

# THE JOURNAL OF ART CRIME

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ASSOCIATION FOR RESEARCH INTO CRIMES AGAINST ART

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# The Journal of Art Crime

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## Letter from the Editor

The spring sunshine brings with it the fifth issue of *The Journal of Art Crime*, the first peer-reviewed academic journal on the interdisciplinary study of art crime.

We at ARCA and at The Journal are looking forward to this summer's class of Masters Program students, the third year of our innovative interdisciplinary program.

*The Journal of Art Crime* has undergone some changes, as we are now publishing the print edition in collaboration with Amazon, making the acquisition of back-issues easier, and speeding up the printing process. The next issue, Fall/Winter 2011 will come out earlier this year, as we reconfigure our publication dates. Fall/Winter issues will come out in November, and the Spring/Summer issues will come out April.

ARCA's annual conference on the study of art crime was a great success last summer and looks to be again this July 9 and 10<sup>th</sup>. Our esteemed ARCA Award recipients this year include Paolo Ferri, John Merryman, Lord Colin Renfrew, and Neil Brodie, who is also the first Scholar-in-Residence during our summer Masters Program—he will spend half of the summer in Amelia, enjoying access to the ARCA Art Crime Library while he works on his next book. The conference will also feature art writers Peter Watson and Vernon Silver, among other distinguished speakers.

It has been a pleasure to work with ARCA's new co-directors, Joni and Derek Fincham, who began in September. They are exceptional minds and exceptionally kind people, and ARCA's successes this year can be attributed to their organization and innovation.

Thank you heartily for your support, and we hope that you enjoy this issue.

Best Wishes,

A handwritten signature in black ink, appearing to be 'NC' or similar initials, written in a cursive style.

Noah Charney  
Founder and President, ARCA  
Editor-in-Chief, *The Journal of Art Crime*

## Letter from the Academic Director

I am so pleased to have the opportunity to help run ARCA's summer certificate program in Italy this year. A terrific group of visiting lecturers is back along with a wonderful and cosmopolitan group of committed students. We have a full summer planned.

This year we are fortunate to have two writers-in-residence join us. The first is Neil Brodie, an archaeologist and a leading voice in the urge for action to prevent the loss of archaeological context. The other is Lawrence Rothfield., an Associate Professor at the University of Chicago Department of English and co-founder of its Cultural Policy Center. He authored *The Rape of Mesopotamia* (University of Chicago Press, 2009), which offers a behind-the-scenes look at the causes for the failure of U.S. forces to secure the Iraq National Museum and protect the country's archaeological sites from looters in the wake of the 2003 invasion. Rothfield also edited a volume of essays on this topic, *Antiquities Under Siege: Cultural Heritage Protection after the Iraq War* (Altamira Press, 2008).

We are delighted to support these terrific writers this summer in Amelia.

Dr. Derek Fincham  
Academic Director, ARCA  
Managing Editor, *The Journal of Art Crime*

# The Case of the Questionable Jeffersonian Lafites<sup>1</sup>: Forensic Applications in Detecting Wine Fraud

*John Daab*

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## Abstract

**K**eys (2003) noted that the earliest manufacture of wine took place around 8000 BCE. Robinson (2006) said that Pliny the Elder remarked that wine adulteration had reached a point in 1st century Rome that wine was no longer worth drinking. Although the tinkering with the grape has been with us since early Rome, wine fraud cases have seen an upsurge due to increases in demand not only for wine for the family table wine, but for historic collectibles found in the cellars of the wine connoisseur (Robinson, 2006). Wine fakers cost consumers, suppliers, and collectible connoisseurs millions of dollars a year. They use humidification; blending and stretching; substitution of low quality for expensive quality; and many other forms of fakery. This fakery is not only costly to the consumer but has led to cases of serious injury and death (Henry, 1986). This article addresses the fakes, how they are processed, and forensic applications used to detect and identify the bogus mix.

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**Keywords:** wine fraud, wine crime, fraud, wine collecting, forgery.

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<sup>1</sup> Lafite wine was purchased by Thomas Jefferson during his trips to France. Lafite antique wines produced by Rothschild are considered rare and expensive.

## Introduction

Wine as an art form does not usually fall into the cognitive schema of works of art. Rarely do we walk into a museum and find an area dedicated to masterpieces of wine. While classic bottles might be on display under decorative art, it would be highly unusual for a full bottle of wine to be promoted as a work of art. This is not to say that it never happens. Forbes Museum in New York City did have a Thomas Jefferson bottle of Lafite wine on view in the 1980s (Wallace, 2008). Some have tried museum staging for wine works but have managed to present only an intellectual rather than a visceral journey (Singleton, 2010). Nevertheless, fine wines are considered to be collectibles not only by art aficionados, but by insurance companies, the Internal Revenue Service (IRS, 2010) and auction houses. Very few consumers realize that a single bottle of wine at auction can be worth as much as a fine work of art. In November 2010 a single bottle of Cheval Blanc 1947 sold for \$307,375 at a Christie's auction (Nehebay, 2010). Sotheby's reported that a standard bottle of Chateau Lafite sold for \$232,000 during the same year (Art, Antiques, Ireland, 2010). There is no claim that a bottle of 200-year-old wine is equal to a 200-year-old masterwork; only that certain works of the sommelier class increase in value as the result of age, quality, celebrity possession, and rarity.

However, as long as whirligigs, weathervanes, and wooden barn doors have found their way into museums, bottles of rare wine, since they have resided in similar abodes (O'Keefe, 2007), should be and are included in the category of collectible art. Indeed, connoisseurs bid on it in auction houses and the IRS accepts it as a collectible. Also, like other art forms it is faked, and consumers buy the fake. Unless someone informs the buyer of the fake, he or she will never know (Starnes, 2003). More significantly, since fine and decorative art are rarely ingested, the only risk to the buyer is money; in wine fraud, the risk could be a life.

## Fake Wine as a Poison

Nirgua (1983) related that wine poisoning cases allegedly go as far back as the fall of Rome in 476 A.D. Adding lead to wine makes the wine taste sweet but it also causes neurological damage that ultimately leads to severe injury and death. Henry (1986) reported that nine individuals were killed and many others injured as the result of wine tampering in Italy. In 2007, in Pakistan, 15 deaths were attributed to poisoned wine (Pakitrib, 2007). In 2009, 25 people were killed in Indonesia because palm wine was enhanced with a questionable substance (Asiaone, 2009). Investigations of wine tampering in the 20<sup>th</sup> century have revealed that methanol, a poisonous liquid alcohol, was the ingredient in the injuries and deaths. But since methanol adds to the price of the wine, manufacturers use it to gain a healthy profit.

## History of Tampering with Wine

Robinson (2006) noted that wine tampering is as old as ancient Rome. Robinson He reported that Pliny the Elder was said to remark that the citizens of Rome were never sure that they were drinking good wine since it was not clear what ingredients had been added. The authenticity of wines continued to be a problem during the Middle Ages. Laws had to be passed to prevent innkeepers from mixing wines. Violations were met with beatings or hangings (Robinson). Wine fakery continued, causing the British Parliament to pass the *Adulteration of Food and Drink Act of 1860* (Sarkar, 2010). Other European countries followed with similar acts over the next 50 years. Currently, each country producing wine has various laws and code regulating percentages of a given grape, labeling, and warnings about alcohol consumption. In the United States, the U.S. Treasury monitors wine production and sales (Allgov, 2011).

## Wine as a Collectible

In the Internal Revenue Code (IRC 408 (m)) the concept of collectible is defined. A collectible is any work of fine art, rugs, antiques, metal, gems, stamp, coin, alcoholic beverage, and any personal property of a tangible nature specified by the Internal Revenue Director (Cornell Law, 2011).

An owner may deduct a collectible as a donation or it may be used as part of the estate's value upon the owner's death. However, since very specific dollar amounts must be met to satisfy the IRS regulations, don't plan to use a can of Yuengling beer as part of your estate or as a donation. The significant point remains that, as a collectible, valuable wine lends itself to a questionable bottle of wine for future appreciation and/or tax scheduling may place a buyer in a risk situation in which appreciation does not follow and tax benefits turn into penalties because the "priceless" wine owned is a worthless fake.

## Crime: Street and White Collar Categories

"What are you gonna do when they come for you?" This familiar jingle from "Cops," a reality TV police series, provides a vivid depiction of street crime. We watch police receiving a call of an assault, a man with a gun, or a "10-14" police officer under attack, and within minutes the police are on the scene arresting the perpetrators. In the case of the greatest white collar crime ever carried out—the Madoff Ponzi scam—it took 10 years for the Securities Exchange Commission to prosecute Bernard Madoff. Please note that if it was not for the tenacity of one Certified Fraud Examiner by the name of Harry Marcopolos (2010) who challenged the SEC's lack of involvement, Madoff would still be plying his fraud undeterred. To understand the great divide between a



law enforcement response of a few minutes and a 10- year indifference to a 65 billion dollar white collar crime, a quick overview of how such crimes are dealt with systemically is needed.

The concept of crime is usually associated with conventional or street crime. Criminologists, however, separate crime into two categories: conventional/street and white collar (Sutherland, 1949). Street crimes are identified as murder, rape, assault, robbery, burglary, and crimes against property. Such crimes are typically carried out by less-educated males. They may involve an element of passion and violence, and are physical. Street crimes will bring a quick police response, arrest, prosecution, jail time, and possibly even death. Street crimes are usually accepted by the general population as wrong and deserving of punishment. Among white collar crimes are Ponzi schemes, identity theft, Medicare violations, telemarketing operations involving fraud, stock market insider scams, mortgage fraud, and selling fake art as genuine (Cornell Law, 2011). White collar crimes are carried out by highly educated and trusted individuals, involve no violence, and are paper driven. White collar crime is rarely investigated or prosecuted. If prosecuted, the criminal rarely ends up in jail, and, if in jail sentences are minimal compared to street crime sentences. White collar crime is not recognized by the population as an egregious act (Simpson, 2002).

### Art/Collectible Crime

The above categorization leads us to consider what constitutes street art crime and its white collar version. Algar (2011) reported that the Hamptons, posh New York City suburbs, lost hundreds of thousands of dollars as the result of burglars breaking into unoccupied houses and removing valuable art works. This fine art crime would be labeled street crime and filed under breaking and entering and grand theft. If the criminals assaulted the owners and removed the paintings from their possession, the category would be robbery and assault. If criminals copied a famous work, represented it as authentic or from the hand of the artist and were paid millions of dollars for the misrepresented work, such a crime would be noted as a white collar crime. In terms of wine, breaking into a wine store and stealing 20 cases of wine would be a street crime; showing up at the wine store with 20 fake bottles of Cheval Blanc 1947 and receiving a few million dollars for them would constitute a white collar crime. Note, however, that case that crimes are not always classified as either street or white collar. Case circumstances and local laws may push, eradicate, or make the boundaries unclear. In the above case of the 20 bottles of Cheval Blanc, if the fake wine contained poisonous substances that caused the death of the buyer, the white collar nature of the crime could be supplanted by street crime considerations of murder.

### Cases of Wine Fraud

In 2010, a French court found 12 traders and suppliers guilty of selling about 18 million bottles of a cheaper wine as Pinot Noir. E&J Gallo was scammed for its Red Bicycleette brand, which sells for about \$9 a bottle. The guilty suppliers of their “Champipple”<sup>2</sup> allegedly made \$9.5 million on their scheme (BBC, 2010). Rosen (2010) reported that 4,000 counterfeit bottles of Mont Tauch Fitou wine have been released to the Chinese wine market. The wine has been identified as a low-quality wine from South America. Rosen noted that the high-quality forged labels will make the fakes difficult to spot. Steinburger (2010) reported that hundreds of bottles of “expensive wine” sold from a New York wine merchant is of questionable authenticity. The quantity of bottles seems to outweigh the quantity produced in the year. In the above cases, the perpetrators misrepresented a cheap wine as an expensive one by false statement or pretense. In the first case, the sellers of the fake wine identified the wine as a higher-priced variety when in fact it was a cheaper one. In the second case the fraudsters used a label associated with high price wines and applied it to a lower priced one thereby misrepresenting the value. In the Steinburger case, it was found that the telltale of the fraud came down to corks too long for the rarity of the wine, and that the labels and tops of the wine (capsules) were doctored (Steinburger, 2010).

### Wine Fraud and its Variations

Wine fraud comes in many shapes and sizes. In its most prevalent form, wine is misrepresented as being from a given high-quality vintner when, in fact, it is not. The customer overpays for a 50-point wine, thinking that he is getting a 90-point vintage. The higher the point, the better the quality will be, which results in a higher price. The customer spends more money for the misrepresented product than the product is worth. In general, the fraud consists of an individual or entity intentionally misrepresenting the wine, receiving a benefit as a result of the misrepresentation, and a buyer thereby suffering a loss. Since wine fraud is an international crime, the legal conditions satisfying the crime will be a function of the locale where the fraud takes place.

Wine fraud has morphed into various schemes related to wine investing. Chinese authorities are currently investigating investing schemes by so called suppliers who have received investors’ monies to ensure that buyers of given scarce wines from France receive their wines first before they hit the market. Since only certain suppliers have access to these treasured wines, Chinese police suspect that many suppliers’ promises will not be fulfilled and consumers who have paid

2 Redd Foxx, comedian, named his special wine mixture as Champipple (Ripple and ginger ale) in his TV series Sanford and Son.

for the special wines will be left holding an empty bottle (Luxuo, 2010).

For the purposes of this investigation, the focus will be on those cases of wine fraud involving the manipulation of the wine product including the wine, bottle, cap, cork, label, and markings. Wine fraud as an investment scheme will not be considered.

## The Processes of Creating Fraudulent Wines

### Overview

Wine as a product or commodity consists not only of the liquid in a bottle but the glass type, size, and shape of the bottle; the nature of the cork; the capsule over and around the cork; the label, glue, and its print; the barcode; and markings on the glass; the wine case; and sediment at the bottom of the bottle. All of these provide a level of authentication or telltales of where, when, and how a given bottle of wine was made. The more descriptor hits, the greater the level of authenticity. This level is, however, significantly affected by material age. If any of the materials do not match the time of manufacture, it is reasonable to conclude that the wine is of suspicious origin. This is not to say that the wine is fake, but that unless there is a good reason to explain the mismatch between the descriptor (e.g. bottle age and the wine), the age must be treated with suspended judgment. It is not uncommon to use old bottles in the manufacture of new wine. It *is* uncommon to use new bottles and pass the wine off as being aged. Following are some of the common methods of creating fake wines.

### Dilution

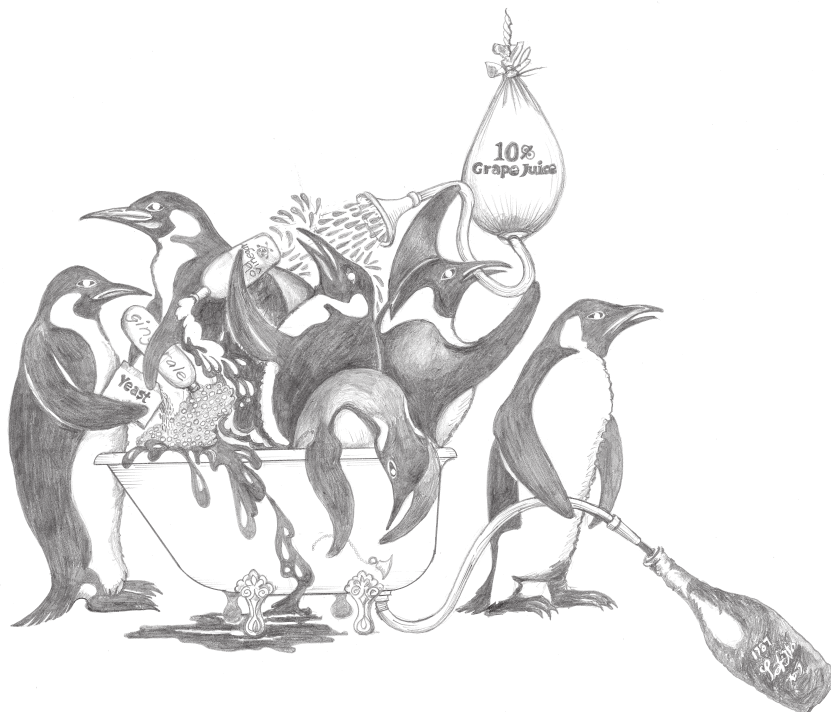
Adding water to wine is an acceptable way to balance the composition of the wine to thwart off unsavory tastes associated with its manufacture. The California Wine Institute has provided standards for this process (Nigro, 2010). The practice known as adding “Jesus units” to a wine takes the acceptable practice and moves it to the border of fraud. The unnecessary diluting of wine to make it more profitable constitutes fraud since the fraudster adds water to an existing wine or dilutes an expensive wine with a wine of lesser quality.

### Mixing and Stretching the Wine

The marketability and quality of wine is enhanced by a deep red color. Wine makers may mix different wines but only within certain appellation standards of a given region. The mixing of wines is a common practice in order to make a new wine. *La travail d’anglais* is a mixing attempt to satisfy the tastes of a different culture. Mixing lesser quality wines with higher quality for no other reason than to increase profits is a misrepresentation of the product and as such is fraudulent. This century old bartender trick has morphed into dilution on a large scale exemplified by the above Red Bicycle scam pulled on the Gallo winery (Davis, 2010).

### False Labeling

A necessary step to confirm that the fake wine is real involves the fraudster attaching the expensive label to the bottle. Here, real labels are removed from an expensive wine and copied



New Wine in Old Bottles  
Bill Lyle

and printed. After printing, the glue is applied to the label or printed on paper with glue applied prior to printing. A more time-consuming method would be to steam off expensive labels from old bottles and apply them to inferior wines (Rosen, 2007). Wallace (2008) notes that authentication is better promoted when the label is stained by tea, dust, and orange juice.

### *Counterfeiting the Corks*

Old wine corks are available on the Internet (winecorks.com). Any particulars associated with the cork winery markings or print may be applied to the cork as an authenticator. Since the cork will be compromised during the opening, corks may not provide a significant level of authentication.

### *The Nose of the Wine Connoisseur*

Wine drinkers are advised that to really appreciate a wine one must stir up the sediment at the bottom by swirling the mix in the glass, bring the glass close to the nose to smell the various grapes, and then sip the wine for taste. Allegedly through experience and education wine connoisseurs are able to pick up on the fragrances of various grapes or fruits added. Wine fraudsters overcome the connoisseur by introducing essences common to a given wine such as aged oak to fool the so called experts (Wallace, 2008).

### *Capsule Replacement or Wrapping*

Some wine manufacturers have a capsule or wrapping on top of the cork and others may not. Capsules may be obtained to resemble present caps on bottles, either printed or blank. Printing may be applied to the naked cap. As with the cork, the label will be destroyed in the process of opening the bottle (winecapsules.com).

### *Using Old Bottles*

Traditionally, wineries have provided old bottles to individuals requesting them (Wallace, 2008). The appropriate bottle size, shape, color, and thickness used with a fake wine are great authenticators. Consumers are not aware of how easy it is to secure an old bottle to be used as a wine container. After all, how could a fake wine be found in an antique bottle? Fakers have blasted bottles with shotgun pellets to make them appear aged. Glass bottle manufacturing is a technology that changes through time. To stem fraud, many wineries do not provide used bottles to their customers. Goldstein (2009) noted that S. Schamel a professor of economics argued that antique wine bottles fetched high prices at Ebay auctions only because the antique bottles could be filled with fake wine.

### *Creating Authentic Provenance*

Sale slips or shipping invoices indicating that a given wine was sent from the name on the bottle are used as evidence that a wine is authentic. Autographs or signatures of famous individuals are easily obtained from signature books available on Ebay. Celebrity orders increase the price of the wine (Jelly, 1999). The John Drewe and Myatt case demonstrated the ease of even changing archived information in a museum under the watchful eye of the archivist (Salisbury & Sujo, 2010).

### *A Case of Fakes*

Fake wine is shipped in used cases of authentic wine. The vendor receives it, stores it for months, and may just sell the case without even looking at what is in it. Large wine outlets will usually open a sealed case not so much to check for fake wine but to make sure that the buyer is not walking out with a case of expensive wine.

### *Barcode Substitution*

Barcodes may be obtained from various suppliers on the Internet or by securing book publisher barcodes from vendors who provide barcodes for books found in public libraries and attaching them to the label. Barcodes infer that the commodity is legitimate (barcode.com). Modern printers can easily reproduce a barcode or any paper image and with all sorts of products available in various sizes, glosses, and backings, barcode manufacture has become a do-it-yourself process.

### **Forensics and a Composite Case Study of Suspected Wine Fakery<sup>3</sup>**

In the late 1980s, Fred Kose, wine collector, purchased four bottles of wine allegedly from the auction house Christie's. Christie's maintained that the bottles were from the collection of Thomas Jefferson (Keefe, 2007). Over the 20-year period following his purchases, Kose became aware of various issues surrounding the Jefferson bottles. Many laid the claim that they were forgeries (Wallace, 2008). In particular, the Kose's case demonstrated via various tests that his Jefferson wine was of questionable authenticity. It did not help that Susan Stein, the curator of Jefferson's Monticello estate, stated that there were questions about the wine, which forced Kose to remove the wine from an upcoming exhibition at the Museum of Fine Art in Boston. In 2006, Kose decided to conduct his own investigation. Using the services of wine curators, forensic examiners, and attorneys he asked his team to vet the bogus from the authentic.

3 Note here that the names are purposely changed so as not to identify individuals who may be involved in current investigations and legal proceedings.

## *Non- Laboratory Observations*

When the wine forensic expert first saw the Jefferson bottle in the collection, he noticed that there was something wrong. It had a large label on it. The expert recently sold one with a smaller label. The telltale on this label was its color. The labels should have been red and green but they were pink and turquoise. The examiner further noticed that the labels were copies from a recent book he had published. Calls to vintners revealed that they never used large labels as described by the examiner. It was also noted that the font was inconsistent and misspellings were evident. The examiner requested documentation that the wine was from the vintner. The owner had no evidence. Bottles of wine through time evaporate from the neck down. It would be expected that from the bottom of the cork there would be some empty space, known as “ullage” between the wine and the cork. The current bottles in the collection were filled to the bottom of the cork, indicating that they were recently filled (Wallace, 2008). The examiner opened one of the 150-year-old wines: the seal was noted to be only 10 years old, and the cork came out easily, which was uncommon for a wine so old. The history of the vintner also revealed that the quantity of bottles presently available exceeded the number produced. The examiner also noted that the behavioral disposition of Jefferson was such that he kept three sets of records for any item he received. Given that no records were available indicating that the bottles were in his possession, it would be more probable to argue that the bottles were not his (Wallace, 2008).

## *Lab Testing*

The examiners took the wine to a testing lab to conduct various tests. At the bottom of the bottle a piece of lead was found. The tester stated that although it was not uncommon to find lead in aged bottles, this piece was from the modern foil capsule found on modern wine bottles. A second test looked for the presence of tritium, an element found in products only after the age of atomic testing (Mazor, 2003). The fact is that any 200-year-old wine should not have any tritium. The lab was surprised to find that the wine had levels equal to those found in 1962–1965. C-14 analysis via Accelerator Mass Spectrometer confirmed the date of the wine to about 1962–1975 (Castillo, 2010). Examination of the alleged engraving of THJ on the bottle revealed that the engraving was accomplished through the use of a modern power tool. Further testing of the labels indicated that the glue used in the label was a modern synthetic product made years after the wine was made. The alleged forger was also implicated in supplying forged documents in a separate legal action, and records indicated that he was also involved in paying a printing firm to produce wine labels. In one lawsuit, the forger was found to be guilty of making fake wine. The other lawsuits continue (Wallace, 2008).

## **Analysis of the Fraud**

Although time and jurisdictions differ in prosecuting a fraud case there are nine common conditions providing reasonable grounds to assert that fraud took place:

1. a representation of an existing fact;
2. its materiality;
3. its falsity;
4. the speaker’s knowledge of its falsity;
5. the speaker’s intent that it shall be acted upon by the plaintiff;
6. plaintiff’s ignorance of its falsity;
7. plaintiff’s reliance on the truth of the representation;
8. plaintiff’s right to rely upon it; and
9. consequent damages suffered by plaintiff.<sup>4</sup>

In the Kose case, Kose is the plaintiff and Christie’s is the defendant. Kose, believing in the credulity of the auction house, provided approximately \$500,000 to purchase the four Jefferson bottles. In providing the monies, Kose had no idea that the bottles were fakes, relied on the auction house assertions of authenticity, and suffered damages since the bottles were not worth the monies provided. In effect the conditions of Nos. 6, 7, 8, and 9 were satisfied. In terms of condition No.5, the auction house acted in the manner of intending to have the plaintiff purchase the bottles by virtue of the sale taking place at auction. No. 1 maintains that the bottles offered at sale were authentic. No. 2 notes that the items in question—bottles of wine—have a material basis. They can be seen, touched, felt, and heard if banged together—very softly please. No. 3 states that No. 1 is false for the following reasons:

1. The signature is not 200 years old, but recent and mechanically applied.
2. Ullage or evaporation is not present, inferring that the wine has been recently added.
3. The labels have been forged.
4. The seal is only 10 years old and the cork came out easily. Corks expand through time and are difficult to remove due to the expansion of the material.
5. Tritium was present, indicating that the wine was made after 1965.
6. Jefferson kept three different records for his material possessions. There are no records of the bottles under question.
7. The lead found at the bottom of the bottle was a bottle cap of recent origin.
8. The original provider of the bottles to Christie’s auction house has been implicated in a host of wine frauds.
9. The glue used to affix the label was a modern synthetic

<sup>4</sup> Schnellmann v. Roettger, 373 S.C. 379, 382, 645 S.E.2d 239, 241 (2007).



product.

No. 4 represents the very basic problem of prosecuting fraud cases. *Mens rea* or establishing that the provider or seller of the fraudulent item intentionally and knowingly knew that the item/ was fake. Christie's auction house could seemingly argue that its wine expert vetted the bottles as authentic and consequently the bottles are not fakes, or at least Christie's did not promote fake wines. The difficulty with this approach is that forensic science has intervened with a host of tests establishing that the bottles of wine are unquestionably bogus. The plaintiff's counter argument would be that the auction house failed to carry out due diligence—to the extent that the plaintiff carried out scientific tests, the auction house should have performed similar tests. The problem for the auction house in this respect is that with so many items to ascertain for authenticity, its money and manpower can be stretched only so far, especially when information and documents are absent. Buckley (2010) reported that auction houses throw up their hands and go by a gut feeling when information is lacking or provenance is questionable. The fact that some items are pushed ahead when they should be held back for lack of documentation infers that the auction house is not operating properly (Kalisman, 2001). If an item is questionable it should be removed from bidding.

### **Detecting the Fake Wines via New Forensic Technologies**

As a result of the spike of wine fraud over the last 20+ years new testing and controls have been created to search out the questionable appellation:

#### *DNA testing*

In addition to the above applications there are many other ways to detect wine fraud. Murfin (2010) notes that scientists at the University of California, Davis, have managed to develop a fingerprint of various French and American wines. The fingerprint can also tell where the grape came from. Others have taken this DNA fingerprint technology and used the ink on their bottles/labels to ascertain the identity of the wine maker.

#### *Particle Accelerator Isotopes*

Highfield (2008) reports that the Geugan's Center for Nuclear Studies has come up with a test that examines a bottle to determine if the glass matches the alleged age of the wine and where it came from. The accelerator apparently bombards bottles with an isotope.

#### *Radio Transmitters*

Flinn (2010) notes that wineries are using small-scale

transmitters to authenticate wine and its point of origin. Cell phones will scan the wine tag and the scan results will tell the consumer if the wine is authentic.

### **Summary**

#### *The Scams*

Wine fraud and fakery consists of intentionally altering a bottle of wine to secure benefits from the misrepresentation. The loser in the fraud is the buyer of the bottle. Various regulatory agencies enforce prosecution of violators but scamsters continue unimpeded and with impunity. As uncontrolled white collar crime marches forward, fraudsters will dilute, blend, and use low quality wine, print their own fake labels, and barcodes, substitute aged bottles, add old sediment to the bottle, forge phony sale slips and other provenance documents, insert their own corks and capsules, and mark them, apply markings inferring age, and essences for smell and taste. Forgers will also place phony bottles in old cases and seal them. Such applications creating wine fraud must be matched by forensic methodologies to uncover the bogus blend.

#### *Forensic Applications in Wine Fake Detection a Cost/Benefit Note*

Please note here that in considering any forensic application for detection of wine fraud one must be clearly cognizant of a cost/benefit reasonability in the application. If your suspected \$1,000 wine is going to cost \$2,000 to forensically analyze then you would be better to keep it on a shelf. Most detecting applications are expensive. If there is a Kose in the house who is really angry that he or she was conned, then the following are available: DNA; tritium; carbon 14; Particle Bombardment; Chemical label analysis; label; bottle, cork, cap, and marking styles; radio transmitter presence; fake essences; and vintner history and production.

### **Conclusion**

While it has been a historical tradition to cheat on wine production, the recent proliferation of wine fraud and the industry's susceptibility to losses generated by the fraud has caused the vintners to become more technologically protective and aware of preempting wine fraud. DNA imprinting, minute radio devices, and label special markings all serve to protect the consumer from possible losses due to fraud.

While some individuals collect fine art and others marbles, there is a class of people who are avid wine collectors. Wine collectors are susceptible to fakery. Kose asserted that his 50,000 bottle collection was worth 12 million dollars. Others maintain 75,000 bottle collections. While appraisal



examination provides opinions of value for these wines, forensic examination must provide the application process to authenticate the product.



Pop-Art Thief  
*Bill Lyle*

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# European Police Cooperation on Art Crime: A Comparative Overview

*Ludo Block*

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## Abstract

The academic literature in the field of cross-border policing tends to concentrate exclusively on the high-level crimes—drug trafficking, terrorism, and human trafficking—that are so often the focus of transnational police cooperation in criminal investigations. There are, however, many other types of transnational crime, including the often neglected art crime, which may represent the third most profitable criminal enterprise in the world, outranked only by drug and arms trafficking. Drawing on existing literature and interviews with practitioners, this study provides a comparative overview of the policing efforts on art crime in a number of European Union (EU) member states and examines the relevant policy initiatives of the Council of the EU, Europol, and the European Police College. It also addresses existing practices of and obstacles to police cooperation in the field of art crime in the EU. The study reveals that EU police cooperation in this field occurs among a relatively small group of specialists and that—particularly given the general lack of political and public attention—the personal dedication of these specialists is an indispensable driver in this cooperation.

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**Keywords:** art crime, policing, police cooperation, European Union.

## Introduction<sup>1</sup>

Although art crime-inspired<sup>2</sup> movies such as *The Thomas Crown Affair* and *Ocean's Twelve* portray "gentlemen" art thieves pursued by highly specialized art crime detectives (e.g. from Europol), the reality is quite different. Such gentleman art thieves do not exist (Kisluk 1999; Tjihuis 2009: 49) and, even though art crime has a significant transnational dimension and is often connected to other forms of organized crime (Gach 2009; Ellis 2005; Hart 2005), the issue, as this paper will show, receives relatively little attention in European Union (EU) policing. In fact, compared to, for example, drug trafficking, human trafficking, and money laundering, art crime cases, despite being the third most profitable criminal enterprise in the world behind only drug and arms trafficking, are too often subject to a dismissive attitude and lack of international police cooperation (Charney 2009: xxiv). Such a ranking, and the growing number of art crimes since the first cases in the 1960s, should, according to the standard functionalist view of police cooperation, have triggered a major response in the form of increased police cooperation in this field. Apparently, however, no such increase has materialized. Rather, as Andreas and Nadelmann (2006: v) emphasize, crimes are defined or, in fact, created by what states choose to criminalize, meaning that the standard viewpoint on police cooperation "explains too little and obscures too much." Thus, these authors suggest, international police cooperation, or crime control, as they call it, needs to be preceded by a homogenization of crime definitions.

Andreas and Nadelmann (2006: 227) also argue that the capacity of a state to successfully engage in police cooperation depends greatly on the extent to which its criminal law norms conform with or vary from those of other states, implying that further harmonization of criminal procedural law should facilitate better enforcement against art thefts (see e.g. Fortis 2008). Yet criminal law norms related to 'art crime,' especially when this label is applied as a collective term for the theft, smuggling, and forgery of art, are already to a large extent harmonized (James 2000: 13; Tjihuis 2006: 129) and, certainly in the EU member states, are clearly defined as punishable acts. In fact, conformity in the criminal law related to the protection of art and artifacts is formally laid down in a number of United Nations conventions<sup>3</sup> and EU policy

instruments (Tjihuis 2006: 123–127), and illicit trafficking in cultural goods, including antiques and works of art, is one of the 32 offenses that fall within the scope of the European Arrest Warrant (Council of the EU 2000b). Despite such legal backing, however, EU police cooperation on art crime appears to take place only in a specialized niche.

This study, therefore, aims to identify what drives police cooperation in art crime by examining such policing in the EU at both the EU and member-state levels. The research for this analysis, conducted as part of a doctoral investigation into European police cooperation, includes a literature review, extensive desk research, and interviews with former practitioners involved in the fight against art crime in the EU. The literature review reveals that despite a growing body of literature on police cooperation, such collaboration in art crime cases has received barely any attention, with the exception of Tjihuis (2006: 127–128) and practitioners' contributions to conferences and professional journals (see e.g. Gach 2009; Jouanny 2008; Nanni 2006). Thus, a secondary aim of this analysis is to offer in-depth descriptions of the practices of policing art crime.

To achieve these ends, the discussion begins by outlining policing efforts on art crime in a number of EU member states and then maps out the policy efforts and operational activities undertaken on an EU level in relation to policing art crime. It then focuses on the practices in art crime cases of member states, including their bilateral cooperation through Interpol, as well as the obstacles involved in such practices and cooperation.

### Policing Art Crime in EU Member States

Activities related to policing art crime in the different EU member states diverge significantly: in some, art crime receives very little attention; in others, highly specialized units are fully dedicated to its prevention and investigation. The member states can thus be roughly categorized as those that give policing art crime a low priority, those that accord it medium priority, and those that give it high priority.<sup>4</sup>

#### *Low priority member states*

Member states that accord relatively little priority to policing art crime include Denmark, Finland, Norway,<sup>5</sup> Sweden, and

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1 An early draft of this study was presented as a paper at the CEPS 2010 International Conference, Canberra, October 7–8, 2010. I would like to thank the anonymous reviewer for the valuable comments received. Any remaining mistakes are my sole responsibility.

2 For the sake of brevity, the term 'art crime' is used here as an equivalent for what is sometimes called 'cultural property crime' or 'cultural heritage offenses'.

3 See, for example, the Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954); the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property (1970); and the Convention on Stolen or Illegally

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Exported Cultural Objects (1995).

4 Although the customs services of the member states could also play a role in combating art crime, especially the smuggling of art and artefacts to and from the EC customs territory, their role falls outside the scope of this paper.

5 Norway is not technically an EU member state; it is, however, part of the Schengen area under the Nordic Passport Union and participates in many EU police cooperative arrangements and agreements.



the Netherlands. In Denmark, which in 2005 saw an especially high number of art theft and art trafficking cases (Rigspolitiet 2005: 18), no dedicated unit on art crime exists and the police maintain no database on art crime. Some information on stolen art is published on the websites of local police districts, but there is no consistency in where and how the missing objects are listed (Korsell et al. 2006: 146). Likewise, in Finland, where the level of reported art crime is very low and involves mostly the selling of forgeries (Rumpunen and Seppälä 2004: 8), the police have no specialised art crime unit, although the National Bureau of Investigation (NBI) does employ specialists who deal with art crimes on a case-by-case basis. One of the largest art crime cases in which the Finnish police cooperated internationally was the 2001 theft by a British art thief of maps from some 15<sup>th</sup> century atlases (Honigsbaum 2003). Nonetheless, the Finnish police maintain no dedicated database for stolen art and, even though art crime cases are registered in the NBI database, they are not included as a distinct category, making information on them difficult to retrieve.

In Sweden, poor registration practices also obstruct the recovery of stolen art (Korsell et al. 2006: 34) and police officers surveyed have emphasised their meagre resources and inadequate awareness of the cultural heritage crime area. Policing art crime therefore receives limited priority, and cases in which police do show commitment to art crimes are the result of individual police officers acting out of personal drive (Korsell et al. 2006: 115). More recently, however, the Swedish police have increased their efforts to police art crime, and at the end of 2009, the National Criminal Police appointed a dedicated coordinator for fighting art crime (Svensk Polis 2009).

