

ANATOMY OF A WILDLIFE STING

Undercover agents really hit the jackpot when they infiltrated a poaching ring operating throughout the West.

by Jim Robbins

Yellowstone National Park and the more than 8 million acres of wilderness that surround it is one of the most productive wildlife areas in the United States. More than 25,000 elk, 2000 bison, thousands of mule deer, bighorn sheep, black bears, grizzly bears, pronghorn, moose, coyotes, eagles, waterfowl and perhaps wolves live in and near the nation's first and largest park.

Because the habitat is so rich and varied, this area is one of the finest places in the country to hunt. But the numbers and diversity of wildlife that attract the legitimate sportsman also attract a different, dark breed of hunter: the poacher.

The term *poacher* is almost a misnomer these days. The word conjures up visions of an unemployed worker who takes a couple of deer out of season, to help feed his family. But the real damage to wildlife resources in America today is done by commercial market hunters, often working in small rings, using sophisticated techniques, who sometimes earn sums of money rivaling that made by drug smugglers. While it is difficult to know for sure, the illicit trade in wildlife in the United States alone is extrapolated at between \$50 million and \$100 million annually.

The high prices paid for certain wildlife species are a result of their diminishing numbers. The rarer a species becomes, the higher its value to collectors around the globe—which makes market hunting all the more lucrative. The quarry is varied:

◆ On June 29, 1984, a three-year undercover investigation in Montana dubbed Operation Falcon produced evidence that birds of prey were being stolen from nests in the western United States and Canada and sold to, among others, a West Ger-

man family, which in turn was allegedly selling the birds to Arab falconers. A number of U.S. falconers, who hunt gamebirds with peregrine falcons, gyrfalcons and other birds, were convicted of nest robbing, switching bands on birds to make illegal birds appear legal, and buying illegally taken birds from undercover informant Jeff McPartlin during the investigation. One German smuggler claimed the birds had become too valuable. "Is too much money, this business,"

Operation Falcon

Elk-anter rust

By Jim Robbins
YELLOWSTONE. Who
leads spring drives of bison
down on the rim, and
National Park, Yellowstone
Preserve is today
Their quarry isn't
fallen after and it has
park's huge herd of elk
other Park property, consti-
tutes illegal 50 this year
Park Service has substan-
crackdown on "horn hunt-
The hunters, attract-
prizes of up to \$1
The antler exami-
The crop is now
Asian country is

...al trading in wild birds of prey
 ...spread, agents say

**10 birds
 Given Sentences
 In West for Violation
 Of the Wildlife Laws**

Special to The New York Times
 HELENA, Mont., Jan. 12 (AP)—Ten people charged with violations of federal wildlife laws as a result of a three-week undercover investigation have been fined up to \$10,000 and placed on probation for up to three years.
 Six of the 10, who pleaded guilty to domestic and international trade in endangered species, were sentenced in Federal District Court in Denver this week.

The four other...
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 charged with killing...
 golden eagles, black...
 stain horns, bobcats and...
 animals in the area near...
 lowstone National Park...
 people have been arrested...
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Those sentenced in D...
 were Steven J. Achser...
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 ver Springs, Fla., \$5...
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All were sentenced to three concar...
 rest terms of three years of probation...
 and were ordered to do 200 hours of...
 community service.

Those sentenced in Billings were Tim...
 Dauerhauer of Livingston, Mont., \$500...
 fine, 18 months probation; Lloyd Joel...
 of Townsend, Mont., \$1,000 fine, three...
 years probation; Peter Joke of Town...
 send Mont., \$500 fine, one year proba...
 tion; and Mike Fortney of Townsend...
 fine and three years proba...

he said as he paid an undercover agent \$36,000 for six gyrfalcons. "They shoot each other for this kind of money. It's like drugs or some other business."

◆ In 1981, conservation officers arrested nine people for illegally killing black bears in the mountains of California. Powdered bear gallbladders, it seems, are valued among some Asians as an aphrodisiac, and are worth up to \$3000 per pound. The paw pads are considered a delicacy, and sell for \$150 a pad.

◆ In Alaska, undercover agents broke up a ring of ivory hunters who were killing large numbers of walrus and sawing

off their tusks and then leaving the carcasses to rot.
 ◆ A fake storefront run by federal agents in a warehouse section of Atlanta uncovered a national mail-order market in rare reptiles—snakes, toads, lizards and turtles. One man was even shipping rattlesnakes to customers through the mail. Twenty-seven people were arrested.

◆ In 1982 more than 100 people were arrested for illegally catching, buying, and selling more than 60 tons of trout, salmon, bass and crappies from Lakes Superior and Michigan.

