

Ed Hilbert, RPT

Representing: Vermont Chapter of the Piano Technician's Guild
Hilbert Pianos, Ltd.

Date: April 24, 2015

House Bill 297: "An act relating to the sale of ivory or rhinoceros horn"

Good Afternoon. My name is Ed Hilbert and I live in Bristol, Vermont. I wish to thank you, Chairman Deen and all of you on this committee for allowing me to share some concerns about this bill on banning the sale of elephant ivory and rhinoceros horns here in Vermont. And I wish to also thank Didi Brush for calling me and inviting me to testify before you.

I am a piano technician and have been tuning, repairing, and rebuilding pianos since 1965 – hard for me to believe, but that is now 50 years. I moved to Bristol in 1975, which was the start of my Vermont life and business here. That's now 40 years as a Vermont businessman. My wife, Emily (also a piano technician), and I have a small piano store and rebuilding shop in an old, large barn adjacent to our home. Ours is very much a traditional Vermont family-style business.

We are members of the Piano Technicians Guild which is an international organization of around 3500 members, most being here in the U.S. I am a past president and currently the treasurer of the Vermont Chapter of the Piano Technicians Guild. We currently have 22 members in our chapter. I am also a two time past president of the International Association of Piano Builders and Technicians, a world-wide organization. So far I have travelled to 25 different countries to visit factories, museums, and other piano technicians and their organizations. Through these travels and studies I believe I have gained as broad a spectrum of piano knowledge as most anyone else you are likely to encounter or to testify about pianos.

I also have with me here, Helen Weston (also a technician) and the current president of our VT chapter. As Helen was unable to attend our last chapter meeting, I was asked if I would write a letter to your committee describing our distress with the bill as it was written at that time. Helen is here to support me and I'm sure she would be willing to answer any questions you might like to ask of her as well.

Before I continue, I should say thank you for the amendment of April 16, 2015. I had read the original bill as proposed and was ready to present you with a much longer statement and list of concerns. As originally proposed, and supported repeatedly by proponents of the original bill, it appeared that all ivory objects (except those excluded for government or scientific/educational use) were to be banned from being transferred to anyone not currently owning the ivory or

being the beneficiaries thereof. That proposed bill created great concern for those of us in the musical world; and especially for those of us in the piano world.

But now I see in the amended bill that provisions have been allowed for musical instruments with ivory legally acquired prior to February 26, 1976. Certainly we see this as a much better and more realistic bill than the original proposal. While I can't speak for all musical instrument makers, I do believe that those of us in the piano world can live with this version quite well.

Again, I wish to thank you for allowing me to represent the majority of the piano technicians in Vermont and to testify on their behalf. Fortunately, the amendment excluding musical instruments from the bill has removed much of my need to talk on behalf of pianos and other musical instruments. However, if the exclusion for musical instruments gets removed in the future, then I'll be back!

Still, since I have the floor, I will share some other concerns about the bill as it is now.

Most of the testimonies I read dealt with two main concerns – both of these are valid.

The first reason given for stopping the sale of elephant tusks and rhino horns is to help save these endangered animals from extinction. This is a noble cause and should be accomplished. These are magnificent animals in many ways and they should be protected. We, the members of the Vermont Chapter of the Piano Technicians Guild are in complete agreement with this goal.

The second reason given is less obvious but equally important. No longer are poachers just small family farmers or tribal groups trying to make a living. Terrorist groups and Asian mafia have brutally taken over the poaching, transporting, and selling of tusks and horns. The money gained from the sale of these poached tusks and horns is literally being used by terrorists to kill, maim, and enslave innocent people around the world. Thus, stopping the illegal ivory trade could help defeat terrorism – again a very worthy goal with which we fully concur.

So we are in agreement on these issues. But what about the Vermont bill itself?

It would appear this bill was not drafted to remedy problems experienced in Vermont. Rather it appears this bill may have been encouraged by outside influences (Born Free USA, 98 Elephants, Elephants DC, The Humane Society of the United States, etc.) wishing to prevent the extinction of these magnificent animals. Very similar bills have been promoted by these same organizations all across the country. Even the comments made by the concerned Vermonters seem to be largely repeated quotes from these large organizations. These are good

organizations, and the intention to stop the killing of these animals is good. So we agree this is a bill written with good intentions.

Unfortunately, 'good intentions', no matter how well intended, don't necessarily make a law good; especially if there are worse consequences than there are real benefits. We believe HB 297 falls into this category. Let us consider the effects this Vermont bill will have on Vermonters.

