

REPORT OF THE COMMITTEE APPOINTED BY THE RULES  
COMMITTEE OF THE SENATE TO INVESTIGATE THE GAME  
AND FISH DEPARTMENT AND THE ACTIVITIES OF THE  
CONSERVATION COMMISSION

The Honorable K. K. Solberg, President of the Senate:

The undersigned, members of the Committee appointed by the Rules Committee of the Senate, pursuant to resolution adopted authorizing an investigation of the Division of Game and Fish and also by a resolution authorizing an investigation of the activities of the Conservation Commission, beg leave to submit the following report.

PURPOSE AND RESULT OF INVESTIGATION

The purpose of the investigation was to clarify rumors in all sections of the state, and especially among Sportsmen's groups, that certain divisions of the Department of Conservation were not functioning for the best interests of all; that a lack of co-operation in certain Divisions of the said department tended to stultify the best aims and aspirations of conservationists; that politics was playing too great a part in departmental affairs and that the lack of a conservation policy, or rather policies, made the work of the Conservation Commission, and especially the Commissioner of Conservation, ineffective to a great extent and resulted in dissension between Commission and Commissioner.

Because of opposition to the investigation and the attendant delay in holding sessions, the committee regrets to report that despite nightly sessions covering one full week, tri-weekly meetings during a period of two weeks and one full day spent in hearings, the committee was only able to scratch the surface, so to speak. So vast is this department and so varied and complex the purposes of the four divisions, namely, Game and Fish, Forestry, Drainage and Waters and Lands, Minerals and Timber, that it would require weeks of investigation, the calling of experts

and aggrieved parties, and, to make satisfactory findings, to arrange for appraisals of property purchased in some instances. Lack of funds to employ an attorney and an expert court reporter also tended to slow up the taking of testimony.

The return of a complete report at this time is quite impossible, due to the brief time following the closing of the taking of testimony, in which to make an exhaustive study of the 45 exhibits, including the minute book of the Conservation Commission numbering 250 pages and the careful perusal of some 600 pages of testimony taken at the hearings, which transcript yet remains to be completed. For this reason your committee begs leave to present this report more in the nature of a preliminary report and one to be supplemented at a later date with additional findings.

#### THE BROAD FIELD OF CONSERVATION

##### 1.

Because the Department of Conservation is self-sustaining, it perhaps does not receive that thoughtful consideration to which it is so justly entitled. It is true that Sportsmen's organizations and Out-of-Door Clubs have taken an active and unselfish interest in legislation affecting the sport of angling and hunting. Larger Sportsmen's organizations, to large extent, have done notable educational work in bringing before the public the need for reforestation measures, the evils of stream, river and lake pollution, and, in a word, the safeguarding of our great natural resources, but that great mass of sportsmen who are not identified with sport organization activities are inclined to accept the heritage bequeathed them by a Wise Providence without giving thought to their moral obligation to not only protect and conserve our present resources, but to add to them, that future generations might enjoy a larger heritage than we ourselves enjoy.

##### 2.

Conservation in Minnesota is something more than a hobby. It

is a living, breathing thing, on the success of which depends the future health, wealth and happiness of our people. Our now cut-over and peat lands, with vision and a proper reforestation policy, will in the not distant future, bring untold riches to our people; our sparkling lakes, brought up to their natural shore lines by wise legislation and thinking leaders, will continue to serve as our recreation and health centers; our idle lands, through the Governor's Land Utilization policy, will doubtless be put to profitable use; our lean minerals will be profitably mined as result of new processes now in the stage of perfection. But these much desired results must need the hearty co-operation of all and the clearest thinking, closest study and a complete and unselfish attention to duty on the part of the Conservation Commission, the Conservation Commissioner, the Directors and personnel of the department employees.

#### THE NEED OF CLARIFICATION IN THE LAW

##### 1.

Conservationists of Minnesota, at least a large number of them, were hopeful that with the passage of the Act setting up the machinery for a Conservation Commission, that a new day in conservation had been ushered in. While the committee differs in mind as to the practicability of a five-man commission, all are agreed that because of the vastness of the work and the enormity of the field, that the present five-man Commission is deserving of a fair chance before being condemned.

