

Spencer Marks, Ltd.

Fine Antique & 20th Century Silver
www.spencermarks.com

10 March 2016

**RE: Opposition to H.B. No. 5578,
An Act Prohibiting the Trade and Sale of Elephant Ivory and Rhinoceros Horn**

Dear Committee Members:

Mark and I have been selling antique and 20th century silver for nearly 30 years. We have been selling to clients in Rhode Island for the same period. Our clients include museums such as the Yale University Art Gallery, the Metropolitan Museum of Art and many private collectors both important and casual. Our work is to preserve our art and our cultural heritage by finding it a new home when the time comes.

We support your efforts to help preserve the world-wide elephant population.

However, as written, the current legislation will have serious and damaging consequences to objects and owners. The 20% maximum ivory content of an antique is arbitrary – an antique is an antique and should be exempted.

The proposed rules from the US Fish & Wildlife service exempt authentic antiques over 100 years old without regard to ivory content. Connecticut should also.

Further, US Fish & Wildlife have proposed a non-age related de minimis exception for objects that contain a maximum of 200 grams of ivory which they find will not endanger elephants or increase wildlife trafficking. Connecticut should adopt this exception also.

I have included a couple images which I hope will help illustrate my points.

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This Tiffany & Co masterpiece of gilded silver and ivory from the 1890's would be illegal to buy, sell, barter or exchange in Connecticut. It would be confiscated and possibly destroyed. The federal rules (and law) exempt such a piece because it is an authentic antique.

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This very rare American silver and ivory Art Deco covered candy dish was made by Gorham in Providence, RI in 1926. Because it is not 100 years old, it could not be bought, sold, bartered or exchanged in Connecticut. However, the federal non-age de minimis exception would allow this because it is less than 200 grams and not a threat to elephants today.

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Both of these pieces would be illegal in Connecticut if the current bill were to pass. If sold, or purchased, they could even be destroyed. Both would be legal – and protected from destruction – by the federal rules. I urge you to significantly broaden the exceptions in this bill to help preserve these and similar important objects of our cultural and artistic heritage.

I would also ask that you change the definition of ivory to ‘elephant’. Marine mammals are separately protected and regulated by the Marine Mammal Protection act and have nothing to do with elephant poaching. Scrimshaw, fork art made by sailors at sea, is one of the few purely American forms of art and should be protected as well.

Lastly, the section about ‘administrative penalties’ of up to \$20,000.00 seems unnecessary and heavy handed in light of the lack of a serious problem here. Further, it is vague and could lead to arbitrary and capricious actions by regulators. As an honest dealer who works very hard to be in full compliance, I would hate to have to face this for accidentally failing to cross a ‘t’ on some form.

Thank you very much for your time and interest.

Sincerely,

Spencer Gordon

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