

CULTURE

Bronx Zoo's Happy the Elephant Has Day in Court

Animal-rights group argues 48-year-old elephant is an autonomous being illegally held in captivity



Happy the elephant. A spokeswoman for the Wildlife Conservation Society said that Happy isn't languishing, nor kept in isolation. PHOTO: JACKIE MOLLOY FOR THE WALL STREET JOURNAL

By Melanie Grayce West

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Animal-rights attorneys on Monday continued a push for legal personhood for an elephant named Happy, who they say is unhappy at her Bronx Zoo home.

Attorneys for the nonprofit Nonhuman Rights Project argued in Bronx Supreme Court that the 48-year-old elephant is an autonomous being illegally held in captivity. Steven Wise, the president of the nonprofit, is seeking a writ of habeas corpus—or the right to challenge one's confinement in court.

Mr. Wise argued that personhood is a “capacity for rights.”

Happy resides in an enclosure with one other elephant, Patty, but they are separated by barriers. Mr. Wise said the arrangement is detrimental because elephants are social animals. The Nonhuman Rights Project has asked that she be moved to an out-of-state animal sanctuary.

Judge Alison Tuitt asked whether a sanctuary is just a bigger prison and if Happy would be safe there. Judge Tuitt said Happy has lived in her enclosure for decades and hasn't stopped eating, a sign of depression.

"To cram an elephant into 1 acre of land, it's like Attica state prison," said Mr. Wise. In a sanctuary, elephants can choose friends and live the life of an autonomous being, said Mr. Wise. He invited the judge to visit the zoo as part of the proceedings.

A spokeswoman for the Wildlife Conservation Society, which operates the Bronx Zoo, said that Happy isn't languishing, nor kept in isolation. In 2006, the zoo said it would phase out its elephant exhibit.

For now, Happy will remain at the Bronx Zoo, Judge Tuitt ordered. Next arguments will be heard Jan. 6, 2020.

Mr. Wise said it is in the elephant's interest to remain there for now so that the proceedings on habeas corpus can continue. He said the Nonhuman Rights Project is ready to settle if Happy is moved to the group's preferred animal sanctuary in Tennessee or California.

The nonprofit has yet to win writs of habeas corpus on behalf of its animal clients.

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