

H B

546

Offered: 6/16/83
Referred: Rules

Original sponsor: Shultz

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 2d SENATE CS FOR CS FOR HOUSE BILL NO. 163 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to harassment of persons lawfully
7 engaged in hunting, fishing, camping, or trapping."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 16.05 is amended by adding new sections to read:

10 Sec. 16.05.925. HARASSMENT OF PERSON LAWFULLY ENGAGED IN HUNT-
11 ING, FISHING, CAMPING, OR TRAPPING. (a) A person may not knowingly
12 interfere with a person lawfully engaged in or attempting to lawfully
13 engage in sport hunting, subsistence hunting, commercial hunting,
14 sport fishing, subsistence fishing, camping, or trapping with the
15 intent of hindering or preventing the person's activity.

16 (b) A person may not knowingly disturb fish or game or the
17 habitat of fish or game with the intent of hindering or preventing a
18 person lawfully engaged in or attempting to lawfully engage in sport
19 hunting, subsistence hunting, commercial hunting, sport fishing,
20 subsistence fishing, camping, or trapping.

21 (c) A person who violates this section is guilty of a mis-
22 demeanor punishable by a fine of not more than \$500 or by imprisonment
23 for not more than 30 days, or by both.

24 Sec. 16.05.926. CIVIL REMEDIES. (a) A person aggrieved by
25 conduct in violation of AS 16.05.925 or threatened with such conduct
26 may petition a superior court to enjoin the respondent from engaging
27 in such conduct.

28 (b) A person aggrieved by a violation of AS 16.05.925 is
29 entitled to recover general damages and special damages, including

1 license and permit fees, travel costs, guide fees, special equipment
2 and supplies, and other related expenses.

3 (c) A court may award punitive damages in addition to the dam-
4 ages set out in (b) of this section.

Veto
 2dSCS CSHB 163(Jud)

The following letter dated July 25, 1983, was received:

Re: 2d SCS CSHB 163 (Jud) --
 Relating to harassment
 of persons lawfully en-
 gaged in hunting, fish-
 ing, camping, or trapp-
 ing.

Dear Mr. Speaker:

Under the authority granted in art. II, sec. 15, of the Alaska Constitution, I have vetoed 2d Senate Committee Substitute for Committee Substitute for House Bill 163 (Jud) which makes it a misdemeanor to interfere with hunting, fishing, camping and trapping activity. Existing law, particularly the disorderly conduct, assault, criminal mischief, and general harassment statutes provide adequate penalties for criminal acts that interfere with these activities.

This legislation also presents a constitutional problem because it fails to define what constitutes "interference" with the protected activities. Conceivably, a person who talks too loud near a salmon stream may be subject to arrest and 30 days imprisonment under this bill for interfering with a sport fisherman's ability to catch a salmon. Criminal statutes must be sufficiently precise for the ordinary citizen to know what conduct is prohibited. Because the coverage of this statute is so vague, and since existing criminal statutes provide adequate coverage for physical interference with hunting and fishing activities, I have vetoed this bill.

Sincerely,

/s/ Bill Sheffield
 Bill Sheffield
 Governor

Veto
 SCS CSHB 109(HESS) am S

The following letter dated July 27, 1983, was received:

Re: SCS CSHB 109(HESS) am S
 -- Relating to persons
 16 or 17 years of age
 who are charged with
 unclassified or class A
 felonies; and amending
 the children's proceed-
 ings waiver provisions.

HD 497

January 24, 1983

Representative Dick Schultz
State Capitol Building
Juneau, Alaska 99801

Dear Dick:

On January 5, 1983 the Tok Cutoff-Nabesna Road Advisory Committee met in a general meeting to discuss hunting regulations. There were several things discussed with two of them pertaining to you.

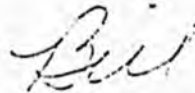
#1 We would like to see legislation written and passed that would control or rather stop harrassment of hunters, trappers, and fishermen. We would be able to carry on our life-style without harrassment from the "greenies".

#2 We would like to see legislation written and passed that would eliminate the \$25 trophy tag for resident grizzly/brown bear hunters. We believe the State is rich enough without charging its residents a \$25 fee.

Our committee will be meeting within a few weeks and correspondence from you would be appreciated. I would like to be able to tell the folks something about these two items.

Good luck and if there is anything I or this committee can do to help, please let me know.

Sincerely,



Bill Ellis, Chairman
Tok Cutoff-Nabesna Rd. Advisory Committee
S. R. Box 380
Gakona, Alaska 99536
907/822-3426

TIPS FOR HUNT SABOTEURS

Fourteen million Americans will be shouldering their rifles and shotguns within the next few months, marching off to their annual offensive against our wildlife. These legions, which are more numerous, and generally better equipped than the entire Nazi armies of the Second World War, will take a bloody toll before the season ends. They will kill deer and rabbits, ducks, dogs, cats, a few children, and even a few hunters.

It is time for friends of animals to start organizing a defense that will serve to at least temper the wanton destruction. There are many ways that a friend of animals can become a forest partisan on behalf of our wildlife, and we offer here a few suggestions that range in effort, depending upon a person's abilities and commitment:

1. Deny the hunter the land to hunt on. Much hunting is done on private lands. To protect these animals, encourage your neighbors, especially those who own large tracts such as farms and ranches, to post their land and forbid hunting. Try to convince them that hunters invariably cause more damage to agriculture than the wild animals do.

2. Many areas have hunting restricted to a specified number of hunters who have special permits. Commonly, these permits allow the hunter to use a particular blind or hunt less common species, such as bear. Apply for these permits yourself. The permits are usually awarded by a simple lottery selection. If you're lucky, you'll win a permit and deny a hunter his kill.

3. Get into the woods yourself the day before the hunting season. If you're familiar with the most commonly hunted areas, try to drive wildlife away. A stroll through the forest with a nice loud radio and a dog on a leash, will serve to make wildlife more wary of humans. This is particularly important for younger animals that have not yet had the traumatizing experience of being hunted.

4. Certain substances, such as rotten eggs, when rubbed into hunting blinds, make these enclosures even more uncomfortable for the hunters. Uncomfortable hunters are irritable, and are also poorer shots. Plastering the floor of a hunting blind with cow dung is another good idea.

5. If you're familiar with wildlife habits in your neighborhood, try to encourage them to break these habits shortly before hunting season. For instance, many hunters like to stalk along deer tracks which are pretty well defined to a good woodsman. Placing deer repellent (available at many feed and hardware stores) along these tracks will encourage the deer to move away and leave the hunter with a route devoid of the species. If you want to save money, just scoop up a bag of human hair from a local barber shop and hang handfuls of it in little bags about two or three feet from the ground, along the deer track. The deer will soon get the message that there are humans in the area and will drift away.

6. If there is much hunting with dogs in your area, try to get hold of a female dog in heat and lead her, on a leash, through an area that is heavily hunted. Male dogs in the hunter's pack will "get wind" of the female and lose their enthusiasm for chasing rabbits or deer.

7. Hunters frequently like to ambush their prey by setting out food and then hiding in blinds. Commonly, bushels of apples are set out a few days before hunting season to encourage deer to browse in this area. When hunting season comes, the hunter merely comes to the site, climbs into a blind, and waits for the deer to come to him. To disrupt this, there are two alternatives. First, remove all apple piles immediately on finding them during the days preceding hunting season. Second, if there are just too many apples to carry away, give them a good spraying with deer repellent and spread barber shop hair clippings all over the area.

8. Encourage your municipality to pass an ordinance that bans, in the interest of public safety, the use of all weapons within its limits. Rifles, shotguns, bows and arrows have been known to kill people too.

9. If you have a portable tape recorder, get a cassette recording of wolf howls. Play this in the woods a few times in the days before hunting season. It will make wildlife wary.

10. Try to develop strong anti-hunting sentiment in your community by writing letters to the editor of your local newspapers, meeting with neighbors, getting on talk shows. Creating public awareness of the problem is a vital point. Let your neighbors know that the law recognizes wildlife as belonging to all people, and they are not the exclusive property of hunters until after they have been murdered.

11. Work on a project to get your State to pass a law that would require all hunters to carry written permission from the landowners of the places they hunt. This further curbs the hunter's battlegrounds because many farmers are reluctant to sign permits that would allow people to hunt on their lands. Also, much land is owned by summer residents, corporations, etc. that are nearly impossible to get hold of.

