

# Smuggling – Who Really Pays?

by Starr Kirchhoff  
Portage, Michigan

In February, 1990, my husband and I went to Jacksonville, Florida to the annual winter AFA meeting. I was actively fighting anti-avian legislation in the state of Michigan and was looking for support and any information that could help with our battles.

When we returned to Michigan I received a phone call from a voice out of the past. A person who used to board her Blue and Gold Macaw with me had moved to Texas to start a new life but didn't want anyone up here to know where she was. She told me she had gotten to know a lot of bird breeders in the state and was brokering for them. She had one breeder who had a good year and wanted to sell Bluefront Amazons for \$225 each, Yellow Napes or Double Yellow-headed Amazons for \$350 each. Of course these were all hand fed domestic birds!

This call came in on a Sunday and she needed the money by Friday to ship them on the following Monday or Tuesday. Of course the catch was that at this price she was selling in lots of twenty birds. Would I be interested? I told her I would have to call her back.

I then tried to contact our AFA President at that time, Phyllis Martin. I called and left messages with her at home and at her business, leaving my phone number, and what the call was pertaining to. I didn't receive a response from AFA in a timely manner, so I decided to try the USDA Hotline. I left a message in the morning and someone in the hotline office called me back later in the day. He, in turn, had a different official contact me. This person was concerned but really didn't know if their department could even help me. I let him know that I thought that they had a concern, after all I was on a committee that was rewriting pet laws in our state and these were issues "they" said needed to be dealt with and that that is why we breeders were willing to help out and that the least they could do was try to nail someone breaking their law.

They said they would have someone get back with me. In the meantime I kept stalling Ellyn by telling her I was trying to get the money up and quite possibly get other shops or friends to try to go in on the deal

with me. Within a couple of days, an agent with Fish and Wildlife connected my phone to a tape recorder, and the sting was on. I contacted Ellyn and got availability of birds. How much, how many, what kind? In that conversation she quoted prices for over ten different species of psittacine birds. She told me she was not smuggling birds but that I would need to "keep track of" (quarantine) all the birds that she would send me.

During the course of the conversation, Ellyn bragged about another order for 350 macaws of which she was filling at a rate of four to six birds per shipment. Ellyn had moved from her house into a condo and that the birds were real quiet. She mentioned she was not going to keep any pet birds for herself. She complained of having too many birds and that they were making quite a mess. As she was speaking to me I heard a macaw making a commotion and I asked her if it was "Kirby" her Blue and Gold. She said it was an adult Military Macaw that was being shipped the next day. She then gave me her address and requested that I hide it as she did not want anyone up here to find her.

Late in March, Ellyn and I spoke again. Almost every call was witnessed by an agent. Sometimes that meant avoiding Ellyn's call or spending long hours waiting with an agent for Ellyn's expected telephone call. In that conversation she offered to sell me baby napes at the one time low price of \$350 each. I let her know that I was extremely interested as napes were hot items here in the pet business.

During that conversation she told me she had a partner named Gerald, and was a little concerned about the nine birds she had already sold in Texas. She said she would sell the next batch in Ohio because the USDA in Texas is so tough. She asked me to wire-transfer the money and she gave me the needed bank information.

I let Ellyn know I was apprehensive about mixing her birds with other birds. She said she had four Military Macaws for a week and that they had eaten a big hole in her rug. She said

the only birds she had left were one hand-feeding nape and one mature nape.

Ellyn would talk about all the money she would have from her other customers and how they would have to hold on to it until they could make the "deal". Later on that day I called her back to let her know that I had \$535 to wire into her account and that the other \$500 would be wired the following week after the birds were shipped. I was, after all, strapped for money. Ellyn confirmed that I was supposed to be shipped three Mexican Red Heads and two Double Yellow-headed Amazons. She said that she had other out-of-state orders for birds from different states, they just were waiting for some more money.

At the end of March, I called Ellyn and she told me about how hard it was to communicate because Gerald didn't know how to speak Spanish. She said, "In fact there's so little communication, it's totally amazing that it gets done. All they know how to do is count \$100 dollar bills and the supplier could only count to 25 in English." She reconfirmed the order for the birds. She said she and her partner each made \$1200 to \$1400 on the last shipment of birds. She also told me their buying schedule, and their hesitation to make a trip more often than every two weeks. The schedule was just too hectic and tiring. She continued to explain the process of crossing the border and told me that she went to

## Tennessee Valley Caged Bird Club Annual Spring Exotic Bird Fair April 4 & 5, 1992

Knoxville Convention Center  
For information call:  
Fair Chairman Helen Thompson  
(615) 745-8179 or write to  
Tn.V.C.B.C., P.O. Box 51425,  
Knoxville, TN 37950



## AVICULTURAL SOCIETY OF QUEENSLAND

Welcomes new members

An Australian Society catering to all birds both in captivity and in the wild. We publish a bi-monthly magazine on all aspects of aviculture and conservation. Anyone interested in membership please contact: **Ray Garwood, 19 Fahey's Road, Albany Creek, 4035 Queensland, Australia.** Annual subscription: \$22 (A) airmail, or \$16 (A) surface. Please remit monies or bank drafts in **Australian currency.**

Mexico two times and the only reason they went was for the birds. She felt that as long as they paid for the birds in Texas, then they were legal.

