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additional changes, in the uniform, in equipment to aid enforcement activities, and within the administrative structure of the Enforcement Division, now an independent division within the DNR, established on Jan. 1, 1971, to replace the Department of Conservation.

Another significant change in this

period: All applicants for the position of CO had to be certified peace officers before beginning service.

Much has changed since the earlier era of the game warden. But the mission remains the same: to enforce laws that protect and preserve the rich legacy of natural resources for all Minnesotans to enjoy and share. □

## Our Pioneer Wardens

Dedicated, dauntless, they were men charged with a mission: to prevent the illegal taking of game, fish, and furbearers in Minnesota. Beyond devotion to duty, the first wardens had few guidelines to follow as they pursued game-law offenders

Julius F. Wolff, Jr.

EDITOR'S NOTE: "Our Pioneer Wardens" appeared in installments in the last three issues of the *Volunteer* for 1980.

Written by Julius F. Wolff, Jr., Ph.D., Professor of Political Science, University of Minnesota-Duluth, the articles chronicled the exploits of Minnesota's game wardens and conservation officers in the nine decades since the Warden Service was founded. The following article has been excerpted from "Our Pioneer Wardens."

The author of many magazine articles and books on the social history of Minnesota, Wolff wrote *The Shipwrecks of Lake Superior* (1979). Now retired, he lives in Duluth.

SINCE the birth of wildlife conservation in the 1890s, the task of Minnesota game wardens has been beset with difficulties. Their adventures have been exciting, some risky, and a few even fatal.

Most noteworthy among original game wardens was Samuel F. Fullerton, appointed chief game warden about 1895. Fullerton's first major task was to control market hunters who were slaughtering Minnesota wildlife, then shipping the game to buyers in the Twin Cities or in Eastern markets. He used his meager force of wardens to check railroad freight depots and Twin Cities warehouses.

But mass killing and shipping wildlife was a profitable business — for



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market hunters, railroads, express companies, and commission merchants. Appeals from convictions were often fought all the way to the Minnesota Supreme Court. Newspaper editors naively suggested that game wardens should get back to patrolling the woods.

On one occasion, Fullerton was badly roughed-up by freight agents at Staples while checking baggage for contraband. One of his field men, Warden Charles Wetzell, was shot and killed in 1897 by outlaw Indians from the White Earth Indian Reservation. The murderers were not punished.

Another field officer, Warden E.P. Corbett, engaged in a shoot-out on

the Mississippi River below St. Paul with a fish-law violator in the fall of 1900. This time the outlaw was fatally shot. Some editors implied that it would have been better if the game warden had been killed. The coroner's jury, however, vindicated the officer.

The administrations of Fullerton and Carlos Avery, executive secretary of the Game and Fish Commission, brought a number of colorful and resolute men to the force in northern Minnesota: John Green, Duluth; August Tabor, Two Harbors; Fred James, Ely; James Beatty, Tower; George E. Wood, Hibbing; and Jesse Harry, Grand Rapids.

The new officers waged an uphill fight against game-law violators from all walks of life. Numerous Russian and Austro-Hungarian immigrants had been accustomed to slaughtering wildlife at will in the old country. These newcomers, plus scofflaws with loose consciences, posed numerous enforcement problems.

John Green apparently was northeastern Minnesota's first game warden; he was commissioned in the mid-1890s. With few roads in that area, the sporting public used trains or ships, and Green made a habit of examining baggage and packsacks. His many arrests and confiscations were well publicized. In time, he became a legend around the Duluth railroad depots and docks.

**Wilderness Patrol.** In the interior of northern Minnesota during the



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1890s, enforcement of wildlife laws was conspicuously absent. Here and there officers were assigned and, in the early 1900s, several more were commissioned.

In 1905, James Beatty, chief of police at Tower, received a warden's badge. His duties took him throughout the Lake Vermilion country and into the border wilderness. A homesteader, Beatty worked hard to check violations in lumber camps, but was lenient and sympathetic to the struggling frontier farmer who lived off the land.

One day during World War I, Beatty received a report that a homesteader on the west side of Lake Vermilion had killed a deer out of season and had hung the carcass near his cabin. Needing a rental buggy to get to the offender's home, Beatty went to the saloon where Joe, the local liveryman, hung out. Before the customers, Beatty shouted: "Joe, have a horse and buggy ready in an hour. John Doe has just killed a deer at his farm!"

