

# Using FOIA/Open Records Laws to Research Vivisection

by Jeremy Beckham

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Sadly, much of what happens inside vivisection laboratories around the country is funded with our tax dollars. The **National Institutes of Health (NIH)** is a federal governmental agency under the Department of Health and Human Services and is the largest source of funds for animal research in the world. Much of this public money is passed on to public institutions (**state universities**) in the form of grants to carry out specific research projects using animals. The labs are then inspected and (at least nominally) regulated by the **Animal Plant and Health Inspection Service (APHIS)**, which is under the **United States Department of Agriculture (USDA)**.

**All of these institutions are subject to public records laws** as they are taxpayer-funded public institutions and agencies.

Use the federal **Freedom Of Information Act (FOIA)** when requesting documents from a federal agency, including **USDA/APHIS or NIH**.

Use **state open records laws** when requesting documents from a state or local governmental institution, such as a **publicly funded college or university**.

Sadly, even when the NIH uses our money to fund vivisection at a private institution (i.e. the Ivy League schools, Emory University, etc.), you are not able to make a state records request with the private institution.

## FOIA

FOIA is most frequently used with the USDA when requesting inspection reports for a lab. Since these records are housed and maintained by a public agency, you can even request this particular record even if it pertains to a private institution. USDA even has an online FOIA form on their website that allows you to simply fill in the blanks. Be sure to clearly identify the institution that you are asking about, provide a time frame of the records (so they don't think you want all inspection reports ever), and request **inspection reports and all related or supplemental records to inspection reports** for that institution.

## State Open Records Laws

All 50 states have their own open records laws that in some ways are more powerful than FOIA. Generally, the time frame in which an institution must respond is much shorter than with federal requests. Also, appealing a denial is often much easier for an individual when dealing with state open records laws than with FOIA.

The Student Press Law Center has a fantastic fill-in-the-blanks generator for state open records requests. It can be found at: <http://www.splc.org/foiletter.asp>. You will find a sample letter on the reverse side of this page.

Any documents you obtain through FOIA/State Open Records Laws, please pass along to me at [jeremy@primatelabs.com](mailto:jeremy@primatelabs.com) or in the mail at the PO Box in the sample letter below. We would love to scan them in and put them on display on our website.

*Disclaimer: Please remember that our basic democratic foundations and principles, including openness and transparency in government, have continually eroded in our post-9/11-never-ending-War-on-Terror-hyper-paranoid-Big-Brother-Orwellian-Huxleyan American society. Nothing stated herein is guaranteed to be true indefinitely, or even very long at all. Laws guaranteeing access to records are continually weakened and skirted with impunity by government. Plus, remember the golden rule with vivisection: **the law is what they make up as they go.***

SAMPLE LETTER

June 27, 2009  
Nancy Haigwood  
Oregon National Primate Research Center  
505 NW 185th Avenue  
Beaverton, OR 97006-3448

Dear Ms. Haigwood,

Pursuant to the state open records law, Utah Code Ann. secs. 63-2-101 to 63-2-1001, I write to request access to and a copy of **a current census of all nonhuman primates housed at any and all facilities owned or operated by Oregon Health & Sciences University/Oregon National Primate Research Center; including the species, sex, identification number, name (if applicable), and date of birth for each animal.** If your agency does not maintain these public records, please let me know who does and include the proper custodian's name and address.

I agree to pay any reasonable copying and postage fees of not more than \$20. If the cost would be greater than this amount, please notify me. Please provide a receipt indicating the charges for each document.

As provided by the open records law, I would request your expedited response within five (5) business days. I am seeking the information for publication or broadcast to the general public.

If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. Also, please provide all segregable portions of otherwise exempt material.

Please be advised that I am prepared to pursue whatever legal remedy necessary to obtain access to the requested records. I would note that violation of the open records law can result in a fine of up to \$1,000 and the award of litigation costs and reasonable attorney fees.

Thank you for your assistance.

Sincerely,

/s/

Jeremy S Beckham  
PO Box 521352  
Salt Lake City, UT 84152  
801-555-5555

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Things you can request and generally get:

- A census of animals (or specify species, dog, cat, primate, etc.)
- USDA Inspection Reports
- IACUC meeting minutes
- Protocols (a detailed description of the experiments)
- Correspondence between the institution and USDA/APHIS
- Veterinary records, autopsy reports, daily care log for individual animal(s)

In some cases you can even get:

- Photos and videos (although they can't **create** a record to fulfill request)
- Roster of employees, including title/salary (often expressly mandated by law)