

**STATEMENT OF ARIAN SHEETS  
TO THE  
SUBCOMMITTEE ON FISHERIES, WILDLIFE, OCEANS AND INSULAR AFFAIRS  
OVERSIGHT HEARING ON  
FISH AND WILDLIFE SERVICE'S PROPOSED IVORY BAN**

*June 24, 2014*

Mr. Chairman, members of the Subcommittee: My name is Arian Sheets and I am Curator of Stringed Instruments at the National Music Museum in Vermillion, SD. Thank you for your invitation to appear here today to discuss how the Fish and Wildlife Service's proposed ban on ivory sales would adversely impact musical instruments, musicians and the museum community.

By way of background, the National Music Museum was founded on the campus of The University of South Dakota on July 1, 1973. Our collection of more than 15,000 American, European and non-Western instruments are the most inclusive in the world. The collection includes many of the earliest, best preserved and historically most important musical instruments known to survive. About one-third of the instruments in our collection are American-made and many – both from this country and abroad – are what can be called “vintage” instruments, that is, less than 100 years old.

I will focus my remarks today on how ivory was used in musical instruments after the early years of the 20<sup>th</sup> century and how the proposed ban would adversely affect these cultural icons.

In the area of stringed instruments with which I am most familiar, for example, C.F. Martin & Co. (Nazareth, PA) used small amounts of ivory in almost all of its guitars starting with the company's founding in 1833. By 1918, Martin had stopped using ivory for bindings, bridges, bridge pins and friction pin tuners. Martin continued to use ivory for saddles and nuts until approximately 1970, well before elephant ivory was essentially banned. Martin guitars containing ivory range from relatively low-level instruments which may sell today for \$1,500, according to retail sources, to highly-desirable models which can bring as much as \$350,000. The ivory saddles and nuts weigh only a few grams each and account for less than 2% by weight of the entire instrument, yet that is enough to make the entire instrument illegal for commercial sale under the FWS proposal. Most other U.S. manufacturers did not use ivory to the same extent.

These instruments, like those from other manufacturers or artisan luthiers, are sought after because of their tonal quality and craftsmanship, and not because they contain ivory.

Ivory was also used in very small amounts in the crafting of violin bows, though usage had generally stopped by the early 1980's, replaced with mammoth ivory and synthetic material. An ivory bow tip generally required about one gram of unfinished ivory.

Bow makers designed the head of the bow around the physical properties of the ivory tip, which gives the delicate bow head protection, strength and proper balance. Even though ivory

use stopped more than 30 years ago, many musicians, including famous artists, still perform with these old, but not antique, bows. Replacing tips with non-ivory material, while possible, is fraught with dangers, not the least of which is the accidental destruction of the bow while removing the tip plate, which is a risky procedure.

With regard to pianos, ivory was used as a veneer (about one millimeter in thickness) covering keys, generally until better plastic technology developed in the 1930's and 1940's. For example, Steinway & Sons, a leading American piano manufacturer, stopped using ivory on its keys in the mid-1950's. Tracking instrument age and ivory use by other U.S. manufacturers is extremely difficult, since almost all of the dozens of manufacturers which once operated in this country ceased production long ago; only a small handful of U.S piano producers remain. Many high-end European piano makers continued using ivory until 1989, including Bösendorfer, whose instruments are found in many concert halls. These fine instruments can be worth well more than \$100,000 and are vital tools for concert artists and venues.

Ivory was rarely used as a decorative material on pianos, but came into use as a superior material for key tops in the 18<sup>th</sup> and 19<sup>th</sup> centuries, due to its easy workability and resistance to wear. While ivory may be preferred by some pianists because it absorbs perspiration and minimizes key "sticking," it also is more susceptible to chipping or cracking, especially at the ends, and is prone to discoloration over time, sometimes requiring repair.

But the "bottom line" is that, like other instruments, ivory has not been used in piano manufacture for decades.

Finally, ivory was at one time used in some woodwind instruments, such as clarinets, oboes and bassoons, but again in small amounts as turned rings and section dividers. Woodwind manufacturers have not used ivory in many decades.

To recap, musical instruments never used large amounts of ivory and whatever ivory use there was long ago abandoned for a variety of reasons. While only about 5% of the National Music Museum's collection contains ivory, many thousands of guitars, violin bows, pianos and woodwinds which do contain ivory are still in use today by amateurs and professional musicians, and are owned and acquired legally in the past by many American families. Higher-value historical instruments, including those desirable for exhibition, use, and preservation, are more likely than average to contain ivory by virtue of its excellence as a working material.

The Fish and Wildlife Service's proposed ban on further importation and domestic sale of ivory would have a profound and adverse impact on many. In most cases, current owners of objects containing ivory lack documentation of the import of the ivory into the United States, which could act to effectively ban the sale of even antique objects which have been in this country legally for decades or centuries.

For example, the ability of the National Music Museum to add to its collection would be severely impaired. Like most museums, we rely on donations and purchases to enhance our collection. While I am not a tax expert, it would seem to me that if ivory cannot be sold, instruments containing ivory may be deemed to have no value and therefore no deduction for

their donation might be available. And if sales are banned, we could no longer go into the commercial marketplace to purchase exceptional historical instruments with this material. Additionally, if the ban devalues objects made with ivory, it affects our ability to obtain insurance, which is necessary for the transportation and loan of museum objects.

Individual musicians, whether amateur or professional, could not purchase replacement instruments containing ivory, nor would they be able to sell instruments that are no longer needed. These instruments are essential “tools of the trade” for both full-time and part-time musicians. Because instruments are hand-crafted and uniquely matched to the performance needs of musicians, they represent substantial personal investments that are critical to performance success. Musicians generally do not purchase instruments because of their ivory content; the presence of ivory is generally only incidental to the overall quality and playability of an individual instrument.

While on the subject of individual musicians, I would also note that the abrupt imposition of a Fish and Wildlife Service order in mid-February has caused confusion and concern among individual musicians and organized groups such as orchestras. While museums may have in place procedures to comply with the often-complex permitting requirements required by FWS, many individuals and groups are in need of a more transparent, simpler process for obtaining the necessary permits to travel with their instruments and perform internationally.

Another area of particular concern to our museum is our ability to transport historical objects containing ivory for national and international exhibitions. While we understand the permitting process for CITES-listed species, the new proposal may make it impossible to loan many instruments to institutions outside of this country. It is also not clear whether domestic loan would be possible. And at least one major piano moving company had recently indicated it will not accept ivory-containing instruments for transport, further hampering loan possibilities.

Music is an essential element of our cultural heritage and individual instruments can be played for decades, or even hundreds of years. Banning the sale of certain high-quality vintage musical instruments will, in my view, impair the future of music in the culture of the United States.

I would respectfully request that this Subcommittee urge the Fish and Wildlife Service to create an exemption from any sales ban for musical instruments or products containing only a small amount of ivory.

Thank you again for the invitation to appear here today. I would be happy to answer any questions.