

Off and Running

The question of organization and staffing was of immediate concern to Bode. His staff consisted of employees of the old Fish and Game Department, almost all of whom got their jobs by political appointment rather than merit. Under the political spoils system possibly the only employees who had been retained for their knowledge were fish hatchery workers, who possessed a knowledge and skill not easy to replace.

Bode had one trained wildlife biologist, Harold V. Terrill, who had been hired by Ramsey in September. He needed more biologists to get some sort of wildlife program going, and he needed someone to head up a forestry program. Both he and Stephens shared a dream of improving the position of the game warden by giving him a larger role in the management of wildlife and forests. That needed organization and personnel.

First, he drew up a table of organization and presented it to the Commission. (See next page.) It consisted of an Administrative and Protection Division under Frank Ramsey, which included a Protection Section with four regions, a Budget and Accounting Section under Montie Glover, and a future Lands and Development Section.

He proposed a Game, Fish and Forest Production Division, which included a Game Production Section under Terrill and/or Bruce Lewis, (a holdover from the old Department, now listed as a refuge inspector), a Fish Production Section under Dr. G. B. Herndon, and a Forest Production Section. Also proposed was an Information Service Division, which included a future Field Service Section and a future Junior Education Section.

As it turned out, the first person he hired was Francis J. Mertens as office boy. Mertens was to eventually rise to head the Department's printing and mailing functions and retire after having served longer than any other employee to date—forty-two years and eight months.



Francis J. Mertens was the first person hired by the new Conservation Commission in 1937. He was head of printing and mailing when he retired after a forty-three year career.

Apparently there was a problem with Publicity Director E. L. Preston, for in February, 1938, Townsend Godsey was hired to replace him. Godsey had been publicity director for the Fish and Game Department from 1929 to 1932 under Republican John Ross, so this was a sort of homecoming for him. Montie Glover, Bode's chief clerk, needed some assistance and H. Reed Frisbie was hired as a clerk in March, 1938.

The Department put out a call for game warden applications and by February of 1938 had received 751 applications, though it had not yet been determined how hiring would be done. W. C. Shaffer of the Pennsylvania Game Commission was invited to set up a recruitment procedure for wardens and this was approved in March, 1938. Both oral interviews and written examinations were scheduled, and from these the applicants were ranked.

Looking for help wherever he could find

COMMISSION

DIRECTOR

**ADMINISTRATIVE & PROTECTION DIVISION
(Ramsey)**

- Budget & Accounting Section (Glover)
- Budget Records & Receipts
- Accounts, Collections & Disbursements
- Property Inventories & Records (future)
- Protection Section
- 4 Districts
 - Conservation Agents
 - Lands & Development Section (future)
 - Real Estate Acquisition
 - Surveys & Plans
 - Improvements, Repairs
 - Structures
 - Maintenance
 - Federal Participation Projects
 - Camp Concessions
 - Recreational Facilities

**GAME, FISH & FOREST PRODUCTION DIVISION
(Lewis & Terrill)**

- Game Production Section
 - Refuges & Producing Areas
 - Game Propagation & Distribution
 - Farm Cooperative, Demonstration & Producing Areas
 - Coordination with Information Service
- Research
 - Ashland
 - University of Missouri
 - Other
- Federal Participation Projects
 - Coordination with Lands & Development
- Fish Production Section (Herndon)
 - Refuges & Spawning Areas
 - Fish Production & Distribution
 - Public Access
 - Coordination with Lands & Development
- Cooperative Producing Projects
 - Research
 - Surveys & Classification of Waters
 - Federal Participation Projects
- Forest Production Section (White)
 - Tree Planting
 - Fire Protection (Fire Guards)
 - Federal Participation Projects
 - Wildlife Relations
 - Research
 - State Forests
 - Acquisition & Management
 - Coordination with Lands & Development
 - Cooperation with Private Owners

INFORMATION SERVICE DIVISION

General Information Section (Godsey)
Publications
 (Booklets, maps, press news, Missouri news, reports,
 analyses of sports, revenues, seasons, use.)
Exhibits, Visual Aids
 (Movies, slides, other)
Radio
Field Service Section (future)
 Club contacts and program planning assistance
Junior Education Section (future)
 4-H & other school programs
Teaching materials
Cooperation with State Department of Education

Bode's proposed Table of Organization was comprised of three divisions, Administrative & Protection Division, Game, Fish & Forest Division, and Information Service Division. Bode devised the organization to take advantage of the skills of key people; the effectiveness of the structure would largely be due to their approach to organization and goals.



