



WHEN THE BORDER VANISHES

“Birds of a Feather ” A Data-Based Question

Standard:

- II. Time, Continuity, and Change
- III. People, Places, and Environment
- V. Individuals, Groups, and Institutions
- VI. Power, Authority, and Governance

Grade Level: 7–12

Objectives:

The student will:

- Analyze early preservation actions of the U.S. Federal Government and private groups
- Determine the reasons for a shift from exploitation to preservation of birds
- Examine personal views related to preservation of wildlife

Time:

1 class period

Materials:

Copies of documents included in lesson

Procedures:

1. Teacher background:

Read information: <http://americanhistory.si.edu/feather/ftfa.htm>

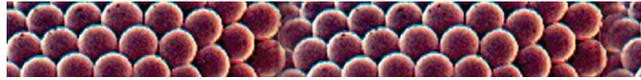
This site presents the fashion world of the late 19th century and its enthrallment with feather accessories. Women wore hats that ranged from ostrich plume embellishment to stuffed birds.

- 2.** Provide documents A–E to all students. Have students read all information provided with the photos and legislation.
- 3.** Assign the *Audubon* magazine cover (Document C) to 3–5 students. Divide the remaining students into two groups, one to concentrate on Documents A–B, and the remainder on Documents D–E. According to the documents assigned, the students will take on the personas of individuals who either think birds should be available to all for whatever purpose or to those who feel preservation efforts are necessary, even if that means legislation by the federal government.
- 4.** Share background information at: <http://americanhistory.si.edu/feather/ftfa.htm>, with the students.
- 5.** Read this scenario to students.

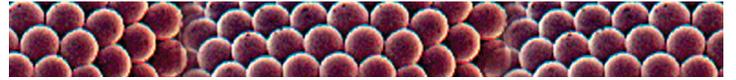
Scenario:

“A group of people in your town is considering the formation of a local Audubon chapter. They have invited all interested people to their meeting at the Town Hall. Some of you feel this is a frivolous, anti-nature, cockeyed idea and plan to stand against any idea such as the formation of a “bird group.” Others in the town feel that man must protect creatures such as birds from the ruthless practices of money-hungry, vain, and destructive humans.”

Have the Audubon students sit in the front of the room. They should explain why they are considering the formation of an Audubon chapter and ask their fellow townspeople for input.



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Individuals from each side should explain, with feeling, why they are for or against the idea of an Audubon chapter.

6. After the meeting, discuss the issues presented. Ask students which side they would take in this debate, if given a choice. Students should realize that the preservation efforts for birds were some of the earliest to result in an NGO, the Audubon Society, and government legislation.

Extension Activities:

1. Discuss present day issues that concern individuals regarding the environment and awareness. List issues where people have strong beliefs on one side or the other. For example:
Carbon footprint, global warming, nuclear power, endangered species, oil drilling, mining, recycling, pesticides, Greenpeace, etc.
Have students add to this list.
2. Stage a meeting as previously done in this activity, but with a different topic. Select from the list in Step #1 or additional issues suggested by students. ■



A "Birds of a Feather"





FANCY FEATHERS

A marvellous showing of birds, breasts, wings, quills, tips and ostrich plumes. A marvellous range of price quotations that goes with this wonderful stock. Our expert buyer has seen the tendency in fancy feathers for Fall, has noted their liberal use on the very early advance pattern hats brought out by the greatest milliners in Paris. We

claim that every fancy feather in this great stock is properly made and dyed, that it is a fashionable, up-to-date and attractive piece of meretricious— that its price by the piece or dozen is lower than other houses quote in box lots. Many a jobber and credit giving time house pays more for the styles and qualities shown here than you are asked through this catalogue—every number, every style warrants your critical investigation—you can't go wrong, for don't we say you must be completely satisfied or your money will be refunded.



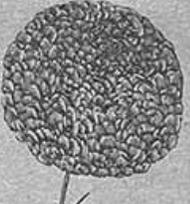
F 2400. A large showy quill breast. Will be extensively used this season. This is a price \$2.00, our price, 80c each or 95c. doz. Black, white, cardinal, royal brown, castor, pink, blue.



