

Dolphins Turned into Killers

During World War II, Japan was criticized for strapping incendiary bombs on bats and unleashing them on the Pacific Northwest, hoping they might roost under eaves and cause fires. Now our own Navy has announced that it may use bottlenose dolphins in any upcoming war against Iraq.

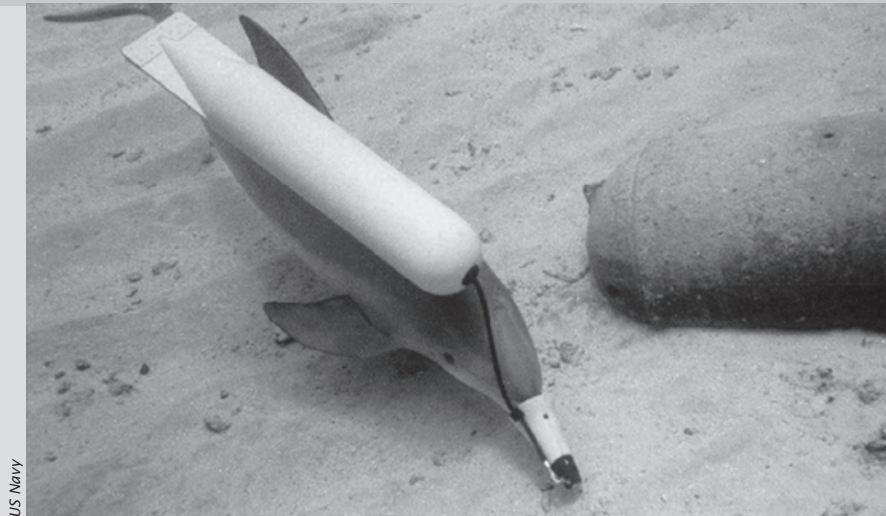
The Navy refers to sixty dolphins long held in San Diego as “soldiers of the sea” and “systems” for finding mines and for “neutralizing” enemy swimmers.

Dolphins were first captured for the Navy in 1959 but were classified as secret until the 1970s. They were used in Cam Ranh Bay in Vietnam to kill enemy divers, in the Persian Gulf War in 1991, and even in San Diego Bay during the 1996 Republican Convention where dolphins were used as underwater patrols to prevent terrorism.

Besides the obvious harm done to the Navy dolphins themselves, with all of the attendant problems of taking them from their homes and families to a life of captivity and servitude, AWI questions the wisdom of making any dolphin in the Persian Gulf area into a potential combatant and therefore fair game.

Unfortunately, it appears that this bad idea has already spread to other countries. An official of the Ammunition Factory Kirkee (AFK) in India, Mr. O.P. Yadav, confirmed that the Indian Navy has successfully trained dolphins to plant mines on sensitive areas of enemy ships. He claimed dolphins, “regarded as one of the most intelligent creatures” are useful in deep-water missions “because they will cut the human risk factor.”

Turning dolphins into weapons to kill humans is unacceptable and immoral. 🐾



US Navy

This Navy dolphin, shown with a device used for finding and marking underwater mines, may be deployed in a war against Iraq.

Loud Sonar Reined in by Legal Decisions

Two recent court decisions support our claims that Low Frequency Active sonar (LFA), other active sonars, and airguns pose some of the greatest threats to whales, dolphins, and all ocean life across the globe.

On January 24, 2003, US District Judge Samuel Conti blocked Dr. Peter Tyack of Woods Hole Oceanographic Institute from blasting migrating gray whales—including newborns and pregnant females—off the California coast with 180 to 210 decibels of sound to test their reactions. Dr. Tyack is one of the principal biologists testing active sonars for the US Navy. Two weeks earlier, Judge Conti issued a temporary restraining order against such studies, allowing us to halt plans to put swimmers in the water to protect whales by blocking sonar transmissions (which cannot occur when humans are in the water).

Animal welfare and environmental organizations brought suit asserting that the National Marine Fisheries Service did not conduct a proper environmental assessment to conclude that Tyack’s studies would not pose a significant risk to whales. According to the *Los Angeles Times*, the Bush Administration’s attempts to cut red tape and circumvent comprehensive environmental assessments are increasingly being “tripped up in the courts.”

In a second court decision last October, US Magistrate Judge Elizabeth LaPorte imposed a global ban on the Navy’s deployment and testing of LFA sonar, agreeing with arguments offered by the Natural Resources Defense Council (NRDC) that the device poses an unacceptable risk to marine mammals.

However, Judge LaPorte also agreed with the Navy that the device was needed to find quiet enemy submarines. She directed the opposing attorneys to find a place where the intensely loud sonar could be tested. The two sides struck a deal allowing LFA testing in about a million square miles of ocean around the Mariana Islands in the Pacific, specifically avoiding the coasts of Japan and the Philippines. Clearly, any LFA deployment is unacceptable.

This is just the first phase of this court challenge. In issuing the original injunction in October, the judge found that it was likely that NRDC will prevail in its attempt to win a permanent injunction on LFA in her court over the next few months. The current deal allows continued testing during this period. 🐾

Tuna-Dolphin Battle Continues

Within hours of the decision by the Department of Commerce to allow dolphin-caught tuna to be sold as “dolphin-safe” in American markets, Animal Welfare Institute, Society for Animal Protective Legislation, Earth Island Institute, and other groups were back in court suing the federal government. In dramatically relaxing the standards of the dolphin-safe label, the Department of Commerce asserted that the setting of nets on dolphins causes “no significant adverse impact” even though a brand new study by their own scientists says the opposite.

The National Marine Fisheries Service study found that populations of eastern spinner and offshore spotted dolphins have failed to recover from a seventy percent decline suffered from decades of pursuit and entrapment from tuna boats. It also showed an entirely new category of heretofore unreported deaths—unweaned babies separated from their moms during the chase, and “cryptic kill” where animals

are injured and go off to die. Even without counting these mortalities, over seven million dolphins have died through this method of fishing.

Allowing the sale of dolphin-deadly tuna in the US, fraudulently labeled as “dolphin-safe,” is expected to cause between 20,000 and 40,000 dolphin deaths a year.

The dolphin-safe label is one of the biggest successes in using consumer awareness to protect a threatened and beloved creature. Senator Barbara Boxer has introduced new legislation forbidding the change in label that would “blatantly mislead the American public.”

