



Our Hen House

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Interview with D. A. Pennebaker and Chris Hegedus

By OUR HEN HOUSE

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Following is a transcript of an interview with **D. A. PENNEBAKER AND CHRIS HEGEDUS** conducted by **JASMIN SINGER** and **MARIANN SULLIVAN** of [Our Hen House](#), for the [Our Hen House podcast](#). The interview aired on Episode 227.

JASMIN: So today's episode, our guests, I'm very, very excited about them. We have a great feature interview. And it's all about film today, by the way. Film is such an important way of change making. And we're going to start with two absolute change makers through the lens of film, D. A. Pennebaker and Chris Hegedus. They're actually working on a film right now about Steve Wise and the Nonhuman Rights Project.

MARIANN: Yeah, it's to be called *Unlocking the Cage*. It's going to be groundbreaking. I couldn't be more excited 'cause these are some of the best filmmakers in the world and they're taking on this topic.

JASMIN: Yeah. I can't even tell you how excited we are. So let's just go right to that interview with D. A. Pennebaker and Chris Hegedus.

D. A. Pennebaker is the codirector of *Unlocking the Cage* and has participated in over 100 film projects and directed more than 30 feature-length documentaries. His early subjects ranged from the presidential campaign of John Kennedy to the Broadway debut of Jane Fonda. In the '60s, Pennebaker's portrait of Bob Dylan called *Don't Look Back* and *Monterey Pop* starring Janis Joplin and Jimi Hendrix were two of the earliest films using real-life drama to have a successful theatrical distribution. Since 1977 Pennebaker has partnered with Chris Hegedus on a host of acclaimed films, including *The War Room*, for which they received a 1993 Academy Award nomination. *Kings of Pastry*, their latest feature film, has been broadcast internationally and distributed theatrically throughout the United States. Just recently Pennebaker received the 2012 Lifetime Achievement Oscar from the Board of Governors of the Academy of Motion Pictures Arts and Sciences.

Chris Hegedus is also the director of the film *Unlocking the Cage* and has been a director and cinematographer for over four decades. She received the Directors Guild of America award for Outstanding Directorial Achievement and the International Documentary Association award for Distinguished Feature Film for her acclaimed 2001 film, *Startup.com*. She's also the recipient of CINE's Golden Eagle Award and was nominated for a Grierson Award. Since 1977, Chris has partnered with D. A. Pennebaker on a host of acclaimed films, including Oscar-nominated *The War Room* and Emmy-winning *Elaine Stritch*. Her

most recent film is *Kings of Pastry*, which, again, is a behind-the-scenes look at France's prestigious pastry competition.

And this is just so exciting that we're having them on. Please learn more about *Unlocking the Cage* at phfilms.com/unlocking-the-cage. On Twitter, you can follow Pennebaker Hegedus Films at @phfilms. And you could follow *Unlocking the Cage* at @utcfilm.

Welcome to Our Hen House, Penny and Chris.

PENNY: Hi.

CHRIS: Hi.

JASMIN: It's so wonderful and such an honor to have you on our show. We're just such big fans of your work. And we're particularly intrigued by the project you're working on right now.

MARIANN: Yeah, and I'd really love to know how you first got interested in Steven Wise's work. We're so thrilled that you did, but how did this come about?

CHRIS: Well, like many of our projects, it came about by somebody kind of walking in our door and asking us if we would be interested in the subject. And in this case, it was Rosadel Varela, who is our producer of the film. And her brother had taken a law course from Steve Wise and Steve was interested in somebody wanting to make a film about what he was about to go through. And she came to us, and we met Steve and we were fascinated by what he was trying to do. I mean, it seemed outrageous in a lot of ways, the idea of arguing that a nonhuman animal has the capacity to be a legal person. It wasn't something we had thought about at the time.

MARIANN: The story of what Steve is doing, I think, is probably familiar to some of our listeners but maybe not to others. There's a long story going on here, and Steve is planning on bringing a lot of litigation to establish the personhood of nonhuman animals. How are you framing the story for the purposes of film? I'm not sure that you began at the beginning of his work, and I'm not sure you'll be able to keep filming through to the end of it, unless it gets very successful very quickly. So what piece do you feel that you're covering?

PENNY: Well, for us, we don't -- our films are not scripted. That is, nobody sits down and writes them or figures them out in advance. So we always start in -- it's like jumping on a merry-go-round, and wherever you get on is where you are, and you aren't sure quite where you're gonna end up. And that's kind of the process. Filming is, for us, a little like the writing of a script. That is, we get all this information, we put it down into some format where we can look at it and kind of decide what we think it's about. But in the end -- you're never sure when the end is gonna be, but there's some point when you run out of money or you run out of strength to continue it. And then you sit down and edit it, and then the editing is when you construct some sort of theater out of it. But up to then, it's not really theater, it's more like a kind of an investigation, like a person with a microscope out looking at things to see what's really there.

