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FEDERAL WILDLIFE IMPORTATION REGULATIONS: THE WHY AND WHEREFORE

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Human beings are a paradoxical lot. On the one hand they are possessed by a pioneering instinct, often discontented with things where they are, always lured by the new and unknown, forever seeking new worlds. And yet former associations and surroundings are never entirely forgotten. Ready as we are to cut old ties, nevertheless our roots in the past run deep, and once established in a new environment we yearn for the homeland and the many entities that surrounded the place of birth and youth.

This letter which recently was forwarded to my desk (and we receive similar appeals every week or two) will exemplify what I mean:

"My dear Mr. President:

My dear Sir I was made a citizen of America in 1919 - from England and my wife and I are Happy and contented. My wife Sarah is 80 in January 67 and I will be 79. I have lived in Michigan, Texas, and now in California.

Mr. President there is one thing I miss here in U. S. A. that is two types of birds. One is the skylark, a small harmless bird that lives on the farms in England especially in Lincolnshire. This little bird is not destructive and clean, a beautiful singer like the Nightingale in England. The skylark nests on the ground and as it leaves the ground and about 30' up it sits on the air in one spot and slowly ascends straight up until it is almost out of sight. Then descends the same way, singing all the way up and down. And as a boy born in the country in England I miss that singing skylark.

So Mr. President I beg of you inquire of the skylark and please send some male and female's and release some in San Diego County North, and some in Texas your home. I can remember the skylark and the nightingale from my boyhood days. A wonderful song bird, small as a sparrow, harmless, and not destructive to farms or the product.

The other bird is the English robin - a shy bird. Beautiful bird and nest in the bank of ditches, in moss. A harmless bird and not destructive.

The robin we have here is not a true robin, too big and not as pretty as the English robins. So Mr. President I beg of you to procure a few robins - male and female. But not to forget the skylark, a real songster. So closing my letter.

Sincerely,"

This, then, is one of the powerful and inborn drives that motivates people to transport from the "old sod" and bring to the adopted land some small bit of home--a favorite flower, a small bird of haunting song or incomparable beauty, a game bird of sporting attributes hardly to be matched in the new country, at least in the judgment of the reminiscing mind.

And there is the city dweller-immigrant or not-whose urban location has shut him off from farm and field. He, too, longs for some communion with nature, and to satisfy the thirst he capsules his agrarian instincts in cultivating a window box; his craving for the companionship of wild things may be assuaged in part with a toy dog, a cat, a caged bird, or an economy-sized aquarium of exotic fish.

In a large measure these people of good intention, who are wholly ignorant of the hazards of unregulated introductions, are the crux of a problem that is far more serious in other countries than in our own. We can be thankful for our relative freedom from noxious foreign animals to the foresight of two men.

The first to point up the danger of unrestricted and ill-considered introduction of various birds and animals into the United States was Dr. C. Hart Merriam, Chief, Division of Economic Ornithology and Mammalogy of the U. S. Department of Agriculture. In 1886,

shortly after he was appointed to head up the aforementioned Division, he had this to say concerning the introduction of foreign animals.

"The great calamity that has befallen our agricultural industries in the importation of the English sparrow, and the threatening danger from the introduction of the European Rabbit, should serve as timely warnings to an intelligent people and lead to legislation restricting the importation of foreign birds and mammals.

It seems desirable that a law be enacted conferring upon the Commissioner of Agriculture the power of granting or withholding permits for the importation of birds or mammals except in the case of domesticated species, certain song and cage birds (to be specifically enumerated), and species intended for exhibition in zoological gardens, menageries and museums, which may be brought in without special permits.

The question of the desirability of importing species of known beneficial qualities in other lands is one which sooner or later must force itself upon our notice; and it is highly important that when such experiments are made they should be conducted by or under the control of the Department of Agriculture. And it may be suggested that isolated areas, such as islands of suitable size and character, be selected for this purpose, so that the spread of the species may be prevented if the result renders this course desirable."

The records and literature of ornithology and mammalogy for the following decade of the nineties reveal significant occurrences which established the soundness of Dr. Merriam's contentions. Certain British colonies began to take note of unpleasant results which flowed from the early enthusiasm in Australia and New Zealand for the introduction and establishment of various birds and animals from "home".

