

FINDING LOOT AT YOUR LOCAL MUSEUM

A Digging Art Tipsheet
IRE Convention, Orlando
June 9-12, 2006

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ChasingAphrodite.com

Preface

Following the recent scandal over looted Greek and Roman antiquities at American museums, the J. Paul Getty, the Metropolitan, the Boston Museum of Fine Arts and several other leading collecting institutions returned more than 100 looted artifacts worth more than a half billion dollars to Italy and Greece. They also adopted stricter policies that slowed their acquisition of ancient art to a trickle.

But there is still plenty of journalistic digging to be done. While the trade in looted Classical antiquities – objects from Greece, Rome and Etruria -- has been reigned in recently, hundreds of suspect objects remain in those museums' showcases, and Italians have traced additional looted art to nearly a dozen smaller American museums that have yet to be confronted.

And that's just for Classical antiquities. A thriving illicit trade exists in objects from the Middle East, Southeast and South Asia, Africa and Latin America. (Shortly after our investigation of the Getty, federal agents raided four Southern California museums that had acquired looted Southeast Asian antiquities from a network of smugglers and dealers using similar tactics.) As long as the plunder of ancient graves and archaeological sites continues in Iraq, Egypt, Cambodia, Afghanistan, China, India and any number of other archaeologically rich countries, some of those pieces will likely make their way to the market and to a museum near you.

This purpose of this tip sheet is to help investigative reporters find suspect ancient art in their own local museums, and to suggest ways of checking out the object's back story. The process requires much patience and attention to detail. Without internal documents or a cache of photos showing an antiquity dirty, broken and recently excavated – as the Italians had for thousands of objects in the Getty-related investigation -- it is extremely difficult to prove that an object was looted. But it is possible to take a large step toward that end by dismantling the phony cover stories that are often concocted to mask an object's illicit origins. Done properly, reporters can force the museum to acknowledge an object's dubious origins, change its collecting policies and, in some cases, return looted pieces to the country from which it was illegally removed.

Terms of Art

Before moving into the journalism, it's necessary to offer a working definition to avoid confusion when discussing art works with art professionals. For instance, the words "stolen" and "looted" are often used interchangeably when referring to appropriated cultural patrimony. But the words have two distinct meanings, which museum folks will parse when talking to the press.

Stolen refers to documented art works that belong to a museum or private collection, and have been recorded or discussed in some kind of publication. These publications can be specialized art journals, academic treatises, museum books or exhibit catalogs.

Looted refers to art works—usually antiquities—that have been taken furtively from archaeological sites, ancient graves and ruins, then smuggled out of the country of origin. These pieces suddenly appear on the black market without any ownership history. Because they were taken illicitly, they are almost always unknown and undocumented by their legal owners—the governments of the source countries.

Provenance is the technical name for an object's pedigree, or ownership history. Provenance indicates who owned the piece and for how long. *Provenance* can also refer to an object's origins, and at times is used interchangeably with *Provenience*, the archaeological term referring to the precise spot where an object was found.

Accession Number is the number given to an object by a museum or collector. Accession numbers typically start with the year, i.e. 89.45 means the object was acquired in 1986 and the 45th piece acquired that year. Knowing this number can help you determine when an object entered a museum's collection.

1970 UNESCO Convention. This refers to a “Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property” held by UNESCO in November 1970 in Paris. The meeting ended with a landmark agreement whereby countries pledged to honoring each other's cultural patrimony laws and use import restrictions to stem the flow of illicit objects over national borders. So far 120 countries have signed the accord. The 1970 UNESCO Accord. http://portal.unesco.org/en/ev.php-URL_ID=13039&URL_DO=DO_TOPIC&URL_SECTION=201.html.

Bright-line policy refers to an acquisition policy where a museum refuses to acquire an antiquity that cannot be traced to before a certain year. In the case of Greek and Roman antiquities, that year is most often 1970—the date marking a concerted international movement under UNESCO to stop the looted art trade.

