

legal limit of bass were permitted by the game and fish commission of a state. However, their request for a legal limit of only one or two bass daily will fall on deaf ears of many informed game and fish commissions because a game and fish commission may reason that a limit of even one bass is all the excuse needed by the illegal diver to escape with legal slaughter. If one bass were permitted, you would never find a diver with more than one in his possession. The stumps and rocks of our waters would hide the remainder from view.

Since rough fish are impossible to spear in sufficient numbers to sustain diver interest and game fish are illegal to spear, it is reasoned by some that the use or possession of spear guns should be made entirely unlawful. They reason further that scuba divers are a very small minority who endanger the sport of the rod-and-reel fishing majority.

Scuba diving presents a new problem in our new age. Likely we will have other enforcement problems in the future. I feel that we in the increasingly professional field of wildlife enforcement can cope with these problems as we will this one before us for whoever thought we would be working under the water now. As one diver whom I arrested for taking bass said, "Forty feet under the water is a hell of a place to see a cop."

Editor's Note:

This is an address made by Mr. Clyde P. Patton, Executive Director, North Carolina Wildlife Resources Commission, before the 53rd Annual Convention of International Association of Game, Fish, and Conservation Commissioners on September 9, 1963, at Nicollet Hotel, Minneapolis, Minnesota. It was read at the Southeastern Meeting by Mr. Robert B. Hazel, Chief, Wildlife Protection Division, North Carolina Wildlife Resources Commission.

THE ROLE OF LAW ENFORCEMENT IN STATE GAME AND FISH MANAGEMENT*

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Without effective enforcement of hunting and fishing license laws, most state wildlife conservation agencies would suffer from an embarrassing shortage of funds for carrying on a game and fish management program. Without effective enforcement of laws and regulations on seasons and bag limits, few sportsmen anywhere would have an opportunity to get a fair share in the annual harvest of surplus game and fish.

Law and regulation are tools of game and fish management, but they are not worth the ink required to write them if they are not properly enforced.

Hunting and fishing licenses are worthless unless people buy them. Furthermore, when a price tag is put on a rabbit or a duck or a deer—when commerce rears its head among sport fish and game—trouble lies ahead.

These truisms reflect briefly the role that law enforcement must play in game and fish management.

While it is true that the Federal Government, authorized by the Pittman-Robertson and Dingell-Johnson Acts, contributes to state wildlife conservation projects, these contributions are contingent upon the availability of substantial state matching funds. These funds are

*Presented at 53rd Annual Convention of International Association of Game, Fish and Conservation Commissioners on September 9, 1963, at Nicollet Hotel, Minneapolis, Minnesota.

the license dollars produced by law enforcement. The situation reminds us of the kingdom lost for want of a horseshoe nail. For want of enforcement, the license dollar is lost; for want of the license dollar, the state matching fund is lost; for want of the state fund, the federal contribution is lost; and for want of both the state and the federal funds, state game and fish management programs cannot exist. They die aborning.

This financial fact of life cannot be ignored in any discussion of the role of law enforcement in state game and fish management.

It is not my intention here to dwell upon the negative effect that the absence of law enforcement would have on game and fish management. Rather, I intend to emphasize some of the positive effects of existing law enforcement on wildlife programs.

The specific objectives and techniques of game and fish management are not always identical—nor should they be. They must necessarily vary with the species of wildlife concerned, the available habitat, ecological requirements, human populations and sportsmen's preferences. In my view, a basic purpose of wildlife management is to provide a maximum harvest of game, fish and fur for the hunting, fishing and trapping public within bounds described by such potentially conflicting interests as agriculture, forestry, industry and the expansion of modern civilization.

This concept is embodied in the first two words of the fundamental credo of the North Carolina Wildlife Resources Commission: "To provide more sport for more people with equal opportunity for all" to share in the harvest. The Wildlife enforcement officer's services are vitally necessary if this precept is to be meaningful.

First, he enforces license laws to make certain that sportsmen who harvest game and fish share in the cost of producing it.

Second, he enforces the bag, creel, and possession limits to insure that those who have paid for the privilege and who seek the opportunity may—with reasonable skill and perseverance and some additional luck—share equitably in the harvestable surplus.

Third, after the harvest, he must enforce a closed season to protect adequate breeding stock for the production of a substantial surplus in the ensuing year.

Enforcement of the laws and regulations limiting the methods and means of taking wildlife and prohibiting its sale insures that hunting and fishing remain recreational pursuits rather than commercial operations.

The aesthetic and therapeutic values of the sports of hunting and fishing cannot be measured in dollars and cents. But there is this certainty. If all of the game and fish were taken by the most expedient methods and the most efficient means, and then were sold over the counters of food stores or served as exotic dishes on restaurant tables, the total income would be but a small fraction of that provided by those who have the dollars to spend and who are eager to spend them on guns and shells, tackle and bait, transportation and guidance, food and lodging, and many other goods and services sportsmen like or need.

Education is an important factor in obtaining the cooperation of the public in the game and fish management effort. This is of particular importance in the case of citizens who own most of the land upon which fish and game management efforts are expended. The responsibility for public education is, of course, principally that of the public relations or education department of the conservation agency. Yet, the enforcement officer necessarily does—and functionally should—have a role in the educational process. It is regrettably true that many good citizens must receive their first effective lesson in wildlife conservation from the judge of a criminal court. This is not as it should be and it does not add to the credit or popularity of the conservation agency and its personnel. There is no substitute for firm enforcement. But it is as much the duty of the officer and his organization to use all reasonable means to secure voluntary compliance with the law as it is to prosecute offenders for noncompliance.

