

check you see a fence charger connected to a battery and a wire attached to the fence charger with a short chain attached to the end of the wire. Also, several flathead catfish are found in the boat. You did not see the suspects using the fence charger but the mere fact that the fence charger was in the boat with a wire attached, with a short chain attached to the wire, and flathead catfish in the boat would be *prima facie* evidence that the occupants of the boat had been taking fish with the use of an electrical device.

I could state case after case where *prima facie* evidence was the only way of convicting a violator. Our *prima facie* laws should be used to convict violators. After all, the goal for the end of good law enforcement practices is better hunting and fishing for our sportsmen. The arrests and convictions of those persons who violate fish and game laws serve to reassure those who are not violators that effective measures are being taken to insure them a better supply of fish and game to hunt and fish after the season is open. Public attitude in supporting wildlife law enforcement is growing stronger. More and more sportsmen are realizing that the restrictions of game and fish laws are necessary to insure the pleasures of hunting and fishing to the increasing population which is forced to seek hunting and fishing in more confined areas. We will always have violators as long as we have people and game and fish.

The game and fish are regarded as property of the state, and the taking of game or fish illegally by people is merely cheating the state rather than stealing from fellow sportsmen. Disrespect of one law leads to disregard for other laws. The percentage of hunters and fishermen who abide by our laws because of a sense of moral convictions is small. A larger percentage abides by our game and fish laws because they recognize the necessity of these laws in order to afford more equal opportunities to hunt and fish due to declining areas and the increasing number of sportsmen. Fear of getting caught and conviction are factors in a large percentage of our people who abide by game and fish laws.

The Law Enforcement Division has been busy training, upgrading and equipping Law Enforcement personnel in order that they can operate at full capacity. There is no learning process quite as effective for violators as a day in court. Some of our most respected citizens will violate game and fish laws and the law enforcement officer should never draw any lines. Every person caught violating should be prosecuted regardless of race, wealth, or social position. A majority of the people caught violating will lie in court in an attempt to avoid conviction. Good *prima facie* evidence will help to convict these violators.

## ENFORCEMENT OF LITTER LAWS BY CONSERVATION OFFICERS

By JAMES L. BAILEY

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HI-YA! LOOK-KI! LOOK-KI! IT'S THE OLD MONEY GAME!  
THE OLD HUCKELY-BUCK, THE OLD CHUCK ON WHEELS!  
STEP RIGHT THIS WAY FOLKS, A WINNER EACH AND  
EVERY TIME!

HI-YA! LOOK-KI! LOOK-KI!

Now that's one helluva way to start a speech! My reason for doing so was simply to emphasize a point I want to make in this paper relevant to some of the newer problems that we, as conservation law enforcement officers, are facing throughout this land of ours.

The shores of our lakes, the banks of our rivers, our state and national forests and parks and every available area open to the vacationing public has become one huge *carnival* complete with "barkers" shouting the "come on" merits of their boat rides—motor bike rentals—bedspreads—pottery—baskets—charter trips—hill-billy shows—or whatever else they may have devised to attract the touring public, and extract their vacation funds.

It's all there! All the circus and carnival equipment you can imagine—from ferris wheels to merry-go-rounds—from doll racks to caged animals—from popcorn to cotton candy. You name it!

What has all this to do with the conservation officer and his job? The answer is much more than anyone has seen fit to admit, unless it is the officer himself—and in most instances, he's been too busy to give it much thought unless it is when he sees the mess of trash, beer cans, paper plates, milk cartons, and other litter washed up in the coves of our lakes and strewed along the banks of our waterways or left on the camp sites and picnic grounds in our public use areas or scattered along the trails and back roads of our forests. In other words, instead of the officers devoting their time largely to the specific problems pertinent to the hunting and fishing interests, as they have in the past, they are now involved in some manner or other in policing the various individuals, groups and families that leave their homes to enjoy the facilities, opportunities and entertainment provided in Mother Nature's out-door arena.

It would seem also that the time has arrived again to consider a new official title appropriate to the many new responsibilities that the men have had to assume. Perhaps, we should invent a new designation in the near future because we are no longer just conservation officers. We are involved in too many other activities that do not pertain to the original concept. Actually, whether we like it or not, we have become recreation management agents or officers, charged with the conserving and managing what is now known and referred to not as our wildlife resources, but "man's natural environment".

