

Testimony of Marta Daniels, Owner Spiritus Mundi Antiques ***An Act Banning the Sale of Elephant Ivory & Rhinoceros Horns—6955*** **Public Hearing, Joint Committee on the Environment, CT Legislature 3/11/15**

My name is Marta Daniels from Chester, CT. I'm a writer, historian, musician and an antiques dealer for over thirty years. I am testifying as the owner of *Spiritus Mundi Antiques*, a shop in Chester for 25 years. I support this bill in its original form, without the 100% exemption on ivory objects 100 years or older. I came to this Hearing intending to speak about the enormous ecological and moral debt Connecticut owes the elephant from our past status as the world's largest importer of ivory and—for 100 years—the center of the global ivory trade (1840-1940) when 500,000 to 2 million elephants were sacrificed for CT's manufacture of piano keyboards. (see Original Testimony below) But instead I will address the poison pill exemption made today and submit written rebuttals to the objections made by dealers to Bill 6955 (also below).

The 100% exemption for antique ivory 100 years old being requested by some antiques dealers will effectively gut this bill. It will have an effect opposite of what was intended: to close federal loopholes and devalue ivory so it is no longer an impetus for the slaughter of elephants. This 100% exemption would be a license—codified into public law—to engage in further illicit ivory trade in CT. It is also redundant since federal law already allows the sale of antique ivory *provided it meets strict certification requirements and is appropriately authenticated for age*. Making a blanket 100% exemption for antique ivory in Connecticut will weaken federal law, confuse buyers, continue the large cover “antique ivory” has always provided for illicit (new) ivory sales, and give a green light to dealers. Black marketeers and unscrupulous vendors will come to Connecticut to buy and sell “antique” ivory since New Jersey and New York *have effectively shut them out* with their recent ivory legislation.

Instead of the 100% exemption, I urge Connecticut to join New York and New Jersey in crafting a strong, effective tri-state law that closes loopholes--not opens them wider (see federal law on ivory: <http://www.fws.gov/international/travel-and-trade/ivory-ban-questions-and-answers.html#4>) Shockingly, the U.S. is the second largest ivory market in the world (\$10 B/year) behind China (\$13 B), and the tri-state area is a critical nexus for illicit trafficking. **Any exemptions in Connecticut's bill should be minimal, specific and consistent with those of NY and NJ.**

One consistent exemption could be made for museums and historical societies. These are the only legitimate places for antique ivory. When ivory is devalued, its only remaining worth will be in a museum where it can be properly cared for and the donor can be honored. New exhibits and expanded educational activities can continue. Recognizing that our domestic “legal” trade in ivory has *always* served as a cover for the illegal trade, the sale of all old ivory for *commercial* purposes must end.

The dealers who testified today and asked for the 100% antiques loophole are sophisticated, knowledgeable purveyors of rare antique ivory to a small number of very wealthy collectors. They are not representative of the vast majority of us dealers

who long ago gave up selling ivory. They are also not pickers for our museums but rather they are their competitors—acquiring those very desirable historic ivory pieces for their highest buyers, usually wealthy collectors. Most dealers could live with NY’s law of 20% exemption (see below). To allow this 100% exemption is to choose private collecting and profit-making for the few over elephant survival for the many, and to unleash a whole panoply of unintended consequences into the marketplace.

25 years ago, I purchased my antiques shop in Chester from the foremost dealer in antique carved ivory netsukes and the author of several books on the subject. She said to me: *Beware antique ivory*. It is the easiest thing to fake, and the hardest for the average buyer to know. For every knowledgeable dealer who appeared before you today, who may accurately identify old from fake ivory, **there are a thousand other** antique dealers who can’t, and they have wittingly or unwittingly contributed to sales of new (poached) and faked antique ivory. In a recent NRDC study, it was shown that over 50% of all ivory vendors surveyed sold illegal ivory. (See rebuttal point #1 below)

Some Exemptions for Bill #6955 Consistent with NY’s Ivory Law:

