

A STUDY IN WILDLIFE LAW ENFORCEMENT: THE UNITED STATES "SNAKESCAM" OF 1981

G. S. CASPER

3403 S. 16th Street, Milwaukee, Wisconsin 53215, U.S.A.

INTRODUCTION

Wildlife protection laws have recently come into focus in the United States. A controversial wildlife "sting" operation, now tagged "Snakescam", was undertaken by the United States Department of the Interior Fish and Wildlife Services (USFWS) in 1981. The aftermath of this event has raised many questions as to the acceptability of the law enforcement techniques employed, which demonstrated a disregard for civil rights and created a huge "black market" for protected wildlife (Behme, 1981; Meyer, 1982). The operation resulted in the destruction of many rare animals and the research being done with them, and has created an unprecedented paranoia among zoological personnel throughout the United States (Fife, 1981; Miller, 1981). The wildlife laws and regulations which precipitated this event appear to be incompatible with sound wildlife conservation strategies, effectively "protecting" species into extinction while doing little to curtail the major causes of wildlife decline.

THE "SNAKESCAM" OPERATION

The "Snakescam" operation was begun in the late 1970's. In 1980 and 1981 the USFWS operated a false business front, the "Atlanta Wildlife Exchange", which solicited live reptile trade (Iker, 1982b). The purpose of the "Atlanta Wildlife Exchange" was to "infiltrate the trade" in illegal reptiles (Iker, 1982b). This "infiltration" was apparently done with no concern for the welfare of the animals. The "Exchange" was operated by USFWS agents who had no experience in reptile care (Iker, 1982b). Animals purchased from this "Exchange" were received with broken bones, burn lesions, and fatal parasite infestations (Celebucki, 1982; Lilley, 1981). A large number of the animals handled by this "Exchange" died, including several endangered species (Meyer, 1982).

This false "Wildlife Exchange" created a large market for illegal reptiles where only a small illicit trade normally operated. The "Exchange" encouraged the taking of animals out of the wild through financial inducements (Behme, 1981; Meyer, 1982), offering incredibly high prices for protected animals during economically depressed times (Behme, 1981; Bloomer, 1982). It is the prospect of high profits that encourages illegal trade in protected animals, and USFWS agents were paying up to four times the going rate for specimens (Behme, 1981). The "Exchange" encouraged customers to purchase illegal animals at greatly reduced rates (Cauble, 1982; Delles, 1982). Tactics such as refusing to ship or receive legitimate animals unless illegal animals were included in the orders were used (Ruiz, 1982). The "Exchange" also insisted on accepting animals either through illegal channels or not at all; i.e. snakes through the U.S. Postal Service (Lilley, 1982a; Ruiz, 1982). By these and other questionable methods the USFWS agents created their own criminals, while providing a practically unlimited market for protected wildlife and contributing to a substantial increase in the taking of wildlife (Meyer, 1982).

The artificial market thus created was then "uncovered" in a dramatic series of raids, conducted in cooperation with several state wildlife agencies (Iker, 1982b). The media was invited to cover these raids and told that "hundreds of thousands of U.S. reptiles are illegally taken from the wild each year for a thriving black market, with a very large portion smuggled to Europe and Japan (USFWS, 1981)." Newspapers and magazines portrayed wildlife agents as "astonished at the scope of the traffic" and the "Snakescam" as the "most successful Fish and Wildlife law enforcement operation ever conducted" (Behme, 1981; Iker, 1982b). This dramatization of the supposed "success" of the operation created the illusion that the USFWS was actually saving wildlife from unscrupulous animal dealers, while in fact the operation severely harassed and entrapped many of this nation's top reptile researchers and most productive breeders (Brunner, 1981b; Lilley, 1981).

