

# TESTIMONY OF THE HONORABLE JACK FIELDS

JUNE 24, 2014

CHAIRMAN FLEMING AND RANKING MEMBER SABLON, THANK YOU FOR THIS OPPORTUNITY TO TESTIFY BEFORE YOUR SUBCOMMITTEE THIS AFTERNOON.

MY NAME IS JACK FIELDS, I AM A FORMER MEMBER OF CONGRESS, REPRESENTING THE EIGHTH CONGRESSIONAL DISTRICT OF TEXAS FROM 1980-1996 AND ONE OF THE CO-AUTHORS OF THE AFRICAN ELEPHANT PROTECTION ACT OF 1988. TODAY, I REPRESENT NO ONE OTHER THAN MYSELF, ALTHOUGH I WOULD LIKE TO THINK THAT I REPRESENT ALL MEMBERS, FORMER AND CURRENT, WHO SUPPORTED THE AFRICAN ELEPHANT CONSERVATION ACT OF 1988.

THE AFRICAN ELEPHANT CONSERVATION ACT OF 1988 WAS TRULY A BIPARTISAN PIECE OF LEGISLATION COSPONSORED BY TONY BEILENSEN, A LIBERAL DEMOCRAT FROM CALIFORNIA, AND ME, A CONSERVATIVE REPUBLICAN FROM TEXAS. FOR THOSE OF YOU ON THE DEMOCRAT SIDE OF THE AISLE...YOU WOULD HAVE HAD A GREAT DEAL OF RESPECT FOR TONY BEILENSEN AS A REAL GENTLEMAN...HE WAS A LEGISLATOR'S LEGISLATOR---HE HAD A KEEN INTELLECT...UNMATCHED SINCERITY AND INTEGRITY...AND HE HAD A PASSION TO SAVE THE AFRICAN ELEPHANT.

AND, WHILE TONY AND I CAME FROM DIFFERENT CULTURES...AND, REPRESENTED DIFFERENT CONSTITUENCIES...WE BOTH REALIZED THAT WE HAD TO DO SOMETHING TO STOP THE POACHERS WHO WERE DECIMATING THE ELEPHANT HERDS OF AFRICA...SO, WE FOCUSED ON OUR COMMONALITIES RATHER THAN OUR DIFFERENCES.

WE BROUGHT TOGETHER A DISPARATE GROUP OF STAKEHOLDERS...WE MET AND ENGAGED WITH THE HUMANE SOCIETY OF THE UNITED STATES, THE AFRICAN WILDLIFE FOUNDATION, WORLD WILDLIFE FUND, AND OTHER GROUPS WHO DID NOT SUPPORT SPORT HUNTING...AND, WE MET WITH THE HOUSTON SAFARI CLUB, SAFARI CLUB INTERNATIONAL, THE DALLAS SAFARI CLUB AND OTHER GROUPS WHO DID SUPPORT SPORT HUNTING.

THE RESULT OF THESE MEETINGS WAS THE CREATION OF A BIPARTISAN GROUP WHO PUT ALL COLLATERAL ISSUES ASIDE TO FOCUS ON SAVING THE AFRICAN ELEPHANT...AND RECOGNIZING THAT THE POACHER AND THE COUNTRIES WHO DID NOT ADHERE TO CITES AND WHO ALLOWED POACHED IVORY INTO THEIR BORDERS...THESE WERE OUR ENEMIES.

OUR BIPARTISAN CONSENSUS RESULTED IN THE AFRICAN ELEPHANT CONSERVATION ACT OF 1988 WHICH REMARKABLY PASSED BOTH THE HOUSE AND THE SENATE BY VOICE VOTE.

THE AFRICAN ELEPHANT CONSERVATION ACT OF 1988 DID SEVERAL IMPORTANT THINGS:

1. IT STOPPED THE IMPORTATION OF CARVED IVORY INTO THIS COUNTRY
2. IT HAD A FINDING THAT SPORT HUNTING WAS BIOLOGICALLY NEUTRAL AND HAD NO IMPACT ON SUSTAINABLE POPULATIONS OF ELEPHANTS
3. IT REWARDED THOSE COUNTRIES WHO HAD GOOD CONSERVATION PROGRAMS AND ADHERED TO THE RULES ESTABLISHED BY CITES

BUT, TONY AND I DID NOT STOP WITH THE PASSAGE OF THE LEGISLATION---WE FELT THAT THE LEGISLATION WAS THE FOUNDATION AND GAVE US CONGRESSIONAL AUTHORITY TO GO AFTER THE REAL ENEMY...THE POACHER...AND THAT THE BEST WAY TO STOP THE POACHER WAS TO DRY UP THE "MARKET/DEMAND" SIDE OF THE EQUATION.

