ANIMALS,
PROPERTY,
and the Law

Gary L. Francione
With a foreword by William M. Kunstler, Esq.

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EVERY YEAR on Labor Day—for the past sixty years—the residents of Hegins, a small town near Harrisburg, Pennsylvania, have celebrated the holiday at the Fred Coleman Memorial Pigeon Shoot. The Hegins shoot is one of many live-bird shoots that occur every year throughout the Commonwealth of Pennsylvania. At Hegins alone, approximately eight thousand birds are slaughtered each year on Labor Day. And it is a gruesome ritual indeed.

At about 6:00 A.M., most of the town gathers for a festive breakfast. Afterward, everyone sings the national anthem. And then the killing begins. From approximately 9:00 A.M. until dusk, the shooters—men, women, and children—aim their shotguns and yell, “Pull.” Trap boxes, which contain live pigeons, are opened at the same time that a device in the box either delivers an electric shock to the pigeons or propels them out with a moving wooden platform. The pigeons fly out of the boxes only to be shot by the shooters, who have paid approximately $80 each to participate in this “sport.”

The pigeons are kept at an undisclosed location for several days prior to the shoot, and necropsy reports indicate that the birds are dehydrated and emaciated at the time that they are shot. Perhaps this explains why many of the pigeons cannot fly more than a few feet in the air, or why they beat their wings so furiously just to achieve that altitude. Most of the time, the pigeons are injured but not killed. The town employs young boys—called “trapper boys”—to reload the traps and collect the injured and dead pigeons. After each round of shooting, the trapper boys run out onto the field and reload the traps, often taking several minutes until they get around to collecting the wounded pigeons. The trapper boys place the dead and injured pigeons in a large barrel. If a pigeon is still obviously alive (even if the pigeon appears to be dead, the bird may still be alive), the trapper boys either rip the neck off or smash the pigeon repeatedly against the side of the barrel or against the wall of a small nearby shed until the pigeon dies. Sometimes the trapper boys just toss the struggling, dying birds into the barrel to bleed to death or to suffocate as more pigeons are added to the barrel. Trapper boys often “play” to protesters by smashing wounded pigeons together, carrying wounded pigeons by their broken wings, or swinging live, injured pigeons around in circles, obvi-
ously causing the pigeons great pain and distress. Birds who are wounded but who crash down in the woods immediately adjacent to the several shooting fields are simply left to die. The organizers of the event will not reveal the final destination of the dead and injured birds.

There is a law in Pennsylvania that prohibits the “wanton” or “cruel” treatment of animals and the withholding of “necessary” care to the animals. So far, no court in Pennsylvania has determined that the state anticruelty statute has any application to the pigeon shoot.

Several hundred Pennsylvania state troopers stand by and watch the carnage year after year. Their job is only to ensure that protesters and locals stay away from each other, but for the most part, they do nothing if a local person assaults, batters, or harasses protesters. One year, one shoot supporter sprayed urine on protesters. The state troopers did nothing. If a protester so much as tries to assist an injured pigeon that is lying somewhere on the grounds, however, the troopers arrest the protester and subject her to demeaning treatment. In 1992, female protesters who were arrested for trying to help the birds were subjected to body cavity searches—one police officer forced an arrested protester to remove her tampon. In my capacity as an attorney who has represented shoot protesters, I have asked the troopers why they do not enforce the Pennsylvania anticruelty statute when the organizers leave wounded pigeons to die slow and painful deaths. The troopers either shrug or tell me that I am risking being arrested, but they have thus far refused to reveal what law I am breaking by asking my question.

There is a carnival-like atmosphere as local people show up in hundreds to taunt protesters or just to enjoy the killing, which occurs continuously and simultaneously on seven different killing fields. Parents bring young children, teens bring their dates, and everyone cheers as the shooters kill or cripple pigeon after pigeon. By the afternoon, the killing fields are covered in feathers and drenched in blood, and the barrels are filled with thousands of dead and dying bodies. Locals wear T-shirts with messages such as “Hegins—Where the Flag and Feathers Fly” or “Kill at Will.” One design features a colored drawing of a bleeding pigeon with a message to “Kill All the Pigeons—and Let God Sort Them Out.” Beer is sold and consumed in astonishing quantities; the price of admission even includes three beers. Minors drink with complete impunity, and by 12:00 noon, there is hardly a sober person to be found. Shooters who are clearly drunk are nevertheless permitted to use their guns, which probably accounts for the fact that so many birds are merely wounded by shotguns fired only yards away from the birds. Again, the troopers turn their heads.

Wounded pigeons who fly out of the shooting area are often captured by locals, who then rip their heads off to taunt animal rights protesters. The state troopers stand by and watch, or turn their heads and then claim they saw nothing. On at least one occasion, members from the Pennsylvania chapter of the Ku Klux Klan showed up in full dress to support the right of the shooters to slaughter the pigeons.
Protesters who run out onto the field or otherwise protest the slaughter are routinely arrested and taken before one of three district judges, all of whom come from the area and are so hostile to the protesters that they can scarcely pass up any opportunity to treat them as though they were murderers or rapists. As each defendant is brought before the judge, I routinely make my speech that the pigeon shoot violates the anticruelty law of the Commonwealth of Pennsylvania and that my client was only trying to ensure that the pigeons were treated humanely. The judge just as routinely ignores me and fixes bail or, if my client does not have the several hundred dollars required for bail, orders that she be put in jail pending trial.

Every year, protesters set up a veterinary station to provide care for the injured birds who manage to fly out of the killing area. A small group of dedicated volunteers aids the veterinarians in treating dozens of injured birds. Locals surround the area and taunt the group mercilessly, but the troopers stand with their arms folded and refuse to intervene.

My discussion with one local shoot participant was instructive:

"How long have you participated in these pigeon shoots?"

"Since when I was a kid."

"Don't you think it's cruel to the pigeons?"

"Look, you're from the city. You don't understand. This is how we enjoy ourselves. And besides, pigeons are dirty animals anyway and don't deserve any better."

"But is it necessary to shoot and kill or wound them?"

"It's necessary for us."

"Why?"

"It's a tradition. We've been doing it for sixty years."

"Just because it's a tradition doesn't mean it's right, does it? After all, racism is a tradition."

"It's different; these are pigeons. They're dirty, like flying rats."

"If the birds are dirty, why do you let these young children, the 'trapper boys,' handle the birds, especially when they're bleeding?"

"Well, we think it's okay. And it generates money for the town."

By this time, a crowd was gathering to listen to our discussion. The state troopers, ever vigilant, came over and told me that if I continued with the conversation, I would be charged with disorderly conduct.

Writing a book about animals and the law presented a rather interesting challenge. Previous scholarship on the subject has been restricted largely to descriptions of various areas of law with little attention to the theoretical analysis of basic issues concerning the purported justification of legally sanctioned animal exploitation. For example, in *The Law of Animals*, a treatise written in 1900, J. H. Ingham discusses at great length all types of legal transactions involving animals but very deliberately avoids issues concerning the rights of animals. Similarly, in