F 2405. Very stylish, fancy feather in aigrette effect, with jet sponges. Price, 10c, each or \$1.99 doz. Black, white, cardinal, royal, brown, with jet sponges.



F 2419. The latest Pannian soft breast effect. Medium size and made of the finest quality feather. Imported to sell at \$2.00, our price, 17c, each or \$1.92 doz. - Black only.



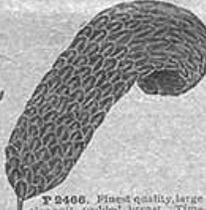
F 2482. Large heavy feather Pompos. Regular \$3.00 quality. Our price, 17c, each or \$1.95 doz. - Black only.



F 2481. The raging novelty for hat trimming. Imported breast made of finest quality feather, with velvet collar dots. Price, 24c each or \$2.85 doz. White with black dots and black with white dots.



F 2455. Large, genuine Mexican Merle. \$4.50 quality. Our price, 23c ea. or \$2.75 doz. Natural green only.



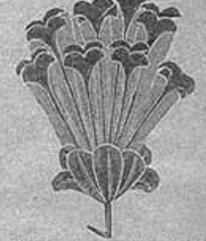
F 2406. Finest quality, large size soft padded breast. Time hats sales \$4.50, our price, 15c, ea. or \$2.05 dozen. Black only.



F 2457. Large size startling bird with fancy perfect comb. Very showy and good selling pattern. Price, 17c, each or \$1.95 per doz. Black, royal, cardinal, beige, brown, green.



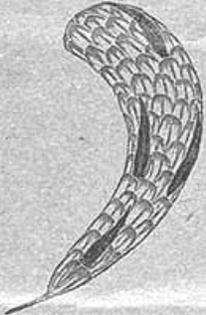
F 2484. Exceptional bargain in soft quill effect with jet sponges. Remarkable value at 10c, each or \$1.19 doz. Black, white, cardinal, aile, beige, blue, pink, royal, brown.



F 2459. A very popular aigrette effect fancy feather. Price, 8c, each or 95c. doz. Black, navy, cardinal, pink, beige.



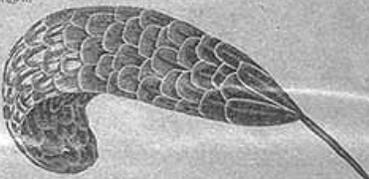
F 2467. Extra large size padded breast, one of the features of the season for trimming hats. Worth \$7.75, our price, 45c, each or \$5.45 doz. Black, white, castor, cardinal, royal.



F 2463. Latest novelty in fancy breast effect. Worth \$1.00. Our price, 25c each or \$2.95 per doz. Comes in black, navy, cardinal, pink, beige.



F 2483. Great bargain in finest quality soft padded breast effect. Worth \$3.50. Our price, 15c, each or \$2.15 doz. Black, white, brown, cardinal, also shaded pink, blue, green, beige.



F 2450. Latest novelty long quill effect. Hand painted with velvet dots. Price, 8c, each, or 95c. per dozen. In white with black dots, black with white dots.



F 2462. Showiest and most stylish fancy feather shown this season. Made of fine quality quill, each quill being wired, making most substantial feather. Price, 24c, ea. or 95c. doz. Black, white, castor, blue, pink, brown, light navy.



F 2458. Finest quality startling bird, used very effectively with any trimming. Price, 10c, each or \$1.10 per dozen. Comes in black, brown, green, navy, beige, cardinal, castor.



