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CONTEMPORARY SUNDAY HUNTING LAWS: UNNECESSARY ECONOMIC ROADBLOCKS, RIPE FOR REPEAL

SEAMUS OVITT*

INTRODUCTION

In America, Sunday closing laws, laws restricting what activities individuals could engage in, date back to the early colonial period; those early laws, like much of North American jurisprudence, trace their roots to the laws that existed in England at the time.¹ Historically, however, laws restricting the behavior of individuals, specifically on Sundays, date back thousands of years; initially, their language was tied directly to that of the Old Testament.² As God declared:

[s]ix days shalt thou labour, and do all thy work: But the seventh day [is] the Sabbath of the Lord thy God: [in it] thou shalt not do any work . . . For in six days the Lord made heaven and earth . . . and rested the seventh day.³

For centuries, per this declaration, millions of devout Christians accepted Sunday as the Lord's Day, a day devoted solely to rest and prayer. This special status accorded to Sunday would eventually be concretely established in the black letter law of many English-speaking, Christian nations, and later, in that of both the American Colonies and the United States.⁴

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¹ See DAVID N. LABAND & DEBORAH HENDRY HEINBUCH, *THE HISTORY, ECONOMICS, AND POLITICS OF SUNDAY-CLOSING LAWS* 3 (Lexington Books 1987).

² See *Exodus* 20:8–10 (King James). *But see* LABAND & HEINBUCH, *supra* note 1, at 9 (explaining that Sunday was recognized as a day of rest as far back as under the pagan tradition, when Constantine declared in 321 C.E. that “all city people and all tradesmen rest upon the *venerable day of the sun*”) (emphasis added).

³ *Exodus* 20:9–11 (King James).

⁴ See LABAND & HEINBUCH, *supra* note 1, at 30–37, 207 (listing numerous colonial-era Blue Laws, as well as several English Acts dating back to the fifteenth century, prohibiting certain Sunday activities and prescribing the applicable punishments).

These statutes, which restricted Sunday behavior of all types, became known as “Blue Laws.”⁵

Aside from laws restricting the sale and on-premises consumption of alcohol,⁶ one more antiquated Blue Law that has persisted well into the twenty-first century is the ban on Sunday hunting.⁷ As of January 2017, eleven East Coast states still banned or significantly restricted Sunday hunting.⁸ Although it is not entirely clear why Sunday hunting laws have persevered longer than most other Blue Laws, many have theorized that hunting restrictions have simply never been a pressing issue for state legislators or their respective legislatures.⁹

This Note will argue that the time is finally ripe for the total repeal of Sunday hunting laws, which have in recent years finally become a pressing issue in numerous East Coast states.¹⁰ It will argue that Sunday hunting laws present unnecessary economic roadblocks in, and are a threat to the forest ecosystems of, the states in which they are currently operative.¹¹

In a general sense, this Note will discuss and analyze contemporary Sunday hunting laws. Part I will encompass a brief history of Blue Laws and Sunday hunting prohibitions; it will succinctly trace the evolution of

⁵ *Id.* at 8.

⁶ *See infra* Part I.

⁷ JOHN DURHAM & ASSOC., *The Economic Impact of Sunday Hunting*, NAT'L SHOOTING SPORTS FOUND., http://sundayhunting.org/PDF/SundayHunting_EconomicImpact.pdf [<https://perma.cc/NBY3-9H7G>] (last visited Nov. 17, 2018).

⁸ *Id.*

⁹ *See* Allie Humphreys, *Has Blue Overshadowed Green?: The Ecological Need to Eradicate Hunting Blue Laws*, 40 WM. & MARY ENVTL. L. & POL'Y REV. 623, 624 (2016) (quoting Melissa Daniels, *Hunters Take PA Game Commission to Court Over Sunday Hunting Ban*, PA. INDEP. (July 24, 2013), https://www.watchdog.org/pennsylvania/hunters-take-pa-game-commission-to-court-over-sunday-hunting/article_54f3cf8e-a871-5cf7-a367-4b7c494cb85e.html [<https://perma.cc/DF6U-T3QR>]).

¹⁰ Over the last several years, legislation relaxing Sunday hunting restrictions has been passed by the legislatures of both Virginia and West Virginia. Moreover, bills have also been introduced in the legislatures of many of the other states which currently restrict or prohibit Sunday hunting. *See, e.g.*, NRA-ILA: INSTITUTE FOR LEGISLATIVE ACTION, *Massachusetts: Bills to Increase Hunting Opportunities to Be Heard in Committee* (Sept. 15, 2017), <https://www.nra-ila.org/articles/20170915/massachusetts-bills-to-increase-hunting-opportunities-to-be-heard-in-committee> [<https://perma.cc/V6SX-F2ST>]; *see* NRA-ILA: INSTITUTE FOR LEGISLATIVE ACTION, *West Virginia: Sunday Hunting Bill Signed by Governor* (Apr. 25, 2017), <https://www.nra-ila.org/articles/20170425/west-virginia-sunday-hunting-bill-signed-by-governor> [<https://perma.cc/GHX4-8KZA>]. *Compare* VA. CODE ANN. § 29.1-521 (West 2014) (am. 2014), *with* VA. CODE ANN. § 29.1-521 (West 2010).

¹¹ *See* JOHN DURHAM & ASSOC., *supra* note 7; *infra* Parts II & V.

these laws from their religious roots to their contemporary, secular justifications.¹² Part II will provide an overview and analyze contemporary Sunday hunting laws, which are currently operative in eleven states, and vary drastically.¹³ Part III will include a look at the impact that hunters and hunting have on the environment. Furthermore, it will highlight the many serious environmental, ecological, and economic threats posed by deer overpopulation in the Eastern United States.¹⁴ Part IV will analyze past attempts to repeal Sunday hunting laws. This section will emphasize the uniform failure of constitutional challenges that litigants have brought against Sunday hunting restrictions. This section will argue that further litigation is futile.¹⁵ Lastly, Part V will focus on the modern debate surrounding Sunday hunting restrictions. First, it will outline in detail the arguments made by both proponents and opponents of repeal. It will argue that Sunday hunting laws should be repealed in their entirety, primarily for economic reasons, but also due to substantial environmental concerns. In conclusion, Part V will propose that there is room for compromise between hunters and nonhunters on the issue of Sunday hunting restrictions. It will point to recently passed legislation in the states of Virginia and West Virginia, and suggest that proponents of repeal—both hunters and private interest groups—should use these recent successes and legislative proposals as a blueprint for repealing Sunday restrictions in other states.¹⁶

I. A BRIEF HISTORY OF BLUE LAWS & THE RESTRICTION ON SUNDAY HUNTING

The first colonial laws that restricted what one may or may not do on Sunday were generally justified in explicitly religious language.¹⁷ Alleged to be the first Sunday law passed on North American soil, a law enacted by the Colony of Virginia in 1610 prescribed capital punishment for third-time offenders who did not “repair in the morning to the divine service and sermons preached upon the Sabbath day.”¹⁸ Although, over

¹² See *infra* Part I.

¹³ See *infra* Part II.

¹⁴ See *infra* Part III.

¹⁵ See *infra* Part IV.

¹⁶ See *infra* Part V.

¹⁷ See, e.g., LABAND & HEINBUCH, *supra* note 1, at 31 (quoting a 1650 Massachusetts law that said: “Further be it enacted that whosoever shall prophane the Lords day be doing any servill worke or any such like abuses, shall forfeite for every such default tenn shillings or be whipte.”).

¹⁸ Shocking to anyone cognizant of the First Amendment and the Establishment Clause,

the years, punishment for the violation of this and other Blue Laws lessened significantly,¹⁹ colonies and states continued to enact explicitly religious Sunday laws well into the eighteenth century.²⁰ Moreover, most Blue Laws remained unchanged and unchallenged until the latter half of the nineteenth and early twentieth centuries.²¹

At their height, Blue Laws were operative in a vast majority of states and restricted one from participating in a litany of everyday activities such as dancing, card playing, selling fresh meat, serving civil process, selling alcohol, barbering, digging for oysters, selling motor vehicles, and bowling; in many states, retail sales in general were severely restricted or prohibited on Sundays.²² Slowly, however, fundamental changes in labor markets, followed by the erosion of vital support for Blue Laws on both the individual and state level, precipitated the widespread repeal of Sunday laws nationwide.²³ As a result, in 1970, only twenty-five states still maintained Blue Laws of any kind, and by 1984, that number had further dropped to thirteen.²⁴

Despite widespread backlash against restrictive Sunday laws during the nineteenth and twentieth centuries, certain Blue Laws have persisted in many states, and are still operative today, nearly two decades into the twenty-first century. The most well-known of the remaining Blue Laws are those that restrict the sale of alcohol.²⁵ For example, in Kentucky, as a general rule, licensed retailers are still prohibited from selling distilled spirits or wine at any time on Sunday.²⁶ Although clear-cut at first glance,

this Blue Law, in explicitly religious language, prescribed capital punishment for any individual who failed to attend Christian religious services on three occasions. Such a law was not uncommon for the time. *See id.* at 30–37.

¹⁹ *See id.* at 37.

²⁰ *See id.* at 31–37 (listing colonial Blue Laws in chronological order).

²¹ JOHN DURHAM & ASSOC., *supra* note 7.

²² This is not an exhaustive list of restricted activities, but it illustrates just how pervasive Sunday statutes were at their height in the United States. *See* LABAND & HEINBUCH, *supra* note 1, at 3.