Cape Colony shut out the English rabbit in 1890. Three years later, Western Australia passed the famous "Destructive Birds and Animals Act," under which were forbidden the importation, possession, or liberation of birds or animals which, in the opinion of the Governor-in-Council, were undesirable. Great flexibility was given to this law by providing for a sliding list of forbidden importations; and prohibitions of the Governor-in-Council were based upon recommendations of the colonial Bureau of Agriculture. The Bureau, in effect, became the absolute excluding power.

Ten years after Dr. Merriam suggested the enactment of a Federal exclusion law, the Quarantine Officer of the California State Board of Horticulture strongly urged a national law regulating bird and animal importations. California at that time was the only State which was taking a determined stand upon the question. It had been forced to do so by considerations of the utmost urgency with respect to its economic safety.

Trans-Pacific commerce, nine-tenths of which converged in San Francisco Bay, constituted a dire threat to California's enormous horticultural resources. This heavy traffic in shipping created a bridge from the Orient and Hawaii, and with it there was the constant danger of the inflow of certain exotic species of birds and mammals which, once well established, could be ruinous to those resources. The nation placed no guard at the bridge head. California, therefore, was forced to act on its own.

First it created a State Board of Horticulture by an Act passed March 13, 1883, and then, on August 15, 1894, it adopted stringent quarantine regulations under its authority. Number XII of those regulations prohibited the landing of flying foxes, Australian wild rabbits, mongooses, and other creatures of dangerous possibilities. And further, it authorized their destruction if they were entered.

In all probability America can attribute her present freedom from the mongoose curse to the strict enforcement of these regulations by California over a period of years. These creatures had been introduced into Hawaii many years before for the purpose of exterminating rats. They had quickly overrun the islands, and finally became a pest of such magnitude that the people who had brought them in were forced to turn their hands against them. Without doubt, they would have invaded America via California had it not been for the determined vigilance of this State.

The attitude of enlightened concern in California was magnified by a concurrent happen-

ing in an adjoining State. In Oregon, where the fruit-growing industry was in no way comparable to that in California, there existed at this same time a society whose sole object was the introduction and establishment of foreign birds. In 1892, the Society for the Introduction of European Song Birds, of Portland, spent some \$2,000 for the importation of a considerable number of European birds, mostly skylarks, linnets, thrushes, and starlings. This importation, like one made by the same society in 1888, was for purely sentimental reasons, and with slight consideration of the fact that birds, harmless enough in their native haunts, are quite capable of changing their habits and becoming pests in a new environment. Note should be made likewise of the large importations made in the seventies by a similar society in the eastern part of the country, the Acclimatization Society of Cincinnati. And even as these feverish activities were in full swing, a well-known object lesson was being furnished by the introduction of the starling into New Zealand,

Then, in 1898, the horticulturists themselves began to trade on their luck by urging seriously that certain foreign birds be imported for the purpose of combating insect pests. At that time the codling moth was causing great losses to fruit growers in the Pacific Coast region, particularly in Washington and Idaho. Interest centered on the kohlmeise and blaumeise, two species that fed extensively on the codling moth in Europe. Hopefully, they might eliminate, or at least control, codling moths in the badly infested regions of the Northwest. This suggestion received no encouragement from the Federal Division of Economic Ornithology, to which many inquiries had been directed by the Western fruit growers. Instead, it was pointed out that the destruction of the codling moth by these birds in Germany and elsewhere was not definitely known to be as extensive as reported; that the infested regions in the West already possessed several native titmice of the same genus; and finally that the usefulness of these birds in moth suppression in Europe, even if as great as reported, was by no means a guarantee of their similar usefulness in new and strange surroundings.

The closing decade of the last century was a period in our history when birds claimed the limelight. Maybe domestic tranquility and a relative freedom from pressing international issues left time for other mischief. Or maybe, as with many things, the fad of bird introductions simply matured to a cyclic peak. In any case, interest ran high in importing birds for a variety of purposes, not the least of which was the hope that birds from other lands would offer an easy means of subduing a host of insect pests, many of which also were imports from an earlier era.

Thanks to a small conservative force, the determined push to bring in anything and everything was confined within reasonable bounds. And by the turn of the century, the "aginners" had a classic example to shore up their arguments. By 1900, the English sparrow had demonstrated for everyone its capacity for explosive increase and spread, and, additionally, it possessed objectionable habits. These facts gave muscle to the forces who would regulate and limit bird introductions.