Townsend Godsey was first head of the Information Division. Among his creations were the Nature Knights conservation organization for youngsters, and the Missouri Conservationist magazine.

it, Bode next invited Arthur L. Clark, Fish and Game Commissioner of Connecticut, to confer with him relative to reorganization of a proposed Game, Fish and Forestry Division. At the same time he submitted a budget for 1938 of \$294,800 as follows:

Office salaries	\$29,500	10%
Protection	112,100	38%
Fisheries	44,250	15%
Refuge and Game	44,250	15%
Forestry	20,650	7%
Information	14,750	5%
Capital expenditures	20,650	7%
Contingent	8,650	3%

In March Bode, with the Commission's approval, hired Arthur Clark as chief of his Game, Fish and Forestry Division, and George O. White as his state forester.

Clark was an easterner, born in Boston in 1892. He was a graduate of Rhode Island State College, 1920, and obtained a master of science degree from Cornell in 1922. He had been executive secretary of the Massachusetts Fish and Game Association for five years, associate editor of the National Sportsman, a hunting and fishing magazine, for five years, and superintendent of the Connecticut State Board of Fisheries and Game for six

years. He was married and had one child when he came to the Department, though he was later estranged from his wife. He had served in the air service during World War I.

George O. White also was from the east, born in Rhinecliff, New York in 1894. He also served in the air service during World War I as an aerial observer and photographer. He was a graduate in forestry from the University of Michigan. He was with the U. S. Forest Service for a time on the Plumas National Forest in California. He worked as a surveyor in Michigan from 1922 to 1933, when he joined the U. S. Forest Service as it was establishing national forests in Missouri. He held administrative posts, mostly con-



George O. White, first state forester, was a natty dresser who always wore a necktie-even in the field. His attention to appearance carried over to all Forestry personnel and facilities.

cerned with Civilian Conservation Corps camp direction, timber management and land acquisition, until he was hired as Missouri's second state forester. He also was married with one child.

Both these men were excellent choices. Clark was mercurial, given to experimentation and loved to party. White was stiff and formal in his manner, something of a plodder, but he was thorough in whatever he tackled, and he knew exactly where he wanted to go in Missouri forestry.

One more leader was needed, someone to head up the Protection staff and Bode found his man in Asbury Roberts.

J. Frank Ramsey who, as assistant director, had been heading the Protection force on a temporary basis, was asked by Governor Stark to take over running the state prison. Ramsey took the warden job in July, 1938,

leaving vacant the Protection chief post which Roberts filled in August.

Asbury Roberts was born at Centralia in 1891. He had degrees both in agriculture and law. He served three years with the infantry during World War I and had been an editor of the *Missouri Ruralist* magazine from 1927 to 1932. He was with the Federal Land Bank and Farm Credit Administration from 1932 to the time he joined the Department in August, 1938.

The army made quite an impression on Roberts and old-timers remember him for organizing and running the Protection Division along military lines, even including calisthenics and some close order drill.

Both George White and Arthur Clark wasted no time in beginning their staffs. In July, 1938, White hired the first four foresters: William E. Towell, who was to rise to become



Arthur L. Clark, right, first chief of Game, Fish and Forestry Division, was an innovator always ready to experiment with a new conservation concept. He confers, above, with employees of the U.S. Bureau of Biological Survey, forerunner of the present U.S. Fish and Wildlife Service.



Asbury Roberts, the second chief of the Protection Section, reflected his military background in administering the Section.

director of the Department in 1957, Arthur B. Meyer, Edward J. Seay and August H. Schmidt. In November he added Charles Kirk as forester.

