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Ban-the-Ivory Campaign II

Sandra S. Lash

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Ban-the-Ivory Campaign II

Cover Page Footnote

We deeply appreciate receiving all the literature cited in the References below from the corresponding institutions and individuals. Special acknowledgment is given to Felicia Marcus and Melissa Rice (Office of Representative Anthony C. Beilenson) for providing us with copies of testimonies requested and helping with technical details. Theodore Spellmire, Kenneth C. Wylie and Jeheskel Shoshani have kindly served on the EIG Ad Hoc Ivory Committee. Ted took upon himself the additional tasks of writing and mailing the questionnaire. The New York Zoological Society, Animal Kingdom, the American Ivory Association and John F. Hallagan have graciously permitted us to use excerpts from their articles.

BAN-THE-IVORY CAMPAIGN II
Compiled primarily by **Sandra S. Lash**

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I. INTRODUCTORY COMMENTS

This section is the second compilation of materials related to regulation of trade in elephants and elephant products in the United States to be published in Elephant. The major events leading up to Spring 1978 were outlined in Elephant, 1(2):10-13, along with selected comparative statistics and other information. At that time the U.S. Endangered Species Act was under discussion in Congress as enacting legislation for the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES). Since the African elephant was declared a Threatened Species under Appendix II of CITES in May 1978, more concern has been expressed for greater restriction of trade on elephant products. The outcome of continued discussion is the "Elephant Protection Act of 1979," H.R. 4685 (see below).

Much information on previous legislation, on background leading to formulation of H.R. 4685, on hearings in the House of Representatives, and on ivory trade and other related topics has been received in our office from a number of sources. All are cited in the References. The publications and communications have been added to the Elephant Library and are available for reading or copying. (See ELEPHANT LIBRARY in this issue.) This article contains quotations, extracts, and compilations from the reference material received. The questionnaire of the EIG Ad Hoc Ivory Committee in regard to H.R. 4685 and the results of that survey are also included. A summary and comments are given in conclusion.

II. PREVIOUS LEGISLATION

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) was established in 1973 to enact and implement regulations on international trade of plants, animals and their products. Administration in

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each signatory nation involves creation of a management authority to: 1) issue import and export permits, 2) represent the nation in CITES matters, and 3) appoint an advisory scientific body to assist in implementing rules. Once a species is recognized as needing protection, it is classified in one of three categories (Appendix I, II or III) according to the amount of protection deemed necessary; Appendix I includes species which need the most protection. Trade related to that species is then regulated accordingly.

Although more than 50 countries are parties to the treaty at present, administration of CITES regulations has not been implemented in all of them. (See list of CITES nations in "A brief examination of the American ivory trade," Document 3, below.) The United States did not develop effective administration until 1977; many Third World countries have not organized management authorities yet. The latest parties to CITES, as of April 1980, are the People's Republic of China (October 1979) and Tanzania (December 1979). In the United States provision was made in the law enacting CITES (entitled the "1973 Endangered Species Act") for stricter regulation. Importation of ivory is allowed only from member nations, and all imported ivory must originate in a member nation. An export permit is also necessary from the country of origin and from any re-exporting countries involved. With these additional restrictions enforced, critics believe that CITES regulations can be effective tools in wildlife conservation. (See comments on pages by Peter Sands, CITES, in "Minutes of the Elephant Specialist Group Meeting" in this issue.)

In the Report from the Committee on Merchant Marine and Fisheries on H.R. 4685, comments were made on the relationship between the U.S. Endangered Species Act and H.R. 4685 (Murphy, 1979b and 1979c). Following are extracts from that discussion:

H.R. 4685 is intended to operate in addition to and not in place of CITES. The committee recognized that CITES is the basic international mechanism to protect endangered species, and that simple reliance on CITES would not insure the survival of the African elephant. First, only seven African nations have signed CITES. Of these only Zaire, Kenya, Botswana, and the Republic of South Africa have significant elephant populations. The overwhelming evidence submitted to the committee in 1977 and 1979 indicated that CITES has been wholly ineffective in restricting the trade in ivory from those nations that are signatory members to the convention.¹ Perhaps the greatest irony is the fact that the 1978 regulations issued by the Department of the Interior restricting ivory imports to CITES members appeared to have discriminated against several African nations that have developed excellent

¹See article by Anonymous entitled "White gold trade" where major discrepancies exist between the tonnage of ivory permitted to leave South Africa (15 tons) and the actual (55 tons) exported during the first half of 1979.

elephant conservation programs. Under the regulations these nations cannot export ivory products to the United States even though their elephant populations are managed so that their numbers are quite stable. It should be noted that CITES itself does not restrict trade in Appendix II species to member nations. Article X of the Convention permits exports from non-member nations as long as the exporting state issues documentation which substantially conforms to the requirements of the convention.

Finally, it must be realized that CITES regulates trade only in Endangered Species²; it does not, and cannot, address all of the problems facing the African elephant. As already discussed, the African elephant is threatened by habitat loss, inadequate management and increased ivory trade. H.R. 4685 attempts to address all of these problems by encouraging African nations to develop sound elephant conservation programs.

III. Elephant Protection Act of 1979, H.R. 4685

A. History: H.R. 4685, entitled "Elephant Protection Act of 1979," is a bill introduced at the 96th Congress, 1st Session, by John M. Murphy, in the House of Representatives, on June 28, 1979, and referred to the Committee on Merchant Marine and Fisheries. A copy of this bill, as passed by the committee on November 27, 1979, was sent to the editor (Murphy, 1979b). This bill is outlined here as it was discharged by the Committee on Foreign Affairs on December 14, 1979, and submitted to the Committee of the Whole House on the State of the Union. The bill was passed by the House on December 19, 1979; it is a 16-page document containing 16 sections.

H.R. 4685 states: "It is the policy of the United States 1) to actively pursue through international initiatives the establishment of effective controls on the international trade in elephant products such as ivory; 2) to provide all appropriate forms of aid to nations acting to prevent the destruction of elephant habitats and the exploitation of elephant populations; and 3) to develop effective programs to conserve elephants." The bill includes Title Designation, Congressional Findings and Policy, Definitions, Prohibited Acts (two sections), Granting of Permits, Reports, Civil Penalties, Criminal Penalties, Forfeiture to the United States, Enforcement, Administration, Exclusions, Coordination with Other Laws, International Assistance Program and Authorization of Appropriations.

