



June 19, 2014

Governor Chris Christie  
Office of the Governor  
P.O. Box 001  
Trenton, NJ 08625-0001  
Via E-Mail: [Constituent.Relations@gov.state.nj.us](mailto:Constituent.Relations@gov.state.nj.us)

Re: S.2012/A.3128

Dear Governor Christie,

**I am writing to respectfully request that you veto S.2012/A.3128**, the New Jersey Ivory Ban bill. Unfortunately, the New Jersey Legislature has been hoodwinked into passing an extraordinarily bad piece of legislation; bad for New Jerseyans and bad for elephants in Africa. I trust that when you review the true facts you will not allow such a travesty to go forward.

Knife Rights represents America's millions of knife owners, knife collectors, knifemakers, scrimshaw artists, knife retailers and suppliers to knifemakers and scrimshaw artists, many of whom own legally acquired ivory or knives with ivory components. Many of our members live and do business in New Jersey. And, as it turns out, many also own a wide range of other items that include ivory including art, antiques, musical instruments, furniture and many other objects. The list is endless and in opposing this irrational and unreasonable bill we represent these members' other ivory interests as well.

**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 illegal black-market trade in ivory**, efforts that have resulted in a most welcome internationally recognized decrease in elephant poaching over the past few years.

**This New Jersey ivory ban bill accomplishes none of these effective and proven objectives** and these facts and other realities are ignored for the most part in the emotionally hyperbolic and factually unsupported preamble to the bill claiming "public purpose."

Poaching of African elephants is a serious problem. On that we can all agree. Uncontrolled poaching threatens many of the elephant populations, especially in central Africa. However, as has been noted by the U.S. Fish and Wildlife Service (USFWS) on numerous occasions in recent years, the sale and trade in perfectly legal, decades old ivory in the U.S. (brought in prior to the 1990 import ban and commonly referred to as "pre-ban" ivory) in this country is NOT the problem.

**This bill is not supported by facts or science, or even by simple common sense, unlawfully punishing New Jersey's legal ivory owners.** It flies in the face of the reality to claim that there is any significant illegal ivory problem in the United States, let alone in the state of New Jersey. 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 drafting and enforcement of this ivory 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 legal ivory in New Jersey will have any effect on that demand.** Taken together with the studies referenced, clearly, this ban is an unneeded and irrational solution in search of a problem in New Jersey.

**Back to simple economics and common sense:** When the black market price of raw ivory in China exceeds \$1500 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 it 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. **As such, citizens of New Jersey who own or sell decades-old ivory cannot possibly be supporting the illegal trade in poached ivory.**

**There is not a shred of factual evidence to suggest that punishing New Jersey citizens for their investment in perfectly legal ivory will have one iota of influence on the black market in illegal ivory. It goes against all human experience to believe that this effort will do anything but adversely affect law-abiding New Jerseyans.** It will not do anything to stop the poaching. It will not do anything to change the cultural aspects of the illegal ivory trade in Asia and China. And, most importantly, it will not save one living elephant.

The bill's preamble notes the "February 2014... federal ban on commercial trade of rhinoceros horn and elephant ivory," as a predicate action for New Jersey's ban. However it must be noted that this politically driven administrative action by the U.S. Fish and Wildlife Service, which is in direct conflict with years of prior studies by the service, is being strongly opposed due to that action's lack of scientific and factual basis, as well as legal concerns over the rule's constitutionality and the Service's overreach. Yet another Congressional hearing on the Service's action is scheduled for June 24. Moreover, even the federal action, as poorly conceived as it may be, is not as draconian as this bill's ban, allowing for exemptions for legal ivory already in the U.S. provided still-to-be-determined documentation is provided.

**An ivory ban will disproportionately affect New Jersey's elderly, many of them veterans,** who are the original owners of much of the thousands of tons of legal pre-ban ivory and ivory containing objects in New Jersey that were initially brought into the country in the 1950s through the 1970s. It is this ivory that forms the basis for the legal trade in ivory in New Jersey (as well as throughout the U.S.). Many of these older New Jerseyans 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 citizens, many of whom fought for their country and its freedoms and often bear those scars, of their lifelong investment is particularly unjust.

This effective "taking" of heretofore legal private property of tens of thousands, possibly hundreds of thousands, of New Jersey citizens is a violation of the Fifth Amendment to the Constitution of the United States, and the New Jersey Constitution (Article 1, #1 and #20). It is also an offense to longstanding American rights, freedoms and values of fairness and equity. **Ultimately the adverse impact on New Jerseyans will be in the tens of millions of dollars, possibly hundreds of millions of dollars for absolutely NO IMPACT on the real problem, poaching in Africa which is supported by the illegal trade in black market ivory in Asia, principally in China.**

Beyond these issues, this bill is so poorly crafted that according to our legal advisors its possession with intent to sell language can, and will likely, be abused by authorities to apply to the mere possession of ivory, resulting in seizures, confiscation and penalties that are beyond even the warped and irrational purpose of this bill.

Consider that this absurd bill even proscribes mammoth ivory which comes from animals that have not walked the earth for over 10,000 years!

If it weren't so seriously irrational and absurd, it would be hilarious that the drafters of this bill mandate penalties which will be "based on the assessed value of the seized products;" a value which would be effectively ZERO since without a legal market, there cannot be any other value assessed to the object. Value can only be assessed based on what an object can bring in a fair open legal market, which this bill eliminates.

**This misguided ivory ban is ill-conceived, offensive and illegal. On behalf of all our New Jersey members, I urge you to veto this bill that does not nothing but unfairly penalize New Jersey ivory owners for other countries citizens' illegal and immoral activities that continue to threaten elephants, and which this ivory ban does nothing to ameliorate.**

I would welcome the opportunity to meet with you or your staff to review this bill and the significant adverse impact it will have on New Jerseyans.

Respectfully submitted,



Douglas S. Ritter  
Chairman