



September 7, 2017

Vance Rice
Chief of Police
Mississippi State University Police Department

Via e-mail: mvr50@msstate.edu

Dear Chief Rice,

I hope this letter finds you well. I would like to request that your office investigate and file suitable criminal charges against the Mississippi State University (MSU) Meat Laboratory workers responsible for ineffectively stunning cattle and subsequently slashing the necks of conscious cows on two dates since March 2017 at its slaughterhouse located at 850 Stone Blvd. on the MSU campus. This caused the cattle to cry out and even walk around for three minutes while bleeding from their throats, as documented in the attached reports by the U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS). According to the reports, on the days in question, federal officials documented the following:

- **August 17, 2017:** "[Inspection] personnel observed an animal¹ being stunned ineffectively. The first captive bolt stun attempt . . . failed to render the animal unconscious. The plant employee placed the captive bolt stun gun to the animal's head and the animal was moving its [sic] head for approximately 2 minutes. After the stun attempt, the animal remained standing, vocalized, and had conscious eye movement. Prior to a second stun attempt, a plant employee cut the animal's throat to initiate bleeding. Therefore, no second stun attempt for corrective action was attempted to render the animal unconscious prior to shackling, hoisting, throwing, casting, or cutting, which resulted in the cutting of a conscious animal. . . .

. . . .

This incident shows a noncompliance of humane handling that is egregious."²

- **March 2, 2017:** "[A]t approximately 12[:]47 . . . a miss-stun of a steer occurred The MSU team member operating the knock-box side wall was unaware that the animal was not stunned adequately. Therefore, the team member opened the side door; the steer remained in the knock-box in lateral recumbency. The employee made a cut into the left jugular vein . . . and the animal slid to the floor and then rose to a standing position. Blood flowed freely from the severed jugular vein. The animal was conscious and agitated

¹The subsequent abeyance document refers to "beef animals" on the third line of the second page, so the referenced animal was apparently a cow. See FSIS District 90 Manager Larry Davis, *Notice of Suspension Held in Abeyance, Est. M 45533 – MSU Meat Laboratory* (Aug. 24, 2017), <https://www.fsis.usda.gov/wps/wcm/connect/55b1a047-8357-4a6f-a72e-b5799d2dae69/M45533-Abeyance-082417.pdf?MOD=AJPERES>.

²FSIS Acting District 90 Manager David Thompson, *Notice of Suspension, Est. M 45533 – MSU Meat Laboratory* (Aug. 17, 2017), <https://www.fsis.usda.gov/wps/wcm/connect/d16a7f5c-31f8-4463-a2cc-cc69e9381e70/M45533-Suspension-081717.pdf?MOD=AJPERES>.

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and walked around the enclosed space for an additional 3 minutes. . . . [A] team member attempted to make a second impact into the animal's head with the captive bolt gun. This attempt failed as the gun discharged into the skin and dermis of the right side of the animal's neck several inches caudal to the head. . . . The animal remained conscious and standing. . . . [A]nother member of the team with the back-up captive bolt gun attempted to place a charge into the center of the animal's head. The gun made a clicking noise, but did not fire. The team member moved the safety to the off position and fired The animal was rendered unconscious at approximately 12:50 PM."³

This conduct appears to violate Section 97-41-1 of the Mississippi Code, which states, "[I]f any person shall intentionally or with criminal negligence . . . torture, torment, unjustifiably injure . . . or cruelly beat or needlessly mutilate . . . any living creature, every such offender shall, for every offense, be guilty of a misdemeanor." The workers were apparently at least criminally negligent when they unjustifiably injured the cattle. During both incidents, the workers should have been aware, as the federal official or officials were, that the cows were ineffectively stunned—and still conscious—before slashing the animals' throats. The offense is especially evident in the August incident report, wherein the federal official said that the cow was "standing, vocaliz[ing], and [showing] conscious eye movement" directly before the worker cut the animal's throat. Importantly, FSIS action does not preempt criminal liability under state law for slaughterhouse workers who perpetrate acts of cruelty to animals.⁴

We respectfully request that your office investigate the MSU Meat Laboratory and the workers responsible for this conduct and file cruelty charges against all appropriate parties. Please let us know what we might do to assist you. Thank you for your consideration and for the difficult work that you do.

Sincerely,



Melissa Mary Wilson
Attorney, Cruelty Investigations Department

³FSIS District 90 Manager Perry E. Davis, *Notice of Intended Enforcement, Est. M 45533 – MSU Meat Laboratory* (Mar. 2, 2017), <https://www.fsis.usda.gov/wps/wcm/connect/eff7b295-ae80-49b9-a616-a255e65a7eb7/M45533-NOIE-030217.pdf?MOD=AJPERES>.

⁴*See Nat'l Meat Assoc. v. Harris*, 132 S. Ct. 965, 974 n.10 (2012) (" . . . States may exact civil or criminal penalties for animal cruelty or other conduct that also violates the FMIA. *See* [21 U.S.C.] §678; *cf. Bates v. Dow Agrosciences, LLC*, 544 U. S. 431, 447 (2005) (holding that a preemption clause barring state laws 'in addition to or different' from a federal Act does not interfere with an 'equivalent' state provision). Although the FMIA [Federal Meat Inspection Act] preempts much state law involving slaughterhouses, it thus leaves some room for the States to regulate.").