



## NONHUMAN RIGHTS PROJECT

April 16, 2018

Kitty Block, Esq.  
Acting President and Chief Executive Officer  
The Humane Society of the United States  
1255 23rd Street, NW, Suite 450  
Washington, DC 20037

*By Mail and Email to KBlock@humanesociety.org*

Dear Ms. Block:

On behalf of the Nonhuman Rights Project (NhRP), I congratulate you on your new leadership position with the Humane Society of the United States (HSUS).

However, having read your March 28<sup>th</sup> *Humane Nation* [blog post](#) about the release of chimpanzees Hercules and Leo from the New Iberia Research Center (NIRC) to the HSUS affiliate organization Project Chimps, I write to express three serious concerns that the NhRP has.

**First, we are deeply troubled by the misleading public narrative HSUS and Project Chimps are creating in apparent deference to NIRC.**

As we believe you know, Hercules and Leo became the NhRP's clients in 2013 when we first sought recognition of their legal personhood and right to bodily liberty and demanded their immediate transfer from a Stony Brook University basement laboratory to Save the Chimps sanctuary. They remain our clients today. It is solely through this historic court case and the NhRP's efforts that the story of Hercules and Leo's terrible suffering became public knowledge. Accordingly, public support for transferring them to Save the Chimps sanctuary—where they could live and move freely in the open air among other chimpanzees—has grown.

You write in the first sentence of your post that “the world changed dramatically” for Hercules and Leo when they arrived at Project Chimps. We agree. For the first time in their young lives, Hercules and Leo were finally free of Stony Brook and NIRC, both of which deprived them of their freedom and mercilessly exploited them for over a decade.

While your post suggests what they endured at Stony Brook, it fails to acknowledge that NIRC, which “owned” Hercules and Leo and “leased” them to Stony Brook, shares a great deal of responsibility for their suffering. Instead, your post praises NIRC for integrating Hercules and Leo into a social group after they left Stony Brook. **Even more troublingly**, your post says nothing of Project Chimps’ role in keeping Hercules and Leo imprisoned at NIRC for more than *two and a half years* after the NhRP’s litigation forced Stony Brook to end its experimentation on them. During that time, NIRC and Project Chimps refused numerous requests by the NhRP and Save the Chimps to transfer them immediately to Save the Chimps, the premiere chimpanzee sanctuary in North America, first directly from Stony Brook, then from NIRC.

HSUS’ acknowledgement that “the world changed dramatically” for Hercules and Leo the day they arrived at Project Chimps underscores the impropriety of Project Chimps and HSUS having allowed them to languish at NIRC for more than two years rather than facilitating their immediate transfer to Save the Chimps which, unlike Project Chimps, is fully operational, has ample outdoor habitats that are freely accessible to all chimpanzee residents, and doesn’t need to aggressively fundraise in order to become fully operational. Moreover, Save the Chimps repeatedly offered to care for Hercules and Leo and their social group for the rest of their lives at no cost to anyone. HSUS’ and Project Chimps’ actions in this regard are outrageous and unacceptable.

Hercules and Leo’s complete and undistorted story is an important part of the broader history of the fight for nonhuman rights and the suffering of nonhuman animals in research facilities. We owe it to Hercules and Leo not to gloss over their prolonged suffering and to call out—loudly and clearly—those entities, including Stony Brook and NIRC, that bear responsibility for it.

**This brings us to our second concern regarding the inappropriate manner in which Project Chimps is using Hercules and Leo for fundraising.**

Since Hercules and Leo’s arrival, Project Chimps has relentlessly used their names and images in numerous fundraising and sponsorship pleas on their website and on social media. During this time, Project Chimps has neither fundraised on nor offered sponsorship opportunities for any of the seven other members of Hercules and Leo’s social group. While we understand the need to highlight individual chimpanzees for fundraising purposes, Project Chimps’ rhetoric capitalizes on Hercules and Leo’s mental and physical suffering, coming dangerously close to if not actually re-exploiting them to raise funds.