²³ *See* LABAND & HEINBUCH, *supra* note 1, at 163 (noting that the demise of blue collar unions and a massive influx of women into the American workforce were both critical in the repeal of Blue Laws).

²⁴ *See* JOHN DURHAM & ASSOC., *supra* note 7.

²⁵ As of 2014, twelve states completely prohibited the sale of distilled spirits on Sunday: Montana, Utah, Oklahoma, Texas, Minnesota, Indiana, Tennessee, Alabama, Mississippi, West Virginia, South Carolina, and North Carolina. *See* Alissa Scheller, *Here Are The Rules To Buying Alcohol In Each State's Grocery Stores*, HUFFINGTON POST (Aug. 26, 2014), https://www.huffingtonpost.com/2014/08/26/here-are-all-the-states-t_n_5710135.html [<https://perma.cc/3ETL-XJXF>] (last updated Dec. 6, 2017).

²⁶ *See* KY. REV. STAT. ANN. § 244.290(3) (West 2017).

this prohibition is not absolute, nor is it uniformly enforced.²⁷ Per certain exceptions to the law, the retail sale of distilled spirits and wine on Sunday may be approved via local ordinance, by individual towns and cities, or at the county level.²⁸ These exceptions and loopholes, combined with other unique state laws regarding alcohol, have contributed to the creation of a confusing patchwork of “wet,” “dry,” and “moist” counties, cities, and towns throughout Kentucky.²⁹ In contrast, the state of New York uniformly prohibits the retail sale of beer, wine, or distilled spirits before twelve o’clock noon, and after nine o’clock p.m. on Sundays.³⁰ Laws like this one, which simply prohibit the retail sale of liquor before and after a particular time, are typical of contemporary Blue Laws that restrict the sale of alcohol.³¹

As previously noted,³² another Blue Law that has persisted well into the twenty-first century is the ban on Sunday hunting.³³ One purported reason for why Sunday hunting laws have stood the test of time is that hunters represent a small minority of the nation’s population.³⁴ As opposed to purchasers of alcohol, clothing, cars, or other goods, the comparatively small number of active hunters has meant that Sunday hunting restrictions do not affect the requisite number of people required to garner the support of unions and wealthy private interest groups, which have both been integral in the repeal processes of Blue Laws in the past.³⁵ Furthermore, contemporary Sunday hunting laws, unlike other

²⁷ See KY. DEP’T OF ALCOHOLIC BEVERAGE CONTROL, *Wet-Dry Map*, <https://abc.ky.gov/Local-Information/Documents/Wet-Dry%20Map%206-17.pdf> [<https://perma.cc/R6YW-H5PC>] (last visited Nov. 17, 2018).

²⁸ KY. REV. STAT. ANN. § 244.290(4) (West 2017).

²⁹ See KY DEP’T OF ALCOHOLIC BEVERAGE CONTROL, *supra* note 27.

³⁰ N.Y. ALCOHOLIC BEVERAGE CONTROL LAW § 105(14)(a)(i) (Consol. Lexis 2018).

³¹ See, e.g., TENN. CODE ANN. § 57-4-203(d)(1)–(4) (West 2017).

³² See *supra* Introduction.

³³ As of 2017, eleven states, exclusively on the East Coast, still maintained laws that severely restricted, or prohibited Sunday hunting altogether. See JOHN DURHAM & ASSOC., *supra* note 7.

³⁴ See CONG. SPORTSMEN’S FOUND., *America’s Sporting Heritage: Fueling the American Economy* (2012), <http://sportsmenslink.org/uploads/page/EIR%20final%20low-res.pdf> [<https://perma.cc/DX2L-4H8T>] (last visited Nov. 17, 2018).

³⁵ See LABAND & HEINBUCH, *supra* note 1, at 163 (explaining how the decline of large blue-collar unions, historically major proponents of Sunday laws, resulted in the erosion of support for Blue Laws, and partially cleared the way for their repeal); see also Humphreys, *supra* note 9. But see, *The Truth About Sunday Hunting: Why Hunters Shouldn’t Be Treated as Second-Class Citizens*, NRA-ILA, <https://www.nra.org/articles/20050314/the-truth-about-sunday-hunting-why-hun> [<https://perma.cc/E8FS-J5KJ>] (last visited Nov. 17, 2018).

Sunday restrictions, are not explicitly tied to trade, retail sales, or the economy.³⁶ Thus, they have failed to attract the attention of the same unions and interest groups, whose support would be necessary to effectuate their total repeal.

In recent years, however, opposition to contemporary Sunday hunting laws has begun to grow at a rapid rate in each of the eleven states that still maintain Sunday hunting restrictions.³⁷ Proponents of repeal include a majority of hunters,³⁸ along with numerous wealthy private interest groups, whose support is suggestive that the time may finally be ripe for repeal.³⁹ Sportsmen and sportswomen primarily argue that losing one weekend day is significant to hunters and would-be hunters because many work six days per week and are wholly unable to partake in the tradition of hunting under the current state of the law.⁴⁰ Private interest groups, most notably the National Rifle Association (“NRA”), echo these sentiments and argue that the economic benefits of repealing Sunday hunting laws significantly outweigh any of the purported reasons for their maintenance; the NRA characterizes such reasons as either unconvincing

³⁶ Contemporary Sunday hunting laws are not explicitly religious, nor are they directly related to retail sales or trade. *See, e.g.*, DEL. CODE ANN. tit. 7, § 712(a) (2016) (“On Sundays, no person shall hunt or pursue any game birds or game animals with any dog or any kind of implement which is capable of killing said game birds or game animals.”); ME. REV. STAT. ANN. tit. 12, § 11205(1)(A) (2018) (“A person may not: [h]unt wild animals or birds on Sunday.”).

³⁷ *See, e.g.*, *NC Sunday hunting expansion keeps church carve-out*, BLUE RIDGE NOW (June 30, 2017), <http://www.blueridgenow.com/news/20170630/nc-sunday-hunting-expansion-keeps-church-carve-out> [<https://perma.cc/N9CV-N3W7>] (explaining newly passed Sunday hunting legislation in North Carolina); John McCoy, *WV's Sunday hunting law takes effect statewide*, CHARLESTON GAZETTE-MAIL (July 8, 2017), https://www.wvgazette.com/placement/wv-s-sunday-hunting-law-takes-effect-statewide/article_cb54de56-bb78-5ef7-bce3-f9f8913d820a.html [<https://perma.cc/8RE5-49GH>] (outlining recent changes to West Virginia’s Sunday hunting law).

³⁸ P.J. Reilly, *Support for Sunday hunting still weak among PA hunters*, LANCASTER ONLINE (May 7, 2017), http://lancasteronline.com/sports/outdoors/support-for-sunday-hunting-still-weak-among-pa-hunters/article_0311aa1e-335c-11e7-af55-57c3c11522de.html [<https://perma.cc/8V9H-4V7K>] (arguing that support for Sunday hunting is weak amongst Pennsylvania hunters, but conceding that 64 percent of hunters under the age of fifty-five strongly support the repeal of Sunday hunting laws).

³⁹ *See* JOHN DURHAM & ASSOC., *supra* note 7; CONG. SPORTSMEN’S FOUND., *supra* note 34; NRA-ILA, *supra* note 35.

⁴⁰ SPORTSMEN’S ALLIANCE, *ALERT! Connecticut Bill Allows Sunday Hunting on Private Land* (Jan. 24, 2017), <http://www.sportsmensalliance.org/news/alert-connecticut-bill-allows-sunday-hunting-private-lands/> [<http://perma.cc/KKE8-9QT6>]. *See also* Lydia Saad, *The “40-Hour” Workweek Is Actually Longer—by Seven Hours*, GALLUP (Aug. 29, 2014), <http://news.gallup.com/poll/175286/hour-workweek-actually-longer-seven-hours.aspx> [<https://perma.cc/DA52-P8LD>].

or nonexistent.⁴¹ Meanwhile, other activists argue that Sunday hunting restrictions should be repealed, partially or in their entirety, in order to mitigate the serious environmental damage that they argue is being caused by game-animal overpopulation.⁴²

Proponents of Sunday hunting restrictions, on the other hand, oppose repeal for three main reasons. First, proponents of Sunday hunting restrictions cite safety concerns.⁴³ Second, they argue that the recreational interests on nonhunters, of whom there are hundreds of millions, should outweigh those of the minority, i.e., hunters.⁴⁴ Lastly, opponents of repeal argue that allowing Sunday hunting could result in overhunting, which would have a negative impact on game populations.⁴⁵ This Note will argue that the aforementioned concerns of nonhunters who support Sunday hunting laws are largely illusory, and moreover, are outweighed by the significant economic and environmental benefits that would flow from a repeal of Sunday hunting laws.⁴⁶

II. CONTEMPORARY SUNDAY HUNTING LAWS RANGE SUBSTANTIALLY IN RESTRICTIVENESS FROM STATE TO STATE

As of 2017, eleven East Coast states still had restrictive Sunday hunting laws on their books: Massachusetts, Maine, Maryland, West Virginia, Virginia, North Carolina, South Carolina, New Jersey, Pennsylvania, Connecticut, and Delaware.⁴⁷ Each of their contemporary Sunday

⁴¹ See, e.g., JOHN DURHAM & ASSOC., *supra* note 7 (noting that an additional day of hunting would contribute billions of additional dollars to the collective economies of the eleven states that still maintain prohibitions or restrictions on Sunday hunting); NRA-ILA, *supra* note 35 (arguing that Sunday hunting laws treat hunters as “second-class citizens” and “tacitly endorse the view[s] of animal extremists.”).