During the first six-month period of the act, import or export of any elephant or elephant product into or out of the U.S. is prohibited with two exceptions: 1) up to 10,000 pounds of unworked ivory per dealer may be

²According to Endangered Species Technical Bulletin, 5(6):16, there are 286 Endangered and 24 Threatened mammalian species as of May 31, 1980.

imported and elephant products containing unworked ivory may be exported by dealers, and 2) in the first 90 days of the act, worked ivory may be imported noncommercially. Six months from the date of enactment it will be necessary to have a permit to import or export any elephant or elephant products. Pets will be issued by the Secretary of the Interior after determining that the nation of origin has developed and implemented a management program for elephant conservation and a system for regulating commerce in elephants and elephant products according to guidelines included in the act.

A civil penalty (for first violation) not to exceed \$10,000 plus a stay on import or export business for one year may be imposed. The fine under a criminal penalty (for first offense) will be not more than \$20,000, or one year in prison, or both, plus a stay on import or export business for one year. The act will not include: 1) any elephant imported or exported for zoological, educational, scientific or exhibitional purposes; 2) any elephant product to be used for a keyboard on a musical instrument; and 3) trophies lawfully taken by sports hunters in other nations. Furthermore, all elephant products, imported or exported, must pass through either the Port of New York or the Port of Seattle, Washington. Finally, the act provides for an international assistance program to nations with elephants in order to protect habitats, conserve elephants and develop and implement management programs. Appropriations (\$26 million over approximately four fiscal years) for this program are authorized to the Secretary of the Interior and the Secretary of State.

B. Commentary on Hearings: Nineteen individuals testified on behalf of four countries, four manufacturers, an ivory importers' association, and eight wildlife-oriented organizations. References to their testimonies are given at the end of this article (see references entitled "Testimony Presented to the Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.") Chairing the Committee on Merchant Marine and Fisheries was John M. Murphy. The hearings took place on July 25 and 26 in Room 1334, Longworth House Office Building in Washington, D.C., U.S.A. The editor was present and makes these comments and observations:

- As an outside observer, I felt that Americans are like peacekeepers in such foreign affairs, offering money and know-how to nations with elephant populations.
- Elephants have died and are dying from natural causes. Elephants have been and are being poached. It is more important to conserve elephants which are in isolated populations than those which are not. From an evolutionary point of view these populations are more significant.
- It is a matter not only of conserving elephants but also other species which interact in the same habitats and are interwoven in the life cycles.

- Elephants are also important as tourist attractions and, therefore, are significant in the future development of countries with elephant populations.

- Two major points were made consistently throughout the hearings: 1) the existing legislation in the form of the CITES treaty is sufficient to control international trade in elephant products, but in many cases there has not been enough time for party nations to develop and implement administration and 2) financial assistance and administrative consulting are needed by many nations with ivory trade to regulate trade and to develop herds and habitats.

- Testimony was frequently interrupted by flashing red lights and ringing bells which signaled representatives to an impending vote on the floor of the House.

C. Update: On March 5, 1980, Senators John Chafee and John Culver proposed Senate Amendment 1680 to H.R. 4685. The amendment is titled "The International Wildlife Resources Conservation Act of 1980." In contrast to the limited approach of H.R. 4685, the Chafee/Culver proposal would establish a comprehensive technical and financial aid program for wildlife conservation in developing countries.

"The International Wildlife Resources Conservation Act of 1980" would 1) set up an international conservation corps of specialists overseas to help foreign countries protect their wildlife, 2) set up a training program for foreign nationals in wildlife conservation and administration, 3) establish regional wildlife resource attaches in up to 10 geographic regions around the world to supervise aid programs and to establish cooperative conservation programs with host countries, 4) set up an "Advisory Council on International Wildlife Resource Conservation Policy" to review American international conservation policy and to implement the Act.

Section 211 of the amendment authorizes the Interior Department to ". . . design a comprehensive program to conserve the African elephant." The proposal leaves the details of this design to the discretion of the Secretary of the Interior. Included in the Chafee/Culver proposal is an appropriation of US \$7,000,000 per year for the next four fiscal years beginning on September 30, 1980. Of this amount, US \$1,000,000 is designated for African elephant conservation for each of the first two fiscal years:

A hearing on the Senate Amendment 1680 was held on June 30, 1980, before the Resource Protection Subcommittee of the Senate Committee on the Environment and Public Works. Senator Chafee was chairman, and testimony was given by representatives from federal government agencies, Congress and private conservation organizations. Both support for and opposition to this amendment to H.R. 4685 have been expressed by federal agencies, Congress and

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private organizations. One definite issue is the one-sided nature of "The Elephant Protection Act," which favors elephants over other "Endangered" and "Threatened" species.

During September 1980 a compromise was effected between the provisions of H.R. 4685 and S. 1680. The proposal includes all of S. 1680 plus several provisions of H.R. 4685. Sections of H.R. 4685 included are: a six-month ban on all worked ivory imports, a mandate to the U.S. Fish and Wildlife Service to re-examine and possibly revise the current ivory importation regulations and a limit of 10,000 pounds on raw ivory imports during the six-month period after enactment of the legislation (instead of a complete ban). It is doubtful that this compromise will be reconsidered before January 1981. Meanwhile, the Fish and Wildlife Service has postponed revision of the permit system governing raw ivory importation and abolition of permits for interstate transport of ivory until legislative action is completed.

IV. EIG QUESTIONNAIRE AND RESPONSES

The Ad Hoc Ivory Committee distributed a survey questionnaire on the proposed Elephant Protection Act, H.R. 4685, during July 1979, to members and friends of the EIG. The original text of the questionnaire follows:

ELEPHANT INTEREST GROUP

SUBJECT: Proposed Elephant Protection Act, H.R. 4685.