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Wildlife Sting

(Continued from page 73)

◆ A trophy-sized Rocky Mountain bighorn sheep head can sell for \$10,000 or \$15,000, if the right buyer can be found. Elk antlers in velvet, or newly grown, can fetch \$120 per pound because they are valued by some Asians as aphrodisiacs and as other folk medicines. And so Yellowstone, with millions of acres of secluded wilderness, has become a popular hunting ground for poachers.

Until Operation Trophy Kill began in 1981, wildlife agents had tried for some time to put a dent in the illegal trade of wildlife taken in and around Yellowstone Park. The size of the area and the secretiveness of the poachers had foiled previous attempts to stem the trade. But with Trophy Kill, members of the U.S. Fish and Wildlife Service hatched a plan they hoped would end the illicit slaughter of wildlife near Yellowstone. They would try to work undercover agents into the groups of poachers who were doing the most damage. And they would place an agent in business as a shady taxidermist who would buy the illegally taken game. All of the activity would be carefully and secretly observed, photographed, and recorded.

Covert operations are relatively new to wildlife enforcement. In the late 1960s the burgeoning commercial market-hunting industry forced the Fish and Wildlife Service to rethink its law enforcement strategy. The man in the green uniform with a badge patrolling the fields and forests was ineffective against this new breed of well-heeled, well-outfitted poacher. The strategy of long-term undercover investigations—"guerilla law enforcement," where the most effective agents are good actors who play the roles of poachers in order to observe and record illegal activities—was borrowed from other law enforcement agencies, such as the Drug Enforcement Administration. In the mid-1970s the agency formed a Special Operations branch, which now has nearly 200 agents. It was a dramatic shift for an agency usually thought of as wildlife managers.

"We're the FBI of the wildlife world," said Terry Grosz, a Denver-based Fish and Wildlife Service special agent in charge of several western and midwestern states. "The man in the field cannot begin to combat these chaps. These people are using 4WD vehicles, two-way radios and helicopters." In one instance, he said, poachers were using a tank trajectory table to make shots up to 1200 yards away.

The market hunters also rely on natural advantages: They take their quarry in winter, out of season, when heavy snow has driven the animals down to easily accessible areas, or at night with spotlights.

But the Fish and Wildlife Service's new

tactics have brought new criticism. As in the celebrated case of automaker John DeLorean, and in numerous FBI operations, the ethics of a sting—law enforcement officers presenting the opportunity for wrongdoing—have been denounced. Some also question the sacrifice of wildlife that is often necessary to trap poachers.

John Gavitt, an unassuming man in his mid-30s with a master's degree in wildlife management from Virginia Tech, was designated case agent on Trophy Kill. He would conduct the investigation. A nine-year veteran of the Fish and Wildlife Service, Gavitt is now director of the Special Operations branch.

Trophy Kill began when a Colorado taxidermist and meat processor, who had been a defendant in a 1972 investigation, was approached to provide cover for the new operation. He complied. With \$20,000 from the agency, he opened a game-processing operation, and John Gavitt, now using the cover name of John Cummings, posed as his business manager.

The first eight months of the operation went slowly. Only one customer, Tillman Niblett of Davis, Oklahoma, had suggested anything illegal. He sent crocodile skins that had been smuggled in from Mexico to be tanned—relatively small potatoes. Tired of waiting, Gavitt took to the road to drum up business. He drove from Colorado up through Wyoming and Montana, leaving a paper trail of business cards and brochures in bars, restaurants, motels and sporting goods stores, putting out the word that he was buying and processing animals—parts or whole, alive or dead, legal or otherwise—and would also tan or mount wildlife. When he reached Livingston, Montana, 50 miles north of Yellowstone, Gavitt found someone who gave the investigation a shot in the arm.

Striking up a conversation over a beer with a local man who was a buyer of elk antlers, Gavitt learned that one of the man's biggest suppliers of illegal elk antlers was Loren Ellison, a man who lived in Big Timber, Montana. "We also knew from intelligence that people were being taken out on illegal guided hunts," Gavitt said.

A word about elk antler hunting. It is legal to pick up antlers, which fall off the elk each spring, outside of federal parks. They sell for anywhere from \$4 to \$5 a pound. It is illegal to pick up fallen elk antlers in the park, where there are a great number, and the law is enforced. Elk antler collection in the park has taken a twist in recent years, however. Several bull elk have been found shot, with their velvety antlers—worth nearly 20 times the value of those found on the ground—sawed off and the carcasses left to rot.

Gavitt proceeded cautiously. One federal agent who had made inroads into the area had had his cover blown when a chambermaid at the motel where he was staying found his notes on the investigation. She apparently told one of the sub-

jects. When the agent returned that evening, he found a message scrawled in lipstick on his mirror, warning him to get out of town. Other agents have had their lives threatened. "You do get worried," said Rick Leach, a former head of the Special Operations branch. "Everyone we're working with has a gun in his hands."