⁴² See Allen Pursell, *Too Many Deer: A Bigger Threat to Eastern Forests than Climate Change?*, THE NATURE CONSERVANCY (Aug. 22, 2013), <https://blog.nature.org/science/2013/08/22/too-many-deer/> [<https://perma.cc/A74W-ZJTR>].

⁴³ See, e.g., Justin Van Kleeck, *Keep Sundays Free from Hunting*, SUSTAINABLOG (Oct. 5, 2011), <https://sustainablog.org/2011/10/sunday-hunting/> [<https://perma.cc/XXK8-FE8W>] (arguing that Sunday hunting should remain prohibited because hunters are a danger to hikers, campers, and bird watchers).

⁴⁴ See John Giannico, Letter to the Editor, *Sunday hunting shot down; let's leave it there*, THE FREE-LANCE STAR (Feb. 12, 2007), http://www.fredericksburg.com/opinionletter/sunday-hunting-shot-down-let-s-leave-it-there/article_f16466a8-9a7e-5bcf-92c6-163e8cd7cc2e.html [<https://perma.cc/6FT4-H3N8>].

⁴⁵ See Van Kleeck, *supra* note 43 (arguing that overpopulation is not an environmental problem and suggesting that an additional day of hunting would threaten game-animal populations).

⁴⁶ See *infra* Part V.

⁴⁷ See JOHN DURHAM & ASSOC., *supra* note 7.

hunting laws, however, vary drastically in terms of rigidity and level of restrictiveness. Massachusetts and Maine, for example, are the only two states which continue to maintain a complete prohibition on Sunday hunting.⁴⁸ There are no exceptions and no distinctions are made between public and private lands in either state.⁴⁹ In recent years, several bills aimed at repealing Sunday hunting laws have been introduced in the legislatures of both states; unfortunately for their proponents, however, each successive bill has been quickly voted down or simply failed to garner enough support to move beyond committee hearings.⁵⁰

Conversely, some of the states that still prohibit Sunday hunting have narrowed their laws in order to accommodate other, more pressing policy goals, such as controlling nuisance species and protecting crops and livestock.⁵¹ New Jersey, for example, permits the hunting of raccoons until sunrise on Sundays, as well as the humane “dispatch [of] legally trapped animals” with a .22 caliber rifle.⁵² Similarly, Pennsylvania’s Sunday hunting statute explicitly identifies foxes and coyotes as nuisance animals, which are to be targeted and can legally be hunted on Sundays.⁵³ Even in these somewhat more relaxed states, however, the majority of bills aimed at repealing Sunday hunting laws in their entirety have failed to garner enough support to survive committee hearings or to be signed into law.⁵⁴

In some states, such as Connecticut, New Jersey, and North Carolina, state legislatures have gone so far as to amend their hunting laws to permit bow-hunting on Sundays; these states do, however, still maintain strict bans on Sunday hunting with a firearm.⁵⁵ In 2017, the

⁴⁸ See MASS. GEN. LAWS ANN. ch. 131, § 57 (West 2017); ME. REV. STAT. ANN. tit. 12, § 11205 (2017).

⁴⁹ See, e.g., ME. REV. STAT. ANN. tit. 12, § 11205 (2017) (“A person may not . . . [h]unt wild animals or wild birds on Sunday. . .”).

⁵⁰ See, e.g., George Smith, *Sunday Hunting Bill Shot Down*, BANGOR DAILY NEWS (Mar. 17, 2017), <http://georgesoutdoornews.bangordailynews.com/2017/03/17/hunting/sunday-hunting-bill-shot-down/> [<http://perma.cc/NFE7-WPUL>] (describing the rejection, by the Inland Fisheries and Wildlife Commission, of a proposed act which would have authorized the Commissioner of Inland Fisheries and Wildlife to allow hunting on certain Sundays in certain areas of Maine).

⁵¹ N.J. STAT. ANN. § 23:4–24 (West 2009).

⁵² *Id.*

⁵³ 34 PA. STAT. AND CONS. STAT. ANN. § 2303(b.1) (West 2017). See also DEL. CODE ANN. tit. 7, § 712(b) (West 2016) (permitting the hunting of red foxes on Sundays).

⁵⁴ See, e.g., S.B. 1070, 2015 Gen. Assemb., Reg. Sess. (Pa. 2015) (referred to Game and Fisheries Nov. 20, 2015). *But see* H.B. 289, 148th Gen. Assemb., Reg. Sess. (Del. 2016) (signed into law July 19, 2016).

⁵⁵ CONN. GEN. STAT. ANN. § 26-73 (West 2015) (“Sunday shall be a closed season except for hunting deer with bow and arrow.”).

Connecticut Environment Committee introduced a bill in the state's House of Representatives which proposed authorizing all Sunday hunting.⁵⁶ On a grassroots level, this bill garnered substantial public support, and private interest groups quickly mobilized to assure its passage.⁵⁷ Ultimately, however, this bill, like others that have been introduced in Connecticut, stalled in committee hearings and failed to pass the General Assembly during Session Year 2017.⁵⁸

Unlike the legislatures of most other Sunday-hunting states, over the last five years, the legislatures of both Virginia and West Virginia have each successfully amended—and substantially relaxed—their Sunday hunting laws. In 2014, after numerous grassroots attempts to repeal the state's Sunday hunting prohibition,⁵⁹ the Virginia General Assembly voted in favor of amending Section 29.1-521 of the Virginia Code (“[w]illfully impeding hunting or trapping: penalty.”)⁶⁰ This amendment made it legal for one to hunt with a firearm on private property and with written permission from the landowner on Sundays.⁶¹ In amending its Sunday hunting law, Virginia went from one of the most restrictive Sunday hunting states to one of the most lenient, compared to the ten other states that still maintain Sunday hunting restrictions.⁶²

Similarly, in 2017, the West Virginia legislature also voted to amend its Sunday hunting law, making it legal statewide to hunt on private land with written consent of the landowner.⁶³ This vote marked the end of West Virginia's previous regime, under which individual counties could control their Sunday hunting directly.⁶⁴ Under that system, Sunday hunting on public land was prohibited statewide, but counties could elect to waive the default ban and allow Sunday hunting on private land with written permission of the landowner.⁶⁵ Although some argued that the county-by-county system was “an excellent example of a middle ground

⁵⁶ See H.B. 5499, 2017 Gen. Assemb., Reg. Sess. (Ct. 2017), <https://www.cga.ct.gov/2017/TOB/h/2017HB-05499-R01-HB.htm> [<https://perma.cc/8SRZ-KPYZ>].

⁵⁷ See SPORTSMEN'S ALLIANCE, *supra* note 40.

⁵⁸ *Id.* (showing that the progress of H.B. 5499 came to a halt after a public hearing was scheduled by the Joint Committee on Environment on Mar. 2, 2017).

⁵⁹ See, e.g., H. Comm. on Agric., Chesapeake and Nat. Res. 632, 2006 Sess. (Va. 2006).

⁶⁰ VA. CODE ANN. § 29.1-521 (West 2014).

⁶¹ *Id.* at § 29.1-521(A)(1).

⁶² Compare VA. CODE ANN. § 29.1-521 (West 2016), with MASS. GEN. LAWS ANN. ch. 131, § 57 (West 1973), and ME. REV. STAT. ANN. tit. 12, § 11205 (West 2004).

⁶³ W. VA. CODE ANN. § 20-2-5 (West 2017).

⁶⁴ W. VA. CODE ANN. § 20-2-5 (West 2015) (amended 2017).

⁶⁵ *Id.* at § 20-2-5(28) (describing the process by which counties may legalize Sunday hunting on private land).

struck between those opposed to and those in favor of Sunday hunting,”⁶⁶ those involved in the enactment of the 2017 amendment argued that the new version of West Virginia’s Sunday hunting law was preferable because it would make life simpler and safer for residents, who would no longer need to worry about which counties are “open” on Sundays and which are not.⁶⁷ Notably, Maryland is another Sunday-hunting state, which still employs a county-by-county system.⁶⁸

In looking at contemporary Sunday hunting laws from state-to-state, it is clear that proponents of repeal face what can only be described as an uphill battle. In most of the remaining restrictive states, bills aimed at a total repeal of Sunday hunting laws are introduced on a nearly annual basis, yet are consistently rejected by each state’s respective legislatures at an equally rapid rate.⁶⁹ These struggles indicate that repeal will not be easily obtained.

Despite the impending uphill battle, the recent amendments to Virginia and West Virginia’s Sunday hunting laws suggest that legislative proposals for repeal can be effective and should be pursued. These successes provide a useful blueprint for how proponents of repeal can effectuate change in their respective states. Such successes prove that achieving meaningful change, and the repeal of Sunday hunting laws, requires both the grassroots support of hunters as well as the efforts of private interest groups with the wealth necessary to lobby state politicians. Moreover, in light of the fact that constitutional challenges to Sunday hunting laws have been consistently rejected by courts in the past,⁷⁰ such legislative proposals appear to be the only effective means of achieving meaningful legal change.

III. THE PAST: FAILED ATTEMPTS AT REPEAL

A. *Constitutional Challenges to Sunday Hunting Laws Have Been Universally Rejected by the Courts, Making Future Litigation Futile*

In recent years, several private interest groups and individuals sought to have Sunday hunting laws repealed through litigation brought

⁶⁶ Mike Balestra, *Thou Shall Not Hunt: A Historical Introduction to and Discussion of the Modern Debate over Sunday Hunting Laws*, 96 KY. L.J. 447, 453 (2007).