SO, WE BEGAN A SERIES OF VERY IMPORTANT MEETINGS TOGETHER AS A TEAM---AND, I THINK WE WERE A GOOD TEAM...TONY, AS A DEMOCRAT REPRESENTED THE MAJORITIES IN THE HOUSE AND SENATE, AND, AS A REPUBLICAN, I HAD ASSETS IN PRESIDENT RONALD REAGAN'S ADMINISTRATION.

1. OUR FIRST MEETING WAS WITH JIM BAKER WHO AT THAT TIME WAS SECRETARY OF STATE---WE MADE A CASE THAT 40% OF THE WORLD'S IVORY WAS BEING CONSUMED BY THE JAPANESE---SECRETARY BAKER AGREED TO INTERVENE WITH THE JAPANESE WHO VERY QUICKLY STOPPED THE IMPORTATION OF IVORY INTO THEIR COUNTRY---A TREMENDOUS VICTORY TO DRY UP 40% OF THE WORLD'S MARKET.
2. NEXT, TONY AND I MET WITH THE BRITISH AMBASSADOR...BECAUSE AT THAT TIME THE BRITISH GOVERNED HONG KONG---WE MET IN THE MEMBER'S DINING ROOM---TO OUR SURPRISE, THE BRITISH AGREED TO BAN THE IMPORTATION OF IVORY INTO HONG KONG---ANOTHER GREAT VICTORY---MORE DEMAND WAS DRIED UP!
3. THEN, WE LEARNED THAT THE IVORY WAS BEING SHIFTED INTO CHINA FROM HONG KONG...SO, WE ASKED FOR A MEETING WITH THE CHINESE AMBASSADOR...WHO TOLD US THAT NO POACHED IVORY WAS IN CHINA...TONY AND I DIFFERED WITH THE AMBASSADOR AND ASKED THAT CHINA STOP THE IMPORTATION OF POACHED IVORY AND ADHERE TO CITES...WE WERE TOLD THAT CHINA WAS NOT A PROBLEM...WHICH RESULTED IN TONY AND I INTRODUCING LEGISLATION DENYING THE CHINESE \$150 MILLION IN FISHERY EXPORTS INTO THE UNITED STATES...WE HELD A HEARING ON THIS BILL...AND THEN WE WERE TOLD THAT THE

CHINESE HAD FOUND A PROBLEM AND THAT IT WAS BEING CORRECTED AND THAT THEIR COUNTRY WOULD ADHERE TO CITES. ANOTHER GREAT VICTORY FOR THE AFRICAN ELEPHANT AND DEFEAT FOR THE POACHER. SADLY, IN THE CASE OF CHINA, HOWEVER, THAT VICTORY WAS NOT A PERMANENT ONE.

SO, WHAT WAS THE NET RESULT OF OUR LEGISLATION COUPLED WITH OUR EFFORTS TO DRY UP THE MARKET/DEMAND? THE PRICE OF IVORY DROPPED FROM APPROXIMATELY \$100.00/LB TO ALMOST NOTHING...POACHING BECAME ALMOST NON-EXISTENT...AND, IN THE COUNTRIES WHICH HAD GOOD CONSERVATION PROGRAMS, THERE WAS A GROWTH IN THEIR ELEPHANT POPULATIONS.

SO, WHY DO I TAKE SO MUCH TIME REMINISCING ABOUT THE PAST? BECAUSE IF YOU ARE SINCERE IN WANTING TO PROTECT AND ENHANCE THE ELEPHANT POPULATIONS IN AFRICA, WHICH I THINK, YOU ARE... THEN YOU WOULD WANT TO HEAR WHAT TONY AND I LEARNED FROM AN EXHAUSTIVE PROCESS WORKING WITH ALL STAKEHOLDERS---TO HEAR ABOUT WHAT CONGRESS PASSED BACK IN 1988---AND TO HEAR WHAT AFFECTED THE POACHER, OUR "ENEMY"---WHICH IS DRYING UP THEIR MARKETPLACE...STOPPING THE DEMAND FOR POACHED IVORY GLOBALLY...AND, IF NEED BE, SHINING THE SPOT LIGHT ON THOSE COUNTRIES WHO ARE BAD ACTORS...THOSE COUNTRIES WHO ALLOW POACHED IVORY INTO THEIR BORDERS. LET ME ASSURE YOU THAT MOST COUNTRIES CANNOT WITHSTAND NOR AFFORD TO HAVE THIS TYPE OF SPOT LIGHT SHONE ON THEM.