A climax to this running "rhubarb" came with a resolution of the American Society of Bird Restorers in Boston. Unlike the bird societies in Portland and Cincinnati to which I referred, the Boston group had other objectives. Their interests centered on restoring native birds to the levels they had enjoyed before the Honorable Nichols Pike and associates had conceived the sorry scheme to establish the English sparrow.

Observing that the Common and the Public Garden were no longer the homes of great numbers of our lovely and melodious native birds, but were in effect avian ghettos, crammed with clamant, greedy, filthy, bickering clouds of a single alien species, the members of the Society resolved on drastic measures to remedy the situation. They petitioned the mayor to take action against the sparrows, under authority of a law passed in 1890, alleging, what was patently true, that the sparrows had become a public nuisance, that they had pre-empted all the nesting sites about the areas in question, that they were driving native birds away, and that they were messing up the surrounding buildings.

In response to this petition a force of men was set to work with ladders and poles, destroying sparrow eggs and nests and blocking up all points of harborage they could find. In three weeks they had destroyed one thousand sparrow eggs and four thousand sparrow nests, and had sealed up five thousand holes. They killed none of the birds, as the Society's plan of campaign contemplated trapping them in the following winter and destroying them in various ways not involving the spreading of poison.

But in the midst of this most commendable action the work was abruptly terminated upon

the order of the Mayor. Such a terrific to-do had been set up by hardworking humanitarians that the Mayor could not take the heat. And so, the experiment was not continued long enough to secure useful results or to test fairly the procedure as a method of coping with the inordinate increase of an undesirable bird.

These are just a few of the incidents which helped shape national thinking on this vital matter of bird and mammal importation during the decade of the nineties. It's a little background that may help you to a better understanding of noteworthy events which followed later and which led to a great advancement in the conservation of desirable forms of American wild life, especially game.

It is enough to say that events of the nineties did more than simply alert our citizenry to the hazards of promiscuous importation of foreign animals; it prodded them to action, and they marched on Congress. The intent was not only to curb the traffic in live animals but to place future imports in responsible hands.

During the last three years of the decade, three separate phases of the wildlife conservation movement received congressional furtherance at almost the same time. A Western Congressman, long noted as a game-bird enthusiast, proposed to give jurisdiction over game birds to the United States Fish Commission. Through the instrumentality so created, the Government, among other things, would engage in the restocking of depleted covers, the establishment of game birds peculiar to certain sections of the country in other sections favorable to their thriving, and the importation of game birds from foreign lands. On the day following the introduction of the bill embodying these proposals, another bill was introduced by Senator Teller, of Colorado, designed to prevent the illegal export of big game from Colorado, Utah, and Wyoming. Later on in the same Congress, Senator Hoar, of Massachusetts, aimed a bill at the traffic in bird plumage--both importations from abroad and interstate shipments.

None of these bills became law. But in the following Congress a new bill was introduced embodying all the vital features of the first two, a substantial portion of the third, and a fourth proposition as big, if not bigger, than any contained in the three original bills.

The new bill aimed to safeguard and improve the status of "game birds and other wild birds"; to suppress the killing of game as a business, popularly known as market hunting; to make more difficult the business of slaughtering various birds, game and non-game, for their plumage; and, finally, to regulate the introduction into the country of all exotic species of birds and animals, and rigidly to exclude all such birds and animals known to be dangerous or undesirable. All the proposed activities were to be performed by the Department of Agriculture. The new bill encountered no serious opposition, and was passed May 25, 1900 (31 Stat. L., 187). This is the bill now universally known as the Lacey Act.

That part of the original Lacey Act which dealt with foreign introduction was somewhat ambiguous in that its provisions referred to: "any foreign wild animal or bird." Obviously the biologists connotation of animal includes all other life forms except plants. Also, under the original Act the mongoose, fruit bat, English sparrow, and starling were prohibited entry without exception. Revisions and interpretations to clarify the Act were in order.

In 1935, in accordance with authority provided under Section 2 of the Act, the Secretary of Agriculture declared the European rabbit (*Lepus cuniculus*) and the European hare (*Lepus europaeus*) to be potentially injurious and prohibited their entry except for fur farming and other agricultural or scientific purposes. The Act provided further that they be kept in confinement.

In 1940, the administration of the Lacey Act was transferred to the Department of the Interior, and in 1952 the Secretary of the Interior declared certain Myna birds to be potentially injurious and prohibited their entry except for exhibition in public zoological parks, and for scientific purposes under terms and conditions prescribed in permits issued by the Director of the Fish and Wildlife Service.

