

THE HAWK QUESTION.

EDITORIAL AND CORRESPONDENCE.

UNLESS drastic measures are taken at once our Hawk and Eagle population will be a thing of the past; exterminated because *some* Hawks interfere with the raising of game birds for sportsmen to kill; and because *some* Eagles may occasionally kill lambs.

While some Hawks must be controlled—*i. e.* shot if actually engaged in killing young chickens or game birds; it is of the utmost importance that they be not exterminated. Some of these Hawks kill small insectivorous birds, it is true, but this has been going on for all time without occasioning any reduction in the numbers of the latter. It is nature's way of culling out the weaker individuals and keeping up the strength of the race.

These birds of prey are, moreover, nature's great check on the increase of harmful rodents and their extermination will be disastrous to farming interests.

They are also among the most interesting and picturesque birds of America, in which all birds lover take a deep interest. Do not the lovers of birds and the farmers have any rights in the matter?

1. We call on all bird lovers and farmers to enter into a campaign to instruct the public at large on the truth of this question on every opportunity, and to protest to the Game Commissions of their states against the encouragement of the promiscuous killing of Hawks which is now being given in many of their publications and in most sporting magazines. The enemies of these birds are active everywhere with propoganda and their attacks should be met promptly.

2. Read Mr. Sutton's paper in 'The Auk' for April, 1929, p. 190, and Mr. Quinn's 'Framing of the Birds of Prey' (which may be obtained from Davis Quinn, 3548 Tryon Ave., Bronx, New York City) which will give the facts in the case.

3. Try to induce sportsmen to warn the keepers on their game farms against indiscriminate killing of Marsh Hawks and other species which are mainly beneficial.

4. Write at once to your Congressmen and Senators in behalf of the 'Bald Eagle Protection Act' which has been introduced into both houses of Congress (see 'Notes and News,' beyond), but which will

have strenuous opposition. The Eagle problem is at the moment one of legislation; the Hawk problem of one education.

A few Hawks and Owls are injurious to young poultry and to young game birds but the majority are beneficial, yet no discrimination is exercised; in fact few of those who kill them are able to distinguish between the various species. Therefore none should be shot except when in the act of destroying game or poultry. This is not a matter of sentiment but a serious matter of economy for the farmer. Education was making satisfactory progress and the public was beginning to understand the facts in the case until the sportsmen, having reduced the stock of native game birds in many states to the vanishing point, were compelled to begin breeding game birds for shooting, as has long been done in England. This is a perfectly legitimate procedure but the game farms naturally attract Hawks that would not otherwise have proved troublesome and the managers of the game farms, desiring to make the best showing possible with their employers, shoot every Hawk that comes near. The mere presence of a Hawk in the neighborhood is not evidence that he is about to commit a crime. The game farms also attract mice and rats, and many Marsh Hawks come to catch these animals, their favorite prey, and not the young game, as has been shown in Mr. Stoddard's report on the Quail investigation.

Then the manufacturers of guns and ammunition encouraged Hawk killing wherever Hawks can be found in order to sell more of their products and shooting clubs urge field days for "vermin," as these birds are termed, as it makes good sport in the scarcity of legitimate game and may be practised in or out of season. Where great masses of Hawks pass in migration, as at Cape May, N. J. and Fishers Island, N. Y., thousands of Hawks are killed in the few weeks of the flight, birds which are doing no harm to anyone.

Now sportsmen are naturally interested mainly or entirely in game birds and when they are forced to the expense of maintaining game reservations and game farms they of course desire as much return for their money as possible. But they can protect the young game by various methods besides killing every Hawk that comes to the neighborhood (see Farmer's Bulletin 1613. U. S. Department of Agriculture, reviewed on p. 280), and the Hawk killer should

be cautioned to exercise discretion in the matter and learn to distinguish beneficial species from injurious ones.

