



Happy the Elephant FAQ

On October 2, 2018, the Nonhuman Rights Project (NhRP) [initiated habeas corpus litigation](#) on behalf of the elephant Happy, demanding recognition of her fundamental right to liberty and her release to an elephant sanctuary. With the support of world-renowned elephant experts, the NhRP argues that the Bronx Zoo's imprisonment of Happy unlawfully deprives her of her ability to exercise her autonomy, including the freedom to choose where to go, what to do, and with whom to be.

1. Who is Happy?

Happy is a 48-year-old wild-born Asian elephant who was captured in Thailand and brought to the United States in the 1970s. She has been imprisoned at the Bronx Zoo since 1977 and has lived alone for the past 13 years. She made history in 2005 as the first elephant to pass the [mirror self-recognition test](#), widely considered to be a major indicator of self-awareness. Through study and observation, [scientists](#) have established in the uncontroverted affidavits filed in Happy's case¹ that elephants:

- Are autonomous, empathetic, and self-aware
- Possess a theory of mind (awareness others have minds) and have insight
- Understand causation
- Engage in true teaching (taking the pupil's lack of knowledge into account and actively showing them what to do)
- Engage in ostensive behavior that emphasizes the importance of a particular communication
- Are able to act intentionally and in a goal-oriented manner, and detect animacy and goal directedness in others
- Use specific calls and gestures to plan and discuss a course of action, adjust
- Cooperate and build coalitions
- Understand the physical competence and emotional state of others
- Point and understand pointing
- Have a working memory, and an extensive long-term memory that allows them to accumulate social knowledge
- Use a wide variety of gestures, signals, and postures
- Engage in intentional communication, including vocalizations to share knowledge and information with others in a manner similar to humans
- Have an awareness of and response to death, including grieving behaviors

¹ <https://www.nonhumanrights.org/content/uploads/Joint-Aff-Lucy-Richard-1.pdf>;
<https://www.nonhumanrights.org/content/uploads/Karen-McComb-1-1.pdf>;
<https://www.nonhumanrights.org/content/uploads/Aff.-Cynthia-J-Moss.pdf>;
<https://www.nonhumanrights.org/content/uploads/Aff.-Joyce-Poole-1.pdf>;
<https://www.nonhumanrights.org/content/uploads/Affidavit-Joyce-Poole-Scan-1-Oct-2018-at-14.13.pdf>;
<https://www.nonhumanrights.org/content/uploads/Joyce-Poole-Elephant-Expert-Second-Supplemental-Affidavit-NhRP-Happy-case.pdf>

their plan according to their assessment of risk, and execute the plan in a coordinated manner; and have complex learning and categorization abilities

2. What is Happy's life like at the Bronx Zoo?

Happy is confined alone, without the necessary companionship of other elephants, in a small enclosure that contains a one-acre outdoor yard, barren corrals, and an industrial holding facility. In the winter months, when it's too cold for her to be outside, she is confined to an industrial cement structure that is lined with windowless, barred cages. Because Happy and the Bronx Zoo's other elephant Patty do not get along (as the Zoo claims), each elephant only has access to the outside yard on a rotational basis, leaving Happy often confined indoors even during the warmer months.

3. How do you know Happy is suffering at the Bronx Zoo?

As [noted](#) by Dr. Joyce Poole, who studied videos of Happy at the Bronx Zoo, Happy has engaged in unnatural behavior indicative of distress and suffering, including: “swinging her trunk in stereotypic behavior, [and] standing with one or two legs lifted off the ground, either to take weight off painful, diseased feet or again engaging in stereotypic behavior.”

More fundamentally, Dr. Poole [writes](#) that because elephants are autonomous, social, cognitively and emotionally complex beings, who have evolved to move, they often develop serious [physical and emotional problems](#) when forced to live in isolation in small spaces. She [specifically states](#) that the Bronx Zoo's exhibit is, in fact, unable to meet Happy's biological, physical, and psychological needs.

In 2006, the Zoo itself [acknowledged](#) it would be “inhumane” to sustain their exhibit with a single elephant, yet this is exactly what they're doing by keeping Happy and Patty each alone there.

4. Where would Happy go?

Both U.S. elephant sanctuaries—the Elephant Sanctuary in Tennessee² (TES) and the Performing Animal Welfare Society ARK 2000 (PAWS)—have agreed to provide Happy with lifelong care and refuge. They specialize in meeting the biological, physical, and psychological needs of elephants.

