

SUPREME COURT OF THE STATE OF NEW YORK
 COUNTY OF NEW YORK

In the Matter of a Proceeding under Article 70 of the
 CPLR for a Writ of Habeas Corpus,

THE NONHUMAN RIGHTS PROJECT, INC., on
 behalf of KIKO,

Petitioner,

-against-

CARMEN PRESTI, individually and as an officer and
 director of The Primate Sanctuary, Inc., CHRISTIE E.
 PRESTI, individually and as an officer and director of
 The Primate Sanctuary, Inc., and THE PRIMATE
 SANCTUARY, INC.,

Respondents.

**SUPPLEMENTAL
 AFFIDAVIT OF MARY
 LEE JENSVOLD, Ph.D**

Index No.

STATE OF _____)
) ss:
 COUNTY OF _____)

Mary Lee Jensvold being duly sworn, deposes and says:

Introduction and Qualifications

1. My name is Mary Lee Jensvold. I reside and work in Ellensburg, Washington. I hold a Ph.D. in Experimental Psychology from the University of Nevada, Reno, which I received in 1996.

2. I submit this Affidavit in support of Petitioner, The Nonhuman Rights Project, Inc.'s ("NhRP"), petition for a writ of habeas corpus brought on behalf of Kiko. I am a non-party to this proceeding.

3. I am currently Associate Professor in the Department of Anthropology and Museum Studies and former Director of the Chimpanzee and Human Communication Institute at Central Washington University. I am also faculty in Primate Behavior and Ecology Program, at Central Washington University. I have taught the following courses at Central Washington University: Primate Social Behavior, Chimpanzee Culture and Communication, Introduction to Primate Laboratory Experience, Laboratory Work in Primatology, Primate Culture and Cognition, Introduction to Psychology, Psychology of Thought and Language, and Nonverbal Behavior, among others.

4. I have been a member of the Board of Directors of the Animal Welfare Institute since 2007 and Friends of Washoe (a nonprofit organization dedicated to the welfare of chimpanzees) since 1999, and have been on the Advisory Board of the Fauna Foundation (a chimpanzee sanctuary in Quebec, Canada) since 1999. From 1997 – 2000, I served on the Scientific Advisory Board for the National Chimpanzee Sanctuary. I have held positions as a chimpanzee behaviour consultant at Fauna Foundation, a Principal Investigator for “Caring for Chimpanzees” Earthwatch Program at Central Washington University, and have been a research assistant for sign language studies of chimpanzees at the University of Nevada, Reno. I was recently awarded the Sigma Xi Distinguished Lecturer Award for 2013 – 2015.

5. My research specialization is in gestural communication and use of American Sign Language in chimpanzees. Additionally, I research play behaviour, imagination, culture and intelligence, as well as husbandry, welfare and environmental enrichment in captive chimpanzees. I have over twenty-seven years of experience working with and studying chimpanzees and daily firsthand experience interacting with them. As such, I possess both a theoretical and applied understanding of chimpanzee behaviour.

6. I have published 29 peer-reviewed articles, book chapters and encyclopedia entries on gestural communication, use of American Sign Language, the evolution of social communication, as well as environmental enrichment, effects of enclosures and social interactions, in chimpanzees. My papers have appeared in some of the most prestigious journals in the area of animal behaviour, including *Animal Cognition*, *American Journal of Primatology*, *Journal of Applied Animal Welfare Science*, *Human Evolution*, and *Journal of Sociolinguistics*.

7. I have given 91 presentations at professional conferences throughout the United States and have also given 13 invited addresses at professional research conferences and at various universities throughout the United States. These presentations have covered the following relevant topics: gestures and signing, cultural transmission, laughter and play, vocabulary development (American Sign Language), conversational use of sign language, evaluation of enriched captive environments and neuroscientific models of continuity across ape and human communication systems.

8. My Curriculum Vitae sets forth my educational background and experience and is annexed to my original Affidavit, filed herewith.

