



“SERVING THE HUNTER WHO TRAVELS”

“Hunting provides the principal incentive and revenue for conservation. Hence it is a force for conservation.”

Special To The Hunting Report
World Conservation Force Bulletin

by **John J. Jackson, III**

DATELINE: WYOMING

News Analysis
Decision Due On
Non-Resident Case

The cross motions in the Wyoming nonresident hunting rights case were tried before a packed courtroom on April 20 in Cheyenne. The judge told the audience of the importance of the case and promised to decide it shortly. He also ventured that it would probably be appealed because of its significance. The Assistant State Attorney General submitted briefs and argued every legal theory ever advanced in support of discrimination favoring residents over non-residents in the issuances of hunting licenses. There was no case in the jurisprudence rendered over the past 150 years that was not cited and brought into the case by the State of Wyoming. The Wyoming Wildlife Federation was also allowed to file an Amicus brief and to orally argue their position to the judge. They provided extra representation of resident hunt-

ers and filed a brief by fax the day before the hearing. Yours truly filed a box load of briefs responding to every erroneous case and theory raised by the State of Wyoming, plus some. We distinguished all the cases that have been the underlying basis for the growing discrimination against non-residents



over the past 25 years and cited the *Terk* case, won in behalf of non-residents in New Mexico and the more recent U.S. Supreme Court cases. U.S. Supreme Court cases over the past decade have held that states don't own wildlife. No one owns it until reduced to possession. Ownership has been a legal fiction. Even Wyoming's own

state courts have held the state ownership theory to be invalid. Though states have regulatory authority, it must be exercised within Constitutional limits of the Equal Protection and Commerce Clauses. The most recent Supreme Court case has held that travel of campers for outdoor recreation is protected by the Constitution from state discrimination because such travel is interstate commerce. The State of Maine was enjoined from discriminating against a camp that catered to outdoor, out-of-state recreationalists, like hunters. We had taken 10 depositions in the case which established that the basis of the discrimination was the political desire to protect resident hunters from having to compete with out-of-staters thought to be wealthier, i.e., it was designed and intended to be a barrier to protect local economic interest from competition. This and more was admitted in the depositions. This competition has grown into a genuine dislike of outside hunters, as well as the outfitting industry that serves them. The allocation process itself is not an objective or necessary biological determination. It is a self-

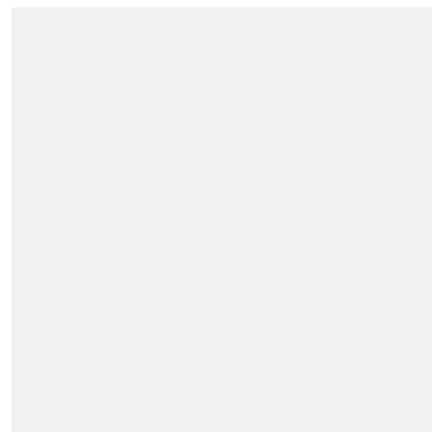
servicing political decision made by the Commissioners after the harvest quota is determined. It matters little biologically whether it is a resident's or non-resident's bullet or arrow that harvests the animal within the quota. Who is to get to hunt is decided by the Commissioners who are merely acting out the will of the local public's discriminatory prejudices and self-serving desire to prefer themselves. In Wyoming, 85 percent of the Game and Fish revenue comes from non-resident hunters because of the high fees, and none comes from the State's General Treasury. Non-residents are being made to pay for most of the game management in the state, but are being excluded from most hunting, even though most of it is on federal land and the rest is on private lands where private owners prefer non-residents who are more willing to pay for the privilege of using the property. Conservation Force believes that non-resident hunters increase the value of land and wildlife resources and that protective discrimination severely reducing non-resident licenses devalues the resource and unwittingly favors alternate non-wildlife uses. On the other hand, the residents and their representatives stated that they would not support wildlife conservation unless they were preferred. They had the gall to state that in sworn affidavits. Equality was not good enough. They have shifted most of the costs to others and kept most of the resource for themselves. Whatever the outcome, non-resident hunters are paying a disproportionate share of wildlife costs today, and they are the single largest component in the growth of big game hunter numbers. If hunters who travel are not afforded some greater protection, the importance of hunting will decline as part of the conservation paradigm in the West. It certainly will not reach potential if we don't win this case. In the meantime, resident hunting organizations aimed at reducing or eliminating non-resident hunters are growing in number and protective force. Unfortunately, the litigation seems to have only made it worse,

making it that much more important that the federal courts provide some protection from resident self dealing and self protection.

