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Unlocking the Secrets of Dolphin-Gate

'She swam over to me. I put my arms around her and she took a breath, looked me in the eye and never took another.' With tears in his eyes American dolphin freedom campaigner Richard O'Barry today still describes the death of the bottle-nose dolphin Kathy, star of the hit TV series Flipper, as if it only happened yesterday. As the show's chief trainer and Kathy's closest companion, it was a pivotal event which 26 years ago changed his life forever.

"I realised then that dolphins didn't belong in captivity," he says. Now he is the scourge of the captive dolphin industry. In 1971 he founded the Dolphin Project Inc., a non-profit international organisation dedicated to marine mammal welfare, and the rehabilitation and return of captive dolphins to the sea.

Always a controversial figure, O'Barry has been arrested many times in the USA for protests at marine parks and for freeing dolphins. He is also a very brave man. In one year alone he was taken into custody on seven occasions.

To date he has formally released, not including covert operations, over two dozen dolphins to the wild. His determination to expose what he sees as the hypocrisy and ineptitude of US Government agencies tasked with dolphin protection both in the wild and in captivity has ensured that he has many enemies.

In 1992 he given the unique invitation to present a testimony on cetacean welfare to the US House of Representatives. In it he called on Congress to investigate key US Government agencies responsible for marine mammal protection, accusing them of imperilling the very animals they were charged to safeguard. These included the National Marine Fisheries Service (NMFS).

However, none of his work has attracted as much international attention and criticism as the clandestine release of two Atlantic bottle-nose dolphins, Buck and Luther, last year. Their subsequent "rescue" and recapture, followed by seizure of a third, called Jake, by a posse of armed US Navy, NMFS, and other special agents days later at a cost of £1 million is staggering. But the accompanying saga of official misinformation and "smoke screens" surrounding the latter operation has prompted some to dub this "The Dolphin-gate Conspiracy".

Certainly, these were no ordinary dolphins. Their training had been top secret. In Navy terms they were classified as "Advanced Biological Weapons Systems". They were, in fact, "soldier" dolphins, trained by the US Navy to follow a sonic recall device or "pinger", detect explosives, locate lost torpedoes, guard nuclear submarines and possibly even kill divers.

Moreover, they were the strangest and most frightened dolphins I have ever met. I swam with all three to take underwater photographs in their lagoon. This was no big deal. I have swum with wild and rehabilitated dolphins on several occasions. Swimming with these was a shock. They charged at me, ?jaw popping? (a type of threat behaviour) in my face, and spun violently beneath my fins in an intimidatory display of bluff. However, I have no doubt that in the open sea they would have fled. O'Barry alleges that this was the direct result of their Navy experiences, saying, "They have been used and abused by the military to point where they are dysfunctional."

It was the end of the Cold War in the early 1990s which brought an abrupt reduction in funding for the US Navy's 30-year-old dolphin warfare training programme. In early 1994 they announced that 25 of its 101 bottlenose dolphins were surplus to requirement. They were to be offered them free to suitable marine parks and aquaria, the Navy providing all necessary transport to their destinations. When the Dolphin Project and a consortium of other animal welfare groups including the Humane Society of the United States (HSUS) also applied, they were turned down flat. The US Navy, having spent \$500,000 in 1991 to determine that the cost of returning them to the wild was "too high", declared that the proposed rehabilitation and release programme was 'not in the best interest of the dolphins'. Predictably, the Navy was accused of discrimination and a bitter public and media row erupted.

The intervention of a sympathetic and influential congressman temporarily won victory for the freedom lobby. On 30th Nov.1994 Buck, Luther and Jake were flown from their 10mx10mx3m deep compounds in San Diego harbour to the Boca Chica Naval Air Station in the Florida Keys. From there it was a 50km drive to the Sugarloaf Dolphin Sanctuary, the largest open water facility for captive dolphins in the USA.

O'Barry decided that the two youngest dolphins, Buck and Luther, would be released first. For several months their diet had consisted exclusively of live mullet, the same as those they would hunt in the wild. By May there was no doubt they were extremely adept at using their sonar to catch fish.