## II.

Testimony, however, clearly indicates that none of the present four members have a clear understanding of what the law intends. Members of the Commission have varying opinions, and therein lies much of the trouble that has occurred within the Commission and between the Commissioner and his subordinates. The law clearly states that the Commission "shall formulate and direct the policies of the department" and that the Commissioner, by them selected, "shall be the administrative head of the department and shall be responsible to the Commission for the execution of its policies." Members of the Commission testifying before your committee admitted that it was impossible for them to locate the line of demarcation, in other words, where policy ended and administration began. Manifestly, where no policy had been set up by the Commission it would be quite impossible for the Commissioner to administer them. It is apparent that the Commission failed to adopt and put in force comprehensive policies. This was, to a great extent, due to the members of the Commission being unable to agree as to policies and to their differences as to where the formulating and directing of policies ends and the administration of the department begins. For this reason, testimony proves, the Conservation Act of 1931 has not worked out satisfactorily.

## III.

The reason for the failure of the Commission plan became very evident to this committee as the work of investigation proceeded. There was a noticeable spirit of friction between Commission and Commissioner, due no doubt to different interpretations being made of the law. The Commission, or at least a majority of its members, the testimony indicates, at times usurped the power of the Commissioner and testimony by members of the Commission gives reason to believe that the Commissioner at times failed to report as completely perhaps as he should have to his superiors.

#### IV.

The great difficulty between the Commission and the Commissioner, Mr. Cox, as your committee sees it, was due largely to a lack of understanding of conservation on the part of the Commission members. This is not said in a critical vein. It is easy to understand that laymen cannot hope to have that knowledge and broad understanding of problems to which experts have devoted a life study. The fact that the Commission plan is a new plan and worthy of support tempers your committee report, despite the proclivities of two Commission members to try their case in the newspapers. Yet a majority of your committee feel it cannot be gainsaid that an error was made, although we admit unintentionally on his excellency, the Governor's part, in choosing the personnel of the Commission. The minutes show that the Chairman, the late Hon. Wm. E. McEwen, had a broad understanding of conservation matters and they indicate that it was largely due to his efforts that the few policies adopted were adopted. Mr. Reiff also strikes your committee as an able conservationist. Mr. Williams brings to the Commission that mature judgment of the executive, but lacks, it would seem, the fundamental knowledge of conservation. Mr. Foley and Mr. Bailey lack that temperament and poise so necessary in men in high position and gave your committee to feel that they were actuated more by political considerations than by judgment based upon the conservation need.

#### V.

As in all such commissions, politics is naturally bound to creep in, and with that the committee can only hope that pride of effort and the nobility of the task will eventually win. However, through a controlled commission of any kind, a politically inclined chief executive might be able to attempt things indirectly that he might hesitate to do openly and directly. For this reason it might be better that the Commission be chosen from a field of conservationists submitted to the Governor by the Leading Conservation & Sportsmen's organizations of the state.

## VI.

In this same connection, your committee, recommends that pending the next session of the legislature, the Commission immediately call upon the Governor to urge him to call about him expert conservationists to advise with him to the end that a proper and much needed policy of Conservation shall be created. Until such a policy is adopted no Commissioner, no matter who he be, can successfully appease the desires of that great army of conservationists in the state, who have a right to expect great things.

## VII.

The Committee hesitates to refer to the suspension of the recent Commissioner Mr. Cox, yet testimony proves to us that his suspension was the result of hasty action and upon flimsy grounds. It was admitted by all members of the commission that Mr. Cox was a well trained and efficient official. The only complaint that he was an unsatisfactory executive. Here again lack of a policy and program tended to cause friction. The charges were purile and would stand before no jury. On the contrary, exhibits show, Mr. Cox exercised what might be termed as a spirit of aloofness and may be censured for not having reported as fully as he should to those superior to him. This, however, would not have occurred, we feel, had a proper policy and program been given to him with orders to administer. Testimony also revealed the fact that Commission members at times assumed a dictatorial policy and interfered with his administrative plans to such an extent as to make it impossible for him to maintain proper moral within the several divisions and in a few instances, in the field force. To so interfere tended to place the Commissioner in a state of fear lest he offend and served materially to slow up the progress of the work at hand. In our opinion the Act of 1931, placing all of the natural resources of the state under the charge of the Department of Conservation, can be justified only if the administration is left in competent hands and not interfered with by any board or commission which meeting but monthly cannot expect to serve efficiently or for the best interest of all.

## COMMISSION EXPENDITURES

### I

Cognizant of the fact that much time is required to start a new state department, and especially one of so wide a scope as that of the Conservation Department, it was to be expected that the initial cost would be high, but your committee cannot justify the budget for the present biennium, which totals \$63,540.20. Your Committee is of the opinion that the intent of the law did not include employment by the Commission of stenographers in their home offices at either part or full time salary.

