

Existence of Valuable Insect-Eating Birds Threatened

Dr. William T. Hornaday Points Out the Obstacles Still to Be Overcome Before the Calamity to the Nation of Their Annihilation Is Made an Impossibility

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THE most exasperating feature of our present battle with the enemies of the Federal migratory bird law is and around the U. S. Senate is the fact that for the sake of local spring-shooting of ducks in one small area, they are willing and anxious to completely destroy the only law that is competent to protect our valuable insect-eating birds in the South.

On May 9 and 12 we witnessed in the United States Senate a five hours' battle in which the life of our finest bird law was at stake. Senator Reed, of Kansas City, Mo., and Senator Robinson, of Arkansas, labored long and earnestly to kill the Federal migratory bird law by cutting off the means to enforce it! Had they and their fifteen supporters prevailed, that law would, in effect, be to-day as dead as Julius Caesar. No law that has active enemies and haters can long withstand being dragged through the mire of non-enforcement.

As I have stated in a previous article in this newspaper, the centre of the hostility to the migratory bird law is Kansas City, Mo. Let the members of the Interstate Spring Shooting Protective Association deny it if they will, but the fact remains that according to the reports of their own secretary, that association, of Kansas City, was organized for the purpose of destroying the migratory law by having it declared unconstitutional.

As a crowning injury to this country, their representatives in Congress "were also asked to vote against the treaty with Great Britain, which, if passed, will make it impossible for the States to declare the Weeks-McLean law unconstitutional." (See the Sportsman's Review for Feb. 14, 1914, page 149.)

From that original programme the association has not wavered an inch. Its senatorial champion, Mr. Reed, has already attacked the law as vigorously and as bitterly as he knew how, and he has shown also that he hates the proposed treaty, scorns its virtue, and evidently intends to fight its ratification to the last ditch. (Congressional Record, May 12, 1914, page 8515.)

And what, think you, is now (May 23) the latest move of the Kansas City contingent? The following telegram from Washington to Kansas City tells the beginning of the story: "Acting Secretary of Agriculture Galloway has agreed to modify the migratory bird regulations as to Missouri and enforcement of the McLean law, and make same conform with Missouri State law as near as possible. This ruling will be adjusted within fifteen days."

I have no doubt whatever that Mr. Galloway would like to make a complete surrender to Senators Reed and Robinson and their constituents.

Mr. Galloway is from Arkansas. According to the statement of Senator Robinson (Cong. Record for May 9, page 8,533) it was Assistant Secretary Galloway who "before the Senate Committee admitted its constitutionality (the McLean Law) and said to the Committee that the validity of the Act ought to be determined before any appropriation was made further than the amount necessary to try out fairly the question of constitutionality of the Act. It was in part upon that statement by the representative of the Department of Agriculture, Dr. Galloway, that this amendment (\$10,000) was inserted."

So it was no less a man than the Assistant Secretary of Agriculture who used the longest knife on the migratory bird law, at the Capitol, at a most critical moment!

The point is, the farmers, the forest owners and the consumers of farm and forest products must now be informed that the Kansas City spring-shooters of ducks who are behind Senators Reed and Robinson are going to make a tremendous fight in the United States Senate against the ratification of any international



Migratory Birds Soon Discover Where They Are Safe—as Shown by This Photograph of the Return of the Ducks to the Wichita Bison Range Preserve in 1913. Photo by the New York Zoological Society.



The Shaded Portions of These Two Maps Locate the Brunt of the Fight to Enforce the New Migratory Bird Protective Law. Above the States Overrun by Colored "Pot Hunters"; and Below, the States in Which the "Game Hogs" Demand Spring Shooting Privileges.



treaty with Canada for the protection of migratory birds. With them it is "Rule or Ruin!" For the sake of preserving their precious spring-shooting privilege they are willing to destroy our only chance to secure protection in the South for the birds that fight the destructive insects that annually operate against 100,000,000 American people. This is no dream, but a cold fact.

The battle in the Senate on May 9 and 12 was over an appropriation of \$50,000 for the enforcement of the migratory bird law from July 1, 1914, to July 1, 1915. The defeat of the appropriation really meant the death of the law. Senator Reed led the attack on the appropriation, backed by Senators Robinson and Gore. Senator McLean led the defense; and the bushwhackers who sought to hamstring our best bird law were whipped out of their boots, by a vote of 45 to 17. Even a motion to cut the amount down to \$20,000 was similarly beaten.

Once more the United States Senate has preserved unbroken its record as an impregnable defense of wild life. The defenders of the bird law expected it, and they were not disappointed, save in the number of Mr. Reed's backers.

