



DEPARTMENT of the INTERIOR

news release

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"OPERATION FALCON" EXPOSES NORTH AMERICAN AND EUROPEAN BLACK MARKET IN BIRDS OF PREY

Secretary of the Interior William Clark and Attorney General William French Smith announced today that U.S. Fish and Wildlife Service special agents and State conservation officers arrested over 30 individuals in 14 States in a crackdown against illegal commercialization in birds of prey. Agents also seized a large number of live raptors (such as Arctic gyrfalcons and endangered peregrine falcons), as well as cars, trucks, and aircraft the Government charges were used in the violations.

This action culminates a 3-year undercover investigation which exposed a thriving international black market in federally protected birds. Altogether, more than 80 felony charges are now pending.

A number of United States Attorneys also helped to direct this multi-district investigation, which was centered in the office of the United States Attorney for the District of Montana. The United States Attorneys for Colorado, Central District of California, Northern District of Illinois and 12 other districts also participated in this effort. Through undercover techniques, the agents were able to infiltrate the networks of individuals involved in illegal raptor taking and trading, and to obtain evidence of violations by subjects throughout the United States.

The operation was carried out by 150 Fish and Wildlife Service special agents and an equal number of State wildlife officers who served search and arrest warrants in Arizona, California, Colorado, Idaho, Illinois, Louisiana, Minnesota, Missouri, Montana, Nevada, New Mexico, New York, Texas, and Utah. Those arrested today were charged with violating various Federal wildlife statutes as well as smuggling, conspiracy, mail fraud, and making false statements.

Those arrested today in the United States included subjects from West Germany and Canada. At the same time, in a closely coordinated enforcement effort, wildlife officials in Ontario, British Columbia, Alberta, and the Yukon, assisted by the Canadian Federal Department of Justice, served 15 search and arrest warrants involving similar violations in Canada.

Government surveillance and undercover activities substantiated earlier information that the multi-million dollar illegal black market in birds of prey is a worldwide problem of serious proportions.

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"The Department is greatly concerned about the impact illegal trade is having on wild populations of birds, converting a public trust to a private gain," Secretary Clark said. "We intend to review in depth the existing regulatory mechanism that has apparently been defied on such a large scale. In the meantime, we will use available resources to combat schemes to commercially exploit falcons and other birds of prey that belong to the American people. We hope that the successful prosecutions of those who have allegedly violated the law will convey our dedication and commitment to wildlife protection."

Attorney General Smith said: "Illegal trafficking in protected wildlife has become an enormous problem. A multi-million dollar illegal market is threatening the existence of some species, and creating an incentive for organized international criminal activities. I am encouraged, however, by our highly effective effort to penetrate the networks of illegal trade in raptors through cooperation, not only among Federal and State agencies, but also with foreign governments. This type of cooperation is essential if we are to eradicate this unlawful commerce before it eradicates our protected wildlife."

More than 5 years ago the Fish and Wildlife Service started collecting intelligence on falconry activities and the international black market in falcons. Information developed convinced Service agents of widespread violation of Federal laws applying to falconry and to raptor propagation projects. As a result, an undercover "sting" operation was launched.

Agents found that young raptors (known as eyasses) and raptor eggs taken from the wild were being smuggled across United States borders to provide highly prized species for the illegal trade. They estimate that between 1981 and 1984 as many as 400 birds were illegally taken from the wild with many being offered for sale to buyers in the United States, Europe and the Middle East, where they were used primarily for falconry purposes. Smuggling techniques included many used by drug traffickers, such as utilizing small aircraft to cross the U.S.-Canadian border, illegally crossing remote sections of the border by car or truck, and carrying illegal eggs in false-bottom luggage or strapped next to the body. Service investigators estimate that the mortality of illegally taken wild birds runs as high as 50 percent.

