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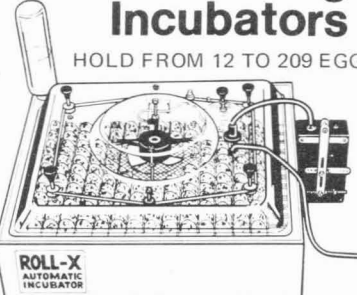
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"LAW FOR THE BIRDS"
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SMUGGLING — OR, A BIRD IN HAND CAN GET YOU FIVE YEARS

Last summer, the following press release by the U.S. Customs Service caught my notice:

"FORTY-SEVEN PARROTS WITH A RETAIL VALUE OF \$50,000 SEIZED. U.S. Customs agents seized 47 rare and exotic parrots with a retail value of \$50,000 in Mission Hills, Calif. yesterday and arrested four men, according to Kenneth Aschim, Special Agent in charge of the Los Angeles Customs office of investigations.

The parrots were smuggled inside several wooden chests and were part of a shipment of ten race horses which arrived in San Francisco by Air Freight from Sydney, Australia.

As a result of an investigation, a U.S. Customs undercover agent posed as a buyer for the parrots. Following the meeting and negotiations, four people were arrested on a charge of general smuggling:

[The four men were identified as being three young Australians, and an older American residing in the San Fernando Valley (Los Angeles), California. Their names are not important to this column and will be deleted.]

Of the original shipment of 55 parrots, 8 have already been sold; the remaining 47 parrots which were seized include some "Browns Rosellas" with a value of \$4,000 a pair, "Gang Gang Cockatoos" valued at between \$5,000 and \$10,000 a pair, and "Hooded Parakeets" with a value of \$2,000 a pair. Many of the parrots were indigenous to Australia and some of them cannot legally be exported from that country. The four gentlemen will be arraigned before the U.S. Magistrate today in Los Angeles. U.S. Customs agents are conducting an ongoing investigation into this case. The penalty in this case under the general smuggling statute is a \$10,000 fine and/or five years in jail."

The smuggling of birds into the U.S. is one item that has not received much publicity, but obviously, from the money amounts mentioned in the foregoing case, it would appear that there is a strong economic incentive to draw people into the business.

According to Jerome Hollander of the U.S. Customs Service, the smuggling of birds is on the increase, as are apprehensions and convictions. On an ounce per ounce basis, it is believed that the smuggling of birds is currently more profitable than the smuggling of marijuana. Mr. Hollander also relates that the most common conviction arises from the smuggling of "parrot" type birds in private vehicles coming across the border at points such as Tijuana. These birds are frequently sedated by use of whiskey or other alcoholic beverage and are often concealed in the door panels or other compartments within the vehicle.

Smuggling isn't one of those growth businesses where the entrepreneurs seek publicity — and thus I haven't been able to confirm its relative profitability with anyone currently in the business. Methinks, however, there are a lot of other ways to turn a buck with a whole lot less risk of being labeled a bad guy. While a tipsy bird may strike one as being a bit humorous to contemplate; being a jail bird is very sobering.

The three Australians involved in the reported case were associated in horse racing, one being a horse trainer and the others being employed by him. They were racing horses at the Cal Expo fairgrounds track at Sacramento during the summer, when the shipment of smuggled birds came in by Air Freight in crates

labeled as racing tack and gear. The birds were then transported by the American to the San Fernando Valley (Los Angeles) where efforts were made to sell them. Customs investigators first were tipped off by one of their "confidential informants", a former bird dealer in the area, who stated that one of the defendants had offered to sell a large quantity of Australian parrots.

Customs Agent Bammer made contact with the defendants and had no trouble in setting up arrangements to meet with them and discuss purchase. He was taken to the home of one of the parties where he was shown the "goods" and a total purchase price of approximately \$46,000 was discussed for the birds. The four subjects were then arrested.

For the four defendants, their trauma was only beginning as the ponderously slow and ritualized wheels of justice began to grind upon them. Arrest was followed by seeking release from custody pending trial. Since there was no prior background of criminal activity involving any of the men, they had little difficulty in obtaining their release upon bond or on their own recognizance. Their attorneys made normal pre-trial motions relating to admissibility of evidence, etc., and after a few months the cases were disposed of by appropriate pleas. The three Australians admitted to the charge of smuggling and received various suspended sentences on condition that they each successfully serve out a probationary period of five years. There was a fine of \$1,000 against the more affluent of the three. The American had no prior arrest record, was age 56, and physically disabled so that he could no longer be gainfully employed in his former occupation. The case against him was dismissed in the interest of justice.

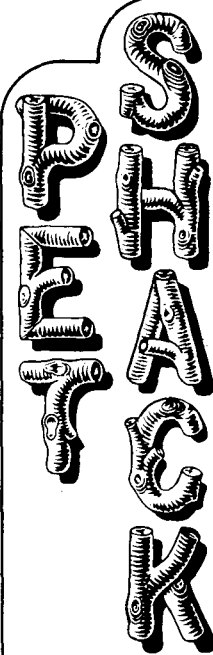
Before you conclude that they got off easy, you should keep in mind how psychologically devastating the whole criminal justice system can be on a person, particularly one who has not previously been involved in its operation. Additionally, a lot of money and time, not to mention the mental anguish, was involved for the defendants.

And if you are even thinking of going into some aspect of the bird smuggling business, let me point out that these men were arrested for having knowingly received, concealed and facilitating the transportation and concealment of birds, knowing that they had been smuggled, imported and brought into the U.S. contrary to law. That kind of sweeping language effectively forbids as criminal behavior almost anything even remotely associated with the activity — with the possible exception of thinking about it. So, don't let your thinking go beyond the cerebral stage. Even the President can have lustful thoughts; you only get into trouble when you try to execute them.

The birds in this case were seized according to the provisions of the U.S. Code. Shortly after their seizure they were housed on a temporary basis in a quarantine section of the Los Angeles Zoo. During their quarantine, they were examined by Los Angeles aviculturist Ethel Meyers, who expressed the opinion that the birds were aviary bred and tame. She states that they consist of the following species:

Major Mitchell, also known as Pink Cockatoo, aka Leadbeater's Cockatoo, aka Wee Juggler; Hodded Parrot; Smutty Rosella, aka Northern Rosella, Brown's Parakeet, Brown's Rosella; Gang Gang Cockatoo, aka Red Crown Cockatoo, aka Helmeted Cockatoo; 28 Parrots; Buln-Buln, aka Ring-necked Parrot, Barnard's Parakeet; Blue-Cheeked, also known as Adelaide Rosella, Adelaide Parakeet.

While in quarantine, a flap of considerable proportions erupted about the final disposition of the birds. Confiscated smuggled goods such as heroine, marijuana, etc. are commonly destroyed. It was feared that some such fate might befall these avian immigrants, but after a lot of lobbying by concerned aviculturists, and the AFA, the final solution was to allow those that survived quarantine to be turned over to the Los Angeles Zoo, where they are now permanently housed and doing very well according to Curator Rick Rundel.



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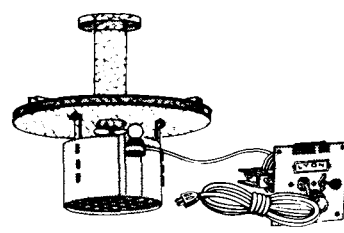
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