Any man, either in Congress or out of it, who casts a vote or an opinion against the integrity of the migratory law, is an enemy of that law, and of the people it protects. Let there be no quibbling or mincing of words on that point. The names of the Senators who mistakenly voted against the bird law—and some of whom we positively know are in favor of the treaty—as shown by the yea and nay vote, are as follows: Bankhead (Ala.), Bryan (Fla.), Gore (Okla.), Martin (La.), Newlands, Overman (N. C.), Ransdell (La.), Reed (Mo.), Robinson (Ark.), Stulsbury (Del.), Shafroth (Col.), Smith (Ga.), Stone (Mo.), Tillman (S. C.), Vardaman (Miss.), West (Ga.)

We note with profound surprise that nine of these seventeen Senators represent the cotton-producing States, wherein, if anywhere on this green earth, the services of the insectivorous birds are most needed in combating the boll-weevil that annually destroys millions of dollars' worth of cotton! There are fifty-two species of birds that feed on the boll-weevil! Now, what have the cotton-growers of Alabama, Georgia, Texas, North and South Carolina and Florida to say to their Senators about their votes to destroy the only law that ever can or ever will protect the insectivorous birds in the South? Do they wish their Senators to quibble

over the now undeterminable question of "constitutionality," and stop the protecting of their best allies for eighteen months or two years, while we wait for a Supreme Court decision? Men of the Cotton Belt, what is your answer? The awful solitude that in some quarters is being voiced regarding the possible "unconstitutionality" of the migratory bird law makes me tired. Senator Reed declared in his speech that in my now-famous interview with him I "did not have the temerity to claim that this law was of the slightest validity."

And this to me, after I have far and near proclaimed in every possible manner my firm belief that the law is valid and is constitutional, and that the U. S. Supreme Court will so decide! Before this we have seen several other alleged "unconstitutional" protective laws thrashed out by the Supreme Court, each one of which was triumphantly constitutional. If the migratory law is unconstitutional, then so are at least a score of other Federal laws that now are in active operation in this country.

We come now to the duty of the citizen, to the present hour, and to the future. The time has come to separate the sheep from the goats, the friends of wild life from the enemies thereof. The time for neutrality has gone by.

The migratory bird law is a law. By the vote on May 14 the United States Senate practically re-enacted that law, and proclaimed (by a three-fourths majority) that the law shall be enforced so long as it exists in our statutes. Now that the Senate has again proven the national Gibraltar of wild life protection, what should the citizen do?

In my opinion, every citizen should loyally support the law, in season and out of season, and help to maintain its full integrity. Have done with any further idle and utterly ineffective talk, and soap-box decisions, about its alleged "unconstitutionality."

As good citizens, we must stand by it loyally and cheerfully bear with its weaknesses. We must constantly keep in mind the fact that it has been framed up for the greatest good of the greatest number!

There are certain things, however, for which I contend, and will contend until the last breath leaves this house of clay. For my part I will:

1. Never agree to spring-shooting north of the Gulf States.
2. Never agree to market-shooting, and the sale of wild game.
3. Never agree to the killing of any more quail—the arch-enemy of the boll-weevil—in the Cotton Belt.
4. Never agree to the killing of any more bobolinks as "game;" and
5. Never agree to have the pinnated grouse exterminated by the lack of a ten-year close season as a migratory bird.

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A Typical Example of Migratory Bird Slaughter—from a Photograph Taken at Orange, Texas, in 1912.

Our Senators and our Representatives in Congress have loyally given us the great remedial bird law that we asked for in 1913-13. In 1914 they have reaffirmed that action with a new declaration of faith, 45 to 17 in the Senate, and \$50,000. The Department of Agriculture will shortly soon set in motion the machinery to enforce that law. Now the rest of it is up to the State and the citizen. And what are the States doing about it?

Connecticut has changed her Federal laws to make them uniform with the Federal law, so as to fully co-operate with the national Government in the business of enforcement. New Jersey has done the same. New York has done the same. Pennsylvania's laws are all right for uniformity as they are, and the State Game Commission is already backing up the Government.

Utah's Attorney-General says that the Federal law is the law, and must be fully enforced in Utah. Massachusetts is fully co-operating; and so on and so on, I know not how much farther in total extent.

I have yet to hear of a State Administration, North or South, East or West, that is kicking over the traces and refusing co-operation except Iowa, whose State Game Warden is sadly in need of removal.

And what of the duty of the citizen? All American citizens and near-citizens are divisible into two classes. The first and largest contains the men who loyally obey the laws of their city, their State and the nation, no matter whether they wholly approve all those laws or not. They uphold the law, they defend the integrity of the courts, and they co-operate with officers of the law in securing the ends of justice. These are the good citizens; and, God be thanked, they yet constitute about 90 per cent. of the body politic. On them depends the sanctity of the hearthstone, the security of property and the safety of the nation.

The other class contains the other 10 per cent; the men who hate the laws that interfere with their desires, who flout the officers of the law, and hold courts of law in contempt. These are the men who habitually break the laws that interfere with their selfish schemes for business or pleasure, and defy the statutes that they deem, in their great wisdom, "an interference with their constitutional rights."

