



**Connecting
whales and people
in the Pacific Northwest**

October 16, 2007

To all supporters of Orca Network's proposal to retire the captive orca known as Lolita to her home waters in Washington State:

<http://www.orcanetwork.org/captivity/2007proposaldraft.html>



... one cannot be happy in exile or in oblivion. One cannot always be a stranger. I want to return to my homeland, make all my loved ones happy. I see no further than this.

Albert Camus

Lolita is a very special orca. Her survival is beyond all expectations. Of the 45 of Lolita's extended family, the Southern Resident orcas, captured and delivered to parks around the world between 1965 and 1975, all the others were dead by 1987. She is known to be courageous, yet so very gentle. She has endured 37 years of confinement while performing two shows per day, without the company of any other orca since 1980. She deserves a chance to retire to her home waters and visit with her family once again.



When Lolita was captured her entire family stayed nearby until she was removed.

members of their family were restrained.

When Lolita was about three years old, on August 8, 1970, with her family of around 110 orcas gathered in Puget Sound, capture boats and aircraft began hurling bombs into the water to herd them into a small cove. This orca clan had been assaulted by capture teams before and knew what they had in mind. The whales split into two groups. One group, with females and their young, stayed underwater and tried to escape to the north, while the rest acted as decoys and headed east. At first the distraction worked, but eventually the mothers and young ones had to come up for air, and the aircraft saw them. The capture boats then herded them into Penn Cove on Whidbey Island. All the others soon followed, and though they were not held in the cove by nets they would not leave while

The capture team separated six young ones like Lolita from their mothers and lifted them onto flatbed trucks for delivery to marine parks worldwide. First called *Tokitae*, Lolita was sold to a marine park in Miami and put in a pool only 18 feet deep, 35 feet by 80 feet across. She was placed with a young male named Hugo, taken from Lolita's family 18 months earlier. The two performed in perfect synchrony for ten years, until as Hugo matured into a large male he repeatedly bashed his head against the walls and windows, until he died of a brain aneurism in 1980. Except for trainers and some dolphins, Lolita has been alone in the same tank since Hugo died.

Greenbank, WA • 98253

info@orcanetwork.org • www.orcanetwork.org



© Howard Garrett

Some of the 87 members of Lolita's extended family in Washington. Unlike any other mammal known, both male and female offspring stay with their mothers for life. Together they are active day and night, foraging, socializing and travelling 75-100 miles per day.

We are thrilled that you support the campaign for Lolita. Since our efforts began in 1995 we have known that Lolita would need high-profile spokespersons to help present the case for returning Lolita to her home and family. By adding your voice and energies to the many thousands worldwide who are pleading for Lolita to have a chance to return home you greatly enhance her prospects for happiness.

Over the years we've heard from many critics of our proposal and expect to hear from many more as this new phase of the campaign gets underway. This letter will hopefully answer a variety of questions and objections we've heard and anticipate from proponents of the captive display industry and those who are unfamiliar with the capabilities of orcas, or who simply disagree with the idea of returning captive orcas to their home waters and families. The short answer to all the critics is that our proposal ensures that **no harm comes to Lolita or to her family, the Southern Resident orca community, at any stage of her reintroduction**, and in fact provides the best and only chance for Lolita to once again enjoy her familiar ocean environment and, if she so chooses, to return to a healthy family life.

Before addressing specific issues that have been raised about Lolita's reintroduction, some essential background is helpful to give context to all these questions and the thinking behind this momentous endeavor. In some very important, but seldom recognized ways, **orcas are not like any other marine mammal known**, except perhaps some closely related species not held in captivity. For example, Southern Resident orcas never leave their families. From the moment of birth there is no dispersal from their mothers and their families.

We often see four or more generations of males and females, consisting of brothers and sisters, aunts, uncles and cousins, traveling and foraging together as they have their entire lives. 40 year old males travel beside their 65 year-old mothers as they have their entire lives, with sisters and their offspring close by.

