Mountain Sheep Experts Draw Hunters' Fire

Just because federal agents and wildlife experts say an animal is protected against hunting doesn't mean it is

WHEN AGENTS of the U.S. Fish and Wildlife Service seized the hides and horns of four Chinese sheep as contraband in 1988, they set off a scientific row that continues to this day. It now spans three continents and has involved a prominent politician, the Smithsonian Institution, and top wildlife officials in an arcane dispute over taxonomy. The basic question: were the sheep, which were shot by wealthy U.S. hunters, a rare breed that is protected by an international treaty?

The killing of four sheep in a remote region of China may seem a minor incident, but it touched off legal battles in California, Texas, and Washington, D.C. The incident has attracted attention in Texas because one of the hunters was Clayton Williams, the Republican candidate for governor. And at the scientific level, the ensuing dispute has revealed a tangled relationship between hunting and research: A scientist with a joint appointment at the Smithsonian Institution and the Fish and Wildlife Service was along on the hunt, and both organizations have sided with the hunters in this case.

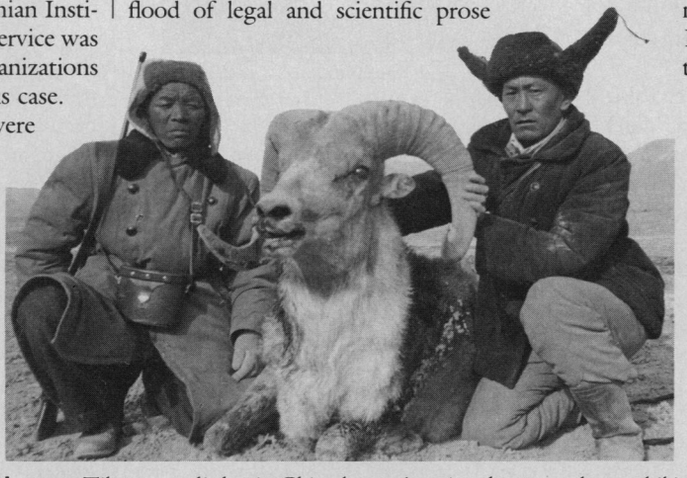
The animals killed in China were Tibetan argali, distant cousins of the bighorn sheep that live in the American Rockies. Once plentiful in the Tibetan high plateau, they have been slaughtered for meat and hides and their numbers have dwindled in recent decades.

Rarely seen by Westerners, the argali became the subject of a taxonomic dispute because historic accounts name several subspecies, but only one, *Ovis ammon hodgsoni*, has been listed as endangered in the Convention on International Trade in Endangered Species (CITES). India asked that *hodgsoni* be protected in 1973, and other parties to CITES, including China and the United States, raised no objection. Some experts say that at least two names have been used in the past to describe the protected subspecies, and that regardless of nomenclature, all the argali in Central Asia are endangered.

When challenged, the hunters first said they had shot a type of argali called *Ovis ammon darwini*, not named on the endangered list. Later, they said the animals were *Ovis ammon dalai lamae*, also absent from the list. Their claims were supported by the Smithsonian and the Scientific Authority of the Fish and Wildlife Service in letters to the head of the nomenclature committee of CITES, but were firmly rejected by a group of academics.

Four independent wildlife experts say that *dalai lamae* is just a synonym for *hodgsoni*, claiming there is a mix-up in the literature, and that the animals killed on his hunt assuredly were not *darwini*. The names were assigned by Europeans in the 19th century, *hodgsoni* being identified by explorers in the south and *dalai lamae* by those in the north. Valerius Geist, professor of ecology at the University of Calgary in Canada, says the hunters are relying on this confusion to pull off a "taxonomic sleight of hand."

These claims and challenges have loosed a flood of legal and scientific prose over the past 2 years and embittered the enforcement staff at FWS. It lost a legal fight to the hunters and could lose the scientific debate as well. Big-game hunters are now seeking to have these sheep declared not endangered, opening them to increased hunting. China supports this policy, for it wants the hard currency that comes with the hunters.



Loser. *Tibetan argali shot in China by an American hunter—photo exhibit number one in an endangered species case that never went to trial.*

No matter how well fixed they are, the hunters tend to think of *themselves* and not the sheep as endangered. According to Chris Klineburger, the Seattle outfitter who arranged the 1988 trip to China and escorts clients all over the world to kill exotic animals, U.S. wildlife agents are using bad science to harass sportsmen like himself. He says no endangered animals were killed in China: "The crime was committed by the Fish and Wildlife Service" when it made "something big out of nothing."