White immediately assigned one of his small staff to full-time public education, equipping a truck with a portable electric generator and sending him into the Ozarks with forestry films. Much of the Ozarks didn't get electricity until the 1950s, and these films were some of the first motion pictures some Ozarkers ever saw.

Bode, too, saw a need for public contact work and hired the first field service agent, Wallace Gray, who was assigned to Information Division but later transferred to the Game, Fish and Forestry Division. Field Service was an indication of Bode's extension philosophy.

Townsend Godsey, head of the Information Division, started the Department's publication, a quarterly tabloid named *Missouri Conservationist*, on July 1, 1938. He reported that 10,000 copies were distributed initially,

but by November the list had grown to over 11,000. He suggested a twenty-five cent fee, which was approved. This never worked out in practice however, and was dropped in 1942. The *Conservationist* has remained free to Missouri residents ever since.

Arthur Clark, taking advantage of the new Pittman-Robertson Federal Aid to Wildlife funds, hired three more wildlife biologists and sent them into the field. They were Arthur H. Denney, A. Reed Twichell and Lisle Jeffrey.

The fisheries program, for the time being, was permitted to rock along as it had. Dr. George B. Herndon was retained as chief of fisheries. Herndon was a dentist, a graduate of St. Louis University. He had been active in county Democratic politics and had been appointed fisheries chief under Wilbur Buford for delivering the vote in 1932. But he was a quick learner and able administrator and was retained by Bode and Clark for his knowledge of fisheries management of the day.

The foresters were ordered to start programs to suppress wildfires, and the game biologists told to come up with some programs to benefit wildlife. Both groups were expected to work through existing organizations in their assigned regions. The Conservation Federation of Missouri still had county organizations which served as basic contact groups.

Because of Bode's background in extension work, he envisioned his field men as extension workers in wildlife and forestry. Their role was to serve as catalysts between farmers and sportsmen to benefit wildlife.

The Commission, with Bode and other advisors, came up with a group of fundamental tenets that were to guide the new Department. They could not be improved on even today.

1. All forests and wildlife are products of land and water.

2. The wildlife conservation program is one part of the large program looking toward the increased value and productivity of all the lands and waters of Missouri.

3. The hope of successful wildlife conservation depends upon the development and management of natural environment—food, cover and water. Artificial propagation is useful only as a supplementary agency.

The Missouri CONSERVATIONIST

Published Quarterly by the Missouri Conservation Commission

VOL. 1 NO. 1.

JEFFERSON CITY, MISSOURI

Conservation Commission Announces Its Program As Second Year Starts

Organization Nearly Complete: Program of Increased Production, Protection and Education Planned.

Approaching its second year of operation under Constitutional Amendment No. 4, which made Missouri Conservation Commission part of the basic structure of

Conservation Commission has completed plans for the increase of its game protection force selected under a merit system, an increase in game and fish establishment of an educational and service program and state-wide forestry activities. Simultaneous with announcement of plans for the next twelve months period, starting July 1, the Conservation Commission also reported a summary of its first period of operation as shown in its report approved by the office of the State Auditor.

Constitutional Amendment No. 4 became effective on July 1, 1937, making a division of the year's activities between the former Missouri State Game and Fish Department and the Missouri Conservation Commission.

Continuing many of the fish hatchery and game production projects put under way during the first half of the year, the new Commission, composed of E. Sydney Stephens of Columbia, Chairman; A. P. Greensfelder of St. Louis, Vice-Chairman; Wilbur C. Buford of St. Louis, Secretary; and John F. Case, Wright City, member, set about to organize the new department. Because of the many factors involved in the reorganization of such a large department as the Missouri Conservation Commission has under its jurisdiction and the necessity for a long time program a sound reorganization was not hurried but made a deliberate of Commission program. With the Commission additional revenue, with slight increase starting its second year the division in funds due to increased license sales, posts have filled and Conservation Commission in places Conservation Commission in better position to carry out a State-wide program than at any time in many years although the total available still lower than for most states comparable to Missouri. Unlike many

examination followed by personal evaluated interviews.

