The Majority Opinion: Scram!; Fox Slips Into High Court Building, Eludes a Hunt

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Since time immemorial, public sessions of the Supreme Court have come to order with the ringing words, "Oyez! Oyez!" But yesterday, the more appropriate cry might have been "Tally ho!"

At 7:45 a.m. Sunday, a fox slipped through the court's security perimeter and raced into the basement garage. It remained at large last night despite the best efforts of court police officers, animal control personnel and even local fox hunters to bring the animal to justice.

As the chase proceeded Sunday, the court closed its doors to employees, opening them only after officials called off the hunt about 1:45 p.m. Search efforts continued yesterday, however, even as the justices heard oral arguments, but court officials acknowledged that, for the time being, they have been outfoxed.

"We're not sure if he, or she, is in the building or not," court spokeswoman Kathy Arberg said.

The animal, described as reddish-brown with a long nose and bushy gray tail, was captured on a security videotape as it made its unauthorized intrusion. Because foxes sometimes carry rabies, especially in urban environments, and may bite if cornered, Supreme Court security officials sent an e-mail memo to court personnel urging them not to approach the fox or attempt to capture it themselves.

Yesterday, the fox hunt remained Topic A along the cool corridors of the court's 66-year-old Capitol Hill building.

"Did you read that memo?" Justice Antonin Scalia joked to a group of reporters who encountered him as he was driving into the garage, according to the Bloomberg News Service. "It was hilarious. I'm going to save it."

Foxes, which live on small rodents and scraps of garbage, are abundant in the District's leafy parks. But for some reason, they have been venturing out of their traditional habitat more frequently in recent days, said Jim Monsma, acting executive director of the Washington
Humane Society, which handles animal control cases under a contract with the District. The Humane Society had dispatched two workers to the scene Sunday.

"The foxes are showing up in places we're not used to seeing them," Monsma said.

Motive, too, remains a mystery. Male foxes are territorial, Monsma said, speculating that this one might be male and may have darted into the court in confusion after getting kicked off another fox's turf.

"It could be a young male looking for a place to call his own," Monsma said. "They're real good at hiding."

However, court officials made it clear that no unauthorized intruder, no matter how clever or furry, is permitted to lay claim to any portion of the highest court in the land. For now, the court is willing to operate under the assumption that the intruder was not acting maliciously, and it wants it known that the court is taking steps to ensure that the fox's rights are fully respected if it is captured or turns itself in.

A private animal control firm retained by the court set several "humane traps" yesterday that would immobilize the fox but not harm it, Arberg said. If all goes well, the fox could then be released back into the wild.

Arberg declined to release the name of the Virginia-based fox-hunting club that was brought in to assist the search, citing the club's request that its name not be made public. A call to an official of the Fairfax Hunt, the fox-hunting club closest to the court, was not returned yesterday.

Arberg confirmed that the club members deployed two American foxhounds and a border terrier when they reached the court Sunday. One of the dogs briefly picked up the scent in the basement, but, Arberg said, the fox's odor apparently "trailed off."

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