In Norway, cultural heritage crime falls under the auspices of ØKOKRIM, the national authority for investigating and prosecuting economic and environmental crime, although this responsibility is not exclusive. For example, the investigation and recovery of Munch's *The Scream* after it was stolen for a second time in 2004 was in the hands of the Oslo Police District's organized crime division (Berglund 2006). With respect to art crimes, ØKOKRIM (2009: 10) focuses on cases related to removing or damaging protected monuments/sites and investigates only a few such cases each year. Because of a lack of resources, it currently maintains no database on stolen art, although it has announced that the creation of a database of stolen art and antiquities is imminent. ØKOKRIM's staff was also expanded in 2010 with 10 new positions, an increase from which the investigation of art crime should benefit (Stortinget 2010). Insufficient capacity, however, is seemingly not the only factor impeding the Norwegian police's prevention and investigation of art crime. According to a recent study, as in Sweden, Norway's police officers lack knowledge about art crime (Jacobsen, Steen, and Ulsberg 2008: 80).

Art crime also receives limited police attention in the Netherlands, despite the establishment in 1974 of a national administrative section to maintain a register on art and antique thefts, which was transformed in 1979 into an arts and antiques unit within the National Criminal Intelligence Service (Tweede Kamer 1985). When this latter was reorganized in 2001, however, and the head of the arts and antiques unit went into early retirement, the unit was disbanded and the database is no longer maintained. At that time, it was believed that specialized art crime investigation could survive other investigative priorities; however, such was not the case. According to a 2007 evaluation of cultural property protection in the Netherlands, successes in art crime investigation currently depend on coincidence and flukes, the issue receives no priority, information on art crimes is fragmented, no central coordination exists, and virtually no specialist knowledge has remained within the police structures (Bieleman, van der Stoep, and Naayer 2007: 93). Instead, art crime was being investigated on a case-by-case basis, often only after information had been received from the public (NRC Handelsblad 2009). Recently, after pressure from the Netherlands parliament, the police developed a new database, which is now being filled with information from the past few years, and three staff positions were allocated in the National Criminal Intelligence Section of the National Police to deal with art crime. Nonetheless, these three staff members are engaged primarily in the collection and analysis of information on art crime; actual investigations of art crime cases remain the responsibility of regional police forces (KLPD 2010). Hence, despite political pressure from the parliament to enhance the capacity for art crime investigation, little progress appears to have been made within the Netherlands police, and the long promised new database is still not operational (Tweede Kamer 2010).

#### *Medium priority*

One member state in which the police give significantly more priority to preventing and investigating art crime is Austria, whose national criminal investigation service has had a unit on art crime since 2002, staffed with two specialists who are supported by several case officers at the local level. Moreover, although the Austrian police maintain no dedicated database on art crime, the national police information system, EKIS, allows the theft of cultural property to be registered as a distinct category. The national police also use the Interpol database. Since 2000, the police have maintained a website on which stolen art is displayed for public viewing (BMI 2006). They also cooperate closely on art crime with the police in, for example, Germany and Switzerland, and since 2008, the forces from these three countries have collaborated on an eBay project to uncover the online sale of stolen cultural property (Gach 2010).

In Germany, art crime receives similar priority, although its investigation occurs predominantly through Länder (state) level criminal investigation departments, some of which do have dedicated specialists on art crime. A number of such departments—for example, the State Investigation Bureau (*Landeskriminalamt* or LKA) in Baden-Württemberg—also maintain dedicated databases on art crime (personal interview 1). Moreover, although there is no national unit dedicated to investigating art crime, the German federal criminal investigation service (*Bundeskriminalamt* or BKA) employs a number of specialists on art crime and engages in regular activities in this field (see e.g. BKA 2009, 2010).

In Belgium also, art crime has been given medium priority since the 1988 establishment within the Brussels judicial police of a dedicated art crime unit, the Bureau of Art and Antiques (Federale Politie 2001). After the reorganization of the Belgian police in 2001, this bureau became part of Belgium's federal judicial police and was renamed Section ART. At that time, the section had a staff of seven; however, this number was not codified and the current staff includes only two specialists, one of whom is occupied full time with maintaining the ARTIST database. This database, modelled after the French TREIMA (see below), includes all art works reported stolen in Belgium, currently about 20,000 objects. To conduct actual investigations and provide support for international requests, however, the section must rely on its domestic network of correspondents in local federal police departments throughout Belgium, to whom it provides support in the form of knowledge and analyses (Federale Politie 2009).

In both the United Kingdom and Ireland, the police do maintain specialized units for the investigation and prevention of art crime. In Ireland, art crime is the responsibility of the Irish national police force's National Bureau of Criminal Investigation, which maintains an arts and antiques unit and has developed specialized expertise in investigating criminality associated with the arts and antiques market. This unit provides operational assistance and expertise to national police personnel investigating specific crimes (An Garda Síochána 2000). In the United Kingdom, the London Metropolitan Police maintains a dedicated art and antiques unit within the Specialist Crime Directorate, which has national authority and includes three detective constables, two researchers, and 10 part-time special constables known as ArtBeat officers (Metropolitan Police 2010). Originally established in 1969 as a philatelic squad after a series of stamp dealer robberies, this unit, after being disbanded for some time in the 1980s, was re-established in 1989 (Hart 2005: 91, 134) when the Metropolitan Police Force realised it needed people with antiques expertise to investigate such crimes (Metropolitan Police 2005).

Currently, this arts and antiques unit maintains the

London Stolen Arts Database, which contains pictures and descriptions of over 54,000 items<sup>6</sup> and has on average 120 investigations running at any one time. The unit has been involved in a number of successful investigations, including the undercover operation to recover Edvard Munch's *The Scream* three months after it was stolen from Oslo's National Museum of Art in 1994 (Hart 2005: 170–185). Despite these successes, however, and notwithstanding the size of the illegal art market in Britain, the Metropolitan police announced in 2007 that the arts and antiques unit was not a priority for the force and that a 50% budget cut for the unit was imminent. An attempt to secure sponsorships from the private sector followed but was unsuccessful (Laville 2007); however, although the unit did start supplementing its resources by recruiting part-time volunteer ArtBeat officers, the budget cuts were never carried out.

### *High priority*

The prevention and investigation of art crime receives high priority in France, Cyprus, Greece, Spain, and Italy, whose police forces all maintain fully fledged art crime investigation units. In France, efforts against art crime are carried out in the famous Central Office for the Fight against Trafficking in Cultural Goods (*Office Central de lutte contre le trafic des Biens Culturels* or OCBC). Originally established in 1975 as *l'office central pour la répression des vols d'oeuvres et d'objets d'art* and renamed in 1997, the OCBC is located within the Central Directorate of the Judicial Police but acts also on behalf of the gendarmerie and customs, as well as the ministries of culture, justice, and foreign affairs. Staffed by approximately 30 policemen and gendarmes, it is divided into a training department, three investigative groups, and a documentation service. It also has access to a domestic network of correspondents composed of expert investigators within the regional criminal police sections of the national police (Assemblée Nationale 2007). Since 1995, the OCBC has maintained the TREIMA database of stolen art, which includes photographs of cultural property stolen in France, as well as other art stolen abroad and reported missing through Interpol. To improve the recognition process, the OCBC modernized its database in 2005 so that it can now reference over 80,000 art objects connected to 35,000 cases of cultural property crime. The new system, TREIMA2, has a Web interface and allows image recognition searching (Noce 2009).

Spain also gives relatively high priority to the prevention and investigation of art crime, and in 1987, the art crime unit established at the end of the 1970s by the Civil Guard (*Guardia Civil*), became a central operational unit named the *Grupo de*

<sup>6</sup> See: <http://www.met.police.uk/artandantiques/> (last visited January 22, 2011).

*Patrimonio Histórico*. The key activities of this unit, which has about 20 staff members, is the investigation of art crime and the centralisation of all art crime-related information submitted by the territorial units, which is stored in a database of stolen and recovered works that is searchable from the *Guardia Civil* website. The unit also undertakes international cooperation, especially with the Portuguese judiciary police, the Italian Carabinieri, and the French national police's OCBC.<sup>7</sup>

Undoubtedly, the most active police force in the EU in preventing and investigating art crime is the Italian Carabinieri, which since 1969, has maintained a specialized commando force for the protection of cultural heritage (*Comando Carabinieri per la Tutela del Patrimonio Culturale*). Tasked with both preventing and fighting against trafficking in cultural property, this unit has three divisions: Archaeology, Antiques, and Contemporary Art Forgery. Functionally incorporated in 1975, within the newly established Ministry for Cultural and Environmental Heritage, the unit has been gradually expanded to a total of 12 regional sections, each having its own regional expertise and investigative capacity but subordinated to the central unit. When it began 40 years ago, the unit had 16 staff members; now it and its subordinated sections have 300 (Comando Carabinieri 2010). Its database of “unlawfully removed cultural heritage goods,” originally set up in 1980, is believed to be the first established in this specific field and is widely recognized as the largest dedicated database on art crime in the world. Two major tasks of the commando unit are the investigation of clandestine excavations and the return of looted artifacts, such as in its recent Operation Andromeda, which after two years of collaborative investigation with the Swiss police, resulted in successful recovery of more than 300 artifacts looted from various sites in Italy (Grattoggi 2010).

### **Policing Art Crime at the EU Level**

The structure of police cooperation as part of broader political cooperation on justice and home affairs (JHA) in Europe was first discussed in the European political arena in 1975. Over the years, this discussion has led to both coordinated policy efforts and the establishment of EU agencies operationally active in the field of police cooperation. This section, therefore, first examines the policy efforts on policing art crime undertaken at the European Community (EC) level and—after November 1993—at the EU level, and then outlines the operational activities by EU agencies in the specific field of art crime.

#### *Policy instruments on policing art crime*

Several terrorist incidents in the early 1970s prompted the

1975 creation of the intergovernmental TREVI forum, which brought together the ministers of justice and home affairs of the 12 EC member states. This forum, which included a number of working groups, was initially intended to coordinate effective antiterrorism responses among EC member states; however, it soon extended its business to many other issues of cross-border police cooperation between EC members. Working Group III, particularly, established in 1985, was concerned with the fight against serious and organized crime rather than terrorism, and produced the 1990 TREVI Programme of Action, which explicitly designated “valuable pictures, works of art, cultural property” as the subject of “regular exchanges and permanent updating of rapidly acquired and detailed information” between member states (TREVI 1990: par. 4). This program of action, however, was in reality more a political statement and resulted in no tangible operational implementation.

At around the same time, the Council of the EC (1992) adopted a regulation that made an export license compulsory for the export of cultural goods outside the customs territory of the community. Although this resolution included no specific provisions for fighting illicit art trafficking, one annex to the regulation provided law enforcement with a point of reference by listing all the items considered cultural property. In early 1993, the council also adopted a directive on the return of cultural objects unlawfully removed from the territory of a member state, an instrument that also, however, provided no specific provisions or tools for investigating art crime (Council of the EC 1993a).

The Treaty on European Union (TEU), which came into force in November 1993, includes police cooperation as an explicit goal, and since 1993, the EU council has adopted numerous policy instruments to enhance police cooperation between the EU member states. Such instruments are aimed at, for example, harmonizing existing as well as introducing new methods of investigation (joint investigation teams, witness protection), creating new methods and legal frameworks for information exchange, and setting up centralized databases. Instruments have also been adopted that aim at prioritizing cooperation in particular crime fields, such as counterfeiting, and trafficking in drugs, human beings, and arms. The only instrument designed to enhance the policing of art crime, however, was not adopted until 2008, and in fact, between 1993 and 2008, such policing received very little attention in the EU policy arena.

One exception to this lack of attention was the organization by the French EU presidency of an expert group meeting on art crime in Nanterre in September 1993. These experts drew up a proposal to establish a multidisciplinary group responsible for identifying the practical difficulties encountered in police and judicial cooperation on trafficking in

<sup>7</sup> See [http://www.guardiacivil.es/patrimonio/protec\\_grupo\\_princip.jsp](http://www.guardiacivil.es/patrimonio/protec_grupo_princip.jsp) (last visited 10 January 2011).

works of art. The presidency then proposed the establishment of such a group to the other member states at one of the last meetings of the TREVI Working Group III in October 1993, but no consensus could be reached (Council of the EC 1993b). It was then nine years before art crime was again discussed in the council. In June 2002, the then Spanish EU presidency held an international seminar, *The Falsification of and Trafficking in Works of Art and Cultural Property* (Council of the EU 2002a). Although the seminar participants concluded unanimously that the prevention and investigation of art crime should be a priority for the member states, this seminar also produced no further action by the EU council.

Meanwhile, the European Commission was engaging in some activity in the field of art crime. In May 2001, at the first meeting of the commission's EU Forum for the Prevention of Organized Crime, trafficking in cultural goods was one of the four subjects under discussion (European Commission 2001a). However, although the commission published an ambitious discussion paper for this meeting (2001b), there is no evidence of any subsequent follow-up. Then, in 2004, in discussions about the new Schengen Information System (SIS II), the idea emerged of including stolen works of art in the database. The commission then set up an advisory group to examine the feasibility of such inclusion, but the group concluded that implementing such a function would require significant additional development and might endanger SIS II's already tight development schedule (European Commission 2004: 5).

Four years later, in 2008, when the French took over the rotating EU presidency, they proposed the creation and implementation of a European database of stolen cultural goods (Council of the EU 2008a), noting at the same time that Interpol's database on stolen works of art was a valuable instrument, but had certain limitations. However, in the subsequent discussions, some member states questioned the need for a European database and voiced concerns about its technical features, timetable, and financing. A decision was then made, therefore, to first explore the possibilities offered by both the Interpol database and the Europol information system. However, Europol quickly announced that it could not design and manage such a system (Council of the EU 2008b: 6) even though it had developed a blueprint for an art crime database just a few years previously (personal interview 1, and see below). Interpol did offer to directly examine the functionalities that EU member states wanted and the possibility of incorporating these functionalities into the Interpol stolen artwork database, and various delegations expressed a preference for exploring ways to meet EU requirements by improving the existing systems (Council of the EU 2008b).

After further discussions and proposals from the French EU presidency (Council of the EU 2008c), in November 2008,

the council adopted nonbinding conclusions on preventing and combating illicit trafficking in cultural goods (Council of the EU 2008d). These conclusions emphasize the importance of close cooperation between those departments in member states that specialize in combating the illicit trafficking of cultural goods and suggest the designation of contact points. They also support Interpol's actions to improve its database based on the wishes of member states. For the cooperation with Interpol, a working group was set up to define the scope for enhancing the artworks database (Council of the EU 2008e), which first convened in January 2009, with representatives from Austria, Italy, France, Spain, Belgium, and Switzerland. By mid-2010, after mostly technical discussions, the working group was ready to deliver its report on the redesign of the Interpol database (personal interview 1), but financial resources for the implementation had not yet been allocated (Council of the EU 2010). The commission, inspired by the 2008 council conclusions, ordered a very extensive study on preventing and fighting illicit trafficking in cultural goods in the EU (European Commission 2010) of which the results are expected by the end of 2011.

#### *Operational activities on policing art crime at the EU level*

To facilitate and undertake police and judicial cooperation in the EU, a number of agencies have been established, including Europol, Eurojust, FRONTEX, and the European Police College (CEPOL). Two of these agencies have undertaken operational activities related to the investigation of art crime: Europol and CEPOL. The first, Europol, established in its current form in 1999, is the EU law enforcement organization that handles criminal intelligence and is fictionally represented in the movie *Ocean's Twelve* as having highly trained experts on art crime among its staff. In reality, however, Europol has no investigative powers, and until 2002, engaged in no activity related to art crime (personal interview 2). In fact, the first reference to Europol activities on art crime appeared in Europol's 2004 annual report, which indicates that in that year, through its Working Group on Cultural Heritage Offenses (personal interview 1), Europol delivered training courses on cultural property crime, conducted a feasibility study on establishing an EU database on stolen cultural goods, and collected information for a *Europol Cultural Property Crime Handbook* (Europol 2005: 14). The Europol Work Programme for 2005 also mentions Europol's participation in the advisory group investigating whether stolen art works could be included in the SIS II (Council of the EU 2004).

The Europol Work Programme for 2006 also lists two art crime-related objectives for that year: the compilation of a handbook on investigating stolen cultural goods and the provision of training on cultural property crime (Council of the EU 2005). Yet, interestingly, neither the Europol 2005 nor the Europol 2006 annual report contains any reference to any



(of the planned) activities in the field of art crime (Europol 2006; Europol 2007). In fact, the Working Group on Cultural Heritage Offenses was disbanded in 2005, after the arrival of a new director, even though a final draft of the projected handbook was ready as well as a blueprint for a database on stolen art (personal interview 1). Currently, there is neither a dedicated unit nor any specialists at Europol active in the field of art crime and no Analysis Work File<sup>8</sup> on art crime has been opened.<sup>9</sup>

The European Police College, better known as CEPOL, is in fact a network of national police training colleges from member states that was established in 2000 and became an EU agency in 2005. The CEPOL secretariat is located in Bramshill (UK), but the courses it holds are dispersed over the EU at the various national training colleges. The CEPOL website<sup>10</sup> lists six courses entitled “Trafficking in Stolen Artwork” that have been organized by CEPOL since 2007, four hosted by Italy (2007, 2008, 2010, and 2011), one by Greece (2007), and one by Cyprus (2009). The course in Cyprus, for example, took place in Nicosia and was organized by the Cyprus Police Academy supported by Greece, Italy, and Interpol. A total of 25 participants from 13 member states attended to hear speakers from Cyprus, Greece, Italy, and Interpol lecture on such topics as the situation in Cyprus regarding trafficking in stolen artwork, the activities of Interpol in the field of cultural property crime, and the experiences of the Italian Carabinieri in preventing and investigating art crime. Although defined as a “course,” however, in practice the CEPOL seminars on art crime resemble more an annual gathering of art crime experts from the member states and to a large extent draw the same participants every year. In between presentations, these participants informally discuss actual cases, so these meetings do constitute an important informal link in the international cooperation on art crime (personal interview 1).

### Practices of and Obstacles to Police Cooperation on Art Crime

Developments like the single European market, the abolishment of border controls, increased mobility, and transnational interconnections (globalization) have led to an increased need for cooperation and coordination between police from the 27 EU member states. Nonetheless, although the number of cooperative arrangements available to police in the EU has proliferated over the past three decades, obstacles remain. In fact, despite member states’ geographic proximity, the EU comprises 27 different jurisdictions with divergent

legal systems, different cultures and languages, and significant variations between the way policing is organized, all of which affect cooperation. Hence, police cooperation in the EU can be characterized as a dynamic and complex endeavor (Block 2008: 76), and, in spite of all the multilateral arrangements available for police cooperation, informal bilateral cooperation is still the preferred method in criminal investigations (e.g. Guille 2010: 27). Such cooperation is based on either informal understanding between police forces in neighbouring countries or, more often, on direct informal contact between individual police officers linked by technologies like email and the mobile phone. Hence as Bigo (1996: 81) notes, “L’Europe des polices est déjà là, inscrite dans les carnets d’adresses des policiers.” How, then, does police cooperation work in the field of art crime where cases often have a transnational component? The results of this brief analysis indicate that in this specialized field also, direct informal contact between specialists is paramount in police cooperation and the role of Interpol is significant. Nonetheless, police cooperation in art crime remains hampered by obstacles, the most common of which are discussed below.

#### *The role of Interpol in policing art crime in the EU*

Established in 1923 and redesigned after the Second World War, the International Criminal Police Organization (ICPO), better known by its telex address Interpol, is the oldest existing arrangement for police cooperation. Comprised, as of October 2009, of 188 participating member countries, its core business is facilitating information exchange on a case-by-case basis. Over past decades, however, Interpol has increasingly developed its other functions and now provides a range of criminal databases and analytical services, as well as proactive support for police operations throughout the world. Nonetheless, communication remains the organization’s primary function, and, in 2009, 12.5 million messages worldwide were exchanged through Interpol’s 24/7 communication system (Interpol 2010: 30). Moreover, despite the rise of other platforms for information-exchange for police in the EU (e.g. Europol and SIS), 38% of the messages exchanged through Interpol involve reception from or emission to an EU member state.<sup>11</sup>

Interpol has been involved in the fight against art thefts since 1925, and in 1963, when it began issuing printed notices on stolen works of art, established a specialized unit to deal with stolen art works and cultural property (Bresler 1992: 352–355). In 1995, Interpol set up a computerized index of international art thefts, which grew into its stolen works of art database, and in March 2000, it ceased to issue the printed notices. Initially, the database was simply distributed

<sup>8</sup> Analysis Work Files are the coordination and collaboration tools used by Europol to collect and analyse information from the member states on specific types of crimes and criminal groups.

<sup>9</sup> Email communication between author and a senior Europol official, May 2, 2010.

<sup>10</sup> See: [www.cepol.net](http://www.cepol.net)

<sup>11</sup> Email communication 2: author and the Interpol press office, August 19, 2010.



periodically on CD-ROM to Interpol's National Central Bureau; however, since 2005, it has been available online for all law enforcement agencies through Interpol's I24/7 system (Jouanny 2008: 8). In 2009, direct access to the database was made available via the Internet for non-law enforcement users also, so they could check in real time whether an item was among the 34,000 registered objects (Interpol 2010: 40).

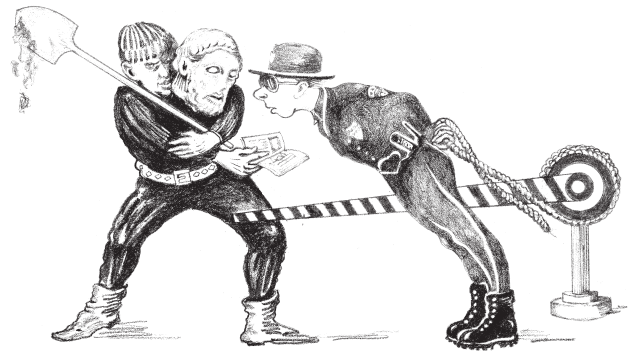
Besides facilitating the exchange of information on stolen art works through its global database, Interpol periodically organizes meetings related to fighting art crime, including, for instance, the international symposium on the illicit traffic and theft of works of art, antiques, and cultural objects organized every 3 years by its General Secretariat. As a response to the massive increase of cultural property crime in the early 1990s, Interpol has also begun to organize conferences in regions especially prone to this type of crime; for example, in Eastern Europe, where the first such meeting was held in Prague in 1995. Most important, according to practitioners, however, are the biannual meetings over the past decades of the expert working group on art crime. These meetings are frequented by experts from around the world and provide an opportunity for these experts to form personal acquaintanceships that form the foundation of their informal network and close cooperation (personal interview 2; see also Interpol 2008).

#### *Cooperation between the member states*

There are some accounts of elaborate cross-border undercover operations through which unique pieces of art were recovered—for example, Edvard Munch's *The Scream* and Vermeer's *Lady Writing a Letter with Her Maid* (e.g. Hart 2005: 170–185)—and undercover operations that operate in two or more jurisdictions are indeed an essential ingredient in successfully recovering stolen art. It is such operations that appeal to the imagination and give art crime policing the image portrayed in popular culture. In reality, however, undercover operations require significant time and resources, and the cost of running them across borders is usually only justified in the case of major thefts (Ellis 2005:4; personal interview 2). The majority of cases of art crime involve lesser known art works and antiques, and the detective work done by most art crime investigators is unexciting, perhaps even dreary, even though close cooperation with colleagues across borders is daily practice.

The group of police art crime experts from EU member states that engages in cross-border cooperation in fact consists of no more than 20 to 30 persons, most of whom have known each other for over a decade. They meet annually at the Interpol and/or CEPOL meetings, which thus form the foundation for a close-knit network of specialists whose personal relations and mutual trust drive the cooperation. Members of this network exchange information informally and with a speed

unmatched by formal channels (personal interviews 1 & 2). In such international information exchange, the two most asked questions are whether a piece is stolen and whether it is fake or genuine (personal interview 2).



Getting It Across  
Bill Lyle

Whether a certain work of art is (registered as) stolen, however, is not always easy to determine. Searching and managing a database on stolen works of art takes significant resources and, in smaller units especially, leaves little room for other activities (personal interview 1). There also seems to be a lack of information flow on art crimes from the local to a national centralized level, which presents a major stumbling block in the fight against art thefts in most EU member states. Most particularly, the majority of police databases at the local level do not allow stolen art works to be registered with sufficient detail, meaning that most existing databases at the national level are at best a repository of information on major cases rather than a representation of the actual level of art crime (see also Tjihuis 2009: 41). Yet, because stolen art works are often moved across borders within days or even hours of the theft and the chance of recovery is highest in the first month, swift cross-border information exchange is of utmost importance in the recovery of stolen items. Otherwise, it may be years before these works surface again at auctions or in the hands of art dealers (Ellis 2005: 3; personal interview 2).

The question of whether a work of art is genuine is also sometimes difficult to answer for the original artist (personal interview 2), and police art crime specialists, even though they usually have a good knowledge of art, are not art experts. Rather, they maintain close contact with art dealers, experts, museums, and national institutions and rely on these domestic informal networks for assistance. The contacts that art crime specialists maintain with local police officers, especially, are important to securing sufficient support for any follow-up to an

information exchange or for actual investigation. Here again, informal ties are paramount if anything is to be accomplished because there is no formal guarantee of swift allocation of needed resources in the case of art crime (personal interview 2).

### *Obstacles to police cooperation*

In general, obstacles to EU police cooperation can be divided into three categories: linguistic and cultural, organizational, and legal (Block 2011). According to the literature review and practitioners' comments, the first are usually easily overcome in police cooperation on art crime because of the longstanding personal relations between the police practitioners involved and their shared love for the profession (personal interviews 1 & 2). Organizational obstacles, however, do affect such cooperation because of the overall low priority accorded art crimes in many member states. Such low priority is particularly visible in suboptimal data management, from the local level at which art crime information must initially be registered up to the central level at which the data must be retrievable. As with many other crimes, this absence of appropriate data seriously hampers international cooperation. This low priority is also reflected by the limited capacities for investigating art crimes and fulfilling enquiries from abroad. Moreover, although general limitations on police investigative capacity can be a legitimate reason for police not following up on each and every international enquiry (Block 2008: 81), a request related to a low priority crime is particularly unlikely to be allocated resources.

As regards legal obstacles, the practitioners interviewed did not point to legal differences between member states as a significant obstacle to their cooperation. They did note, however, that most potential legal obstacles can be resolved through the informal ties between art crime experts (personal interviews 1 & 2). On the other hand, such informal cooperation is not always advantageous, as, for example, when the two Norwegians suspected of stealing *The Scream* in 1994 were acquitted on the grounds that the British undercover officers had entered Norway under false identities (Hart 2005: 184). Legal obstructions can also result from the lack of priority given art crimes; for instance, when an art crime's low profile leads a district magistrate to disallow the use of coercive measures against a suspected art fencer. In one such case, the magistrate did not see fencing stolen art as a serious matter and, despite ample evidence provided in an International Letter of Request (ILOR), allowed neither the arrest of the fencer nor a search of the fencer's premises, even though the exact same ILOR had convinced two other district magistrates to allow coercive measures against others involved in the same case. The art unit involved had a hard time explaining this discrepancy to their colleagues in the member state in which the case had originated (personal interview 1).

### **Summary and Conclusions**

The comparative overview of efforts to police art crime presented in the first section reveals that police in the different EU member states give different priority to art crime policing. Judging by the efforts at the national level in the EU member states, policing art crime apparently receives a relatively higher priority in southern member states than in northern member states. According to the practitioners interviewed, this difference might be explainable by the fact that art crime receives a higher priority from the police in countries that are more prone to them. In these countries, cultural heritage is often valued more highly than in other countries (personal interviews 1 & 2). Nonetheless, the brief examination offered here provides insufficient evidence for any firm conclusion, especially given the lack of reliable statistics on art crimes in general (Tijhuis 2009: 41). The analysis does point, however, to renewed political attention to policing art crime in a number of member states in which it does not currently enjoy a high priority. For example, the parliaments in Belgium, Norway, and the Netherlands have placed the subject on the national agenda, and in the Netherlands and Norway, such attention has to some extent resulted in an increase in the resources available for art crime policing.

The analysis of such efforts at the EU level indicates that art crime and its policing enjoy very little attention, especially compared to, for example, terrorism, drug trafficking, and money laundering. In fact, since the TEU came into force, there have been hardly any policy initiatives on policing art crime and only recently have member states agreed on a nonbinding instrument aimed at enhancing police cooperation on art crime. At the same time, other than some minor support activities between 2003 and 2005, Europol has given art crime no structural attention whatsoever. The only consistent contribution to the prevention and investigation of art crime at the EU level has come from CEPOL in the form of courses that annually bring together art crime specialists from the different member states.

In the EU council's policy-making on police cooperation, the actions of the member states are often driven by their domestic security situations and normative ideas at the national level (Storbeck and Toussaint 2004: 4). As regards policing art crime, they show the following pattern: since 1990, France and Spain have been the main proponents of coordinated efforts on policing art crime, and in 2008, France finally succeeded in getting the EU council to agree on an instrument that set a number of operational activities in motion. Meanwhile, Italy, Greece, and Cyprus have been the driving force behind the annual CEPOL courses on art crime. Not surprisingly, the examination of these member states' practices on a national level also reveals that they accord policing art crime a relatively high priority.

In the operational cooperation in art crime investigations, informal direct contacts are paramount. It is this close-knit network of specialists, as well as their personal dedication, that drives the cooperation, regardless of the limited overall priority that policing art crime receives in the member states and at the EU level. This practitioner-driven cooperation resembles the early practices of regional cross-border police cooperation, such as, for example, in the Channel region, where the personal dedication of involved police officers was an important driver in placing cross-border cooperation ahead of political interest and priorities (Gallagher 1998: 98–99).

Overall, the findings suggest that, contrary to the proposition of Andreas and Nadelmann (2006), conformity in criminal law, although an important facilitating condition, is not alone sufficient to drive international police cooperation: According to a particular crime problem is equally important. Most especially, priority serves as the basis for allocating the resources that are crucial to any form of international police cooperation. Admittedly, informal direct contacts between dedicated individual police officers can result in high quality and efficient international cooperation, one that can be sustained over decades even when a particular niche, like art crime, is given no formal priority. Nonetheless, in quantitative terms, such cooperation remains limited unless sufficient resources are allocated. In the end, therefore, the level of police cooperation is a reflection of myriad policy choices, including, but certainly not limited to, the harmonization of criminal law norms.

From a scholarly perspective, police cooperation in art crime investigation could provide a fruitful avenue for research, not only because knowledge about the practices in this niche is limited, but because it could shed light on why and how police practitioners build and sustain cooperative practices in a field that in many countries lacks political backing. Such insights could in turn yield more detailed knowledge of how the actions of police practitioners shape police cooperation in general.

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# Polaroids from the Medici Dossier: Continued Sightings on the Market

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## Abstract

The series of returned antiquities to Italy have been a reminder of the role of Giacomo Medici in the movement of antiquities to North American public and private collections. A dossier of images was seized during a series of raids on premises in the Geneva Freeport linked to Medici. Such images have made it possible for the Italian authorities to make identifications with recently surfaced antiquities. In spite of the publicity some involved with the trade of antiquities continue to offer recently-surfaced objects that can be traced back to Medici and his consignments to the London market.

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**Keywords:** art crime, Giacomo Medici, trade of antiquities, returned antiquities.

## The Medici Dossier

The 1995 raids on the Geneva Freeport premises of Giacomo Medici have had a profound impact on the collecting of and dealing in antiquities (Watson 1997; Watson and Todeschini 2006, 20; Silver 2009). The set of Polaroids seized during the raids (“the Medici Dossier”) has allowed objects that had passed through the hands of Medici to be identified. Fractured, salt-encrusted, and mud-covered objects were shown as they appeared to have emerged from the ground and before they passed into the hands of expert conservators who prepared them for sale. The unravelling of the story has become known as the “Medici Conspiracy” (Watson and Todeschini 2006). The photographic evidence has brought about the voluntary return of objects from a range of prominent North American museums: Boston’s Museum of Fine Art, the Cleveland Museum of Art, the J. Paul Getty Museum, New York’s Metropolitan Museum of Art, and the Princeton University Art Museum (Gill and Chippindale 2006; Gill and Chippindale 2007; Gill 2009b; Gill 2010c; see also Godart and De Caro 2007). To these may be added a selection of objects from the Royal-Athena Galleries in New York, and items from the Shelby White (and the late Leon Levy) collection (Gill 2010c).

A further aspect of the Medici conspiracy was the release of documentary evidence relating to consignments made to Sotheby’s in London by Medici through his Swiss agents, Christian Boursaud and later Editions Services (Watson 1997; see also Gill 1997). These lists show that large numbers of antiquities were being supplied to the London market through the 1980s and early 1990s. It is striking how many of the returned objects emerged in this way. For example, three pieces returned from Boston (an Attic bell-krater, an Apulian loutrophoros, and a Lucanian nestoris) surfaced in 1982, 1984, and 1995 (Gill and Chippindale 2006; Gill and Chippindale 2008); the Attic amphora returned from the MMA surfaced in 1982 (inv. 1985.11.5; see Gill 2010a, 5-6); the Attic red-figured column-krater from the Royal-Athena Galleries surfaced in 1987 (Gill 2010c, 107 no. 3); two Attic black-figured neck-amphoras, one from the Royal-Athena Galleries and the other from the Shelby White collection, appeared at the same sale in 1985 (Gill 2010a, 4). Some of these sales had been discussed in detail. The July 1985 sale contained “104 unprovenanced antiquities” consigned by Christian Boursaud, and the December 1987 sale, consisting of 360 lots, contained 101 lots consigned by Editions Service (Watson 1997, 117, 120). The collecting histories of the pieces prior to their acquisition by Medici are undeclared.

In spite of the major publicity surrounding the returns from North American collections, and their display in high profile exhibitions in Rome and Athens (Godart and De Caro 2007; Volpe 2009; see Gill 2009a), some dealers seem to have

been unaware of the issues. The October 2008 London sale of the Graham Geddes collection of antiquities at Bonhams was severely disrupted (Gill 2009c, 83-84; Gill 2010a, 4-5). The Italian authorities made claims on a number of key items; at least seven had first surfaced at Sotheby’s between 1984 and 1989. The antiquities section at Bonhams could have been alerted to potential problems if they had observed that the name “Geddes” appeared next to a South Italian (Lucanian) krater, sold at Sotheby’s in London that appears to have had links with Medici (Watson 1997, opp. 120; see also Gill 2009c, 84).

Yet, the following year, a Corinthian krater was seized just before the June 2009 sale at Christie’s Rockefeller Plaza, New York; it had passed through Sotheby’s in 1985 (Gill 2010a, 4). Two further pieces, an Attic pelike and an Apulian situla that were sold in the June 2009 Christie’s sale, were seized later in the year (Gill 2010b, 83). These two pieces had apparently passed through the Summa Gallery in Beverly Hills (see McNall 2003; Nørskov 2002, 270).

Such activities would perhaps make dealers, especially Bonhams in London and Christie’s in New York, wary of objects that were potentially associated with Medici.

## The Medici Dossier and Bonhams

The April 2010 sale at Bonhams contained a Roman statue of a youth (lot 137). The statue had originally surfaced at Sotheby’s in London in December 1986 (lot 287). This particular Sotheby’s sale appears to mark the transition to consignments by Editions Service (and apparently ultimately from Giacomo Medici) (Watson 1997, 120). Indeed two of the pieces withdrawn from the Bonhams October 2008 sale were also from this auction (Gill 2010a, 4-5): an Apulian oinochoe (lot 15; Sotheby’s London, December 8, 1986, lot 185); and an Apulian bell-krater (lot 28; Sotheby’s London, December 8, 1986, lot 188). A search of the Medici Dossier found an image of a Roman marble statue marked clearly “lotto 287.” Apart from restorations to the right ankle the image in the Polaroid seems to be strikingly similar to the one illustrated in the Bonhams catalogue. Why should an image of a pre-restoration Roman statue appear in the Medici Dossier? Did the staff at Bonhams contact the Italian authorities, given that the statue had surfaced in the December 1986 sale, one that had been linked to Medici and that had given the auction-house problems only 18 months before? Such contact would form part of a natural and rigorous due diligence process.

There is one further complication. Did the statue appear on the Art Loss Register (ALR) database? It is commonplace for dealers and auction houses to consult the ALR prior to a sale. The staff of the ALR will check pieces that have been recorded and reported as stolen. However it is a database

that will not contain images of recently-surfaced antiquities as, to state the (frequently overlooked) obvious, cameras were not available when the objects were deposited in their archaeological contexts a couple of millennia ago. Thus items that have been stolen from a recorded public or private collection have the potential to be in the ALR database, but objects removed illicitly from the ground will not normally be there. Even so, there are indications that part of the Medici Dossier has been placed on the ALR database.

