

June 8, 2011

Ismael R. Ozanne
Dane County District Attorney
Dane County District Attorney's Office
215 S. Hamilton St. # 3000
Madison WI 53703-3297

6 pages via email (danecoda@da.wi.gov) and fax (608-267-2545)

Dear Mr. Ozanne:

A joint investigation by People for the Ethical Treatment of Animals (PETA) and the Madison-based Alliance for Animals has revealed that violations of Wis. Stat. § 951.08, which criminalizes instigating fights between animals, have occurred repeatedly at the University of Wisconsin-Madison (UW) for over a decade. We respectfully request that your office conduct an investigation and take appropriate action against all individuals determined to have acted in violation of the statute.

Wis. Stat. § 951.08 provides, in relevant part:

(1) No person may intentionally instigate, promote, aid or abet as a principal, agent or employee, or participate in the earnings from, or intentionally maintain or allow any place to be used for a cockfight, dog fight, bullfight *or other fight between the same or different kinds of animals* or between an animal and a person ... (Emphasis added)¹

UW staff members have violated Wis Stat. § 951.08 by staging numerous fights between animals in campus laboratories and other persons have violated this law by knowingly allowing UW property to be used for these criminal acts. This is a clear violation of the plain language of Section 951.08. It is apparent these crimes will continue occurring absent immediate action by appropriate authorities.

The fights staged in UW laboratories are illegal per se. University staff members appear to have been committing crimes against animals, as defined in 951(2), by possessing animals with the intent that the animals will be engaged in an exhibition of fighting. University staff members appear to have been committing crimes against animals, as defined in 951.08(3), by watching these staged fights. The faculty members conducting these experiments state in their published papers that, "An experimenter watched each encounter in real time..." and "[a]ll test encounters were videotaped, and an observer blind to treatment group

¹ There is no exemption in Wis. Stat. § 951.08 for bona fide scientific research, as there is in the general cruelty to animals statute, Wis. Stat. § 951.02.



PETA

PEOPLE FOR THE ETHICAL
TREATMENT OF ANIMALS

HEADQUARTERS
501 FRONT ST.
NORFOLK, VA 23510
757-622-PETA
757-628-0781 (FAX)



Alliance for Animals

Wisconsin's voice for animals since 1983

P.O. Box 1632
Madison, Wisconsin 53701
Phone: 608-257-6333
www.allanimals.org

noted the winner and loser of each encounter.”² Other persons have also apparently violated 951.08(1) by intentionally allowing UW property to be maintained and used for animal fights.

Individuals affiliated with UW most recently published an article describing their illegal activities in the April 13, 2011 online edition of the *Proceedings of the Royal Society – Biological Sciences*:

White-footed and California mice were obtained from two species-specific colonies at the University of Wisconsin–Madison. In each colony, mice were housed in same sex groups of two to three per standard cage... We first tested whether male white-footed mice experience an endogenous surge of plasma T after winning a single fight... Aggressive encounters were staged using a resident–intruder paradigm in which females were removed from the observation cage; opaque dividers were inserted into observation cages so that residents were isolated on one side of the cage; intruders were placed in the vacant side of the observation cage; residents and intruders were given a 2 min acclimation; and dividers were removed to allow mice to freely interact for 10 min. To ensure that residents won these encounters, intruders were smaller, sexually inexperienced and unfamiliar with the contest area. An experimenter watched each encounter in real time and determined which individuals won. A winner was defined as the mouse that directed at least three consecutive attacks towards the opponent that, in turn, elicited losing or submissive behaviour...³

These and other UW staff members also recently admitted to staging animal fights in the July 5, 2010 issue of the *Proceedings of the National Academy of Sciences*:

