

March 2, 2016

Connecticut State Legislature

Public Hearing: Raised S.B. No. 227, “An Act Concerning Cecil’s Law”

Dear State Senators and Representatives,

For the past three decades I have worked in museums, auction houses, antiques shops, as an appraiser, educator, and in publishing. In each of these spheres I have been involved with objects that contain antique elephant ivory; with people who have collected this historic material; or where it has been a component of their antiques business. All would agree that the poaching of elephants in today’s world is abhorrent. All would also agree and understand that the poaching of elephants today has absolutely nothing to do with antiques that were part of an economic trading system that spanned hundreds of years. Instituting punitive measures on owners of antique material by instituting a total ivory ban will destroy cultural and decorative heritage and does not save a single elephant.

As editor of a magazine and website that educate people about history and antiques through scholarly articles written by museum curators, collectors, and antiques dealers, I am acutely aware that the best way to teach history and appreciation for other cultures and people is through objects and the stories they tell. The burdensome permitting process requiring a “certificate of possession from the Commissioner of Energy and Environmental Protection” is unreasonable and potentially costly to those whose livelihoods include objects that incorporate or are made of antique ivory. Such requirements will significantly impact economic commerce and growth and cause serious and real financial damage to Connecticut’s small businesses.

The harsher confiscate and destroy language for non-museum owners will cripple small businesses that exhibit at dozens of antiques shows across the country. Antiques dealers will not risk seizure of material, fines, and jail time if they transport antiques containing ivory. Once material becomes monetarily worthless, such deflation of value will also have ramifications on retirees who have planned their future financial solvency on their collections, and also nullify inheritance; these scenarios will result in reduced tax revenue for the state. Hence, whether seized by enforcing bodies or discarded because heirs see no monetary value, the proposed wholesale ban puts all antique ivory at risk of destruction—which is a cultural travesty.

In regard to culture, the antiques and historic objects made with ivory and related materials is irreplaceable with no cultural or decorative equal. Let’s take the two examples I’ve included on the third page: the 1789 John Ramage portrait miniature of George Washington, painted 226 years ago, and the 1811 Susan Sedgwick portrait of African-American Elizabeth Freeman, painted 204 years ago.

Both of these works are painted on ivory, so would be held to the destructive enforcement of the current proposed bill to ban ivory. The portrait of George Washington was commissioned by his wife, Martha, on the date of his inauguration; it is the first Presidential portrait of this country. It is also the only portrait of the President referred to in the Washington diaries. A lock of his hair is enclosed in the back, around which are the inscribed names of generations of the Washington family who owned the miniature portrait. The artist, John Ramage, was an immigrant from Ireland and his talents became highly sought after by members of the young republic. He not only painted the President but he also made the elaborate gold case, the likes of which had never previously been made in the colonies, not even by Paul Revere. So within this one portrait painted on ivory we have an immigrant success story, a portrait of the first President of the United States, a visual connection to the man himself through his lock of braided hair, and an icon of immeasurable cultural and historic importance. Additionally, when sold at Christie's Auction House in New York City in 2001, the ivory image set a world auction record for a portrait miniature in the amount of \$1,216,000. Currently in private hands, if legislation to ban ivory is passed, this irreplaceable object loses its monetary value, goes into hiding, and is potentially lost to history.

The second image is a portrait miniature on ivory of Elizabeth "Mumbet" Freeman, painted approximately twenty years after she gained her freedom in a 1781 court case. The young lawyer Theodore Sedgwick, using the newly instituted 1780 Bill of Rights, successfully argued that Freeman, then enslaved, was born "free and equal, and had certain natural, essential, and inalienable rights" and could not be owned by any other individual. This landmark case helped launch Sedgwick's career and the move to end slavery in Massachusetts. This portrait on ivory is owned by an institution so has some protection, but there are other historically significant portrait miniatures on ivory, as well as many portraits of average individuals who are important in their own right—any owned privately are in danger.

While the above only represent two ivory objects, what is the fate of so many antiques and historic relics that have played multifaceted roles in this nation's history and that of many nations? If the ivory bill goes forward without excluding, and thus protecting, antiques, then the legislature and this country is turning its collective back on who we are as a nation as expressed through the culturally significant stories told through objects made with elephant ivory and related materials.

Please recognize the significance of excluding antiques from the ivory ban legislation—in retaining our historic fabric, recognizing collectors' passions for antiques, preserving individuals' fiduciary and estate planning, and for the financial solvency of businesses and their commercial futures. We all want elephants to live long and healthy lives. Antiques are unrelated to wildlife losses and need to be kept disassociated with ivory ban legislation. As leading elephant conservationist and expert on African ivory, Dr. Daniel Stiles, has stated in his numerous reports: the poaching of ivory today is largely for smuggling in Asia and Africa, and that the Endangered Species Act of 1973 has been effective when it comes to illegal ivory entering the United States. He notes that new ivory bills will have statistically no effect, whereas conservation efforts will—and that antiques should be exempt from the move to ban ivory.

Respectfully and with appreciation,



Johanna McBrien, Editor-in-Chief, *Antiques & Fine Art Magazine*, 9 Fowle Street, Woburn, MA



*George Washington by John Ramage (circa 1748-1802). Watercolor on ivory, 1789. 2 1/8 x 1 1/2 in. In a private collection. Image courtesy Christie's, New York. Martha Washington commissioned John Ramage to paint this extraordinary image of her husband, George Washington; it is painted on ivory. Executed on the day of his inauguration, it is the first portrait of the new president. The reverse contains a lock of Washington's hair, which adds a sense of connection. The miniature remained in the family for more than a century and their names are engraved on the back. This ivory object is of tremendous historic cultural value and is a national treasure. There are thousands of people, historically significant or otherwise, whose images were painted on ivory and who contributed to the history of this nation. This portrait is now privately owned and does not meet the FWS requirements for the antiques exclusion so cannot leave the possession of the current owner---for loan to a museum, to be passed to heirs, moved across state lines, or potentially sold. **Under current guidelines and if the "de minimus" requirements are not expanded in the proposed revisions to include items whose value is in the ivory, then this and other visual and historic records will be lost to history. What message are we sending and what is to become of a vital part of our heritage?***



In 1781, Theodore Sedgwick, a young lawyer who later became a justice of the Supreme Judicial Court and played an essential role in ending slavery in Massachusetts, successfully argued that his client, Elizabeth "Mumbet" Freeman, was not her "owner's" property and asserted, according to the new 1780 Bill of Rights, that all individuals were born "free and equal, and have certain natural, essential, and inalienable rights." Elizabeth's portrait is on Ivory. It is tragic that such an important historic document could be in danger of destruction if privately owned and not protected by excluding antiques from the ivory legislation.

Elizabeth "Mumbet" Freeman (ca. 1742-1829), 1811. Painted by Susan A. L. Ridley Sedgwick (1789-1897). Watercolor on ivory, 3 x 2 1/8 inches. MHS.