- 1) **An exemption for antique items that have 20% or less ivory in them — the antiques amendment that New York placed on its bill.** This would free up sale of most ivory-laced antique American (18th, 19thC) furniture, silver, decorative accessories (with ivory buttons or inlays) for their legitimate sale as pieces whose *primary component materials* were NON-ivory. These are all items that the vast majority of Connecticut dealers have access to and do sell. They and our auctioneers would applaud this exemption and legal clarification.
- 2) **For antique firearms and some musical instruments,** the 20% exemption above will allow the sale of most **antique pistols and firearms** with ivory-covered handles and inlays, and the sale of most **vintage stringed musical instruments (guitars, violins, mandolins, etc.)** which carry very little ivory (only bridges, nuts, buttons and inlay.) An exemption for antique **piano repair services** in CT should also be considered.
- 3) **An exemption for all local and state museums and historical societies** whose purpose is not profit, but preservation. These institutions are the *only* places where significant historical ivory objects belong. An exemption for these institutions should be made so they can acquire the pieces they need for exhibit, education and historic & cultural preservation.

Because of Connecticut’s enormous past role in killing elephants, as well as our prosperity derived from their ivory, *what we do really matters*. Not only do we have a chance to pay off some of our ecological and moral debt by passing the original bill to be in sync with NY’s and NJ’s, we have a chance to make history in an honorable way. If the proposed 100% antique ivory exemption is approved, it will be a definite setback for saving the elephants, and we *will be* on the wrong side of history—again.

Marta Daniels
Owner, Spiritus Mundi Antiques
122 Middlesex Ave. Chester, CT 06412; Tel: 869-343-3191;
marta.daniels@snet.net

Written Addendums: Rebuttal Testimony to 7 Challenges Made to Bill 6955
“The Moral Debt Connecticut Owes the Elephant”

Marta Daniels' Written Rebuttal to the Challenges Made to Bill 6955 Concerning a 100% Exemption for the Sale of Antique Ivory

(Submitted with Daniels' Oral Testimony Above, March 13, 2015)

1. While most dealers advocating the “100% antiques exemption” for themselves were genuinely concerned about the plight of elephants and wished not to harm them, getting their wish will continue the harm to elephants.

More than half of all ivory offered for sale under a “legal” banner has been shown to be illegal and/or illicit under federal law. In 2014, the Natural Resources Defense Council (NRDC) surveyed ivory offered for sale by more than 100 California dealers, and found that between 77% and 90% of the ivory they reviewed was illegal under existing state law, and 60% under federal law. In addition, federal law covering ivory sales is *bewilderingly* complex with burden of proof on sellers (see federal law at USFW website: <http://www.fws.gov/international/travel-and-trade/ivory-ban-questions-and-answers.html#4>). The different categories of ivory—depending on the object's age, and the strict requirements for certification of authenticity (see below)—complicate the issue even further for antiques dealers. The NRDC found that while most vendors were often confused about which ivory objects were legal to sell, they still placed a “legal” sign on them anyway. They also reported that *consumers* were very confused about what ivory was illegal and which pieces—found primarily in antiques—were allowed. They stated that consumers just assume that if ivory is for sale in a store, it must be legal. They noted the proportion of illegal ivory for sale had doubled since their last study eight years ago. Simply put: “legal ivory” serves as a cover for illegal ivory, whether out of choice, ignorance or self-interested convenience.

2. It was asserted that the CT ivory bill will do nothing to stop the poaching of elephants in Africa and that sellers here were being unfairly penalized.

This is the biggest falsehood of all and should not be used to justify permitting the proposed 100% antiques loophole. The US government, on its US Fish and Wildlife website <http://www.fws.gov/international/travel-and-trade/ivory-ban-questions-and-answers.html#4> (which oversee all US ivory law) states:

We believe a substantial amount of elephant ivory is illegally imported and enters the (US) domestic market. It is extremely difficult to differentiate legally acquired ivory from ivory derived from elephant poaching. Our criminal investigations and anti-smuggling efforts however have clearly shown that legal ivory trade can serve as a cover for illegal trade. As just one example, **US officers seized more than two million dollars-worth of illegal elephant ivory from two New York City retail stores in 2012. *Illegal ivory trade is driving a dramatic increase in African elephant poaching, threatening the very existence of this species.***

3. Testimony was given that there was little or no illicit trafficking going on in the US because ivory prices here are \$250/lb and those in Asia are \$1800/lb.