CHRIS: We started shooting the film about two and a half years ago and it was at the point where Steve was gathering all these young lawyers around him who were going to help him strategize how to mount this case. And at the point we started, he was looking at all of the

United States for the best state in terms of common law to mount his case. And he had narrowed what he was gonna try to do down to the animals that had been most studied for high cognitive capabilities, and they were basically the Great Apes, elephants, whales, dolphins, parrots, and kind of through the process, he narrowed it down first to elephants and then to chimpanzees. And along the way decided that New York State would be the best state.

So we tried to follow him on this adventure legally and then also on the adventure of trying to find these plaintiffs. And it turned out that elephants were not gonna be good plaintiffs because there were no sanctuaries to release them. If his case was successful he can't just open the cage and have them walk out. They have to go somewhere. These are wild animals, and he had to find sanctuaries, and at that point there were no sanctuaries available for elephants, so he decided on chimpanzees. And in the process of following him around New York State looking for chimpanzees, it was quite an adventure because actually the first three chimpanzees that he chose all died before he was able to do his case. And one of them died just six weeks -- his name was on all of the legal briefs. So there was a lot of scrambling going on and plenty of adventure to film in Steve's story as well besides the point where he finally filed these first cases in December. And now we're waiting for the appeals.

And in the end he filed for four different chimpanzees around New York State. One was in Fulton County, Tommy, the first chimpanzee, which was being caged in kind of a used trailer lot up there by somebody who had rescued him, undoubtedly from even worse treatment. And the other two, one of which died before the case was filed, grew up in Niagara, and then two were at Stony Brook University being used for locomotion research. So they're three different courts that Steve is appealing in, and all three courts have dealt with the cases in very different ways.

JASMIN: I know that the coverage in the press of the case has really not been able to give us much of an idea of what these chimpanzees are really going through. To tell the truth, other than the *New York Times* article, the coverage has been pretty superficial, I think. Is *Unlocking the Cage* going to be able to really go into their stories?

PENNY: Well, the thing is that as far as we know, these chimpanzees are kind of treated a little like pets. That is, I don't think they're being -- any infliction of pain or anything on them. But they are kept in cages, which in a sense, most people would consider an imprisonment, sort of a thing against their liberties. So the process is really to somehow -- I mean, they aren't like dogs and cats which live to be 10 or 12 or 15 years. These animals live to be 50 or 60 years old. And for them to spend the major part of their lives locked up in a cage is kind of an imposition on them in terms of their intelligence. And I think that that's what really bothers Steve, although I suspect that in his heart he really feels that all animals are entitled to a kind of protection that only the law can give. And that may be a long time coming, but initially this is what he's trying to do right now.

MARIANN: Can you tell us a little bit about the crowdfunding campaign that you're mounting now so that this film can be completed?

CHRIS: Yeah, we're doing a Kickstarter campaign now. Like many of our films which are about real-life stories, they go on for a while, and this one especially because it's a legal story. And we've found with a lot of our films, whether they're films on Clinton's first

campaign or music films, because people don't know what the ending's gonna be, funding is always a challenge. And so we've decided to mount a Kickstarter to help fund this campaign, and we're over halfway through and we have an anonymous donor who is gonna match any contributions that people give this weekend. So we're really kind of on our final 10-day push here, and week end it will be less than that, to get this funded because we feel very strongly that what Steve is doing is really important in moving the conversation about how we view ourselves in terms of animals.

JASMIN: Yeah, absolutely. And this might be slightly tangential, but you must be really amazed by this kind of somewhat new platform of crowdfunding to bring the arts to life, such as filmmaking. Is this something that excites you as much as it does me?

CHRIS: Yeah. I think it's an amazing opportunity to kind of share our interest and passion for this subject with other people who kind of want to join us on that. And even kind of beyond that, it's interesting because we've made films for decades and Penny has made a lot of films on some of the most important rock stars out there from Dylan to Hendrix to other musicians like Stephen Sondheim. And so for rewards for our contributors, we've really dug into our archive and tried to find some unique things for people who want to join us on getting this film to happen.

JASMIN: So exciting. And as I mentioned, I mentioned the *New York Times Magazine* article and of course there was that cover story. But do you expect this film to get a lot of attention from the press?

PENNY: Well, I think that the odds are against his winning any of these cases. It's just because there isn't a lot of evidence in the laws that we have, the basically Judeo-Christian laws, that while animals are sometimes used as sort of, I don't know, there were cases where they would put cats on trials or dogs on trial and pigs on trial. But I think that was just kind of a sort of sign to local animosity. But the fact is that to try to engage animals in the legal world faces a lot of opposition.