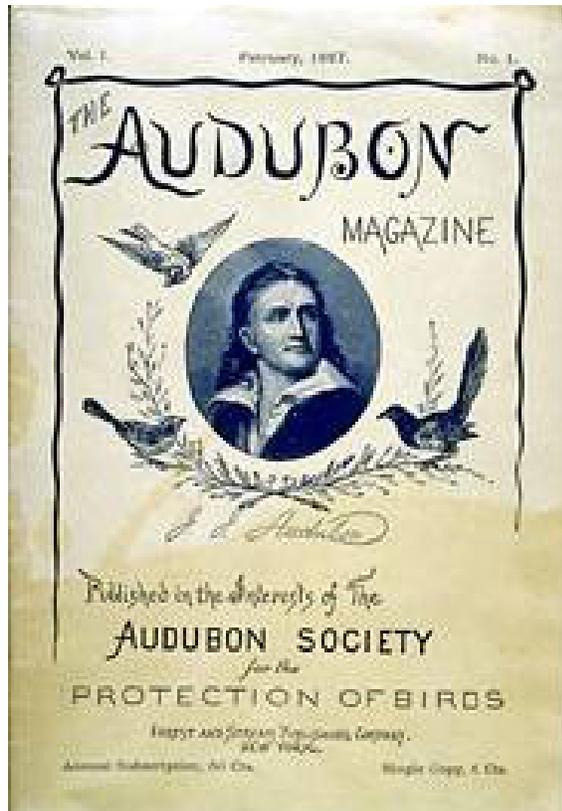
F 2420. Large showy quill in breast effect. Regular \$3.00 quality, our price 14c, each or \$2.15 per dozen. In black, cardinal, green, beige, brown.



F 2401. Above is the finest quality, imported parrot. Price, 25c, each or \$2.95 per dozen. Comes in black, green, brown.



C "Birds of a Feather"



Smithsonian Institution Libraries

Overview of the Lacey Act

16 U.S.C. SS 3371-3378

The Lacey Act, [16 U.S.C. §§ 3371-3378](#), protects both plants and wildlife by creating civil and criminal penalties for a wide array of violations. Most notably, the Act prohibits trade in wildlife, fish, and plants that have been illegally taken, possessed, transported, or sold. Thus, the Act underscores other, federal, state, and foreign laws protecting wildlife by making it a separate offense to take, possess, transport, or sell wildlife that has been taken in violation of those laws. The Act prohibits the falsification of documents for most shipments of wildlife (a criminal penalty) and prohibits the failure to mark wildlife shipments (civil penalty). The Lacey Act is administered by the Departments of the Interior, Commerce, and Agriculture through their respective agencies. These include the U.S. Fish and Wildlife Service, National Marine Fisheries Service, and Animal and Plant Health Inspection Service.

The Lacey Act was first introduced by Iowa Congressman John Lacey in the House of Representatives in the spring of 1900. It was signed into law by President William McKinley on May 25, 1900. The original Act was directed more at the preservation of game and wild birds by making it a federal crime to poach game in one state with the purpose of selling the bounty in another. It was also concerned with the potential problems of the introduction of non-native, or exotic species of birds and animals into native ecosystems. Finally, it sought to buttress state laws already in existence for the protection of game and birds.

The Lacey Act has been amended several times since its inception in 1900. The most significant ones occurred in 1969, 1981, and 1988. The 1969 amendments expanded to include amphibians, reptiles, mollusks, and crustaceans. The maximum penalty was increased to \$10,000 with possible imprisonment for one year. Additionally, the mental state required for a criminal violation was increased to "knowingly and willfully;" civil penalties were expanded to apply to negligent violations.

In 1981, Congress removed the heightened proof standard of "willfully" from the statute, making "knowingly" the standard. This came in response to an increased illegal trade in fish and wildlife both domestically and abroad. Indigenous plants were also added to the protected species. With regard to penalty, the maximum civil fine was raised to \$10,000 and a bifurcated felony/misdemeanor scheme was created under the statute based on the conduct of the offender and the market value of the species at issue. Under the felony portion of the statute, the maximum penalty was set at \$20,000 and/or five years imprisonment; misdemeanor violations were set at \$10,000 and/or up to one-year imprisonment. The amendments also allowed for warrantless arrest for felony violations under the Act and expansion of the role of federal wildlife agents.

In 1988, the role of guiding or outfitting services were added to cover a new threat to big game species under the ambit of "sale." Prior to the amendment, big game guides who provided illegal hunts were immune to prosecution for violation based on commercial activity. The amendments also created a separate and distinct violation for the intended falsification of documents pertaining to the exporting, importing, or transporting of wildlife, fish, or plants. The felony provision of this part of the act was amended such that one could be convicted if he or she either knew of the import or export of the species or where he or she was involved in the sale or purchase of wildlife, fish, or plants with a market value greater than \$350.

