



John Fletcher Lacey was known as the “father of conservation legislation” because he was responsible for many of the first laws still on the books protecting wildlife, forests, cultural and historical artifacts, and extraordinary lands.

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abundant, and especially captivating were the meadowlarks, whippoorwills, and myriad other wild birds that awakened a lifelong desire to protect all native birds. The family’s move a year later to a farm on the Des Moines River near Cedar Bluffs further inspired his interest in conservation.

Lacey learned the trade of brick laying and attended Drake’s Academy, although early in life his mother taught him. He never attended college but had a thirst for knowledge and read law books in the evenings. Even while serving in the Union Army during the U.S. Civil War, he carried law books in his saddlebags to study as time permitted. After the war ended in 1865, he was admitted to the Iowa Bar and immediately opened his own law office. He married Martha Newell, and eventually the couple had three daughters and a son, but only two daughters survived to adulthood.³

In his law practice, Lacey became legal counsel for the Rock Island Railroad. How did being a railroad lawyer lead to Lacey’s role in conservation history? The interstate rail system was in its infancy at the time, and the Union Pacific and Central Pacific Railroads had linked up in 1869, thus completing the first transcontinental railway. The new transportation industry needed a compilation of laws regarding railway litigation stemming partly from the rail system crossing from one state to another. And so, the young lawyer wrote the first two volumes of *A Digest of Railway Decisions*.⁴ The books reported all American cases in which

John Fletcher Lacey (1841–1913)

By Susan Jewell

John Fletcher Lacey may be the most influential conservation lawmaker in the U.S. Congress that you never heard of. The body of federal laws that he either wrote, introduced, sponsored, or convinced his colleagues to pass and presidents to sign earned him the title of “the father of conservation legislation.”¹ How did

this congressman from Iowa come to pioneer the nation’s most enduring and significant conservation laws?

Lacey was born in New Martinsville in present-day West Virginia on May 30, 1841, and moved west with his family in 1855. The trip by steamboat on the Mississippi River to Keokuk, Iowa, and then by a horse-drawn wagon across the wild prairie to Oskaloosa, Iowa, afforded the 14-year-old lad one of the most memorable times of his life.² Wildlife was

a railway company was a party and all other cases in which railway law was determined. Through his intense review of all cases, Lacey gained the knowledge of federal and state transportation laws that he applied when writing the first national law prohibiting interstate transportation of illegally taken and transported wildlife in the United States.

Lacey was elected to the Iowa House of Representatives, where he served from 1870 to 1872. During the following years, he continued his law practice and wrote the *Third Iowa Digest*, a volume of Iowa laws.⁵ In 1888, Lacey was elected to the U.S. Congress, lost the subsequent election, but prevailed in 1892 and entered the Fifty-third Congress. He then served seven consecutive terms as the representative of the Sixth Congressional District of Iowa, ending in March of 1907 when he lost reelection.

During his eight terms, Lacey relentlessly pursued protections for natural and cultural resources. He became a member of the House Committee on Public Lands (now known as the House Committee on Natural Resources) in the Fifty-third Congress (1892–1893) and served as chair from 1895 to 1907. The Public Lands Committee presented him with the opportunity and power to advocate for protection of birds and other natural and cultural resources by combining his knowledge of federal and state laws with the need to protect the resources on a federal level.

At that time in the United States, market hunting and poaching of wildlife was rampant. To many people, the indiscriminate killing was even acceptable because the notion persisted that the continent's resources were inexhaustible. Hunters slaughtered the American bison by

the thousands for their heads to adorn mantles, tongues to serve as culinary delicacies, and hides to make coats, but the carcasses were left to rot. More than 1.5 million hides were shipped east during the winter of 1872–73 alone. Once numbering perhaps 60 million animals and ranging from Alaska to Mexico and almost coast to coast, the population was reduced to a few thousand in just a few decades, concentrated at that time primarily in what is now Yellowstone National Park.

Adult herons and egrets were shot in their nests in Florida for their long, colorful plumes that were sent to cities to decorate ladies' hats. Passenger pigeons, once numbering in the billions and blotting out the sunlight by the sheer numbers of the birds in flight, were shot nearly to extinction for food. Moreover, Native American cultural sites and America's historical sites were pillaged for souvenirs. There were no federal laws to penalize the perpetrators for any of these travesties.

