

DECLARATION OF LES SCHOBERT

Les Schobert declares:

1. I have more than 30 years of experience in virtually all facets of elephant care and management, including daily care: medical issues, species management, importation, and transportation. I was the Animal Collection Curator (often referred to as the General Curator at the Los Angeles Zoo from 1992 until 1996. I was also employed as the General Curator at the North Carolina Zoo from 1978 through 1992.

2. I was also a professional member of the American Zoo and Aquarium Association (AZA) and chaired a variety of important committees for that organization. As an expert in the handling and care of elephants, I have worked in every aspect of elephant care, handling and maintenance, including daily care, medical issues, species management, importation, and transportation.

3. Based upon my work at zoos and with elephants, I have extensive knowledge concerning the proper care and treatment of captive elephants, as well as the historical and ongoing abuse and suffering of elephants at the Los Angeles Zoo.

4. 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.

5. The Los Angeles Zoo is planning to build a \$40 million, three-acre elephant exhibit that, relative to zoo industry advances, is already outdated. The North Carolina Zoological Park built its three-acre enclosure 25 years ago, and is currently increasing to six acres. The Oakland Zoo provides six acres and is looking to expand again. Other zoos,

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1 realized that they were incapable of providing adequate space, and wisely simply closed  
2 their elephant exhibits.

3  
4 6. I am aware of and agree with the testimony Zoo director, defendant John  
5 Lewis, to the effect that appropriate care of elephants requires proper attention to 1) their  
6 physical needs; 2) their social needs; and 3) their emotional needs. As one of the people  
7 directly responsible for the care of elephants at the Los Angeles Zoo, I soon learned that,  
8 despite my best efforts, it was not possible to provide for the physical, social or emotional  
9 needs of our captive elephants. This is true for a variety of reasons I shall explain.

10  
11 7. First, the physical environment of the Zoo simply does not and cannot  
12 provide the elephants with the space required for the kind of exercise they need or safe  
13 surfaces on which to stand. The small area provided is quickly compacted by their weight,  
14 resulting in ground that is simply too hard, causing them foot and leg problems.

15  
16 8. Second, the nature of elephants is incredibly social. Bonded pairs (like  
17 mothers and daughters) stay together for life in the wild. Further, elephant groups are  
18 matriarchical and contain from 15 to 50 related adults, that remain together for life. But,  
19 by the nature of the Zoo environment, virtually no family members are ever able to remain  
20 together. This separation of babies, mothers, siblings and units of bonded pairs causes the  
21 elephants great emotional stress.

22  
23 9. Third, the absence of variety in their environment, combined with the serious  
24 deficits with respect to their physical and social needs, make the Los Angeles Zoo  
25 environment woefully inadequate to address the emotional needs of the elephants.

26  
27 10. Focusing on these issues one at a time, I learned and observed the following:  
28 The physical environment at the Zoo is literally abusive to the elephants. The hard

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1 decomposed granite on which they must stand is extremely harmful to their legs and feet.  
2 I have personally observed the ongoing problems this has caused. Almost every elephant  
3 in that facility while I was there ultimately developed serious foot and/or leg problems.  
4 Some never recovered from those problems, ultimately suffering for years and dying  
5 prematurely.

6  
7 11. I have also learned that my observations in this regard are consistent with the  
8 well documented opinions of other experts. Mr. Alan Roorcroft (also familiar with the Los  
9 Angeles Zoo elephant facility) is considered to be the foremost expert in the health care of  
10 captive elephant feet. In his article entitled "The Elephants Foot, Iowa State University  
11

12 12. Press. Part 11, Approaches to Routine Foot Care pp 21-52, co-authored with  
13 Dr. James Oosterhuis, 2000," he confirmed my own observations, finding and condemning  
14 the direct correlation between the small space/hard ground issues which plague the  
15 elephants at the Los Angeles Zoo.

16  
17 13. Mr. Lewis, the Zoo director, claimed during his deposition that roto-tilling  
18 and similar steps are taken at the L.A. Zoo, "as needed" to insure that the surfaces on  
19 which the elephants stand all day, every day, are soft enough for them to safely stand.  
20 Unfortunately, he is simply either unaware of the truth or has chosen to deny this well-  
21 documented problem.

