup, alongside Dan Costello, introduced the three ring design as a way to hold a larger audience while maintaining each audience member’s good view of the show (“History of the circus,” n.d.; Hammarstrom, 2008). With the addition of two more rings, the circus was forced to expand, making it necessary to hire more performers and significantly multiply the number of animals it travelled with.

After mass expansion during its golden years, the Great Depression struck the circus industry hard in the 1930s. In the decades that followed, many smaller scale circuses were either bought out or merged with the larger businesses, such as Ringling Bros. and Barnum & Bailey’s Circus. However, even the larger scaled circuses were struggling to turn a profit that would reflect their success from the golden years. Factors such as the rising expense of man power, the increase in cost of rail transport, and the growing popularity of other forms of entertainment, particularly television, collectively weighed down on the circus industry (Hammarstrom, 2008). In July 1956, John Ringling North chose to end Ringling Brothers’ season early as a result of these social factors (Hammarstrom, 2008). North then decided to transport the circus into indoor arenas rather than continuing to use the canvas tent, a decision that proved to be a huge success.

Today the circus industry consists of a range of circuses from the large corporations such as Ringling Bros. and Barnum & Bailey to the smaller scale shows such as the Pickle Family Circus (Hammarstrom, 2008). While the circus went through a golden age during the early 1900s, in recent years diversity within the industry has dwindled. According to the Circus World Museum and the Circus Historical Society, “there are 57 circus organizations in the U.S., a 33%
decline from five years ago” (as cited in “Chapter 59: Live Events,” 2013). Even with a decline in the number of American circuses big corporation, such as the ones discussed in this study, continue to travel from city to city performing. The principal difference between today’s large circus corporations is the inclusion of animals in the program. As evident from this study, a growing number of circuses, most notably Cirque de Soleil, focus solely on human performers while circuses that include animals work to satisfy animal advocates and the public. Although the circus has had to frequently adjust to appease the public, the circus has maintained its profitability within the entertainment industry. The circus continues to accommodate the public’s changing interests to this date and the following case studies will specifically focus on how the primary circus corporations of today are handling the public’s growing anti-animal sentiments.

**Animal Involvement**

Animals have played an integral role in the circus since it’s beginning. Astley and Ricketts both performed their tricks on horseback thus the circus was first presented to the public with the inclusion of horses as a necessary part of the show. However, the focus of current literature revolves around the utilization of elephants and other large, exotic animals in the circus. Of all the animals used by the circus industry, “charismatic megafauna such as lions, tigers, bears, and elephants have had the greatest appeal” (Mizelle, 2012). These species are a heavy focal point in today’s literature because of the stark comparison to their confinement in the circus with their wild counterparts, who roam over vast territories (Wickins-Drazilova, 2006; Yount, 2008; Tait & Farrell, 2010). By captivating the audience and consequently providing a larger profit, circuses have maintained their use of these exotic animals in their programs (Tait, 2009).
Initially travelling zoos and circuses were viewed as separate entities but in 1851 the two were offered for a single price of admission (Hammarstrom, 2008). These travelling menageries enthralled the public because they were the only way that many individuals would be able to see such exotic animals. While early exhibitions of the animals often featured just a single animal per specie, over time more and more animals were added to the menagerie and the circus to further increase the company’s profit and draw greater audiences (Mizelle, 2012). For instance, it has been recorded that Forebaugh and Barnum & Bailey paraded a total of 60 elephants around the ring during a season where both circuses were sharing Madison Square Gardens temporarily (Hammarstrom, 2008). Elephants in particular “became tokens of prestige by which the size and therefore the importance of a circus might be judged” (Hammarstrom, 2008). Despite the increase in numbers and popularity, the use of animals has repeatedly led to opposition of the circus throughout its history as a portion of the public has continuously expressed concern over training exotic animals to commit unnatural acts (Mizelle, 2012).

In today’s literature elephants are the primary species discussed in regards to animals performing in the circus. Elephants in particular enthral the public due to their intelligence and ability to display emotions. Within the early circus world the elephant was not only an entertainment feature but it was also a “promotional icon and unpaid labor source” (Nance, 2012). A vital symbol of the American circus, the second elephant to arrive in America, Old Bet, was exhibited through a travelling menagerie and the display of the African elephant Jumbo was believed to have brought in over a million dollars alone during a 31-week tour with Barnum & Bailey (Hammarstrom, 2008). Regardless of their appeal to both the public and circus owners, lately these social creatures have been the reason behind numerous lawsuits filed against large circus corporations (Yount, 2008; Beverage, 2010; Nelson, 2011). In particular, the use of a bull
hook to train elephants has been a pressing concern discussed amongst many authors in addition to the elephants’ restricted movement and the forced premature removal of young calves from their mothers (Beverage, 2010; Nelson, 2011). The use of an ankus or bull hook has even been widely acknowledged by circus personnel, thus sparking a heated debate as to whether the device is necessary for trainers to maintain control over the elephants (Nelson, 2011). The growing concern of the treatment of elephants within the circus in today’s literature reflects the public’s increasing discontent with man’s utilization and exploitation of animals.

Behind the discussion of elephants, today’s literature mentions the use of big cats for circus performances, with tigers being mentioned more often than lions (Tait, 2009; Mizelle, 2012). Van Amburgh is credited for transforming big cat acts into a “staple of the American circus” by emphasizing the wildness and violence of these species (Mizelle, 2012). Unlike elephants, the big cats have not remained as prominent as a symbol to the American circus. Today lions are generally not found in the programs of larger scale circuses and some circuses have eliminated big cat acts altogether, such as Carson & Barnes Circus. This abolition of acts that were once immensely popular with the public further indicates the impact that the animal rights movement is having on the circus industry. As Mizelle explains:

“All today circuses featuring animals, especially wild animals such as elephants and lions, are on the wane, increasingly prohibited by law and disdained by a public that has developed different understandings and expectations of animals. That contemporary animals acts delegitimize the circus reflects profound transformations in our ideas about and practices toward animals in the past two centuries” (2012).
Within the circus world, a growing number of performances utilize strictly human acts (i.e. Cirque de Soleil) or utilize only domestic animals in their performances (i.e. Big Apple Circus). These circuses are promoting the controversial trend away from animals in the circus, yet as this study demonstrates animal performers remain a part of today’s circus industry.

Legal Matters Concerning Circus Animals

While animals maintain a role in the modern-day circus, governments worldwide have begun to establish stringent guidelines to protect the welfare of circus animals, in some cases to the extent of outlawing the use of wild and domestic animals in the circus (Waldau, 2010; Rook, 2011). In the United States, the Animal Welfare Act (AWA) and the Endangered Species Act (ESA) are the primary guidelines for the circus’s treatment of its animals. The increase in restrictions is a result of numerous animal abuse and neglect violations brought to the public’s attention by animal rights activists, such as People for the Ethical Treatment of Animals (PETA) and the American Society for the Prevention of Cruelty to Animals (ASPCA). Although circus personnel publicly promote the relationship between trainer and animal, in some incidents labeling circus animals as “family pets,” it is the behind-the-scenes relationships that have led to harsh criticism directed at the circus (Tait & Farrell, 2010). Therefore, supportive claims for the use of circus animals, such as those voiced by the Circus Fans Association (an organization the advocates the educational benefits of animal acts), have been forcibly overshadowed by the animal abuse lawsuits and AWA and ESA violations in today’s literature (Payne, 2011).

Primarily the issue with circus animals is that circuses are not ensuring that animal welfare is met at the minimum level. From renowned circuses such as the Ringling Bros. and Barnum & Bailey Circus to the local, small-town circuses, circus animals typically spend most of their lives confined in cages or wagons, lacking the space and enrichment necessary for the
animals’ welfare, (Rook, 2011) and many circus animals suffer both physically and mentally from their living conditions (Nelson, 2011; Beverage, 2010). As Yount explains, many circus organizations, particularly small-scale circuses, are severely lacking in the necessary funding, care, and expertise needed for exotic animals (2008).

In addition to lack of care and space, the majority of animal acts are in direct opposition to the animals’ natural behaviors. For instance, elephants are not genetically structured to balance on tiny tubs and this unnatural behavior has led to “unnecessary trauma, behavioral stress, physical harm and discomfort” (Nelson, 2011). The physical and mental stress imposed on these animals leads to abnormal behaviors, such as weaving in elephants, as a means for the animal to cope with “the inability to practice species-typical behaviors” (Nance, 2012). With high risk for the animals’ welfare and increased public exposure to the violations that circuses commit, a growing portion of the public has questioned the continued use of animals in the circus.

Promotion of Animal Welfare

Faced with the potential of lawsuits brought about by animal rights activists and a decline in public interest in animal acts, some circuses today focus solely on human entertainment (Neil, 1993; Tait & Farrell, 2010; Beverage, 2010). A classic example is Cirque de Soleil, which uses human acts to draw in large audiences (Beverage, 2010). Public appeal for human performers is not a new phenomenon, as demonstrated by Neil who declared, “that in the age of animal rights activism the crowd responded far more enthusiastically to the skill and risk-taking of people” (1993). Circuses that maintain a program of strictly human acts have also been able to enjoy the marketing advantage toward a public that is increasingly of an anti-animal sentiment (Hammarstrom, 2008).
Circuses that have chosen to maintain their animal acts are now facing stricter legislation. For instance, Bolivia became the first country in the world to ban the use of all animal acts in the circus in 2009 (Waldau, 2010) and England has been debating a similar ban in recent years that is backed by the public at large (Rook, 2011). In the United States, the ASPCA, PETA and other similar organizations are pressing Congress to strengthen the AWA and the ESA. Recent literature has indicated that the United States Department of Agriculture (USDA), responsible for enforcing the AWA and ESA, has tightened its control over the circus industry by strengthening its enforcement of the Acts and issuing harsher penalties for violations (U.S. Dept. of Justice, 2011; Zelman, 2011). However, animal rights organizations argue that the USDA must continue to make changes to further promote animal welfare amongst circus animals (Beverage, 2010). A detailed discussion regarding the AWA and the ESA as well as the current problems the USDA still faces in promoting animal welfare will be discussed in the second literature review.
Literature Review II

In regards to animal rights and animal welfare in the United States, the Animal Welfare Act (AWA) and the Endangered Species Act (ESA) are the primary legislation for protecting circus animals. Within the circus industry the ESA is primarily mentioned when the well-being of the Asian elephant performers is at risk; otherwise, the circus industry’s treatment toward its animal performers is determined through the protocol of the AWA. The Animal and Plant Health Inspection Service (APHIS), an agency within the United States Department of Agriculture (USDA), is responsible for enforcing and consequently punishing circuses that violate the AWA. This literature review will serve to inform the reader of the AWA and ESA and how they specifically pertain to circus animals as well as emphasize the current problems with APHIS as discussed in today’s literature. Furthermore, this section will explore current problems with animal protective legislation and consequently the issue of standing in lawsuits where the victim is nonhuman.

Animal Welfare Act

Enacted in Congress in 1966, the AWA was initially the Laboratory Animal Welfare Act; however, the act’s first amendment changed the name and expanded the act to “regulate other warm-blooded animals when used in research, exhibition, or the wholesale pet trade” (“The Animal Welfare Act,” n.d.; Cardon, Bailey, & Bennett; 2012). Functioning solely to protect animals from inhumane treatment and neglect, the AWA requires that certain animals, including circus animals, receive basic care and treatment (“Animal Care,” 2012). While the APHIS is responsible for administering the AWA, the act specifically deems the Secretary of the USDA in charge of promulgating the standards of “human handling, care, treatment, and transportation of animals by dealers, research facilities, and exhibitors” (Animal Welfare Act of 1966). The
standards prescribed to the Secretary’s care apply to minimum requirements in a variety of areas, including housing, feeding, watering, sanitation, and adequate veterinary care (Animal Welfare Act of 1966). If such requirements are not met then the AWA provides guidelines for the necessary punishments to be inflicted upon the violating company.

