

## Sea Shepherd Conservation Society

The Sea Shepherd Conservation Society (“SSCS”) is an international nonprofit marine wildlife conservation organization. Its stated mission is “to end the destruction of habitat and slaughter of wildlife in the world’s oceans in order to conserve and protect ecosystems and species.”<sup>1</sup> While its mission appears to be benign, SSCS has been called into question for use of destructive and illegal tactics in order to accomplish its stated mission.

A 501(c)(3) organization, SSCS was incorporated in 1981 in the state of Oregon. The idea for this organization came from Captain Paul Watson, a former Greenpeace member who founded the Earth Force Society in Vancouver, BC, Canada, in 1977. In 1978, Watson purchased the Society’s first ship and named it *Sea Shepherd*. Since its first mission traveling to Eastern Canada to disrupt the annual killing of baby harp seals, the *Sea Shepherd* has embarked on over 200 voyages. Some of its missions have had such names as “Operation Blue Rage” to defend Bluefin tuna, “Operation No Compromise” that was the organization’s seventh whale defense campaign, and “Operation Gulf Rescue” after the BP oil spill in the Gulf of Mexico.

In February 2013, the Ninth Circuit found that SSCS activists had committed piracy. Article 101 of the United Nations Convention of the Law of the Sea (“UNCLOS”) defines piracy as: “any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft . . . on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft.”<sup>2</sup>

The Ninth Circuit opened its opinion with the following noteworthy statement:

You don’t need a peg leg or an eye patch. When you ram ships; hurl glass containers of acid; drag metal-reinforced ropes in the water to damage propellers

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<sup>1</sup> <http://www.seashepherd.org/who-we-are/>

<sup>2</sup> [http://www.un.org/depts/los/convention\\_agreements/texts/unclos/unclos\\_e.pdf](http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf)

and rudders; launch smoke bombs and flares with hooks; and point high-powered lasers at other ships, you are, without a doubt, a pirate, no matter how high-minded you believe your purpose to be.<sup>3</sup>

SSCS now prepares for a new campaign, Operation GrindStop 2014, to stop the practice of grind hunting in the Faroe Islands. In September 2013, 120 pilot whales were slaughtered on the shores of the Danish Faroe Islands where the Faroese have been purportedly killing whales since the time of the Vikings.<sup>4</sup> The method, known as a “grind” hunt, begins with jet boats, jet skis, or other small watercraft driving a pod of whales or dolphins into a bay.<sup>5</sup> Once the pod is in the bay, every last animal is forced onto the beach or pulled into the shallows with a blunt hook by their blowholes. Then, men knife the whales until their spinal cords are severed. The process is gruesome, and it is terrifying and extremely stressful for members of the pod who escape. While the whale meat is supposed to only be used for the traditional purposes of the local residents, SSCS has found that the meat often ends up in restaurants for tourist consumption. A similar practice occurs in Japan, and was the subject of the recent documentary *The Cove*.<sup>6</sup> The *Sea Shepherd* films and documents these practices, bringing public attention to the issue.

Unquestionably, SSCS’s pirate-like tactics may serve the purpose of the organization: to protect marine wildlife. However, the definition of piracy includes the language “committed for private ends.” Nonprofit organizations qualifying for 501(c)(3) status must confer a public benefit and may not conduct illegal activities. Because the Ninth Circuit found that the *Sea Shepherd* has committed piracy, some now question whether SSCS should have its 501(c)(3)

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<sup>3</sup> <http://cdn.ca9.uscourts.gov/datastore/general/2013/02/25/1235266.pdf>

<sup>4</sup> <http://beachcarolina.com/2013/09/25/sea-shepherd-global-prepares-for-operation-grindstop-2014/>

<sup>5</sup> <http://www.globalanimal.org/2013/09/11/sea-shepherd-cracks-down-on-cruel-sport/107765/>

<sup>6</sup> Recently, similar slaughter was documented by the Sea Shepherd in Japan.

[http://www.huffingtonpost.co.uk/2013/09/12/sea-turns-red-with-blood-\\_n\\_3913901.html](http://www.huffingtonpost.co.uk/2013/09/12/sea-turns-red-with-blood-_n_3913901.html)

status revoked. Nevertheless, the organization solicits and receives donations every year, and it continues to recruit volunteers for its numerous campaigns.

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