Despite these protestations and the confused taxonomy, the government filed evidence in a federal court in San Francisco last year suggesting that Klineburger knew in advance exactly which subspecies would be the quarry. The government quotes from the Klineburger "Hunt Report" of 1987–1988 published before the trip to China. In it Klineburger writes: "A breakthrough into hunting the argalis is in the plan. We expect to do at least the first check-out trip for the Tibetan argali (*Ovis ammon hodgsoni*) in 1988. . . ." The government cites other evidence from a letter written by Klineburger's liaison to the Chinese government, Lit Ng of Monterey, California. Ng wrote to Li Ling of the China International Forestry Corporation in Beijing in October 1987 seeking to "establish the costs for another hunt for next year." One of the six items Ng asked about was, "Price for Tibetan argali ('*Ovis ammon hodgsoni*') including all related costs. . . ." Today, Klineburger explains these documents by saying, "There was definitely talk about hunting *hodgsoni* in 1987, but the Chinese didn't [authorize it]."

The enforcement authorities argue otherwise. Their account begins in April 1988 when FWS agents John Mendoza and Larry Keeney, acting on a tip, ambushed Klineburger as he came through customs at the San Francisco airport with the argali trophies. The agents also questioned the hunters: Clayton Williams, the Republican candidate for governor of Texas (now considered the favorite in that race), his wife Modesta, and two others. They had paid $25,000 apiece—for a total of $100,000—for permits to kill the sheep, and were more than a little peeved at being the subject of a federal inquiry.

The hunters' attorneys asked for a scientific review. Then, as the review plugged along slowly in 1989, they asked for return of the trophies and filed suit in the Williamses' home town of Midland, Texas, accusing the government of delay. The judge made it clear he sided with the Texans, and in December the Justice Department dropped the investigation and returned the hides and

horns, settling quietly out of court. By returning the evidence that might have been used in a trial, prosecutors abandoned the case, closing the investigation of the hunters. They are preparing to close the investigation of Klineburger and Ng as well.

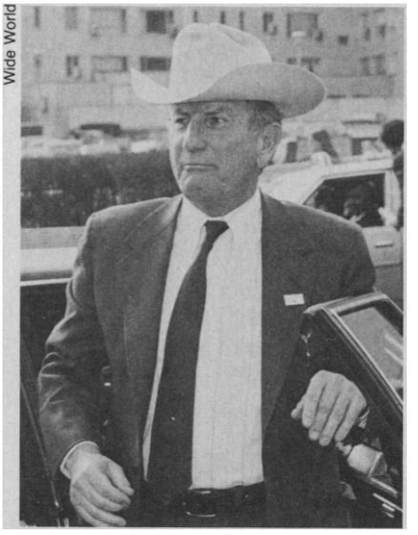
Meanwhile, a well-heeled hunting association—the Wildlife Legislative Fund of America (WLFA)—escalated the battle, arguing to the secretary of the Interior and members of Congress that FWS enforcement officers are out of control. The FWS has responded in earnest, empaneling a special commission to look into the agency's enforcement practices and report back this summer. Another international group that administers taxonomy for the CITES agreement has begun to reexamine the entire question of whether or not these or any Tibetan argali should be protected. Meanwhile, the enforcement and scientific divisions of the FWS are at dagger points.

On the same day last November, the FWS enforcement branch ran a notice in the *Federal Register* stating flatly that *hodgsoni* are endangered and off limits to U.S. hunters throughout China, while the scientific branch ran an adjacent notice saying the question is open to debate and must be decided by a general review, which it has now begun in response to a petition from hunters. Charles Dane, director of the FWS scientific authority, would not discuss any aspect of the review with *Science* and refused to make available the docket of public comments on his proposal.

Experts in the broader scientific arena also remain divided. Robert Hoffmann, chief scientist at the Smithsonian and its assistant secretary for research, has argued that the *hodgsoni* are geographically limited to the south, near the China-India-Nepal border area, and probably are not found 1000 miles to the north where these argali were killed. Chinese officials in Beijing say the same. But this view appears to be at odds with some local findings. Chinese researcher Cai Guiquan, of the Northwest Plateau Institute of Biology, cited in a U.S. Attorney's memorandum filed in San Francisco, wrote in 1985 that *hodgsoni* live in the mountains where the hunt took place, and that "argali are almost extinct in certain areas now."

