

August 27, 2018

John Wilborn
 Director
 Curtis Culwell Center

Dr. Ricardo López
 Superintendent
 Garland Independent School District

Via email and fax: A701@garlandisd.net; LJWilbor@garlandisd.net; 972-487-4774

Re: Garland Code Violations at the Curtis Culwell Center

Dear Mr. Wilborn and Dr. López,

I'm writing on behalf of PETA and its more than 6.5 million members and supporters, including approximately 2,200 in Garland, regarding the Curtis Culwell Center's plans to host elephants as part of the [Garden Bros. Circus](#) September 1-2. Garden Bros. and its elephant supplier, the [Carson & Barnes Circus](#), have well-documented histories of unlawful public endangerment and animal abuse, and plan to bring elephants to Garland in defiance of the city's prohibition on wild animals. Should you go forward with hosting elephants despite this prohibition, the Curtis Culwell Center and its owner, the Garland Independent School District, face potential liability for creating and maintaining a public nuisance.

Local law prohibits "possess[ing or] . . . harbor[ing] . . . an exotic or wild animal." Code of Ordinances, City of Garland §22.08(9); *accord id.* § 22.19(A)(1)-(2). It is beyond dispute that the elephants used by Garden Bros.—who were captured from the wild in Asia—are wild. It is also unlawful to have a "dangerous animal" in Garland, including "any animal of any species that has . . . [b]y its acts or conduct exhibited dangerous propensities," such as "charging aggressively toward a person or other animal." *Id.* §§ 22.19(A)(3), 22.01(L)(4), (M); *see also id.* § 22.08(5) (prohibiting "keep[ing] an animal in such a manner that the animal . . . creates a reasonable fear of bodily injury to neighboring persons of ordinary sensibilities"). Circuses are not exempted from any of these prohibitions.

[Dangerous interactions](#) with captive elephants in the United States have resulted in dozens of human deaths and catastrophic injuries—including severed limbs, broken bones, crushed pelvises, collapsed and punctured lungs, degloving injuries, head wounds, and brain injuries. Despite these serious hazards, the circus has repeatedly failed to take proper precautions when handling elephants. Carson & Barnes has faced at least *five* federal enforcement actions for its failure to properly handle these dangerous animals, and paid tens of thousands of dollars in penalties. A number of these penalties relate directly to the two elephants slated to perform in Garland,

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both of whom have repeatedly escaped and one of whom has both injured a handler and attacked another elephant.

In addition to its careless handling, Carson & Barnes uses abusive methods to control elephants, which can make the animals more likely to lash out. The company's head trainer was caught on [video](#) viciously attacking elephants with a bullhook—a sharp weapon resembling a fireplace poker used to jab, strike, and intimidate elephants—and shocking them with electric prods, causing them to scream in pain. Last year a former Garden Bros. employee [reported](#) seeing elephants dripping blood from bullhook wounds behind their ears. And just this summer, [footage](#) was captured of bullhooks being continuously used to poke, yank, and prod elephants during a Garden Bros.' performance.

Carson & Barnes also has a history of elephants with tuberculosis (TB), which is [potentially deadly](#) and [highly contagious](#) to humans—even without direct contact, since it's airborne. [Seven people](#) recently contracted TB after being around infected elephants at a zoo. [Nine](#) got it from a former circus elephant. Despite these serious dangers—which have been underscored by both the Centers for Disease Control and Prevention and the U.S. Department of Agriculture—Carson & Barnes has repeatedly been cited for failing to take proper precautions.

If the Curtis Culwell Center and the School District allow Garden Bros. to perform with elephants despite this information and the city's laws, they face potential liability for creating and maintaining a public nuisance. *See Patel v. City of Everman*, 179 S.W.3d 1, 11 (Tex. App., Tyler 2004); *LJD Properties, Inc. v. City of Greenville*, 753 S.W.2d 204, 207 (Tex. App., Dallas 1988); *Soap Corp. of Am. v. Balis*, 223 S.W.2d 957, 960 (Tex. Civ. App., Ft. Worth 1949) (citation omitted). Doing so would intentionally cause or permit a condition that endangers public health, safety, and welfare—i.e., a public nuisance. *See LJD Properties, Inc.*, 753 S.W.2d at 207. Elephants in general—and especially the specific elephants in question—are unquestionably dangerous animals within the meaning of the law.

In light of this liability, I strongly urge you to rethink your plans to host the elephant acts and to join the numerous venues and jurisdictions that have required Garden Bros. to perform without elephants or go elsewhere. Thank you for your attention to this important matter.

Very truly yours,



Delcianna Winders, Esq.
Vice President & Deputy General Counsel
Captive Animal Law Enforcement

Cc: Board of Trustees, Garland Independent School District: Jed Reed, President; Johnny Beach, Vice President; Robert Selders, Secretary; Larry H. Glick, Assistant Secretary; Linda Griffin, Trustee; Jamie Miller, Trustee; Wes Johnson, Trustee (via email: jedreed@garlandisd.net; johnnybeach@garlandisd.net; rlselder@garlandisd.net; lglick@garlandisd.net; lgriffi@garlandisd.net; jamiemiller@garlandisd.net; wesjohnson@garlandisd.net)