Under the AWA, the Secretary is the principal decision-maker in terms of enforcement of the act among licensees and punishment for violators. Enforcement is primarily determined through on-site inspections, which are supposed to be routine and unannounced, conducted by APHIS personnel. However, it has been speculated that the relationship between the agents and licensees is not completely unbiased. If a facility or company is found to not be in compliance with the AWA regulations then an inspection report listing the violations is reported and a deadline for corrections is set (“Animal Welfare,” n.d.). Inspection reports issued by the USDA were utilized in analyzing animal welfare among the animals in this study’s case studies. If the issues persist, the USDA will take legal action such as civil penalties, suspending licenses, imprisonment terms, and confiscation of the animals weighing on the factors of the size of the company, the gravity of the violation, and the licensee’s history (Animal Welfare Act of 1966; “Animal Welfare,” n.d.). As will be demonstrated by the circuses chosen for this study, the USDA has recently improved its enforcement of the AWA by setting an example with current violators. It will also be evident that the punishments inflicted on offenders have not only become harsher but more creative with a focus on forcing the violator to promote the species that it was harming, thus re-emphasizing the core principle of the AWA.

Endangered Species Act

Derived from the Endangered Species Preservation Act of 1966, the ESA was passed by Congress in 1973 with the purpose to protect and recover endangered species and their
ecosystems (“Endangered Species Act: Overview,” 2013). With an intense focus on the concept of conservation for endangered and threatened species the ESA, similar to the AWA, seeks to promote the welfare of specific species. Both the Department of the Interior, specifically the Fish and Wildlife Services (FWS), and the Department of Commerce administer the ESA (Snyder, 2009). Established within a separate governmental department than the AWA, the ESA is nonetheless important in the discussion of circus elephants. Asian elephants serve as the iconic symbol of the American circus, yet they are classified as an endangered species and thus are granted protection under the ESA. The ESA prohibits any person from “taking” an endangered species within the United States, in which the term to take is defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct” (Endangered Species Act of 1973). By clearing stating that endangered species cannot be harassed or harmed, animal rights organizations argue that circuses are in constant violation of the act due to their treatment of Asian elephants.

Through this argument animal rights organizations have brought a series of lawsuits against circuses in recent years, most notably the ASPCA v. Feld Entertainment, Inc. (the parent company of the Ringling Bros. and Barnum & Bailey Circus). Unlike the AWA, which does not permit civilian suits against its regulations and enforcement policies, the ESA enables civilian suits provided that the standing requirements for the defendant(s) are met. As will be discussed shortly, the standing requirements still inhibit animal rights organizations to effectively file suits against the circuses in this study. However, the ESA’s acceptance of civilian suits as benefited animals rights organizations by increasing publicity surrounding circus’ violations of the act. Specifically animal rights groups focus on the chaining of the elephants for extended periods of
time as well as the utilization of the bullhook in their claims of direct violations of the act since both actions harm the animals (“Animal welfare groups target circus,” 2008).

While the lawsuit against Ringling Bros. stemmed from the violation of the “take” issue in the ESA, Cole Bros. Circus’ treatment of its Asian elephants was revealed through a separate violation of the ESA. The ESA states that without the proper permit, it is unlawful for any person to sell or offer for sale any such species protected by the act (Endangered Species Act of 1973; U.S. Dept. of Justice, 2011). In the case of Cole Bros., the circus agreed to a lease-to-purchase agreement of two of its Asian elephants thus blatantly violating the ESA (U.S. Department of Agriculture [USDA], 2010). The legal ramifications to this violation were more stringent than in prior years, thus indicating that, similar to the AWA, the ESA’s enforcement has improved and is progressing toward a minimal tolerance policy for offenders. As this study will demonstrate, the AWA and the ESA are central factors in the growing anti-animal sentiment toward circus animals and their enforcement policies will greatly affect the future of circus animals’ welfare.

**Limitations of the Acts**

While acts designed to protect animals’ welfare exist they are currently not enforced and thus their purpose is not being addressed. The literature is beginning to expand on the problems associated with the acts and government agencies responsible for protecting the welfare of exhibition animals. While several broad changes are reoccurring themes within the literature, many authors have their own, personalized ideas about how to improve animals’ welfare under the AWA. Two principal problems with current legislation are the AWA must be strengthened and that the conflict of interest among USDA officials must be resolved (Stanley, 1998; Snyder, 2009; Beverage, 2010).
According to Beverage the AWA’s lack of enforcement is a result of the broad discretion allotted to the Secretary of Agriculture and in order to strengthen the act more stringent guidelines need to be established (2010). Snyder argues that the USDA must constrain the leniency currently provided to its regulated entities by, among other things, limiting the number of entities it licenses, raising the quality of the animal environment those entities provide, and raising the license fee to exhibit animals (2009). Additional suggestions of stricter guidelines include requiring the Secretary to suspend the license of any violators, limiting discretion as to what actions constitute as AWA violations, and including a citizen-suit provision within the act (Beverage, 2010). Therefore, Beverage argues that without a citizen-suit provision the Secretary of Agriculture’s power remains unchecked and as a result numerous accounts of animal cruelty pertaining to circus animals were suspiciously found to lack evidence (2010).

These incidents indicate that the USDA does not lack the power to regulate the AWA but rather it lacks the willingness to enforce the act (Snyder, 2009). As Stanley demonstrates, the AWA is closely aligned with the Office of Management and Budget (OMB) that focuses on how regulation changes will affect the industries that the USDA regulates; thus, it is more concerned with protecting the businesses charged with alleged animal abuse than the animals themselves (1998). Furthermore, employees within the USDA are faced with a conflict of interest since many have ties to the “organizations the AWA is meant to regulate, as well as to economic and business oriented groups” (Snyder, 2009). Such ties become imminent when situations like the accounts mentioned by Beverage occur as well as the emergence of Stipulation Agreements or Consent Decrees between the USDA and entities that have violated the AWA (Stanley, 1998). As discussed, one solution to this conflict of interest is to limit the discretion that the Secretary of Agriculture has through stricter required guidelines and the inclusion of a citizen-suit provision.
Another solution, offered by Snyder, is to grant the Department of the Interior the sole responsibility of protective animal legislation (2009). Snyder’s argument is that the Department of the Interior is already responsible for some animal-related statutes, including the ESA, and with “a mission to protect resources, rather than determine the best way to utilize them for greatest economic benefit” there would not be any conflicts of interest (2009). Snyder even creates the fictitious Division of Animal Welfare to serve as a model as a means to demonstrate how her solution would be applicable. As is evident, the solutions to current protective animal legislation vary on levels of extremity while still maintaining similar fundamental suggestions.

In contrast to the literature regarding the AWA, the ESA has not been as extensively covered. As previously mentioned, a primary difference between the AWA and the ESA is that the latter permits citizen-suit provisions thus “enabling private parties to play an active role in the enforcement of the statute” (Beverage, 2010). This difference is a reoccurring point made throughout the literature and is utilized to reinforce the addition of citizen-suit provision within the AWA. However, Beverage later indicates that even with the citizen-suit provision animal advocacy organizations are still faced with barrier of lacking standing in court, which eventually prevents many cases of animal abuse and neglect from being properly enforced and punished.

The issue of standing revolves around the idea that the plaintiff must prove an injury since it is not enough to demonstrate that the animal has suffered. As determined by the courts, Article III of the United States Constitution requires a plaintiff to demonstrate “(1) an injury in fact that is ‘concrete and particularized’ and ‘actual and imminent’; (2) that the injury is fairly traceable to the defendant’s challenged conduct; and (3) that the injury is likely to be redressed by a favorable decision” in order to have standing to sue (ASPCA, et. al. v. Feld Entertainment, Inc., 2011). Since animals lack a voice in the United States justice system, humans advocating
the animal’ causes must meet these requirements to sue, demonstrating that “the issue of standing on behalf of animals goes to the heart of the inequality between humans and nonhumans in the law” (Krieger, 2004). Often, as in the case ASPCA v. Feld Entertainment, Inc., these requirements are not met and the animals’ rights fail to be heard. Snyder indicates that the courts are adamant in their decision to keep lawsuits involving animals out of the courts because they view these cases as inconsequential in comparison to human cases and they fear “a massive influx of cases brought by animal activists if a more lenient approach is applied to the standing requirement” (2009). Therefore, Snyder urges animal advocates to focus on legislation improvements above the court system since the latter is unlikely to change in the near future. Meanwhile, Beverage encourages groups such as PAWS and PETA to continue developing economic injury theories to gain standing in lawsuits (2010). Under these theories, an organizational plaintiff could potentially gain standing if it proves that it has suffered economic injury, such a gross financial burden, as a result of the defendant’s treatment of its animals. For instance, it could be argued that it a financially costly for PAWS or PETA to rehabilitate circus elephants after they have suffered physically and mentally at the hands of the circus industry.

Solutions for the issue of standing in animal welfare lawsuits remain sparse in today’s literature; however, it is clear that problems still exist within the U.S. court system in terms of handling animal abuse and neglect cases. This study will confirm that the standing issue is a crucial problem that animal advocates currently face in addition to the problems surrounding animal protective legislation. Although the USDA has recently improved its enforcement of the AWA, today’s literature still has significant room to expand in terms of solutions that better promote and enforce animal welfare within the U.S. government system.
Methodology

Although the literature on the animal rights movement within the circus industry has increased in recent years, gaps of information remain a problem in today’s literature. As a result of lack of an arbitrary third party, a portion of the research for this study was conducted directly from information provided either by the circus or the animal rights organizations opposing the circus, most notably information available on their respective websites. Specifically, this study had to rely partially on information provided by the circuses for how they promote animal welfare and information provided by animal rights organizations on how specific circuses have violated the AWA and ESA. It is acknowledged that this information contains a certain degree of bias opinion and may be prone to exaggerations of facts. Keeping in mind the restraints of current literature, this study strives to be as objective as possible in its presentation of information.

Research Methods

With a topic in mind a researcher is faced with the initial decision of selecting the overall paradigm, with the options of qualitative or quantitative, for the study. While the quantitative approach measures data in the form of numbers in order to determine if generalizations for a theory hold true, the qualitative approach generally utilizes words and is more unstructured in its design (Punch, 2005). The qualitative approach can be viewed as “an inquiry process of understanding a social or human problem, based on building a complex, holistic picture, formed with words, reporting detailed views of informants, and conducted in a natural setting” (Creswell, 1994). Viewing animal abuse through the lenses of a qualitative approach, this study utilizes the case study method to inquire about the social problem of animal rights within the circus industry.
The comparative case study method was chosen to conduct detailed studies of particular units, in this case three separate circuses, to develop as full an understanding of each case as possible and consequently to compare the differences between the individual units. Described by Yin as “an empirical inquiry that investigates a contemporary phenomenon within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident,” the case study approach seeks to provide a thorough analysis of each case (2003). Furthermore, Yin emphasizes that it is appropriate to use the case study method when the form of the research question asks how or why, the researcher has no control over actual behavioral events, and the focus is on contemporary events (2003). This study selected its case studies using the most similar approach in which all three circuses chosen had similar backgrounds and are current big-name companies that still maintain the use of animal performers. By utilizing the most similar approach, this study seeks to decipher the differences between the circuses regarding their animals’ welfare. To construct a similar outlining structure for each case, this study developed common questions to analyze the qualitative data of each case.

Ringling Bros. and Barnum & Bailey Circus, Cole Bros. Circus, and Carson & Barnes Circus are all prominent circuses in the United States today, all of which still travel and perform with animals incorporated into their programs. Likewise, all three circuses have recently encountered problems with the USDA and animal advocacy groups for their treatment toward their animal performers. For each study, a brief historical section is provided to demonstrate additional similarities between the chosen circuses such as the richness of their respective backgrounds, their continuance of existence and success in today’s society, and the fame associated with the respective owners. To illustrate the framework of common questions among
the cases, the following questions will be asked when analyzing each circus’s treatment towards its animals:

*Involvement of Animals:* 1. How has this circus utilized animals throughout its history? 2. Has animal rights organizations and growing anti-circus animal sentiment influenced the circus’s involvement of animals? If so, how?

