

*Kasheera Individual*

*Abbey*

*EC  
AC  
IES*

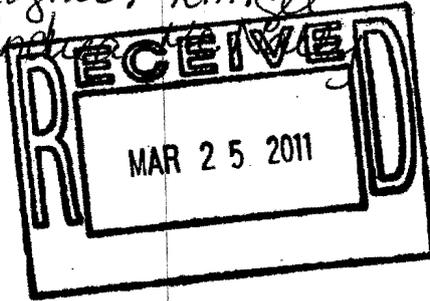
*Andrea McPhally*

**Jeffrey S. Kerr**  
General Counsel and  
Senior Vice President of Corporate Affairs  
(202) 540-2171  
JeffK@petaf.org

*Abbey Shaffer*

*Meghan Klincel*

*Andrea*



March 25, 2011

Tonya Woods, FOIA Officer  
Freedom of Information Act (FOIA) Request  
Animal and Plant Inspection Service  
4700 River Road, Unit 50  
Riverdale, MD 20737

**VIA ELECTRONIC MAIL TO: FOIA.OFFICER@APHIS.USDA.GOV**

Re: Request for Expedited FOIA Processing and Records  
**APR 22 2011**

Dear Ms. Woods:

On behalf of PETA and pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and the accompanying United States Department of Agricultural ("USDA") regulations, 7 C.F.R. §§ 1-1.9, I respectfully ask that the USDA expedite processing of this request and produce the following records dated between November 18, 2010, and the date this FOIA request is processed:

- All records concerning or relating to any communications between the U.S. House of Representatives Agricultural Committee or any subcommittee, member, employee or representative thereof ("Committee"), and any USDA representative regarding the USDA's November 18, 2010, inspection of Feld Entertainment d/b/a Ringling Bros. and Barnum & Bailey's ("Ringling") Blue Unit in Chicago ("November inspection");
- All internal communications between and among USDA personnel concerning the Committee and the November inspection;
- All records concerning or relating to Ringling's agents—including but not limited to Brent Gattis and the law firm of Olson Frank Weeda—regarding the November inspection.

For the purpose of this request, "records" includes, but is not limited to: letters, correspondence, memoranda, meeting minutes, briefings, facsimiles, emails, notes, telephone messages, transcripts, declarations, images, illustrations, studies, assessments, reports, and all other written, printed, electronic, or typed documents.



PEOPLE FOR THE ETHICAL  
TREATMENT OF ANIMALS  
FOUNDATION

This request meets the criteria for expedited processing under 7 CFR § 1.9(b)(2), as there is “[a]n urgency to inform the public about an actual or alleged federal government activity . . . made by an individual primarily engaged in disseminating information . . . .”

### **Urgency to Inform the Public Concerning the Committee’s Interference with a Current USDA Investigation**

The Committee’s actions are of vital public interest and the public must be immediately informed because the Committee is attempting to interfere with and chill USDA’s current investigation into possible violations of the Animal Welfare Act (“AWA”) by Ringling. The Committee’s conduct in question includes:

- Demanding that USDA representatives present themselves to the Committee to justify the November inspection;
- Criticizing and questioning the USDA representatives about the inspection and citations;
- Falsely suggesting that in conducting the November inspection, the USDA was “in cahoots” with animal protection groups and was overstepping its authority.

Unless this request is expedited, members of the public to whom this information will be disseminated may lose the ability to object to the Committee’s wrongful conduct in order to prevent further chilling of the USDA concerning the November inspection.

Expedited processing and receipt is also needed to ensure that the Committee cannot be allowed to thwart any future USDA investigations of any licensed exhibitor. USDA properly conducted an unannounced inspection of a licensed exhibitor which has a long history of animal abuse and violations of the AWA and its regulations. Indeed, the USDA’s report concerning the November inspection found multiple violations of the AWA by Ringling, including interference with the inspection and failure to provide proper veterinary care to a young elephant.

### **For Over 30 Years PETA Has Primarily Engaged in Disseminating Information Concerning Animal Protection to the Public**

Since its founding in 1980, PETA has been, and continues to be, primarily engaged in the charitable work of gathering and disseminating information to the public regarding animal protection issues, including the mistreatment of animals in circuses. For example, PETA’s website, [www.ringlingbeatsanimals.com](http://www.ringlingbeatsanimals.com), educates the public about Ringling’s cruel training methods by showing undercover video footage featuring Ringling employees whipping elephants and other circus animals. PETA also disseminates this information to the public by demonstrating at Ringling events throughout the United States.

PETA also disseminates information regarding animal protection to hundreds of thousands of people daily through a wide variety of media, including:

- Its websites, including [www.peta.org](http://www.peta.org) with approximately 100,000 visitors, *daily*;
- PETA Files blog, <http://blog.peta.org>, which averages 10,000 visitors, *daily*;
- Its e-news that reaches over 500,000 subscribers;
- Its youth outreach campaign e-news service that reaches over 430,000 subscribers;

- Its "Animal Times," a quarterly print magazine, which has a worldwide circulation of over 410,000— including all members of the U.S. Senate and House— and discusses current animal protection topics;
- Its daily press releases about animal protection issues, including circuses, to major local, state, national, and international media outlets.

PETA is a non-profit public interest organization and as such PETA requests that all fees be waived pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). PETA has no commercial interest in the requested information, and its disclosure will contribute significantly to the public's understanding of the USDA's administration of the AWA. Further, it is in the public's interest to be informed about agency actions, especially when one branch of government is attempting to interfere with the statutory and regulatory duties of a co-equal branch. For these reasons, the USDA has routinely granted PETA a fee waiver. However, should you need additional information to process this request for a fee waiver, please let me know as soon as possible.

I certify that the statements contained in this letter regarding the alleged activity and public concern are true and correct to the best of my knowledge.

Very truly yours,

Jeffrey S. Kerr



Davi Lang  
<DaviL@petaf.org>  
03/25/2011 02:09 PM

To "foia.officer@aphis.usda.gov" <foia.officer@aphis.usda.gov>  
cc Jeff Kerr <jeffk@petaf.org>  
bcc  
Subject

Dear Ms. Woods:

On behalf of Mr. Kerr, please see the attached letter. Thank you.

**Davi Lang**  
Legal Assistant to the General Counsel  
The PETA Foundation  
Tel: (202) 540-2182  
Fax: (202) 540-2208  
DaviL@petaf.org

**Please consider the environment before printing this email.**