SO, IN THE CONTEXT OF WHAT WE KNOW WORKS IN STOPPING THE POACHER AND DRYING UP THE GLOBAL MARKETPLACE FOR POACHED IVORY...IS THE PROPOSAL BROUGHT FORWARD BY THE FISH AND WILDLIFE...GOOD POLICY...THE RIGHT ACTION TO PROTECT THE AFRICAN ELEPHANT IN ZIMBABWE AND TANZANIA? I SUGGEST TO YOU THE ANSWER IS A "RESOUNDING NO"! THERE ARE SEVERAL REASONS:

1. NOT CONSULTING WITH ZIMBABWE AND TANZANIA BEFORE THE ANNOUNCEMENT OF THE FISH AND WILDLIFE SERVICE PROPOSAL---QUITE FRANKLY IS INSULTING TO THESE TWO COUNTRIES---ZIMBABWE AND TANZANIA HAVE BEEN LEADERS IN CONSERVATION POLICIES REGARDING THE AFRICAN ELEPHANT---IT IS THEIR CITIZENS WHO HAVE THEIR CROPS TRAMPLED---THEIR CHILDREN CHASED...THEIR FENCES AND HOMES KNOCKED DOWN.
2. DENYING THE IMPORTATION OF LEGALLY TAKEN SPORT HUNTED IVORY WITHIN THE QUOTA FILED WITH CITES FOR THESE TWO COUNTRIES CONVERTS THE ELEPHANT FROM AN ANIMAL PROTECTED BY LOCAL CITIZENS---TO AN ANIMAL THAT IS VIEWED AS A SOURCE OF PROTEIN AND IVORY TO BE POACHED. IN ZIMBABWE, WHERE I HAVE THE MOST FAMILIARITY, AND IN THE AREA OF WANKE NATIONAL PARK WHERE I HAVE VISITED OVER TEN TIMES...SPORT HUNTING BRINGS IN OVER \$575,000.00 YEAR, WITH 80% OF THAT NUMBER STAYING IN THE

LOCAL COMMUNITY...BY CONTRAST, THE PHOTOGRAPHIC LODGE IN THAT AREA BRINGS IN \$30,000.00/YEAR FOR THE LOCAL COMMUNITY. AND, THIS IS JUST ONE AREA OF ZIMBABWE. SPORT HUNTING, FOR THE COUNTRY OF ZIMBABWE, BRINGS IN BETWEEN \$15 AND \$20 MILLION EACH YEAR.

3. BY STOPPING SPORT HUNTING WHICH IS BIOLOGICALLY NEUTRAL, THERE ARE SEVERAL OTHER EFFECTS:

- A. EMPLOYMENT IN THE LOCAL COMMUNITIES GOES DOWN---THE SUPPORT STAFF DO NOT HAVE JOBS...WHICH CREATES THE WRONG TYPE OF INCENTIVE FOR LOCAL PROTECTION OF THE ELEPHANT---THE ELEPHANT BECOMES VIEWED AS A PROTEIN SOURCE RATHER THAN AN ANIMAL WHICH GENERATES REVENUE FOR THE OVERALL BENEFIT OF THE LOCAL COMMUNITY
- B. BY TAKING THE PROFESSIONAL AND SPORT HUNTER OUT OF AN AREA LIKE WANKIE...WHICH IS MORE VAST AND REMOTE...THAN YOU AND I CAN IMAGINE...TAKES OUT THE EYES AND EARS OF THOSE WHO WORK WITH THE UNDERSTAFFED AND UNDERFUNDED NATIONAL PARKS SERVICES OF THESE COUNTRIES---THERE ARE FAR FEWER PEOPLE PROTECTING THE ELEPHANT HERDS...THIS ONE FACT ALONE MAKES IT EASIER FOR POACHERS TO OPERATE
- C. MANY OF THE SPORTING GROUPS SUPPORT WATER PROJECTS FOR THE ELEPHANTS---I KNOW OF ONE PRIVATE COMPANY IN ZIMBABWE, ON THEIR OWN, WHO DRILLS WATER WELLS WITHIN THE NATIONAL PARK, NOT THE HUNTING AREAS, TO PROTECT THE ELEPHANT HERDS WHICH HAVE BEEN DEVASTATED BY A HISTORICALLY BAD DROUGHT...