FROM: Ad Hoc Ivory Committee, EIG: Jeheskel Shoshani,
Theodore Spellmire and Kenneth C. Wylie.

TO: Elephant Interest Group Members and Friends.

During the Elephant Interest Group business meeting (June 20, 1979, at the American Society of Mammalogists 59th Annual Meeting in Corvallis, Oregon, USA) two Elephant Protection Acts which are being proposed to the U.S. Congress were discussed. On July 25 and July 26, 1979, the Merchant Marine and Fisheries Committee of the U.S. House of Representatives will hold a hearing on one of these bills, HR 4685, sponsored by Representative John Murphy. The vote on this bill will be later in this session of Congress. A second Elephant Protection Act, presented by Representative Anthony Beilenson, will not be considered as Representative Beilenson has decided to co-sponsor Representative Murphy's Bill. A number of interested individuals and organizations will be testifying before the Committee and the EIG has been asked to provide a statement. The Ad Hoc Ivory Committee of the EIG was formed in response to this situation. The Ivory Committee feels that the members of the EIG must be consulted in order to respond to the House Committee. The proposed act would control the import and export of elephants and elephant products, with special reference to ivory. The trade in ivory is a most serious and complex matter and we must separate emotional reaction from rational response to the ivory problem. We would appreciate your comments on the following:

1. Representative John Murphy's Bill, H.R. 4685, would prohibit U.S. export, import or interstate commerce in elephants or elephant products for six months after the effective date of the act. After six months have elapsed, importation of elephants and elephant parts will be permitted from nations which have an effective elephant management program, as determined by the U.S. Secretary of Interior. This program must be directed at maintaining a stable elephant population. Elephant products must be marked in a fashion that allows them to be traced to country of origin. Provisions of the act may be waived for scientific purposes and species propagation. Violation of the Act is punishable by fines up to \$10,000 and forfeiture of elephants, elephant products, and vessels or vehicles involved in the violation. The effective date of this act is 90 days after passage; during this period 10,000 lbs. total of raw ivory may be imported into the U.S.

Do you support this act? YES NO

2. At the business meeting of the EIG a suggestion was made to regulate the ivory trade by permitting only raw ivory marked with nation of origin to enter the U.S. Do you agree with this idea? YES NO

3. Should the U.S. make any attempt to regulate the trade in elephants and elephant products? YES NO

4. Comments and Opinions--

NAME:

ADDRESS:

INSTITUTION:

PHONE: (area code)

Should you wish your opinion to remain confidential, please indicate here:

Please return as soon as possible to:

T.J. Spellmire, EIG, Columbus Zoological Gardens; Powell, Ohio 43065; or call 614/263-7787 after 6:30 p.m. Eastern Standard Time

cc: John Murphy, Anthony Beilenson, Marian Newman

487 questionnaires were distributed. Mailing costs were assumed by the Columbus Zoological Gardens, Columbus, Ohio, and by a friend of the EIG. Ted Spellmire indicated the results by phone to Representatives in Washington, D.C.. 102 replies were received. Ten of these replies were acknowledgments, questions not answered. Of the remaining 92 replies, not everyone answered questions two and three.

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<u>Results</u>	<u>Yes</u>	<u>No</u>	<u>No. of Replies</u>
Question 1	74	18	92
Question 2	67	19	86
Question 3	80	9	89

Representative "Comments and Opinions"

"We support a total ban on all elephant products at the present time until such time as the elephant populations become stable. Then we should allow only ivory from those elephants which have died naturally." -- Marian Newman, Washington Coordinator for the Fund for Animals, Washington, D.C. USA.

"I think serious consideration should be given to arranging a meeting between exporting and importing nations with a view to developing effective marketing regulations which will protect elephants while allowing rational use of existing stocks." -- D.T. Williamson for Acting Director of Wildlife, National Parks and Tourism, Republic of Botswana.

"I believe that the U.S. is in the delicate position of appearing very imperialistic regarding this issue. I would caution against any position that involves moralistic preaching about how one country or another manages its resources." -- Larry D. Harris, School of Forest Researches and Conservation, The University of Florida, Gainesville, Florida, USA.

"Is this something the U.S. Secretary of the Interior is realistically able to do (determine an effective management program)? The phrases 'effective elephant management program' and 'stable elephant population' sound good, but are they realistic objectives? Are there enough hard data and guidelines by means of which to determine an 'effective...management program'? Logistically, how will it be determined whether or not a program is 'directed to maintaining a stable elephant population'? I feel the wording should be less ambiguous or just state that the decisions will be based on the best available data." -- Donald R. Patten, Curator of Mammals, Natural History Museum, Los Angeles, California, USA.

"If any importation of ivory is allowed into the United States, it should be a minimal amount with the following restrictions: 1) no carved (or raw) ivory from Hong Kong or any other part of China. There should be a strict boycott; 2) any ivory imported must come directly from Africa in the raw form with proof of legal obtainment. Something that should be looked into in the near future is solicitation of funds from the United States for environmental education for the people of Africa and for further anti-poaching measures. This is the only realistic way we can stop the road toward extinction of elephants as well as other species in Africa." -- Judith K. Berg, Long Beach, California, USA.

"I have seen a similar act in force over importation of kangaroo products. In that instance, the U.S. government demonstrated a clear inability to separate biology from domestic political pressures." -- Graeme Caughley, SCIRO Wildlife Research, Lyneham, Australia.

"The importation of elephants and elephant products into the U.S. is at best unnecessary. We are in the process of constructing a major elephant breeding compound in Florida which should eventually supply the need for Asian elephants in the U.S. However, without international cooperation the question is moot." -- Daniel C. Laughlin, Exotic Animal Veterinary Services, Ltd., Riverside, Illinois, USA.

"I believe that the strictest possible measures should be used to insure elephant conservation." -- C. Dietrich Schaaf, Lansing, Michigan, USA.

"Our group would do well to support economic 'farming' of elephants both for the ivory export trade and for tourism. This appears the only realistic attitude for Africa's poverty stricken nations. Domestically we could encourage use of the new plastic substitutes for ivory now being used by some scrimshaw artists in New England-very realistic." -- Virginia Pearson, Philadelphia Zoological Garden, Philadelphia, Pennsylvania, USA.