12. Approach your Congressperson and Senators with demands that hunting and trapping be prohibited on national wildlife refuges and all public land.

13. If you have any old, stuffed animal toys, set these around commonly hunted areas. Hunters often don't take the time to check if an animal is real. Better to have a hole in a cotton rabbit than a real one - and the noise of the gun going off might serve to scare away other wildlife.

14. We will be trying to put together a better activist's guide for next hunting season, so if you have any ideas or procedures you've found effective, please let us know. Mail them in to Bill Clark, Friends of Animals, 11 West 63th Street, New York, NY 10023.

Use your imagination. There are plenty of ways to frustrate the hunt, depending on your own abilities and enthusiasm. The main point here is to do something. By your work, you will be helping animals in two ways. First, you will be protecting them from the hunters and second, you will be letting the hunters know that friends of animals are in the woods. This serves to anger them, and angry hunters do not stalk so quietly, their aim is not so precise. Emotions can play heavily in the success of a hunt, and the most effective killers are cool and methodical. Disrupt!

ANTI-HUNTERS VS. HUNTERS: WAR IN THE WOODS

Greenpeace fanatics are harassing hunters in the field. It's a vicious and very dangerous movement, and you could be the next victim. Here's what to expect plus some very good advice on what not to do about it.

By Richard Starnes, Editor-at-Large

The lush alpine valleys and rugged highlands of northeastern British Columbia have witnessed the opening skirmishes in what threatens to become all-out war between big-game hunters and anti-hunting zealots who have sought to stop them by harassment, abuse, intimidation and—it is charged—physical violence.

How much violence has occurred to date is in dispute, but there have been several angry confrontations involving hunters and anti-hunting activists, one beating has already taken place, and feeling is running so high that Canadian provincial authorities are alarmed at the prospect of more violence when the big-game season opens this fall.

"It's only a question of time before some hothead loses his composure and someone gets hurt," said one hunter who was victimized by the anti-hunters.

Arrayed against each other in the conflict are the hunters, outfitters, and game-management officials of British Columbia, and a dedicated, well-financed, implacable organization of anti-hunters who call themselves Greenpeace.

Greenpeace is no collection of saloon conspirators content to crank

out mimeographed anti-hunting diatribes and picket sporting-goods stores. It is slick, professional, worldwide, and growing rapidly. Its Vancouver chapter alone budgets nearly \$500,000 a year for anti-hunting activities. Its tools are \$1,000-a-day helicopters, expensive sound cameras, and self-confessed expertise at manipulating the press and television. Its tactics are harassment, confrontation, and attempts physically to restrain hunters. Its leader, Dr. Patrick Moore of Vancouver, made it clear in an interview with *OUTDOOR LIFE* that episodes of harassment and intimidation that took place in the rich hunting grounds of British Columbia in 1979 and 1980 were only the opening salvos in the conflict.

"We'll be back this year," he said. "They can't stop us. We intend to stop trophy hunting, first in British Columbia, ultimately all over the world."

How Greenpeace seeks to frustrate hunters is perhaps best told in the words of Richard A. Mielke, a 50-year-old Pontiac, Michigan, fire fighter who last year took a 21-day hunt-of-a-lifetime in the rugged, 1.6-million acre Spatsizi Wilderness Park in British Columbia. He and his partner, Darryl Hastings,

40, a computer broker from Rochester, Michigan, encountered the Greenpeaceers on the first day of the hunt.

"They barged right into our camp," Mielke said. "They stuck sound cameras right in our faces. They harangued and abused us. One of them screamed at me, 'Is there something wrong with your sex life? Is that why you're up here killing animals?' When we tried to ride out of camp they locked arms across the trail to stop us. One of them grabbed the bridle of my horse. That was dangerous. That's rough country up there. If the horse had shied and fallen I could have been badly hurt."

Eventually the hunters and their guide broke free and continued the hunt, but on nearly every day of the hunt the harassment continued. On one day Mielke took his rifle—unloaded—to a dock on tiny Bug Lake to scope a wolf that had been howling near the camp.

"One of these Greenpeace guys crowded up against me, bumped me, and yelled, 'You're not going to shoot that animal while I'm here!' He grabbed my rifle, and then he fell into the lake."

"They would taunt you in every way they could," Hastings added. "You

couldn't even go to the john without one of them sticking a camera in. It's hard to keep your cool under those circumstances, yet I couldn't give them the satisfaction of bothering me."

Although the Greenpeacers scornfully characterize hunters such as Mielke and Hastings as "jet-set headhunters," both are men of modest means.

"I scrimped and saved and worked at odd jobs for two years to get the money for that hunt," Mielke said. "By the time I'd paid air fares, outfitters' fees, and license and trophy fees it cost me around \$10,000."

Hastings put the cost of his hunt at near \$12,500, and noted it would be a long time, if ever, before he could afford another hunt of that magnitude.

Both hunters report that attempts to reason with the anti-hunters were futile.

"We were after Stone sheep, principally," Hastings said. "But they kept alluding to them as 'bighorns.' I told one of them, 'You're such a phony; you don't even know what species you're talking about.'"

Both men got trophy sheep as well as other trophy specimens, but the Greenpeace activists succeeded in blighting what would otherwise have been an idyllic hunt.

"There were several days when I didn't hunt because of them," Hastings said.

Complaints to provincial wildlife authorities were to no avail. "Early in the hunt a park ranger came into our camp," Hastings said. "We asked him why he wouldn't protect our right to carry on a lawful activity. I'd paid around \$1,000 for licenses and tags, and these people were trying to deprive me of my right to hunt. The ranger replied that there was nothing he could do. 'It's a public park,' he told me. 'They can go anywhere they please.'"

Later, after the anti-hunter fell (Greenpeacer Moore says he was pushed) into the lake, four Royal Canadian Mounted Police officers and two B.C. Fish and Wildlife Department officials arrived at the Mielke-Hastings camp by helicopter. Again the two hunters repeated their plea for protection, again the officials said there was nothing they could do.

"They told us they were trying to figure out how to resolve the issue," Hastings told *OUTDOOR LIFE*. "But all they did was to tell us, 'We want you fellows to be patient and keep the peace.'" (There are indications, however, which we will come to later, that B.C. officials are preparing to abandon

*Violence against them
would give Greenpeace
"proof" that all hunters
are thugs and violence-
prone killers.*

their policy of noninterference when the 1981 season opens.)

Even after Mielke and Hastings quit their camp to return home, the Greenpeace contingent pursued them. After alerting press and television, the anti-hunters continued their tactics of harassment. They followed the two hunters into the airport at Vancouver, taunting them, haranguing and vilifying them, and waving professionally-made anti-hunting placards for the benefit of news and television cameras. Several wore animal costumes, including horns or antlers. The Greenpeacers drove the two hunters to take refuge in the airport lounge, where the bartender did what the Royal Canadian Mounted Police and game department officials had been unable or unwilling to do. He chased the anti-hunters out of the place.

In the fall of 1980, the Gary Zechel hunting party camped in the Spatsizi wilderness in British Columbia and ran into harassment by eight Greenpeace agitators (left). When Zechel and his wife rode out of their camp for a day of hunting with their guide, the Greenpeacers locked arms across the trail to block their way and screamed abuse. A female Greenpeacer grabbed Zechel's reins to hold him back. The guide broke through the human barrier, and the Zechels pulled away and rode around them. Gary Zechel stated that his greatest fear was that one of the horses would spook and injure or kill someone. The painting is based on a photograph supplied by the Greenpeacer organization! At right, Greenpeacers in animal costumes harass Richard A. Mielke and Darryl Hastings in the Vancouver airport after their successful hunt.



Illustration by Domenick D'Andrea

What was possibly an even uglier incident took place during the 1979 season in Spatsizi. Gary Zechel, an engineer with the Ford Motor Company, who lives in the Detroit area, was hunting Ranger Creek with his wife Jo-Carole, who is a hunter, but wasn't hunting on this occasion. Accompanied only by an Indian guide, the Zechels were traversing one of the wildest, most primitive areas in North America.

