Orcas in Captivity *(adapted for classroom use; 9.7)*

**Reading Part A**

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## INTRODUCTION

Whales have been in captivity since 1861. P.T. Barnum displayed the first live whale, a beluga whale captured from the St. Lawrence River in Canada. However, Barnum had no idea how to care for the mammal. It died after only a week in captivity. Since then, people have been using whales for entertainment. This led to the rise of dolphinariums and marine mammal parks across the U.S. While the life of captive whales has greatly improved since 1861, the controversy over captivity is still a hot topic.   Incidents such as the one between an orca named Tillikum and his trainer Dawn Brancheau, as well as concerns over an orca named Lolita’s tank size, continue to spark conflict on this issue.

Despite public concern, federal regulations that deal with the housing of marine mammals are often not well-enforced.  While there are many different species of whales in captivity, this discussion focuses on pros and cons of housing orca whales (also known as killer whales).

## ORCAS IN CAPTIVITY

There are currently about 50 orcas in captivity around the world.   The majority are housed in marine amusement parks. Their tanks or pens are a fraction of the size of their normal environment. The confined quarters and limited interaction with other members of the species is contrary to an orca’s natural existence. This can endanger its physical well-being as well as its mental health.   Orcas living in captivity for public display live much different lives than their wild counterparts.   Both their physical and social environments are altered.

## ARGUMENTS FOR KEEPING ORCAS IN CAPTIVITY

Advocates for keeping marine mammals in captivity argue that they serve as ambassadors for the marine world.   Orcas in captivity provide the public with education and promote conservation of whales in general.   Programs at marine parks help educate the public about marine life. Without this firsthand experience, the public may be less involved with marine life. [[49]](https://www.animallaw.info/article/detailed-discussion-laws-concerning-orcas-captivity#s49)

People argue that having a few whales in captivity helps save the population of whales in the wild. Aquarium research and studies from the wild have improved scientists' understanding of the biology and ecology of whales.   They use this knowledge to understand orcas’ biological needs and the impact that human life has on them. Research on hormone levels of orcas in captivity allowed scientists to learn that the gestation period is actually longer than previously believed. This led the IWC to reduce Norway's allowable hunted whale quota by 52 whales a year. [[50]](https://www.animallaw.info/article/detailed-discussion-laws-concerning-orcas-captivity#s50)

Births in captivity have minimized the need to capture whales from the wild for entertainment or research purposes. [[51]](https://www.animallaw.info/article/detailed-discussion-laws-concerning-orcas-captivity#s51)

## ARGUMENTS AGAINST ORCAS IN CAPTIVITY

Activists claim that it is inhumane to keep such large intelligent animals in small tanks. Even if the pools meet standards set by the organizations and laws, this does not mean that the pool is a good environment for an orca. One whale expert states that "...building a tank the size of Rhode Island wouldn't be large enough for a six-ton male such as Tilikum, an animal capable of swimming 100 miles a day." [[52]](https://www.animallaw.info/article/detailed-discussion-laws-concerning-orcas-captivity#s52)In captivity they have access to less than one ten-thousandth of 1% of the space available to them in their natural environment. [[53]](https://www.animallaw.info/article/detailed-discussion-laws-concerning-orcas-captivity#s53)The ocean is a complex environment to try to simulate in captivity.   White concrete walls don’t simulate the vast ocean or stimulate the orca as it would be in the wild.   The blank walls also interfere with their sonar and echolocation capabilities. [[54]](https://www.animallaw.info/article/detailed-discussion-laws-concerning-orcas-captivity#s54)

Killer whales are animals with tight-knit family bonds. They spend their entire lives in the same pod.   Keeping them in captivity prevents them from being able to form these bonds.  Most captive orcas do not live with more than a few other orcas. They may even be housed with other types of whales.   These conditions don’t replace the social bonds of the pod.   If an orca is taken from their family pod, the loss of social ties may cause it to become lonely or sad.

Activists argue that there is no scientific evidence to support the claim that conservation education for spectators benefits whales in the wild. Captive whales are not like wild whales. They are in an artificial environment. They no longer hunt for food. The lack of sufficient space often leads them to continually swim in circles, a behavior not observed in the wild. Their diet is dead frozen fish and vitamin supplements, not live fresh fish.

Captive breeding, which some argue helps to supply and conserve populations in the wild, only tends to create a surplus of animals who may never be released. Most remain in the entertainment industry. [[55]](https://www.animallaw.info/article/detailed-discussion-laws-concerning-orcas-captivity#s55)The animals’ natural feeding and foraging patterns are completely lost when they are taken from the wild. Other natural behaviors, such as dominance, mating, and maternal care, are altered in captivity. [[56]](https://www.animallaw.info/article/detailed-discussion-laws-concerning-orcas-captivity#s56)

Activists also argue that captivity causes high stress and can lead to health problems.  Ulcers and behaviors like pacing, self-mutilation and abnormal aggression, often develop in predators that are denied the opportunity to hunt. [[57]](https://www.animallaw.info/article/detailed-discussion-laws-concerning-orcas-captivity#s57)Orcas in captivity have a higher mortality rate than those in the wild.

