

LETHAL KINSHIP

A report on the chimpanzees of The Coulston Foundation

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Dedication

For Chimpanzee Donna (April 2, 1963-November 8, 1999), who served her ungrateful country in the United States Air Force space program and was then sentenced to life at The Coulston Foundation (TCF), the nation's most notorious animal testing laboratory. There, she was enrolled in the laboratory's breeding program and her numerous offspring became research subjects in cruel medical experiments. In November 1999, Donna died painfully and needlessly, after carrying a dead fetus in her womb for almost two months. The United States Department of Agriculture (USDA) "investigated" her death for almost two years, before formally charging the lab with multiple violations of federal animal welfare laws on July 12, 2001. The investigation was completed and Coulston answered the charges on August 2, 2001 after which the USDA took no action. The USDA's attorney, Robert Ertman, steadfastly refused to schedule a hearing on Donna's death.

Introduction

It has all the drama of a whodunit page-turner. "Unintended" deaths. Federal agents. Cover-ups. Government bailouts. Whistleblowers. Sexual harassment. Grim medical experiments. Unlicensed doctors. Citizen lawsuits. Missing videotape. Financial disaster.

And behind it all an elderly "Dr. Strangelove," who maintains that "DDT is one of the greatest inventions of mankind, and it doesn't thin bird eggs" and that "lead levels in the blood have no effect on intelligence." (*The New York Times*, February 4, 1997)

Sound like a Tony Hillerman whodunit? No, it's The Coulston Foundation (TCF), an animal testing laboratory in Alamogordo, New Mexico. How its founder—toxicologist Frederick Coulston--came to "manage" the world's largest captive chimpanzee colony—650 at its peak-- is a tragi-comedy authored mainly by the United States government.

Chimponauts

In the 1950s, as part of the country's space program the United States Air Force established a chimpanzee colony at New Mexico's Holloman Air Force Base (Holloman). The original 65 infant chimpanzees—who were abducted from their African forest homes and whose mothers were likely murdered by their abductors—were used to test the life support systems aboard the Mercury capsules prior to sending manned flights into space. The effects of weightlessness and gravity forces were also tested on the chimpanzees.

By 1970, manned flights were successful and the chimpanzees were no longer “needed” for the space program. Ham and Enos, the famous chimponauts whose missions paved the way for the space flights of John Glenn and Alan Shepard, are long dead. Surviving chimponauts and their offspring—141 animals in all—until recently remained USAF “property.”

After the space flights ended, the Air Force began leasing its primate facilities to research institutions. Because chimpanzees and humans share more than 98% of the same DNA, researchers believed that infecting chimpanzees with human viruses—such as HIV—and then injecting them with experimental drugs, might lead to the discovery of cures for diseases like AIDS. But as history later proved, chimpanzees infected with the HIV virus did not develop full-blown cases of AIDS. Progress in AIDS treatment ultimately resulted from experiments on humans, not chimpanzees. Nevertheless, this false hypothesis attracted millions of “research” dollars from the National Institutes of Health (NIH) and private sponsors.

According to the December 30, 1997 issue of the *Wall Street Journal*, Frederick Coulston was a toxicologist who moved on to chimpanzees when his experiments on human prisoners were halted in the 1960s. Coulston's Institute of Comparative and Human Toxicology (ICHT), a laboratory operated by the Albany Medical College, began managing the non-human primate research center at Holloman in 1970. ICHT was eventually renamed the International Center of Environmental Safety (ICES) and continued using the chimpanzees for biomedical experiments for many years.

In his new “career,” Coulston quickly established a reputation for slick dealing and shady ethics. He brokered deals with the Air Force and two universities to increase the chimpanzee colony even as federal regulators were citing and fining his various other companies. Not surprisingly, Coulston's relationship to the chimps, humankind's “next of kin,” would prove to be a lethal one.

University Chimps

In 1980, Coulston incorporated Coulston International Corporation (CIC) and opened the White Sands Research Center on LaVelle Road, a private contract testing facility about 12 miles from the chimp colony at Holloman. He claimed that his new laboratory “maintained full capabilities for studying test substances and diseases in many laboratory animals species.” (See www.coulston.org). CIC purported to “offer research sponsors a full spectrum of safety

evaluation and toxicology studies, ranging from acute studies in rodents to chronic studies in non-human primates.” Coulston later actively promoted the use of chimpanzees as research models for testing cosmetics and insecticides.

That same year (1980), Albany Medical College transferred management of Holloman’s primate research center to New Mexico State University (NMSU) and offered NMSU use of the original buildings under an Air Force lease set to expire in 2000. Under NMSU’s management, the New Mexico State University Regional Primate Research Laboratory (RPRL) evolved. The federal government pumped \$10 million into the project to create housing for approximately 288 chimpanzees.

Within a decade, however, NMSU and other primate laboratories had begun to see chimpanzees as a major liability. They proved expensive to house and feed and lived almost as long as humans did. In the early 1990s, NMSU contacted the Southwest Foundation for Biomedical Research (Foundation), attempting to estimate the liability the RPRL represented for the University. Basing its estimate on the costs of its own research, the Foundation said the annual liability of maintaining 150 chimpanzees was \$547,000. Extrapolating from the Foundation’s information, NMSU concluded that it would cost the University \$1,281,150 per year to maintain its RPRL chimpanzee colony. Assuming the colony had an average life span of 20 years, NMSU projected its contingent liability to be \$25,000,000.

Information from the National Chimpanzee Breeding and Research Program (CBRP) fueled NMSU’s alarm. CBRP reported that the lack of appropriate research and housing facilities for chimpanzees “will soon force a crisis type of management for this vital animal resource rather than allowing the CBRP to make plans and decisions based on the best long-term interests for biomedical research.” The 1993 CBRP report stated that the supply of chimpanzees for research already exceeded the demand. The report also said that there was an adequate reserve of chimpanzees “at this time and may be 2-3 years ahead of predicted requirements for animals in the area of AIDS vaccine testing.” The report noted that “The biomedical research community is accustomed to working with short lived animals—i. e., animals ‘used up’ (terminated), and animal colonies restocked with new (younger) animals.” The CBRP concluded that “Economics is becoming the ‘driving force’ related to research use of chimpanzees. HIV research may tend in the future toward use of more macaque models. The very limited period of research utility for the use of a chimpanzee (1-2 years) compared to its long term care requirements and necessary commitment by the user agency are major considerations.”

By its own admission, NMSU already “consistently had difficulty in balancing the budget at the NMRPRL.” As of June 30, 1992, the lab’s cumulative 12-year deficit stood at \$2,309,834. At an average annual loss of \$350,000 per year over the next 40 years, the University projected its deficit to be “in excess of \$14,000,000.”