⁶⁷ See McCoy, *supra* note 37.

⁶⁸ See MD. CODE ANN. NAT. RES. § 10-410 (West 2017) (permitting and/or prohibiting Sunday hunting of various types on a county-to-county basis).

⁶⁹ See, e.g., Smith, *supra* note 50.

⁷⁰ See *infra* Part III.

against states and their respective agencies.⁷¹ In each case, the plaintiffs argued that Sunday hunting laws violated the Constitution, and were thus null and void.⁷² In 2014, in *Hunters United for Sunday Hunting v. Pa. Game Comm'n*, the plaintiffs alleged that Pennsylvania's Sunday hunting ban violated the Equal Protection Clause as well as the First Amendment, because it had a basis in religion, and the Second Amendment, because it infringed upon their right to hunt.⁷³ The court rejected each of these claims in succession.⁷⁴ First, the court rejected the plaintiffs' Second Amendment claim.⁷⁵ It held that the "recreational sport of hunting" was not a constitutionally protected right, and that it could not find any legal support for the plaintiffs' contention that recreational hunting fell under the umbrella of Second Amendment protections.⁷⁶ Next, the court utilized rational basis review, based on the supposition that Sunday hunting laws do not "proceed along suspect lines nor infringe upon fundamental rights," and held that the plaintiffs failed to state a valid Equal Protection claim.⁷⁷ Moreover, the court ruled that the law passed constitutional muster in any event, because the state provided a rational basis for its maintenance.⁷⁸ Lastly, the court disposed of the plaintiffs' First Amendment claim by holding that they failed to show how the Sunday hunting law, which contained no explicitly religious language, either violated their religious beliefs or coerced them to participate in any state sponsored religion.⁷⁹

In *Hartley Hill Hunt Club v. Ritchie County Comm'n*, the plaintiffs argued that West Virginia's Sunday hunting ban violated their right to hunt, and constituted an unreasonable exercise of police power.⁸⁰ On appeal, the Supreme Court of West Virginia upheld the lower courts'

⁷¹ See *Hunters United for Sunday Hunting v. Pa. Game Comm'n*, 28 F. Supp. 3d 340 (M.D. Pa. 2014); *Hartley Hill Hunt Club v. Comm'n of Ritchie County*, 647 S.E.2d 818 (W. Va. 2007); see also *Lee v. S.C. Dep't of Nat. Resources*, 530 S.E.2d 112 (S.C. 2000).

⁷² See, e.g., *Hunters United for Sunday Hunting*, 28 F. Supp. 3d at 345–49 (plaintiffs arguing that Pennsylvania's Sunday hunting law violated their rights under the First, Second, and Fourteenth amendments).

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.* at 345.

⁷⁶ *Id.* at 346.

⁷⁷ *Id.* at 347.

⁷⁸ *Hunters United for Sunday Hunting*, 28 F. Supp. 3d at 348; see also *Lee*, 530 S.E.2d at 115 ("the Sunday hunting ban bears a reasonable relation to the legislative purpose of preserving finite wildlife resources and quality hunting experiences.").

⁷⁹ *Hunters United for Sunday Hunting*, 28 F. Supp. 3d at 349.

⁸⁰ *Hartley Hill Hunt Club*, 647 S.E.2d at 824.

rejection of this claim.⁸¹ It held that the right to hunt is not absolute, and that the state, through its police power, may enact reasonable laws defining which forms of hunting are lawful.⁸² Furthermore, it held that West Virginia's law prohibiting Sunday hunting on private and public lands was reasonable, and well within the broad authority of the state legislature to enact policy as it saw fit.⁸³

The ease with which courts have disposed of each successive constitutional challenge to Sunday hunting laws makes it clear that future attempts to achieve repeal through litigation are unlikely to succeed.⁸⁴ This is largely because Sunday hunting restrictions do not affect a suspect class, and are thus only subject to rational basis review.⁸⁵ Under rational basis review, the statute need only "(1) bear a reasonable relation to the legislative purpose sought to be achieved, (2) [treat] members of the class . . . alike under similar circumstances, and (3) . . . rest on some rational basis."⁸⁶ Although the burden is on the state to prove that its Sunday hunting law withstands rational basis review, this burden is not a difficult one to bear.⁸⁷ As such, private interest groups and individual proponents of repeal should avoid litigation and instead pursue legislative change to Sunday hunting laws by emphasizing the economic and environmental benefits that would flow from the laws' repeal. By emphasizing the economic and environmental impact of Sunday hunting laws, proponents of repeal are more likely to transform Sunday hunting into a pressing state issue, and effectuate the change that litigation has failed to achieve in the past.⁸⁸

IV. HUNTING & THE ENVIRONMENT

A. *Sportsmen & Sportswomen Fuel the American System of Conservation*

While many people may know that each state's fish and wildlife agencies act as the primary stewards of the nation's invaluable natural

⁸¹ *Id.* at 825.

⁸² *Id.*

⁸³ *Id.*

⁸⁴ See *Hunters United for Sunday Hunting*, 28 F. Supp. 3d at 345-49; *Hartley Hill Hunt Club*, 647 S.E.2d at 824-28.

⁸⁵ See *Hunters United for Sunday Hunting*, 28 F. Supp. 3d at 347.

⁸⁶ See *Lee*, 530 S.E.2d at 114.

⁸⁷ *Id.* at 117.

⁸⁸ See *infra* Parts IV & V.

resources, many people do not know that for the past seventy-five years, America's sportsmen and sportswomen—those who hunt and fish—have consistently provided the vast majority of funding for those integral state agencies.⁸⁹ In 2015, for example, the 276,660 licensed hunters in Virginia alone purchased 830,192 licenses and tags, which contributed \$26.08 million to the Virginia Department of Game and Inland Fisheries.⁹⁰ On a national level, through licensing and tag fees, excise taxes on fishing and hunting equipment, taxes on motorboat fuel, and individual contributions made to conservation organizations through memberships and charitable donations, sportsmen and sportswomen contribute approximately \$3 billion to conservation efforts on an annual basis.⁹¹ Simply put: “sportsmen and women bankroll conservation,” making them an extremely valuable constituency that state legislators and legislatures must recognize.⁹²

The substantial contributions made by sportsmen and women to conservation efforts are another reason why Sunday hunting laws should be repealed in their entirety. A 2011 empirical study found that if Sunday hunting restrictions were lifted in the six states with the most severe restrictions—Connecticut, Delaware, Maine, Massachusetts, Pennsylvania, and Virginia—an additional 117,500 hunters would have been recruited or retained by 2016.⁹³ These additional hunters would have purchased thousands more licenses and tags, resulting in a sizeable increase in conservation funding for fish and wildlife agencies in those states. An increase in wildlife agency funding would allow the affected agencies to more closely monitor deer and other game-animal populations, in turn leaving those agencies better equipped to combat the increasing problem of white-tailed deer overpopulation in the eastern United States.⁹⁴

Although it is easy to suggest that legislators should automatically support repealing Sunday hunting laws based on these statistics,

⁸⁹ See CONG. SPORTSMEN'S FOUND., *Virginia Contributions to the American System of Conservation Funding* (2015), <http://sportsmenslink.org/uploads/page/Virginia.pdf> [<https://perma.cc/5N6N-Y2XU>] (last visited Nov. 17, 2018).

⁹⁰ Overall, in 2015, sportsmen and sportswomen in Virginia—including both hunters and fishers—directly contributed \$75.9 million to the state's agencies responsible for conservation efforts. *See id.*

⁹¹ *See* CONG. SPORTSMEN'S FOUND., *supra* note 34.

⁹² *Id.*

⁹³ *See Sunday Hunting Ban*, SPORTSMEN VOTE, <https://www.sportsmenvote.com/issues/sunday-hunting-ban/#ixzz3FlpqlsnS> [<https://perma.cc/FT8K-ZEAL>] (last visited Nov. 17, 2018). The referenced study, conducted by the Congressional Sportsmen's Foundation, was based on Sunday hunting restrictions as they existed in 2013. Since then, Connecticut, Delaware, and Virginia have each amended their Sunday hunting laws.

⁹⁴ *See infra* Section IV.B.

and the benefits that would flow from repeal, spontaneous support is unlikely to occur. With this in mind, it is incumbent upon hunters and private interest groups to use the status of hunters—“bankrollers of conservation”—as leverage to pressure state legislatures into relaxing Sunday hunting restrictions. This status should, and must, be taken advantage of in order to broaden the base of support and make Sunday hunting law repeal enough of a pressing state issue to effectuate change.

B. Deer Overpopulation Is a Serious Threat to Forest Ecosystems

During the nineteenth century, many state legislatures enacted a variety of rigorous hunting restrictions to protect the then-overhunted white-tailed deer population.⁹⁵ At the time, these restrictions—which included licensure requirements, bag limits, and shorter hunting seasons—were necessary due to the fact that tens of millions of Americans participated in subsistence hunting, and game populations, particularly white-tailed deer, were being depleted at an alarming rate.⁹⁶ Over time, however, the number of active hunters in the United States has dropped exponentially.⁹⁷ Meanwhile, humans have depleted the once large populations of carnivores—namely wolves—which were the largest natural predators of white-tailed deer in North America.⁹⁸ The simultaneous decline in hunting and depletion of natural predators, coupled with white-tailed deer’s innate ability to reproduce rapidly, have resulted in an explosion of the white-tailed deer populations across the United States.⁹⁹

⁹⁵ See Dan Bergeron, *White-Tailed Deer Assessment*, N.H. FISH & GAME DEPT. 22–24 (2015), <http://www.wildlife.state.nh.us/hunting/documents/nh-deer-assessment-2015.pdf> [<https://perma.cc/HV8B-SGYG>] (last visited Nov. 17, 2018) (tracking the evolution of white-tailed deer population management from the colonial period through the nineteenth century).