I noticed that one of the letters to the *Times* this week of their story, the person said, "Well, the whole purpose of law is that a person that's subject to law has to pay a penalty if he disregards it or evades it in some way. And animals can't be made to do that." Well, the fact is that if you really dig into it the way Steve has, there are people born with all sorts of infirmities that their brains don't work and they can't speak. They couldn't -- even if you thought they evaded the law, there's no way you could punish them in any way. And these people are still protected by the law. And animals are entitled to some kind of protection, whether they -- they're not gonna be made to vote or pay income tax particularly, but somehow their lives will not be spent in cages just because nobody knows what else to do with them.

MARIANN: That's very well said. And that really goes to the essence of what Steve is arguing.

PENNY: Yeah. I think he's a voice of the future. And that's what, really, I heard and it made me think, what the hell are we doing about it? We're filmmakers. We're supposed to be filming a sense of where the road to the future's going, and this movie should be doing this.

MARIANN: Well, I really hope you're right that he's the voice of the future 'cause I think what he's saying obviously makes a lot of sense to us. I'm curious to know whether animals have been a long-term concern of yours, or whether hearing about Steve's work just particularly moved you and made you start thinking about this issue.

PENNY: Well, we became a dog owner relatively recently, about 10, 15 years ago. Our daughter found a dog that she kind of fell in love with. And it was out in Los Angeles actually, Victoria Williams, whose neighbor had these puppies. And I said, "Well, we don't have a dog in New York. Why would we want a dog in New York? Why would anybody in New York City want a dog?" And she just said, "Come on, Dad. Smarten up," and really put it to me. And so we finally got this puppy who was about three or four months. And he was the size of a small piano really, but he was still a puppy, and we had to build a box to fly him back to New York. It was such a to-do, and when I got him back, I said, "Now, who's gonna walk him when it's snowy and rainy?" And my daughter said, "We'll see." And of course in the end we did start walking him. And our lives, much to my amazement, totally changed. And we began walking Bix, which was the name of the dog, every morning in Central Park, between 8 and 9 because then you could take him off the leash. And in doing so we met a whole group of dog owners similar to ourselves, and they became our friends. And the people that we'd known previously all disappeared from our lives.

And so our entire lives changed in ways that I never anticipated because I thought, you live in the city and you can concentrate on the things that matter. Well, it turned out Bix mattered. And my sense of animals emerged in a way that I had never even thought about it before. And it wasn't just that he was a pet, but he was like a person, not -- everybody, their pets became members of their family. And when Bix, his rear legs, the thing that connects them and makes them work -- well, when that went, in order to fix it you have to go do a very expensive operation, like 3000 dollars a leg. And you don't hesitate. You don't say, "Well, let's see. He's just a dog. We could get rid of a dog. He's only got four more years to live." Whatever it is, you just don't hesitate. And so you find yourself trying to figure out what this furry creature knows that you want to know. And that changes your feelings toward animals in general, so that when we met Steve I was already ready to love dogs and cats, and suddenly he was proposing that I love all animals in some way and understand them. And I had never thought about it that way, and I began to.

CHRIS: I think our journey also really increased our admiration and understanding about animals, especially chimpanzees, because we spent some time with some of the leading primatologists that Steve has that have given affidavits for his lawsuit. And we went and visited one of the most famous, which was Kanzi, who Sue Savage-Rumbaugh has taught for the past 30 years how to communicate with her using a symbol board. And either on a computer or on boards, I know, as much as you can tell we loved our dog and our dog understood us, Kanzi understood English in a way that was beyond what I've ever had communicating with another nonhuman animal.

PENNY: Startling!

CHRIS: And just to see that was very inspiring. And this summer we're hoping, once we get our funding through our Kickstarter hopefully, to visit with Mary Lee Jensvold, who has been working with some of Roger Fouts' chimpanzees. And Roger Fouts was one of the very first people who taught sign language to chimpanzees. And one of the chimpanzees there was

actually taught sign language from another chimpanzee. So it's a chimpanzee who has learned a human language from a nonhuman animal.

JASMIN: Wow.

MARIANN: I just think your journey has been so fascinating. And like so many of us, your journey started with a dog. How many of us have started down this road by getting to know a dog and realizing there's so much more there than we ever thought about before? But your journey has really taken you to fascinating places. And I'm so excited that this film is going to take us to those places too. Can you tell us a little bit about what you've filmed so far -- you've mentioned a few things you've filmed so far -- and what you'll be filming next?

