

it is certainly available under those conditions and those circumstances. We firmly believe that cooperation is the backbone of good relationship between enforcement agencies.

Thank you very much.

METHODS OF APPREHENDING ILLEGAL SCUBA DIVERS

BY ANDREW G. PURSLEY

U. S. Game Management Agent

It is lawful, in most states which have waters clear enough for diving, for underwater spear fishermen to take rough fish. Some of these states exclude taking rough fish of the catfish family and some exclude all spearing of fish in small streams and rivers.

Many underwater fishermen have gone to the depths to pursue these rough fish for sport; however, they usually find in short order that rough fish are afraid of the monstrous-looking diver with his spewing air bubbles, his large brightly colored air tanks, and his protruding face mask. This continuing phenomenon of fleeing fish and the return home with an empty fish stringer soon frustrates the once enthusiastic diver to the point of selling his entire heap of expensive diving gear. However, while reflecting in disgust, he remembers that during his search for these legal fish, he spent some time in brushing aside the illegal bass and sunfishes up to sizes that would make the fly and plug fisherman break out in goose bumps. He remembers some of the bass were so curious or hostile that they seemed to be inviting a shot with the speargun. It takes only one or two more trips to the favorite lake with its temptations to transform the budding diver into a regular and very serious violator.

Just how serious a problem is the scuba diver who takes illegal fish? We should answer this question before we go further. We have the responsibility, as caretakers of the public's game and fish, to give the fishermen and hunters the maximum without danger to the resource in question. If the resource is in danger we in enforcement must act in whatever ways are necessary to bring about the protection needed.

It has been the unanimous opinion of those speaking out who know the problem that unchecked spearing of bass could seriously deplete the total population in an impoundment and it could completely eradicate the large trophy bass sought by sport fishermen who invest most in our fishing programs. The danger to catfish and the sunfishes is a controversial question which I hope we may be able to discuss here today.

The danger to bass is clear. A diver can, on the average day, take five or ten bass in no more than thirty minutes. On good days when bass are easily found, the possibility of spearing bass is limited only by the desire and stamina of the diver. For example, one diver confided that his group had taken two hundred bass in one day. Another informed that his usual group of three would take sixty bass, more or less, weighing four pounds and up, on an average day of spearing. Those of us who dive do not question such seemingly fantastic statements.

Unscrupulous divers are most difficult to apprehend by the officer who is bound to the surface of the water even when he knows where and when the violations are taking place. Some divers have been so cunning in their methods that they have taken illegal fish right under the noses of officers and boat dock operators without arousing more than a little suspicion. Those who didn't know should bear no feeling of embarrassment because illegal divers tie the catch to the underside of boats, to lower units of motors, and to submerged rocks, stumps, and bushes. Some will rupture the floats of fish and leave them on the bottom until the coast is clear. Innocent looking fishing boats sometimes pick up the fish as they are speared and take them away from

the diving area. Many dress the fish immediately after they are caught which leaves little evidence of spearing. We know of other clever methods used to elude arrest; there must be others used that we have not yet detected.

The officer who is confined to the boat is fortunate to find a diver in possession of a spear gun to justify checking him for a fishing license. Rare is the time when he can make an arrest for possession of fish taken illegally. Then, it is logical to conclude that we must get into the underwater element with these divers to effect a cure for this slaughter of fish. This has been done by the enforcement personnel of some states and game management agents of the U. S. Fish and Wildlife Service with great success. The percentage of violations found per spear fisherman checked has been very high.

The transition to underwater enforcement is neither too costly nor too complex. It requires the training of a minimum of two divers; four or five will make a more efficient team. One diving team of wildlife officers can control the spearing problem in almost any state with supporting personnel and equipment.

Training is available in most areas at little cost. Officers should be trained thoroughly by highly qualified divers; they should use the best safety equipment, and they should practice safety and emergency procedures with regularity. Diving with underwater breathing apparatus is a very serious business which is highly dangerous to the untrained or psychologically unsuited person. Conversely, there should be no fear of accidents with properly trained officers. Scuba diving, or diving with self-contained underwater breathing apparatus, with proper training, is a safe and enjoyable activity which will compare favorably with flying aircraft and driving automobiles in safety.

Underwater enforcement calls for trained divers, supporting personnel, boats, aircraft, and radios. Neither aircraft nor radios are essential, but they will increase efficiency greatly. Aircraft are advantageous in locating sometimes widely separated groups of divers; it affords a much wider view and covers large water areas in a short time. The aircraft observer can instruct the boat crews by radio how and when to approach the area where spear fishing is taking place and often prevents a premature inspection of the suspects.

When the spear fishermen are approached by boat, they may be found in the act of various activities. If any of the suspected divers or their party are on the surface, you are immediately confronted with two problems. The problems are to prevent any of the suspects from warning the divers who are submerged of your presence and to prevent them from discarding any illegal fish that they may have taken. To prevent these two things from happening you must act quickly and positively. Each man surfaced in the suspected group must be accosted, searched, and controlled until the diving officers can get under the water to make their inspection of submerged spear fishermen and the area where fish may be hidden. The ability of members of the supporting enforcement team to swim is of tremendous advantage. Surfaced suspects must be checked in no more than a few seconds after arrival at the scene and supporting personnel must often jump or dive into the water to inspect suspects who are standing or swimming in the water nearby.

Many times divers are observed from concealment until something can be seen which justifies an inspection or arrest. This method of enforcement is sometimes successful and sometimes not. Long distances necessary for undetected observation, movements of divers from one location to another, and the natural divergence of divers from their boats makes this method difficult. The most successful method of enforcement known at this time is to inspect divers on the spot as aforementioned. The submerged divers are easily located by their tell-tale bubbles which can be followed directly to their location. Since the present practice is to hide the fish immediately before surfacing, most often the submerged diver will be found with illegal fish in possession.

The underwater diver is one of a growing and highly organized group. Unity gives them a voice out of proportion to their size as a special interest group. Diver numbers would grow much larger if a

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*

BY CLYDE P. PATTON

Executive Director

North Carolina Wildlife Resources Commission

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

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