It seems that members of staff at Bonhams were possibly aware of the Medici connection. Chris Martin, the chairman of the Antiquities Dealers Association (ADA) (Bonhams is a member), commented specifically on the Roman statue (email, Chris Martin to Theo Toebosch, 27 April 2010):

I understand that Bonhams checked with ALR and that the marble piece was clear, it seems however, that some five or so years ago the piece was on the art loss register and that it was the subject of a court case in Spain where the Spanish court ruled against the Italians and that it was the (sic.) legally the property of the current vendor. The ALR and the carabinieri were instructed to remove the piece from their websites. I have not seen the paperwork to confirm this but, legally this would be a very difficult to position to attack on the grounds of this EU court ruling. I feel, based on the information received, that Bonhams have acted in good faith by withdrawing the lot and have made due diligence checks.

As a result of this comment from the ADA, Christopher A. Marinello, General Counsel to the ALR London, confirmed, “William Webber informs me that the item is still listed on the ALR database as in dispute and the ALR has not been asked to remove it.” (email to DG, 28 April 2010) A subsequent discussion with William Webber in the ALR London office confirmed that the statue was on the ALR database, that the objects in the sale had been checked against the ALR database, and that the check would have indicated the Medici link (telephone conversation, 28 April 2010). If Webber is correct (and there is no reason to doubt him), then it would suggest that the staff of Bonhams were aware of the Medici connection but decided to offer the statue anyway. Yet, if they were so confident that the vendor had legal title, why did they decide to withdraw the piece from auction? Why not issue a press statement giving the details of the ownership?

More recently, Julian Roup, the head of PR and Marketing at Bonhams, claimed, “not a single item mentioned in your recent articles has appeared on any of the stolen art databases, namely the Interpol database, the Metropolitan Police database or indeed any of the databases checked by

the Art Loss Register.” (letter, to DG, 5 July 2010) Such a statement seems to contradict the information from the ALR, and the comment from ADA that was perhaps informed by Bonhams. Indeed, it seems that the Carabinieri had made images available to those in the antiquities market so that they identify objects shown in the Polaroids.

There is a fundamental issue at stake here. Why does the Roman statue in a pre-restored state appear in the Medici Dossier? What was its collecting history prior to passing into Medici’s hands? Where was it found?

Bonhams is a member of the ADA. The ADA’s Code of Conduct states ([www.theada.co.uk](http://www.theada.co.uk), accessed on 12 July 2010; rechecked 15 March 2011):

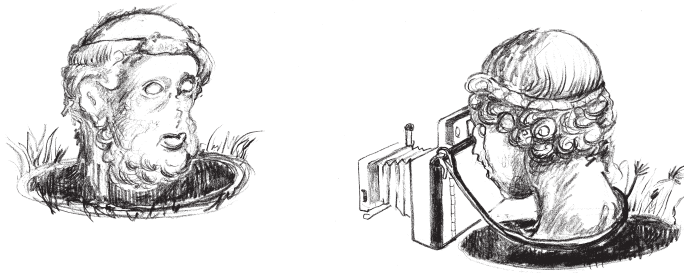
I undertake not to purchase or sell objects until I have established, to the best of my ability, that such objects were not stolen from excavations, architectural monuments, public institutions, or private property.

If Bonhams were aware of the Medici link and the reported Spanish legal case, had the staff established, to the best of their ability, that the Roman statue had not been “stolen from excavations”? The issue for the ADA is not about ownership but the protection of the archaeological record.

The Roman statue was not the only controversial object to be offered by Bonhams in the April 2010 sale. There were also three Roman limestone funerary busts (lots 399–401). All three had been “acquired on the London art market in 1998” and were “accompanied by a French export licence.” The three had formerly been offered at the April 29, 2009, sale at Bonhams but had remained unsold; they were part of a group of six acquired in London in 1998 and accompanied by “a French passport” (lots 48–53). The statues, in fact, featured in the Schinoussa archive. These images were seized in April 2006, at a villa associated with London dealer Robin Symes and his partner Christos Michaelides (Zirganos and Howden 2006; Nikolas Zirganos, ‘Operation Eclipse,’ in Watson and Todeschini 2007, 306–24; see also Watson 2006). Zirganos and Howden report that the Schinoussa Archive contained important images:

These images are said to include scores of ancient works, looted from Greece and sold to wealthy private collectors or major museums. The items were photographed while in the possession of crooked dealers and circulated to potential buyers, typically, before being sold through Swiss auction houses which operate outside EU laws on trafficking in stolen goods. Mr Diotis will now spearhead the effort to trace the pictured items, said

to include priceless statues, vases, ornate wreaths, and sculpted reliefs.



Double Exposure  
Bill Lyle

The Schinoussa images of the Roman limestone busts show them still encrusted with dirt. One was photographed in a fragmentary condition; the statue had been restored prior to being offered at auction. It thus seems likely that the six items were purchased on the London market from Robin Symes in 1998. The numeration of the photographs indicates that they were taken in 1994 (nos. 94/134, 94/135, 94/136, 94/137 and 94/140). Why did Symes have images of these busts still showing the dirt? It would suggest that they had not been residing in an undocumented private collection for some decades.

The handling of these items by Bonhams has attracted severe criticism from Lord Renfrew of Kaimsthorn. In the wake of the Geddes affair he made a speech in the House of Lords (Hansard, 26 October 2009):

Bonhams the auctioneers withdrew from its London antiquities sale at the request of the Italian Government some 10 antiquities, among them items formerly owned by the now sadly notorious dealer Mr Robin Symes. I understand that the Italian authorities had already made representations to the Home Office about several warehouses in London containing antiquities formerly in his ownership—many of them, it is alleged, illegally excavated in Italy.

What is an auctioneer in this country doing, selling antiquities without a documented provenance? It is scandalous that this practice continues, and to put an end to it is one purpose of this amendment. There are serious matters here, which demand government attention.

Renfrew was also invited to comment on the items appearing in the Polaroid images in April 2010, and stated that

“such sales are maintaining London’s reputation as a clearing house for looted antiquities.” (Alberge 2010b)

### The Medici Dossier and Christie’s New York

In 2009, three antiquities were seized from the premises of Christie’s in New York by agents of the U.S. Immigration and Customs Enforcement (ICE). The first was a Corinthian column-krater that was due to be auctioned in the June sale. It had first surfaced at Sotheby’s London in 1985 and is reported to have been consigned by Medici. Later in the year two pieces that had been auctioned were seized: an Attic pelike attributed to the Aegisthus painter (lot 120) and an Apulian situla (lot 132). Both had surfaced through the Summa Galleries in Los Angeles, one in 1977 and the other in the mid-1980s. Sung-Hee Park, a spokesperson for Christie’s commented, “the transparency of the public auction system combined with the efforts from the U.S. ICE and foreign governments, in this matter, led to the identification of two stolen artefacts” (email, to DG, 4 November 2009).

Subsequent to this, Max Bernheimer, head of Christie’s Ancient Art and Antiquities department, was interviewed for *Apollo* in April 2010 (Harris 2010). Harris commented on “the negative aspects of the antiquities trade – the looting of sites, the funding of the international trade in drugs and weapons, the proliferation of restitution claims and the continuing appearance of sophisticated fakes.” He wanted those involved in the trade to make their position clear: “Dealers are at pains to point out the entirely legitimate trade in objects that have been neither looted nor smuggled and which are in as much demand as ever.” Bernheimer noted “the critical break-off date for the sale of antiquities is 1983, the year that Egypt declared its country’s antiquities to be property of the state and their sale abroad unlawful.” He emphasized, “private collectors and museum curators alike will often cultivate relationships with established and trustworthy dealers who not only have the best access to rare works but are often better suited to negotiating the auction room pitfalls associated with this market.” Thus it appeared that Christie’s was accepting the need for adopting benchmark dates for when objects surfaced in order to avoid potentially damaging publicity.

Three of the pieces offered in the June 10, 2010, Christie’s sale at Rockefeller Plaza (sale 2323) seemed to be close to items featured in the Medici Dossier. The Roman marble torso of a youth (lot 139) was particular distinctive, and the catalogue entry noted that the youth is “holding a cockerel in his left arm, his hand at the bird’s left wing, its tail feathers curving along the contours of the boy’s hip.” The piece, with an estimated value of \$20,000 to \$30,000, was “the property of a Massachusetts private collector”. The original catalogue entry traced the statue’s history from an anonymous sale at Christie’s in London (11 June 1997, lot 116) to another



anonymous sale at the Rockefeller Plaza (10 December 2004, lot 576). A check of the collecting history in the 2004 online catalogue showed that the statue had originally surfaced in an anonymous sale at Sotheby's London (9-10 July 1992, lot 527). No explanation was provided about this striking omission, though the information was subsequently added to the entry of the 2010 catalogue. This raises the question about the identity of the person who consigned the statue to Sotheby's in 1992.

The second piece was an Apulian rhyton in the form of a goat's head (lot 104). The rhyton, with an estimate of \$25,000 to \$35,000, was the property of an anonymous American private collection. It had originally surfaced at Sotheby's New York on 8 June 1994 (lot 189). It is unclear who consigned it to the 1994 sale, or its full collecting history prior to 1994. The appearance of Apulian pottery on the market in the 1980s and 1990s has long been a matter of concern (Elia 2001).

The third piece was a Canosan terracotta figure (lot 112). The third century BCE female figure is shown leaning against a herm. The figure, with an estimate of \$6,000 to \$8,000, was the property of an anonymous owner ("another property"). It is significant that the figure had first surfaced at Sotheby's In London on July 9-10, 1984 (lot 551), and had then passed into an anonymous English private collection. The Polaroid image bears a sticker with "551."

Concerns about the three pieces were raised by Theo Toebosch in the Amsterdam press (*NRC Handelsblad* 15 May 2010). Toebosch contacted the press office at Christie's and was told, "We do not sell works that we have reason to believe are stolen." The spokesperson also stated that Christie's adheres strictly to all local and international laws relating to cultural property.

Shortly afterwards an extended interview with Bernheimer was released on the Christie's website (24 May 2010) and hyperlinked to objects that were listed in the June 2010 sale. The move was presumably intended to reassure potential buyers. The interview asked specifically:

**In recent years, the issue of repatriation has garnered attention as institutions like the Metropolitan Museum of Art and the Getty Museum have returned artifacts to their source countries. Where does the issue stand today, and what impact does this have on your collectors?**

Provenance has always been important, and in light of recent repatriation issues, it has become paramount. In a way these issues have helped the auction business because of the transparency of our operations; buyers can have complete

confidence when buying at auction. Everything we do is published, and source countries have the opportunity to review our catalogues long before the date of sale.

At this point Bernheimer already knew that questions were being asked about the collecting histories (or "provenance": see Gill 2010a) of three of the pieces. Although the online catalogue allowed possible identifications to be made with the Medici Dossier it seems that Bernheimer was unwilling to accept the photographic evidence.

Shortly thereafter, Paolo Ferri, the Italian State Prosecutor, commented on the three pieces due to be auctioned at Christie's (Alberge 2010a):

Paolo Ferri, a Rome prosecutor who specializes in art theft cases, is seeking to recover the objects. He described the Christie's sale as "very unethical," adding: "We want to repatriate those objects." He said he had been aware of the sale since the catalogue was published some weeks ago and was pursuing his efforts to repatriate the objects through diplomatic and international police channels.

(The phrase "adding: 'We want to repatriate those objects'" was subsequently edited out of later versions of the report.) The report was explicit, quoting Ferri, "Christie's knows they are selling objects that appeared in the Medici archive." A spokesperson for Christie's provided a response:

With respect to these particular lots, Christie's has not been notified of a title claim by any government authority, nor are these lots identified as problematic by the Art Loss Register or Interpol. As an added measure, Christie's has undertaken its own research into this matter and has found no evidence to support the need to withdraw these lots. Unless and until Christie's receives a title claim, we plan to proceed with the sale of these lots."

The presence or absence of images in the ALR database was again seen as significant, though, interestingly, Christie's only said that the lots had not been "identified as problematic." Are the images in the ALR database? Does the ALR consider images from the Medici Dossier to be unproblematic? Does Christie's consider the appearance of objects in the Medici Dossier as unproblematic? It would also be interesting to know the nature of Christie's own additional research relating to these three pieces once concerns had been raised. Did they contact Giacomo Medici and ask him if he had handled the pieces? Did they contact the Italian authorities to see if the images were indeed in the Medici Dossier? Or does it mean that Christie's took legal advice and decided to proceed?

This is particularly interesting given that only the previous year a Christie's spokesperson used the word "stolen" when commenting on the seized antiquities that had featured in the Medici Dossier. It also suggests, in the light of the comment made to Toebosch, that Christie's did not consider ex-Medici pieces to be "stolen." There appears to be contradictory thinking.

Christie's continued with the sale. The youth with a cockerel sold for \$20,000, less than the \$22,705 it had achieved in 2004. The Canosan terracotta sold for \$7,500 and the Apulian rhyton appears to have been unsold.

## **Conclusion**

The four objects that surfaced at Bonhams and Christie's appear to be similar to images shown in Polaroids from the Medici Dossier; and three further items are similar to items in the Schinoussa Archive. But is this just the tip of the iceberg? It seems likely that less than 1% of the objects in the Medici Dossier have been identified and returned to Italy. Other items may well be linked to other countries such as Greece, Turkey, Lebanon, and Syria. Moreover there are still objects to be identified from the Schinoussa Archive and the Becchina Stache.

Some items featured in the Polaroids have been recognized. For example, it seems that an Attic volute-krater in the Minneapolis Institute of Art also appears to register in the Medici Dossier (Padgett 1983–86 [1991]; Padgett 1984; Gill 2009c, 85). In the pictures it is covered in mud and salt deposits prior to cleaning. The krater was sold to the museum by Robin Symes, and images of the pot also appear in the Schinoussa Archive. Objects in Copenhagen have also been linked to this same network (Christiansen 2008). As recently as January 2011, it was revealed that a New York dealer was selling 16 items that could apparently be identified from the Medici, Becchina, and Schinoussa archives (Isman 2011).

What action does the market need to take? It seems that auctionhouses and dealers need to be suspicious of objects that surfaced at Sotheby's in London (and perhaps also New York) during the 1980s and early 1990s. Part of the due diligence process should be to check with the Italian authorities. Second, there needs to be more transparency over the process of selling. Anonymity ("anonymous North American private collector"; "Belgian gentleman") is perceived as masking the true owners. Are dealers sometimes presented as "private collectors"? Third, collecting histories need to be researched rigorously. It is well known that some dealers have fabricated such histories and it is important to look for authenticated and documented evidence. Fourth, should dealers seek to adopt 1970 as a benchmark? This would link their trade with the position adopted by the Association of Art Museum

Directors (AAMD) in North America, and keep in step with the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. Until such action is taken, it is likely that ex-Medici pieces will continue to surface on the market and undermine the confidence of potential buyers.

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*In the last issue of The Journal of Art Crime, the article by Catherine Schofield Sezgin was published in an incomplete form. We are pleased to reprint it here in its completed form, and updated by the author.*

## ***The Skylight Caper: The Unsolved 1972 Theft of the Montreal Museum of Fine Arts***

*Catherine Schofield Sezgin*

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### **Abstract**

**T**his article examines previously published articles on Canada's largest art theft, the 1972 unsolved theft of the Montreal Museum of Fine Arts, and compares the information to interviews with two principals involved with the museum and the investigation. It explores the ideas proposed in the last four decades as to who may have committed the theft and the alleged whereabouts of 39 pieces of jewelry and silver and 17 missing paintings, including paintings by Rembrandt, Corot, Rubens, and Courbet. This article describes the history of museum thefts in Canada, how the crime was committed, and some characteristics that may have made this museum and these paintings a target for theft.

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**Keywords:** Montreal Museum of Fine Arts, largest art theft in Canada, *The Skylight Caper*, Quebec.



Canada's largest art theft occurred on Labor Day in 1972, when three men stole \$2 million worth of art from the Montreal Museum of Fine Arts. On that weekend, 40 years ago, Rudolf Nureyev danced with the National Ballet in Ottawa; Bobby Fischer beat Boris Spassky at the World Chess Championship in Iceland; and Mark Spitz immediately retired after winning seven gold medals at the Olympics in Munich. News of the museum theft faded the day after the robbery when Palestinian terrorists killed 11 Israeli Olympic athletes in Munich. Although we know what happened afterward—Nureyev died from AIDS in 1993, Fischer lost his American citizenship, and those responsible for the Olympic massacre were hunted down and killed by Israeli agents—the whereabouts of the 18 paintings, including one attributed to Rembrandt, or the 39 pieces of jewelry and silver stolen almost 40 years ago remain elusive.

In 2008, Ulrich Boser wrote about the world's largest art theft in his book, *The Gardner Heist*. On page 172, he mentioned the theft at the Montreal Museum of Fine Arts, as another unsolved art crime whose paintings have also totally disappeared. Until journalist Bill Bantey wrote an article on the 35<sup>th</sup> anniversary of the Montreal museum theft, published accounts of the robbery were limited to a few recorded radio and television news spots as newspaper accounts of the crime were limited to Canadian newspapers archived within the country and articles published before 1985, which are not accessible on the internet.

The police reports in this investigation remain closed. In September 2009, the lead investigator on this file, Alain Dumouchel, part of Quebec's art crime investigation team composed of the Sûreté du Québec and the Royal Canadian Mounted Police, received a written request to review the official records on this theft. Sergeant Investigator Dumouchel responded in an email dated October 1, 2009, that he had "recovered documents from the archives of the Montreal police linked to this event." He wrote "it will not be possible to view documents or do an interview with us. However, if you have specific questions," Dumouchel wrote, "just send us details in writing and we will be happy to answer them while respecting the investigation." In response to specific questions about the case, Dumouchel Federal Expressed a photocopy of an article in French on the museum robbery.

When I visited Montreal in November 2009 to view the museum's archives, two people familiar with this case agreed to share their opinions for this article. Bill Bantey was the director of public relations for the Montreal Museum of Fine Arts from 1957 to 1980 and the museum's spokesperson on the day of the theft. The second person, Alain Lacoursière, was a retired Montreal police officer of more than 30 years who earned a degree in art history and earned the nickname "le Colombo de l'art" for his work in apprehending art thieves

and retrieving stolen art. He had the opportunity to review the original police files on this unsolved museum theft in the 1990s and pursued a number of leads in hopes of locating the stolen art by artists that included such recognizable names as Rembrandt, Corot, Courbet, Brueghel, and Millet. This article compares the published information with interviews conducted almost 40 years later to create a portrait of an art theft.

## Previous Art Thefts

The robbery of Montreal's 112-year-old cultural institution was not the first major art theft in Canada. Two decades earlier, the Art Gallery of Toronto had been robbed three times.<sup>1</sup> In the first assault on the public institution, in 1954, a thief stole Dutch-Canadian painter Krieghoff's *Basketmaker* but returned it after receiving a promise that he would not be prosecuted. However, a few months later, thieves used projecting bricks on the exterior wall to climb 20 feet up to an unsecured window, roam the art gallery for at least an hour without setting off the alarm system, and steal Peter Paul Ruben's *Elevation of the Cross* before abandoning it nearby. In 1959, thieves stole six works by Franz Halls, Rembrandt, Rubens, and Renoir valued at \$1,500,000. When the insured paintings were returned three weeks later, museum and police officials declined to comment on whether or not a ransom had been paid.

Nor was the 1972 robbery the first at the Montreal Museum of Fine Arts. On April 17, 1933, the Art Gallery superintendent who lived on the premises conducted his night rounds without the help of his dog, who had fallen suddenly ill.<sup>2</sup> Unbeknownst to him, a thief had hidden in the museum overnight and passed 14 paintings by Canadian artists through a window in the women's washroom to an accomplice.<sup>3</sup> A ransom note demanded \$10,000 for the return of the paintings.<sup>4</sup> Three months later, half of one of the paintings was mailed to *La Presse*, the other half to *The Star* with an accompanying note demanding 25 percent of the paintings' value as ransom and threatening otherwise to return the works "in jigsaw" pieces. According to Bill Bantey:

Then police got an unexpected break. A small-time burglar by the name of Paul Thouin was arrested while breaking into a railway freight car. Under questioning, he confessed to the museum theft.

1 Hugh McLeave. *Rogues in the Gallery*. (Boston, David R. Godine, 1981), 39.

2 Germain, Georges-Hébert. *A City's Museum: A History of the Montreal Museum of Fine Arts*. Montreal, Quebec, Canada. Montreal Museum of Fine Arts. 2007

3 Bantey, Bill. "A Treasured Possession." Unpublished. September 1, 2007.

4 Ibid.

He even led police to the paintings, wrapped in a tarpaulin and newspapers, and buried in a sandpit a meter below ground in a wooded area near the village of L'Épiphanie. The prospect of another jail term was evidently too much for Thouin. That night, he swallowed a dose of strychnine, which he had concealed in the heel of his shoe, and died in a police lock up.<sup>5</sup>

In 1960, thieves attempted a robbery of the Montreal Museum of Fine Arts during an exhibition of works by Vincent van Gogh, but the attempt failed and the thieves escaped.<sup>6</sup>

## The Museum

The Montreal Museum of Fine Arts is located on Sherbrooke Street, an elegant main thoroughfare in the Golden Mile area, where the majority of wealthy Canadians had resided while accumulating money from expansion of the transcontinental railway and natural resources to invest in art collections for their fashionable mansions until the stock market crash in 1929. In the decade before the theft in 1972, the traditional power elite of Montreal, an English-speaking Protestant minority, had ceded to the political strength of a French-speaking majority who had become more nationalistic and secular. The museum's revenue sources changed from private donations to a mixture of generosity from upcoming and new benefactors and government funding. The museum had not reached out to the bilingual public until Bill Bantey began issuing communications in French and English beginning in 1957, when he began as the museum's public relations advisor. In the years before the robbery, the finances of the institution had weakened and although museum officials planned to expand and improve the museum's facilities, funding lagged, and it managed along in cramped spaces in a 60-year-old, three-story Beaux Arts building of granite and marble.

### "The Skylight Caper"

Bill Bantey was the most senior museum official in town on Labor Day weekend in 1972. He and another long-time associate, Ruth Jackson, then curator of decorative arts, arrived at the museum after the robbery to inventory the damage. They created a list of 18 stolen paintings and 39 pieces of jewelry and silver and estimated the value at \$2 million. The stolen paintings included a 10-by-15 ½ inch landscape oil on panel, *Evening Landscape with Cottages*, by Rembrandt, valued then at \$1 million, and works by Jan Brueghel the Elder; Jean-Baptiste-Camille Corot; Gustave Courbet; Honoré Daumier;

Eugène Delacroix; Narcisse-Virgile de la Peña; Thomas Gainsborough; Jan Davidsz de Heem; Jean-François Millet; Giovanni Battista Piazzetta; Peter Paul Rubens; and François-André Vincent. Paintings by El Greco, Picasso, Tintoretto, and Rembrandt had been stacked by a service door and abandoned when the burglars triggered that door's alarm.

The thieves had left behind "a scene of war-time desolation" as Carter once described it to Bantey decades later.<sup>8</sup> The day after the museum theft, Ruth Jackson described the scene to a reporter:

There was a sea of broken frames and backings, and smashed showcases. Upstairs in the room where the major theft took place, it was just devastation. They'd cleaned it out completely.

For the second pile, they'd gone around selecting from various rooms. I shudder when I think what might have been if they hadn't opened that door... With what they'd proposed to remove, if they'd been undisturbed—it was just like they meant a general clear out of the museum.<sup>9</sup>

A few hours after the theft, Bantey held a press conference attended by local and national journalists from radio, daily newspapers, and national and international wire services such as the Canadian Press (CP) and the Associated Press (AP). The news of the theft and the names and images of the stolen paintings were published on the front pages of newspapers throughout Canada and the United States the following day.

Luana Parker for *The Gazette*, one of Montreal's largest daily English newspapers, reported under the headline, "Art Worth \$2 million stolen from the museum," that investigators had found a long construction ladder on one of the back walls of the museum at Sherbrooke Street and Ontario Avenue. Photos in Montreal's French language daily newspaper, *Montreal-Matin*, showed a tree situated between the museum and a church to the west that an intruder had climbed up to jump onto the roof of the museum to get a ladder that he then lowered to two accomplices.

The burglar had scaled the tree by using "picks" on his boots similar to equipment used by telephone and utility repair personnel, according to Alain Lacoursière, the retired art investigator for the Montreal police. "The shoe picks were the same as those used by Bell Canada," he said in 2007 in a CBC Documentary, "*Le Colombo de l'art*."

5 Ibid.

6 Bill Bantey to the Associated Press, September 5, 1972.

7 MacDonald, L. Ian. "Montreal this morning," *The Gazette*. December 16, 1975.

8 Bantey, Bill. "Stolen paintings mystery lingers, 35 years late." *The Gazette*, September 1, 2007.

9 Delean, Paul. Great art heist still haunts museum, police. *The Gazette*. August 21, 1982.

The three men entered the museum building by opening a skylight that had been under repair for two weeks. “Normally, there’s no way these people could get into the building,” Bill Bantey told Parker at *The Gazette*. “The skylight is hooked up to the alarm and the only entrance is the side door where you have to be recognized to enter. But we have been doing repairs on the skylight—it’s not as good as it used to be—and so the alarm system was only partially functioning. If they had tried to come through a different section of the skylight, the alarm would have gone off.”

skylight was not secured. Employees of the museum and the construction crew were questioned as to whether or not they were directly or indirectly involved with the theft but the investigation was inconclusive.

Alain Lacoursière stressed how the intruders entered the museum. “The thieves opened the skylight; they did not break it.” According to Lacoursière, someone had been watching the museum. “A couple of weeks before the theft, two guys with sunglasses and cigarettes sat on chairs on the roof,” he said. “They claimed they worked at the museum, but after the theft, no one could find the chairs.”

Once inside the museum, the intruders overpowered the security guards. Luana Parker recounts the robbery in *The Gazette*:

The thieves entered the museum quietly, at about 1:30 a.m., sliding down a nylon rope slung from the skylight. When they climbed in, they found a guard who had just made the rounds on the second floor and was prepared to brew some tea for his break. They ordered him to lie down on his stomach, and when he didn’t move quickly enough, one of the men fired a shot into the ceiling.

Two other guards, on duty on the main floor, rushed upstairs to investigate and all three were bound and gagged and brought downstairs to Arthur Lismer Hall. They were forced to lie in the hall while the thieves made their art collection in 30 minutes.

All alarms in the three-storey museum operate on separate circuits. And when one of the burglars accidentally tripped the side-entry alarm on his way out with the first load, the men ran out, taking what they could. They escaped in a panel truck.

This information is not accurate, according to Alain Lacoursière, who has reviewed the police report. Two weapons, a 12-pump shotgun and a .38 Smith and Wesson handgun, were used in the robbery and two shots were fired into the ceiling. Also, the thieves did not leave in a panel truck. Using one of the guard’s keys, Lacoursière said, the thieves had opened the museum’s panel truck but after an alarm was triggered, they grabbed a bunch of the paintings, stuffed jewelry into their pockets, and escaped on foot, running down Sherbrooke Street.

An hour passed before one of the guards freed himself. In compliance with the existing museum policy to contact the most senior available museum official, the senior security officer telephoned Bill Bantey since the museum’s president, director, and security director were vacationing in the United



Skylight Caper  
Bill Lyle

“A construction crew working at the building had dropped a plastic sheet over the alarm, neutralizing it,” Bantey wrote in *The Gazette*.<sup>10</sup>

It appeared that the intruders knew beforehand that the

10 Bantey, Bill. “Stolen paintings mystery lingers, 35 years late.” *The Gazette*, September 1, 2007.

States and Mexico. Bantey instructed the guard to call the police then drove to the museum, arriving a few minutes after the local police officers.

### The Investigation

The security guards later described the thieves to the police, according to Parker, who cited the police reports:

They said they saw two long-haired men, about five feet, six inches tall, and wearing ski hoods and sports clothes. One spoke French, the other English. But they heard another French voice of a man they never saw.<sup>11</sup>

After the theft was discovered, the local police alerted Interpol, the international police agency, and all points along the Canadian-American border to prevent the stolen art from leaving Canada.<sup>12</sup> The police photographed the crime scene at the museum. No fingerprints were found. No weapons were found. Some art students from the *École des beaux-arts* located east of the museum were suspected of involvement in the theft and the police had them under surveillance for a few weeks.<sup>13</sup> Tension between the French-speaking students and the English-speaking museum administrators had been public for years. The investigation provided no leads to the thieves or the paintings.

Despite the surveillance, no arrests were made.

“For fifteen days, the police followed five suspects, night and day,” Lacoursière recalled. In his opinion, the students had not organized the crime but that it had been orchestrated by someone older and with more experience.

However, police arrested no suspects and nothing came from questioning the workers repairing the skylight at the museum.<sup>14</sup> Although the intruders knew that the alarm on the skylight had been disabled, they were not aware of how not to trip off the alarm on the side entrance. They also did not know that the alarm was not connected to any source outside of the museum building or they would not have abandoned half of the paintings and their plans to escape in a panel truck.

“No one on the museum staff was involved,” Bantey said in 2010. “If there was any inside information, it probably emanated from the people working on the skylight repairs.”

### The Ransom Demand

A few days after the theft, the museum director, David Giles Carter, received a telephone call from one of the thieves. Carter described the caller as having a “nasal” voice. By following the caller’s instructions, the museum recovered a small Indian pendant outside a telephone booth near McGill University.<sup>15</sup>

Through additional communications by mail and telephone, including a letter received October 26, which contained a snapshot showing all the stolen paintings together, Paul Delean, who later wrote for *The Gazette* about the theft on its 10<sup>th</sup> anniversary after seeing an ad for a reward for the missing paintings, said that the thieves demanded a ransom of 25 percent of the value of the stolen art—\$500,000—then lowered the figure to \$250,000.<sup>16</sup> The art collection of the Montreal Museum of Fine Arts, gathered over the past 112 years from some of the wealthiest families in Canada, was insured for almost \$8 million.<sup>17</sup>

Sources for Delean’s article were museum officials with little cooperation from the police.<sup>18</sup>

Bill Bantey interviewed Carter for the 35<sup>th</sup> anniversary of the theft. He said that Carter spoke more openly about the ransom attempts in the subsequent months after the theft than during his term as director until 1976.

Carter gave the thief [the one that had contacted him] the nom de guerre “Port of Montreal” because those words appeared on a brown envelope the museum director received from the robbers containing snapshots of the works to prove they had them in their possession.<sup>19</sup>

The museum director requested proof that the robbers still had the paintings. The museum’s security director was told to go to a locker in Montreal’s central train station where he found a painting, *Landscape with Vehicles and Cattle*, thought to be by Brueghel. It was given to Ruth Jackson for storage and kept there for more than 10 years until the institution could afford another frame.<sup>20</sup> Since then, the painting has been reattributed to the School of Jan Brueghel the Elder and returned to the walls of the museum. This is the painting that Lacoursière will later on call a “fake” and attribute its return as an inconsequential gesture by the thieves.

A few weeks later, a Montreal police officer pretending

11 Parker, Luana, “Art worth \$2 million stolen from museum.” *The Gazette*, September 5, 1972.

12 Canadian Press. “Huge Art Haul: Montreal loot totals \$2 million.” *The Ottawa Citizen*, September 5, 1972.

13 Alain Lacoursière, interviewed, Montreal, November 19, 2009.

14 Bill Bantey, interview, Montreal, November 17, 2009.

15 Bantey.

16 Delean.

17 Finn.

18 Paul Delean, email dated September 28, 2010.

19 Bantey.

20 Delean.



to be an insurance adjuster waited in a field in the nearby jurisdiction of Longueuil to exchange \$5,000 for one of the paintings. However, a local police cruiser, unaware of the rendezvous, drove by the drop site and spooked the bandits.<sup>21</sup> Carter received an angry call from the thieves the next day claiming that they had seen the police trap.<sup>22</sup>

According to Lacoursière, the ransom demand could have been a smokescreen to cover up that the paintings had already been sold. “The meeting was set up in a field with no houses around,” he said. “The thieves could have seen the cops moving into the set up. In 1972, few cars would have been passing by and it would have been easy to spot four to five cop cars. They (the thieves) never tried again, so it was a smokescreen. Look, when the museum first asked for proof that the thieves had the paintings, the one painting that was returned was a fake.”

Lacoursière said that the paintings could have been divided up and sold in Europe before the items could have been entered into the Interpol database. The paintings were not marked with the name of the museum. “The theft could have been done to fulfill an order for stolen paintings and then the ransom was asked as a smokescreen,” Lacoursière said.

### Publicizing a Theft

In the months after the theft, Bill Bantey prepared a bilingual circular, *Attention: Stolen*, identifying the stolen paintings’ images and measurements. In January 1973, this information was circulated throughout the international art market to notify art dealers and collectors that these paintings belonged to the museum in Montreal. Instead of keeping the theft quiet, museum officials chose to publicize the loss in hopes of “frustrating any plans the underworld might have for selling the works on the sly.”<sup>23</sup>

The idea is to see that the items become so well catalogued and so well known that it would be unlikely that any collector or museum buyer could innocently purchase them.<sup>24</sup>

The day after the museum theft, newspapers throughout North America had published the news and identified most or all of the paintings. However, the news of the museum theft was overshadowed the following news day with headlines reporting the deaths of Israeli athletes at the Munich Olympics by Palestine Liberation Organization terrorists. Even locally, the big story in Montreal was of a deliberately set fire over

Labor Day weekend at a nightclub that had killed 37 people and injured another 54, many critically. Until the museum circulated *Attention: Stolen*, no other articles had been written about the theft of the paintings. Over the years, the occasional article covered the theft, but journalists were either not privy to newsworthy events or nothing of substance happened despite a \$50,000 reward posted by the insurance company for information leading to the arrest of the thieves or the recovery of the art.<sup>25</sup>

### Restitution to the Museum

Eventually, when the paintings were not recovered, more than 20 insurance companies, led by Marine Office of America, paid \$1,945,300 to settle the museum’s claim arising from the theft.<sup>26</sup> The insurance companies now own the missing paintings.

With a large part of the proceeds from the insurance claim, in 1975, the museum purchased a large painting by Peter Paul Rubens titled *The Leopards*. However, on the 35<sup>th</sup> anniversary of the theft, the painting was withdrawn from exhibit as experts determined that the work was not by Rubens but by assistants from his studio.<sup>27</sup>

Bill Bantey interviewed two former museum officials who, at the time of *The Leopards* acquisition, had been counseled by the Rubens scholar and expert Dr. Julius Held. Léo Rosshandler, the museum’s deputy director in 1975, told Bantey: “Fake is a harsh word, but the painting is not by the person who was said to have painted it, but probably by his studio.”

Dr. Held, in the museum’s quarterly review in 1975 at the time of the purchase, noted that Rubens, when he was writing in 1618 to the prospective buyer who wanted to exchange classical antiquities for three of his paintings, claimed that he had done the leopards, satyrs, and nymphs, but that the landscape was the work of an (unnamed) specialist. Jan Brueghel the Elder, Rubens’s friend, had even copied the same leopards in a painting depicting *Animals on the Way to Noah’s Ark* (Aspley House, London). Dr. Held traced Rubens’s leopards from the palace of a Spanish governor in Brussels to the Palais Royal in Paris (then attributed to Marten de Vos) to the Royal Academy in London in 1791. Afterward, the whereabouts of the paintings was unknown until the museum acquired it in France.<sup>28</sup>

21 Delean.

22 Delean.

23 Finn.

24 Finn.

25 Finn.

26 Delean.

27 Bantey, Bill. “The Replacement Fund.” *Canwest News Service*. 2007.

28 Bantey, Bill. “A Treasured Possession.” Unpublished, September 1, 2007.



## Could International Art Thieves Have Stolen the Montreal Masterpieces?

The police investigation of the ladder or the nylon ropes used in the robbery provided no leads. The thieves' method of entering the museum—through a skylight under repair—led the police to believe that the thieves represented an experienced international ring.<sup>29</sup>

Since 1960 in the South of France, criminal networks from Corsica or Marseilles had stolen paintings and held them for ransom. In January 1960, an art dealer's home outside of Nice was robbed of 30 paintings. Two months later, thieves climbed up the building of a museum in Menton to steal seven paintings. The next month, thieves broke a window of a restaurant and stole 20 paintings. In July 1961, thieves climbed a fence to steal 57 paintings from a collection in Saint Tropez. The following month, thieves stole eight paintings by Paul Cézanne from a guarded temporary exhibit. Most paintings were found months later upon payment of ransom.<sup>30</sup>

Art thefts continued to spread. In September 1971, Vermeer's *The Love Letter* was stolen from the Fine Arts Museum in Brussels and recovered although no ransom was paid.<sup>31</sup> Within the next eight months, Rembrandt paintings were stolen from the Musée des Beaux-Arts in Tours, France, and from the Worcester Art Museum in Massachusetts.

