

**WRITTEN TESTIMONY OF MATTHEW QUINN  
TO THE  
UNITED STATES HOUSE OF REPRESENTATIVES  
COMMITTEE ON NATURAL RESOURCES  
SUBCOMMITTEE ON FISHERIES, WILDLIFE,  
OCEANS AND INSULAR AFFAIRS**

**HEARING ON PLANS BY UNITED STATES FISH AND WILDLIFE SERVICE  
TO IMPLEMENT A BAN ON COMMERCIAL TRADE IN ELEPHANT IVORY  
JUNE 24, 2014**

*“... 1. (d) the United States shall seek to reduce the demand for illegally traded wildlife, both at home and abroad, **while allowing legal and legitimate commerce involving wildlife.**”*

The President of the United States, Executive Order 13648, July 5, 2013

Chairman Fleming, Ranking Member Sablan, and distinguished members of the subcommittee:

Thank you for the opportunity to address this subcommittee today. My name is Matthew Quinn of Quinn’s Auction Galleries in Falls Church, VA. The second part of the statement I just read above, which was carefully crafted by the White House, has somehow gotten lost or ignored. What I am about to share with you today hopefully will enlighten you on the harsh impact on the American people of the Administration’s proposed comprehensive ban on the sale of Ivory. The magnitude of the impact on the American people is far more reaching than one might think, I am quite certain it will impact the majority of all Americans and certainly most of us in this room.

While many throughout the antiques, art and auction trade share my views in this testimony, I speak to you today representing only my firm, Quinn’s Auction Galleries, and my clients. Quinn’s Auction Galleries has served the greater Capital Area for nearly 20 years assisting individuals dealing with the loss of a loved one or just the need to sell items. Sometimes we work with families that desperately need the money, and other times we simply help our customers sell items that they can no longer use. We work diligently to make sure that we can maximize the value to the seller. As so often happens, most of the families we work with have some sort of Ivory, or other product from an Endangered Species Act regulated wildlife, in their home. I have worked closely with U.S. Fish and Wildlife Service (USFWS) agents to stay within the law, and that task became extremely complicated on February 25, 2014, with the issuance of USFWS Directors Order 210.

I would like to share with you a couple of customer stories that illustrate the devastating impact of these government actions that carry unintended consequences.

A few years ago I had the genuine privilege to work with Mrs. Helen Mang. She was 99 years old and sharp as a tack. I sat in her room at the care facility she was living in and heard marvelous stories of her and her husband’s travels throughout the world collecting these little

Japanese carvings called Netsuke. She would talk about one; where she got it, what she paid for it, and practically what direction the wind was blowing when she described it. It was their passion, their collection and their investment for the future. Helen and Jack were not unlike many Americans who choose to diversify their financial portfolio with collectible objects. Enclosed is a copy of the sale catalog for her collection of over 1,100 pieces of Japanese carving where more than half were either made entirely of Ivory or had some sort of Ivory in them. There came a time when she looked to sell her collection to assist with some of the vast expenses of care in her nursing facility. Sadly, she didn't live to see her collection sold, and this sale was a great memorial to her and Jack's life. If this outright ivory ban moves forward as suggested by USFWS and the President's Advisory Council, then the Mang's collection -- which was predominantly 18<sup>th</sup> & 19<sup>th</sup> century and completely legally acquired and held for decades -- would be without much value. Japanese Netsuke are tiny pieces of Japanese culture carved out of one of the most precious materials they knew at the time. The picture attached shows one such carving. Helen purchased this piece from a Washington, D.C. dealer on October 1, 1953, for \$55. It was made in the 18<sup>th</sup> century in Japan in the Kyoto area as indicated by carving and subject. When this one item was sold, you will see on the sample page of this very meticulous collector spreadsheet that even all the information that she has collected would not satisfy the "antique exemption" standards that have been proposed by some of the federal rule changes.

Americans have collected Netsuke and other pieces containing Ivory for many decades. Following World War II, America was very much a collector society, and it was popular to collect things like Hummel figurines, collector's plates, coins, stamps and so many other items. Items containing Ivory were no exception, and it was completely legal in 1945... 50... 60 and 1970! I have attached a document assembled and written by Lark Mason, a prominent New York fine art and antiques auctioneer, and submitted to the State of New York. His document estimates that the nearly 4 million Americans stationed in Japan during the middle of the 20<sup>th</sup> century brought back between 1.5 million and 2.5 million objects containing some measure of Ivory. Mr. Mason's document is impressive and worthy of a good read. He cites that there are between 5 million and 7 million pianos alone with ivory keys in the United States, and hundreds of millions of total objects estimate in America today.

