April 6, 2005

Lesia Banks
Assistant Director for Freedom of Information
USDA
4700 River Road, Unit 50
Riverdale, MD 20737-1232

1 page via fax: 301-734-5941

Dear Ms. Banks:

This is a request for public records made on behalf of People for the Ethical Treatment of Animals (PETA) pursuant to the federal Freedom of Information Act (FOIA), 5 U.S.C. § 552, as amended.

PETA is requesting an update on the complaint that Nicole Meyer submitted on June 18, 2004 about the sudden death of two elephants at the Culpepper & Merriweather Circus (73-C-0144).

Has USDA has investigated this complaint? If so, we are requesting all agency records related to the investigation. This request includes, but is not limited to, the report of the investigation conducted by USDA. If records which are responsive to this request are located in other USDA offices, please forward this request to all appropriate offices.

Please consider “agency records” requested under the FOIA to include reports, studies, correspondence, memoranda, meeting notes and minutes, drafts and working papers, notes and summaries of conversations and interviews, e-mails, and any other forms of written or recorded communication, including internal agency staff memoranda, photographs, videotapes, Animal Care inspection reports, records of violations and alleged violations of the Animal Welfare Act, records of complaints and response taken, copy of the written veterinary care program, necropsy reports, inventories, and records of acquisition and disposition.

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 USDA’s regulations and policies as applied to exhibitors of animals such elephants.

If you have any questions about this request, please contact me at 757-962-8218.

Very truly yours,

Hannah Schein, Manager
Captive Exotic Animals Department