Interpol's stolen art database still maintains files on the paintings stolen from the Montreal museum. In addition, Interpol tracks thefts of other paintings by the same artists. However, Interpol does not elaborate on the thefts, providing only the dates, the city, and whether or not the painting has been recovered.

The most famous outstanding stolen Rembrandt painting is *Lady and Gentleman in Black*, cut from its frame during a robbery of the Isabella Stewart Gardner Museum on March 18, St. Patrick's Day in 1990. A few paintings by Delacroix, Battista, de Heem, Diaz de la Peña, Gainsborough, and Daumier remain missing since 1972 from major cities such as Rome and London and in smaller towns in Portugal, Switzerland, France; and Ireland. However, in October 2009, Interpol reported substantial thefts of paintings by Peter Paul Rubens (20 paintings); Jan Brueghel the Elder (16), Corot (14), and Courbet (9) from as early as 1957 in the United Kingdom, Italy, France, Switzerland, Paraguay, Belgium, Czech Republic, Monaco, Greece, Austria, Germany, the Netherlands, Sweden, Slovenia, and Canada.

29 Finn.

30 McLeave.

31 Houpt, Simon. *Museum of the Missing*. (New York, Sterling Publishing, 2006) p. 95.

## Comparable Crime?

Yet, the Montreal police officer heading the investigation of the theft of the Montreal Museum of Fine Arts believed the heist was local in origin.<sup>32</sup> A few days before the Skylight Caper on Labor Day weekend, another theft was committed, according to Parker in *The Gazette* the day after the museum theft:

Police say there are similarities between the two. On August 30, three hooded and armed men stole paintings worth an estimated \$50,000 from the home of Mrs. Agnes Meldrum at Oka, about 20 miles west of Montreal. They had climbed 600 feet up a steep bluff from a motorboat on the Lake of Two Mountains. They wore hoods and gloves; two of them spoke French, the other, English.<sup>33</sup>

The site of the break-in was the summer home of the wife of a Montreal moving-company owner, Meldrum the Mover, based in Notre-Dame-des-Grace (NDG), the English-speaking neighborhood of Montreal. However, Bill Bantey disagrees that the crimes are connected. "The Oka case is not on the same scale," Bantey said.

## Could Local Organized Crime Have Stolen the Paintings?

In the 1950s, Montreal was a "wide open city of sin" with "bars and strip joints everywhere downtown."<sup>34</sup> Two decades later, at the time of the theft, criminal organizations in the city included a group of French-Canadian mobsters; an Italian Mafia; and the Irish English-speaking West End gang that controlled Montreal's seaport.<sup>35</sup>

Bill Bantey, who had covered crime in Montreal during the 1950s and 1960s, was of the opinion that there was no justification for suspecting the West End Gang despite a "Port of Montreal" stamp on one of the envelopes sent by the thieves. "The West End gang was into drugs and this theft was specialized in that it required some knowledge of art as they took the right pieces," Bantey said. "The Mafia was interested in prostitution and drugs."

## Would a Secretive Obsessed Collector Steal and Hide the Paintings?

In the year following the theft, an experienced investigator of stolen art in Montreal believed that the paintings could be in a

32 Delean.

33 Parker.

34 Hugh Doherty. Newspaper Museum. <http://members.tripod.com/~Hughdoherty/index.htm>

35 de Camplain, Pierre. "The Mafia of Montréal: A Short History." <http://gangerinc.tripod.com>

private collection. J. D. DeQuoy of Underwriter's Adjustment Bureau Ltd., of Montreal, told a reporter that the motive for the thefts could be, although unusual from a psychological point of view, "a wealthy collector who is happy to own a valuable painting even though he can only look at it himself."<sup>36</sup>

According to *The Star* reporter Patrick Finn, the existence of a criminal art collector "of the Dr. No variety, who could have no scruples about harboring stolen paintings in his home"<sup>37</sup> was possible. Finn wrote that museum, police, and insurance spokesman had mentioned the possibility that the art works might be kept until the publicity diminished, then be sold to a collector.

### Was it Politically Motivated?

In the 1960s, the separatist movement—the political drive to empower the French-speaking majority in Quebec and to secede from Canada—attracted a terrorist group that delivered letter bombs to wealthy English-speaking residents of Montreal and bombed federal buildings and monuments.

In 1970, a kidnapped British diplomat was exchanged for political prisoners and transportation to Cuba. When a kidnapped provincial cabinet minister was murdered, Canada's prime minister sent in the military to control the city.

No one would rob the museum over politics, opined Bantey. "The motive was just for the ransom," he said.

### Why Steal These Paintings?

Before the museum theft, art as a valuable commodity had not escaped the attention of the local newspapers. *The Montreal Star* reported in 1969 that "Wide Demand for Art Sends Prices Soaring." Picasso and Josef Albers could not produce enough art to satisfy the demand and the limited inventory was driving up prices.<sup>38</sup> A year later, Quebec papers bragged that the Montreal Museum of Fine Art would be exhibiting glorious French paintings from its collection, including such artists as Daumier, Delacroix, and Courbet.<sup>39</sup> The museum's intruders did not have to have degrees in art history to understand that valuable paintings could be found in the heart of Montreal and that local collectors were interested in paying for them.

Almost all of the 18 stolen paintings had been published years before the theft in handbooks and exhibition catalogues of the museum's collection. Thieves could have selected the

paintings without having visited the museum.<sup>40</sup> In anticipation of the 1967 World Exposition in Montreal, the museum had organized a traveling exhibition from January 1966 through April 1967, visiting eight galleries in North Carolina, Florida, Pennsylvania, Ohio, and New York. Half of the stolen paintings had been highlighted in the exhibition catalogue, *Masterpieces from Montreal: de Heem's Nature morte; Corot's La Rêvuse à la fontaine; Courbet's Landscape with Rocks and Stream; Delacroix's Lionness and Lion in a Cave; Diaz de la Peña's The Sorceress; Thomas Gainsborough's Portrait of Brigadier General Sir Thomas Fletcher; de Heem's Nature morte au poisson; and Piazzetta's Portrait of a Man.*

A few years later, in 1969, the museum showed *Rembrandt and His Pupils* to celebrate the 300<sup>th</sup> anniversary of the artist's death. In 1970, the museum exhibited *From Daumier to Roualt*, including Delacroix's painting of the lions in the cave, Daumier's *Head*; a Corot; Millet's *Portrait of Madame Millet* and *La baratteuse*; Diaz de la Peña's sorceress; and Courbet's landscape. Both exhibitions produced publications including information or images about the paintings. Only the two Brueghel paintings, Peter Paul Ruben's *Head of a Young Man*, and the two portraits by François-André Vincent had received scant attention in publications or exhibitions.

The other stolen pieces of jewelry and silver were more portable than valuable. On the day of the theft, Bill Bantey said at the press conference: "They (the thieves) did show quite discriminating taste, however, in terms of paintings, though as far as the objects are concerned, they could do with more art and historical training."<sup>41</sup>

Stolen items included an 18<sup>th</sup> century gold watch once owned by the wife of the first mayor of Montreal, Jacques Vigor; a 19<sup>th</sup> century French blue enamel latch box set with diamonds; and 17<sup>th</sup> century Spanish jewelry, a gold and emerald pendant on a woven gold chain and a seed pearl necklace with a diamond pendant.

From a physical standpoint, the paintings had something in common with the stolen jewelry—they were small and easy to carry or trade on the art market.<sup>42</sup> The paintings could be appropriate for decorating a private home—the pairs of Corots, Millets, and Brueghel landscapes could be hung together in a room.<sup>43</sup>

Three of the paintings (Millet's *Young Woman Churning* and the two by Brueghel) were less than 80 square inches, about the size of notebook paper. Five paintings (the two

36 Finn.

37 Ibid.

38 Ballantyne, Michael. "Wide Demand for Art Sends Prices Soaring." *The Star*, August 28, 1969.

39 "French Art at the Museum." *The Star*, March 21, 1970.

40 Delean, Paul.

41 "Montreal Museum Looted of Art Worth \$2 Million," Special to *The New York Times*, September 5, 1972.

42 Bernard Darties, Paris, *Le Colombo de l'Art*, CBC documentary, 2007.

43 David Giles Carter interviewed, *Time* magazine, September 18, 1972.

portraits by Vincent, the portrait by Millet, the head shot by Daumier, and the Rembrandt 120 to 155 square inches), could be easily carried in a tote or by hand. Five paintings (de Heem's *Vanitas*, Diaz de la Peña's *Sorceress*, Piazzetta's *Portrait*, Corot's *Young Women Resting*, and Delacroix's *Lioness*) were roughly 220 to 280 square inches, fitting comfortably in someone's arms. Rubens's *Head* and the de Heem *Still Life with a Fish* were about 350 square inches (roughly 21 x 17 inches) and stackable. The three largest paintings (Corot's *Dreamer*, Gainsborough's *Brigadier*, and the Courbet landscape) were progressively larger (roughly 460, 745, and 1,000 square inches, respectively). The three largest paintings would have been awkward for one person of medium height (5 foot, 6 inches) to carry, but each of the three thieves could have used just one hand to carry out one of the large paintings, even running, if necessary.

### Closing the Museum and Another Attempt to Recover the Paintings

In May 1973, the museum closed for three years to renovate and expand the 113-year-old institution.

In the summer of 1973, someone contacted a member of the museum's board of directors and promised that for \$10,000 the anonymous caller would divulge the location of the paintings.<sup>44</sup> A Montreal insurance adjuster, André DeQuoy, stepped in and when the anonymous caller demanded money up front, the adjuster said he would pay for information but not stolen goods.<sup>45</sup>

Paul Delean, in the 10<sup>th</sup> anniversary article that he'd written with information from the museum officials and little cooperation from the police, wrote in 1982:

But the museum wasn't quite so firm. DeQuoy said museum officials agreed to make available \$10,000 if he would deliver it. DeQuoy agreed. He set out one afternoon at 2 p.m. with the money in an envelope. He went first to a designated phone booth downtown, then, was sent to others at Blue Bonnets racetrack, on St. Laurent Boulevard and near the Henri-Bourassa Metro station. It was there that the caller told DeQuoy that he had spotted the police tail, and that he would notify police headquarters to get rid of the unmarked "protection." Thirty minutes later, DeQuoy got another call at the same booth from his mystery source saying police had been called off. He was instructed to return to his office. Once there, he was called again and the phone booth marathon resumed. It went on until 4

a.m. with DeQuoy going to and from 11 telephone booths across the island [of Montreal]. He was finally told to leave the money at the foot of a sign in a vacant lot on St. Martin Boulevard. DeQuoy followed instruction and returned to the phone booth near Henri-Bourassa station awaiting the call that would lead him to the paintings. He also called the police, filing them in on his activities of the past several hours.

This time, however, the public phone didn't ring. DeQuoy returned to his office, where a call came through around 8 a.m. He was told the artworks were at a motel in Laval [outside of Montreal]. Police were called and combed the building. Nothing was found.<sup>46</sup>

### What Happened in the Decades after the Theft?

Over the years, little has been mentioned about Canada's largest art theft. Paul Delean wrote an article in 1982 commemorating the 10<sup>th</sup> anniversary after being prompted by an advertisement offering a reward for the return of the paintings. Delean was the first reporter to publish the story about the return of the Brueghel painting, the Indian pendant, and the attempts to recover the paintings. The police and insurance files on the case remained open for at least a decade. Delean did identify the investigators' approach:

As one police officer explained, "for years we thought our chances of recovery were better keeping everything quiet. We didn't want media reports scaring anybody off. But now our hopes are small. Maybe this will stimulate interest and produce something."<sup>47</sup>

In 1982, certain information was verified by the police but "nothing came of it."<sup>48</sup>

In 1994, *La Presse*, the French-language newspaper in Montreal, printed an article under the headline, "Trésor volé au Musée des beaux-arts," which recounted the details of the theft and reported on the current condition of the police case:

Nous ne possédons pas le moindre élément, le moindre indice, la moindre empreinte qui nous permette d'orienter notre enquête," avoue l'officier en charge. Translated: "We don't even have the slightest element, the slightest clue, the slightest fingerprint that could help us to orient our

44 Delean.

45 Delean.

46 Delean.

47 Delean.

48 Delean.

investigation,” admits the leading officer.

Twenty years after the theft, in 1992, a television show, *Montreal ce soir*, highlighted the theft, and estimated the value of the missing paintings at \$20 million and reported that the insurance companies that had paid out on the claim were offering a \$100,000 reward for the paintings.<sup>49</sup>

### Lacoursière Follows Up on Canada’s Largest Art Theft

In 1999, Alain Lacoursière offered \$1,000,000 for information about the paintings but ‘nothing happened.’<sup>50</sup> A police officer for more than 25 years, Lacoursière added art crime investigations to his duties as a fraud detective in 1994.<sup>51</sup> An art historian, Lacoursière made it a habit to visit art galleries and auction houses to develop contacts and leads to stolen art works. In 1998, he was introduced by an art dealer to a collector known here as *Smith* who said he had been an art student at the *École des Beaux-Arts* in 1972. *Smith* told Lacoursière that the French-speaking art students and the mostly English-speaking museum administrators did not get along. For example, *Smith* told Lacoursière, the students would be kicked out of the museum every afternoon so that the staff could enjoy their tea—before the museum’s posted closing time.

Lacoursière said that he felt *Smith* knew a lot about the museum theft. He asked *Smith* if he’d been one of the students investigated by the police following the robbery. *Smith* denied he had been under surveillance, but Lacoursière said he found *Smith*’s responses in general to be “highly suspicious”. For example, *Smith* told Lacoursière that the nylon ropes used in the theft were not gray, as Lacoursière believed, but yellow, such as the ropes used at the French-speaking art school. Lacoursière said he checked the dossier for that information then contacted one of the retired police officers who told him that neither photos nor descriptions of the rope had been publicly released. Suspicions raised, Lacoursière said he investigated *Smith*’s background and found that after five years of schooling, *Smith* had purchased a house and a woodworking company.

“One year after leaving school, where did he get a quarter of a million dollars to buy a house and a company?” Lacoursière asked. He could not determine the source of *Smith*’s funds. *Smith* even told Lacoursière that someday he would tell him something about the theft, he said. In 2007, when Lacoursière was featured in a Radio-Canada documentary, *Le Colombo d’art*, he visited *Smith* at his home. On camera, Lacoursière offered a million dollar check to *Smith* for the museum’s

stolen paintings but *Smith* just laughed and invited the film crew into his home to show that the paintings were not there.

Asked to speculate on the whereabouts of the paintings, Lacoursière said, “The paintings could have been destroyed, but then there’s *Smith* with his new money. Plus, criminals have discovered uses for paintings and other art.”

### Where Could the Paintings Be?

Lacoursière said that the Montreal police found art at the home of a member of the Hell’s Angels who said he regularly received stolen art and sold it to the Italian Mafia at 10 percent of the estimated value. According to Lacoursière, criminal organizations in Montreal used art dealers to launder money, faking provenances with ‘dead owners’ from exclusive neighborhoods such as Westmont, adjacent to the Montreal Museum of Fine Arts.

If it was a criminal organization, Lacoursière said that the police wouldn’t know the whereabouts of the paintings until a crime boss dies or the paintings are found in Costa Rica, a favorite spot for criminals of the West End gang to spend the winter. However, if paintings are in Central America, Canadian police have no rights to search the homes.

“When the Quebec police call the police in Costa Rica to ask for cooperation with a search warrant, the police there do not cooperate,” Lacoursière said.

The paintings could have even been sold through small dealers, according to Lacoursière. Before 1985, even Christie’s and Sotheby’s did not check Interpol’s database or any other police agency for stolen art, he said.

“They could have been resold, but they have not reappeared on the open market,” Lacoursière said. “The paintings could still be in a collection. The owners may know the paintings are stolen and cannot be publicly sold.”

Lacoursière has tracked many leads over the years, including ‘a promising one’ from a junkie in Vancouver who knew all the information in the newspapers but was unable to answer two questions whose answers had been held back by the police. Other rumors involved a sailboat in Italy, two men from Montreal in Nice, and a tunnel in Italy—but nothing has ever led to the paintings.

Bill Bantey also speculated about the missing paintings. “There’s a theory that they (the paintings) are in South America,” Bantey said. “Don’t ask me to justify it. I’ve heard several people I respect say that.”

49 ‘Le crime parfait,’ *Montréal ce soir*. 1992. <http://archives.radio-canada.ca>

50 Interview.

51 “Unit of RCMP and Quebec cops focused on art theft.” *The Canadian Press*, January 31, 2009.



## The Theft Today

Most people have forgotten about the museum theft, according to Bill Bantey. “Everyone forgot about the theft except for the insurance companies,” Bantey said. “Like a death in the family, you have to let it drop.”

Paul Lavallée, current administrative director for the Montreal Museum of Fine Arts in November 2009, said in an interview for this article that the 1972 theft was significant and continues to have an impact on the museum. “This is a collector’s museum,” Lavallée said. “We do not have the funds to purchase comparable paintings at current market prices. Even if the paintings were recovered and the insurance company was to offer the paintings to the museum for less than market prices, we would be strapped for funds to recover the paintings.”

Past collectors included Sir William Van Horne, builder of the transcontinental railroad in Canada, who purchased Rembrandt’s *Landscape with Cottages*, also known as *Evening Landscape with Cottages* or *The Farm*. Widely shown in the United States and Canada, the small oil-on-wood panel was given to the museum by his daughter, Adalene Van Horne, who lived in a mansion within walking distance of the museum. The stolen Rembrandt and Delacroix’s *Lionness and Lion in a Cave* were two of about 60 paintings bequeathed by Adalene Van Horne in 1945. Lady Davis, the former wife of a tobacco baron, had donated François-André Vincent’s portraits of a man and a woman. Miss Olive Hosmer, whose family long supported the museum, bequeathed Jean-François Millet’s signed portrait of his first wife who died after only a few years of marriage; Thomas Gainsborough’s 1763 *Portrait of Brigadier General Sir Thomas Fletcher*; and Corot’s *Juene fille accoudée sur le bras gauche*. Lady Allan, wife of H. Montagu Allan, a banker and ship owner, gave the museum in 1958 Gustave Courbet’s *Landscape with Rocks and Stream*, painted the year he fled to Switzerland after the fall of the Paris Commune and the judgment against him to fund the rebuilding of the Vendôme Column in Paris.

## Valuing the Paintings Today

The museum was paid almost \$2 million for the stolen paintings through the insurance companies. The Rubens’s masterpiece purchased with the majority of those funds has been relegated to the basement as an inferior work, although the museum engaged the services of a top Rubens scholar to purchase it in 1975. However, according to the museum’s dossiers on the stolen paintings, Rubens’s *The Leopards* may not be the only painting that would be reattributed today. In the years before the theft, some paintings had been through the conservation lab in preparation for the traveling exhibition, *Masterpieces from Montreal*, and scrutinized for the exhibition catalogue.

Responding to a 1966 inquiry from the museum, a Parisian art historian opined that the two paintings attributed to Jan Davidsz de Heem, an influential 17<sup>th</sup> century Utrecht painter, had been executed by another great Master (Collier).<sup>52</sup> *Still Life with a Fish* was the only one of the two “de Heem” paintings included in the exhibition *Masterpieces from Montreal*. Even then, a conservator noted that the varnish was “excessively cracked.” However, the painting was still identified in the catalogue as the work of de Heem. Marguerite Claire Stephens bequeathed *Still Life with a Fish* to the museum in 1939. *Still Life: Vanitas* had been purchased by Sir William Van Horne, the president of the Canadian Pacific Railway, before 1914, when he was dealing with an unscrupulous dealer in New York, Leo Nardus, who misattributed many paintings as the works of pricier Old Master artists.<sup>53</sup>

Doubt was cast on the authenticity of another painting from the Van Horne collection. Rembrandt’s *Landscape with Cottages* is signed and dated, *Rembrandt 1654*. The painting’s museum dossier included a page copied from a book on Rembrandt’s work, one originally compiled by A. Bredius and revised in 1969 by Horst Gerson, Professor at the University of Groningen. Under *Evening Landscape with Cottage*, another published name for the work, the author wrote about the painting and its composition:

The same spot appears repeatedly in drawings and etching by Rembrandt and his pupils...Bredius once wrote (in a note to the first edition of Rembrandt paintings) Probably all right, but it has something that alarms me. I have the same feeling of uneasiness.

Rembrandt often worked outdoors with his students.

The *Portrait of Brigadier General Sir Thomas Fletcher* may be the work not of Gainsborough but of Sir Joshua Reynolds. The military uniform in the portrait is that of a colonel of a Madras regiment in 1771, according to the Company of Military Historians. Fletcher had his portrait painted by Reynolds in 1774, left England the following year, and died a year later in Mauritius.<sup>54</sup>

Millet’s *La baratteuse*, signed by the artist in the lower left corner, was sold in Paris in 1898 and again in 1919 at the Galerie Georges Petit—the same year that the Petit held Edgar Degas’ studio sale. A different painting by Millet, also called *La baratteuse*, was purchased by les Musées Nationaux in 1886, and resides at the musée d’Orsay.

52 Letter from A. P. de Mirimonde, Paris, to Pauline E. Gravel, Montreal Museum of Fine Arts, October 12, 1966.

53 Lopez, Jonathan. “Gross False Pretences.” *Apollo Magazine*, November 30, 2007. [www.apollo-magazine.com](http://www.apollo-magazine.com).

54 Letter from Mrs. John Nicholas Brown, Company of Military Historians, to Mrs. J. Portell, Montreal Museum of Fine Arts, October 15, 1965.



The former wife of Mortimer B. Davis, founder of Ritchie cigarettes, donated Vincent's portraits of a man and a woman to the museum in 1964. The unsigned portraits are identified with an inscription referring to Château à Meslay, a privately owned historic home built in the 18<sup>th</sup> century in the Loire Valley. Vincent's *Portrait of a Man*, according to the museum's dossier on the painting, may be a copy of another painting by François-André Vincent, *Portrait of Monsieur Baillon*, at the Rijksmuseum in Amsterdam since 1958.

A current valuation on the stolen paintings would have to consider these doubts and is outside the scope of this article. However, a London sale in June 2010 is an anecdotal valuation for one of the paintings. Sotheby's sold *Jeune femme à la fontaine*, a painting similar to Corot's *The Dreamer at the Fountain (La rêveuse à la fontaine)* for more than 1.6 million pounds to the Musée d'Art et d'Histoire in Geneva. Both paintings were from a series of Italian peasant girls painted decades after the artist's trips to Italy from the 1820s to the 1840s.

## **Analysis and Conclusion**

Creating a portrait of a museum theft based only upon published articles and the decades-old memories of participants and one-time investigators provides contradictions that can only be resolved more satisfactorily by looking at the original police files which are closely guarded by police officials who hope to use some of their information to determine the viability of future leads.

In 1972, the Montreal Museum of Fine Arts may have become the target of a major theft after widely identifying its "masterpieces" through traveling exhibitions and published catalogues. The 60-year-old museum building became penetrable when the alarm securing the skylight was disarmed by a construction tarp during a repair on the roof. An aging building and strapped funds weakened the defenses of the museum to rappel thieves. The motive appears to have been ransom or the underground sale of the paintings, as the works have not been seen in public for more than four decades. The investigation did not lead police or the insurance company to any individuals arrested for the robbery or to the location of the stolen paintings and objects. The Montreal treasures could have been stolen by an international art ring, local thieves, or by disgruntled art students but until the paintings are found or someone chooses to come forward with the story, the complete picture of this museum robbery remains somewhat blurry.

Stolen paintings from the Montreal Museum of Fine Arts



School of Jan Breughel the Elder  
*Landscape with vehicles and cattle, about 1620-80*  
 (Recovered in 1972)  
 Oil on copper, 7 ½ x 10 ½ inches  
 Gift of Miss Jean Scott, 1958



Jean-Baptiste-Camille Corot, French, 1796 – 1875  
*Jeune fille accoudée sur le bras gauche, 1865*  
 Oil on canvas, 18 ¼ x 15 inches  
 Miss Olive Hosmer Bequest, 1963



Jan Breughel the Elder, Flemish, 1568 – 1625  
*Landscape with buildings and Wagon*  
 Oil on copper, 7 ½ x 10 ½ inches  
 Gift of Miss Jean Scott, 1958



Gustave Courbet, French, 1819-77  
*Landscape with rocks and stream, 1873*  
 Oil on canvas, 28 7/8 x 36 1/8 inches  
 Lady Allan Bequest, 1958



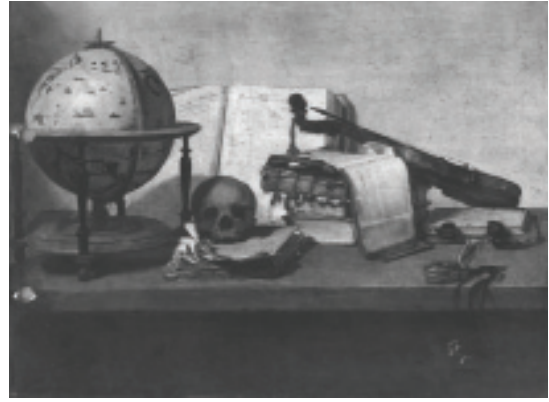
Jean-Baptiste-Camille Corot, French, 1796 – 1875  
*La rêveuse à la fontaine (The Dreamer at the Fountain), 1855-63*  
 Oil on canvas, 25 ¼ x 18 ¼ inches  
 Gift in memory of Mr. and Mrs. William F. Angus, 1962



Honoré Daumier, French, 1808-79  
*Head*  
 Oil on panel, 13 ¾ x 10 3/8 inches  
 William John & Agnes Learmont Bequest, 1909



Ferdinand-Victor-Eugène Delacroix, French, 1798 – 1863  
*Lioness and lion in a cave*, dated 1856  
Oil on canvas, 15 ¼ x 18 3/16 inches  
Adaline Van Horne Bequest, 1945



Jan Davidsz de Heem, Dutch, 1606-84  
*Still Life: Vanitas*  
Oil on cradled panel, 12 7/8 x 16 ¾ inches  
Adaline Van Horne Bequest, 1945



Narcisse-Virgile de la Peña, French, 1808-76  
*The sorceress*  
Oil on canvas, 12 7/8 x 9 ¼ inches  
Miss William F. Angus Bequest, 1962



Jan Davidsz de Heem, Dutch, 1606-84  
*Still life with a fish*  
Oil on canvas, 20 x 17 5/8 inches  
Marguerite Claire Stephens Bequest, 1939



Thomas Gainsborough, English, 1727-88  
*Portrait of Brigadier General Sir Thomas Fletcher*, 1771  
Oil on canvas, 29 7/8 x 24 15/16 inches  
Gift of Miss Olive Hosmer, 1963



Jean-François Millet, French, 1814-75  
*La baratteuse (Young Woman Churning)*, about 1849-50  
Oil on panel, 11 ½ x 6 ½ inches  
Mrs. R. MacD. Paterson Bequest, 1949



Jean-François Millet. French, 1814-75  
*Portrait de Madame Millet*  
 Oil on canvas, 13 3/8 by 10 1/2 inches  
 Miss Olive Hosmer Bequest, 1963



Peter Paul Rubens. Flemish, 1577-1640  
*Head of a young man*  
 Oil on canvas or paper, transferred to cradled panel,  
 21 x 16 1/2 inches  
 Purchase, John W. Tempest fund & William Gilman  
 Cheney Bequest, 1955



Giovanni Battista Piazzetta, Italian, 1682-1754  
*Portrait of a Man*, possibly a self-portrait  
 Oil on canvas, 18 1/16 x 15 inches  
 Purchase, Horsley and Annie Townsent Bequest, 1959



François-André Vincent, French 1746 – 1816  
*Portrait of a lady*  
 Oil on canvas, 12 3/4 x 9 9/16 inches  
 Lady Davis Bequest, 1964



Rembrandt van Rijn, Dutch, 1606-69  
*Landscape with cottages, dated 1654*  
 Oil on panel, 10 x 15 1/2 inches  
 Adaline Van Horne Bequest, 1945

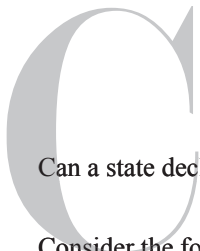


François-André Vincent, French, 1746 – 1816  
*Portrait of a man*  
 Oil on canvas, 12 15/16 x 9 11/16 inches  
 Lady David Bequest





## Art Law and Policy



Can a state declare an entire subject matter off limits to photographers?

Consider the following bill (2011 Florida Senate, SB 1246) that was recently introduced in Florida:

- (1) A person who enters onto a farm or other property where legitimate agriculture operations are being conducted without the written consent of the owner, or an authorized representative of the owner, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.
- (2) A person who photographs, video records, or otherwise produces images or pictorial records, digital or otherwise, at or of a farm or other property where legitimate agriculture operations are being conducted without the written consent of the owner, or an authorized representative of the owner, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.
- (3) As used in this section, the term “farm” includes any tract of land cultivated for the purpose of agricultural production, the raising and breeding of domestic animals, or the storage of a commodity.

The bill has since been significantly narrowed (more on that below), but let’s stay with this original version for a moment. Note, most importantly, the phrase “at or of” in subsection 2: the bill would have applied to photographs taken “at” a farm (in, for example, a trespassing situation) but also those taken “of” a farm (from, say, a public road). And it made any a violation a first degree felony! (According to the *St. Petersburg Times*, similar bills have been proposed in Texas and Colorado. Robbyn Mitchell, “PETA makes case against proposed undercover video ban,” Apr. 6, 2011. They appear to be a reaction to “undercover” videos made by groups like People for the Ethical Treatment of Animals documenting cases of animal cruelty on farms.)

Are these proposed laws constitutional? Can a state make it illegal to photograph a particular thing? In another recent case, the Chairperson of Hawaii’s Department of Land and Natural Resources sent a memo to “all news agencies” claiming that “state law strictly prohibits photographing any [human] remains over 50 years old unless expressly approved” by his department (or, “in the case of Native Hawaiian remains,” by the Island Burial Council). Would this withstand First Amendment scrutiny?

Clearly not. “[A]s a general matter, the First Amendment means that government has no power to restrict expression because of its message, its ideas, *its subject matter*, or its content.” *Ashcroft v. American Civil Liberties Union*, 535 U. S. 564, 573 (2002) (internal quotation marks omitted; emphasis added). These proposed laws clearly aim to regulate expression based on subject matter. The Florida bill quoted above restricts photographs, videos, or other images not just “at” farms, but “of” them. Accordingly, it would have plainly been invalid. The same goes for any Hawaii law requiring government approval to photograph a particular subject matter (in this case, human remains that are over a certain age).

As I mentioned, however, someone in Florida apparently figured this out, and so the original version has been amended to apply only to one “who enters onto a farm” and produces “audio or video records” (which is defined to also include photographs) without the written consent of the owner. Committee Amendment dated March 21, 2011. A second amendment on the same date reduced the penalty from a first degree felony to a misdemeanor. So, much of the sting of the original bill has been removed: if the bill passes, it will now be a misdemeanor to physically come onto a farm and take photographs or shoot video without the owner’s consent.

It still seems problematic, however. Someone can visit a farm for any number of reasons – delivering a pizza, repairing a swing, playing wiffle ball with the farmer’s children – and, in all of those cases, this proposed law would make it a crime for the visitor to take out his camera and snap a photograph. But that cannot be valid from a First Amendment standpoint. Clearly, what the legislature wants to do here is the one thing they *cannot* do: criminalize the PETA-style undercover farm videos. They can strengthen their trespassing laws, if they wish. But they cannot restrict speech “because of its message, its ideas, its subject matter, or its content.”

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### **In other art-crime related news in recent months:**

- In November, 20 people were arrested in New York for visiting an art exhibition that had been installed without permission in an abandoned subway station.
- A Basquiat painting on loan to the the Musée d’Art Moderne in Paris was vandalized with a felt-tip pen.
- Ralph Esmerian, Chairman Emeritus of the American Folk Art Museum, was arrested and charged with fraud.
- A 71-year old retired electrician came forward with nearly 300 works he claimed were gifted to him by Picasso. The Picasso estate filed suit in France, alleging the works were stolen.
- A California judge dismissed a defamation lawsuit brought by two men whom local deputies accused of faking a multi-million dollar art theft.
- A chauffeur was convicted of stealing artwork from his chauffee, an elderly grandson of Joseph Pulitzer.
- Works by Warhol and others were stolen from a collector’s apartment in New York City.
- In January, a Chicago artist faced the possibility of prison time (under the state’s eavesdropping laws) for recording his own arrest for selling art without a permit.
- In February, a security guard at a French museum stole four paintings, submitted his ransom demand through a local television station, and, when he then led police to his car, discovered that the window had been smashed and the four paintings stolen from the car.
- In March, three people were convicted in Germany in connection with a Giacometti forgery ring.
- A Banksy mural was stolen in East Los Angeles.
- In April, a woman tried to pull a Gauguin painting from the wall at the National Gallery in Washington.
- A Warhol print of Mick Jagger, stolen from a collector’s home in Argentina in 2005, was recovered.
- A former director of now bankrupt Salander O’Reilly Galleries was convicted of fraud.
- A Chicago gallery owner was indicted for allegedly selling hundreds of fake prints.
- Andres Serrano’s “Piss Christ” photograph was attacked it with a hammer and destroyed at an exhibition in France.
- Legendary street artist Space Invader was arrested in Los Angeles.

## **An Empty Frame: Thinking about Art Crime “Stealing” Street Art from a Blighted Canvas**

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Graffiti or street art may be simple letters, splashes of color, or even elaborate works of art. Some consider them worthy of our admiration and appreciation, while others view their appearance as a blight. Whatever our opinion, graffiti has existed since the dawn of human civilization. It appears as prehistoric cave paintings, on the catacombs of Rome, and on Mayan sites. The ancient Romans were particularly fond of the practice, using the form to offer political rhetoric, love declarations, or even advertisements for illicit activities. Viking graffiti survives in Rome and even in Istanbul’s Hagia Sofia. In recent decades graffiti has emerged from street and hip hop culture, and become widespread, even finding its way into galleries, auction houses and museums.

In May of 2010 artists from the 555 Gallery and Studios in Detroit went to that city’s abandoned Packard plant and cut away a 1,500 pound piece of wall and removed it to their gallery. That cinder block wall had been used by Banksy to paint a young boy writing “I remember when all this was trees”. These artists had no ownership rights in the painting and yet they removed the work and claimed they were preserving it. This sudden burst of preservation stands in stark contrast to the surrounding complex.

The Packard Motor Car manufacturing set of buildings was established on the east side of Detroit in 1907. It was the first large-scale auto plant built in Detroit, and used a frame of concrete, a building material which was just beginning to return to widespread use—it was called *opus caementicium* when the Romans used it extensively in the late Roman Republic. Spanning 36 acres, the plant complex used brick and reinforced concrete and large support columns which allowed for extensive windows and natural light. Luxury automobiles were made there until 1956. The present state of the Packard complex reveals only glimpses of the site’s past glory. Blighted buildings and vandalism characterize the site now. The current concrete shell of the echo similar concrete shells found in remains of the Roman forum. The factory columns in the building echo the Basilica Cistern in Istanbul or the Córdoba Mosque in Spain. The complex has now become a massive canvas for graffiti artists.

There are accounts of professional looting crews which take to the plant and remove scrap metal and I-beams. This was the canvas Banksy chose. And the work was cut from the wall and transferred to a gallery. The artists from 555 claimed they were removing the wall to save it from destruction. By removing this work from its intended context the artists have saved part of the image to be sure, but also stripped it of its surrounding context in a way which may have destroyed the statement the artist was intending. The owner of the building, learning of the removal of the art and its considerable value has brought a suit against the artists collective. This triggered a move by the Mayor of Detroit to look into the taxes which may be owed on the property. The legal dispute will continue, and the 555 gallery has said it wants to display the work in another abandoned building for free.

It is not clear if any of this has broken any laws. An artist used an abandoned wall to paint, not concerned for its ultimate disposition; an art gallery took away the wall which would have been abandoned anyway; and finally the purported owner of the complex has stepped forward when it learned of the value of the creation, even though it had left the building to scrap looters and neglect. Some locals have even criticized the whole practice of using abandoned buildings as a canvas in this way, frustrated at outsiders who come to Detroit only to point out the hard struggles of a shrinking city. Yet the work was taken from the place where the artist had placed it. That could be considered a kind of theft. There was certainly no real rightful ownership on the part of 555, yet they did cut the cinder wall, crate it and send it away to a safer location. In fact, the removal of the work bears a striking similarity to the forceful removal of pre-columbian stone carvings and monumental features from the ancient cultures of North and South America. Perhaps the most striking aspect of this ongoing dispute is the impetus of the dispute was in fact a simple act of creation. Banksy took an abandoned wall, created a beautiful work, and created a theft, legal dispute, and dialogue about the fate of crumbling industrial infrastructure.