University Chimps Become Coulston Chimps

Enter Frederick Coulston. An April 16, 1993 Memorandum of Agreement with CIC offered NMSU a way out of its financial dilemma. In the agreement, CIC promised to create a new,

separate non-profit organization (referred to in the Memorandum as CICNP) “under which the trusteeship and management of the RPRL will be placed.” CICNP promised to use the Holloman facilities “for their intended purpose” and to provide NMSU researchers access at standard government rates. To sweeten the pot, NMSU transferred to CICNP “all endowments collected by NMSU for perpetual care of the chimpanzees” and CICNP agreed “to hold these endowment funds in a special account and to use them only for their intended purposes.” The funds were to provide for the chimps’ lifetime care. The apparent misappropriation of these endowments would later become the basis for investigation of Coulston companies by the New Mexico Attorney General. The New Mexico Board of Regents agreed “to establish the Eileen T. and Frederick Coulston Chair in Toxicology at New Mexico State University with funds to be provided by Dr. Frederick Coulston.” The chair was never established.

According to New Mexico Corporation Commission (Commission) filings, Coulston incorporated a new non-profit, medical research facility on April 20, 1993. Known as The Coulston Foundation (TCF), its first Board of Directors included Coulston, his son Craig and Larry Cummings, a local veterinarian. (Craig Coulston along with other Coulston employees and the Coulston Foundation itself would later be found “to have subjected a female employee to a hostile environment of sexual harassment” by the United States District Court for the District of New Mexico, (April 22, 1998: CV96-703HB).

TCF’s stated corporate purposes were “conducting and causing to be conducted, for the benefit of the general public, biomedical, environmental and chemical research directed at improving the diagnosis and prevention of, and developing cures for human disease, making facilities available to researchers for the conduct of research of a nature consistent with the purposes of the Foundation, and making facilities, resources and personnel available for training students in research techniques and other educational related matters.” However, these goals were never achieved. Instead, TCF distinguished itself among the nation’s 1,200 registered animal research labs as the laboratory most frequently and consistently cited by the USDA for violating federal animal welfare laws.

LEMSIP Chimps Become Coulston Chimps

The mid-90s saw the influx of yet more chimpanzees into TCF, when Coulston initiated an agreement with the New York University (NYU) Laboratory for Experimental Medicine and Research in Primates (LEMSIP). Like other universities, NYU had concluded that chimpanzees were expensive research models. In addition, the USDA was changing its caging requirements, which would have necessitated an investment of more than \$2,000,000 by NYU to upgrade the LEMSIP facilities. So LEMSIP agreed to transfer its chimps to TCF. But before the agreement was consummated, a compassionate LEMSIP veterinarian who was aware of TCF’s heinous reputation smuggled many of the LEMSIP chimpanzees to sanctuaries in the United States and Canada. Ultimately, however, 100 chimpanzees, including his namesake—Mahoney—went to TCF.

Air Force Chimps ALMOST Become Coulston Chimps

In 1997, the Air Force invited bids on 141 “surplus” chimpanzees. Bidders were required to demonstrate their financial ability to provide the chimpanzees’ lifetime care and to agree either to use them for research or to retire them. The following year (August 1998) the Air Force awarded 111 of the “surplus” chimpanzees to TCF, despite TCF’s well-known, abysmal animal care record. The USDA had already cited Coulston for flagrant violations of the federal Animal Welfare Act (AWA) and additional charges were pending. Since 1993, 46 animals — including 33 chimpanzees--were known to have died “unintended” deaths at TCF. In addition, TCF had failed to gain accreditation by the international Association for the Accreditation and Assessment of Laboratory Animal Care (AAALAC).

Outraged, the Center for Captive Chimpanzee Care (Center)—a Florida sanctuary who had also bid on the chimps, sued the Air Force. The Center charged that the USAF had failed to adequately review bids before awarding TCF the chimpanzees. The Center’s board of directors included eminent animal experts Drs. Jane Goodall and Roger Fouts, who characterized TCF as having “the worst animal care record of any primate research facility in the history of the Animal Welfare Act.” In October 1999, the Air Force and the Center agreed that 21 chimpanzee space veterans previously awarded to TCF would permanently be retired to the Center. This action presaged the eventual purchase of TCF facilities by the Center (October 2002) after the lab became insolvent.

Corporate Shell Games

As the chimpanzee colony expanded, Coulston founded and merged several corporations, establishing a pattern of aliases designed to confuse regulatory agencies and creditors. On July 12, 1994, little more than a year after its incorporation, TCF filed a “Certificate of Merger” with the Commission. The filing merged TCF with White Sands Research, Inc, a nonprofit incorporated in Delaware, whose “research”—conducted in violation of federal regulations—became the subject of an April 23, 1997 Environmental Protection Agency (EPA) complaint (FIFRA-H-08).

The 1994 TCF/White Sands Research merger expanded TCF’s Board of Directors from three to seven members, deleting veterinarian Cummins and adding Travis B. Griffin, Friedhelm W.A.G.K.Korte (Federal Republic of Germany), Averett Tombes, and Robert Cunningham. Coulston named himself CEO and son Craig, Vice President. The merger document identifies Griffin as TCF’s President, Elizabeth O’Reilly as Secretary, and Cunningham as Treasurer. (Cunningham, an attorney, would later sue Coulston for “intentional breach of contract, conspiracy to commit wrongful acts, breach of covenant of good faith and fair dealing, intentional infliction of emotional distress, fraud, negligent and/or intentional misrepresentation, breach of fiduciary duty, malfeasance and defamation” when Coulston apparently failed to honor a severance agreement. See US District Court for the District of New Mexico, CIV 99-963).

The ploy of multiple corporate identities defined Coulston’s modus operandi from the 1994 TCF/White Sands Research merger until December 11, 2001, when the First National Bank of

Alamogordo initiated foreclosure procedures against the lab in order to collect more than \$1.1 million in outstanding loans and interest on the loans. (To view the foreclosure filing, see www.vivisectioninfo.org/Coulston/foreclose.html). The Bank's complaint, filed in New Mexico's Twelfth Judicial District Court, Otero County (CV-01-616DivIV) names at least four Coulston entities, including TCF, CIC, Coulston Research, Inc., and White Sands Research Center. But the complainants conclude that the officers, directors and shareholders of the various defendant corporations "are so intermingled and interspersed as to render them one and the same entity in the facts, events, agreements, promissory notes, real estate mortgages, security agreements and financing statements set forth in this Complaint..."

Lethal Kinship

According to former employees and whistleblowers, such corporate shenanigans characterized a TCF management style of control and secrecy. Their allegations, confirmed by many federal citations and fines as well as several consent decrees, indicate that Coulston played fast and loose with scientific data, falsified reports and lied to federal and state regulators. Some of TCF's "research" was conducted in flagrant disregard of federal Good Laboratory Practice regulations (GLPs), which exist to assure data integrity and, ultimately, to protect human health. The Food and Drug Administration (FDA) issued TCF two Warning Letters (December 22, 1999 and October 11, 2001) challenging research results. The second FDA Warning Letter stated that the agency was "recommending to the FDA product evaluation staffs that any non-clinical laboratory study that has been initiated since the receipt of the (December 22, 1999) Warning Letter should not be considered in support of an application for a research or marketing permit in accordance with 21 CFR 58.215 (b)." (View the October 11, 2001 Warning Letter at: www.fda.gov/foi/warning_letters/g1990d.pdf). The FDA's action likely invalidated more than two year's of TCF "research."

