

## Department of the Justice

### OPERATION SILENT WILDERNESS: PRESERVING AND PROTECTING THE ENVIRONMENT AND NATIVE AMERICAN CULTURE

October 10, 2014

<http://www.justice.gov/opa/blog/operation-silent-wilderness-preserving-and-protecting-environment-and-native-american>

#### ***Sellers of Eagle, Hawk, and Anhinga Feathers Sentenced For Violations of the Bald and Golden Eagle Protection Act, Migratory Bird Treaty Act and Lacey Act***

This week in Phoenix, Arizona, Leo Begay, a tribal member of the Navajo Nation from Tuba City, Arizona, became the last defendant to be sentenced following a nationwide investigation – Operation Silent Wilderness – by the U.S. Fish and Wildlife Service and the Navajo Nation Department of Fish and Wildlife into the illegal killing and commercialization of protected eagles and other migratory birds.

Begay was sentenced to four months in prison to be followed by two years of supervised release and a fine of \$1,000, having earlier pleaded guilty to charges that he sold six feather fans comprised of bald and golden eagles, and federally-protected hawks.

The investigation was initiated after the Navajo Nation Department of Fish and Wildlife received a complaint concerning a Navajo tribal member in Arizona who was selling eagle and other migratory bird feathers. Seven residential search warrants and multiple interviews related to the investigation were conducted, uncovering an illicit trade in migratory bird feathers via the Internet using online services such as MySpace and Yahoo! Mail.

Federal and Tribal law enforcement leaders commented on the operation.

Sam Hirsch, Acting Assistant Attorney General for the Justice Department's Environment and Natural Resources Division commented:

*The Department of Justice is committed to enforcing wildlife laws that forbid the commercialization and exploitation for profit of eagle feathers and other bird parts, which are sacred to the cultural and religious practices of some federally recognized Indian tribes. The Department of Justice is committed to enforcing our nation's wildlife laws that protect these species for future generations to enjoy, and we are committed to honoring the traditions and cultures of American Indian tribes with whom we share a government-to-government relationship.*

Ed Grace, Deputy Assistant Director for the U.S. Fish and Wildlife Service's Office of Law Enforcement, stated:

*Operation Silent Wilderness has been a model of cooperation between the Service and the Navajo Nation's Department of Fish and Wildlife. The results send a strong message to all Americans that we will pursue traders in illegal wildlife products with the full force of the law. Social networking sites are no safe haven for wildlife traffickers to conduct illegal business.*

Gloria M. Tom, Director of the Navajo Nation Department of Fish and Wildlife commented:

*The Navajo Nation Department of Fish and Wildlife entered into a partnership with the U.S. Fish and Wildlife Service to address illegal trafficking of eagle feathers and other bird parts on the Navajo Nation because this activity is impacting the long term viability and sustainability of the golden eagle and other migratory bird populations on our reservation. The Department's overall mission is to conserve and protect our wildlife now and in the future and we take this mission very seriously. We are obligated to protect these sacred birds for our people who use eagles and other migratory birds and their parts legally for religious and ceremonial purposes. The individuals who are participating in this illegal activity are not concerned with protecting Native American religious rights; they are only concerned with the personal financial benefit they receive from the illegal activity. Our partnership with the U.S. Fish and Wildlife Service to deter wildlife crimes on the Navajo Nation has been very beneficial to the Navajo Nation with cases like these being successfully prosecuted. We look forward to this continuing partnership because there is a tremendous amount of illegal activity continuing to occur and the partnership needs to include more efforts to catch the individuals who are killing the birds and making their parts available on the black market.*

John Leonardo, U.S. Attorney for the District of Arizona stated:

*The preservation of protected bird species is of significant importance to all Arizonans and all Americans, and this nationwide collaborative investigation demonstrates our shared commitment to this preservation goal as well as to the protection of American Indian cultural practices.*

In 2012, the Department of Justice announced a policy addressing the ability of members of federally-recognized Indian tribes to possess or use eagle feathers, an issue of great cultural significance to many tribes and their members. Attorney General Eric Holder signed the new policy after extensive department consultation with tribal leaders and tribal groups. The policy covers all federally-protected birds, bird feathers and bird parts. Under the policy, enrolled members of federally recognized American Indian tribes may possess eagle and other migratory bird feathers and parts for religious and ceremonial purposes.

Federal law otherwise prohibits the possession of eagles and migratory birds, and strictly prohibits the sale of bald and golden eagles, their feathers, or their parts by any person. The Bald and Golden Eagle Protection Act (BGEPA) prohibits the taking, possession, sale, barter, purchase and transport of bald and golden eagles. The Migratory Bird Treaty Act (MBTA) implements Conventions between the United

States and four countries (Canada, Mexico, Japan and Russia) for the protection of more than 1,000 migratory bird species. One such bird, the anhinga, is found in the Florida Everglades as well as in southern swamps and shallow waters. The MBTA makes it unlawful to, among other things, pursue, hunt, take, capture, kill, possess, offer for sale, sell, offer to barter, barter, offer to purchase, purchase, export, import, or transport migratory birds. The Lacey Act prohibits, among other things, the sale of wildlife knowing that the wildlife was taken or possessed in violation of any wildlife-related regulation or law.