#### **Fine Art Crime Digest November 2010 – March 2011:**

- A former department head at the National archives, Leslie Waffan, was under investigation at the end of October, 2010 for stealing objects from the archives.
- Simon Dickinson, an esteemed London art dealer, was arrested in September 2010 by British customs officers on suspicion of illegally exporting nine allegedly stolen Dutch Old Master paintings.
- A work by Edgar Degas, “Blanchisseuses souffrant des dents” which had been stolen in 1973 was recognized in early November in a Sotheby’s auction catalog before its sale could take place.
- In December, 28 works by Picasso were stolen from a moving van in Spain.
- A series of articles emerged on Mark Landis in the Art Newspaper and the New York Times on Mark Landis, an art forger who donates his forged works to art museums. He may have been committing this odd fraud for twenty years, sometimes even impersonating a priest.
- After an audit, the Glasgow Museums collection revealed that three works are missing: a Samuel Peploe, a Jean-Baptiste-Camille Corot, and a Federio Barocci. They were recovered after a curator saw the Corot listed in a sale catalog.
- In February, art dealer Kurt Lidtke was sentenced to four years in prison after conspiring to rob the homes of wealthy art patrons. Unfortunately his buyer for these objects was an undercover FBI agent posing as an art trafficker. He was sentenced by U.S. District Court Judge Robert S. Lasnik to four years, though the recommended range was less, because Lidtke was living a comfortable life of privilege when he turned to crime.
- Guy Wildenstein, a member of President Sarkozy’s “First Circle” is under investigation after allegations emerged in February that 30 works of art in his collection may be stolen.
- Also in February, Works by Monet, Marquet, and Boudin were recovered in Buenos Aires after they appeared on an Interpol database. They had been stolen in 1999.
- In March, six stolen Byzantine-style icons were discovered for sale in London near the Greek embassy.

## Lessons from the History of Art Crime “Mona Lisa Myths: Dispelling the Valfierno Con”<sup>1</sup>

Among the many enduring myths regarding Leonardo’s *Mona Lisa* one may find a particular story that refuses to disappear despite having been disproven as nonsense. The story in question regards a mythical character called Eduardo de Valfierno, an Argentine criminal alleged to have commissioned the theft of the *Mona Lisa* by Vincenzo Peruggia in 1911 in order to sell six forgeries of it to unsuspecting nouveau-riche criminal collectors. The idea was that each of these “collectors” would believe that they had the stolen original, and they would be unable to advertise their acquisition of the *Mona Lisa* for the very fact that it was stolen.

The origin of this story is from a 1932 article by Karl Decker in the *Saturday Evening Post*. Decker claimed that he met the aristocrat Valfierno in Morocco in 1914, and Valfierno told him how he had masterminded the *Mona Lisa* theft of 1911. In order for his scheme to work, Valfierno needed the real *Mona Lisa* to be stolen in a high-profile manner, attracting world media attention as a way of “proving” to his six “collectors” that the painting that he was selling them could indeed be the stolen original. He had hired Peruggia to steal the painting, and paid him for it, but Peruggia had kept the original and tried to sell it.

Of course this is a gigantic load of baloney. And yet the myth continues, because it fulfills some of the resonant stereotypes of art crime: criminal collectors (in this case, even better, dumb nouveau-riche buyers who wouldn’t know an original if it bit them on the bum), and aristocratic swashbuckling thieves with a bit of Robin Hood in them, cutting the elite down to size.

When articles cite the Valfierno business as fact, there is only one source that they can point to—Decker’s *Saturday Evening Post* article. As evidence of the fact that the Internet is too often the only source used for research, sites from Wikipedia to newspapers state the Valfierno affair as fact, when there is nothing they can cite beyond the *Post* article and other articles and books which refer to the *Post* article. There has never been any evidence that Valfierno existed, that the *Mona Lisa* was ever copied after the theft (none of these six alleged copies have ever surfaced), or that Decker was telling the truth. What is certain is that either Decker invented the whole story, or he met someone who was indeed a con man, and managed to trick him into believing the hogwash about his involvement in the *Mona Lisa* theft. But the largest measure of blame goes to the editors of the *Post*, who allowed this story to be published as “fact” when there was nothing whatsoever to substantiate it. Logic suggests that the story is entirely of Decker’s invention. Decker was involved in more than one suspiciously-glamorous journalistic coup that could not be substantiated. And if Decker really met someone he genuinely believed to have been the mastermind behind the theft, why wait 18 years before publishing the story?

<sup>1</sup> This article was first published in the magazine ArtInfo at <http://blogs.artinfo.com/secrethistoryofart/> on 3/5/2011, for which the author writes a regular column entitled “The Secret History of Art.”



Those who continue to believe in the Valfierno story seem somehow unsatisfied with the real and well-documented truth behind the theft.

It was a crime of opportunity and misguided nationalism on the part of Vincenzo Peruggia (another pet peeve of mine and other art crime scholars is the insistence on misspelling Peruggia's name—it has two "gs"). Peruggia, an Italian handyman, had been hired to build protective glass casings for some of the most famous works in the Louvre, to protect them against vandalism. One of the works was the *Mona Lisa*. I'll tell the story of his theft in a later article, in honor of the 100<sup>th</sup> anniversary of the theft, this August. But the short version is that he stole the painting in order to smuggle it back to his native Italy, for he was under the misimpression that Napoleon had stolen the *Mona Lisa* from Italy. That was a pretty good guess, as Napoleon had stolen much of the contents of the Louvre museum, but in this case it was not correct. At the end of his life, Leonardo moved to France to work for the French king, Francois I. When Leonardo died, Francois officially bought all that Leonardo had brought with him to France, and thereby the *Mona Lisa* and other works by Leonardo legitimately entered the French Royal Collection.

But Peruggia was not aware of this. He thought he was correcting a great wrong in repatriating the *Mona Lisa*. But once he had stolen it, he found himself mesmerized by it. Many art thieves describe a sort of reverse Stockholm Syndrome, in which the thief falls in love with the kidnap victim, in this case a work of art. Peruggia faded out as he became obsessed with the painting—he stopped socializing, ignored his friends, and claims to have spent hours on end staring at it in his garret in Paris. He kept the painting for two years, before he made his next move.

Of course he could be lying—he could have been trying to sell it, but there is no evidence of that, and his later court records suggest that he had no intention of selling it. Eventually he began to fear for his sanity, and he smuggled the painting to Italy in the false bottom of a travel trunk (a popular method for smuggling stolen art, used by Adam Worth to move Gainsborough's *Duchess of Devonshire*). He ended up in Florence, where he contacted an art dealer, Alfredo Geri, claiming that he had brought the *Mona Lisa* back from France and wanted to return it to the Uffizi.

By this time there had been scores of false alarms and a ridiculously botched police investigation back in Paris, so Geri thought that this could not be an authentic claim. But he went to Peruggia's hotel anyway (you can visit it today, it's now called Hotel La Gioconda, near the Duomo in Florence) and was amazed to see what looked like the original *Mona Lisa*. He returned with the director of the Uffizi, a friend of his. They asked if they could take the painting to the museum to be authenticated, and were granted permission. Peruggia was apparently shocked when the next person to knock on his hotel room door was a policeman.

Peruggia was arrested and tried, and the trial records remain available and thorough. He convinced the jury that he never intended to profit from the theft, and that the crime was nationalistic in motivation. He had asked for "some small compensation" to reimburse the travel and expenses incurred to bring the painting back to Italy, but profit did not appear to be on his agenda. He seemed genuinely shocked to have been arrested—he thought he would be welcomed as a national hero. In the end he was given a slap-on-the-wrist sentence. The *Mona Lisa* was briefly displayed at the Uffizi before it was returned to Paris.

That's the true story, and it is even more interesting without the unnecessary embellishments of non-existent Argentine aristocrats. There are so many myths surrounding art crime that it can be difficult to cut through them and study the field scientifically, which is one of the reasons why it has been little studied. But one by one we can set the record straight and focus on the truth which in this case, as in so many, is stranger and more intriguing than fiction.

Context Matters  
“The Unresolved Case of the Minneapolis Krater”



Some 130 antiquities have been returned to Italy from North American public and private collections. Many of the items are known to have been identified from the so-called Medici Dossier, the photographic archive seized in a warehouse facility in the Geneva Freeport, Switzerland.

While several major public museums have been willing to co-operate with the Italian authorities, others have either been defiant or have hoped that the issue will disappear. For example in Europe, the Ny Carlsberg Glyptothek in Copenhagen, Denmark appears to have acquired material that had passed through the hands of Robert Hecht and Giacomo Medici. But in North America there is an equally long-standing case.

In 2005 North American museums started to receive requests for the return of material to Italy. Boston's Museum of Fine Arts issued a statement, “There's absolutely nothing we've seen or heard that proves anything to us”. Yet less than a year later the museum handed 13 items over to the Italian authorities.

At the same time that Boston first realized that there was an issue, the Minneapolis Institute of Arts (MIA) was contacted by a reporter from the *LA Times* (and reported in the Minneapolis press in November 2005). The reporter apparently showed a Polaroid image (presumably from the Medici Dossier) that seemed to correspond to an Athenian red-figured volute-krater in the collection. The pot, decorated with a Dionysiac scene, had been acquired in 1983 from the London-based dealer Robin Symes (inv. 83.80). Contributions towards its purchase were received from Mr and Mrs Donald C. Dayton. The acquisition had apparently been made on the advice of MIA's then head curator, Michael Conforti, now director of the Sterling and Francine Clark Art Institute in Williamstown (MA).

In a subsequent presentation of the collecting history for the krater it was claimed by Michael J. Padgett that it had been “in private collections in Switzerland and Great Britain for ca. 15 years before 1983”. The appearance of the images of the krater in the Medici Dossier as well as the photographic archive seized on the Greek island of Schinoussa appears to shed light on the nature of the two “private collections”. (Christos Tsirogiannis, Cambridge University, is conducting important research on this material.) It is also known that the krater was tentatively linked to an anonymous Attic pot-painter known as the Methyse painter by Robert Guy who saw it on the London market; an attribution later confirmed (after its acquisition by MIA) by Dietrich von Bothmer.

The attribution to the Methyse painter is not without interest. Three kraters (without find-spot) are known to have surfaced on the Basel, London and New York markets (two in the 1980s), and a fourth was acquired by an anonymous New York private collection (and attributed by Robert Guy). While pots attributed to the Methyse painter have been found in Greece and in the Crimea, six pieces are known to have been found

in Italy (from Spina at the mouth of the river Po to Camarina in Sicily). The fact that krater is nearly complete suggests that the Minneapolis pot was found in a grave and Italy is a strong candidate.

The krater carries a distinctive image of a child satyr being carried on the shoulders of a thyrsos-carrying maenad. This image appears on a salt-encrusted krater in the Medici Dossier. The state of the krater, before it had been cleaned and restored, is suggestive that it had been removed from the ground in recent years. The photograph from the Medici Dossier is interesting as it appears to have been taken on the Polaord SX-70, a camera apparently introduced to the market in 1972. This would suggest a *terminus post quem* of 1972 for the photograph, even though the museum had tried to suggest that its collecting history could be traced back to the 1960s (and before the crucial 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property).

MIA is reported to have launched an inquiry into the krater's acquisition in June 2006 but the findings have yet to be published. The Italian interest in the krater remains strong. In November 2009 Italian state prosecutor Maurizio Fiorelli gave an interview to the British quality newspaper *The Sunday Telegraph* and noted his strong desire for the Minneapolis krater to be returned.

Why does the dispute over the krater need to be resolved?

The director of the MIA is Kaywin Feldman, the current president of the Association of Art Museum Directors (AAMD). Feldman has strong views on cultural property and in a letter to the *New York Times* (December 7, 2010) was critical of New York's Metropolitan Museum of Art to hand back material from Tutankhamun's tomb to Egyptian authorities. She mentioned that Egypt had "had no success" in its attempts to reclaim the mummy mask acquired by the St Louis Art Museum. Feldman drew attention to "the highest principles of collecting and stewardship" of AAMD members. The AAMD now recognizes the 1970 UNSECO Convention as its benchmark, and "deplores the illicit and unscientific excavation of archaeological materials and ancient art from archaeological sites, the destruction or defacing of ancient monuments, and the theft of works of art from individuals, museums, or other repositories". The AAMD guidelines make it clear that if an institution "gains information that establishes another party's right to ownership of a work, the museum should bring this information to the attention of the party". If MIA has been aware of possible concerns about the collecting history of the krater since 2005, why has the museum been unable to come to a definitive conclusion? Has the museum contacted the Italian authorities as the AAMD guidelines would suggest? If MIA tries to suppress the information, it will undermine the position not only of the museum but of the AAMD.

The other museum professional linked to the krater was Michael Conforti who has been a major advocate for a licit market in antiquities. In a July 2008 interview for *The Art Newspaper* in his capacity of the Association of Art Museum Director he criticized archaeologists who called for museums to adopt a rigorous acquisition policy and claimed that the creation of licit markets would curb the looting of archaeological sites. However he also claimed that museums would "take whatever steps are necessary ... including, if warranted, returning the work" should research bring to light new information about the ownership.

MIA issued a press statement in November 2005 acknowledging that it had been shown "an electronic image of a detail of the shoulder of a vase" and that "an object in our permanent collection could be among a number of objects in American museums that the Italian government alleges to have been recently excavated in Italy". The press release closed with the statement, "we are ... taking the matter seriously, and, if after gathering the facts it is established that the Italian government has a legitimate claim, we will respond in an appropriate and responsible fashion." More than five years on the case of the Minneapolis krater is unresolved.

## News

*This covers the period September 2010 – February 2011*

### Egypt

Egypt was one of several countries in North Africa and the Middle East to experience political change and upheaval in the early part of 2011. During the protests in the nearby Tahrir Square, the Cairo Museum was raided and a number of objects were damaged or stolen; some were subsequently recovered. A number of archaeological sites and storage areas were raided and items removed. Zahi Hawass issued a list of some of the more significant pieces that had been stolen. These included (based on the press release):

- Gilded wood statue of Tutankhamun being carried by a goddess
- Gilded wood statue of Tutankhamun harpooning. Only the torso and upper limbs of the king are missing
- Limestone statue of Akhenaten holding an offering table
- Statue of Nefertiti making offerings
- Sandstone head of an Amarna princess
- Stone statuette of a scribe from Amarna
- Wooden shabti statuettes from Yuya (11 pieces)
- Heart Scarab of Yuya

Such items are likely to be recognized should they surface. However material removed from archaeological stores may be less easily identified. Irina Bokova, the Director-General of UNESCO, made an appeal over the protection of Egyptian antiquities.

Egyptologist Josep Cervelló spotted some apparent material from Saqqara in Madrid. They were apparently owned by a Barcelona *galerista*. The items are reported to have been acquired in good faith on the London market. It appears that the same Barcelona gallery was linked to the seizure of an Egyptian coffin in Florida as well as an investigation as part of the Italian Operation Ghelas.

New York's Metropolitan Museum of Art announced in November 2010 that it would be returning a number of items that had been found in the tomb of Tutankhamun. They had apparently mistakenly left Egypt between the 1920s and the 1940s.

The St Louis Art Museum (SLAM) has taken out “a civil action for declaratory relief concerning the ownership and possession of an Egyptian mummy mask known as the Mask of Ka-Nefer-Nefer (“Mask”), an approximately 3,200 year old Egyptian cartonnage mummy/funerary mask, which was discovered in 1952, purchased by the Museum in 1998 and remains owned and possessed by the Museum.” Zahi Hawass has been arguing for the return of the mask to Egypt. The object was acquired from Phoenix Ancient Art, S.A. of Geneva.

### Cyprus

A number of frescoes, mosaics and icons from churches in Northern Cyprus were discovered during raids in Munich, Germany in 1997. They had apparently been “hidden inside the walls and under the floorboards in two apartments”. The user of the flat appears to be a name linked to the case of the Kanakaria mosaics. The case has re-emerged after the Bavarian courts failed to resolve the issue.

### Italy

One of the main stories was that the legal case against Dr Marion True, the former curator at the J. Paul Getty Museum had been dropped (October 2010). True gave a detailed interview for *The New Yorker* (October 14, 2010) suggesting that North American museums had been intimidated by the Italian authorities. A further statement appeared in *The Art Newspaper* (January 5, 2011) where she discussed the acquisition

policy of the J. Paul Getty Museum as well as the Fleischman collection. One of the main lessons from the case has been the need for museum curators to apply more stringent due diligence processes prior to making acquisitions. True's co-defendant, Robert Hecht, remains on trial though there is a statute of limitations that will expire during 2011.

The outworking of Operation Andromeda continues. A Laconian krater seized during the raid on the premises of a Swiss accountant linked to the Japanese dealer Noryoshi Horiuchi was put on display in the Archaeological Museum in Gela, Sicily (September 2010). The krater, attributed to the Hunt painter, was recognized from the press conference at the Colosseum. It had been in a private collection in Gela and then apparently passed through the hands of Giacomo Medici and Robin Symes.

A statue of Zeus stolen from the Norwegian Institute in Rome in May 2002 was recovered from an unspecified London antiquities gallery (October 2010). However an Italian claim on a helmet once part of the Axel Guttman collection was rejected by a German court (December 2010). The helmet appears to have been removed from an archaeological context in Apulia in 1993. It was spotted when it resurfaced on the London market in 2002.

Italian authorities have recovered a Zeus stolen from the Museo Nazionale Romano in 1980. It was subsequently given a false collecting history suggesting that it had been in a Swiss private collection in the 1960s. The statue resurfaced in the 1982 and 1983 supplementary exhibitions, *The Search for Alexander*, in The Fine Arts Museum of San Francisco (no. S-10), and in the Royal Ontario Museum, Toronto (no. S-14). In 1984 the Zeus was published in *California Studies in Classical Antiquity* when its owner was stated as Edward H. Merrin of New York City. It then passed into the Fleischman collection and featured in the 1988-89 exhibition, "The Gods Delight: The Human Figure in Classical Bronze", organized by Arielle P. Kozloff and David Gordon Mitten (no. 29). In 2004 the statue was sold at Sotheby's New York (December 9, 2004, lot 249). The Zeus was returned with a marble female torso that had been stolen from the museum at Terracina in 1988. This second statue had been spotted by an off-duty Carabinieri officer, Michele Speranza, in an antiquities gallery on Madison Avenue.

Fabio Isman published a report in *The Art Newspaper* on the eve of the London sale of antiquities at Bonhams. It appears that two items, an Athenian red-figured pelike attributed to the Eretria painter by Michael Padgett from a "European private collection", and a head oinochoe from a "Swiss private collection", were identified from photographs in the Medici Dossier. Mark Hughes of *The Independent* (London) wrote a response on the sale of antiquities at Bonhams (London). Bonhams went ahead with the sale of two lots. It has raised issues about the due diligence procedures conducted by auction houses. Interestingly Chris Marinello, an executive director of the Art Loss Register, has reminded us that the general release of images by the Italian authorities could compromise future investigations.

Isman revealed in *Il Giornale dell'Arte* (January 2011) that 16 objects in the stock of a North American dealer could be identified from the images that form part of the Medici, Becchina and Schinousa dossiers. The identifications had been made by Cambridge researcher Christos Tsirogiannis. Some of the pieces are said to have formed part of old Swiss and English collections. It is perhaps significant that one of the pieces, an Apulian pyxis attributed to the Baltimore painter by A.D. Trendall, appears in the same photograph as a Gnathian krater now in the National Archaeological Museum in Madrid. Nine of the sixteen pieces, all Attic, Etruscan or South Italian pots, had formed part of the Patricia Kluge collection, and one from the John Kluge collection. Bronzes from the Kluge collection were returned by the same dealer to Italy in 2007.

There appear to be further investigations by Italian authorities surrounding the acquisition of antiquities by the Princeton University Art Museum from New York dealer Edoardo Almagià.

The Memorandum of Understanding (MOU) between Italy and the US was extended in January 2011. The broad categories are:

I. Stone. A. Sculpture.



- II. Metal. A. Sculpture. B. Vessels. C. Personal Ornaments. D. Weapons and Armor. E. Inscribed or Decorated Sheet Metal. F. Coins of Italian Types.
- III. Ceramic. A. Sculpture. B. Vessels [specifically including ‘Imported Vessels’ specified as Attic and Corinthian]
- IV. Glass.
- V. Painting. A. Wall Painting.

It should be noted that the restrictions include coins.

### **Spain**

A number of individuals were arrested in Spain after looting was discovered in a Roman cemetery (November 2010). Apparently some of the material had been consigned to an auction-house in London. Some 6000 coins were recovered. It appears that metal-detectors had been used to discover the finds.

### **Iraq**

It was reported that a battle-axe recovered from a Munich dealer has been handed over to Iraqi authorities (February 2011). The axe had been seized in 2004. The statue of Entemena, looted from the Baghdad Museum, has been recovered with the help of an Iraqi dealer based in New York.

### **England and Wales**

In October 2010 Christie’s auctioned a Roman cavalry helmet allegedly found by a metal-detectorist earlier in the year (May) at Crosby Garrett in Cumbria. The helmet fetched £2,281,250 (US \$3,631,750). The helmet is reported to have been found in May in approximately 33 fragments with another 34 smaller pieces. The anonymous finder reportedly from Peterlee in County Durham decided to sell it auction rather than offer it to a local museum and this has highlighted a weakness in the Treasure Act. Indeed the National Finds Adviser for the Portable Antiquities Scheme (PAS) only saw the fragmentary helmet at Christie’s in early June. The alleged find-spot was not revealed until late August. The helmet was restored, but not conserved, apparently in spite of a request by the PAS and the British Museum.

PAS has been the subject of an invited forum piece by David Gill in *Papers from the Institute of Archaeology* (University College London) (2010). There were responses from Trevor Austin (General Secretary, National Council for Metal Detecting), Paul Barford (archaeoblogger), Gabriel Moschenska (Institute of Archaeology), Lord Renfrew of Kaimsthorn, and Sally Worrell (PAS). The recession will have an impact on PAS. The UK Government’s Comprehensive spending Review will see a 15% reduction in PAS’s budget by 2014-15. PAS work in Wales will be carried through Welsh Assembly Government (WAG).

### **Market results**

The New York auction market seemed more buoyant than in 2009. Christie’s and Sotheby’s sold a combined value of \$133 million worth of antiquities during 2010; the next highest year was in 2007 with \$55 million. However \$40 million was account by two objects, an Antinous at Sotheby’s and a Cycladic marble figure at Christie’s.



## A Different View of Art Crime: An Interview with the Sculptor Nicolas Lobo

Nicolas Lobo is a Miami-based sculptor born in Los Angeles, in 1979, who completed his fine art studies at Cooper Union in 2004. For a young artist, Lobo's works have been exhibited at several public institutions, including the Bass Museum of Art, Museum of Contemporary Art in North Miami, Florida, and at a number of private galleries, including the Marvelli Gallery in New York, the Charest-Weinberg Gallery, and Locust Projects in Miami. In several of his early works, the artist lays bare for historians not only notions of art as a mechanism for the avant garde or mass culture, but also offers us a thrilling Saussurian match of aesthetics and criminal culture, which encompasses both high and low concepts of popular culture.

Q: When I met you at the artist panel discussion at Vizcaya Museum and Gardens in Miami, Florida in March 2011, I noticed a running theme of illegality in your works, including Dummy Crack Doppelganger, Cough Syrup Play-Doh Diorama, Canario, and others. Has crime in Miami literally and figuratively shaped your works?

A: *Probably, one of the first things I remember making was a video documenting a vacant lot from the moment an opening is cut in the chain link fence until the moment it is repaired. During the time the fence was open, all kinds of people used the space that had been previously inactive. The video was shown to a group of elderly people and they became very angry; they saw it as a positive view towards crime in general. I had never thought of it that way. I was more interested in the rupture as a change in the social patterns of the street. I don't think a fascination with crime as a dramatic device is any kind of resolution for me. I just see it as a beginning, an opportunity for social friction.*

Q: Can you tell me about the process that led you to create "Cough Syrup Play-Doh Diorama"?

A: *A friend sent me a collection of crime scene photos from meth lab raids in Arkansas. What I found interesting was the lack of clear purpose for the photograph; the documentation of what seemed to be mountains of trash in abandoned trailer homes. In most of the photos, there was little or no information to be had that might aid in a conviction. It was as if the meth environment had somehow corrupted the brass eye of the law. These images felt like supernatural dioramas with parallax layers of junk, furniture, and blown out walls. (For our readers, a parallax is the displacement or difference*

*in the apparent location of an object viewed along two different lines of sight and measured by the angles or semi-angles between the two. We see these in the backgrounds of videogames. I began to think of this drug as a kind of poltergeist, an invisible force that transforms houses into unlivable space. The crime scene images became almost a hoax, documents of paranormal activity, a ghost story.)*



Cough Syrup Play-Doh Diorama, 2007, Sheetrock, spray texture, cough syrup, Play-Doh. 8' x 8' x 4'

Q: Did you face any problems in creating this work and how much cough syrup did you utilize?

A: *Yes, it's funny. I thought there would be some kind of problem buying enough syrup to mix in, but I had no problems buying it. Either the employees at the stores were not doing their job or somehow I was not breaking the laws in place at the time. In fact, I found out later that CVS Pharmacy was prosecuted for not enforcing the syrup laws in some western state.*

Q: I'd like to talk about the texture and ephemeral nature of this work. In his seminal 1929 essay, "Ornament and Crime," Adolf Loos states that a child is amoral. He does not state that a child is innocent. Some children accidentally overdose on cough syrup and many teens abuse over-the-counter and prescription cough syrup medications and even die from it.

Did this play any part in the process or was there only an emphasis on the sense of play while mixing a sticky wet substance with Play-Doh?

A: *Using cough syrup as the material for this started as a nod to its rarity. I was interested in concentrating a large quantity of syrup in one place since this was apparently difficult to do. The Play-Doh seemed like the perfect way to do it because it is one of the most basic types of kitchen chemistry experiments. I was not interested in the association of Play-Doh with children as much as the difficulty in sculpting detail with it. I was hoping to contrast the detail required by a crime scene photograph with the drippy, puffy, mess a sculpture that is made of Play-Doh becomes.*

Q: I disagree. I find that cough syrup is ubiquitous in our culture. Just not as an art medium! And when we think of our childhoods, we also think about the illnesses that we did or did not experience. And the word “dough,” does it not have a reference to money and the images you received to create this piece?

A: *Yes these are all good reads on the piece. I used the word “rarity” because in some sense, it is rare. It’s a very interesting brand of rarity, artificially induced but rare nonetheless. One can easily buy a single bottle of syrup anywhere in America but as soon as you try to buy a larger quantity you are immediately suspect. This leads to an interesting subset of meth culture, “Smurfs,” groups of individuals roaming from pharmacy to pharmacy buying their limit of syrup to amass the quantities necessary for methamphetamine production. What is most interesting about this is that the repetitive and dull nature of smurfing lends itself to the high that meth provides. I read an interesting text on peyote harvesting in the southwest in which the author claims that once a peyote harvester eats a button of peyote, she can see all the other peyote cacti glowing slightly in the dark. This idea is repeated in shamanic explanations of drug production throughout the world. When you speak of ubiquity in our culture, it sends a shiver down my spine because my next line of thinking is that crystal meth, crack, etc. have become the American entheogens of our century. If this is the case, it does not speak well for our society as a whole.*

Q: Or that the term, Smurf, an old cartoon creature, is used to describe this ongoing activity. Considering that your works involve people who are neither present nor pictured, are they a nearby haunting presence or have they disappeared from the objects?

A: *I would say both. People have different presences at different times in the work. I’m always trying to produce things that are in between places, including the human figure, which may be too fixed a position for most of the ideas that I’m*

*thinking about. I am becoming more interested in figurative sculpture. Everyone has to deal with the figure either through inclusion, absence, or, sometimes, scale.*

Q: In Canario, a psychedelic light show on an abandoned hydroponic lab, you have externally projected internal patterns from the home onto its outside and you have also created a soundtrack. Why shouldn’t an art historian believe that you have created a clean, temporal graffiti canvas on this home, and have exposed an experience that was perhaps not meant to be in the public sphere?



Canario—a psychedelic light show on an abandoned hydroponic lab, 2009 Medium:

Three-channel video of interior projected on exterior, live music.

A: *I can’t speak to that work in the same way as the others. It was a collaboration; visually with Christy Ghaast and soundwise with Federico Nessi, Victor Baraenchea, and Tony Vilamill. At the time, I think Christy and I wanted to get to the idea of turning something inside out. A hydroponics lab must be sealed very tightly so that light and heat may not escape and we wanted to think of it as a reversal of that process. By using the most mundane patterns and details present inside the house and processing them to psychedelic levels, we thought of it as intensification through inversion. I think Maya Deren’s film, Meshes of the Afternoon, came up in conversation during the making of Canario. The musicians provided a live score that I believe was open ended in its composition with a series of patterns that change indefinitely.*

Thank you, Nicolas, for this brief but informative interview. I am hopeful that your future works will be as exciting as the few that we have discussed here. Your works have deep pockets.

## Freeze of BBC License Fee Continues Dream of Art Thief Who Stole Goya's "Portrait of the Duke of Wellington" from the National Gallery in 1961

The only successful theft from London's National Gallery took place on 21 August 1961, when a brazen thief stole Goya's *Portrait of the Duke of Wellington*—the 50<sup>th</sup> anniversary of this theft will be "celebrated" this coming August. Forty-nine years after the theft, this past 19 October 2010, the thief's ransom demands were protected well into the future.

One of the most bizarre incidents in the history of art theft, the Goya heist baffled police. Someone had snuck into the National Gallery through an unlocked bathroom window, had evaded security guards, and made off with a painting which had just been saved from sale to an American tycoon by the British government. The sale of the Spanish painting, property of the Duke of Leeds, had been frozen in order for the British nation to match the sale price, thereby keeping the painting in England. £140,000 had been hastily raised (the equivalent of around £2 million today), and the 1812 portrait of the English war hero was saved. It went on display at the National Gallery in London on 3 August—less than three weeks later, it was gone.

The Press had a field day, and the theft infected the popular imagination. In the background of the first James Bond film, *Dr No*, which was filmed soon after the crime, one can see a copy of the missing Goya portrait decorating Dr No's villainous hideout.

Then the London police received the first of many bizarre ransom notes. They promised the safe return of the painting in exchange for discounted television licenses for old age pensioners.

Surely this was a joke? But the ransomer was able to identify marks visible only on the back of the painting, proving that it was in his possession. The ransomer, whose notes were theatrical and flamboyantly written, thought it outrageous that the British government would spend such a sum on a painting when retired British citizens had to pay to watch television. The Goya would be returned, wrote the ransomer, if a charitable fund of equivalent value, £140,000, were established to pay for television licenses for old age pensioners. There seemed to be no personal motivation for the theft, only outrage at the government's TV license scheme.

But the police would not negotiate. A second ransom letter arrived, which read:

Goya Com 3. The *Duke* is safe. His temperature cared for – his future uncertain. The painting is neither to be cloakroomed or kiosked, as such would defeat our purpose and leave us to ever open arrest. We want pardon or the right to leave the country – banishment? We ask that some nonconformist type of person with the fearless fortitude of a Montgomery start the fund for £140,000. No law can touch him. Propriety may frown – but God must smile.

Still the police would not respond. A third ransom letter turned cheeky:

Terms are same. . . . An amnesty in my case would not be out of order. The Yard are looking for a needle in a haystack, but they haven't a clue where the haystack is. . . . I am offering three-pennyworth of old Spanish firewood in exchange for 140,000 of human happiness. A real bargain compared to a near million for a scruffy piece of Italian cardboard.

But while the police would not budge, they were no closer to identifying the thief. In 1965, however, a note arrived at the offices of the *Daily Mirror* newspaper with a luggage check ticket for the Birmingham rail station. The ticket yielded a surprising package at the Birmingham—the stolen Goya. It had been deposited by someone identifying himself as a "Mister Bloxham," likely a reference to Oscar Wilde's *The Importance of Being Earnest*, in which an infant is found in a handbag at a rail station luggage check. The painting had been recovered, handed over as a sign of good will by the thief, who realized that his demands, which he felt were entirely reasonable and noble, would not be met. But who was the thief?

On 19 July 1965 a portly, disabled, 17-stone, 61-year old retired cab driver who bore a striking resemblance to Alfred Hitchcock walked into a police station to turn himself in. Kempton Bunton, a cuddly 252 pound grandfather, did not match the expectations of an ingenious, if eccentric, art thief. He had, perhaps unsurprisingly, been fined twice for refusing to pay his own TV license. The theft seemed to have been motivated solely by charity, although there are those who believe that he took the fall for someone else.



Bunton was not worried about being tried, he told the police, because he knew of an odd loophole in British law. In court, he was found not guilty of having stolen the painting, because the judge noted an antiquated clause which stated that if the jury believed that Bunton always intended to return the painting if his ransom negotiations failed (and he did return the painting) then they must acquit. Heeding the judge's advice, the jury found Bunton not guilty of having stolen the Goya—but he was found guilty of having stolen the painting's frame, which was never returned. He was given a slap on the wrist, three months in prison, and was gently scolded by the judge, who said: "motives, even if they are good, cannot justify theft, and creeping into public galleries in order to extract pictures of value so that you can use them for your own purposes has got to be discouraged."

This comical theft would play a major role in shaping UK law. In 1968, as part of England's new Theft Act, Parliament included a clause which made it illegal to "remove without authority any object displayed or kept for display to the public in a building to which the public have access," thereby making Bunton's "borrowing" of the Goya a criminal offense.

Television licenses were eventually revoked for old age pensioners, satisfying, long after the fact, the unusual ransom demands of Kempton Bunton. But in recent weeks the issue has once more been in question. Would a latter-day Bunton be prompted to make a similar, high-profile statement in protest to the licensing fee? The matter was finally resolved on 20 October of this year, when it was announced that free license fees for pensioners will be extended until at least 2017.

Kempton Bunton, floating on his cloud up in Heaven, must be looking down upon us with a satisfied smile.

*We would like to thank Alan Hirsch for research assistance on this article.*

## The Art Loss Register Recovery Update Executive Director & General Counsel

Is art ever stolen to order? Journalists routinely ask the Art Loss Register (“ALR”) this question after every major art theft and the answer has always been an emphatic “no”. The idea that some megalomaniacal art collector would pay criminals to assist in building an illicit collection is a fantasy conjured up by television or movie script writers.

Last month, for the first time, the ALR encountered the closest thing to a theft made to order when an individual contacted the Joseph Bellows Gallery in California offering to sell a Frantisek Drtikol photograph prior to its theft from the Prague Museum of Decorative Arts. The thief apparently wanted to ensure that he would have a guaranteed sale before he invested the time and effort required to steal the \$500,000 photograph.

Satisfied that the market existed, the entrepreneurial art thief stole the photo from the museum on the 13<sup>th</sup> March 2011 and proceeded to offer the work to Mr. Bellows for sale. Unfortunately for this crook, Joseph Bellow’s performed a due diligence search against the ALR database which confirmed that the work being offered was in fact the same photograph that had been stolen from the Prague Museum.

What happened next was a well coordinated recovery operation between the ALR and the Joseph Bellows Gallery while Czech law enforcement filed its Interpol request form seeking US law enforcement intervention. With very little time to spare, the ALR instructed Bellows to proceed with the purchase and tell the seller that he could not send payment until the work could be inspected and authenticity ascertained.

The ALR provided the Czech police with all the written communication between the parties and advised the police that the criminal was getting impatient and wanted action, threatening to disappear or go elsewhere. Bellows obtained the artwork and proceeded to send the stolen photograph to the ALR office in London.

Within a few days the ALR arranged for two Czech police officers and an Administrative Director from the museum to formally identify and accept return of the work while maintaining “diplomatic integrity”. Don’t ask me what that means but let’s just say that you can’t simply drop off a major work of art to the embassy of another country despite showing irrefutable evidence that it was stolen from and actively being

sought by a state owned museum.

Exactly fifteen days from the date of the theft, this important work was back on the wall of the museum. In the twenty year history of the ALR, no art recovery has taken place so quickly. Upon information and belief, the Czech police are still investigating the individuals involved in the theft. Efforts were made to connect the Czech Police directly with the sensational LAPD art crime team to set up a “buy and bust” operation which would have almost guaranteed an arrest. Sadly, the language barrier and diplomatic bureaucracy ruled out swift action that would have brought the criminal to justice at the time of the recovery. It is circumstances such as these that illustrate the need for private and public institutions to collaborate in combating art theft worldwide.

### Inside Jobs: Still Popular

An Andy Warhol *Candy Box* was reported stolen from a well known architect to the stars in New York City. The ALR located the picture when it was consigned to Christie’s for sale late last year.

The New York City Police Department was notified as was the consignor who died shortly after being given the bad news. Was the sudden death of this consignor related to the ALR match? Having a stolen work in your possession is never a pleasant experience, but after the work was seized by the NYPD and returned to the theft victim, the name of the consignor was revealed to be a disgruntled employee who left the architect’s studio years earlier but not before helping himself to the *Candy Box*.

