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DECLARATION OF DR. GARY KUEHN

DR. GARY KUEHN declares:

1. I am a veterinarian who was hired to evaluate and provide medical care for animals at the Los Angeles Zoo, including the elephants. In that capacity, I observed their medical condition, care, treatment and confinement in the Zoo facility. Each fact set forth in this declaration is known to me of my own personal knowledge. If called as a witness I could and would competently testify to each fact set forth herein.

2. I received my undergraduate and doctor of veterinarian medicine degrees from the University of Minnesota. I also received post doctoral training in veterinary pathology from the University of Minnesota.

3. For over twenty three years, from 1974 through 1997, I was employed as a staff veterinarian at the Los Angeles Zoo. During that period of time the Zoo maintained many different elephants. I provided veterinary care for each of these animals. During those years, the Zoo acquired elephants, shipped elephants to other facilities and many elephants at the facility died.

4. From my own observations and conversations with keepers at the Zoo, it was apparent to me that the elephants in the facility were routinely abused. The abuse took many forms, some of which left no visible scars. However, it was clear to me that these animals were subjected to physical and emotional abuse. They were abused by their handlers. They were abused by the nature of their confinement in a very small environment. They were abused by the manner in which they were deprived of their families and normal social interaction; and they were mentally abused in a variety of ways.

1 5. From a veterinary perspective, the animals suffered physical abuse in several
2 different ways. The primary factor, in my view, resulting in observable, demonstrable
3 physical deterioration of the animals, was the nature and small size of the area in which
4 they are confined. These animals weigh multiple tons and are massive in size. Elephants
5 traverse many miles a day in the wild. Their physical well being depends upon regular,
6 extended exercise. It is necessary from a systemic perspective. Exercise stretches their
7 muscles, lubricates their joints and limbs, strengthens their bones, improves their
8 cardiovascular circulation and assists them to relieve stress. They also receive stimulation
9 in the wild associated with the variety of sights, sounds, smells and other variables
10 presented by their travels. These things add significantly to their intellectual and
11 emotional well being.

12
13 6. In the Los Angeles Zoo environment, the animals have no room to travel
14 almost any distance at all. Enlargement of the facility by as much as several acres will not
15 change the effect of the limitations inherent in their confinement. The physical risks are
16 exacerbated dramatically by the nature of the ground on which these animals must stand
17 day and night. Major portions of the barns and adjacent areas are concrete, and the
18 remainder of the elephant facility is made up of decomposed granite and other soil
19 materials. The elephants' massive size and the nature of their feet, rapidly compact their
20 pens, rendering them almost as hard as concrete. The net effect of their confinement and
21 the hard ground on which they stand is extremely detrimental to their legs and feet.

22
23 7. As a result, I observed numerous problems with various elephants pertaining
24 to their legs and feet. Some of the elephants developed deep abscesses in their feet, which
25 involved pus-filled pockets which required multiple medical procedures. These problems
26 caused great pain to the animals with little chance of a successful resolution. Once an
27 elephant suffers serious injury to its foot of this kind, most often they die in pain,
28 prematurely.

1 8. For example, one of the elephants I personally worked with was named Gita.
2 I worked with Gita for over 20 years. Gita had a history of decades of joint and foot
3 problems. She had cracked/split/underrun soles, abscesses and toe cracks.

4
5 9. Since joint and foot problems are common in Zoo elephants and not in wild
6 elephants, it is fair to implicate improper animal husbandry.

7
8 10. It is widely believed and I agree that a primary cause of these problems is the
9 very hard surfaces on which captive elephants are kept, such as concrete and or hard
10 packed earth, which are damaging to the lower joints and soft feet of these animals.

11
12 11. While the LA Zoo veterinary staff attempted to provide quality veterinary
13 care for the elephants, the Zoo consistently failed to address the cause of the above-
14 mentioned health problems. Something as simple as frequent roto-tilling of the dirt in the
15 elephant yard may have slowed the progression of Gita's joint and foot problems.
16 However, over the years I attended to Gita, consistent roto-tilling was not only never
17 performed, it was systematically refused. The Zoo refused to fund or implement roto-
18 tilling, despite my repeated requests.

19
20 12. Gita also suffered for years from ongoing arthritis which developed into
21 Degenerative Joint Disease. In my opinion, Degenerative Joint Disease was caused by the
22 hard ground on which she was forced to stand. This disease destroys the joint tissue and
23 causes bone to rub on bone. DJD is often seen in captive elephants and is a common cause
24 of other health complications that lead to their deaths.

