



SPECIAL SUPPLEMENT

"Hunting provides the principal incentive and revenue for conservation. Hence it is a force for conservation."

# World Conservation Force Bulletin

www.conservationforce.org January 2014

## Firestorm Email Attacks by Media and Antis

Recently, animal rights activists and misinformed media have taken to using social media to attack sportsmen and women who hunt and fish. Even hunters and anglers within our community have attacked other hunters far too rudely. It is more than rude, offensive behavior. Some of it includes intimidation and even death threats. Some is purposefully aimed at harming the sportsman or woman and their business interests. This is going too far. There are legal remedies. It may be time to resort to those remedies to roll back some of the more organized, egregious conduct by wackos and agenda-driven journalists alike.

One instance was the November petition to deny Melissa Bachman future visas to enter South Africa because she posted a picture of herself with her Limpopo lion on Facebook and Twitter. Despite the fact that US citizens don't require visas to enter RSA, tens of thousands of hate mails ensued over a lion hunt not unlike many hundreds of others in South Africa each year. South Africa has the second largest lion population in all of Africa, thus the world. But for the hunting, most of those lion would not exist. In short, as long as there is lion hunting in RSA, the lion there will be secure. Moreover, the hunting of lion is the single biggest producer of revenue of any game animal in the RSA hunting community - over 120 million rand in the last analyzed year (2012).

Another recent instance is the hate mail Conservation Force and the first US importer of a black rhino trophy received. That has been followed by the hate mail campaign and irresponsible media treatment of the black rhino



DATELINE:  
**United States**



John J. Jackson III

auction at Dallas Safari Club's Convention. (See the DSC press release at <http://gametrails.org/death-threats-aside-dsc-forges-ahead-with-rhino-auction/>).

One major media representative actually asked me sarcastically, "Isn't the hunt of the auctioned rhino the same thing as poaching? I mean, isn't both killing by human beings?" Of course, I explained that poaching was stealing from society and that the permitted,

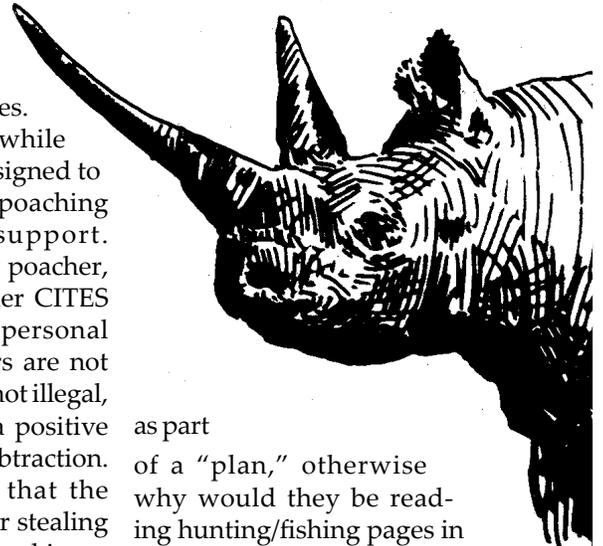
regulated hunt was part of the conservation system designed by the foremost experts to perpetuate the species. Poaching was the problem, while the permitted hunting was designed to generate revenue to control poaching and to incentivize local support. Poaching was for profit of the poacher, while permitted hunting under CITES was strictly for non-profit, personal use. Regulated tourist hunters are not thieves; their actions are legal, not illegal, and the funds they pay are a positive contribution, not a negative subtraction. (I have since heard it said that the difference is like a bank robber stealing and a bank customer when making a deposit.)

The ignorance of the media representative was truly incredible and was made worse by an underlying negative presumption that hunters take, not give. In that case, the media representative was not qualified for the interview, but generally the media is essentially a negative medium. That problem is made worse when the reporter has an agenda that includes your destruction or harm to you. Read on how you can protect yourself.

In some instances, hunters are their

own worst enemies. In the so-called "social media" sportsmen can display the same rudeness and offensiveness to one another as the rest of society displays all too often. For example, a few years back Jim Zumbo was viciously hounded without mercy by fellow sportsmen despite a lifetime of leadership in the hunting industry.