Finally, in 1960 Congress amended the Lacey Act and in the process extended coverage to wildlife forms which were not clearly specified in the original Act. Further, it prohibited the import of injurious species into any and all of the States and prohibited shipments of such species between the continental United States and the District of Columbia, Hawaii, the Commonwealth of Puerto Rico, or any possession of the United States. The pur-

pose of the foregoing was to prevent the uncontrolled import of the mongoose particularly from areas within the United States or from within its area of influence.

In addition, Congress eliminated in that same year (1960) the long standing provision in the Act which absolutely prohibited the importation of the mongoose, fruit bat, English sparrow and starling. The new amendment provided that where there has been a proper showing of responsibility on the part of the consignee and providing there is a continued protection of the public interest and health, the Secretary of the Interior shall permit the importation for zoological, educational, medical and scientific purposes of any mammals, birds, fish (including mollusks and Crustacea), amphibia and reptiles, or their offspring or eggs thereof, where such importation would be prohibited otherwise by or pursuant to this Act. Also, the Act is not intended to restrict importations by Federal Agencies for their own use.

The wildlife import regulations established to implement the Act stipulate that for all importations of wildlife a written declaration listing the name and address of the importer and the consignor and the number of specimens and the common and scientific names of each species must be filed with the Collector of Customs at the port of entry. In addition, certain species deemed to be especially dangerous if established in this country may be imported only under special permit. For the first time in our history we will know what wildlife is being imported into our country.

This, then, is a hasty and in many ways superficial review of the motivations that started us in the business of importing new, strange, beautiful, and hopefully useful wildlife. It is a capsuled account of the high cost of ill-advised introductions and of near misses that were avoided thanks to a few individuals who viewed such transplants with skepticism and even alarm. And I have touched also on the highlights of the legislative base from which we now operate in efforts to safeguard agriculture and other values from ravages of exotic wildlife; wildlife that may succeed too well with us and behave not at all as they do at home. But our best efforts still leave room for caution and concern.

With the arrival of the age of jet air travel we have traded one problem for another. In the closing years of the last century our vulnerability centered on a lack of legal authority to control imports. And yet a built-in safeguard may have partly concerned the deliberate travel of ocean liners and the complexities involved in transporting live animals by that means.

Today we are less than a day removed from any part of the globe, and the ease and success of moving wildlife by air has greatly increased traffic in many new, unusual and even poorly understood species. The cage bird business has grown explosively. Not the least of our problems now center on inadequate staff to inspect the flood of shipments. And inspections can be involved because working with the bird life of the world (and its fish life, too) can be a job for highly accomplished taxonomists of which there are none too many. Even in the most practiced hands there are problems of identification to flabbergast the experts.

Take piranha fish, for example. There are several innocuous species much admired by aquarium enthusiasts. And then there is a highly voracious form that lends terror to natives and travelers on many South American waters. In the fingerling growth stage they are indistinguishable by any means short of dissection and anatomical study. In this case it follows, of course, that both forms are entirely safe after identification is made, although what then reaches the fish fancier may be something less than he bargained for.

Other problems following on the shuffling of the world's wildlife relate to our concern for wild things outside our own national boundaries. Many countries--and particularly some of the less developed nations--are losing their native fauna to a variety of causes. In some instances overexploitation through trapping and sale is the main cause of decline. With our own country standing as the principal outlet for such commerce it would be an offense to our conservation conscience not to be concerned over such depletion.

Where such dwindling animals are being taken illegally in the country of origin, we have in the Lacey Act sufficient legal basis to intercept shipments and penalize offenders. Unhappily, many new nations have yet to develop an awareness of the importance of protecting their native species. Even in the face of near extermination of some forms protection is lacking or inadequate. In other cases there is no good knowledge of the status of some, or the revenue derived from sales is too strong an incentive to be denied.

To this extent our involvement in wildlife introductions has taken on global significance. No longer are we concerned mainly with the hazards to our country of introductions; we have concern as well for wild things elsewhere that may face oblivion as a partial result of the ready market we in this country afford.

All told we have done well in regulating the entry of exotics to our shores. And maybe good fortune has played a part, too. In any event we are not nearly so bad off with wildlife problems of our own making as are many other countries. But the interest (for whatever reason) of bringing in the new and different, the beautiful and exotic, is always with us. To this extent our efforts cannot be relaxed. If anything, the problem will get much larger before it gets smaller.