Like humans, females sometimes live to an age of 90 or more, decades past the birth of their last offspring, which is usually at around 40 to 45 years of age. These elder females are believed to be the matriarchs who guide their pods through their daily activities and teach the essential cultural skills, values and meanings that define them as a community.

This astounding family cohesion is just one element in a picture that has emerged from studies in recent years showing a wide variety of distinct **orca cultures** worldwide, each with its own diet, rituals, mating patterns and *language*. Orcas produce a wide range of subtle sounds, but each community uses a completely different repertoire of sounds.

These genetically separated extended families maintain their indelible family bonds even when different communities cross each others' paths virtually every day. In fact nearly every moment of their lives is lived in accordance with established patterns passed down the generations for tens of thousands of years. A large and growing body of scientific evidence has established that: **"The complex and stable vocal and behavioural cultures of sympatric groups of killer whales (*Orcinus orca*) appear to have no parallel outside humans and represent an independent evolution of cultural faculties."**

(*Culture in whales and dolphins* Rendell & Whitehead, (2001) *Behav. Brain. Sci.* v24(2): 309-382.)

These distinct cultures and complex languages would not be possible without a degree of **self-awareness** we usually equate only with humans. Mirror recognition studies have shown that dolphins recognize their reflections, and orca cultures demonstrate that **orcas are aware of themselves and each other as members of their families and cultures**. Culture at this level would also not be possible without a highly developed sense of *empathy*, so that individuals can coordinate movements and share emotions, values and membership in the clan.

For example, inhabiting the same waters as the Southern Resident orcas, which eat only fish, is another entirely different orca community known as Transients, which eat only marine mammals like seals and porpoises. A fish or a seal thus has a completely different significance depending on the culturally specified diet of the orca that sees it.

Orcas are acutely conscious and in control of all parts their bodies. It is well known that whales consciously control each breath, and that orcas also control their body temperature. Female orcas appear to have the ability to control the timing of their ovulation cycles. They move gracefully, like Tai Chi dancers, with each flowing movement balanced and deliberate. The bottom line is that orcas are keenly aware of themselves as members of specific cultures and families, and of each others' emotions, and by echolocating can even discern one another's health.

Their lives are intricately interwoven in a fabric of mutual awareness and unbreakable bonds of affection, held together by the consciousness inherent in their massive brains, 4 to 5 times the size of human brains.

Lolita, therefore, has not forgotten her family and her lifelong membership as a Southern Resident orca, regardless of her time in captivity. When this essential realization is understood, most of the objections to her reintroduction can be quickly answered.

One of the first concerns that arises is: *How can we guarantee that Lolita will not suffer a fate similar to the sad loss of Keiko, who died in Norway in December, 2003.* One vital point provides assurance that no such tragedy could happen to Lolita.

An indispensable element in any orca reintroduction plan is to be certain that the whale's family of birth is identified and that the orca can be placed within acoustic range of them so they can communicate vocally. In Keiko's case, the first priority in 1994 should have been to conduct photo-ID, acoustic and genetic surveys to locate and track the movements of Keiko's family in the waters outside of Eskifjord, Iceland, where Keiko was captured. There was never any hostility or aggression when Keiko joined up briefly with other orcas, but the whales he met up with there were probably not from his clan or family. Each orca culture is distinct and remains intact for thousands of generations, and individuals cannot move from one community to another.

In Lolita's case, *each member of her family has been identified continuously each year since 1976.* In that time they have been observed in Washington waters nearly every day each year between June and October. As this is written on October 1, we are watching J pod, 25 members of Lolita's extended family, as they slowly travel and forage along Whidbey Island.

Orcas born and raised by their family in the wild, even if only for a few years, never



© Free Willy/Keiko Foundation

Keiko became even more active in Iceland.



© Dateline NBC

In 1995 Dateline NBC played a tape of Lolita's family to her. She obviously recognized her family's calls.

family and community to allow her to communicate with them, and while in the care of humans she will be provided quality companionship and stimulation.

