

The FBI Art Theft Program and Its Impact on Collecting: A Report from FBI Special Agent Robert Wittman and the Editor

At our 103rd meeting in Moline, Illinois, FBI Special Agent Robert Wittman gave us an overview of the FBI Art Crime Team, several dramatic recoveries in the arms collecting field, and words of advice about **Due Diligence** when buying expensive works of art, arms, armor, or other cultural heritage objects.

Agent Wittman furnished the Editor with a description of the Art Crime Team operations and suggested information on the FBI web site (*www.FBI.com* and then go to the Arts Crimes division). The Division description of several well-known cases follows.

Editor

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INTRODUCTION

The illicit trade in art and cultural artifacts is a major category of international crime. This includes theft of individual works of art, illegal export of objects protected by international laws, and looting of archaeological sites. The illicit trade in cultural property has grown so large that Interpol now believes it to be one of the most prevalent categories of international crime. An average of 60,000 objects are stolen from Europe each year, many from museums and churches, and Chinese authorities believe that antiquities are now the largest single class of item smuggled out of their country. Not only do these thefts result in billions of dollars in monetary losses to the victims, but also result in the loss of the world's cultural heritage. Art theft is an international crime problem requiring cooperation at all levels of law enforcement.

To aid in this endeavor, the FBI has established a rapid deployment Art Crime Team, composed of eight Special Agents, each responsible for addressing art and cultural property crime cases in an assigned geographic region. The Art Crime Team will be coordinated through the FBI's Art Theft Program, located at FBI Headquarters in Washington, D.C. The Art Crime Team agents will receive specialized training in art and cultural property investigations. The initial training was held in Philadelphia, Pennsylvania, the week of January 10-14, 2005. The Department of Justice has assigned two Special Trial Attorneys to work with the Art Crime Team and provide prosecutive support.

CRIME PROBLEM

The illicit trade in cultural heritage objects is becoming an increasingly international crime problem. Unlike drugs or other illegal objects, cultural property itself is not illegal to possess and moves easily across international borders. In 1991, approximately 10% of objects recovered were outside of the country of theft, whereas by 1997, 30% of recovered objects had been transported outside of the country of theft. The United States serves as a major consumer of artwork stolen worldwide, in addition to the United Kingdom, Japan, France, and Germany. The U.S. has the largest art market in the world, and due to the lack of regulation, the U.S. provides a lucrative market for those dealing in stolen cultural property. Artifacts stolen and looted in source countries in Africa, South America, Asia, and Europe are transported to major U.S. cities with large art markets including New York, Los Angeles, San Francisco, Miami, and Chicago. As an example, the FBI has recovered in the U.S. in recent years antiquities stolen from a museum in Greece, antique scientific instruments stolen from Italy, a treaty signed by Napoleon stolen from France, artifacts looted from Egypt, and a painting of the Last Supper stolen from a church in the United Kingdom.

In 1987, a major archaeological site was discovered in northern Peru. The site, Sipan, was an undisturbed royal burial of the Moche civilization, which dates to 100 B.C. to 700 A.D. The site was of such historical significance that it became known as the "King Tut Tomb of the New World." The United States put immediate restrictions on objects from the Sipan site being brought into the U.S. In August 1997, smugglers Denis Garcia and Orlando Mendez, both from Miami, contacted an FBI undercover agent in an attempt to sell an artifact from the Sipan tomb known as a backflap (Figure 1), a piece of ceremonial armor worn by the warrior-priest made of gold, copper, and silver. The subjects offered the backflap to the undercover agent for \$1.6 million. When the agent met with the subjects, it was determined that the backflap had been smuggled into the United States by the Consul General of Panama, Francisco Humberto Iglesias, who at the time could not be arrested due to his diplomatic immunity. Iglesias no longer holds his position as a diplomat and is now a federal fugitive. Garcia and Mendez were convicted of conspiracy, interstate transportation of stolen property, and smuggling. In June 1998, the backflap was returned

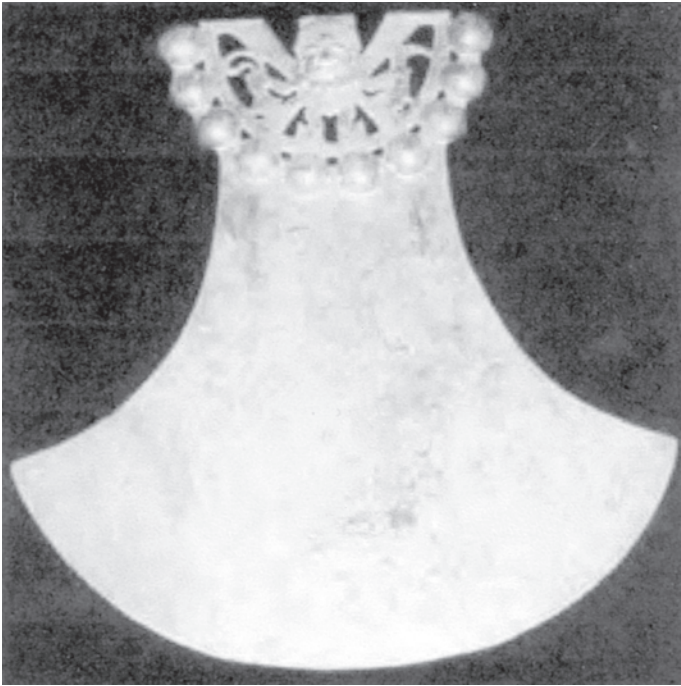


Figure 1.

to the Peruvian Government in an official ceremony and the agents involved in the case were presented with a medal by Ambassador of Peru Alfonso Rivero.