What has alerted me as much as my first-hand experience with hate mail is an editorial by Editor Andy Crawford in the December issue of *Louisiana Sportsman*. His editorial entitled *It's Hunting, Folks*, expressed his experience with a picture of a hunted bobcat on the magazine's Facebook page. He received obvious anti-hunting protests, and he opines that the antis are reading pages



as part of a "plan," otherwise why would they be reading hunting/fishing pages in the first place? Good point. The same may be true of Melissa Bachman's lion on Facebook. What the *Louisiana Sportsman* Editor found "surprising was the number of comments from *Louisiana Sportsman* fans... that thought the photo should not be used." After citing some of the comments, Editor Crawford sagely points out "that nothing you or I do will ever make the anti-hunting crowd hold our hands and sing Kumbaya. Folks, they hate what we do. Period....So let's stop being politically correct in hopes that we don't offend someone....Instead, let's

celebrate the hunting sports and share the excitement..." To that I would add, let's stop apologizing and overreacting to purposeful campaigns against the sporting way of life. Hunters need to avoid apologizing for hunting or attacking each other due to PR concerns. We can be our own worst enemy.

When the antis misrepresent the facts with malicious intent to damage a hunter, there are legal remedies. Letters to your business customers or supporters with misrepresentations is certainly actionable misconduct prohibited by law in almost every state. In some states, intentional torts entitle the victim to triple damages. You may be able to pick your state to sue. Under bankruptcy law, intentional misconduct is not dischargeable like other debts.

Any of the traditional legal remedies should provide protections. The first would be defamation (misrepresentation with malice), which can be both a criminal offense and also provide for injunction and monetary compensation in civil law. A second is

civil liability for tortuous interference with a contract or business relations, as when the offender writes those you do business with. A third tort in civil law is intentional infliction of emotional distress. The wrongful conduct may also violate your state's *Unfair Trade Practices Act* or state and federal Anti-Racketeering laws, RICO. There is little doubt this is where it has to lead if the antis and/or judgmental press with an openly displayed agenda to harm you keep up the firestorm campaigns. I can image one of America's businesses, civic or social leaders, perhaps a billionaire, suing for hundreds of millions of dollars. One case could be enough. In fact, at this time a number of animal rights organizations are being sued for their campaign against the Ringling Bros. circus. One group settled a year ago for nearly \$10 million dollars, *Feld Entertainment, Inc. v. American Society for the Prevention of Cruelty to Animals, et al.*, Civ. Action No. 07-1532, United States District Court for the District of Columbia Circuit. ■



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# CIC Milan 61st General Assembly/Crime Summit

The registration and agenda for the 61<sup>st</sup> General Assembly of the International Council for Game and Wildlife Conservation, CIC, has been posted at [www.cicmilano2014.com](http://www.cicmilano2014.com). The assembly will be 23-26 April, 2014 in Milan, Italy.

The CIC will host a Global Summit entitled *Hunters United Against Wildlife Crime* on the 24<sup>th</sup> of April. This landmark Summit will gather leaders from the world of hunting and from institutions prosecuting wildlife criminals, such as INTERPOL. CIC President Bernard Lozé states, "We need all...to help stand up to these wildlife criminals and to fight them with all the means that we have! Together, hunters have the power to make a difference!"



This is more than timely. The hunting community has conspicuously been left out of the growing efforts of the US Administration and enforcement authorities to contend with the rise in rhino and elephant poaching. CIC should be congratulated for providing the Summit to step up the hunting world's participation. CIC is as an organization ideally suited to serve as a meeting place for such forums for the international hunting community.

In other news, the CIC reports that the Republic of Namibia has become the newest state member of the CIC. The CIC is an organization of governments as well as organizations and is treated as such at CITES CoPs, IUCN and other important international forums. ■

## USFWS Re-Notices Proposed ESA Downlisting of Markhor

**O**n December 5, 2013 the US Fish & Wildlife Service (USFWS) noticed a “revision” of its proposal to downlist the straight-horned markhor to “threatened” status with a special rule for trophy imports. The proposal now includes the Kabul markhor (*Capra falconeri megaceros*) as a member of the subspecies to be downlisted from endangered to threatened under the ESA with a special rule, 78 FR 73173. This revision broadens the number of populations and areas of markhor to be downlisted to threatened under the ESA.