"Ivory and the craftsmanship that goes into making ivory carvings is an important source of revenue for many poor Third-World countries. I would suggest that only processed (carved or worked in some way) be allowed for import, and that only from countries with a stable management program. I also suggest an 'ivory tax' on imports to sponsor a U.N. - (nation of origin) elephant management program." -- Mitchell Taylor, Department of Ecology, University of Minnesota, Minneapolis, Minnesota, USA.

"1) You must consider whether import of raw ivory should at all be allowed on a commercial basis except for scientific purposes. 2) What about import via a third country? 3) How do you propose to mark raw ivory or ivory products which cannot be tampered with and yet will not detract from their value? I have in mind especially small ivory articles." -- D.K. Lahiri Choudhury, Asian Elephant Group, IUCN/SSC, New Delhi, India.

Ted Spellmire indicated by phone to Hezy Shoshani before the hearings on July 25 and 26 that the majority of the 85 responses received at that time was in favor of H.R. 4685. This message was conveyed in person to Felicia Marcus of Anthony C. Beilenson's office and to John M. Murphy, both members of the House of Representatives.

V. "THE ELEPHANT PROTECTION ACT OF 1979: PROS AND CONS"

The following has been excerpted from the article by Edward R. Ricciuti, as it appeared in "The Ivory Wars," a special edition of Animal Kingdom magazine (Ricciuti, 1980b). The issue (February/March 1980) was devoted to the international ivory trade and its impact on the survival of the African elephant. Permission to print the following was received from Eugene J. Walter, Jr. (letter of June 5, 1980).

To ban or not to ban

Little support for the protection bill has come from mainstream wildlife conservation groups, even those that have invested considerable time and money in elephant field research and conservation. The New York Zoological Society and the U.S. Appeal of the World Wildlife Fund have taken no position. Neither has the National Audubon Society. The National Wildlife Federation, according to its coordinator of wildlife research, Michael Berger, opposes the measure. The organization feels passage of such a bill would be premature until the lengthy Fish and Wildlife report has been thoroughly considered by all concerned.

Humane organizations have, nevertheless, rallied to the cause. In hearings before the Merchant Marine and Fisheries Committee last July (when the act was even more oriented toward a total ban against ivory than in its final form), Jane Risk, eastern regional director of the Animal Protection Institute, voiced the following sentiments: "If the United States is to maintain its role as a world leader in the conservation of rare and endangered species, this committee and the Congress must act quickly and decisively to protect the beleaguered African elephants."

When I asked her where she obtained her information, Risk told me that she had not conducted much personal research on the subject, but had followed the lead of the Fund for Animals. In testimony before the committee, the Fund's spokesman declared that "Unless ivory imports are quickly banned for an indefinite period of time, we may soon witness their [the elephants'] disappearance." The Fund also asserted that "killing of elephants for their tusks is the primary cause of their decline."

The Fund for Animals is fond of quoting Iain Douglas-Hamilton, but the biologist himself has stressed that while he believes "the short-term threat may be killing for ivory, in the long term, the most serious threat to elephants will be the loss of habitat." In his Fish and Wildlife report, Douglas-Hamilton reiterated his qualified support for the bill, provided its sponsors seek the advice of African governments - which has been done in a half-hearted manner - and its regulations harmonize with the restrictions imposed by CITES.

When I spoke with the scientist in Nairobi last October, he indicated that his position may be "hardening." He explained that now he was leaning toward a total ban by

the United States on ivory imports, although this is not stated in his FWS report.

Part of the faith in an ivory ban that is held by the Fund and the Animal Protection Institute rests on their stated conviction that the United States is one of the largest importers of ivory in the world. If you count worked ivory, that is true. During the past few years, this country has imported about 20 percent of the worked ivory that enters the international market (as opposed to that consumed domestically by countries producing ivory goods.) Raw-ivory imports have skyrocketed, but the U.S. seldom has imported more than 3 percent of the global total.

Whether or not a ban would help to rescue elephants from extinction, the Elephant Protection Act, as it stands, could prove to be unconstitutional. The U.S. Constitution makes international commerce the concern of the federal government exclusively. But the new legislation includes a provision that permits more restrictive state laws, such as the one already on the books in California, to supersede the federal regulations. This provision probably will be subjected to a court test.

As for that bulwark of federal conservation law, the Endangered Species Act, the new bill supplants it, singling out the elephant and affording it protection beyond that guaranteed by the existing law. If Congress begins to create special laws to safeguard one animal after another, where does it stop? Visions of a tangle of protective legislation, all but impossible to administer, begin to emerge.

The Murphy bill also amounts to an admission that CITES has failed, before it really has had an opportunity to function. CITES countries, the United States as well as those in the Third World, are just beginning to fashion a means of enforcing the convention. Even though the United States signed in 1973, it only began to implement the treaty in 1977.

Where will the money go?

The State Department is perplexed: What is it expected to do if it acquires new-found wealth for elephant conservation? Anne Wickham is a foreign affairs officer in the Bureau of Oceans and International Environmental and Scientific Affairs, the department's minuscule environmental arm, with the services of "two and a half people."

The Merchant Marine and Fisheries Committee never asked the State Department to submit plans for the money, Wickham says. She points out that, as a rule, the Bureau is not program-oriented. It would rather see elephant conservation planning and aid coordinated by a coalition of several government agencies, including State, Interior, and the President's Council on Environmental Quality.

Assuming aid money materializes, what should it support? Research? There are scientific programs aplenty that beg for funding. Iain Douglas-Hamilton has been promoting a colossal program that would culminate in a conference: "The Place of Elephants in the Modern World." This conclave would follow three years of scientific studies of both the African and Asian species plus regional and national meetings in various countries. The estimated cost: \$300,000 to \$400,000.

As a former game warden, I.S.C Parker has some ideas about where the money might go. "If research is needed," he says, "it is in criminology, not biology. The national parks need guards, not students."