TCF's management not only intimidated its employees but also brutalized the non-human primates, more than 600 hapless chimpanzees "owned" by the lab. By the time TCF folded, at least 48 "unintended" primate deaths at the lab had been documented. TCF's egregious record of inadequate veterinary care for the chimpanzees was exposed after international, national and local animal advocacy organizations obtained government documents under the Freedom of Information Act. The documents included USDA inspection reports; an NIH audit and internal agency memos; the previously cited FDA Warning Letters; copies of USDA investigative files leading to a 1999 Consent Decision and Order; an External Review Team report mandated by the Order; and two AAALAC reports. In July 2001, the NIH finally cancelled TCF's animal welfare assurance, making the lab ineligible to receive additional federal funds. These key regulatory actions, coupled with broad public exposure by animal protection organizations of TCF's regulatory violations and "unintended" primate deaths, drove away private research sponsors and essentially bankrupted the lab.

Timeline of Coulston Cruelty

Following is a summary of the complaints and enforcement actions against TCF by FIVE separate federal agencies and a federal district court and of actions by animal protection groups that led to TCF's demise.

1980: Toxicologist Fred Coulston founds White Sands Research Center, a private contract testing facility, in Alamogordo, New Mexico.

1988: White Sands advertises the availability of chimpanzees for testing cosmetic and insecticide products.

April 1993: New Mexico State University (NMSU) announces intent to transfer lease to operate primate lab on Holloman Air Force Base to Coulston. Coulston consolidates his for profit companies into the non-profit Coulston Foundation (TCF) in order to receive from NMSU "gifts" of hundreds of chimpanzees and monkeys, \$400,000 in cash, and more than \$700,000 in chimpanzee "endowment" funds restricted for the lifetime care of specific chimpanzees.

July 1, 1993: TCF assumes management of Holloman chimp colony. Combined with the chimpanzees at White Sands, TCF now claims "ownership" of more than 500 chimpanzees, making it the world's largest captive chimpanzee colony. Included are more than 140 Air Force-"owned" chimpanzees, who have been used in space flight research and whom TCF "leases."

October 31, 1993: Three chimpanzees—Robert, James and Raymond—overheat and die after the temperature in their unmonitored enclosure soars to 150 degrees.

May 1994: The National Institutes of Health (NIH) conducts a site visit at TCF, and finds TCF's veterinary care program "inadequate" and its overall animal care and use program out of compliance with the minimal standards mandated by the NIH Guide for the Care and Use of Laboratory Animals.

October 1994: The Air Force—ignoring the objections of scientists and animal protectionists—signs a five-year lease with TCF to care for the Air Force-"owned" chimpanzees.

December 1994: Four monkeys at Holloman die from water deprivation.

February 1995: A USDA inspection report shows that TCF caretakers had falsified daily care logs for the four dead monkeys. The USDA inspector notes that the caretakers should have noticed the obvious signs of monkeys slowly and painfully dying from thirst.

May 1995: After concerned individuals, including Dr. Jane Goodall, object, Congress blocks the Air Force's attempt to give TCF the 140+ Air Force chimpanzees, and the new \$10.5 million, taxpayer-funded chimpanzee housing facility at Holloman Air Force Base.

July 1995: The USDA formally charges TCF for multiple violations of federal animal welfare laws which had led to the deaths of the three chimpanzees who overheated and the four monkeys who died of thirst. Numerous chimpanzee caging size violations are also noted.

August 1995: New York University (NYU) announces its intention to give TCF its Laboratory for Experimental Medicine and Surgery in Primates (LEMSIP) primates—including more than 200 chimpanzees. The deal falls through, but not before NYU gives TCF 99 chimpanzees and more than \$1.75 million in cash. LEMSIP Director C. James Mahoney, DVM, Ph.D. transfers the remaining chimpanzees to various sanctuaries and other facilities.

March 1996: TCF announces formation of the “National Center for the Study of Aging in Primates.” The lab's grant application to the NIH for funding for this Center is later rejected.

June 1996: TCF settles the July 1995 USDA charges by agreeing to pay a \$40,000 fine and promising to comply with the federal Animal Welfare Act (AWA).

September 23, 1996: With the passage of the FY 1997 National Defense Authorization Act, Congress mandates that the Air Force obtain bids for its 140+ chimpanzees and that the chimps may go to qualified bidders either for research or retirement.

January 1997: TCF’s chief veterinarian, Dr. Pat Frost, resigns. She was the only remaining TCF veterinarian with the credentials and experience necessary for managing the lab’s large chimpanzee colony, according to a May 1994 NIH site visit. Dr. Frost becomes the seventh veterinarian to leave since TCF assumed management of the Holloman primates in July 1993.

January 21, 1997: Jello, a healthy 11-year-old former-LEMSIP chimpanzee dies after being negligently anesthetized in a group by an inexperienced veterinarian. Pathology reports show Jello’s lungs and trachea to be full of plant material, indicating that he had not been fasted prior to sedation.

February 4, 1997: In a front-page *New York Times* story TCF claims that no negligence was involved in Jello’s death. In the article, TCF founder Fred Coulston states that he could raise chimpanzees like cattle for use as human blood and organ banks, and that lead levels in the blood have no effect on intelligence.

March 1997: The USDA prepares a subpoena for records related to Jello’s death, hoping to obtain a damning internal memo TCF has tried to suppress.

March 24, 1997: Two-year-old chimpanzee Echo dies at TCF after suffering a non-life threatening injury to her arm when attacked by an older male chimpanzee in an adjacent cage. She dies after a botched surgery by veterinarians so inexperienced that they had to consult a “how-to” manual as her surgery was in progress.

April 23, 1997: The Environmental Protection Agency (EPA) files a formal complaint (FIFRA-H-08) against TCF predecessor, Coulston Products, Inc., an Easton, Pennsylvania-based company then owned by Frederick Coulston. The complaint cites multiple and serious violations

of Good Laboratory Practice Standards (GLPs) under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). Although the complaint was filed against Coulston Products, Inc., the actual laboratory where the violations occurred was White Sands Research Center in Alamogordo, New Mexico, a predecessor of The Coulston Foundation. (White Sands Research, Inc. merged with TCF in 1994). Among numerous complaints about TCF research procedures, the EPA also cited the lab for submitting a false compliance statement. On October 14, 1997, Coulston Products settles the EPA complaint by agreeing to pay a \$12,000 fine and promising to comply with “the requirements set forth in FIFRA and its regulations.” Frederick Coulston, Chairman of the Board and CEO of Coulston Products, Inc., signs the consent order.

July 1997: TCF chief veterinarian Dr. Drew Williams resigns, along with another veterinarian and the lab’s psychological enrichment director.

