

May 20, 2015

To: Members of the Oregon House Committee On Judiciary

RE: SENATE BILL 913

Knife Rights represents America's millions of knife owners, knifemakers, scrimshaw artists, knife retailers and suppliers to knifemakers and scrimshaw artists, many of whom are Oregon constituents and residents and many of whom own legally acquired ivory or knives with ivory components. And, as it turns out, many also own a wide range of other items that include ivory, and so we represent these members' interests as well. We want to alert you that **the proposed ivory ban bill, SB 913, will not save a single living elephant and will have a severe negative financial impact on many of your law-abiding citizens who own or work with ivory. SB 913 is the worst kind of emotionally-driven "Feel Good – Do Bad" legislation that will only hurt Oregonians with no benefit to elephants.**

**Knife Rights and all those we represent unequivocally support science-based conservation efforts** that have proven successful in posting significant gains in elephant populations in Africa over the past few decades. **Knife Rights and those we represent unequivocally support practical and lawful efforts to defend elephants in the field from poachers as well as lawful enforcement activities that directly target the illegal black-market trade in ivory that have resulted in a REDUCTION in elephant poaching over the past three years. This proposed ivory ban accomplishes none of these effective and proven objectives.**

**Poaching of African elephants is a serious problem that Knife Rights and all we represent abhor.** On that we can all agree. However, as has been noted by the U.S. Fish and Wildlife Service (USFWS) on numerous occasions in the past, **the legal trade in decades-old ivory in this country is NOT the problem.**

**SB 913 is not supported by facts or science, or even by simple common sense, unlawfully punishing Oregon's legal ivory owners.** This bill flies in the face of the reality that there is no significant illegal ivory problem in the United States. Studies by ETIS (the Elephant Trade Information System set up by CITES) indicate that virtually none of the ivory from elephants being poached in Africa today is coming to the U.S. ("African Elephant Summit Background Document 2013," pages 16-18). Another study by ETIS indicated that laws passed in the U.S. have little effect on elephant populations ("Martin Stiles Ivory Markets in the US," page 5). These same studies indicate that the U.S. is already the world leader in the fight against trafficking of illicit animal parts, out of 89 countries studied, and by a significant margin. Finally, the U.S. Fish and Wildlife Service, charged with enforcement of America's existing ivory import ban, in their September 2012 Fact Sheet states, **"we do not believe that there is a significant illegal ivory trade into this country."**

**The huge increase in demand for ivory in China, which prompts continued poaching in Africa, has been triggered by the significantly increased buying power of China's citizens combined with their government's lax controls on black-market ivory. Nothing that penalizes owners of decades-old legal ivory in Oregon will have any effect on that demand.** Taken together with the studies referenced, clearly, this proposed ban is a hypocritical, ineffective and irrational solution in search of a problem in Oregon.

**Back to simple economics and common sense:** When the black market price of raw ivory in China exceeds \$1,500 per pound (per numerous reports) and the price for perfectly legal and readily available decades-old ivory in the U.S. is \$250 per pound, few criminals are going to run the risk of trying to bring illegal ivory into the U.S., with its internationally recognized effective customs enforcement, when **they can sell poached ivory in China for six times the U.S. price with extremely lax to non-existent customs enforcement.** Beyond that, **with readily available legal ivory in the U.S., there simply is no reason anyone in the U.S. needs to turn to the black market.**

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**This bill also bans trade in 10,000-year-old Mammoth Ivory, which just goes to show how absurd it is.** Tons of Mammoth Ivory is collected every year by Native Americans in Alaska along the riverbanks and on the beaches, where the tusks fall out of the banks due to erosion. This Mammoth Ivory is one of their few sources of income. In addition, gold miners find tusks in their pursuit of gold in Alaska. No archeological sites are disturbed or "robbed." This natural material becomes exposed by nature and mining and if it is not collected it cracks, deteriorates and crumbles into gravel and soil within a few years and is lost forever. The only way to preserve this precious prehistoric material is to allow it to be collected, bought and sold. It is easily distinguishable from elephant ivory and is legal to ship all over the world.

With regards to the exceptions provided in SB 913, they are both flawed and would not have any significant positive impact on any of the targeted groups, save perhaps for the musicians who hypocritically are pleased to be exempted from the draconian financial impact this bill would have on most all other ivory owners in Oregon, while apparently being perfectly happy to see such lawful ivory owners other than themselves punished to no good end. Such hypocritical exceptions only make the case that this bill is not about saving elephants, but rather about making a political statement at the expense of honest law-abiding Oregonians. Citizens whose lawful investments and trade in decades-old legal ivory and mammoth ivory has no impact on the illegal black market trade in ivory in Asia, primarily in China, that results in the poaching we all abhor.