With it no longer necessary for twenty-five per of the license fees to be diverted to the purchase and maintenance of State Park additional funds are now available for expansion

In response to an apparent desire for information concerning the activities of the Conservation Commission, and in order to provide information for the guidance of

publication is being issued. Its purpose is to keep the public informed to the policies and plans of the department as the of organization administration

Suggestions to the subject matter of future issues are solicited. It is our purpose to use this publication one of the several phases of service by the Commission

experiment, continuance will be determined by of the interest that is manifested in its contents by those to whom it is sent.

E. SYDNEY STEPHENS,
Chairman
Missouri Conservation
Commission.

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Conservation Agents Under Merit System

Probationary Appointments Are Expected by July 1st as Examinations Close

A force of probationary Conservation Agents, selected under the merit system will be placed in the field within the next thirty days as examinations, started last April, are completed, the Conservation Commission has announced. The field force, when brought to its full strength as provided for in the 1938-39 budget already approved by the Commission, will include 36 field agents and four District Supervisors.

The field force of temporary Conservation Agents was included in the list of applicants who took the series of examinations for the new organization, and any who are retained must have reached the eligibility list the same as any new candidate.

Examinations started in Jefferson City last April at which time representatives from every county in the state excepting Grundy, Knox, Worth, and Scotland, sought an opportunity to become a member of the new force of Conservation Agents.

Originally there were 757 applicants, but it was necessary to reject 433 names of those not meeting the preliminary qualifications set by the Commission, leaving an invitation list of 624 names; of that number, 480 appeared for the examinations.

These written examinations for the determination of the general aptitude of the applicants required nearly three hours. The tests included written work on Spelling and Vocabulary, History and Civil Government, Geography, Arithmetic, Forestry, Nature Study, Fish and Game Law and Game Law Investigation.

The examination questions were prepared by the Commission after a study of tests used in other states and were known only to three Missourians. The tests were taken by groups of thirty applicants in class rooms of the Jefferson City Junior College. While the public was not admitted, in order not to confuse the applicants, committees from various sportsmen's organizations over the state,

(Continued on page 4)

The first issue of the Missouri Conservationist appeared in July, 1938 as one of the several phases of service by the Commission to the people of the state. Its uncertain future was to be determined by the interest manifested by readers.

4. The major production of wildlife must be accomplished on privately owned land. Therefore, it is to the land user's advantage to cooperate with the landowner because more than ninety percent of Missouri land is in private hands.

5. The hope of wildlife restoration and

conservation in Missouri lies in the three-way cooperation of the state, the landowner and the public, based upon adequate information and mutual understanding.

6. Successful fact-finding and administration depend upon the utilization of qualified and carefully selected personnel.



Allen Reed Twichell, the third wildlife biologist hired by the young Department, moves a trapped beaver whose dam had flooded a road for release elsewhere in the state.

Those qualified and carefully selected personnel, the wildlife biologists (or project leaders, as they were called), were sent into the field to find game management techniques that could be incorporated into regular farming practices. By working through sportsmen s and farmers groups, they were

to apply these techniques on the land to discover which were most effective. It was a trial-and-error proposition, because wildlife management principles at that time were still mostly theoretical. The basics of food, cover and water were known for most species, but the question was how to get those needs met

by those who controlled the land.

Unlike Gaul, which was divided into three parts, Missouri was divided up into four parts, with a single biologist assigned to each. Imagine the gall of those four young men charged with improving the wildlife of one quarter of the state.

In the Ozarks, four forest fire control districts of about half-a-million acres each had a forester assigned. Their task was a lot tougher than the fire suppression task of the national forest workers, who were merely putting out fires on federal lands: *their* job was to get private landowners to sign up in agreement to stop the century-old practice of burning the woods.

As far back as anyone could remember, burning the woods each spring had been a tradition. It was supposed to suppress sprouts, discourage snakes, ticks and chiggers, and make the grass greener for cattle. Even the Indians had burned the Ozarks, according to Antoine Le Page du Pratz, the French physician who visited the Ozarks in the early 1700s. Now, here come these upstart college boys, telling us that we shouldn't do it, that it's bad for the woods. Why, even Fred Dunlap, the first state forester back in the early 1930s, wrote that controlling forest fires in the Missouri Ozarks was impossible.