July 31, 1997: A USDA inspection report finds numerous violations, including lack of proper procedures, regarding a *Shigella* outbreak that has killed several chimpanzees. Among the causalities is Panda, another former-LEMSIP chimpanzee. The USDA characterizes the *Shigella* outbreak as a “public health risk.”

August 1997: A draft USDA inspection report blasts TCF’s Institutional Animal Care and Use Committee (IACUC—responsible for reviewing and approving all animal research and overseeing the facilities animal care program) for failing to uphold its legally mandated responsibilities.

December 1997: In a *Wall Street Journal* article about the Air Force chimps, Coulston reiterates his view that chimpanzees could be used as human blood and organ banks, and says that AIDS patients should be forced to wear “quarantine” signs. The article also quotes an Air Force official as being concerned about TCF’s extraordinarily high veterinary turnover rate.

January 1998: Chimpanzee Holly dies from a well-known side effect of a drug being tested at TCF.

February 24-25, 1998: Attempting to polish its tarnished reputation and garner needed research funds, TCF schedules a site visit by the Association for Assessment and Accreditation of Laboratory Animal Care (AAALAC). AAALAC cites the lab for inadequate veterinary staffing, experience and care, inadequate IACUC functioning, and physical plant problems and withholds accreditation.

March 19, 1998: The USDA formally charges TCF for the negligent deaths of Jello and Echo, failure to provide adequate veterinary care, and numerous physical plant and sanitary violations. The charges state that TCF failed “to establish and maintain programs of adequate veterinary care by group sedating chimpanzees (Jello) and by failing to treat chimpanzee Echo for shock and to stabilize him before surgical treatment.” It is the first time in the history of the AWA that the USDA has formally charged a facility for violations related to negligent primate deaths.

April 1998: Nelson Garnett, the head of the NIH's Office of Protection from Research Risks (OPRR), which is responsible for enforcing PHS, Policy for Humane Care and Use of

Laboratory Animals, claims that TCF has fixed all of its problems. Garnett is contradicted by the findings of the USDA and AAALAC, which evaluates labs for their compliance with this PHS policy.

April 22, 1998: A jury in Federal District Court, Las Cruces, finds that TCF, as well as individual defendants employed by TCF, has violated Title 7 by sexually harassing a former employee. The jury awards the plaintiff \$30,000. TCF drops its appeal of the verdict after the judge finds that the evidence supports the verdict. A Memorandum Opinion and Order dated June 30, 1998 states: “A reasonable jury could conclude that the sexual harassment by Craig Coulston (Frederick Coulston’s son) was so pervasive, open and obvious that Defendants had constructive notice of Mr. Coulston’s harassment yet failed to take proper remedial action.” Compliance with Title 7, like compliance with federal animal welfare laws, is required for those receiving federal funds.

June 9-11, 1998: A USDA inspection report cites TCF for uncorrected IACUC violations.

June 26, 1998: Chimpanzees Terrance and Muffin die on the same drug study that had resulted in Holly’s January death and from the same known drug side effect. The USDA launches an official investigation into the three chimpanzee deaths.

June 30, 1998: AAALAC formally rejects TCF’s accreditation bid and issues a report detailing the facility’s deficiencies, including inadequate veterinary care, inadequate veterinary staffing, inadequate IACUC functioning, and numerous physical plant problems.

July 1998: TCF contracts with Spinal Dynamics, a Mercer Island, Washington company to perform invasive cervical disk replacement experiments on chimpanzees. Spinal Dynamics’ proposed study has already been rejected by at least one other chimpanzee lab.

August 1998: Despite TCF’s well-known, abysmal animal care record, the Air Force awards the lab 111 chimpanzees, sending the remainder to Primarily Primates, a Texas sanctuary.

August 1998: The NIH approves a grant to study benign prostate hyperplasia on the chimpanzees at TCF. Study director is Mitchell Steiner of the University of Tennessee-Memphis. The NIH peer review process fails to address TCF’s record of inadequate animal care and federal animal welfare law violations.

October 1998: TCF veterinarian Scott Walden resigns, the 13th veterinarian to leave the lab since 1994.

October 1998: The Florida-based Center for Captive Chimpanzee Care (CCCC), whose bid for the Air Force chimpanzees was rejected, sues the Air Force for awarding TCF the chimpanzees. CCCC’s Board of Directors includes esteemed animal experts Drs. Jane Goodall and Roger Fouts, who contended that TCF “has the worst animal care record of any primate research facility in the history of the Animal Welfare Act.”

November 1998: TCF lays off approximately 20 employees – 15 per cent of its claimed 150-member workforce. Senior staff is asked to take a pay cut. President Travis Griffin, who worked with Fred Coulston for almost 30 years, leaves.

December 1, 1998: Representative Carolyn Maloney (D-NY) challenges the NIH's continued funding of TCF in light of the lab's record of animal care violations and the sexual harassment verdict, and questions the lab's use of publicly funded equipment for private studies.

December 2-3, 1998: The USDA, for the second time in nine months, cites Coulston for failing to provide adequate veterinary care, because TCF now has only 2.5 clinical veterinarians to care for more than 600 chimpanzees and 300 monkeys. The USDA states that TCF needs 3-5 more veterinarians to establish an adequate animal care program.

December 1998: Responding to USDA's December 2-3 findings, OPRR launches an investigation of TCF.

December 31, 1998: The National Cancer Institute terminates a subcontract TCF inherited from NMSU to maintain HIV-infected chimpanzees.

February 8-10, 1999: A USDA inspection report cites TCF for failure to employ qualified personnel to run a psychological enrichment program for almost 1,000 primates. The agency also cites TCF for illegally housing chimpanzees in single cages because the lab has nowhere else to house them.

February 11, 1999: The USDA files an unprecedented third set of formal charges against TCF. The complaint amends the March 19, 1998 complaint to incorporate the negligent deaths of three more chimpanzees: Terrance, Muffin and Holly. The charges state that TCF "failed to establish and maintain a program of adequate veterinary care by not making itself and its veterinarians aware of the known side effects and complications of pharmaceutical compounds being tested, resulting in the unnecessary deaths of three chimpanzees..." The USDA also cites TCF for numerous IACUC violations related to their deaths.

February 16, 1999: The NIH responds to Representative Maloney blatantly misrepresenting the TCF situation. NIH claims that USDA has authority to suspend NIH funding, but has not done so. The USDA has no such authority. NIH also states that it has noticed increasing progress towards TCF's achieving AAALAC accreditation, even though AAALAC eight months earlier had refused to accredit TCF.

February 22, 1999: The NIH's Office for the Protection from Research Risks (OPPR—later euphemistically renamed the Office of Lab Animal Welfare) restricts TCF's Animal Welfare Assurance. The Animal Welfare Assurance supposedly makes the lab eligible for federal funding. NIH bases its restriction on "continuing concerns about the number of veterinarians and their credentials available to provide veterinary care to chimpanzees and other non-human primates at (TCF) and the major changes in other aspects of (TCF's) program of animal care and use..." Among other provisions, the NIH restriction requires TCF to hire an adequate number

(seven) of “fully qualified” veterinarians, a requirement that TCF never fulfills. Nevertheless, NIH continues funding TCF.

