

# View from the Perch

by Russ Sutton



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Does the United States Constitution and the Bill of Rights protect us from illegal search and seizure? The following story will give cause to wonder.

Mrs. Ruth McLaughlin is a widow in her early

seventies. She has lived in her modest bungalow, in a Southern Calif. city for over 25 years. Last year she injured her back, spending several months in hospitals and convalescing at home. Today she walks in a slightly stooped position, and, if she stands erect, she has severe muscle spasms.

Her love for animals is demonstrated by the fact that her home, back yard and garage is mostly occupied by her birds, including quite a few owned by a friend, Mr. William Bailey.

She also owns 13 dogs, all pedigreed, running in size from a Chihuahua to a Doberman Pincher, who all occupy the house with her, only going outdoors occasionally, never when she is away.

I'll agree this many dogs is a bit much, but, it is her home and, I thought, no one else's business.

Between 8:00 and 8:30 one morning last May, a city police cruiser and two officers arrived at Ruth's home, accompanied by the County Animal Control Officer with his truck. The police officers

banged repeatedly on the front door demanding entrance. She opened the door and refused them admittance without a warrant.

She was forcibly pushed aside as they entered her home, and when she protested, asking to see a warrant, she was handcuffed with her hands behind her, and forcibly placed in the rear seat of the police car, where she remained while her home was searched. The bed was torn apart, the box spring and mattress left on the floor. The kitchen range was pulled away from the wall, as far as the flexible gas line would allow, and other furniture was left in disarray. They dumped her handbag contents on a table and looked through her check book and bank savings records. All this under the excuse of catching the dogs.

Bill Bailey witnessed all but the very beginning, although he did not enter the house until later. He had arrived to take care of his birds, prior to going to work. The animal control officer loaded all the dogs in his truck and was going to confiscate all the birds also, until Mr. Bailey informed him that the birds were his property and he would take care of them. He then proceeded to take the parrots out of the house and place them in the garage and aviaries. Later Mrs. McLaughlin told me they were planning to impound every bird, as well as the dogs, if Mr. Bailey had not interceded.

Mrs. McLaughlin was taken to the police station and charged with having an excessive amount of dogs, a misdemeanor, after which she was made to get back in the rear seat of the police car, still handcuffed, and transported, by two policemen, about 10 miles to the Orange County Medical Center where, after making her walk up a long ramp, the officers requested, at the admissions office, that she be given a psychiatric examination. Still handcuffed, she was made to sit in a wheelchair and a web strap was placed

around her body and the back of the wheelchair. In this manner she was taken, by the policemen, to the admissions doctor. There was quite a delay before the doctor could see her. The handcuffs had been closed too tightly in the first place and her repeated pleas to loosen them had fallen on deaf ears. Again she requested, in tears, that the handcuffs be loosened because by this time the circulation was being cut off. The officers refused.

The strap around her body and the handcuffs were finally removed when the doctor demanded it of the officers. He then instructed the officers to escort her, afoot, to the Psychiatric building without the handcuffs or the wheelchair. During this short walk the one officer remarked to the other, "What will we do if she starts to run?" How ridiculous? Or should I say, how stupid? How fast or how far could an over seventy woman, with an injured back, run?

The examination, given separately by two doctors, was brief and they agreed that she was just as sane as they were. She was told she could leave and that the policemen had already left. Fortunately she had insisted upon having her handbag with her, because she had to call a taxicab to take her home. By this time it was early afternoon and she had not eaten since her early breakfast.

She proceeded to go home where she got her car and went to the Animal Shelter. They informed her they would not accept a check, only cash, for her dogs to be released. She went to her bank, obtained enough cash and returned to the pound and paid the fees to have all the dogs released. Then she returned home and straightened up the mess left by the officers.

At no time did Mrs. McLaughlin seek or receive any legal advice until after talking with me, which was after she had appeared before a municipal judge who dismissed the case.

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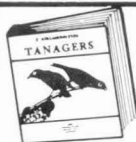
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I have since learned, from a County Animal Control Officer, that if a person possesses more than the legal limit of three animals, the Animal Control personnel must first issue a citation, which sets a court date for the plaintiff to appear and show cause as to why he or she should have more than the legal limit. If the plaintiff fails to appear on the assigned date, then the Court issues a warrant for the arrest of the plaintiff. After the plaintiff is arrested and booked into jail, he or she may post bail, and be free, but must appear before a judge, or forfeit the bail and become a fugitive, even though it is only a misdemeanor. As of this writing, I have been informed that a citation has been issued. Possibly, sometime in the future we will know more of this story.

From what I know, if she wishes to keep all the animals, both dogs and birds, she must re-locate herself in an area zoned so she may legally have a kennel license at at least she must move out of the area in which she now resides. If she had just had the birds possibly no problem would have ever existed.

This publication is primarily oriented toward Aviculture, so let the reader be cautioned. In the eyes of any Bureaucrat, if the law says animal, **BIRDS ARE INCLUDED.**

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