Other typical objections:

- *Releasing Lolita would not make any contribution to the conservation of the species.*

Lolita's extended family, the Southern Resident orca community, was listed as Endangered under the Endangered Species Act in December, 2005. They are the most extensively studied whales in the world, and Lolita offers a rare opportunity to reunite a captive orca with her family. At the age of about 40 Lolita is still within her potential reproductive years and could contribute a calf to this fragile population.

In a deeper ethical sense, returning Lolita to her family would provide a symbolic affirmation of



Newborn orcas nurse for two to three years, but within the first year begin to catch their own fish. Like all aspects of life for orcas, foraging is a social event and fish are shared with family members.

© Center for Whale Research

forget who they are and who their real family is, and no matter how much human interaction and companionship they might experience, they will always know their true family identity and will desire to rejoin their close relatives whenever the opportunity occurs.

Again, each orca culture is distinct and remains intact for thousands of generations. That extreme family bonding ensures that individuals know where they belong and precisely who are their family members. Keiko continued to call out in his family's distinct dialect his entire life, and to this day *Lolita still calls out in the vocalizations used only by her family*, the L25 matriline of L pod.

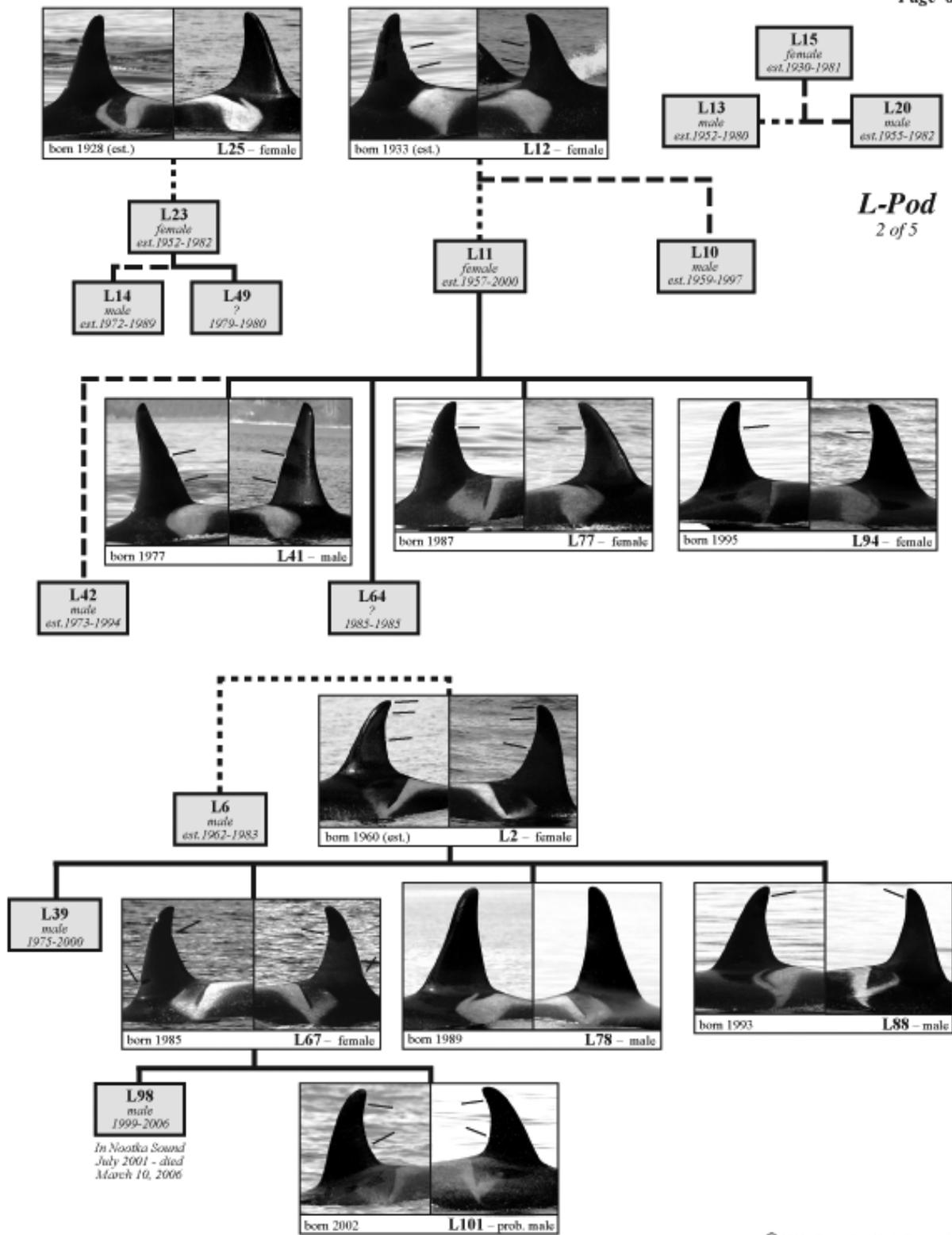
Lolita's seapen will be placed close to her natural born