Two weeks before the proposed release date, blood test results declared both Buck and Luther fit and healthy and devoid of harmful pathogens. Both were easily recognisable by markings on their dorsal fins; a heart for Buck, a star for Luther.

Buck and Luther were spirited from the sanctuary just in time, on April 23. After a journey of little over 2 hours the release boat came to a halt, rocking gently in crystal clear water. Shoals of mullet were plentiful. It was prime dolphin territory.

At 11.30 a.m. Buck slid into the water. He swam around the boat as if waiting for his companion, who joined him half a minute later. In a flash they were gone, back into the Gulf of Mexico from which they had been snatched some 9 years before.

It was a brief and joyous moment, O'Barry raising his fists in triumph and defiance. However, it was all vastly premature. The efforts at low-key preparations had been well justified. As they had left the lagoon, someone opposed to the release raised the alarm and NMFS agents were contacted. Soon officials from the Marine Mammal Conservancy, trainers from a nearby marine park called the Dolphin Research Centre (DRC), NMFS and Navy had combined in almost extra-ordinary alliance to find and seize the dolphins. Even as the dory had set off to the proposed release point 12 miles west of Key West, a spy plane was airborne.

Within 10 days both, apparently of their own accord, had swum right into the arms of their captors, Luther into a Boca Chica Naval base and Buck into a DRC marine amusement park. It was all uneasily convenient but no-one, not even the press, seemed remotely suspicious. On 7th June a posse of armed police, special agents and DRC dolphin trainers descended on Sugarloaf Dolphin Sanctuary and Jake too was taken. By the evening of Friday 14th June they were flown back to the Navy's 10mx10mx3m deep pens in San Diego harbour being fed dead fish, in water that only months previously had been described by HSUS whale expert, Dr.Naomi Rose, as 'fetid, disgusting, a cesspool'.

NMFS accused O'Barry of releasing dolphins illegally. However, no such law existed. Three months after the incident he remains uncharged. Curiously, however, a new law applying to this offence has just appeared in the statutes.

It is claimed the dolphins were released without veterinary checks yet the sanctuary presented 'clear' results to NMFS days before recapture took place. 'The dolphins have not been released to home waters,' complained NMFS and could 'wreak havoc with the genetic make-up of Florida dolphins'. In fact, Buck and Luke has simply been released into another location within the same Gulf of Mexico as they had originally been captured. It is interesting to note that, in the past at least 9 of the Navy's Atlantic bottlenose dolphins have escaped into the Pacific, a discrete dolphin gene pool, one as recently as 1992. On these occasions recapture was not even attempted.

However, in this case within 24 hours of the release a NMFS recapture team was on stand-by. Local newspapers quoted a NMFS spokesman expressing serious doubts over the ability of the newly released animals to catch fish, despite detailed eye-witness accounts to the contrary. The local press even published a NMFS free-phone number asking for sightings. The dolphins' fate was sealed.

The most damning piece of evidence in favour of the 'sabotage theory' was the use of a Navy dolphin 'recall device' or 'pinger' in the later capture of Buck and Jake. A 'pinger' was seen on board a boat used in the capture of Luther but no-one witnessed its use. However, on Saturday 8th June journalist Shaney Frey visited the DRC.

'I talked with a senior member of staff. She was startled and flustered when I asked directly if they used the Navy recall pinger to catch Buck. Finally she said yes.'

Most incredible of all now is the estimate that at least \$1 million dollars was spent by the US Navy and NMFS in recapturing and flying them back to San Diego, money which they are demanding should be repaid by O'Barry. One can appreciate NMFS's actions in that to have ignored O'Barry's open defiance would have seriously undermined their authority. However, with such extravagant use of manpower and resources, it is tempting to wonder if somewhere in the background the American captive industry wielded its considerable influence and reaped its revenge.

Surprisingly, O'Barry is as optimistic. 'This issue is as much about people as it is about animals. We have to get away from our utilitarian perspective on Nature and animals in captivity dying to amuse us. This is bad education. Our children need to see us making every attempt, even if we fail, to release these dolphins back into the wild.'