Other disturbing wildlife-related problems came to Lacey's attention. Biologists and economists at the U.S. Department of Agriculture (USDA) and other institutions had been studying the converse problem of people intentionally importing foreign mammals and birds to release into the wild, sometimes because they desired to see familiar wildlife from their homelands and sometimes because they sought to introduce additional food sources for people. A report by the USDA in 1898 alerted Lacey to the many potentially injurious (harmful) bird and mammal species that were being introduced into the country, whether intentionally by ship or inadvertently as ship stowaways.⁶

European starlings were first purposely imported and released in Central Park in New York City

in 1877. English sparrows were also imported and released into various cities, such as New York, Boston, and Philadelphia, over several decades starting in 1850. These two highly adaptable species reproduced quickly and devoured large swaths of seeds, grains, and fruits grown by farmers. Both species expanded their ranges rapidly across Canada and the United States. Mongooses were introduced into the Hawaiian Islands around 1881 to rid the sugarcane plantations of rats. They soon contributed to the rapid extermination of native birds. The nonnative species usually had no natural enemies to keep their populations in check.

Lacey took on these challenges over his decades in Congress in his role with the Public Lands Committee, made even more difficult because he was broaching new federal law territory. As his contemporary and supporter William Hornaday (former director of the New York Zoological Society) acknowledged, Lacey "was the first American congressman to become an avowed champion of wild life."⁷ Until Lacey came along, Congress had collectively considered the responsibility for the management of wildlife and public lands to be under the purview of the individual states, not that of the federal government. But Lacey saw it differently, and he knew how to appeal to members of Congress.

Another challenge was protecting forests from indiscriminate logging and destruction. Lacey, who had traveled to Europe twice and knew of the calamities caused by deforestation on that continent, endeavored to prevent that from happening in his homeland.⁸ "We are threatened with continental baldness," Lacey postulated at the height of the forest conservation movement.⁹ His involvement in forest conservation

legislation dates to his first term in Congress, in 1890, when he was not yet a member of the Committee on Public Lands. Lacey participated in drafting and promoting a bill in that committee that he correctly characterized as a first step toward a national system of forest reserves.¹⁰ The Forest Reserve Act of March 3, 1891, was passed on the last day of Lacey's first term. This was Lacey's first work on a significant conservation law. Under this statute, presidents could set aside public lands as forest reserves (renamed national forests in 1907) to protect them from exploitive logging.¹¹ As committee chair, he championed the Transfer Act of 1905 that established the U.S. Forest Service but successfully opposed efforts in 1906 and 1907 to transfer the national parks to the Forest Service on preservationist grounds.¹²

The first national park, Yellowstone, had been established on March 1, 1872, under the exclusive administration of the secretary of the U.S. Department of the Interior. However, the laws protecting its resources were limited primarily to confiscating the looted objects and expelling the perpetrator from the premises. The wanton killing of bison and absconding with Native American artifacts continued after the boundaries were laid. Along came John Lacey, whose travels had acquainted him by personal investigation with nearly every one of the national parks; he had a particular appreciation of Yellowstone and sought to obtain more comprehensive protections for the park's resources.¹³ "The Yellowstone Park is a great educator along the line of protection of wild life," he wrote in an article published in the *Boston Evening Transcript*.¹⁴ Thus, he drafted and sponsored legislation that gave the

government the authority to arrest, prosecute, fine, and jail poachers who stole or destroyed the birds, mammals, timber, minerals, and "wonderful objects within the park." This was the Yellowstone Park Protection Act, also known as the Lacey Act of 1894.¹⁵ The law also increased the size of the park by 3,344 square miles, provided a legal definition for what a national park should be, provided for armed law enforcement, and became the foundation for the future laws and policies of the National Park Service, which was created in 1916. In effect, it also made Yellowstone the first national wildlife refuge. The Lacey Act of 1894 remains landmark legislation for natural resource protection.¹⁶