⁹⁶ *Id.*

⁹⁷ See CONG. SPORTSMEN’S FOUND., *supra* note 34 (noting that in 2011 only nine percent of Americans hunted); see also *Number of Hunters in U.S. Declining*, CBS NEWS (Sept. 3, 2007), <https://www.cbsnews.com/news/number-of-hunters-in-us-declining/> [<https://perma.cc/GCP4-NEF8>]; Chris Larsen, *A Closer Look at the Decline in Hunter Participation*, BIG GAME LOGIC (Jan. 12, 2015), <https://www.biggamelogic.com/Articles-News/articleType/ArticleView/articleId/603/A-Closer-Look-At-The-Divide-In-Hunter-Participation> [<https://perma.cc/CGS3-2EUR>].

⁹⁸ See WOLF CONSERVATION CTR., *Wild Wolf Population in the United States*, <https://nywolf.org/learn/us-wolves> [<https://perma.cc/U4CQ-94QS>] (last visited Nov. 17, 2018).

⁹⁹ The white-tailed deer population in the United States is an estimated 30 million; this is more than the estimated population of white-tailed deer when the first colonists landed in North America. See David Von Drehle, *America’s Pest Problem: Time to Cull the Herd*, TIME (2013), <http://time.com/709/americas-pest-problem-its-time-to-cull-the-herd> [<https://perma.cc/GKR3-PPL3>].

On the East Coast, Sunday hunting laws further limit the number of days that hunters can hunt, thus exacerbating the problem of white-tailed deer overpopulation.

But what exactly are the environmental and ecological effects of white-tailed deer overpopulation? First and foremost, deer overpopulation results in overgrazing; this overgrazing is particularly evident and destructive at the “understory” level of eastern forests.¹⁰⁰ Overgrazing by white-tailed deer has resulted in what are known colloquially as “ghost forests.”¹⁰¹ Ghost forests are unable to provide adequate habitats for a multitude of species, including birds, small woodland mammals, and even insects; faced with a loss of their habitat, many of these species have been forced to relocate or have simply died.¹⁰² Ultimately, white-tailed deer have been found to impact every ecosystem east of the Mississippi River; “[t]he damage has been insidious—slow moving and cumulative. Unfortunately, the harm is often overlooked, or worse, accepted as somehow ‘natural.’”¹⁰³

A repeal of Sunday hunting prohibitions and restrictions in the eleven states where such laws are still operative would undoubtedly help bring deer populations back down to sustainable levels.¹⁰⁴ With lower white-tailed deer populations, environmentalists believe that damaged forest ecosystems like ghost forests will be able to regenerate, return to healthy states, and once again support a variety of woodland species.¹⁰⁵ Along with pointing to the role that hunters maintain in funding environmental agencies and conservation, proponents of repeal must tap into the aforementioned environmental concerns involving overpopulation in order to broaden their base, and convince state legislatures that Sunday hunting laws should be repealed.

¹⁰⁰ The “understory” includes plants that grow from the ground level to six feet in height. See Humphreys, *supra* note 9, at 629.

¹⁰¹ *Id.*

¹⁰² *Id.* at 630.

¹⁰³ See Pursell, *supra* note 42.

¹⁰⁴ See *infra* Part V.

¹⁰⁵ See generally Humphreys, *supra* note 9 (providing an in-depth overview and analysis of the environmental and ecological effects of white-tailed deer overpopulation on forest ecosystems; also arguing that hunting represents a low-cost way of managing deer populations, and that a repeal of contemporary Sunday hunting laws would help mitigate, and hopefully reverse, the aforementioned environmental and ecological problems associated with overpopulation). But see Humphreys, *supra* note 9, at 631 (citing to an interview with Dr. Martha Case, Professor of Biology, College of William & Mary, in Williamsburg, Va. (Dec. 1, 2014) wherein Dr. Case stated that “much of the resulting damage [from white-tailed deer overpopulation] is irreversible”).

V. THE MODERN DEBATE

In response to increased pressure applied by wealthy private interest groups and individual proponents of repeal, the legislatures of both Virginia and West Virginia have taken substantial steps toward abolishing their respective Sunday hunting laws.¹⁰⁶ Other state legislatures, however, at the behest of opponents of repeal have dug in their heels, having been elected to maintain the status quo, and have left their Sunday hunting laws unchanged.¹⁰⁷ Meanwhile, in other states, the status of Sunday hunting laws remains in limbo, with legislative proposals still under consideration in a variety of subcommittees.¹⁰⁸

This Part will outline the ongoing modern debate regarding Sunday hunting laws in the eleven East Coast states where such laws are still operative. First, it will summarize and analyze the arguments made by proponents of repeal. Proponents of repeal primarily argue that amending Sunday hunting bans would: (a) help preserve the tradition of hunting; (b) have a variety of positive environmental effects; and (c) generate hundreds of millions of dollars in economic activity. Next, this Part will discuss and assess the merits of a variety of concerns that have been raised by opponents of repeal. Ultimately, the Part will conclude that the various arguments made by proponents of repeal significantly outweigh those concerns raised by opponents. It will vigorously argue that state legislatures and individual legislators should consider a total repeal of Sunday hunting laws, primarily because of the substantial economic benefits that would result, which would positively impact millions of Americans, hunters and nonhunters alike.

¹⁰⁶ See VA. CODE ANN. § 291.-521 (West 2016); W. VA. CODE ANN. § 20-2-5 (West 2017); see also McCoy, *supra* note 37 (reporting that the West Virginia legislature passed a bill relaxing its Sunday hunting restrictions).

¹⁰⁷ See Smith, *supra* note 50.

¹⁰⁸ Two bills have been introduced during the 190th General Court of the Commonwealth of Massachusetts. One in the Senate, S.445, would repeal Massachusetts's Sunday hunting prohibition in its entirety; the other in the House, H.469, would amend the law to permit bow hunting on Sundays. See MASS. GEN. LAWS ANN. ch. 131, § 57 (1973) (stating that every Sunday shall be a closed season); S.445, 190th GEN. CT., 1st Sess. (Mass. 2017); H.469, 190th GEN. CT., 1st Sess. (Mass. 2017); see also Randy Julius, *Outdoors: Bill would lift ban on Sunday hunting*, THE ENTERPRISE (May 20, 2017), <http://www.enterpriseneews.com/sports/20170520/outdoors-bill-would-lift-ban-on-sunday-hunting> [<https://perma.cc/3ZJH-UUUS>].

A. *Repealing Sunday Hunting Laws Will Help Preserve the Tradition of Hunting & Provide Tangible Environmental & Economic Benefits*

The most common argument made by hunters who support repealing Sunday hunting laws is that doing so would give sportsmen and sportswomen an additional day each week to enjoy the outdoors and partake in the tradition of hunting.¹⁰⁹ The hunters argue that, for the thirteen to fifteen million Americans who hunt on an annual basis, losing one weekend day per week is extremely significant.¹¹⁰ This is because, on average, a majority of Americans work six days per week, leaving only Sundays for recreational activities such as hunting.¹¹¹ For hunters and would-be hunters who work Monday through Saturday, lifting the Sunday ban would automatically increase the number of days that they can hunt by 100 percent. Moreover, hunters' responses to a survey conducted in Pennsylvania and North Carolina suggest that even hunters who are able to hunt under the current state of the law would hunt 22 percent more, on average, if those states repealed their Sunday restrictions.¹¹² In Pennsylvania alone, a study conducted by the Legislative Budget and Finance Committee found that the state's hunters would, on average, hunt an additional 4.7 days per season, per person, if the restrictions on Sunday hunting were lifted.¹¹³

Alternatively, hunters argue that the tradition of hunting itself is threatened by Sunday hunting restrictions, and that Sunday hunting laws should be repealed in order to preserve that tradition.¹¹⁴ Proponents

¹⁰⁹ NAT'L SHOOTING SPORTS FOUND., *Hunting in America: An Economic Force for Conservation* (2018), https://www.fishwildlife.org/download_file/view/1428/220 [<https://perma.cc/GQ6R-DJH5>] (last visited Nov. 17, 2018).

¹¹⁰ See CONG. SPORTSMEN'S FOUND., *supra* note 34 (estimating that a total of 15.5 million Americans hunted in 2011); see also NAT'L SHOOTING SPORTS FOUND., *supra* note 109 (reporting that roughly 11.5 million Americans hunted in 2016).

¹¹¹ See Saad, *supra* note 40.

¹¹² See JOHN DURHAM & ASSOC., *supra* note 7.

¹¹³ See Ben Moyer, *Outdoors: Sunday hunting would expand opportunities for the state's working Sportsmen*, PITTSBURGH POST-GAZETTE (Sept. 3, 2006), <http://www.post-gazette.com/hunting-fishing/2006/09/03/Outdoors-Sunday-hunting-would-expand-opportunities-for-the-state-s-working-sportsmen/stories/200609030296> [<https://perma.cc/6H7V-AKFS>].