*Legal Matters:* 1. What situations involving animal abuse or neglect have occurred within the circus? 2. How were these situations identified and addressed? 3. How have these legal matters regarding animal cruelty impacted the public’s perception toward the circus?

*Promotion of Animal Welfare:* 1. What efforts, if any, does the circus make to promote its animals’ welfare? 2. How does the promotion of animal welfare benefit or hinder the circus in terms of public perception?

Following the analysis of the three circus cases, this study additionally compares the treatment of animals within the circus industry to the treatment of animals within the zoo industry. The purpose of this second comparison is to briefly hypothesize on whether these two institutions differ in the occurrence of animal cruelty and if so how these differences have affected public perception of each industry separately. Individual cases of U.S. zoos were not utilized as a result of the difficulty in selecting cases in an unbiased manner since this study focuses on animal abuse and neglect. Therefore, the zoo industry will be examined as a whole and compared to the three circuses cases to determine if animal abuse remains prevalent in a competing cultural setting.
Ringling Bros. and Barnum & Bailey Circus

History

One of the most prominent names in circus history, Ringling Bros. and Barnum & Bailey Circus, had two separate and distinct beginnings. In 1870 P.T. Barnum, a showman known for his “freak shows,” made his debut with his Grand Traveling Museum, Menagerie, Caravan and Circus (“P.T. Barnum,” n.d.). As P.T. Barnum was enjoying his success, five brothers were gradually building a reputation to one day enter the circus business. Albert, Otto, Alfred, Charles, and John Ringling were destined to be entertainers; as young boys they created a pin show in which they “sang, danced, and played with great enthusiasm” with a tent “made out of borrowed rugs hung over a clothesline” (Fox, 1959). Continuing to perform their own acts, the brothers established the Ringling Bros. Classic & Comic Concert Co. in 1882, which incorporated short plays and skits into its program (Fox, 1959). Two years later their circus was born with the help of experienced showman Yankee Robinson (Weeks, 1993; Hammarstrom, 2008). Upon Robinson’s death, the Ringlings became the sole owners of the Yankee Robinson and Ringling Bros. Double Show and at that point their journey to fame gained remarkable speed. Setting their circus apart, the brothers maintained a “principle of clean enjoyment” in a business that often utilized shady methods to earn additional profit (Weeks, 1993). While circuses at the time were notorious for employing thieves, the Ringlings took every precaution to keep their showground free of thieves and although this outraged their competitors it earned them the trust of the public (Fox, 1959).

As the Ringlings experienced more success, they “began to absorb their competition” beginning with a small circus “purchased to get the two elephants and a few wagons the show owned” (Fox, 1959). Buying half of the Adam Forepaugh-Sells Circus in 1906 made it clear that
“the brothers were moving toward a monopoly with the profits from their success” (Weeks, 1993). Then in 1907, the brothers purchased their largest competitor, Barnum and Bailey’s *The Greatest Show on Earth* (Fox, 1959; “Bailey and the Ringlings,” n.d.). Although the merge was “arguably the largest traveling amusement enterprise up to that time,” the Ringlings decided to tour the two circuses separately and it was not until 1919 that the first performance of Ringling Bros. and Barnum & Bailey Circus under one tent took place at the Madison Square Garden in New York City (“Barnum’s timeline,” n.d.).

Ringling Bros. continued to grow and alter the circus business throughout the twentieth century. In 1929 John Ringling, the last remaining brother at that time, bought out the American Circus Corp. for an alleged $1,700,000 to eliminate competition at their season opening location, Madison Square Garden (Fox, 1959). As the dominant circus, Ringling Bros. and Barnum & Bailey became the forerunner for major changes to the business. John Ringling North, a nephew of the Ringling brothers, initiated the transformation from the circus under canvas to indoor arenas after a particularly rough season was cut short in 1956 (“Bailey and the Ringlings,” n.d.; Hammarstrom, 2008). In 1967 Irvin Feld with his brother Israel and Judge Roy Hofheinze of Houston purchased North’s half of the circus and the Feld family has since gained and maintained full ownership of Ringling Bros. and Barnum & Bailey Circus (Hammarstrom, 2008). It is important to note that all of the owners have been inducted into the Ring of Fame with the five Ringling brothers and P.T. Barnum inducted in 1992, John Ringling North in 1988, and Irvin and Kenneth Feld in 1999 (“Inductees,” n.d.).

**Involvement of Animals**

The traditional circus image would not be complete without performing animals and “Ringling’s menagerie has for years been considered one of the outstanding exhibits of the
world’s animals in the United States” (Fox, 1959). From its first purchase of a small circus in order to possess two elephants to now owning the “largest herd of Asian elephants in the Western Hemisphere,” Ringling Bros. has consistently incorporated animals into its program (Saporta, 2009). Throughout its history, Ringling Bros. and Barnum & Bailey Circus strived to have its audience reminiscing about childhood memories of the circus. The brothers claimed to have a simplistic goal: to appeal “to the elemental instincts, to the child that is in every man,” as established by John Ringling in The American magazine article “We Divided the Job- But Stuck Together” (cited in Fox, 1959). As John Ringling saw it, “without clowns, elephants, and pretty ladies on white horses it would not be the circus, or the Real American amusement” (as cited in Fox, 1959). Therefore, its animals were a necessary aspect for the Ringlings to achieve their mission of transporting its audience back to their childhood memories of the circus. In the article, John Ringling explains that each animal enthralls the audience in a different way; the “elephants excite a kind of awed admirations; tigers, the sense of smoothness, stealth; lions, the respect of majesty” (as cited in Fox, 1959).

While the Ringlings emphasized the traditional aspects of the circus, they remained aware of the public’s opinion. There was even a time when the Ringling brothers succumbed to a growing percent of public distaste for the wild animal performances, causing them to drop “those thrilling acts from the show” in 1925 (Weeks, 1993). The decision did not stem only from increased public criticism regarding cruelty of animals but rather “John and Charles [the remaining two brothers at the time] were never certain that they wanted to accept the liability of using such powerful and dangerous animals” (Weeks, 1993). Although John and Charles Ringling were quick to take action against the growing animosity against their animals, John Ringling eventually brought the animal acts back into the program as he felt “the circus could
never revert to the outdated acts with trained domestic animals whose appeal was more comic than exciting” (Weeks, 1993).

Since the return of the animal acts, Ringling has displayed thrilling exotic animal acts such as big cat acts under trainer Gunther Gebel-Williams. In 1968 Irvin Feld purchased the entire Circus Williams with the sole purpose of acquiring Williams and his talents in the ring with his lions and tigers (“Gunther Gebel Williams,” n.d.). With this purchase, Feld made it clear that animals were remaining a large part of the show indefinitely. Feld utilized William’s talents to demonstrate that “humans and animals should work, live and thrive together in harmony, banishing the outdated notion of ‘man versus beast’” (“Gunther Gebel Williams,” n.d.). Still incorporating animals into the program today, Kenneth Feld, current CEO of Feld Entertainment, continues to stress the same mission that Ringling Bros. and Barnum & Bailey’s Circus established in the beginning. During the United States’ recent repression, Feld explained, “in times like this, people want an escape,” adding that the circus has “been the ultimate escape for people in this country for 100 years” (Saporta, 2009). Feld even boasted that the circus was having its best year in 2009 as a result of maintaining affordability for the general public and offering strategic discounts. This claim demonstrates that Feld Entertainment dedicates a portion of its success to its utilization of animals in Ringling Bros. and Barnum & Bailey Circus. Although Ringling Bros. Circus continues to turn a profit, animal rights organizations are increasing the pressure on the circus with an ultimate goal of permanently eliminating animal acts.

Legal Matters

Ringling Bros. Circus and its father company, Feld Entertainment, recently reached a settlement with the ASPCA following a over a decade of litigation pertaining to the most
publicized lawsuit by animal advocates against the circus industry. On July 11, 2000, the ASPCA, Animal Welfare Institute (AWI), and Fund for Animals (FFA) filed a complaint against Ringling Bros. and Barnum and Bailey Circus for violating Section 9 of the Endangered Species Act (ESA) by illegally “taking” its Asian elephants (Performing Animal Welfare Society [PAWS], et. al. v. Ringling Brothers and Barnum & Bailey Circus, 2001; ASPCA, et. al. v. Feld Entertainment, Inc., 2009).

The following year, with the addition of an individual plaintiff, Thomas Rider, the case was presented to the United States District Court for the District of Colombia. Working as a ‘barn man’ for Ringling Bros. Blue Unit from June 1997 to November 1999, Thomas Rider’s main responsibilities involved caring for the elephants’ basic needs (ASPCA, et. al. v. Feld Entertainment, Inc., 2009; ASPCA, et. al. v. Feld Entertainment, Inc., 2011). Rider claimed to have developed a personal attachment with the elephants that he had worked with on the Blue Unit and that Ringling’s handling of the elephants, primarily the use of the bullhook and the act of chaining the elephants for long periods of time, caused Rider emotional injury. However, the Court determined that Rider did not “demonstrate a sufficient present or imminently threatened aesthetic injury,” thus the case was dismissed on the grounds that Rider lacked sufficient standing (PAWS, et. al. v. Ringling Brothers and Barnum & Bailey Circus, 2001). As previously discussed, the issue of standing has repeatedly hindered animal advocates in addressing ESA and AWA violations in the U.S. court system. Without meeting the requirements of standing Rider was incapable of suing Feld Entertainment for its treatment of its elephants.

Fortunately for the plaintiffs the Court of Appeals for the District of Columbia reversed the decision in 2003, determining that the Thomas Rider did in fact present a case for standing (ASPCA v. Ringlings Bros. and Barnum & Bailey Circus and Feld Entertainment Inc., 2003;
ASPCA, et. al. v. Feld Entertainment, Inc., 2009). Concluding that Rider portrayed injury in fact, that it was “unquestioned that Ringling Bros.’s alleged actions- inhumane treatment of the elephants- are the source of the aesthetic injuries that Rider alleges,” and that “if Rider wins the case, we must assume … that his injury will be resolved,” the Court of Appeals granted Rider standing (ASPCA v. Ringlings Bros. and Barnum & Bailey Circus and Feld Entertainment Inc., 2003). While the Court still emphasized that the “continuing harm to the animals is not our main focus” and that it was “Rider who must be suffering injury,” (ASPCA v. Ringlings Bros. and Barnum & Bailey Circus and Feld Entertainment Inc., 2003) the decision gave “advocates an opportunity to articulate the important message that emotional relationships with animals are significant in the eyes of the law” (Krieger, 2004). However, it remains discouraging that the U.S. legal system continues to focus solely on human injury and consequently denying that animals should have rights.

