



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240In Reply Refer To:
FW5/LE 036755

JUN 03 2008

The Honorable Richard G. Lugar
United States Senate
Washington, D.C. 20510

Dear Senator Lugar:

Thank you for your letter of April 25, 2008, regarding the concerns of your constituent [REDACTED] about the status of a U.S. Fish and Wildlife Service (Service) investigation into possible violations of the Endangered Species Act (ESA) by two circus industry operations located in Florida and Texas.

The Service first learned of these possible violations late last summer and began investigating this matter when we were contacted by investigators with the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS). These officers were looking into a complaint concerning the inhumane treatment of two Asian elephants held by a circus (a violation of the Animal Welfare Act) when they came across information suggesting that the animals may have been sold in interstate commerce. Allegations concerning such a sale were also brought to our attention by a representative from In Defense of Animals, a nonprofit group promoting animal welfare.

Asian elephants are listed as endangered under the ESA. Under this law, it is illegal for anyone subject to the jurisdiction of the United States to sell, or offer to sell, any endangered species in interstate or foreign commerce.

A Service special agent in Florida is conducting an official investigation into the allegations that the elephants in question were unlawfully sold in violation of the ESA. Our agent, who is working in close cooperation with APHIS investigators, has performed an in-depth review of USDA reports related to the case and has obtained further evidence documenting the interstate sale of the elephants. The case is currently being presented to the United States Attorney's Office in the Middle District of Florida. That office will decide whether criminal charges will be filed.

Since this investigation is still in progress, we cannot provide any additional information at this time. Please be assured, however, that we are committed to enforcing U.S. wildlife laws and protecting endangered species.

We appreciate your and [REDACTED] interest in the progress and outcome of this case. If you or your constituent have additional questions about this matter, please contact me or Special Agent in Charge James Gale, who oversees our enforcement operations in the Southeast, at (404) 679-7957.

Sincerely,

Benito A. Perez
Chief, Office of Law Enforcement

06/03/2008 9:08AM