¹¹⁴ See Balestra, *supra* note 66, at 459 (citing to Mike Taylor, *Sunday Hunting Laws Still Stuck in Subcommittee*, ROANOKE TIMES (Jan. 22, 2007), https://www.roanoke.com/sports/outdoors/sunday-hunting-laws-still-stuck-in-subcommittee/article_4d0ae3ed-687b-534f-86a5-b6335a969eb1.html [<https://perma.cc/FDX7-NS85>]).

of repeal point to the declining number of hunters in the United States,¹¹⁵ and argue that hunters who work six days per week are being forced to give up the tradition. Indeed, the number of hunters has steadily declined in recent years,¹¹⁶ and it would logically follow that many more would hunt if Sunday bans were lifted in their entirety.¹¹⁷ Unfortunately, the preservation of the tradition of hunting is a cause held near and dear only to hunters, who admittedly make up a very small minority of the population.¹¹⁸ As such, arguing that Sunday hunting restrictions should be repealed because they threaten that tradition is unlikely to motivate enough state legislators to support repeal legislation.¹¹⁹ Proponents of repeal must instead turn to more persuasive arguments, such as the economic and environmental benefits of repeal, which would positively impact millions.

Despite the fact that a majority of hunters support repealing Sunday hunting laws, this support is not universal.¹²⁰ In many states, there is a clear age divide, with many elder hunters opposed to repeal, and a vast majority of younger hunters strongly in support.¹²¹ This intra-hunter divide has impeded even the most recent repeal attempts in certain states.¹²² It is something that proponents of repeal must recognize is a legitimate issue if they are going to achieve their goal of total repeal in the remaining states that maintain Sunday hunting restrictions.

White-tailed deer overpopulation, which has become more pronounced over the last few decades, is a major environmental and ecological problem in many eastern states, including those with Sunday hunting laws.¹²³ Due to the fact that the deer have very few natural predators and

¹¹⁵ See *Number of Hunters in U.S. Declining*, *supra* note 97; Larsen, *supra* note 97 (noting the difference in the number of hunting licenses purchased nationwide in 1970 (40 million) and 2015 (12.5 million)).

¹¹⁶ See *Number of Hunters in U.S. Declining*, *supra* note 97; but see CONG. SPORTSMEN'S FOUND., *supra* note 34 (stating that in 2011 the number of Americans who hunted increased to nine percent of the total population).

¹¹⁷ See *Sunday Hunting Ban*, *supra* note 93.

¹¹⁸ Only nine percent of Americans hunted in 2011. See CONG. SPORTSMEN'S FOUND., *supra* note 34.

¹¹⁹ But see *id.* (indicating that sportsmen and sportswomen—both hunters and fishers—contribute \$3 billion annually to conservation agencies, which positively impacts millions of citizens in every state).

¹²⁰ See Reilly, *supra* note 38; Smith, *supra* note 50 (noting that for the thirty-third time in forty-one years, repeal of Maine's Sunday hunting law had been proposed, but rejected).

¹²¹ See *id.* (explaining that among Pennsylvania hunters aged fifty-five or older, 49 percent oppose Sunday hunting and only 42 percent support it).

¹²² Bills in Maine and Pennsylvania, proposing the repeal of each states Sunday hunting restrictions, were rejected in 2017. See *id.*; Smith, *supra* note 50.

¹²³ See *supra* Part III.

reproduce quickly and often, deer populations have the potential to explode, and go completely unchecked.¹²⁴ Hunting, however, is a very effective way of managing and controlling problematic deer populations.¹²⁵ Unfortunately, as previously mentioned,¹²⁶ many hunters work six days per week, and are thus prevented from hunting by Sunday hunting laws in the eleven states where they are still operative.¹²⁷ For those lucky individuals who work a conventional five-day workweek, many Sunday hunting laws leave only one viable day for hunting per week, during an already very limited hunting season. Repealing Sunday hunting laws would allow many sportsmen and sportswomen, currently unable to hunt under existing law, to partake in the tradition of hunting, thus helping mitigate the environmental and ecological problems caused by deer overpopulation. Proponents of repeal should point to these environmental concerns, and benefits that flow from repeal, as a means of gathering increased support for the repeal of Sunday hunting laws.

Along with helping to reduce the level of environmental and ecological damage caused by deer, a total repeal of Sunday hunting laws would substantially benefit the economies of the states where Sunday hunting bans are currently in effect; on an individual level, repeal would benefit the millions of people who live there through job creation and an increase in hunter tourism. A study conducted by the National Shooting Sports Foundation estimated that if Sunday hunting restrictions were lifted in the eleven states where they are currently operative, roughly 27,000 new jobs would be created.¹²⁸ The study estimated that these jobs would pay over \$730 million in wages, and in total, an additional \$2.2 billion would be generated on an annual basis, just in the eleven states where restrictive Sunday hunting laws are operative.¹²⁹ Admittedly, these numbers are mere estimates; the true economic impact of repeal would depend on a variety of factors, including, but not limited to, the actual amount of additional hunting done by individuals and their level of “hunting intensity.”¹³⁰

Notwithstanding this fact, however, proponents of repeal should not hesitate to utilize these figures as a means of gaining the attention

¹²⁴ *Id.*

¹²⁵ THOMAS J. RAWINSKI, IMPACTS OF WHITE-TAILED DEER OVERABUNDANCE IN FOREST ECOSYSTEMS: AN OVERVIEW 5 (2008) (“Hunting remains an important tool in the management of white-tailed deer populations.”).

¹²⁶ *See supra* Part III.

¹²⁷ *See Saad, supra* note 40.

¹²⁸ JOHN DURHAM & ASSOC., *supra* note 7.

¹²⁹ *Id.*

¹³⁰ *Id.*

of state legislators and nonhunters alike. As previously noted, Sunday hunting has never been seen as a pressing state issue by legislators, and thus Sunday hunting restrictions have persevered longer than almost all other Blue Laws.¹³¹ As such, framing the Sunday hunting issue in economic terms, in addition to framing the issue as an environmental one, is one way that hunters and private interest groups can begin to rally state support for their previously obscure cause. Moreover, opponents of Sunday hunting laws should tap into the economic realities of apathetic nonhunters in the eleven states where Sunday hunting restrictions currently exist. An additional day of hunting would create an estimated 14,806 jobs in Virginia, West Virginia, and Pennsylvania alone, and would generate an estimated \$1 billion in additional economic activity in those states.¹³² Given the nature of hunting, it is likely that these economic ripple effects would be felt by those who stand to benefit from them the most: small business owners and those who live in rural towns and cities.¹³³ By tapping into the economic interests of these nonhunters, proponents of repeal may be able to broaden their base of support, and thus put more pressure on state legislators to support legislative proposals related to Sunday hunting.

Another way that opponents of Sunday hunting laws can broaden their base of support is by pointing out that deer overpopulation causes economic harm to nonhunters even at the micro level. A "Deer-Vehicle Collision Report," compiled by the Metropolitan Washington Council of Governments, estimated that deer-vehicle collisions in Virginia alone have increased at least tenfold over the last forty years; in 2016 Virginia ranked thirteenth in total number of deer strikes, while West Virginia ranked first.¹³⁴ During roughly the same time period, the deer population in Virginia grew by an astounding 400 percent. A study conducted by

¹³¹ *Id.*

¹³² *Id.*

¹³³ Alan Clemons, *Hunters Spend Billions Annually, Numbers Rising*, DEER & DEER HUNTING (Feb. 18, 2013), <http://www.deeranddeerhunting.com/articles/deer-news/hunters-spend-billions-annually-numbers-rising> [<https://perma.cc/TH38-3NEU>].

¹³⁴ See METRO. WASH. COUNCIL OF GOV'TS, DEER-VEHICLE COLLISION REP., 35 (2006), <https://www.dgif.virginia.gov/wildlife/deer/deer-vehicle-collision-report/> [<https://perma.cc/WZZ4-AEHG>] (last visited Nov. 17, 2018) [hereinafter DEER COLLISION REP.]; Greg Hambrick, *More Virginia Drivers Hitting Deer, Among Worst States in Nation*, FAIRFAX CITY PATCH (Oct. 6, 2016), <https://patch.com/virginia/fairfaxcity/more-virginia-drivers-hitting-deer-among-worst-states-nation> [<https://perma.cc/5UVP-YPSX>] (discussing the shocking number of deer-vehicle collisions in Virginia, as well as studies the State is conducting in the hopes of lowering such collisions).

State Farm estimated that from July 2004 to June 2005, there were 37,707 deer-vehicle claims filed in Virginia alone.¹³⁵ While deer-vehicle collisions do admittedly account for a small percentage of the total number of motor vehicle casualties in Virginia—roughly one percent—these collisions are undeniably costly.¹³⁶ In 2003, total property damage reported from deer-vehicle collisions in Virginia was \$13,443,412.¹³⁷ As both the human and deer populations continue to grow in East Coast states with Sunday hunting restrictions, the number of deer-vehicle collisions will also grow, along with the economic cost of such accidents. Over the next several years, it will be interesting to see how deer-vehicle collision numbers change in states like Virginia and West Virginia, as each significantly amended their Sunday hunting laws in recent years.

One obvious way to decrease the number of such collisions is through deer population reduction. Hunting is, of course, the primary means of achieving game population reduction.¹³⁸ From 1993 to 2003, hunters and “wildlife specialists” in Lynchburg, Virginia, removed nearly 3000 deer from within the city.¹³⁹ The result was a nearly 50 percent decrease in deer-vehicle collisions.¹⁴⁰

The aforementioned statistics and the unacceptably high number of deer-vehicle collisions are yet another reason to repeal Sunday hunting laws in their entirety. Sunday hunting restrictions only exacerbate the problem of deer overpopulation; as such, they do nothing to help lower the number of deer-vehicle collisions. Hunting, on the other hand, has been proven to lower the number of deer-vehicle collisions, even at the municipal level.¹⁴¹ It is undoubtedly in the interest of both hunters and nonhunters for there to be far fewer deer-vehicle collisions. Used in conjunction with evidence of the other direct economic benefits of repeal,¹⁴² proponents of repeal should be able to sufficiently broaden their base of support and gain the attention of state legislatures by pointing to hunting as a means of lowering the number of costly deer-vehicle collisions across the eleven states that still maintain restrictive Sunday hunting laws.