Also opposing the hunters are four North American experts: Valerius Geist, author of *Mountain Sheep: A Study of Behavior and Evolution* (1971); George Schaller, scientific director of Wildlife Conservation International, a division of the New York Zoological Society; Paul Krausman, biologist at the University of Arizona, Tucson; and Raul Valdez, author of *Wild Sheep of the World* (1982) and professor of wildlife ecology at the New Mexico State University, Las Cruces. All have seen the remains of the sheep killed in China and all say the animals were *hodgsoni*. They say the animals are protected by CITES and should not be hunted.

Emotions still run high because Geist and Schaller have questioned the scientific objectivity of the FWS scientific authority and the Smithsonian. In particular, they point to the role of FWS official Richard Mitchell. Mitchell, who works on endangered species policy for the FWS, was with the hunters in China when they killed the animals and helped in the hunt. Mitchell declined to discuss the case, referring questions to his attorney, Justin Simon of the Washington firm of Dickstein, Shapiro and Morin.



Winner. *Clayton Williams, candidate for governor of Texas, who won dismissal of an inquiry into his argali hunt.*

Mitchell's role in the hunt, according to Simon, was to collect tissue samples for a chromosome study of Tibetan sheep.

In April 1988, Mitchell was employed simultaneously by the Smithsonian, directly under Hoffmann, and by the FWS. Smithsonian public affairs officer Madeleine Jacobs says Mitchell was in China on Smithsonian business when the sheep were killed. During the hunt, however, "he was really on his own."

In addition, Mitchell ran a private organization called the American Ecological Union, which sponsored wildlife research trips to China and trips by Chinese officials to the United States. According to two sources, Mitchell's foundation received money from big-game hunters and is now under investigation by the federal government. Simon says it is "not accurate" to state that Mitchell received gifts from hunters. "He has done a substantial amount of research in China, some of which has been funded by a variety of sources, including hunting organizations, as is most survey research," Simon explains.

One scientist who received an earlier trip to China paid for by the foundation is Robert Hoffmann. Jacobs says Mitchell and his supervisor, Hoffmann, traveled to China in August 1987 at the invitation of the Chinese Northwest Plateau Institute of Biology on a mammal collecting expedition. She confirms that their travel was paid for by Mitchell's foundation, but says it is "typical" to get outside support like this because the Smithsonian's travel budget is limited. Hoffmann declined to be interviewed.

Ever since FWS began investigating Mitchell's role in hunting trips, the Smithsonian has paid Mitchell's legal bills with federal funds. So far, the cost is in the neighborhood of $200,000, according to Jacobs. It may seem inefficient for the government to investigate an employee with one arm and pay for his defense with another. But Jacobs says this expenditure was cleared by the Smithsonian's general counsel.

All this wrangling over taxonomy may have obscured the bigger question of whether Tibetan argali—by whatever name—are abundant enough to be hunted for sport. Schaller says they definitely are not. He has traveled widely in China since 1977, even passing within 20 miles of the spot where the recent hunt took place, and in that time he has seen relatively few of these animals. "All the argali in Central Asia are disappearing very rapidly," he says, "and they will all end up on the completely protected list." He thinks the *dalai lamae* type, referring to Tibetan argali in the northern end of their range, are even "scarcer" than the ones that everyone recognizes as *hodgsoni*.

Yet Klineburger, who knows the area well, insists that argali are not scarce in China. Another wildlife expert who has been in Tibet, Bart O'Gara of the University of Montana at Missoula, finds himself in both camps. He thinks *dalai lamae* and *hodgsoni* are the same subspecies, but argues that the best way to protect them is to license them for hunting by foreigners. This, he claims, will give local people an incentive to keep the population alive.

All parties agree on one thing: there has never been a good survey of the argali population or a thorough review of their taxonomy. No one can say with authority how numerous they are.

One good result that could come out of this bitter debate, therefore, is that the intense scrutiny argali will get in CITES meetings in the coming months will probably lead to a new consensus on their proper classification and the degree of protection they should have from human predators.

■ ELIOT MARSHALL