*We propose to combine the straight-horned markhor (Capra falconeri jerdoni) and the Kabul markhor (Capra falconeri megaceros) into one subspecies, the straight-horned markhor (Capra falconeri megaceros), under the Endangered Species Act.... We are also proposing a concurrent special rule. The effects of these regulations will be to protect and conserve the straight-horned markhor, while encouraging local communities to conserve additional populations of the straight-horned markhor through sustainable-use management programs.*

Upon downlisting, the revised

proposal would not immediately permit import of the Kabul markhor; not until the particular population is qualified like the Suleiman markhor in the Torghar area of Pakistan. This is desirable because it will motivate additional authorities and local people to follow the successful hunting-dependent model of the Torghar area to capture a piece of the US tourist hunting market – the largest in the world. This is the combined purpose and anticipated result of the downlisting and special rule. In effect, the USFWS is creating a tool to reward conservation practices that benefit threatened species to be used in lieu of “enhancement permits” under the ESA. If administered forthrightly, it can prove to be an additional tool to recover listed game species. After all, their status as a game species should be an added force for their recovery.

The revised proposal can also be found on Conservation Force’s website at [www.conservationforce.org/news.html](http://www.conservationforce.org/news.html). Comments on the broadened proposal must be received on or before February 3, 2014. Commenters from both sides of the issue felt that the subspecies included the Kabul. No one is stating that the status of the Kabul warranted

their downlisting, just that they should be included because of nomenclature.

We are hoping that the USFWS doesn’t take 12 full months to reach a final determination and rulemaking on the revised downlisting proposal. We are also hopeful that the broadened proposal does not serve to defeat the downlisting. There is no doubt that animal rights groups raised the nomenclature issue to waylay the downlisting by adding populations not faring as well as the Suleiman in the Torghar area. Nevertheless, some respected experts also advised that the Kabul should be treated as the same subspecies. Until this is resolved, we are still in court appealing the denial of the import permits for Suleiman markhor from Torghar. See the following story in this issue regarding that appeal. ■



### Markhor Import Permit Appeal

**O**n November 1, Conservation Force filed its appellate court memorandum trying to overturn the dismissal of its suit to overturn the denial of the enhancement permit applications, the Markhor II case. Though the proposed downlisting would make permits unnecessary for trophies taken from the Torghar population, we are not taking any risk until the downlisting in response to our petition to downlist is a Final Rule. In the same vein, Conservation Force has agreed to enter into non-binding mediation in the Appellate Court. The negotiations are confidential under the mediation agreement so can’t be disclosed, but the negotiations were off to a promising start in early December.

The trial court never reached the merits of the permit denial case because it dismissed the Markhor II case on procedural and jurisdictional grounds that were threshold issues. If the appeal is successful, then the case would be sent back to the district trial court to address the reasons the permits were denied. Those denials occurred after USFWS’s Division of Management Authority made a finding that the hunting did not “enhance” the survival or recovery of the species. The Division of Scientific Authority made a positive finding that the taking was not detrimental, but the Division of Management Authority must also make an “enhancement” finding for imports of an ESA endangered listed species. Unlike the Wood Bison case in which the district court reached the

merits and overturned the denials, the district court dismissed the markhor permits case for unrelated reasons, never reaching that point. It is Conservation Force’s position that the Division of Management Authority’s negative finding contradicts the science-based, positive fact-findings of the Division of Scientific Authority and also contradicts the positive findings in the USFWS’s downlisting proposal that has just been revised. We have been alleging and making an issue of the DMA making invalid findings to avoid the wrath and controversy of the antis and protectionists. The object of our efforts is to prevent invalid scientific findings from happening again and, of course, fulfilling the recovery goals of the ESA. ■

