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OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

ENTERTAINMENT, INC.

June 27, 2014

City Council Members
City of Cambridge
795 Massachusetts Ave
Cambridge MA 02139

**RE: The Proposed Ordinance Prohibiting the Use of Wild and Exotic Animals in
Traveling Shows and Circuses.**

Dear Council Members:

Feld Entertainment, Inc. (FEI) is the leading producer of live family entertainment and is the parent company of *Ringling Bros. and Barnum & Bailey*®, *Disney On Ice*, *Disney Live*, *MARVEL Universe Live* and Feld Motor Sports events, including *Monster Jam*®, *Monster Energy*® *Supercross*, and *AMSOIL Arenacross*. We oppose the proposed ordinance prohibiting the use wild and exotic animals in traveling shows and circuses.

Ringling Bros., the largest and oldest traveling circus in the United States, has over 144 years of experience working with and caring for exotic animals. *Ringling Bros.* travels throughout the United States and annually performs in over 125 cities, including Boston, Worcester, and Springfield, as well as in Hartford, Manchester, Providence, and Brooklyn. In fact, *Ringling Bros.* has performed in Massachusetts nearly every year since 1921, and each year it is our privilege to entertain over 100,000 Massachusetts circus fans.

We support the adoption of reasonable and effective regulatory measures for purposes of ensuring the welfare of all animals. However, an outright ban on exotic animals in traveling shows and circuses is unnecessarily and unreasonably restrictive and would prevented lawful, state and federally regulated exhibitors from being able to conduct business in the city.

All circuses and other traveling exhibitors with animals are required to be licensed by the United States Department of Agriculture (USDA) and are open to regular, unannounced inspections by USDA. USDA frequently inspects licensed exhibitors, including *Ringling Bros.*, to ensure they at all times comply with the requirements of the Animal Welfare Act (AWA), the same law that governs zoos. The Animal Welfare Act sets standards of care for animals in exhibition—whether in zoos,

circuses, entertainment, or other means—and authorizes USDA to enforce them. Moreover, the U.S. Fish and Wildlife Service (FWS) oversees compliance with the Endangered Species Act, the federal law pertaining to endangered and threatened species.

In addition, state and local laws regarding animal welfare and the prevention of cruelty are applicable to all traveling exhibitors within their jurisdictions, and many of those agencies also conduct inspections of circuses. In Massachusetts, circuses are required to obtain permits from the Department of Fish and Game before entering the state. Over the years, *Ringling Bros.* has been inspected by both USDA and the Massachusetts Society for the Prevention of Cruelty to Animals while performing in the state. We have consistently had positive results from such inspections.

At *Ringling Bros.* we pride ourselves on the excellent care that all of our animals receive and the fact that they are healthy, thriving, vigorous and safe. We have a team of full-time veterinarians, veterinary technicians and animal caregivers who oversee all aspects of the animals' care and well-being and as a result our elephants tend to live significantly longer than their counterparts in zoos and the wild. *Ringling Bros.* elephant management practices are accepted by USDA and are consistent with those outlined in the *Elephant Husbandry Resource Guide*, which was published by the International Elephant Foundation and endorsed by the Association of Zoos and Aquariums and the Elephant Managers Association. This book reflects the recognized, state-of-the-art, industry standards for the safe and humane care and management of elephants.

We also are opposed to the proposed ordinance because it is constitutionally suspect. First, it is unreasonably discriminatory against traveling exhibitors of exotic animals. The prohibitions contained in this bill would impact circuses and other traveling exhibitors with animals, e.g. TV and film production companies; yet would not apply to the same animals in zoos even though they are all subject to the same regulatory requirements related to animal care. There is no basis to support the idea that the act of traveling is adverse to the welfare of animals in traveling exhibitions, as evidenced by a multitude of scientific studies. To the contrary, USDA-funded research on traveling circus animals showed that the welfare of animals in circuses is enhanced because of the added stimuli and sources of variation in routine. Anyone visiting our show can clearly see that our animals thrive from their 24-hour care, consistent exercise and daily stimulation. By applying this prohibition only to traveling exhibitors, such an ordinance would unreasonably discriminate against entities such as *Ringling Bros.* and other traveling exhibitors who are engaged in lawful interstate commerce. This is particularly true of the provision that would prohibit the use of the railway system. *Ringling Bros.* does not perform in the City of Cambridge. The City has no legal right or authority to prohibit the use of state-owned and federally-regulated transportation systems simply because it does not approve of a certain business.

