

June 2, 2017

Illinois Legislature Passed Beagle Freedom Bill Next Step: Governor

Late Tuesday night, the Illinois Legislature passed the so-called Beagle Freedom Bill (S.B. 1884), by a vote of 115-0. Not voting were Representatives Mark Batinick (R), Emily McAsey (D) and Anna Moeller (D).

Thank you to the 340 members of the biomedical research community who sent opposition letters to your state representatives.

The bill now moves to Governor Bruce Rauner's desk, where he will have 60 days to either sign or veto the legislation.

Please share this message with your Illinois colleagues, family and friends and encourage them to urge Governor Rauner to support science and VETO S.B. 1884!

[CLICK HERE TO SEND A LETTER OF OPPOSITION TO ILLINOIS GOVERNOR BRUCE RAUNER](#)

So far this year, research animal adoption legislation has been introduced in ten states and has failed in Hawaii, Iowa, Maine, Maryland, North Dakota and Texas. Aside from Illinois, legislation is pending in Massachusetts, New Jersey and Rhode Island. Stay tuned for more updates about Beagle Freedom Project legislation within the states.

POLITICO Story Raises Questions About Beagle Freedom Project

On Monday morning, [POLITICO published a story](#) raising questions about the Beagle Freedom Project (BFP). Kevin Kjonaas, who currently serves as BFP's director of operations and frequently uses the name Kevin Chase, was sentenced to 6 years in federal prison in 2006, which he served for his role in [directing campaigns of harassment](#) against researchers and individuals connected to them. As then-president of the now defunct animal rights groups Stop Huntingdon Animal Cruelty (SHAC USA), Kjonaas and five of his cohorts were each convicted by a federal jury in Trenton, New Jersey under the Animal Enterprise Protection Act (18 USC 43). Chris Christie was the US Attorney overseeing the case at the time. [Click here for a sentencing press release](#). Publicly available [court documents](#) as well as a summary from the [Anti-Demation League](#) tell a chilling story. To read the full POLITICO story, [follow this link](#).

As we have reported numerous times before, BFP is an animal rights organization that aims to end all animal research, but publicly claims a more mainstream mission: finding homes for former research animals.

HSUS to Fund Open-Access Independent Review Articles

The Humane Society of the United States (HSUS) and its international arm, Humane Society International (HIS), is offering grants of up to \$10,000 to support open-access publication of independent review articles. [Per the Human Toxicology Project Consortium's website](#), the reviews submitted by health scientists should:

- "Examine the state of the science in a specific area of human biomedicine, including current understanding of the underlying pathophysiological pathways and network;
- Critically evaluate the human relevance, translational success and limitations of conventional research models;
- Offer concrete recommendations/roadmap for optimizing the funding and use of advanced, human-specific tools and approaches (pathway paradigm as an organizing framework, primary human cells/tissues, iPSC, organoids, bioengineering, computational systems biology modeling, etc.) in the disease area under discussion;
- Be accepted for publication in a high-visibility, peer-reviewed journal."

In 2019, a workshop will take place to review the findings from the review articles.

ALDF's Case Against the USDA and APHIS Suffers a Blow

There are new developments in the [Animal Legal Defense Fund's \(ALDF\) case](#) against the U.S. Department of Agriculture (USDA) and the Animal and Plant Health Inspection Service (APHIS) pertaining to the removal of a database containing facility inspection reports. ALDF has alleged that the USDA breached its duties under the Freedom of Information Act (FOIA) by blocking public access to the database. The federal FOIA requires agencies to produce requested documents for public inspection, though the Act includes nine exemptions to protect sensitive information and personal privacy.

As reported in past *NABR Updates*, USDA restricted access to the database in order to review documents and to prevent the release of private information not subject to disclosure. APHIS issued a public statement explaining the documents' removal was temporary and indicated they would be reposted once reviewed. Though the review is ongoing, tens of thousands of documents have now been reposted on the website for public inspection.

ALDF sought a preliminary injunction to compel the USDA to grant public access to all previously-available documents on the databases, claiming that in their failure to make the documents publicly available, USDA and APHIS are in violation of the FOIA. To succeed on a motion for preliminary injunction, ALDF needed to show four things: that they were likely to succeed on the merits of the case, that there was a likelihood of irreparable harm if the injunction is not granted, that the balance of harms weighed in their favor, and that public interest favored granting the injunction. The judge ruled against them on each point.

[The judge stated in his ruling](#) that ALDF is "not likely to succeed on their FOIA claim... [C]ourts may order production of documents to specific plaintiffs but cannot mandate publication to the public as a whole." The judge also concluded that "federal courts do not have the power to order agencies to make documents available for public inspection... While plaintiffs may bring suit to enforce section 552(a)(2) and may seek injunctive relief and production of documents to them personally, they cannot compel an agency to make documents available to the general public." This ruling is important because few courts have addressed whether agencies can be required to provide records to the public at large.

The ruling argued that because USDA has resumed posting up-to-date documents, ALDF is not likely to suffer irreparable harm. Additionally, regarding questions of whether the balance of harm weighed in ALDF's favor and of whether public interest favored granting the injunction, the ruling concluded that these considerations were outweighed by the updated documents made available by USDA and by the agency's need to protect against the improper release of private information.

Although ALDF's Motion for Preliminary Injunction was denied, the case is still ongoing. USDA and APHIS have filed a Motion to Dismiss and a hearing date [has been scheduled for August 9th](#). It is also possible that ALDF may drop [the case](#) before then based on this order. NABR will continue to monitor and communicate further updates regarding this case.

Global Protests to Occur on Sunday for 'National Animal Rights Day'

As designated by an animal rights group called “Our Planet. Theirs Too,” this Sunday, June 4, is [“The National Animal Rights Day.”](#) According to its website, the group plans to coordinate protests in [cities throughout the world](#) including Albany, NY, Cleveland, Dallas, Los Angeles, Miami, New York City, Northampton, MA, San Francisco, Seattle, Tucson, AZ, and Washington, D.C.

The National Animal Rights Day has been observed by animal rights activists on the first Sunday in June since 2011. The event began “for the purpose of giving a voice to all animals and raising awareness for their rights, until all animals are free from enslavement and their rights are established and protected by law.” Please ensure your security personnel are aware of any possible protests in your area on this day.

Please Submit Questions for NABR’s July Webinar, “Q&A with the USDA”

NABR’s most requested webinar, [“Q&A with the USDA: The Fifth Edition.”](#) is just around the corner and it’s time to submit any questions you’d like to be addressed. Join Drs. Elizabeth Meek and Bill Stokes, the U.S. Department of Agriculture’s Eastern and Western Region Assistant Directors for Animal Welfare Operations, on July 18 for the opportunity to ask questions about the USDA’s inspection and reporting process directly to the leadership responsible for the oversight of this process at animal research facilities.

As you may know, there have been a lot of changes since NABR’s Q&A webinar last year. New terms, “critical noncompliance” and “focused inspection” have been introduced, and access to information on the inspection process has been affected. To better understand what impact these and other changes may have on your institution, you won’t want to miss this must-see webinar for NABR members.

Please submit any questions you would like addressed to info@nabr.org in advance of the webinar. Questions will be reviewed and formatted to prevent duplication and will be answered in the order they are received. All questions will remain anonymous. [Register today](#) for this exclusive, Members Only webinar, [“Q&A with the USDA: The Fifth Edition.”](#)