Following years of collecting evidence, the case went to trial for six weeks with the District Court of the District of Colombia entering “judgment in favor of the corporation” on December 30, 2009 (ASPCA, et. al. v. Feld Entertainment, Inc., 2009). Again the Court determined that the plaintiffs failed to prove standing, concluding that as a result of the lack of standing it “does not- and indeed cannot- reach the merits of plaintiffs’ allegations that FEI ‘takes’ its elephants in violation of Section 9 of the ESA” (ASPCA, et. al. v. Feld Entertainment, Inc., 2009). The Court determined that Rider was not credible as he was “repeatedly impeached, and indeed was ‘pulverized’ on cross-examination” and therefore the Court afforded no weight to his testimony (ASPCA, et. al. v. Feld Entertainment, Inc., 2009). Most notably, Rider’s lack of credibility was based on his failure to complain about the alleged abuse, either to veterinarians or USDA officials, his inability to identify the elephants in question from videotapes, and his
conflicting responses during his testimony (ASPCA, et. al. v. Feld Entertainment, Inc., 2009). However, the most compelling reason for the Court to decide in favor of FEI was that Rider had received at least $190,000 from March 20, 2000 to December 31, 2008 from various animal rights organizations, including PAWS, ASPCA, and API (ASPCA, et. al. v. Feld Entertainment, Inc., 2009; Gresko, n.d.). During the span of these eight years, Rider did not once hold a job leading the Court to conclude he was essentially a paid plaintiff and that his continued involvement in the case did not stem from emotional injury but rather the payments from the various animal rights organizations (ASPCA, et. al. v. Feld Entertainment, Inc., 2009). In return, both the District Court and the Court of Appeals, who would affirm the District Court’s decision on October 28, 2011, were in consensus that “the primary purpose for the payments was to keep Rider involved” (ASPCA, et. al. v. Feld Entertainment, Inc., 2011).

Upon the conclusion of this case, Feld Entertainment pursued its own lawsuit against the plaintiffs and ultimately in 2012 the ASPCA paid FEI $9.3 million (“ASPCA Pays,” n.d.; Allen, 2012). The ASPCA reasons that it was in the organization’s best interest to resolve its legal matters with FEI while making it abundantly clear that the settlement “was not an admission of wrongdoing” (Allen, 2012; Gresko, n.d.). In terms of the decision favoring FEI, a statement released by the plaintiff’s attorney correctly pointed out that “the decision focused on the lack of jurisdiction of those bringing the suits rather than the charges of abuse” (Frederick, 2010). Both parties are seeking to move past the trial and focus on their individual missions; however, the settlement has been a source of embarrassment for the ASPCA as critics of animal advocates argue that the organization wasted time and resources on a case they had a marginal chance of winning.
Although the plaintiffs lost the suit they won on several fronts, mainly by bringing “considerable public attention to the way elephants are treated in the circus” through its years of collecting evidence for the trial (McCrory, 2008). The six-week trial revealed that elephant abuse does occur within the circus, with even Kenneth Feld confirming that he has seen Ringling Brothers’ “employees strike elephants with bullhooks” (“Quotes from Court Transcripts,” 2009). Enabling increased public awareness may have also led to stricter USDA enforcement, which in the past as been questioned by animal rights advocates as being too lenient in its relationship with Ringling Bros. In 2011 the USDA reached an agreement with FEI in which Ringling Brothers’ parent company will pay $270,000 for allegedly violating the AWA (Zelman, 2011). As the largest civil penalty against an exhibitor under the AWA, the USDA determined that “this settlement sends a direct message to the public and to those who exhibit animals” (USDA News Release, 2011). By making an example out of Feld Entertainment, it can be speculated that the lawsuit, with its media coverage, pressured the USDA into taking AWA violations more seriously in the future. While Feld does not admit to violating the law and claims to “look forward to working with the USDA in a cooperative and transparent manner,” Ringling Bros. Circus will remain under the spotlight of the USDA and animal rights organization in the imminent future (Zelman, 2011).

Promotion of Animal Welfare

While the battle between animal advocates and Ringling Bros. and Barnum & Bailey Circus is far from over, Feld Entertainment demonstrates how it promotes animal welfare in addition to using its animals for a profit. Ringling Bros. views its use of animals as an opportunity to educate the public, stating that “studies have shown that the public display of performing elephants contributes to heightened public awareness of the animals themselves and
of our responsibility for their well-being and protection” (“Pampered Performers,” n.d.). With an ample section of their website dedicated to advocating the benefits that its animals receive, Feld Entertainment stresses that its “animals that perform with Ringling Bros. are provided with fulltime preventative veterinary care, nutritious meals, and a clean and safe home” (“Animal Care,” n.d.).

Unfortunately, the claims made on Ringling’s website are in direct opposition to the evidence displayed during the ASPCA v. Feld Entertainment case. For instance, while the entire lawsuit against Ringling Bros. and Barnum & Bailey Circus stems from ESA violations, the Ringling’s website claim that they “are held to the animal welfare laws determined by the Animal Welfare Act, the Endangered Species Act and the Convention on International Trade in Endangered Species of Wild Fauna and Flora” (“Animal Care: Our greatest performers,” n.d.). Responsible for 25 Asian elephant births to date, the circus claims that its calves “remain with their natural mothers until old enough to be properly weaned, usually 2 years,” despite accepted assertions from animal advocates that calves are forcefully removed from their mothers at an earlier age than their wild counterparts (“Animal Care FAQ,” n.d.). Feld Entertainment’s largest contribution to animal welfare is their Center for Elephant Conservation (CEC), located on 200 acres in Florida and dedicated to newborns and retired elephants from the circus. Although not open to the public, the conservation’s website illustrates a place for the elephants to roam once their days in the circus are over. However, during the trial of ASPCA v. Feld Entertainment Gary Jacobson, a general manager at CEC, testified that the elephants are chained from about three o’clock in the afternoon to seven o’clock in the morning, as they are not permitted to roam the grounds at night (“Quotes from Court Transcript,” 2009). As evident by these polar opposite
claims it is exceedingly difficult for the public to discern the entire truth behind the treatment of
the Ringling elephants.

Being under scrutiny for its treatment of animals has not hindered Ringling’s
contributions to animal welfare on a global scale. Owning the largest herd of Asian elephants on
the Western Hemisphere has made Ringling Bros. a leader in the future progression of the
endangered species. Ringling Bros. has provided resources “to enact legislation for Asian
elephant conservation, including the historic Asian Elephant Conservation Act, which was
signed into law by President Clinton in 1997” (“Animal Care: Our greatest performers,” n.d.).
Furthermore, Ringling Bros. supports research toward endotheliotropic herpes viruses, the
greatest health threat to the Asian elephant, in addition to supporting a reproductive study on
Asian elephants. For these two research studies, Ringling Bros. has provided more than $300,000
in funding to the Smithsonian Institution’s National Zoological Park since 2005 (“Animal Care:
Our greatest performers,” n.d.).

In regards to its big cats, Ringling Bros. is actively involved in supporting a Wildlife
Health Monitoring Unit in the Russian Far East, home to the Amur tiger and leopards. The
funding provided by Ringling Bros. is utilized to “refurbish laboratory facilities and equipment .
. . and for a teaching facility for veterinary and wildlife management students” (“Big Cat
Conservation,” n.d.). Similarly, Ringling Bros. helps fund a conservation organization for tigers
located in the protected areas of Meghalaya and Mizoram (“Big Cat Conservation,” n.d.).

Despite the extensive conservation efforts that Ringling Bros. has either funded or
directly participated in, the USDA fines and the discovery revealed during ASPCA v. Feld
Entertainment places this particular circus in controversial lighting. Currently, Ringling Bros.
remains firm in its decision to maintain its animal acts, deeming that legislation banning the use
of such acts “are unnecessary and take away a treasured part of the circus experience that patrons
tell us they support and love” (“Animal Care FAQ,” n.d.). Therefore, until animal rights
organizations can establish the standing to sue, the public will continue to experience the
elephants, lions, and tigers that Ringling Bros. and Barnum & Bailey Circus is traditionally
identified with. While it has yet to be determined whether this persistence to include animal acts
with an increasing anti-animal sentiment has hindered the public’s perception of this circus, it
can be speculated that Ringling’s promotion of animal welfare does provide a second side to the
animal treatment story portrayed by animal advocates. To a degree Ringling Bros. and Barnum
& Bailey Circus’s continued success illustrates that the circus’s contributions to animal welfare
benefit its existence in the eyes of the public far more than they hinder it.
Cole Bros. Circus

History

While the Ringling Bros. and Barnum & Bailey Circus convinced many other circuses to convert to performing in arenas, the Cole Bros. Circus stands apart from its competitors in its persistence to present under the Big Top to this day. However, Cole Bros. Circus shares a similar historical beginning with Ringling Bros., the beginning of two circuses that eventually merged to create the current Cole Bros. Circus of the Stars. Cole Bros. earned its name from William Washington Cole, a son of two circus performers who began his circus career at the age of 18 with the Orton Bros. Circus (Chindahl, 1959). In 1884, Cole was presenting W.W. Cole’s New Colossal Shows known for its “high-grade performance and a good menagerie” (Chindahl, 1959). At the end of the 1886 season, Cole sold his renamed show (now the Cole Bros. Circus) to Canadian showman Martin Downs and his son, James, at an auction (Chindahl, 1959; “Cole Bros History,” n.d.). Switching management again to Floyd and Howard King, the King brothers nearly faced the end of the Cole Bros. Circus during the Great Depression. Fortunately another set of new managers, Jesse Adkins and Zack Terrell, reorganized and rebuilt the show until Cole Bros. Circus became a viable opponent to Ringling Bros (Chindahl, 1959; “Cole Bros History,” n.d.).

Meanwhile, Clyde Beatty was making a name for himself as a fearless wild animal trainer. Initially performing for Ringling Bros., Clyde Beatty formed his own circus in 1946 in which he continued to perform his caged act with his lions and tigers (Chindahl, 1959). However, on May 9, 1956, the Clyde Beatty Circus filed for bankruptcy only to be purchased by the new management of the equally struggling Cole Bros. Circus (Hammarstrom, 2008). Under Frank McClosky, a former Ringling executive, and Jerry Collins, an entrepreneur-politician, the
Clyde Beatty-Cole Bros. Circus was formed, effectively merging and saving the two shows (Hammarstrom, 2008; “Cole Bros History,” n.d.). Clyde Beatty continued to perform in the combined show almost up until his death in 1965 (Hammarstrom, 2008). Following a brief management stint under the University of Florida, the Clyde Beatty-Cole Bros. was sold to John Pugh, a veteran of Cole Bros. since 1961, and Douglas Holwadel (Horton, 1992; Hatfield, 2010; “Cole Bros History,” n.d.). Changing the name to Cole Bros. Circus, Inc. Pugh was able to restore the show to its previous success and today he is the sole owner (Hammarstrom, 2008).

Growing up with a father in the circus business, Pugh was initially an acrobat, a stunt man, and an animal trainer (Horton, 1992; Hammarstrom, 2008). However after sustaining an injury that ended his acrobatic career, Pugh was offered a job as “assistant manager, then jobs as a supervising manager, vice president and president” (Hatfield, 2010). Recognizing that the circus is unlike the average business, Pugh focuses much of his attention on the growing regulations that circuses must abide by in order to perform in various cities and states, including the regulations regarding the welfare of circus animals (Horton, 1992). Despite the increasing regulations, Cole Bros. Circus continues to be a big name in the circus business. Celebrating its 125th anniversary in 2009, Cole Bros. Circus presented “legendary circus acts of the past along with showcasing the talents of cirque nouveau artists” in a performance that demonstrated its “enduring appeal” (Storey, 2009). In 2010 Pugh was inducted into the Circus Ring of Fame as one of the circuses greatest contributors to the business (Hatfield, 2010; “America’s circus since 1884,” n.d.).

Involvement of Animals

With a history that includes Clyde Beatty, one of the most well known animal trainers, and W.W. Cole, who established from the start the value of including a menagerie, Cole Bros.
Circus has always been associated with performing animals. However, the impact of a growing animal rights movement and public disinterest in animal performers has played a toll on Cole Bros. incorporation of its animals. In fact, in the past decade Cole Bros. has alternated between incorporating its animal acts into the program and leaving them out of shows completely. Recognizing the difficulty of entertaining the public while simultaneously fending off undesirable PETA attention, Pugh decided to retire the Cole Bros. elephants and tigers in 2004 (Knight, 2004; Nichols, 2006; Hammarstrom, 2008). While the circus claimed that the decision was financial, Richard Farinato, director of Captive Wildlife Protection for the Humane Society, believes Cole Bros. decision to retire its animals was in response to “pressure from animal rights activists, and recent, highly publicized violations of the Animal Welfare Act” (Knight, 2004). Although they were not performing, Cole Bros. Circus continued to profit from its animals. For instance, “retirement” for Cole Bros.’ two Thai elephants, Tina and Jewel, meant they were rented out for “television commercials and educational purposes” instead of travelling with the circus that season (Knight, 2004).