Critics argue that marine parks are not highly regulated communities, and the few regulations that do exist are not consistently upheld. Marine parks have certainly improved over the last 50 years or so, but they are a far cry from the natural environment these animals would otherwise have. Proposed laws that aim to prevent the entertainment use of orcas offer the best hope for those opposed to continuing this nearly 150-year legacy of captivity.

 REFERENCES

[49] “Real Ideas on Captivity for marine mammals.” Jenna’s little “Marine” World, <http://animaltrainer91.webs.com/trueideasoncaptivity.htm>.

[50] Id.

[51] Id.

[52] “Fee Tilly,” <http://schmoozequeentv.blogspot.com/2010/04/people-for-tilikums-law-nyc-protest.html>.

[53] “WSPA Condemns SeaWorld,” WSPA. 3 March 2010, <http://www.wspa-international.org/latestnews/2010/seaworld.aspx>.

[54] Id.

[55] Naomi A. Rose, E.C.M. Parsons, & Richard Farinato, The Case Against Marine Mammals in Captivity (Naomi A. Rose & Debra Firmani, 4th ed. 2009).

[56] Id.

[57] Id.

(Text 2) Adapted for classroom use from an article by [Julia Lynn Rubin](http://www.hngn.com/reporters/julia-lynn-rubin)| [j.rubin@hngn.com](mailto:j.rubin@hngn.com) | Jul 26, 2013 02:38 PM EDT <http://www.hngn.com/home/news/services/print.php?article_id=8690> (9.1)

'Blackfish' Documentary: SeaWorld Orca Tilikum Trainer Death Explored in Disturbing New Film On Animal Abuse (PHOTOS/TRAILER)

The evils of SeaWorld and other marine parks are explored in a brand new documentary, "Blackfish." It details the abuse of orca whales and subsequent trainer deaths, including the three horrific trainer killings by traumatized orca Tilikum.

Veteran SeaWorld trainer Dawn Brancheau's death during an orca show was initially blamed on her slipping and falling. Later, SeaWorld officials later claimed that 12,000-pound captive whale Tilikum was attracted to her ponytail, resulting in him grabbing and playing with it. But the truth about what happened is far more disturbing, the [*Seattle Times*](http://seattletimes.com/html/nationworld/2021453891_apussixflagswomandies.html?prmid=obinsource) reports.

"Shamu Stadium always seemed kind of garish and unsettling, but I went with the flow. I would see hundreds of people laughing and smiling and I'd think, 'Could something that makes everyone this happy be that bad?'" filmmaker Gabriela Cowperthwaite told the [*Sarasota Herald-Tribune*](http://arts.heraldtribune.com/2013-04-03/section/sff-blackfish-shines-garish-light-on-seaworld/).

"Tilikum did not attack Dawn," SeaWorld said in a written response to the film. "All evidence indicates that Tilikum became interested in the novelty of Dawn's ponytail in his environment and, as a result, he grabbed it and pulled her into the water."

However, "Blackfish" aims to prove otherwise. The film argues that Tilikum aggressively dragged Brancheau around the tank during a show, scalping and killing her in front of horrified tourists.

Key footage from the tragic incident became public after the Occupational Safety and Health Administration took SeaWorld to court. The shocking images becoming exhibits in the case.

It took director Gabriela Cowperthwaite years to uncover all of the footage used in her new film. She painstakingly obtained clips through local and national newscasts and people's personal archives under the Freedom of Information Act.

"It was just perseverance when it came to getting footage," Cowperthwaite said in an interview. "I couldn't believe what I was seeing. Once you see that, you can't unsee it. In my mind, that gave me my directive. Now that I know the truth, I have to tell the truth. I didn't imagine that I was going to be making this film. I thought I was gonna be making a completely different film about relationships with our animal counterparts. So it was really learning through interviews and stuff and seeing footage."

So if Tilikum really did attack his trainer, what caused him to do so? And why?

Tilikum was born in the wild near Iceland in 1983. He was soon captured and sent to a marine park near Vancouver. Later he was sold to SeaWorld in Orlando. In "Blackfish," disturbing footage shows divers trapping and kidnapping baby whales to be sold while their mothers looked on helplessly, screeching in agony.

After being forcibly separated from his family, Tilikum was kept in a small, dark tank with no lights for up to 14 hours a day. He was allegedly bullied by other calves. Under these conditions, "Blackfish" argues that Tilikum became psychologically traumatized. This resulted in his going into a "whale psychosis" and later killing three of his trainers.

The film also points out that there are no records of killer whales attacking humans while in the wild. “Blackfish” argues that wild animals being captured for entertainment can have deadly consequences.

**Writing Part B**

**Writing situation:**

The science department at your school is considering a field trip to a marine park that features whales and other marine animals.

**Writing directions:**

Read the passages about the issue of whales in captivity. Choose your position on the issue. Then write a letter to the editor of your school paper, stating whether or not students should go on the proposed fieldtrip to see captive orcas. Use evidence from the articles to support your argument.