



Question: Did you find a rapid growth rate among High Rock young of the year?

Answer: Yes, they were 5½-6 inches long.

Question: Are gizzard shad necessary for the success of white bass?

Answer: Yes, it appeared that way.

Question: Do you have a large population of small crappie and a good number of walleye in these reservoirs?

Answer: No.

Question: Were precautions taken to insure that both sexes were present?

Answer: Yes, and the fish are easily sexed.

Question: Did the black bass fishermen object to the introduction?

Answer: Generally, no. Only a few objected.

LAW ENFORCEMENT SESSION

"HOW TO CREATE BETTER WORKING RELATIONSHIPS BETWEEN CONSERVATION OFFICERS AND THE COURTS"

By WEBB MIDYETTE

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Every court of law demands one thing from every peace officer and that is dignity. This dignity has come about through long years of tradition and will always be uppermost in the minds of jurists throughout the land. To violate this dignity is to violate the ethics of the courts, and thereafter the law enforcement officer will fight a losing battle in the courts of law.

In the term "dignity" I do not mean any false mannerism or special type of behavior, but rather a firmness, impartialness and neatness affirming that dignity.

The law enforcement officer must at all times make his appearance in court one of esteem and formality, not in the manner of one who has to do a job whether he likes it or not. He must present a neat appearance, be orderly, confident. He must be fair and impartial, in order that the court may weigh the evidence without fear of embarrassment in the conviction of the violator or suffering from any doubts concerning his guilt.

In my 26 years experience as a conservation officer, district supervisor and law enforcement chief, it is found that the court too often lacks confidence in the officer. This lack of confidence can come from many things but uppermost, perhaps, is the fact that the officer himself lacked the dignity required by all courts of law. It is imperative that the court and the officer handle every case in a dignified manner, be in complete accord and have complete confidence in their common cause.

While we must assume that the court will have already established the dignity required for its part, there are some requirements by which the conservation officer must govern himself in order that he may establish the dignity required of him.

The dignity will come with a thorough knowledge of the laws which the conservation officer has been delegated to defend. He must be in complete accord with their application, or else he will never convince the court that the accused should be convicted.

We cannot establish a confidence in the courts about something in which we do not have confidence. The first requisite for gaining the confidence of the courts is confidence in ourselves and what we stand for and in what we are chosen to protect. We must be sold on what we are selling. We are selling the conservation of natural resources—the privilege of hunting and fishing and all associated endeavors. It is our job to see that these resources are not violated and that no one steals from his neighbor by violating these laws.

In my experience and observation I have found that many times cases are not brought to court in full confidence of guilt on the part of the officer. He may say to the court "I caught this man hunting." But the court wants to know the how, when, and where of the violation. They want no pussy-footing around.

The courts want the facts, nothing more. But the facts must be as complete as it is possible to present them. It is on these facts, this on the spot review of the violation, that the judge will bring in his verdict. Present your evidence in an impartial, dignified and formal manner, regardless of whether the judge is a lifelong friend or a new acquaintance. Such actions will not only gain respect for the warden, but will likewise create a respect for the law in the minds of the defendant, and those present at the hearing. Always keep in mind that the judge has only your word upon which he must justify his decision of guilty or not guilty. You are a law enforcement officer and you present the facts as you see them. The truth needs no defense, but unless it is clearly and completely brought out, violators will continue to hide behind halftruths and alibis.

Hunting and fishing are no longer a means of putting food on the table, as they were some 40 or 50 years ago and longer. Today, these sports are big business. But some of our courts of law still cling to that tradition of man's right to fish and fowl at his discretion. They have not advanced in their thinking as quickly with the game laws as they have in other phases of crime. They are generally interested in wild life, but somehow they just don't seem to get quite as upset when a man kills a deer out of season as they do when that same man accidentally kills domestic animals in the pursuit of game. Yet, many times the replacement value of the deer is much higher than for other animals.

This apathy will take time to overcome, but it can be done. Locally the solution lies with the conservation officer himself. The officer's duty is to protect the resources and arrest the violator, not to convict. So don't be discouraged when you feel the judge has been too lenient on the accused. Keep bringing them in, presenting your facts to the best of your knowledge in an honest, impartial manner. Stand your ground, but without malice. Always be a gentleman, no matter how wrong you may feel the judge to be. In time, you will gain the respect of the court for you and for what you stand. Believe in what you do, what you are, and you will soon have the courts believing that way, too.

Game and fish violations come under the criminal code; present your case as such. Sell yourself to the courts, and at the same time you will be selling what you stand for. Know the laws you are delegated to protect, believe in them, carry them out, and eventually the day will come when we shall have beaten down the "sporting admiration" that some individuals and some courts, too, have for those that outsmart the law, as was the case in prohibition.

The conservation officer must be alert to convince the court that the law is to set an example. He should never let the accused outwit him, nor cause the court embarrassment by arresting without sufficient evidence to convict. Such things set back the game and fish laws where they were years and years ago. We have so often heard it said about the accused "he really is not such a bad fellow." Yet the officer must show the courts that the accused was just that, or else he wouldn't have been arrested.