Nevertheless, those first four foresters tackled the impossible. They fought fires



Low-water crossings were frequently encountered on Ozark byways in 1946 when the Department's Showboat traveled back road-s, bringing the conservation message to rural residents.

and when they weren't fighting fires they were paying personal visits to landowners and exhorting them to sign up to cooperate in fire suppression. They visited rural schools with that truck they called the Showboat and showed movies and gave talks. It was a start.

Meanwhile, the oral interviews for prospective game wardens *were* held in May, with the commissioners themselves helping to conduct them. At St. Joseph, John F. Case, assisted by Col. R. A. Johnston of Boonville examined young men. Wilbur Buford and H. H. Lark of Steelville examined men at Cape Girardeau. I. T. Bode, J. O. Sheppard of Savannah and Dr. H. J. Hearrington of Lexington examined men at Warrensburg.

E. Sydney Stephens, assisted by Moreland Brown of Lake Ozark and William F. Fahey of St. Louis, tested men in Springfield. At St. Louis, J. Frank Ramsey, with William K. Gardner of St. Louis and J. W. Head of Palmyra conducted the examinations. A. P. Greensfelder, with George O. White of Jefferson City and Beverly Bonfoey of Kirksville conducted examinations at Macon,

In April, some 480 applicants were given oral and written examinations in Jefferson City and then were ranked according to their test scores.

On June 27, 1938, thirty-five men were appointed *conservation agents*. The old game warden was gone. Four of the new conservation agents were appointed regional supervisors: Joe Green, W. G. Noble, Vernon Bennett and Cave Johnson, all holdovers from the old Fish and Game Department who scored well on the examinations. In all, twelve men of the old warden force made it through the examinations and became conservation agents.¹

The name conservation agent was changed within a short time to *wildlife* conservation agent, to distinguish them from field men of the Soil Conservation Service who also were called conservation agents. The title agent was Bode's way to express the broadened concept of the game warden's job.

No longer solely concerned with law enforcement, the new agent was expected to be a force for conservation in his assigned territory in any way possible. It was expected that he would serve as a wildlife-fishery-forestry manager on the ground, and perform conservation education and information work as well. Conservation agents were paid \$120 per month, supervisors \$150.

While all this organizing and initiating programs was going on, Bode was under fire-almost from the day he reported for duty.

Before he could draw his first month's pay, a Jefferson City attorney and politician, James T. Blair,* filed for an injunction restraining the Commission, state auditor and state treasurer from paying Bode's salary on the grounds that he could not be legally employed. Blair cited the following provision of the State Constitution:

Article 8, Section 10. **Aliens not to hold office. Residence required.** No person shall be elected or appointed to any office in this State, civil or military, who is not a citizen of the United States and who shall not have resided in this State one year next preceding his election or appointment.

On November 29, 1937, just fourteen days after Bode began work, Judge Nike Sevier ordered members of the Commission, Bode, Auditor Forrest Smith and Treasurer Robert W. Winn to show cause why the injunction should not be granted, and directed that no state funds be paid to Bode.

At the same time Attorney General Roy McKittrick filed *quo warranto*³ proceedings in the State Supreme Court asking for Bode's ouster on the same grounds.

Edward K. Love and others from St. Louis undertook to pay Bode's salary while the question was decided by the courts. J. Frank Ramsey continued to function as acting director while Bode was in official limbo.

Charles Callison believed that Blair and McKittrick were moved by their political beliefs to file the suits. There had been some

¹ Two others were retained, one as fur and fish market inspector and one as a river patrolman. Both later became conservation agents.

² James T. Blair was elected governor in 1956. He was the father of a later Conservation Commissioner, Jim Tom Blair.

