

Winter 2023

Pierson v. Post's Unheard Voice

Ann Tweedy

Follow this and additional works at: <https://repository.uchastings.edu/hwj>

Recommended Citation

Ann Tweedy, *Pierson v. Post's Unheard Voice*, 34 *Hastings Women's L.J.* 113 (2023).
Available at: <https://repository.uchastings.edu/hwj/vol34/iss1/17>

This Poem is brought to you for free and open access by the Law Journals at UC Hastings Scholarship Repository. It has been accepted for inclusion in *Hastings Journal on Gender and the Law* by an authorized editor of UC Hastings Scholarship Repository. For more information, please contact wangangela@uchastings.edu.

Pierson v. Post's Unheard Voice

*By Ann Tweedy**

I remember running along the beach, deciding whether to go back to my den or chase rabbits. In the distance, dogs barking together, a veritable cacophony, the sounds of hooves galloping. Before I could get back to the woods, the lot of dogs and the man on horseback were upon me. The dogs' jaws snapped behind me, their voices a mix of blood-thirsty barks and howls, the deathsong for a lone beast like me. They chased me into an old cave and immediately another man was upon me, striking me hard in the face with a pipe as I backed against the dirt wall. That was my last moment on earth—cold metal cutting my face, cold dirt preventing me from running, more trapped than the rabbits I overtook in open meadows.

I learned since that the man on the horse and the man on foot quarreled about the right to kill me, had a third person decide. Then the man with the pipe wouldn't pay the measly sum the right to kill me was said to be worth and protested. People still ponder the result more than two hundred years after I passed.

My pelt was worth a dollar then. I had barely survived the bounty that Southampton had placed on my kind, only to be lost in this fight between a newer family and an older family, between money passed down and money earned. Students still study the story but give me not a moment of their time. I am the invisible focal point.

Sometimes I remember running on that beach before I heard the barks. My strong legs carried me, the salty air came into my nostrils in gulps. In the high thick grass on my left, I knew there were rabbits and had only to decide which trail to follow. You are right to think that, alive, no one could own me. That's the only true part of your story.

*The author is a Professor at the University of South Dakota Knudson School of Law and is a co-author of the preceding article, *Bridging the Gap in LGBTQ+ Rights Litigation*. She can be contacted at ann.tweedy@usd.edu.
