

Dear Co-Chairs Rep. Albis and Sen. Kennedy, and respected members of the Environment Committee,

I am writing today in strong opposition to Raised S.B. No. 227, "An Act Concerning Cecil's Law", as well as any effort to enact an ivory ban in Connecticut.

Extensive scientific research conduct by the noted scholar, Dr. Daniel Stiles, has firmly concluded that ivory ban legislation in the United States will fail to help wild African elephants, and it may in fact make the situation worse.

I urge you to read the comment left by Dr. Stiles for the United States Fish and Wildlife Service as that organization is currently undergoing a review of Federal law. A Summary of Dr. Stiles' comment can be found at <http://www.regulations.gov/documentDetail;D=FWS-HQ-IA-2013-0091-0415> with a PDF file of his full-length comment attached to the website and to this letter below.

Highlights of Dr. Stiles' research includes the following facts, emphasis in bold added:

"I have carried out ivory trade investigations with funding from Save the Elephants, HSUS, Born Free Foundation, Care for the Wild International, TRAFFIC, IUCN/CITES-MIKE, UNEP, and most recently by the Wildlife Conservation Society, China office, and Vulcan, Inc. in Washington State.

"I oppose illegal ivory trade in the strongest terms and condemn the elephant poaching that supplies demand in Asia and elsewhere. **But my in-depth research and understanding of how and why elephant poaching for ivory is motivated and driven has led me to believe that a 'prohibitionist' approach is the wrong one. 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.** This has certainly been the case for elephant ivory.

"Assisted by sub-contractors, we concluded that evidence was overwhelming that the increase in elephant poaching beginning in about 2007 was caused by East Asian speculator demand for raw ivory, not by consumer demand for worked ivory. There are well over 2,000 tons of illegal raw ivory (poached + leaked from stores) unaccounted for since 2002, not seen in ivory outlets selling worked ivory. We believe much of it is stored by speculators who believe that increasing scarcity will continue to drive prices higher. Restricting trade of ivory in the U.S. will have no effect on addressing this problem.

"There is currently no demand for new poached raw ivory in the U.S. I carried out another consultancy for Vulcan Inc. recently that found that there is a glut of **estate raw tusks that sell for prices about 10-15% of those that can be obtained in China. No informed ivory trafficker would try to smuggle tusks into the U.S. It would make much more sense to smuggle them out.** Research I carried out with the television channel ABC in 2013 in New York and for NRDC in California in 2014 found that the worked ivory markets were down in scale considerably since the 2006-2007 Martin & Stiles USA survey. The relative

importance of the USA as a destination for illegal ivory has been greatly exaggerated.”

These facts alone would indicate that ivory ban legislation in the United States is harmful and counterproductive. As if that is not enough, a Ban on any object containing ivory in Connecticut would irreparably harm the appreciation of early Connecticut and American history. Museums, dealers, collectors and researchers alike would be additionally harmed by a loss of personal liberty and valuable property. This has been suggested to be a violation of the “taking” clause in the Constitution, depriving owners of the value of their property without proper compensation. And in the end, the preservation of Connecticut’s history would suffer significantly. This would be a loss for all residents of the State and beyond, and likely not result in the protection of any elephants living in Africa today. According to Robert Mitchell at the Elephant Protection Association; “The Fordham International Law Journal recently published ‘The International Strategy: An Ivory Trade Ban in the United States and China.’ This note analyzed the legal framework for the ivory trade both in the United States and China. It concluded that existing law in the United States is stringent and effectively enforced to prevent illegal ivory from entering this country, whereas the law in China has not been enforced and the illegal ivory trade has flourished. It also found that recent Supreme Court precedent that established government confiscation of personal property can constitute an unconstitutional taking supports the position that a domestic ivory ban that strips legally owned item of commercial value would be an unlawful taking unless the government paid the owners of those items fair market value. Any state implementing an ivory ban or a similar ban on wildlife would subject itself to takings-based litigation that could cost the state billions of dollars.”

The proposed S.B. No. 227 is particularly harsh as it goes beyond banning trade to criminalize possession of an unregistered item of any specimen from any named species. The only exception for private owners is if you own a specimen in the state before the law was passed and you receive a “certificate of possession” from Connecticut’s Commissioner of Energy and Environmental Protection. Even if you get the certificate, you cannot sell or trade any covered item. No exceptions for people who come to Connecticut after the law is passed. No exceptions for people who bring ivory or other covered items into the state. Even more troubling, this bill goes so far as to explicitly authorize searches and seizures in people’s homes if “any law enforcement officer” gets a warrant based on probable cause belief that you own a piece of ivory or other covered specimen. These powers would have a chilling effect on a broad range of Connecticut’s citizens, including antiquarians, historians, independent scholars, antiques collectors and antiques dealers.

I would urge you to consider Connecticut’s legislation carefully as California is currently facing legal action against their ivory ban legislation. The California case is supported by claims that the Ivory Ban violates the “taking” clause in the Constitution, depriving owners of the value of their property without proper compensation. The lawsuit also claims the California law violates the Commerce

Clause of the Constitution in an attempt of one state to control commerce outside its borders. In addition, the Constitution requires international matters such as this be restricted to actions by the Federal government. In California, as in Connecticut, an important element lacking in the proposed ban is the source of provisions funding the law. And as supported by Dr. Stiles research, the lawsuit in California also claims that there is no demonstrable benefit to the herds of elephants living in Africa today.

A summary of the California case can be found at <http://www.antiquetrade gazette.com/news/2016/jan/15/california-collectors-take-on-the-state-over-ivory-ban/>.

I urge you to reject this Bill as overreaching, unenforceable, likely unconstitutional and costly to both individuals and to the State of Connecticut.

Thank you for your time and consideration.

Sincerely,

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