In order to fully appreciate the changes that have occurred in the duties and responsibilities of fish and game law enforcement officers, let's review briefly what has happened as a result of the overwhelming desire of the masses of today's society to enjoy the pleasures of the great out-of-doors as compared to the situation a couple of decades ago.

The first laws restricting the behavior of outdoorsmen were for the purpose of limiting the amount of game that could be taken, or to provide a protective reproduction season for certain wildlife species. Prohibitive methods were sometimes established. For example: In 1803 the Mississippi Territory, which included our host state—Alabama—enacted the first law prohibiting fire hunting—generally referred to now as shining or spotlighting. The law provided that each slave discovered fire hunting would be given 39 lashes and his master required to pay \$10.00. It appears that the military enforced the law, since it was stated that captains of the militia were to read the law at the head of their companies twice each year. Also about this time, the State of Maine found it advisable to protect their moose population and gave the responsibility to "Moose Wardens". Early restrictions on taking or possessing fish and game in some states were enforced by local constables or other peace officers.

At the beginning of the 20th Century, or within a few years thereafter, a number of states had enacted fish and game laws of various kinds and had appointed fish wardens and game wardens to administer the enforcement. As time passed, the number of hunters and fishermen steadily increased and the wildlife resources dwindled. A few species were nearing extinction. During the thirties, the term "conservation" was chosen to designate the various management activities

directed towards preserving, restoring and conserving our out-of-door recreational heritage. In many states, the title of fish and game law enforcement officers included the word "conservation" in an effort, more or less, to designate functions other than pure game law enforcement and many new wildlife management duties and related responsibilities were delegated the officers.

In the early '50's, as we are all aware, the boating boom began to make its presence felt on our lakes and streams and quickly reached the point where Federal and State legislation became necessary to control this new outdoor activity. People bought boats regardless of price and frequently a \$2,500.00 boat and motor occupied the family garage while their \$6,000.00 automobile was parked at the curb. Fishermen complained of the weekend water "cowboys" and skiers and postponed their fishing trips to week days or moved back into the shallow coves. In most states, the enforcement of boating regulations was handed to the already understaffed, over-worked conservation law enforcement division. Along with this deluge of boating enthusiasts, a new breed of "outdoorsmen", and I use the word lightly, began to emerge—known as campers with many new portable outdoor house-keeping inventions. We generally had considered camping as an activity directly related to hunting and fishing and only enjoyed by the "died in the wool" woodsmen. It was considered as a continuation of man's hardy pioneer ability to provide adequately for himself, regardless of the discomforts of out-of-doors living and the oldtimers were proud of their accumulation of blackened pots and skillets, their tin plates, cups and other more or less primitive utensils—none of which was left to despoil the landscape on their departure. They prided themselves on their ability to fry bacon, boil coffee and bake biscuits over an open fire. And above all they liked to call attention to the neatness and cleanliness of the camp they maintained. In most cases, when they broke camp the garbage, cans and trash were buried in the pit they had dug on arrival for refrigeration purposes.

As previously stated—forests, lakes, fields, and streams are becoming one huge playground with a carnival-like atmosphere entertaining people from every walk of life, nationality, creed or description. From the retired farmer of Iowa with his pick-up camper, to the hippies on their motor bikes, or driving worn out hearses, the rich in their wire-wheeled Cadillacs and the poverty stricken drawing welfare or A.D.C.

Missouri's population is 4 1/2 million with 70% of that number urban dwellers. It seems that every summer holiday or weekend the majority leave the hard pavement and hot asphalt of the cities and converge on every available lake, stream or woodland for a few hours or days of so-called relaxation away from the exhaust fumes, noise and heat of their metropolitan environment. Camping and picnicking has turned many of our state-owned areas and other available sites into migrant communities, ranging in size from a few families to several thousand people. These "tent city" communities present new problems to the conservation officers—*valdalism, trespassing on private property, not to mention littering and the destruction of our flora and fauna or the complete disregard of our natural environment.* It is obvious that many persons break laws relevant to the use or protection of our resources, for personal enjoyment. Others have the belief that the rules are made for someone else and make no effort to restrict their own selfish activity, when screened by a few trees or bushes.