First, what are the benefits to be gained? Not allowing the importation of ivory into the country may help to lessen the killings in Africa. As the demand is reduced, the supply will be lessened. But will this Vermont law actually improve the situation in Africa? Probably not. Indeed, we believe this proposed law and others like it may actually increase the killing of elephants and rhinoceroses. The illegal ivory business runs on the same supply and demand system as any other business. If there is a demand and a supply can be found that will make a financial gain then there will be those working to provide the supply. Worldwide there is a strong demand for elephant ivory and rhinoceros horns. The greatest demand is in Asia, especially China. While the United States is second in line for this dubious distinction, how much does Vermont consume?

No one, not even the advocates of this bill, is indicating that Vermont actually contributes to the illegal ivory trade problem. So this Vermont bill is not really designed to deal with a Vermont legal problem. Rather it is designed to be symbolic to the rest of the country to show Vermont as again being "a leader." This is a 'feel-good' bill meant to influence other states and countries. The promoters of this bill testify repeatedly to how this bill is meant to have influence around the world, but they don't actually discuss the benefits to Vermont (perhaps because there are very few, if any). And they certainly don't explain the drawbacks to Vermont. Here is an April 21, 2015 quote from the Burlington Free Press by Patricia Fobare-Erickson. This quote is from the Opinion portion of the newspaper and her opinion was titled, Vermont can lead on ivory ban. Please note that her article does properly discuss the world-wide problem, but her conclusion is the same as the other proponents of this bill. She concludes her opinion with,

"The proposed ban (H.297) is good for everyone, and moving this important legislation forward is another way that Vermont can lead the nation. We have excellent examples to help us understand that the feared financial repercussions are non-existent (New York and New Jersey have led the way and Arizona, California, Connecticut, Florida, Illinois, Massachusetts, Nevada, Oregon, Rhode Island have proposed bills).

Currently, the rest of the United States is watching Vermont, and of course China and Viet Nam are watching the United States. We need to stand with New York and New Jersey and lead the way globally."

Note that there is no mention in this, or other proponent's testimonies, of how Vermont benefits or is hurt by this law. I have added the underlines to show how this bill is truly intended to solve a world-wide problem by influencing others. Is this truly what our Vermont legislature desires, especially if the bill negatively affects ordinary Vermonters?

We would ask you to please consider aspects of this bill which do not seem to be receiving much attention, but we feel should since this is to become a 'Vermont law'. Please consider the adverse effects this bill may have on a great number of average Vermont citizens. These might be considered some of the 'unintended consequences' or 'collateral damage' that this bill could cause as currently written.

I see two major drawbacks in this bill for many average Vermonters. First is the penalty for selling ivory. While ignorance of the law is rarely a good defense, it may be the true defense for many Vermonters that this law would cause to become criminals. Antique dealers can name hundreds of items with ivory in them which are readily sold in their stores and just as readily at flea markets, yard sales, and individual sales. Hundreds of Vermonters each year might sell or offer for sale items with ivory in them and not even know that just offering the item for sale can bring a minimum fine of \$1000 for the first offense and \$5000 and up for any following sales or offerings. Someone with a yard sale, trying to raise money to buy groceries or catch up on back bills would be devastated by such fines. And for what purpose? No elephants would be saved by the fine, or by preventing the sale of a penknife with an ivory handle.

The second major drawback is the mandated confiscation of many ivory objects which are not among the exclusions. Worse still than the confiscations is the realization that many of these treasured items will then just be destroyed. And many of these ivory items are beautiful works of art.

While pianos and other musical instruments have fortunately been largely excluded from this bill, still other items are sadly in great danger. We see the destruction of old ivory items as being counter-productive. To what point? The elephant that produced the ivory used in the items died many years ago. Destroying the ivory item will not bring an elephant back to life, nor will it prevent the killing of a live elephant today.

I am reminded of travelling throughout Europe and seeing the bombed out remnants of churches, castles, and buildings still left from World War II. The loss of human life was terrible, but so was the loss of these buildings. Those buildings were the sweat and toil of people hundreds of years ago. They were their legacies to future generations of us to appreciate. We may be foolish enough to kill ourselves, but have we the right to destroy the life's work of those who built those beautiful buildings centuries ago?

And the same could be asked today of the terrorists such as ISIS as they rampage through the Middle East destroying monuments, mosques, and museums filled with thousands of years of cultural relics. Why? Because they view these things as idolatrous! We find that wanton destruction to be barbaric. We decry their stupidity and that they have no right to destroy those countries' cultural heritage.

