

by Ken Moum

WILDLIFE LAW ENFORCEMENT

Then...



Patch adopted in 1951

THESE DAYS, the idea of having a force of conservation officers in the field to protect the people's wildlife and fisheries resources is a pretty well-accepted idea. But a hundred years ago, hiring someone to enforce the game and fish laws of a young state was new ground.

Nevertheless, just before the turn of the century, things in South Dakota had reached the point where dramatic action was obviously required.

Despite the fact that the Territorial Legislatures of the 1870s had passed laws to protect Dakota Territory's dwindling wildlife, nothing much had been accomplished.

Finally, in 1893, the members of the South Dakota Legislature took that dramatic action. They not only made it unlawful to kill buffalo, elk, deer, antelope or mountain sheep until September 1, 1896, they instructed county boards to appoint six fish wardens in each county.

Under this system the fish wardens were to serve without compensation and at the pleasure of the county board.

The name of South Dakota's first wildlife law enforcement officer, named 100 years ago, is lost now, but we know that Lew Hawley, a barber

...and now



Current patch was adopted in 1958.

who operated a shop in the Cataract Hotel in Sioux Falls, was named a fish warden in 1897. Working under Governor Andrew Lee for four years, Hawley later confirmed that "The fines I collected often comprised my salary."

According to the legislature's recommendation, fines collected were to be split between the warden and the state. Some have suggested that a

good fish warden and a favorable justice of the peace could do a land office business.

According to Hawley, his first years as a warden were spent traveling from Sioux City to Howard by horse and buggy, but later he bought a Ford.

During the four years he served, Hawley saw laws passed that banned market hunting, that limited big game hunters to two animals a day, and four in a season, and that protected female animals and animals under one year of age.

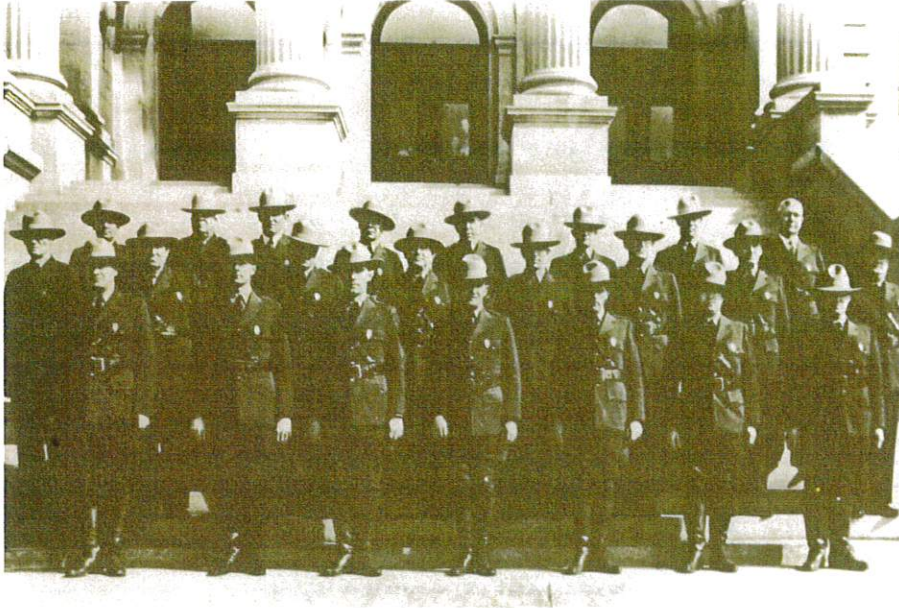
In 1899 fish wardens were renamed game wardens and given statewide authority. Hawley's last year under that system was 1900, but his influence on wildlife conservation wasn't over.

It took 20 years for things to change again. But in 1909 the Game and Fish Department was created, and W.F. Bancroft was appointed state game warden. He was to be paid \$1,500 a year, and a Game and Fish Commission consisting of the governor, attorney general and state game warden had to approve any expenditures for propagation of fish and game that exceeded \$200 a year.

Bancroft soon saw the drawbacks

State game wardens were authorized to wear uniforms in June 1935, and the uniform picked included jodphur breeches and boots, tunic coat, Sam Browne belt, and campaign hat. Wardens were wearing the new uniform by the time of the State Fair. The uniformed wardens were photographed on the State Capitol steps during an annual conference in March 1936.

