

ever had. This 100 million dollar road improvement program provides for improvement to 6,500 miles of Georgia roads. When this program is completed Georgia should have an adequate system of highways equal to any in the southeastern states. Improvement of the entire 6,500 miles is scheduled to be under contract by the end of next year.

We're very enthusiastic about our tourist development program in Georgia and we are anxious to attract the hunters and the fishermen, who mean so much to the travel industry of our state.

LAW ENFORCEMENT SESSION

CONCEPTS OF CONSERVATION LAW ENFORCEMENT

*By T. F. BELL, Chief, Division of Law Enforcement
Pennsylvania Game Commission*

Mr. Chairman, members and guests, I am honored with the invitation to attend your Southeastern Association of Game & Fish Commissioners and Law Enforcement Section meetings and discuss some of our mutual problems and bring a message and greetings from one of the Conservation Law Enforcement Chiefs Association member states, the Commonwealth of Pennsylvania where the C.L.E.C.A., as our northern organization is familiarly known, was formed over twenty years ago.

It is a distinct privilege and pleasure to come to Atlanta, capital of the fair, friendly and progressive Peach State where, according to the Encyclopedia Britannica, "the air is bracing and sunstrokes are unknown" and which has become widely known as the industrial and trade center of the Southeast, and where the population exceeds a million persons.

At the Northeast Wildlife Conference, June 11-15, 1961, at Halifax, Nova Scotia, our C.L.E.C.A. met in conjunction with the Northeast Commissioners group and one of the prime subjects of discussion in our law enforcement section was the question of what things can best be done to augment conservation law enforcement efforts and what, if anything, is being done in this connection, in face of the lawless trend which was recognized as associating itself with the contemporary period. A paper of the same title and similar to this was delivered at that conference.

Nearly thirty years of active background as a conservation law enforcement agent in one capacity or another, culminating in my present responsibility as Chief of Law Enforcement with the Pennsylvania Game Commission, leads to at least one conclusion among others, i.e., that men are likely to settle a question rightly if they are able to discuss it openly, freely and with understanding. It is also my belief that it is foolish to try to live entirely on past experience as we in conservation are sometimes inclined. It is a dangerous, if not fatal habit, for us to judge routine procedures safe because of following the methods which have worked successfully for twenty or thirty years. This, notwithstanding the belief that past experience may often be an asset to the future.

We have generally but two forms of government—government by will or government by law. As Plato proclaimed in his *Republic*, if philosophers were kings or kings philosophers government by will should be intrinsically superior to government by law.

Today, however, we are faced with the danger of government by law being destroyed by our immoderate passion for the very democracy it is instituted to defend—our traditional advocacy of liberty, equality and popular sovereignty, coupled with our frontier heritage of self-reliance, has caused authority to become distasteful and inclined us to lawlessness.

There has been a tendency among certain conservation law enforcement groups to impose time-worn procedures upon suspected offenders which may often have suggested persecution, oppression and sometimes even collusion.

Twenty thousand years ago the family was the social unit. Now the social unit has become the world, in which it has truthfully been said that each person's welfare affects that of every other, and one-half of the people knows what the other half does and how they think and react.

While traveling over a great deal of our country it has become habit to observe television antennas and it has been noted; although one may live in the middle of a "cawn" patch on the side of a Tennessee hill or on the crag above a Pennsylvania steel city, in shacks of various descriptions, yet a stately television antenna is nearly always channeling the latest news, gossip and a variety of programs into these households the same as "mainline" mansions. The mountaineer and the patch dweller are seeing the same "Lawman", the same "Mr. District Attorney" and the same "Untouchables" and similar T.V. dramas, and are gaining a liberal education in legal procedures inclining them to resist being pushed around, as suggested in the theme song of Television's "Rebel". They are in nowise gullable to the same oppressive methods of law enforcement as were their predecessors. I believe this is particularly true of the younger set, the so-called "teenagers".

Even with the institution of justice by law, paradoxical as the statement appears, the process of justice without law can never be totally absent—no system can foresee all of the ramifications of human conduct which may transgress the law. Applicable rules must be established on the spur of the moment, and thus it is very much with conservation law enforcement and, accordingly, we are behooved to carefully select and train conservation law enforcement personnel.

Fifty years ago, more or less, we are all aware, witnessed most of the states and provinces in the proverbial shot out condition. Sportsmen began to go conservation minded and for twenty-five years or more nearly every one was sympathetic with most any measure of conservation law enforcement. The hue and cry was "catch the thief", "jail the game hog", "penalize the cheater". Desire to see someone punished for offenses against conservation laws caused many responsible officials and citizens to condone law enforcement tactics which to say the least were often not in keeping with acceptable legal procedures.