## Hunter Proud Foundation & Osprey Filming Company

The Hunter Proud Foundation is an important partner of Conservation Force because of the videos it has made over the past decade for distribution at CITES and as general educational tools. This past year was no exception. The Hunter Proud Foundation made an exceptional video on white rhino conservation with the invaluable assistance of PHASA and Ian Player. Conservation Force then distributed the DVD to all delegates at CITES CoP16 in March in Bangkok, Thailand. Entitled *The White Rhino – A Conservation Success Story*, the DVD can be viewed at [www.conservationforce.org/whiterhinovideo.html](http://www.conservationforce.org/whiterhinovideo.html). Though Zig Mackintosh of Osprey Filming Company is listed as the Producer and I am listed as the Director, the Professional Hunters Association of South Africa (PHASA) played a key role in the production. PHASA is now taking the educational effort to a new level. PHASA reports that they are making a sequel to the first rhino DVD.



consideration in the 12-month ESA determination that is ongoing. This is the second African lion DVD, as the first under the same title was produced for Conservation Force's use and distribution at the CITES CoP in 2004 to defeat Kenya's proposal to list all African lion on Appendix I of CITES.

This year, the Hunter Proud Foundation's DVD on the ESA impediments to recovery of the Suleiman markhor in the Torghar Project Area in Pakistan, *The Suleiman Markhor: A Dream Deferred*, played a huge role in furthering our petition and resultant USFWS proposal to downlist those markhor.

We tried to credit the Hunter Proud Foundation in Conservation Force's *End of the Year Report* mailed in December, but it was described as "Hunters Pride" due to a typo. Moreover, there was too little room to give the 501(c)(3) foundation the credit it is due.

All the videography is performed by Osprey Filming Company, which was providing these educational and advocacy DVDs for Conservation Force even before incorporation of the Hunter

Proud Foundation, such as *Tembo: Use or Lose* prepared for an earlier CITES CoP. Zig Mackintosh ([www.ospreyfilming.com](http://www.ospreyfilming.com); email contact [studio@ospreyfilming.com](mailto:studio@ospreyfilming.com)) has been the man behind the scenes from the inception. The board of the Hunter Proud Foundation is made up of real hunter-heroes and reads like the who's who of the hunting world today. That includes Chairman Brook F. Minx, Ralph Cunningham (Past President of SCI and the Houston Safari Club), Byron Sadler and Dennis Anderson (Past President of SCI). There is little doubt that those board members provide the largest share of the support of the Hunters Proud Foundation.

### The Osprey Filming Company



For more information on this important foundation, see its website at [www.hunterproud.com](http://www.hunterproud.com). To make tax-deductible

donations, contact Brook Minx at [bminx@hunterproud.com](mailto:bminx@hunterproud.com). Thank them for the first-class job they have been doing. There are no educational DVDs of like kind, quality or focus. The Foundation has been an invaluable partner to Conservation Force for more than a decade. ■

## Intervention in Latest Three Amigos Suit

Conservation Force has filed a motion to intervene in the most recent Three Amigos suit by Friends of Animals. This suit, unlike earlier suits, is an attempt to enjoin the permitting system that authorizes the take/cull permits. Conservation Force represents and has been joined in its motion by Dallas Safari Club, Houston Safari Club, Texas Wildlife Association and one or more ranches belonging to each of the respective organizations. The ranch members are Media Luna Ranch, Kothman Ranch Co., KJC Rockin

P Ranch, Indianhead Ranch, J&R Outfitters, Rancho Vedado, Heart of the Lone Star Ranch, Simpson Ranch and 777 Ranch.

The plaintiff Friends of Animals is objecting to the intervention, but there is little doubt that the intervention will be permitted because of Conservation Force's Ranching for Restoration Program and free public assistance to ranches in the application process is a target of the suit. Conservation Force's Ranching for Restoration Program is the biggest potential source of funds for restoration

projects in the countries of origin of those species. Animal rights groups have scuttled those projects at times by threats of controversy to our conservation partners. Now they are trying to challenge the permitting itself. ■

**January 2014**

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**TIME FOR ANNUAL REPORTS!**  
Those ranch owners with ESA Take permits for the Three Amigos and other listed exotics must file their Annual Reports before January 31, 2014. The form is No. 3-200-41a and can be found on the USF&WS website at <http://www.fws.gov/forms/3-200-41a.pdf>.

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