SO, THE PROPOSAL OF THE FISH AND WILDLIFE SERVICE BEFORE US TODAY:

- 1. INSULTS HOST COUNTRIES LIKE ZIMBABWE AND TANZANIA
- 2. KILLS JOBS IN RURAL, SUBSISTENCE COMMUNITIES
- 3. REMOVES THOSE WHO WORK WITH THE NATIONAL PARKS SERVICES IN ZIMBABWE AND TANZANIA FROM REMOTE AREAS, THUS MAKING IT EASIER FOR POACHERS TO DECIMATE ELEPHANT HERDS
- 4. AND, IT TAKES THOSE WHO ARE ON THE FRONT LINE HELPING PRESERVE ELEPHANT POPULATIONS IN THIS TIME OF HISTORIC DROUGHT OUT OF THE AREA

SO, IF THIS IS THE RESULT...IS THIS GOOD POLICY? WELL THOUGHT OUT?

AND, ONE ADDITIONAL COMMENT ON THE FISH AND WILDLIFE SERVICE'S PROPOSAL WHICH HAS A STATED GOAL OF ESTABLISHING A "VIRTUAL BAN" ON THE COMMERCIAL SALE OF ELEPHANT IVORY...WHEN WE WROTE

THE MORATORIA PROVISIONS OF P.L. 100-478, THE FUNDAMENTAL GOAL WAS TO STOP THE SHIPMENT OF IVORY FROM THOSE RANGE STATES WHO FAILED TO HAVE A SOUND AND EFFECTIVE ELEPHANT CONSERVATION PROGRAM. THIS LANGUAGE WAS NEVER INTENDED TO DESTROY THE VALUE OF LEGALLY OBTAINED IVORY PRODUCTS. THESE ITEMS, WHICH MAY CONTAIN A SMALL AMOUNT OF IVORY, INCLUDES FIREARMS, GUITARS, JEWELRY, PIANOS, VIOLINS, AND OTHER CULTURAL ARTIFACTS WHICH HAVE HISTORIC AND INTRINSIC VALUE. THESE ITEMS AND PRODUCTS HAVE NO CONSERVATION VALUE TO THE 400,000 WILD ELEPHANTS IN AFRICA BY PREVENTING THEIR SALE.

I SUGGEST THAT YOU ASK THE FISH AND WILDLIFE SERVICE TO REVIEW THEIR PROPOSAL...AND, ASK THE QUESTIONS: DOES THIS PROPOSAL PROTECT/ENHANCE THE ELEPHANT POPULATIONS IN AFRICA...DOES THIS PROPOSAL CREATE THE RIGHT INCENTIVES FOR COMMUNITY PROTECTION OF THE ELEPHANT...DOES THIS PROPOSAL MAKE IT EASIER TO POACH AND SMUGGLE IVORY?

I SUGGEST TO BOTH SIDES OF THE AISLE...SEEK INFORMATION FROM OUR GOVERNMENT...GLOBAL ENTITIES...ON WHERE THE POACHED IVORY IS BEING TAKEN TODAY. WHO MAKES THE MONEY FROM POACHED IVORY? FOLLOW THE MONEY.

AND, THEN I SUGGEST THAT YOU WORK WITH THOSE HOST GOVERNMENTS TO STOP THE IMPORTATION OF POACHED IVORY WITHIN THEIR BORDERS...AND, IF SUCH A GOVERNMENT TURNS A DEAF EAR...THINK OF ALL THE WEAPONS AND OPTIONS IN YOUR ARSENAL...SHINE THE SPOT LIGHT...GLOBALLY EMBARRASS THOSE HOST GOVERNMENTS...PASS SANCTIONS...DENY IMPORTS FROM THEIR RESPECTIVE COUNTRIES...

MR. CHAIRMAN, I HOPE YOU WILL HOLD ADDITIONAL HEARINGS...SHINE THE SPOT LIGHT. THANK YOU FOR THE OPPORTUNITY TO TESTIFY ON THIS SUBJECT WHICH IS VERY DEAR AND PERSONAL TO ME.