¹³⁵ See DEER COLLISION REP., *supra* note 134, at 35.

¹³⁶ *Id.*

¹³⁷ *Id.* at 36.

¹³⁸ *But see Hunting*, PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS, <https://www.peta.org/issues/animals-in-entertainment/cruel-sports/hunting/> [<https://perma.cc/MA3S-5349>] (last visited Nov. 17, 2018) (“[K]illing animals is not an effective way to manage populations . . . studies suggest that sterilization is an effective, long-term solution to overpopulation.”).

¹³⁹ DEER COLLISION REP., *supra* note 134, at 39.

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² See, e.g., JOHN DURHAM & ASSOC., *supra* note 7.

B. The Purported Reasons for Maintaining Sunday Hunting Laws Are Largely Unfounded & Outweighed by the Benefits of Repeal

Proponents of Sunday hunting laws have, for years, adamantly argued that safety concerns, the recreational interests of nonhunters, and the effects of hunting on game-animal populations combine to justify the maintenance of antiquated Sunday hunting restrictions.¹⁴³ Ultimately, however, an analysis of these concerns reveals that they are in large part, illusory. Moreover, they are outweighed by the aforementioned environmental and economic benefits of repeal.

States first began enacting hunting restrictions during the eighteenth and nineteenth centuries when widespread subsistence and commercial hunting began to deplete game-animal populations across the United States.¹⁴⁴ Early hunting restrictions imposed bag limits, established shortened hunting seasons, mandated licensure, and often times banned Sunday hunting.¹⁴⁵ These hunting restrictions undoubtedly had their intended effect.¹⁴⁶ Today, however, combined with a decline in the number of hunters and the decimation of most large North American predators, strict hunting restrictions only contribute to the problem of overpopulation, particularly with respect to white-tailed deer on the East Coast.¹⁴⁷

Some proponents of Sunday hunting restrictions have even conceded this fact,¹⁴⁸ yet they argue unconvincingly in the alternative that legislatures should consider the threat of hunting to “individual animal[s]” and that Sunday should be “[a] day of rest for all species,” because such was commanded in the Bible.¹⁴⁹ These arguments, which are explicitly religious in nature, should not be taken into account by state legislators, who are prohibited from doing so by the Establishment Clause of the First Amendment.¹⁵⁰ Ultimately, however, concerns that an additional

¹⁴³ See, e.g., Van Kleeck, *supra* note 43; Giannico, *supra* note 44.

¹⁴⁴ See Bergeron, *supra* note 95, at 22–24.

¹⁴⁵ *Id.* at 23–24.

¹⁴⁶ *Id.*

¹⁴⁷ See, e.g., Bergeron, *supra* note 95, at 22–24, 65–75; WOLF CONSERVATION CTR., *supra* note 98; Press Release, U.S. DEP'T OF INTERIOR, *New 5-Year Report Shows 101.6 Million Americans Participated in Hunting, Fishing & Wildlife Activities* (Sept. 7, 2017), <https://www.doi.gov/pressreleases/new-5-year-report-shows-1016-million-americans-participated-hunting-fishing-wildlife> [<https://perma.cc/7E95-SCPA>] (reporting that hunting participation dropped by 2 million, to 11.6 million, between 2011 and 2016).

¹⁴⁸ See Van Kleeck, *supra* note 43 (“[S]ure, Sunday hunting may not be a “threat” to wildlife.”).

¹⁴⁹ *Id.*; Giannico, *supra* note 44.

¹⁵⁰ U.S. CONST. amend. I (“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . .”).

day of hunting might do irreparable harm to game-animal populations are completely nullified by the simple fact that there is a major white-tailed deer *overpopulation* problem throughout much of the United States.¹⁵¹

Not unlike population concerns, safety concerns, which are often cited as reasons to further restrict the tradition of hunting, are largely unfounded and grossly overestimated. Each year, the United States and Canada see about 1000 hunting-related injuries combined.¹⁵² Given the fact that between 10 and 15 million Americans hunt on an annual basis, this number is impressively low.¹⁵³ Out of the less than 1000 hunting accidents that take place in the United States annually, less than 10 percent result in death.¹⁵⁴ Moreover, the vast majority of hunting related injuries and deaths are suffered by hunters themselves, rather than by nonhunters.¹⁵⁵ Admittedly, nonhunters are rarely injured, and even more rarely killed, in hunting accidents. In 2017, a thirty-four-year-old woman, and nonhunter, was tragically killed when a hunter discharged his firearm in Maine.¹⁵⁶ While her death was undeniably tragic—and avoidable—she was only the second nonhunter killed by a hunter in Maine over the last thirty years.¹⁵⁷ Studies also show that “hunting related shooting incidents” (“HRSIs”) have consistently declined over the last half-century.¹⁵⁸ In Pennsylvania, for example, HRSIs have declined by 80 percent since

¹⁵¹ See Humphreys, *supra* note 9, at 626 (“The white-tailed deer population . . . an estimated 30 million and growing, is now larger than it was when the earliest settlers landed in America.”); see, e.g., Van Kleeck, *supra* note 43.

¹⁵² *Hunting Accidents*, LAWS, <https://accident.laws.com/hunting-accidents> [<https://perma.cc/UV8W-EHFD>] (last visited Nov. 17, 2018). Comparatively, there are an estimated 85,000 “trampoline accidents” in the United States on an annual basis. See *Trampoline Accidents*, LAWS, <https://accident.laws.com/trampoline-accidents> [<https://perma.cc/V9UT-BZ38>] (last visited Nov. 17, 2018).

¹⁵³ See CONG. SPORTSMEN’S FOUND., *supra* note 34; NAT’L SHOOTING SPORTS FOUND., *supra* note 109.

¹⁵⁴ *Hunting Accidents*, *supra* note 152.

¹⁵⁵ In 2016, there were four hunting-related deaths in the state of New York. All four people who died were hunters. See David Figura, *Upstate NY hunting-related shooting accidents in 2016: 4 deaths, 9 injuries*, ADVANCE MEDIA N.Y. (Oct. 26, 2017), https://www.newyorkupstate.com/outdoors/2017/10/hunting-related_shooting_accidents_2016_saw_4_hunters_die_plus_9_other_injuries.html [<https://perma.cc/WNM7-73H8>].

¹⁵⁶ John Holyoke, *Despite recent death, hunters killing non-hunters is rare in Maine*, BANGOR DAILY NEWS (Nov. 4, 2017), <https://bangordailynews.com/2017/11/04/outdoors/hunter-related-shooting-deaths-of-nonhunters-rare-in-maine/> [<https://perma.cc/ASQ2-ERQA>].

¹⁵⁷ *Id.*

¹⁵⁸ PA. GAME COMM’N, *Hunting Related Shooting Incidents*, <http://www.pgc.pa.gov/HuntTrap/Hunter-TrapperEducation/Pages/Hunting-RelatedShootingIncidents.aspx> [<https://perma.cc/6JVM-XQ4X>] (last visited Nov. 17, 2018).

1959.¹⁵⁹ The Pennsylvania Game Commission attributes this marked decline to the success of hunter education training, and the use of fluorescent orange clothing.¹⁶⁰ As of 2014, there were roughly 3 HRSIs per 100,000 hunters in Pennsylvania, compared to 15 per 100,000 in 1980.¹⁶¹ This decline in HRSIs in Pennsylvania has been mirrored in numerous other states across the country.¹⁶²

All of the aforementioned hunting related injury statistics prove that, not only is hunting a comparatively safe sport for hunters and non-hunters alike, but that it is also becoming increasingly safer with time.¹⁶³ As such, the safety concerns cited by nonhunters and proponents of restrictive Sunday laws should not be given much weight by state legislatures when compared to the substantial economic and environmental benefits that would flow from a total repeal.

The last, and strongest, argument made by those opposed to repealing Sunday hunting laws is that the recreational interests of nonhunters should be given more weight than the interests of hunters, i.e., Sunday hunting laws should not be repealed because nonhunters constitute the vast majority of Americans.¹⁶⁴ Although it is undeniably true that hunters constitute a small minority of Americans, and likewise, a small minority of outdoor enthusiasts, this does not necessarily mean that their voices should be muffled.¹⁶⁵

Many nonhunters argue that they should have one day per week to enjoy the outdoors without being disturbed by loud gunshots and without the fear of being shot.¹⁶⁶ They argue that hunting is fundamentally incompatible with other outdoor activities such as hiking, camping, and bird-watching, and as such, they argue that hunters should genuflect to the

¹⁵⁹ *Id.*

¹⁶⁰ *Id.*

¹⁶¹ *Id.*

¹⁶² See Dierdre Fleming, *More hunters in Maine, but fewer deaths and accidents*, PORTLAND PRESS HERALD (Dec. 14, 2015), <https://www.pressherald.com/2015/12/14/more-hunters-in-maine-but-fewer-deaths-and-accidents/> [<https://perma.cc/PZP8-DJRD>].

¹⁶³ See *id.*; *Hunting Accidents*, *supra* note 152.

