



photographs, J. CARRINGTON BROWN III

Caught with his cactus down, a culprit learns a few things about Arizona's native plant law from Jess Baker, left, and Ed York.

cactus cops

just when Gunsmoke was running out of plots

by Carol Brown

Dick Countryman and Ed York had staked out a home on a tip from a suspicious neighbor. After several hours, a man drove up in a camper and opened it.

"Looks like we've got enough to nail him on transportation and possession," Countryman said. "Some of it's tagged, but I bet

there's a bunch of hot stuff in there too. You talk to the guy and I'll check out the camper."

They closed in on the suspect.

"Can I see your permit for these cactus, sir?" York asked.

"Yeah," the man said. "I got one. It's in the truck." He

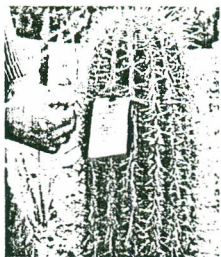
walked toward the truck but slowed when he saw Countryman on the other side of the camper. He hesitated as he reached for the glove compartment. Countryman said, "No need for that snake gun. Just the permit."

The revolver remained among a large batch of cactus tags. The

man claimed the cargo of cactus was legally obtained and offered tags and permit as proof of ownership.

York noticed that the permit for possession and transportation of native plants was legal but had been issued in another county for a different bunch of cactus.

cactus cops



Hold tags are placed on all confiscated cactus.

tus. Identification tags did not match with respective plants. Unloading the camper, Countryman discovered that only the top layer of plants had tags. Two remaining layers of cactus were illegal.

The man watched while they confiscated the cactus and marked each plant with a HOLD tag. After running an identification check on him by radio to

***we can't say
that Governor
George W.P. Hunt
didn't warn us***

insure that he wasn't a fugitive felon, Countryman issued a citation.

York and Countryman offered some advice on how to obtain cactus legally. "Yeah, I know all that jazz. But this is easy bread, man, and all you can hit me with is this penny ante rap. You guys sure spend a lot of time messing around with this misdemeanor stuff."

"So do you," York replied.

The national press has fun periodically when Arizona's cactus stealing problem is publicized. But few people took the problem very seriously until about five years ago. Then the state began seriously trying to stop the illegal peddling of native cactus.

Richard A. Countryman is director of the compliance division of the Arizona Commission of Agriculture and Horticulture. York is an investigator and enforcement officer.

Countryman said cactus stealing is big business.

"It's as profitable as cattle rustling used to be and the biggest victim is the state. Legal sale of desert plants is a five hundred thousand dollar annual business and the illegal trade is probably twice that amount."

The demand for desert landscaping has been created by homeowners, subdivision builders and nurserymen. The cactus poachers, many of them professional criminals, work night and

day stripping the desert and peddling cactus to bargain hunters.

One nursery, which sells cactus only, grossed \$70,000 last year. Young saguaros that haven't attained even half of their ultimate 40-foot height can bring about \$200. An average one sells for around \$85. A large barrel cactus may bring as high as \$35 but most cost \$5, the same price as prickly pear. It's illegal to dig or sell organ pipe cactus but people still pay \$250 for them, Countryman said.

"We know many giant saguaro have been illegally trucked into Texas and California where the cactus haulers get an asking price of five dollars to twenty dollars per running foot. As the supply of these magnificent plants decreases, the price goes up. A homeowner usually pays anywhere from three hundred to eight thousand dollars for his desert landscaping, so the market stays pretty healthy."

There are 198 plants, including most of Arizona's cacti, protected by a native plant law. Enacted in 1929, it was largely ignored until 1967 when it was updated and funds were made available for enforcement.

Countryman arrived in Arizona from Illinois the same year the native plant law was passed. After he got a bachelor's of science degree in agricultural economics and a master's in horticulture at the University of Arizona, he began 19 years with the Arizona Commission of Agriculture and Horticulture.

Countryman was state seed inspector seven years before he became chief of the compliance division.