On the other hand a vast and increasing body of citizens is interested in birds other than game birds including the birds of prey which are in many ways the most interesting and inspiring of all our wild species. Are they to have these birds exterminated because the sportsmen do not like them? The latter would not for a moment tolerate measures to exterminate the game birds if they interfered with the study of the birds of prey!

In an editorial note on this phase of the subject (Auk 1929) it was suggested that since all matters of bird legislation come before the state game commissions and since there are far more citizens interested in preserving birds of all kinds for watching and study than there are persons interested in preserving game birds for shooting, why should they not have equal representation on the Commissions, which are now made up, in practically every instance, entirely of sportsmen.

To this we have received the following encouraging reply from Mr. William C. Adams, Director of the Department of Conservation of Massachusetts:

Your proposition is entirely reasonable and our Division for one would be glad to have a highly trained ornithologist on it. There are many respects in which such a man could be of tremendous benefit to us in carrying on all our work.

I have often made the statement that I wish in our State we could divide it up into half a dozen zones and have a highly trained ornithologist in each one carry on a study through the entire year, and from year to year, of the wild life in his zone.

But when it comes to your proposition of equal representation—that carries with it equal financial responsibilities. As bearing on this point, it may interest you to know that in our State we consider the song and insectivorous and non-game birds just as much a part of our responsibility to protect as we do the game birds. But all the warden service which protects these birds, and all that we do in the way of artificial propagation, is financed out of an appropriation which is based entirely on the revenues from sporting licenses, fines and some small miscellaneous items—all of which are contributed by the anglers, hunters and trappers. I estimate that at least a million and a half of our people outside of those who hunt, fish and trap are interested in the protection and increase of our wild stock. Yet this portion of our population does not contribute one cent toward carrying on the work that the State does in the fields indicated above.

Furthermore, it is a strange thing but there seems to be no concerted

action on the part of this group of wild life lovers to aggressively insist on assuming any portion of the cost of the work.

I do not by this mean to infer that there is indifference to the welfare of the birds. This group, through the Massachusetts Audubon Society, the Federation of the Bird Clubs of New England, the Massachusetts Fish and Game Association, and local organizations have displayed a great deal of interest and made it possible for the State to own a group of small sanctuaries. But no funds have been appropriated so far to finance the operation of our larger sanctuaries (such as the Heath Hen Reservation on Marthas Vineyard and the Penikese Island Sanctuary) entirely independent of the appropriations which are based on the above revenues.

You men who are in a position to make an investigation along these lines will uncover some very interesting situations in the several states. I think you will find that more and more the tendency of state governments is to make these departments self-supporting by limiting appropriations to revenues from the above sources.

We believe that in every state if the rank and file of our nature lovers fully understood the situation they would insist upon larger appropriations and independent of those made to square revenues from sporting licenses, for the specific purpose of giving further protection to our non-game birds.

The whole matter can be stated another way—the maintenance of an abundant stock of desirable wild life in a given state has an aesthetic and economic value of the highest importance. Its presence ministers to the welfare of our people whether through the inspiration of study and observation or the health-giving recreation of pursuit. It should be ranked as one of our institutions and one of the basic favorable factors of our state and national life. As such the things that are done for its protection and increase should be financed out of the general tax levy, the same as other matters of equal importance. If and when a special license is required to exploit any portion of this wild life for recreational or economic purposes and to the extent that it is reduced to possession and certain property rights exercised with respect to it—such revenues should be expended for the especial benefit of those who contribute them.

I am greatly obliged to you for the discussions which may result from your suggestion. They will all help to clarify the situation.

With kindest regards, I am,

Very truly yours,

William C. Adams, Director.

We entirely agree with Mr. Adams that the whole financial burden of bird as well as game protection should not be charged up to hunting licenses and if the bird lovers are to have any representation on Game Commissions, as is imperative if Hawks and other non-game birds are to be saved, the individual bird student, the Audubon Societies and other Conservation organizations, should

make it their business to see that State appropriations are made for this purpose or that funds are supplied from other sources. As a start however let us strive for at least one ornithologist or conservationist on every State Game Board.