¹⁶⁴ *Sunday Hunting: Creeping next door to you?*, THE EQUERY (Feb. 22, 2013), <http://equery.com/sunday-hunting-creeping-next-door-to-you/> [<https://perma.cc/KA7Q-FQEZ>] (arguing that the interests of trail riders, bikers, hikers, bird watchers, fox chasers, and sporting dog owners should outweigh those of deer hunters).

¹⁶⁵ See U.S. DEP'T OF INTERIOR, *supra* note 147 (reporting that hunter participation dropped to 11.6 million participants between 2011 and 2016); U.S. CENSUS BUREAU, *U.S. and World Population Clock*, <https://www.census.gov/popclock/> [<https://perma.cc/3PY8-T7YY>] (last visited Oct. 11, 2018) (reporting that as of Oct. 11, 2018, the U.S. population was 328,772,121).

¹⁶⁶ See, e.g., Van Kleeck, *supra* note 43.

majority, and that Sunday hunting should remain prohibited or restricted.¹⁶⁷ Hunting, however, is not incompatible with other outdoor activities. For centuries, American hunters and other outdoor enthusiasts have coexisted with very little conflict. This is evidenced by the fact that even in the twenty-first century, which has been characterized by population growth and increased suburban sprawl, there are less than 1000 hunting related injuries per year in the United States.¹⁶⁸ Moreover, hunters should not be forced to “bend the knee” to nonhunters simply because they represent the minority. This is particularly true in states such as Virginia, where the rights of hunters are recognized under the state constitution, and the people enjoy a constitutional “right to hunt.”¹⁶⁹

C. Proponents of Repeal Must Recognize That There Is Room for Compromise & Should Pursue Legislation that Recognizes Each Group’s Respective Interests

Notwithstanding the disagreement over whose interests are superior, the recent successes in both Virginia and West Virginia prove that there is ample room for compromise and that middle ground can be found between proponents and opponents of repeal.¹⁷⁰ As such, the goal of the repeal movement must not become an all-or-nothing battle, wherein proponents of repeal strive for total repeal or nothing. Rather, the repeal movement must strive to find a compromise that satisfies proponents and opponents of Sunday hunting laws, as well as each respective state legislature.

What exactly constitutes an agreeable compromise will undoubtedly vary from state to state, and will depend on the level of restrictiveness of a given state’s current Sunday hunting law. In states where Sunday hunting is prohibited in its entirety, such as Massachusetts and

¹⁶⁷ Ben Swenson, *Day of Rest*, VA. LIVING (Mar. 16, 2012), <http://www.virginaliving.com/travel/hunting-on-sundays/> [<https://perma.cc/S4KE-NZ23>] (“Giving hunters an extra day afield amounts to taking a day from those who enjoy other recreational pursuits—hiking and horseback riding, for instance. It’s a matter of fairness, and Hackett describes staying out of the woods one day a week as a measure of good faith.”).

¹⁶⁸ *Hunting Accidents*, *supra* note 152.

¹⁶⁹ VA. CONST. art. 11, § 4. In 2011, the Attorney General of Virginia ruled that, despite the existence of a “right to hunt,” the State’s prohibition of Sunday hunting was nonetheless constitutionally valid. This advisory opinion dealt a major blow to proponents of repeal. That prohibition has since been repealed and replaced with a much more relaxed law, which only restricts Sunday hunting to private lands. *See* VA. ATTY. GEN., Advisory Opinion (Apr. 1, 2011); VA. CODE ANN. § 29.1-521 (West 2014).

¹⁷⁰ VA. CODE ANN. § 29.1-521 (West 2016); W. VA. CODE ANN. § 20-2-5 (West 2017).

Maine, proponents of repeal may elect to first focus on the legalization of bow-hunting on Sundays.¹⁷¹ Undoubtedly a small step, the legalization of bow-hunting would appease many hunters, be less of a shock to concerned nonhunters and other outdoor recreationalists, and would also allow the state to enjoy some of the economic and environmental benefits associated with an increase in hunting.¹⁷²

In other, already less-restrictive states,¹⁷³ proponents of repeal may elect to pursue legislation that would allow Sunday hunting on a county-by-county basis.¹⁷⁴ This system was hailed as a successful compromise in West Virginia prior to 2017, and continues to operate with success in Maryland.¹⁷⁵

Lastly, in states where Sunday bow-hunting is already legal, or where the county-by-county system is already in effect, proponents of repeal may find that the time is right to pursue the legalization of Sunday hunting on private lands, with written permission from the owner. This is precisely what the amendments to Virginia and West Virginia's laws achieved, and such changes were received well by concerned parties on all sides.¹⁷⁶ Hunting on private lands allows thousands of hunters to partake in the tradition of hunting either an additional day per week, or for the first time if they were unable to do so under the previous regime. Likewise, by restricting hunting to private land, the interests of non-hunters and other outdoor recreationalists are protected, because public lands remain hunter-free on Sundays, as they were before. Finally, the states stand to benefit from this expansion of hunting for the economic and environmental reasons outlined above.¹⁷⁷

Regardless of the degree of change sought, proponents of repeal must begin by showing state legislators and opponents of repeal that

¹⁷¹ See MASS. GEN. LAWS ANN. ch. 131, § 57 (West 2017); ME. REV. STAT. ANN. tit. 12, § 11205 (West 2017). For many, bow-hunting is seen as less intrusive due to the fact that it is not characterized by loud gunshots, and also less dangerous. *But see* Van Kleeck, *supra* note 43 (lamenting “the buck who is suffering with a bow lodged in its leg.”).

¹⁷² See *supra* Part IV and Section V.B.

¹⁷³ See NAT'L CONF. OF ST. LEGIS., *Sunday Hunting* (Aug. 27, 2015), <http://www.ncsl.org/research/environment-and-natural-resources/state-sunday-hunting-ban-statutes.aspx> [<https://perma.cc/3LMZ-8PBW>].

¹⁷⁴ See, e.g., W. VA. CODE ANN. § 20-2-5 (West 2015) (amended 2017); see MD. CODE ANN. NAT. RES. § 10-410 (West 2017).

¹⁷⁵ See Balestra, *supra* note 66, at 459; MD. CODE ANN. NAT. RES. § 10-410 (West 2017).

¹⁷⁶ Lawmakers in West Virginia are looking forward to an increase in hunter-tourism as well as the \$155 million in additional economic activity that has been projected following the 2017 amendment to the state's Sunday hunting law. See McCoy, *supra* note 37.

¹⁷⁷ See *supra* Section V.A.

there are tangible economic and environmental benefits associated with an increase in hunting, which cannot be ignored. From an economic standpoint, repealing Sunday hunting laws would create thousands of jobs, result in a substantial increase in hunter-tourism and generate millions of dollars in additional economic activity in each of the eleven states that still restrict Sunday hunting.¹⁷⁸ From an environmental standpoint, an increase in hunting would help combat the growing problem of white-tailed deer overpopulation, which is devastating the ecology of many eastern forests, and may ultimately result in irreversible harm.¹⁷⁹ In addition, an increase in hunting would put more money in the hands of the numerous state agencies and private interest groups who are devoted to environmental conservation.¹⁸⁰ These substantial benefits, which would flow directly from a repeal of Sunday hunting laws, largely outweigh all of the illusory and largely unfounded concerns that have been proffered by opponents of repeal in an effort to keep Sunday hunting laws on the books.

While the concerns of nonhunters and opponents of repeal cannot be ignored in their entirety, proponents of repeal can begin to broaden their base of support and garner the requisite support of state legislators by working in unison to show that their cause is about more than preserving the tradition of hunting.¹⁸¹ By showing that there are legitimate, tangible, and substantial benefits associated with repeal of Sunday hunting laws, these proponents may finally be able to transform their cause into a pressing state issue, and put an end to widespread Sunday hunting restrictions, the last of the Blue Laws, which have persevered for far too long.

CONCLUSION

Since their inception as part of a widespread regime of religious Sunday restrictions, Sunday hunting laws have evolved and stood the test of time due to the fact that their repeal has never been a pressing state issue. Today, however, the same Sunday hunting laws that were once rooted in religion, and later served a vital environmental purpose, only represent economic roadblocks in the eleven East Coast states in which they are still operative. The total repeal, or at least substantial amendment, of Sunday hunting laws would result in the creation of hundreds

¹⁷⁸ *Id.*

¹⁷⁹ *See supra* Section IV.B.

¹⁸⁰ *See supra* Section IV.A.

¹⁸¹ *See supra* Part V.

of thousands of jobs, which would generate billions of dollars in additional economic activity. These jobs, and the ensuing additional economic activity, would benefit state economies as a whole as well as hundreds of thousands of individual citizens. Moreover, loosening the restriction on Sunday hunting would also help to mitigate the problem of white-tailed deer overpopulation, which is a significant environmental problem faced by each of the eleven East Coast states that still maintain Sunday hunting laws on their books.

Proponents of repeal cannot expect to effectuate change by continuing to make weak constitutional claims or by lamenting that modern Sunday hunting laws threaten the tradition of hunting. These tactics have uniformly failed in the past and there are no reasons to believe that they will be successful in the future. Instead, proponents of repeal, both individuals and wealthy private interest groups, must work in unison in order to broaden their base of support and gain the vital support of legislators. This can only be achieved by pointing to the substantial economic and environmental benefits that would flow from the repeal of Sunday hunting laws. If this is done, it is plausible that opponents of Sunday hunting laws will finally be able to turn their cause into a pressing state issue and achieve the goal that has evaded them for decades.