March 1999: NIH Director Harold Varmus assigns Louise Ramm, Associate Director of the National Center for Research Resources to deal with burgeoning TCF problems.

March 10, 1999: Coulston meets with the USDA and several NIH offices, offering conflicting accounts of the lab’s financial stability. He tells the USDA that TCF has only enough money left for one or two more payrolls.

March 16, 1999: In a meeting with various USDA and NIH officials, OPRR’s Garnett claims the NIH shares the USDA’s concerns that TCF has inadequate IACUC review and inadequate veterinary staffing. He says that his office has “great concern about the long-term situation/animals at serious risk.”

March 31, 1999: TCF’s contract with the National Institute on Allergy and Infectious Diseases to maintain HIV-infected chimpanzees expires. Along with the National Cancer Institute subcontract, this contract paid TCF more than \$10 million beginning in 1993, and was “critical” to the lab’s operations, according to CEO Fred Coulston.

April 6-7, 1999: NIH conducts a site visit and audit of TCF, discovering that the lab is on the verge of bankruptcy, with \$800,000 in unpaid bills and \$2.6 million in outstanding loans. NIH auditors report millions of dollars in endowments, meant for lifetime care of specific chimpanzees, have been “expended.” Site visitors fault TCF for inadequate veterinary care. The NIH characterizes then-TCF president Ronald Couch as “evasive” and unfamiliar with the facilities, and reports that CEO Fred Coulston made “contradictory” statements. During the visit, Coulston asks for immediate additional financial support, and blames In Defense of Animals, and international animal protection organization, for the lab’s loss of private contracts. NIH worries about "nasty oversight issues" that the TCF situation raises for the agency.

May 1, 1999: Chimpanzee Eason dies while on the Spinal Dynamics invasive spinal disk replacement experiment.

May 24, 1999: TCF requests additional financial support from the NIH.

May 25-27, 1999: A USDA inspection report again cites TCF for multiple IACUC violations, many related to the invasive spinal disk experiment. The report notes that TCF was told to correct these violations in August 1997 and again in June 1998.

June 1999: For the second time in two years, the USDA prepares a subpoena, this time for records related to Eason’s death. A highly placed USDA official interprets TCF’s refusal to turn over the records as reluctance to release damaging evidence.

June 1999: The NIH begins sending Congress and the public blatantly misleading information regarding the TCF situation, including flagrant misrepresentations of the devastating April 1999 NIH site visit and audit.

June 11, 1999: The NIH begins propping up the private lab by issuing “supplemental awards” to TCF in an effort to avert the lab’s bankruptcy.

August 1999: TCF names David Renquist President and deputy CEO. Renquist has been a lab consultant for years. His primary responsibility will be to fix the violations identified by the USDA and the NIH, and to gain AAALAC accreditation.

August 19, 1999: The FDA identifies more than 270 violations of GLP regulations on just three studies reviewed at TCF. GLP regulations exist to ensure data integrity and human safety. The report also documents numerous AWA violations.

August 24, 1999: TCF settles March 1998 and February 1999 formal charges and the investigation into Eason’s death by signing a Consent Decision and Order (Order—AWA Docket No. 98-0014) with the USDA under which the lab agrees to: comply with federal animal welfare laws; maintain disease control and prevention programs, euthanasia programs and adequate veterinary care programs under supervision of a doctor of veterinary medicine; • submit to unprecedented oversight of its animal program and financial status by an external review team (of its own choosing); employ an adequate number of veterinarians; cease breeding chimpanzees absent resources for the long term care of their offspring; and, divest of 300 chimpanzees by January 2, 2002. The USDA holds in abeyance a \$100,000 fine, pending TCF’s compliance with the Order. Within four months, TCF violates the Order by breeding chimpanzees. The USDA never levies the fine.

September 15, 1999: The FDA’s chimpanzee breeding contract with TCF expires. This contract, coupled with the lost NIH contracts, accounted for 49.5 per cent of TCF’s entire revenue for FY ‘97/’98.

October 1999: The Air Force settles the CCCC lawsuit by awarding the sanctuary 21 chimpanzees previously awarded to TCF. Included are 17 descendants of former chimpanzee space program veterans.

October 19-22, 1999: A USDA inspection report again cites TCF for IACUC violations. Every inspection report since the August 24, 1999 Order will document violations of both the legally binding settlement and the AWA.

November 9, 1999: Donna, a 36-year-old ex-Air Force chimpanzee, dies after carrying a large, dead fetus inside her uterus for almost two months, resulting in massive infection and uterine rupture. During a belated C-section, the TCF veterinarians remove a liter of pus from her abdomen, and observe the dead fetus’s skull poking through her torn uterus. Donna is literally rotting from the inside, but TCF veterinarians fail to obtain permission to euthanize her. Donna awakens from surgery and dies the next day.

December 1999: Frederick Coulston turns 85.

December 13-16, 1999: A USDA inspection report again finds TCF veterinary care inadequate in relation to the deaths of three more chimpanzees: Dean, Babu, and Albro. It is the fifth such finding since March 1998. The USDA reveals that TCF has only 2.4 clinical veterinarians—fewer than were employed when OPRR issued its restriction requiring TCF to hire seven fully qualified veterinarians.

December 22, 1999: The FDA issues TCF a warning letter based on the agency's on-site investigation of the lab conducted between July 26 and August 19, 1999. Violations noted include: lack of standard operating procedures that insure the quality and integrity of study data; missing or misplaced documents; record discrepancies, and unapproved changes in experiment protocols. The FDA's 31-page observation of TCF violations fuels alarm. The data integrity of two drug studies and the study of a spinal device are questioned. The FDA concludes "that the conditions are serious violations of GLPs regulations...(and) unless these deficiencies are corrected, we would consider future studies conducted at your facility to be seriously flawed." The FDA directs that: "Prior to the initiation of any further new non-clinical laboratory studies, the observed GLP deficiencies must be corrected..." The prior August, the FDA had identified more than 270 GLP violations in the three studies.

January 2000: The USDA launches an official investigation of Donna's death. Such full-blown investigations are precipitated when a preliminary inquiry finds evidence of AWA violations sufficient to warrant it.

February 2000: To comply with the terms of the 1999 USDA Order, TCF's External Review Team invites AAALAC to conduct another on-site inspection, completed in February. AAALAC issues its report on April 28, 2000, again finding TCF veterinary care and staffing inadequate. AAALAC says the lab's IACUC is still not functioning properly and indicates that conditions have actually worsened since its February 1998 site visit. It notes a 100 percent turnover in veterinary staff and blames inadequate veterinary care for the deaths of four chimpanzees. AAALAC suggests deficient conditions may have played a role in the deaths of 13 other chimpanzees within two years.