"Illegal cactus hauling is no new problem to Arizona. It's just that the scope has increased to keep pace with a growing market." He showed a letter written by Governor George W. P. Gunt in 1932. Addressed to law enforcement officials, it drew attention to "the wholesale despoilation of desert flora in Arizona by commercial firms engaged in transporting these plants outside the state, particularly to California, for sale." The warning continued, "The extinction of many of the rare and beautiful forms of cactus which adorn our desert areas is imminent unless this practice is stopped. Thus, one of



First you must identify the victim.

cactus cops

the greatest attractions of Arizona will be permanently destroyed."

In 1966 Countryman unearthed numerous forged permits. They led to an amendment of the law the following year. This closed some of the loopholes and established an identification system which enabled better enforcement. Fines collected from violators pay some expenses of the

**now, tags are
the only proof
cactus are legal**

emerging cactus bureau. In 1969 Countryman hired York, an experienced security man.

The compliance division was officially established in 1970. It gained another investigator, Jess Baker. After some training at the Desert Botanical Gardens and experience in thorn removal, the cactus cops moved on poachers.

Working primarily in Maricopa County, they are kept busy investigating reports of violations, stopping cactus-laden vehicles for inspection and checking subdivisions to insure that newly planted cacti were legally removed from their original sites.

York said, "To remove or transport protected plants from private, state or federal land, you are required to have written permission of the landowner plus a permit issued by the commission. All protected plants listed on that permit must have a native plant tag and seal firmly attached to each during removal and transportation. The tags stay on the plants until they are planted on the homeowner's grounds. The owner then keeps the tags in his possession to show that the plants were obtained legally. This is the proof he needs if an investigator makes an inquiry.

"Last May the Thirtieth Legislature updated the law and put a few more teeth into it. The amendments were effective as of August thirteenth. The main change is that now we investigators are vested with the same powers as other peace officers and can write citations on the

cactus cops

spot. Before this we had to write up a long form and wait for a court to issue a summons or else have a sheriff or other law enforcement officer write up the citation."

Violations are misdemeanors, punishable by a fine of not less than \$50 nor more than \$300 for each offense, or by imprisonment in the county jail not to exceed 90 days, or both.

In fiscal year 1972 the cactus cops made 1,470 subdivision inspections and checked 4,757 dwell-

**bad guys steal
cactus between
bigger heists**

ing, 203 nurseries and 419 suspicious vehicles. The compliance division got 30 convictions and issued 61 warnings.

Confiscated plants are used for beautification of highways, public schools and institutions, city and state parks.

"For lack of a better spot, a few years ago I used my backyard as a holding place for confiscated cactus. But my wife started getting upset when it got so crowded that she could hardly open the back door. She decided that either the cactus or I had better find a new home." Countryman got the Glendale City Parks Department to find a new home for the plants.

Countryman said most violators have criminal records and many haul cactus to support an alcohol or drug habit. "We work closely with all county sheriffs and local police departments as well as the FBI, Highway Patrol, Game and Fish Department and other agencies. It's standard procedure to run an ID check on any suspect. Many fugitives have been nabbed working the cactus racket as a front or to take up the slack between jobs. Just because they are doing this instead of robbing banks doesn't mean they are less dangerous.

"They are usually armed — snake guns, or so they say — and always unpredictable." He claimed that recently his life was threatened twice in one week and one violator came to Countryman's office and prom-

cactus cops

ised to have a contract issued on him by some Chicago Mafia contacts.

Investigator Baker said, "Lots of guys just peddle cactus part-time. Many have full-time regular jobs and do poaching on the weekends for quick cash. A pro can make a sale, then dig and replant the cactus in a matter of three to four hours. He can be a couple of hundred dollars richer and enjoying a beer somewhere before anyone even

some steal from residential lots

knows a crime has been committed. Some of them run anywhere from two hundred to a thousand dollars worth of cactus a week."

