## STUDIES IN HISTORY, ECONOMICS AND PUBLIC LAW; NUMBER 411; GOVERNMENTAL PROBLEMS IN WILD LIFE CONSERVATION

Published @ 2017 Trieste Publishing Pty Ltd

#### ISBN 9780649114603

Studies in History, Economics and Public law; Number 411; Governmental problems in wild life conservation by Robert H. Connery

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd. Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

www.triestepublishing.com

### ROBERT H. CONNERY

## STUDIES IN HISTORY, ECONOMICS AND PUBLIC LAW; NUMBER 411; GOVERNMENTAL PROBLEMS IN WILD LIFE CONSERVATION





# STUDIES IN HISTORY, ECONOMICS AND PUBLIC LAW

Edited by the

FACULTY OF POLITICAL SCIENCE OF COLUMBIA UNIVERSITY

NUMBER 411

GOVERNMENTAL PROBLEMS IN WILD LIFE CONSERVATION

BY

ROBERT H. CONNERY

# GOVERNMENTAL PROBLEMS IN WILD LIFE CONSERVATION

BY

### ROBERT H. CONNERY, Ph.D.

Instructor, Department of Government Columbia University



## NEW YORK COLUMBIA UNIVERSITY PRESS

LONDON: P. S. KING & SON, LTD.

1935

YMAMBLI OLIBUM YTIO CACMAN OM

COPYRIGHT, 1935

RV

COLUMBIA UNIVERSITY PRESS

PRINTED IN THE UNITED STATES OF AMERICA

797

Baker 325

Au 28 '80

### PREFACE

I have been keenly conscious while preparing this volume that only a lifetime of experience in conservation work would give one an entirely satisfactory background with which to solve some of the questions that have been raised. This book is consequently little more than an introduction to the numerous problems that are faced by government agencies in the field of wild-life conservation. I can only hope that it may be of some value to administrators and others who are interested in the preservation of the nation's wild life resources.

I should like to express my appreciation for the encouragement, aid and advice that had been given me in the preparation of this study by a host of persons both inside and outside of the government service. I am especially indebted to Professor Arthur Macmahon of Columbia University, who has unhesitatingly given of his time and effort during the past three years, for innumerable corrections in organization and interpretation.

Professors Luther Gulick, Schuyler Wallace, Philip Jessup, Joseph Chamberlain, Howard Lee McBain, and Arthur Burns, all of Columbia, have read the manuscript and offered invaluable suggestions. Professors Oliver Field of the University of Minnesota, Markley Frankham of the Brooklyn Law School, Patterson French of Union College, and Judge Irvine Lenroot of the United States Court of Customs Appeals, have also read portions of the manuscript and made helpful comments. Dr. Fred Powell of the Brookings staff has from time to time made invaluable suggestions both as to the method of approach and technique of procedure. I owe him a debt which no mere line in the preface can repay. To Dr. Leverett Lyon, who in his official capacity as Director of Fellows at the Institution, made it possible for me to obtain access to important materials in Washington, and to other members of the staff, I am under similarly deep obligation.

Much of the material found in the first chapter was gathered during the summer of 1934 as a result of a study made while serving as Associate Consultant for the National Resources Board, under the direction of Mr. Charles Eliot, 2nd, the executive secretary.

I should also like to express my appreciation for the assistance of my colleagues, Mr. Charles Trinkaus and Mr. William Shaughnessy, in reading proof.

Limitations of space make it impossible to express my appreciation individually to the men and officers of the United States Biological Survey, Bureau of Fisheries, Forest Service, Bureau of Indian Affairs, Bureau of Reclamation, and the Minnesota Game and Fish Department for their generous co-operation; I take this opportunity therefore to do so collectively.

R. H. C.

## TABLE OF CONTENTS

PAGE
CHAPTER I
Introduction
Statement of problems, methods, and limitations of study 11
CHAPTER II
THE CHANGING PLACE OF WILD LIFE IN THE NATIONAL ECONOMY
The relation of a land-planning program to wild life 15
Difficulties inherent in program
Constitutional methods of application
CHAPTER III
THE SPHERE OF THE FEDERAL GOVERNMENT IN WILD LIFE CONSERVATION
Essentials of federal system
Broad construction of constitution
Conservation under treaty-making power
Conservation under the commerce clause
Conservation in the territories of the United States 40
CHAPTER IV
THE SPHERE OF THE STATE GOVERNMENT IN WILD LIFE CONSERVATION
Legal basis of state control
Constitutional limitations on state control 64
How an individual acquires property in game
CHAPTER V
THE ORGANIZATION AND FUNCTIONS OF THE BUREAUSOF THE BIOLOGICAL SURVEY
History
Administrative organization
Division of biological investigations

8	CONTENTS

8	co	N	TI	El	V?	rs	č												
																			PAGE
Division of food habits																		•	95
Division of fur resources																		1	95
Division of game management																			96
Division of land acquisition .																	+		102
Migratory waterfowl division																	÷		105
Division of administration				10	٠	1	*		*					٠			8	×	106
Bureau policies						*	*	٠	*				٠	7					113
C	H	\F	Т	E	R	٧	7I												
THE ORGANIZATION AN	D	Ft	JN	C1	rie	O.N	s	o	F	TI	Æ	В	U	RE	λī	Į.	of		
	F	(S)	IE	RI	Œ	S													
History	•		¥	*	*									8			4	24	115
Administrative organization.	140	*:			+													÷.	125
Division of scientific inquiry.			٠	7															125
Division of fishery industries			÷	į.					2										130
Division of fish culture	٠	*	÷	¥0	×.							80		×		19			132
The Alaska division	neo-	*::						::e:			4	*				-		104	135
Division of law enforcement.																			139
Division of administration			ě																140
Bureau policies	٠	•	٠		٠		٠	٠		٠	ij.	*	٠		٠				142
CI	ΙA	P	ті	e i	R	v	H												
THE REORGANIZATION OF									EF	v	AT	IC	N	A	G	EN	CI	ES	
																		33.T	
Demand for reorganization . Minor conservation agencies	•	•	i		i		•	ં	•		ľ	1	•		•	ij	÷		144
Principles of reorganization .	•	•	•				•					å		•			•		158
Legislative vs. executive reorg																		*	163
																			165
Reorganization proposals Consolidation vs. coordination								i			i					į.			174
															÷	-			365
CH	Al	PT	E	R	1	71	H												
THE ORGANIZATION CONSERVA				700		200	100			100		HE	S	T	T	8			
Organization		e co				350		100	100	3.7									
Type of power entrusted to ad																			185
Statutory requirements for exe																			187
Financing																			187
License system																		*	3-12-56
Warden system																		•	190
Propagation activities	•	•		•	•	•	*		1	1	•			*	*	*	1	œ.	100
																			198
Scientific research																			200
Public shooting grounds					•	•	•		*	•	•		*	•		+	•	*	201
Proper functions of state depart	LII	ici	ıt.		•	•	•	•	•	•	*	*	•	•		*			201