

## How the USDA Is Failing America's Captive Elephants

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August 2021



*Cruel circus: Betty the elephant, owned by Carden Circus, is made to stand on her face with her feet up in the air while the circus performer has her feet tucked in a strap that is tied tightly around the elephant's jaw and behind her ears, which are very sensitive areas. This is a very unnatural movement for an elephant and causes much distress. (Photo credit: Gigi Glendinning)*

No matter what political views or affiliations people in the United States might have, most of them would agree that animal abuse is just plain wrong. Animals who are kept in captivity or are forced to perform in circuses are subjected to some of the worst kinds of abuse. Among all these animals, however, elephants suffer the most in captivity as they are highly [intelligent](#) and social beings, according to experts, and have complex physical and social needs that [cannot](#) be met in any circus or zoo environment.

“Elephants who are kept in small enclosures are in increased danger of developing chronic foot disease and arthritis, both of which lead to frequent instances of death for captive elephants,” [according](#) to Dr. Toni Frohoff, a biologist and behavioral ethologist. “In fact, the most common reason for premature death of captive elephants is lack of space and standing on hard and/or otherwise inappropriate surfaces.”

Many people are unaware that circuses are still part of the American culture. The [closing](#) of the infamous Ringling Bros. and Barnum & Bailey Circus in May 2017 did not mark the end of cruelty perpetrated on elephants, who are forced into captivity and made to perform in circuses. Between 25 and 30 traveling circuses, which include caged wild animals, [continue](#) to travel and operate in the United States.

There are currently more than 60 elephants and hundreds of other animals still being used for human entertainment. [Circus animal cruelty and exploitation are rampant](#). Some operators like Loomis Bros. Circus and Carson & Barnes Circus [continued operating throughout the worst of the U.S. COVID-19](#)

[pandemic in 2020](#) and were once again [advertising](#) their [show schedules](#) for the spring and summer season in 2021. Currently, Carden Circus, Loomis Bros. Circus, Carson & Barnes Circus, Tarzan Zerbini Circus, and others are back on the road with elephants and other wild exotic animals.

Performing elephants are deprived of all that is natural to them. The methods used to train a wild animal into submission include beatings, electric shock (hot shots), food and water deprivation, and brutal intimidation. Elephants do not stand on their heads, sit on stools, stand on their hind legs, or give rides to humans on their backs because they want to; they do it because they are forced to with brutal training methods, as exemplified in [undercover videos that can be found on YouTube](#).

While the United States Department of Agriculture (USDA) has been tasked by Congress to enforce the Animal Welfare Act (AWA), which was signed into law in 1966 and is the primary federal law that regulates the treatment of animals in research, exhibition and transport, the AWA provides only minimum acceptable standards and historically has rarely been enforced. A prime example of this lack of enforcement is the [story](#) of Nosey the elephant. Nosey was captured in Zimbabwe when she was two years of age in 1984 and was brought to a Florida ranch with 62 other young elephants. About two years later, she ended up in the hands of former circus clown Hugo Liebel. Liebel used Nosey to perform in his circus and dragged her all over the country in a filthy, dilapidated trailer for more than 30 years.

Over the course of the next three decades, Liebel would rack up about [200 violations](#) of the AWA for things like chaining Nosey so tightly by both her front and hind legs that she could hardly move, failure to provide adequate veterinary care, and failure to have sufficient barriers to protect the public. Yet year after year, the USDA rubber-stamped his annual renewal license. Though Liebel was fined several times, these fines were so minimal that they hardly made a difference and were seen as a small price to pay to keep the circus operational.

Finally, in [November 2017](#), authorities in Lawrence County, Alabama, seized Nosey after Liebel's truck had broken down. She was subsequently placed at the [Elephant Sanctuary in Tennessee](#) where she has been receiving much-needed veterinary care for the plethora of ailments she is suffering from as a result of her life on the road and in the care of her owners. She remains in the sanctuary and is thriving there.

Nosey's story is unfortunately not unique. In fact, it is the norm. Many, if not all, circuses that are currently on the road have extensive histories of federal animal welfare violations related to the handling of their elephants. The USDA inaction makes them complicit in the neglect and abuse of captive elephants.

As a result, captive elephants continue to suffer every day that USDA inspectors refrain from doing their jobs, either because they do not care or due to internal pressure that prevents them from doing so. "It feels like your hands are tied behind your back," says veterinarian Denise Sofranko, who spent 20 years as an inspector, and was quoted in an [article](#) on the website of the nonprofit Lady Freethinker. "You can't do many things you're supposed to when it comes to protecting animals. You're seeing inspectors so frustrated they're walking out the door."