An hour later Beatty left for the Doe farm, but once there found the deer gone. Returning to Tower, Beatty again went to the saloon. "Gosh, you can't trust anyone in this town these days!" he proclaimed. Beatty knew that the offending homesteader had a sick wife and kids, but he still had to go through the formality of enforcing the law.

**Poachers' Nest.** The North Shore of Lake Superior had little wildlife law

enforcement until August Tabor was appointed a regular game warden about 1907. For nearly a quarter century his name was synonymous with game law enforcement from Two Harbors — his home station — to the Canadian border.

For years, Tabor traveled on steamers along the shore or rode the Alger-Smith logging railroad which paralleled the coast a half-dozen miles to the west — the present North Shore highway did not exist until the 1920s.

Tabor had his problems. If he was aboard a coastal steamer, the pilot-house crew would signal with the ship's whistle before each landing. Contraband scheduled for shipment quickly disappeared before the warden disembarked. When he rode in the passenger car of a logging train, the railroad telegrapher would flash the message: "The warden is coming!"

Tabor, however, learned to offset these tips to the outlaws. He was a good hiker, and he knew the country. Leaving a steamer on the lake shore, he would suddenly appear at a lumber camp along the railroad. Or, dropping off the train during a slow-down, he would suddenly emerge from the brush at the landing of a shady fisherman.

Tabor was an exceedingly conscientious officer who played no favorites. Prominent citizens and even public officials were brought to the bar of justice. In 1909, he arrested a Cook County commissioner for illegally killing moose. In 1913, he brought the chief of police of Two



**Walter Rohl, game refuge patrolman, left, and Warden Charles Ott, Grand Marais, about to set live trap in bower of branches to trap fishers for transplanting in Michigan and Wisconsin, ca 1959. Carcass of deer behind trap served as bait.**

Harbors into court for taking deer out-of-season. He also nailed lumber camp superintendents who served illicit venison in their dining halls.

One of his most noted exploits was a 1915 snowshoe jaunt out of Ely against a nest of fur and game poachers in what is now the Boundary Waters Canoe Area.

Tabor and Warden Archie Boyd of Duluth were in Ely when they heard that timber cruisers had encountered a number of outlaw hunter and trapper camps between the South Kawishiwi River and Gunflint Lake.

Gathering a camping outfit and supplies, the two snowshoed miles

into the Gunflint country without seeing any sign of humans. On their way back through the North Kawishiwi district, however, they hit upon one outlaw camp after another.

At the first camp, guard dogs signaled the officers' approach, enabling the trappers to quickly outdistance the tired wardens. The second camp provided a freshly prepared breakfast abandoned in haste. At the third camp the officers seized a violator and, driving him before them, surprised a fourth camp. A gun fight resulted, but no one was hit. Two more prisoners were taken.

Herding the prisoners before them

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at gun point and carrying contraband fur, the wardens were nearly exhausted as they snowshoed into Ely. They had been on snowshoes 14 days!

**Outlaw Shoot-outs.** In the 1920s, during concerted attempts to enforce game laws, the Warden Service began to suffer casualties.

One of the worst incidents occurred on April 24, 1930, when Warden Supervisor Norman Fairbanks Sr. and Warden Harvey Kuluvar were questioning two occupants of a shack near Wolf Lake in Itasca County.

The suspected lawbreakers were a man and a teen-age boy. Without warning, the man, lying in bed, opened fire with a concealed automatic pistol at point-blank range. Fairbanks was hit twice and Kuluvar was blinded by the muzzle blast. Both escaped from the shack, took cover, and shot it out, but the outlaws made a getaway. Ten days later, Fairbanks died of his wounds.

For two months, a posse of game wardens, deputy sheriffs, mining company police officers, and volunteers combed the forests of Itasca and St. Louis counties. The criminals finally were cornered on June 26 in the woods north of Greaney. In the ensuing shoot-out, the teen-age boy was killed as he tried to draw down on a posse-man. The youth shot and missed, but the deputy did not.

The most tragic casualty in the history of Minnesota game-law enforcement, however, occurred in a more settled area of southern Minnesota.