The Antiquities Market

The antiquities market has long been considered the most corrupt corner of the art market. In the 1980s and 1990s, as many as 90% of the antiquities for sale had been recently looted – a fact acknowledged by Getty officials in internal memos. Dealers who specialize in ancient Greek and Roman art are mostly based in Switzerland, Germany and England, though there are several in New York City and Los Angeles. Many have been known to invent phony provenance stories for objects – at times forging documents to support them – to hide the illicit origins of their wares. In 1999, Getty antiquities curator Marion True urged the State Department to place import restrictions on antiquities from Italy to force a “a decrease in the illicit excavation and traffic in antiquities” and create an art market “that is free of the kind of sordid associations that have sullied it for the last three decades.” Three years later, she told a professional gathering of museum directors that they knew full well if they bought something without verifiable provenance, it was looted. Illicit markets are nearly impossible to measure, but UN and Interpol estimates for the global market in stolen and looted art range from \$2 billion to \$10 billion a year.

Red Flags and Tactics

Museums, collectors and donors are often too “discreet” to volunteer any information that may indicate a questionable—or missing—provenance for their antiquities. So investigative reporters need to be aware of art-world code that can serve as a red flag for potentially “hot” objects.

Placards. One good clue is the wording on display placards. If it says an object is “*said to be from*” or “*believed to be from*” somewhere, it is worth asking *who* believed this and *why*? Typically, this kind of vague language means the museum had word-of-mouth information about an object’s origin from market sources. Most of the time they are the dealer, who in turn get their information from middlemen, smugglers or the looters themselves.

The Usual Suspects. One of the more startling revelations from the Getty scandal was that a handful of powerful dealers and middlemen were conduits for much of the looted Classical antiquities that surfaced on the black market. Pieces acquired from these middlemen should receive particular scrutiny, especially if they were acquired by your museum after 1970. Search your museum’s Website, or ask the registrar’s office, for a list of pieces sold or donated by such people as Robert Hecht, Fritz Burki, Robin Symes, Christoph Leon and Freida Tchakos Nussberger.

Donations. Objects donated to museums are often fodder for controversy for three reasons. First, the donors of record may be fronts for the actual source of the objects. Secondly, the donated objects may have been recently looted. Third, even if the objects are legitimate, the values given to these objects are very often inflated. Indeed, tax fraud is rampant. The IRS has estimated that since the early 1980s, values are overstated on 50% to 60% of the objects donated to museums. The IRS’s Art Appraisal Services is responsible for checking the accuracy of donation values. You can find its fascinating annual reports here: <http://www.irs.gov/individuals/article/0,,id=96804,00.html>. Here’s an analysis we did of art-related tax fraud using the IRS reports: <http://articles.latimes.com/2008/mar/02/local/me-irs2>.

Meanwhile, if your museum is a 501(C)3 organization, or non-profit, it will typically list on annual state and federal filings the names of their donors, what they donated and the appraised value given for each object. By running a donor’s name through Nexus-Lexis or your news organization’s archives, it will be possible to figure out if the donation is a stretch. If you find a local mechanic donating several ancient Greek kraters, or wine cups, something’s wrong.

International teamwork: If your paper can’t afford to fly you to personally trace the origins of a suspicious piece of art in some far off land, consider teaming up with a reporter in the country you’re interested in. Some of our best work came about thanks to a partnership with Greek investigative reporter Nikolas Zirganos, who had been investigating the same object from opposite end of the market. Only when we shared our sources and documents did we each get the full picture. Competition was not a problem because we were writing in different markets.

Swiss Cheese. The joke in the art world is that all looted objects come from “an old Swiss collection.” Switzerland has long been a smuggler’s paradise, and held out until 2003 before signing the UNESCO Convention. That allowed smugglers and middlemen to hoard hundreds, if not thousands, of illicit pieces in warehouses, allowing the objects to “cool off” and stay in the country long enough to claim Switzerland as the origin on customs forms. Thus, any ancient object in your museum with a Swiss provenance is immediately suspect, and should be investigated as a likely looted piece.

