US courts initially asserted that animals – in this case cetaceans– do not have statutory standing to sue, arguing that if the law would have intended to give standing to animals and other legal entities, it could and should have said so plainly. See *Citizens to End Animal Suffering and Exploitation, Inc. v. The New England Aquarium*, 836 F. Supp. 45 (1993); *The Cetacean Community v. George W. Bush*, 386 F.3d 1169 (9th Cir. 2004). In despite of that, in 2011, the animals rights group People for the Ethical Treatment of Animals (PETA) sued the marine park SeaWorld under the 13th Amendment for the “enslavement” of five orcas. The court concluded that the Thirteenth Amendment prohibition on slavery and involuntary servitude applied only to humans, and thus whales lacked standing to bring action against Sea World. See Tilikum et al. v. Sea World Park & Entertainment, Inc. 842 F. Supp. 2d 1259 (S.D. Cal. 2012). A few years later, PETA sued for copyright infringement a photographer who claimed the ownership of a picture a monkey took of himself with the photographer’s camera. In both cases, the courts denied the petitions arguing that .

In 2013, the Nonhuman Rights Project (NhRP) filed an habeas corpus petition on behalf of Tommy, a captive chimpanzee. Soon after, the NhRP also filed an habeas corpus on behalf of another chimpanzee named Kiko. Both petitions were declined by the courts. In the case of Tommy, which set a precedent, the court argued that chimpanzees are not ‘persons’ entitled to the rights and protections afforded by the writ of habeas corpus; “unlike human beings, chimpanzees can’t bear any legal duties, submit to societal responsibilities, or be held legally accountable for their actions.” See *People ex rel. Nonhuman Rights Project, Inc., on behalf of Tommy v. Lavery*, 124 A.D.3d 148, 152 (3rd Dept., 2014). See also *Nonhuman Rights Project, Inc., ex rel. Kiko v. Presti,* 124 A.D.3d 1334 (4th Dept, 2015) and *Matter of Nonhuman Rights Project v. Lavery*, 152 A.D.3d 73 (1st Dept. 2017). The New York Court of Appeals would deny later the motion for leave to appeal on behalf of Tommy and Kiko, but Judge Eugene M. Fahey, in a concurring opinion, would assert that “the issue whether a nonhuman animal has a fundamental right to liberty protected by the writ of habeas corpus is profound and far-reaching. It speaks to our relationship with all the life around us. Ultimately, we will not be able to ignore it. While it may be arguable that a chimpanzee is not a “person,” there is no doubt that it is not merely a thing”. See *In the Matter of Nonhuman Rights Project, Inc., on Behalf of Tommy v. Lavery et al.*, 31 N.Y.3d 1054 (2018).

In 2015, New York State Supreme Court Justice Barbara Jaffe issued Hercules and Leo, two chimpanzees that were captive in a research center, a writ of habeas corpus and an “order to show cause”. **This is the first time a US court grants a hearing to determine the lawfulness of an animal’s detainment. Despite** Justice Jaffe would end up denying the habeas relief because she was bound to follow the previous determination of the Appellate Division in Tommy’s case, she also asserted that “efforts toextend legal rights to chimpanzees are…understandable; some day they may even succeed…As Justice Kennedy observed in Lawrence v Texas, ‘times can blind us to certaintruths and later generations can see that laws once thought necessary and proper in fact serve only to oppress.’Justice Jaffe also determined that a human or corporation has standing to bring a lawsuit on behalf of a nonhuman animal without having to allege any injury to human interests. Interestingly, she also affirmed that who is a “person” is not a question of biology, but of public policy and principle. See *Nonhuman Rights Project, Inc. ex rel. Hercules and Leo v. Stanley*, 16 N.Y.S.3d 898 (Sup. Ct. 2015). Similarly, in 2020, Bronx County Supreme Court Justice Alison Y. Tuitt, after an habeas corpus hearing, dismissed the petition presented by the NhRP on behalf of Happy, and elephant captive in a zoo, because she was bound by the legal precedent set by the Appellate Division in Tommy’s case. Nonetheless, the Judge was also supportive of the claimants’ arguments, concluding that Happy “is more than just a legal thing, or property. She is an intelligent, autonomous being who should be treated with respect and dignity, and who may be entitled to liberty.” See *Nonhuman Rights Project, Inc. ex rel. Happy v. Breheny,* No. 260441/19 (Sup. Ct. Bronx Co. 2020). In 2021, the New York Court of Appeals, accepted to consider the NhRP’s arguments in support of Happy’s legal personhood and right to liberty, marking the first time that a highest court in a US state will hear a habeas corpus case brought on behalf of a non-human being.