

MEMORANDUM IN OPPOSITION
Submitted on behalf of Christie's

A. 8824 (Sweeney)

AN ACT to amend the environmental conservation law, in relation to prohibiting the purchase and sale of ivory articles and to increase the penalties for the illegal commercialization of fish, shellfish, crustacea and wildlife, including ivory articles

Christie's, the world's first fine art auctioneer, **OPPOSES** the above referenced legislation that would go well beyond what is needed to stop the slaughter of elephants for illegal elephant ivory and would end the legal and legitimate trade of antiquated objects containing ivory. Christie's takes extensive measures to ensure that the items they offer for sale conform to all state and federal laws. The proposed legislation would completely shut down the legitimate market in antique objects containing ivory and leave museums, private collectors and others who possess such property with no place to sell them, essentially rendering their potentially valuable collections worthless.

A. Many antique works of art include ivory.

Ivory has long been used by artisans and craftsmen in works of art in a myriad of mediums. Many of these objects containing ivory have rich cultural and artistic value, and include works such as: eighteenth century furniture, objects of virtue, ancient sculpture, Japanese netsuke, Old Master paintings and frames, musical instruments (such as pianos) and eighteenth century silverware. All of these examples are of works of art crafted many years ago, when the elephant population was unthreatened and maintain their value unrelated to the current illegal ivory trade. Many contain only minute amounts of ivory (e.g., a large 18th century table with some inlaid ivory surrounding the circumference. This legislation would, upon the stroke of a pen, render these legally obtained and often long held pieces valueless. This affects not just museums which may plan on selling the ivory to obtain different types of artworks, but also ordinary families who have heirloom pieces containing ivory, thought of these items as alternative investments, and intended to use the proceeds from their sale to support many goals, such as a child's college education or retirement savings.

B. Christie's expends significant effort to promote the legal sale of antiques containing ivory and exclude illegal contemporary ivory from their sales.

Christie's obtains and possesses licenses from the relevant federal and New York State regulatory agencies to offer for sale antique items that contain ivory. Christie's prides itself on its training programs that educate Christie's specialists and administrators on the legal requirements surrounding the legal sale of antique items containing ivory.

In addition to the training and licensing, Christie's rigorously vets any item that they believe could contain ivory. This vetting process requires that each piece receives the following attention: (i) expert review by an anthropologist from the Museum of Natural History in New York City to determine whether the material contains ivory, synthetic ivory, animal bone or some other material, and to help ascertain its age; (ii) Christie's specialists request and review provenance documentation to help assess the age and country of origin; (iii) Christie's

specialists review the aesthetics of an object to determine the country of origin, date and type of ivory used, based on their knowledge of art history and trade routes over time; (iv) Christie's specialists study each object for other indications of authenticity and proper age of the piece, including expected wear and tear, coloring and other details associated with age; and (v) Christie's specialists review the piece for evidence of restoration and confirmation that any ivory used for restoration also complies with all federal and state requirements.

C. There are better ways achieve the legislations intended effects.

Christie's welcomes the strict and regulated legal ivory marketplace where antique objects containing ivory are carefully and properly vetted by respected and licensed entities. Legislation strengthening New York's licensing process, supporting better enforcement efforts, and increasing penalties for the sale or possession of illegal ivory, may be appropriate, but such legislation should also include an exception for reputable museums, auction houses and others in the legitimate art market can sell carefully vetting antiques that contain ivory, so that the value of legally obtained objects are not destroyed.

For all of the foregoing reasons, Christie's **OPPOSES A. 8824.**

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AN ACT to amend the environmental conservation law, in relation to prohibiting the purchase and sale of ivory articles and to increase the penalties for the illegal commercialization of fish, shellfish, crustacea and wildlife, including ivory articles

Sotheby's, one of the world's largest and most respected auctioneers of fine arts, antiques and collectibles, with corporate headquarters in New York City, and operating world-wide, **OPPOSES** the above referenced legislation that would eliminate the ability of museums, educational institutions and private collectors to buy, trade or sell artwork, furniture, musical instruments or collectibles that contain or are made from antique ivory. Though Sotheby's applauds the intent of this bill, namely the reduction of illegal poaching and protection of endangered species, Sotheby's opposes this bill in its current form because it will eliminate the important market for valuable works of art and other collectibles that are antique or were made well before the international regulation of ivory. Sotheby's recommends, instead, that the bill be amended to allow for a legal market for this limited class of ivory, subject to appropriate safeguards.

A. **Ivory must be proven legal prior to sale.**

Unlike almost every other item bought or sold, under existing law, ivory must meet stringent requirements before entering the marketplace. To ensure that every piece of ivory that enters the marketplace is legal, sellers must conduct a thorough investigation into each piece and obtain appropriate licenses. Sotheby's has extensive procedures in place to ensure that only legal ivory is offered for sale by Sotheby's. In addition to requiring training for all of its employees, Sotheby's also employs rigorous procedures to ensure that pieces containing ivory are properly identified and screened for compliance with federal and State law. For example, every object containing ivory that Sotheby's offers for sale has been: (i) inspected and examined by Sotheby's specialists with years of experience to determine the age of the object and whether any animal material is present; (ii) identified by an outside animal expert to identify the animal material; (iii) subjected to authenticity and provenance due diligence; and (iv) appropriately licensed for sale in New York State.

B. **This legislation renders valueless works of legally created and previously traded artwork.**

Many New York museums, educational institutions, and private art collectors possess objects containing or made with legal ivory in their collections. By removing the existing narrow exemption for art and artifacts, the proposed legislation makes those collections worthless. Museums need to be able to buy/sell legal ivory so that they may refresh, enhance or otherwise curate their collections. Similarly, the private art market has a symbiotic relationship with museums, purchasing and selling legal ivory. Moreover, many families have heirlooms containing

ivory. In some cases such items are among the most valuable financial assets they own. The proposed legislation renders those legal and valuable artifacts, furniture and artwork worthless.

- C. **The purposes of the legislation can be met by allowing for an exception for reputable and licensed entities such as museums and auction houses to sell legal ivory.**

Sotheby's is wholly committed to the prevention of poaching and conservation of endangered animals, and would be happy to work with the Assembly in crafting language that would be effective in achieving these goals. Some changes to the current law would be appropriate and may include things like: stiffer penalties for illegal ivory trade; additional verification and certification of objects prior to sale; and/or required reporting of suspected illegal ivory. Sotheby's, however, cannot support any legislation that would render currently legal and valuable pieces of art, furniture, musical instruments and collectibles valueless.

- E. **The President's recently announced policy governing the sale of ivory continues to allow the sale of legal ivory.**

Just recently, President Obama released a new policy governing the sale of ivory. While imposing strict restrictions on the sale of ivory, the policy recognizes the importance of maintaining a legal market, and preserves the existing exemptions for the sale of ivory that is antique or predates international regulation. New York State should do the same.

For the abovementioned and other reasons, Sotheby's **OPPOSES A. 8824.**