As we go to press, an agreement to stay the implementation of the new label has been signed by the Judge. For the moment at least, the dolphin-safe label still means what it says. 🐾

Protecting Dolphins in the Congress and the Courts

On January 9, 2003, Senator Barbara Boxer of California introduced a new bill to Congress that would preserve the original definition and intent of the dolphin-safe label on canned tuna fish, a label she presented in 1989. S. 130, Senator Boxer’s “Truth in Labeling Act of 2003,” would render moot the efforts of both the Clinton and Bush administrations to gut popular dolphin protection measures that prevent any can of tuna from being sold in the United States if it was obtained by using dolphins as targets to set tuna nets. In Boxer’s own words, “My bill will guarantee that tuna products labeled ‘dolphin safe’ will be truly safe for dolphins.”

Secretary of Commerce Don Evans issued a finding on the last day of 2002 that ignored the information from his own scientists and declared that setting nets on dolphins to catch the tuna below does not constitute “significant adverse impact.” Senator Boxer countered, “This flies in the face of all available scientific information.” If upheld in court, Secretary Evans’ finding would pave the way for tuna caught by encircling dolphins in nets to be fraudulently sold as “dolphin safe.”

But the courts seem to agree with the good Senator from California. On April 10, 2003, San Francisco Judge

Thelton Henderson issued a preliminary injunction preventing the weakening of the dolphin safe label, responding to a suit brought by Earth Island Institute, Animal Welfare Institute, the Society for Animal Protective Legislation, and others. Judge Henderson concluded that we “have raised a serious question as to the integrity of the Secretary’s decision-making process.”

The final judgment of the court is still pending, but in issuing the injunction, Judge Henderson asserted that we are likely to prevail in our claim that the Secretary’s finding did not use the best available science, an action he called “an abuse of discretion.” Current evidence strongly supports the long-held belief that dolphin populations continue to decline in the Eastern Tropical Pacific and that the culprit is the continuing targeting of these dolphins for tuna. In fact, he notes that if “indirect effects of the purse seine fishery are causing a significant adverse impact on depleted dolphin stocks—as the evidence presented indicates is likely—an immediate change in the dolphin safe label will likely cause irreparable injury to dolphins because it will no doubt increase the number of sets on dolphins.” 🐾

The Tide Turns at the IWC

The differences of opinion at the annual meetings of the International Whaling Commission are so familiar and fundamental that observers have become accustomed to deadlock. But this year in Berlin, where the Commission met in plenary session from June 16-19, it was hard not to feel the logjam breaking up—in the whales' favor.

On the very first day, over the thunderous objections of the Norwegian and Japanese delegations and their supporters, the Commission gaveled into existence a new conservation committee by a vote of 25-20. Normally, the creation of yet another committee would hardly be cause for celebration, but this one clearly signaled a shift towards whale protection and away from the killing of whales. The new committee was fought vigorously by the whalers because it will focus on conservation, and gather information and recommend solutions on bycatch (drowning of whales and dolphins in fishing nets) and the growing environmental threats to whales such as toxic contamination and LFA sonar, information not likely to bolster their assertion that there are plenty of healthy whales to kill. Nongovernmental organizations will need to work hard with their governments over the next year to see this committee become effective; Japan, Norway, Iceland, and their allies have stated their intent to undermine the decision.

The vote spread also indicated that the Japanese have perhaps hit a high-water mark in their purchase of the commission through "economic assistance" to developing countries. Although they added two



Whale-watching is becoming a lucrative business, even in Japan, a country that refuses to give up the inhumane practice of killing whales under the pretext of "scientific whaling."

more countries to their chorus line (Nicaragua and Belize), they still lack the numbers to carry a simple majority, much less the 3/4 vote necessary on "schedule changes" such as dropping the moratorium on commercial whaling. While they were able to block important major initiatives such as the creation of whale sanctuaries in the South Pacific and South Atlantic, they could not stop the conservation committee, two votes condemning their bogus "scientific" whaling, the vote against their "small-scale coastal whaling," or the vote against allowing secret ballots. In a low moment before the conservation committee discussion, Japan and its pro-whaling allies moved to strike all conservation issues from the agenda;

fortunately, that was turned back.

Apparently, Japan's whaling industry has collided with a new economic powerhouse with far more clout than even they can muster: whale watching. The newly formed International Association of Whale Watchers attended the meeting for the first time and gave a press conference announcing their formidable presence. More and more developing countries are beginning to realize significant economic and social benefits from whale-watching tourism. In just a few years, the industry has ballooned to an annual income of one billion US dollars spread across 97 countries, giving them an economic relevance that whale-killing can't touch.

Iceland may offer the first

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showdown between whaling and whale-watching. Having re-joined the Commission this year with its reservation on the moratorium on commercial whaling intact, Iceland immediately announced its intention to begin its own yearly “scientific” whale-kill of 100 fin whales and 50 sei whales (classified as endangered by the International Union for the Conservation of Nature) as early as 2004. Despite the belligerence of their Commissioner, Stefan Asmundsson, within the IWC, these plans may be derailed by pressure at home. Icelandic whale watchers, who earned over \$8 million from 90,000 visitors in 2001, have joined with Icelandair and the powerful Icelandic fishery industry to oppose the resumption of whaling.

Other information presented leaves no doubt that killing whales for food in the year 2003 is a brutal anachronism:

—Some whales take as long as five hours to die when struck by harpoons, a new report presents the possibility that some whales are conscious when butchered.

—The World Wildlife Fund estimates that 300,000 dolphins and whales are killed yearly after becoming entangled in fishing nets.

—Greenland’s so-called aboriginal subsistence whaling was criticized for its huge commercial component and the recent slaughter of 32 orca whales.

AWI has attended the IWC meetings since the Commission’s inception. We oppose all forms of whaling except those that are truly necessary for aboriginal subsistence. 🐾

Congressional Assault on Marine Mammals

The US Congress is currently engaged in a two-pronged attack against the Marine Mammal Protection Act (MMPA), one of our most important animal protection laws.

The House of Representatives’ version of a Department of Defense (DOD) authorization bill, currently pending in a conference committee (where the House and Senate resolve differences in the bill), would allow for broad exemptions from the law not only to the military but to anyone else, including researchers, fishermen, and defense contractors.