The reason for uniformed wardens was given in the June 1935 Conservation Digest: "After a recent experience in a Sioux Falls Federal Court, both A.T. 'Ole' Hagen and E.G. Adams, deputy wardens, are firmly convinced that uniforms are highly desirable, and should be purchased as soon as possible. It seems that deputies Adams and Hagen were with a Federal warden when two goose hunters were apprehended, and the five of them proceeded to the Federal Court where the Federal warden left Elmo and Ole and the two culprits in the anti-room while he went in to interview the clerk. A short time later the clerk appeared in the anti-room and picking out Ole and Elmo said, 'You two may come in. The docket is crowded and it will be some months before your trial comes up; however, I can hold your hearing now and set the amount of your appearance bond. It is too bad nice-appearing men like you two see fit to run afoul of the law.' You may be assured that these two highly rated South Dakota wardens were not long in digging out their credentials to prove to the assuming clerk that they were not the culprits. This instance goes to show that uniforms are useful for other reasons than mere show purposes, and it is believed that early fall will see South Dakota's entire warden force in nifty, well-tailored uniforms, set off by a pair of dressy, serviceable boots."



of the county warden system, which by now had 58 wardens in the field. He said, "Too much politics is entered into the recommendations of the County game wardens by county boards...." He further suggested that game wardens be appointed "upon their general fitness for their particular work."

The 1913 Legislature, of which Lew Hawley was a member, abolished the county warden system and established eight deputy state game wardens and created a permanent fund for the protection and propagation of game and fish.

The change was dramatic. Those eight men made 65 arrests their first year, compared to 46 arrests made by 58 county wardens the preceding year.

In 1915, Hawley was appointed as a deputy state game warden by Governor Frank M. Byrne. In accepting the appointment he told the governor, "I'll take the job on one condition; that I be permitted to exercise just plain common sense in handling the game laws."

Ultimately he worked 37 years as a game warden until his death at age 85.

But he wasn't the only "seasoned

veteran" on the force. Hunters and anglers of the 1990s, accustomed to seeing conservation officers in their 20s, 30s and 40s, might be surprised to learn that Hawley was only a year older than one of the other game wardens in the state. In fact, Harry Piner began working as a warden in 1921, when 53 years old. And he put in 32 years on the job before his death in 1953. In fact, until the 1950s elderly wardens were often retained on the payroll regardless of age, sometimes at half salary.

During the years that Hawley and Piner began their careers as wardens, things, as you might imagine, were a little different than today. Aldo Leopold didn't write *Game Management* until 1929, so no one expected candidates for the job to have a college degree in wildlife management.

Hawley had been a barber, as had a couple of other wardens. And Piner's background was 35 years in farming and the automotive business. A quick look at the backgrounds of wardens hired in the 1920s and 1930s finds several who had been farmers, a well driller, a construction foreman, a shoe salesman, and a former grocery store employee.

For a long time there were only 12

wardens in the state, and it's clear that they were called upon to perform a variety of duties for the Game and Fish Department.

BY THE 1940s graduates of wildlife and zoology programs were available in the job market, and the Game and Fish Department began to change.

In 1944, only Will T. McKean, Big Game Survey leader, was listed as a technical specialist for game. Fisheries had several field men and the superintendents of a half-dozen small hatcheries.

By the fall of 1945, Jim Kimball had been hired as the leader of the Pheasant Study. Change was overtaking South Dakota's wildlife resource management, but it was a slow progression. Five years later the roster included a state fisheries biologist and leaders of small game and fur research, big game research and game cover development. In addition, technicians who conducted actual field work and data collection were employed at a number of locations in the state.

Nevertheless, game wardens still were "kings of their counties," as one veteran recalls, and a *Conservation Digest* article from 1950 proclaimed, ➤



1939 STATE GAME WARDENS WHO GUARDED NORWEGIAN ROYALTY
 Front row, from left: Hank Voss, L.C. Hawley, Charley Ferguson, Bill Halliday, C.B. Gunderson. Back row, from left: Ed White, Duffy Allgier, Hank Deblon, George Krumm, Ole Hagen.