Second, the proposed ordinance embodies the worst form of censorship. Circuses are an art form steeped in tradition, rich in history and recognized as culturally significant, and the circus itself is a lawful activity. To prohibit licensed exhibitors from conducting their performance with any animal, including elephants, just because some portion of society prefers a different form of entertainment is nothing less than illegal censorship. The public has the right to decide for itself whether it thinks the show has value to them and whether they want to see human-animal interaction – particularly in places where such interaction may be hard to find. For example, the only way Boston area residents have the opportunity to see elephants in the flesh is when *Ringling Bros.* or another circus performs there.

Make no mistake – the current debate is not about animal welfare; it is about the ability of audiences to see and appreciate animals up close and in person. Animal activist groups want to deny the public that right and will no doubt continue to distort the care and commitment *Ringling Bros.* has for all of its animals. The decision as to whether to attend a circus should rest with the public, not be made for them by a government prohibition that does nothing for the animals. The proposed censorship should be rejected to avoid interference with free choice.

As you may know, for more than a decade Feld Entertainment was engaged in a protracted legal dispute with a number of animal rights organizations over the care of Asian elephants at *Ringling Bros.* and the *Ringling Bros. Center for Elephant Conservation*. The trial court ruled in our favor, was upheld on appeal and awarded us attorney's fees. We also initiated our own civil RICO action against the activist groups and their attorneys for the fraudulent and unethical actions they engaged in throughout the proceedings. Just last month, we announced a record settlement with the Humane Society of the United States, the Animal Welfare Institute and other groups and their attorneys. They have agreed to pay Feld Entertainment \$15.75 million to settle all our claims against them. This of course is in addition to our earlier \$9.3 million settlement with the American Society for the Prevention of Cruelty to Animals, bringing the total amount paid to our company to more than \$25 million. A settlement of this size, coupled with multiple court rulings, clearly demonstrates what we have said all along – we are the experts when it comes to caring for Asian elephants and our animal welfare programs are the best in the world. The press release announcing this settlement is enclosed.

In 2014, *Ringling Bros.* will entertain millions of families in the United States and Mexico. Those are literally millions of people who want to see our animals up close in a performance setting, which is a unique and treasured experience. There is no substitute for the live experience – it cannot be equaled or recreated by looking at a photo or video of an animal. It is well-established that the opportunity to see these exotic animals first-hand is a crucial aspect of conservation education and significantly contributes to the public's awareness of and interest in preserving these magnificent animals. We respectfully urge you to oppose any measure that would take away the opportunity to experience these animals by preventing circuses and other traveling exhibitors from visiting Cambridge.

We would be happy to address any questions you may have. Thank you for your consideration.

Sincerely,



Thomas L. Albert
Vice President, Government Relations

Enclosure

cc: Nancy Glowa, City Solicitor
Richard Rossi, City Manager

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**HUMANE SOCIETY OF THE UNITED STATES AND CO-DEFENDANTS PAY
\$15.75 MILLION SETTLEMENT TO FELD ENTERTAINMENT ENDING
14 YEARS OF LITIGATION**

*Unprecedented Settlement Brings Total Paid to Parent Company of
Ringling Bros. and Barnum & Bailey® Circus to More Than \$25 Million*

*Groups Settle with Circus After Federal Court Determined Case
Was "Groundless and Unreasonable"*

VIENNA, Va. – May 15, 2014 – The Humane Society of the United States (HSUS), along with their co-defendants, have paid Feld Entertainment, Inc., the parent company of *Ringling Bros. and Barnum & Bailey® Circus*, \$15.75 million to settle cases stemming from a lawsuit they brought against *Ringling Bros.®* over the care of its Asian elephants. This historic settlement payment to Feld Entertainment ends nearly 14 years of litigation between the parties.