February 17, 2000: TCF denies USDA inspectors access to the facility, a blatant AWA violation.

February 19, 2000: Chimp triplets born at TCF.

February 24, 2000: Under the Freedom of Information Act (FOIA), APNM requests records related to 1997 and 1998 USDA inspections of TCF that led to a 1999 Consent Decision and Order between TCF and the agency.

March 2000: TCF sells a young chimp to California animal trainer Sid Yost. APNM investigates Yost's background and learns he declared bankruptcy in Florida and 1998, was accused by his then-partners of animal cruelty, and to satisfy his creditors auctioned a chimpanzee and other animals.

March 2, 2000: As AAALAC's findings become known, TCF president and Deputy CEO David Renquist resigns after a mere five-month term. Seven chimps died during his tenure. Ronald Couch is named president. Couch was the study director for the study under which Terrence, Muffin and Holly died "unintended," negligent deaths.

March 9, 2000: Chimpanzee triplet born at TCF in February dies.

March 21-23, 2000: A USDA inspection report documents TCF violations of the 1999 USDA Order (continued breeding) and multiple physical plant violations. Yet the USDA fails to levy a \$100,000 fine held in abeyance on condition TCF comply with the Order.

March 21, 2000: IDA testifies before the House Appropriations Subcommittee for Labor, HHS and Education about the NIH's malfeasance and continued illegal funding of TCF. IDA's testimony documented "TCF's unparalleled animal welfare negligence as well as its violations of data integrity and human safety regulations." IDA chided the NIH for continuing to subsidize research at a laboratory chronically in violation of federal animal welfare laws. IDA pointed out that since 1993, the NIH had funneled at least \$10,000,000 to TCF. IDA claimed NIH's continued funding of TCF was illegal because federal law requires the NIH director to "suspend or revoke" funding if a lab is not accredited by AAALAC and does not have a functioning review committee. IDA provided evidence that TCF's IACUC had violated multiple federal requirements for approving research protocols. In conclusion, IDA called on Congress to investigate NIH oversight failures.

April 2000: APNM peacefully demonstrates at the TCF facility in Alamogordo during the national World Week for Animals in Laboratories. Purpose of the demonstration is to call attention to the lab's notorious record of "unintended" primate deaths.

April 10, 2000: IDA, the Animal Welfare Institute and the Doris Day Animal League, present to Congress plans for permanently retiring 300 chimpanzees, the number the 1999 USDA Order requires TCF to divest. The coalition proposed that the facility at Holloman Air Force Base become a sanctuary.

April 14, 2000: APNM sues the USDA for failing to provide records requested under its February FOIA request. APNM sought copies of the USDA investigative files which led to the August 1999 Consent Decision and Order and investigative records created subsequent to the signing of Order settling the agency's initial charges against TCF.

April 28, 2000: The External Review Team (ERT) mandated by the 1999 USDA Order issues its report, acknowledging that AAALAC has again refused to accredit TCF. The AAALAC report states that: "the evaluation team identified issues ... mandatory...for correction, in the same programmatic and facilities areas indicated in the 1998 AAALAC report. The ERT team was of the opinion that resource shortages were sufficiently significant to preclude the current program from meeting the requirements of accreditation. Of further concern was (TCF President) Dr. Renquist's resignation from TCF shortly after the evaluation." The report identifies numerous violations of federal regulations, including: failure of TCF to notify members of its IACUC of the FDA's findings that TCF was not in compliance with FDA regulations; unsatisfactory

institutional arrangements for veterinary care; and unsatisfactory personnel qualifications and training. In addition, AAALAC noted "...the complete separation of the experimental procedures from the husbandry procedures in most instances resulted in lack of knowledge/understanding by animal care personnel as to research procedures/drugs being used."

May 10-11, 2000: Amid concerns about TCF's financial stability and staffing, the NIH takes title to 288 chimpanzees, ostensibly fulfilling the divestiture requirement of the 1999 USDA Order. An inventory states: "All of these animals have been reported by (TCF) to be either purposely or incidentally exposed/infected with various hepatitis viruses and/or HIV and need appropriate biocontainment and specialized veterinary care." The NIH adopts a chimpanzee management plan developed by the National Academy of Sciences, which includes the 288 former TCF chimpanzees. In the *Commerce Business Daily* NIH issues a request for proposals to manage the chimpanzee colony but leaves them under TCF's "care." NIH fails to award a contract after reportedly receiving only two bids—one from TCF.

May 15, 2000: NIH official John Strandberg tells the *Washington Post* that TCF's problems are mostly public relations, and that the USDA's concerns are simply wall surface and record keeping violations. When the article is introduced into the record of hearings on the Chimpanzee Health Improvement, Maintenance, and Protection (CHIMP) Act—a bill to establish a federally funded retirement system for chimpanzees in research—Strandberg claims he was quoted out of context, but refuses to admit the USDA has found animal welfare violations at the lab.

May 18, 2000: NIH official John Strandberg tells *Nature* that TCF actually deserved to bid on the RFP because it had made so many improvements in its animal care program.

May 19, 2000: NIH restricts TCF's Animal Welfare Assurance for the second time, stating that based on the External Review Team Report, the lab is in "serious noncompliance" with PHS Policy. OPRR restricts new funding to the lab, but, in contravention of federal law, maintains existing funding pending a review of current grants and contracts. NIH directs TCF's IACUC—already found grossly deficient by both AAALAC and the USDA—to conduct the review.

May 25, 2000: APNM submits another FOIA request to the USDA.

May 31, 2000: TCF's IRS Form 990 for FY 98/99 reveals that CEO Fred Coulston has personally either given or loaned the foundation more than \$1.2 million. (Coulston had told the USDA in 1999 that he had sunk \$6.8 million of his own money into the facility.) The 990 indicates that TCF lost approximately \$2.6 million during the Fiscal Year covered and took in only 50 percent of what it claimed it needed to operate the facility.

Summer 2000: APNM promotes the CHIMP Act and in August APNM members attend numerous congressional town meetings to garner support from New Mexico's congressional delegation. Congressman Tom Udall signs-on as a co-sponsor of the bill.

June 22, 2000: In a sworn affidavit, USDA Western Sector Director Robert Gibbens, DVM, states that the USDA "anticipates" filing a formal complaint based on the findings of its investigation into Donna's death, completed on May 26, 2000.

July 11-14, 2000: The USDA again cites TCF for multiple IACUC violations in an inspection report, including studies started without IACUC approval.