Concerning greater limitation proposed for U.S. ivory imports, Parker warns it would be no more effective than was the prohibition of liquor earlier in this century. And by making ivory more difficult to buy, a ban could inflate prices to an even greater degree and, in turn, prompt more poaching. He adds that by imposing even a partial ban, the United States is telling African countries that they may not benefit from a valuable natural resource - a stand he describes as "arrogant."

Parker's comments reflect his philosophy that there are enough laws already on the books to insure the elephant's survival - provided the laws are enforced, which they rarely are. Eventually, he says, human-population pressures will squeeze elephants out of most of their range, leaving the national parks as their sole remaining hope.

Any hope that elephants will remain secure in parks rests ultimately with long-term political stability and effective law enforcement by the concerned African governments. Despite what one may think of South Africa's racial policies, its government has preserved the sanctity of national parks. It remains to be seen how many other African nations will achieve similar success; Malawi has an excellent record.

African viewpoints

With all the brouhaha in the United States over the embargo against elephant products, no one has expended much effort to learn what the Africans think about it. The U.S. State Department did ask its embassies in the countries affected to cable whatever reactions they could uncover, but only a smattering of comments resulted. Merchant Marine and Fisheries queried African embassies in Washington but received little response. Officials of Botswana and South Africa - both opposed to the ban - have submitted testimony against it.

It might be sensible policy to examine more thoroughly the African opinion of what the United States proposes to do about elephants. A source at the State Department offered this evidence: One cable from an African country - unidentified because the message was classified for security - warned that the nation wanted to join CITES but would change its plans if the U.S. went ahead with a ban on the ivory trade.

An earlier indication of the type of sentiment that has been little explored comes from a 1977 conference held in Botswana and attended by wildlife agency representatives from Cameroon, Swaziland, Mozambique, Malawi, Kenya, Zaire, and the host country. Participants adopted a resolution endorsing wildlife utilization (trophy dealing included) as a valid management policy and requesting "the United States government to genuinely consult with African states before enacting or amending national legislation affecting the trade in wildlife products or specimens of African species of flora and fauna."

Real or imagined, the sense of crisis attached to elephants has created a publicity windfall for many conservation organizations: a cliff-hanging, heart-rending drama that can be used to call attention to the animal's plight or to raise funds for wildlife in general. It has provided writers with fodder for articles and scientists with a rationale for field studies - not to mention platforms for politicians.

What seems most worrisome is that a feeling of exigency often precedes rash action. Should alarmed conservationists succeed in their push to enact hastily conceived legislation, the ultimate crisis could be very real indeed - for the elephants.

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VI. ELEPHANT MORTALITY AND IVORY PRODUCTION

The following observations on the relationship between elephant mortality and ivory production for trade have been condensed from Ivory News, 1(2):2-5 (Hallagan, 1979b), a publication of the American Ivory Association. (See also articles by Douglas-Hamilton in this issue.)

An interesting aspect of recovering ivory to meet today's demands is the possibility of collecting ivory from natural mortalities. Ian Parker has made a simple set of calculations which suggests that a large percentage of ivory for trade may be recovered in this way. According to Parker's estimates, if all tusks of African elephants were collected after natural deaths, there would be sufficient ivory from them alone to have met the level of the world demand in 1978 (Parker, 1979).

Nonetheless, the recovery rate of such "found ivory" is very low, probably between 20 and 25 percent at present. Parker (1979) has used 21% to represent the amount of recoverable ivory produced by natural mortality. Multiplying 21% by Parker's estimate of the weight of all tusks of African elephants recoverable after natural deaths (792,870 kg in one year) produced a sum of 166,502.7 kg, which is equal to 19.33% of the three-year average for total ivory in trade annually for 1976-78.

The other causes of elephant mortality include poaching, culling, control shooting, sport hunting and subsistence hunting. This factor is referred to as human-induced mortality (HIM). HIM, therefore, accounts for the remaining 81.67% of ivory traded annually. Based on Parker's figures, 566,335.9 kg of raw ivory would be produced annually by HIM. This total is 65.75% of the three-year average for total ivory in trade annually for 1976-78.

In these calculations there is an unknown source equal to 14.92%. A total HIM value larger than the original estimate (5% of the total mortality per year) may be responsible for this discrepancy. Parker also suggests "double counting" of ivory imports and variation due to estimated figures used in the calculations as possible causes (Parker, 1979). However, taking this discrepancy into account, Parker reaches an HIM value of 5.6%, which means that 5.6 elephants per hundred per year die from human-induced mortality causes.

A HIM value of 5.6% approaches closely the estimates of reproductive increase made by Hanks (1979) and Laws et al. (1979). That is, the amount of increase in elephant population including death and birth (expressed as a percentage) is similar to the percentage of raw ivory available due to human-induced mortality. If the annual HIM value is larger than the annual percentage of reproductive increase, then the population is decreasing at the rate of difference between the two values. The article concludes with these comments:

The previous calculations demonstrate that Africa's elephant population may be decreasing at a rate of 0.6-1% per year, which is in keeping with the findings of Douglas-Hamilton, Parker, Laws, Hanks, and others. The

point is that Africa's elephants may be decreasing in number, but the decrease is gradual and far from cataclysmic. There will never be more elephants in Africa than there are now; human population increases and increased land utilization preclude such a possibility. Man and elephant are highly incompatible and do not share land resources well. Abundant examples of this incompatibility are available from South Africa, Rhodesia (Zimbabwe) Zambia, Uganda, Rwanda, Kenya, and Tanzania. It is of the utmost importance that constructive action be initiated to bring the ivory trade and elephant conservation into a stable and lasting relationship.

VII. A BRIEF EXAMINATION OF THE AMERICAN IVORY TRADE

Following are excerpts from John Hallagan's article (Hallagan, 1979a). We felt it would be appropriate to incorporate his comments on American consumption in the ivory trade as part of the Ban-the-Ivory Campaign II. The original paper includes these sections: Introduction, Utilization, Mechanics of Importation and Trade Regulation in the United States, Consumption, Importation and the Role of the United States in Elephant Conservation, the Effects of Regulation on American Ivory Imports: January 1978 - February 1979, Conclusions and Recommendations, Notes, 7 Tables, 3 Statements from ivory importers, and 7 Documents related to the Elephant Protection Act of 1979. Two sections, one table and one document are included here.