5. Isn't a sanctuary just another form of captivity?

Although Jim Breheny (Director of the Bronx Zoo) claims that the Bronx Zoo has “[m]any of the features” attributed to sanctuaries, implying that Happy would be no better off at one, the reality is that the Bronx Zoo and the two U.S. sanctuaries, PAWS and TES, are fundamentally different.

² TES is a certified by the Association of Zoos & Aquariums (AZA). The AZA serves as an accrediting body for zoos, aquariums, and related facilities.

Dr. Poole makes clear in her [affidavit](#) that this fundamental difference relates to the vastly greater space that the two sanctuaries offer. Unlike the Bronx Zoo, where its two elephants are held separately in isolation and must share a single acre of land on a rotational basis, sanctuaries allow elephants to exercise genuine freedom and choice—including, as Dr. Poole explained, opportunities “to develop more healthy social relationships and to engage in a near natural movement, foraging, and repertoire of behavior.”

At the AZA-certified [TES](#), elephants can roam freely in one of three areas that comprise a 2,700-acre habitat with year-round access to the outdoors, including spring-fed lakes, pastures, and woodlands. At [PAWS](#), elephants have access to many acres of space and topographic features and stimuli required for their emotional and physical wellbeing, such as trees, hills, valleys, vast openings, pools, mud, shrubs, and other natural objects. Elephants at both sanctuaries are allowed to form herds, similar to what occurs in the wild, with the freedom to choose how they spend their time and with whom.

6. Is it true, as the Bronx Zoo claims, that Happy is too old to be moved?

No, and this claim is disproven by [numerous examples](#) of elephants of Happy’s age who have been transported to elephant sanctuaries without incident. In her sworn affidavit, un rebutted by any elephant expert, [Dr. Poole stated](#):

Breheny ... appears to be unaware of the extremely positive transformations that have taken place when captive elephants are given the freedom that larger space in sanctuaries or release back to the wild offer ... The claims in relation to Happy, that she does not do well with change; that she will not survive the transport; that a transfer to a sanctuary will be too stressful; that she doesn’t know how to socialize; that her unique personality is problematic, have been disproven ... In fact, elephants with serious physical or psychological problems in zoos have usually become more normal functioning elephants when given more space in a sanctuary.

7. Is it true, as the Bronx Zoo claims, that Happy doesn’t get along with other elephants?

This claim is false and misleading since Happy has [formed close bonds with multiple elephants](#) at the Bronx Zoo. She lived with her elephant companion Grumpy for 25 years until the Bronx Zoo euthanized her in 2002 (following an attack by elephants Patty and Maxine). Happy then lived with a younger elephant named Sammie for four years until the Bronx Zoo euthanized her in 2006 (after developing liver disease). In her over 40 years of imprisonment, these two relationships—with Grumpy and Sammie—were among the very few opportunities Happy has ever had to socialize with other elephants. The Bronx Zoo conveniently omits the fact that, understandably, the only elephants Happy has allegedly not gotten along with, Patty and Maxine, fatally attacked her beloved companion of 25 years.

At TES, PAWS, and similar sanctuaries, elephants with histories worse than Happy’s have thrived because, for the first time in years, they have ample space to roam, socialize, and make choices about where to go and with whom. As the [Global Sanctuary for Elephants writes](#) of its

elephant residents Maia and Guida, “When someone tells you that an elephant is antisocial or doesn’t get along with other elephants and they are in a zoo or circus, always keep in mind they are a product of their environment. When given space, understanding and the ability and comfort to simply walk far away, they are able to rediscover what it means to be a herd member and how big of a part of being an elephant it truly is.”

8. Is it true, as the Bronx Zoo claims, that the zoo knows what’s best for Happy having cared for her for over 40 years?

Not a single elephant expert has come forward on behalf of the Bronx Zoo’s position that Happy should remain at the zoo rather than be released to a sanctuary or attempted to rebut the uncontroverted scientific facts detailed in Happy’s [habeas corpus case](#). Notably, this includes the numerous elephant experts employed by the Wildlife Conservation Society, which manages the Bronx Zoo, who have remained universally silent on the issue and have not publicly supported the Zoo’s position.

Although Mr. Breheny claims Happy is provided with “expert care based on species-specific requirements,” some of the most experienced elephant experts in the world—in [affidavits](#) submitted in support of Happy’s right to liberty and release to a sanctuary—make clear that the Bronx Zoo’s exhibit is [unable to meet](#) the biological, physical, and psychological needs of elephants.