On April 2nd I called Ellyn regarding my "bird order." Ellyn let me know that her partner Gerald had just called to let her know that he had gone down and picked out the birds but the smugglers had gotten caught bringing the birds across and were in jail so there would be no more birds this trip.

Later in the day I called again and Ellyn said that Gerald had set things up again for the following weekend and hopefully they would get the birds this time. She also said that the law enforcement officers were working the borders now (during nesting season) because of all the birds coming across. She said that the week before last 100 macaws got caught, but an order for 130 birds (50 hand fed Yellow Naped Amazons and macaws) got through. She also said that Gerald and his contacts have had things set up and have been doing so for several years and hadn't been caught. She went on to say that the prices are so low because it's such a touchy situation. She again gave me her address in Texas.

Several days later, Ellyn called me again and we were ready for her. She said that her partner had not gone down to Mexico the preceding weekend but would be going the following weekend. She said she would contact me early on April 16th with the news of the parrots. As promised, she called, but not with the news we were hoping for. She called to let me know the birds would not be shipped because they were not yet available.

I was getting extremely nervous because it seemed this whole thing was never going to be over with. I thought maybe she was just stalling me to see if I were on the level or not. She said they would probably be ready next weekend and that she and a friend from Florida would be going down to pick up a load of birds. She also said she would go down to Mexico, see what the supplier had to offer, then return to the United States and call me to see what I wanted to purchase. She then said that she and her friend would be returning late Sunday night.

On April 23rd, the birds were to be shipped and Ellyn had declared a \$3000 value for insurance on these birds at each location that she would

go to in the airport to ship the birds to her various customers and right behind her, a Fish and Wildlife agent made sure the birds would not be shipped. Another agent followed her until she was done, and was driving home from the airport where she was pulled over and a search warrant was presented.

On December 21, 1990 Ellyn Carlton was sentenced, as she had pleaded guilty at her trial. Her sentence was to be 13 months imprisonment with supervised release for another 2 years, she must participate in a group counseling program, make restitution of the \$535, refrain from incurring new credit charges or open additional credit lines, and shall participate in a mental health treatment program approved by the probation officer. On January 18, 1991 at 2 p.m. Ellyn was ordered to surrender to the United States marshal to begin serving her sentence. She is now appealing that sentence. During all this I was assigned a code so my identity would be kept confidential. At the end, she would know, so that they could get her to cooperate more.

The sad part of this story is that she was selling birds all over the U. S. to cheap and self-serving individuals who really didn't give a damn about the birds, although that was always the first thing out of their mouths. Who knows for sure how many carried Exotic Newcastle Disease. I was fed up hearing about how humane they treated the birds and how much better the birds were than the ones that were brought in legally through the quarantine stations. Ellyn would tell me about going up to Ohio to sell the birds at the swap meets, and how she would put 20 to 25 birds in a cardboard box in the car she drove, which was a single seat sportscar, a white Mitsubishi Starion. I would hear about how smugglers would just let the rubber rafts float downstream with the birds, and the birds would just be allowed to drown rather than get caught. God knows that at no time could the welfare of the birds have been seriously considered. Money was the only gain that these criminals cared about.

Ellyn is an attractive, well educated, very likable person, which made it even more difficult for me to understand why she would be involved in this sort of deal. She was afraid of her partner Gerald, who ran a business selling Mexican blankets, rugs, and other items. He would go

down to purchase these items for his business and make his contacts for the birds at the same time. Her friend Jim, was an aviculturist from Florida, who should have known better. I found his role in all of this even less forgiving. He has yet to be sentenced. Gerald was never caught.

All too often I would be asked "Aren't you scared?" Yes, I was and am scared! I often have nightmares about what could or can happen to me, but to do nothing would cause me even more sleepless nights. I cannot stand by and do nothing.

I was once accused of being naive. My father was a corrections officer for Jackson State Prison and is now one in the state of Florida, and if nothing else, he has instilled in me my responsibilities as a human being occupying space on this planet . . . EARTH! What good are we doing here if you aren't contributing back to it? Even the agents that were assigned to me are as much in danger as I was or am. They gave me every opportunity to back out and said they would not think less of me.

Would I do it all over again? You bet! I've learned a lot about why some people want laws to protect wildlife, but I've also learned that laws are useless if we don't all abide by them and help enforce them. Ignoring wrongdoing is saying out loud that it's OKAY! The laws aren't there for someone else to enforce, they're there for all to keep intact and if we don't like them, then let's work to change or improve the laws and not take them into our own hands and justify breaking them. I will continue to help Fish and Wildlife catch all the "sick" individuals out there. My motto has become, "If you're not a part of the solution, then you must be a part of the problem!"

The birds Ellyn was to ship that day included 42 parrots and macaws as well as seven Painted Buntings. All total, 49 birds were confiscated at the airport and her apartment. The agents who worked with me were some of the most caring persons I've met. I was apprehensive at first but soon learned that their goals were not all that far from aviculture's. I know that we need to be better informed about their jobs and views, but I also learned that they want to be better educated about our roles and viewpoints. They really do run more parallel than we all think. After all, the welfare of the birds should be our priority. ●