Experiment 1: Winning and Steroid Receptors. This study tested not only whether winning fights alters AR-ir and PR-ir in select brain nuclei (Fig. 1), but also whether the environmental context of a fight mediates these effects. Brains were collected from 32 sexually experienced males (focal mice, n = 8/ group) that received either (i) three wins and a test encounter in their home cage (HH); (ii) three wins in unfamiliar cages and a test encounter in their home cage (UH); (iii) three wins and a test encounter in unfamiliar cages (UU); or (iv) four handling experiences in the home cage in lieu of aggressive encounters (no-fight controls, CC). Behavioral treatment occurred under dim-red light at least 1 h after the dark cycle’s onset.⁴

Additionally, it was generally known that staff at the University were staging these fights as is evidenced by the July 5, 2010 article, “Winning on Home Turf Drives Desire for Future Fights,” which appeared in the mainstream popular publication *The New Scientist*:

The first rule of mouse fight-club is... always play on your home turf. Winning a fight causes brain changes that enhance fighting ability and the desire to seek out additional contests, particularly if the fight is on familiar ground.

² Fuxjager MJ, Montgomery JL, Marler CA. Species differences in the winner effect disappear in response to post-victory testosterone manipulations. *Proc Biol Sci*. 2011 Apr 13.

³ Ibid.

⁴ Fuxjager MJ, Forbes-Lorman RM, Coss DJ, Auger CJ, Auger AP, Marler CA. Winning territorial disputes selectively enhances androgen sensitivity in neural pathways related to motivation and social aggression. *Proc Natl Acad Sci U S A*. 2010.

So say Matthew Fuxjager and colleagues at the University of Wisconsin in Madison, who investigated the effect on the mouse brain of winning a fight home or away. The team secured a win in the animals' home or unfamiliar cages, by pairing male mice with smaller and sexually inexperienced males. After three consecutive victories, they analysed the animals' brain. Mice that won home or away showed increased expression of the receptors for the male hormone androgen in a region of the brain that influences social aggression.⁵

Since 1999, at least 35 articles have been published by staff members at UW wherein they describe in great detail their illegal activities staging fights between animals (see attached bibliography). These fights have involved hundreds, if not thousands, of animals.

The projects associated with these animal fights have earned many millions of dollars in grant monies from organizations and government agencies including the National Science Foundation (NSF) and the National Institutes of Health (NIH), which requires that the University certify to NIH that its projects comply with all state laws. These fights have also taken place with the full knowledge and approval of various oversight committees at the University. For example, in a 2004 journal article the experimenters stated that, "The research presented here was...approved on 31 May 2000 by the UW Research Animal Resource Committee."⁶

This is not the first time UW staff has violated provisions of Wisconsin's Chapter 951, "Crimes Against Animals." Former Dane County District Attorney Brian Blanchard previously determined that UW experimenters were violating Wis. Stat. § 951.025, which prohibits the killing of any animal by decompression. Subsequently, following a petition by PETA and the Alliance for Animals, Dane County Circuit Judge Amy Smith determined that there was probable cause and appointed a special prosecutor to investigate the apparent violations. Although the special prosecutor ultimately declined to file charges he noted in his report to the court that UW "does not have a consistent review of both state and federal laws and regulations which apply to activities which take place on the campus and within research laboratories" and that this continued failure on the part of UW "belies common sense." Other experiments on campus involve depriving animals of food or water for days at a time. These activities also appear to be in violation of Wis. Stat. § 951.13.

Because UW administrators and experimenters continue to demonstrate a reckless disregard for the law, the only meaningful remedy offered to the people of Wisconsin is prosecution. We urge you to investigate and to exercise the power of your office to end these illegal activities and to hold accountable those engaged in them. We note that any person who violates Wis. Stat. § 951.08 is guilty of a Class I felony for the first violation and is guilty of a Class H felony for the 2nd or subsequent violation. Many years of violations by many parties appear to have occurred and are still under way.

Thank you for your prompt attention to this matter. For any questions, you can contact PETA through Jeremy Beckham at 469-286-8558 or JeremyB@peta.org or you can contact Alliance for Animals through Rick Bogle at 608-222-2348 or rick.bogle@gmail.com.

⁵ Helen Thomson, "Winning on home turf drives desire for future fights," *The New Scientist*, July 5, 2010.