DATELINE: EUROPE

**News...News...News
Big Changes Announced
At CIC Meeting**

The International Council for Game and Wildlife Conservation, CIC, had its 46th General Assembly on May 14-18 in Milan, Italy. The meeting was also in honor of the 100 anniversary year of the Italian Hunters Association of Italy. CIC has set a new course. Its President of six years, Dr. Nicolas Franco of Spain, did not rerun. The new President is M. Dieter Schramm of Germany, chosen unanimously. The operational working offices are to be moved from Paris to a less costly location. In fact, the national governments of Hungary and Czech Republic made offers of free office facilities, as did the Belgian Delegation. The CIC accepted a very generous offer by The Hungarian Government for free office facilities for six years plus three secretaries (English, French and German) free of charge and other help. For the next six years the CIC headquarters will be in Budapest of the Hungarian Republic. The CIC headquarters building in Paris is to be sold and a smaller office and staff is to be kept in Paris, as well as the facilities in Budapest. This will free up resources and promises to be a new day for CIC. Conservation Force Board member Bertrand Baron des Clers heads the French Delegation of CIC, and both he and I serve on the prestigious Tropical Game Commission and the Pro-Hunting Group. Bertrand was reelected as President of the Tropical Game Commission. Count Claud Hamilton of Sweden was reelected as head of the Pro-Hunting Group. I was reelected as Vice President of both. The other regular member from the United States is Maggie Bryant, who is the Chairwoman of the National Fish and Wildlife Foundation and owner of



JOHN J. JACKSON, III
Conservation Force



“SERVING THE HUNTER WHO TRAVELS”

World Conservation Force Bulletin

Editor/Writer

John J. Jackson, III

Publisher

Don Causey

Copyright 1999© by Oxpecker Enterprises Inc. ISSN 1052-4746. This bulletin on hunting-related conservation matters is published periodically free of charge for subscribers to *The Hunting Report*, 9300 S. Dadeland Blvd., Suite 605, Miami, FL 33156-2721. All material contained herein is provided by famed wildlife and hunting attorney John J. Jackson, III with whom *The Hunting Report* has formed a strategic alliance. The purpose of the alliance is to educate the hunting community as well as proadvocacy of hunting rights opportunities. More broadly, the alliance will also seek to open up new hunting opportunities worldwide and ward off attacks on currently available opportunities. For more information on Conservation Force and/or the services available through Jackson's alliance with *The Hunting Report*, write:

Conservation Force
One Lakeway Center, Suite 1045
Metairie, LA 70002
Tel. 504-837-1233. Fax 504-837-1145.

For reprints of this bulletin or permission to reproduce it and to inquire about other publishing-related matters, write:

The Hunting Report
9300 S. Dadeland Blvd., Suite 605
Miami, FL 33156-2721.
Tel. 305-670-1361. Fax 305-670-1376.

“Serving The Hunter Who Travels”

Tara Wildlife in Mississippi. The CIC is a regular supporter of projects of Conservation Force. We work together for the interest of hunters and wildlife around the world. For example, this year we have jointly completed a status review of Saiga antelope, worked for protective measures for giant sable antelope in Angola, monitored anti-hunting activities around the world and participated in all significant meetings regulating or influencing hunting and wildlife.

□

■ In a related matter, CIC has resolved that fertility control of wildlife is unnatural and undesirable. Both the Tropical Game Commission and Big Game Commission of CIC had speakers and papers opposing the growing use of birth control in wildlife management. Prof. Wouter Van Hoven of the University of Pretoria, South Africa, spoke out against the increasing practice. He described the failed attempt to prevent the fertilization of elephants in Kruger Park and how and why it is unnatural and undesirable. It is being developed by the anti-hunters around the world as a primary technique to eliminate hunting. Closer to home, it was the underlying basis of the successful legal attack on bison hunting and elk feeding at the Jackson Hole Elk Refuge. The Fund for Animals alleged that the feeding program that began in 1910 should be enjoined until an environmental impact statement under NEPA was made to consider birth control as an alternative to hunting and feeding. The antis won. The neutering of domestic animals and pets is a widely accepted practice. If practiced on wild animals, it solves the anti-hunters dilemma of what to do with the naturally occurring and ever reproducing surpluses of wild animals. The design of the antis is to increase predators and develop birth control to eliminate those animals to be hunted, thus eliminating hunting itself. The CIC passed a resolution recommending that the regulation of numbers of wild animals “be done by methods respecting the natural cycle of birth and death.” The “regulation of excessive numbers of