DOD wants to change the MMPA definition of “harassment” radically. Rather than referring to activities that injure, torment, or disrupt marine mammals’ behavior, the change would mean that only activities causing “biologically significant disruption” would be curtailed. This level of substantiation is very difficult to ascertain, and switches the burden of proof to the government, which would need to show that the disruption was “biologically significant” before protecting marine mammals.

Another recommended change would eviscerate the MMPA further by removing the two primary limitations on the granting of “incidental take” permits: the requirement that the take be geographically limited and that the numbers of creatures affected be small. This would en-

able the Navy, or any other permit applicant, to kill or injure huge numbers of marine mammals across the oceans with impunity. This one change in language would virtually destroy the ability of the MMPA to protect marine mammals from being harmed or killed incidentally in fisheries, scientific research, and the deployment of devices such as active sonar and air-guns. Some of the impetus for these proposed changes stem from the Navy’s desire to deploy its Low Frequency Active sonar over 80% of the world’s oceans, potentially slaughtering broad swaths of whales, dolphins and fish with its ear-shattering 234 decibels.

Meanwhile, a bill to reauthorize the MMPA itself (H.R. 2693) has been introduced by the Chairman of the House Resources Committee, Richard Pombo (R-CA) and the Chairman of the Committee’s Fisheries Conservation, Wildlife and Oceans Subcommittee, Wayne Gilchrest (R-MD). This bill also would amend the MMPA by changing the definition of harassment and weakening the restrictions concerning the “incidental taking” of marine mammals.

Members of Congress should see through these underhanded attempts to weaken protection for marine mammals. Urge your legislators to reject the DOD’s unnecessary requests for exemptions from the MMPA and to oppose the Gilchrest/Pombo bill as currently drafted. 🐾

Stealing from the Solomons

As anarchy reigns in the South Pacific nation of the Solomon Islands, about 200 dolphins were cruelly captured for export to amusement parks in Mexico and possibly Asia. Despite an international outcry by animal protection and conservation organizations, 28 of the dolphins (13 females and 15 males) endured a terrifying day's journey to Parque Nizuc, an aquatic park in the resort city of Cancun, Mexico. The water park boasts an attraction allowing visitors to swim with the dolphins, which one review describes as including the indignity of a "foot push," a phrase describing a "ride on a pair of dolphins who lift you and push you through the water with their snouts."

What is a live dolphin worth? In the Solomons, rumors abound on the price these animals fetched—from \$60 to \$400 to the individuals who wrenched them from their life at sea. If they survive transport and "training," this investment can suddenly be worth \$30,000 to \$45,000 to the amusement park industry. Potential customers from Thailand and Taiwan purportedly have visited the holding area in the Solomon Islands, possibly to purchase the remaining animals. Because the sale of dolphins is such a lucrative enterprise, the dealers involved aren't particularly concerned if some of the animals die—which they have. Some of the dolphins reportedly died while in the holding pens awaiting shipment; one, horribly, after being attacked by a crocodile. Mexico's environmental agency confirmed that at least one dolphin already died at Parque Nizuc.

AWI is distressed that the Mexican authorities allowed the import to take place. The Solomon Islands is not a Party to the Convention on International Trade in Endangered Species (CITES), which governs the global wildlife trade, and it is unclear what evidence was used by the authorities in the Solomon Islands to justify scientifically that this ill-advised capture and trade will not be detrimental to the survival of the species in the wild.

This is a perfect example of the potentially devastating consequences when avaricious wildlife dealers are able to exploit loopholes in the oversight system and profit handsomely at the animals' expense. This wouldn't be possible without the exorbitant fees uneducated tourists are willing to pay to the aquatic parks that enslave the dolphins. Most of those paying to swim with these dolphins are Americans seeking a transcendental experience without a clue that their pursuit of vacation pleasure is financing such suffering. 🐾

YOU CAN MAKE A DIFFERENCE

Please write to the Secretary of Environment and Natural Resources in Mexico and respectfully request that he revoke the permits for the dolphins sent to Parque Nizuc and confiscate the animals. Letters should be addressed to:

The Honorable Victor Lichtinger
Secretary

Secretaría de Medio Ambiente y Recursos Naturales
Periférico Sur No. 4209, 6° piso
Colonia Jardines en la Montaña
14210, México D.F., México
Fax: 011 52 56 28 06 44
Email: vlichtinger@semarnat.gob.mx

Also contact the relevant authorities in the Solomon Islands and urge the immediate release of the remaining dolphins. Letters should be addressed to:

The Honorable Nelson Kile
Ministry of Fisheries and Marine Resources
P.O. Box G13
Honiara, Solomon Islands
Fax: 011 677 38730, Email: sbfish@ffa.int



Ben with Christine Stevens, founder of the Animal Welfare Institute.

Dolphins Swim Down the Streets of Cancun

In a reprise of our launch of hundreds of sea turtle impersonators during the aborted 1999 Seattle meeting of the WTO, AWI created foam dolphin costumes for the recent WTO meeting in Cancun, Mexico. Like the turtles, the dolphins have become a symbol of the sovereign right of countries to establish laws that protect wildlife. With few exceptions, the WTO has held that

member states cannot embargo a product based on how it is obtained or produced, deeming illegal such laws as the International Dolphin Conservation Act, which forbids the importation of tuna caught by setting nets around dolphins.

Working closely with our Mexican colleagues of the Grupo Ecologica del Mayab, AWI dolphins marched several times. The first march was one of the most peculiar demonstrations on behalf of wildlife ever staged, with Mayan priestesses wearing our foam dolphins on their heads while conducting ancient rituals of reverence for the earth and her creatures. The ceremony was translated into Mayan, English, Spanish, and Aztec languages. Then, more than 200 people proceeded to march as dolphins around downtown Cancun. Speakers addressed WTO delegates, demanding that any international trading system incorporate protections of wildlife and their habitat.

Then, there was the Camposino march with ten thousand poor, rural

farmers who had come from all parts of Mexico. WTO policies have been disastrous for farmers worldwide, lifting tariff protections and forcing direct competition with heavily subsidized agri-businesses in the US, European Union, and Japan. Many have lost farms that have been in their families for generations. The march was tragically overshadowed by the suicide of a Korean farmer and insistence of a few dozen anarchists in storming police barricades.

