

TO: Co-Chairs Sen. Kennedy and Rep. Albis, and members of the Environment Committee,

We are writing today to voice our strong opposition to H.B. No. 5578, “An Act Prohibiting the Trade and Sale of Elephant Ivory and Rhinoceros Horn.” We urge you to reject this proposed Bill as harmful to both the endangered elephants and rhinoceros in Africa, and the legal trade of genuine antiques in Connecticut.

The comments of Dr. Daniel Stiles, the leading scientific researcher in the global ivory market, to the United States Fish and Wildlife Service clearly states: “Banning the trade in a commodity for which consumer and investor demand exists not only is NO solution, it can in fact exacerbate the problem.”

In addition to Dr. Stiles’ informed conclusion, the Fordham International Law Journal has found that existing United States Federal Law is stringent and effectively enforced. A study of US and Chinese Law is published in “The (Inter)national Strategy: An Ivory Ban in the United States and China”. The study clearly states in the Abstract: “This Note argues that a near-complete ban in ivory trade not only raises difficult domestic legal issues, but also does little to stop elephant poaching in Africa. Further, enacting a similar ban in China is not only unrealistic, but also would increase the illegal trade and, therefore, the slaughter of elephants in Africa.”

In addition to these important conclusions that question whether US, and therefore Connecticut, law can effectively influence the plight of endangered species in Africa, the proposed H.B. No. 5578 is arbitrary and includes a harsh hearing process for those accused of a violation. The inclusion of a 20% or less ivory content requirement in any genuine antique piece containing ivory is arbitrary and counterintuitive. If an object is identified as a genuine antique why should further qualification be necessary? The hearing process for those accused of a violation includes an extensive, and likely expensive, administrative appeal process, which “need not be conducted in accordance with the rules of evidence”. This raises strong concerns on the ability of the accused to defend themselves and would result in an attitude of “guilty until proven innocent.”

We urge the Environment Committee to reject H.B. No.5578 and lead the way in defending both the endangered species in Africa and the legal trade in genuine antiques.

Sincerely,
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