Along these same lines we have the following from Mr. B. S. Bowdish, Secretary of the New Jersey Audubon Society:

Our whole scheme of legal wild life conservation has its foundation and framework based on *game* conservation for the benefit of sport. Wild birds and mammals which had been arbitrarily classified as "game" were the first to so diminish as to call attention to the need for legal supervision, as well as the first to attract general and organized interest. As a result the first and to this day the basic conservation laws are *game* laws. Similarly, the legal department of each state for the enforcement of conservation was originally and still remains fundamentally, a *game* department.

The predominance thus given to "game" over non-game wild life receives further enhancement through the fact that a system of financing conservation law enforcement through hunting and fishing licenses has grown up into universal practice. The results of this basically lop-sided legal conservation must be obvious to any fair and open-minded observer and hardly need mention. Thus while there has been a very great and unquestioned improvement and development in the enforcement of general wild life conservation, there still persists an inclination toward bias favoring game for sport that is inevitable under present organization of legal conservation. This is most glaringly apparent wherever there is a real or fancied detrimental relationship of any other form of wild life to "game."

Is it not quite apparent, then, that there is an immediate and urgent need for a realignment of our consideration of the subject of wild life conservation on a more equitable basis and a reorganization of fish and game commissions into wild life commissions, on whose personnel at least one recognized ornithologist and one competent mammalogist would serve? And having admitted the logic of a wild life conservation all-embracing and not based on an arbitrary division into game and non-game wild life; having admitted that the theory of a proprietorship of the sportsman in game has no better basis than thoughtless tradition and practice, it becomes equally evident that when we have conservation for *all* wild life, for the benefit of *all* the people, it will be obviously unjust to tax only a part of the people for the maintenance of such general conservation. There will still remain the entirely reasonable argument that the sportsman who, for the enjoyment of his sport decimates game, may be required to pay for that privilege in order that he and his fellows, sportsmen and non-sportsmen, may still continue to have an abundance of game to enjoy, but some part of the funds for general wild life conservation should justly come from the general public, non-sportsmen as well as sportsmen.

There is, of course, no suggestion in this proposition, that in providing

general and equitable wild life conservation there should not be due thought given to the relationship that various forms bear to human interests, but it should be the broad and general interests and not the one-sided interests of a class which, numerous and well organized as it is, yet remains very much a minority of the whole people.

Only through united and organized action on the part of scientific naturalists and altruistic conservationists can such an improved and more equitable conservation of wild life be realized.

B. S. Bowdish

Demarest, N. J., November 3, 1929.

Just at present the most deplorable feature of the whole situation is the attitude of certain sportsmen and even ornithologists who, because their personal experience has brought them face to face with depredations by Hawks on poultry or game and who seem to ignore the careful scientific reports on the subject as a whole, rush into print with condemnations of all birds of prey, or certain species that have been proven more beneficial than harmful. Sporting magazines which think they are pleasing the majority of their readers, who are for the most part uninformed as to the actual facts, are only too glad to publish such articles.

A recent paper by Messrs. W. L. MacAtee and Herbert L. Stoddard of the U. S. Biological Survey (*Condor*, January 1930 p. 15.) in criticism of the various publications of Major Allan Brooks against the Marsh Hawk shows how carelessly most of such attacks are prepared and how misleading they may be to the public who are in possession of only part of the facts. For example Major Brooks is quoted as saying "We know it [the Marsh Hawk] to be the prime factor in the near-extirmination of one of our finest game-birds—the Heath Hen." The writers reply: "Who knows that? and how? Gross does not say so in his monograph 'The Heath Hen' nor does Forbush in his 'Birds of Massachusetts.' No, the statement is simply a lamentably loose one which comes as manna to gunners who are fanatical about birds of prey, but which is so surprising from an ornithologist of standing." In the same article Major Brooks is again quoted as saying that "Mr. Harry Ferguson of New York tells me that out of some score of Marsh Hawks sent to the Biological Survey from his estate the great majority were stuffed with Pheasants," but according to Messrs. MacAtee and Stoddard "249 Marsh Hawks from Fisher's Island were examined