Tina and Jewel’s retirement was short lived however, as Cole Bros. brought its elephants back into the ring in 2006 (Nichols, 2006). In 2010 the circus decided to bring the big cats back, thus tiger, lion, and even ligers were returned to the program (Begley, 2010; Horton, 2011). Reincorporating the animals back into the program was decided following audience research that suggested, “its patrons wanted a more traditional style” (Nichols, 2006). The reincorporation of its animals demonstrated that while Cole Bros. takes into consideration the animal rights movement, its audience remains its primary concern; thus, if the audience desires a more traditional program to include the animal acts of the Golden Age circuses, Cole Bros. will abide by this demand. However, even with the return of the animals, Cole Bros. has demonstrated its
willingness to adjust and please the general public. For instance, when the Simon Property group, a large real estate company, banned exotic animal exhibits at all their properties Cole Bros. was given the ultimatum of performing without animals or not performing at all (Kretzer, 2012). Rather than skipping locations, Cole Bros. announced its Circus of the Stars, “replete with daring and funny human performers” (Kretzer, 2012). With a circus showcasing solely human acts, Cole Bros. proves its ability to appeal to animal rights activists while maintaining other shows to appeal to its traditional patrons.

Unlike Ringling Bros., Cole Bros. no longer owns the animals that perform under its name, choosing instead to contract with outside entities (Barnes, 2011; Loos, 2013). It has been speculated that this decision arose as a means to avoid animal welfare issues with authorities such as the USDA (Barnes, 2011). However, such claims have not received enough attention to be definitively stated as true. Since 2008 when Cole Bros. chose not to renew its exhibitor’s license, the circus has rented its animals from various USDA licensees (USDA, 2012a). Although Cole Bros. no longer owns its animal performers, the USDA still holds it responsible for the treatment of the animals under its supervision and thus Cole Bros. remains liable for any cruelty its performing animals are subjected to.

**Legal Matters**

Unfortunately for the animal performers of Cole Bros., the circus’s history reveals repeated violations of both the AWA and the ESA, including multiple charges of animal abuse. While Cole Bros. has not been involved in a lawsuit against animal advocates, the circus has repeatedly been charged with violations by the USDA and these violations have in turn been heavily publicized by animal advocates. Among the charges in the 2010 complaint issued by the USDA to Cole Bros. Circus and to John Pugh himself are failure “to establish and maintain
programs of adequate veterinary care that included the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries,” employing “handlers who lacked adequate training, knowledge and experience in handling elephants, and were not regularly on site to care for the animals,” and failure “to handle tigers as carefully as possible” (USDA, 2010). Previous citations have also included problems such as “failing to maintain its animal enclosures properly” and “failing to store supplies of food and bedding in a manner that adequately protects them against contamination” (“Cole Brothers Circus Fact Sheet,” n.d.). These violations indicate poor and unacceptable conditions for the animals yet public attention was not drawn to Cole Bros. until the plight of Tina and Jewel publicized the negative treatment of the circus’s animals.

Suffering from the majority of the previously listed charges, Tina and Jewel were also noticeably underweight with Jewel having a “prominent spine, and body image that was sunken” (USDA, 2010). In 2005, Georgianna Davenport, then the owner of Gigi’s Exotics, sought Pugh to purchase Tina and Jewel with the intention of transporting the elephants to his home in Texas where Tina and Jewel would be used for “personal demonstrations, private parties and events, and elephant rides” (US Dept. of Justice, 2011). Pugh consented to a lease-to-purchase agreement and both parties settled on $150,000 for Tina and Jewel (USDA, 2010; “Cole Bros. Circus comes to Palm Coast,” 2011; US Dept. of Justice, 2011). However, Tina and Jewel, both Asian elephants, fall under the protection of the ESA, thus the actions of Pugh and Davenport were illegal (US Dept. of Justice, 2011). In this case, neither party had the necessary permit required to sell or purchase the two elephants and thus were in direct violation of the ESA.

As a result of the ESA violation, the USDA issued a formal complaint to Pugh, Cole Bros. Circus and Davenport emphasizing, “the gravity of the violations herein is great” (USDA, 2010). In 2011, the three defendants entered a plea agreement in the U.S. District Court in
Beaumont, Texas to resolve their unlawful actions with the ultimate outcome of pleading guilty (US Dept. of Justice, 2011; USDA, 2012). Pugh and Davenport were sentenced to three years probation, with “a special condition of probation being that each must perform 100 hours of community service every year of their probationary term” (US Dept. of Justice, 2011). Individually, Pugh was fined $4,000 and was sentenced to donate $1,200 to an organization working for “the conservation or rehabilitation of Asian elephants,” Davenport was ordered to pay a $5,200 fine and Cole Bros. Circus was sentenced to four years of probation with a $150,000 fine (US Dept. of Justice, 2011; “Cole Bros. Circus comes to Palm Coast,” 2011). Similar to Ringling’s violations of the AWA, the severity of the punishment indicates that the USDA is not permitting violations of the ESA and AWA to go unenforced. Furthermore, the inclusion of the donation to an elephant conservation organization within Pugh’s sentence demonstrates that the USDA is possibly appealing to the public interest by forcing support for animal welfare groups upon violators of the ESA and AWA. Whether pressure from animal rights activists is prompting the USDA to improve its enforcement is yet to be clear although the USDA complaint against Cole Bros. was initiated by PETA who brought the circus’s violations to the attention of USDA officials (“Cole Bros. Circus comes to Palm Coast,” 2011).

While not highlighted as much by the media, the big cats of Cole Bros. Circus have been included multiple times in the USDA complaints. The principal problem with the tigers that Cole Bros. leases is the employment of unlicensed exhibitors and inadequate trainers (USDA, 2010; “In Defense of Animals,” 2010; “Cole Brothers Circus Fact Sheet,” n.d.). In 2012, the USDA fined the circus yet again for employing a tiger handler who lacked the proper experience and knowledge to work with the cats (“Cole Bros. Circus: One of the worst,” n.d.). Cole Bros. is also suspected for playing a role in an “elaborate scheme to circumvent federal animal welfare laws
by helping Florida-based animal handler Lance Ramos Kollman exhibit his animals even though his license was revoked by the agency” (“In Defense of Animals,” 2010). The reoccurring decision to place unqualified trainers into the ring and thus willingly placing the animals and public at risk is one reason for the targeting of Cole Bros. by animal advocates.

In addition to animal abuse and neglect charges, Cole Bros. Circus has had several incidents in which their animals escaped and were a threat to the general public. One such incident occurred in 2004 when Apollo, Cole Bros.’ 7-year-old white Bengal tiger, escaped in New York City. Apollo strolled through a park and down streets for a quarter mile before being recaptured; his escape however caused a multi-car accident and resulted in a citation for public nuisance (Associated Press, 2004). These incidents combined with the repeated violations of the AWA and ESA have sparked protesters to appear at the cities and towns where the Cole Bros. Circus comes to perform. The magazine Global Animal even provides readers with the upcoming dates and locations of Cole Bros. Circus to encourage the public to protest on circus day. Global Animal advises that while Cole Bros. is “home to about a dozen poodles, fifteen tigers, and six elephants” it has been “repeatedly cited and fined” by the USDA (Henkel, 2013). A simple Google search of Cole Bros. Circus reveals that animal rights activists heavily emphasize the long list of violations the circus has had to enforce their message that circuses are no place for animals to live a fulfilling life.

Promotion of Animal Welfare

As a circus that no longer possesses an exhibitor’s license and contracts out for its performing animals, Cole Bros. displays minimal effort in supporting the species that it utilizes. While Renee Storey, vice president of Cole Bros., claims that the “circus participates in captive breeding programs,” research portrays otherwise (Rossi, 2012). In reality, although the elephants
that perform with Cole Bros. come from the Endangered Ark Foundation, a breeding program that seeks to preserve the species, nowhere on Cole Bros. website can information pertaining to the circus’s direct support to the welfare of its animal performers be found. Furthermore, the Endangered Ark Foundation is the work and devotion of Carson & Barnes Circus, founded by former Carson & Barnes owner D.R. Miller, and does not include on its site any mention of contributions from Cole Bros (“Saving the elephants,” n.d.). This information demonstrates that Storey’s claim of participation is misleading since Cole Bros. does not directly participate in the breeding programs but appears to merely serve as a business party that leases the elephants out.

Apart from its elephants, the Cole Bros. Circus program indicates that its tigers demonstrate the success of captive tiger conservation efforts (Schatell, 2013). In regards to the tigers performing under Cole Bros. title, this is all the information that the viewer is provided with. The tigers of Cole Bros. Circus are leased from Hawthorn Corporation under the ownership of John Cuneo, a fact that is not easily accessible for the curious citizen. It quickly becomes clear why Cole Bros. does not advertise its connections to Hawthorn Corporation. Hawthorn’s history reveals a horrific past including at least 60 accounts of USDA cited violations and the accumulation of $272,500 in civil penalties to the USDA, the majority of which resulted from the confiscation of 16 elephants in 2004 due to mistreatment and mishandling (Mott, 2004; Mackney, 2013). The removal of the entire herd from Hawthorn Company was a first for APHIS inspectors and, following Cuneo’s admission on guilt to 19 charges of violating the AWA, the company was ordered to pay $200,000 (Mott, 2004). Hawthorn’s immensely negative background in terms of animal welfare leaves the public questioning Cole Bros.’s devotion to promoting the welfare of its animal performers. With a plethora of conversation organizations at its disposal, Cole Bros. draws further skepticism with its lack of alliance to any organization that
promotes the species, such as Bengal tigers and Asian elephants, which it utilizes in its program. As previously discussed, Cole Bros. factors public opinion regarding its animal performers into its program; however, as indicated by these issues regarding animal welfare Cole Bros. interest in its animals performers severely wanes once the animals are out of the ring and the public spotlight.
Carson & Barnes Circus

History

With a simpler history than both Ringling Bros. & Barnum and Bailey Circus and Cole Bros. Circus, Carson & Barnes has truly remained family-run since it’s beginning. Operating primarily in the Midwest, Carson & Barnes typically performs at smaller towns and has its winter quarters in Hugo, Oklahoma (Watkins, 1999; “Circus City History,” n.d.). Dores Miller, better known as D.R. or Mr. Circus, and his wife Isla began their first show in 1937 and remained the owners until their deaths in 1998 and 1999 (Nevil, 1999; Hammarstrom, 2008). Today, Carson & Barnes is owned and managed by the daughter of D.R. and Isla, Barbara Miller Byrd and her husband Geary Byrd. Their daughters, Kristen Byrd Parra and Traci Byrd Cavallini, alongside their husbands, also assist in managing the family’s circus (“Our History,” n.d.).

D.R. Miller had the reputation of being the essence of what circus life signified, loving “the nomadic, new-town-every-day existence” and keeping “his old-time five-ring show going to his last day” (Hammarstrom, 2008). Introduced to the circus world at an early age, D.R. began as pony rider at the age of eight for his father’s act in 1924 and went on to become a tightwire walker, an act which he performed with Isla after their marriage in 1934 (Nevil, 1999; Associated Press, 1999). In 1937 D.R., his father, Obert Miller, and brother, Kelly, started their own show, initially titled the Miller Brothers’ Circus and then later changed to Al G. Kelly-Miller Brothers’ Circus (Nevil, 1999; Watkins, 1999). D.R. would branch off and change the name to Carson & Barnes in the sixties with Kelly-Miller remaining as a sister circus (Southerland, n.d.). While the Kelly-Miller Circus did acquire a share in other shows, including Carson & Barnes, the show did not remain entirely in the family (Nevil, 1999). In 2007 Kelly-
Miller was sold to John Ringling North II, thus entering the extensive world of the Ringling Brothers (“About us,” n.d.).