These important laws are enforced by the Department of Justice and the Department of the Interior and help ensure that eagle and other bird populations remain healthy and sustainable.

***Previous prosecutions resulting from Operation Silent Wilderness:***

On Aug. 14, 2014, Charley Allen, a Goshute tribal member of Grantsville, Utah was sentenced to 12 months in prison to be followed by one year of supervised release for selling and offering to sell migratory bird parts including anhinga and hawk feathers in violation of the MBTA. Allen admitted by his plea on Mar. 20, 2014 in federal court in Salt Lake City, Utah, that he sold four sets of twelve anhinga feathers for \$400 per set to two people in Arizona, one of whom was an undercover officer. Allen also admitted that he offered to sell seven sets of red-tailed, red-shouldered and ferruginous hawk feathers. Allen communicated via MySpace with an individual in Florida who supplied Allen on multiple occasions with 44 sets of anhinga tail feathers.

Steven Patrick Garcia, Jr. of San Jose, Calif., similarly communicated with an individual in California via MySpace and sold the individual twelve hawk feathers for \$200. Garcia was sentenced on June 6, 2013 in federal court in Billings, Mont., to 24 months in prison to be followed by one year of supervised release for selling and offering to sell migratory bird parts in violation of the MBTA and the Lacey Act.

Alexander Robert Somers, a Yakama tribal member of White Swan, Wash., was sentenced on Aug. 26, 2013 in federal court in Phoenix, Ariz., to three months in prison, one year supervised release with a condition of three months home confinement, and \$10,000 restitution for selling golden eagle parts in violation of the Bald and Golden Eagle Protection Act. \$5,000 of the restitution is to be paid to the Yakama Nation's Wildlife, Range & Vegetation Resources Management Program. The remaining \$5,000 is to be paid to the Navajo Nation Department of Fish and Wildlife's "Operation Game Thief" a program which awards cash rewards to people who provide information which leads to the arrest or citation of any person who unlawfully poaches wildlife on the Navajo Nation.

The golden eagle feathers sold by Somers were purchased by Darwin James of Kayenta, Ariz. who subsequently sold the feathers to an undercover law enforcement officer. James was sentenced on Oct. 21, 2013 in federal court in Phoenix to five years of probation and \$6,750 restitution for selling migratory bird parts in violation of the MBTA. James pleaded guilty to the charge on May 6, 2013. James admitted by his plea that on Feb. 15, 2009, he sold 12 golden eagle tail feathers and twelve red-tailed hawk tail

feathers for a total of \$650 after exchanging e-mails with a covert law enforcement officer. According to court documents, James is a Native American residing on the Navajo Nation reservation.

The U.S. Fish and Wildlife Service's Forensics Laboratory in Ashland, Oregon, performed more than eight thousand forensic identifications during the course of this investigation and subsequent prosecution of the cases and concluded that a minimum number of nearly 600 individual birds were involved. The Forensics Laboratory is the only full service crime lab in the world dedicated to crimes against wildlife. Scientists at the lab identify the species of pieces, parts or products of an animal or bird seized as evidence, determine the cause-of-death, and provide expert testimony in court.

The U.S. Fish and Wildlife Service operates the National Eagle Repository, which collects eagles that die naturally, by accident or other means, to supply enrolled members of federally recognized American Indian tribes with eagle parts for religious use.

The cases which resulted from this nationwide investigation were prosecuted by the Department of Justice's Environment and Natural Resources Division, Environmental Crimes Section and the U.S. Attorney's Offices for the Southern District of Alabama, District of Alaska, District of Arizona, Southern District of Florida, Eastern and Western Districts of Louisiana, District of Montana, District of New Mexico, and the District of Utah.

Learn more about:

The Department of Justice Eagle Feathers

Policy:[www.justice.gov/usao/briefing\\_room/ic/eaglefeathers\\_factsheet.pdf](http://www.justice.gov/usao/briefing_room/ic/eaglefeathers_factsheet.pdf)

U.S. Fish and Wildlife Service's Southwest Region

### **Working With Tribes**

[www.fws.gov/southwest/NAL/](http://www.fws.gov/southwest/NAL/)

### **Tribal Eagle Aviaries**

[www.fws.gov/southwest/NAL/aviaries.html](http://www.fws.gov/southwest/NAL/aviaries.html)

### **Non-Eagle Feather Repositories**

[www.fws.gov/southwest/NAL/feathers.html](http://www.fws.gov/southwest/NAL/feathers.html)

### **National Eagle Repository**

[www.fws.gov/eaglerepository/index.php](http://www.fws.gov/eaglerepository/index.php)

**Topic(s):**

Tribal Justice

**Posted in:**

[Environment and Natural Resources Division](#)