25
26 13. The arthritis in Gita's front legs and feet would have been extremely painful,
27 especially as she suffered from bone-on-bone contact in her right front leg.

28

1 14. The DJD that Gita suffered from led to osteomyelitis, a bone infection, in her
2 right front foot. Antibiotics, flushing and other procedures did not resolve the infection
3 and the tissue became necrotic. Ultimately, it had to be surgically removed.

4
5 15. Gita also had large oozing abscesses on her backside. They were consistent
6 with use of a bull hook. I believe both the unresolved osteomyelitis and the toxins from the
7 abscesses contributed to the formation of the blood clots that ultimately killed her.

8
9 16. Gita's necropsy indicated that she suffered from very severe arthritis in both
10 the front legs and feet; "extensive...severe to very severe Degenerative Joint Disease
11 involving her right radioulnar-carpal joint [wrist] and her right and left intercarpal,
12 carpometacarpal, metacarpophangeal [both front feet] and stifle joints [knees of her rear
13 legs]."

14
15 17. In Gita's necropsy report, the pathologist indicated the clotting "may have
16 been triggered by the extensive tissue damage in her joints or by the bacterial toxins from
17 the cellulitis lesions." This means that the clotting may have been caused by Gita's
18 widespread joint disease, or by toxins absorbed throughout her body from the large and
19 complex abscesses on Gita's backside.

20
21 18. At her death, Gita collapsed either from generalized body weakness related
22 to the blood clots, or simply because she was in so much pain, she could no longer support
23 herself.

24
25 19. Problems of this kind have beset several different elephants at the Los
26 Angeles Zoo, including Tara. These animals were all forced to endure confinement in a
27 small space, with no meaningful exercise, inadequate positive emotional stimulation, no
28

1 social interaction of substance and often they experienced physical abuse at the hands of
2 the Los Angeles Zoo staff.

3
4 20. I was unfortunately a witness to multiple instances of abuse using bull hooks
5 (a tool used by the animal trainer, consisting of a wooden handle, with a metal head and a
6 pointed hook). It was obvious that the animals were "disciplined" and tortured in this and
7 other ways to cause them to obey their human handlers. Sadly, some of the keepers simply
8 enjoyed inflicting harm, and the elephants had no ability to escape.

9
10 21. Due to the confinement of these animals, they had no place to go or ability to
11 get away from unpleasant contact with people. The size of their area required them to
12 "obey" keepers, which all too often lead to their abuse.

13
14 22. One of the most abusive employees, by the name of Scott Riddle, was known
15 to physically abuse the elephants. His outrageous conduct was carried out at the direction
16 and authorization of the director of the Zoo, Warren Thomas. He was the ultimate
17 authority at the Zoo. In fact, I personally observed a circumstance where Mr. Riddle took a
18 very small male calf elephant into the barn and systematically brutalized it. Director
19 Thomas told me specifically to stay out of the barn for the next two weeks while Mr.
20 Riddle "showed this calf who is boss".

21
22 23. Part of the abuse of the Los Angeles Zoo elephants was inflicted by use of a
23 bull hook. Other times, they would wet the animal down and inflict prolonged electric
24 shocks. In one instance, when a bull elephant would not readily obey commands, the
25 trainer became extremely frustrated. He intended to force compliance. In my presence,
26 the director of the Zoo (Warren Thomas) directly instructed him to use extended,
27 inhumane electric shocks to "take him down just short of killing him".

28

1 24. To inflict this kind of abuse, the elephant would be chained by all four feet
2 so he was completely immobilized. The trainer would then use the hose to soak the animal
3 and the concrete floor. Well aware of what was about to recur, the frightened elephant
4 would defecate profusely, completely emptying its lower gut. The trainer would then plug
5 a home made electric prod directly into a 220 volt outlet and systematically shock the
6 elephant, grounded and helplessly forced to stand and endure this torture. This device
7 transmitted a devastating current, with 220 volts. It was infinitely more powerful than a
8 normal battery powered cattle prod.

9
10 25. The Zoo director was completely aware of and complicit in these actions.
11 My efforts to report my extreme objections to such abuse fell on deaf ears.

12
13 26. Many times I saw various keepers use bull hooks to impose their will,
14 thereby inflicting pain. I also observed physical evidence consistent with the use of bull
15 hooks on extremely sensitive parts of the elephants. For example, I occasionally observed
16 marks and in one instance, an abscess in the anal area of the elephants. I had the tissue in
17 question biopsied and learned that the lesion was likely the product of trauma.