Photo by Sean Jacob

How Lolita spends 23 hours per day.

humanity's turn from exploitation and dominance over animals and nature, and a belief that animals have no emotions or mental life whatsoever, to a realization that we share this life on earth with an abundance of living creatures that have an intrinsic right to health and a natural life. Giving Lolita a chance to retire in her home waters and rejoin her family enhances humanity's consciousness of our relatedness to the rest of life on earth. Millions of people worldwide grew to love Keiko after the release of *Free Willy* and throughout his dramatic saga, and in so doing they learned to appreciate and respect orcas. Lolita's highly publicized retirement to her home and family could raise that affection and awareness even higher.



Current members of the L25 subpod of L pod, Lolita's immediate family as revealed by the calls they and Lolita make every day. Either L25 or L12, both still living, could possibly be Lolita's mother. The Center for Whale Research has systematically surveyed each member of Lolita's community, the Southern Resident orcas, for over 30 years.



Some of Lolita's extended family at play in Washington's inland waters.

- *After 37 years under human care, Lolita is totally conditioned to trust and respond to man, a trait that could be dangerous to her in the wild. With animals intended for release back into the wild, such as rehabilitated injured manatees, human contact is kept to a minimum and held to a far shorter period of time.*

Lolita is able to control her own behavior, and we will respect her choice to rejoin her family or to remain, or return to, the company and care of humans. In any case, her natural ocean habitat is the healthiest place for her. Orcas are not like manatees, wolves or bears. For orcas, instinct, habituation and conditioned responses are transcended by cultural identity and self-awareness, which are never lost regardless of time in captivity.

- *Lolita has lost her ability to forage and catch live fish. Pursuit of prey is a full time job for wild killer whales and often requires complex cooperative “pack hunting” techniques.*

Part of the plan is to test whether she will easily catch fish by placing live fish in her tank with her. The one experiment that was conducted, placing live fish in a tank with long-term captive orcas, showed that the two orcas immediately remembered how to use their echolocation and successfully pursued, caught and ate the fish.

Keiko demonstrated that he had not lost the ability to forage and catch live fish, both in the tank in Oregon and during his long swim to Norway, after which he arrived well fed. We now know that Lolita's family typically share fish, so if, at first, Lolita is unable to catch enough fish, presumably her relatives would share some of their catch with her. In the worst case scenario, if she is unable to catch fish, a feeding and care station would always be available.

- *There is no way of knowing if Lolita would be accepted by a free ranging killer whale pod, which would be critical to her survival in the wild.*

Of course we aren't talking about just any wild pods, but Lolita's actual cultural and genetic family, so chances are very good that she would be accepted, possibly after a period of rebuilding mutual recognition and trust. If for whatever reason she does not rejoin and stay with her family, she would be cared for and fed indefinitely by professional staff at a well stocked care station.

