

The Arizona Daily Star, Jan. 26, 1990, p. 1A, 2A.

21 charged with trafficking in cacti, other native plants

By Mary K. Reinhart
The Arizona Daily Star

PHOENIX — Twenty-one people, including two Tucson men, have been indicted on federal charges of trafficking in saguaro cacti and other native plants.

All but four of the suspects had been arrested on federal poaching charges yesterday after a four-year undercover investigation by the U.S. Fish and Wildlife Service.

It was the largest federal case ever involving a protected plant, said Stephen McNamee, U.S. attorney for Arizona.

"We're sending a message out that if you're caught, you can expect to be prosecuted and face very stiff penalties," McNamee said.

Charges in the seven indictments returned Wednesday by federal grand juries in Phoenix and Tucson include theft of federal property, illegal interstate transportation of protected plants, and conspiracy.

The charges carry a maximum penalty of 10 years in prison and a \$250,000 fine.

The arrests came just one week after U.S. Rep. Morris K. Udall, D-Ariz., urged state and federal offi-

cials to cooperate and crack down on cactus thefts. State officials also have called for stiffer penalties.

The indictments alleged thousands of cacti — primarily barrel cacti, saguaros and the rare, fan-shaped crested saguaros — have been uprooted and stolen since 1986 from federal, state or private lands throughout Arizona.

About 150 large saguaros and nine of the crested saguaros were sold to federal agents, officials said. Healthy saguaros can sell for \$100 a foot, and the prized crested saguaro can fetch more than \$15,000.

The cacti were sold to nurseries, development companies or collectors in Arizona and elsewhere, including several foreign countries, federal officials said. Warrants have been issued for two crested saguaros in Kansas City, Kan., and four at a private Scottsdale home.

Richard Marks, special agent in charge of the investigation for the Fish and Wildlife Service, said it is not yet known what will happen to any recovered cacti.

Special agents from the Fish and

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Plants

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Wildlife Service, alerted to the cactus theft problem by Arizona officials several years ago, set up a phony business in 1986 and began posing as cactus dealers. The Scottsdale-based business was called Rio Escondido.

"We saw what we felt was a very flourishing business when we first started," Marks said. In October 1986, John R. Yates, of Wittmann, sold three saguaros to a special agent for \$900, according to the indictment. Federal officials claim the cacti were dug up on state land in Maricopa County, then transported to Wittmann, about 35 miles northwest of Phoenix.

Yates is one of nine Wittmann and Phoenix-area residents named in a 22-count indictment.

11-arm cactus

Several months later, Yates and James Edgar Brummett, also of Wittmann, stole an 11-arm cactus from federal land in Maricopa County and offered to sell it to a special agent for \$750, according to the indictment. However, the men allegedly damaged the huge cactus while loading it onto a truck and left it lying in the desert.

In the Tucson case, William Carpenter Sr., 47, and his son, William Carpenter Jr., 27, are accused in a six-count indictment of stealing saguaros from state land in Pima and Pinal counties, then transporting them to their ranch in Marana.

According to the indictment, the Carpenters sold thousands of dollars worth of cacti to undercover agents between October 1986 and November 1989 and had them delivered to Westscape Development Corp., a residential and commercial builder with headquarters 40 miles east of Palm Springs, Calif.

Federal officials arrested the Carpenters at their ranch yesterday morning. Each was later released on \$5,000 bond, according to the U.S. Attorney's Office in Tucson. They are scheduled for arraignment next week, probably Thursday, a spokesman for the attorney's office said.

Impact of arrests

Marks said the indictments should have a "very significant impact" on cactus thefts, in part because the arrests should deter those thinking about stealing a cactus and because some of the defendants are alleged to have been in the business for

many years.

Demand for Arizona's state plant is greatest in Palm Springs, Las Vegas and other Western cities, Marks said. The Sonoran Desert is the only place saguaros naturally can grow, he added.

Marks said cacti have also been shipped to about 12 countries, including Canada and Japan.

Nabbing cactus thieves is particularly difficult because most operate at night and Arizona has hundreds of miles of open desert, Marks said.

Only two agents worked on the investigation full time, he said.

"It was one of the most difficult cases that we've ever done," he said. "The investigation is continuing, and we hope more people are prosecuted."

Sue Rutman, a botanist with the

U.S. Fish and Wildlife Service in Phoenix, said the 21 indictments are just the "tip of the iceberg."

Rutman added that thefts are only one of many threats to the saguaro.

The saguaro is protected under Arizona's native-plant law. Permits are required before any saguaros can be removed from state or federal land.

But the private property owner is under no such restriction, Rutman noted. "The biggest threat to the saguaro isn't theft, it's the bulldozer," she said.

A new state law that takes effect July 1 requires landowners to notify the state Commission of Agriculture and Horticulture if they plan to destroy certain native plants, giving the state the chance to salvage the cacti.

CORRECTION

A Pima Community College basketball player was misidentified in yesterday's sports section. The player was Manny Canales.

Also, Tuesday's sports section erred in stating that Mike Scurlock and Lamar Lovett were the first

high school football players to give their oral commitments to the University of Arizona.

Sahuaro High School's Joe Lohmeier and Steve McLaughlin gave their oral commitments to the UA earlier this month.

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The Arizona Daily Star

STAR PUBLISHING CO.
P.O. Box 26807
Tucson, Arizona 85726

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Suggested retail prices

At the newsstand: 35 cents daily, \$1.25 Sundays.

Home delivery: \$9.60 for 4 weeks, \$124.80 for 52 weeks, payable in advance. Prices subject to participating carriers. Weekender package of Friday, Saturday and Sunday Star, \$6 for 4 weeks.

Mail rates: Arizona and outside Arizona (including Mexico and Canada) daily and Sunday \$5.50 per week, \$286 per year. Sunday only \$2.50 per week, \$130 per year. Payable in advance. Second-class postage paid at Tucson, Arizona. USPS 030-540. The Arizona Daily Star is published daily and on Sunday.

Postmaster: Send address changes to TNI Partners, P.O. Box 26887, Tucson, AZ 85726-6887.