Over the years since wildlife law enforcement began in South Dakota, wardens and conservation officers have taken part in out-of-the-ordinary duties such as rescuing flood victims and helping to feed livestock after severe winter storms.

But there have been other, more visible assignments as well. Among them was the honor of being named to escort Norway's Crown Prince Olav and Princess Martha on their 1939 trip to South Dakota. According to the Sioux Falls *Daily Argus Leader*, "State game wardens under Deputy Warden L.C.

Hawley have been assigned to guard the hotel. Guards will be posted at elevator entrances and exists, stairways at the fourth and sixth floors, the rear stairway of the fifth floor and at the front entrance of the hotel."

More recently conservation officers were assigned the task of being part of the security patrol during the 50th anniversary Sturgis motorcycle rally, and a group of South Dakota conservation officers served as the honor guard at the State Capitol memorial service for Governor George S. Mickelson.

"As a public relations man, he is the Commission's representative to the public at large. He must be courteous, friendly, patient, neat appearing, and cooperative to the public in general for an earnest effort is being made to educate the public to the policy and the activities of the Department. It is in this field of public relations work that each game warden plays an important role."

Add to those duties, controlling depredation, planting fish, making recommendations for seasons, supervising habitat developments, and acting as a local source of information and the universal authority of a game warden in his home territory becomes apparent.

But as you've seen, times were changing.

BY LATE 1957 there was a new division in the Game, Fish and Parks Department. Established on the recommendation of Dr. Ira N. Gabrielson of the Wildlife Management Institute, the Game Division would "furnish the commission with the best possible information on the game of South Dakota. This Division will draw upon the experience of the Law Enforcement Section. It will work closely with the farmers and ranchers who produce the game. It will work closely with farm groups and land use agencies in an effort to find ways and means of producing and harvesting more game."

Within the new division were a game management branch, a game research branch, and a habitat restoration branch.

A look at the work of the new division reveals that the biologists and area game managers would be taking on "most of the liaison work and will be conducting the routine game counts, bag checks and range surveys." They would also "continue to plant woody cover where needed, but will strive to get most of such work done by working with the Soil Bank Program."

It looked like the plan was to allow wardens to concentrate more on law enforcement and to give the responsibility for season recommendations and data collection to the Game Division.

For the first time, the *Conservation* ►

"Many, many articles have been written in past about the research men, the game technicians, who are responsible for the voluminous stacks of data concerning critical and exhaustive investigations of wildlife trends. Normally, in light of these newly discovered facts, the conclusions set forth by these individuals are justifiably publicized and generally accepted publicly.

"But then, what about the unsung heroes of our wildlife program? Yes, I'm speaking about the men in the forest-green uniforms who preceded the research program by countless years; the men that have devoted their careers to the field of propagat-

ing and preserving the wildlife of our state; the men who are on the job regardless of the hour of day or the disagreeable elements of the weather."

The same article enumerated the equipment and duties of the force of wardens, pointing out, "The duties of the present day state game wardens are a far cry from what they were a quarter of a century ago, for his responsibilities have multiplied considerably. Today's modern methods of escaping the effects of the law have led to the need for more modern methods of enforcement."

Still, those wardens were quick to point out that law enforcement was only part of their job. Quoting again,

CONSIDER THE WARDEN

From August 1941 *Conservation Digest*

In this issue is an article written by Ralph Hill, assistant Black Hills Forest Supervisor in Deadwood, which reviews the status—past, present, and future—of the Game Warden in this ever-changing world. We sincerely hope it will help the sportsmen of this state to realize the important part the warden plays in this Conservation of our game and fish.

We find it rather disappointing that so many still have the same old conception of the warden and the type of work he does. So often you hear someone comment upon the activities of the warden and all too often these remarks are concerned only with seasons and violations. It is more or less taken for granted that a warden works only when there is an open season or when he is attempting to apprehend a violator of the Game Laws.

A change has taken place in the last few years. A warden is no longer a long-

mustached individual who wears a badge and snoops around the country trying to arrest someone. He's a public relationist, educator, and game manager combined. He is a man to be admired.