The raids themselves, which culminated the operation on July 16th, 1981, were highly unacceptable and unjustifiable in most cases. In these raids animals with registered permits were seized (Cauble, 1982; Lilley, 1981), as well as animals not requiring any permits (Cauble, 1982; Delles, 1982). Unsigned, undated search warrants were used to gain access to facilities (Brunner, 1981a). More than 109 important research animals were confiscated (Cauble, 1982; Lilley, 1981). Wildlife agents released an entire research collection of African lizards into southern California (Lilley, 1981). Illegal seizure of research papers, permits, business records, and the destruction of personal property — all by the USFWS (Brunner, 1981a; Lilley, 1982a). Reports of blatant entrapment are numerous (Behme, 1981; Ruiz, 1982), such as USFWS agents shipping illegal protected animals to persons unorderd (Bloomer, 1982). During these raids wildlife agents demonstrated a remarkable inability to identify confiscated animals (Lilley, 1981), resulting in citizen's legal property being seized and taken away. In one case wildlife agents thought Rhinoceros Iguanas, *Cyclura cornuta*, might be the Gila Monsters, *Heloderma suspectum*, they were looking for (Celebucki, 1982). Large numbers of confiscated animals died through placement in inadequate care facilities, these deaths including many rare captive born animals (Cauble, 1982; Lilley, 1981).

Activities of the USFWS (and cooperating state agencies) since these raids were even more alarming. Requests for the return of illegally confiscated animals, research records, photographs, articles for publication, business records, and permits were refused (Behme, 1981; Lilley, 1982a). When illegally confiscated animals were ordered returned by a court of law the wildlife agency holding them promptly claimed they had been "stolen" (Lilley, 1982b). Wildlife agents reportedly intimidated victims into plea bargaining through various tactics of coercion, harrassment, and threats of financial 'ruin; apparently to avoid court trials and the accompanying exposure of their methods of operation (Behme, 1981; Tedder, 1981). This assured an impressive record of convictions to justify the "Snakescam" operation. In one of the few instances where a defendant did fight charges, all seized animals were ruled legal and ordered returned after lengthy court battles (Lilley, 1982b). (Several of these animals, seized in good health, were returned to the defendant dead). Taped conversations, being used as court evidence, in several instances appeared to have been modified and edited, where portions of the conversation favorable to the defense were inaudible or not recorded (Crutchfield, 1982; Lilley, 1982a). Several defendants were told to prove that their animals were not obtained in violation of any state or federal laws (Crutchfield, 1982; Lilley, 1982a); in short, they must prove their innocence — a direct violation of the United States Constitution, which guarantees innocence until proven guilty in a court of law! A wildlife warden actually stated in a public interview that the burden of proof is on the defendant (Ryan, 1981). With these indications that the USFWS was placing itself above the law a paranoia ensued, frightening wildlife breeders into incinerating their animals or releasing them into unnatural environments (Miller, 1981).

REASONS AND IMPLICATIONS

The reasons for initiating the "Snakescam" are not clear, but were probably an attempt to justify the existence of an ineffective and overgrown bureaucracy in the face of massive US government budget cuts and departmental phase-outs. The USFWS law enforcement division thus conceived "Snakescam" which, according to a USFWS press release, "uncovered a massive illegal trade in protected and endangered US reptiles." (USFWS, 1981). As it can be shown that the USFWS in fact created this "massive illegal trade" to begin with, the suggestion that the entire operation was an attempt to demonstrate a need for the service of the law enforcement division holds some merit.

This theory is further advanced by the ineffectiveness displayed by the USFWS in halting the most basic causes of wildlife decline — habitat loss and market hunting. As shown in the case of the tiny Snail Darter fish vs. the Tellico Dam project in 1976 (Iker, 1982a), the USFWS is frequently unable to stand up to powerful commercial lobbies and demands for construction sites for energy, natural resources, and housing. Significantly, habitat loss and degradation is by far the greatest cause of wildlife decline, and without adequate habitat preservation all other efforts to preserve wildlife have little meaning. The USFWS is also frequently ineffective in protecting wildlife from commercial market hunting, as shown in the recent furor over bobcat harvests in the US (Becker, 1980), where powerful fur interests have resisted any reduction in the take of bobcat pelts. Live animal trade, however, is an easy target as it is made up of small businesses and private individuals who do not have the resources to survive "power plays" by a

government agency such as the USFWS. The "Snakescam", then, might have been an attempt to "save face" in the midst of a losing battle for wildlife preservation by going after the "little guys" (the live animal trade).

