



DEPARTMENT OF THE INTERIOR

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FISH AND WILDLIFE SERVICE

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WILDLIFE TREATY, IN EFFECT 25 YEARS,
SAVES NORTH AMERICAN DUCKS AND GEESE

The Migratory Bird Treaty between the United States and Great Britain will have its 25th "birthday" Monday (December 8), ¹⁹⁴¹ it was announced today by Secretary of the Interior Harold L. Ickes. Signed by the two Nations to protect migratory waterfowl and other forms of wildlife going back and forth between Canada and the United States, the treaty was proclaimed by President Wilson on December 8, 1916.

"It is no exaggeration to call this treaty the most significant advance in the history of wildlife conservation in North America," Secretary Ickes said.

"In 1937, a similar treaty between Mexico and the United States was consummated to protect migratory birds and game mammals going back and forth between these two countries.

"Discharging our Federal obligations under these international agreements has made possible one of the most successful wildlife conservation programs in history," the Secretary added. "Not only does the Department of the Interior carefully regulate the hunting of the species affected, but it also maintains a nation-wide system of refuges to protect and encourage the migratory birds. The resulting increase in birds is today the best possible evidence of the importance of this international cooperation."

48 States Regulated Kill

Before the Federal Government by this treaty became responsible for conserving migratory birds, the seasons were set by each of the 48 States. Federal officials recall that song birds, as well as ducks and geese, were sold in many sections of the country, while the hunting of wild ducks and geese during the nesting season was not uncommon.

Lax regulations and excessive hunting contributed to the decline in North America's migratory waterfowl population, which fell to an all-time low of less than 30,000,000 in 1934. Since then, the population has come back to between 70- and 75,000,000.

Conservationists throughout the country agree that drastic reductions in bag limits, regulation of lengths of seasons in the three hunting zones of the country, and establishment of wildlife refuges in strategic waterfowl areas played an important part in the come-back of the wildfowl. All these measures were based on this treaty.

"The terms of the treaty have been upheld in a most satisfactory manner by both Canadian and American officials," it was stated today by W. C. Henderson, Assistant Director of the Fish and Wildlife Service, United States Department of the Interior, which administers the Migratory Bird Act, making the treaty effective.

Challenge Treaty.

Negotiation of the treaty had been preceded by the passage of the Weeks-McLean Bill in Congress in 1913. This bill authorized the Federal Government to regulate the taking and selling of migratory game birds.

Many sportsmen frowned on the Weeks-McLean bill, declaring it unconstitutional. A test case came up when Col. Joseph Acklen, a Tennessean who served as

the first Chief Federal Game Warden, without pay, persuaded Harvey C. Shauver, of Jonesport, Ark., to plead not guilty to taking coots out of season. Mr. Shauver, who readily admitted the violation unofficially, agreed to make the test case.

The case was tried before Federal Judge Jacob Trieber, who found the law unconstitutional. Appealed to the Supreme Court of the United States, the case was argued once, but no decision was made by the court. The case was later scheduled for reargument.

Before a second hearing was held, however, the United States and Great Britain signed the Migratory Bird Treaty, and a Supreme Court decision on the earlier law was never made. Ratified by the two countries, the treaty was proclaimed by President Wilson on December 8, 1916.

Supreme Court Upholds Treaty

As soon as Congress passed an enabling act authorizing the Biological Survey (now a part of the Fish and Wildlife Service) to enforce the provisions of the treaty, the Federal Government's right to regulate the taking of wild birds was challenged again.

Final decision in the Federal-State controversy was made in the famous test case, Missouri vs. Holland, in which the Supreme Court declared the treaty to be constitutional. The court's decision was read by Justice Oliver Wendell Holmes.

"Here a national interest of very nearly the first magnitude is involved," stated Justice Holmes. "It can be protected only by national action in concert with that of another power. The subject matter is only transitorily within the State and has no permanent habitation therein. But for the treaty and the statute, there soon might be no birds for any powers to deal with."

Since the Supreme Court decision upholding the treaty, sportsmen and conservationists have cooperated in the Federal Government's efforts to administer the Nation's wildlife resources.

Regulations on hunting migratory waterfowl are recommended to Secretary Ickes by Fish and Wildlife Service officials after a year-round survey of conditions on the nesting, the resting and feeding, and the wintering grounds of the migratory birds of North America.

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