



The Bird Gallery

BRITISH
TYPE CANARIES

EUROPEAN
FINCHES



(714) 546-6321

INQUIRIES INVITED
WHOLESALE - RETAIL

*weekends only,
except by appointment*

3605 W. MacArthur
Suite 706

Santa Ana, CA 92704



Gene Hall's

Fortune Glen Aviaries

SPECIAL INTEREST
· BREEDING ·
Buying · Selling
Australian Hookbills

(714) 744-4835

3141 N. TWIN OAKS VALLEY ROAD
SAN MARCOS, CA. 92069

We buy and sell all types of birds.

newcastle

BASIC FACT SHEET

The AFA is asking Federal Judge W. Matt Byrne on May 2, 1977, to order a preliminary injunction to stop the USDA and other related state agencies from killing any bird until it has been shown that the bird has Velogenic Viscerotropic Newcastle Disease (VVND).

The AFA argument is based upon the following grounds:

A report of HUMAN INVOLVEMENT IN RECENT CALIFORNIA EXOTIC NEWCASTLE DISEASE EPISODE by Allan R. Magie, Ph.D., M.P.H., Raymond O. West, M.D. and Roland Phillips, M.D., Ph. D. of the School of Health, Loma Linda University notes that in at least one instance during the 1971-1972 outbreak, live VVND virus was isolated from the eye of the USDA task force member assigned the responsibility of placing "sentinel birds" (chickens highly susceptible to the disease) on the premises of poultry farms. The report continues:

"One wonders how many hens may have been destroyed unnecessarily since there is the possibility that the sentinel birds were already infected before arriving on the premises of an otherwise VVND-free ranch."

The conclusions of HUMAN INVOLVEMENT IN RECENT CALIFORNIA EXOTIC NEWCASTLE DISEASE EPISODE are listed on page 11 of the report. Of primary importance is the conclusion: "Humans may be the primary method of virus transmission (from flock to flock) during an epidemic such as that experienced in southern California."

Due to the circumstances surrounding the tests of Bronze Wing birds, it seems probable that the positive result may have been due to human contamination, and not due to infected birds.

Section 1531(c) of the Endangered Species Act of 1973 [15 USCS 1531-1543] states:

"It is further declared to be the policy of Congress that all Federal departments and agencies shall seek to conserve endangered species and threatened species and shall utilize their authorities in furtherance of the purposes of this Act."

The policy of the Joint Task Force to exterminate collections of healthy rare birds, healthy birds that are on the endangered species list, and healthy birds that are irreplaceable due to current market conditions or because the birds are the result of a captive breeding program, is contrary to the declared policy of the Congress of the United States of America. Said acts by the USDA and related State agencies of the United States are illegal.

Section 1536 of the Endangered Species Act of 1973 states:

"The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act [16 USCS 1531-1543]. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act [16 USCS 1531-1543] by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act [16 USCS 1533] and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical."

The USDA and related State agencies have disregarded the Endangered Species Act of 1973, and by killing birds suspected (but not proven) to have VVND, the defendants to this action have violated the law.

Dr. Richard E. Baer, D.V.M., a 27 year veteran of the USDA, in his article, Veterinary Services Newcastle Disease Eradication Program, A Personal Observation, notes that:

"With the elimination of Hog Cholera and with Brucellosis and Tuberculosis eradication activities greatly reduced, Veteri-

nary Services found itself with very little to do and with lots of personnel.

About this time a large outbreak of Exotic Newcastle Disease (VVND or Velogenic Newcastle) occurred in California. The poultry industry asked for an eradication program.

The timing was almost perfect. Veterinary Services needed work and the poultry industry got its eradication program.

An emergency was declared: large sums of monies were appropriated, the task force was mobilized, and personnel from all over the country was rushed to California. Salaries, per diems, travel expenses, overtime, holiday time, etc., came from emergency funds. Lots of

money was spent and made.

The poultry industry had the disease eradicated. The timing was further right for at that time the poultry industry was depressed in that part of the country and with "Uncle Sam" paying high appraised prices, the industry reaped the benefits."

A second article by Dr. Baer asserts that at one time the USDA was paying 5 times the market price for spent laying hens (\$1.25 as opposed to \$.25 at the soup factory).

In addition to violating the provisions of the Endangered Species Act of 1973, the USDA and related United States state agencies, have not filed environmental impact reports as required by the National Environmental Policy Act of 1969 [42 U.S.C.A. 4332]. Paragraph (2)(c) of 4332 states: "(2) all agencies of the Federal Government shall —

(c) include in every recommendation or report or proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on

(i) the environmental impact of the proposed action

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented

(iii) alternatives to the proposed action

(iv) the relationship between local short term uses of man's environment and the maintenance and enhancement of long term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposal action should it be implemented"

Although nationwide extermination of rare birds and endangered birds is certainly a major Federal action, no environmental impact report has been filed.

Temporary and permanent injunctions should be issued to prevent the United States Department of Agriculture, California Department of Food and Agriculture, and all other similar United States state agencies from following the current policy of destroying all birds which may be infected with VVND without determining that VVND does, in fact, exist in said birds. Without said order, immediate and irreparable injury, loss and damage will result to the AFA, to the members of the AFA, and the public. ■



Bird Wholesalers

BUY SELL SHIP

**If they are birds —
we have them — or
can get them.**

Breeder Suppliers Wanted

(703) 938-3381

**P.O. Box 12
Falls Church
Virginia 22046**

IMPERIAL Bird Co. Inc.

**SPECIALIZING IN
Finches - Hookbills
and Canaries**

BUY • SELL • TRADE

**USDA RELEASED AND
DOMESTIC BIRDS**

**SHIPPING FOB
MIAMI INTERNATIONAL
AIRPORT**

**WANTED TO BUY . . .
Birds of all types
Send quantity and price.**

Call or Write for Latest Price List

**(305) 688 - 9666
3970 - L North West 132nd Street
Miami, Florida 33054**

The struggle for life is to no avail.



Photo by Michael A. Valente, Fallbrook Enterprise