Under the laws of our government wild game, wild birds and other wild animals belong to the people; they are common in law. The United States Supreme Court in 1896 ruled in the case of *Martin v. Waddill* (I quote in part) :

'(Whilst the fundamental principles upon which the common property in game rests' have undergone no change, the development of free institutions has led to the recognition of the fact that the power or control lodged in the state, resulting from this common ownership, is to be exercised like all other powers of government as a trust for the benefit of all the people, and not as a prerogative for the advantage of the government as distinct from the people, or for the benefit of private individuals as distinguished from public good.)'

Therefore, for the purpose of exercising this power, the state represents the people, and the ownership is that of the people in their united sovereignty.

The success of any law depends upon the fidelity and sincerity of those of us who enforce it, or cause it to be enforced.

The conservation officer should not develop the attitude of "playing hide and seek or if you don't watch out the goblins will get you," but he must have the accused and the courts realize that any violation of the game and fish laws is against the dignity of man, for it is a crime against the people, not against the individual.

Conservation officers are as every bit needed as the various arms of military service to guard our inalienable rights, the people's property, our wild life natural resources. In other words they protect the rights of people to enjoy their God given rights and privileges, and that they may have it more abundantly. The public and courts must regard him as an investment in decency and sportsmanship.

To my way of thinking, the conservation officer's relationship to the public and to our courts is as the door is to the house—it can let us in or keep us out.

Conservation officers are public servants and should so conduct themselves and show the courts that they will discharge their obligations, and the public investment as a sacred trust, which, if done, will make for the law more respect and more law-abiding citizens. If we do this with full responsibility, the law will be more impelling and inescapable.

The courts expect and rightfully demand truthfulness. If we have that, we will be fair, straightforward and assuring. The conservation officer should never oppress the innocent and should give to the guilty their fundamental constitutional rights; then the courts of justice will soon lean upon the strong arm of such character. The officer should be courteous, patient, kind and considerate. He represents the majesty of the laws of conservation. He should be courageous, but not a bully, over devoted to duty and not natural physical prowess; always the symbol of authority, by way of peace and dignity of the state—it is his to protect and represent. Be always sure of the guilt of the accused. Be sure, impartial, showing no favor or favoritism.

The conservation officer should keep the court confident and sympathetic toward the law, through courage and full knowledge, and with a determination to meet the task, not ashamed, nor afraid; always establishing confidence in himself and through the court.

The officer should be sure, neat in appearance, his head high and his conduct beyond reproach, especially in the courts. All of his relationships with the

courts should be with full knowledge, dispatch, courtesy and confidence. He should present his case in a clear, active and informative way.

IN THE FINAL ANALYSIS, the conservation officer is faithful, fair and friendly, respectful, resourceful and reverent, with good ideas and ideals, noble in purpose, devoted to duty, sincere and sound in his contacts, helpful in his daily duties, independent in his thoughts, interdependent in his actions, then he will be praiseworthy, and the light he reflects will redound to himself, his associates and the cause of conservation and the protection of our wild life resources, and then conservation will be on its way.

The law is a good hing. The immortal Abraham Lincoln once said:

“Let reverence of the law be breathed by every mother to the lisping babe that prattles on her lap; let it be taught in schools, seminaries, colleges, let it be written in primers, spelling books, and almanacs; let it be preached from the pulpits and proclaimed in legislative halls, and enforced in courts of justice; let it become the political religion of the Nation.”

MAY I SAY TO YOU

WE MUST KEEP STEP, NOT MARK TIME—THE COURTS ARE OUR PROVING GROUND.

THE MIGRATORY BIRD AND GAME MAMMAL TREATIES

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I will here discuss briefly the reasons for the treaties, the operations and benefits derived from the treaties, and the enforcement of the enabling acts which constitute the machinery for their enforcement.

The long and futile efforts of the states finally convinced state game commissioners, sportsmen, conservationists, and others, that the uniform and adequate preservation of migratory birds and an equalization of hunting opportunities depended upon the exercise of a supervisory jurisdiction on the part of the Federal Government. To this end, a bill was introduced in Congress in 1904, but it was so novel in its objects and legal character that it failed of passage. From the time of its introduction, however, the subject was kept before Congress in one form or another almost continuously until the enactment of the Migratory-Bird Law of 1913.

This Federal Statute merely conferred on the United States Department of Agriculture the power to fix closed seasons during which it would be unlawful to capture or kill migratory birds.

The regulations adopted under this Act enjoined spring shooting throughout the United States, and the extent of their observance is a splendid tribute to the sportsmen of the country. Fully 95% of the sportsmen abided by this mandate and refrained from hunting during the closed seasons. The result was almost instantaneous. Waterfowl and other migratory game birds at once not only showed a marked increase in numbers, but, owing to the cessation of spring shooting, remained unmolested in ever-increasing numbers to breed in places from which formerly they had been driven every spring by incessant shooting. At the end of the five-year period during which this law was in operation, state game commissioners, leading sportsmen and conservationists were practically unanimous in their expression that wild fowl were more abundant than at any time in the 25 years preceding, and in attributing this increase to the abolition of spring shooting and the general observance of the Federal statute.

The very marked improvement in conditions under this law instilled a new spirit into sportsmen and showed the wonderful possibilities under a Federal law broad and comprehensive enough not only to protect the birds during the nesting season, but to equalize hunting privileges and opportunities by removing the incongruities still existing under state law.