"We were six or eight hours by horseback from our base camp, staying in a spike camp," Zechel recalled, "when these Greenpeace people showed up. There were seven men and one woman. There was lots of taunting, harassment, and intimidation. They said they would do whatever they could to stop us. They said if they couldn't persuade us to abandon our hunt they would restrain us physically. When we rode out for a day of hunting, they locked arms in front of us. When I tried to go to my wife's aid, one of them grabbed my horse's reins. Eventually our guide broke through, and my wife and I got away from them. They chased us several hundred yards up the trail, and our guide's horse fell into a bog. That was very dangerous. Even a minor injury is serious in that remote wilderness."

Like Mielke and Hastings, Zechel is an experienced hunter and outdoorsman, clearly able to take care of himself. But some insight into the psychological impact of the Greenpeace tac-

tics can be won when Zechel says, "One of those guys had an ice ax he kept waving in my face. I felt more fear than I have felt in a long time."

Zechel's wife seems to have been singled out for particular attention by the Greenpeaceers.

"They ran raving and yelling at her," he reported. "It was like a riot. They came within five or ten feet of her."

Exercising what can only be described as saintly restraint, the Zechels and their guide did their best to ignore the anti-hunters.

"This drove them into a frenzy," Zechel said. "They acted nearly hysterical, obviously looking to cause some action or incident." Not surprisingly, the Greenpeace tactics finally wore down Jo-Carole's emotional reserves. "She was terrified and finally broke down crying and screaming for them to leave us alone. They refused and she ran into the tent, sobbing 'They're crazy—I'm afraid of them.' She spent the final days of the hunt in her tent."

When the Zechels broke camp and returned to Smithers, he filed an assault charge against the Greenpeace anti-hunters. Although technically the charge is still pending, it has been "stayed" and provincial authorities made it clear they have no plans to prosecute it.

Ralph Aldrich, chief conservation officer of the British Columbia fish and wildlife agency, undertook to explain why.

"From an enforcement point of view we can only follow the law," he said in an interview. "There is no law against yelling. It's just like picketing. Of course, if they threaten assault and take some overt action, that may be assault."

Is it illegal to impede hunters' horses? Aldrich's reply was something less than definitive. "It depends," he said. Thereupon he passed the buck to Peter Ewart, crown counsel (prosecuting attorney) for the Spatsizi district. From Prince George, B.C., Ewart indicated that, while still open, the charges laid by Gary Zechel against the Greenpeaceers would likely never be prosecuted.

"We took a look at the evidence and the probable outcome of a trial and put a 'stay' on the case," Ewart said. But then, plainly choosing his words carefully, Ewart laid out what may be provincial officials' plan to end the threat to one of British Columbia's prime industries. "I would have been much happier," he said, "if the charge had been intimidation instead of assault." British Columbia, he said, has a statute making it illegal to "impede or attempt to impede any person from carrying out

a lawful activity" by threats, harassment, or coercion.

"What he says is a crock," bluntly charged Ray Collingwood, whose firm outfitted both the Zechel and Mielke-Hasting parties. "They didn't prosecute because of the expense of getting witnesses back up here to testify. I've lost all respect for the government."

Collingwood revealed what apparently is not known by provincial authorities—real violence has already broken out.

"One of these [Greenpeace] guys tried to stop one of our pilots from taking off from an airstrip we maintain in the park," he told *OUTDOOR LIFE*. "He grabbed a wing strut of the Beaver and tried to force our pilot to abort his take-off. The plane got off anyway and later the pilot returned, landed the aircraft, and punched the guy out. He knocked him down and slapped him around some. He just hung a little licking on him."

Despite the degree of restraint exercised by Mielke, Hastings and Zechel, provincial authorities are acutely aware of the potential for violence. Like the hunters themselves, provincial officials see the tactics of Greenpeace as calculated provocations designed to spark violent reaction. All agree that would be counterproductive and, as one put it, "would give Greenpeace 'proof' that all hunters are thugs and violence-prone killers." Chief conservation officer Aldrich pointedly noted that there will be combined Royal Canadian Mounted Police and game department patrols in Spatsizi during the 1981 season.

Greenpeace's Moore airily dismissed the prospect of being prosecuted under the intimidation statute.

"The attorney general (of British Columbia) hired a man last summer especially to research the question," he said. "He concluded there was no law that could stop us. Our activities are as legal as the hunters'. All we're doing is occupying nonconsumptive space, competing for resources with the hunters. They can't say we're interfering with their rights. Those [game] animals don't belong to anyone until they're actually taken into possession."

It is clear that Patrick Moore is the architect, principal voice, and presiding genius of Greenpeace. He conceived and created the organization while a graduate student at the University of British Columbia (he is now a doctor of ecology) five years ago. His title is Canadian director of Greenpeace International, but plainly his sway extends to the worldwide branches of the organization. He is one of 12 salaried, full-time employees of Canadian Greenpeace, and he is paid \$1,200 a month. There are offices in Vancouver,

"We intend to shut down trophy hunting in Spatsizi to show that it can be done."

Victoria, Toronto, and Montreal, as well as branches in the United States, the United Kingdom, the Netherlands, France, New Zealand, and Australia. A Greenpeace "secretariat" in Washington coordinates the activities of the international branches, and it has an annual budget of \$120,000.

"Our forte," Moore said in an interview, "is organizing expeditions into remote areas in order to confront in a nonviolent manner acts that we consider environmentally detrimental. Our funding is entirely private—donations from individuals that are generally less than \$50. We have no foundation or government grants. Our methods are too controversial to attract money from conservative quarters."

Greenpeace's first confrontation took place when Moore and others chartered an 85-foot vessel and sailed to the Aleutian island of Amchitka in an attempt to halt the testing of nuclear bombs. "We lost that battle but we won the war," he said. "They've stopped testing now and Amchitka is a wildlife preserve."

Later Greenpeace made expeditions to the South Seas in an attempt to stop nuclear testing by France (they failed), and they have conducted offensives against whalers and seal hunters.

"But we cut our teeth on nuclear testing," Moore said. "From it we learned how to deal with the media and how to understand international politics. We're fortunate in having people who understand the media—that's how you communicate with people in the modern world, knowing whose sort of images appeal to the media."

Although Canadian authorities are tippy-toeing around the Greenpeace campaign of intimidation in Spatsizi, the government ended similar tactics that were attempted against commercial hunters of harp seals in Newfoundland.

"They enacted what they called 'seal protection regulations'," Moore said, "just to keep us out. It's ironic, and very undemocratic."

Moore insists that ending all hunting is not his goal. "Hunting can be part of a harmonious relationship with nature," he said. "Indian bowhunters lived in a balanced state with nature for

10,000 years. But what we're saying is that the relationship between man and animals has changed dramatically. These hunters are an extension of the Detroit urban-industrial ecosystem. They have no place in Spatsizi. In a park set aside for protecting these animals, we must stop thinking of them as a natural resource and think of them as a national treasure."

Moore's disclaimer notwithstanding, Greenpeace's program would effectively end hunting. It would totally rule out all trophy hunting, even under the rigidly controlled conditions prevailing in Spatsizi. It would prohibit hunting by all outsiders, insisting that only food hunters "that are part of the (local) environment be permitted to hunt." It would, in short, permit only subsistence hunting, and then only if the cessation of hunting would "dramatically affect" the life-style of the hunter, and only if subsistence hunting remained in "balance" with the environment.

Moore repeatedly insisted that the hunters who were assailed by the Greenpeacers were unthinking trophy freaks who habitually left the meat of their animals to spoil after removing horns, antlers, and capes. All three hunters heatedly denied the charge, noting that they had painstakingly packed all usable meat back to camp, either for shipment home or for use by the outfitter's crew. The outfitters con-

firmed this. In fact, British Columbia law requires that the meat of game animals be removed and used for food, and in its exhaustive investigation of the incidents, the provincial game department found no violations of the law by the hunters.

For the record, Moore denies any of the Greenpeace activists at Spatsizi committed assault by grabbing anyone's arm. He denies that Mielke's rifle was pushed, but he insists that either Mielke or his companion shoved one of the Greer peacers into the icy waters of

"They're crazy—I'm afraid of them," Gary Zechel's wife said. She spent the final days of the hunt in her tent.

Bug Lake. He concedes that they tried to block progress of the hunters' horses, but denies any member of his group seized them by the bridles. "They ran their horses at us," he insisted.


"Our intention is to be there again this year. We intend to shut down trophy hunting in Spatsizi to show that it can be done. They say we are interfering

with them. We deny that. We're competing, as is our right, and they can't stop us."