The difference is that ivory purchases (to make billiard balls, for example) *are legal* under US Federal law and old stock can be *legally* acquired at relatively cheap prices by legitimate businesses *with proper certification*.* On the worldwide market however *where certification is not available for most buyers* (other than legitimate businessmen and antique dealers who appraise and can “prove” the age of an item), the going price is \$1800/lb. The mistaken belief is a tribute to the hidden success and smoothness of US black markets where most illicit trafficking operates to acquire new stock (often later “antiqued”). The record has shown that \$1800 is the universal global (not certified legal) price for a pound of ivory—here and over there.

4. The antiques exemption requested by dealers for this bill seems to be one that opens a very wide door that even the federal government exemption on antique ivory does not do.

Federal law requires proof of age and vigorous authentication certification. 100% exemption for antiques without the stringent federal requirements will undermine federal law and further weaken it. A broad blanket gives license to dealers that they couldn't even get under current federal law, and opens the door to illicit trafficking.

***The Federal Rules for Antique Dealers selling ivory now are as follows:**

African elephant ivory that a seller can demonstrate was lawfully imported prior to January 18, 1990—the date that the African elephant was listed in CITES Appendix I—and ivory imported under a [CITES pre-Convention certificate](#) can be sold within the United States (across state lines and within a state). Asian elephant ivory sold in interstate commerce within the United States must meet the strict criteria of the [ESA antiques exception](#). A CITES pre-Convention certificate can be issued for specimens that were taken from the wild before the species was listed under CITES. For the African elephant, the pre-Convention date is February 26, 1976. For questions on how to obtain a pre-Convention certificate, please contact managementauthority@fws.gov.

Documentation that will be accepted to show that an item was imported prior to the species listing in CITES Appendix I: The Service will accept any record or document that substantiates either the date of import (for example, a copy of the relevant Form 3-177 Declaration for Importation or Exportation of Fish or Wildlife or CITES export or re-export permit) or that demonstrates the item was in the United States before the Appendix I listing date (for example, a datable photo of the owner with the item, a dated letter or other document referring to the item).

-- (Excerpted from US government US Fish and Wildlife website, which governs laws on ivory trade at <http://www.fws.gov/international/travel-and-trade/ivory-ban-questions-and-answers.html#4>)

The point here is that showing documentation and certifying the age/origins of ivory is difficult, as it should be. The burden of proof is on the dealer or owner. Any law lacking these requirements sets back the effort to lessen ivory commerce and illicit trafficking.

5. Some testified today that even if Federal law requirements were imposed, dealers can identify old ivory—and by inference—be scrupulous in their appraisals and certifications.

No doubt, the distinguished group of antiques dealers who testified at the Hearing could identify the real thing, and would be scrupulous in appraisals. But in the era of

Photoshop, any document can be created—and has been—to show “paperwork” going back 100 years, making an antique object certifiable under Federal law. Even a well-meaning appraiser who is not knowledgeable about dating ivory might be very tempted to “appraise” an ivory object as “antique” to please a good customer.

With this 100% antiques loophole codified into the present Connecticut bill, we are unleashing into the market place a potential pool of well-meaning, but ignorant appraisers, and not so well meaning illicit traffickers and forgers. The latter will have no qualms about faking the age or provenance of an ivory piece. Sadly, I have personally known some of them. Since federal law already allows the sale of certifiable antique ivory with the proper documentation, (see requirements above) it would be redundant to make a Connecticut law, especially one that would weaken federal law if it lacked requirements. In my informal surveys of dealers, I know from over 30 years doing business here, that *a majority of CT antiques dealers have already sworn off ivory*. Why re-open a potential illicit opportunity? And who will enforce this? The adage is: the more loopholes closed, the less enforcement needed.

6. The assertion was made that this bill would prevent local and state museums, historical societies and living history institutions from acquiring historically significant antique ivory pieces that they desire for teaching and preservation.

Bill #6955 without the 100% antiques exemption will close the federal loophole on antique ivory sales and would cause the value of old ivory to fall. When such objects no longer have monetary value, their only true remaining worth will be in a museum, where they belong. What better impetus for citizens than the realization that their object will be properly cared for in a museum and their family honored for its gift?