As co-owners of Carson & Barnes Circus for over 60 years, D.R. and Isla were inducted into the Circus Ring of Fame in January of 1995 (Watkins, 1999). At the time of their deaths in the late nineties, Carson & Barnes was the longest-running circus under one owner (Associated Press, 1999). The death of D.R. Miller was even given tribute by Republican Representative Wes Watkins of Oklahoma to the House floor on November 18, 1999 (Watkins). Following the passing of D.R. and Isla Miller, the show was passed on to their daughter who began performing at the age of three and remains the owner today (Nevil, 1999; “Our History,” n.d.). Carson & Barnes continues to thrive as an old-world, five-ring circus, visiting more than 250 communities across 15 states and performing over 700 shows during its 2012 season (“Completes 2012 season,” 2012).

Involvement of Animals

D.R. Miller’s love for animals was widely acknowledged in the circus world and as the Carson & Barnes website claims it is a love that can still be witnessed today through his daughter’s ownership of the circus. D.R. considered his animal performers to be a fundamental part of succeeding his mission to “leave a lifelong impression on each child who comes to visit” (Nevil, 1999). In order to leave a lasting impression a child must experience “watching the mammoth tent being pulled up by the elephants” and feel a sense of excitement at “watching the lion trainer work with the big cats” (Nevil, 1999). Thus, animals were an essential aspect of the Carson & Barnes Circus as well as D.R.’s life and have constantly remained so throughout the circus’s history. His circus animals were even a part of his funeral as “Suzie the elephant led llamas, camels and horses in the procession to the cemetery” (Associated Press, 1999).
D.R’s passion resided with his elephants, as demonstrated through his creation of the Endangered Ark Foundation and the large number of elephants that Carson & Barnes circus has maintained throughout the years. Since the purchase of his first elephant in 1937, D.R. had over 200 Asiatic and African elephants pass through his hands as a circus owner (Nevil, 1999). Currently Carson & Barnes owns twenty-six elephants but at one time D.R. had 57 elephants, establishing him, at that time, as the circus proprietor with the largest elephant herd in the world (Nevil, 1999; Southerland, n.d.). Carson & Barnes’ elephants remain ranked as the “second largest genetic pool for Asian elephants in North America” following Feld Entertainment’s Ringling Bros. (Southerland, n.d.) However, while the circus used to travel with twenty to twenty-five elephants during its heyday it now only travels with three, leaving the elephants of breeding age at their breeding compound in Hugo, Oklahoma (Nevil, 1999; Southerland, n.d.). In addition, Carson & Barnes leases its elephants out to other circuses, mainly Cole Bros. Circus and the Kelly-Miller Circus but it has also leased to Roberts Bros. Circus, Circus Vargas, and Garden Bros. Circus (“Carson & Barnes Circus,” n.d.).

Carson & Barnes Circus strives to portray its love for its animals to the public and establish that the animals come first as they “are the heart and soul of the experience” (Southerland, n.d.). Many of its elephants are named after members of the Miller’s family, a long-standing tradition that began when D.R. named some baby Asian elephants he had recently acquired after his wife, Isla, and her six sisters (“Name that elephant,” n.d.). Carson & Barnes emphasizes its care toward its elephants on its website with detailed descriptions on topics such as tusk care, food, and bathing and skin care. The circus also states that its elephants are “only trained through positive reinforcement” and that it is important to be calm and patient when working with the pachyderms (“Caring for elephants,” n.d.).
Another favorite for circus goers is Katy, a pygmy hippopotamus that has been with Carson & Barnes for over twenty-five years and can be viewed prior to the show along with the animals at the Carson & Barnes petting zoo ("Meet Katy," n.d.). Other animals that travel with the circus are camels, exotic goats, zebras, llamas, horses, and dogs (Southerland, n.d.). Clearly absent from the list are the big cats that D.R. once viewed as a valuable aspect to the program. While USDA complaints reveal that tigers were once involved in Carson & Barnes’ programs, the cats have been removed in recent years although the when and why of this significant change remains unclear to the public. Unfortunately, the exclusion of the big cats has not prevented animal rights advocates from targeting Carson & Barnes Circus with accusations of animal cruelty. Research into Carson & Barnes Circus’s involvement of animals demonstrated a lack of information regarding any impact that animal advocates have had on the circus. While both Ringling Bros. and Cole Bros. have established a relationship, that is simultaneously influential and oppositional, with animal advocates Carson & Banes has either disassociated itself from animal advocates (to the point of ignoring their existence) or the research has yet to look into this particular relationship.

Legal Matters

Following the pattern established by Ringling Bros. and Cole Bros., Carson & Barnes has a history that includes multiple violations of the AWA resulting in hefty fines from the USDA. According to Delcianna Winders, director of captive animal law enforcement with PETA, the USDA has cited Carson & Barnes for at least 114 AWA violations (as cited in Coyne, 2013). In 2012, the USDA and Carson & Barnes reached a settlement agreement of $3,714 for violations including, but not limited to, failure to maintain control of an elephant, failure to provide appropriate shelter, failure to provide adequate distance and/or barriers between the public and
two elephants, and failure to have its elephants under the direct control and supervision of knowledgeable and experienced animal handlers during public exhibitions (USDA, 2012b). As indicated, the majority of the violations were regarding the circus’ elephants. In particular, Carson & Barnes has been noted several times for lack of elephant supervision where handlers have left elephants unattended during elephant rides, posing a risk to both the animals and the public. In one case, a handler walked away to talk on his cell phone “while the elephant continued the ride unattended” with one adult and six children on its back (USDA, 2012b). These situations insinuate animal neglect a disinterest in the animals’ welfare.

While Carson & Barnes was inspected 42 times between 2007 and 2010, not all inspections resulted in violations (“The show must not go on,” n.d.). As shown on the USDA website, several inspection reports indicate that at times Carson & Barnes had no noncompliant items during its inspections, including an inspection on September 27, 2007 that had an inventory of 44 animals (USDA, 2007; USDA, 2008a; USDA, 2008b). In addition to clean routine inspections, the circus advocates its use of positive reinforcement as a training method and including tricks that the animals have supposedly been seen to do in their natural habitat as stated by Mal Knopf, director of marketing for Carson & Barnes (Creamer, 2009). Despite these claims, Carson & Barnes became a prime target for animal rights groups following the animal cruelty video starring Tim Frisco that went viral in 2002.

Notorious Animal Care Director, Tim Frisco made his PETAtv debut when under coverage footage showed him yelling and beating elephants with a bullhook as part of a training session for new handlers. In the video, Frisco can be heard instructing, “Hurt ‘em. Don’t touch ‘em. Make ‘em scream” and explaining “if you’re scared to hurt ‘em, don’t come in the barn . . . You can’t do it on the road. I’m no gonna touch her in front of a thousand people. She’s gonna f-
--ing do what I want and that’s just f---ing the way it is” (PETAtv, n.d.; Patcuvie, 2010).

Although Carson & Barnes spokesman, Ben Trumble, indicates that Frisco is merely guilty of “barnyard language in a barnyard” (Miroff, 2006) and that the “video doesn’t amount to too much” (Spina, 2008), Frisco’s behavior clearly demonstrates to the viewer that positive reinforcement is by no means the only method of training utilized by Carson & Barnes Circus. Furthermore, Frisco’s admission that he was not going to strike the elephant in public illustrates that much of the training process for circus animals is kept out of the spotlight for a reason.

Following an investigation, during which time Frisco was suspended, the USDA determined that there was no reason to discipline Frisco’s actions and he was enabled to maintain his job with Carson & Barnes, although the circus operator was fined $400 for improper handling of animals (Miroff, 2006). Part of the justification was the poor quality of the video (Creamer, 2009) and the fact that as a viewer “you don’t see the elephants making noises because of anything Frisco does” (Spina, 2006). Frisco’s situation demonstrates that the USDA remained lenient toward circus’ actions until fairly recently. Regardless of the USDA’s response to Frisco’s actions, the video brought circus animals’ treatment to the public eye and exposed the use of bullhooks as not just to “tap the elephants behind the ear or to lightly pull the tusk to nudge them in the right direction” (Creamer, 2009). While the public’s perception of Carson & Barnes following the release of this animal cruelty footage has yet to be specifically investigated, Tom Frisco’s video went viral and sparked outrage among the general public. Animal rights organizations have heavily utilized this video to encourage people to protest Carson & Barnes as well as the circuses that it leases its elephants to, such as Cole Bros.

In addition to legal issues directly concerning the welfare of its animals, Carson & Barnes is known for violating the rights of animal advocate groups, in some cases to the point of assault,
that have led to several lawsuits against the circus. In 2006 a case of battery against two Humanity Through Education members, in which the advocates’ camera was damaged beyond use, led to a lawsuit (Kearn, 2012; Superior Court of the State of California, 2012). This issue was finally settled outside of court for $172,000 in 2011, after years of the District Court for the Northern District of California reviewing the plaintiff’s grounds to sue (Deniz Bolbol v. City of Daly City and Mark Ennis v. City of Daly City, 2011; U.S. District Court: Northern District of California, 2011; Kearn, 2012).

Another lawsuit was derived from an incident in 2009 in which another Humanity Through Education member, Shannon Campbell, claims to have had a bucket of what was suspected to be bleach thrown on her by a Carson & Barnes employee, Benjamin Savage, while she was at the circus handing out flyers for animal cruelty and videotaping the animals (Superior Court, 2012; Kearn, 2012). Campbell seeks “punitive damages for mental suffering, emotional distress and constitutional violations, and a civil penalty of $25,000 against the circus and Savage,” in a case that has yet to reach settlement or a court’s decision (Kearn, 2012). These specific incidents combined with the claims that the circus employees have intentionally interfered with the animal advocates’ free speech rights by blocking their view of the animals cause speculation that the circus has something to hide (Superior Court, 2012). The violent nature in which Carson & Barnes has handled its relationship with animal rights organizations questions the circus’ motives for such behavior and leaves doubt in regards to the quality of the animals’ welfare under Carson & Barnes.

Promotion of Animal Welfare

In terms of promoting its performing animals, Carson & Barnes Circus has established its devotion to Asian elephants through its Endangered Ark Foundation. Founded by D.R. and Isla
Miller in 1993, the Endangered Ark Foundation serves to “support existing animal refuge areas, provide for acquisition of land for additional refuge areas, educate through public programs, educational materials, and media coverage, and acquire and save threatened and endangered animals” (“Saving the elephants,” n.d.). A primary focus is on expanding the foundation’s education programs for “schools, conferences, and ‘on the road’ with the Carson & Barnes Circus,” in which the proceeds from the latter’s ticket sales are donated to the Ark (“Circus city history,” n.d.; “Saving the elephants,” n.d.). In addition to monetary donations, Carson & Barnes also encourages the public to bring bottles of “Murphy oil soap, baby oil, bleach or grooming brushes” for the Ark in exchange for free preferred seating (“Circus in Midway Saturday,” 2013).