"We hope this settlement payment, and the various court decisions that found against these animal rights activists and their attorneys, will deter individuals and organizations from bringing frivolous litigation like this in the future," said Kenneth Feld, Chairman and Chief Executive Officer of Feld Entertainment. "This settlement is a significant milestone for our family-owned business and all the dedicated men and women who care for the *Ringling Bros.* herd of 42 Asian elephants. We look forward to continuing to set the standard for providing world-class care for all our animals and producing high quality, family entertainment."

HSUS and animal rights groups the Fund for Animals, Animal Welfare Institute, Born Free USA (formerly the Animal Protection Institute), the Wildlife Advocacy Project, the law firm of Meyer, Glitzenstein & Crystal, and several current and former attorneys of that firm, paid the settlement for their involvement in the case brought under the Endangered Species Act (ESA) that the U.S. District Court ruled was "frivolous," "vexatious," and "groundless and unreasonable from its inception." Today's settlement also covers the related Racketeer Influenced and Corrupt Organizations Act (RICO) case that Feld Entertainment filed against the groups after discovering they had paid a plaintiff for his participation in the original lawsuit and then attempted to conceal those payments.

In December 2012, the American Society for the Prevention of Cruelty to Animals (ASPCA), a former co-defendant in the case, settled its share of the lawsuits by paying Feld Entertainment \$9.3 million. Today's settlement brings the total recovered by Feld

Entertainment to more than \$25 million in legal fees and expenses, which the company actually spent in defending the ESA case.

“After winning 14 years of litigation, Feld Entertainment has been vindicated. This case was a colossal abuse of the justice system in which the animal rights groups and their lawyers apparently believed the ends justified the means. It also marks the first time in U.S. history where a defendant in an Endangered Species Act case was found entitled to recover attorneys’ fees against the plaintiffs due to the Court’s finding of frivolous, vexatious and unreasonable litigation,” said Feld Entertainment’s legal counsel in this matter, John Simpson, a partner with Norton Rose Fulbright’s Washington, D.C., office. “The total settlement amounts represent recovery of 100 percent of the legal fees Feld Entertainment incurred in defending against the ESA lawsuit.”

In the original ESA lawsuit, Feld Entertainment discovered the animal rights groups and their lawyers had paid over \$190,000 to a former circus employee, Tom Rider, to be a “paid plaintiff.” The Court also found that the animal rights groups and their attorneys “sought to conceal the nature, extent and purpose of the payments” during the litigation. Their abuse of the judicial system included the issuance of a false statement under oath by Rider, assisted by his counsel, who the Court found was “the same attorney who was paying him” to participate in the litigation. The Court found in addition to Rider being a “paid plaintiff,” that the lawsuit was “frivolous and vexatious.”

Additional information on this settlement and the underlying litigation can be found at www.ringlingbrostrialinfo.com.

About Feld Entertainment

Feld Entertainment, Inc. is the worldwide leader in producing and presenting live family entertainment that lifts the human spirit and creates indelible memories, with 30 million people in attendance at its shows each year. Feld Entertainment’s productions have appeared in more than 75 countries and on six continents to date and include *Ringling Bros. and Barnum & Bailey*, *Disney On Ice*, *Disney Live!*, *Marvel Universe Live!* and *Feld Motor Sports*. More information can be found at www.feldentertainment.com.

Ringling Bros. is a world leader in the care and conservation of the endangered Asian elephant. In 1995, the *Ringling Bros. and Barnum & Bailey Center for Elephant Conservation*®, a state-of-the-art facility dedicated to the reproduction, research and retirement of Asian elephants, was created on a 200 acre site in Florida. Information on the Center is available online at www.elephantcenter.com.

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