Even though local police and security measures deterred dolphin impersonators from gaining constant access to the convention center area, on September 12 we made our way there. Like the turtles in Seattle, the dolphins prompted smiles among dozens of sympathetic delegates and passersby, enabling AWI staff to pass out literature and ask for support in the negotiations. One exception was a British delegate who huffed, "Why don't you go back to the sea where you came from?"

Whether sea turtles or dolphins, or whatever the future costume may be, the use of props has enabled AWI to connect with local citizens and peacefully educate countless individuals on the need for animal protection and the need to include animal welfare in international trade agreements. 🐾



Jen Rinick/AWI

Just outside the negotiations, WTO delegates approach dolphin demonstrators to learn about their agenda. The sign reads "Protect Life" in English and Spanish.



Ben White, with assistance from Jen Rinick of AWI and other hard-working supporters, created the dolphin costumes used in marches in Cancun to bring attention to the need to include animal welfare in trade discussions.

The Global Captivity Challenge

In mid-October 2003 the Summerlee Foundation teamed up with Earth Island Institute to convene a three day workshop in San Francisco with one focus—ending the international business of taking whales and dolphins from their families to provide human entertainment. Forty-five of the most energetic activists from around the world attended to share stories of victory and failure, to take stock of the current situation, and to strategize. They agreed on long term goals: to stop any further captures anywhere in the world, rehabilitate and release all whales and dolphins possible, and provide a non-performing retirement sea-pen for those unable to make the leap to freedom.

Those attending have had some remarkable successes over the last twenty years. There are now no captive cetaceans in Great Britain. Traveling dolphin shows that once cruised the US are gone. The number of US facilities with captives has shrunk by about half. There is no longer a capture quota set by the National Marine Fisheries Service for each small coastal area around Florida and the Gulf of Mexico. Planned captures and transfers have been thwarted by quick attention by dedicated campaigners.

But not all of the news is so rosy. Whereas watching cetaceans perform in captivity seems to be losing its cachet, swim-with-the-dolphins and dolphin-assisted therapy programs are taking off like rockets, especially in the Caribbean and Asia. With many facilities boasting of a long waiting list of tourists eager to pay \$100 an hour to be nuzzled and pulled through the water by a dolphin,



Helene O Barry/Dolphin Project

A captive dolphin's world view until he dies.

the economic inducement for hotels and amusement parks has become enormous. New facilities either planned or in operation are being challenged in Antigua, Vietnam, Mexico, Jamaica, Singapore, the Bahamas and Dominica through contacts with government officials, organizing local folk, and going after the financial backers. Two of the workshop attendees were responsible for blowing the whistle on the apparently illegal purchase of dolphins from Cuba to supply swim-with programs in the Caribbean islands and Cancun, Mexico. Both Dolphin Discovery and Dolphin Fantasias are run by Americans. Their purchase of Cuban dolphins is now under investigation.

The group realized the need for a

global educational campaign to convince tourists that captive facilities are intrinsically cruel—that no captive space will ever be big enough for a whale or dolphin—and that by financing these facilities we are bankrolling the harming of creatures we love. New ventures were created to turn the tide: the forming and funding of quick response teams able to travel in a moment's time to the site of a new capture or slaughter to document these atrocities and inform the public, and the adoption of a central information gathering and dispersal system for sharing early alerts.

Now comes the hard work of translating good ideas into free dolphins and whales. 🐾

Activists Battle Whale and Dolphin Slaughter in Japan

In a dramatic clash between cultures and global sensitivities, animal activists filmed the annual roundup and slaughter of hundreds of dolphins and whales by Japanese fishermen in Taiji, Japan. The fishermen argue that they are simply culling marine predators that compete with them for fish, and picking up a little cash from selling meat to the fish market and live “specimens” to public display facilities. To those standing vigil and millions worldwide, the ongoing

sponsored by calling the police for protection. When the police arrived, it was the volunteers who were briefly taken into custody, but not before they were able to hide the gruesome videotape later released around the world.

The drive fishery slaughter in Japan has been going on for decades out of several ports, including Taiji, Iki Island and Futo. It received a boost in the early seventies when Sea World was kicked out of Washington



A boatload of toxic Taiji dolphins en route to the fish market.

Photos: Brooke McDonald/Sea Shepherd

a year. Taiji's share is 2,900 dolphins. According to our colleagues with the (Japanese) Dolphin and Whale Action Network (IKAN) the number of dolphins captured or killed from 1963 to 1999 is at least 668,393 individuals. Some are sold as food despite sky-high levels of mercury, heavy metals, DDT, and PCB's in the meat. Most tested dolphin meat (much of which is fraudulently marketed as whale meat) has a toxic load of 10 to 500 times the recommended maximum intake level for human consumption.

The drama in Taiji escalated on November 18 when Sea Shepherd crewmembers Allison Lance Watson and Alex Cornelissen were arrested after releasing 15 dolphins before they could be slaughtered. They were indicted on December 9 for “forceful interference with Japanese commerce,” fined and released.

AWI helped organize an international day of outrage at 22 Japanese consulates and embassies worldwide on November 4 and Dec 10. We join millions worldwide in demanding the immediate cessation of this brutal and unnecessary atrocity.

One courageous Japanese fisherman named Izumi Ishii from Futo quit slaughtering dolphins and has opened up a successful business taking people out to see dolphins and whales (see Spring 2003 AWI Quarterly). He is showing other fishermen how to make a good living without damaging the creatures involved. He can be reached through www.bluevoice.org. 🐾

massacre is an absolute horror—the biggest single intentional destruction of whales and dolphins in the world.