### II

Expenditures for additional lands should likewise be held to the minimum during these years of distress. At a time when the state is acquiring thousands upon thousands of acres of land through its Rural Credit Department and tax-delinquent lands, it comes with poor grace to purchase additional lands, thus not only adding to the state's holdings, but removing additional and tax-paying lands from the tax-rolls.

### III

The White Water Project may have been desired by southeastern Minnesota people but with the finest trout hatchery in the state located but 30 miles distant, it would seem an unwise and unwarranted expenditure at this time. In this particular project it would appear the Commission refused to accept the suggestions of experts within the Game and Fish Department and the Commissioner himself.

### IV

The Thief Lake project can be justified, though it would seem at a lesser cost. With migratory water-fowl becoming less and less, the expenditure ~~will no doubt~~ <sup>may</sup> prove a wise one.

## GAME AND FISH DEPARTMENT

### I

Your Committee Realizes that there is no state department so beset with troubles as is this department. Herein, however, there is

need for a greater spirit of co-operation, and a wider latitude should be given heads of the important departments.

## II

Politics have entered into departmental affairs, but testimony indicates that it was not with the approval of the Director, the Commissioner or the Commission. The Deputy Director is admittedly politically inclined and the example he has set has undoubtedly made for a greater political activity in the field and office than would otherwise have been the case.

## III

Noteworthy improvements have been made in this department, especially in the Confiscation section. There is great need for Commercial Fishing being confined strictly to one department head, to safeguard the state from loss of revenue. Testimony proved one instance of illegal fishing through error, but this is excusable as a gentleman's agreement had been given, it appears.

## FORESTRY

### I

Your Committee was unable to investigate this important department. Complaints to your committee, however, were many and in some instances shocking. Whether or not they are true, your committee cannot say.

### II

The testimony taken and the exhibits received, indicate that a careful study of this department, one of the greatest and most important in the state should forthwith be made.

### III

Your committee recommends that the Commissioner immediately select five men, learned in the science and profession of Forestry, to investigate fully this department, to ascertain if the reported lack of co-operation between Director and Technicians and Rangers exist, if politics heretofore or now has governed the department, if Patrolmen



have in truth committed assaults, if projects are started and cancelled at unnecessary cost to the state, if the Red Lake fire was the result of unwise orders, if monies for forest fire control and prevention are improperly allocated to other works.

IV

We recommend such action as is set forth in our attached recommendations, which are hereby made a part hereof and herewith submitted, being marked Exhibit A.

April 18th, 1933.

*J. Weber, Chm.*  
*Walter C. Lightner*  
*A. H. Boninwill*  
*Archie H. Miller*  
*Henry L. Morin*

Senator Miller dissents from the report of the Committee in several respects, in particular as to Lines 1 and 3 in Paragraph II; and lines 10, 11 and 13 in Paragraph IV.

*Senator Morin - dissents in so far  
as additional report and remarks indicate*

EXHIBIT A  
RECOMMENDATIONS

First: That Game Wardens and Forest Rangers and Patrolmen be placed under Civil Service, said Civil Service Commission to be free and independent from political pressure.

Second: That No Commercial Fishing be permitted in any lake or body of water until a written contract is on file in the office of the Department of Game and Fish.

Third: That Tags for Fur Shipments be so made as to make counterfeiting as nearly impossible as can be.

Fourth: That a complete survey of lakes and streams be made to reduce the loss of fish fry and fingerlings.

Fifth: That an immediate investigation of the Division of Forestry be made.

Sixth: That a committee be appointed by the Governor, <sup>of</sup> men reputed for their knowledge of Conservation problems, to advise with the Conservation Commission and assist that body in formulating a program and policies.

Seventh: That in the future the Conservation Commissioner be given free rein to administer the policies and program of the Commission, that he be not interfered with in the selection of employees or the naming or discharging of directors of the several divisions.

Eighth: That further purchases of lands for any purpose be held in abeyance until such time as our lakes are restored to their proper water levels.

Ninth: That funds set aside for public shooting ground purposes be used for that purpose but for the present to be expended only on lands now owned by the state.

Tenth: That Wm. E. Cox be reinstated as Commissioner, and given a fair chance to prove his worth, his efficiency and his willingness to co-operate under the new plan wherein he will have a definite program and policy to administer.

ADDITIONAL REPORT AND REMARKS BY HENRY MORIN  
MEMBER OF GAME AND FISH AND CONSERVATION INVESTIGATION  
COMMITTEE.