and 34 (less than one eighth) had eaten Pheasants." Mr. MacAtee is in charge of the Food Habits Research in the Biological Survey and Mr. Stoddard of the Quail Breeding Investigations. The 'Condor' article should be read in full! But it is high time that the defenders of Hawks answer all such attacks as the above in the *magazines in which they appear* and present the facts for the benefit of an audience which is obviously misinformed. Mr. Manly Miner sends another account of the Marsh Hawk for publication in 'The Auk.' It is as follows:

Of late I have read in several magazines, articles regarding the Marsh Hawk, as well as eight or ten letters have come to father during the last few days on the subject, thus I want to give this experience which we had with Marsh Hawks last summer.

A neighbor, whose business is raising white leghorn chickens, called me on the telephone last summer and explained that "he was losing his young chickens very near as fast as he could put them out, and wanted me to come and investigate." Naturally the first thing that came to my mind was a weasel, but on visiting the place, weasel traps had been set already, and no signs of a weasel's work, but as it happened, while I stood there, over flew a marsh hawk. I at once said—"There is where your young leghorns are going." The farmer couldn't believe me, as he said he had read several articles telling him of how marsh hawks lived on mice, snakes and othe reptiles, and even said "a government bulletin" (I don't know where from) "had told of how beneficial they were to the farmer." On investigating in a piece of land covered with short wild grass about a quarter mile away, we found the marsh hawks nest, with young about two thirds grown, and for about two or three feet around nest the ground was covered with remnants of young white leghorns, a few pieces of mice skins, and remnants of a snake and craw fish—yet this poor farmer had been led to believe by various literature, not to kill the Marsh Hawk, and no doubt while he was in the house reading this, the marsh hawks were cleaning up on his broods of young leghorns.

Two years ago father had a brood of thirteen young quail and he started missing these young birds and before he killed Mr. Marsh Hawk the flock had been reduced to seven young birds, and when he did shoot this marsh hawk, it had a young quail in its claws.

During the months of May, June and July we have two or three hundred mourning doves' nests in our scotch pine grove, which is about fifteen to twenty feet in height. During these three months we always kill from ten to twenty Marsh Hawks, which come here and hover over the small grove where the young mourning doves are. These hawks are certainly not looking for field mice up in the top of these evergreen trees.

This winter the ground has from eight inches to a foot of snow. Along

fence rows where mice make their headquarters in the weeds, there is snow from four to six feet deep. Where are the mice? They are next to the ground where there is green vegetation. Thus, what are the marsh hawks living on in this locality? I can tell you—Juncos, Chickadees, English sparrows—other birds and an occasional mouse that comes out from under the snow.

Personally, I have never seen any Government literature of any country, either Canada or United States, which advocate protection of the Marsh Hawk, but if such is the case, I can't see how one department will liberate Pheasants, Quail or Partridge, while another department would publish any statements telling the farmer not to kill the Marsh Hawk, because these Marsh Hawks will eat young Pheasants, Quail or Partridge just as quickly as they will mice, if they can find them.

It is no doubt true that the months of August and September Marsh Hawks' chief diet is mice, because young game birds and other variety have pretty well matured. People who advocate protection of such hawks usually base their opinion on analyzing the stomachs, which is positive proof, but such analysis should be carried on every month of the year, on the same number of hawks each month because I am sure you would find more mice in their stomachs in the latter part of July, August and September, and early October.

Who hasn't watched Marsh Hawks by the hours flying low and darting over duck marshes? We all know there are no mice out in these marshes where water is growing wild rice and cat tails eight feet high, but instead of mice being out there, there are several varieties of small birds such as wrens, as well as young ducks during the spring season. Watch for yourself, and you very seldom see a marsh, but what there are Marsh Hawks hovering over same, and we all know there are no mice out there.