- *If moved to a new environment, Lolita could be at risk of transmitting or acquiring disease agents she has either become resistant to or has no resistance to, respectively. Not only is this a risk to Lolita, but also to the free ranging killer whale population.*

Prior to any move from Miami Lolita must undergo a complete physical examination to determine if she carries any such disease. Before Keiko went to Iceland he was examined by a team of six veterinarians

and pathologists and two Icelandic medical professionals, and was found to be disease-free. Lolita would need to be declared negative of all potentially communicative diseases prior to transport to Washington.

- *Scientists believe that given Lolita's age and time in the care of man, such a release would be Lolita's death sentence.*

If carried out in an informed, professional way there is no part of any phase of Lolita's retirement plan that presents any real risk to her health or safety. Her quiet personality may be the secret to her unusually long survival in captivity, but there is no reason to think that Lolita has lost her spirit. She has adjusted well to the demands placed upon a theme park performer, including the featureless surroundings and long hours of boredom, but there is no question that she will be excited and energized when she begins to feel her familiar waters, the tug of the tides, and the panorama of stimulations. It's hard to imagine her emotions upon her first acoustic contact with her pod, which will certainly be followed by physical contact. We believe she only needs to regain her strength and stamina and reacquaint herself with ocean conditions, and she and her pod will do the rest. In the three or four years with her family before she was removed she no doubt learned the essential skills and patterns of life in her pod, and those vital lessons are never forgotten.

- *Lolita must be able to interact in appropriate social groups and find acceptance. No known studies exist documenting whales which have successfully been reintroduced to the wild. It is extremely doubtful she would know how to interact with other killer whales.*

Nobody can predict exactly how the reunion may go since it is almost unprecedented. Given that Lolita will be reunited with her actual family, there is every reason to expect that she will recognize them and when her family hears her call in the unique vocalizations used only by their family members they will recognize Lolita. The closest example of an orca's return to its family after a long absence was a Northern Resident orphan calf known as A73, or Springer. After somehow getting separated from her pod after the death of her mother at the age of about 1½ years, in January 2002 Springer showed up 400 miles away in Puget Sound where she stayed for six months, catching fish and socializing with people. She was captured and lifted aboard a catamaran for the 12-hour ride back to northern Johnstone Strait, where her family had arrived a few hours earlier. The vocal interaction with her family was so intense that she was released. She went straight to them, but then stayed a few hundred yards away for about two days. After that she was seen swimming with her aunt and some cousins, and she's been with them continually ever since.

The lesson from Springer is that upon Lolita's return there may be some confusion and even some disturbance at first, and a period of rebuilding trust can be expected, and probably a transition period of weeks or months as she makes a place for herself in her pod. And of course there is the possibility



© Howard Garrett

Lolita shows extraordinary strength and stamina and has survived 20 years longer than all the others captured from her family.



© Howard Garrett

The tank where Lolita has lived since 1970 is only 20 feet deep with sloping sides. Lolita is 22' long.

that kind of human dominance. What visitors learn is that nature is for humans to control for their own entertainment. Many aquariums and other similar facilities throughout the world have built very successful educational exhibits with no captive whales or dolphins.

Much of the information given out at marine parks is false. Sea World and the Seaquarium claim that orcas naturally live to a maximum of 25 to 35 years, whereas the best studies show that they may live to 60 or 80 years, depending on gender. Also, flopped over dorsal fins are almost nonexistent in the wild, but marine parks often claim that it happens as often in the wild as it does in captivity.

• *Isn't Lolita happy where she is?*

Lolita was captured in the wild and retains the memory of her habitat and family. Despite the fact that she generally (but not always) performs as expected, she is not a domesticated animal. Whales are family-oriented creatures who live in "pods" and spend their entire lives side by side with family members. Since 1980 when her companion Hugo died of brain injuries, Lolita has been without the company of another orca. Orcas are highly intelligent marine mammals that typically swim 75-100 miles a day and repeatedly dive to several hundred feet. Lolita is alone and cannot swim any distance except in tight circles in a pool that is not as deep as she is long.