Unfortunately, the burden of behavior control of these non-licensed users of our natural resources lays heavy on our shoulders. A recent survey by one of our Missouri conservation officers showed that only 20% of the persons he checked during a weekend of activity in one of our state forests near St. Louis, had a hunting or fishing license. The other 80% were not engaged or even interested in hunting or

fishing and needed no permit. For the most part, they were picnickers, hikers, motor bike enthusiasts, hill climbers, and mushroom hunters.

Littering by this horde of outdoor migrants is creating a costly clean-up problem and causing many undesirable situations, particularly with private landowners who resent the filthy housekeeping habits of some of the slobs that invade their property, both invited and uninvited, to picnic or camp.

The controversy that has existed between farmers and sportsmen has long been a headache to the administrators of fish and game programs, and a source of many complaints to the conservation officer. Much effort has been expended but little has been achieved towards alleviating the problem. Until recently, the chief complaints of the landowners have been gates left open, fences broken down or cut, promiscuous shooting around livestock and occasional acts of theft, vandalism, or poaching. Now we not only are faced with the misconduct of our license buyers, the hunters and fishermen, but a situation of even greater magnitude created by the non-hunter or fisherman which has further complicated matters.

A questionnaire sent to member states in preparation for this paper asked if littering by hunters, fishermen, campers, etc., was contributing to the adverse relationship between farmers and sportsmen. Ten of the 15 states reporting replied in the affirmative. In my state, more complaints of littering were received from farmers and landowners following the three major holiday weekends than for any other reason. Six states indicated their officers had the authority, though in some cases rather limited, to enforce anti-litter laws. They stated that the attitude of both the courts and the public was favorable and in some cases outstanding regarding litter law enforcement. It is one of the most popular laws Missouri conservation officers enforce, and their authority is confined to the navigable waters and banks thereof and to state-owned lands.

In regard to participation in organized litter prevention programs, only three states are actively involved; although 9 reported working with youth groups in anti-litter projects. Only one state—Maryland—indicated participation in "Keep America Beautiful, Inc.". Tennessee replied that they were on a limited basis. This organization (K.A.B.), sponsored and supported by major industry and big business, can be most helpful to any organization, agency or group interested in the improvement of our natural environment. They are bringing the anti-litter message to people all over this nation through spot programs over most radio and tv stations. K.A.B. has a national program based on a three-point formula:

1. Public education to encourage each individual to assume responsibility for cleaner, safer, and more attractive surroundings.
2. Adequate collection and disposal facilities.
3. Adoption and proper enforcement of local and state legislation to penalize consistent and wilful offenders.

I am informed by Mr. Allen Seed, Executive Vice-President, that enforcement of laws is the weakest part of their program. It seems that most law enforcement agencies lack the enthusiasm necessary to promote the desired enforcement, even though their own departments are budgeting much money for clean-up purposes. Anyone desiring to learn more about this outstanding organization may pick up some of the K.A.B. literature I have brought to our conference.

As previously stated, litter clean-up is costing the state governments millions of dollars that could be spent for other useful purposes were it not necessary to clean up after the careless and negligent tourists, campers, boaters, picnickers, and people who call themselves sportsmen.

I believe it is incumbent on us as the primary custodians of the out-of doors to make every effort to exercise our authority over the persons who litter either inadvertently or on purpose; to make use of every opportunity to educate the young as well as the old in the care and use of their natural environment. Otherwise, our streams and woodlands—our trails and by-ways— and all out-of-doors will eventually become buried under a heap of trash and garbage, paper cups, plastic plates, indestructible containers of various kinds, beer cans, and pop bottles. Our lakes and our streams will become watery “land fills”, and polluted sewers filled with the refuse, garbage and crap left behind by our modern lovers of the great out-of-doors. A recent newspaper article stated:

“In a typical year Americans throw away 48 billion cans, 26 billion bottles, more than 30 million tons of paper, four million tons of plastics, and 100 million worn out tires weighing a million tons.”

According to a Senate sub-committee on air and water pollution:

“Perhaps the greatest waste collection headache presented by packaged materials is littering along our roadways, in our parks and along our rivers and lakes.”