Introduction: Several fundamental questions about the ivory trade in the United States must be answered: How much ivory does the United States consume per annum? Does this amount (in addition to that imported) have a significant impact on elephant conservation? How can the United States provide meaningful aid in elephant conservation? Answers to these questions will provide input for the important determination of whether or not elephant populations are being overutilized to provide ivory for world trade, and how viable elephant populations can be maintained. The American market is divided into two parts; raw ivory (whole tusks or tusk sections) and worked ivory (primarily carvings and jewelry from the Orient). Raw ivory is used to provide a medium material for 1,000 scrimshanders and artisans in the U.S. Worked ivory products are imported and sold in finished form by a variety of import firms and specialty shops. Primary centers for worked ivory imports are New York, Honolulu, Miami and Seattle. An important distinction must be made between ivory imported and ivory consumed. Some American dealers maintain large inventories, often upwards of 5000 pounds of raw ivory. Large inventories of worked ivory are also maintained, sometimes having a retail value of several hundred thousand dollars. As speculation in ivory increases, the difference between consumption and import

amounts becomes more important in terms of the overall demand for ivory and the subsequent pressure on elephant populations.

Conclusions and Recommendations: The realities of conservation in third world nations are harsh. Little money is available in nations that have difficulty in feeding and clothing their people. Americans should not expect these countries to spend millions of dollars on endangered species programs. A stable trade in ivory would be to the benefit of all involved. Such a trade has the potential of providing large sums of money for elephant conservation in nations with depressed economies. There are several ways to provide mechanisms for generating revenue above that gained from the simple sale of ivory. Among the most practical possibilities are import and/or export taxes levied by the importing and/or exporting nations. Tax programs could be instituted by the country of origin and/or the importing nation on a per kg basis on the exporting and importing firms or individuals. Revenue obtained should be returned to the wildlife management authorities in the country of origin. Revenue could be allocated not just for elephant conservation but for the full scope of wildlife conservation in a given country.

The key to such a plan is the existence of a stable ivory trade and not one subject to inconsistency due to gross economic speculation and inaccurate regulation. As human populations in African nations continue to increase, elephant populations will decrease. Ivory will be consistently available through natural mortality and cropping operations, making it feasible to generate revenue from this ivory. Stability in the trade will depend on an accurate evaluation of the consumption needs of the trade around the world and the maintenance of a steady supply. This will necessitate the cooperation of traders, artisans and management authorities around the world to monitor the ivory in trade. Also a sound public understanding of the principles involved is imperative. This can be achieved through responsible reporting on the issues and through making the facts available to the public. Stability in the trade can be achieved within existing mechanisms. The most important element in any plan will be the institution of a standardized permit system. Currently each country has its own permit, often making interpretation difficult at the port of entry. A standard permit stating a tusk serial number, size and weight; country of origin; and the importing and exporting firms would be a great aid in monitoring ivory supplies and utilization rates. In addition, a certificate of origin would travel with the tusks to reduce confusion during re-export. This permit system is a simple way to solve problems that have arisen from the import and export of worked ivory items. Once raw ivory is worked it is nearly impossible to trace it back to its country of origin. However, if there is sound data on how much ivory a country is consuming it would be a simple matter to determine if overutilization is occurring. It becomes irrelevant how many carvings or blanks are being manufactured and exported if the amount of raw ivory used for their manufacture is known. A permit system can achieve this by several methods. Utilization can be determined by an accurate count of the tusks in trade or by the use of an accurate average tusk in trade weight. By monitoring the trade with this system, producing nations can easily determine if overutilization is occurring and can adjust their exports accordingly. The trade in worked products could

continue under the present permit system, which allows for import monitoring by the importing nation (see Table 5 below).

The United States is not a major consumer of elephant ivory, but this is not an accurate indication of its role in elephant conservation. The U.S. can assume a leadership role in the institution of sound management of the trade to aid in conservation. Indicative of this role, the United States Fish and Wildlife Service has funded a one-year study of the ivory trade to provide baseline data for further action on the trade in the U.S. and throughout the world. The United States has the expertise and resources to be of great service in elephant conservation; it must use them wisely.

Table 5. NATIONS EXPORTING RAW IVORY to the UNITED STATES:

January 1978 - February 1979

1978

<u>Country</u>	<u>lbs.</u>	<u>\$</u>	<u>\$/lb.</u>
Botswana	3172	53392	16.83
C.A.E.	410	11400	27.80
China	290	2918	10.06
Hong Kong*	116	1361	11.73
India	400	3943	9.86
Kenya	4727	27080	5.73
South Africa	7096	88651	12.49
Zambia	<u>3662</u>	<u>67571</u>	18.45
	19873	256316	

1979**

Botswana	1400	39171	27.98
Zaire	211	1270	8.15

*U.K. territory

** January and February only

Above data from trade statistics published by the United States Department of Commerce.

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Listed below for future reference are nations party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). CITES was established in 1973 to function as an international body for enacting and implementing regulations on international trade of endangered plants, animals and their products. This list (except the last two nations) was included as "Document 3" in Hallagan's original article. The countries are listed in the chronological order in which they joined the Convention. The last (53rd) nation joined in April 1980.