In North Carolina, every wildlife protector is trained and given the authority, the means, and the instructions to prosecute all game and

fish law violations. At the Institute of Government of the University of North Carolina he is also provided with instruction and practice in the art of public speaking and public relations. He is given training and practical experience in the operation of motion picture and slide projectors. And he is encouraged to utilize these skills and these materials in delivering the conservation message to citizens of all ages and aspirations, from the dean of the board of county commissioners to the youngest child in school.

There is another facet of the educational process which may not gleam so brightly. But it is a facet with which the wildlife conservation agency must live. The number of citizens who have direct contact with the executive head or with the chief game and fish management personnel is an exceedingly small fraction of the total population. Yet, almost every citizen who lives long enough to vote comes in contact with a conservation enforcement officer. Through such contact, the average citizen forms an opinion of the wildlife program. It is the window through which he views the work of the wildlife agency including such activities as regulation, management and research. It behooves both state and federal conservation administrators to remain constantly alert to the condition of this window. It should be kept as clean and clear as possible. If it is permitted to become soiled, distorted, or cobwebbed, there will be little cause for public confidence in the ability and judgment of officials who are responsible.

Heretofore, I have referred to game and fish management and law enforcement as two separate and distinct functions, and in the narrow sense I think this is permissible. In the broad sense, however, I believe the term wildlife management embraces the total productive effort of the conservation agency and all of its functions—functions which have been artificially segregated and mentally delimited by the administrative necessity of classifying job skills and delegating responsibilities.

As already mentioned, the motto of the North Carolina Wildlife Resources Commission is "to provide more sport for more people with equal opportunity for all." We envision that the total wildlife conservation effort, as expressed in this basic precept, can be resolved into five interrelated and interlocking functions, none of which is the separate and sacred property of any division or group in our organization. These five functions are (1) research, (2) management—in the technical sense, (3) regulation, (4) education, and (5) enforcement.

Research provides the facts about wildlife populations and the biological factors which aid, limit, or prevent their reproduction, growth, and survival. This knowledge is put to work on management practices to create or augment favorable wildlife conditions and to eliminate or diminish unfavorable factors. The regulations, based on existing and anticipated conditions, establish necessary and reasonable limitations on human activity for the purpose of insuring maintenance of adequate reproductive stocks of useful wildlife and provide equal opportunity to enjoy the surplus. Education seeks to enlist the aid and cooperation of a sympathetic public through dissemination of scientific and practical information.

It cannot be denied that each of these first four functions—research, management, regulation, and education—is a necessary component of any successful wildlife conservation program. In the absence of enforcement, however, they would be ineffective in accomplishing the desired objective. All of the knowledge from research when put to work in practical management could not produce enough game and fish to satisfy the unrestricted appetites of our Nimrods, the followers of Izaak Walton, or those who would buy and sell valuable wildlife for financial gain. An example of the latter is the destructiveness of the meat hunters and the plume hunters of a few decades ago. Volumes of laws and regulations are useless if unobserved. All of the persuasion of education at its best cannot obtain sufficient voluntary compliance to save desirable wildlife from being killed out.

In conclusion, although the wildlife enforcement officer is a participant in all of these functions, his primary duty is to bring about public compliance with all laws relating to wildlife conservation. His work

gives useful forms of wildlife an opportunity for reproduction and survival. It affords the over-all conservation effort with its only chance for success. Programs which provide better hunting and fishing recognize the important role of enforcement in game and fish management and give it the attention and emphasis which it deserves.

WILDLIFE LAW ENFORCEMENT—CONCEPT AND COST

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Presented at the 17th Annual Meeting
SOUTHEASTERN ASSOCIATION
OF GAME AND FISH COMMISSIONERS
September 30 - October 1 and 2
Hot Springs, Arkansas

In discussing "Cost of Game Law Enforcement" better understanding may result if we first look at the position the present-day enforcement officer holds in his respective state or federal agency and review some of their problems.

Regardless of title—Protectors, Wardens, Rangers, Agents, Conservation Officers or Game Management Agents—the men who have the responsibility of enforcing wildlife laws and regulations and carrying out the varied and changing functions associated with modern game, fish and forestry management, *must* be well trained, skilled, intelligent and dedicated.

Two important qualifications are *flexibility* and *courage*. It has been said that "Everyone has courage, but few are prepared to use it." Only those of the "few" last long on this job. Further, a conservation officer must possess *two* types of courage. Frequently he must face belligerent and even dangerous characters in the performance of his duty. Also, he needs the courage to render quick judgment when the occasion demands—often on matters where he has relatively little background information—knowing that his decision, may be "second guessed" in many areas. He must exert restraint on human behavior in such a manner as will best accomplish the objectives of wildlife laws or regulations, and at the same time endeavor to avoid creating unfavorable attitudes toward his department's programs or projects. Such often demands unusual self-control and job devotion or loyalty, particularly when it is obvious that public sentiment or local conditions pertinent to the situation may have been over-shadowed by clouded biological "Facts and Figures" compiled in the gloomy recesses of some distant laboratory with no consideration for field application.

Adaptability to change—is fast becoming a most important requirement, for change is the keynote of today's management programs. The agent must be pleasantly receptive to "overnight" revisions of policies, procedures, and programs. What today may be an "important" law or regulation, may be revised tomorrow, however, it is the duty of the officer to enforce the law until by the stroke of the gong at twelve midnight, the ink of his obligation is erased from the pages of statutory mandate.

He may be advocating a policy of game or fish management only to open his mail and find a reversal of thinking, or a "New Frontier"—sometimes biologically referred to as a "trend." He may be following procedures outlined in his "Manual of Instructions" only to learn (possibly by the "grapevine") that a different *modus operandi* will become effective soon.

The flexibility of the officer is determined by his attitude towards administration and by the degree of enthusiasm with which he accepts each "new look" or change.