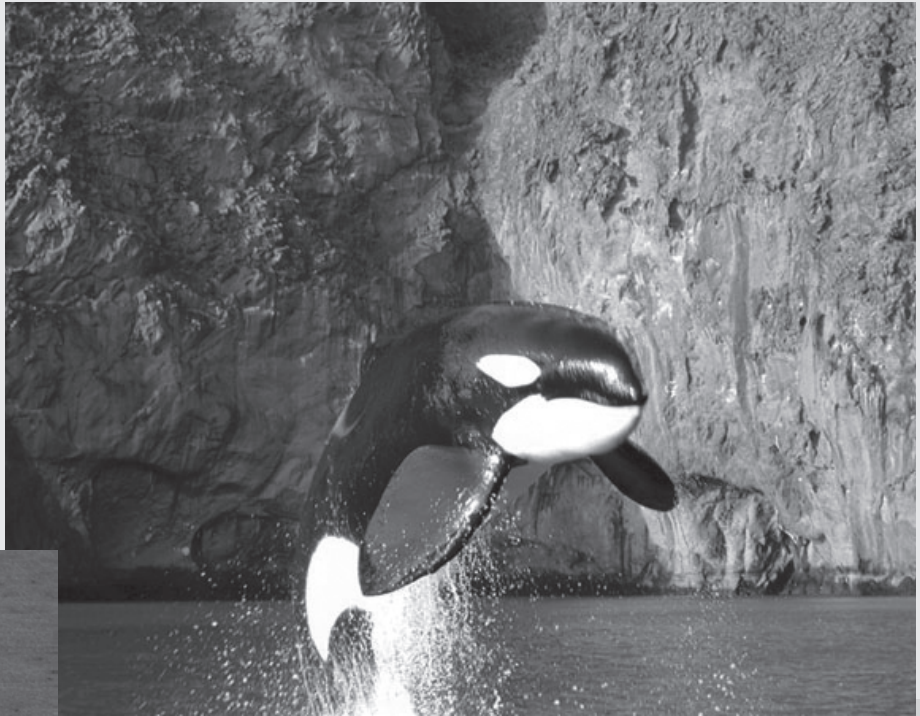
The killing started on October 6, when 60 dolphins were herded or driven into a bay by fishermen surrounding their pod and banging on pipes in the water (known as “drive fishery”). Sea Shepherd volunteers filmed the subsequent bloodbath from their perch on an adjacent hill before the fishermen noticed them and threatened to kill them and destroy their footage. They re-

sponded by calling the police for protection. Needing a new source for entertainers, public display facilities worldwide made a deal with the fishermen to buy the prettiest individuals from the pods before they are lanced to death. Buyers have been found in the burgeoning market in aquariums and swim-with programs in Asia.

Even though many Taiji villagers decry the interference in their “cultural tradition,” the numbers of cetaceans involved is staggering: the annual Japanese quota is 22,000

Keiko—Free at Last

Ten years ago I led a delegation to Mexico City to negotiate with the amusement park Reino Aventura to give up Keiko the orca whale to a coalition dedicated to his release. Keiko had just become the most famous whale in the world by starring in *Free Willy*. When I saw him, my heart fell. He was sway-backed like an old horse because he had starved himself to shrink his Icelandic blubber and stay alive. His teeth were worn to nubbins and his gums bled from chewing on the sides of his tank. Papiloma rash spread from his pectoral fins and his dorsal fin had the trademark captive orca droop.



Keiko plays in Taknes Fjord—a long way from a concrete tank.



Photos: www.keiko.com

It was a testament to Keiko's resilience that he was alive at all. Captured at two years old from his family off Iceland, Keiko languished for a couple of years in a dark warehouse in Niagara Falls, Canada before being shipped to Reino Aventura in Mexico. At a mile high with water temperature of seventy degrees, the park's tank could hardly have been less appropriate for a wild Icelandic whale.

After striking a deal to get Keiko out, the park reneged because of pressure from the public display industry. The last thing they wanted was for Keiko to be successfully freed, like in the movie. Performing whales and dolphins NEVER are allowed to go free, and the industry's profits are seen to hinge on

the illusion that they cannot.

Two years later Earth Island Institute, Warner Brothers, billionaire Craig McCaw and thousands of school kids pooled their money and moved Keiko to a new tank

at the Oregon Coast Aquarium. There he healed and wowed the crowds. When ready, he was airlifted to a sea pen in Iceland, where he lived for four years. Periodically he was taken on escorted "walks" out of sight of the shore. Finally, he just swam away one day, and headed, of all places, to one of the last major whaling countries—Norway. There he lived in Taknes Fjord and was much beloved by the local children.

Keiko's death of pneumonia on December 12 tripped the PR machinery of the captive display industry—and Rush Limbaugh—to thunder that Keiko's rehab and release was a frivolous failure because he still liked to hang around people.

Forgotten, apparently, was Keiko's condition when I saw him in Mexico. Captivity was clearly killing Keiko. The average lifespan for orcas in captivity is about six years, as opposed to about thirty for wild males. Also ignored by the critics was the importance of this one individual in galvanizing the world to perform a kindness by alleviating his suffering. *Free Willy* taught us that captive whales have families and miss them. Keiko taught us that we can accomplish very difficult and expensive projects in the name of compassion. His dogged perseverance, and that of his sponsors, showed us that if Keiko could go this far, there is no reason that all captives should not be considered for release.

The struggle to stop the cruel business of whale captivity was changed forever by this one whale. I am grateful to have known him. 🐾

—by Ben White



photos: © 2003 Brian F. Call

Marchers wear dolphin hats as they walk during an FTAA demonstration.

The New Miami Dolphins

I was born in 1951, the same year as AWI. My maternal grandparents had a small farm in tidewater Virginia. At least 80% of what they consumed came from their own land and waters or from their neighbors. If one of these neighbors mistreated his land, farm animals or family, community approbation could be swift. Being able to discriminate among suppliers was crucial to creating a system of basic compassion and responsibility.

AWI Quarterly readers are familiar with the fact that binding international treaties prohibit member countries from having laws that discriminate between products based on *how* they are produced. Despite huge historic success, the concept of using consumer conscience to improve treatment of animals and workers worldwide is considered inimical to the unfettered growth of corporate profit under the banner of “free” trade.

This theft of the ability of US citizens to make laws that extrapolate compassion is the common problem that brings advocates for labor, safe food, family farms, social justice and animal protection into the streets whenever government officials meet to further the reach of these trade pacts.

So it was on November 20, when the finance ministers of 34 countries in North, South, and Central American countries met in Miami to extend the draconian tentacles of NAFTA (the North American Free Trade Agreement

that covers the US, Canada and Mexico) across the entire hemisphere. This new system of trade rules, slated for completion in 2005, is called the Free Trade Area of the Americas (FTAA).

