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11 UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF CALIFORNIA
13 FRESNO DIVISION

15 PETER STAVRIANOUDAKIS; KATHERINE
STAVRIANOUDAKIS; SCOTT TIMMONS;
16 ERIC ARIYOSHI; **and** AMERICAN FALCONRY
CONSERVANCY,

17 Plaintiffs,

18 v.

20 UNITED STATES FISH & WILDLIFE SERVICE;
CHARLTON H. BONHAM, in his official capacity
21 as Director of California Department of Fish and
Wildlife; **and** MARGARET EVERSON, in her
22 official capacity as Principal Deputy Director
Exercising the Authority of the Director of United
23 States Fish & Wildlife Service,

24 Defendants.

No. 1:18-cv-01505-LJO-BAM

**DECLARATION OF
BRIDGET ROCHEFORD-KEARNEY**

28 *Licensed to practice law in Arizona and Colorado. Not licensed to practice law in California.

1 I, Bridget Rocheford-Kearney, declare:

2 1. The facts set forth in this declaration are based on my knowledge and, if called as a
3 witness, I can competently testify to their truthfulness under oath.

4 2. I have spent many years in the movement for greater protection for falconers'
5 constitutional rights, including being a founding member of the American Falconry Conservancy,
6 and as a secretary for the North American Falconers Association. I have extensive knowledge of
7 the concerns of the falconry community, and the issues related to unconstitutional warrantless
8 search provisions and speech restrictions, including their impact on individual falconers.

9 3. The feeling in the larger falconry community has been and remains that we should
10 do everything we can not to rock the boat and push back on some of these abuses, or Fish and
11 Wildlife will just come into our homes and take our birds away. Many falconers believe that we
12 have no choice but to submit. Falconers are extremely afraid and anxious of the government's
13 asserted authority to violate our constitutional rights.

14 4. The founding and development of American Falconry Conservancy is a direct result
15 of the unconstitutional heavy-handed enforcement actions of federal and state Fish and Wildlife
16 departments. We felt advocating through American Falconry Conservancy was the only way to
17 protect our constitutional rights.

18 5. Founded in the early 2000s, the original narrow mission of the American Falconry
19 Conservancy was to preserve the rights of falconers to capture raptors from the wild as private
20 property, no less than duck, elk, or any other biological resource is converted to private property
21 by a hunter.

22 6. But as more members began to join, our focus and activities became more political
23 and broad, including preserving the rights of falconers to practice their sport.

24 7. American Falconry Conservancy has long advocated that just because falconers
25 legally capture raptors, that does not mean that we have signed away our Fourth Amendment rights
26 or that Fish and Wildlife officers can just come marching into our homes to conduct a warrantless
27 search whenever they want.

28 8. There are many examples of this continuing abuse of power by Fish and Wildlife

1 officers. These include the search of Richard and Becky Brunotte in Colorado. At the time the main
2 social engagement for falconers worldwide was an email list, Hawk-L. While officers were inside
3 their home searching, the Brunotte's were sending out emails to the list providing panicked updates
4 on what was happening. I still possess these email records.

5 9. Another example was an incident occurring at the home of Lydia Ash in
6 approximately 2009. One morning while she was at work, her husband discovered federal Fish and
7 Wildlife agents outside the back fence surrounding their back yard, prowling around trying to peer
8 over or find a way in! When he asked them what they were doing, they requested entry, which he
9 refused. After calling Lydia (who rushed home from work), the officers were told they could not
10 enter their home or property and eventually left.

11 10. Another example of this abuse of power is "Operation Falcon," which took place in
12 1982. It was an operation coordinated between Canadian and U.S. authorities to "crackdown" on
13 an imaginary illicit international falconry ring. This entirely contrived justification was the pretext
14 to unleash a nationwide sting operation that resulted in hundreds of innocent Americans having
15 their homes and property searched without a warrant. And, at the end of the day, not a single case
16 or prosecution arose from these repeated violations.

17 11. A good reference for Operation Falcon is the book, "The Pilgrim and the Cowboy,"
18 written by Paul McKay.

19 12. The attitude that authorities displayed during Operation Falcon is still prevalent. The
20 operational principles of Operation Falcon are still enforced to this day, including a lack of respect
21 for falconers' constitutional rights.

22 13. In my experience, the common mentality of Fish and Wildlife agents is: "Let us
23 come into your home and answer all of our questions, or else." This is the common practice. For
24 falconers, their birds and practice is more than a passion: it is their entire life. Essentially they are
25 being told to give up their Fourth Amendment rights or have their entire life taken away.

26 14. The American Falconry Conservancy has been repeatedly told by Fish and Wildlife
27 agents over the years, including Defendant Bonham, that being the "squeaky wheel" and refusing
28 to allow our rights to be violated, will result in the "privilege" of falconry being simply taken away.