With or without this bill, museums already must compete with high-end dealers for rare objects. With the 100% exemption extended to dealers, the availability of ivory objects will increase for them—making it harder for CT museums to acquire items. It would be better for museums if the competition was removed. With some exceptions, the dealer “finds” will almost always go to the very wealthiest collectors (who can pay the highest price). The 100% antiques exemption, in fact, will thus remove many valuable historical objects from acquisition by museums as they are placed into the hands of wealthy individuals by a small handful of high-end dealers. *I suggest that an exemption just for museums and historical societies should be made so they can acquire the pieces they need.* (See below, suggested exemptions section)

Testimony in this Hearing has terribly blurred the divide between what is historically significant and what is profitable. The vast majority of CT dealers could never afford to buy truly historical masterpieces for resale. Those who testified before you today are in a small class by themselves and have wrapped their business in the blanket of cultural preservation. Their bottom line *is* profit, and so long as there is a market in “worked” elephant parts, poaching will continue unabated—even encouraged—if exemptions are made for them. While acquiring ivory objects of historical importance may be compelling and an honest motivator for dealers, the museums and historical societies would always compete with them for these items—as they have in the past.

7. Objections were made by antiques dealers that their potential clients are being forced to give up their investments in valuable antique ivory.

There was even the suggestion that lawmakers who support the original bill would be robbing the elderly whose life savings are tied up in ivory. First, it is doubtful that a significant number of elderly have such collections, or that these collections are exclusively made up of old ivory. That would be truly rare. If clients do have a big and significant ivory collection, they were wealthy enough to have acquired it in the first place. *These collections have already been devalued as the public knowledge of elephant slaughter has grown and both the public and antique buyers have distanced themselves from ivory.* **Fighting this is delaying the inevitable.**

Secondly, when we hear such charges, we should remember that we fought a bloody Civil War over these same economic and personal property issues. Instead of elephants it was humans. The argument then from Southerners was that they had invested in their slaves, and should not be deprived of their investment and their value—never mind the depravity and shame of holding human beings in bondage for personal gain. Allowing the no-strings-attached 100% exemption for all antique ivory of 100 years or more maintains ivory's value, the incentive to keep black markets going, elephant poaching encouraged, and it most certainly adds to this species' catastrophic decline and ultimate extinction.

Suggested Exemptions for Bill #6955

1. The antiques amendment that New York placed on its bill – an exemption for antique items that have 20% or less ivory in them. This would free up the sale of most early American (18th and 19th century) furniture, silver, decorative accessories (with ivory buttons or inlays) for their legitimate sale as pieces whose components were primarily NON ivory. They are also pieces that the vast majority of CT dealers have access to and do sell. This 20% antiques exemption may also very well free up the sale and collection of **antique pistols and firearms** that have ivory-covered handles and inlays, as well as **stringed musical instruments** such as guitars, violins, mandolins, etc., which carry very little ivory (only bridges, nuts, buttons and inlay.) Federal law already allows the importation and sale of musical instruments made before 1976 (see below) with proper certification.

2. An exemption for staff of museums and historical societies should be made so they can acquire the pieces they need, as these institutions are the only places where historical ivory objects belong. (See reasons in Point 6 above)

3. As to the sale, resale and repair of antique pianos, only an exemption for antique piano repair services should be considered. There are an enormous number of old, unrepairable antique pianos in our midst. (500,000 elephants tusks imported to CT would have represented 1 million tusks, and each tusk made 45 piano keyboards.) Millions of pianos are out there. Due to their continuing ubiquity, antique piano ivory is readily available. I do not support an exemption for sale of ivory-clad pianos. Once their playability is gone, the ability to strip piano keyboards of their ivory

and sell it on the black market is very tempting (I know because I have a keyboard and have been offered a lot of money for it). I recommend a public awareness campaign to encourage donating old ivory key veneers to our CT antique piano repair people so they can keep these magnificent instruments going with original materials for the people who own them. (I am donating mine to them). If they can't find enough old ivory, then plastic is the answer, and when that happens, *playable* antique pianos with plastic keys can again be sold.

Regarding the importation of antique pianos and other musical instruments, there has been much misinformation today about that, and there already is federal law on the books which governs this. Making an exception for antique pianos would be to weaken federal law. The law governing them states:

You may import worked African elephant ivory as part of a musical instrument provided that the ivory was legally acquired before February 26, 1976; the ivory has not been transferred from one person to another person in the pursuit of financial gain or profit after February 25, 2014; the person or group qualifies for a CITES musical instrument certificate; and the musical instrument containing elephant ivory is accompanied by a valid CITES musical instrument certificate or an equivalent CITES document that meets the requirements of CITES Resolution Conf. 16.8. Raw African elephant ivory cannot be imported as part of a musical instrument. <http://www.fws.gov/international/travel-and-trade/ivory-ban-questions-and-answers.html#4>

Please consider waiting before you widen existing law and open a Pandora's box on antique ivory sales of all sorts. The federal government is currently refining and updating its musical instrument and antique ivory policies. I would wait to see what further they will do about lifting and/or tightening bans on sales and certification requirements for musical instruments and other ivory-laden items.

