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I'm Ed Cutler the president of the Gun Owners of Vermont and I am here representing thousands of members throughout the state of Vermont.

Our membership feels the slaughter of threatened or endangered species is a heinous act and should never be condoned.

This is a very complex issue and H.297 is the wrong way to go about it.

After studying and analyzing this bill it will do nothing to prevent the slaughter of elephants, rhinos, or any other ivory-bearing animals.

What it will do is punish the good and honest people of Vermont for doing something without malicious intent.

Creating new law under 10 V.S.A., chapter 175 is added to read:

CHAPTER 175. IVORY AND RHINOCEROS HORN

§ 7701. SALE OF IVORY OR RHINOCEROS HORN

The first definition used is, "(1) "Ivory" means any tusk composed of ivory from an elephant or mammoth, or any piece thereof, whether raw ivory or worked ivory, or made into, or part of, an ivory product."

Mammoth should not even be mentioned in this bill because they are not endangered as they no longer exist. They died out 10,000 years ago and could be a good replacement for other ivory.

The second definition used is, "(2) "Ivory product" means any item that contains, or is wholly or partially made from, any ivory."

What I, and others including hunters, collectors, craftsmen, artists, retired state senators and an attorney, think this means exactly what it says. **ALL IVORY**, including boar, elk horn, and dozens of other animals which are neither threatened nor endangered.

Looking at the terms on age and weight of the ivory product. Antique ivory is classified as anything over 100 years old. Let's think about this for a minute. If I have a firearm that was engraved and had a legally acquired ivory handle that was carved in 1965 and it weighed 150 grams it would be against the law to sell. If this same firearm passes down to my great-great grandchildren in 2066 it would be perfectly legal to sell if under 200 grams (7 ounces). If it is over 200 grams (7 ounces) it would be illegal to sell no matter how old it was.

When this body passes a law they should not only look at the present they should also look at the future. No one can see 100 years into the future, but one thing you should consider is what happens to laws that become outdated and remain on the books. Will a fully engraved historical firearm, sword or knife be destroyed simply due to the weight of the ivory? Yes.

If a person unknowingly sells an ivory product because they do not know about this law, or they do not know the object is actually ivory, they will be forced to pay two times the value of that product and have that object confiscated and destroyed. The person will be penalized for THREE times the value of the item; the item will be destroyed plus the fine that is levied.

How many people have invested thousands or hundreds of thousands of dollars in high quality arms with the anticipation of using them as a retirement plan? How many of them will lose their homes because they can't pay their mortgage or taxes because their life savings are invested in these arms? How many antique shops, auction houses or just some person selling at a tag sale be fined thousands of dollars because something was made illegal with the stroke of a pen, and they did not know that product was ivory?

What will happen if there is more than one product for sale at the same time? Is that considered a "second offence" where the minimum penalty increases to \$5,000 for EACH item? So, a collection of 100 small inexpensive carvings worth \$30 each, the total penalty will be \$500,000!

I am going to give you an example of why variable fines like this should never be imposed. If a person robs a bank that crime results in a prison sentence of 10 years and a fine of not more than 5,000 dollars. It does not change whether that person steals 1,000 dollars or a million. In H-297 the punishment changes with the value of the item. I am not sure if it is constitutional or not but it certainly is not right or fair.

As a collector, preservationist and restorer of old firearms, and a lover of highly embellished arms, I shudder at what will happen to these extremely valuable works of art and history. The goal of this bill is clear, the destruction of all existing and future ivory one piece at a time.

Conclusion:

The federal government has a number of laws and treaties in place that actually do something to protect endangered species. They have the manpower, technology, funds, and crime labs to actually test ivory and determine the difference between different types and ages of that ivory. Vermont cannot afford the manpower or cost to do something like this.

Recommendation:

Being that China is the major importer of ivory, we would suggest that the state of Vermont boycott all Chinese products until they join the international effort to curb ivory poaching.

Because this legislation is not written to deliver what it promises, the Gun Owners of Vermont is respectfully asking you to put this bill on the wall.

Ed Cutler  
President, Gun Owners of Vermont