Another scheme to provide birds for the black market involved the illegal use of Federal raptor bands. Many birds and eggs taken from the wild were delivered to captive-breeding projects, where they were falsely documented and banded as having been bred in captivity. Under Federal regulations raptor breeding projects are allowed to sell captive-bred birds marked with non-reuseable, seamless leg bands. Wild-caught birds may not be sold. "Laundering" birds in this manner may prove to be a significant drain on wild resources.

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The black market price of raptors varies according to species, color, sex, and general condition, with buyers in the United States paying as much as \$10,000 for white female gyrfalcons, which are larger than males of the same species. In Europe and the Middle East, gyrfalcons reportedly can bring \$50,000 or more for an outstanding specimen. The popularity of gyrfalcons, an Arctic species, is based on their large size and superb hunting ability. Within the United States, endangered peregrine falcons are valued at up to \$2,000; goshawks, \$1,500; prairie falcons, \$800; and Harris hawks, \$600, while European and Middle Eastern prices for these birds are considerably higher.

Falcons, hawks and other birds of prey have been federally protected by the Migratory Bird Treaty Act since 1972. Under the Act the taking, possession, sale, purchase, barter, or offer to sell, purchase, or barter of migratory birds is prohibited except as allowed by permit. The sport of falconry and raptor captive-breeding projects are currently authorized under various Federal permit provisions. Birds held under permit for these purposes are banded with a permanent Fish and Wildlife Service band, which may not be reused upon the death of the bird. Band tampering and reuse appears to have been commonplace among those allegedly involved in the illegal trade.

In addition to the Migratory Bird Treaty Act, falcons are protected by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), an international agreement requiring permits to import or export listed species. Peregrine falcons are also protected by the Endangered Species Act of 1973 which prohibits taking or interstate or foreign commerce in a listed species, except as specifically allowed in accordance with permit provisions. The Lacey Act Amendments of 1981 make it a Federal violation to import, export, transport, sell, receive, acquire, or purchase wildlife that has been taken, transported, possessed, or sold in violation of State, Federal or foreign law.

Penalties that may be assessed in these cases under the Migratory Bird Treaty Act are up to 2 years in prison and/or a \$2,000 fine for the sale of any migratory bird or, the taking with intent to sell; under the Endangered Species Act, up to 1 year in prison and/or a \$20,000 fine; under the Lacey Act, up to 5 years and/or a \$20,000 fine; conspiracy, up to 5 years in prison and/or \$10,000 fine; smuggling up to 5 years in prison and/or \$10,000 fine; making false statements, up to 5 years in prison and/or \$20,000 fine, and mail fraud, 5 years or \$1,000, or both.

Falconry is regarded as "the sport of kings." Falcons are swift, strong birds admired the world over for their hunting prowess. The gyrfalcon, the largest of the falcons, can climb straight up in the air, rather than spiraling as do most other birds of prey, and then descend on its prey at speeds of up to 200 miles an hour. Peregrines are known for their ability to circle patiently, waiting for prey to be flushed. Both species hunt other birds and may occasionally take small mammals such as rabbits, as well. Gyrfalcons may weigh up to 74 ounces; peregrines, up to 53 ounces.

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The Migratory Bird Treaty Act was passed in 1918 to halt the slaughter of birds to supply a commercial market for food and for plumes. The Act has been amended several times to incorporate treaty provisions with additional countries. Current signatories to the Act are the United States, Canada, Mexico, Japan, and the U.S.S.R.

The Lacey Act was originally enacted in 1900 to prevent the importation of injurious wildlife into the United States and to provide a Federal tool to help individual States protect their resident wildlife being illegally taken and then transported across State lines for sale, an activity which was unchecked before the Act was passed. The Lacey Act has subsequently been amended to apply to foreign commerce as well and to increase the penalties for commercial violations and repeat offenders.

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Editor's Note: Photographs of raptors are available from the U.S. Fish and Wildlife Service, Audio Visual Division, 202/343-5611.