BODE OUSTER SUIT FAILS; STATE GAME CHIEF KEEPS POST

**Supreme Court Rejects
Plea He Is Ineligible Be-
cause He Was Not Resi-
dent of Missouri.**

**JUDGES UNANIMOUS
IN THEIR CONCLUSION**

- - -
**But They Divide, Four to
Three, on the Reasoning
by Which They Arrive at
Decision.**

**By the Jefferson City Correspond-
ent of the Post-Dispatch.**

JEFFERSON CITY, Feb. 25. —
The Missouri Supreme Court today upheld the appointment of Irwin T. Bode as State Director of Conservation, denying an application to oust him which was filed by Attorney General Roy McKittrick on the theory that he was ineligible because he had not resided in the state for one year preceding his appointment.

The first legal challenge to the new Commission came just fourteen days after Bode assumed his duties. James T. Blair, who became governor in 1956, charged that Bode could not hold state office because he failed to meet the requirement for state residency.

Missouri applicants for Bode's \$6,000 per year job, and some had brought political endorsements with them. These had been ignored by the Commission in selecting a director, as Callison said, leaving little doubt that it intended to hew to the line of non-partisanship. The conservation authorities who designated the pool of candidates for director had considered no Missouri applicants qualified.

The lawyers debated the case around two main questions: was the directorship of the Conservation Commission a public office and therefore subject to constitutional requirements of residence? Did the amendment grant of authority to the Commission to determine the qualifications of the director supersede the earlier provisions of the constitution with respect to residence?

Bode's lawyers argued that he wasn't really a public officer in that he was an employee of the Conservation Commission, and that members of the Commission were the public officers as envisioned by the constitution.

Even if Bode were held to be a public officer, they argued, he still could hold office under Amendment 4, because that amendment was a later expression of the will of the people which gave the Conservation Commission the power to fix his qualifications.

The Supreme Court rendered its verdict on February 25, 1938, and was unanimous in finding for Bode. Four members of the court held that Bode was indeed a public officer, but that the amendment was the latest expression of the will of the people and must prevail. Three of the justices believed that Bode was *not* a public officer, and for that reason the ouster should not be sustained. In any event, for different reasons, the entire court held that Bode could keep his job and that he should be paid.

This was the first of two cases involving the Commission that would reach the Supreme Court. The second had to do with the powers of the Commission to make regulations. At this time no one knew for certain just how much power the Conservation Commission had. There was a considerable difference of opinion among lawyers statewide

³ In law, a writ of proceedings questioning the right by which one holds office.

regarding the Commission's authority to set aside or change the old fish and game laws still on the books. Some prosecuting attorneys would not file cases brought under the Commission's rules, but would do so without hesitancy if filed under the statutes. A test case was necessary to determine the extent of Commission authority. It came about over a bass fishing regulation.

The statutes provided for the fishing season on black bass to open May 30. The Commission established the bass season to open May 28, 1938, a Saturday. This would give anglers two extra days over a long Memorial Day weekend.

By prior arrangement, on May 28 a Dallas County sportsman named Byron Marsh went fishing in Greasy Creek and caught a largemouth bass. The sheriff, Harrison Bartlett, arrested him. Marsh was accused of violating Section 8270, Revised Statutes of Missouri, 1929, which declared a closed season on bass until May 30.