Perhaps more philosophical than many hunters would be, Richard Mielke warns future hunters of Spatsizi that the Greenpeace anti-hunters "are trying to provoke you into taking a poke at them. And that's the last thing anyone should do. It's exactly what they want."

Unfortunately, however, it isn't the last thing that's likely to happen—unless British Columbia takes a page from Newfoundland's book and contrives a way to keep the Greenpeace people away from the hunters. There are some indications B.C. officialdom, perhaps belatedly, is now working hard to find a way to end the harassment of hunters. In reply to a letter of complaint from Mielke, B.C. Minister of Environment Stephen Rogers wrote:

"I wish to extend my personal apologies for the harassment you suffered (and) I also want to congratulate you and your hunting partner for the restraint you both showed under trying circumstances. The hunters in Spatsizi by their good behavior, as opposed to the conduct of Greenpeace, gained in general public stature while Greenpeace suffered.

"We are working with the Parks Branch to see what can be done to prevent situations such as you experienced from recurring." 

**OUTDOOR
LIFE**



JULY 1981

The Force Behind Friends of Animals

Alice Herrington Raises the Hackles of Sportsmen in Her War on Hunting

By E. J. NILSSON
GMI Staff Writer



Alice Herrington

Whether Alice Herrington is right or wrong, she is anything but a bore. As under and president of Friends of Animals (FOA), Herrington arouses strong feelings among sportsmen and others in her crusade against hunting.

Herrington, who lives with eight cats in Little Silver, N.J., founded FOA in 1957 to try to reduce the numbers of stray dogs and cats. And that is still the major purpose of the organization, she said.

But the group's chief claim to fame is Herrington's verbal bouts with hunters and trappers.

"To call this a sport is just pure nonsense," she said about hunting. "It's a real cruelty. It can't be justified."

IN HERRINGTON'S view, the only people worse than hunters are trappers.

"Deer hunters are not nearly as bad as trappers," she said. "I can't imagine how hunters, who pride themselves on fine shooting, ally themselves with trappers, who practice sadism. Deer hunters are due a little credit for at least the speed of their kill."

Despite the fireworks that FOA ignites with its "fuel program of hunting and trapping disruption," Herrington wants to convince the public that there "are two cruelties."

Besides the killing of "free animals, which are called wildlife," she explained, she's concerned about man's treatment of all domesticated animals—including pets and livestock.

"It's an American syndrome to love kittens and puppies but then throw out dogs and cats," she said, adding that millions of dogs are killed "in American municipal dog pounds, but they were loved as puppies."

In 1970, Herrington organized low-cost spaying programs for 20,000 animals. By 1980, the number had risen to 60,000.

Last September in Neptune, N.J., she opened a low-cost spaying clinic, said to be "a model of its kind with room for 80 animals and two veterinarians." Across the nation, her group pays for part of the cost of spaying in cooperation with 750 participating veterinarians.

ONE OF the prime targets of Herrington and the FOA is the food business.

"Cruelty to animals is practiced on a larger scale by the food industry than by any other single sector of human activity," an FOA publication asserts.

And Herrington adds:

"If people want to support an industry that is destroying the land, then they can continue to eat these creatures. But if not they can eat vegetables."

Other institutions also are criticized by

FOA, including zoos.

"Zoos must be phased out," said an FOA publication.

Herrington's concern for animals was heightened when she returned to the United States in 1954. Working as a War Department statistician, she had seen relatively few animals running loose in Europe.

In the United States, she said, "I was shocked to find stray animals everywhere."

HERRINGTON, a graduate of the University of Wisconsin in Madison, put her statistical talents to work calculating the rate of increase of dogs and cats. She said she realized that cutting the prolific birthrate was the only long-range solution.

This realization led to the founding of FOA, which worked with volunteers until 1967. Now the group has 12 full-time em-

Herrington was asked whether she would advise FOA members to take traps that were legally set.

"Yes! Why not? Certainly," she said. But wouldn't the "solution" be stealing?

"You could say that it's stealing if you like," she replied, "but the Robin Hood approach to life is still a very nice way to go."

To the Commission
OUT
3/25/81
CM

Humane Group To Seize Animal Leghold Traps

By STEVE GRANT

Friends of Animals Inc. said Friday it is going to trip up trappers by setting off their leghold traps when the season opens next week.

The organization said it will ask its 4,500 members in Connecticut to look for the traps, touch them off with a stick and remove them, because it believes the traps are inhumane.

"We can't as an organization advise people to remove legally set leghold traps. It wouldn't be a smart thing to do. What we're asking them to do is remove illegally set traps. Our guess is most of them are illegal," said Priscilla Feral, the organization's Connecticut director.

Game laws require all leghold traps to have the owner's name on them and they must be placed underwater or in an animal's burrow.

A spokesman for trappers questioned the new campaign, which will begin next Saturday, when the season opens.

"They're setting up a vigilante group. Vigilantes in any situation are not good. They don't know enough and they tend to break the law themselves," said Robert Crook of Madison, a member and former president of the Connecticut Trappers Association, which has about 800 members.

"I wouldn't object to anybody coming out and checking my traps, as long as they had the permission of the landowner, and as long as they didn't steal them, set them off or take animals out. But I really don't think that's their responsibility," Crook added.

He said the state Department of Environmental Protection is responsible

for seeing that trapping is conducted legally and that he understood the group was told by DEP not to remove illegal traps but instead to report them to a game warden.

Ms. Feral said a trapper's name legally can be placed anywhere on a trap, so members would have to trip them to check. She said members would not be advised to reset legal traps.

"DEP can read the riot act to me if it wishes. But no way will we aid the trapper. Our object is to get rid of the leghold trap," she said.

The organization has argued that the trap, which has two steel jaws that slam shut when an animal touches a piece of bait, is barbaric because some animals die slowly or are left crippled. Ms. Feral said domestic animals also have been caught in the traps. There are other traps available that are more humane, she said.

Crook estimated that there are 8,000 trappers in Connecticut, with the average trapper placing 50 or 100 traps in the wild.

The most commonly trapped animal in the state is the muskrat, which can yield a pelt that will fetch up to \$8. Raccoon, fox, mink, opossum, weasel, skunk and beaver also can be trapped legally, though the season for some of those animals does not begin until later.

Friends of Animals, which is based in New York, has waged other campaigns against hunters. Some members went into the Connecticut woods recently to play recorded wolf howls to alert animals of danger when the deer hunting season opened.

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AN ACT RELATING TO HARASSMENT OF PERSONS LAWFULLY ENGAGED
IN HUNTING, FISHING, CAMPING, OR TRAPPING

PRIME SPONSOR: SHULTZ.

CO-SPONSORS:

CURRENT STATUS: 1/16/84 EXPIRED 1ST SESSION

HB 163 HOUSE ACTION 14:22 2/27/84 PAGE 2 OF 5
DATE SEQ PAGE LEGISLATIVE ACTION

02/04/83 01 0173 FIRST READING -- COMMITTEE REPORTS
03/21/83 02 0572 RES -- CS05, NR02
03/21/83 03 0572 RES F/NOTE EQUALS ZERO
04/20/83 04 0942 JUD -- DNP01, RES CS04, NR02, OTHER01
04/20/83 05 0957 NOT MOVED FROM RLS COMM BY DIV 12-25-03
04/21/83 06 0968 RLS -- CS05, NR02, OTHER02
04/22/83 07 0994 SECOND READING
04/22/83 08 0994 RLS CS ADOPTED BY UNAN CONSENT
04/22/83 09 0995 AM01 WITHDRAWN
04/22/83 10 0995 AM02 NOT ADOPTED BY DIV 15-19-06
04/22/83 11 0996 AM03 ADOPTED BY UNAN CONSENT
04/22/83 12 0996 AM04 ADOPTED BY UNAN CONSENT
04/22/83 13 0997 AM05 NOT ADOPTED BY DIV 14-18-08
04/22/83 14 0997 ADVANCED TO 3RD READING BY UNAN CONSENT
04/22/83 15 0997 THIRD READING
04/22/83 16 0997 PASSED BY DIV 24-09-07
04/22/83 17 0998 NOTICE OF RECONSIDERATION GIVEN
04/25/83 18 1029 RECONSIDERATION NOT TAKEN UP
06/26/83 39 2101 CONCURRED IN SENATE AMS BY DIV 31-09-00
07/05/83 40 2134 TRANSMITTED TO GOVERNOR

