

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
BOSTON DIVISION

Joyce Rowley,
Plaintiff, pro se

v.

City of New Bedford
Defendant

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Case No.
17-cv-11809-WGY

AFFIDAVIT OF JOYCE ROWLEY

1. My name is Joyce Rowley. I am a resident and taxpayer in New Bedford, MA. I am a member of the Buttonwood Park Zoological Society.
2. I visit Buttonwood Park Zoo daily, generally spending one to two hours each visit, weather permitting. Occasionally I visit for five to six hours. On each visit I observe the two Asian elephants, Ruth and Emily, as I have since 2010. I also observe the elephants from the adjacent Buttonwood Park as well.
3. On these visits, I take notes, photographs, and videos. I also record the weather, and in particular, I record the temperature of the exhibit with a portable outdoor thermometer.
4. Beginning in May 2019, I observed that Asian elephant Ruth was being treated differently than in the past. Keepers no longer called to her to accompany them to the "outer" yard. They also fed her less hay, and began feeding her exclusively at the "inner" yard or in the barn. The exhibit is divided into two areas--an inner yard that is comprised of a barn, water pool, and log structure. The outer yard is accessed through a metal gate and is comprised of an open area with four trees,

large rocks, and a new "shelter."

5. Most often, Ruth now stands near the log structure, which provides some shade until about mid-day, at which time she is seen standing at the barn's front door. Zookeepers have been heard to say that she "preferred" to stay on the inner yard.
6. This change in management adversely affected Ruth physically and emotionally. Physically, the confinement causes her to become more lame and arthritic. Confinement in the barn or on the inner yard (which is blocked from breezes by structures and trees), also causes Ruth heat stress. Ruth lost 3-4" of her left ear to frostbite at the zoo in 2014 and 75% of her right ear to an infection she incurred at the zoo in 2017. An elephant's ears regulate their temperature.
7. On July 8, 2019, with temperatures 86-88 degrees, I observed Ruth attempt to seek water at the pool or at the pipe feeding the pool. A zookeeper in the barn signalled to Ruth to return to the log structure. Ruth turned and did so.
8. I complained to the Zoo Director and Assistant Zoo Director who were at the exhibit at the time. They claimed nothing happened and that I was "wrong." Ruth was swaying at the log structure in stereotype behavior. (Video online at: https://www.youtube.com/KfDJyXhyr_8)
9. However, while further discussing the matter with the Zoo Director, the zookeeper walked by the exhibit, Ruth looked at the keeper and made a beeline for the pool where she cooled herself off by spraying water on her head, face and body. I pointed this out to the Zoo Director. Ruth stayed at the pool for 10-15 minutes. (Video online at: <https://www.youtube.com/dnRdG1lwQPc>).
10. On July 10, 2019, with temperatures in the shade at 88 degrees, Ruth was again

denied access to water three times.

11. On the following occasions, Ruth was kept in the barn for an hour or more with both barn doors closed: June 30, July 8, July 10, July 20, and July 21. The barn is not climate controlled, nor are temperatures taken inside the barn.
12. During a heatwave on July 20, 2019, Ruth was kept in the barn for 4 1/2 hours as temperatures soared to 95 degrees in the shade. The doors were both closed for one hour during that time, and then only one door was opened. When Ruth was finally released at 4 p.m., she immediately went to a hose spraying water, thoroughly immersing herself. (Video online at: <https://www.youtube.com/YVd1owx85c8>, and <https://www.youtube.com/jlQjKIR0gQ>).
13. Again on July 21, 2019, Ruth was confined to the barn during the heatwave, this time for 3 hours while temperatures were 93 degrees.
14. Ruth's right ear had healed to 99% by March 2019. However, beginning in May 2019, Ruth's ear opened up again and is again infected as of June 24, 2019 .
15. The barn has a dirt floor. The dirt has not been thoroughly removed and replace since May 7, 2019--notably, the sand piled near the door to be used for replacing it has not changed since July. A partial cleaning was done on Ruth's side in July. According to daily keeper logs received under the Public Records Access Act the floor was rotated on June 24, July 16, and July 26, but on those days I was present almost all day and did not see equipment entering or exiting the barn.
16. At the times that Ruth is not allowed to the outer area, she shows signs of emotional distress such as swaying, swinging her trunk, false eating, holding the tip of her trunk in her mouth, and hanging her head with her tail drooping.

17. About once per week, I have observed Ruth being allowed to access the outer yard.
18. At those times, she appears bright-eyed, energetic and explores the hanging blocks for treats, grazes on the grass, explores the treat dispensers, and eats hay leftover by Emily.
19. Asian elephant Emily is not treated as Ruth has been treated this summer.
20. Confining Ruth to the inner yard has not prevented Emily from taking Ruth's food. In addition to the emotional distress it causes Ruth, this behavior also reduces the nutritional benefit as the elephants are only fed every three hours. When Emily eats all of Ruth's food, Ruth goes without eating for up to six hours. This occurs daily at the 10 o'clock feeding and occasionally at the 1 o'clock feeding.
21. If Ruth ventures to the outer yard when the keepers aren't present, Emily attacks her as occurred on August 16, 2019 (Video online at: <https://www.youtube.com/yh6L2BAoPW0>).
22. On August 25, 2019, several staff were present as Emily and Ruth were fed together in front of a crowd. Emily began swaying angrily after Ruth took back her branch, and likely would have attacked (see video from September 7, 2017). In this instance, a keeper was sent to get more hay, although plenty was present already. Then Emily was called away by the Assistant Zoo Director, and she was fed a batch of hay away from the crowd (Video online at: https://www.youtube.com/LQbW_teLuwc and <https://www.youtube.com/pu3e1CeDUJ4>). When she returned she was very

docile. Emily was then called into the inner yard, where she spent the next two hours until the zoo closed.

23. Ruth's confinement to the barn and the inner yard has not abated; nor has Emily's food and spatial aggression.

Sworn under penalty of perjury this 5th day of September, 2019,

/s/Joyce Rowley
Plaintiff, pro se
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