As the sign on my shop door says: "Ivory Belongs on Elephants, Not in Our Shops. We Neither Buy Nor Sell Ivory because it Contributes to Poaching and Is Driving Elephants to Extinction." I hope that one day all of our Connecticut antique shop owners will carry the same sign. You can make it happen by not gutting this bill and acting on the right side of history.

~ END ~

Marta Daniels, Owner, Spiritus Mundi Antiques
122 Middlesex Ave, Chester, CT 06412
Tel: 860-343-3191; Email: marta.daniels@snet.net

This written rebuttal testimony submitted with oral testimony, March 13, 2015

Continued Below: "The Moral Debt Connecticut Owes the Elephant"

“The Moral Debt Connecticut Owes the Elephant”

Original Testimony of Marta Daniels, H.B. 6955

An Act Banning the Sale of Elephant Ivory and Rhinoceros Horns

Public Hearing, Joint Committee on the Environment, CT Legislature | 3/11 2015

My name is Marta Daniels from Chester, CT. I’m a writer, historian, musician and owner of Spiritus Mundi Antiques, in business for over thirty years. Carved ivory objects and antique musical instruments with ivory components were once sold in my inventories—but not any more. I support this bill without blanket exemptions for antique ivory.

I urge Connecticut to join New York and New Jersey in crafting a strong, effective tri-state law to close the loopholes on ivory, and ban its illicit sale. Shockingly, the U.S. is the second largest ivory market in the world behind China, and the tri-state area is a critical nexus for trafficking. Recognizing that domestic “legal” trade in antique ivory has always served as a cover for the illegal trade, the commercial sale of ivory must end. *Any exemptions in the three states’ bills should be specific and consistent with one another.*

Out of the 10 million African elephants that once existed in the late 19th century, only 400,000 remain today. Since elephant birth rates (22 months for gestation) can’t keep pace with their death rates (96 a day) scientists say savannah elephants will go extinct within 15 years; the forest elephant in 10. Connecticut has a lot to do with these small remaining numbers because of our out-sized role in killing their ancestors for our businesses in the 19th century. Our state’s debt to the elephant is large; **it is both an ecological, as well as a moral debt.**

For over 100 years, between 1840 and 1940, Connecticut was the world’s largest importer of ivory and the center of the world’s ivory trade, making combs, buttons, billiard balls, but especially, piano keys. Two companies in the CT river valley were the exclusive source for millions of ivory covered keyboards needed to meet the huge 19th century demand for pianos [when the industrial revolution made sheet music widely available.]

In 1910 alone—350,000 pianos were sold in one year by one Boston music purveyor at the height of the piano craze. Multiply this by hundreds and you will begin to understand the extent of this phenomenal enterprise. (Just one 80-lb tusk could make enough veneer for 45 pianos. Connecticut imported a minimum of one million tusks.) The Connecticut ivory trade was so lucrative, and the manufacturing achievement so successful that a section of Essex was named “Ivoryton,” and the town of Deep River was nicknamed “Queen of the Valley” —to highlight its prosperity derived from elephants.

For this level of prosperity, many elephants were required. Based on conservative figures supplied in 1931 by Ernst Moore, the chief buyer of elephant tusks for the Connecticut companies, **at least 500,000 elephants were sacrificed.** [(see *Ivory, The Scourge of Africa*, Ernst Moore, NY, Harper, 1931)] **The number two million elephant deaths** has been posited by contemporary wildlife historians. [(*Ivory’s Ghosts*, John Frederick Walker, NY, Grove, 2009)] But no matter which number you choose, they are both staggering to ponder. *No other state in our nation carries such a legacy.*

Citizens of the Connecticut River Valley recognize that they have a special responsibility to help save the elephant from extinction. They formed the *Deep River Tusk Force* to raise awareness.