I am not wholly in accord with the report of my colleagues constituting the majority of this Committee. Due to a lack of time and a lack of funds, the Committee conducted but a limited investigation.

The members of the Conservation Commission were interviewed as were the Director of Conservation, Director of Game and Fish, and various officials and employees of the Game and Fish. The Committee further interviewed many sportsmen and other interested witnesses.

Under the Conservation Act of 1931, the Conservation Commission has to formulate policies and direct such policies of theories or programs pertaining to the carrying out of Conservation in this state. It is very evident that the members of the Commission were appointed regardless of political affiliation.

The Commission is to be commended for its unselfish work. It conducted public hearings throughout the State of Minnesota, allowed interested parties to appear before it in the matter of proposed policies of the Commission and generally conducted itself in a very democratic manner. The amount of inquiries received by the Chairman and Secretary of the Commission indicate a state-wide interest in Conservation. This also indicates that the task of correlating the activities of the various departments under the jurisdiction of the Commission and responsibility of furthering the conservation policies lie solely with the Commission, and not with the Director of Conservation. I might say in passing that this was undoubtedly the intent of the sponsors of the Conservation Act.

I do not agree with the testimony of Mr. Cox to the effect that he thought that the Commission should limit itself to a few meetings and let him handle all its affairs and correspondence, mean-

ing that the Commission ought to sit in the background and give him unlimited authority to direct its policies. This difference of opinion between the Commission and Mr. Cox has undoubtedly led to some friction. In view of the fact that Mr. Cox has been suspended and will soon be given a hearing, I do not consider it proper to make further comments as to this friction.

The report of the Conservation Commission was submitted in evidence. This report submits a program to the Minnesota Legislature, and it is my understanding that it was the composite work and effort of the Department heads under Mr. Cox, Mr. Cox, himself, and of the Commission. I do not believe it to be within the province of the Committee to hazard any belief or opinion as to whether the Commission has been a success or failure. Time only will tell. Friction, however, will necessarily delay or defeat the purpose of the Conservation Act.

The Commission put into effect a code of ethics pertaining to the appointment, conduct, discharge of game wardens. This code institutes the merit system, the right of hearing and appeal upon discharge. This worthwhile reform cannot but improve the morale of our Game Wardens, and help further the best interests of conservation in general. The Committee had no time to go into the divisions of Forestry, Minerals, and Drainage and Waters. I believe it can only be fair to withhold any and all comment as to these departments. The Division of Game and Fish took up the major portion of the investigation. The testimony of Mr. Cox to the effect that the Director of Game and Fish, namely, Mr. Stewart, is incompetent, is not borne out by the evidence, nor by the manner in which this Division has been administered by Mr. Stewart. This phase of the investigation discloses the following facts, viz:-

1. That the administration of confiscated articles has been brought to a high state of efficiency.

2. That <sup>in</sup> the appointment of game wardens, the spoils system was kept down to a minimum, and upon request of

sportsmen, efficient game wardens were re-instated, and that the Commission's code of ethics <sup>embodying</sup> ~~enjoyed~~ the merit system, is now in full force and effect.

3. The State Game farm is progressively managed and as such is a boon to the restoration of upland game birds.

4. It has been the practice of the Department to let commercial fishermen start operations for the seining of rough fish without a seining contract. This should be discontinued. This Department, however, has been a source of considerable revenue, and in that respect has been well managed.

5. The propagation of game fish has reached a very efficient state as regards brook trout, fingerlings, and wall eyed pike fry. However, the propagation of the nesting species has been woefully insufficient. While the Legislature can help a good deal by the enactment of proper statute, still the present program of propagating the nesting species is insufficient to supplement the present statutes enacted for the production of these species, also to supplement statutes that may be enacted in the future. In my opinion ~~upon~~ the experiment of raising wall eyed pike, fingerlings should also be undertaken.

6. The record conclusively shows that the expenditures on the Thief Lake project were warranted. The testimony of reliable sportsmen as to its conservation value makes this restoration project a very outstanding one.

7. The investigation of the Whitewater project shows that technical experts disagree as to its potential value. It further seems that the conserva-

tion organizations of southeastern Minnesota, are enthusiastically behind it. Without attempting to say who is right in the controversy, I am of the opinion that this section of Minnesota is entitled to something, which in itself, is enough justification of this project.

In conclusion I wish to state that I have no recommendations to make. People who are conservation minded must work out their problems through the Conservation Commission, and through the State Legislature.

Respectfully,

Henry L. Mosier