

ROAD KILL SILENCED

AN ARTIST'S TAKE ON DISAPPEARING BIRD SPECIES RUNS AFOUL OF STATE AND FEDERAL LAWS.

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Willington artist Randall Nelson thought that he was making a provocative yet pro-migratory bird statement when he dyed dead birds and put them on display during an open weekend show at Stafford's town hall in early February.

Nelson couldn't have seen the flock of trouble coming, even with binoculars.

Thinking that Nelson had killed the birds, which were actually victims of cats and cars, viewers left anonymous notes calling him "vile" and notified town authorities, who ordered the exhibit covered up.

Then the state Department of Environmental Protection swooped in.

"It seems so ridiculous that it's illegal for me to collect these dead birds. They are long beyond anything I can inflict on them," said Nelson, a sculptor who has done restoration work on the Soldiers and Sailors Arch in Hartford and various Newport mansions.

In his satirical piece, titled "Catch and Release," Nelson included wall text urging bird watchers to take unprotected birds like starlings and house sparrows, paint them in the vivid colors of disappearing Connecticut migratory species, then free them in the backyard.

He colored and labeled bird carcasses with their "new" species names and displayed them in a case.

Voila, the beloved scarlet tanagers and indigo buntings of your youth are back!

He hoped that the ridiculous proposal would highlight the real need to preserve wildlife habitat. He didn't suspect that his display of road kill would run afoul of the U.S. Migratory Bird Treaty Act, which bans the possession of protected birds, dead or alive, nests, eggs or even a feather off their backs.

"If we say a feather is OK, what about two feathers, or a wing, or part of a bird? We're talking about protecting birds," said Diane Weaver, a spokeswoman for the regional U.S. Fish and Wildlife Service office in Hadley, Mass.

The federal act, established in 1918 to fend off market hunters and poachers eradicating species, makes an exception for the invasive starlings and house sparrows, but the state protects even those.

The laws may have unintended consequences.

"If a kid picks up a fallen nest and looks at it in awe, are you going to deprive him that experience?" said James Prosek, a celebrated trout fisherman, wildlife artist and author in Easton who has been called the Audubon of fishing.

The only legal exception applies to game birds. Only licensed hunters who kill them in season can keep and display them. Protected bird specimens may be studied or displayed for educational and scientific reasons, but salvage permits are normally held only by museums or career scientists.

"I'm not aware of any permits held by artists," said Col. Eric Nelson, head of the DEP's enforcement unit. "Even if it's a game species, it has to be legally acquired under statutes by hunting or trapping. It doesn't allow for picking up road kill."

All this makes Randall Nelson feel caged.

"That doesn't leave much room for an individual artist who doesn't work for the Peabody Museum," he said.

Environmental officials said that the laws were clear.

"I find the whole thing to be distasteful, to be honest with you," said Dale May, director of the DEP's wildlife division. "I'm probably not catching the point of the art."

"Art's not an excuse for doing something illegal."

ACCUSATIONS

The "Portrait of Stafford" was the 14th art show that artist Lisa Zelonka had organized. With almost 50 exhibitors of paintings, sculptures and objets d'art, and an estimated 600 visitors, it was a rousing success, she said, adding that Randall Nelson's bird piece, a surprise entry, just did not fit in.

Neither did his war memorial, carved with the names of veterans in his family and defaced with crude graffiti.

Zelonka enlisted the help of First Selectman Allen Bacchiochi to reject the memorial because of the language, frustrating Nelson before the show's Friday night opening on Feb. 1.

And then critics stuffed notes into the bird piece, saying: "You're absolutely vile" and "You're a pig and a poignant statement of what's wrong with society."

Zelonka feared a controversy at the opening. "We put the band in front of it so people wouldn't go over and look at it."

Someone notified the town's animal control office. After examining the show Saturday, Officer Larry Bradway told Zelonka to cover it up and turn over the wall text and contact information on the artist, which he forwarded to the state.

When Nelson, who had other pieces in the show, came to take them down Sunday, he found a cloth over the display case, the text confiscated and materials boxed and pushed under the table.

Zelonka said she did not object to or dispute the animal control officer's order.

"That was done by an authority greater than ours. Who am I to question?"

Other members of the sponsoring Stafford Arts Collective, however, defended Nelson's pieces. Painter Olof Aspelin, a founder of the collective, said, "I didn't think it was a collective show. We're definitely going to have guys like that guy. ... That's what I'm all about."

Filmmaker Roger Ingraham, also a founder of the collective, interviewed Nelson on camera and liked his perspective, but explained the town hall dynamic.