Policy Eruption: During the scandal, the Getty and other major American art museums got serious about changing their ways. They enacted “bright line” policies that forbade the purchase of any antiquity whose ownership couldn’t be traced to before 1970, when the UNESCO Convention on cultural patrimony was ratified. If your museum hasn’t followed suit, that’s a red flag that it may still be acquiring suspect art and hoping to stay under the radar until the Getty scandal effect wears off. The two largest museums associations, the American Association of Museums and the Association of American Museum Directors, have ethical and policy guidelines their members should be following. Check to see how your local museum measures up.

Cover stories. One of the best ways to expose looted art at your museum is to knock down the official cover story of how it was found and made its way to the museum. *The New York Times* did this in 1972, exposing how a rare Greek vase painted by Euphronios came from the looting of Etruscan tombs in Cerveteri, near Rome. *The Boston Globe* did it in the 1990s with objects at the Met and Harvard Museums. We did it at the *Los Angeles Times* when we investigated dozens of the museum's objects, including the purported provenance of the Getty's iconic statue of the goddess Aphrodite. The previous owner claimed the 7 and 1/2-foot, 1,300-pound statue had been in his family since 1939. He refused comment, but his brother and another relative laughed at the idea, adding that they had never heard about a piece that would be virtually impossible to hide.

Inside the Artway. As in any journalistic investigation, developing inside sources is crucial. And it isn't as daunting as one might expect in the art world. Since art circles tend to be small and incestuous, everybody knows everybody else's business. This means that illicit dealings are often quite widely known. There are also plenty of life-long grudges and ulterior motives that make people willing to dish. But we found that there are many genuinely concerned—and outraged—people who know that museum directors and curators are cutting legal corners to obtain priceless art works. And they're willing to point the way.

Match-making. If by using these other methods you become suspicious about one or several antiquities at your museum, you can do what the expert investigators do: Try to match the museum piece to a "line-up" of stolen and looted art. Italy's National police, the Carabinieri, has an art squad that publishes bulletins that feature photos of looted or stolen pieces. You can download the bulletins as a PDF. Interpol also has photos of missing art.

Attitudes and Approach

Don't be dazzled. Like diamonds and high-end automobiles, art seems to keep people in thrall. Reporters are no exception. Those without an arts background are easily overwhelmed by the specialized and often esoteric world of art, especially ancient art. But art is just like any other subject – dig in, get to know the lingo and keep your eye on common sense and the big picture, which experts often lose sight of.

Don't be snowed. Museum officials and culture-related academics are experts at parsing words and making things seem different than they are. For instance the Getty was great at creating acquisition policies that looked like they were reforms but, in truth, allowed the museum to continue buying and receiving donations of looted objects. Pay close attention to how museum officials phrase their answers, and keep your ears open for loopholes. Don't settle for vague responses when you need concrete answers for your story.

Don't be intimidated. There is a special kind of *hauteur* in art circles that comes off as arrogance and a feeling of entitlement. Outsiders are viewed with suspicion, especially if they ask uncomfortable questions about the business side of culture. Even art beat reporters at your own news outlet may be protective of their art sources. Remember that, in the end, museums are run with public support and depend on a good image to attract patrons and donors.

Resources

Law Enforcement

U.S. Immigrations and Customs Enforcement: <http://www.ice.gov/cultural-heritage-investigations/>

Federal Bureau of Investigation's Art Squad: http://www.fbi.gov/about-us/investigate/vc_majorthefts/arttheft

Carabinieri (Italy's National Police): <http://www.carabinieri.it/Internet/Multilingua/EN/default.htm>

Carabinieri Art Squad Stolen Art Bulletin: http://tpcweb.carabinieri.it/tpc_sito_pub/bollettini.jsp

Interpol: <http://www.interpol.int/public/workofart/default.asp>

Organizations.

