

9-3-1940

Resolution 1940-02-08 United States of America vs. Chalk Et Al.

Association of Fish and Wildlife Agencies

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Recommended Citation

Association of Fish and Wildlife Agencies, *Resolution 1940-02-08 United States of America vs. Chalk Et Al.* (1940),
Available at: http://digitalcommons.law.msu.edu/afwa_reso/957

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Mr. Shawhan: The second resolution is as follows:

UNITED STATES OF AMERICA vs. CHALK ET AL.

Whereas the International Association of Game, Fish and Conservation Commissioners has on several occasions expressed its opposition to attempts on the part of the United States Forest Service to usurp the rights and laws of the several states in the matter of regulating and taking of game and fish on the National Forest within their respective boundaries; and

Whereas the Circuit Court of Appeals of the United States of the Fourth Circuit has recently handed down decision in the case entitled "United States of America vs. John D. Chalk, Commissioner of Game and Inland Fisheries, et al.," which decision, if sustained by the United States Supreme Court, may seriously threaten the fundamental right of the several states to control their resident wildlife resources, and

Whereas said decision is of vital interest to each of the several states of the United States in that the same tends to abrogate an inherent right of the peoples of said states, and

Whereas a number of states and conservation organizations are desirous of assisting the state of North Carolina in perfecting an appeal to the Supreme Court of the United States as amicus curiae, and

Whereas unless the said appeal is prosecuted by the said state of North Carolina, it will be impossible for the said states and conservation organizations to have the questions involved in said case passed upon by the Supreme Court of the United States; be it therefore

Resolved, by the International Association of Game, Fish and Conservation Commissioners, in convention duly assembled, in the city of Toronto, province of Ontario, Dominion of Canada, on this the third day of September, 1940:

1. That this Association is vitally interested in the questions involved in the said case.
2. That this Association is most anxious for the Supreme Court of the United States to hear and judicially determine said vital questions upon an appeal to said court.
3. That this Association respectfully requests that the state of North Carolina, through its duly constituted offices, perfect said appeal to the Supreme Court of the United States.
4. That this Association urges each state, through its duly constituted officials, to join with and assist the state of North Carolina in perfecting said appeal to the Supreme Court of the United States; be it further

Resolved, that the Secretary be authorized and directed to send a copy of this resolution to the governor of each state and the respective conservation departments thereof.

Mr. Shawhan: I move the adoption of this resolution.

Mr. Brown: I will second the motion.

Mr. LeCompte: I think the resolution is well drawn and that its purpose is a worthy one, but I wish to call attention to the fact that in a great many of the states their constitution prohibits the Attorney-General of the state from entering into any case outside his own state. That is the case with Maryland. We would like very much to assist in any way we could, but our Attorney-General says we cannot enter into any case that arises outside our own state, and it is the same, I believe, with many of the other states.

The President: The resolution has been moved and seconded. What is your pleasure?

(The resolution was agreed to.)

Mr. Lloyd: For the same reasons that I gave this morning, I should like to be registered as not voting.

Mr. Shawhan: I will read the third resolution.

MIGRATORY WATERFOWL CONSERVATION IN CANADA

Whereas the government officials of the Dominion of Canada and its several provinces have, through the initiation and completion of many projects, greatly improved