With constant improvements to the facilities underway, the Ark depends on various donations to enhance their center. For instance, their website advises that current funding is going toward a swimming pool designed specifically for elephants (“Saving the elephants,” n.d.). Unlike Ringling’s Elephant Conservation Center, the Ark is open to the public to provide an up-close, unique experience with the elephants (“Saving the elephants,” n.d.). Although information on the Endangered Ark Foundation is limited, photographs of the entrance and the public with the elephants are readily available on the Internet. This publicity allows the public to see the contributions that Carson & Barnes is making toward the Asian elephant specie; however the specific impact that the Ark has on the public’s perception remains undetermined and similar to the Ringling’s contributions may remain strictly speculative since the impact is likely to vary greatly depending on the individual. Unfortunately, apart from the Ark Carson & Barnes does not promote, at least publicly, the welfare of any of its remaining animal species. This is most likely a result of the lack of other large exotic animals such as lions and tigers and the circus
does not feel it is necessary to promote its non-endangered species, such as the llama, camel, or zebra, through foundations. The lack of attention on these other species is a common theme amongst the circuses in this study and will be examined later. Through the Endangered Ark Foundation, Carson & Barnes demonstrates an interest in preserving the Asian elephant and promoting the specie while simultaneously exhibiting the animal in shows to reportedly enhance public education and awareness of the specie.
## Conclusion

### Table 1

<table>
<thead>
<tr>
<th>Involvement of Animals:</th>
<th>Ringling Bros. and Barnum &amp; Bailey Circus</th>
<th>Cole Bros. Circus</th>
<th>Carson &amp; Barnes Circus</th>
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</thead>
<tbody>
<tr>
<td>1. How has this circus utilized animals throughout its history?</td>
<td>- Consistently incorporated animals into the program, as they are a necessary aspect in the mission of transporting the audience back to its childhood.</td>
<td>- Maintained animals since the beginning through the utilization of a menagerie. - Often includes animal acts in programs but sometimes does not.</td>
<td>- Always incorporated animals into the program, as they were vital to D.R.’s mission of leaving a lifelong impression on each child. - Use of animals in D.R. Miller’s funeral procession.</td>
</tr>
<tr>
<td>2. Has animal rights organizations and growing anti-circus animal sentiment influenced the circus’s involvement of animals? If so, how?</td>
<td>- Eliminated wild animal performances in 1925 due to growing public disinterest. - Currently FEI has no interest in eliminating animals from the program.</td>
<td>- Pugh chose to retire the elephants and tigers in 2004, only to bring them back in 2006 and 2010 respectively. - Circus of the Stars introduced as a program with only human acts. - No longer possesses a license to own its performing animals, rumored that this decision was a means to avoid animal welfare issues.</td>
<td>- Has never deviated from incorporating animals into the program.</td>
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### Legal Matters:

<table>
<thead>
<tr>
<th>1. What situations involving animal</th>
<th>ASPCA et. al. v. FEI; over a decade of litigation</th>
<th>Multiple ESA and AWA violations - Violations have led</th>
<th>Multiple AWA violations (at least 114). Tim Frisco’s video</th>
</tr>
</thead>
<tbody>
<tr>
<td>abuse or neglect have occurred within the circus?</td>
<td>- ESA and AWA violations to legal action on behalf of the USDA</td>
<td></td>
<td></td>
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<tr>
<td>- Incidents of escaped animals that have placed the public at risk and resulted in citations.</td>
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<tr>
<td>- footage portraying a negative relationship between elephant and trainer.</td>
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<tr>
<td>- Lawsuits filed against employees for assaults against animal advocates.</td>
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| 2. How were these situations identified and addressed? | - ASPCA and other organizations filed a lawsuit against FEI to expose an ESA violation in regards to Asian elephants. The plaintiff, Thomas Rider was found to have insufficient injury to meet the standing requirements thus the case was dismissed and FEI later succeeded in its lawsuit against the plaintiff organizations. |
| - 2011 AWA violation led to the largest civil penalty ($270,000) issued by the USDA against an exhibitor under the AWA |
| - PETA is believed to have initiated Tina and Jewel’s complaint |
| - In Tina and Jewel’s case the USDA harshly punished Pugh, Davenport, and the circus through probation terms, community service, fines and obligated donations to elephant conservations. |
| - USDA issued fines for the violations. |
| - The USDA only fined Tim Frisco $400 for improper handling of animals. |
| - The lawsuits for the assault charges were either settled outside the court or have yet to reach trial. |

| 3. How have these legal matters regarding animal cruelty impacted the public’s perception toward the circus? | - The lawsuit was heavily publicized and thus raised public awareness of elephant abuse within the circus. |
| - Photographs of Tina and Jewel created outrage among the public. |
| - Animal advocates urging protests specifically pertaining |
| - Tom Frisco’s video went viral, sparking public outrage and serving as a visual to be utilized in favor of animal advocates. |
remains successful so a negative impact is perceived to be minimal, if not nonexistent.

**Promotion of Animal Welfare:**

1. What efforts, if any, does the circus make to promote its animals’ welfare?

   - Established the CEC for newborn and retired circus elephants.
   - Provided resources for the Asian Elephant Conservation Act
   - Provided funding and resources to various Asian elephant and Amur tiger conservation efforts.

2. How does the promotion of animal welfare benefit or hinder the circus in terms of public perception?

   - Lack of research in this area.
   - Speculated that all these promotion efforts benefited the circus in the eyes of the public.

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<tr>
<th>Promotion of Animal Welfare:</th>
<th>- Established the CEC for newborn and retired circus elephants.</th>
<th>- No efforts found to promote animal welfare.</th>
<th>- Established the Endangered Ark Foundation for elephants.</th>
<th>- Potential lack of efforts due to the exclusion of big cats.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. What efforts, if any, does the circus make to promote its animals’ welfare?</td>
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<tr>
<td>2. How does the promotion of animal welfare benefit or hinder the circus in terms of public perception?</td>
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Table 2 above presents a summary of the common questions asked through each respective case study of Ringling Bros. and Barnum & Bailey Circus, Cole Bros. Circus, and Carson and Barnes Circus. The results from this case analysis indicate the strong similarities among large U.S. circus corporations regarding the issue of animal abuse and neglect. Through this study it is evident that today’s circuses strive to please the public at large whether that means eliminating animals from certain programs or justifying the utilization of animal performers through a plethora of animal welfare promotion actions. By reviewing the table above three main
themes are indicated through the research: the devotion to pleasing the public, the impact of the
growing anti-circus animal sentiment on the USDA and the lack of this impact on the circus
industry, and the need for further research for how a circus’s actions directly impact public
perception.

Through this study it is evident that today’s circuses strive to please the public at large
whether that means eliminating animals from certain programs or justifying the utilization of
animal performers through a plethora of animal welfare promotion actions. All three circuses
chosen for this study’s analysis reveal that animals have been an instrumental part of the circus’s
history and in the cases of Ringling Bros. and Carson & Barnes the involvement of animals was
central to fulfilling the circus’s mission. While animals remain valuable to the program, each
circus counter balances its use of animals in some way as a means to maintain a good appearance
for the public. Specifically, Ringling Bros. makes various conservation efforts and donates
finances as well as resources to support its species seemingly as a way to redeem its business
against the evidence revealed by the ASPCA lawsuit and the USDA violation resulting in the
largest civil penalty issued by the Department. Meanwhile, it can be inferred from lack of
information that Cole Bros. does not contribute to conservation efforts nor promote its animals’
welfare in any manner yet they seek to please the public by providing a separate program
featuring solely human acts. Critics have viewed the “Circus of the Stars” as a public distraction
while the circus continues to permit the exploitation of the animals it leases. Finally, Carson &
Barnes, unlike the other two circuses, has never deviated from its involvement of animals in its
program and yet it excludes the exotic cat acts while encouraging audience members to support
its Endangered Ark Foundation financially and via resource donations. Through these specific
methods, each circus makes an effort to compensate for the AWA and ESA violations and/or the
lawsuits that have been filed against them. These efforts reveal that the circus industry remains fixated on public opinion, which is in part due to the ability to profit off of an audience that views the circus as non-harmful for the animals involved.

As discussed in the literature reviews, the USDA has recently shifted toward harsher punishments as a means to enforce the AWA among licensees. It has been indicated throughout this study that pressure from animal advocates has played a role in the USDA’s stricter enforcement policies. Specifically, PETA called attention to Tina and Jewels’ conditions leading to a publicized ESA violation and harsh punishments assigned to Pugh, Davenport, and Cole Bros. Circus (details located in “Legal Matters” in the Cole Bros. case analysis). Furthermore, it is important to note that the USDA’s largest civil penalty against Ringling Bros. followed a decade worth of publicized litigation by animal advocates displaying ample evidence of animal abuse within that circus. While animal advocates have witnessed changes within the USDA favoring their cause, the three circuses chosen for this study have only made small steps toward improving animal welfare (steps discussed in the previous paragraph with the intention to please the public). All three circuses continue to utilize animal performers in their programs despite the vast, negative media attention that they have received on behalf of animal advocates. Therefore, it is reasonable to conclude that even though Cirque de Soleil and similar productions are gaining popularity, animal performers will remain an important aspect in the foreseeable future.

Although this study thoroughly provides evidence to demonstrate the serious issue of animal abuse within the U.S. circus industry and how public opinion plays a role in a circus’s actions on a broad scale, there is no conclusive information pertaining to how specific actions by a circus corporation affect the public perception of that particular circus. For instance, it would be useful for future research to examine the relationship of quantity of negative legal matters
regarding animal abuse versus level of promotion of animal welfare for a particular circus and how these competing factors affect the public’s perception. A quantitative study would be beneficial for this research, most notably a survey to discern how these factors and other factors affect an individual’s perception of the circus. Another basis of analysis for future research should closely examine non-exotic circus animals’ welfare such as the horses, dogs, and cats utilized in circus programs. Currently, there is a serious gap in the literature on the welfare of these particular species within the circus industry. As a final foundation for future research the last section of this study will provide a brief comparison of animal welfare in the above U.S. circus case analyses to animal welfare within U.S. zoos on a broad scale. This final section serves to illustrate animal welfare under a different institution to determine if the issue of poor animal welfare among exhibition animals extends beyond the circus industry. Further research should expand on this topic through case study analysis to definitively establish the similarities and differences between animal welfare in the circus versus in the zoo.
Animal Welfare in the U.S. Zoo Industry

The Modern American Zoo & Its Mission

Zoos have vastly evolved over the course of their existence, from serving as displays of wealth and power or stock for gladiatorial games during the Roman Empire to the modern day zoo with a mission statement revolving around conservation and education (Harrison, 2002; Stevens & McAlister, 2003; Smith & Broad, 2008; Grazian, 2012). In the United States, zoos began through their association with the circus industry as menageries, in which exotic animals were public displayed in travelling cages (Bekoff & Meaney, 1998). The first European-style zoo to exist in the U.S. was the Philadelphia Zoo, opened in 1874, which was modeled after the London Zoological Garden (Bekoff & Meaney, 1998). During this initial period the zoo was a source of “entertainment, lighthearted fun, and good times,” as individuals were able to see animals they would not see elsewhere (Milstein, 2009).

From urban and suburban zoos to safari parks and petting zoos, a variety of zoos exist throughout the U.S. While diversity is found within the zoo industry, the most common type utilized by animal advocates is that of the urban zoo. Urban zoos are generally found in the middle of cities and have limited room for expansion (“Zoo,” n.d.). Consequently, the animals in urban zoos are typically confined in small enclosures and exposed to the noise and pollutions of the city. However, urban zoos are more common in Europe while suburban zoos are typical within the U.S. (“Zoo,” n.d.). Offering more space and naturalistic habitats, suburban zoos are the principal focus of this section’s comparative analysis versus the circus industry. Additional varieties of zoos include safari parks which enable visitors to drive through the exhibits and petting zoos which are often located within larger zoos or travel with circuses to allow children the experience of contacting domesticated animals such as goats and donkeys (“Zoo,” n.d.).
Regardless of the type, U.S. zoos are often distinguished by AZA accreditation. AZA accreditation indicates that the zoos has been officially recognized and approved by a group of experts and provides the zoo with a range of benefits ("What is accreditation," n.d.). As of September 2013, there were 223 AZA accredited zoos and aquariums in the U.S. and Canada combined ("List of accredited zoos," n.d.). However, there are numerous unaccredited zoos still operating within the U.S. although the exact number of these zoos remains a topic of dispute. This section does not differentiate between accredited and unaccredited zoos but focuses on the zoo industry, specifically urban and suburban zoos, in general.

