



Winter 1974

## Wildlife Law Enforcement, by William F. Sigler

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### Recommended Citation

Channing R. Kury, *Wildlife Law Enforcement, by William F. Sigler*, 14 NAT. RES. J. 160 (1974).  
Available at: <https://digitalrepository.unm.edu/nrj/vol14/iss1/10>

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# Wildlife Law Enforcement

By

WILLIAM F. SIGLER

Wm. C. Brown Co. Publishers 2d ed. 1972.

360 pp. Price \$5.95.

Professor Sigler's book *Wildlife Law Enforcement* is addressed to professional wildlife personnel, students, sportsmen and laymen (see p. xxvii), but it is apparently primarily designed as a textbook for college level instruction. The text discusses topics ranging from the ultra-practical (e.g., "What Calibre for a Duty Sidearm," p. 139) to the mildly esoteric (e.g., "European Game Administration," p. 5). The book has a glossary and an appendix with 160 multiple-choice questions and forty discussion questions. There is an extensive bibliography of questionable utility.

The key sections of the book are those that deal with game laws and related legal matters. Federal wildlife laws are cursorily discussed. Jurisdiction is also mentioned. A major part is appropriately concerned with search and seizure and evidence. At times the legal material is well handled, but numerous errors are made. Typical of the errors are misleading statements such as: "This custodial power of the state may be exercised in any way that does not contravene the provisions of the Federal Constitution" (p. 20). State constitutions and interstate compacts may also limit the power of the states in these matters. For example, a state constitutional amendment was necessary in order to permit Alaska to limit entry into any of its fisheries for purposes of resource conservation, to prevent economic distress among fishermen and those dependent upon them for a livelihood and to promote the efficient development of aquaculture in Alaska (See Article VIII, Section 15 of the Constitution of Alaska, amended 1972). Clearly, the Constitution of Alaska was limiting the state's power in this matter prior to the amendment.

The student's understanding of the *Escobedo* and *Miranda* rules is hindered by the misstatement that: "The principle reason for accepting extrajudicial confessions is the assumption that a person will not admit facts against himself involuntarily unless they are true" (p. 195). I believe that it is safe to say that the law currently frowns upon such reasoning suggestive of the Inquisition. Also, the clause "In England, where criminal law originated . . ." (p. 243) is hardly an accurate statement of the facts.

Any book can be the object of nitpicking, which the foregoing is, but Professor Sigler does make a few egregious errors. He states: "The Congress shall have Power to lay and collect Taxes, Duties,

Imposts and Excises . . . ' This power gives the agents of the division of Game Management of the U.S. Fish and Wildlife Service in the Department of Interior the right to enforce federal game laws" (p. 26). There are several conceivable constitutional sources for the agents' power to enforce federal game laws, but the power to lay and collect taxes, *et al.* is not one of them. The preamble (re general welfare), Article I, Section 8, Clause 18 (the necessary and proper clause), and Article II, Section 1, Clause 1 (executive power) as well as Article II, Section 2, Clause 2 (treaty power) may be more fruitful branches of constitutional inquiry. Chief Justice Marshall's opinion in *McCulloch v. Maryland*, 4 Wheat. 316, 4 L. Ed. 579 (1819), would be helpful in this endeavor as would the opinion of Justice Holmes in *Missouri v. Holland*, 252 U.S. 416 (1920). In discussing double jeopardy, the statement is made that: "In order to bar prosecution, a former conviction must be pleaded" (p. 62). A Supreme Court decision is even cited in a footnote to this statement. Those of us who are concerned about civil liberties would feel much better if Professor Sigler would have written the sentence to also indicate that a prior acquittal would also do the trick.

Many other errors are in the book. This review need not catalogue them but will hopefully warn the unwary to use the book with care, namely with the guidance of a lawyer.

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