22  
23 14. The elephants are unable to travel their normal distances and thus are forced  
24 to traverse the same ground over and over and over again. It compacts quickly and the  
25 decomposed granite materials become extremely hard in almost no time at all. Roto-tilling  
26 is done very infrequently and could not be done often enough to offset the effects of  
27 putting such a large, heavy animal, in such a small space. The Zoo records confirm my  
28 observations. The unbroken history of leg and foot problems make it obvious that this Zoo

1 is not adequately attending to their physical health.

2

3 15. Similarly, although the Zoo policy (according to director Lewis) proscribes  
4 physical abuse of elephants with bull hooks, electrical shocks and other similar actions, the  
5 facts confirm that such practices have regularly occurred at the Los Angeles Zoo (and  
6 undoubtedly will continue) for a variety of reasons. Both the Zoo records and the  
7 testimony of the current animal keeper in charge of the sole elephant remaining at the Zoo,  
8 confirm these historical abuses of elephants at this Zoo. In part, the combination of the  
9 physical limitations of the area, coupled with the need for physical manipulation, virtually  
10 guarantees that such abuses will continue into the future. The Zoo officials confirm that  
11 bull hooks are still used, even though they deny they are used abusively. If they do not  
12 inflict pain and/or the fear of pain, why are these traditional "disciplinary tools" used at all.

13

14 16. The records confirm that numerous elephants at this Zoo have been viciously  
15 wounded, literally cut by bull hooks, used to compel their compliance with requests and  
16 demands of their keepers. As discussed by Dr. Keuhn in his declaration, open pus filled  
17 wounds are well documented, including gashes in genital and other sensitive areas of their  
18 bodies. Still other elephants were doused with water, then brutally shocked with lethal  
19 doses of electricity, again to compel their compliance. In one instance, the elephant died  
20 on the spot as a result of such abuse. In most other cases, the animals suffer immensely,  
21 but eventually die prematurely from heart failures or leg and foot ailments.

22

23 17. Socially and emotionally, Los Angeles Zoo elephants have been historically  
24 treated like mindless, unfeeling beasts. They are traditionally acquired either by taking  
25 them from their life-long family unit in the wild or by separating them from other  
26 elephants they have lived with for years at another Zoo facility. The effect of separating  
27 such highly social animals from their family and/or friends has a predictable effect. They  
28 arrive terrified, and endure serious emotional anguish. My own observations made it clear

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1 to me that these highly sensitive and intelligent animals were depressed and miserable  
2 during their years of captivity at the Los Angeles Zoo.

3  
4 18. Elephants have their own ways of expressing joy and sorrow. Without  
5 spending pages and pages to explain what I have learned over years of observing and  
6 working with elephants, I am confident that the elephants at the Los Angeles Zoo are  
7 depressed and suffering nearly all of the time. Just observing their joy when released into  
8 sanctuary environments with other elephants make it obvious that they are merely enduring  
9 their captivity in this Zoo environment. Their listless, repetitive bobbing and swaying in  
10 this Zoo environment (like Billy, the sole remaining elephant at the Los Angeles Zoo)  
11 makes it obvious that these animals are quite distressed.

12  
13 19. The current plan to spend \$40 million to expand the barns, add pens and start  
14 a breeding program at the Los Angeles Zoo will only make matters worse. It will maintain  
15 the existing physical problems, still offering the elephants the spatial equivalent of a large  
16 closet to live in, while expanding the social and emotional distress these captive animals  
17 must endure.

18  
19 20. Specifically, the announced plan is to acquire many more elephants, which  
20 will be costly and it will increase the problems caused by the spatial limitations, i.e. hard  
21 ground and attempts by animal keepers to "control" these animals. Unlike elephants in the  
22 wild and in sanctuaries, where adequate space eliminates the need to "control" the animals,  
23 the Los Angeles Zoo environment cannot avoid the need to force their elephants to  
24 succumb to the will of their keepers. This makes it inevitable that bull hooking, electric  
25 shocking and other horrific abuses will continue, regardless of the stated policies.