Naturally law-enforcement is part of his job. A sample week's work will find the typical South Dakota Warden conducting public relation meetings with the boy scouts, civic groups, or sportsmen's organizations; removing a "trouble beaver" for a farmer; issuing and checking licenses; checking complaints; getting up in the middle of the night to dress out a deer killed by a careless motorist; investigating a poaching case; taking pictures and notes; reading reference material on Conservation and Wildlife, attending warden conferences or transplanting fish, taking care of wounded birds and animals, patrolling territories, conversing with the farmer or the sportsman, answering the

many and varied questions of hunter and fisherman and peacefully settling their arguments with substantial information gleaned from years of experience and study. In addition there are a million and one other little matters that keep him going night and day.

There, gentle people, is a man for your money. His salary is paid from your license fee and you're getting your dollar to dime value! But there are all too few who give credit where credit is due. The public is sometimes too willing to condemn, criticize, ridicule, and ignore the warden and the work he does. Always in the "public eye," he is constantly the "goat" of mischievous tales and propaganda spread by the "crackpots."

Let's make friends with the Warden! Instead of avoiding him, seek him out! He'll be a better warden and you'll be a better sportsman if you do.

Game Wardens— Past, Present, Future by Ralph Hill

The game warden of today differs from the warden of ten or twenty years ago. Less frequently now is he referred to as that—game warden! Not that he is any less observant of law violations. If anything he is more so.

To a large extent the employment of game wardens came at a time when game populations were at the bottom. The old practices of unrestricted hunting, to say nothing of market hunting, left much of the country with mere remnants of the birds and animals that formerly existed. Protection was needed, and the sport we enjoy today in the field is evidence of the ability of game to multiply when given sufficient and proper protection.

Today the game warden's duties involve much more than the apprehension of law violators. He meets with sportsmen's associations, boy's clubs, and civic groups in order to prevent law violations and promote a better understanding of the problems connected with his work. He takes part in the propagation and distribution of fish and game. He preaches conservation of all our natural resources.

The last few years have brought new conceptions of game administration. Our outlook is changing from a strictly protection viewpoint to a broader phase of game management. Educational institutions, government services, sportsmen's associations and firearms manufacturers are studying life cycles and environment. We are building up an accumulation of facts that will be needed to provide the hunting and fishing that a rapidly multiplying body of sportsmen requires.

Mere protection will not do the job. Nor will technical research alone provide more game. A knowledge of the fundamental biological facts will furnish the basis, but someone will have to do something about it. To know that a species requires certain cover, foods, and control of parasites or predators doesn't furnish those necessary conditions.

Will the farmer, whose lands furnish the bulk of our game range, change his system of crop production or pasture management for the benefit of the hunter (and himself)? Would he know what to do if he were so inclined? He is in business to make a living. He is more interested in water for irrigation than in fish; more concerned with grain for his stock than in feed for game birds; and more dependent upon beef and mutton than upon

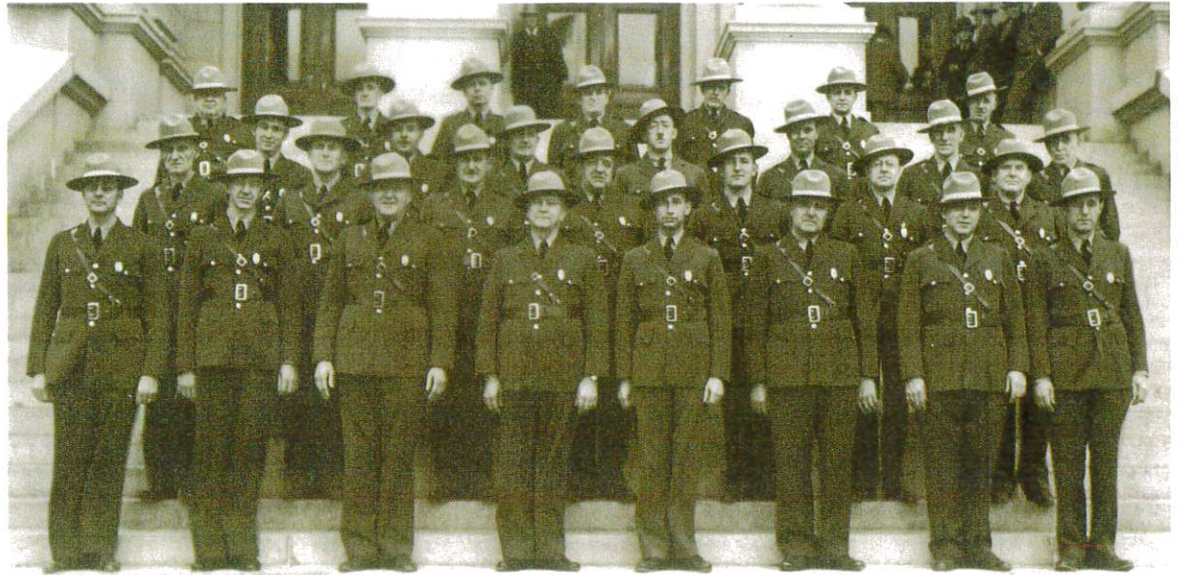
antelope or deer.