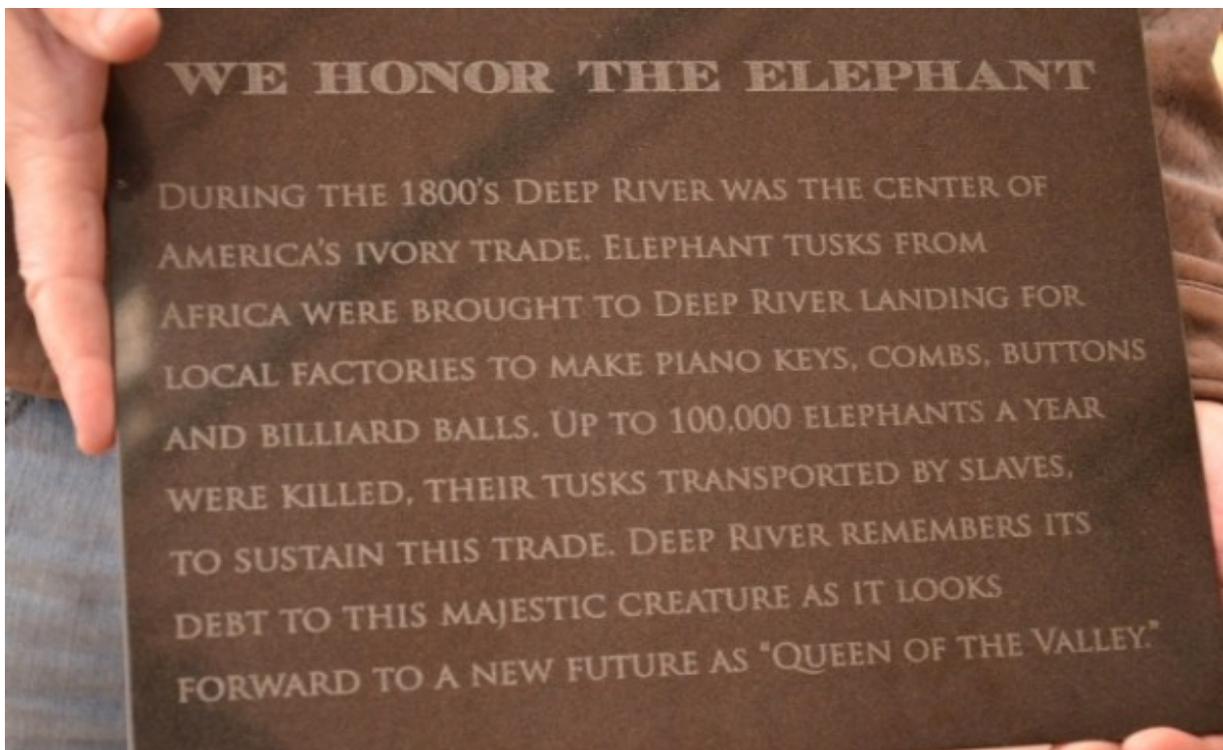
They believe that while people of the 19th century did not understand their impact on the elephant, the people of the 21st century do. And though we cannot change the past we can work to address our present ecological and moral debt to the elephant.

NPR did a feature story on Deep River and its role in the ivory trade last summer, "Elephant Slaughter, African Slaves and American Pianos" aired on Morning Edition and was heard by 14 million listeners. (<http://www.npr.org/2014/08/18/338989248/elephant-slaughter-african-slavery-and-americas-pianos>) In 2012, the town of Deep River, through its Rotary, placed a large elephant statue on Main St. at Town Hall. Its "We Honor the Elephant" plaque reads in part: *During the 1800's, Deep River was the center of America's Ivory Trade...Up to 100,000 elephants a year were killed...Deep River remembers its debt to this majestic creature*

We ask the state legislature to join us in remembering our debt to the African elephant by passing this historic bill, and joining NJ and NY in doing the right thing.

The Rev. Martin Luther King said that the arc of the moral universe is long, but it bends towards justice. We hope the Connecticut state legislature will join with other states and pass this bill, and in so doing, bend the arc of the moral universe just a little bit more towards justice for the elephants. Thank you.

~ END ~



"We Honor the Elephant" plaque on the Statue of the Elephant located at Town Hall, Deep River, CT, donated by the Deep River Rotary Club, 2012

Marta Daniels
Spiritus Mundi Antiques
122 Middlesex Ave., Chester, CT 06412
T: 860-343-3191 eMail: marta.daniels@snet.net