In particular, the exception for knives is so limited in scope as to be worthless to all but a handful of knife owners. The 20% per volume requirement will immediately knock out the majority of few potentially eligible knives because the handle often comprises the majority of "volume" of a knife.

Moreover, it is impossible to determine volume of the steel vs. ivory in many knives without performing a multi-view x-ray examination in order to determine the volume of the hidden tang of the knife, an expensive procedure itself, which is further complicated by the need to compute the volume from these x-rays with complex computations due to the irregular and often tapered nature of such tangs; both requiring expertise that is beyond the skills of a typical knife owner who would have to pay for such a determination. Most appraisers also are not equipped to perform such an examination or determination, so getting one done is even more difficult. In addition, calculating the volume for a multi-dimensional irregular form such as a knife and handle is, itself, difficult, at best, and subject to many variables.

The 100 year old requirement is extremely limiting because the vast majority of knives with ivory handles or decoration have been produced since WWII. Beyond that, proving provenance of most such knives is extremely difficult since original records rarely exist for these knives and there are only a handful of experienced knife appraisers in the entire country, none of which are located in Oregon. Then you have the obvious absurdity of the 99-year-old knife that is illegal today, but will be legal to sell next year.

The bottom line is that the exceptions are themselves just another example of the irrationality and arbitrariness of SB 913 which ignores commonsense in order to adversely affect many Oregonians.

This nation was founded on a respect for its citizen's rights, from the Declaration of Independence through the Constitution and our Bill of Rights and more than two centuries of legal precedent. The core nature of this country is that we are a country of laws, that even the unpopular have rights to be respected and that, above all, we defend individual rights and individual property rights.

However, SB 913 ignores our widely acknowledged body of law, unfairly and unconstitutionally persecuting honest ivory owners who would find their investment in legally acquired ivory "taken" by government edict and made worthless, their livelihood stolen from them in some cases.

This effective "taking" of the heretofore legal private property of potentially tens of thousands, if not hundreds of thousands of Oregon ivory owners is a clear violation of the Fifth Amendment to the Constitution of the United

States. It is also an offense to longstanding American rights, freedoms and values of fairness and equity. **Ultimately the adverse impact on Oregon citizens and residents will be in the millions of dollars and the state of Oregon stands to lose millions of dollars more in lost commerce, taxes, and enforcement expense for no appreciable positive impact on the real problem, poaching in Africa which is supported by the illegal trade in black market ivory in Asia, principally in China**

**This proposed ivory ban would also disproportionately affect Oregon's elderly, many of them veterans, who are the original owners of much of the hundreds of thousands of tons of legal pre-ban ivory in the U.S. that was initially brought into the country in the 1950s through the 1970s. It is this decades-old ivory that forms the basis for the legal trade in ivory in the U.S. Many of these older Americans turn to their investment in ivory, in its many forms, to help sustain them in their twilight years and provide a cushion for emergencies. Robbing these elderly citizens, many of whom fought for their country and its freedoms, and often bear the scars from that service, of their lifelong investment, to no good end, is particularly unjust.**

Attached is an Ivory Ban White paper that details much of the inaccurate rhetoric that is used to justify this assault on honest Americans. It includes facts and references to internationally acknowledged reports that clearly illustrate both the lies being told in support of an Ivory ban and the folly of an Ivory ban.

**There is not a shred of factual evidence to suggest that punishing Oregon Ivory owners for their investment in perfectly legal decades-old ivory will have one iota of influence on the black market in illegal ivory that fuels poaching in Africa. It goes against all human experience to believe that this effort will do anything but adversely affect law-abiding Oregonians and Oregon state. It will do nothing to change the cultural aspects of the illegal ivory trade in Asia and China. It will not save a single living elephant.**

**This misguided ivory ban is ill-conceived, offensive and most likely unconstitutional. Knife Rights urges you to vote against SB 913, a bill that would unfairly penalize Oregon's ivory owners for others' illegal and immoral activities that continue to threaten elephants, and which this proposed ivory ban does nothing to ameliorate.**

Respectfully submitted,



Douglas S. Ritter  
Chairman

Attachment: Ivory Ban White Paper