Now if that is true, we need a go-between. We need someone who can demonstrate the wisdom of conservation and game management—someone to apply the findings of our research institutions, to show our land owners that a little change in farm practice may add another convey of birds—and cut down the insect losses. Or, the go-between may find that there are already too many birds in a territory, too many fish in a stream or lake. Perhaps a game refuge is that in name only and needs manipulation of environment to make it one in fact.

Unfortunately, some research men take pride in talking a language that is entirely foreign to the game manager and public alike. How does one know the avifauna means bird life, that a Plimsoll Line is a browse line up to the height of a deer's reach, that *Poa pratensis* is just plain old bluegrass.

If this forecast of a wider scope in the future warden's job comes true there will be much for him to learn. He must be a specialist in his chosen field. Warden's meetings will reflect the new problems and discuss new finding. And when that time comes there should be compensation commensurate with his new responsibilities.

In March 1940, state game wardens again assembled on the front steps of the State Capitol during an annual conference for a group photo. Gone were the jodphurs of the original uniform.



Digest listed the game wardens under the heading "Law Enforcement." For those accustomed to being in charge of everything in their territory, this new division of duties was unsettling.

Veterans of that era say that some wardens were quite happy to concentrate entirely on law enforcement, while others were determined to see that these new "wildlife biologists" didn't completely take over.

The records of the Game, Fish and Parks Department have little to say about what happened internally during those years, but in 1958, a newspaper article said, "The cold war between wardens and biologists reached such extremes that for a time neither group took the trouble to invite the other to meetings at which matters vital to game management were to be decided."

Biologists said that the commission

refused to recognize the changes and advancements that were being made in wildlife management, and wardens contended that technicians were overlooking many practical aspects of game management that wardens had learned working in the field.

That year, a "high department official" reviewed the major branches of the department for a sportsmen's meeting and omitted the law enforcement section. Later with a group of newspaper editors, he questioned the \$300,000 annual expense for law enforcement.

LESS THAN a year after being hired, the new director of the Game, Fish and Parks Department resigned over a disagreement with the commission who hired him. The primary source of the controversy was whether he or the commission would handle department administration, but there's

little doubt that the rift between the wardens and biologists was part of the problem.

The director supported the science of the technicians, and the commission favored the practical experience of the wardens. Although controversy over how to manage South Dakota's wildlife raged on for years, there were attempts to unify law enforcement with the technical staff.

In 1965, a three-man committee of Game, Fish and Parks commissioners traveled the state conducting interviews in search of an answer. At the time, accusations that the commission itself fostered a "power struggle" between the technical and nontechnical sides of the agency were being countered by public support for the commission and the department's employees.