Then law enforcement efforts, land improvement programs, propagation projects and public relation plans, coupled with natural ecological changes, began to pay off. Game became more plentiful and most hunters were able to harvest a satisfactory bag year after year and often day after day. They were living in a land of plenty from bountiful resources which could never be depleted; so they thought in their careless greed. Many did not realize whence came this crop of wildlife resources and many cared less. Many went afield with only one intention, to get their share or more, as quickly as possible. In this attempt, they began to be careless with laws which were created from necessity and in the interest of wildlife preservation, and which were more scrupulously upheld during the era of wildlife scarcity. Many conservation law offenders were thus created.

Generally and basically the tools of law enforcement include punishment, the infliction of a penalty for an offense, prevention, the keeping of an act from occurring and redress, (the setting right of that which is wrong). The tendency must never be one of attending to the punitive and omitting the preventative. The processes of redress must include opportunity for redemption and the righting of wrongs imposed in the name of justice. It may be hard to ascertain why the majority of people obey the law in whatever fashion they do obey, but one reason seems to be because of legal *sanction by the people*. *It has been said that the only truly enforceable laws are the popular laws, it may be that popularity is a form of sanction.* When we propose legislation it should be not only comprehensive but so constituted as to earn the stamp of popular approval. In other words, it must embrace the fundamentals, ratification, confirmation, indorsement and approbation of public opinion. A great many laws have sourced from popular customs and on average most of such are accepted and obeyed.

As to legal precepts and limitations—not for one moment is questioned our ability to grasp and apply legal rules of action or our ability to acquire knowledge and understanding of the law, but what about our

application of moral and legal restrictions upon the enforcement of the law?

In the interim we have been enduring an era wherein general lack of respect is developing for all laws, and a consequent lack of respect for law enforcement agencies. We are faced with a difficult situation, a double dilemma so to speak. The law, in its majesty, must be enforced; otherwise, vandalism will run rampant and law enforcement officers become the laughing stock of the market place. What's to be done?

First, we must recognize that human nature will not be legislated against. We can best endeavor to educate, and that is a slow process with only a dim hope of success. We should recognize that very much of what we call the progress of today consists in getting rid of false ideas, false conceptions of things, and in taking a point of view that enables us to vision contemporary principles, ideas and things in proper perspective, and then reason, plan and act accordingly. It, therefore, becomes necessary to take inventory.

We might well ask ourselves some pertinent questions. What can be done to discourage violations of the conservation laws, since money is so plentiful that cash fines are often paid willingly and with impunity? How can the limited number of officers our budgets allow be made more effective? How can their efforts be supplemented?

What about the increasing number of offenders from age 16 to 25 years of age? What about the problem of creating safer hunting? How can we keep step with the new concepts of law enforcement? How can we most effectively expedite the functions of public relations? Wherein lies the area of greatest of all need for immediate attention? These are some of the questions which should be of imminent concern.

We should shy assiduously away from anything suggesting creation of a police state, being completely aware that a well-informed public will not condone such tactics. Following the words of Thomas Paine we must constantly be aware that "He who would make his own liberty secure must guard even his enemy from oppression".

We understand that every man is ready to be a tiger in some cause. Often the difference between a good man and a bad man is his choice of the cause. How can we turn this to our advantage? We have also heard the observation that men's minds are like parachutes and only function when open. We must open our minds. We in Pennsylvania first carefully reviewed the punitive provisions of our game law and found the usual two provisional choices; a cash or jail penalty and besides, for certain cases, the additional provision for revocation of hunting privileges. Careful analysis showed that in the past, hunting license revocation had been, more or less a hit or miss proposition with emphasis upon the recommendation advocated by field officers, based upon the premise that they were more aware of the circumstances of a case than anyone concerned. This was recognized as rational up to a point. Past practice had revealed however, that too many side issues, prejudices and other limitations were reflected in abuses, mostly not conscious or wilful on the part of the field officer. The major abuse on a state-wide basis being one of inconsistency; for example, our prosecution records may involve as many as 7000 cases per year, attended by upward of 2000 license revocations and over \$200,000 in cash penalties, besides jail commitments. This number of revocations presented a vast field for inconsistency. To contain this problem we resolved a plan for revocation dealing with gauge for measuring intentions—whether malicious or premeditated, accidental or mistaken—careless or negligent—wilful or deliberate. Under free of crime, whether a technical offense or minor or major, and whether mitigation, aggravation or concealment exists. A form bearing this information for completion by the field officer also contains information as to the circumstances involved; in brief, the age of defendant, whether guilty of a previous offense and his defense, if any, as offered at the time of apprehension. After this information is supplied by the field, based upon prior specific written and oral instruction as to proper application, including clean-cut definitions of the terminology, the central office applies a standard yardstick which indicates the period of license denial. Soon it became evident that one cause for complaint formerly existing among offenders, and the public generally, was less prevalent due to the effect of imposing across the

