

COMMENTS RECEIVED VIA EMAIL: April 22, 2015

RE: H.297

In regard to the Vermont H297 Ivory Ban Bill which has gotten quite a bit of television and newspaper coverage lately especially in the Burlington Free Press and the antique trade papers, I would like interject my thoughts as the leader of a group of antiques dealers, show promoters, auctioneers, appraisers, restorers and yes, taxpayers, here in Vermont who abide by a self-imposed code of ethics in their business dealings.

As the President of Vermont Antiques Dealers Association (VADA), I don't feel I can speak for the entire 140 members of our organization as this is a moral and ethical point for each individual. Though I am writing this, the undersigned have wholeheartedly agreed with my thoughts. I believe I know how the majority feels but will speak for myself so as not to put words into the mouths of others. I presume all members of VADA, myself included are in favor of protecting elephants and banning the import, export, sale and possession of NEW ivory with stiff sentences and vigilant enforcement. I recognize the fact that enforcement can be difficult as new can be disguised as old, and fakers abound in our world but we have laws already on the books prohibiting fraud, trafficking in endangered species, poaching, etc. I have recently become aware of an ivory test that determines a pre or post 1955 date based on the radioactivity present after the commencement of nuclear testing. That is 60 years ago and perhaps this could be our boundary for new or old as we go forward.

The idea, however, of limiting possession and sale of what was once a legal and accepted commodity and destroying and/or banning the sale of antique items seems like our government over stepping its bounds in its zealousness to do the right thing. Denying the rights of citizens to buy, keep, sell, trade and/or enjoy antique articles is analogous to banning art, or literature, what's next free speech? Private property is just that, PRIVATE! Think of a WWII veteran or a senior with souvenirs or family heirlooms, needing money to fill the oil tank, pay the property taxes, buy groceries or prescription drugs; legislating away their right to sell their private property amounts to de facto confiscation. Americans are not all White Anglo Saxon Protestants with our inherent values, a larger and larger proportion of us are from other cultures including Asia and Africa with their own cultural ethics. Creating a valueless, unsalable, illegal commodity is intrusive and calls into question our basic freedoms. Ivory in and of itself, just as paint, lumber, or stone has little value, the value is in what has been created from it. Creating no more to protect our precious fellow creatures is one thing, destroying or perverting the art that has been created for centuries is quite another.

Our whaling history is documented in sailors carving whale teeth and bone that was a 19th C. art form called scrimshaw, whale oil lit the world and led to the industrial revolution and every part of the hunted whale was used. Luckily, technology has lead us to somewhat less destructive energy sources, but that is our history. Portrait miniatures (some of the finest artists in the world used ivory as a medium for portraiture), guns (the finest Colt weapons of the 19th C had ivory grips and often ivory inlay and are viewed as pieces of art now), jewelry, fans, musical instruments (the feel of an ivory key on a piano could not be replicated by any other means), buttons, silver (Gorham, Tiffany and numerous other silver makers in America used ivory as insulators on tea sets or as handles on serving pieces), religious carvings (look at the centuries of art in ivory at the Cloisters or the Metropolitan Museum of Art celebrating God, Allah, Buddha, or any other deity by Japanese, Indian, Chinese, Inuit, African, Asian and even American artisans throughout the ages): all of these things, these objects, these pieces of art are our cultural heritage, right or wrong. No elephant will die if an object from the 19th C or before (or before 1976

which is the way the law is written now) changes hands, they will, however, continue to die if we create what would become an illegal black market ivory trade. Think supply and demand.

Mankind evolves, what was once commonplace can become anathema. Legislating away the rights of ownership and the inherent freedom that comes with such rights to enjoy and appreciate the work of artisans at the height of their skills in an industry that was completely legal and condoned in the 1000 years before us is going far beyond what is necessary to save the whales, walruses, elephants, etc. in the 21st Century. Let us instead try to aid the fight against poaching in Africa, or to press the Japanese to stop the slaughter of whales. We have learned what intelligent creatures these magnificent animals are and we need to fight to save those that are left.

By taking away the rights of the people, we lose the very human qualities of love of beauty, love of art and love of objects. A picture or a museum exhibit can certainly be enough for some but many of us love to touch, to discover, to collect, to learn, to feel. And what we feel is our history, our past, whether it be good or bad leads to where we are now. We can't and shouldn't ignore the past, we should learn from it and, with thoughtful and careful deliberation, I believe a legislative compromise can be achieved. Documentation of items in terms of provenance, age, origin, etc. could be mandated and falsification of such documentation can be prohibited. The idea that articles made with ivory can only be passed down or given to a museum impinges on our basic freedom. If we give individuals no choice but a museum to dispose of their property, mountains of pianos will sit outside the Fleming, The Sheldon, or The Shelburne, where is the good in that? Granted, pianos are an extreme example, but they are an example of the exclusions that must be made to make a sensible law. Museums are full of such things, they tend to display a fraction of their holdings and a mass influx of ivory will only fill warehouses, not educate and enlighten us. Not to mention museum regularly de-assess items that no longer fit with their mission statements and use that money for acquisition funds.

I do wonder, however, how the legislature continues to hold hearings related to the Antique Trade in Vermont without doing their due diligence in contacting us. Antiquing is big in Vermont and many tax dollars and tourism dollars are brought in by it. As President of the only Antique Trade Organization in the state, as a shop owner, a show promoter, a taxpayer and a relatively visible part of the business, the news of your hearings on such things as the precious metals bill and now H297 consistently come to me through back channels.

Sincerely,

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And

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