18
19 27. Based upon my training as a veterinarian, my observations at the Los
20 Angeles Zoo involving the treatment of elephants and my overall understanding of the
21 circumstances present at that facility, it is my opinion that the physical confinement of the
22 elephants in such a small facility, on hard ground, caused serious physical problems which
23 could not be solved in that kind of physical setting.

24
25 28. The combination of closed confinement and human nature also made it
26 common and perhaps unavoidable that human interaction with the animals would result in
27 physical punishment or abuse which would not be necessary or possible if the elephants
28

1 were confined in a large surrounding where they were not required to come into close
2 contact with people.

3
4 29. The combination of the physical problems the Zoo environment created,
5 coupled with the abuse which was exacerbated by the close contact between animal
6 keepers and the elephants, caused ongoing physical suffering and premature death. Eleven
7 elephants died at that facility while I was there. Some of the animals were transferred out
8 and others died of disease. However, none of the elephants were able to escape the
9 physical problems associated with confinement in a small space, on hard ground,
10 combined with abuse by animal keepers and trainers.

11
12 30. At the same time, as a veterinarian I was also concerned about the emotional
13 well being of the animals. Elephants are known to be extremely social animals. They
14 often live their entire lives in the wild in a family unit. Mothers, daughters, aunts and other
15 members of the family routinely stay together providing remarkably strong and supportive
16 social bonding for members of their unit.

17
18 31. By definition, animals that have been isolated from their families and
19 transferred to the Los Angeles Zoo, were deprived of their nuclear family unit. However,
20 beyond their initial capture and transfer to this Zoo facility, the animals at the Zoo were
21 unable to form family units and were routinely transferred despite close social connections
22 that were occasionally forged during their time together. As a result, I often saw Los
23 Angeles Zoo elephants which seemed emotionally distressed, standing in one place,
24 bobbing and swaying in a patterned type of behavior recognized by elephant experts as
25 evidence of severe emotional trauma or distress.

26
27 32. In addition, the Los Angeles Zoo environment lacked emotional or
28 intellectual stimulation for the elephants. Maintained in an extremely small facility, these

1 elephants had approximately the same relative space to move about as a human being
2 would have living in his or her own closet. One could walk back and forth in a closet
3 multiple times, however, no one would suggest that would constitute adequate exercise or
4 intellectual stimulation for the health and well being of an individual. It is roughly
5 equivalent to placing an elephant in the pens maintained by the Los Angeles Zoo. They
6 are able to turn around and walk back and forth. However, there is virtually no stimulation
7 and not nearly enough space for them to truly exercise or enjoy the kind of physical
8 movement and freedom that they require and enjoy in sanctuaries and in the wild.
9

10 33. In the wild or an appropriate sanctuary facility, elephants have physical and
11 emotional reasons to travel. They benefit physically from the movement for the reasons
12 noted above. They also benefit intellectually and emotionally. For example, elephants
13 enjoy traveling to wet areas where they can play in the mud and swim. They also enjoy
14 traveling to eat fresh vegetation then in bloom. Sometimes they must travel significant
15 distances to achieve these objectives. As indicated, this serves their physical needs,
16 providing them with muscle tone, stretching, and cardiovascular health. It also provides
17 intellectual stimulation.
18

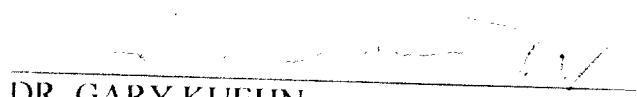
19 34. In the Los Angeles Zoo environment, none of the elephants had the ability to
20 achieve or enjoy any of these objectives. They are maintained in a small pen area and
21 provided daily food. Efforts to administer excellent veterinary care could not overcome
22 the physical limitations of the environment or satisfy the needs of these social, emotional,
23 and sensitive animals.
24

25 35. It is my understanding that the current director of the Los Angeles Zoo
26 believes that proper care of elephants requires attention to their physical needs, their social
27 needs and their emotional needs. I agree with this assessment. However, due to the
28 physical constraints of the Los Angeles Zoo environment (even as they plan to expand it)

1 the elephants will never have the size and kind of varied acreage necessary to attend to
2 their physical needs. Similarly, due to the limited space available and the absence of
3 stimulation inherent in this zoo environment, the elephants are neither socially satisfied nor
4 emotionally healthy. I am not aware of anything that the zoo could do, short of
5 transferring their elephants to a sanctuary, that could rectify these problems.

6
7 I declare under penalty of perjury under the laws of the State of California that the
8 foregoing is true and correct.

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10 Executed December 11, 2007.

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15 DR. GARY KUEHN

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