July 26, 2000: APNM again sues the USDA for failure to provide investigative records related to TCF requested under the FOIA. APNM's complaint is consolidated with the FOIA lawsuit filed April 14. Records released responsive to APNM's lawsuit document TCF's atrocious history of inadequate veterinary care, establish TCF's chronic pattern of violating federal animal welfare laws as well as its own research protocols, and reveal that TCF continued to breed chimpanzees in violation of the 1999 USDA Order. The USDA continues to withhold key documents requested including: copies of key research protocols; the results of necropsies (animal autopsies) performed on deceased chimpanzees; the report of an External Review Team mandated by the Order; and a videotape of spinal disc surgery performed on captive chimpanzee Leonard which shows "events that took place when Leonard was discovered to have overheated during surgery. The USDA denies release of the videotape, maintaining that the videotape of the seven-hour surgery is entirely exempt from release under the FOIA. APNM maintains that the tape would offer the public a first hand view of USDA's oversight of research at a laboratory supported, in part, with tax dollars. APNM says the tape would help animal protection organizations ascertain whether the USDA is fulfilling its oversight responsibilities. APNM suspects that other violations not prosecuted by the USDA may be revealed on the seven-hour tape. Research sponsor Spinal Dynamics hotly contests the USDA's release of the tape to APNM. Despite APNM's offer to accept a version of the videotape from which views of Spinal Dynamics experimental disc have been redacted, the company maintains that release of any portion whatsoever of the videotape would cause Spinal Dynamics substantial competitive harm. IDA determines that, in fact, Spinal Dynamics has already patented both the medical device and its implantation procedure, thereby eviscerating its claims of competitive harm, which formed the basis for the USDA's decision to withhold the tape.

August 18, 2000: Ten-year-old chimpanzee Ray dies at TCF after allegedly being untreated for days despite displaying obvious illness symptoms. (Ray was one of the 288 chimpanzees claimed by the NIH in May). After IDA publicizes Ray's death, and provides the USDA with evidence, the agency launches yet another official investigation, the eighth since 1993, and the sixth since 1997. IDA publicly blames the NIH as well as TCF for the death.

September 29, 2000: Former NIH bureaucrat Lou Sibal, who consistently misrepresented the TCF situation to Congress and the public, is awarded a "sole-sourced" contract from NIH to become the "Independent Compliance Official" for TCF pursuant to the 1999 USDA Order.

October 5, 2000: An independent peer review panel convened by the NIH rejects TCF's bid for the RFP to care for the 288—now 287—chimpanzees NIH took title to in May. The NIH cancels the RFP.

October 10, 2000: NIH sole sources its oversight contract to notorious Charles River Laboratories, the world's largest animal dealer, breeder, and primate importer.

October 23-26, 2000 – The USDA again cites TCF for multiple IACUC violations, as well as physical plant violations. TCF again attempts to deny access to the USDA inspectors, but relents after several hours.

November 2000: APNM’s Conference for the Animals offers a workshop highlighting conditions at TCF and APNM’s collaboration with IDA to shut the lab down.

November 2, 2000: The federal OSHA fines TCF \$7,100 after finding more than a dozen “serious” safety violations of worker safety laws at the Holloman site. Among the charges are a cluster of violations regarding TCF’s failure to assure the safety of its employees exposed to HIV/SIV, HBV, HCV and Cercopithecine herpes virus 1 (B virus), including failure to train the employees in the use of respirators (and their limitations), failure to determine if the employees are physically able to perform the work and use the equipment, failure to periodically (for instance, annually) review the respirator user’s medical status, and failure to fit test the respirators. “On or about April 3, 1998 and again on July 7, 1999 Coulston employees received contaminated needle sticks from needles contaminated by HIV positive chimpanzees.” (Note: Such a scenario led to the death of a young woman at Yerkes Primate Center several years ago). Incredibly, OSHA officials in New Mexico assume the same violations to exist at TCF’s LaVelle Road site, without ever inspecting the site.

November 27-December 8, 2000: The FDA conducts another inspection of TCF. The FDA identifies five new laboratory studies TCF has initiated in violation of the agency’s December 22, 1999 Warning Letter. The studies include: collection of muscle tissue from chimpanzees following intra-muscular administration of (redacted); a 12-month efficacy study with HBV challenged chimpanzees; a subcutaneous safety/PK/immunogenicity study in chimpanzees; a single dose PK and safety study in Rhesus monkeys; and, an evaluation of the safety and efficacy of a candidate (redacted) vaccine in chimpanzees.

December 2000: Congress passes the Chimpanzee Health Improvement, Maintenance, and Protection (CHIMP) Act, mandating creation of a publicly and privately financed sanctuary system to provide lifetime care for chimpanzees retired from federal biomedical research programs.

December 2000: APNM launches its “Adopt a Chimp” program, selling TCF chimpanzee “dog” tags to raise funds for its Coulston campaign. Those purchasing the tags are asked to contact the USDA and/or the NIH and inquire about the welfare of their “adopted” chimpanzee.

December 2000: APNM finally receives a copy of the ERT report responsive to its May 25, 2000 FOIA request and subsequent lawsuit. APNM and IDA plan a joint press conference to release the report to the public.

December 29, 2000: The USDA launches the investigation into Ray’s death.

January 2001: TCF president Ronald Couch, who worked for Coulston for almost ten years, resigns. He is the second president to leave in nine months.

January 9, 2001: IDA and APNM hold joint press conference in Albuquerque, releasing ERT report and demanding closure of TCF. New Mexico State Senator Mary Jane Garcia promises to introduce legislation removing from the state's animal cruelty statute the exemption for research laboratories. State Attorney General Patricia Madrid supports removal of the exemption and promises to prosecute cruelty to laboratory animals if the exemption is removed and charges are filed. Chimpanzee expert Dr. Roger Fouts and actress/animal activist Ali MacGraw speak against the Coulston atrocities.

February 22, 2001: Babette Fontenot, DVM resigns, becoming the 18th veterinarian to leave TCF since 1994. More employee layoffs are reported.

March 2000: APNM lobbies the New Mexico legislature to amend the state's felony animal cruelty law by removing exemptions for intermediate carriers, handlers, and research laboratories. The legislature passes the bill and the governor signs it into law.

March 26, 2001: A settlement conference at District Court offices in Las Cruces upholds the USDA's refusal to release videotape of a seven-hour surgery to insert an experimental disc into chimpanzee Leonard at TCF. In gaining approval for the surgery from TCF's IACUC, research sponsor Spinal Dynamics has assured TCF the surgery would take about two hours. APNM learns that the USDA only obtained an hour's worth of the videotaped surgery, the portion documenting a "spike" in Leonard's temperature which was discovered when an attendant happened to feel the chimpanzee, whose temperature was not being monitored by the Spinal Dynamics surgeon. Spinal Dynamic prevails in its claim that release of the tape might compromise its competitive position in marketing its product tested at TCF, despite evidence that the device is already patented. However, the judge requires Spinal Dynamics to release a copy of the tape to APNM in which all sound has been redacted as well as images of the experimental device. Without sound, full views of the surgical suite and primate, the tape proved worthless to APNM in identifying other possible TCF violations of federal animal welfare laws.

April 2001: APNM contacts the New Mexico Board of Pharmacy and requests copies of TCF records on file.

May 10, 2001: NIH plans to purchase 14 infant chimpanzees bred at TCF in violation of the 1999 USDA Order are exposed.

