The author with his African prize. He was finally able to bring it home, but only after some tussles with New Jersey law. Patricia Varis-Carter photo.

Fire

We arrived back in the US having taken a 7-foot, 5-inch leopard, a warthog, and bushbuck that will likely make the Rowland Ward Book of Records. We were feeling pretty good.

The day after we landed, the “Cecil the Lion” controversy erupted. State lawmakers across the country were outraged, and promised punitive laws to ban imports of African trophies. One of the most vocal was New Jersey’s own Raymond Lesniak, and pen went to paper immediately. In August 2015, Senator Lesniak introduced a bill to ban the import of “Big Five” trophies into the state. That bill did not survive the 2015 session, but Senator Lesniak introduced another version, S977 (“An Act concerning certain animal species threatened with extinction”) in early 2016. S977 was reported favorably out of the Senate Economic Growth Committee, and flew through the Senate and Assembly. It stumped only briefly, when Governor Christie vetoed it but proposed revisions to make it “acceptable,” including removing a ban on import and possession of Cape Buffalo trophies. The Senate and Assembly accepted these revisions, and it was signed into law on June 1, 2016.

My leopard trophy was now stranded in New Jersey. It didn’t matter that I shot it legally in 2015, before anyone even considered an import ban. My property, legally acquired, was now contraband. If I tried to retrieve it, I would have been subject to prosecution and a hefty fine. The only saving grace was that the law could not be enforced.

Especially the suit claimed that under the Endangered Species Act (ESA), states cannot make something illegal that is legal under the ESA. Simplified, if the federal government issues a person a CITES import permit, no state can make the same violation of the covered trophy illegal.

Moreover, in their court papers, CF collected public statements by their sponsors which revealed that the law was specifically intended to target and harm hunters. Following passage, one of the bill’s sponsors, Assemblyman Tim Eustace, bragged to the press that “this law would cut off a link back to the United States for game hunters intent on importing endangered species.” Eustace later added, “Trophy hunters, stay out of New Jersey.” He didn’t seem to recognize that we are all hunters.

My involvement in the CF suit came in a roundabout way. I was trying to determine if there were any exemptions for animals taken before the law was passed. I called Guy Bignell, President of Griffin Conservation Force, for the contact information for George Dante of Wildlife Preservations, a major New Jersey taxidermist. He sent me to John Meehan at Flora and Fauna. John gave me John Jackson’s contact info at Conservation Force, and even sent an email introducing me.

I contacted John at CF and he put me in touch with Regina Jaime, their attorney drafting most of the suit. She told me that I really just the person they were looking for (now I felt special), as they wanted to use the example of an injured party, a hunter with a stranded trophy. They wrote a statement, describing my situation and degree of loss, which became part of their case. To make my case even more effective, I had a CITES permit for the leopard in hand! I was late to the game but I am grateful I made the effort, I made them reconsider this type of inhumane activity.” Lesniak added.

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Through the bill’s entire process there was limited opportunity for public input or comment on the legislation. One person (name purposely withheld) noted in an internal email that “this bill was passed into law so quickly, many in the NJ State Federation of Sportsmen Clubs and multi- ple other sporting groups weren’t even aware of it until it was too late.”

Conservation Force, however, was watching. Regina Lennan, an attorney for CF, told me that CF was tracking similar bills across the country and realized that S977 (which banned possession of African “Big Five” CITES trophies in New Jersey) and S978 (which prohibits trophies going through Port Authority facilities) had passed in New Jersey. They immediately wrote a letter to Gov. Christie explaining why he should veto the bills, as they were in conflict with federal law and were unenforceable.

The governor did not respond to their letter, and his veto did not address their key concerns… although he did mention there was evidence that a ban might not be in the best interest of the species. CF made a new effort on July 8, 2016, in conjunction with the Garden State Taxidermist Association, Janele Taxidermy, and a group of New Jersey hunters. They contended that the state’s ban was preempted by the Endangered Species Act (ESA). The applicable law in ESA Section 6(f). “Any State law or regulation which applies with respect to the importation or exportation of, or interstate or foreign commerce in, endangered species or threatened species is void to the extent that it may effectively . . . prohibit what is authorized pursuant to this Act or in any regulation which implements this Act.” [16 U.S.C. § 1535(f)]

The Order prohibits the enforcement of the ban against activities authorized by federal law. The Order prohibits the enforcement of the ban against activities authorized by federal law or regulation which applies with respect to the importation or exportation of, or interstate or foreign commerce in, endangered species or threatened species is void to the extent that it may effectively . . . prohibit what is authorized pursuant to this Act or in any regulation which implements this Act.” [16 U.S.C. § 1535(f)]

There is a lesson here for all of us. For hunters, be careful who you vote for, and pay attention to what’s going on in Trenton. For lawmakers, think before you vote. The road to hell is paved with good intentions.

Ed Cartier is the author of two collections of outdoor stories: Moonlight and There Was the Time... He is also a big game hunting consultant.

Conservation Force is a non-profit 501(c)(3) public foundation formed for the purposes of conserving wildlife and wild places. Conservation Force is an international leader in the application of science, sustainable use-based programs to enhance the survival and recovery of listed game species. Since 1979, Conservation Force and its partners have invested millions of dollars in elephant, rhino, and lion conservation, anti-poaching, and recovery programs for many other species. Conservation Force has a chapter in Pennsylvania and has an international Board and staff, and projects around the world.