- | | |
|---------------------------------|---|
| 1. United States of America | 27. India |
| 2. Nigeria | 28. Zaire |
| 3. Switzerland | 29. Norway |
| 4. Tunisia | 30. Australia |
| 5. Sweden | 31. United Kingdom (& territories) |
| 6. Cyprus | 32. Iran |
| 7. United Arab Emirates | 33. Union of Soviet Socialist Republics |
| 8. Ecuador | 34. Paraguay |
| 9. Chile | 35. Seychelles |
| 10. Uruguay | 36. Guyana |
| 11. Canada | 37. Senegal |
| 12. Mauritius | 38. Nicaragua |
| 13. Nepal | 39. The Gambia |
| 14. Peru | 40. Denmark |
| 15. Costa Rica | 41. Egypt |
| 16. South Africa | 42. Botswana |
| 17. Brazil | 43. Malaysia |
| 18. Madagascar | 44. Venezuela |
| 19. Niger | 45. France |
| 20. German Democratic Republic | 46. Monaco |
| 21. Morocco | 47. Panama |
| 22. Ghana | 48. Togo |
| 23. Papua New Guinea | 49. Kenya |
| 24. Federal Republic of Germany | 50. Indonesia |
| 25. Pakistan | 51. Jordan |
| 26. Finland | 52. People's Republic of China |
| | 53. Tanzania |

VIII. SUMMARY

The regulations embodied in CITES can be effective for Endangered Species, but the African elephant has not been classified as such. Thus, international trade in elephant products is limited only in that documentation is necessary under CITES. It appears that the additional restrictions on trade in the U.S. Endangered Species Act make it possible for the United States to regulate its trade in ivory. Within a period of four years (1974-78), raw ivory imported by the United States approximately tripled and then returned to its former level (see Figure 1). This period corresponds to the time during which the organization and implementation of CITES took shape in the United States (1973-77).

Annual trade statistics tell how much raw ivory was imported by the major consuming nations. The variation of time periods shown reflects the availability of customs and excise records for each nation.

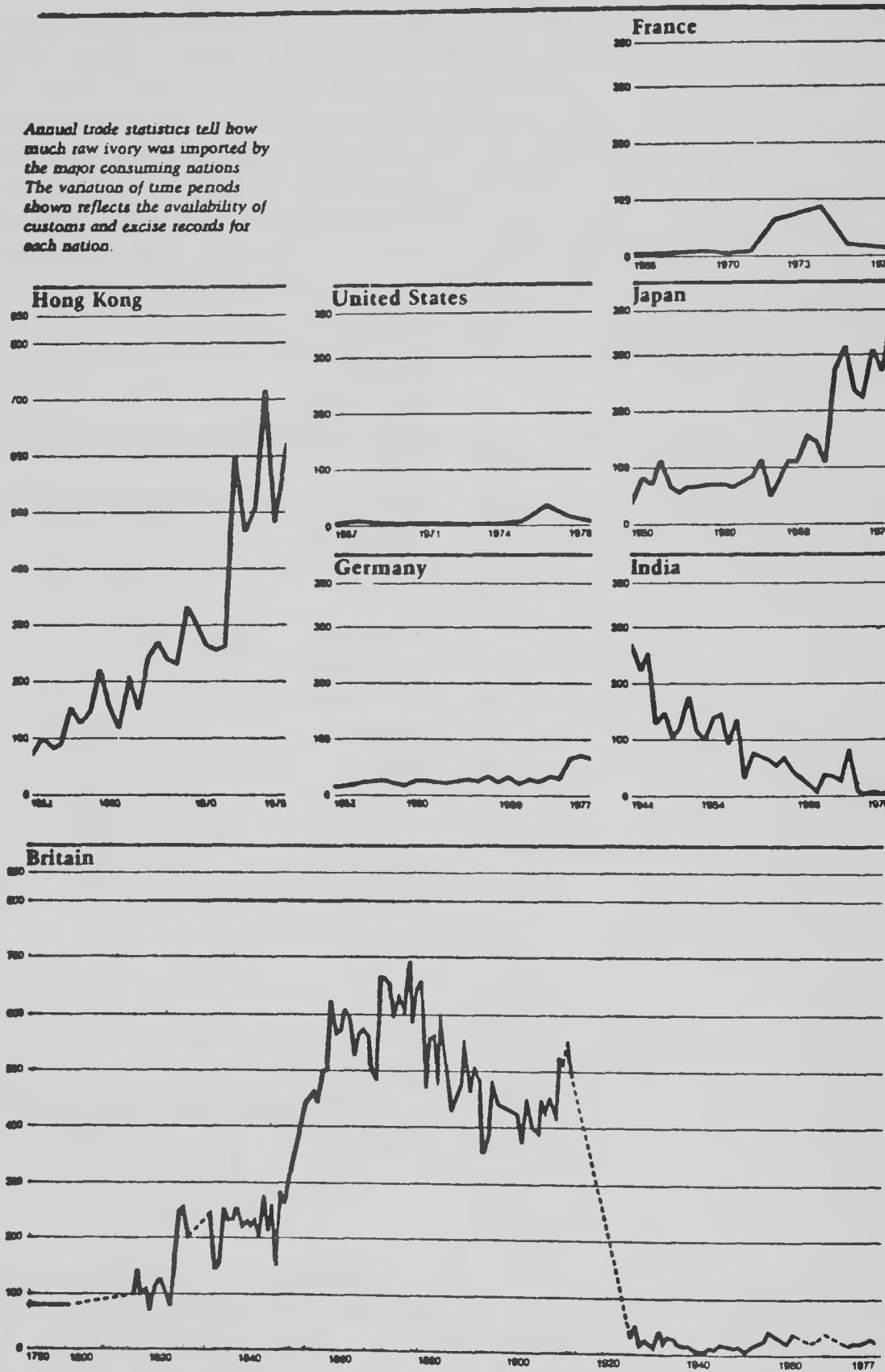


Figure 1. International ivory imports (in metric tons). Reprinted, with permission, from Animal Kingdom, 83(1): 44-45.