Association of Art Museum Directors (AAMD). The profession's most influential group, representing leaders of the country's largest collecting museums. <http://www.aamd.org/>

American Association of Museum (AAM). This is a much larger museum industry group that includes many institutions that do not collect antiquities, hence not as interested or involved in looted art *per se*. <http://www.aam-us.org/>

Archaeological Institute of America (AIA). For 40 years, archaeologists have opposed museum acquisitions of suspicious antiquities and other objects. This is their professional organization. <http://www.archaeological.org/>

Cultural Property Advisory Commission (CPAC). This 11-member committee of presidential appointees advises the State Department on whether to grant requests by foreign governments for to ~~impose~~ import restrictions on their antiquities. So far, the U.S. has honored 14 such requests, including from Italy and Iraq. Interesting note: There still is no signed agreement for Egypt, where a rash of looting during the January 25 Revolution sent another wave of illicit antiquities to buyers. <http://exchanges.state.gov/heritage/culprop/committee.html>

McDonald Center, Cambridge University. An academic organization dedicated to fighting antiquities looting: <http://www.mcdonald.cam.ac.uk/projects/iarc/home.htm>

Saving Antiquities For Everyone. This New York-based non-profit formed by cultural preservationists features "looted antiquities tours" at their local museums: <http://www.savingantiquities.org/>

International Foundation for Art Research: <http://www.ifar.org/>

Cultural Policy Research Institute (CPRI). A pro-collecting group that includes avid coin collectors and associated lawyers, including some who have spoken out or lobbied against import restrictions for antiquities. <http://www.cprinstit.org/Home>

National Art Dealers Association of America (NADAA). This group has led the opposition against UNESCO-based restrictions in the United States, including those against ancient art from Italy. It also filed an *amicus* brief on behalf of a major New York collector and Manhattan dealer who faced civil and criminal actions respectively for importing looted objects. <http://www.nadaa.org/>

Experts.

Patty Gerstenblith, Ph.D. and Director, Center for Art, Museum & Cultural Heritage Law, DePaul University, Chicago. 312-362-6175. Email: pgersten@depaul.edu. Gerstenblith is one of the preeminent experts in cultural property law—and very media-friendly.

Colin Renfrew (Lord Renfrew of Kaimsthorn), Senior Fellow, McDonald Institute for Archaeological Research, Cambridge University. Office: +44-12-23-333521. E-mail acr10@cam.ac.uk. Renfrew used to direct the institute and has been a leading academic voice against the acquisition of unprovenanced artifacts.

James F. Fitzpatrick, attorney, Arnold & Porter LLP, Washington D.C. Fitzpatrick is one of the top attorney-lobbyists for museums, collectors and dealers and led their charge to weaken pro-UNESCO laws in Congress. 202-042-5878.

Derek Fincham, Ph.D.: <http://www.illicit-culturalproperty.blogspot.com/>

David Gill, Ph.D. <http://lootingmatters.blogspot.com/>

Bloggers and Foreign Reporters.

Nikolas Zirganos, Greek reporter. Zirganos has covered the issue of looted Greek antiquities extensively for print and been involved in two documentaries. +30-6932459348
Email: zirganos@enet.gr.

Fabio Isman, Italian reporter. A former veteran at Il Messengario, a Rome newspaper, Isman has covered arts and culture for 20 years and wrote a book on the recent antiquities scandal in America. fabio.isman@fastwebnet.it

Culturegrl. Lee Rosenbaum is one of the culture world's most aggressive and savvy bloggers: <http://www.artsjournal.com/culturegrl/>

Paul Barford: <http://paul-barford.blogspot.com/2010/04/switzerland-signs-stolen-antiquities.html>

Two Legal Precedents You Must Know

United States v. An Antique Platter of Gold (Steinhardt Case) A major 1990s civil court case that forced New York financier Michael Steinhardt, a major antiquities collector **and Metropolitan Museum board member**, to return a golden phiale, or ancient bowl, to the Italian government. The case reached the U.S. Supreme court, drawing amicus briefs from archaeologists on one side and museums, collectors and dealers on the other.

http://www.ifar.org/case_summary.php?docid=1184703034

United States v. Shultz: This successful 2002 criminal prosecution of a New York antiquities dealer changed legal precedent over antiquities. Shultz, then-president of the American Art Dealers Association, was convicted on charges of smuggling a looted Egyptian antiquity into the United States. The jury decision was particularly significant because it was delivered in the U.S. District Court in Manhattan, the heard of the art and antiquities trade.

For an thorough background:

<http://www.mcdonald.cam.ac.uk/projects/iarc/culturewithoutcontext/issue10/gerstenblith.htm>

For the case brief: http://www.ifar.org/case_summary.php?docid=1192024714