But let us return to the duty of the citizen. It is time for every good citizen to gird up his loins, take down his sword and shield, and prepare to do battle for the cause of wild life. Let no man with red blood in his veins think that the whole work of bird protection rests upon the paid Game Wardens, for distinctly it does NOT!

Firstly, it is the duty of every citizen to be the Game Warden of his own premises! Those premises may be a village lot, a country "place," a farm, a village, a city, suburb or a State; but whichever it may be, the obligation is the same. Every case of lawlessness that is observed should be diligently followed up, run to earth in a court of law, and testified to under oath. When a farmer cannot stop a bold and impudent trespasser single-handed, let him arouse his neighbors, and with them carry the war into the heart of the enemy's camp. If a trespasser defies your order to quit your premises, fire a shot across his bows, as they do at sea when pirates refuse to heave to.

Too many easy-going farmers, who are imposed upon by gunning lawbreakers, are in the habit of saying: "Let George do it!" and reporting the matter, days later, to a Game Warden ten miles away. It is the quick and drastic treatment of a lawbreaker that breeds fear and wins respect. But remember this: Whenever you go after an armed killer of illegal game, always go armed yourself; and if your gun is of heavier calibre than his, you shall acquire merit. Every bird sanctuary now needs to be defended with a rifle. Look out for Italian song-bird shooters, for often they are dangerous, and have several warden murders to answer for.

Mr. Charles Askins says that in the South the feeling among sportsmen is: "So long as the negro will raise cotton and let the quail alone, let him shoot all the other birds that he pleases. The Southern States cannot afford enough paid Game Wardens to curb the bird-eating negroes; public sentiment is confined to a small circle of bird protectionists and editors, and the southern white planter will not do police duty in arresting negroes for killing birds contrary to law. These three reasons tell us why the Federal migratory bird law is absolutely necessary to our insectivorous birds in Maryland, Virginia, the Carolinas, Georgia, Mississippi, Arkansas and Texas. Without Federal co-operation, it is a practical impossibility for those States to protect the insect-destroying birds that winter there. Texas is a shambles for all kinds of game butchery, and the last Legislature was too raw and ignorant to see the necessity of enacting the excellent game bill that was put before it by Representative Mills, of Corsicana. After a gallant fight last Winter for a decent protective act, the Virginia Legislature lost the Hart-White bill by an adverse majority of four votes in the lower House. To-day Virginia is one of the hunted States.

The Carolinas are in a bad way, but three of the four Carolina Senators voted to starve the migratory bird law to death. The wholesale slaughter of non-game birds in the South by negroes has been fully and intelligently treated by an eyewitness, who writes without any heat whatever. Mr. Charles Askins, in Recreation Magazine for May, 1909, speaking of the negro hunter, has this to say:

"I have seen the darkies at Christmas time collect fifty in a drove, with every man his dog, and spread out over the fields. Such a glorious time as he has then!" He eats woodpeckers, jaybirds, hawks and shunks, drawing the line only at crows and buzzards. At this season of the year I have carried chicken-hawks up to the cabins for the sake of watching the delight of the pickaninnies who, with glowing eyes, would declare: "Them's mos' as good as chicken!" What happens to the robins, doves, larks, red-birds, mockingbirds and all songsters in this hungry season needs hardly to be stated. The white sportsmen "have told him (the negro) to trap the rabbits, put the robins, slaughter the doves, kill the song-birds, but to spare the white sportsman's game, the aristocratic little bobwhite quail!"

The State game commission and the best people of those States are all right, but they are confronted by conditions presenting immense difficulties.

Now, just apply this to the Southern States, from the Chesapeake Bay around to Arizona, and you have the reason for the federal migratory bird law! That law is absolutely the only law that ever can or ever will protect the insectivorous and other migratory birds in the Southern States; and the American people can just take that fact or leave it.

The integrity of the principle of the national protection of migratory birds is of tremendous importance to American consumers of cereals, fruit and vegetables, and especially the millions of the poor. Several years ago the annual loss to those crops from destructive insects was the enormous sum of \$420,000,000. I can remember when farmers did not know what it was to spray an apple tree. Now, \$7,000,000 a year is spent, and lost, in spraying operations!

It is the duty of every sensible citizen to stop the waste of natural resources, and the waste of the products of labor. Every robin killed in the South by a negro, or in the North by an Italian, Polish or Hunzarian laborer, means a rise in the cost of oatmeal and apples. With the passing of the grosbeaks, we pay more for potatoes. With the slaughter of quail and swallows in Texas and the cotton belt generally, the fool cotton planters gather less cotton per acre, and pay higher for help.

If the Spring-shooters of Kansas City and their seventeen champions in the United States Senate do succeed in having our best bird law declared unconstitutional, then may we get out our sackcloth and put it on; and if Senator Reed of Western Missouri succeeds in killing the proposed treaty with Canada, then may we sit down in ashes and bid our wild birds a long farewell.

Meanwhile, what is the average citizen going to do about it? Is he going to do anything? It is now up to him.