From his youth in rural Iowa, Lacey maintained a lifelong reverence for native birds. In addition to their beauty in visage and voice, he saw them as saviors from insects that destroy crops and attack game and domestic mammals. He also decried the wholesale slaughter of passenger pigeons, prairie chickens, and other game birds, and such game mammals as bison, beaver, deer, and elk. Some states started passing legislation to protect their wild birds and mammals from hunting, but those laws were limited to the wildlife within the respective states and sometimes were based on local whims, ignorance, and selfishness. Furthermore, there was no uniformity between states in neighboring geographical locations. Lacey set out to draft legislation to remedy the deficiencies. He knew the responsibility to protect game animals rested with the states, so his bill did not declare that the federal government ought to protect the wild animals. He also knew the legality of regulating interstate transport came from Article 1 of the U.S. Constitution, giving Congress the power "to

regulate commerce . . . among the several states." Since interstate commerce was the responsibility of the federal government, Lacey would propose legislation to protect birds and game indirectly by prohibiting interstate (and international) transport of wild birds and game mammals in violation of state laws.¹⁷ So, from 1892 to 1900, the congressman pursued the legislation that was his greatest ambition—prohibiting interstate commerce of wildlife taken and transported in violation of state laws.

However, there were major obstacles. He had to convince the other federal lawmakers that such a bill would benefit and not restrict their respective states. For this, he drew on his experience as a railroad lawyer. The railroads were the main interstate commerce arteries at the time, and few people knew the laws as well as Lacey. He drafted language making it unlawful to transport any wild birds or mammals from one state to another, as long as the state from which the animals were taken had an existing law protecting those animals.¹⁸ Thus, there would be no additional regulations on the states, simply federal support of their own laws. State game wardens, he explained, desired such legislation to stop nefarious traffic in game animals killed in defiance of their state laws.¹⁹

In addition to prohibiting interstate transport of game killed in violation of local laws, Lacey included several other powers within the bill. One authorized the secretary of Agriculture to utilize the department to reintroduce birds that had become locally extinct or were becoming so in some parts of the United States, such as insectivorous and game birds. Another power granted allowed the secretary to control the importation of foreign wild birds and wild mammals.



COURTESY OF THE BOONE AND CROCKETT CLUB

Congressman Lacey is seated on the right in his Washington office in the late 1890s with several staff members.

This was to prevent invasions of harmful wildlife such as had already been manifested in the United States and other countries. Specifically, English sparrows, European starlings, fruit bats, and mongooses became prohibited from importation as a new designation called “injurious,” and others could be designated by the secretary.²⁰ The law also made it unlawful for anyone to import into the United States any foreign wild mammal or bird except under special permit from the USDA.²¹

These purposes were all rolled into one bill that became known as the Bird Act or the Lacey Act of 1900. First introduced by Lacey in 1892, President William McKinley signed it on May 25, 1900, and it has been in effect in revised forms since then. The authority for enforcing the law was transferred from the USDA to the Department of the Interior in 1939. The law, especially the sections that evolved to support any conservation law of a local jurisdiction, a tribe, the United

States, or a foreign country, and any wild animal or plant, has become one of the strongest conservation laws in the country.²² With increasing activity in international and domestic wildlife trafficking, the law has evolved to become an important weapon to protect animals domestically and abroad.

With his dual roles on the House Committees on Public Lands and on Indian Affairs, another of Lacey’s impressive lasting contributions to national conservation and culture



COURTESY OF THE BOONE AND CROCKETT CLUB

Congressman Lacey, shown standing by a bison skull in Texas in 1906, secured appropriations for reserves to save American bison herds in Yellowstone National Park and in what would become the Wichita Mountains Wildlife Refuge in Oklahoma.

is the Antiquities Act of 1906. After traveling to the Southwest to personally investigate the theft and destruction of archaeological sites, Lacey collaborated with archaeologist Edgar Lee Hewitt to draft and pass the law. Originally intended to preserve Indian remains on the pueblos in the Southwest, Hewitt used Lacey's concept from the 1900 law to indirectly protect the sites by making it illegal to destroy property on federal lands, thus safeguarding irreplaceable ruins and artifacts.²³ The act authorizes the president to proclaim national monuments on federal lands

that contain "historic or prehistoric landmarks and structures and objects of historic or scientific interest."²⁴ Until this act, only Congress could set aside such lands as national parks, which could be a lengthy process. However, under the Antiquities Act, a president could designate a monument more quickly. Not long after signing it, President Theodore Roosevelt made Devil's Tower the first national monument. The fourth was the Petrified Forest in Arizona, one of Lacey's favorite places. The site would "preserve the evidence of ancient forests just as he tried to protect

modern stands of timber."²⁵ The law has been used to create 272 national monuments to date, many of which have become national parks.²⁶