wild animals” should “be exclusively carried out by hunting, trapping or live capture for reintroduction.” The “evolution and survival of the animal world in its present richness emanate from natural reproduction... since the origins of time.” Contraception and sterilization threaten extinction of species, are unnatural practices and wasteful of natural resources. We at Conservation Force are mighty glad a stand is being taken on this issue.

□

■ And finally, the outgoing speech of Jean Servot, the Administrator General of CIC, is worthy of consideration because of its applicability around the world. It was his “*au revoir*” to the organization. See if you don’t agree with what he says. “[U]nder the force of the ecology movement, an anti-



hunting current is appearing, in particular in Western European countries and other industrialized nations. Henceforth, the problems affecting hunting no longer concern the status of game as a priority, but also require a new type of behavior on the part of hunters as regards wildlife as a whole, as well as other users of nature. Each of us is aware of this change and is worried about the future. But should we renounce our passion and give up in the face of the problems that affect hunting itself as well as the socio-cultural environment of our activity? It would not be worthy of us as hunters and would show a lack of courage in the face of our responsibilities in the hunting world. The CIC can play a decisive role in this debate, because it is an assembly of people of good will, especially able and open to the changes in progress, and because the basic prin-

ciples upon which it is founded remain very timely in today’s world. In effect, we should first think of hunting as the rational use of wildlife. This implies that we must first commit ourselves to the conservation of wildlife and its habitats before envisaging any action in the field or uncontrolled hunting. It is a responsibility that we must publicize, because it is of primary importance as regards the opinion of a public concerned about the environment and sincerely worried about the use of natural resources, whose limits must be measured. But hunting itself is increasingly under attack by those who only see it as a destructive act without any realistic or necessary motive in today’s civilization. In the face of these problems and threats, we must react by displaying a determined and dynamic policy promoting: Studies and meetings with scientists to improve our knowledge of animal species, their biology and population dynamics to ensure the rational management of hunting bags; The availability of information and directives for all hunters, allowing for a general awareness of the problems that present themselves and the creation of new ethics regarding wildlife; The opening of the debate to public opinion to explain what the values of hunting represent in our modern societies, both within the context of maintaining a natural balance and in sociological and economic terms. In particular, we must explain hunting and make it understood: By all those who see it as a destructive act and forget the about hunters’ effort to preserve species and their habitats; By scientists who think of it as a disruption to their observations and studies; By hunters themselves, who are often fixed in their habits and must measure the importance of their activity, and who must especially change their behavior toward other users who are ignorant of the problems involved in the living environment. To do this, we must go forward by making our concrete actions known and by multiplying our activities through modern means of communications to enhance public awareness and resituate the debate within its proper context. Of

course, it is not easy, because the media are not very favorable and accessible, but we must make a determined commitment, or else our position will be increasingly attacked, and hunting will simply disappear for a lack of means and a reason for existing. In definitive terms, the future of hunting rests as much on our success in conveying these objectives to non-hunters as on increasing our knowledge and more effectively organizing our fellow hunters. In my view, this is the goal we must set for the CIC, irregardless of the diversity of our biogeographical positions or socio-economic status. However, we must be aware that this policy can only succeed on the basis of: Regional action, determined and conducted at the level of each of our

national delegations; An exchange and communications program allowing for the rapid circulation of information and an analysis of current problems at the level of each of our commissions... Therefore, hunters must take the future of hunting into their own hands and not allow themselves to be drawn into the vortex of our modern society where nature as well as wildlife are subjected to often irreparable aggressions. Above all, the future of the CIC depends more on our ability to promote hunting, redefine hunting ethics and unite our values in a reorganization of our structures than on changing the personnel of our secretariat. We must join together in total unity to define the new role of hunting and highlight: Its decisive role in maintain-

ing natural balances and biodiversity; Its enriching effect on people who, thanks to hunting, can regain an appreciation of nature and a knowledge of life; Its cultural value, as for example, a new ethic towards life, where the superiority of humans over animals relies more on human knowledge than power, in other words intelligence backed by generosity. May we all reflect on it! It goes with our responsibility and our future. In this context, the CIC must be a force for action, a forum for discussion and a training center for a greater knowledge of nature and wildlife. Let us not forget that the future of hunting is in our hands, and that depending on the use we make of it, future generations will judge us by our acts.”