If today's terrorists are destroying priceless cultural treasures from the past, then how will the proponents of these ivory bills be seen in the future? Some are proposing to destroy all ivory objects claiming it to be better that the elephants live than the ivory survive to create a market.

Unfortunately, unless the poaching is stopped at the source, the elephants will be extinct in 10 to 15 years. That will be tragic and we will lament the fact they are gone and be forced to live with the consequences. And what will be left? A few ivory items in private collections and museums. Of course there will be pictures of the beautiful ivory objects that once were. And there will be pictures of the ivory being destroyed, ground up, and burned. And your grandchildren will ask, "Where are these beautiful ivory objects now?" And how will you answer? "Oh, we destroyed them to save the elephants." And the next question, "Well where are those elephants now?" And your reply would be, "Well, the poachers killed them to replace the ivory we destroyed."

How foolish is this? Destroying the existing ivory will not stop those who desire it from wanting more. The rarer something is the more it is desired and the higher the value goes. Those who are buying illegal ivory today will just want more because it is rare. And more elephants will be killed illegally as the profit goes up.

Consider this scenario: Poachers make a lot of money selling illegally to collectors in China who treasure the ivory objects. Many of these collectors are trying to reclaim their cultural heritage and love of ivory objects which were destroyed by Mao Tse Tung during the Cultural Revolution. Today's Chinese, newly rich, are willingly to pay very high prices for illegal ivory. Let us assume the poachers in Africa kill 50 elephants to help fill a Chinese importers order.

But now the very illogical happens. The African wildlife wardens find the poached ivory and confiscate it from the poachers. The wardens then destroy the ivory tusks. They chop up the ivory and they pour gasoline on it and burn it. Fifty elephants killed, 100 tusks destroyed.

The poachers still have the Chinese orders, but they no longer have the confiscated tusks to sell. What to do? Naturally, the poachers go out and kill another 50 elephants to replace their lost supply. The demand continues and so will the poachers. No elephants were saved. Actually an additional 50 were slaughtered to replace the 50 confiscated and destroyed. How has the Vermont law helped?

This Vermont law is only a symbolic gesture; one with bad consequences. We are told that it is to be a symbolic guiding light to the rest of the nation. It is to inspire other states to pass similar laws. Symbolism seems nice. Little Vermont “Leading the Nation” seems so progressive, but how does this law help save elephants? It doesn’t. Indeed, if there are people in Vermont willing to buy illegal ivory, and if the state has confiscated the ivory pieces they love, what will they likely do? They will find a way to get more ivory pieces, which will probably be made with new ivory. And now an elephant will have been killed for those objects.

And your grandchildren will see neither the elephants nor the beautiful ivory carvings from hundreds of years ago. Our friends and neighbors will be criminals for attempting to make some money at their yard sale. And they will be poorer. And we can be proud that we helped lead the nation to writing laws that eventually increased the killing of elephants and rhinoceroses.

Is this truly a Vermont Law to help Vermonters live a better life?

A suggested course of action:

- 1) **Establish a provenance from here on:** Ivory items could be carefully engraved with an identification number and cataloged with pictures to prove they exist now. These items would thus be registered for the future, similar to diamonds and other precious jewels. Maybe a hole could be drilled in the ivory and a registered chip inserted and glued in, as is being done with many things today. Yes, some recent ivory may pass as old and be registered. But far better to register a new beautiful piece than to destroy old beautiful works of art. After all, in both cases the elephants are already dead.
- 2) **Borders:** Strengthen the barriers to new ivory entering the country and make the penalties for smuggling ivory into the country and Vermont so high that it will discourage the illegal ivory trade from coming our way. Encourage other countries to do the same.
- 3) **Finances:** Illegal ivory that is confiscated, rather than being destroyed, is taken from the poachers or smugglers and is then sold through a legitimate marketplace. This way the poachers don’t get the money, they get jail sentences or rehabilitative education if appropriate. And the money collected by the legitimate sale can be used to help stop poaching.
- 4) **Survival of the species;** More elephants and rhinoceroses will live. The species will increase and roam widely without fear - as they did for thousands of years before.

I thank you for listening to my concerns and thoughts for remedies. If you do find you need to make legislation on this issue, I would ask that you make it appropriate to Vermonters and the State of Vermont. Please don't try to make legislation for the purpose of solving problems around the world. Provide us with laws that deal with real problems here in Vermont – that is, if we have such problems.

Sincerely Yours,

Ed Hilbert, Registered Piano Technician, Piano Technicians Guild

Hilbert Pianos, Ltd.

Also representing the Vermont Chapter of the Piano Technicians Guild