HB 163 SENATE ACTION 14:23 2/27/84 PAGE 4 OF 5
DATE SEQ PAGE LEGISLATIVE ACTION

04/26/83 19 0808 FIRST READING -- COMMITTEE REPORTS
05/16/83 20 0990 RES -- DP02, NR04
05/27/83 21 1135 JUD -- CS05
06/10/83 22 1260 RLS -- JUD CS03, OTHER03
TAKEN UP IMMEDIATELY
06/16/83 32 1334 JUD -- 2ND CS05
06/26/83 33 1529 RLS -
TAKEN UP IMMEDIATELY
06/10/83 23 1263 SECOND READING
06/10/83 24 1263 JUD CS ADOPTED BY UNAN CONSENT
06/10/83 25 1263 ADVANCED TO 3RD READING BY UNAN CONSENT
06/13/83 30 1285 AM01 WITHDRAWN
06/13/83 31 1286 RECOMMITTED TO JUD BY UNAN CONSENT
06/26/83 34 1534 READ AGAIN SECOND TIME
06/26/83 35 1534 2ND JUD CS ADOPTED BY UNAN CONSENT
06/26/83 36 1534 ADVANCED TO 3RD READING BY UNAN CONSENT
06/10/83 26 1263 THIRD READING
06/10/83 27 1264 PASSED BY DIV 13-05-02
06/10/83 28 1264 NOTICE OF RECONSIDERATION GIVEN
06/13/83 29 1285 RETURNED TO 2ND READING BY UNAN CONSENT

HB 163 SENATE ACTION 14:23 2/27/84 PAGE 5 OF 5
DATE SEQ PAGE LEGISLATIVE ACTION

06/26/83 37 1534 READ AGAIN THIRD TIME
06/26/83 38 1534 PASSED ON RECONSIDERATION BY DIV 17-03-00

**** ** ** ** **

DRAFT

Original sponsor: Resources Committee

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 546 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the obstruction or hindrance of
7 lawful hunting, fishing, or trapping."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 16.05 is amended by adding new sections to read:

10 Sec. 16.05.925. OBSTRUCTION OR HINDRANCE OF LAWFUL HUNTING,
11 FISHING, OR TRAPPING. (a) A person may not perform an act with the
12 intent to obstruct or hinder hunting, fishing, or trapping engaged in
13 lawfully by another person. .

14 (b) For purposes of (a) of this section, "lawfully" means

15 (1) in accordance with AS 16, regulations adopted under
16 AS 16, and applicable federal statutes and regulations; and

17 (2) with the permission of the private landowner if the
18 hunting, fishing, or trapping is engaged in on private land.

19 (c) A peace officer who ^{or intent to violate} reasonably believes ^{has probable cause to} that a person has
20 violated this section may order the person to desist or to leave the
21 area. The officer may ^{cite or} arrest the person upon refusal to desist or
22 leave.

23 (d) This section does not apply to obstruction or hindrance that
24 is incidental to the lawful use of public or private land or water.

25 (e) A person who violates this section is guilty of a mis-
26 demeanor punishable by a fine of not more than \$500 or imprisonment
27 for not more than 30 days or both.

28 Sec. 16.05.926. CIVIL REMEDIES. (a) A person aggrieved by
29 conduct in violation of AS 16.05.925 or threatened with such conduct

1 may petition a superior court to enjoin the respondent from engaging
2 in such conduct.

3 (b) A person aggrieved by a violation of AS 16.05.925 is en-
4 titled to recover general damages and special damages, including
5 license and permit fees, travel costs, guide fees, special equipment
6 and supplies, and other related expenses.

7 (c) A court may award punitive damages in addition to the dam-
8 ages set out in (b) of this section.
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STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST
 Bill/Resolution No.: HB 546
 Title: Act Relating to Harassment
 of Persons Lawfully Engaged...
 Sponsor: House Resources
 Requestor: House Resources
 Date of Request: 2-23-84

FISCAL DETAIL
 Agency Affected: Public Safety
 Program Category Affected:
 Fish & Wildlife Protection
 BRU, Program or Subprogram(s) Affected:
 Fish & Wildlife Protection

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE			--	--		

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Paul Conger
 Division: Administrative Services

Phone: 465-4333
 Date: 2-22-84

Approved by Commissioner: [Signature]
 Agency: Public Safety

Date: 2/24/84

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

12/1/83

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - HB 546

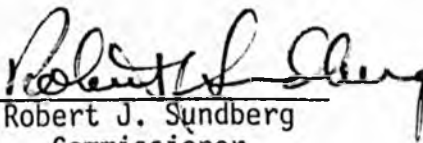
Support

"HB 546 - An Act relating to harassment of persons lawfully engaged in hunting, fishing, or trapping."

The Department of Public Safety supports passage of HB 546.

This bill adequately addresses conduct that is illegally aimed at interfering with lawful hunting, fishing or trapping.

British Columbia has had severe problems between legal hunters and anti-hunting groups that have led to armed confrontations. The potential for that to occur in Alaska is evident and I think enacting a law to address this problem would be a good start toward prevention.


Robert J. Sundberg
Commissioner



Alaska State Legislature

HOUSE OF REPRESENTATIVES COMMITTEE ON RESOURCES

JOHN RINGSTAD, CO-CHAIRMAN
RICHARD SHULTZ, CO-CHAIRMAN
POUCH V
JUNEAU, ALASKA 99811
(907) 465-3715

To: Co-chairman Ringstad
From: Committee Staff
Date: March 16, 1984
Re: SB 139

This legislation originated when legal revisors reviewing the statutes determined that the statutes involved were not serving a useful public purpose.

Agencies involved in the implementation of the big game transporter statutes also agreed that they were nearly impossible to enforce, and took time away from other, more important enforcement problems.

Senate Resources, after hearing testimony from big game guides, as well as appropriate agencies, passed SB 139, repealing the big game transporter provisions from Alaska statutes.

Nearly all parties agree that, although the legislation setting up these statutes was well-intended, it has caused more problems than it has solved.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 13, 1984

SUBJECT: Harassment of hunters, fishers and trappers
(CSHB 546 (Resources)(draft)

TO: Representative John Ringstad
Chairman, House Resources Committee

FROM: Edward H. Hein *EHA*
Legislative Counsel

Enclosed is a draft of Resource Committee Substitute for HB 546 requested by Dave Stancliff.

I have rewritten sec. 16.05.925(a) and (b) in an effort to address the problems raised in the second paragraph of Governor Sheffield's veto letter relating to HB 163 last year.

Also, I have attached copies of the laws relating to harassment of hunters, fishers and trappers in seven other states. Note that every one of the laws uses the term "interfere" without defining it. Despite this, it is my opinion that the words "obstruct" and "hinder" are slightly more precise and therefore preferable.

Feel free to contact me at your convenience if I may be of further assistance.

EHH:ojb
J4/072
Enclosures

NEVADA

Section 1. Chapter 503 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. It is unlawful for a group of people, acting together, intentionally to interfere with a person who is lawfully hunting or trapping. For the purpose of this subsection, hunting or trapping is "lawful" only if permitted by the owner or person in possession of the land, other than the government, in addition to any requirement of license or permit from a public authority.

2. The provisions of subsection 1 do not apply to any incidental interference arising from lawful activity by users of the public land, including without limitation ranchers, miners or persons seeking lawful recreation.

MAINE

§7541 Harassment prohibited.

1. Interference with taking. No person may willfully interfere with the lawful hunting, fishing or trapping of a wild animal, wild bird or fish.

2. Disturbing wild animals, wild birds or fish. No person may willfully disturb or attempt to disturb a wild animal, wild bird or fish with the intent to interfere with the hunting, fishing or trapping of them.

3. Violation. A violation of this section is a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

4. Property rights otherwise provided by law. This chapter shall not be construed in any way to limit the ownership use, access or control of property rights otherwise provided by law.

§7542 Injunction; damages.

1. Injunction. The District Court or Superior Court may enjoin conduct which would be in violation of section 7541 upon notification by a person affected or who reasonably may be affected by the conduct, upon a showing that the conduct is threatened or that it has occurred on particular premises in the past and that it is not unreasonable to expect that under similar circumstances it will be repeated.

