

FOREWORD

Publisher's Note: I have decided to proxy my ink on this page to longtime friend Henry Lowenstein, who is one of the few people in this industry that's as passionate about fretted instruments as I am. Henry is the leading spokesman in trying to establish some middle ground quickly before some of the finest guitars ever manufactured may be considered illegal, with possible confiscation and criminal prosecution of the owner. S.P. Fjestad



Henry Lowenstein, longtime guitar aficionado, is shown playing (and enjoying) one of George Gruhn's rarer fretted instruments following this year's summer NAMM show in Nashville.

GUITAR COLLECTING AT THE CROSSROADS BY HENRY LOWENSTEIN

For over 15 years, the *Blue Book of Acoustic Guitars* has been answering what we thought was a pretty straight forward question - "What is it worth?" Answering this question involved a collection of knowledge, a significant amount of elbow grease, and a dedicated staff with a cornucopia of advisors contributing information about sales trends, model styles, serial numbers and often the arcane history of identification. The Blue Books also developed a pictorial grading system for condition of instruments with the first, and as far as I know, only system of evaluation based on percentages of wear and tear, with ranges both buyers and sellers could compare and depend upon. With all these years of work in the music industry, imagine our shock, when just this year, that turned out to not be enough. Now we have to try to predict politics also.

Indeed, with an unprecedented number of Presidential Proclamations and the resultant executive orders concerning the implementation of the CITES (Convention on International Trade in Endangered Species) treaty taking effect this year, we now have no way of knowing what many guitars and other wooden instruments are worth. Worse, within ten years, we may

even be in a situation where the sale of anything with hundreds of common woods and shell material - whether they are endangered or not - will be illegal not only to other countries, but between states in the United States, and even within states themselves. You need only read the Presidential Strategy documents published by the White House concerning the future of environmental enforcement. Will future Blue Books need to add a category for political analysis along with condition and rarity? If something does not drastically change - the answer to that question is most likely yes.

Here's the shortest legal summary I can give you. Effective June 14, 2014, by Executive Order 13648 and Presidential Proclamation (FR Doc. 2013-16387), Brazilian Rosewood, elephant ivory (whether a fretboard dot, nut, bridge saddle, inlay, hundred-year-old tuner button, or even piano key with ivory top) along with over 1,000 other items on the Appendix I list of the CITES Agreement (Convention on International Trade in Endangered Species) became illegal to sell abroad and most likely, within the United States. I say "most likely" because the documents that produced this bizarre set of laws (now found within Volume 50 of the Code of Federal Regulations, Parts 13, 17, and 23) are so vague and contradictory, that no federal agency to date will provide a written ruling to the public on its exact interpretation or enforcement. And that's a pretty strong statement, considering that the very same Presidential Proclamation made no fewer than 14 federal agencies responsible for the implementation and enforcement of this "National Strategy for Combating Wildlife Trafficking," including the Department of Defense, Homeland Security, the NSA and the Office of the Director of National Intelligence! If you thought you had to worry about the government taking your guns, you were mistaken - it's your guitars they're after now.

I've been accused of being an alarmist (the definition of alarmist apparently means that you can read government-issued documents) and I wish I had the space to publish everything in my file. But since the publisher is worried about space, I will tell you a short, sad story. In my recent, unfortunate divorce, I spent approximately ten thousand dollars in legal and accounting fees just on the issue of the value of my guitar collection. I had the *Blue Book of Acoustic Guitars*, which was pretty specific about the values, but that wasn't in contention. The issue was that since this Presidential Proclamation, neither I nor my wife's attorney could find one appraiser or auction house that was willing to provide a written valuation or even an offer on my extensive guitar collection. Why? Because it contained Brazilian Rosewood and tiny little ivory pieces. With a little bit of research on Google, I found that I was not alone. This was happening everywhere. Even worse, while we could estimate the future value of a life insurance policy or annuity, nobody was willing to conjecture on the value of instruments (or antiques), all of which might be illegal to sell within ten years. Needless to say, my former wife and I settled our differences out of court, but if you think for a minute that these new laws, which have never been reviewed by Congress, do not affect you or your guitars, think again.

Henry Lowenstein is an international trade law attorney, a business owner, a guitar collector, and owns the Newport Guitar Festival