Briefly Noted

Wolves in Russia Causing Havoc: The wolf population in Russia is increasing and contributing to a substantial decline in moose across the Russian Federation. Dr. A. Ulitin is President of the Central Board of the All Russian Association of Hunters and Fishermen and is a Commission member of CIC. He reports that the wolf population in Russia, according to the Hunting Department of the Russian Ministry of Agriculture, has increased over the last 10 years from 29,000 to 42,000 (1997). “The main part of wolf food, about 76 percent is moose, domestic hoofed animals and hares.” The “scientific data” shows a “significant” reduction in number of moose corresponding with the increase in wolf numbers. The moose population has decreased by 33 percent, from 904,000 to 604,000 over a seven-year period from 1988 through 1997. Consequently, the number of moose available to hunt and taken by sport hunters is down to only 33 percent of what it was, from 66,000 in 1991 to only 22,000 harvested in 1996. The figures should raise serious concerns among hunters here in the US, where antis are pushing for wolf reintroductions. Is this what we are in for? Does anyone

still wonder why antis support wolf reintroductions?

Cameroon and CAR Are Special: There are only two countries on the face of the earth where hunters can take both giant Lord Derby’s eland and bongo. There is only one with forest elephant hunting. This is the land of the most intense, demanding, chal-

lenging hunts in the world. It is not a place for wimps. Until Ludo Wurfbaun and I began the Cameroon Initiative in the first half of this decade, these were areas that had become all but ignored by and unavailable to U.S. hunters. Some of the greatest hunting companies and PH’s in the world operate in Cameroon and CAR today. They provide a unique experience to those who are mentally and physically up to it. Make no mistake about it, it is a place of real hunts. There are also some less than desirable operators as everywhere else, tropic temperatures and the usual array of problems of a fledgling tourist hunting industry. It should not be judged by its very lowest denominator or by the sentiments of those that lack commitment and heart. Judge it by this fact. If we are to hunt giant Lord Derby eland, bongo, forest elephant, Western roan, red back duicker, etc. in our life times and our children’s life times, then we have to continue the Initiative that started it all—we have to work at it. Organizations can always find an excuse and endless obstacles, but those that are worthy of their title must be even better at finding solutions. Good excuse makers are seldom good at much else.

Conservation Force Sponsor

The *Hunting Report* and Conservation Force would like to thank International Foundation for the Conservation of Wildlife (IGF) for generously agreeing to pay all of the costs associated with the publishing of this bulletin. IGF was created by Weatherby Award Winner H.I.H Prince Abdorreza of Iran 20 years ago. Initially called The International Foundation for the Conservation of Game, IGF was already promoting sustainable use of wildlife and conservation of biodiversity 15 years before the UN Rio Conference, which brought these matters to widespread public attention. The foundation has agreed to sponsor *Conservation Force Bulletin* in order to help international hunters keep abreast of hunting-related wildlife news. Conservation Force’s John J. Jackson, III, is a member of the board of IGF and Bertrand des Clers, its director, is a member of the Board of Directors of Conservation Force.



International Foundation for
the Conservation of Wildlife

MEMO

To: Jim Young, Print N Mail
From: Nilton Aquino, The Hunting Report
Re: June 1999 Issue of Conservation Force Supplement
Date: June 8, 1998

Jim,

Here's the June 1999 issue of the Conservation Force Supplement, to be inserted in the June 1999 issue of The Hunting Report. Don't forget to insert John Jackson's picture on page 2. Please fax "blue lines" for approval ASAP.

Total print run is 4,175. That includes 3,999 copies for insertion into The Hunting Report (active circulation); and 50 copies to be shipped directly to John Jackson. The remaining 126 copies are to be shipped to us here in Miami. As usual, bill John Jackson for all costs relating to Conservation Force.

Please call if questions.

Nilton