AWI, in a reprise of our role deploying sea turtle impersonators in Seattle and dolphins in Cancun to oppose WTO, organized 150 Floridian animal protectors to don dolphin costumes. The dolphins joined about 25,000 other citizens opposing FTAA in marching through Miami between massive lines of heavily armed police. AWI’s Tom Garrett also marched 34 miles over three days with a group of farm workers from Broward to Miami, certainly setting a world record for distance walked with a dolphin costume on one’s head. AWI is striking alliances with campesino, food safety and family farm groups to oppose the factory farming encouraged by these trade pacts.

By the time the pepper spray cleared, the ministers ended up announcing a vastly watered down pact that allows any country to opt out of any provision of the FTAA that they find unpalatable; an arrangement immediately derided by business leaders as FTAA a la carte. For our part, we left Miami encouraged that the emerging strength of civil society will defeat these agreements, and we envision a fair global trading system that protects cultures and our fragile and besieged Earth. 🐾

US Expands Hemispheric Trade Domination

The United States, continuing to envelop developing countries’ domestic markets, just concluded the Central American Free Trade Agreement (CAFTA) with El Salvador, Guatemala, Honduras and Nicaragua. Costa Rica walked away from the negotiations.

Proudly, the Office of the United States Trade Representative has sent around an email containing statements of support for CAFTA. Not sure whether exploitive animal industries stand to benefit from the agreement? Don’t take our word for it; just see who supports CAFTA:

“This is a great deal for the US cattle industry. We asked the US government to fight for trade initiatives that reduce barriers to access for US beef, and that’s exactly what we are getting with this new agreement.”

—National Cattlemen’s Beef Association

“The Central America nations wanted to exclude pork from the CAFTA but Ambassador Zoellick and Ambassador Johnson, supported completely by President Bush and Members of Congress on both sides of the aisle, did not let us down...”

—National Pork Producers Council

“...[This] agreement that will not only bring more stability to US poultry exports but provides a positive framework for growth in exports in the years ahead.”

—National Chicken Council

“The US/Central American Free Trade Agreement is a victory for the principles of free and open trade, and it should turn out to be a very positive deal for the turkey industry, for all agriculture in the United States and for all the nations involved in the agreement.”

—National Turkey Federation 🐾

BELUGA DAYS

Tracking a White Whale's Truths

By Nancy Lord

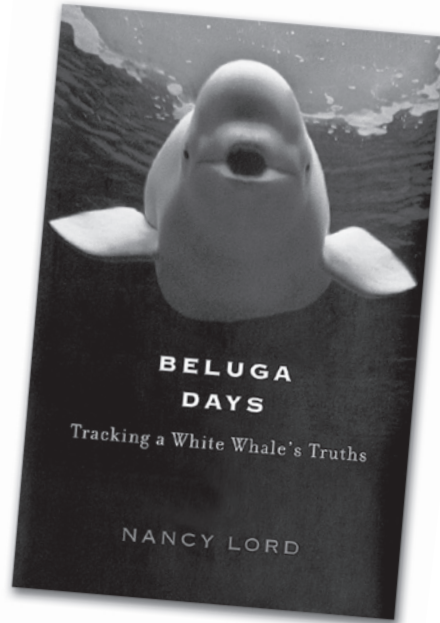
Counterpoint Press, 2003; ISBN 1582431515
Hardcover, 242 pages; \$25

Later in her book *Beluga Days: Tracking a White Whale's Truths*, Nancy Lord describes her reaction to seeing 35 beluga whales beached and slaughtered during a native subsistence hunt. She writes, "Later, I would wonder at my lack of emotional response."

So do I. In fact, that absence is to me the primary paradox of the book. On one hand, Lord writes beautifully, especially when evoking the land and waters around Cook Inlet, Alaska where she lives and fishes for salmon. Clearly obsessed by the elusive beluga whales that swirl by her nets, she ably describes their natural history and the struggle to stop the Inlet's declining population from tipping into extinction.

But on the other hand, she takes part in every form of whale abuse considered by some to be acceptable: shooting biopsy darts to pull out chunks of flesh and blood, surgically implanting transmitters into their backs, performing captures by running the whales into the shallows and then jumping on them, watching captive beluga shows in Chicago and Vancouver, and finally participating in a study of the mass slaughter in Point Lay.

How can the author love these whales and care passionately about their protection yet feel so little empathy when they are hurt and killed in front of her? Part of the answer may be in the emotional compartmentalization practiced by some scientists and veterinarians whose credo is: we mustn't confuse the specimen with the species (in other words, individuals don't matter, just populations). Another explanation may be found in regional orientation. Even though the author is a transplant from Virginia, she



thinks like many Alaskans: wildlife is a resource to be used—used respectfully, hopefully, but used all the same. And it may be that she is so impressed by the integrity of native communities that she is loathe to criticize them, even if their hunting of belugas to supply the native community of Anchorage with traditional food is the primary cause of decline.

She is not as impressed with either the "green machine" do-gooders trying to save

the belugas (including a brief mention of AWI), or the National Marine Fisheries Service officials who she paints as pathetically weak, perennially pushed around by the Alaskan congressional delegation. Her description of how politics stopped "best science" from extending the protection of the Endangered Species Act over these beleaguered belugas is a perfect snapshot of how our dysfunctional government fails to obey the law.

But after the long litany of historic and ongoing brutalities waged against these vocal and gentle creatures, I expected the book to end in an epiphany. It never came. There is never a realization that maybe the paltry information gleaned through biopsy darting, or captivity, or harassing with nets in the name of science contributes nothing to the well being of the ever-fewer whales trying to just live their lives.

The book unsettled me. It was as if the author loved churches but never "got" religion. 🐾



Stopping the Barco Asesino

The document I had been looking for came rolling off the fax in the morning of February 25, removing any doubt that the first intense chapter of a new campaign had indeed been closed, and sea life had won an amazing victory. The document was from the Mexican environmental authority Semarnat. In no uncertain terms it cancelled the authorization given to the research vessel RV Maurice Ewing to perform extensive seismic exploration off the Yucatan peninsula of Mexico.

I first heard about the proposed research through an innocuous sounding note in the *Federal Register* concerning an Incidental Harassment Authorization (IHA) application to the National Marine Fisheries Service (NMFS) for a “small take of marine mammals.” This phrase is vague in the extreme. In US law, a “take” refers to any human activity that affects wildlife, from changing their behavior to killing them. And “small” does not necessarily mean “few.” The notice gave the contact person’s name in NMFS for further information. I called and was emailed two massive documents: the IHA and the Environmental Assessment (EA).