It is almost certain that more animals died as a result of the "Snakescam" than were "saved" by it. Moreover, far from having curtailed truly illicit poaching operations, many of the persons charged had no dealings with wild caught animals, but were hobbyists and researchers disbursing captive bred offspring (Brunner, 1981b). Further, many of the allegations and charges had nothing to do with wildlife protection, but involved mislabelling packages and minor shipping violations (Behme, 1981; Brunner, 1981b). In sum, the operation appears to have encouraged poaching and destroyed meaningful captive research and breeding programs — exactly the opposite results one would expect from wildlife conservation operations. The public funds used in the "Snakescam" could certainly have been more wisely expended in *bona fide* conservation measures, such as habitat preservation, captive propagation, and public education.

The implications of this event are serious and of international concern. The "Snakescam" event is a dramatic example of a bureaucracy "run wild", seemingly concerned only with its own existence and heedless of the consequences of its actions. The wildlife laws which empower wildlife agencies to act in such a manner are clearly unacceptable. These laws are frequently to the detriment of the animals they were meant to protect. One would hope that the intent of wildlife laws would be to encourage the development of effective wildlife preservation strategies such as captive breeding programs, which now represent the very last hope of survival for an increasing number of species. Yet current laws and regulations preclude the development of large, genetically stable, captive populations which substantially enhance species survival (Parrot, 1977). Current restrictions prohibit the sale, trade, or transport of captive born protected animals over state or international boundaries. Permits for transactions are usually either unobtainable or impractical for large scale production of offspring (Baudy, 1982; Bruning, 1981). The expense of housing and feeding offspring that cannot be moved, sold, or traded is prohibitive (Bruning, 1981; Parrot, 1977). Rare and endangered species are being isolated or even euthanized in the US because of this situation (Baudy, 1982; Bruning, 1981). For example, a rare cat breeder is reporting a 90% reduction in births (Treanor, 1982). The endangered Indian Python, *Python molurus molurus*, is being crossbred with the Burmese Python, *P.m. bivittatus*, to avoid trade restrictions on the offspring (Porras, 1978). This practice pollutes gene pools and results in pure-blooded *P.m. molurus* being rarer than ever before. Breeders are refusing to breed the endangered Jamaican Boa, *Epicrates subflavus*, (Porras, 1978) and many avicultural facilities have stopped breeding the endangered Rothschild's Mynah, *Leucopsar rothschildi* (Bruning, 1981). Meanwhile, habitat loss is proceeding at an unprecedented rate worldwide, especially in areas of greatest species diversity. Species are thus prevented from breeding in captivity while their homes in the wild are being steadily destroyed — what better way to ensure species extinction?

The "Snakescam" operation has underscored the problems with wildlife protection laws. It has shown that enforcement of current wildlife legislation has serious negative impacts on wildlife, and has caused many wildlife breeders to pull their animals out of production (Parrot, 1977; Treanor, 1982). Specific legislation of concern includes the Endangered Species Act of 1973, the Convention on International Trade in Endangered Species of Wild Fauna and Flora of 1973, and the Lacey Act of 1900. It is critically important that this legislation be amended to effectively deal with the basic cause of wildlife decline — habitat loss — and to encourage and assist captive breeding programs, public education, and all other positive approaches to wildlife preservation. A one-and-only-one approach to wildlife preservation — prohibition — is a poor and unworkable strategy (Parrot, 1977). This problem must be resolved before irreversible damage to conservation programmes is sustained, and future "Snakescams" systematically destroy our wildlife and our civil rights.

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