I don't believe we can afford to ignore this new anti-litter responsibility any more than we can overlook or minimize the boating situation and related problems. The behavior of people using our out-of-door facilities, whether camping, hiking, bird watching, canoeing, boating, or other non-consumptive activity become a part of our responsibility as law enforcement officers, obligated as the front line conservators of our natural environment. The diligent enforcement of anti-litter laws is essential, if for no other reasons than to keep the good will of our rural constituents and to reduce as much as possible the increasing cost of clean-up that is expended by our department and other state agencies.

We must make every endeavor and devise new ways and means to control this blight that is destroying what little natural habita is left for our wild creatures. Wheher they dwell on land, in the air, or water, they need our help now more than ever before to rescue them from this relentless plague of “litteritis” that is reaching epidemic proportion throughout our once wilderness areas.

As I stated earlier, the enforcement of litter laws and litter clean-up campaigns are most popular with our public. It creates a favorable image of the conservation officer in the minds of the people and with the news media. They recognize that the officer is interested in the betterment of their community and is leading the way towards a better and cleaner place to live. This new image paves the way for better support in the enforcement of fish and game laws. I offer for proof several newspaper editorials and articles publicizing and commending Missouri agents for their leadership in anti-litter programs. Also, a recent “write-up” on an arrest by the same officers concerning a fishing violation.

I don't know about yours, but our department doesn't have the money to buy this kind of highly favorable newspaper publicity and support for the conservation officers and the department. If we had the money, I doubt the value of purchased support.

In closing, I repeat, it is my belief that we have a definite obligation to give as much attention as we possibly can to litter prevention and clean-up campaigns, keeping in mind that perhaps the best educational program and the most impressive one is strict and impartial enforcement of litter laws.

You have heard the slogan—“Every litter bit hurts”. Well,—time is at hand to turn the table—and start hurting the litterer where it pains

the most—where he is most sensitive—in his hip pocket—by seeing that he pays the penalty in court for his careless and filthy littering habits.

## FRESH WATER COMMERCIAL FISHING AS VIEWED BY THE LAW ENFORCEMENT DIVISION MISSISSIPPI GAME AND FISH COMMISSION

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From the beginning of time the human race has depended upon the waters of the earth for a major source of its food supply. In the very beginning of creation, the Divine Creator, in the first Book of Moses, called Genesis, commanded that the waters bring forth abundantly the moving creature that hath life, and God blessed them saying, "be fruitful, and multiply and fill the waters in the seas".

One of man's earliest occupations was commercial fishing; it most certainly dates back to the time of Christ, for he chose for one of his disciples a commercial fisherman. One has to but turn the pages of history and observe the disagreements and tribal wars that have been fought over fishing waters and rights to properly judge the effects that commercial fishing has had on our present day civilization.

A large amount of many nation's economy is tied up with the commercial fishing industry, but what this paper would like to deal with is not the salt water arm of commercial fishing, but the far less important and much smaller portions of the industry. The fresh water producer and his contribution to the economy of the State of Mississippi.

At the very best, commercial fishing is a highly controversial subject any time the sport fisherman and the commercial interest come into contact with each other. The sport fisherman, if he fails at any time of the year to fill his daily bag limit, tends to blame that gill net or seine that he saw, or someone else saw operating last year or last week. On the other hand, the commercial operator (blames in his words) (the old sportsmen) or probably in most cases, that dirty game warden in his County for any new Laws or regulations or increase in the price of commercial fishing licenses. Law enforcement is obviously caught in the middle.

The Magnolia State is bountifully blessed with the fresh water fishing, bordered on the West by the Mighty Mississippi River, laced with numerous smaller tributaries, studded with five major Reservoirs and 20 State owned lakes, all teeming with Black Bass, Crappie, Bream and Striped Bass, truly a sport fisherman's paradise; therefor, the primary object of law enforcement should be to bring about an understanding between all interested parties concerning the role commercial fishing plays in the overall control of rough fish population in the public waters of the State.

This necessary step is being taken at the present by the media of newspaper, radio, television and sportsmen's clubs that to maintain and keep the excellent sport fishing that is enjoyed by all, it is necessary that the commercial operator be allowed to continue to remove the 9½ million pounds of rough fish that is annually removed from the fresh waters of the State of Mississippi by nets each year.