*Used and abused: Bo, the rare bull elephant who performs in circuses, has been castrated in order to minimize his aggressive behavior that is natural for male elephants. Bo is owned by Carden Circus, which has numerous violations against the Animal Welfare Act but yet they still hold a USDA license that allows them to own and use Bo in circuses. Bo was chained up here on hard concrete flooring behind the circus curtain because he was not permitted to perform for an unknown reason. Bo has often been put in this situation because of health and/or aggression issues. (Photo credit: Gigi Glendinning)*

Animal advocates have long demanded a change to the USDA's policy of rubber-stamping annual renewal licenses for chronic AWA violators. Up until November 2020, exhibitors seeking an annual renewal license would sign a self-certification form stating that they were complying with the AWA. Even if the USDA had actual knowledge of noncompliance—such as recent inspections that revealed violations of the AWA—the USDA would still renew the license.

The USDA's Animal Care division is responsible for inspecting [more than 12,000 facilities and exhibitors](#), including circuses and zoos, to ensure these license holders are operating in compliance with the AWA. Unfortunately, the USDA appears to be more concerned with not burdening license holders than with protecting animals and the public. So pervasive is this problem that on April 4, 2019, more than 140 congressional members from both sides of the aisle [signed a 16-page letter](#) to Sanford Bishop, chairman of the Subcommittee on Agriculture, Rural Development, FDA, and Related Agencies, expressing concern that the "USDA is treating these regulated industries as customers, giving deference to those who can't comply with the AWA's modest requirements while giving short shrift to the animals and the taxpaying public."

In fact, a February 2019 article in the Washington Post [said](#) that "USDA inspectors documented 60 percent fewer violations at animal facilities in 2018 from the previous year." The number of animal welfare citations issued by the USDA fell markedly under the Trump administration, from 4,944 citations in 2016 to 1,716 in 2018, according to another [article](#) in the Washington Post published in August 2019.

It is not a stretch to say that the USDA is complicit in perpetuating animal cruelty. In February 2017, the USDA, without warning, [removed animal welfare records from its website](#), according to an article in the Washington Post, prompting large animal welfare organizations such as the [Humane Society of the United States](#), [People for the Ethical Treatment of Animals](#) and the [Animal Legal Defense Fund](#)—along with other animal rights groups—to file separate federal lawsuits for violating a prior congressional directive and obliterating all transparency. The USDA [purged](#) from its website the searchable database of AWA inspection reports and enforcement records on thousands of licensed facilities and operators that use animals without providing any explanations, leaving the public in the dark—a public who, along with animal protection organizations, relies on this information to monitor and expose potential animal abuse at these facilities. Critics of this move stated that this was an attempt to keep the USDA's complacency a secret from the taxpaying public, who pay for the salaries of the USDA employees and for other ancillary expenses related to the operation of the agency, and avoid accountability for enforcing the Animal Welfare Act.

This purge sent chronic AWA violators a clear message that there would be no accountability for providing not only substandard care but also outright abuse of their animals. No longer would chronic violators fear public scrutiny.

Fortunately, in December 2019, Congress enacted a provision in the fiscal year 2020 appropriations bill issuing a clear mandate to the USDA to [fully reinstate its searchable database](#), giving the public access to all the agency's records. The [bill, signed into law in December](#) 2019, required the agency to restore the purged records on its website within 60 days of the bill's enactment, and continue posting such records moving forward. The records are being [restored](#), albeit very slowly.

In response to pressure from animal protection organizations and the public, in March 2019, the USDA sought public comments on proposed updates to its current licensing procedures and received a staggering [110,000 comments](#). After decades, this pressure finally prompted the USDA to amend its licensing requirements to eliminate automatic [renewals](#). A May 2020 USDA press release stated, "With this change, licensees have to demonstrate compliance with the AWA and show that the animals in their possession are adequately cared for in order to obtain a license." Under the [new rule](#), which went into effect in November 2020, licenses are valid for three years and applicants must demonstrate compliance before obtaining a license. This does not necessarily raise the bar set almost 55 years ago.

This simply means that if a previous licensee, with a history of repeat noncompliances, wishes to obtain a new license, they would need to demonstrate that they are in compliance with the AWA regulations on the day(s) the USDA inspector is present and before a license is to be issued. It is noteworthy that

the [AWA's antiquated standards are much less stringent](#) than those of the Association of Zoos and Aquariums, the preeminent accreditation body in the United States. USDA inspectors will now conduct pre-licensing inspections since there will be no more renewal licenses. Under these [new rules](#), “an applicant who fails the first inspection may request up to two reinspections to demonstrate compliance.”

Despite this development, the proverbial fox is still guarding the henhouse, and only time will tell if these new rules will have the desired effect of affording greater protection for captive elephants. Real change will come only with public awareness and legislation. What can be done? You can [contact your senators and representatives and](#) urge them to support the [Traveling Exotic Animal and Public Safety Protection Act](#), TEAPSPA, which, if passed, will effectively end traveling acts nationwide that use exotic animals. In addition, you can make the choice to [boycott circuses and zoos that use exotic animals](#). As journalist and former editor for Vanity Fair magazine Graydon Carter once [remarked](#), “We admire elephants in part because they demonstrate what we consider the finest of human traits: Empathy, self-awareness, and social intelligence. But the way we treat them puts on display the very worst of human behavior.”

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