An elephant condemned to life in a circus may yet be helped by a well-known federal law in 1950 an Asian elephant was born in Hyderabad, in southern India. She tasted freedom for four short years. On May 22, 1954, the four-year-old elephant was captured and separated from her family; in fact, the elephant hunters may have killed other family members to capture the baby. She was immediately sold by the Zoological Corporation to the Milwaukee County Zoo for $3,500 and shipped from the hot climate of southern India to the cold of Milwaukee, where, named Lota, she remained in confining, unnatural quarters for the next thirty-six years.

The Zoo Milwaukee citizens had for years vigorously protested the deficient conditions for elephants at the Milwaukee zoo. But Lota would endure something much worse. After thirty-six years Milwaukee, like most zoos, apparently had no use for an "elderly" elephant such as Lota. Perhaps she was no longer considered "cute" and had become what zoo folks call "surplus." In 1990 the zoo decided to dump her.

If the zoo had consulted humane organizations, it could have found Lota a home such as a wildlife sanctuary. Instead, the zoo hired his own private company to transport Lota and sent the bill to the Milwaukee zoo. Mr. Willingham continued: "Suddenly there was a thud against the concrete and a horrendously shrill sound coming from the elephant. She was trying to right herself. Both front legs were trapped beneath her, so all of her weight was on her head and trunk. Still no one eased the restraint holding her other front leg; she was stuck. Ms. Anastasi, an experienced zoo reporter, wrote that what she saw changed her life forever: I could not believe that I was suddenly looking at this pathetic creature, her body partially inside the truck, her head and trunk twisted around, upside down on the pavement. I was sickened by the sight. I remember thinking how I felt naive and betrayed, and each person there, myself included, had to take responsibility for what was happening. Lota struggled to move but could not. Several keepers continued to beat her, yelling her name and repeatedly striking her head, back, and legs with metal elephant hooks. She kept on billing, and though she could not move, they kept beating her.

Elephant handlers coerce Lota out of her enclosure and into a truck for transport to the Hawthorn Corporation to begin life as a performing animal.
“This type of behavior toward an animal constitutes animal abuse.”
—Ken Willingham
not protected by the ESA. The DOI has argued for years that endangered species held in captivity in the United States since before passage of the act are exempt. Thus, Lota, who was at the zoo before the act was passed, would not be protected.

Our research revealed that Congress never intended such an interpretation. Congress clearly indicated that only those animals permanently kept out of the “chains of commerce”—not used for profit—are left unprotected. Congress intended the protections of the act to “kick in” if the animal was ever returned to a profit-making venture.

We are confident in our approach because we are not seeking to enact a new law or even to change an existing one; we are simply seeking to fit an established, broadly supported federal statute. While we accept that Lota, unfortunately, most animals who have been moved from the zoo is especially hard-hit. Exact numbers are unavailable because the DOI regulates zoo-to-corporation transfers inadequately and incompletely, but we estimate that each year hundreds of animals, including numerous endangered animals, are given or sold by zoos to profit-making corporations, including circuses, roadside attractions, and even hunting preserves.

Think about Lota, But Act Locally! Your local zoo probably keeps a Lota, or someone just like her, waiting to declare her surplus and ship her into the animal slave trade. While we certainly are not big fans of zoos, unfortunately, most animals who remain at the zoo are not protected by the act had she remained at the zoo. Lota's transfer to a commercial corporation should have triggered ESA protection. Congress intended the protections of the act to “kick in” if the animal was ever returned to a profit-making venture.

In its decision, the Department of Interior has argued for years that endangered species not protected by the ESA had the act been in place before the animal was captured. This would force zoos to be more careful in their selection of animals to ensure they are removed from their natural habitats.

ELEPHANTS ARE NOT FOR ENTERTAINMENT! The American public is slowly realizing that using elephants for circus stunts and children's rides is both cruel to the animal and dangerous for the children.

Consider these incidents, all of which involved the Great American Circus:
- On January 1, 1999, an endangered Asian elephant being used for rides in Palm Bay, Florida, turned on her trainer and killed her. The elephant was later killed by a police officer.
- On June 9, 1999, a circus elephant used for rides in Fort Myers, Florida, broke away from her trainer, with children on her back, and charged into a nearby pond.
- In July 1997, a young elephant was killed in Milwaukee, Wisconsin, injuring two children.
- In June 1999, a circus elephant turned on her trainer in Reading, Pennsylvania, and threw a table into the crowd, injuring one spectator.

The elephants should be moved from the zoo to a variety of profit-making endeavors, such as game ranches, roadside zoos, and movies and television. A victory will open the door for a new area of animal protection law. Because zoos will be forced to guarantee lifetime care for any endangered species currently under their stewardship, they will acquire new animals much more slowly. This will, in turn, reduce the number of animals removed from their natural habitats.

What You Can Do:
- When you hear about incidents such as Lota's beating, write to your district attorney or prosecutor and demand action. Follow up with phone calls and letters to ensure that the case is being pursued to your satisfaction.
- Begin now to monitor your local zoo's disposition of elderly or unwanted animals. Contact the HSUS Investigations section for information on how to do this. We can show you how to follow the paper trail, so that, as soon as we win this lawsuit, you can apply it in your situation.
- Write to your local zoo. If you live in the Milwaukee area, write to the Milwaukee Zoo. Ask for a copy of its "surplus animal" disposition policy. Begin a local campaign to convince your zoo to make a lifetime commitment to the animals there.
- Ask the zoo to adopt a formal policy that commits to caring for any animal for the duration of the animal's life. Always keep copies of any letters you send and any responses you receive.
- Better yet, tell your zoo that responsible animal stewardship demands that intelligent, highly social animals like elephants be left and protected in their natural habitats rather than turned into living art in American zoos.
- Write to Secretary of the Interior Manuel Lujan, (The Hon. Manuel Lujan, Secretary of the Interior, U.S. Department of the Interior, 18th and C Streets, NW, Washington, DC 20240.) Ask him to enforce the ESA and prohibiting transfers of endangered species from zoos to profit-making corporations.
- Write letters to the editors of all newspapers and magazines you read concerning animals in zoos and circuses. Such letters are one of the most effective ways that you as an individual can help.
- Teach your children that the best way to learn about animals, besides visiting them in their natural habitats, is to watch a well-done documentary or nature special. Films will teach kids far more than a visit to a zoo or circus and will help them realize that animals cannot be understood when removed from the context of their natural surroundings.

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