The Lacey Act now stands as one of the broadest and most comprehensive forces in the federal arsenal to combat wildlife crime. With increasing activity in international and domestic wildlife trafficking, the Act has evolved to become an important weapon to protect animals domestically and abroad.

Rebecca F. Wisch
2003, Animal Legal & Historical Center
<http://www.animallaw.info/articles/ovuslaceyact.htm>



Migratory Bird Treaty Act

16 U.S.C. §§ 703-712, July 3, 1918, as amended 1936, 1960, 1968, 1969, 1974, 1978, 1986 and 1989.

Overview. The Migratory Bird Treaty Act implements various treaties and conventions between the U.S. and Canada, Japan, Mexico and the former Soviet Union for the protection of migratory birds. Under the Act, taking, killing or possessing migratory birds is unlawful.

Prohibited Acts. Unless permitted by regulations, the Act provides that it is unlawful to pursue, hunt, take, capture or kill; attempt to take, capture or kill; possess, offer to or sell, barter, purchase, deliver or cause to be shipped, exported, imported, transported, carried or received any migratory bird, part, nest, egg or product, manufactured or not. Subject to limitations in the Act, the Secretary of the Interior (Secretary) may adopt regulations determining the extent to which, if at all, hunting, taking, capturing, killing, possessing, selling, purchasing, shipping, transporting or exporting of any migratory bird, part, nest or egg will be allowed, having regard for temperature zones, distribution, abundance, economic value, breeding habits and migratory flight patterns. Regulations are effective upon Presidential approval. §§ 703 and 704.

The Act makes it unlawful to: ship, transport or carry from one state, territory or district to another, or through a foreign country, any bird, part, nest or egg that was captured, killed, taken, shipped, transported or carried contrary to the laws from where it was obtained; import from Canada any bird, part, nest or egg obtained contrary to the laws of the province from which it was obtained. § 705.

Arrests/Search Warrants. To enforce the Act, authorized Department of Interior employees may: without a warrant, arrest a person violating the Act in the employee's presence or view; execute a warrant or other process issued by an officer or court to enforce the Act; search any place with a warrant. All birds, parts, nests or eggs that are captured, killed, taken, offered or sold, bartered, purchased, shipped, transported, carried, imported, exported or possessed contrary to the Act will be seized and, upon conviction of the offender or upon court judgment, be forfeited to the U.S. and disposed of by the Secretary. § 706.

Violations/Penalties. According to the Act, a person, association, partnership or corporation which violates the Act or its regulations is guilty of a misdemeanor and subject to a fine of up to \$500, jail up to six months, or both. Anyone who knowingly takes a migratory bird and intends to, offers to, or actually sells or barter the bird is guilty of a felony, with fines up to \$2,000, jail up to two years, or both. (Permissible fines are increased significantly by the Sentencing Reform Act of 1984, as amended in 1987, which is summarized separately in this Handbook.)

All guns, traps, nets, vessels, vehicles and other equipment used in pursuing, hunting, taking, trapping, ensnaring, capturing, killing, or any attempt on a migratory bird in violation of the Act with the intent to sell or barter, must be forfeited to the U.S. and may be seized and held pending prosecution of the violator. The property is to be disposed of and accounted for by the Secretary. § 707.

Miscellaneous. The Act should not be construed to prevent states and territories from making or enforcing laws or regulations not inconsistent with the Act or which give further protection to migratory birds, nests and eggs, if such laws and regulations do not extend open seasons. § 708.

The Act cannot be construed to prevent the breeding of migratory game birds on farms and preserves, and the sale of birds lawfully bred to increase the food supply. § 711.

In accordance with the various migratory bird treaties and conventions, the Secretary is authorized to issue regulations to assure that the taking of migratory birds and their eggs by the indigenous inhabitants of Alaska is permitted for their nutritional and other essential needs during established seasons. § 712.

<http://wildlifelaw.unm.edu/fedbook/mbta.html>