### Stolen Raeburn Update

Following a two year dispute over Sir Henry Raeburn’s *Portrait of a Man*, Joanne King Herring has won her legal battle in a Texas civil court. The portrait was stolen in 1986 from Ms. King Herring, best known for nourishing the covert US operations in Afghanistan in the 1980s. Mrs. King Herring was portrayed by Julia Roberts in the film *Charlie Wilson’s War*.

The ALR attempted to mediate the dispute between Mrs. King Herring and the possessor who claimed that he had purchased the work at auction in Houston. No purchase

records were produced and the auctioneer stated that the work never passed through the auction house. Despite the overwhelming evidence in favour of Mrs. King Herring and the legal position supporting her claim, the possessor refused to concede. This was not a wise nor cost effective decision and appeared to be a gamble to go head to head with one of the toughest women in America.

It wasn't until a few hours before the court hearing that the possessor finally backed down and agreed to release the painting to Ms. King Herring.

### **Berkeley Castle**

Two rare pieces of porcelain were stolen from Berkeley Castle in 1999 and matched by the ALR at a regional UK auction house in September 2010. The consignor initially challenged the castle's claim to title and decided to lawyer up. Fortunately, mediation prevailed over litigation when the consignor's lawyer informed his client that the chance of success in the UK courts was nil. It seems that the consignor was persuaded by the identification and proof of ownership of the work by the Berkeley family, who still inhabit Berkeley Castle, in the town of Berkeley, in the Vale of Berkeley...and the image one of the recovered vases? Berkeley Castle.

*The Art Loss Register maintains the world's largest international database of stolen, looted and missing artwork. It provides art recovery services, provenance research as well as mediation of title and other art related disputes.*

## Another look at the 2010 ARCA Conference on the Study of Art Crime: Something for Everyone

Although my field is French Literature, I did attend the 2010 Art Crimes Studies Conference, which presented me with this opportunity to consider its wide appeal to a diverse audience. Having taught Romain Gary's "Le Faux" ("The Fake"), a multi-layered, intriguing story for many years in my French classes, I had already been invited to present it to the Masters in Art Crime students, but this past year's conference offered a number of additional points of relevancy of Gary's story to students of art crime. In his short story, a shady, nouveau-riche Neapolitan collector, Baretta, who earned his fortune selling Italian salami, is in the news for having purchased, for a princely sum, what many believe to be a "fake Van Gogh." Seeking to burnish his image through buying expensive art, Baretta pays a visit to the renowned expert, S, who he hopes will authenticate, or at least not challenge, the authenticity of his Van Gogh. S is also a newcomer to Parisian grand society, who has come a long way from his poor Turkish roots. Despite their equally modest backgrounds, however, Baretta and S have very different approaches to the exchange value of art. Among the themes of this richly suspenseful story are an obsession with authenticity in art and in cultural origins, and the valorization of the aesthetic object. "Le Faux" can become a lens through which to review the 2010 ARCA conference.

For example, Betina Kuzmarov's "Rethinking the Qianlong Bronze Heads: Objective versus Aesthetic Visions of Cultural Property" raised some issues that particularly resonate with the Gary short story. Professor Kuzmarov is interested in our modern relationship to things, which tends to be all about ME as owner. She notes the degree to which "we personalize our relationship with objects." The decision of Yves Saint Laurent's heir/lover's decision to sell the deceased designer's art collection (including the Qianlong Bronze Heads) to the highest bidder highlights what Kuzmarov cites as two different understandings of property.

The first views objects as manufactured and interchangeable, and thus compensable by damages or restitution. Further, collectibles accord status to the individual owner, for example, YSL "became his own creation as a result of what he owned." Kuzmarov argues that this view of the legitimacy of ownership contrasts with a different way of viewing art—that is, as an aesthetic vision of cultural property—one that harkens back to the pre-manufacturing days when no two objects were alike. She used the example of how, although today everyone at her university could buy

the same H&M shirt, each could give it a personal "twist" via accessories. China's moral claims that, as a country, China was harmed by the sale of the bronze heads, is in keeping with Kuzmarov's proposal for a second, aesthetic way of looking at cultural property.

In Gary's short story, "Le Faux," Baretta's request, that S refrain from suggesting that his Van Gogh might be a fake, is in keeping with ARCA speaker Kuzmarov's first view of a possible motivation for YSL's desire to own impressive pieces of art: Baretta hopes to enhance his personal glory by owning such a valuable piece, as well as to protect his investment. (He did not become the Salami King by failing to understand marketing!) S, who prides himself on his total commitment to authenticity at all costs, likes to think of himself as the defender of the more purely aesthetic issues at hand—those in keeping with Kuzmarov's second view of art. For true connoisseurs like S, works of art are definitely *not* interchangeable; Christie's and Sotheby's notwithstanding, it is nearly impossible to put a price on a one-of-a-kind Van Gogh.

Conference speaker Judge Arthur Tompkins argued eloquently in favor of an International Art Tribunal, but he acknowledged that it would be crucial that there be a high-profile champion to head it. He specified that the charismatic leader would need to be a champion in the ancient Greek sense of a fighter for a noble cause. In "Le Faux," S, because of his total commitment to authenticity, sees himself in that role. As defender of art, he fits the model of Kuzmarov's understanding of the Chinese position with respect to the Bronze Heads. Moreover, one could view the enigmatic character of S in both of the ways cited by Kuzmarov: first, as champion of the idea that to be complicit in authenticating a fake Van Gogh would represent a harm to all. An alternative way to view him, however, would be to see S's refusal to grant Baretta's request to authenticate his Van Gogh as fitting the model of the first vision—that S's reaction was always all about himself—especially his ability to flaunt his own power and influence, and by doing so, make Baretta look foolish.

There is an odd twist to Gary's story in that longtime bachelor, S, has finally found total marital happiness with the flawlessly lovely Alfiera, Could there ever be a more perfect wife—the crowning jewel of his collection? In asking that S not say anything to cast doubt on the authenticity of his

Van Gogh, Baretta thinks he is making a coercive offer that S will not refuse. But when S declines to budge on the Van Gogh authenticity question, Baretta promises that S will be very sorry. Indeed, his revenge is definitive, as he exposes something about Alfiera, a lack of perfection which results in the ruin of the marriage and the end to the couple's happiness. In his diabolical plot, Baretta, who knows that S will never be able to forgive Alfiera for her deception, succeeds in turning S's obsessive commitment to authenticity against himself.

But what about S's apparent view of Alfiera as his very own perfect "work of art"? Does his "ownership" of her represent his personal desire to elevate himself from the barefoot boy who started out by selling sexy "art" postcards to sailors? Because Alfiera has been surgically enhanced, she can indeed be considered a work of art, if one considers the definition of art as what is arranged, as opposed to what is "natural." Further, as one whose face has been "arranged," Alfiera can be seen as representing the art of the surgeon who crafted her new nose, which restored balance and harmony to the rest of her.

"Le Faux" is also relevant to Chris Marinello's "The Role of the Art Loss Register and its Efforts to Recover Stolen Art through the Legitimate Marketplace and the Underworld." Marinello discussed the widespread attitude on the part of owners, sellers, museums, and auction houses, alike: "I don't want to know if it's stolen." Moreover, the Art Loss Register, when trying to "make it" as a nonprofit organization, found that the discovery of too many fakes and stolen objects just made everyone angry.

Colette Marvin's presentation, "Curating Art Crime" raised other provocative questions: "Is that Picasso real? Did Modigliani really paint that masterpiece?" (What about Baretta's Van Gogh?) As Marvin said, "the answer may be 'no.'" But does it matter who actually painted a sublime work of art? She pointed out that works by Elmyr de Hory, one of history's most talented and prolific art forgers, even when unmasked as forgeries, have their own value—that "his infamy merely succeeded in finding him new buyers who still wanted fake masters....Many of his forgeries remain in circulation,... hanging on the walls of prominent collectors and museums. They have essentially become 'real.'" Marvin's stated goal is to "encourage a discourse regarding the moral, aesthetic, and economic implications of this...deception...and the recent trend of museum-sponsored fakes and forgeries exhibits."

So what if Baretta's Van Gogh was a fake? Was the extreme stance of divorcing his wife taken by S worth the unhappiness it caused everyone, including himself? Or was the satisfaction of staying true to his total commitment to what he considered authenticity enough to keep him warm on the long, lonely nights of the rest of his life? What does it

mean that S is the only character in the story referred to only by a single letter, instead of a name? These are some of the questions raised by the provocative Romain Gary story.

Finally, the material at the 2010 Art Crime Studies conference underscores the inter-relations among the arts and all knowledge. This flies in the face of today's trend toward what feels like over-specialization, a world where a "closer" in baseball is never expected to hit. One of the attractions of the study of art crime for me is its interdisciplinary nature, and especially the way it reminds us of our collective humanity. For better or worse, I guess that puts me in the category of Betina Kuzmarov's second group of purists who are missing the marketing gene. But that's okay with me.



ARCA is pleased to present excerpts and images from a book by Elena Franchi, published in Italian, entitled *The Travels of the Assumption: the Protection of Venetian Cultural Heritage during the Two World Wars* (Pisa University Press 2010). As ARCA is based in both the United States and Italy we wish to encourage the International cooperation of scholars in the joint pursuit of the protection of art and the advancement of art crime studies. The Introduction is published here in Italian with permission of the author, and the images have been provided with captions in English by the author.

From the book:

**Elena Franchi**

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***I viaggi dell'Assunta. La protezione del patrimonio artistico veneziano durante i conflitti mondiali*, Pisa, Edizioni PLUS - Pisa University Press, 2010.**

Book series "Architettura - Restauro", edited by Spiridione Alessandro Curuni. Published by Edizioni PLUS (Pisa University Press), in cooperation with Facoltà di Architettura Valle Giulia, Università La Sapienza, Roma

**Introduzione** (pp. 13-14)

*Se il Signore non custodisce la città,  
invano veglia il custode.  
Salmo 126 (127), 1*

Nel 1917, gruppi di donne, sulle rive dell'Adige e del Po, si inginocchiano e pregano al passaggio di una immensa cassa di legno, si fanno il segno della croce, indicano la strana processione. Nonostante la segretezza dell'operazione qualche notizia è trapelata: nella cassa c'è la tavola dell'*Assunta* di Tiziano, la «grande e veramente miracolosa Madonna»<sup>1</sup> proveniente da Venezia e diretta a Cremona.

Durante la prima guerra mondiale l'*Assunta* di Tiziano passerà quasi un anno a Cremona, per poi essere trasferita a Pisa. Nella seconda guerra mondiale verrà ospitata nella villa nazionale di Stra. Anche le altre opere d'arte veneziane, nel corso dei due conflitti, percorreranno l'Italia alla ricerca di un luogo sicuro, e Venezia stessa, dal 1944, si trasformerà in un rifugio per gli oggetti delle città colpite dai bombardamenti aerei.

Nella prima e nella seconda guerra mondiale, le opere d'arte italiane viaggeranno in barca, in treno, in furgone, a volte anche in una *Fiat Balilla* o in bicicletta, per sfuggire ai bombardamenti e ai furti degli eserciti contrapposti. Mentre si

rimuovono le opere mobili, quelle immobili vengono blindate e protette con impalcature e sacchi di sabbia, contrafforti, murature. A Venezia, la facciata di San Marco scompare dietro una cortina di legno, il monumento a Colleoni scende dal piedistallo, i *Cavalli* di bronzo riprendono la via dell'esilio. Rimarrà solo un simbolo, durante la prima guerra mondiale, a sfidare il pericolo dall'alto della sua colonna in Piazzetta: il *Leone di San Marco*.

Nella Grande Guerra il bombardamento aereo non aveva ancora dispiegato tutta la sua potenza, ma già riusciva nell'intento di creare paura e insicurezza fra i civili, preludio ai devastanti bombardamenti che infiammeranno l'Europa nella seconda guerra mondiale<sup>2</sup>.

Dal punto di vista della legislazione internazionale, durante le due guerre mondiali la protezione del patrimonio artistico era affidata alle Convenzioni internazionali predisposte nell'ambito della prima e della seconda Conferenza per la pace svoltesi all'Aja rispettivamente nel 1899 e nel 1907, ispirate alle norme elaborate da un'autorevole istituzione privata, l'Institut de Droit International, nel 1874 con la *Dichiarazione di Bruxelles*, nel 1880 con il cosiddetto *Manuale di Oxford* relativo alla guerra terrestre e nel 1913 con il *Manuale di Oxford* relativo alla guerra marittima. Ma si trattava di

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1 Gino Fogolari, Relazione sull'opera della Sovrintendenza alle Gallerie e agli oggetti d'arte del Veneto per difendere gli oggetti d'arte dai pericoli della guerra, in «Bollettino d'Arte» del Ministero della Pubblica Istruzione, La difesa del patrimonio artistico italiano contro i pericoli della guerra (1915-1917). II. Protezione degli oggetti d'arte, 12 (1918), pp. 185-220, in part. p. 208. La pubblicazione raccoglie, insieme al «Bollettino d'Arte» del Ministero della Pubblica Istruzione, La difesa del patrimonio artistico italiano contro i pericoli della guerra (1915-1917). I. Protezione dei monumenti, 11 (1917), le relazioni dei soprintendenti sui provvedimenti attuati nella prima guerra mondiale.

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2 Marco Gioannini, Giulio Massobrio, *Bombardate l'Italia. Storia della guerra di distruzione aerea*, Milano, 2007; Giorgio Bonacina, *Obiettivo: Italia. I bombardamenti aerei delle città italiane dal 1940 al 1945*, Milano, 1970; *La Grande Guerra aerea 1915-1918*, a cura di Paolo Ferrari, Valdarno, 1994.

norme totalmente inadeguate ai nuovi mezzi di offesa. Ai beni culturali mobili veniva dedicata ben poca attenzione, i monumenti non venivano differenziati da ospedali e luoghi di culto, la mancata ratifica da parte di uno Stato belligerante portava all'annullamento della sua validità anche fra gli Stati contraenti e l'inciso «autant que possible», con cui i Paesi si impegnavano a risparmiare i monumenti purché non utilizzati a scopo militare, limitava molto l'obbligo di rispettarli.

Si dovrà attendere la Convenzione dell'Aja del 1954, *Protezione dei beni culturali in caso di conflitto armato*, per veder codificati a livello internazionale i principi elaborati dall'Office International des Musées nel 1938. Il Protocollo aggiuntivo del 1954 disciplinerà l'illecito trasferimento dei beni mobili in tempo di guerra, mentre il Secondo Protocollo del 1999 interverrà sulle principali lacune della Convenzione, ancora in bilico fra la "necessità militare" e l'esigenza di tutelare i beni culturali.

Oltre a ribadire la necessità di predisporre in tempo di pace la protezione del patrimonio culturale contro i prevedibili effetti della guerra, la Convenzione dell'Aja introduce nel preambolo un concetto fondamentale: i danni arrecati ai beni culturali, a qualsiasi popolo essi appartengano, costituiscono un danno al patrimonio dell'umanità intera, poiché ogni popolo contribuisce alla cultura mondiale<sup>3</sup>.

Durante le due guerre mondiali, la responsabilità di conservare il patrimonio culturale dello Stato per le generazioni future era ben chiara e presente. Nel corso di entrambi i conflitti si incontreranno persone disposte a mettere a rischio la propria vita pur di salvare le opere d'arte del proprio Paese.

Come sottolineava il cancelliere della Scuola Grande di San Rocco nel corso della prima guerra mondiale, Venezia, per «il suo manto di bellezza imperitura»<sup>4</sup>, apparteneva, più che all'Italia, al mondo intero.

3 Antonio Filippo Panzera, *La tutela internazionale dei beni culturali in tempo di guerra*, Torino, 1993; *La tutela del patrimonio culturale in caso di conflitto*, a cura di Fabio Maniscalco, Napoli, 2002; Giuseppe Vedovato, *Il patrimonio storico-artistico-culturale e la guerra aerea*, Firenze, 1954; Manlio Frigo, *La protezione dei beni culturali nel diritto internazionale*, Milano, 1986.

4 Archivio della Scuola Grande di San Rocco, *Sedute di Cancelleria, 1911-1916*, b. 7, f. 1916, relazione 5 ottobre 1916 allegata a P.V. n. 154, seduta 17 dicembre 1916.

## Photographs

### First World War (1915-1918)

During the First World War Venice was heavily bombed and suffered many destructions. On the 9th of August 1916 the Italian army broke into Gorizia. Venice was bombed as a reprisal, and the church of Santa Maria Formosa was seriously damaged.

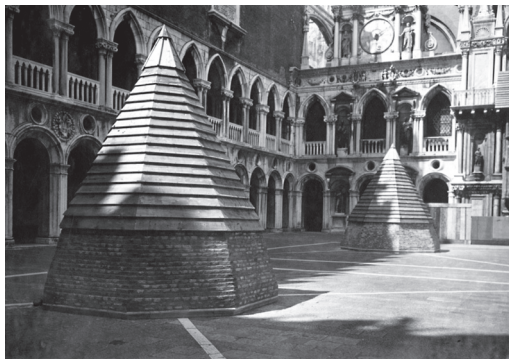
At the beginning of the war immovable cultural property, such as historical buildings and monuments, had been protected by sandbags and brick constructions, while the main movable works of art had been evacuated according to their importance. As the situation got worse, also the movable objects which had been protected *in situ* were removed and recovered in safer places. The heavy bronze wells of the Doge's Palace courtyard were thus sent to Pisa.

1-2. Santa Maria Formosa. Bombing 9<sup>th</sup> August 1916 (Ufficio Storico Marina Militare).

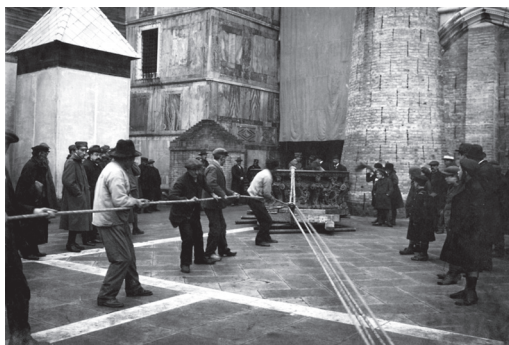


3-4. Doge's Palace, courtyard. First protection to the bronze wells with sandbags and brick constructions (Ufficio Storico Marina Militare).





5-6. The bronze wells of Doge's Palace courtyard are removed and sent to Pisa (Ufficio Storico Marina Militare).



### Second World War (1940-1945)

The Second World War spared Venice from destruction, while many other towns were heavily bombed. At the beginning of the war, Venetian masterpieces had been sent to safe buildings located in the countryside in order to protect them from air raids. After 1943, with the Allied landing at Italy and the beginning of the Italian campaign and the terrestrial war, the works of art were removed from their previous deposits and transferred to safer places in order to protect them from pillaging and destruction.

During the conflict, Venice seemed to assure protection both for people and works of art. The town became a huge refuge for masterpieces from Veneto and Emilia Romagna.

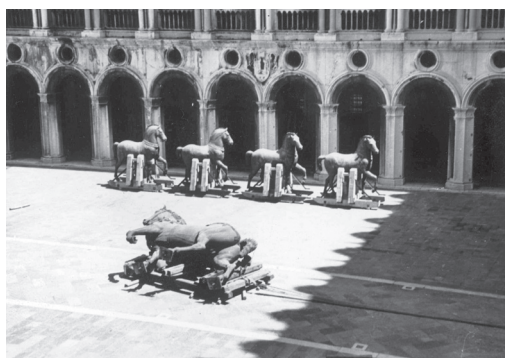
Also the monument to Bartolomeo Colleoni, which had been removed in 1940, came back to Venice and was safeguarded in the Doge's Palace.

On the 21<sup>st</sup> of March 1945, the Royal Air Force bombed Venice harbour. The day before, the RAF had undertaken a photographic reconnaissance of the town, and taken photographs of St. Mark's basin with the hospital ship *Gradisca*.

7-8. The monument to Bartolomeo Colleoni by Andrea Verrocchio in the Doge's Palace courtyard at the end of the war. (British School at Rome Archive, Ward-Perkins collection, war0490; war0492).



9. The monument to Bartolomeo Colleoni by Andrea Verrocchio in the Doge's Palace courtyard at the end of the war, with the bronze Horses of St. Mark (British School at Rome Archive, Ward-Perkins collection, war0489).





10. RAF photographic reconnaissance of Venice, 20<sup>th</sup> March 1945. The hospital ship *Gradisca* is anchored in St. Mark's basin (Edinburgh, The Aerial Reconnaissance Archives, RCAHMS).



Exhibition Review: Jan Gossaert at the National Gallery, London<sup>1</sup>  
23 February-30 May 2011

The new exhibit at London's National Gallery would like to introduce the world to a Renaissance master they likely have not heard of: Jan Gossaert. Though hardly a household name, this Flemish Mannerist (1478-1532) is put forward as one for the pantheon.

Unfortunately, the paintings just don't hold up to the competition. Gossaert is good, with some flashes of brilliance, but great he ain't. While the exhibit is interesting, it does not pull off what it seems intent on doing—adding a star to the constellation of 16<sup>th</sup> century painting genius. It's certainly not the fault of the curators. Gossaert just doesn't have enough of the magic in his brush.

The exhibit, which runs 23 February-30 May, is divided into thematic rooms, any one of which could be entitled "The Influence of Dürer." The prevalence of Dürer's self-aware inspiring hand, his creations disseminated across Europe through the reasonably-priced, portable medium of prints, meant that many of the painters of the early 16<sup>th</sup> century, particularly those outside of Italy, put their minds to creating alternative versions of Dürer originals—while rarely direct copies, the bodies, forms, techniques, and even symbolism were yonked straight out of Dürer's works.

There are moments of distinctive genius in Gossaert's oeuvre—they are just too few and far between. His drawing sheet after the famous ancient statue, the *Spinario* (1509) is gorgeous and a testament to Gossaert's time in Rome, which led to his Italian Mannerist tendencies mixed with a heavy dollop of the ubiquitous Dürer. His drawing on paper, *Mystic Marriage of Saint Catherine* (1508), has such tight, fine lines that it looks like an engraving. The Mannerist in Gossaert comes to the fore in his 1515 *Adoration of the Kings*, where we can see Gossaert hiding in the background, peeking out from between two Moorish monarchs, one of whom wears translucent orange tights that look like a second skin, painted in such shocking three-dimensionality. There is electric, van Eyck-inspired detail to the red velvet crown that sits at the foot of the Madonna. In individual details Gossaert excels, when his overall composition falls somewhat short.

A night scene of *Gethsemane* (1510) has unbelievable

shadows and light played from the full moon which shines on an angel, who blocks the moonlight from bathing the garden and Christ below. This is so much better than Gossaert's cumbersome, ogre-ish Eve and Adam, whose finger is pressed to his mouth with an expression like the village idiot, and Eve seeming to whisper under her breath "Oh, Adam, behave!" A preparatory sketch for Adam and Eve on blue paper shows Adam like a horny drunk leaning on Eve and half-crying. While emotions flow through some of works, and some are physically beautiful, it is rare that emotion and aesthetic are present in the same piece. At 1520 Adam and Eve is physically much more elegant (perhaps because it copies Dürer's famous engraving of the couple).

Gossaert is best in his portraits, which occupy Room 4. His "erotica" (which is not the least bit erotic) is best skipped, although the anecdote that he painted for the extensive erotica collection of Bishop Philip of Burgundy, which was kept at Duurstede Castle and is now sadly lost, is too funny not to mention. In his portraits, once more, we see genius alongside nearly-there attempts. The puffy sleeve of Henry III Nassau-Breda coaxes us to feel the material, and the expression of haughty self-consciousness of the palid Jan Jacobz is wonderful. But other portraits are not so, with faces which bulge in odd places. While some are razor-sharp, others are cow-like. And despite his attempts at painting erotica, Gossaert is certainly much better at portraying men than women.

In his religious art, Gossaert further bears the markings of a hit-and-miss painter. His unusual seated *Mocking of Christ* as both painting and etching offer two different interpretations of the scene, and are therefore interesting if not arresting. His whore-y *Mary Magdalene* fingers her jar of ointment seductively, leading one to think that, by night, this painting waddled out of the "erotica" collection in the previous room and hopped onto the wall of the room devoted to "devotional subjects." There is such a dramatic difference in style and quality between his mediocre 1520 *Madonna and Child*, his better 1527 work of the same subject, and is outstanding 1525 version that we might think that they came from three different painters.

This exhibit really highlights the astounding abilities of those artists who are in the pantheon of geniuses of this period (Hieronymus Bosch, Pieter Brueghel, Quentin Matsys),

<sup>1</sup> This review was first published in ArtInfo, April 2011.



rather than diminishing Gossaert's accomplishments. Despite the valiant effort on the part of the National Gallery, for me (and, I've noted, for most of the other reviewers of this exhibition) Gossaert remains a B+ level painter, along with the likes of Joos van Cleve and Lucas van Leyden. In some way, this makes the exhibition more interesting, although for a different reason than, I think, the curators had in mind. The exhibit is beautifully curated, with interesting juxtapositions of Gossaert and Dürer. It's just the paintings that fail to live up to the hype.

If I'm going to see difficult-to-pronounce, little-known Dutch masters, I'll take Marinus van Reymerswaele any day.

*Henry Walters and Bernard Berenson: Collector and Connoisseur*  
(Johns Hopkins University Press 2010)

**Stanley Mazaroff**  
*Giuseppe Panza: Memories of a Collector*  
(Abbeville Press 2008)  
**Giuseppe Panza**

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Stanley Mazaroff, a retired barrister who returned to Johns Hopkins to pursue the study of art history, documents the tumultuous, dynamic and topsy-turvy love-hate relationship between the railroad tycoon and art collector, Henry Walters, and Bernard Berenson, a world renowned Italian Renaissance art expert and dealer, between 1902 and 1927. Drawing on extensive museum records and related archival documents, including the personal correspondence, papers and letters of the two men, the author cogently depicts the highs and lows of Walters collecting career, reveals the inherent difficulties of identifying works attributed, and misattributed, to the Italian masters all within the context of America's gilded age and the lust for anything remotely related to the Renaissance among the nation's most wealthy industrialists and their families.

The work is primarily centered on Walters' acquisition of several hundred paintings, from the Italian Renaissance period, from Don Marcello Massarenti a Roman priest and member of the papal court. At a too good to be true price of \$ 1 million Walters purchased the entire Massarenti collection and shipped it first to New York and then into his newly constructed million dollar museum in Baltimore. The collection included works by artists representing the entire history of Italian Renaissance art from the proto Renaissance period of the 13<sup>th</sup> century through the early and high periods and into the Mannerism period of the 16<sup>th</sup> century. The Massarenti collection included paintings attributed to Botticelli, Bellini, Caravaggio, Correggio, Dosso, Giotto, Leonardo da Vinci, Mantegna, Michelangelo, Raphael, Titian, Tintoretto and Verrocchio to name just a few of the grand masters – or did it?

The absence of a true and credible provenance as well as not possessing authenticity, as verified through expert connoisseurship review, cast a dark shadow over the Massarenti collection. Well aware of this issue Walters still negotiated the purchase with the express intent of weeding out the collection and adding to it in the future. As his personal papers reveal his true goal was to depict the entire history of Italian art and document the range of eclectic styles which emerged from the various Italian masters and their respective

schools over the years.

Lacking the scholarship and years of expertise and study Walters failed to survey or closely scrutinize his new prized collection and readily accepted Massarenti's assessment and attributions. Despite fanfare and celebration at the exhibit's opening many in the art world questioned Walters' judgment and harsh criticism and skepticism soon followed. Enter Bernard Berenson the leading expert and scholar of Italian art at the time; not to mention a remarkably shrewd entrepreneur, raconteur and art dealer known for his ability to wine and dine the world's richest and most elite collectors and art aficionados at his palatial Italian villa.

Berenson offered Walters a remarkable deal in which he would gladly review the Italians from the Massarenti collection at no cost what so ever! Knowing Berenson's reputation as the world's leading expert and as a cunning dealer placed Walters squarely in the middle of a devil's dilemma. Having Berenson's expert review and connoisseurship would certainly enhance the collection's merit and desirability yet on the other hand Walters also knew that many of his most prized works, including self-portraits by Raphael and Michelangelo, could be downgraded, reputed or worse declared as fraudulent forgeries. Walters also knew that the only thing that is truly free is the cheese in a mousetrap and would probably end up outlaying exorbitant amounts of money as Berenson would surely try and sell him works of art at some point during their joint venture. Despite these shortcomings and some reticence Walters accepted Berenson's offer.

During the early period of their relationship the two men became quick friends with Berenson hosting Walters at his villa and Walters providing Berenson with an annual art stipend of \$75,000 to acquire paintings for his growing Italian collection. However, later in their relationship Berenson entered into a contractual arrangement with the infamous Joseph Duveen, another renowned and often ill-reputed art dealer/collector, in which he promised Duveen that he would present him with any works first before offering others a

chance to acquire the piece. Despite purchasing 36 paintings from Berenson the relationship became strained with Walters eventually breaking all ties with his former friend.

Despite the rife Berenson finally arrived in Baltimore, in 1913, to assess the Italian art works which Walters was proudly displaying in his new museum. Walters' fears and concerns were not exaggerated as Berenson devoured the entire collection with only 30, of 293 paintings, remaining untouched or not having their attribution altered; an alteration that affected 90 percent of Walters' holdings. Berenson downgraded the Raphael and Michelangelo self-portraits and recommended that over 100 paintings be removed from display.

Needless to say Walters complied and accepted Berenson's expert appraisal and eventually all but closed his museum to the public. Afterwards, Berenson wrote several scathing articles and sections of a book which were critical of Walters' collection and never even began to catalog the works as he promised years before. In bitter sweet irony, after the deaths of both men, art connoisseur Federico Zeri reassessed the collection and overturned the majority of Berenson's attributions declaring the Walters' collection as being the most complete and uninterrupted survey of the history of Italian painting; thus Walters' original goal in putting together his collection reached fruition.

Memories of a collector is Giuseppe Panza's autobiographical explication of his love, devotion and nearly obsessive desire to put together the best collection of modern or contemporary American art. Unlike Walters who often left purchases uncrated for months at a time Panza was a true connoisseur, art scholar and an extremely astute buyer who had an uncanny innate ability to know which artists and their works would become famous or desirable well before others in the market. While the first section of the book deals with his birth, childhood and familial relationships, which provides the reader with an inside glimpse of how the author became interested in art, the remainder of the book delineates a fascinating journey through the modern, minimalist, conceptual, environmental and pop art worlds from the mid-1950s through the end of the century.

Panza's work exceeds the mere or simple recounting of historical details and offers a unique and first-hand account of the man's sheer genius and rare understanding of the artist and the driving factors and motivations that could be found behind their works of art. Not only does the reader gain insight into Panza's philosophical musings on art and the art world he or she is taken behind the scenes and is privy to Panza's interactions and private moments with the legends of contemporary and pop art. The author's ability to write as if he is almost speaking allows readers to enter the scene and

almost be there at the dinner table with Robert Rauschenberg as he discusses his combines or stand beside Panza as he works out a deal with Rothko in his studio.

Perhaps the most important contribution of the work is Panza's recollection of the shows and exhibits that he created for the large scale and room sized minimalist works of art crafted from aluminum, steel, scrap wood and other odd and non-conformist media such as neon lights. Indeed his acquisitions and exhibitions of Flavin, Judd and Morris to name only a few helped to stir interest in not only their work but the entire field of minimalism during the 1960s and 1970s. Panza recounts with a mixed sense of pride, dread and often misery his troubles with Flavin and certainly Donald Judd as he attempted to highlight and showcase their enormous pieces without infringing on artistic license and creativity. Panza's innovative idea, fusing old and new, to house modern art in villas, castles and other antique venues is certainly his legacy and greatest contribution to the art world.

Unfortunately, Panza died in April of 2010 but his legacy and his collection will live on as he sold and gifted hundreds of pieces to the Guggenheim, the San Francisco and Los Angeles Museums of Contemporary Art, the Hirshhorn Museum and Sculpture Garden as well as the Albright-Knox Gallery. Befitting his own exhibition style Panza donated the family villa to the Italian National Trust which in turn opened the home to the public as a gallery in 2000.

This reviewer recommends reading both volumes which will provide the reader with an excellent overview or survey on the social, political, financial and psychological aspects of collecting art. Read together one can compare and contrast the collection of the classics or old masters with collecting the works of more modern or contemporary artists. A careful analysis will reveal that collecting art at the beginning of the 20<sup>th</sup> century is not significantly different from collecting during the middle and later parts of the century either. Acquiring and compiling an exceptional collection transcends time and money as demonstrated through the eyes and comments of both Walters and Panza.

Exhibition Review<sup>1</sup>  
Mostra Palazzo Farnese  
Palazzo Farnese  
Via Giulia 186

Rome

17 December 2010–27 April 2011

A few years back, when I was still a post-graduate student, I visited Rome on a trip with my fellow Courtauld Institute classmates and professor. We were studying text and image in 17<sup>th</sup> century Roman art, and so the logical hub of our trip, once we had seen the Caravaggios and Berninis, was the Farnese Gallery. Although art historians know it well, and consider the Farnese Gallery's painted ceiling to be one of the three most-important fresco cycles in the Western world (the other two being Giotto's Arena Chapel in Padua and Michelangelo's Sistine Chapel frescoes in the Vatican), it has long been nearly impossible to access. On my class trip, my professor had to cajole a French former student to book us onto a carefully-orchestrated guided tour, which left us with less than ten minutes in the Farnese Gallery itself. I remember thinking what a mountain this must have been to climb for students working on the gallery for their doctoral dissertations. Imagine spending years studying a work of art that you can only see on guided tours in five-minute bites?

The problem has always been that the Farnese Palace is the working French Embassy of Rome, and has been since 1874 when the palace was acquired by France, via the Bourbon marriage into the Farnese family. This means that security is tight, and that rooms containing some of the greatest artworks in the collection are occupied by staff and used on a daily basis. Perhaps this is as it should be—rather than preserving art in the museum equivalent of formaldehyde jars, at the Farnese Palace it is interacted with, forming part of the daily routine for the lucky few who work alongside it. It meant, however, that it was frustratingly difficult to access. What should be one of Rome's artistic wonders, visiting by scores of tourists, was available only through special permission, and then largely to those with a connection to French citizens.

The new exhibition opens much, but not all, of the Farnese Palace's treasures to the public. For example, the brightly-frescoed room known as the Cardinal's Chamber,

painted by Michelangelo's star pupil, Daniele da Volterra in 1547 is not part of the exhibition, nor is Salvati and Zuccari's *Sala Fasti Farnesina* (completed 1563)—both cover the walls of busy embassy offices. The star of the show, far and away, is the Farnese Gallery, the room decorated by Annibale Carracci and his students from 1597-1608, which features one of the most remarkable painting cycles, and interpretations of Roman literature (primarily Ovid) in the world. The palace itself is a miracle of Renaissance architecture, designed by Antonio Sangallo the Younger, at the peak of his powers and completed after his death under Michelangelo's supervision. It was first conceived of by Cardinal Alessandro Farnese (the future Pope Paul III) but, with the interruption of the 1527 sack of Rome, the palace was not begun in earnest until 1541. The artworks on display, many of which were originally part of the Farnese family collection and which were borrowed for this show from the Capodimonte in Naples and the city of Parma, are more interesting than show-stopping. But the chance to see the Farnese Gallery, and the corridors inside the miraculous palace, are worth the trip to Rome.

I. The exhibit begins in a triple-height chamber that contains a plaster copy of the famous Farnese Hercules, a statue now at the Capodimonte, whose hulking strength and presence inspired numerous artists, not the least of whom was Michelangelo. Architectural drawings and plans by Sangallo and others frame the walls. Most interesting are a series of paintings and drawings of temporary monuments erected in the piazza in front of the palace to commemorate specific events, like marriages. These were hugely elaborate and substantial—imagine a temporary version of Bernini's Four Rivers Fountain—and is a reminder that great Renaissance artists were often asked to devote valuable hours to the creation of sets for events that were never meant to last beyond the event itself. In retrospect it is a shame to consider that these structures were not preserved, and to imagine what the great artists, from Van Eyck to Cellini, would have made in terms of more permanent art, had they been allotted that extra time.

II. The second section of the exhibit, which spans the palace's *piano nobile*, features a sort of biography-in-pictures of the

<sup>1</sup> This review was first published in ArtInfo at the following address: <http://www.artinfo.com/news/story/37252/romes-palazzo-farnese-opens-its-doors-to-offer-a-rare-glimpse-of-renaissance-art-marvels/>

Farnese family. The highlight and first work in the show is Titian's marvelous *Portrait of Pope Paul III* (1543), who spearheaded the building of the palace in the heart of Rome—one of several stars from Naples' Capodimonte museum on show here. A series of Flemish miniatures, circa 1585, show off the physiognomy of the Farnese family: aquiline nose bridge ending in a bulbous tip, slim black eyebrows, deep-set eyes.