In seconds I saw that this study proposed by the Lamont-Doherty Earth Observatory, using a vessel owned by the National Science Foundation, was a monster. The Maurice Ewing was equipped with not only a massive array of twenty airguns but also two active sonar devices. The maximum volume of the airgun array was listed at 255 decibels. For comparison, 146 decibels is the threshold our government has set for the maximum level of sound in the water to which humans can be safely exposed. The decibel scale is logarithmic: 156 decibels is ten times more intense a sound than 146; 255 decibels is almost 100 billion times greater than what human divers can take. And this ship was planning on emitting these sounds every twenty seconds, night and day, for days on end.

Included in the IHA was a list of marine mammals expected to receive levels of over 160 decibels, given their expected distance from the ship:



Lamont-Doherty Earth Observatory

Mexican whale defenders dubbed the RV Maurice Ewing the Barco Asesino (assassin ship) two years ago after it killed beaked whales in the Sea of Cortez.

- 8442 bottlenose dolphins
- 915 Atlantic spotted dolphins
- 404 pantropical dolphins
- 333 false killer whales
- 274 rough-toothed dolphins
- 190 short-finned pilot whales
- 10 each of sperm whales, pygmy sperm whales, and Cuviers, Sowerbys, Gervais, and Blainville beaked whales, orcas, and Risso’s dolphins
- 2 each of North Atlantic Right whales, Humpback whales, Minke whales, Brydes whales, Sei whales, Fin whales, and Blue whales
- plus manatees, turtles, hooded seals, etc.

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The purpose of the cruise was to study the Chicxulub crater, the mammoth divot on the edge of the Yucatan where a meteorite slammed to earth 65 million years ago and wiped out the dinosaurs. The sonar and airguns were to assist in seeing the ocean floor to surmise the angle with which the meteorite entered and the way it raised the surrounding land. The research sounded intriguing, but not at the risk of harming all of these creatures.

So I cranked up the computer, emailing the IHA and EA files along with an action alert to everyone that I thought might help. Copies went to our Mexican allies. Copies went to our colleagues fighting intense ocean noise. And copies went to officials in the Mexican Embassy. Michael Stocker of Seaflow alerted its members. Sympathetic listserves quickly spread the alarm bells to many thousands around the world.

Time was extremely short. The Maurice Ewing had already set sail from Norfolk, Virginia en route to Progreso on the coast of the Yucatan. The research was set to begin less than a week away—on March 1.

Even though NMFS had not yet granted the permission to “harass” thousands of marine mammals, they were poised to do just that. The fact that the same ship was implicated in the killing of two beaked whales in the (Mexican) Sea of Cortez in 2002 and possibly in the Galapagos a couple of years before that did not appear to be sufficient reason to stop the project. Considering the primary researcher had emailed me that they already had Mexican permission, appealing to the Government of Mexico seemed our best chance, especially since they had declared all of their waters a sanctuary for great whales in 2002.

Word started filtering back from our Mexican colleagues that the documents were raising a stir. Evidently, in applying for permission from Mexico, the US State Department had sent just eight pages of benign information. On that basis, permission had been granted. When Semarnat received our two hundred pages of IHA and EA documents, including the list of creatures for whom the “take” was applied, they apparently felt grossly misled.

After several days of intense meetings between the Secretary of Semarnat and the Foreign Minister of Mexico, permission to conduct the seismic tests was revoked. The fax I received gave 14 reasons for withdrawing permission including the sanctuary decree and the lack of proper documentation. While writing this, I received a call from Aracelli Rodriguez, my Cancun colleague who worked so hard with me on this crisis. She was beside herself with joy. She had just been called by officials of Profepa, another environmental protection arm of the Mexican government. They told her that they had just boarded the Maurice Ewing upon its arrival in Mexico and had instructed the skipper that the ship could not move until they had filed new transit information that showed them immediately leaving Mexican waters.

We had really won.

Unfortunately, the sweet taste of victory is tempered by the fact that the ship is still out there, still paid for by US taxpayer dollars, with a full agenda of ocean blasting before it. The ships’ next stops are Gulfport, Mississippi, Astoria, Oregon, Sitka, Alaska, and the Queen Charlotte Islands in British Columbia. Now we move into the next phase of this campaign—insisting that the active sonar and air-gun devices permanently be removed from the Maurice Ewing. 🐾

Across the top: manatees (USFWS), turtles (Ursula Keuper-Bennett/turtles.org), orcas (Center for Whale Research), whales (Center for Whale Research courtesy of Wes Graden) and dolphins (Ingrid Visser/Whale and Dolphin Conservation Society) swim another day off the Yucatan thanks to the Mexican government standing up to the US.

Committee Drowns Dolphins and Whales with Words

The failure of US regulatory agencies in stopping the emission of ear-splitting noise into the oceans is written in dead whales and dolphins driven to the shores of the Bahamas, Azores, Canary Islands, Greece and Mexico.

But, in the face of this tragic evidence, a million-dollar effort to resolve the conflict between whales and the industries that emit these sounds appears to be sliding towards allowing even higher levels of this deadly sound pollution.

The Marine Mammal Commission, historically the most steadfast government agency in advocating for cetaceans, has convened an advisory committee at the request of Congress. In its second session this committee of “stakeholders” debated different models of calculating just how much damage could afflict marine life given different levels and duration of sound emitted. The committee, which comprises representatives from the shipping, military, oil and gas exploration, research and environmental communities, actually agreed on very little. But the pre-ordained conclusion the group is being directed towards was sadly apparent: that loud shipping and louder military sonar and seismic airguns are inevitable and that the best we can do is try to mitigate some of the harm they cause.

Ever since the Navy tested its Low Frequency Active (LFA) sonar and decided the regulations in place to protect marine mammals were too restrictive, protections have been falling and whales have been dying. We really have no idea how many, because whales tend to sink when they die. Researcher Robin Baird estimates that only about 5% of Gray Whales who die while traveling the highly populated California coast are found.

But none of these niggling details daunted the select scientific panel that presented its preliminary conclusions to the advisory committee. Based on the torture of a couple of dolphins and belugas who were subjected to ever louder levels of sound, the panel declared that it took over 183 decibels of sound to cause temporary deafness. This condition was described as no big deal—that it happens to us all the time. But at about 10-20 decibels higher comes the onset of permanent deafness—which is where the panel would like to say *injury begins*.

