**Headline:** How the United States Is Failing Elephants—and What You Can Do

**Teaser:** Ringling Bros. has stopped using animals, but hundreds of elephants still languish at circuses and zoos

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**[Article Body:]**

After Ringling Bros. ended its 145-year-long tradition of forcing elephants to perform in 2016, many assumed that the protracted era of American elephant abuse was finally over. Unfortunately, that isn’t true yet.

To be sure, there has been tremendous progress. Localities across the country, followed by some states, have [banned bullhooks](https://www.humaneworld.org/en/blog/breaking-news-association-zoos-and-aquariums-announces-ban-bullhooks-elephants)—the fireplace-poker-like devices with a sharp point on the end that are deployed on the most sensitive parts of elephants’ bodies to force them into compliance. Without these weapons, circuses insist they can’t use elephants, massive animals who can easily kill a person, on purpose or by accident, with a single trunk swipe or foot stomp.

After being trained to perform under the constant threat of [punishment](https://www.peta.org/blog/shrine-circus-elephant-victims/) with a bullhook—and taught that if they don’t perform as directed, they will face a violent “tune-up” with a bullhook while chained down—the mere sight of a bullhook can instill enough fear to keep these majestic animals compliant. At least, most of the time.

**Ringling Bros. Shifts From Elephant Acts**

Unable to use elephants in jurisdictions that adopted bullhook bans, Ringling Bros. began leaving elephants chained in boxcars at specific stops along its routes. Indeed, the circus cited the increasing patchwork of local laws when it [announced](https://www.washingtonpost.com/posteverything/wp/2015/03/10/ringling-brothers-is-finally-freeing-its-elephant-performers-its-not-nearly-enough/) in 2015 that it would finally bow to long-standing public pressure and stop using elephants.

Today, [Ringling Bros.](https://www.ringling.com/) features only willing human performers. Other circuses followed suit. But not all of them. Numerous circuses continue to chain elephants up and haul them around the country for a few brief moments of demeaning entertainment. Often, these animals are supplied by [Carson & Barnes](https://www.peta.org/wp-content/uploads/2021/06/CarsonBarnes_fact.pdf).

Elephants have repeatedly escaped from this notorious outfit, including twice in 2024. Loose elephants pose serious public safety threats, and the animals themselves are often injured, [sometimes even killed](https://www.hawaiinewsnow.com/2024/08/20/30-years-ago-circus-elephant-who-went-rampage-honolulu-was-killed/). Carson & Barnes’ head trainer was [caught on video](https://www.peta.org/blog/carson-barnes-director-caught-beating-elephants-make-em-scream/) attacking, electroshocking, yelling, and swearing at elephants while the animals cried out. Yet, numerous circuses continue to lease animal acts from Carson & Barnes.

**Challenges Elephants Face in Zoos and Captivity**

And it’s not just circuses. Even the best-intentioned zoos can’t provide the vast acreage these wide-ranging animals need. Elephants evolved to traverse many miles every day. Unable to move in any meaningful way and often kept on hard surfaces, captive elephants frequently suffer from [painful arthritis and foot disease](https://medicine.uq.edu.au/article/2017/01/why-elephants-kept-captivity-suffer-sore-feet). Indeed, these are the leading reasons captive elephants are euthanized. Some zoos, such as the Bronx Zoo, even continue to hold these highly social animals in [solitary confinement](https://www.nytimes.com/2015/06/28/nyregion/the-bronx-zoos-loneliest-elephant.html).

In 2024, the Oakland Zoo, whose six-acre elephant enclosure was one of the largest in the U.S. yet still comprised less than one percent of an elephant’s home range, made the compassionate decision to [send its last surviving elephant to the Elephant Sanctuary](https://www.kqed.org/science/1995220/why-the-oakland-zoo-said-goodbye-to-osh-the-elephant). This marked the end of three-quarters of a century of keeping elephants, but not the end of the zoo’s work to help elephants in the wild.

CEO Nik Dehejia [explained](https://www.oaklandzoo.org/news/farewell-osh), “Oakland Zoo’s ‘elephant program of the future’ requires much more than our habitat and facilities can provide today for this species to thrive in human care.” Two decades prior, the Detroit Zoo made a similar decision, sending elephants Winkie and Wanda to The Elephant Sanctuary in [recognition](https://www.freep.com/story/news/local/michigan/oakland/2015/02/13/detroit-zoo-winky-wanda-refuge/23355697/) of their complex physical and psychological needs.

But Oakland and Detroit are the exceptions. Many more zoos continue to hold and breed elephants. In 2017, a cohort of American zoos even imported 18 wild-captured elephants.

Given the extensive knowledge of how complex these animals’ needs are, how extraordinarily social and remarkably intelligent they are, how is it that hundreds of elephants are still confined across the U.S.? Why haven’t we banned these outdated exhibits? What legal protections do these animals have?

**Insufficient Standards for Elephants** **on a Federal Level**

The primary law governing the treatment of captive elephants in the U.S. isthe federal [Animal Welfare Act](https://thebrooksinstitute.org/resources/videos/animal-law-fundamentals/animal-welfare-act-oversight-exhibition) (AWA). Congress intended this law to ensure the humane care and treatment of animals like elephants who are used for exhibition. However, the AWA’s standards are truly minimal. They lack elephant-specific requirements.

