

CONSERVATION FORCE

PRESS RELEASE

Conservation Force and partners appeal dismissal of suit against Delta Air Lines

July 12, 2016

On Friday, Conservation Force, Dallas Safari Club, Houston Safari Club, CAMPFIRE Association (Zimbabwe), and the Tanzania Hunting Operators Association (TAHOA) filed a notice to appeal the dismissal of their suit against Delta Air Lines, Inc.

In December 2015, these plaintiffs sued Delta to compel an end to Delta's illegal embargo on the transport of "Big Five" hunting trophies (African elephant, leopard, lion, rhino, and Cape buffalo). Delta imposed that embargo on August 3, 2015, following the media uproar over the hunt of "Cecil the lion." The plaintiffs alleged that Delta's embargo violates Delta's duty of non-discrimination as a common carrier under federal common law and aviation law. They argued Delta is a common carrier which "holds itself out" to carry cargo including other hunting trophies. Because it holds itself out to carry a wide range of cargo, Delta cannot discriminate against Big Five hunters and their trophies.

In June, the court found for Delta and dismissed the plaintiffs' complaint. The court held that a common carrier may limit its cargo to "items of its choosing," including distinguishing between Big Five trophies and other hunting trophies. The plaintiffs are appealing the district court's ruling because it takes too narrow a view of the common-law obligations of a common carrier.

"A public carrier cannot 'cherry-pick' like Delta is doing," said John J. Jackson, III, President of Conservation Force. "The legal duty exists to protect shippers and their cargo from discrimination. Otherwise, you have a situation like this, where Delta is carrying some hunting trophies but refusing the ones that are unpopular among Facebook activists. But a public carrier is not allowed to base its decisions on a popularity contest. Its job is to provide unbiased transport." Plaintiffs will also appeal the dismissal of their tortious interference claim.

The plaintiffs brought this suit because Delta's embargo damages the conservation incentives of safari hunting. According to Jackson, "Big Five hunting justifies the preservation of most Big Five habitat. It generates most funding for wildlife authorities. It underwrites most anti-poaching. And it contributes revenues and direct benefits, like meat, to rural communities most affected by the Big Five and other dangerous game. Delta's embargo discourages Big Five hunting, and it reduces hunting revenues. The Big Five are the most at-risk from the loss of habitat, anti-poaching, and local tolerance that will result from reduced hunting revenues."

The plaintiffs are appealing to the U.S. Court of Appeals for the Fifth Circuit in New Orleans. For more information, contact Jackson at: (504) 837-1233 or cf@conservationforce.org.

#####