

Hodge: Goal of amendment to protect right to hunt, fish

Staff Reports

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If everything goes as expected later this week, Tennessee voters will get to vote for more than politicians in November. They get to give a thumbs up or down to adding a right to hunt and fish amendment to the state constitution.

The amendment, which cleared the state house and senate two years ago with only one negative vote, needs a two-thirds vote in both chambers this week to get put on the ballot Nov. 2. If that happens - and no one in state politics thinks it won't - then it's up to the voters.

What's it take for the amendment to become part of the state constitution? Fifty percent of the votes cast in the governor's race, plus one.

"In the 2006 election we had roughly 1.8 million voters vote for governor," said Mike Butler, executive director of the Tennessee Wildlife Federation. "If you had exactly 1.8 million (voters), that means we would need 900,001 for the amendment to be added to the constitution."

If the vote passes Tennessee will become the 15th state to have the right to hunt and fish written in to their constitutions. Some of the other 14 states - California and Minnesota are good examples - passed amendments because animal rights organizations posed a real threat to hunters and fishermen. Most of the others, like Alabama, Georgia and Louisiana in the South, were being proactive.

That's what Tennessee is doing.

"The idea was brought to us several years ago by one of our affiliate organizations," Butler said. "We studied the issue and worked on it and began the process of putting the language together."

This is what emerged after a few years of work:

"The citizens of this state shall have the personal right to hunt and fish, subject to reasonable regulations and restrictions prescribed by law. The recognition of this right does not abrogate any private or public property rights, nor does it limit the state's power to regulate commercial activity. Traditional manners and means may be used to

take non-threatened species."

In other words, Tennessee hunters will still have to buy a license and, no, just because you have the right to hunt doesn't mean you have the right to hunt deer at night in July. It also means that a legislature full of bunny huggers won't be able to declare bunny hunting illegal unless they repeal the amendment.

That would take the same years-long process it took to get the amendment to where it is today.

"I think that would be very difficult," Butler said. "But, with this amendment there can be no law abolishing hunting. They could pass a law abolishing the TWRA, but that wouldn't abolish hunting in Tennessee."

Luckily for hunters and fishermen in Tennessee, the hardest part of the amendment so far was getting it worded correctly and not getting the votes to keep the amendment alive. The amendment coming up for a vote this week in the legislature is similar to those in many states, but Butler said simply copying a one-size-fits-all amendment wouldn't work because of peculiarities in Tennessee's constitution.

"We couldn't just use boilerplate," he said. "That was probably the toughest part."

Over the course of the years it's taken to get the amendment on the verge of getting on the ballot, various organizations and lobbying groups have taken potshots at the language. Oddly, most of those potshots have come from the pro-hunting community with anti-hunting groups staying more or less silent.

Could the amendment still fail?

"Yeah, we could get beat at the ballot box but it will get through the legislature this week," Butler said.

To get the amendment beat would mean a pretty extensive campaign by animal rights organizations the likes of which haven't been seen in Tennessee. While PETA or the Humane Society of the United States definitely has the dough to pay to get the amendment beaten, they haven't really come close even in states that are a lot bluer than Tennessee.

What the groups have learned is most people don't hunt or fish, but they don't mind if other people do. And even those who don't have a stake in the vote.

"Not only does it give a stronger level of protection to hunters and fishermen, it protects the funding mechanism for all wildlife management," Butler said. "In our state hunters and fishermen provide almost all of the funds to manage wildlife and that includes the things that aren't hunted or fished for.

"The things TWRA does for species that are hunted benefits all species."

If the votes goes the way they are expected to this week, hunters and fishermen and bird watchers and bug collectors and anybody else will get an extra reason to get out and vote Nov. 2.

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