SOUTH DAKOTA

Section 1. No person may intentionally interfere with any person or group of persons lawfully engaged in the process of taking or attempting to take any game or fish. No person may engage in any activity specifically intended to harass or otherwise prevent the lawful taking of any game or fish. No person may engage in any activity to scare or disturb any game with specific intent to prevent their lawful taking. This section may not be construed to prohibit a landowner from revoking a prior grant of permission to hunt on his land. A violation of any provision of this section is a Class 2 misdemeanor.

Section 2. Any person who fails to obey the order of a peace officer to desist from conduct in violation of section 1 of this Act, if the officer observes such conduct, or has reasonable grounds to believe the person was engaged in such conduct that day or intends to engage in such conduct that day on a specific premises, is guilty of a Class 1 misdemeanor.

Section 3. The court may enjoin conduct which is in violation of section 1 of this Act upon petition by a person affected or who reasonably may be affected by such conduct, upon a showing that such conduct is threatened or that it has occurred on a particular premises in the past and may reasonably be expected to be repeated. The court may award damages to any person adversely affected by a violation of section 1 of this Act. Damages may include an award for punitive damages, license fees, travel or other expenses which were rendered futile by preventing the licensee from taking game or fish.

Signed March 12, 1983.

ILLINOIS

[S.H.A. ch. 61, §301]

Section 1. Definitions. As used in this Act:

a. "wild animal" means any wild creature the taking of which is authorized by the fish and game laws of the State.

b. "Taking", means the capture or killing of a wild animal and includes travel, camping, and other acts preparatory to taking which occur on lands or waters upon which the affected person has the right or privilege to take such wild animals.

[S.H.A. ch.61, §302]

Section 2. Any person who knowingly performs any of the following is guilty of a Class C misdemeanor;

(a) interferes with the lawful taking of a wild animal by another with intent to prevent the taking.

(b) disturbs or engages in an activity that will tend to disturb wild animals, with intent to prevent their lawful taking.

(c) disturbs another person who is engaged in the lawful taking of a wild animal or who is engaged in the process of taking, with intent to dissuade or otherwise prevent the taking.

(d) enters or remains upon public lands, or upon private lands without permission of the owner or his agent, with intent to violate this Section.

[S.H.A. ch. 61, §303]

Section 3. Any person who knowingly performs any of the following acts is guilty of a Class B misdemeanor;

(a) fails to obey the order of a peace officer to desist from conduct in violation of Section 2 of this Act if the officer observes such conduct, or has reasonable grounds to believe that the person has engaged in such conduct that day or that the person plans or intends to engage in such conduct that day on a specific premises.

[S.H.A. ch. 61 §304]

Section 4. (a) Any court may enjoin conduct which would be in violation of Section 2 of this Act upon petition by a person affected or who reasonably may be affected by such conduct, upon a showing that such conduct is threatened or that it has occurred on a particular premises in the past and that it is not unreasonable to expect that under similar circumstances it will be repeated.

(b) A court may award damages to any person adversely affected by a violation of Section 2, which may include an award for punitive damages. In addition to other items of special damage, the measure of damages may include expenditures of the affected person for license and permit fees, travel, guides, special equipment and supplies, to the extent that such expenditures were rendered futile by prevention of the taking of a wild animal.

LOUISIANA

§ 648. Definitions

As used in this Subpart, the following definitions shall apply:

(1) "Wild animal" means any wild creature, including fish, wild birds, and wild quadrupeds, the taking of which is authorized by the provisions of this Title.

(2) "Process of taking" means any act directed at the lawful taking of a wild animal, including the acts of travel, camping, or other activity occurring in preparation for the taking which occurs on state-managed lands or waters governed by the provisions of R.S. 56:781-R.S. 56:787 or which occurs on private lands or waters with the permission of the owner or his agent.

Added by Acts 1982, No. 376, § 1.

§ 648.1. Harassment and disturbance prohibited

No person shall engage in any of the following activities on lands or waters managed by the state pursuant to R.S. 56:781-R.S. 56:787, or upon private lands or waters where a hunter, trapper, or fisherman has been given permission by the owner or his agent to take wild animals:

(1) Interfere with the lawful taking of a wild animal by a hunter, trapper, or fisherman or interfere with the process of taking, with intent to prevent the taking.

(2) Disturb a wild animal, or engage in any activity or place any object or substance that will tend to disturb or otherwise affect the behavior of a wild animal, with intent to prevent or hinder its lawful taking.

(3) Disturb any hunter, trapper, or fisherman who is engaged in the lawful taking of a wild animal or who is engaged in the process of taking, with intent to dissuade or otherwise prevent the taking, or to prevent such person's enjoyment of the outdoors.

(4) Enter or remain upon state-managed lands or waters or upon private lands or waters with intent to violate the provisions of this Section.

Added by Acts 1982, No. 376, § 1.

On authority of R.S. 24:253, subsection designations A to D as found in Acts 1982, No. 376 were changed to paragraph redesignation: (1) to (4).

Library References

Game ⇔ 7.

C.J.S. Game § 10 et seq.

§ 648.2. Remedies, damages, and penalties

A. The secretary may seek injunctive relief to restrain and prevent violations of R.S. 56:648.1, upon request by the person affected or who reasonably may have been affected by such conduct.

B. Any person adversely affected by a violation of R.S. 56:648.1 shall be entitled to recover actual damages, including expenditures of the affected person for license and permit fees, travel, guides, special equipment and supplies, to the extent that such expenditures were rendered futile by the actions of the person violating the provisions of this Section.

C. Violation of the provisions of R.S. 56:648.1 constitutes a class two violation.

Added by Acts 1982, No. 376, § 1.

§ 648.3. Failure to obey order; violation

A. It shall be unlawful for any person to continue any conduct in violation of R.S. 56:648.1 when ordered to desist by an enforcement officer who has observed such conduct or who has reasonable grounds to believe that the person has engaged in such conduct on that day or plans or intends to engage in such conduct that day on a specific property.

B. Violation of the provisions of R.S. 56:648.3(A) shall constitute a Class three violation.

Added by Acts 1982, No. 376, § 1.

ARIZONA

§ 17-316. Interference with rights of hunters; violation; classification

A. The commission may, by rule, establish designated hunting areas on public lands if it finds that a significant interference or disruption of a hunt is likely to occur on those lands.

B. It is a class 2 misdemeanor for a person while in a designated hunting area to intentionally interfere with the lawful taking of wildlife by another or to intentionally harass, drive or disturb any game animal for the purpose of disrupting a lawful hunt.

C. It is a class 3 misdemeanor for a person to enter or remain in a designated hunting area on any state lands including state trust lands with the intent to interfere with the lawful taking of wildlife.

D. The commission or any person properly licensed to take wildlife who is directly affected by a violation of this section may bring an action to restrain conduct declared unlawful in this section and to recover damages.

E. A peace officer who reasonably believes that a person has violated this section may order the person to desist or to leave the area or arrest such person upon refusal to desist or leave.

F. The conduct declared unlawful in this section does not include any incidental interference arising from lawful activity by public land users, including ranchers, miners or recreationists.

Added by Laws 1981, Ch. 239, § 1.

MICHIGAN

312.10. Unlawful hunting

Sec. 10. (1) Unless otherwise specified, a person shall not do any of the following:

(s) Intentionally interfere in any manner with the lawful hunting, pursuing, or taking of a wild bird or a wild animal by another per 1.

Hunter harassment: it's an issue to note in Alaska

To hunt, or not to hunt.

That is a question being addressed in a more and more political and emotional overtone in the past few years. While hunters haven't yet questioned the right of others not to hunt, groups who don't hunt are challenging the rights of hunters to lawfully pursue their quarry.

In British Columbia, Greenpeace "hunt saboteurs" have confronted big game hunters in their remote camps. According to a report from the pro-hunting Wildlife Legislative Fund of America, anti-hunters verbally abused and assaulted hunters and drove away wildlife.

- Foul hunters' blinds with rotten eggs or cow dung.
- Get a female dog in heat and take it in a hunt area to disrupt hunting dogs.
- Play recordings of wolf howls and spray deer repellent in heavily hunted areas.
- Apply for permits to deny hunters access.

"Let hunters know friends of animals are in the woods," the Friends of Animals publication says. "This serves to anger them, and angry hunters do not stalk so quietly, their aim is not so precise. Emotions can play heavily in the success of a hunt, and the most effective killers are cool and methodical. Disrupt!"