When Gavitt called Ellison, the man denied any knowledge of illegally taken wildlife parts, and was extremely suspicious. But Gavitt persisted. Eventually the agent won Ellison's confidence, and Ellison agreed to take undercover federal agents out on hunts for \$150 per day, with a guaranteed minimum of \$750, plus tip. The money did not include meals or lodging. Even though Ellison introduced Gavitt to a number of his confederates, he remained suspicious. "He told me if I were a fed I couldn't go too far—he'd find me," Gavitt said.

Gavitt said he was always concerned for the undercover agents who went out on the illegal hunts. "I have all the respect in the world for those guys," he said. "We couldn't have pulled it off without them."

Ellison and his cohorts took federal agents on roughly a dozen hunts in south-central Montana for mountain goats, elk, mule deer and other wildlife—all illegal and carefully documented. The evidence, meanwhile, was shipped to Gavitt, supposedly for tanning. Ellison and his associates also sold wildlife and wildlife parts to Gavitt, including black bears, mountain lions and bighorn sheep.

"Ellison was like the center of a wheel," Gavitt said, "and there were spokes going out to other people." (And those people were involved in other poaching activities.)

As the investigation progressed, Gavitt learned that golden eagles were being taken from the Yellowstone area. Hoping to find out who was behind the killings, he called Ellison, who said he could get them from a supplier. Ellison eventually provided Gavitt with 14 eagles—admitting later that he had killed most of them himself.

Meanwhile other aspects of Operation Trophy Kill and the birds of prey investigation, Operation Falcon, were heating up. Because of a manpower shortage Gavitt was working on both cases.

"It was crazy," Gavitt said. "One day after meeting with defendants on the big-game case, I changed my clothes and put two falcon chicks in a hunting coat that I had, taped them down, smuggled them from Billings, flew to California, where I met a defendant, picked up money from him, flew back to Billings for more birds, and then went to Chicago."

Once, while smuggling some falcons through airport security, and afraid to use his badge in case he was being watched by poachers, Gavitt had to cough in order to cover up the cheeping of peregrine falcon chicks in his pocket. "I started hacking like I had tuberculosis."

continued

Around this time Tillman Niblett, who was the first subject of the investigation, brought Gavitt illegal jaguar and ocelot skins to be tanned. Niblett took clients hunting and fishing for the Acme Brick Company, a subsidiary of Justin Boots, and the skins were supposed to be made into boots for clients. Gavitt made some valuable contacts through Niblett, and the agent eventually bought the skins of other endangered species from Mexican connections. Niblett had them smuggled in. The Oklahoma man also arranged for Gavitt to go on an illegal crocodile hunt south of the border.

Meanwhile, another aspect of the operation was opening up. Through elk antler dealers in Gardiner, Montana, just north of Yellowstone Park, Gavitt learned that two Korean dealers in San Francisco, brothers K.H. and Peter Kim, were interested in buying bear gallbladders—which they, in turn, would sell on the underground market in animal parts. Gavitt shipped them gallbladders, knowing it was illegal to possess them in California. A third Asian import/export dealer shipped Gavitt an illegal polar bear skin to be made into a rug.

About this time Gavitt met another man, Mark Cremeens, at the Safari Club International convention in Las Vegas. Cremeens offered to take Gavitt on an illegal jaguar hunt in Mexico.

Cremeens had taken clients jaguar hunting before, including one trip into the mountains of Colorado. Yes, Colorado. Cremeens had bought a jaguar, Gavitt said, let it loose, and then his client had shot it with a bow and arrow. Price: \$3000. An undercover agent had also observed Cremeens shoot a black bear cub, chop off its paws, and throw the carcass away.

It was not Cremeens but his acquaintances who eventually arranged a jaguar hunt for Gavitt, to take place several hundred miles south of the border, in the mountains. The price was \$3000 for the hunt and \$3000 if a jaguar were killed, which included smuggling the skin back into the United States.

Two Americans, Michael Maynard, who worked for Odyssey Travel in McAllen, Texas, and Steven Murray, the owner of a fishing camp on Lake Espanola, arranged the hunt and the trip to Mexico. They supplemented their income by smuggling cat skins into the United States.

The hunt turned out to be a miserable experience for Gavitt. First, federales stopped them and conducted a body search for weapons, but did not discover the rifles stashed under the windshield wipers. Then, when it rained, the windshield wipers could not be turned on.

Gavitt later became ill with dysentery, flat on his back for three days, with two guides who spoke no English.

After he recovered, Gavitt and his two Mexican guides resumed their search for jaguars. One of the guides would scrape his hand periodically along the outside of a

gourd, approximating the sound of a jaguar's grunt. Another would swing a flashlight beam through the bushes, hoping to catch the glint of a jaguar's eyes so Gavitt could shoot it. The men never spotted a cat.