The problem is, the real world doesn’t corroborate these numbers. The cetaceans who stranded in the Bahamas in March 2000 after naval exercises, appear to have been driv-

en to their deaths at sound levels thousands of times lower.

As part of the public comment period allowed at the hearing, AWI weighed in, offering Section IV of the US Government Principles for the Utilization and Care of Vertebrate Animals Used in Testing, Research and Training. This document states, “**Unless the contrary is established, investigators should consider that procedures that cause pain or distress in human beings may cause pain or distress in other animals.**” The Navy has set 145 decibels as the maximum safe level for human beings in water. We proposed that this level be the maximum level of ocean sound pollution permitted globally, with the caveat that this level may still be too high in many areas.

Our colleagues on the advisory committee will resist any attempt to expand the sonic assault on the oceans, but we are concerned their cautions may be ignored. We invite all interested to consider attending one of the next meetings of this committee for a rare—and scary—glimpse into the shady pseudo-science behind the rules governing marine mammals and noise. 🐾

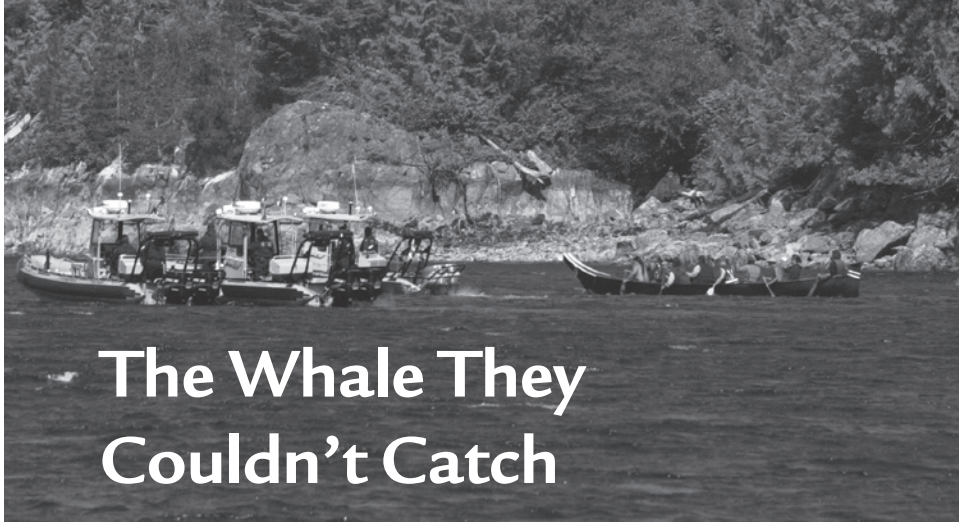


A life wasted: intense sound drives some whales and dolphins to shore, while others just sink.

Upcoming meetings:

- July 27–29: Crown Plaza Union Square, San Francisco
- Sept. 28–30: London (venue to be determined)
- Nov. 29–Dec. 3: New Orleans (venue to be determined)

Meeting details can be found at www.mmc.gov/sound.



The Whale They Couldn't Catch

Keith Wood

Before Chief Ambrose Ma-Quinna of the Mawachaht/Muchalaht people died in early July of 2001, he said he would like to be reborn as an orca whale. Within days of his passing, a rambunctious young male orca appeared in Gold River, tucked inside Nootka Sound on the west side of Vancouver Island, Canada.

The whale was soon identified as L-98, or Luna, son of Splash (L-67), one of the 87 highly endangered southern resident orcas who spend their summers off the San Juan Islands of Washington (on the east side of Vancouver Island). But to the native people, he embodied the spirit of their chief.

Although separated from his family, Luna was healthy and friendly to human beings. He would greet people in their boats, sometimes rubbing against their hulls. Apparently disliking fish finder pingers, he pursued boats that turned them on and nipped off the emitters when the boats docked. But the Canadian Department of Fisheries and Oceans (DFO) rejected requests from some whale huggers that they help return Luna to his family.

That changed when application was made to place a score of

highly controversial and polluting salmon aquaculture operations in Nootka Sound. Suddenly, the DFO decided that Luna was a “problem animal” who needed to be “rescued” for “public safety” reasons. The US National Marine Fisheries Service (NMFS) agreed and offered to help move Luna.

On April 5, 2004, the Canadian and US agencies agreed on a plan. First they would try to lure Luna to the opening of Nootka Sound in time to reunite with his passing family. If that failed, the Vancouver Aquarium team would capture Luna and truck him to a sea pen on the east side of Vancouver Island to wait until his family came by. A satellite/vhf transmitter would be clamped to his dorsal fin using titanium bolts in case Luna became a “problem animal” again and would need to be re-captured or shot.

On June 15, the natives paddled out in two canoes to warn the whale. The new Chief (Mike) Maquinna’s daughter Marsha held her hands out from the boat. Luna came and put his head between them and stayed for minutes, deeply touching the paddlers with the connection between the girl and her “grandfather.”

The next day, an aquarium

team of 25 gathered to capture Luna. Despite the threat of huge fines for interference, the native canoes were out again—doing their best to lead Luna away from the pen. Over and over, the paddlers sang to Luna and tapped their paddles against their dugout canoes to call

him toward them and away from the three big inflatables the DFO capture team were using. Luna would follow the capture boats for a time and then break away, rush to join the canoes, breach in greeting and snuggle the paddlers.

After days of this cat and mouse game, the DFO was quickly losing patience. On the afternoon of June 22, they got Luna to enter the pen but couldn’t quite shut the door before he wiggled free.

Finally, the combined force of the Canadian and US governments gave up in the face of determined opposition from the Mawachaht/Muchalaht and Luna himself. The band celebrated and offered to lead Luna by canoe around the southern part of Vancouver Island to rejoin his family without all of the capture, trucking and tagging circus. AWI supports this obvious solution although to date it hasn’t come about. In September, the band reached an agreement with DFO to monitor and protect Luna in Nootka Sound, where he remains today, swimming free. 🐾

Above photo: Mawachaht/Muchalaht paddlers steer Luna away from the DFO capture team boat.



Staff in front of the AWI office, July 13, 2005.



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