26  
27 21. As confirmed by the current head keeper (and the City Person Most  
28 Knowledgeable regarding the Care of the Elephants) these kinds of abuses were always

1 considered improper and a violation of policy the entire 33 year history of this Zoo.  
2 Nonetheless, these abuses are a matter of record. Even now, bull hooking the elephants is  
3 permissible, according to the Zoo director, so long as the keeper feels he is in some kind of  
4 serious personal peril. Left to interpretation, and allowed to use these pointed metal hooks,  
5 it is beyond debate that keepers will continue their practice of using bull hooks and other  
6 devices to force the Zoo elephants to move here, stand there, lift this leg and don't lift that  
7 one, regardless of the stated Zoo policy.

8  
9 22. Nor will the surfaces on which these animals must stand change in any  
10 significant way. Roto-tilling and other attempts to address the problem are far too little  
11 and will have even less effect as more animals are added to their inventory. Without  
12 traveling many miles a day, as they do in the wild, elephants suffer leg and foot problems  
13 that ultimately kill them. The Zoo environment is simply not capable of providing for their  
14 physical needs, so they inevitably suffer every single day of their lives.

15  
16 23. Nothing in the new plans, can or will alleviate this systemic problem.  
17 Containing these large animals in these small pens, without access to various softer  
18 surfaces, is another form of abuse, which cannot be over-emphasized. Their suffering is  
19 real and life threatening.

20  
21 24. Considering that elephants are migratory animals, which, in the wild, walk  
22 30 miles or more a day with their families, a three-acre exhibit, subdivided into three  
23 yards, is obviously unfit. The proposed enclosure simply does not provide the space  
24 required to keep elephants physically healthy.

25  
26 25. Nor is their social and emotional state any less important. Some species live  
27 essentially alone in the wild. While a captive environment may or may not provide the  
28 physical conditions needed for such animals; at least their separation from their family unit

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1 is not a major consideration bearing on their well-being. Elephants are at the opposite end  
2 of that spectrum in the animal kingdom. Like people, elephants are known worldwide (as  
3 admitted by the defendants) to be highly social animals. This means that they place  
4 extremely high value on being together with, touching and protecting each other, much  
5 like human family units. However, unlike humans, it is common for elephants to stay  
6 together (mother and daughter, for example) for their entire lives. They would usually not  
7 leave their families, aunts, siblings etc.

8  
9 26. Yet, inherent in the current Zoo plan, is a stated strategy literally designed to  
10 rip babies from their mothers, breaking up every single family unit, all to spread the  
11 individuals around the country to meet the Zoo industry objective of diversification of the  
12 genetic characteristics of their captive population. Without commenting on the  
13 questionable value of creating a genetically diverse captive population, this plan virtually  
14 guarantees suffering by every single individual in the Los Angeles Zoo.

15  
16 27. The stated plan is to separate each elephant from their families to bring them  
17 here and then to be separated again from their babies, one at a time, assuming they prove  
18 able to breed. Animals that are unable to breed here will likely be moved to other facilities  
19 to see if they can breed there. The process gives absolutely no consideration to the  
20 admittedly vital issue of the social and emotional well-being of these sensitive creatures.

21  
22 28. It is my observation of the existing conditions at the Zoo and the announced  
23 plans for the future of the Los Angeles elephant exhibition that it has and will continue to  
24 abuse the elephants physically, socially and emotionally. They have never had and will  
25 not have sufficient space, exercise, proper surfaces to travel and stand on. Plus, they have  
26 always been treated like inanimate objects. Their feelings are ignored, much like human  
27 slaves in our historic past. The records of this Zoo confirm that they suffer daily and die in  
28 pain, decades before they would die in the wild (or even in sanctuaries) given the abuses

1 they must endure every single day.

2  
3 29. Inadequate zoo conditions such as hard, compacted dirt and concrete and a  
4 lack of space lead to a variety of serious and often lethal ailments for elephants, including  
5 digestive troubles, reproductive problems, arthritis at an early age, neurotic behaviors such  
6 as swaying, rocking, and head bobbing, and chronic foot infections.

7  
8 30. The Los Angeles Zoo records indicate that all these problems have been  
9 ongoing at this Zoo. Evidence that such maladies do not befall elephants in the wild has  
10 led growing numbers of experts to conclude that zoo life itself is killing them. Elephants  
11 in zoos live just half their natural 70-year life span. This has prompted many zoos to send  
12 their Elephants to sanctuaries and to close their elephant exhibits.