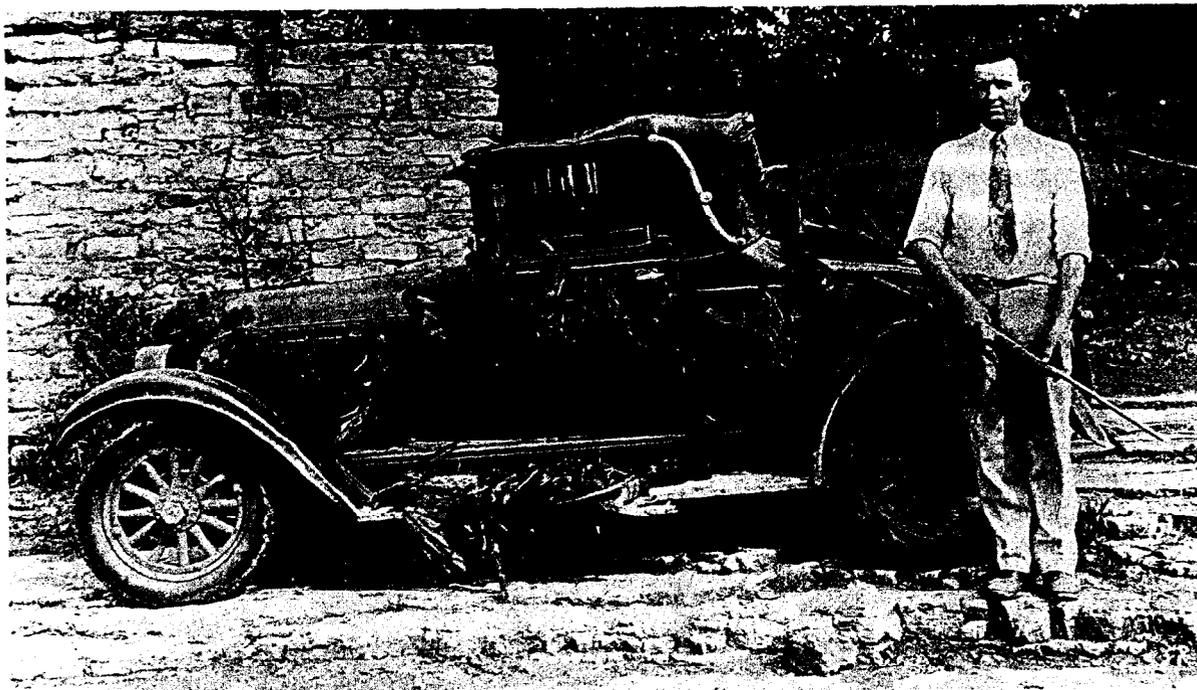
He was tried June 9 before Justice of

the Peace R. A. Andrews, found guilty and fined \$10. Marsh refused to pay the fine and was committed to jail. The following day Marsh petitioned the Supreme Court of Missouri for a writ of *habeas corpus*.

Lon S. Haymes, a Springfield attorney who had helped draft the conservation amendment, represented Marsh, assisted by William R. Collinson also of Springfield and Charles M. Polk of St. Louis. Sheriff Bartlett was represented by Attorney General Roy McKittrick and others.

The Conservation Federation of Missouri entered the case as *amicus curiae* (friend of the court) with a brief and arguments from a group of lawyers headed by J. T. Montgomery of Sedalia.⁴

The Court announced its decision in early November, 1938, by unanimously upholding the Conservation Commission's powers to regulate the wildlife and forest resources of the state. The amendment's declaration, All laws inconsistent herewith shall no longer remain in force and effect, was valid.



Leonard Rowe, Field Service agent, used a tried-and-true method of crow control in the early days of the Department. Crows, once considered a serious predation threat, were the targets of eradication methods from shotguns to dynamite.



Food, cover, water-the three essentials of adequate habitat were already being touted in the 1930s when Leonard Rowe built this exhibit encouraging wildlife and forest protection.

Further, the penalty sections of the statutes, which do not conflict with rules of the Commission, were declared to remain valid. Thus the Conservation Commission not only had the power to set regulations for wildlife, but the penalties of the statutes could be applied to those regulations.

It was a complete vindication of the con-

stitutional amendment and the will of the people.

Fighting to keep its director, winning recognition of its powers to make regulations, and getting some wildlife and forestry programs into the field made July 1, 1937 to the end of December, 1938 a busy year and a half.

⁴ Others were: William F. Fahey of St. Louis, R. A. Brown Jr. of St. Joseph, Nick T. Cave of Columbia, Curtis J. Quimby of Jefferson City, Ludwick Graves of Kansas City, Russell Dearmont of St. Louis and L. D. Joslyn of Charleston.

Early experiments crossing wild turkeys with domestic turkeys to re-establish populations were generally unsuccessful. Semi-wild turkeys, right, were purchased from B. K. Leach and released in the wild, where they failed to adapt to the environment.



Arley F. Blackwell, long-time state wildlife refuge manager, spent many hours trapping deer as part of the Department's early restoration program.