

# Going Ape for Rights

By Reg P. Wydeven  
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One of my best friends in law school came from northern, northern Wisconsin. I assumed that meant that there were no traffic lights in his hometown and they were probably a half hour away from the nearest McDonald's. While that was true, I didn't realize it also meant that a local bar featured a chimpanzee that arm wrestled.

For a fee, patrons of the bar could arm wrestle the chimp. Not only was the chimp undefeated, he had broken a few arms along the way. While it was degrading, cruel and inhumane for a chimp to have to arm wrestle people, when he wasn't competing, his life wasn't too bad. The chimp got to eat peanuts and pretzels all day while watching TV. Plus, he had to be pretty pleased with his unblemished record.

My buddy said that at first it was pretty cool to see a chimp sitting in a bar. After a while, though, it got to be pretty sad because the chimp clearly didn't belong there. But since his owner wanted him there, he didn't have any choice.

If Steven Wise gets his way, however, chimps may soon have a choice.

Wise is an attorney who represents the Nonhuman Rights Project, a Florida-based animal advocacy group. For years Wise has been trying to get courts to grant chimps habeas corpus, or the legal right to report an unlawful detention or imprisonment before a court.

Earlier this month, Wise argued before a New York state appellate court in Manhattan that two chimps, named Kiko and Tommy, should be freed from their cages to live in an outdoor sanctuary. Wise claims the chimps deserve a better quality of life and asked that they be given the opportunity to live with other chimps at the Save the Chimps sanctuary. The sanctuary is located on one of 13 islands amid a lake in Fort Pierce, Florida.

Kiko was rescued by Carmen Presti and his wife 23 years ago and brought to their Primate Sanctuary in Niagara Falls, New York. Kiko is deaf, presumably from being beaten by a trainer while performing at state fairs or in the television movie "Tarzan in Manhattan." Presti opposes Kiko's liberation, arguing that his medical problems require constant attention. "If he's taken away, he could die without his family to give him the special care he needs, and to bring him into the house to play," Presti said.

Tommy was rescued from being euthanized by Patrick Lavery, who later donated him to an out-of-state facility.

This is not the first lawsuit Wise filed on behalf of the Nonhuman Rights Project. In addition to earlier suits involving Kiko and Tommy, in 2013, Wise also sought habeas corpus for two other chimps, Hercules and Leo, who were being used for anatomical research at Stony Brook University on Long Island. Like in his current lawsuit, Wise asserted that chimps should be granted legal rights like people. He cited famed primate advocate Jane Goodall's court brief, which states that chimps should be granted human rights because they carry out duties and responsibilities in animal family settings and that they have complex cognitive abilities allowing them to make choices. The court disagreed.

A five-judge panel will issue its ruling on whether chimps should be granted human rights in the coming days or weeks.

While I support animals, I'm leery of granting chimps human rights. Of course, this might have something to do with the fact that I watched the 'Planet of the Apes' movie marathon last weekend on AMC.

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