13  
14 31. Today, the cutting edge of elephant care is being exhibited by two private  
15 facilities (PAWS in northern California and The Elephant Sanctuary in Tennessee) that  
16 offer hundreds of acres of natural habit for elephants in a setting that meets their physical,  
17 psychological and social needs. Once transferred there has even helped heal chronically  
18 infected feet.

19  
20 32. This is the model we look to when planning a new space for elephants, rather  
21 than the small, antiquated enclosures of the past. Such a facility is in the best interests of  
22 the elephants and the public, who for the first time would have the truly educational  
23 experience of seeing healthy elephants, living together with other elephants, displaying  
24 natural behaviors.

25  
26 33. The City of Los Angeles has entered an exciting period of innovation and  
27 progressive ideas. Yet the Los Angeles Zoo is proposing a costly and inhumane elephant  
28 exhibit that is a relic from the past. It is usually assumed that the professional zoo

1 organization -the AZA- would incorporate stringent standards for the care and  
2 management of elephants. Unfortunately, this is not true.

3

4 34. The reality is that the AZA is an industry trade organization regulated by the  
5 operators of zoos themselves. Any incorporation of costly new mandatory standards for  
6 elephants would surely raise the ire of the institutions holding elephants. The AZA sets  
7 minimal standards, but it does not control its member zoos. This fact is easily  
8 demonstrated by the Keuhn declaration, the Briscoe deposition and the L.A. Zoo records  
9 themselves. They all confirm that serious abuses have been ongoing at this zoo. But much  
10 like the much publicized San Francisco Tiger escape, without public scrutiny, often no one  
11 is even aware that AZA standards are not even considered, much less met.

12

13 35. In the case of elephants, zoos are asked to adhere to minimal standards,  
14 including 1,800 square feet of space outdoors for an elephant and 400 square feet indoors,  
15 i.e., a 20-by-20-foot cubicle for an animal that in the wild walks tens of miles a day and is  
16 in constant motion. These meager standards are far from adequate. Yet, even these  
17 minimal guidelines have not been met by all AZA zoos holding elephants. The AZA itself  
18 reports that "more than 50 percent of AZA institutions displaying elephants do not meet  
19 AZA Standards for Elephant Management and Care." This is obviously an industry that  
20 either is incapable of or is unwilling to regulate itself. Therefore, the AZA does not set or  
21 impose a standard which measures or even considers a high quality of life for elephants.

22

23 36. In fact, when the San Francisco Zoo released their elephants to the PAWS  
24 sanctuary in 2004, the AZA threatened that zoo with loss of accreditation. Yet, they were  
25 unconcerned about the fact that the same zoo maintained a tiger exhibit which did not meet  
26 their minimum standards and ultimately lead to the death of one of its patrons.

27

28 37. In these days of high technology, including web-cams, there is no

1 justification for imprisoning these sentient creatures, and pretending that there is  
 2 educational value in seeing them behind bars. They are not acting as they would in nature  
 3 - usually they just stand and rock back and forth, or sway from side to side, or display  
 4 other psychotic behaviors that depress the viewer. The most frequent comment I heard at  
 5 the Los Angeles Zoo elephant enclosure is "Why does that elephant look so sad?"  
 6

7 38. Unlike the testimony of Mr. Lewis, Billy, the sole elephant at the zoo at this  
 8 time, does not exhibit this stereotypic behavior all day long, because he is happily  
 9 anticipating the arrival of his bull-hook carrying keepers. While Mr. Lewis compares his  
 10 bobbing and swaying with the excited hopping of his dog at the front door when he comes  
 11 home. This kind of behavior, hour after hour, is a product of horrific boredom, pain,  
 12 loneliness and emotional distress caused by the solitary confinement conditions these  
 13 animals must endure every day of their lives at this zoo. The Director of this zoo should  
 14 know the difference.  
 15

16 I declare under penalty of perjury under the laws of the State of California that the  
 17 foregoing is true and correct.  
 18

19 Dated: January 11, 2008

*Les Schobert*  
 LES SCHOBERT

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