Greenbaum & Casey from IBC Paper

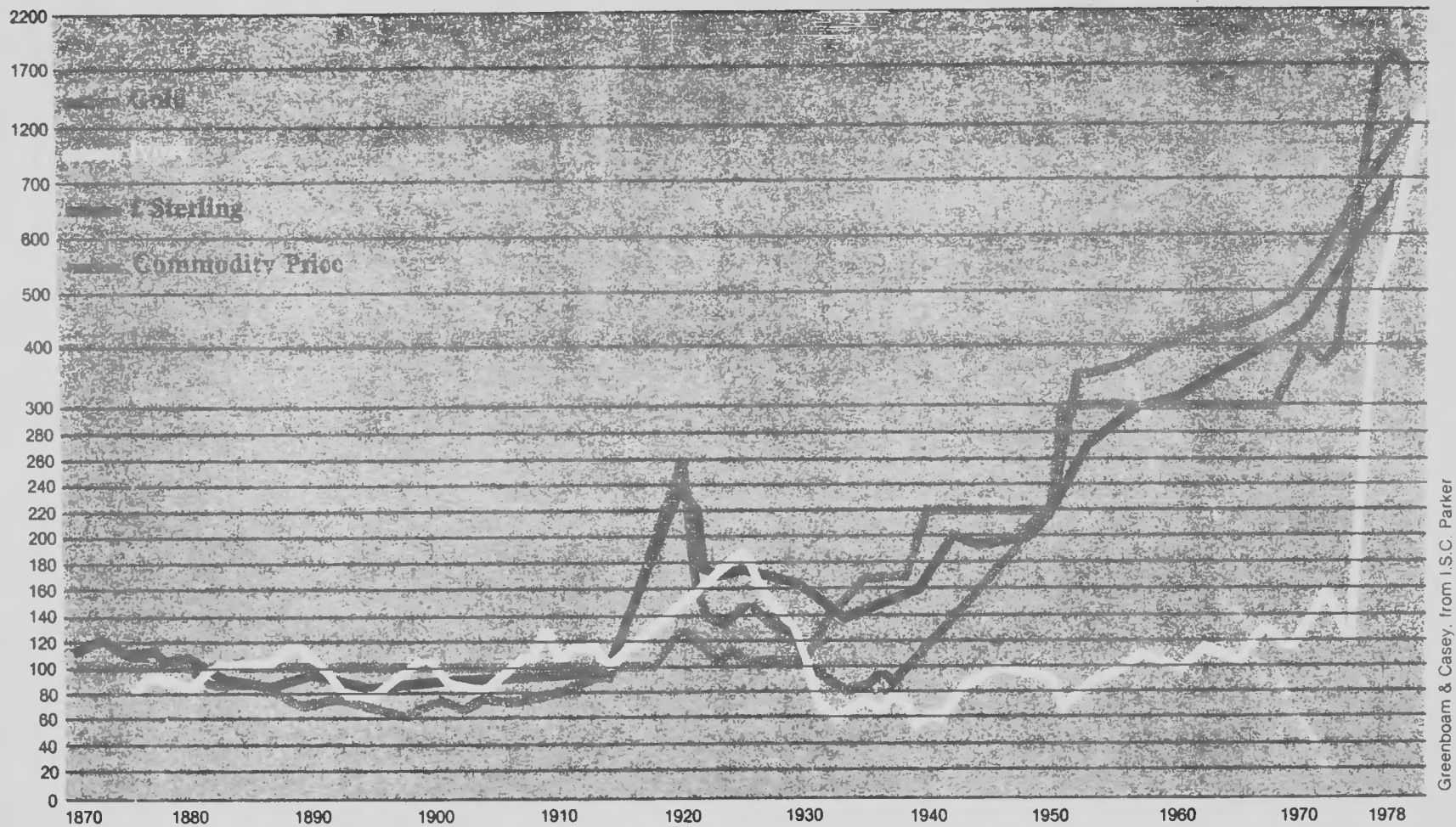


Figure 2. Comparative price indices, illustrating the economic trends from 1870 to 1978: the price of ivory remained relatively stable until the mid-1970s, when it rose sharply, reaching the high levels of gold, pound sterling, and the commodities exchange. Reprinted, with permission, from Animal Kingdom, 83(1):14.

The decrease in import of raw ivory into the United States is all the more striking when one considers that the price of ivory increased sharply in the mid-1970's (see Figure 2). It is the inflated value associated with items made of ivory which has caused the change in the economic trend and put pressure on the ivory trade. This situation has been described in Animal Kingdom, 83(1), page 11, as:

Most important in economic terms is ivory's use as a criterion of wealth. As much as gold or diamonds, ivory is a hard currency. "Ivory is not of value because certain things are made of it," says trade authority I.S.C. (Ian) Parker of Nairobi, Kenya. "An article is of value if made of ivory."

Nonetheless, several conservation groups viewed the slow development of administrative functions and implementation of CITES regulations in the United States as signs of an ineffective law. As a result of pressure from such groups, supplemental legislation was designed specifically for the African elephant.

H.R. 4685 was envisioned by the Committee on Merchant Marine and Fisheries as a way to establish more effective controls on international trade in elephant products and as a means of providing financial and technical aid to countries with elephant populations. Critics have stated that enactment of a law designed to provide such protection and assistance for conservation of one species will spawn more legislation for individual species, whereas an all-encompassing law might be more appropriate, give support to other conservation efforts and require less expenditure of U.S. funds in the long run.

Furthermore, the main thrust of H.R. 4685 is to enable Third World countries to provide conservation programs where their own developing economies could not implement and sustain such efforts. As stated in the excerpts from Ivory News in this article, attention must be focused on the need for a stable relationship between world demands for ivory and conservation of the elephant. Parker (1979) has shown that alternative methods for collecting ivory could meet most of the present demand. Hallagan (1979) has suggested that taxes on ivory in the countries of origin or in the import and/or export of ivory in other countries be used to provide funds for conservation programs in countries with elephants.

Relative to other countries, the United States is not a significant consumer of either raw or worked ivory (see previous sections and Figure 1). Therefore, enactment of the Elephant Protection Act will not radically change the demand for ivory in world trade through reduction of American consumption. Nonetheless, as a world leader the United States can influence other nations by instituting regulations on trade and by providing assistance in establishing programs in other countries.

"Perhaps there is irony in the fact that ivory is and always has been such a coveted and valuable product. Ivory just might be a key to elephant survival." (Wylie, 1980, p. 11). Proper ivory management programs and

implementation of these programs are imperative. Elimination of one species or a number of species from the ecosystem will disturb the balance of nature. Elephants interact with many plant and animal species and play a significant role in their survival. The presence of elephants helps to maintain diversity, and their ecological value is unquestionable. It would be more pleasing to conclude these writings with a positive statement; however, if every nation would follow unwritten rules, ethics and conscientious obligation, there would be no need for the myriad of "Acts," "Rules" and "Regulations" to conserve wildlife in general and these last giants in particular.

IX. ACKNOWLEDGMENTS

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