



Written by [Brian Koenig](#) on October 27, 2011

PETA Sues SeaWorld for Enslaving Killer Whales

The suit's "plaintiffs" comprise five killer whales, Tilikum and Katina based at Sea World in Orlando, Florida, and Corky, Kasatka, and Ulises at SeaWorld in San Diego, California. "All five of these orcas were violently seized from the ocean and taken from their families as babies," [insisted](#) PETA President Ingrid Newkirk.



"By any definition, these orcas are slaves — kidnapped from their homes, kept confined, denied everything that's natural to them and forced to perform tricks for SeaWorld's profit," Jeff Kerr, PETA's general counsel, [averred](#), adding, "The males have their sperm collected, the females are artificially inseminated and forced to bear young which are sometimes shipped away." In pleading its case, the group [wrote](#) on its blog:

Orcas are intelligent animals who, in the wild, work cooperatively, form complex relationships, communicate using distinct dialects, and swim up to 100 miles every day. At SeaWorld, they are forced to swim in circles in small, barren concrete tanks. Deprived of the opportunity to make conscious choices and to practice their cultural vocal, social, and foraging traditions, they are compelled to perform meaningless tricks for a reward of dead fish.

Our understanding of animals grows every day. Animals are no longer regarded as "things" to dominate, but as breathing, feeling beings with families, dialects, intellect, and emotions. Just as we look back with shame at a time when we enslaved other humans and viewed some people as property less deserving of protection and consideration, we will look back on our treatment of these animals with shame. The 13th Amendment exists to abolish slavery in all its forms — and this lawsuit is the next step.

SeaWorld [countered](#) PETA's claim, calling it "baseless and, in many ways, offensive." SeaWorld is one of the "most respected" zoological institutions in the world, the company added, and "no facility sets higher standards in husbandry, veterinary care and enrichment." SeaWorld issued a statement describing the laws and regulations it must adhere to, while heralding its global initiatives in promoting conservation and education of marine wildlife. "Today, while PETA was issuing news releases comparing the care for animals in zoological institutions to the abhorrent institution of human slavery, SeaWorld San Diego was returning a rehabilitated green sea turtle to the wild. That animal is one of more than 20,000 rescued in SeaWorld's long history."

While touting PETA's lawsuit as a promising catalyst for "national reflection and deliberation" on animal rights, Harvard law professor Laurence Tribe — who has suggested enacting legal rights for chimpanzees — expressed doubt that the courts were ready to extend such constitutional benefits to animals. However, Professor Tribe was anything but discouraged, as he wrote in an e-mail, "People may



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well look back at this lawsuit and see in it a perceptive glimpse into a future of greater compassion for species other than our own."

To adhere to compliance measures under the Marine Mammals Protection Act, U.S. marine parks must obtain official permits and offer education and conservation programs for the public. But with the exception of animal-cruelty laws, animals under human control are considered property; therefore, the whales may be accorded certain protections from physical abuse, but are not endowed with the same distinct rights that American citizens hold.

Although certain aspects of animal law have evolved, many lawyers and professors argue that such changes have not extended to granting 13th-Amendment rights to animals. In other words, under law animals are still treated as property, or "living property." "The court will most likely not even get to the merits of the case, and find that the plaintiffs do not have standing to file the lawsuit at all," wrote David Favre, a law professor at Michigan State University. "I also think a court would not be predisposed to open up that box with fully unknown consequences."

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