Basis for Opinions

9. The opinions I state in this Affidavit are based on my professional knowledge, education, training, and 27 years of research with chimpanzees, as well as my review of peer-reviewed literature about primatology published in the world's most respected journals, periodicals and books that are generally accepted as authoritative in the field of primatology, many of which were written by myself and colleagues with whom I have worked for many years and whose research and field work I am personally familiar with. A full reference list of peer-reviewed literature cited herein is annexed hereto.

Opinions

10. Chimpanzees can bear duties and responsibilities. One way this is demonstrated is by their social dynamics. Their communities are embedded in male hierarchy. Usually there is a single dominant male but often he only holds that position by the support of other males. In these cases these dominant males demonstrate a sense of duty to their supporters. For example, the dominant male will provide grooming, access to females, and perhaps access to meat to his primary supporter. This is well described by Nishida (1983). Chimpanzees are also highly protective of their communities, and will go to great lengths to defend them. This involves their shouldering responsibility.

11. I worked with five chimpanzees over nearly three decades studying how they use American Sign Language to communicate with humans and each other (Gardner, Gardner, & Van Cantfort, 1989; Fouts & Mills, 1997; Jensvold, Wilding, & Schulze, 2014; Jensvold, 2014; Leeds & Jensvold, 2013; Leitten, Jensvold, Fouts, & Wallin, 2012; Jensvold & Gardner, 2000). For decades, the daily routine at the Central Washington University laboratory in Ellensburg, Washington, involved the chimpanzees participating in numerous activities with caregivers. These included husbandry duties.

12. In the mornings, the chimpanzees helped clean enclosures by returning their blankets from the night before. The chimpanzees all participated; it was the duty that we placed upon them. When new caregivers appeared, the chimpanzees sometimes made an attempt at ditching their duties, but eventually they bore the responsibility of returning blankets and other objects in the enclosure to the caregiver. This was done without bribery.

13. At lunchtime, all of the chimpanzees were served a course of soup followed by a course of fresh vegetables that was offered only if all of the chimpanzees ate their soup. If one of

the chimpanzees refused to eat their soup, the others put pressure on the noneater by offering her the soup and a spoon. The noneater nearly always capitulated and ate the soup. This individual behavior that affected the group demonstrated their sense of responsibility and duty.


14. Maternal behavior is another clear indicator of responsibility. The signing chimpanzee Washoe adopted a 10-month-old chimpanzee named Loulis. While they bore no genetic relationship, Washoe was a very protective adopted mother. When I first met Loulis he was eight-years-old. Even at his late childhood age, Washoe was still very protective of him. Graduate assistants such as myself lived in fear of Loulis' screams, whether warranted or not, as they would bring Washoe down upon us in an instant. Washoe would then immediately display aggressive behaviors to the caregiver in defense of her son.

15. Chimpanzees have duties to each other. Their relationships to each other are even more supportive of each other than to a caregiver, no matter their level of fondness for the human. If a chimpanzee gives an aggressive display of behavior or indicator of being hurt or offended, the other chimpanzees always come to that chimpanzee's support by making aggressive barks at the human. Again this is regardless of the individual relationship with the human. Their first duty is to the other chimpanzees.

16. Moral behavior can be demonstrated in the chimpanzees' use of the sign SORRY, which they acquired while reared as deaf human children. If they did something aggressive to a human, the chimpanzees often responded with SORRY. These apologies go with morals and a sense of right and wrong. When the Central Washington University facility closed, the two remaining sign-language-using chimpanzees in the group, Tatu and Loulis, moved to a sanctuary with 11 other chimpanzees, none of whom knew sign language. Tatu sometimes antagonized her new neighbors by poking sticks at them through the fencing. That often elicited aggressive

behavioral displays, to which Tatu would sometimes respond by signing SORRY to the offended chimpanzee.

17. Based upon my research and expertise in this field, I support the NhRP's petition for a writ of habeas corpus on behalf of Kiko and the application of common law personhood to chimpanzees.


Mary Lee Jensvold, Ph.D

Sworn to before me
this 29th day of September, 2015


Notary Public

DEVYNN HOPE
Notary Public, Vermont
My Commission Expires 02/10/19

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