⁶ Trainor, B.C., C.A. Marler, and I.M. Bird. Opposing hormonal mechanisms of aggression revealed through short-lived testosterone manipulations and multiple winning experiences. *Horm Behav.* 2004;45:115-21.

Sincerely,

Jeremy Beckham
Research Project Manager
People for the Ethical Treatment of Animals

Rick Bogle
Co-Director
Alliance for Animals

Enc

University of Wisconsin-Madison Animal Fighting Study Bibliography

Prepared by People for the Ethical Treatment of Animals
June 7, 2011

1. Fuxjager MJ, Montgomery JL, Marler CA. Species differences in the winner effect disappear in response to post-victory testosterone manipulations. *Proc Biol Sci*. 2011 Apr 13.
2. Fuxjager MJ, Forbes-Lorman RM, Coss DJ, Auger CJ, Auger AP, Marler CA. Winning territorial disputes selectively enhances androgen sensitivity in neural pathways related to motivation and social aggression. *Proc Natl Acad Sci U S A*. 2010 Jul 6;107(27):12393-8.
3. Gleason ED, Fuxjager MJ, Oyegbile TO, Marler CA. Testosterone release and social context: when it occurs and why. *Front Neuroendocrinol*. 2009 Oct;30(4):460-9.
4. Fuxjager MJ, Mast G, Becker EA, Marler CA. The 'home advantage' is necessary for a full winner effect and changes in post-encounter testosterone. *Horm Behav*. 2009 Aug;56(2):214-9.
5. Oyegbile TO, Marler CA. Weak winner effect in a less aggressive mammal: correlations with corticosterone but not testosterone. *Physiol Behav*. 2006 Sep 30;89(2):171-9.
6. Oyegbile TO, Marler CA. Winning fights elevates testosterone levels in California mice and enhances future ability to win fights. *Horm Behav*. 2005 Sep;48(3):259-67.
7. Trainor BC, Bird IM, Marler CA. Opposing hormonal mechanisms of aggression revealed through short-lived testosterone manipulations and multiple winning experiences. *Horm Behav*. 2004 Feb;45(2):115-21.
8. Davis ES, Marler CA. c-fos Changes following an aggressive encounter in female California mice: a synthesis of behavior, hormone changes and neural activity. *Neuroscience*. 2004;127(3):611-24.
9. Davis ES, Marler CA. The progesterone challenge: steroid hormone changes following a simulated territorial intrusion in female *Peromyscus californicus*. *Horm Behav*. 2003 Sep;44(3):185-98.
10. Bester-Meredith JK, Marler CA. Vasopressin and aggression in cross-fostered California mice (*Peromyscus californicus*) and white-footed mice (*Peromyscus leucopus*). *Horm Behav*. 2001 Aug;40(1):51-64.
11. Trainor BC, Marler CA. Testosterone, paternal behavior, and aggression in the monogamous California mouse (*Peromyscus californicus*). *Horm Behav*. 2001 Aug;40(1):32-42.
12. Bester-Meredith JK, Young LJ, Marler CA. Species differences in paternal behavior and aggression in peromyscus and their associations with vasopressin immunoreactivity and receptors. *Horm Behav*. 1999 Aug;36(1):25-38.
13. Maternal defense is modulated by beta adrenergic receptors in lateral septum in mice. Scotti MA, Lee G, Gammie SC. *Behav Neurosci*. 2011 Jun;125(3):434-45.
14. GABAA receptor signaling in caudal periaqueductal gray regulates maternal aggression and maternal care in mice. Lee G, Gammie SC. *Behav Brain Res*. 2010 Dec 1;213(2):230-7.
15. GABA(A) receptor signaling in the lateral septum regulates maternal aggression in mice. Lee G, Gammie SC. *Behav Neurosci*. 2009 Dec;123(6):1169-77.
16. Trpc2 gene impacts on maternal aggression, accessory olfactory bulb anatomy and brain activity. Hasen NS, Gammie SC. *Genes Brain Behav*. 2009 Oct;8(7):639-49.
17. Activation of corticotropin-releasing factor receptor 2 in lateral septum negatively regulates maternal defense. D'Anna KL, Gammie SC. *Behav Neurosci*. 2009 Apr;123(2):356-68.
18. Neurotensin inversely modulates maternal aggression. Gammie SC, D'Anna KL, Gerstein H, Stevenson SA. *Neuroscience*. 2009 Feb 18;158(4):1215-23.
19. Deletion of corticotropin-releasing factor binding protein selectively impairs maternal, but not intermale aggression. Gammie SC, Seasholtz AF, Stevenson SA. *Neuroscience*. 2008 Dec 2;157(3):502-12. Epub 2008 Sep 27.