CHRIS: Well, we've filmed a lot of Steve and his Nonhuman Rights Project strategizing. We've filmed Steve's teaching. I was with Steve on his journey to find these chimpanzees, and it was a slightly undercover journey, not totally undercover. But he was just trying to make sure that they did exist in New York State. And we also accompanied Steve when he filed his first cases, and I was sitting in the courtroom for Judge Sise when he did the oral hearing with Steve, which was an amazing experience for him after 30 years.

PENNY: Of being rejected.

CHRIS: Well, after 30 years of waiting for that moment, finally having your very first moment in court and trying to tell a judge what he thought.

JASMIN: Yeah. Wow. Do you have a glimpse for us into maybe one or two of your favorite scenes? Was it perhaps one of the ones you just mentioned?

CHRIS: I don't really know what my favorite one is now.

PENNY: We haven't started to figure that out.

CHRIS: Yeah. I think as an experience, I think being with the animals themselves is an amazing experience. We've also gone to two amazing sanctuaries, Save the Chimps, and the Center for Great Apes, both in Florida. One of them, Save the Chimps, was the sanctuary that was set up to first rescue the chimps that were used in our space program. They were the first beings that we sent out into space, and they came back and led the way for us doing our space journeys. And they did so much and then they were just kind of thrown into medical research.

PENNY: Right. None of them got medals...

CHRIS: They were sent into a dungeon type of holding place and they were finally rescued and sent to sanctuaries.

PENNY: By Carol Noon.

CHRIS: Yeah, by Carol Noon, and it's an incredible sanctuary that she made 12 islands where the chimpanzees can actually run free on these islands, because chimpanzees are very heavy so they don't float, so they're not big swimmers or anything. And then the Center for Great Apes, Patti Ragan's sanctuary, has a lot of the chimpanzees that were used in movies and television shows. And chimpanzees, they're like little children when they're young. They're just so lovable and they're very much like kids and curious and you can hold

them and take them around and kind of communicate with them. But when they get bigger, they're very, very strong and wild animals, and the entertainment industry for decades has been using chimpanzees and then when they get to be six or seven, they just again are kind of thrown into these other places and abandoned. And Patti Ragan has rescued quite a few of them, including Michael Jackson's chimpanzees.

JASMIN: Wow. And what will you be filming next for the movie?

CHRIS: Well, the next thing is I'm going to go up and film with Mary Lee Jensvold at another sanctuary called Fauna, up in Montreal, and then hopefully in the fall the appeals will start happening. Steve may also do a moot court, and we'll probably film that as well.

JASMIN: I think that Mariann was actually approached about possibly being a judge for that moot court, so that would be so exciting.

MARIANN: Yeah, that would be exciting.

PENNY: Yeah, it would be great. Well, we're also -- I think we were given permission to film in the first appearances that he will have in the fall. So that will be our first time. I mean, the thought from the beginning for me was, if you could have a camera and film in the court in which somebody decides that animals should be given the status of the law, it would be like being in the court in England when Mansfield declared runaway slaves to be free. And it changed the whole course of slavery in England just instantly.

MARIANN: Yeah, and I hope more than anything in the world that you are there to film that. But the fact is it's going to be hard to film these. But what's so amazing about what you're doing is that even if he doesn't win the court cases right away, by making this film you're just changing the conversation. You're opening this up beyond the limited reporting that's going to be in the papers.

PENNY: I know.

MARIANN: And you're really going to be able to make people think about it in a new way.

PENNY: That's what we think. What you do is even if he wins, nobody really understands what that means. And they all have very impractical concepts of it. But it raises issues that have never really been raised before. And that's really, in the end, what you want to do.

CHRIS: Yeah, how to broaden our scope to include animals, I think, is really what's coming up.

JASMIN: Well, we are just so excited about everything that you're working on. And we'll be posting links to the film and to your Crowdfunding campaign on the article that corresponds with today's podcast episode. And I'm just so grateful to you for taking the time to share your wisdom with us and also with the world by this unique lens of this film. And I'm truly grateful to you for all that you're doing to change the world. And thank you so much for taking the time to talk to us today at Our Hen House.

CHRIS: Well, thank you. And thank you, anybody out there who wants to support us on Kickstarter. It's *Unlocking the Cage*, the name of the film.

PENNY: That's right. Do you go on our website, or no?

CHRIS: Yeah. You could go on our website, pfilms.com.

PENNY: Yeah.

JASMIN: Great. Well, I think people definitely will be doing that because they, I'm sure, adore you as much as we do. So thanks again for joining us today.

PENNY: Okay.

CHRIS: Thank you, Jasmin. Thank you, Mariann.

PENNY: Thank you for calling. Bye bye.

JASMIN: Thank you.

That was D. A. Pennebaker and Chris Hegedus.