For example, on March 28<sup>th</sup>, Project Chimps published a Facebook [post](#) that shows Leo sucking his thumb accompanied by the following text: “11-year-old Leo sucks his thumb for comfort – a coping behavior he developed after he and Hercules were used in locomotion studies, forced to walk upright with electrodes implanted in their muscles. Please sponsor them today.” It is improper for Project Chimps to oversimplify Leo’s history and use his mental and physical suffering—which Stony Brook perpetrated, NIRC enabled, and the NhRP halted—to elicit sympathy from donors and motivate them to

donate to Project Chimps. It is unconscionable for Project Chimps to draw on the effects of Hercules and Leo's trauma for fundraising when it forced them to suffer for more than two years at NIRC and when these funds don't provide any benefit to Hercules and Leo beyond what Save the Chimps would have been able to provide from the start.

At the same time, this post uses the passive voice to describe Hercules and Leo's lives as research subjects, thus erasing any culpability on the part of NIRC or Stony Brook. We see this language also on Project Chimps' [webpage](#) for the "exclusive, limited sponsorship of Hercules and Leo" ("These two nonhuman primates were used," "They were forced"). This language leaves readers with no indication that it was NIRC that leased Hercules and Leo to Stony Brook, which in turn used them in experiments and forced them to participate. We know through documents obtained pursuant to a Freedom of Information Act request that Project Chimps' contract with NIRC includes a non-disparagement clause. We find it disgraceful that Project Chimps would agree to enter into an agreement that prevents them from telling the truth about NIRC. We therefore don't expect Project Chimps to write or say anything negative about NIRC, even when it's the truth. But we see no reason why Project Chimps can't make clear that NIRC owned Hercules and Leo and leased them to Stony Brook.

On the same page, Project Chimps writes that Hercules and Leo were "gratefully retired to the New Iberia Research Center." This is simply an outrageous falsehood. Hercules and Leo were not "gratefully retired" to NIRC.

The documents the NhRP received pursuant to its FOIA request make clear that it was solely because of the NhRP's litigation that Stony Brook ordered the termination of research on Hercules and Leo and their removal from the laboratory and that NIRC, like Stony Brook, desired to avoid the continued scrutiny of Hercules and Leo's plight brought on by our litigation. Any inference of gratitude on the chimpanzees' part is absurd. Calling their transfer a "retirement" merely because NIRC and Stony Brook were no longer using them in experiments is grossly hypocritical.

To suggest that NIRC or any other research facility that uses nonhuman animals in experiments comes anywhere close to providing the respect and freedom that true sanctuaries do is harmful rhetoric to all nonhuman animals who remain imprisoned in them. NIRC is an institution that bred, sold, loaned, and researched on chimpanzees. It still experiments on 6,000 other nonhuman primates. NIRC's actions were not altruistic; rather, they were motivated by a combination of money and changes in policies regarding the use of chimpanzees in research.<sup>1</sup>

As you know, in March of 2009, HSUS issued a [detailed report](#) based on a comprehensive undercover investigation of NIRC, stating that HSUS had filed a 108-page complaint against NIRC alleging approximately 338 possible violations of the federal Animal Welfare Act, noting that the investigator had "documented acts of cruelty

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<sup>1</sup> On November 17, 2015 the National Institute of Health announced that it would no longer support the use of chimpanzees in biomedical research. This announcement followed their 2013 decision to reduce the use of chimpanzees in agency-supported biomedical research.

and neglect,” and stating that “HSUS’ findings graphically demonstrate how routine practices cause primates untold physical and psychological distress” at NIRC, with the chimpanzees housed at NIRC among the named victims. In 2017, NIRC [paid](#) a \$100,000 fine to the USDA to settle charges of serious misconduct, which is the fifth largest fine ever levied by APHIS against an animal laboratory. Yet Project Chimps obscures NIRC’s complicity in the infliction of the suffering upon Hercules and Leo while raising money to ameliorate that suffering. If the [e-newsletter](#) Project Chimps sent out today is any indication, Project Chimps appears intent on continuing to do so: Executive Director Ali Crumacker praises “the excellent job” NIRC did integrating Hercules and Leo into a social group right after vaguely alluding to the “traumas of their past” and right before appealing for donations to help “facilitate their continued recovery” from traumas NIRC inflicted and Project Chimps prolonged.