Friends of Animals compares hunters with Nazi ar-

ruly behavior.

So far, Alaska has been spared from this kind of activity. But that could change.

Bob Hinman, acting director of the Division of Game, said organized hunter harassment hasn't yet occurred in Alaska. But threats of harassment have.

During the state's last wolf hunt in the Interior, Hinman said, threats were made by environmental groups and individuals to disrupt hunters. The threats included shooting and sabotaging aircraft and blocking runways.

The threats, however, were never carried out.

Greenpeace researcher Michael Bailey, when contacted in Seattle Wednesday, said his organization's ship Rainbow Warrior II was currently docked in Dutch Harbor, but not to harass Alaskans. It's mission, Bailey said, is to harass Japanese gillnetters off the Aleutian Islands. From there the Rainbow Warrior was headed for Nome and Soviet waters, he said.

Bailey said Greenpeace had no present plans to harass hunters in Alaska, although they continue to hold keen interests in environmental issues in this state.

But another group may have Alaska hunters in its sights. A Vancouver, B.C.-based organization, Life Force, may be interested in blocking Alaskan trophy hunting, Bailey said. Life Force has been active in sabotaging northern and western B.C. big game hunters and its range may be extended to include S.E. Alaska.

Life Force was unavailable for comment.

Why do the anti-hunters have such a keen drive?

World-class trophy hunter and University of Alaska-Fairbanks sociology Professor Sarkis Atamian has one explanation:

"It's part of the liberal radical left political activism of the day," he said. "They have common philosophical cause with pro-abortion and pro-homosexual groups.

"They are not really interested in preserving wildlife. They love wildlife because they hate hunters," Atamian said. "They oppose traditional American values — which they see in hunters — and want to substitute their own counter-cultural values. It's a very political thing. It's a miserable movement.

"There are some moralists who oppose hunting on moral grounds, but these people — who are well-motivated — tend not to form groups."

Richard F.
Schmitz



A Greenpeace "anti," as hunters term hunt-saboteurs, fired a flare gun at a guide in the Spatsizi Preserve. In one case a fight erupted between the groups, resulting in injuries.

In Arizona, a group called the Animal Defense Council disrupted a bighorn sheep hunt in the Catalina Mountains and later extended its activities to disrupt other hunters, according to the Arizona Game and Fish Department and the WFLA.

The most active hunter harassment is in the East.

A 120,000-member New York City-based group called the Friends of Animals, Inc., publishes a list of tips for hunt saboteurs.

Among the suggested activities:

- Enter the hunt area a day before the season opens and play loud radios, musical instruments, or bring along a leashed dog.

mies. "They will take their bloody toll of deer, rabbits, ducks, dogs, cats and a few children," the Friends warn.

"FoA encourages all its members and sympathizers to sabotage the sport hunter. Wild animals belong to ALL citizens," the group continues, "and as citizens we're unwilling to see animals murdered by hunters who find a perverted interpretation of sport in butchering innocent animals."

One Alaska legislator who is trying to head off these anti-hunting tactics is Delta Junction Rep. Dick Shultz. He sponsored House Bill 163, an act designed to make unlawful deliberate harassment of hunters, trappers, fishermen or campers.

Shultz said he wasn't specifically isolating the problem of organized anti-hunting activity. His intent, he said, was to include the problems sometimes created in public campgrounds and picnic areas by un-

New battles loom over right to hunt

By WILLIAM E. GEIST
The New York Times

NEPTUNE, N.J.—When Susan Russell strolls through the woods playing classical music on her tape player, the deer, muskrats and other wildlife of the forest run the other way. A muskrat may linger momentarily over a few notes of Chopin, but John Philip Sousa always sends them crashing through the brush.

Russell is one of tens of thousands of animal lovers who patrol the woods during hunting and trapping seasons, blaring everything from Sousa marches to recorded wolf howls in a nationwide campaign to set animals running for their lives before hunters arrive. She has found the hunter has

(See HUNTERS, page 8)

HUNTERS . . .

(Continued from page 1)

no more appreciation for her music than the muskrat.

A growing number of confrontations between hunters and these protectors of wildlife has led a New Jersey legislator to introduce a bill that would make it illegal to "interfere or attempt to interfere with the lawful hunting, pursuit, killing or taking of an animal, bird or freshwater fish." Violators would be fined.

The legislator, Assemblyman Joseph W. Chinnici, Republican of Bridgeton, himself a hunter, said his legislation was needed to protect both the hunters from harassment and the animal protectors from reprisals. Such legislation recently became law in Arizona and is under consideration in several other states in response to the growing militance of animal protectionists.

"There's a war going on," said Russell, a spokesman for Friends of Animals, a national organization with headquarters here and in New York that distributes "Tips for Hunt Saboteurs" to its 120,000 members. The tips range from lobbying for changes in the law with local, state and national officials to such guerrilla tactics as taking a female dog in heat into the field to turn the heads of male hunting dogs, and scattering rotten eggs and cow dung in duck blinds.

Russell sees nothing extreme in any of this.

"Wildlife belongs to everybody," she said. "We think it is audacious of hunters to say they can shoot animals but we cannot protect them."

But Chinnici has said, "If this isn't stopped immediately," "someone is going to get hurt."

Implicit in his warning, and those voiced by concerned hunters throughout the state, is that the side carrying tape players is at a distinct disadvantage in confrontations with those carrying rifles and shotguns.

Chinnici said he had received reports of "anti-sportsmen's groups" blaring car horns and firing weapons to scare off game and in one instance even flying a helicopter over a hunting area.

His bill has been referred to the Assembly's Agriculture and Environment Committee, where four of the five committee members are co-sponsors. Both opponents and proponents believe the bill has substantial support in the Legislature.

Bob Busnardo, host of the weekly radio program "Sportsmen's Hot Line" on a Bridgeton station, said "these antis" (one of the more pleasant terms hunters use to describe those opposed to hunting) had disrupted his hunting excursions by playing radios, honking car horns, letting air out of tires and swerving their automobiles toward him as he stood on country roads.

"The confrontations have been verbal so far," he said, "but when you harass someone long enough and hard enough, eventually there are going to be serious problems."

Opponents charge that Chinnici's

bill would infringe on their rights of speech and assembly.

"Whenever there is a protest of anything," said Russell, "whether it be civil rights or women's rights or whatever, there is the chance of confrontation. But someone cannot just do away with our right to speak out on things we disagree with. If they do, I believe that in good conscience we would have to continue to protest as we are now."

New battles loom over right to hunt

By WILLIAM E. GEIST
The New York Times

NEPTUNE, N.J.—When Susan Russell strolls through the woods playing classical music on her tape player, the deer, muskrats and other wildlife of the forest run the other way. A muskrat may linger momentarily over a few notes of Chopin, but John Phillip Sousa always sends them crashing through the brush.

Russell is one of tens of thousands of animal lovers who patrol the woods during hunting and trapping seasons, blaring everything from Sousa marches to recorded wolf howls in a nationwide campaign to set animals running for their lives before hunters arrive. She has found the hunter has

(See HUNTERS, page 8)

HUNTERS . . .

(Continued from page 1)

no more appreciation for her music than the muskrat.

A growing number of confrontations between hunters and these protectors of wildlife has led a New Jersey legislator to introduce a bill that would make it illegal to "interfere or attempt to interfere with the lawful hunting, pursuit, killing or taking of an animal, bird or freshwater fish." Violators would be fined.

The legislator, Assemblyman Joseph W. Chinnici, Republican of Bridgeton, himself a hunter, said his legislation was needed to protect both the hunters from harassment and the animal protectors from reprisals. Such legislation recently became law in Arizona and is under consideration in several other states in response to the growing militance of animal protectionists.

"There's a war going on," said Russell, a spokesman for Friends of Animals, a national organization with headquarters here and in New York that distributes "Tips for Hunt Saboteurs" to its 120,000 members. The tips range from lobbying for changes in the law with local, state and national officials to such guerrilla tactics as taking a female dog in heat into the field to turn the heads of male hunting dogs, and scattering rotten eggs and cow dung in duck blinds.

Russell sees nothing extreme in any of this.

"Wildlife belongs to everybody," she said. "We think it is audacious of hunters to say they can shoot animals but we cannot protect them."

But Chinnici has said, "If this isn't stopped immediately," "someone is going to get hurt."