Instead, elephants are governed by [the same generic standards](https://www.law.cornell.edu/cfr/text/9/part-3/subpart-F) that regulate most animals, from bats to bears to tigers to zebras. For example, these standards don’t set forth specific space requirements. Instead, they vaguely [require](https://www.law.cornell.edu/cfr/text/9/3.128) “sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement,”—which inspectors and regulated entities alike have struggled to understand, let alone enforce. Nor do the standards require enrichment or social companionship for elephants.

What’s worse, even these minimal standards of the AWA are not meaningfully enforced. Congress tasked the U.S. Department of Agriculture (USDA) with implementing this law. Still, time and time again, the agency’s own Office of Inspector General (OIG) has found the AWA enforcement to be appallingly paltry. When violations of the minimal standards are documented, the [most likely outcome](https://kb.osu.edu/server/api/core/bitstreams/8850dee1-ba39-4c34-9441-61e5e1080be1/content) for an exhibitor is a meaningless warning. If they disregard said warning, odds are good the USDA will not take any follow-up action—or that, if it does, it will be in the form of another warning (sometimes even a third warning!) or a fine that is so heavily reduced that, in the words of the OIG, it is treated as a “cost of doing business.”

**Minimal Fines and Consequences for Elephant Exploitation**

The horrific abuse by Carson & Barnes’ head trainer that was documented on video resulted in a [$400 fine](https://drive.google.com/file/d/1C7X4qYQW8xCPUs0VrtI2n1l8FnHE0Aj0/view?usp=sharing). When two elephants were injured after a Carson & Barnes truck crashed and flipped on its side, the USDA fined the company [$550](https://drive.google.com/file/d/1uyNL7Z254CY2jilty-fcB50evjMW5Aob/view?usp=sharing). In 2016, [the company paid a higher fine](https://drive.google.com/file/d/1hgoiysdJS3MNK5lY1jb92TKHmvDRqwDD/view?usp=sharing) after three elephants were injured after escaping and damaging property, but it was still a tiny fraction of the potential penalty under the law. In 2012, the company paid just [$3,714 for 10 Animal Welfare Act violations](https://drive.google.com/file/d/13-NJD6M-7-aAntmflDBdKhssk9JAV8IM/view?usp=sharing), including yet another escape, as well as public endangerment. Such trivial penalties do nothing to deter violations—hence, [yet another elephant escape in 2024](https://www.npr.org/2024/04/17/1245305091/circus-elephant-escaped-butte-montana).

The USDA is fully empowered to revoke Carson & Barnes’ license to exhibit animals after such an extensive record of [violations](https://www.peta.org/wp-content/uploads/2021/06/CarsonBarnes_fact.pdf). But it has refused to exercise this authority. Instead, the agency continues to renew that license.

Nor have efforts to advocate for elephants in the courtroom fared well. Lawsuits seeking recognition of a right to bodily liberty for elephants have failed in the U.S., essentially on the grounds that, while elephants are remarkably intelligent and complex and fare exceptionally poorly in captivity as a result, they aren’t humans. Though courts have the authority, under the common law, to recognize such rights, they’ve declined to do so, instead instructing advocates to go to the legislature. And so they have.

**State and Local Advocacy Succeeds in Protecting Elephants**

In the face of court refusals and federal government and industry failure, animal advocates have stepped up their legislative efforts—and they’ve met considerable success. In 2024, Massachusetts [became](https://www.humaneworld.org/en/news/massachusetts-becomes-11th-state-end-use-elephants-tigers-and-other-wild-animals-circuses) the 11th state to restrict the use of elephants and other wild animals in circuses. More than 200 local jurisdictions across the country have done the same. In 2023, Ojai, California, [became the first city to](https://ojai.ca.gov/DocumentCenter/View/2299/Ordinance-940---Ojai-Elephant-Right-to-Body-Liberty-Ordinance-PDF) “codify elephants’ fundamental right to bodily liberty, thereby prohibiting the keeping of elephants in captive settings that deprive them of their autonomy and ability to engage in their innate behaviors.”

But with hundreds of elephants still held captive without meaningful legal protections—some of them still subjected to grueling travel and performance regimens—the work is not done.

**The Role of Every Individual in Supporting Elephant Protection**

The good news is that every one of us can play a role in getting us closer to a world in which widespread public awe and respect for elephants is codified into our laws. We can start by not patronizing institutions that profit from elephant suffering and educating our family and friends about these animals and what they endure. We can also reach out to our city council members and county commissioners to ask them to follow in the footsteps of the many jurisdictions that have banned traveling elephant (and other animal) acts.

The Humane Society of the United States (now Humane World for Animals) created an [extensive, step-by-step guide](https://www.humaneworld.org/sites/default/files/docs/HSUS_circus-toolkit.pdf) to help advocates pass such ordinances in their communities. If your local government has already banned traveling animal acts, or if none come to your town, you could go even further and work to enact an ordinance modeled on Ojai’s that prohibits elephant captivity. Similar measures can be pursued at the state level as well, [especially if local jurisdictions within the state have already made strides](https://faunalytics.org/local-action-as-stepping-stone/).

And let’s not forget the possibility of federal protection. Animal protection is one of the few remaining bipartisan issues, and more than 50 other countries have already banned or restricted traveling animal acts at the national level. In 2022, despite extensive legislative gridlock, animal advocates successfully persuaded Congress to enact the [Big Cat Public Safety Act](https://www.fws.gov/what-you-need-know-about-big-cat-public-safety-act), which prohibits private ownership and public interactions with big cats. Bills to ban traveling wild animal acts have been introduced at the federal level in the past and, with persistence, could meet similar success.