Without proper research, analysis, thorough review and oversight, such quick administrative actions such as the proposals put forth by USFWS will adversely impact millions of unknowing Americans, including my customers.

To illustrate the matter more tangibly, I have included several pictures of objects that most people do not realize have ivory in them, and that they were made in America hundreds of years ago. The first is a portrait miniature. It is about three inches tall was painted in Philadelphia in 1795, and is signed and dated. From the picture you can see that the value of this object is indeed based on the artistry of James Peale, one of the most important families in American art history, and its painting on ivory would render it of no value if this ban moves forward. Mr. Mason's document also estimates that as many as 3 million to 5 million portraits like this exist today. Virtually all but some tourist copies were made over 100 years ago, and the copies were done long before the Endangered Species Act was enacted.

The next picture that you see is a teapot made in 1861-1868 in Baltimore, MD. It is also signed and dated, as all silver products are. Upon close inspection, you will see two small white pieces that are ivory. In this case they serve as insulators to keep the heat from the hot coffee or tea from reaching the silver handle. Teapots like this number in the hundreds of millions globally, and Lark Mason's conservative estimates suggest that there are 10 million plus tea sets left in the United States, despite the recent spike in the price of silver that has led to millions being melted for their silver content.

While we are on teapots, I have asked that Mrs. Heather Foley, widow of the former Speaker of the House of Representatives Thomas Foley, join me today at the hearing. I have been working with Heather and Tom, while he was alive, to assist them in selling some property. She graciously agreed to attend today, as she understands the burden such a ban can have on the American people. Heather brought with her a teapot that she and her mother bought over 40 years ago in Egypt. It also has ivory insulators. I will pass it around for you to see more closely. I will also reference as part of this testimony her letter to the Advisory Council that I presented with my testimony for the record at the Advisory Council's March 20<sup>th</sup> meeting in Arlington, VA.

In addition, I have brought with me a teapot that was made by Georg Jensen in the Cosmos pattern. I will pass this one around as well. This teapot is signed and dated with marks that date it from 1945-1977. I am told from Georg Jensen that they discontinued using Ivory in the late 60s; however, to this day they still use Mammoth tusks in their production.

This leads me to my next point.

In the Advisory Council minutes from the December 16, 2013, meeting, in a paragraph spanning pages 4-5, it states: "From a business perspective, the Council noted that a total ban would be the easiest administrative solution, notwithstanding the 5<sup>th</sup> amendment question."

Easiest? I didn't realize that "easiest" was the appropriate way to manage public policy, and I doubt the Congress or the Administration does either. One of the reasons that the Advisory Council appointed by the President said "easiest" is because of the immense difficulty in determining what species of ivory might be used and how old it is. I know from experience that it would be equally difficult for enforcement officers to determine the differences between Marine Ivory, Carved Antler, Bone, Vegetable ivory or even Bakelite and other plastics. I will pass around a few samples that are labeled for your inspection. We surely would not consider banning all of these substances in order to take the "easiest" path.

The art and antiques trade routinely handle the variety of substances that I describe above and are trained to tell the difference with relative ease. We are accustomed to the various carving techniques, quality, the subtleties of each substance, and the types of materials that objects have been made with over the past centuries. We are in fact here to, and happy to, help government regulators and policy makers with these complex issues.

I strongly believe that no legitimate antique dealer, appraiser, or auctioneer supports the elephant poachers, and we all realize that this is in fact a global problem that needs to be

addressed. However, I am, on behalf of my trusted colleagues in the trade, asking that this Committee and the United States Congress halt this rulemaking process and consider reasonable solutions so that any final policy's impact on the American people can be fully considered. We must work harder to find a solution to both protect the elephants and the American people, which are not mutually exclusive. That is why I am here today and why I stand ready to help and preserve "... legal and legitimate commerce involving wildlife."

Thank you for your time and for your consideration of my business and consumer viewpoint. I look forward to responding to any questions you might have.