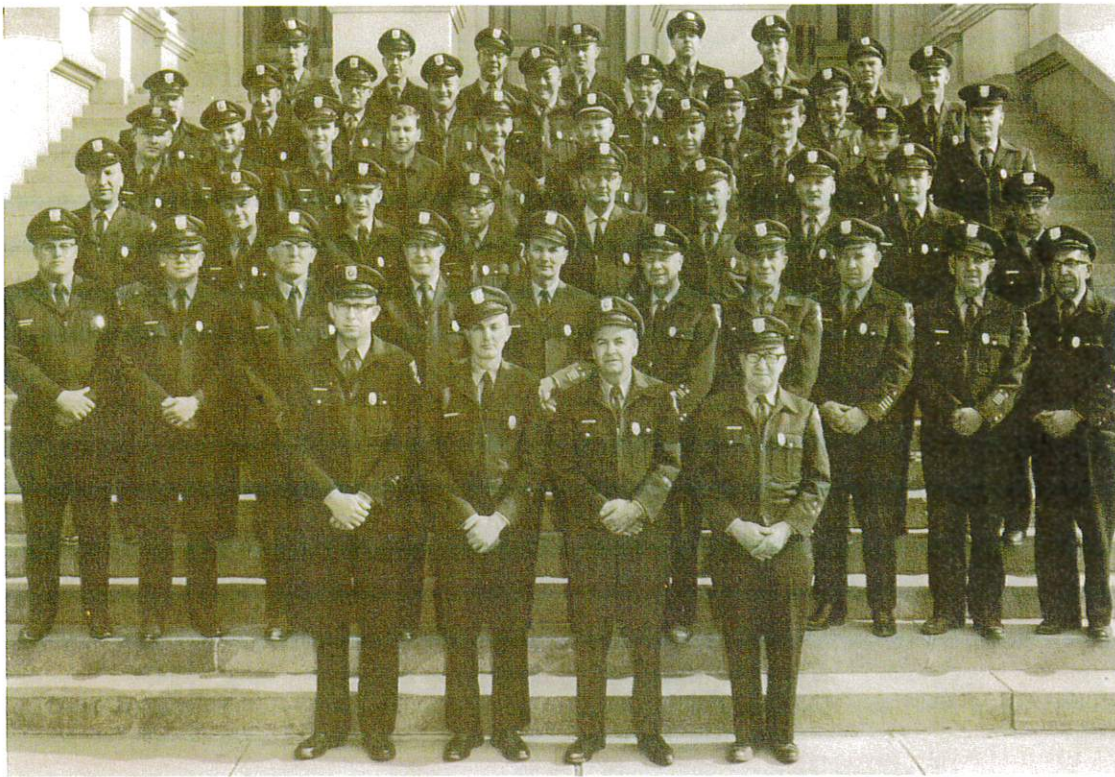
Still, Governor Nils Boe asked the commission to consider changes that would end the problems being aired in mass media. With the appointment of a new director who had been a warden, things seemed to get better. Bob Hodgins was a long-time employee who had the goal of bringing harmony to the department's divisions.

It wasn't to be.

By 1970, the face of South Dakota's game warden force had changed dra-



The game warden's uniform continued to evolve. By 1945, when the Game, Fish and Parks Department and commissioners held a conference, the campaign hat had been replaced by a uniform cap.



Uniforms of game wardens again changed by 1967. The Sam Browne belt and tunic coat had been replaced by an Ike's jacket. It was also the last group photograph of game wardens. In 1970 the position was changed to conservation officer.

matically. No longer were the wardens likely to be former barbers, and most of the new wardens were coming on the job in their early 20s. Many of them had college degrees in wildlife science, and there was much less friction between the wardens and the game managers.

Instead, the land managers and the game managers were unable to get along. The Minneapolis *Tribune* reported that while all of the game managers were wildlife graduates, only one of five land managers had a degree. And the condition of South Dakota's valuable public hunting lands was questionable.

With a declining budget, the commission established an efficiency and economy committee that ultimately recommended a major reorganization.

Believing that over-specialization had impaired the employees ability to do their job, they created an entirely new position, the conservation officer.

Conservation officers were to be responsible for most department activities in their area, and, according to the committee, would offer these advantages:

- ▶ Improve public relations.
- ▶ Increase efficiency and use of manpower and equipment.

- ▶ Provide better and faster service to the public.
- ▶ Better informed and interested employees who live and work in an area with full responsibility for ALL aspects of game and fish management.
- ▶ Allow the possibility of operating with fewer employees and endeavor to compete with other agencies on a salary basis.

Except for the fact that conservation officers hired from outside the department would be required to have bachelor's degrees in wildlife management, South Dakota had returned to a system remarkably similar to that of the 1940s. Conservation officers were once again responsible for all game and fish activities in their counties and were the base on which nearly all game and fish management rested.

In the century since the appointment of the first fish warden, the changes that have passed this way are too numerous to mention. Yet one thing has remained constant for the sportsmen and women of South Dakota. When they think about the Game, Fish and Parks Department, their local conservation officer is usually the first person who comes to mind. ■



Last game warden badge



First conservation officer badge was adopted in 1970.