We all can't be too careful in saying what birds should be protected or killed,—it is a big study—in many cases circumstances decide the case.

MANLY MINER.

We agree absolutely with this final sentence. But as to there being no government literature advocating protection for the Marsh Hawk may we call attention to the following:

Dr. A. K. Fisher of the U. S. Biological Survey after an analysis of stomachs of birds taken in every month of the year says, "The Marsh Hawk is unquestionably one of the most beneficial as it is one of the most abundant of our hawks and its presence and increase should be encouraged in every way possible, not only by protecting it by law but by disseminating a knowledge of the benefit it confers." (Hawks and Owls of the U. S.)

The Canadian bird card issued by the National Museum of

Canada says of the Marsh Hawk: "As a mouser it is particularly efficient and mice form the mainstay of its diet throughout the year, but in early summer young ducklings and little upland game stray momentarily away from parental protection and a certain proportion of them serve the larder of the Marsh Hawk's nest. but without doubt the score for the species as a whole stands well in its favor."

In the Canadian 'Museum Bulletin' No. 28. P. A. Taverner says of the Marsh Hawk "It is a bird that is strictly beneficial and should have every protection." Many similar reports might be cited.

Mr. Miner does not seem to follow the advice given in his last sentence. He has evidently not looked into the literature and his statements on the food of the Marsh Hawks hovering over the marshes seem to be based on assumption and not on the painstaking investigations such as mark the work of the Government experts of Canada and the United States. Such loose statements are sadly misleading and are unfortunately all too common. Circumstantial evidence is never proof, nor has assumption any force when opposed to scientific investigation.

While we do not question the sincerity of Major Brooks and Mr. Miner we cannot understand how they are led to make such careless and misleading statements, or why they hold their comparatively limited experience against the carefully formed judgment of trained Government experts in economic ornithology. Surely, too, they must realize the importance to ornithology and to mankind in general of preserving birds of *all* kinds and recognize the possibility of *controlling* such Hawks as happen to destroy exposed young poultry or game without *exterminating* the species.

It has been demonstrated again and again that it is a difficult matter for man to improve upon nature and the extermination of any wild creature is a dangerous experiment. The game enthusiast does not realize the calamity that he is bringing upon the farmer by the extermination of Hawks until it is too late. Why cannot he accept the decisions of those best qualified to pass upon the matter?

Dr. Pearson president of the National Association of Audubon Societies in an editorial in 'Bird Lore' for January, 1930, has this

to say, "If a cherry tree is raided by a Robin, the owner of that cherry tree has the recognized fundamental right to protect his fruit, but he does not have the right to start shooting all the Robins of the neighborhood. The bird is of value to all agriculturists and gardeners of the community because of the great numbers of insects and caterpillars it destroys and such gardeners and agriculturists have property rights that the cherry-raiser must respect. If a Hawk catches a young Pheasant in a breeding enclosure, we may readily concur in the game keepers wish to dispose of the Hawk, but there are many who would not agree with the idea that the game keeper automatically has the right to make war on all Hawks found within the boundaries of the county or state." We have on more than one occasion criticised the use of the word 'vermin' as applied to Hawks and Dr. Pearson aptly defines the sportsmen's use of 'vermin' as designating "Any wild creature that kills something you want to kill!"

Now if it were not for inflammable articles inspired by prejudiced or uninformed persons and others whose business or living depends on making a good showing against 'vermin,' the sportsmen, farmers and ornithologists could easily get together as they always have in the past and save these splendid birds that add so much to the attractiveness of our wilder regions and are an inspiration to the artist and ornithologist.

The great majority of sportsmen are glad to abide by the results of scientific investigators and if they will cooperate by checking the careless and indiscriminate killing of Hawks on game farms and game preserves a great step will have been taken.

Bird lovers should take up the cudgels for the Hawks in the public press.

Do not write to 'The Auk' about it but make your appeal where it will reach those who do not know the facts.—W. S.