"Allen and people were in their right to slow things down a little bit," Ingraham said. "It was pretty shocking in the context of that show. It's definitely a difficult thing to be mixing vastly different art worlds together."

Bacchiochi said of his and Zelonka's actions, "She runs the show. I'm the first selectman. That's the way it is."

ENTER, THE STATE

On the Tuesday after the show, DEP police visited Nelson's home studio in Willington. They took pictures, gave him a verbal warning about possessing protected wildlife and confiscated a flattened raptor that Nelson had scraped off the road that morning.

Nelson, not wanting to scrap his work or idea, began looking for help. He talked to several people at DEP to try to obtain the proper permit. But he was told not to waste his time. One biologist there said, "I strongly suggest that you find another form of artistic expression."

Having just received a grant for \$2,500 from the Connecticut Commission on Culture and Tourism, Nelson asked the head of the art division for a reference. She refused to become involved.

He wrote to his state representative, who did not reply.

An Audubon curator said that he wanted to move beyond duck carvings in an upcoming art show, but told Nelson that members would not go for his piece.

"I'm sure if I was Sol LeWitt they would have gone to bat for me, but I'm not. What can I say," Nelson said.

Nelson has exhibited works at the Capitol and in multiple New York and Connecticut galleries. He carved the statues atop the flagpoles at the Old State House in Hartford and was the lead carver in the refurbishing of the carousel horses at Bushnell Park. He has taught sculpture and woodcarving at the University of Hartford and the University of Connecticut, and he has a master's of fine arts degree from Vermont College in Montpelier.

A bird watcher most of his life, Nelson got his idea from his grandmother's sorrow over missing the beautiful birds of Massachusetts after she moved to the South and from Jonathan Swift's satire, "A Modest Proposal."

His yard is adorned with bird feeders, and, during an interview, he noted his first winter sighting of cedar waxwings in his crab apple tree.

"This was supposed to be a social satire, and the audience was supposed to realize that such a stupid idea wouldn't work, and that it would be much better and easier just to protect the natural habitat these birds depend on for their survival," Nelson said.

BIRDS IN ART

Birds are not uncommon in artistic expression.

Prosek skinned and prepared game birds as part of his first solo exhibit, now at the Aldrich Contemporary Art Museum in Ridgefield. A Yale graduate who writes regularly about nature and fishing for The New York Times, Prosek is a licensed hunter and he also does wildlife salvage work for the Peabody Museum in New Haven.

Even though his use of birds is legal, he notes the constraints of the law.

"I don't particularly see why, if a bird is dead already, it can't be incorporated into something."

Other artists are perhaps looser in their interpretation.

One of Robert Rauschenberg's famous painting-and-sculpture works includes a stuffed eagle that formerly belonged to one of Teddy Roosevelt's Rough Riders.

British artist Damien Hirst unveiled an installation in New York in November that included 30 dead sheep, one dead shark, two sides of beef, 300 sausages and a pair of doves - what The Times called "a veritable Noah's Ark of road kill."

In Connecticut, artist Tim Doherty has for several years used machinery to put dead birds in flight. His work, with materials listed as "steel, flesh and feathers," was in a recent show at Real Art Ways in Hartford and currently in a gallery at Manchester Community College.

"I would never actually sell one of these pieces with the birds because I know that's a no-no. But it's sort of a gray area exhibiting them," Doherty said.

In the "Ornithology" show at UConn, no dead birds are displayed, but they appear in photographs. The show focuses on how people treat and interact with birds, said Barry A. Rosenberg, curator and director of the Contemporary Art Galleries.

"Artists make a lot of work about these concepts, about how man takes and deals with nature," he said.

A realist, Nelson is already working on changing his "Catch and Release" piece by attaching photos of dead, painted birds to carved wooden bodies. But it won't have the same impact.

"It's going to look like a kitschy kind of kids' version of it."

He prefers reality in his artwork, saying that King Tut's sarcophagus was stunning but what was inside told the story. "The little shriveled body inside there, that's a lot more powerful."

Despite the diluted message, Nelson said that he can't stomach the frustration of fighting bureaucracy. He recalls Christo and Jeanne-Claude working for 26 years with four New York City administrations before getting to install The Gates in Central Park.

Nelson doesn't want to fight in court, or go to taxidermy school, or become a hunter. "I just want to pass go and collect \$200."

Feeling the pinch of time at 56, he has returned to his art in recent years.

He said that he needs to move beyond woodcarving to deliver his message, sometimes a hard one to take.

"I think of myself primarily as a storyteller. But all the stories you tell aren't necessarily bedtime stories."

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Abstract (Document Summary)

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