The powerful Lacey Act of 1900 was just the start of the congressman's bird protection efforts. He had justified the constitutionality for prohibiting interstate transport of wildlife, but he continued to urge legislation to enact a law to protect migratory birds from slaughter when flying to their northern breeding grounds. He argued that migratory birds did not belong to any state or country but were of concern to people

in their whole range, and thus the government should manage them if it could be done broadly.²⁷ The vastness of the geographic area and the difference in migration dates across the latitudes and seasons complicated legislation. However, Lacey suggested a general statute prohibiting the capture of migratory wildfowl while on their spring migration that should protect the birds, no matter the dates or locations. He prepared a bill that was limited to spring migration, but he was defeated for a ninth term in Congress before the bill had made its way through Congress. However, his expertise in the subject earned him an appointment by the secretary of Agriculture to the committee on conservation of national resources of the League of American Sportsmen to work on the Weeks-McLean migratory bird bill. That bill was approved by Congress only months before Lacey's death in 1913.²⁸ It became the foundation for the current Migratory Bird Treaty Act.

Lacey's contributions to the American people did not end with those just mentioned. Among other achievements, Lacey secured the passage of the Alaska Game Law to protect Alaskan game animals for subsistence use by the native peoples; a bill for the introduction of eggs of game birds for propagation; the first federal law to protect mine workers; and funding for preserves to protect the American bison from extinction. Much of the Department of the Interior's accomplishments in protecting the people, land, and water of the United States are due to authorities granted to the department by Lacey's laws.

Lacey was relentless in acquiring a broad knowledge of laws and conservation, and he pioneered in making that combination for the common good. His remarkable

success in getting novel and innovative federal legislation passed was due to being the first member of Congress to recognize conservation as a national responsibility of that legislative body. The gentleman from Iowa never sought the spotlight and thus remains a relatively obscure but invaluable giant among conservation leaders.

Wildlife biologist Susan Jewell lives in Springfield, Virginia. She worked under the injurious wildlife provision of the 1900 Lacey Act for the U.S. Fish and Wildlife Service. She retired in 2024 after 31 years. She is also a freelance writer of environmental books and articles.

NOTES

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2. *Iowa Conservationists: John F. Lacey*. Iowa National Heritage Foundation. June 10, 2016 in Blog. <https://www.inhf.org/blog/blog/iowa-conservationists-john-f-lacey/>.
3. L. H. Pammel, *Major John F. Lacey, Memorial Volume* (Cedar Rapids, Iowa: Iowa Park and Forestry Association, The Torch Press, 1915), 5. This edited volume combined recollections of close friends, some of Lacey's papers and speeches, and excerpts from his unpublished autobiography.
4. John F. Lacey, *A Digest of Railway Decisions, Comprising All Reported American Cases in which a Railway Company is a Party, And All Other Cases in which Railway Law is Determined* (Chicago: Callaghan and Company, 1875), and *A Digest of Railway Decisions. All American Cases Reported Since the Publication of the First Volume of This Digest in Which a Railway Company is a Party, and All Other Cases in which Railway Law is Determined, Vol. II* (Chicago: Callaghan and Company, 1884).
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6. T. S. Palmer, "The Danger of Introducing Noxious Animals and Birds," *Yearbook of Agriculture* (Washington, DC, Department of Agriculture, 1898).
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14. Quoted in Pammel, *Memorial Volume*, 171.
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19. U.S. Congress—House 1900. *Congressional Record* 4871 (April 30, 1900; statement of John Lacey), 4871 <https://www.govinfo.gov/content/pkg/GPO-CRECB-1900-pt6-v33/pdf/GPO-CRECB-1900-pt6-v33-2-2.pdf>
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21. Susan D. Jewell, "A Century of Injurious Wildlife Listing under the Lacey Act: A History," *Management of Biological Invasions* 11 (2020): 356–71.
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26. Vincent, *National Monuments*, 16.
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