Implicit in his warning, and those voiced by concerned hunters throughout the state, is that the side carrying tape players is at a distinct disadvantage in confrontations with those carrying rifles and shotguns.

Chinnici said he had received reports of "anti sportsmen's groups" blaring car horns and firing weapons to scare off game and in one instance even flying a helicopter over a hunting area.

His bill has been referred to the Assembly's Agriculture and Environment Committee, where four of the five committee members are co-sponsors. Both opponents and proponents believe the bill has substantial support in the Legislature.

Bob Busnardo, host of the weekly radio program "Sportsmen's Hot Line" on a Bridgeton station, said "these antics" (one of the more pleasant terms hunters use to describe those opposed to hunting) had disrupted his hunting excursions by playing radios, honking car horns, letting air out of tires and swerving their automobiles toward him as he stood on country roads.

"The confrontations have been verbal so far," he said, "but when you harass someone long enough and hard enough, eventually there are going to be serious problems."

Opponents charge that Chinnici's

bill would infringe on their rights of speech and assembly.

"Whenever there is a protest of anything," said Russell, "whether it be civil rights or women's rights or whatever, there is the chance of confrontation. But someone cannot just do away with our right to speak out on things we disagree with. If they do, I believe that in good conscience we would have to continue to protest as we are now."



Official Business

HARASSMENT

Alaska State Legislature
House Resources Committee

HB 546

SIGN-IN FEB 27, 1984

NAME	ADDRESS	PHONE	REPRESENTING
DENNIS KELSO	Box 3-2000 JUNEAU, AK	Y4100	ADF+G
Rose Somerville	3280 Mc Kimin Dr.	9-3450	Alaska Outdoor Council
Spalding		465-4760	Rep. Skelly
G. HOPETSKI	POUCH KE, JUNEAU	X3428	LAW

163 - Somerville - Supported concept
- Put policy before people in village before problem becomes exacerbated - "constitutionally vague"
- Look at subsistence law - Present laws do not adequately protect - Don't intend to interfere w/ trespass rights of private landowners

250 Goll - What particular actions would you have prohibited
Δ Somerville - intent

390 - Lison - Penalty sufficient deterrent?
Δ Somerville - probably adequate
HR 3713 federal legislation

426 - Volking - work w/ chair, move rather than ability to adapt

448 - Russell - doesn't by 14th amendment rights rationale

482 Rings intent adjourn 435

2/27/84

Bush

305 - Rings Lars Goll Vaska Crowd Uelun Lista

016 - Sen Ficks intro SB 349

"let's talk about it - adopt reqs / animal user group

046 - Lista - allowing dogs.

Δ Can't hardly prevent legit use of dogs in parks

065 - Aliska - any objection to park ranger shooting dogs

Δ Probably need other legis -

075 Gurdery - sleds & racing - nothing wrong w/ that
research on horses - Miller on dedication rode on
horse to cut ribbon - supports -

Cowbery - action thru Commis Wannicke

100 Goll - division can already destroy dogs - ^{II AAC}
already have power to decide compatibility of animals
What does bill accomplish

Δ makes user group in Statutes

155. Uelun - wouldn't want stronger language?

Δ No - user groups signed off

170 Lars - Who are "them" to be notified?

Δ User groups

Lavson-how identified?

Fails Δ organized, registered clubs & associations

198 Bussell - Where under 6 is A of present statute?

Rings Δ b creates a out of existing statute

218 Cowdery moves CSSB 349 out, asked uk
no objection

225 Rings brought up HCR 51

232 - Bill Haring - explained proposed CS changes

249 - Vehling - Bison drift barrier
 Δ Rings explain

272 Vehling moved adopt uk
no obj.

276 Vehling moved over HCR 51 Res, uk no obj.

~~280~~
280 HB 546 - Rings brought up

292 - Jack Giddard - statement
Confrontation in remote areas - high cost - violence
Bristol Bay fish negotiations

340 - Goll - prior written testimony ADF&G

What about camping?

Vehling - Gov. didn't like camping

357 - Goll - no resolution where hunting conflicts with camping.

365 - Cowdery hunting a right or privilege

▷ Rings - probably priv- licensed

Cowd - hunter - trapper

Cowd - private landowner

Cowd - how relate to fed or native land?

Goddard - should have cause

Cowd - protect sea world?

Goddard - don't know

448 - Liska - about time to get appropriate statutes

470 Lawson - Why don't mention "commercial fishing"

500 Goll - examples - competition of use

Doesn't give priority to first-user

▷ Goddard - that's what courts are for

545 - Dennis Kelso - 1 - support opportunities to engage lawfully in activities 2 - whether bill is appropriate, defer

to gov's veto message — Changes in 546 do not modify 163 to please gov - veto msg. stands

575 - Liska - any recommendations on changes
Δ Kelso - approach within legal framework -

595 Cowd - will protect SeaWorld in Orca capture?
Δ Kelso - fed statutes apply - jurisdiction problem
Scientific/educ. collection

631 Larsen - Commfish out? Δ don't know -
How does this legis differ from other states Δ don't know
last yr.

693 Gil - Suggested changes in Statutes in lieu of this bill?
Δ just chose in HB 404

710 - Liska - How applic. to commfish - harassment
Δ differentiate between tough compet. & harassment

740 - Larsen - how to enforce?
Δ Officers where enough - citizen's arrest sticky

775 - ~~Cowd~~ ^{Cowd} - two competing for same animal
Δ Gov's veto - ~~at~~ vagueness

800 Gail Foretski - Substantial problems

- overbreadth & ambiguity - "interference"
- draws clear preference for hunting, fishing, trapping
- marks v Anchorage 1972 - Deletion of comfish brings problem to fore.
- Protected under 1st amendment

950 - Ringstad - prove intent -

- △ wouldn't have to intend to stop hunting, but perhaps because they were there first -

Tape

Change - Ringstad - Policy?
- △ Yes

005 - Cowdery - privilege v. right

047 - Cowd - protect SeaWorld?

059 - Busl - Policy question on part of legislature

& Did not ever say ^{Dept of} law supported

Busl - preventative tool - from either Law or ADP & B

112 Uehlings - ambiguity - improve or drop bill

131 Lisa - what wd Foretski recommend for test?<

△ Can get from other sources + define terms

98TH CONGRESS
1ST SESSION

H. R. 3713

To amend title 18 of the United States Code to penalize the obstruction of hunts,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 1983

Mr. MARLENEE introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To amend title 18 of the United States Code to penalize the
obstruction of hunts, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Hunters' Protection Act
4 of 1983".

5 CRIMINAL PENALTIES AND CIVIL REMEDIES

6 SEC. 2. Chapter 3 of title 18 of the United States Code
7 is amended by adding at the end the following:

8 "§ 48. Obstruction of hunting

9 "(a) Whoever with another, willfully devises or partici-
10 pates in any scheme or plan affecting interstate commerce to

1 obstruct or impede the participation of any individual in a
2 lawful hunt or hunting season; shall be punished as provided
3 in subsection (b) of this section.

4 “(b) The punishment for an offense under subsection (a)
5 of this section is—

6 “(1) a fine of not more than \$5,000 or imprison-
7 ment for not longer than five years, or both, if the
8 scheme or plan involved the use of violence against the
9 person of another or the destruction of property of an-
10 other; and

11 “(2) a fine of not more than \$500 or imprison-
12 ment for not longer than sixty days, or both, in any
13 other case.

14 “(c)(1) The Attorney General, the head of a State
15 agency with jurisdiction over fish and wildlife management,
16 or any individual intending to participate in the affected
17 lawful hunt or hunting season may in a civil action obtain
18 injunctive relief against a violation of subsection (a) of this
19 section.

20 “(2) A person aggrieved by a violation of subsection (a)
21 of this section may in a civil action recover actual and puni-
22 tive damages and reasonable attorneys' fees.

23 “(d) As used in this section, the term 'lawful hunt or
24 hunting season' means a game hunt or hunting season (in-
25 cluding fishing and a fishing season) authorized by the law of

1 the State in which it takes place and not prohibited by the
2 law of the United States.”.

3 **TECHNICAL AMENDMENT**

4 **SEC. 3.** The table of sections at the beginning of chapter
5 3 of title 18 of the United States Code is amended by adding
6 at the end the following:

“48. Obstruction of hunting.”.