It happened at Waterville, Le Sueur County, on July 12, 1940. Wardens Brady, Holt, and Whipps were shot in cold blood by a suspected illegal fish dealer who then killed himself.

The killing resulted in far-reaching changes in the service. The murdered officers had been caught unarmed and unprepared for such an assault. The killer had a reputation of mental instability. In response, the Legislature quickly provided for uniforming and arming wardens. Wardens were also given more training in arrest procedures.

**Fur Caches.** Some of the strangest adventures of the Minnesota Game Warden Service, and, indeed, some of the most embarrassing, involved attempts to enforce laws protecting furbearers.

During the World War I period, Game and Fish Commissioner Carlos Avery was well aware of fur-law violations. His letters to field men were full of instructions for apprehending major violators. His successor, Jay Gould, followed suit.

Some game wardens were good actors, particularly A.J. Totten and B.A. Goff. Impersonating illicit fur buyers, they seized caches of illegal beaver skins, though local judges often gave the offenders a mere slap on the wrist.

When prominent fur dealers were convicted, they appealed all the way to the state Supreme Court. Chester S. Wilson, then assistant attorney general for the Game and Fish De-



**Warden-pilot William Morris, ca 1961. Plane is equipped with skis for snow and ice.**

partment, made the outlaws wish they had saved their legal fees. State convictions were sustained.

The illegal fur racket was so lucrative that the criminal element quickly adopted new technology, namely the seaplane or skiplane. A legendary character in the late 1920s was C.R. "Dusty" Rhoades, personal pilot for an Iron Range mining official. His employer often went south or west for the winter leaving Dusty with the plane, of which he made imaginative use.

Scattering illegal trappers throughout the northern Minnesota lake country, Dusty allegedly developed a regular milk run, picking up illegal pelts by the hundreds. Legend has it that Dusty became so bold as to "bomb" the Game and Fish Department headquarters at Winton with skinned beaver carcasses.

Finally, the Game and Fish Department used the double-agent technique to trap Dusty. A former illegal fur buyer, supposedly "gone straight," arranged to purchase several hundred beaver skins from Rhoades.

A raiding party of eight game wardens surrounded Rhoades' home in Virginia on the night of May 18, 1931. Rhoades had stored most of the furs in an automobile parked some distance away. One member of the raiding party left his post, allowing Rhoades to slip out of the house, reach the car, and make a getaway.

In time, Rhoades ran up against the Royal Canadian Mounted Police. He was tried, convicted, and fined. Thereafter, he simply faded from the Minnesota scene.

Profits from the illicit beaver traffic were so enticing that numerous cases

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of official corruption occurred. One important fur dealer was the national committeeman of a major political party in Minnesota. Curiously, he never was apprehended by Minnesota authorities. Yet, Wisconsin Conservation Department officers managed to obtain convictions against him.

And so the struggle to protect Minnesota wildlife goes on. But sportsmen, along with everyone who loves the outdoors, can rest assured that our thin green line of COs, despite an enormous 84,068 square miles to patrol, will continue to enforce resource-management laws with unrelenting dedication. □

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## For COs, No Patrol Is Routine

Training, organization, and sometimes just plain raw courage serve conservation officers on daily patrols.

Fact: COs are twice as likely to be assaulted with a deadly weapon as other peace officers

Paul Dyrstad and Charles Schwartz

ON THE evening of Oct. 23, 1981, Department of Natural Resources Conservation Officer Robert Kangas nearly became a statistic.

The night began routinely, little different from any of countless night patrols by COs before or since. The events that set that night apart from others, however, served as a valuable reminder to Kangas and to all COs: Their job is among the most dangerous in law enforcement.

That evening, Kangas and a group of COs drove to predetermined locations to watch for deer shiners. A DNR airplane was supposed to patrol, but overcast skies kept it from

taking off. The COs planned to work in two-man teams, but Kangas never made the rendezvous with his partner, so he chose to work alone. If he needed assistance, his radio would give him contact with other officers.

Kangas was familiar with the field about 4 miles west of Friesland in Pine County; he had done surveillance there before, watching for deer shiners. A veteran officer with nearly 10 years of service, he parked the patrol car, poured a cup of coffee from his thermos, and almost immediately spotted figures across the road panning the field with a flashlight.

Kangas grabbed his binoculars,