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## Eagle theft pits religious practice against the law

### 2 men say feathers are for ceremonies

By Matt Krasnowski

COPLEY NEWS SERVICE

May 14, 2006

LOS ANGELES – It was a crime that disturbed animal lovers and confounded law enforcement.

Six years ago, two golden eagles and one bald eagle, all unable to fly, were stolen from the Santa Barbara Zoo and probably killed. Spent shell casings and feathers were found near their pens.

The investigation led to charges being filed that received little notice. Two Southern California men were charged last year with possession of bald and golden eagle feathers and parts, although there is no evidence linking them to the thefts or eagle deaths. Federal prosecutors say the men illegally possessed hundreds of feathers from predatory birds.

In recent weeks, however, the criminal complaints have sparked a unique court fight pitting environmental interests against religious freedom.

The two men say they are leaders in their respective Native American churches and have ties to Indian tribes in Mexico. The men say that they use the eagle feathers in religious services and that the criminal charges violate federal law and their First Amendment rights to religious freedom.

“They were given this impossible choice between practicing their religion and breaking the law,” said lawyer Kevin LaHue, who represents Luis Manuel Rodriguez-Martinez, 31, of Desert Hot Springs.

Rodriguez-Martinez said in court he was a “roadman” in a Native American church, and his parents were members of the Huichol and Tepehuano tribes in Mexico. As a roadman, he conducts prayer ceremonies and uses feathers during religious rites.

Also charged is Mario Manuel Vasquez-Ramos, 27, of Long Beach, who says he is a shaman of U.S. and Mexican tribal heritage and has been an active member of the Native American Church Teokalli Quetzalcoatl since 1998.

Both men said in court papers they received the feathers as gifts at ceremonial church gatherings.

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The feathers are considered “transmitters” that allow ancient spirits to communicate with ceremonial leaders, LaHue said. The feathers also can be used to clean a person's aura or energy field, he added.

The two men deny any role in the Santa Barbara Zoo eagle theft, LaHue said.

Assistant U.S. Attorney William Carter said a confidential informant had implicated Rodriguez-Martinez, Vasquez-Ramos and an Arizona man in connection with the April 2000 zoo theft. But a federal probe produced no physical evidence linking them to it, and so far no one has been charged in the theft.

Still, searches of their homes produced so many feathers that charges were warranted, Carter said.

Under federal law, possession of the feathers is illegal – unless you are part of a federally recognized tribe and use them for religious ceremonies. If you qualify, you can receive the feathers from the National Eagle Repository, which is responsible for storing and distributing dead bald eagle and golden eagle parts.

“We think the distinction between their tribes and the (recognized) tribes is unfair given the sincerity of their beliefs,” LaHue said.

Prosecutors have disagreed. The 9th U.S. Circuit Court of Appeals ruled on a similar case in 2002, finding that the government's interest in protecting bald eagles justifies limiting the supply of eagle parts.

U.S. District Court Judge S. James Otero this month cited that decision in rejecting defense requests to throw out the charges against Rodriguez-Martinez and Vasquez-Ramos.

Since Otero did not rule in their favor, LaHue said, both men are expected to plead guilty to the misdemeanor charges when they appear in court May 26, but will appeal their cases to the 9th Circuit.

LaHue said that since the 2002 appellate court decision, a key ruling on religious freedom has come from the U.S. Supreme Court.

In February, the justices ruled 8-0 that under the Religious Freedom and Restoration Act exceptions to federal law for religious practices can be made for individuals.

LaHue contends that under the Supreme Court decision Rodriguez-Martinez and Vasquez-Ramos can argue that granting them access to the eagle feathers for religious purposes does not harm the government's interest in protecting eagles.

“The issue is not whether everyone can have access to eagle feathers, but whether these two individuals can have access to eagle feathers,” LaHue said.

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