

DATE, 2014

The Honorable Daniel Ashe  
Director  
United States Fish and Wildlife Service  
Department of the Interior  
1849 C Street, NW  
Washington, DC 20240

Dear Director Ashe,

Our organizations, which represent millions of American knife owners, knifemakers, knife manufacturers, scrimshaw artists, knife retailers and suppliers to knifemakers, knife manufacturers and scrimshaw artists, many of whom own legally acquired ivory or knives with ivory components, are writing to express our opposition to the Obama Administration's and U.S. Fish and Wildlife's (FWS) proposed ban on the domestic sale and trade of legally owned, pre-ban ivory.

During the February 26, 2014, hearing of the U.S. House Committee on Foreign Affairs, you made clear that the FWS would soon make illegal the sale of domestic, pre-ban ivory that is less than 100 years old and older ivory that lacked acceptable provenance. More recently, the Administration's Federal Advisory Council on Wildlife Trafficking reaffirmed that FWS is moving ahead with the ban. Like you, we agree that the United States should not be contributing to poaching and the illegal trade in ivory. Unfortunately, the Advisory Council was formed without any representatives of the people who regularly deal with legal ivory and antiques in order to inform their recommendations. As a result, the Administration and the FWS are basing policy on stereotypes and false assumptions, and they have not explained how shutting down the domestic sale and trade of heretofore legal pre-ban ivory would discourage poaching or stop the illegal ivory trade.

The proposed ban would go against the FWS's longstanding position that most ivory in the U.S. has been legally imported and that its sale in the U.S. does not increase poaching. Numerous independent and authoritative studies support this position. Domestically, ivory has been widely and legally used for a variety of purposes, including as handle material or ornamentation on knives, other edged tools and sheaths, as well as on a myriad of other objects. If implemented, the ban would make American owners of legal, pre-ban ivory potential criminals overnight, as well as strip their investments of commercial value, adversely impacting the finances of millions of Americans.

Although you have proposed an antique exemption for items at least 100 years old , FWS has indicated that the burden would be on the owner to prove that the ivory is old enough and that it hasn't been modified in any way—a nearly impossible burden in many, if not most, cases. Pre-ban ivory used as knife components generally lack documentation that prove provenance as none was ever required, in addition to the fact that antique knives are often restored with newer legal ivory parts. Furthermore, meeting the FWS's standards of proof, even when possible, would be unreasonably challenging and expensive, unaffordable to most Americans whose knives include ivory components or who own ivory. The lack of onus on FWS to support any claim of illicitness is unfair and unacceptable, and due to the practical impossibility of determining the species or age of ivory in the field, subject to abuse that may result in persecuting innocent citizens and companies.

We are extremely concerned about an enforcement scheme that pressures FWS agents to ramp up enforcement. Many other types of ivory appear the same to all but the most expert eye. Some are virtually impossible to differentiate without detailed and very expensive laboratory analysis, much less in the field. By creating a presumption of illegality concerning elephant ivory, agents will be encouraged to arrest anyone and seize anything that might possibly appear to now be illegal and let the innocent victims deal with the terrifying and expensive legal assault by the government. Inevitably, many Americans who don't even possess elephant ivory will be caught up in enforcement of this irrational ban, impacting many more than just elephant ivory owners. That is unacceptable.

Moreover, implementing and enforcing a ban on domestic sale of elephant ivory would be a gross diversion of scarce resources. Instead, these resources should be directed toward the real problem—poaching and the illegal ivory trade.

For these reasons, the undersigned organizations respectfully request that you continue to work on a reasonable solution to end poaching and the international illegal ivory trade without hurting innocent, law-abiding Americans who own pre-ban ivory. Thank you for your consideration, and we stand ready to work with this Administration to combat poaching and the illegal ivory trade that does not unnecessarily infringe on American citizens' rights and investments.

Sincerely,

[List of Organizations and Companies Signing on to this Letter]