state more consistent revocation penalties for similar offenses. Following our usual policy, offenders are given the benefit of any doubt in appraising revocation recommendations. This procedure has had a profound effect in that offenders quickly become aware that cash payment of fines may not fully satisfy the law but that their hunting privileges are likely to be jeopardized for more serious infractions.

As to our next question of how the limited number of officers available to the staff can be made more efficient; this being an age of scientific achievement, we decided to lean wherever possible upon scientific aids in the solution of more complex crimes. In the past year, for example, we have utilized pathologic and ballistic sciences on more than one hundred occasions wherein guilt of the accused has been established beyond further question. More conservation law enforcement organizations are turning to utilizing undercover squads or groups to mingle with, gain the confidence of, investigate and bring to justice the otherwise difficult to apprehend outlaws. We utilize such a group successfully in our state. With the belief that there is nothing more frightening than ignorance in action, we established one of the first permanent conservation schools in the country and utilize this facility to its full potential in training new officers, and for in-service training of established personnel. During the past summer we furnished training to 150 Deputy Game Protectors at six sessions of one week each during the period and expect to continue the practice as time and facilities permit.

I have mentioned our Deputy Game Protector force with a great deal of pride and respect. I know not whether your respective conservation organizations utilize the Deputy potential; but, from our experience, would heartily recommend it to you. In Pennsylvania we have a state-wide quota limit of 1500 Deputy Game Protectors, who supplement our regular officers. The majority are volunteer active working Deputies. Some are helpful in a reserved way in connection with their regular vocations. A few turn out to be of the "dead wood" variety. These are weeded out each even year, as all Deputy commissions expire and are renewed unless recalled meantime for cause. Among reasons for recall of Deputy Commissions we consider lack of interest in training sessions to be synonymous with insubordination or political activity.

A short time ago I had reason to compile the number of cases of apprehensions for game law violations in Pennsylvania which involved assistance, in one form or another, by Deputy Game Protectors. To my delight 86%+ of all apprehensions were found to be augmented by Deputy assistance. We have no way of knowing how much fundamental assistance is rendered by our Deputy force but we do know that the over-all effort of our Deputies has been a tremendous asset, especially to our law enforcement program, but also in fostering public relations and in many other phases. We consider well-selected, well-trained Deputy Game Protectors to be basically essential in supplementing a relatively small full-time conservation law enforcement group, under a maximum progressive plan.

Public relations can only function to its full potential when everyone in an organization is a public relations agent, especially those who most frequently meet the public. It is difficult for subversive and ill-informed individuals and groups to see eye to eye with we who are well informed of the necessity for conservation law observance. This accounts for the reluctance of some to become a part of a democratic group. Perhaps this reality is a bit too much to expect in an era when much the same situation exists in respect to nations.

This is particularly emphasized in view of the limitation of rule by law when one branch of a community respects entirely different moral standards from a neighboring branch, or holds that the law does not correspond to their criteria of justice. Witness the different precepts existing in our rural areas as compared to metropolitan sections.

Our inventory of operations in Pennsylvania included recognition of the fact that law enforcement officers are the most exposed to public scrutiny, and, at the same time, are dealing with a subject which is most likely to aggravate public criticism unless judiciously maneuvered. Our task became obvious—endeavor to make public relations agents in some degree out of each one of our District and Deputy Game Protectors. By dint of continuous effort at every opportunity beginning eight years ago,

we have continually emphasized to our officers the asset value of proper public relations while dealing with the public in law enforcement matters. It is beginning to pay off in a notable way; namely, through less unjustified public complaints, less antagonism from members of the Legislature, better public cooperation, an increasing tendency for the Legislature to be more friendly toward our interests and legislative problems, and, by no means the least, a more respectful attitude evidenced by the public.