As a result of increased public criticism zoos have recently transformed their image from a primarily recreational institution to one emphasizing education and conservation (Milstein, 2009; Baratay & Hardouin-Fugier, 2002) With a focus on the necessity for the preservation of species and the conservation of the ecosystem, today’s zoos strive to educate the public on current environmental issues. Grazian confirms this focal point by indicating “in recent years, zoo educational programming has emphasized greater public awareness of the endangerment of wildlife populations as well as environmental issues such as biodiversity loss, habitat destruction, energy and resource conservation, and climate change” (2012). Even if the audience does not absorb the zoos’ messages instantaneously it has been argued that trips to the zoo spark interest in specific aspects of wildlife thus inducing further education following the visit (Smith & Broad, 2008).

Educational programs coincide with the zoos efforts to promote global conservation (Stevens & McAlister, 2003; Waldau, 2010). Various zoo organizations, such as the Association of Zoos and Aquariums (AZA) located in the U.S, emphasize their commitment to conservation. Specifically, in 2010 the AZA provided $130 million to support approximately 2,000
conservation projects in over 100 countries (“About AZA,” n.d.). At an international level the World Association of Zoos and Aquariums (WAZA) partakes in numerous conservation efforts and advocates wildlife preservation issues, specifically research and endangered species (Fraser, Gruber, & Condon, 2007). Zoo supporters claim that conservation efforts are the core justification for the continued existence of zoos (Stevens & McAlister, 2003; Milstein, 2009). As indicated by Milstein, zoo personnel consider their institutions to be necessary because captive animals are vital to conservation efforts in the sense that they provide information that may otherwise be challenging to obtain from their wildlife counterparts (2009). It is additionally argued, that zoos are responsible for the continued existence of certain species and without zoos more species would become extinct thus making the world a “poorer place” (Stevens & McAlister, 2003). This central theme of conservation within the U.S. zoo industry demonstrates a fundamental difference between the zoo and circus. While some circuses do promote the conservation of its species, the primary motive within the industry is to entertain as a means to profit from its programs. On the other hand, zoos have transforming from entertaining the public to educating the public about important environmental issues regarding species preservation and conservation.

Furthermore, zoos seek to establish a better relationship between humans and nature as well as improve conditions for the animals, specifically in the form of medical care. Zoos are one of the few institutions, alongside the circus, that offer their audiences the opportunity to form a relationship with the natural world (Fraser, Gruber, & Condon, 2007). Morgan further claims that re-connecting individuals with the wilderness is one of the core functions of zoos (2010). Zoos are also portrayed as the “providers of animal care” and the welfare of captive animals is considered to be a trade off (Grazian, 2012). While zoo advocates recognize that animals are
limited to their movements and are confined to their enclosures, captive animals do benefit from veterinary care and a constant food supply thus elongating their lives (Yount, 2008; Grazian, 2012). Similar to the circus industry, zoo advocates hold firm in their justification for the continued existence of zoos despite growing criticism calling for drastic changes or the abolition of the industry in its entirety.

Involvement of Animals

Unlike the circus literature, the debate around the zoos focuses heavily on the overall problems of the institution with only limited research on specific animals. There are a few exceptions however, in which specific species are a focal point. Intellectually and socially complex mammals such as elephants, nonhuman primates, and dolphins remain a focal point for zoo critics due to these species’ ability to appear more human-like in critics’ opinions (Waldau, 2010). Larger animals are often discussed because the confined enclosures have a greater impact on their well being since these species (elephants, polar bears, lions, etc.) require vast territories of land to migrate, roam, and hunt (Wickins-Drazilova, 2006; Yount, 2008). It has been argued that certain large animals are acceptable for captivity while others, such as the ones previously mentioned, are not suitable for any captive environment (Lemonick, 2006). Specifically, animals that need large amounts of space to inhabit, such as giraffes, bears, and elephants, should not be held in the confined environment of a zoo exhibit. Meanwhile, other large exotic animals such as lionesses and gorillas can maintain a high level of welfare through enriched yet confined exhibits (Lemonick, 2006).

Aside from the large and complex animals, species are strictly referred to in specific cases of animal abuse and neglect. For instance, Harrison describes several case-specific problems that he encountered during his study of Asian zoos such as a lack of enrichment in the
orangutan exhibit or a lack of medical care to a pigtail macaque that had a hernia (2002). More research is needed to determine the effects of zoo life on specific species since current research reveals more focus on the overall issue of the moral ethnicity of the existence of zoos.

In Opposition to the Zoo Industry

In recent years, the number of animal rights complaints regarding zoos has drastically increased. Critics find that justification for zoos is questionable, criticizing all the major purposes of zoos such as conservation, education, and recreation (Wickins-Drazilova, 2006). Extensively mentioned is the negative effect that the zoo environment has on captive animals, with a wide spectrum of counterarguments for the justification of zoos (Waldau, 2010). While zoos may have good intentions and provide benefits, such as medical care, to their animals, the mental health of these animals is still at risk. Many captive animals display signs of neurotic behavior as a result of their confinement and zoo animals are prone to stress induced by the unnatural exposure to humans (Yount, 2008; Wickins-Drazilova, 2006). Stress-induced and neurotic behavior includes “self-mutilation, the vomiting and re-eating of food, and increased aggression” (Wickins-Drazilova, 2006). Wickins-Drazilova further indicates that the majority of injuries requiring the medical care provided by zoos are a result of the zoo enclosures that are too confined and lacking in the naturalistic surfaces necessary for the animals’ welfare (2006).

Reinforcing the argument that zoos have negative effects on animals is the popular inclusion of the confined spaces animals are forced to spend the majority, if not all, of their lives in. Similar to zoo advocates, critics discuss a tradeoff between the benefits captive animals receive and the disadvantage they face in captivity. Zoo critics believe that such a tradeoff is unjust and that the animals’ welfare is severely sacrificed in the process. It has been questioned as to whether the benefits for the animals and the public outweigh keeping the animals in
captivity for “empty, monotonous lifetimes” (Milstein, 2009). While advantages are provided for zoo animals, these animals’ still face disadvantages such as confined enclosures, limited mobility, and boredom (Grazian, 2012).

In addition to zoos’ effects on animals, critics believe that zoos provide the public with an unrealistic idea of the natural world. Exhibits displayed for public viewing are generally monotonous, lacking in the richness that the wild would contain (Harrison, 2002). Animals are generally not witnessed partaking in natural behavior, as zoos are incapable of simulating migration and hunting practices of most species (Wickins-Drazilova, 2006). Zoos will also hide behaviors that they deem inappropriate for the audience, such as eating live prey and mating, thus providing a false perspective of particular species (Grazian, 2012). By providing a more picturesque version of our current ecosystems, zoos are not emphasizing environmental issues to the necessary extent nor are they properly educating the public. For instance, zoos portray an ideal image of the tropical rainforests rather than displaying a bulldozer to represent the deforestation and destruction currently occurring at the hands of mankind (Milstein, 2009). The lack of realistic displays provides the public with a false understanding of the environment and minimizes the need for action against the destruction of ecosystems.

**Legal Matters**

In regards to legal issues pertaining to the U.S. zoo industry, the court cases reflect lawsuits against the circus industry in the sense that animal advocate organizations such as In Defense of Animals and the Animal Legal Defense Fund (ALDF) are the primary plaintiffs. However, while certain cases such as Ray v. USDA and Animal Legal Defense Fund v. Glickman are addressed, they relate only to individual animals and no not reflect the larger issue
of animal abuse. For instance, Ray v. USDA was a lawsuit against a non-accredited zoo by the AZA, titled Jambba’s Ranch, that was charged with deplorable conditions for its animals including Ben the bear (Halpin, 2011; “Recent ALDF Victories,” n.d.). This case primarily focused on Ben and ended in a victory for ALDF in which Ben was granted permanent sanctuary at the Performing Animal Welfare Society. Furthermore, ALDF v. Glickman centered around the treatment of Barney, a chimpanzee who was left in solitary confinement on the cement floor of a cage, an environment that proved to be detrimental to both his psychological and physical health (“ALDF’s Landmark Cases,” n.d.).

While both these cases achieved status among animal advocates they demonstrate that the court cases do not reflect the principal theme of today’s literature, which prefers to focus on the broader issue of the existence to zoos than the individual animals. In this sense the cases are used as support for the argument of the abolishment of the industry rather than standing alone in their own right. This concept is similar to the circus industry, which also has the broader long-term focus of eliminating performing animals. However, research against the circus industry utilizes evidence of court cases and AWA violations more prevalently as a means to visualize animal advocates’ argument.

Promotion of Animal Welfare

Despite zoo advocates’ claims that the zoo satisfactorily promotes its animals’ welfare, many ideas about how quality of life for captive animals can be further improved are located in today’s literature. One solution is to increase membership within the WAZA and the AZA since currently only a small percentage of zoos are accredited by the AZA and abide by their regulations (Yount, 2008). Therefore, higher rates of membership and stricter regulations would
lead to the existence of more accredited zoos and the adherence to the code of ethics established within these associations (Morgan, 2010). Although WAZA considers itself a “community of organized zoos [that] have a moral, ethical and professional responsibility to engage with needy institutions in order to help them improve their standards, achieve conservation goals, and benefit the animals they hold,” critics and animal rights advocates call for WAZA to extend their aid at unprecedented levels (Morgan, 2010). It is notable to indicate that much of the focus is on what is wrong globally with the zoo industry because for the most part American zoos are seen as well-off in comparison to foreign zoos even though animal abuse and neglect is still prevalent in the U.S. zoo industry.

In contrast, the other mindset of critics is not to continuously improve zoos but to change the institution’s structure and in some cases replacing zoos entirely. Arguments for a transformation of current zoos to either conservation centers or animal sanctuaries are increasingly popular (Milstein, 2009; Wickins-Drazilova, 2006). These conservation or rescue centers would be mainly closed to the public and would enhance the ideas of rehabilitation and reintroduction of species back into the wild (Wickins-Drazilova, 2006). In regards to conservations, Lemonick argues that two expansive conservations for species that require vast territory such as elephants should be the sole locations for these species since he concedes that two Disney parks are enough Americans thus two conservations should be enough (2006). Others argue that with the advanced technology now available zoos can be replaced with wildlife documentaries or live stream footage of animals in their natural habitats (Smith & Broad, 2008; Milstein, 2009). This method of viewing animals would be more cost efficient, less reliant on profit motive, and will cause less environmental disruption (Milstein, 2009). People can additionally learn just as much, if not more, about animals by watching television channels such
as National Geographic and reading books and magazines (Smith & Broad, 2007; Yount, 2008). With a variety of alternative options, critics argue that zoos are no longer necessary for public education or conservation purposes.

**Comparison Conclusion**

After examining the research on zoos it becomes clear that while advocates have the same ultimate goal for both the zoo and circus industries, the focus differs. With the circus industry a plethora of information covers the AWA violations and legal matters that specific circuses have faced either against the USDA or advocacy plaintiffs. Advocacy organizations use this information to display the significant problems that circus animals face daily to the public. On the other hand, the information regarding the zoo industry focuses on the debate of the very existence of the industry using broader arguments such as lack of enrichment and through technology the zoo is no longer necessary rather than focuses on specific cases of animal abuse. That is not to say that animal welfare in zoos is significantly higher than that of circuses yet the research does indicate that the zoo industry, especially AZA-accredited zoos, is held to a higher standard than circuses. It is also notable that advocates appear to devote more time campaigning against circus animals than they do against zoos perhaps indicating that our society is growing less accepting toward circuses while still viewing zoos as acceptable environments for promoting animal welfare. As the anti-animal sentiment continues to grow it will be interesting to see if society becomes more aware of animal abuse and neglect within the zoo industry and whether a heightened awareness will lead to changes as we have seen in recent years within the circus industry.
References