• *Isn't her habitat so polluted she might die there?*

While Puget Sound has historically shown high levels of toxic pollutants that have found their way into the bodies of orcas, the most important factor in the health of orcas seems to be the availability of food, and trends in the past six years indicate an abundance of salmon, the primary food for Southern Resident orcas. Overall, the population has gradually increased from 78 to 87 since 2001. In addition, it takes many years for these pollutants to build up to dangerous levels, and Lolita has little chance of accumulating high quantities in the course of her

that she will not successfully rejoin her family. As the proposal describes, a feeding and care station will be available for her in Haro Strait, where L pod has appeared on almost a daily basis for about half of each year since studies began over 30 years ago. Since there is no record or indication of any kind of physical aggression among the Southern Residents, and orcas have no predators, we don't have to fear any risk to Lolita physically.

• *What about Lolita's educational value to Seaquarium's visitors?*

Visitors see a captive animal in an artificial environment doing tricks for food, albeit with power and grace. Even zoo animals are not subjected to



© Howard Garrett

Lolita usually cooperates with her trainers, but sometimes refuses to perform her routines.

natural life span.

- *How could she survive the transportation to Puget Sound?*

No orca has been harmed during transport. Keiko was flown from Mexico City to Newport, Oregon, and then to Iceland, where he was placed in a sea pen, and no harm was done before, during or after transport. There is negligible risk in this or any other phase of the operation.

- *Could all captive whales be set free?*

Only one other captive orca, Corky at San Diego Sea World, is a good candidate to be reunited with her family in British Columbia. The other orcas captured from the wild are from unknown Icelandic populations. Some were born in captivity and may not be able to integrate with a natural population. Others may be too unhealthy for release. However, any captive whale or dolphin would be healthier in a natural ocean enclosure than in a concrete tank.

- *How did Orca Network get involved?*

In 1993 Ken Balcomb of the Center for Whale Research was asked by Richard Donner, producer of *Free Willy*, to help find a better home for Keiko. He followed through and designed a rehabilitation and release protocol for Keiko, but was not asked to implement the plan. Washington Secretary of State Ralph Munro had witnessed a traumatic capture of whales in 1976 and had helped end captures in Washington. Balcomb contacted Sec. Munro, and with Governor Lowry they organized a press conference on March 9, 1995, to call for Lolita's return to Washington waters for her rehabilitation and release. Later that year Howard Garrett and Susan Berta founded the Tokitae Foundation (Lolita was first named Tokitae before transport to Miami) to carry on the campaign. In 2001 the Tokitae Foundation became Orca Network.

Lolita needs a host of energetic champions and heroes if she is ever to see her family again. She will need Hollywood and the entire country to blaze with the tragedy of her story and rise up to accomplish the very real and practical prospect of her return to be with her kin. Only then can the force of public opinion demand that she be allowed to have her life back.

The marine park industry tends to react strongly to any orca reintroduction proposal because they are afraid of the precedent it would set. They fear that the public will see the stark contrast between an orca's life among its family and the constrictions and demands of theme park routines, and that people will begin to demand that other captive orcas be reintroduced to natural environments.

As this new phase of the Lolita campaign gets underway we can expect polished professional industry representatives to sternly object to Lolita's retirement. Our best message is to point out that Lolita's retirement in a professionally operated care and feeding station presents no risk to her and offers the best chance for her comfort and contentment, and that the indelible strength of family bonds in Lolita's clan presents a real possibility for her to resume her lifetime membership in her family. This well-documented, lifelong mutual care and cohesion is the key to Lolita's ability to reunite with her family, and the answer to most of the objections raised by the critics and industry spokespeople.



After landing on Whidbey Island, Lolita would be towed in a pen 20 miles to Kanaka Bay, on San Juan Is. There she would rehabilitate in a netted pen under the care of her staff from the Seaquarium.

We are very grateful for your interest in helping Lolita, and hopefully we will be in touch much more in the near future.

Sincerely yours,

Handwritten signatures of Howard Garrett and Susan A. Berta. The signature for Howard Garrett is written in a cursive style, and the signature for Susan A. Berta is also in cursive.

Howard Garrett
Susan Berta,
Orca Network