Taking people out on hunts is not the only kind of illegal hunting taking place these days. In the case of a ring of market hunters in Colorado and Montana that was broken up several years ago and that included a detective lieutenant on the Denver police force named Dale Leonard, some collectors never had to leave the comfort of their own homes.

A trophy hunter in Alabama or West Germany, for example, wants a Rocky Mountain bighorn sheep head to complete his "grand slam"—a head from each of the four wild sheep indigenous to North America: the Dall, desert bighorn, Rocky Mountain and Stone. A grand slam is one of the most coveted prizes in the world of trophy collecting. It doesn't come cheap. Because of low sheep numbers, and the fact that it's almost impossible to obtain a hunting permit, the rack of a desert bighorn can sell for as much as \$50,000. Rocky Mountain bighorns can sell for up to \$20,000, plus \$1000 for each inch the horns are over a given size. After hearing about Leonard, perhaps through a friend, the collector would call and inquire about the prize.

In many cases Leonard or a cohort would then locate the animal in Colorado or Montana and send a photo of the animal to the "hunter." If the collector approved, he could do one of two things: travel to the West and shoot it himself or, for a higher fee, have it killed and sent to him.

The "takedown" in Operation Trophy Kill took place in the predawn darkness in October 1984. More than 100 agents—U.S. marshals, federal and state wildlife agents and the National Park Service SWAT team—chatted and drank coffee in their fatigues, waiting for the signal to proceed. Upon orders they strapped on bullet-proof vests, loaded their rifles, and headed out into the darkness to their various destinations. At 6:00 a.m. the command—simultaneous in Colorado and Montana—was given. Doors burst open, guns were drawn, people were handcuffed.

In all, 43 people were arrested, primarily in Montana and Colorado. The list of wildlife traded during Trophy Kill included black bears, bighorn sheep, elk, owls, flamingos, ocelots, mountain lions, tigers, cheetahs, jaguars, leopards, margays, crocodiles and golden eagles. And in time, each of those arrested was found or pled guilty. Sentences ranged from a \$100 fine for the Kim brothers in California to 15 years in a federal penitentiary for Loren Ellison, the stiffest sentence ever meted out for poaching. Tillman Niblett was sentenced to three years' probation and fined \$10,500. Steven Murray was fined \$10,000, ordered to pay \$2150 in restitution, and given three years' probation. Michael Maynard was fined \$5000 and

ordered to pay \$3400 in restitution. Both men also had to spend 200 hours working for their communities. Mark Cremeens, on one state and one federal felony, received two three-month jail terms, a \$5000 fine, and was ordered to perform 200 hours of community service. After his jail term, he was put on 52 months' probation.

In addition to making charges of entrapment, critics of wildlife stings claim the operations often destroy the same wildlife they are attempting to protect. During Operation Trophy Kill, for example, 14 golden eagle carcasses, in addition to dozens of other animals, were purchased by an undercover agent, a serious dent in the Yellowstone golden eagle population. In the course of Operation Falcon, roughly 40 gyrfalcons—rare, though not endangered birds native to the arctic tundra—were purchased from McPartlin and shipped overseas to the Middle East, where their survival, one critic says, is doubtful. "It's entrapment," said Ralph Rogers, an officer in the North American Falconers Association (NAFA), a group that has been extremely critical of wildlife stings. "Instead of packets of dope or bundles of money, they used a precious wild resource," and in the process endangered that resource.

But law enforcement officials claim undercover tactics are the only effective way of collecting enough evidence to prevent even greater damage to wildlife resources. Large-scale poaching operations undermine wildlife management because biologists don't know how many animals are being taken from a particular area. And, as in the case of the grizzly bear in Wyoming, it can push the animal closer to the edge of extinction, forever depriving the legitimate sportsman of the opportunity to hunt the big bear. Without undercover operations, Gavitt said, enforcement of wildlife violations would be next to impossible.

"Covert investigation is the one and only way to break up these rings," he said. "You know what they're thinking, what they're doing, who they're working with. Sometimes you have to sacrifice wildlife, but you can't pose as hunters without having to kill. But when you consider that market hunting has been taking place for years, it's worth it."

So far the courts seem to agree: Only a handful of those arrested in Operation Falcon were acquitted, and all of those arrested during Trophy Kill were found or pleaded guilty.

According to officials, the most difficult hurdle for wildlife law enforcement officers is the fact that many people in the West, including state legislatures, do not take poaching seriously. "We've got to convince people that poaching is an organized criminal conspiracy," said Joel Scrafford, the senior resident agent in Billings, Montana. "We need strong laws on the books out here. These western states are getting ripped off royally, and the legitimate sportsman is getting robbed." SA