20. GABA enhancement of maternal defense in mice: possible neural correlates. Lee G, Gammie SC. *Pharmacol Biochem Behav.* 2007 Jan;86(1):176-87.
21. Effects of daily and acute restraint stress during lactation on maternal aggression and behavior in mice. Gammie SC, Stevenson SA. *Stress.* 2006 Sep;9(3):171-80.
22. Altered gene expression in mice selected for high maternal aggression. Gammie SC, Auger AP, Jessen HM, Vanzo RJ, Awad TA, Stevenson SA. *Genes Brain Behav.* 2007 Jul;6(5):432-43.
23. Maternal aggression: new insights from Egr-1. Hasen NS, Gammie SC. *Brain Res.* 2006 Sep 7;1108(1):147-56.
24. Artificial selection for increased maternal defense behavior in mice. Gammie SC, Garland T Jr, Stevenson SA. *Behav Genet.* 2006 Sep;36(5):713-22.
25. Intermale aggression in corticotropin-releasing factor receptor 1 deficient mice. Gammie SC, Stevenson SA. *Behav Brain Res.* 2006 Jul 15;171(1):63-9.
26. Urocortin 1 and 3 impair maternal defense behavior in mice. D'Anna KL, Stevenson SA, Gammie SC. *Behav Neurosci.* 2005 Aug;119(4):1061-71.
27. Environmental enrichment alters plus maze, but not maternal defense performance in mice. Friske JE, Gammie SC. *Physiol Behav.* 2005 Jun 2;85(2):187-94.
28. Differential fos activation in virgin and lactating mice in response to an intruder. Hasen NS, Gammie SC. *Physiol Behav.* 2005 Apr 13;84(5):681-95. Epub 2005 Mar 31.
29. Elevated stress sensitivity in corticotropin-releasing factor receptor 2 deficient mice decreases maternal, but not intermale aggression. Gammie SC, Hasen NS, Stevenson SA, Bale TL, D'Anna KL. *Behav Brain Res.* 2005 May 7;160(1):169-77.
30. Corticotropin-releasing factor inhibits maternal aggression in mice. Gammie SC, Negron A, Newman SM, Rhodes JS. *Behav Neurosci.* 2004 Aug;118(4):805-14.
31. Sensory, hormonal, and neural control of maternal aggression in laboratory rodents. Lonstein JS, Gammie SC. *Neurosci Biobehav Rev.* 2002 Dec;26(8):869-88. Review.
32. Predatory aggression, but not maternal or intermale aggression, is associated with high voluntary wheel-running behavior in mice. Gammie SC, Hasen NS, Rhodes JS, Girard I, Garland T Jr. *Horm Behav.* 2003 Sep;44(3):209-21.
33. cFOS and pCREB activation and maternal aggression in mice. Gammie SC, Nelson RJ. *Brain Res.* 2001 Apr 20;898(2):232-41.
34. Maternal aggression in endothelial nitric oxide synthase-deficient mice. Gammie SC, Huang PL, Nelson RJ. *Horm Behav.* 2000 Aug;38(1):13-20.
35. Maternal aggression is reduced in neuronal nitric oxide synthase-deficient mice. Gammie SC, Nelson RJ. *J Neurosci.* 1999 Sep 15;19(18):8027-35.