York said, "A couple of years ago some of these fellows decided to take the easy way. They were operating in the Paradise Valley area, just stealing cactus right off of residential lots. Sometimes they would wait until the family was away on vacation, then haul off the cactus and peddle it across town with stolen tags."

Countryman said he always counts on extra activity during weekends and on nights with a full moon. The misdemeanor offenders are usually back in business again shortly after they are apprehended. "How well we do our job one day is measured by how well they cooperate with us the next day," he said.

"We have to keep checking the nurseries that buy wholesale shipments, as well as the legal cactus haulers. At one time or another some of these boys were doing illegal business. We never know when they might revert back and try to extend their margin of profit."

Several nurseries were involved in a 1970 case concerning 133 organ pipe cacti. Despite the fact that sale of these is prohibited by law, an inspection of one nursery turned up 75 freshly-dug plants. More were found on the premises of three other firms. Countryman logged 1,500 miles on three trips to the Papago Indian Reservation, where he dis-

cactus cops

covered where the cacti had been removed. It took eight months to track down and apprehend the offender, a construction worker in Phoenix. "He just did this job in his spare time. In two weekends of work he had dug up about ten thousand dollars worth of cactus," York said.

Another case in the division's files involves a Mexican who operated in the Tucson area. He would pick up half a dozen of his countrymen in Mexico and sneak

**'everything of
value within
thirty miles has
been uprooted'**

them across the Arizona border. They were put to work digging up cactus in the desert at night. By day their boss would peddle his bargain landscaping service around Tucson, complete with saguaro and barrel cacti at low prices. After the workers had planted the cactus, they were loaded into the boss's truck. He then drove to the Border Patrol office and turn them in as illegal aliens.

Countryman said 90 per cent of the illegal cactus trade is done within Arizona. The remaining 10 per cent is shipped out to California, New Mexico and Texas.

"Using mainly backroads, these cactus haulers make many profitable night runs out of state. Since our border inspection stations only handle incoming traffic, it's hard to catch these haulers unless we have a tip. We are trying to cooperate with other states, but Arizona is the only one with this type of law. New Mexico is also concerned with the problem and California is becoming aware of it."

There are those who violate the native plant law due to ignorance. "We would rather educate than prosecute," Countryman said. He gives numerous speeches in an effort to educate the public. "With the growing number of newcomers to the state, we realize that many are unaware of the law. People on a desert picnic will unwittingly

steal cactus for souvenirs. Everything of value within a thirty mile radius of Phoenix has been uprooted."

Countryman continued, "Although a saguaro may live as long as two hundred years, it does not have the reproductive powers of other types of cactus. If one saguaro is destroyed, it would not be replaced again through normal growth cycles for half a human lifetime. A person would think twice before destroying a seventeen-seventy-two artifact, but many obviously think nothing of shooting holes in cactus or mutilating them with axes.

"Others violate the law when they slice off the top of a barrel cactus, just to see if there is water in there like the desert survival literature says. Most of that story is a myth. The cactus has little or no moisture in a dry season, only enough to keep it alive. You can't see any liquid with the naked eye. It's in the pulp, and most people won't bother with the trouble of squeezing the pulp. There are special scientific and educational permits available for those who will just take the time to contact the division."

Homeowners are asked to call the cactus cops if they notice any suspicious cactus in the neighborhood. "If at all possible, get the license number of the vehicle so that we can run an ID check on it," York said.

Cactus buyers should always check the seller's permit and tags on the individual plants. These should match and should become the property of the homeowner.

"The peddler should not be allowed to leave with the tags. He may attempt to use them again illegally. That tag is the sole proof of legal ownership," York said.

A homeowner who ignores this advice may have trouble. Frequently the bargain cactus is unhealthy. If an investigator finds no legal proof of ownership, the cactus is confiscated as stolen goods. The homeowner can be charged with violation of the native plant law. "We like to give these people the benefit of the doubt and usually just issue a warning in such cases," Countryman said. "But repeaters are fined and are usually just as guilty as the cactus peddlers themselves." □