

BACK STORY

MINCING WORDS: THE SECRET RECIPE BEHIND SOME “CRAZY ANIMAL LAWS”

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At one time or another, most of us have probably chanced across compilations or recitations (lists) of bizarre laws that a state, county or city is alleged to have enacted. For whatever reason, such lists often seem to include a relatively large proportion of laws pertaining to animals, and which supposedly require or forbid an act or acts that are strange, anachronistic, unlikely or just plain ludicrous.

One such list may be found at the “Law Librarian Blog,”¹ which, citing as its source the Internet website “Crazy Laws,”² claims that all of the following are true:

- Bear wrestling matches are prohibited in Alabama.
- In Alaska, it is considered an offense to push a live moose out of a moving airplane.
- In Quitman, Georgia, it is illegal for a chicken to cross the road.
- In Boise, Idaho, residents may not fish from a giraffe’s back.
- Donkeys cannot sleep in bathtubs in Arizona.

Perhaps unsurprisingly, it is nearly invariable that such lists fail to set forth any sort of citation or authority that would enable the reader to determine the existence or nonexistence of the supposed law. An examination of the relevant statutes, regulations and municipal codes reveals that, of the preceding laws (at least as they are purported to exist), some are factual, some contain an element of truth but have been twisted out of context and some are wholly unverifiable.

So, are “bear wrestling matches” prohibited in Alabama? Yes, but only if human beings commit the crime of “unlawful bear exploitation” by conducting, promoting or charging admission to such matches.³ The Code of Alabama does not otherwise address what bears might possibly choose to do together, separate from human participation.

Is it unlawful, in Alaska, to push a live moose out of a moving airplane? The answer would appear to be that “it depends upon the circumstances.” If a live moose were to be pushed out of an airplane moving at two miles per hour down a runway and if the moose were to walk away unharmed, no law would seem to have been broken. However, Alaska law prohibits, under any circumstances, the “wanton waste” of a big game animal, which is the killing of a big game animal accompanied by criminal intent to fail to salvage the edible meat of the animal for human consumption.⁴

Does the municipality of Quitman, Georgia, censure jaywalking chickens? No; this is clearly another example (as with bear wrestling in Alabama) where a prohibition directed at human action (or inaction) can be twisted subtly to make a law sound absurd or comical. The ordinances of the city do, however, prohibit “any person owning or controlling chickens...[from] allow[ing] the same to run at large upon the streets or alleys of the city.”⁵

Does the city of Boise, Idaho, prohibit persons from fishing from atop the back of a giraffe?⁶ The Boise Municipal Code does not (in any location) refer to giraffes. According to author John C. Snider, the true origin of this “factoid of questionable provenance” – corroborated by the Idaho Department of Fish and Game – dates back to roughly between 1910 and 1920, when Idaho law prohibited fishing from atop the back of any animal.⁷ The rationale was that if persons fished from atop a horse, mule or donkey, the hooves of the animal would track fecal matter into the applicable river or stream, cause undesirable turbidity and disturbance to the eggs laid by fish; from these relatively sensible beginnings 100 years ago, “some clown decided to make the law sound ridiculous by over-specifying it with an exotic animal.”⁸ Snider also notes that if, for example, the State of Florida prohibited acts of cruelty against all animals, a jokester could use such over-specification to claim that Florida law forbids the spanking of a platypus.

Is it true that donkeys cannot sleep in bathtubs in Arizona? As the supposed “prohibition” is phrased in terms of possibility (“cannot”) and not permissibility (“shall not” or “may not”), the answer would seem to depend upon both the size of the bathtub, and the size of the donkey.

Happy Holidays! ■

1 Available at http://lawprofessors.typepad.com/law_librarian_blog/2006/05/crazy_animal_la.html.

2 Available at <http://crazylaws.com/>.

3 See Ala. Code § 13A-12-5 (2011).

4 See Alaska Stat. § 16.30.010 (2011).

5 Quitman, Ga., Code § 8-1 (1986).

6 In other versions of the supposed law, the prohibited fishing platform is a camel rather than a giraffe.

7 John C. Snider, *Camel Fishing in Idaho*, American Freethought, Apr. 10, 2009, available at <http://www.americanfreethought.com/wordpress/2009/04/10/camel-fishing-in-idaho/>.

8 *Id.*

AUTHOR’S BIOGRAPHY ON PAGE 5.