A side-effect of the elegant, spot-lit display cases in the corridor around the open-square of the palace is that one of Sangallo's ingenious details is barely noticeable. At the end of the each corridor, as it turns right into the next side of the open-square palace, Sangallo has placed a marble "wing," which juts out of the right-hand wall by half a meter at a gentle angle, so that it is barely visible from a distance, more a continuation of the wall edging slightly into the corridor. This has no structural relevance, but it does have an illusionistic one. The wall on the right extending into the corridor at each corner gives the illusion of greater depth perspective—tricking the eye into thinking that the corridor is in fact much longer than it is. It is worthwhile to take note of such clever architectural details, recalling that access to the palace as an architectural masterpiece is as much a reason for attending the exhibit as the pictures on display.

III. Entitled "Museum Farnesianum," this section features antiques collected by the Farnese, including a row of marble busts of Roman emperors. A 1561 painting of the plump, vacant Emperor Gallia, portrayed as the village idiot by Bernardino Campi, is a refreshingly subjective interpretation of emperors whom we're used to seeing as serious and idealized. A pair of antique Venus statues, both 1<sup>st</sup> century AD and well-curated beside another borrowed jewel, this from the Uffizi, Annibale Carracci's *Venus and a Satyr* (1590). Though Carracci was often more successful in fresco than on canvas, this is one of his best, with a putto playfully sticking out his tongue from the corner of an erotically-charged painting which borrows the form of Venus from the classical statuary displayed around it. Likewise a rare bronze bust from the Roman Republican period looks so fresh and realistic that it might have been cast in the last century.

IV. The "big gun" of the exhibition is, of course, the Farnese Gallery, its fresco cycle sometimes referred to as *The Loves of the Gods*. The size (20 meters long, 6 meters wide) is perhaps a surprise to those who have not before seen it—it feels intimate and the ceiling nice and low, only one story high, which makes the details much easier to see than, for example, in the Sistine Chapel, which was the primary inspiration for this fresco cycle. The room was decorated by Annibale Carracci, along with his brother Agostino and their pupils, Domenichino, Lanfranco, and Albani. It was commissioned for a wedding, that of Duke Ranuccio Farnese to Margherita Aldobrandini

in 1600—the wedding took place before the fresco cycle was finished. Thankfully this was intended to be a permanent decoration, not a temporary one for the event alone—after the wedding the room functioned as the antiquities gallery to display the family collection.

The general theme is illustrations of scenes, primarily from Ovid's *Metamorphosis*, of the erotic entanglements of gods and mortals. Zeus was particularly fond of transforming himself into various ostensibly innocuous things (a bull, a mist, a shower of coins) in order to seduce mortal women. One wonders why a mortal woman would be more apt to give herself up to a bull or a cloud of mist than a god in human form, but ours is not to ask why. The *ignudi* between the painted scenes are Carracci's reference to Michelangelo, but the scale here is completely different. There is an intimacy to the space, and a charged eroticism to many of the paintings, with themes of jealousy, lust, seduction, and tenderness all on display. The frescoes extend down the walls and you can get right up next to them, provoking a sense of inclusion in dialogue with the art that is rare—particularly so in this room which has been until now so difficult to access.

V. The fifth section of the exhibit features decorative arts from the Farnese collection, including a "studiolo" of carved wood by Boulanger (1579), several Carracci cartoons which were used to develop the fresco cycle, and a delicate miniature suit of armor for a child (1620). For numismatists, there is a collection of ancient tetradrachme (circa 5<sup>th</sup> century BC), interestingly juxtaposed next to several forgeries of the same.

VI. The final section is described as the "Picture Gallery," and includes borrowed paintings once owned by the Farnese, from Naples and Parma. It is something of an anticlimax after the Farnese Gallery, which ideally would have been the culmination of the exhibit. But it still offers points of interest, including huge Brussels tapestries, Annibale Carracci's *Christ and the Canaan Woman* (1596), an eerie floating head study of *Pope Clement VII* by Sebastiano del Piombo (1531), and an unflattering but probably accurate portrait of a teenage *Charles V* by Van Orley (1515), pale-skinned and with that tell-tale Habsburg projected lower lip. Of greatest interest in this section is a portrait attributed to Titian (with a question-mark) which looks far more like a Pontormo, and a number of works by El Greco which have little of his trademark Mannerist flow but show his more academic skill nonetheless.



*The Journal of Art Crime* is pleased to present an interview with critically-acclaimed author Peter Watson. He has been a senior editor at the *London Sunday Times*, the New York correspondent of the daily *Times*, and a columnist for the *Observer*. He has also written regularly for the *New York Times* and the *Spectator*. He is the author of several books of cultural and intellectual history, including *Ideas: A History of Thought and Invention* and, most recently *The German Genius*. His work on the art world and art crime includes *The Caravaggio Conspiracy*, *Sotheby's: the Inside Story*, and *The Medici Conspiracy*. From 1997 to 2007 he was a research associate at the McDonald Institute for Archaeological Research at the University of Cambridge.

1. Art crime and the art world in general are private, exclusive worlds that can be difficult to penetrate. What advice would you give to researchers, writers, or journalists exploring these fields for the first time, searching for information on stories?

*The first question is a good one - crucial, in fact. W.H. Auden said somewhere that the first duty of journalism is to find out facts that people don't want you to know, facts that are of public concern, and to publicize them far and wide. One of the things that follows from this is that the good journalist can never hope to be at the top tables of any particular field. He or she is always destined to be an outsider and if people are unhappy with that, don't get involved. Half the London art world didn't talk to me for three or four years after publication of my Sotheby's book and while a lot of them have since gotten over it, some still don't talk to me.*

*A second point is that we have to distinguish between investigative journalism and "leak" journalism. Most of the best stories arise when one side in a private dispute brings in the media, beginning with a leak. So the best way to get leaks is to be inside a field, and to show that you are in no one's pocket. If you are far enough inside, and have your wits about you, you will soon realize where the good stories are. There is no substitute for a good brain.*

2. You have written on a wide variety of subjects, from the German genius to Manet to Sotheby's. Is there a through-line that you can identify to your broad array of subjects? Some key as to what draws you to the topic?

*There is a through line, as you put it, in my work, in that one book invariably leads to another, though the line isn't really visible to anyone but me. I don't think that "line" would be of interest to anyone else; it was just that, in delving into one subject, another came into view that hadn't been done before.*

*And then there's luck. When I began my investigation into the Sotheby's antiquities scandal (which began with a "leak" from Brian Cook at the British Museum), I could not have anticipated that the man who answered*

*the phone when I rang up Felicity Nicholson (Sotheby's head of antiquities) should have been on his lunch break and, at that very moment, reading one of my earlier books (The Caravaggio Conspiracy). So when, years later, he was caught with his hand in the till, and tried to do a deal with Sotheby's, a deal they wouldn't accept, he decided to go public and came to me.*

*The underlying truth, I think, is that, in this world, an awful lot of people who aren't very interested in art are nonetheless interested in stolen art, smuggled art, fake art and expensive art. Those four activities show the lengths to which some people will go for art, and many people respond to that more than to the art itself.*

3. How did you first become interested in the dark side of the art world?

*I was originally going to write a general book about art theft. It was while the Sunday Times was "off air," so to speak, in 1979, when there was a printers' strike and the paper didn't appear for eleven months. I went to Italy to see Rodolfo Siviero and he persuaded me not to write a general book but to look for a certain stolen work - the Caravaggio. He wasn't totally in love with the Italian Carabieniere and gave me his secret file on the theft. This is all recorded in the book, as you know, so I won't go into it here. Suffice it to say that I loved the art world; it was like coming home and that's where I've been ever since.*

4. Since your book on the Caravaggio Nativity there have been various updates, never confirmed, about the fate of the painting. At this point, what is your theory as to what happened to the painting?

*I've heard all the stories - yes. I have no inside knowledge. What I've also learned is that we tend to romanticize art theft. Most art thieves don't know much about art and aren't interested. The best of these stories is that of Cahill, the Irish robber called "the general," who forgot where he had buried one of the Beit paintings he stole. And it's still missing. The same is true with the Caravaggio. The people who stole it had no real interest. It's a big*

*painting so is probably stashed away somewhere where it has deteriorated. Even if it were found now, could it be rescued? I don't know but I doubt it.*

5. Do you have any unusual habits related to writing? If you would, describe your average day, what you do, when and where you write, if you have any routines that your readers might enjoy learning of?

*I think the most important thing about my writing activity is that I don't have any children, so I have never had jam on my word processor. I am very disciplined, starting at 6:45, after breakfast, and reading the papers. I work till 1pm, on the dot, have lunch (always fish), then start again at 1:30, work till 2:30, walk till 3:30 and then work again till 6:30. The only peccadillo is that I write with a big colored handkerchief over the word processor screen. My experience is that when you have an idea, for a paragraph say, the first form of words is always the best. So when you have a thought, keep going until it has been got down in its entirety. Don't go back and correct spelling mistakes until the idea is fully played out; otherwise you will lose something of the initial elan. It is easier to do that if you can't see the text you are writing. Hence the bandana...*

6. Your latest book is on the German genius. Are there other national character traits that you've noted, that might draw your interest for a future project? The Orson Welles line from "The Third Man" comes to mind, about Italian turmoil producing great art and ideas, and Swiss peace producing only cuckoo clocks.

*No. In fact, I wrote the book to counteract the stereotypes people have of the Germans, and (just as important) the stereotypes the Germans have of themselves. If anything, I'm a cosmopolitan; I'm not a little Englander - I like America (where I worked as a journalist), France (where I live part of the time), Italy (where I was at university for a year), Germany (about which I've written). All have their advantages and disadvantages and I don't see why we have to choose one or the other. My next book is a book of anthropology and archaeology, comparing the development of early man in the Old World with early man in the New World. It's a thought experiment which, I hope, will show what it means to be human.*

7. In your vast experience, what do you think is the best way to curb art crime in the future? Some have discussed stronger punishments, more extensive police divisions, better-enforced UNESCO conventions, or legislation making the burden of proof of an object's legitimacy fall on the buyer (rather than the current, passive, proof of a good faith purchase). Do you have any ideas, even if they are utopian?

*I think antiquities crime is far more important than art*

*crime (that is, the theft of paintings, furniture, silver, etc.) The way to curb it is to lean on museums, auction houses and dealers not to get involved. As I see it, there is no chance of better police teams, not with the financial restrictions coming into play. The Italians and Greeks have the right idea but have shot themselves in the foot. Having won the argument, their legal systems are so pathetic that many of the gains have gone out of the window. The scene is always moving. Meso-American, Far Eastern and Middle Eastern antiquities are now most under threat. In the first place we need to switch the focus. This means securing the help of the media in those countries. These will not necessarily be big stories in Europe or America.*

Alan Hirsch is a professor at Williams College and the author of *For the People: What the Constitution Really Says About Your Rights* (Free Press, 1998) and *Talking Heads: Political Talk Shows and Their Star Pundits* (St. Martin's, 1991). His most recent book is *The Beauty of Short Hops: How Chance and Circumstance Confound the Moneyball Approach to Baseball* (McFarland, 2011). Why, you might ask, is he being interviewed for a column about art historical mysteries and art crime? Because he is the world's foremost expert in the 1961 theft of Goya's "Portrait of the Duke of Wellington," stolen from the National Gallery in London—he's currently writing a book on it. With the 50th anniversary of the Goya theft coming up this 21 August, we took the time to ask him a few questions.

1. What drew you to the Goya theft as a subject for your next book?  
*Art theft brings together a number of my interests – art history, law, true crime. And this one takes the cake. It's just an incredible story, and it hasn't been told. To top it off, the crime may be unsolved to this day.*
2. You specialize in law, and this case was fascinating from a legal perspective. Tell us a bit about the courtroom side. Kempton Bunton confessed, but then pleaded not guilty and got off with a slap-on-the-wrist. But the case led directly to a change in UK law.  
*The investigation of the crime was strange enough, involving a series of ransom notes that could have been written by a spoiled child or an evil genius. Once the crime was "solved," and the legal system got involved, things only got weirder. Bunton's lawyer invoked an audacious defense: he couldn't be guilty of theft because he intended to return the painting. The only thing more bizarre than this defense is that the judge bought it. The change in UK law, which might as well be called The Kempton Bunton Act, was a direct response to the judge's ruling and the jury's verdict.*
3. Few people believe that Bunton could have acted alone. He was 61, disabled, weighed 17 stone (238 pounds), and claimed to have climbed through a lavatory window. Even the judge who condemned him expressed his doubts as to whether Bunton acted alone. Any ideas who his accomplice might be? It would be hard to convince someone to help you in a criminal enterprise when there was no chance of payment, and it was all in protest.  
*On that assumption that Bunton was involved at all, and had an accomplice (no assumptions are safe in this case), you'd have to look at people close to him, not professionals. But there weren't many people close to him – he seems to have been somewhat of an anti-social drifter. I understand that the authorities considered his son a possible accomplice. That's something I'm looking into.*
4. In 1996 the National Gallery released a statement suggesting that Bunton might have been innocent, but it's hard to find any follow-up information about that statement. What did it contain and do you have any idea what new information came to light to prompt the statement in 1996?  
*As of now, I'm not sure what prompted the reassessment. In 1969, four years after Bunton's conviction, someone came forward and took "credit" for the crime, and Bunton asserted his innocence for the first time. The Yard allegedly looked into and dismissed the new claim. It's hard to know how seriously they investigated – in my experience (admittedly more with the U.S. than UK), when the government has a conviction, they're not always interested in evidence that they have the wrong guy. It's possible that curious folks at the Gallery did some sleuthing and realized that the claim by the 1969 confessor was credible. Or perhaps new information fell into their lap. I've yet to get my hands on the statement the Gallery released in 1996. One of the great things about this project is that it's an opportunity not only to tell a great story but possibly to get to the bottom of an unsolved crime. My work as a trial consultant (with an emphasis on false confessions) often resembles detective work, so I relish the challenge.*
5. Is this the weirdest crime case you've come across?  
*Easily. And I've seen a lot of crazy stuff.*
6. Any idea why the coincidence that the Goya theft took place 50 years to the day after the Mona Lisa theft? It seems too much to be a coincidence, but it also doesn't seem to have a symbolic resonance that would have prompted Bunton to choose the date.  
*Great question, though it presumes Bunton to be the main culprit. The otherwise amazing coincidence is another piece of circumstantial evidence suggesting the involvement of someone more savvy. But you can't rule out coincidence. Think of Thomas Jefferson and John Adams both dying on July 4, 1826, 50 years to the day of American Independence.*

7. A number of things went wrong for the museum, and right for Bunton and his probable accomplice, in order for the theft to function. Can you go through that with us?

*The crime could not have succeeded were it not for: an uncommonly large crowd and shortage of staff that night; a deactivated alarm system; a lapse in the policy of tablets explaining the temporary removal of paintings; the warder's failure to consult the "Day Book" recording the movement of art works; and the fact that the sergeant in charge of the night warder shift was quite ill (he died a few months later). Some of the snafus enabled the theft in the first place, others prevented its detection for a good twelve hours. Also, if you believe Bunton, a drunkard inadvertently supplied him with a get-away car.*

8. What will you do this August 21st to celebrate the 50th anniversary of the theft?

*I hope to be in London doing research for the book. I'll be sure to pay the Duke a visit.*





The only full-time municipal law enforcement unit in the United States devoted to the investigation of art crimes, the Los Angeles Police Department's Art Theft Detail, was founded in 1984. From 1993 to 2008 alone, LAPD's Art Theft Detail recovered \$71 million in stolen art. During the same period, the approximately 90 burglary detectives in the entire LAPD recovered about \$64.5 million in stolen goods. Current recoveries for the Art Theft Detail total more than \$81 million.

In 1992, oil paintings by Claude Monet and Pablo Picasso worth \$13 million were stolen from a Brentwood ophthalmologist's home and discovered five years later in a Cleveland, Ohio storage facility by the LAPD Art Theft Detail with the help of the Federal Bureau of Investigation (FBI).

In 1999, a handyman was arrested on a charge of grand theft for stealing 7,500 animation film cells valued at \$1 million from a Sherman Oaks animation company; the suspect stole the pieces over time and sold them all over the country. The LAPD art theft unit found the art through searches on the Internet.

Detective Don Hrycyk (pronounced her-ris-sik) has worked on art theft and forgeries since 1994. He has a temporary partner, Mark Sommer, who has been filling in since 2009.

The website for the LAPD Art Theft Detail reported examples of a few art crimes:

*One suspect posed as an independent art dealer visiting art galleries to obtain consignments of art to sell. After gaining the trust of a gallery owner, the suspect secreted*

*the paintings out of the gallery during business hours without the owner's knowledge. Three paintings were taken from the unsuspecting art gallery over the period of two years.*

*In August 2008, a burglary at the home in the Encino area of Los Angeles of 9 paintings by artists Hans Hofmann, Lyonel Feininger, Chaim Soutine, Emil Nolde, Marc Chagall, Kees van Dongen, Diego Rivera and Arshile Gorky resulted in a \$200,000 reward offer for information leading to the recovery of the paintings and apprehension of the suspects.*

*In 2004, a suspect, a former physician and Harvard professor, was arrested by LAPD's Art Theft Detail after selling a fake Mary Cassatt painting for \$800,000 to undercover officers. The suspect possessed numerous other fake artworks. A few years earlier, the suspect had reported the theft of an artwork by Willem de Kooning valued at \$1.5 million yet determined to be a fake and still in the suspect's possession. The suspect had moved to California following a criminal conviction for selling fake art in Massachusetts in 1989. He was also the subject of a federal civil case alleging sales of fake art in 1985. The suspect used brokers to sell art to private parties and to invest money in his art collection. He avoided major auction houses and art dealers and preyed on people less knowledgeable about fine art.*

*In October 2010, a TV auctioneer who from 2002 to 2006 sold \$20 million in forged art, including works falsely attributed to Pablo Picasso and Salvador Dali, was sentenced to five years in prison in a Los Angeles court. Two other conspirators were sentenced to four and seven years for claiming to sell genuine works found in real estate liquidations and forging certificates of authenticity on some artworks sold to more than 10,000 US customers through*



Detective Hrycyk had previously worked in homicides and robberies. In 1997, Hrycyk and his predecessor, retired detective Bill Martin, were featured in a television show, "The Hunt for Amazing Treasure" on the Learning Channel, trying to recover \$9 million in stolen artwork.

1. How did you become involved in art crime investigation?  
*Detective Hrycyk: In the mid-1980s, I got tired of working homicide in South-Central L.A. and applied for an opening in a specialized burglary division in downtown L.A. After getting the spot I learned I would be working the newly formed Art Theft Detail. I developed an interest in art theft and art fraud investigations and took over the unit in 1994.*
2. What is the current focus of the LAPD Art Theft Detail Unit after more than 25 years in existence?  
*Detective Hrycyk: With only two detectives handling all art-related crimes in a city that is the second largest center for the visual arts in America, our focus is to be able to continue to do quality crime investigations with the resources available. Having a dedicated art crime unit has allowed us to professionalize and develop contacts in the art community that are essential to successful investigations.*
3. How big of a problem is art crime in Los Angeles?  
*Detective Hrycyk: Out of necessity, we handle not only traditional art but also a wide array of historical and cultural property, from Hollywood movie props to rare books and fossils. We just recovered a comic book valued at \$1 million. When you think about it, most homes contain either an artwork, antique or collectible. Art theft is often a hidden crime because art objects are stolen all the time in routine burglaries along with cash, jewelry and other personal property. As a result, there are no accurate statistics on the prevalence of art thefts. There is no tracking of art thefts nationally. Added to this is the huge area of art fraud. Combined, these crimes keep us busy all the time.*
4. Is the trafficking of looted antiquities a problem in Los Angeles? What are the significant routes? Which other agencies do you work with on this problem?  
*Detective Hrycyk: In a city as diverse as L.A., smuggled antiquities is bound to be a problem but is primarily handled by federal law enforcement agencies that protect our borders and have international treaty obligations. Sales are often back room, private transactions. However, we often work with the agents from the FBI, DHS, ICE, Interpol and others when we receive actionable intelligence.*
5. Is working with international agencies important to the success of the LAPD Art Theft Detail Unit?  
*Detective Hrycyk: Stolen and fraudulent art often crosses international boundaries so it is important to have contacts in other countries who can work with us on difficult investigations. In a like manner, we often conduct investigations for foreign law enforcement agencies when an L.A. connection develops. It is important to convince thieves and con men that no safe haven exists for those who deal in stolen or fake art.*
6. What is the biggest challenge the LAPD Art Theft Detail faces in recovery a stolen work of art?  
*Detective Hrycyk: Finding the stolen artwork is the biggest challenge. A stolen painting sold in a private sale may hang on a bona fide purchaser's living room wall for a decade or more before it comes up for sale again in a venue where it will come to our attention.*
7. What do you do with confiscated fake artworks after the suspect has been convicted?  
*Detective Hrycyk: We try to ensure that fake artworks never reenter the legitimate marketplace. This is easier said than done. Unlike illicit drugs and counterfeit currency, fake art is not illegal to possess. As a result, there is no consistency in how fraudulent art is disposed of at the conclusion of a criminal case. We have encountered great resistance on the part of judges to authorize the destruction of fake art and some pieces have actually been returned to suspects by the courts.*
8. How have you been working with the association of art dealers or other members of the art community in stemming the flow of forgeries or thefts?  
*Detective Hrycyk: Most of the intelligence information I receive about suspicious activities and unsavory characters comes from artists, dealers and galleries that I have established a relationship with over the years. The art community can be very closed mouth unless you are trusted.*
9. What piece of advice would you offer to individuals interested in pursuing a career in art crime investigation?  
*Detective Hrycyk: Unfortunately, there are few career opportunities presently available in the United States in the public sector. I get inquiries all the time from people*

*who would love to investigate art crimes but at present, the pickings are slim. It is tough to break into this field. This situation is bound to change but we aren't there yet.*

10. What would you most like to see the LAPD Art Theft Detail achieve in the next five years?

*Detective Hrycyk: Right now, we have an open position in the Art Theft Detail that needs to be filled but we are unable to do so because of personnel shortages and budgetary considerations. With 37 years on the job, I need to find a permanent replacement that I can train before retirement. Art investigation is a specialty requiring great skill. However, there are few training opportunities in this field. I teach one of the few courses available to burglary detectives throughout the state of California.*



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*The Journal of Art Crime is pleased to present an interview with the new Québec Art Crime Team. The team were interviewed in French and, in acknowledgement of the international issue of art crime, we present their responses in both French and in English translation.*

In 2008, the Sûreté du Québec, in collaboration with the Royal Canadian Mounted Police created Canada's first national art crime enforcement unit now consisting of Jean-François Talbot, Sergeant Alain Dumouchel (both of the Sûreté du Québec) and Sylvie Dubuc, RCMP, and Sergeant Supervisor Alain Gaulin (Sûreté du Québec).

Beginning in 2003, Jean-François Talbot worked for four years with Alain Lacoursière, an art historian and now-retired Montreal police officer, to develop a new investigative art crime team and Art Alert, an email bulletin sent out to 25,000 members of the art and police communities in 75 countries whenever artworks in Canada are reported stolen. In the four-year partnership between the SQ and Montreal's city police, the Service de police de la Ville de Montréal (SPVM), between 2004 and 2008, the two forces investigated 450 art crime files, made 20 arrests, seized over 150 stolen or forged artworks valued at \$2 million, and worked with Interpol on international files.



Left to Right) Quebec's art crime team:  
Jean-François Talbot, Alain Gaulin, Alain Dumouchel and  
Sylvie Dubuc

Canada has been a member of Interpol, the world's largest international police organization, for more than 60 years and through their database is connected to 187 Interpol member countries.

The art crime team, a group within the investigative department of economic crimes, also examines forged artworks, money laundering, theft, and the sale of stolen goods. The RCMP–Sûreté du Québec team members combine strong backgrounds in art history, law, fraud, and copyright issues. The art squad, with three members from Sûreté du Québec and another from the RCMP, in collaboration with the local police in Montreal, recently arrested two suspects using credit cards obtained under false identities to purchase works of art (Robert Bernier, "Art Alert", iParcours). They entered into agreements to pay for the art in installments. They paid the first payment by credit card, took the art, and did not pay the balance owed. Between July and November in 2010, the suspects approached seven galleries and from five of those negotiated the sale of 34 works totaling \$245,000. The suspects were charged with fraud and fraudulent use of credit cards.

Statistics in art-crime related activities in Canada and Québec are difficult to quantify as they are listed for each country, and many art thefts are classified as 'property' theft by local jurisdictions. The art crime investigative unit estimates that they handle an average of 90 cases annually.



1. Who are the members of the art crime team and how were they selected?  
*Sergent Enquêteur Jean-François Talbot (Sûreté du Québec) travaillait avec Alain Lacoursière lors de la création de l'équipe d'enquêteur. Il compte 12 ans d'expérience. Il termine une formation universitaire en Histoire de l'art.*  
 Sergeant Investigator Jean-François Talbot (Sûreté du Québec) worked with Alain Lacoursière in establishing the art crime investigation team. He has twelve years of experience. He is completing his university training art history.  
  
*Sergent Enquêteur Alain Dumouchel (Sûreté du Québec) compte près de 25 ans d'expérience, dont 6 ans en enquête criminelle. Il est inscrit à une formation universitaire en Histoire de l'art.*  
 Sergeant Investigator Alain Dumouchel (SQ) has nearly 25 years experience, including 6 years in criminal investigation. He is studying for a university degree in Art History.  
  
*Gendarme Sylvie Dubuc (Gendarmerie Royale du Canada) compte plus de 25 ans d'expérience, dont 8 ans en droit d'auteur.*  
 Constable Sylvie Dubuc (Royal Canadian Mounted Police) has over 25 years experience, including 8 years in copyright investigation.  
  
*Sergent Supérieur Alain Gaulin (Sûreté du Québec) est le responsable de l'équipe. Il compte plus de 20 ans d'expérience policière.*  
 Supervisor Sergeant Alain Gaulin (SQ) is the team leader. He has over 20 years of police experience.
2. How big of a problem is art crime in Canada?  
*Il est impossible de se prononcer pour le Canada, l'équipe travaille exclusivement au Québec. La quantité de dossier d'enquête est en nombre croissant depuis la création de l'équipe.*  
 It is impossible answer that question with respect to all of Canada, since the team works exclusively in Québec. The number of investigations has increased since the creation of the team.
3. Does the Port of Montreal increase the amount of illegal art traffic you police?  
*Le Port de Montréal est un endroit ciblé par plusieurs organisations criminelles pour faire le trafic de marchandise. Les oeuvres d'arts n'y échappent pas.*  
 The Port of Montreal is targeted by several criminal organizations for the trafficking of goods. Artworks are no exception.
4. How would you describe your working relationship with INTERPOL and US Customs? Do you find that stolen art in Canada leaves the country? Is working with other international agencies important to the success of Canada's art crime unit?  
*Nous avons une excellente collaboration avec les responsables d'Interpol à Ottawa. Nous consultons régulièrement leur banque de données pour compléter nos dossiers. Nous avons fait des rencontres avec des enquêteurs des pays suivants: France: Office Centrale de la lutte des biens culturels; Belgique: Police Judiciaire Fédérale (Oeuvre d'art et Antiquité); États-Unis: F.B.I. & Secret Service. La collaboration avec les autres agences internationales est primordiale pour nous et permet d'obtenir des résultats dans nos enquêtes.*  
 We have excellent cooperation with Interpol officials in Ottawa. We regularly consult their database to complete our records. We have met with investigators from the following countries: France (Central Office for the Protection of Cultural Property); Belgium (Federal Judicial Police in Artwork and Antiquities); and the U.S. (F.B.I. and the Secret Service). Collaboration with other international agencies is of the utmost importance to us and can produce results in our investigations.
5. What is the biggest challenge Québec's art crime team faces in recovering a stolen work of art?  
*Le plus grand défi réside dans la rapidité de notre intervention permettant la récupération des oeuvres volées.*  
 The biggest challenge is how quickly we can act to recover the stolen art.
6. Describe an average day for Québec's art crime team.  
*Il est difficile de décrire une journée type. Les événements imprévus viennent souvent changer notre planification. En plus des tâches usuels de notre travail d'enquêteur, il y a les rencontres des divers propriétaires de galerie et autres personnes reliés au milieu de l'art de la province permettant d'établir des contacts.*  
 It is difficult to describe a typical day. Unexpected events often modify our planning. In addition to the usual tasks related to our investigative work, there are various meetings of gallery owners and others connected to the province's art scene in order to establish contacts.
7. Please tell us about the development of Art Alert and how it works today.  
*Le courriel Art Alert a été créé en 2005. C'est un outil de travail fort utile pour nous. Il rejoint de plus en plus de monde au Canada et ailleurs. On reçoit régulièrement des demandes du public demandant à être abonné.*  
 The e-mail Alert Art was founded in 2005 and is a very useful tool for us. We are reaching more and more



people in Canada and elsewhere. We regularly receive requests from the public asking to be subscribed to Art Alert.

8. What piece of advice would you offer to individuals interested in pursuing a career in art crime investigation?  
*Pour devenir enquêteur en oeuvre d'art au Québec, il faut être policier d'un service de police. Une formation en histoire de l'art ou autre domaine connexe est un atout.*

To become an art crime investigator in Québec, you must be employed as a police officer. A background in art history or related field is desirable.

9. What would you most like to see the Québec's art crime team achieve in the next five years?  
*Depuis la formation de l'équipe, la charge de travail ne cesse d'augmenter; l'ajout d'enquêteur confirmerait la réussite de notre équipe. La reconnaissance par le milieu de l'art au Québec de la nécessité de cette équipe est un autre objectif.*

Since the formation of the team, the workload is increasing, and to add investigators would help the success of our team. Recognition by the Québec art community of the necessity for this team is another goal. Readers may request a subscription to Québec's Art Alert by sending an email to: [art.alerte@surete.qc.ca](mailto:art.alerte@surete.qc.ca)

# h. Daumier

May 04, 2011



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## LOST ART

The following accumulation of information concerns the touching history of works by Daumier, which had either been stolen from Museums or private collections or lost over the years and are thus considered missing. Any distinction between stolen and lost works of Art has become exceedingly fragile due to the lack of reliable information caused by two World Wars. The lists presented here will in all likelihood never be permanent but they will be adjusted over time. It should be noted that in a number of cases dating back to the late 1800s no photographs were available, which made it speculative to add these paintings to the list of missing works. In view of the convincing provenance, however, we decided to add them to the list. Any information about missing Daumier works should be forwarded to the Daumier Register in full confidence.

## The Art We Must Protect: Top Ten Must-See Artworks in New York City

### **Kouros**

(590-580 BC)

Metropolitan Museum of Art

This is what started it all. The kouros of the Met, one of several nearly-identical extant sculptures, is the earliest sculpture of the Western art historical tradition. This and other *kouroi*, life-size standing athletic nude males, were probably grave markers. Their stylistic predecessors were Egyptian funerary sculptures. But the *kouroi* may have been the first sculptures which were created without a secondary purpose in mind, such as propaganda—art for art's sake. They are typified by almost identical features: braided hair pulled back, idealized musculature. They are clearly not based on a true study of human anatomy, and their “archaic smile” is chiseled on to give the illusion of liveliness to this piece of shaped stone. One foot is slightly in front of the other, to suggest movement, but the *kouros* has an otherwise static posture. Many sculptures of this type have been found, and are used as a departure point to teach all of Western art history. From the *kouroi*, artists moved towards a greater naturalism, both of anatomy and pose, and in the suggestion of the capability of movement and life in an inanimate stone object. What better way to begin an exploration of the New York’s artistic treasures than before a sculpture that started it all?

### **Edgar Degas**

#### ***Nude Woman Bathing***

(1885)

Metropolitan Museum of Art

Degas created a great many of these simple, achingly beautiful pastel works on paper, depicting nude female models engaged in quiet, domestic activities of personal grooming. One woman is leaning over in a shallow bathtub to wash her legs. Another pulls a comb through long, thick red hair. Critics first looked upon these works as misogynistic, the artist “trapping” these women for eternity in awkward, unflattering poses. But this was quickly eclipsed by a kinder viewpoint. These pastels show an artist so deeply in love with the female form, that he invites us in to witness the most intimate personal moments, those normally only seen by husbands. Not even lovers may be privy to this level of intimacy, reserved for behind closed washroom doors. And they are treated with a softness of endless care, like an exhalation of breath, a sigh at the wondrous beauty of woman, un-posed and raw, and all the lovelier for it.

### **Rembrandt van Rijn**

#### ***Aristotle Contemplating a Bust of Homer***

(1653)

Metropolitan Museum of Art

Though not necessarily one of Rembrandt's most important paintings, this work is extremely important in the history of art collecting and, through it, art crime. Rembrandt shows his humanistic tendencies in his portrait of Aristotle, a renewed interest in whom spear-headed the humanistic Renaissance. The Greek philosopher admires a bust of the godfather of poets, Homer. In the history of collecting, the purchase of this painting by the Metropolitan Museum of Art was a benchmark. It sold in 1961 for \$2.3 million, a world record price for a work of art. That purchase, and others around the same time, were touted by the television media, suddenly fascinated in the astronomical prices for which art was being sold. Along with media interest and advertising of art prices, organized crime syndicates developed an interest in stealing, smuggling, and forging art. The first known instance of international organized crime syndicates involved proactively in art crime came in 1961, with a series of thefts on the French Riviera perpetrated by the Corsican Mafia. From that point on til today, almost every art crime is perpetrated either by, or on behalf of, organized crime syndicates. Of course, prices have come a long way since the Met's record-breaking purchase of this painting. Recently a Jackson Pollock surpassed all previous auction prices, selling for \$120 million.

### **Brooklyn Bridge**

(1870-1883)

On completion the largest suspension bridge in the world (half again longer than any other), the Brooklyn Bridge was also the first steel-wire suspension bridge. Spanning 5,989 feet (1825 meters), it took thirteen years to build at a cost of \$15.1 million and 27 human lives. The bridge was something of a magnet for bad luck. Its designer died of infections from an amputation required during an accident at the site. One week after it opened, a rumor that the bridge was going to collapse caused a panicked stampede in which twelve people were killed. The bridge is made of limestone, granite, and natural cement enforced by steel wire. It was designed by John Augustus Roebling in a neo-gothic style which gives the bridge the appearance of cathedral. It is a great pleasure, and one infrequently taken, to walk across the Brooklyn Bridge. Standing in its midst, one has the impression of standing

inside a Medieval cathedral whose walls and ceiling have been peeled away, leaving only mighty arches lashed to the earth by tendon-like steel cables. Whether the structure feels ecclesiastical, bestial, or some hybrid between, it is certainly mighty. If it is a beast, then it is a surely a wild creature harnessed by its creators. If it is a church, then it is a church to capitalist expansion, and the triumph of engineering man over the organic barriers of nature.

**Edward Hicks**  
*The Peaceable Kingdom*  
(1833–34)  
Brooklyn Museum

The Quaker preacher and self-taught artist Edward Hicks painted sixty versions of *The Peaceable Kingdom*. His goal was reconciliation between his artistic calling and his position as a preacher. Hicks' simple, almost child-like and untrained style is borne of both necessity and intention. Hicks's only training was as a sign painter, and none of his other works express a greater skill of execution. But he may have held back his artistic potential, so as not to provoke Quaker suspicions about the sensual pleasures of art. In this painting, he projects an idealized union of all species, one which may be read to carry over from the animals portrayed, to people of all races and creeds, living in an idyllic harmony. The subject is from the Book of Isaiah, which describes Eden as a garden in which predatory animals coexist in harmony with their traditional prey. Who, then, is for lunch? This is a question answered by neither Hicks nor Isaiah, but we can assume that peace, love, and understanding provided sufficient sustenance. In the background, we can see the a historical scene of William Penn signing a treaty with Native Americans, based on the famous painting by one of the greatest American artists, Benjamin West. The subject matter of harmonic coexistence suggests that Hicks may have used this painting as a medium through which to express his hope for reconciliation after a recent theological split among groups of Quakers. One may extend the analogy to see this painting as an embodiment of the ideal of a new America, in which all people live in harmony, the painting's content and style free from the dictates of European culture.