**Our final and most urgent concern has to do with the operational capacity of Project Chimps itself.**

Project Chimps houses its chimpanzees in multi-story enclosures, or “villas,” that have no outdoor access and, as [Science](#) reported June 12, 2017, “aren’t much different from the domes at New Iberia.” It was not until January 16, 2018, a full sixteen months after the first chimpanzees arrived at the sanctuary, that Project Chimps opened an outdoor habitat, which is available only to certain chimpanzees for certain periods of time (the exact protocols remain unclear).

Acknowledging the chimpanzees’ intermittent access to the outdoor habitat, Ms. Crumacker [stated](#), “[t]his was the first time in their lives that these chimpanzees could exercise their free will with regard to their environment.” This statement suggests that for up to sixteen months, Project Chimps held its chimpanzees captive, denying them this exercise of free will and the ability to “look up at an unobstructed sky, feel soil and grass under their feet, and forage in a forested, natural environment”<sup>2</sup> in much the same way Stony Brook and NIRC did.

Currently, the six-acre Peachtree Habitat is the only outdoor habitat at Project Chimps. Other than the enclosures, housing options at Project Chimps consist of “future outdoor habitats” and a “group building” under construction. Yet, despite Project Chimps confining them to an enclosure with no outdoor access, Project Chimps [claims](#) that Hercules and Leo “will spend the remainder of their lives napping, foraging, and climbing pine trees.” This statement appears inaccurate as Project Chimps seems to have [no plans](#) to open an additional outdoor habitat in 2018,<sup>3</sup> nor do we know when or if Hercules and Leo will have unrestricted access to the outdoors, allowing them to engage in their innate behaviors such as foraging and climbing trees. It is evident that Project Chimps does not and will not for the foreseeable future have the capability to provide its chimpanzees with unfettered access to the outdoors. Meanwhile, Save the Chimps has

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<sup>2</sup> As described in Project Chimps’ January blog post, “Experiencing the Outdoors.” <https://projectchimps.org/experiencing-the-outdoors/>

<sup>3</sup> In Project Chimps’ January 2018 newsletter, it lays its plans for 2018, which do not include the construction or opening of an additional outdoor habitat.

long had that capacity and has for more than two years offered Hercules and Leo and their social group the opportunity to truly exercise their autonomy.

Finally, we are greatly concerned about Project Chimps' preparedness for caring for chimpanzees with behavioral, social, and physical impairments. On July 26, 2017, the USDA cited Project Chimps for failure to have an enrichment plan that promotes the psychological well-being of the chimpanzees in its care. Specifically, the inspection report states, "The enrichment plan currently incorporated into the Chimpanzee Care Manual is not complete. It does not address the current social housing structure and the special considerations for chimps that may exhibit signs of psychological distress, juveniles and individually housed." It is shocking that Project Chimps was operating and caring for chimpanzees for ten months without a complete Chimpanzee Care Manual. This should have been completed and assessed well before Project Chimps accepted any chimpanzees.

From the day Hercules and Leo became our clients, we have advocated for their interests—first and foremost their right to bodily liberty—and we will continue to do so until we are confident these interests are being met at the highest possible level. In light of the aforementioned concerns, we demand that HSUS and Project Chimps:

- 1) Arrange for the immediate transfer, provided Save the Chimps' offer still stands, of Hercules and Leo and the other members of their social group to Save the Chimps, where they will have unrestricted lifetime access to the outdoors.
- 2) Publicly apologize for obstructing Hercules and Leo's ability to retire to Save the Chimps for more than two years.
- 3) Refrain from further praising NIRC.
- 4) Name NIRC as the entity that owned Hercules and Leo and leased them to Stony Brook and that held them for two and a half years while Project Chimps worked on increasing its operational capacity despite the fact that Save the Chimps was ready, willing, and able to take them immediately.
- 5) Immediately cease exploiting Hercules and Leo's suffering to raise funds for Project Chimps.

I look forward to your prompt response within one week, preferably to the email address below.

Yours truly,



Kevin R. Schneider, Esq.  
Executive Director  
The Nonhuman Rights Project  
[KSchneider@nonhumanrights.org](mailto:KSchneider@nonhumanrights.org)  
(857) 991-4148