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)

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

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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.
noted the winner and loser of each encounter.” 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…

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.

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.

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3 Ibid.
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.  

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.”

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 “belie 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.

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Sincerely,

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

Rick Bogle  
Co-Director  
Alliance for Animals  

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