**Kazimir Malevich**  
*Untitled Suprematist White-on-White*  
(1918)  
Guggenheim Museum

So you think you could paint this, do you? Malevich's deceptively subtle series of White-on-White paintings bely their intellectual complexity. Meant as a means of negating the icon, these works were considered by Malevich as the purest, most accessible means toward spiritual meditation. Most of art history consists of a set of icons, symbols which

we need to know, in order to decode and to understand the content. A painting of a wooden cross means nothing to us, if we do not know the symbolism: that a cross refers to the death of Jesus, and therefore has christian implications. And though most people today can recognize a cross and its meanings, it is nevertheless a non-implicit symbol—we need specialized knowledge in order to interpret it correctly. Not so with abstract paintings. There is no symbolism, just color and form, so no a priori knowledge is needed to interact successfully with the painting. The only question is, what does it make you feel and think? Ironically, many viewers are more intimidated by an all-white painting, fearing that they won't "get it," than one full of human figures with hidden symbolic meanings. Face the fear. Embrace the white.

**Robert Campin**  
*The Merode Altarpiece*  
(1425)  
The Cloisters

Teacher to the magnificent Rogier Van Der Weyden, Robert Campin's own masterwork is displayed in this little-viewed treasure of The Cloisters—an entire imported monastery, bought lock stock and barrel and transplanted to Fort Tryon Park, in the far north of Manhattan. The painting is a triptych altarpiece. On the left panel, we see the donors who paid for the work, accompanied by their saintly namesakes. The central panel shows an Annunciation, the most commonly portrayed subject in Western art. The angel Gabriel has been sent by God to inform young Mary that she will give birth to the Son of God. Traditional objects accompany the scene, each object standing in for an abstract idea. This use of objects to represent ideas is known by the intriguing nomenclature, "disguised symbolism." A lily in the vase on the table symbolizes innocence. The frequent appearances of groups of three refer to the Holy Trinity. Gabriel gives a fear-me-not benediction to Mary, who kneels on the floor, symbolizing her humility, which from the Latin *humilitas*, meaning "close to the earth." Gabriel is dressed as an altar boy, which would have particular resonance if this painting were hung where it was meant to be, over an altar. But the interior in which this scene is set is contemporary to the work, not 1<sup>st</sup> century AD. A finely crafted bench gives a hint at perspective, but is skewed—this painting came before the codified, mathematical use of single-vanishing point perspective. There are many more secrets hidden in this masterpiece, but time, and my 200-words-per-entry limit run short. Let's cut to the right-hand panel It is Joseph, working in his carpentry shop. He is making a mousetrap. Why? A mousetrap was considered to be an allegory, a disguised symbol, for God's plan to defeat the Devil. God placed his own son, Jesus, as bait in his trap to catch the Devil. The only reason for Jesus' birth was to reverse Original Sin, which had plagued mankind since the fall of Adam. God orchestrated it so that the death of Jesus would



yield the reverse of Original Sin. But the Devil, thinking he was scoring a victory in his plot for evil, arranged the death of Jesus. In doing so, the Devil brought about his own defeat, like a mouse who takes the bait in a mousetrap thinking he benefits his own end, only to trigger his demise.

### **Chrysler Building**

(1930)

42nd Street & Lexington Avenue

The most beautiful and striking building on the New York skyline, the Chrysler Building is an iconic Art Deco skyscraper, located at the corner of 42nd Street and Lexington Ave. It rises 1,047 feet (319 meters) high, and was the world's tallest building for one year, before the Empire State Building outdid it. Designed by William Van Alen, it originally housed the Chrysler Corporation, makers of automobiles, and the scalloped ornamentation at the top is meant to echo the decoration of the cars. The Chrysler Building was erected at a rate of four stories per week. No workers were killed during its construction, something of a miracle for that period. At the time of its design, New York builders were engaged in an unofficial competition to build the world's tallest skyscraper. The contractors obtained a last-minute permission to add a stainless steel spire of 125 feet (58.4 meters) to the top of the building, allowing its height to barely surpass that of the skyscraper at 40 Wall Street and the Eiffel Tower. In this way, the Chrysler Building most beautifully embodies a Depression Era obsession with erecting the tallest possible phallus.

### **Pablo Picasso**

#### *Les Femmes d'Alger (O.J.)*

(1907)

MoMA

Though few consider this masterwork by Picasso to be beautiful, none deny its significance in his oeuvre and in the history of art. Picasso's portrait of prostitutes is fragmented and deformed. His Cubist works may be conceived as a jigsaw puzzle whose whole would appear naturalistic, but whose pieces have been shaken loose and jumbled, yielding a work like pasted-down shrapnel shards of paint. New scholarship has discovered that Picasso commissioned the theft of Iberian statue heads which he painted into the faces of the two prostitutes on the right-hand side of this painting. Picasso himself may have helped to steal them from The Louvre. The statue heads were prized possessions of his, which he claims to have purchased without knowing what they were, or where they were from. And yet, he saw them in a special exhibition at The Louvre not long before the theft, and commented on how taken he was with them. Enough evidence has been discovered to place his involvement with their theft beyond reasonable doubt. This theft coiled him, and his great friend Apollinaire, into being suspected of the theft of Leonardo's

*Mona Lisa* in 1911. Not only is *Les Femmes d'Alger* important to the history of art, but it tells an important story about the history of art theft, as well.

### **Bronzino**

#### *Portrait of Lodovico Capponi*

(1550-1555)

Frick Collection

Bronzino is one of the greatest painters in Italian history, quite possibly the greatest portrait artist. But he has yet to become a household name. This is largely due to his portraits being misunderstood. They do come across as cold, the figures in them repressing any sense of interiority that we might infer from their external presentation. It has been said that a good portrait should reveal a hidden secret about the sitter, that the sitter would prefer remained secret. What do we learn from the icy facades of Bronzino's portraits at the court of Cosimo de' Medici? The culture of mid-16<sup>th</sup> century Florence dictated that, in order to succeed at court, one must never show one's true interiority, but present a glossy façade. Reading the seminal works of the period, from Machiavelli to Castiglione to the contemporary vernacular poetry, we learn that deception, and the refusal to "let anyone in," were proactive strategies on the part of courtiers. This was bemoaned by Bronzino, particularly in his copious poetry, as he felt he could never know if his friends were truly his friends, if those who professed to love him truly did, because of this culture of deception. Bronzino's portraits reflect this, showing only the gorgeously-refined surface. But they retain a sense in the sitter of a repressed desire for self-expression, and in the painter, a frustrated yearning to unwind the coil wrapped round the heart of his subjects.





# Art and **CRIME**

Exploring the Dark Side  
of the Art World

Edited by Noah Charney

Afterword by John Stubbs



# ARCA Award Winners

## 2011 ARCA Award Winners

We are pleased to announce the winners of the 2011 ARCA Awards. Awards are voted by the trustees and the editorial board of this journal. Anyone not serving on one of these committees is eligible for the awards, which are nominated every January. Winners are provided an all-expenses trip to Italy, where they receive the awards formally at the annual ARCA Conference and give a speech to the congregants. A brief profile of each award winner follows below.

### **ARCA Award for Art Policing & Recovery**

#### **Paolo Ferri**

Dr. Ferri has served as Italian State Prosecutor and has been a prominent figure in the return of some 130 antiquities from North American public and private collections. He now serves as an expert in international relations and recovery of works of art for the Italian Culture Ministry.

2011 Finalists: Sharon Cohen Levin, Don Hrycyk, Jurek Rokoszynski

2010 Winner: Charles Hill

### **Eleanor and Anthony Vallombroso Award for Art Crime Scholarship**

#### **Neil Brodie**

Dr. Brodie is an archaeologist who has written extensively on the looting of antiquities and their eventual sale. He has conducted archaeological fieldwork and was the former director of the Illicit Antiquities Research Centre at the University of Cambridge. His terrific writing on the illicit trade in antiquities stands as a thoughtful and passionate cry for the preservation of a vanishing and finite resource.

2011 Finalists: Fabio Isman, Peter Watson, Kurt Siehr

2010 Winner: Larry Rothfield

### **ARCA Award for Art Security & Protection**

#### **Lord Colin Renfrew**

Lord Renfrew has been a tireless voice in the struggle for the prevention of looting of archaeological sites, and one of the most influential archaeologists in recent decades. At Cambridge he was formerly Disney Professor of Archaeology and Director of the McDonald Institute for Archaeological Research and a Senior Fellow of the McDonald Institute for Archaeological Research.

2011 Finalists: Marion True, Steve Keller, Bob Combs

2010 Winner: Dick Drent

### **ARCA Award for Lifetime Achievement in Defense of Art**

#### **John Henry Merryman**

A renowned expert on art and cultural property law, Professor Merryman has written beautifully about art and heritage for many years. He currently serves as an Emeritus Professor at Stanford Law School. He adds this award to his impressive list of awards, including the Order of Merit of the Italian Republic and honorary doctorates from Aix-en Provence, Rome (Tor Vergata), and Trieste. His textbook *Law, Ethics, and the Visual Arts*, first published in 1979 with Albert Elsen, stands as the leading art law text. His writings have shaped the way we think about art and cultural disputes, and have added clarity and rigor to a field he helped pioneer.

2011 Finalists: Maurizio Fiorilli, Oscar Muscarella, Ton Cremers

2010 Winner: Howard Spiegler



# Contributor Biographies

**Danelle Augustin** is a professor, art historian, and attorney who lives and works in Miami, Florida.

**Ludo Block** is a senior investigator at Grant Thornton Forensic & Investigation Services in Rotterdam (The Netherlands). Previously he served over 17 years with the Netherlands' police and held senior positions in the Amsterdam police. Between 1999 and 2004 he was stationed in Moscow as the Netherlands' police liaison officer for the Russian Federation and surrounding countries. Ludo holds a Masters in Social Sciences from the Vrije Universiteit Amsterdam where he currently is finalizing his PhD (Public Administration) on European Police Cooperation.

**Diane Joy Charney** has taught at Yale since 1984, where she is Tutor-in-Writing for the Bass Writing Program and a Lecturer in French. Her experience spans many genres, including restaurant and book reviews (especially of first novels), essays, poetry, memoir, and coaching and encouraging writers of all ages.

**Noah Charney** is the Founding Director of ARCA and the Editor-in-Chief of *The Journal of Art Crime*. Recently a Visiting Lecturer at Yale University, he is current Adjunct Professor of Art History at the American University of Rome. He is the editor of ARCA's first book, *Art & Crime: Exploring the Dark Side of the Art World* (Praeger 2009). His most recent book is *Stealing the Mystic Lamb: the True Story of the World's Most Coveted Masterpiece* (PublicAffairs 2010).

**Urška Charney** is the head of design for ARCA. She is also a photographer with international publications and a translator of prose and poetry from her native Slovene into English. Two of her translations will be published in 2012 by Guernica Editions.

**John Daab** is a Certified Fraud Examiner (CFE) specializing in art and forgery research with Association of Certified Fraud Examiners and a Certified Forensics Consultant (CFC), Accredited Forensic Counselor (AFC) and a Registered Investigator (RI) with the American College of Forensic Examiners International. John holds Diplomate status (DABFE) with the American Board of Forensic Examiners and is a Certified Homeland Security 1, (CHS1) and a Certified Intelligence Analyst (IAC) member of the American Board of Certification in Homeland Security. John has won awards for teaching management and service to NYU. John

has published over 80 articles and recently authored, "The Art Fraud Protection Handbook." John is currently completing studies in Art Appraisal at NYU, completing a docent program at Princeton, and has completed a second book, "Forensic Applications in Detecting Fine, Decorative, and Collectible Art Fakes." He is developing a third book on the "Business of Art."

**Derek Fincham** is an Assistant Professor of Law at South Texas College of Law. His research focuses on the intersection of law with art and antiquities. He holds a Ph.D. in cultural heritage law from the University of Aberdeen, and a J.D. from Wake Forest University and is a trustee of ARCA. He maintains a weblog at <http://illicit-cultural-property.blogspot.com/>.

**Joni Fincham** is the new Managing Director of ARCA. Joni oversees the daily operations of the organization and is responsible for the continued development of projects and business enterprises which promote ARCA's mission. She brings six years of experience working in strategic development and marketing for cultural nonprofit organizations and social enterprises to her role as Managing Director. She holds an MBA from Loyola University New Orleans and degrees in Strategic Communications and French from the University of Kansas.

**Elena Franchi** was nominated to 2009 Emmy Award for "Research" for the American documentary *The Rape of Europa*, made in 2006 with filmmakers Richard Berge, Bonni Cohen e Nicole Newnham. She participates with an international project on the study of *Kunstschutz*, a German unit created for the protection of cultural heritage of the countries involved in the war. She is the author of *Arte in assetto di guerra. Protezione e distruzione del patrimonio artistico a Pisa durante la seconda guerra mondiale* (Pisa: Edizioni ETS, 2006) and *I viaggi dell'Assunta. La protezione del patrimonio artistico veneziano durante i conflitti mondiali* (Pisa: Edizioni Plus Pisa University Press, 2010).

**David Gill** is Reader in Mediterranean Archaeology at Swansea University, Wales, UK. He is a former Rome Scholar at the British School at Rome and was a member of the Department of Antiquities at the Fitzwilliam Museum, University of Cambridge. He has published widely on archaeological ethics with Christopher Chippindale. He is currently completing a history of British archaeological work in Greece prior to the

First World War.

**Bill Lyle** is an architect, artist, and designer based in New Haven, Connecticut.

**Christopher A. Marinello** had been a litigator in the criminal and civil courts in New York for over 20 years before joining the Art Loss Register as General Counsel. Chris has represented galleries, dealers, artists and collectors and is currently managing all US and worldwide art recovery cases for the London based Art Loss Register. The Art Loss Register is the world's largest international database of stolen, missing and looted artwork. It is used by law enforcement agencies, the insurance industry, the art market, museums and private collectors, who can commission pre-sale due diligence checks and fine art recovery services. Chris serves as the ALR's chief negotiator and has mediated and settled countless art related disputes as well as several high profile Holocaust Restitution claims. He is often asked by law enforcement to take part in clandestine art recovery operations and has participated in numerous international conferences on stolen art. Chris has taught Law & Ethics in the Art Market at New York University SCPS, Seton Hall University and Sotheby's Institute of Art, Masters Degree Program and is a member of Advisory Council of the Appraisers Association of America and Inland Marine Underwriters Association.

**Catherine Schofield Sezgin** graduated "With Distinction" from the ARCA Masters Program in International Art Crime Studies in Amelia, Italy, in 2009. She has an undergraduate degree in Finance from San Diego State University where she was a reporter and a news editor for the daily newspaper, *The Daily Aztec*. She is a Canadian citizen. Her mother is from the neighborhood of Notre-Dame-des-Grace (NDG) in Montreal, Quebec, and it is this affiliation that helped her to establish contacts for this story. Bill Bantey, retired journalist and the first person called by the security guard after the museum theft, died in October 2010. Mr. Bantey provided insight on the museum, the crime scene in Montreal, and the coverage of the theft that this outsider could not have obtained without him. This story is dedicated to his memory and to his wife, Judy, who died in February 2011. A special nod of appreciation is also extended to her advisor, Anthony Amore, Security Director of the Isabella Stewart Gardner Theft, who may hopefully one day solve both the largest museum thefts in the United States and Canada.

**Doug Yearwood** is the Director of the North Carolina Criminal Justice Analysis Center. He has published articles and book reviews in *Justice Research and Policy*, *the British Journal of Criminology*, *Criminal Justice Policy Review*, *the Journal of Family Violence*, *the American Journal of Police*, *Children and Youth Services Review*, *African American Male Research*, *the Journal of Gang Research*, *the F.B.I. Law Enforcement*

*Bulletin*, *the Criminologist*, *Critical Criminology*, *Federal Probation*, *Police Chief* and *American Jails*. He is co-author, with James Klopovic and Michael Vasu, of the book *Effective Program Practices for At-Risk Youth: A Continuum of Community-Based Programs*.

**Donn Zaretsky** is an art law specialist at the firm John Silberman Associates. Zaretsky published the Art Law Blog at <http://theartlawblog.blogspot.com/>.



# The Journal of Art Crime

## Acknowledgements

Thanks, as always, to the Board Members of ARCA, both its trustees and the Editorial Board of *The Journal of Art Crime*. This year I wish to particularly thank Joni and Derek Fincham for their sterling work as co-directors over the past year. They have been a pleasure to work with and have really taken ARCA in hand, turning it from a well-meaning into a well-run operation. Thanks also to ARCA's staff, particularly Mark Durney, who has once again run the business and admissions side of our MA Program so smoothly.

Thanks go to the institutions that have hosted ARCA staff as visiting lecturers in the past few months, and supported the work that this journal expresses, most recent the Royal Geographical Society, Venice in Peril, the Victoria & Albert Museum, and the city of Ghent.

As a non-profit, ARCA could not survive without the generosity of its members. Thanks to all of you who have supported ARCA in its work against art crime.



Noah Charney  
Founder and President, ARCA  
Editor-in-Chief, *The Journal of Art Crime*



2010 ARCA Conference Photographs by Urška Charney



# Conference Announcement: The Association for Research into Crimes against Art Annual Conference

**Amelia, Italy  
July 9–10, 2011**

ARCA will be hosting its third annual conference in Amelia this summer to bring together scholars, lecturers, professionals, and members of the public interested in crimes against art. The two-day event will examine recent events in art crime and cultural heritage protection. ARCA will present its annual awards to Neil Brodie, Paolo Ferri, Lord Colin Renfrew, and John Henry Merryman.

The conference will be held in the beautiful town of Amelia in the heart of Umbria. It will feature the presentation of the annual ARCA Awards to honor outstanding scholars and professionals dedicated to the protection and recovery of cultural heritage. ARCA will sponsor a reception before the conference on Friday July 8, and a dinner to honor the ARCA award winners on Saturday evening. The conference aims to bring together international scholars, police, and members of the art world to collaborate on the protection of art and heritage worldwide. Registration is free, but please RSVP at [Fincham@artcrime.info](mailto:Fincham@artcrime.info).

## **Anticipated Speakers:**

**Peter Watson**, author of “The Medici Conspiracy,” “Sotheby’s: the Inside Story,” and many other notable and critically-acclaimed book

**Norman Palmer**, professor of law at King’s College and renowned art crime law specialist

**Ruth Redmond-Cooper**, editor of “Cultural Heritage Statues” among other works

**Fabio Isman**, award-winning art crime journalist in Italy

**Larry Rothfield**, ARCA writer-in-residence, Assistant Professor, University of Chicago

**Laurie Rush**, Visiting at Rome, Involved with the U.S. Department of Defense training program for troops

and heritage preservation

**Annika Kuhn**, PhD in Ancient History from Oxford; *The Looting of Cultural Property: A View from Classical Antiquity*

**Richard Altman**, Prominent New York restitution attorney, Represented Maria Altmann in her restitution action; *Christies Failure to Accurately Attribute a Leonardo da Vinci Painting in 1997*

**Phyllis Callina**, PhD candidate at Swansea; *Historic Forgeries*

**Eleanor Fink**, Getty, World Bank, Created Object ID system

**Vernon Silver**, writer, “Lost Chalice, The Euphronios Krater”

**Arthur Tompkins**, judge, ARCA visiting lecturer; “Paying a ransom: Reconciling a good thing in the short term, but a bad idea in the long term”; *The theft of 96 rare medals and the reward payments made and recovered*

**Duncan Chappell**, Chair of the CEPS International Advisory Board (2008-2012). A lawyer and criminologist, Adjunct Professor in the Sydney Law School at The University of Sydney; *Forgery of Australian Aboriginal Art*

**Maria Elena Versari**, Ph.D. in Art History, Scuola Normale Superiore (Pisa, Italy); *Iconoclasm by (legal) proxy: restoration, legislation, and the ideological decay of Fascist ruins*

**Charlotte Woodhead**, Assistant Professor, University of Warwick; *Assessing the moral strength of Holocaust art restitution claims*

**Sarah Zimmer**, part-time faculty, Art Institute of Michigan, MFA Photography, Cranbrook Academy of Art, BA in Photography from Columbia College; *The Investigation of Object TH 1988.18 Rembrandt’s 100 Guilder Print*

**Mark Durney**, ARCA Business and Admissions Director, founder of Art Theft Central blog, moderator of the Museum Security Network; *Heritage and Conflict Panelist*

**Catherine Sezgin**, 2009 ARCA Graduate, ARCA Blog Editor, Art Crime Writer; *Forty Year Anniversary of the 1970 UNESCO Convention*

**Daniella Fischetti**, JD candidate, Rutgers University, Newark, N.J.; *Legal Research Intern IFAR, Graduate ARCA 2010 Program; Cultural Copyright: A Proposal to Mitigate Loans*

**Leila Amineddoleh**, Art Law attorney with Lysaght, Lysaght & Ertel in New York, Graduate, ARCA 2010 Program, JD, Boston College Law School; *The Pillaging of the Abandoned Spanish Countryside*

#### **Early Career Panel:**

**Michelle D’Ippolito**, Senior at Maryland; *Discrepancies in Data: The Role of Museums in Recovering Stolen Works of Art*

**Courtney McWhorter**, BA Candidate in Art History Brigham Young University; *Perception of Forgery according to the Role of Art*



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### For Publication

On March 31, 2011 an all day program entitled Human Rights and Cultural Heritage: from the Holocaust to the Haitian Earthquake was held at the Benjamin N. Cardozo School of Law.

The program was opened with a talk by Allan Gerson, Chairman of AG LawInternational, a Washington law firm specializing in complex issues of international law and politics, who spoke on “Civil Litigation to Secure Cultural Property as a Human Right.” He spoke of the continuing debate over whether there exists a recognized human right to secure restitution of cultural property, or, where the victim is deprived of actual possession, the right to just compensation. His talk included some facts about his current litigation against the Metropolitan Museum involving Cezanne’s *Madame Cézanne in the Conservatory* and Yale University involving Van Gogh’s *The Night Café*. Both cases involve major issues in international law, including the Act of State Doctrine and Sovereign Immunity.

The first panel was entitled “Natural Disasters: Haiti and Beyond.” Corine Wegener is the founder and President of the U.S. Committee of the Blue Shield, the organization formed under the 1954 Hague Convention on the Protection of Cultural Property During War. Ms. Wegener is a former officer of the U.S. Army and has served in Sarajevo, Iraq and, most recently, in Haiti. Her illustrated presentation discussed what has been, and is being done, to preserve so many of the cultural monuments of Haiti. She stressed the point that the U.S. can not on its own initiative provide assistance: the country suffering the disaster must first request assistance and her efforts focus on training local communities to conduct the preservation work themselves. Lisa Ackermann is Executive Vice President and Chief Operating Officer, World Monuments Fund (New York, NY), an organization dedicated to preserving and protecting endangered ancient and historic sites around the world. Using a wonderful power point presentation, she demonstrated the evolution of heritage protection efforts in which she has been involved. In 1966 when Venice was flooded, the focus was on Venice as a cultural icon and important works of art. After Hurricane Katrina in 2005, however, the emphasis was on community-building, instead of just art and architecture. She drove home her point with images of the preservation efforts at the Greater Little Zion Church, not an architectural gem but the heart of a community. Her two-fold message was a powerful one. First, not-for-profits so used to operating on shoe-string budgets should not be afraid to think big. Second, widespread public perception that cultural heritage preservation during times of crisis occurs at the expense of helping humans in crisis is a false dilemma. Terressa Davis, Executive Director of the Lawyers Committee for Cultural Heritage Preservation, who has had significant experience with cultural heritage preservation, particularly in Cambodia and Sri Lanka, summed up the panel. She observed that the public does not realize how important cultural heritage becomes until after the dust settles, floods recede and immediate humanitarian needs are met, but that cultural heritage preservation should be part of up front post-war and disaster management planning.

The second panel concerned “Holocaust Era Looted Art: Research and Restitution.” Marc Masurovsky, one on the leading scholars in this field and Co-Founder of the Holocaust Art Restitution Project, led with an historical overview of the restitution of artworks looted during the Holocaust. Inge van der Vlies, a member of the Dutch Restitution Committee in Amsterdam and a Professor of Constitutional Law and Art and Law at the University of Amsterdam addressed the workings of the Restitution Project, its processes and recent restitutions. Lucian Simmons, Vice President and Head of Restitution Department at Sotheby’s, N.Y. informed us of the process used at Sotheby’s to determine whether a work of art has a questionable provenance and illustrated some recent restitutions or settlements and discussed how they had been researched and the outcome of some of these cases. Lawrence M. Kaye, Partner and Co-Chair of the Art Law Group at Herrick, Feinstein, LLP spoke of some recent restitutions in the major case of the Goudstikker heirs, and the case against the Norton Simon Museum for one of the most notable pieces of the Goudstikker collection, Lucas Cranach’s *Adam and Eve*, in which a petition for certiorari has been filed with the United States Supreme Court. Mr. Kaye also addressed other art cases that the firm had handled, most importantly the restitution of several paintings in the Stedelijk Museum in Amsterdam to the heirs of Suprematist artist Kasimir Malevich.



One of the highlights of the program was the Key Note Address by Howard N. Spiegler, also Co-Chair of the Art Law Group of Herrick, Feinstein, LLP. Mr. Spiegler addressed many aspects and results of the field of Holocaust restitution of looted art works. He related some of the highlights of the recently settled case of *U.S. v. Portrait of Wally*, in which the firm represented the heirs of Lea Bondi Jaray, the rightful owner of the Schiele painting, *Portrait of Wally*. He related a haunting testimonial by Rabbi Singer: “Himmler said you have to kill all the Jews because if you don’t kill them, their grandchildren will ask for their property back.”

The afternoon sessions addressed, respectively, “Libraries and Archives: Restitution of Recorded Cultural Heritage” and the “Foreign Sovereign Immunities Act: A Sword and a Shield.”

The “Libraries and Archives: Restitution of Recorded Cultural Heritage” session was moderated by Cardozo’s Associate Dean for Library Services and Professor of Legal Research Lynn Wishart. This session addressed the many difficult issues with the restitution of written documents. Jeff Spur, Secretary and Board Member of the Sabre Foundation addressed the contested issue of the restitution of the ancient Jewish documents rescued from the flood in the Iraq Library after the American incursion into Iraq. The Library contends they are part of the history of Iraq, but there is no longer any Jewish community in Iraq. Iraqi Jews in Israel and the U.S. contend that the documents should be restituted to a living Jewish community. Nathan Lewin, Partner, Lewin & Lewin, LLP (Washington, D.C.) who represents the successful plaintiff, Agudas Chasidei Chabad against the Russian Federation, discussed the case from the viewpoint of International Law, under which the Russian Federation is obligated to retribute documents and books to the Chabad in New York and has refused. Patricia Grimsted, Senior Research Associate, Harvard Ukrainian Research Institute, discussed the history of looting by the Einsatzstab Rosenberg (ERR) in Western Europe, but she noted that the three largest ERR concentrations of books contained books that came from both West and East, but far more originated in the West. She highlighted how looted collections (an estimated 600,000 books) that came to rest in the Soviet sectors were taken back as part of the Soviet trophy brigades; thus prospects for restitution today largely hinge on whether the books and archives came to rest in the Soviet or Allied sectors. Six years ago the Russians admitted for the first time that collections were taken to Minsk in November 1945; Dr. Grimsted had found scraps of evidence in card catalogues that matched up with ERR confiscation lists. She questioned how the Russians could view the cultural materials, taken from Jews and in languages extremely few people in Russia can read, to be compensation for their War-era losses and demand compensation to return them.

The panel on the Foreign Sovereign Immunities Act presented a lively discussion on the applicability of the FSIA. Professor Jennifer Anglim Kreder of the Salmon P. Chase College of Law at Northern Kentucky University conducted a roundtable with four experts on FSIA litigation to explore the intersection of cultural property, human rights and the War on Terror. The panelists, all based in Washington, D.C., were Mark N. Bravin, Partner, Winston & Strawn, LLP, Lisa Grosh, Deputy Assistant Legal Adviser, U.S. Department of State, Laina C. Lopez, Attorney, Berliner, Corcoran & Rowe, LLP, and Stuart H. Newberger, Partner, Crowell & Moring LLP. Mr. Bravin has represented both plaintiffs and defendants in FSIA litigation, including *McKesson v. Iran* (plaintiff), ongoing for 25 years, and *Orkin v. The Swiss Federation* concerning a Van Gogh drawing allegedly sold by a Jew under Nazi duress to a Swiss collector in 1933 (defendant). Ms. Grosh, who spoke in her individual capacity, was heavily involved with litigation under the “Terrorism Amendments” to the FSIA, which expressly authorized litigation against nations identified as State Sponsors of Terrorism. Ms. Lopez’s firm represents the Islamic Republic of Iran, including in the *McKesson* litigation and proceedings brought by plaintiffs who obtained default judgments against Iran under the Terrorism Amendments; the plaintiffs seek to seize and sell Persian antiquities in U.S. museums to partially execute their judgments. The panel engaged in a fascinating discussion of the mechanics of FSIA litigation, whether forced seizure and possible auction of cultural objects should be fair game to compensate victims of terrorism and whether litigation or mass claims resolution is a better course to secure justice for terrorism and genocide victims – and public safety.

In conclusion, the conference, which brought together new voices from the cultural heritage and human rights fields, was dynamic, informative and thought-provoking.



# Our Future's Past: Sustainable Cultural Heritage in the 21<sup>st</sup> Century 24-26 November 2011

## CALL FOR PAPERS

### CONFERENCE TOPICS

#### **Topic 1: Too Much of Good Thing? Heritage and Sustainable Tourism in Major Tourist Centres**

The huge increase in tourism and global travel is threatening some of the most well-known global heritage sites. This topic invites papers that:

- analyze the threat to heritage of too much tourist development
- present models and/or case studies of strategies to deal with tourist numbers
- suggest alternative approaches to heritage that lessen the impact of tourism
- discuss the ethical issues concerned with restricting heritage access

#### **Topic 2: Cultural Heritage as a Basis for Economic Development**

Cultural heritage can be a stimulus for local, regional or national economic development. This topic invites papers that:

- analyze the challenges in developing cultural heritage as a sustainable resource
- present models and/or case studies of strategies for developing sustainable tourism
- analyze approaches to sustainable cultural heritage
- analyze future trends

#### **Topic 3: The Interaction Between Conservation and Cultural Heritage.**

As the pressure on cultural heritage sites grows, the role of conservation becomes ever more pivotal. This topic invites papers that:

- analyze contemporary challenges facing conservators
- present case studies of conservation projects
- discuss ethical issues that confront conservators
- present models for addressing conservation issues
- discuss future trends

#### **Topic 4: New Technology in Support of Cultural Heritage**

Virtual reality and new technology stimulate interest in cultural heritage and can be used to enhance the experience or even replace some aspects of it. This topic invites papers that:

- present case studies and/or projects that use new technology in support of cultural heritage
- analyze the impact of new technology on cultural heritage
- analyze the impact of new technology on individuals
- discuss the ethical implications of using new technology in cultural heritage

#### **Topic 5: Heritage and Landscape.**

Landscape is increasingly recognized as having a cultural as well as natural heritage value but can be more difficult to manage. This topic invites papers that:

- present case studies and/or projects on sustainable landscape heritage
- analyze the challenges presented by landscape preservation
- analyze the impact of tourism on landscapes
- discuss the cultural component of landscape heritage

#### **Topic 6: Sustainable Heritage and Architecture.**

Heritage, particularly in urban contexts, will often require architects to find solutions that are both compatible with heritage requirements and conform to contemporary standards. This topic invites papers that:

- present case studies and/or projects on sustainable heritage architecture
- analyze the challenges architects face in designing for sustainable heritage
- discuss the ethical issues facing architects in designing for sustainable heritage
- discuss how cultural heritage considerations impact on architectural practice

#### **Topic 7: Heritage and Group Identity**

Cultural heritage is an important aspect of group identity on many levels. The rapidly changing society of the 21<sup>st</sup> Century utilises heritage in many different ways. This topic invites papers that:

- present case studies and/or projects on identity and heritage
- analyze the impact of using heritage in support of group identity
- analyze trends in the use of heritage and group identity
- discuss ethical issues in the use of heritage to support group identity

#### **Topic 8: Heritage and Postcolonial**

Formerly colonized countries face particular challenges in presenting a heritage that has been impacted by rule from outside. This topic invites papers that:

- present case studies and/or projects on postcolonial heritage projects
- analyze the impact of heritage in postcolonial societies
- analyze future directions for heritage in postcolonial societies
- discuss ethical issues in presenting heritage in postcolonial societies

#### **Topic 9: Negative Heritage – should we keep it?**

Heritage sites connected with negative memories, such as Third Reich sites or sites of atrocities, are growing in number. Questions have been raised over the validity of retaining these sites, particularly in a global environment where there is pressure on heritage resources. This topic invites papers that:

- present case studies and/or projects on negative heritage sites
- analyze the growth and impact of negative heritage
- analyze tourism trends connected with negative heritage
- discuss the ethical challenges of presenting negative heritage to the public

#### **Topic 10: Impact of Trafficking on Heritage**

Heritage sites are increasingly threatened by illegal trafficking in antiquities. This topic invites papers that:

- analyze the threat to heritage from trafficking activities
- present case studies and/or projects on tackling trafficking
- discuss the ethical issues of trafficking

## Guidelines for Submissions to the *Journal of Art Crime*

### Style Guidelines for **all Submissions**:

- All articles should be double spaced in **10 point Times New Roman** font.
- The spacing under the paragraph settings should be set to **0 point**.
- Skip one line between paragraphs. The first line of new paragraphs should also be indented, whereas the first line of a new section should not be indented.
- Leave only **one space** after periods or other punctuation marks.
- The title page should include the title and the author's name.
- Do not include any hyperlinks.
- Pages should be numbered consecutively in the upper right-hand corner beginning with the title page.
- The title page should be followed by the body of the text, acknowledgments, figures, tables and bibliography, in that order.
- Use italics (instead of underlining) for titles of larger works (books, magazines) and quotation marks for titles of shorter works (poems, articles).
- Footnotes should be indicated in-text by superscript Arabic numbers after the punctuation of the phrase or clause to which the note refers.
- For in-text citations, short and long quotations, section headings please refer to the **MLA Formatting and Style Guide** (<http://owl.english.purdue.edu/owl/resource/747/01/>).
- Relevant images should be sent in jpg form in a **separate email**. Authors are responsible for securing any necessary permissions for the reproduction of images related to their articles.
- Please refer to the Journal sample available at [www.artcrime.info/publications](http://www.artcrime.info/publications) for an example.

### Additional Guidelines for **Academic Articles and Essays**:

- Academic articles and essays should be 4000-9000 words in length (including footnotes, excluding bibliography). Average turnover for peer-reviewed essays is eight weeks, two weeks for editorial or review material.
- Each academic essay should be accompanied by a title page that includes (in this order):
  - Title
  - Author's name
  - Abstract (up to 250 words)
  - Five to ten keywords that characterize the content of the article
  - Biographical information, including affiliation and contact information (up to 100 words)
- Please remove all identifying material from the body of the article.

Submissions to the *Journal of Art Crime* are welcome at any time. Please send all submissions to [editor@artcrime.info](mailto:editor@artcrime.info) as an attachment in Word format. Average turnover for peer-reviewed essays is eight weeks, two weeks for editorial or review material.

## JOURNAL OF ART CRIME

### **About *The Journal of Art Crime***

*The Journal of Art Crime*, published by ARCA, is the first peer-reviewed interdisciplinary academic journal in the study of art crime. This twice-yearly publication provides vital information for members of the art trade, museums, security professionals, police, art lawyers, cultural ministries, private collectors, gallery owners and dealers, conservators, insurers, cultural heritage NGOs, as well as academics in the fields of criminology, law, art history, history, sociology, policing, security, and archaeology.

### **Submissions**

Submissions are welcome at any time. We publish articles from both academics and professionals, related to art crime, its history, and its repercussions. Relevant fields include criminology, law, art history, history, sociology, policing, security, archaeology, and conservation.

Academic essays should be 4000-9000 words in length (including footnotes, excluding bibliography). Please adhere to the style guidelines at [www.artcrime.info/publications](http://www.artcrime.info/publications). Relevant images should be sent in jpg form in a separate email. Authors are responsible for securing any necessary permissions for the reproduction of images related to their articles. Essays considered to be of merit by peers may be returned to their authors along with rewrite guidelines which must be applied before publication. Average turnover for peer-reviewed essays is eight weeks, and two weeks for editorial or review material.

Please see the submission guidelines on the preceeding page.

*The Journal of Art Crime* also includes book and exhibition reviews, conference write-ups, summaries of major recent art crimes, art-related legislation, other relevant news, and editorial columns. The Journal welcomes submissions or proposals for any of the aforementioned. Please note that all submissions must be made in accordance with the Style Guidelines available on our website.

Please send all submissions to [editor@artcrime.info](mailto:editor@artcrime.info) as an attachment in Word format.

### **Subscriptions**

*The Journal of Art Crime* is published by ARCA twice a year, in the Spring (June/July) and the Fall (November/December), both as an e-journal and in printed form. Subscribers may choose the electronic form or print forms alone, or purchase them both as a package, priced for individuals and institutions. All income from subscriptions go directly to fund ARCA's non-profit activities.

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