

STATE SUPREME COURT
UPHOLDS HUNTER HARASSMENT LAW
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HARTFORD, Conn. -- The state Supreme Court ruled Monday that a law designed to prevent animal rights activists from interfering with hunters or fishermen does not violate the First Amendment.

The hunter harassment law prohibits people from standing in the line of fire, harassing hunters or attempting to affect wildlife behavior with smells, sights or sounds designed to hinder hunters.

The case dates back to 1991, when a group of anti-hunting activists followed a bow hunter into a state forest in Hartland on the first day of archery season.

As the hunter drew his bow, they formed a semicircle around him and refused to get out of his line of fire. A conservation officer arrested the protesters when they refused to leave the park.

The activists argued that by suppressing their anti-hunting protests, the hunter harassment law violated their rights to free speech and assembly. The defendants also argued the law treated them unfairly because other groups, including religious ones, were allowed to use the parks for various ceremonies and gatherings.

Kathleen Eldergill, the attorney for the protesters, said the statute is written so broadly that a hunter could claim that anyone else in the woods, no matter if they were standing in the line of fire or just waiting in hopes of meeting up with hunters, was interfering with their hunting. "The way it's written and enforced, it really does seem to leave the forest in control of hunters," said Eldergill.

In a 5-0 ruling, the Supreme Court judges said the law did not infringe on free speech and assembly because the forests where hunting is allowed are not intended for public assembly and do not contain facilities for public interaction.

"Like mailboxes and airports, the mere fact that state forests and undeveloped state parks are appealing locations for those seeking to convey a message does not make them public fora," Chief Justice William Sullivan wrote in the opinion.

The high court drew a distinction between undeveloped parks and developed ones such as Greenwich Point, a beach that was the center of a recent state Supreme Court decision. In that ruling, the court said the beach functioned much as a town common or municipal park, and therefore was a public forum.

The court also said activists have other means of protesting hunting, including speaking to hunting groups and buying advertising to spread their message.

"The defendants in the present case have had their speech restricted only to the degree necessary to prevent interference with taking game," Sullivan wrote. "That they therefore must fend for themselves in the marketplace of ideas does not give rise to a First Amendment violation."

The court ruled that the statute was narrowly drawn and that the state had significant interests - public safety, managing the wildlife population and raising revenue - in enacting the hunter harassment law.

The state argued that hunting helps manage the animal population and raises several million dollars a year from the sale of hunting and fishing licenses.

The state also argued that the law increases public safety by reducing contact between activists and hunters who are about to fire guns and bows, as well as reducing the number of collisions between cars and deer.

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