Referring briefly to the problem involving offenders from 16 to 25 years of age; their ratio to the total number purchasing license has increased and we believe that this is in major degree responsible for the increased number of offenders in that category. I fail to observe that youth is radically different or disproportionately more lawless than the youth of 30 or 40 years ago when I was a boy. One thing of singular concern is the number of major violations which involve this younger group.

If I were asked why many of the more serious offenses against conservation laws, particularly those dealing with out of season and otherwise unlawful killing of game, are perpetrated by persons between sixteen and twenty-five years of age, this would be my answer. In addition to the normal outlet for misguided ambition and youthful exuberance I would say it is the exemplification of impatience with modern restraints, when they do not accord with youths' immediate desires, including too many petty restraints imposed by technical statutes, which leads to undermining of respect for all laws—a further example of this trend is the attitude of indifference taken toward laws by older persons and the citizenry in general. It is sort of a “ho-hum” attitude—an attitude aggravated by so many laws being on the books that one cannot avoid violating, so why endeavor? This may suggest a serious fault in the construction and compilation of conservation laws—in our eagerness to plug all the loopholes we may have created a greater evil in the propagation of so many laws that a great deal of respect is lost for all.

We have endeavored to anticipate the possibility of statutory requirements for hunter safety training examination and certification prior to issuance of hunter's license to new applicants. In this connection all of our salaried officers have been certified by the N.R.A. as Hunting Safety Instructors and in turn they are training Deputies and others to be certified for examiners, if and when examination of new license applicants becomes mandatory by legislative decree. We are by this process in admirable position to contact minors and juveniles and we feel that much has been accomplished in turning youth to the proverbial tiger in behalf of the right cause, which was mentioned previously.

As for the question of how to keep pace with new concepts, we took one unusually broad step. Prior to 1958 we had only employed radio communication on a limited or local basis. Beginning that year, we inaugurated a state-wide network which has grown to 37 base stations, involving microwave, 225 mobile units and 40 handy talkies. This system is controlled through the Harrisburg Headquarters and six main base stations at our six Divisional offices across the state. The results of this new concept I need not review for those of you employing its full potential. Let it suffice to say that increased efficiency of service to the public alone would seem to justify this concept. As for law enforcement, radio is a tool of immeasurable assets, inspiring psychological respect among the criminally inclined and even adding assurance among the most stubborn skeptics within our own ranks.

To keep apace with another of the newer concepts our “in-service” training and student officer schooling includes a primary course in “Psychology of Law Enforcement”. Some officers practice the concept. So far results have been limited but gratifying in view of rather skeptical interest in general application.

Under a flexible organizational structure the wildlife law enforcement unit should make major contribution to other conservation phases. As a by-product or indirect result of certain routine law enforcement activities, information can be obtained which is of great value to the wildlife research and environmental managers.

In our state, Game Protectors make a major contribution to the deer management program by gathering sex, age, and reproductive data from road kills. With a known highway loss of from 6 to 8 thousand deer per year, usable information is obtained from approximately 30% of the total. This random sample serves, in part, as a check on the "health" of the herd.

Instead of merely making bag checks during the wild turkey seasons, Pennsylvania's law enforcement personnel also record sex and age data for each bird examined. This information from approximately 5000 birds is analyzed by game biologists and ultimately used to improve management techniques. Such nontechnical information can be secured without unduly interfering with routine law enforcement obligations and that is as it should be. I often wonder if the full potential of the so-called "law enforcement officer" is being utilized by all wildlife conservation agencies.

Sometimes I am asked how a law enforcement officer could possibly be of any assistance to his propagation department. Well, during 1960 our law enforcement officers have supervised the release of 328,410 ringnecks, 15,474 bobwhite quail, 5,859 wild turkeys, 6,274 mallard ducks, 250 Canada geese and in addition supervised the live-trapping and release of 53,070 cottontail rabbits during the January-February period. Is that assisting propagation or not? Our Propagation Division says, "Yes" with emphasis.

There is another matter of which I would be remiss in failure of emphasizing its importance; that is the problem of providing good laws. Laws should be like clothes. They should be made to fit the people they are meant to cover. As the public becomes better informed of the technicalities of the law and law enforcement procedure, it is essential that conservation laws be comprehensive and yet as simplified as possible. In many instances, we find ourselves dealing with game and fish laws so archaic and technically complex that the Director and the Chief of Law Enforcement are from time to time forced to appeal to the Department of Justice for interpretations, yet a few bigoted and less informed officials may still expect the hunting and fishing public to readily abide by the same complicated restrictions. The law must be practical and enforceable. Laws are not invented, they grow out of circumstances and demand. Bear in mind laws are not made as a medium for persecution of humanity but as a means by which humanity may be insured a measure of safety against itself.