May 15, 2001: NIH awards lucrative \$42.8 million contract to Charles River for oversight of the chimpanzee colony at Holloman Air Force Base. TCF employees start applying for jobs at Charles River.

May 19, 2001: Dr. Jane Goodall urges Tommy Thompson, Secretary of the Department of Health and Human Services to cancel NIH plans to purchase 14 baby chimpanzees and NIH's contract with Charles River Labs.

May 30, 2001: Dr. Jane Goodall urges federal officials to save Coulston chimps.

June 25, 2001: Chimpanzee Gina's death reported (locked outside in desert heat).

July 12, 2001: The USDA issues a fourth set of formal charges against TCF (AWA Docket No. 01-0044), noting that TCF has “failed to establish and maintain programs of adequate veterinary care” in relation to the negligent deaths of chimpanzees Ray (8/16/01) from an alleged “fungal infection” and Donna (10/27/99), from complications resulting from carrying a dead fetus in her womb for an extended period of time.

July 31, 2001: The NIH cancels TCF’s Animal Welfare Assurance, making the lab ineligible for further federal research funds.

August 2001: The New Mexico Board of Pharmacy provides the records requested by APNM in April.

August 15, 2001: Rodey, Dickason, Sloan, Akin & Robb, attorneys representing the First National Bank of Alamogordo N. A. (First National) send TCF attorneys two letters demanding the repayment of more than \$1.1 million in interest and loans the bank has made to TCF since April 16, 1997.

September 2001: APNM reviews the Pharmacy Board records, which raise serious concerns about the veracity of information provided to the Board by TCF in order to renew its annual animal control clinic and controlled substance applications. The records show TCF has failed to acknowledge to the Board disciplinary actions taken or pending by federal agencies as well as US District Court’s finding that TCF created a hostile work environment and sexually harassed a female former employee.

September 20, 2001: Fire destroys a TCF maintenance building. Arson is suspected and TCF claims \$1 million in damage. The “arson” occurs little more than a month after attorneys for First National attempt to collect from TCF an estimated \$1.1 million of debt. Bank foreclosure documents later reveal TCF receives payment of an undisclosed sum of money on its insurance claim. The Animal Liberation Front later claims responsibility for the fire, but the Federal Bureau of Investigation (FBI) and the Bureau of Alcohol, Firearms, and Tobacco (AFT) continue their investigations and no charges are filed.

October 25, 2001: APNM formally exposes to the New Mexico Board of Pharmacy TCF’s failure to disclose any federal complaints and enforcement actions as required, on its applications for licenses to dispense controlled substances. APNM asks the Board to investigate and to withhold approval of any TCF applications to renew its license to dispense controlled substances. APNM learns TCF’s license to dispense has not been renewed. The Board begins investigating APNM’s complaint.

December 11, 2001: First National files for foreclosure in the Twelfth Judicial District Court, County of Otero, State of New Mexico. (For full text of the filing, see: www.vivisectioninfo.org/Coulston/foreclose.pdf).

January 14, 2002: After learning that TCF no longer holds a license to dispense controlled substances but, according to TCF spokesmen, is continuing to conduct primate research, APNM

and IDA file a joint complaint with the USDA asking the agency to act as “interim receiver,” to provide veterinary care for the animals at the lab, to operate the lab while foreclosure procedures concluded, and to permanently terminate all research experiments.

January 14, 2002: APNM presents New Mexico Attorney General Patricia Madrid (AG) evidence of TCF’s potential misappropriation of tax funds permanently restricted to endowments for the long term care of specific chimpanzees and asks the AG to investigate. APNM challenges TCF’s non-profit incorporation, citing the alleged misappropriations and TCF’s likely imminent bankruptcy.

February 19, 2002: APNM requests a formal meeting with the AG and asks her to determine two issues: (1) whether the purposes for which TCF was incorporated by the state of New Mexico as a private non profit remain valid; and (2) whether TCF has unlawfully expended endowment funds permanently restricted for the lifetime care of specific chimpanzees.

April 2002: APNM staff meet with the AG to discuss the organization’s request for a formal state investigation of TCF.

May 8, 2002: APNM meets with AG staff and provides additional documentation regarding violations to be investigated. The AG immediately launches her investigation.

August 2002: Negotiations between TCF and the AG cease when the AG issues a Civil Investigative Demand (CID) for TCF’s audited financial statements from 1993 through the present.

September 5, 2002: TCF files suit to block the AG’s request. TCF petitions a state District Court in Alamogordo asking it to rule that the AG has no jurisdiction to request its audited financial statements. TCF claims the New Mexico Charitable Solicitations Act—under which the AG seeks the records—does not cover the case.

September 16, 2002: Center for Captive Chimpanzee Care (CCCC), using a \$3.7 million grant from the Kalamazoo, Michigan based Arcus Foundation, purchases the beleaguered Coulson facilities. TCF “donates” 266 chimpanzees and 61 monkeys to CCCC as part of the deal. The chimps are immediately and permanently retired. Acquisition of the primates at TCF makes CCCC the nation’s largest sanctuary for retired chimpanzees. The Arcus Foundation announces a dollar-for-dollar matching grant for operational support through 2003. CCCC director, primatologist Carole Noon, says the primates will remain at the Alamogordo facility until her group can build new quarters at CCCC’s 200-acre Fort Pierce, Florida sanctuary site. Meanwhile, CCCC has immediately enriched the chimps’ Alamogordo environment by providing more interesting food, blankets, and toys. Veterinarians will perform vasectomies on the male chimps so that family groups can be established and breeding will not occur.

September 30, 2002: The NIH announces selection of Chimp Haven, Inc., a 200 acre Louisiana sanctuary located near Shreveport, to build and operate a sanctuary system for chimpanzees retired from federal biomedical facilities. Authorization of the program was established with passage of the federal CHIMP Act.

October 21, 2002: APNM announces creation of a \$10,000 challenge grant earmarked for care of the primates at Coulston. Funds raised by the challenge will also be matched by the Arcus Foundation. The \$10,000 is quickly reached and funds are presented to CCCC by the end of 2002.

October 23, 2002: Attorney General Patricia Madrid says her investigation into TCF's alleged misappropriation of permanently restricted endowment funds will continue. APNM's hope is that the AG can recover the misappropriated funds and create a new endowment to fund the lifetime care of the recently freed primates at TCF.

January 7, 2003: Judge Jerry Ritter, Twelfth Judicial District, ruled to enforce the AG's Civil Investigative Demand, requiring TCF to turn over financial documents that had been withheld. The judge ordered that the AG must keep the documents confidential. The investigation continues.

Today: The chimps enjoy fresh fruit and vegetables, toys, and sunshine at the new CCCC Alamogordo, NM sanctuary.

Epilogue

The imagined happy ending to The Coulston Foundation saga is now a reality. APNM expresses its deep gratitude to In Defense of Animals for its relentless nine-year campaign to close TCF and avenge the known "unintended" deaths of 48 chimpanzees and monkeys as of 2001. To other primates who perished at TCF and whose deaths remain secrets, rest in peace.