Alexander Hamilton once said, "It is of great importance in a republic not only to guard against the oppression of its rulers, but to guard one part of society against the injustice of the other part". This could well be applied to oppressive and archaic conservation laws and methods of conservation law enforcement which could eventually hamstring this entire phase. We all must be aware of what an embarrassing position would confront our agencies in the event of a serious decline in the sale of hunting or fishing licenses. This is, of course, particularly true of the departments which are self-supporting from that source. There are many zealous, conscientious sportsmen willingly buying licenses because they see evidence of their conservation department's determination to protect game and fish through sound aggressive law enforcement, who might likely lose interest if a fair, impartial and optimum enforcement program was neglected. We feel in Pennsylvania that this has been greatly responsible for the continual increase in hunting license sales during the past fifty years and more especially in later years, when license sales are falling off in some areas.

Obviously then it is imperative that each responsible source create a law enforcement organization which commands respect through accomplishments, coupled with regard for human rights and human nature. As law enforcement people we must all accept as mandatory the need for disassociating our law enforcement precepts from the "accepted norm," and plan to mold our precepts and conduct to fit the contemporary appraisal of a well-informed public.

We are striving to provide maximum recreational opportunities; any disregard for the importance of conservation law enforcement looms as a serious obstacle to this goal. Yes, a number of beautiful food plots may have a marked impression, the release of 100,000 ringnecks may make

headlines state-wide, or if it is estimated that your bounty system saved 1,000,000 rabbits from predators, but it is extremely hard to convince Honest John hunter that the profound effect is going to be of lasting description, if the two-legged varmint which walks like a man can go his way of nefarious operation at any time of the year, day or night, while Honest John is awaiting the open season to exercise the lawful methods his dad and his granddad taught him were part of playing the game according to the rules.

The whole idea of law is simply that political sovereignty is not an absolute thing, that it is subject to limitations. These limitations are not simply the written constitutions or other political devices for restraining power—these limitations are embodied in laws which are superior to man-made government. It is concerned with God's plan for man on earth and with man's ability to participate in the reason in which that plan is founded.

Natural law is not the whole answer, manmade laws are essential. In the art of learning the manner in which the value of law is made effective, we must call upon human intelligence, experience, reason and understanding—remember the harsh voice of misinformed people is unlikely to hold the voice of God.

Enforcement of conservation laws involves the function of government dealing with its exercise of power over individuals. It is inevitable that conservation laws will be enforced consistent with public sympathy and support, our part is to see they are executed with understanding and in accord with the theory of doing unto others as we would have them do unto us. We must train and educate accordingly. We must never fail to recognize our duty in defense of the rights and dignity of our fellow men.

Let us never be tainted with barren skepticism. Each as he goes about his daily law enforcement tasks should never be satisfied with either the past or the present as mediums to the future. Every day should foal a new vision of what can be initiated and practiced to place and maintain conservation law enforcement on the pedestal it deserves as one of the true keys to insurance of satisfactory hunting and fishing conditions and optimum game populations for the future.

Finally let us always keep in mind the words of the incomparable Clarence Darrow when he said, "The pursuit of truth shall set you free—even if you never catch up with it".

Includes excerpts from *The Rule of Law* S.M.U. Press—1961.

USE OF AIRCRAFT IN THE WILDLIFE MANAGEMENT PROGRAM

By JOSEPH W. PERROUX, *U. S. Game Management Agent*
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Aircraft having been with us for the past 60 years, you would think that by now every way and technique to use it would have been tried, the good and bad parts separated and its use perfected to the point of just asking the question and getting the right answer.

Gentlemen, the use of aircraft in the Wildlife Management Program is new; in fact, so new that the novelty of it keeps some of us flying around gathering data day by day when we should be analyzing some of the data we have on hand. I do believe that we have slowed down enough to come up with the fact that the use of aircraft only plays a part in the program, but I want to emphasize that it plays a major part.

Game management, and I mean both research and law enforcement, is already at a point where it is very dependent on the use of aircraft.

In research, that which deals with cells, germs and microscopic particles, the microscope is used because a very small area has to be enlarged to make it possible to view the subject with the human eye. In wildlife research, and I am speaking of waterfowl, such as inventories and breeding-ground surveys, the subjects are plenty large enough to see; and almost too large to comprehend. Many waterfowl problems are