Source countries have a very different crime problem than consumer countries. In Africa, South America, Asia, and Europe, thieves are more active and therefore more organized. Russian officials have advised the FBI that over forty Russian organized crime groups have been identified as dealing in stolen art and cultural property. In addition, armed robberies and violence are more common occurrences in association with cultural property thefts from source countries. As a result, most countries have developed squads dedicated to addressing the cultural property crime problem, with specialized officers trained in art.

Due to the high value of artwork, and the ease with which it can be moved across borders, illicit trafficking of cultural property is often associated with various other criminal activities, such as organized crime, money laundering, extortion, and fraud. In some instances, artwork has been traded for drugs.

In the United States, looting of archaeological sites, particularly Civil War and Native American sites, has risen dramatically in recent years. National Park Service (NPS) statistics show a 51% increase in the number of reported violations on federal and Indian lands. Looting of archaeological sites not only results in the loss of the artifacts themselves, but also the research value of the objects. The context of the artifact, or its location in the archaeological site in relation to other artifacts, is what is most valuable to scholars seeking to reconstruct the past. Once an archaeological site is disturbed and the context of the artifacts is lost, the archaeological evidence from that site can never

be reconstructed. The Art Theft Program works closely with the NPS to address this crime problem, including the FBI assisting in funding special training for agents and law enforcement officers in the investigation of archaeological resource crimes.

NATIONAL STOLEN ART FILE AND ART THEFT NOTICES

A major component of the FBI's Art Theft Program is the National Stolen Art File (NSAF). The NSAF is a computerized index of stolen art and cultural property as reported to the FBI by law enforcement agencies throughout the United States and internationally. The NSAF registers the physical description of the stolen property, including artist, title, subject, materials, and dimensions, in addition to digital images. The database was upgraded and expanded in 1998 to incorporate investigative information, including modus operandi, prosecution information, and suspect descriptions with images. The NSAF is utilized by local, state, and federal law enforcement agencies requesting searches of suspicious artifacts.

The Art Theft Program has also developed an extensive presence on the FBI's web site, including information regarding the program, NSAF, specialized legislation, and international art theft notices. Additional information can be found at <http://www.fbi.gov/hq/cid/arttheft/arttheft.htm>.

In January 2002, the Unclaimed Property Section of the U.S. Postal Service became suspicious of a painting discovered in an undeliverable package and checked the Art Theft Notices on the FBI's web site. Postal officials matched the painting to one registered as stolen on the web site and the U.S. Postal Service notified the Kansas City Division of the FBI. The artwork was identified as a painting by Marc Chagall (Figure 2), stolen from a museum in New York on June 8, 2001, while on loan for an exhibition from a Russian collector.

SERVICES PROVIDED TO LAW ENFORCEMENT

The FBI's Art Theft Program coordinates investigations of cultural property cases, searches suspicious artwork in the NSAF, identifies experts in particular areas of the art community, assists in determining the authenticity of cultural property, and conducts research on suspicious artwork. These services are made available to all local, state, and federal law enforcement agencies. The Art Theft Program enters approximately 1,000 stolen object records into the NSAF each year through theft reports received from U.S. and international law enforcement agencies.

On June 25, 2002, ADIC New York announced the successful results of a joint operation between the FBI and the Spanish National Police (SNP). The operation, worked jointly by the Eastern European Organized Crime Task Force and the SNP, resulted in the arrest of three individuals and the recovery

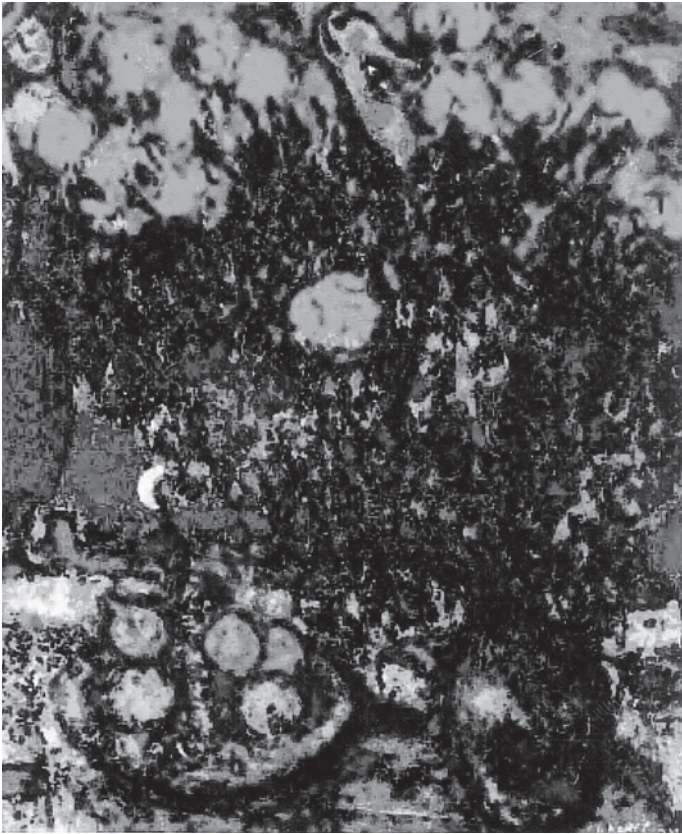


Figure 2.

of approximately \$50 million in stolen artwork. Information developed by the New York FBI Task Force indicated that the three individuals arrested were seeking to sell the art to an Eastern European criminal organization, and that the prospective purchasers were also looking for an expert to authenticate the paintings. Through the assistance of the Art Theft Program, the FBI was able to introduce an undercover agent as an art expert. The agent met with the subjects in a Madrid hotel room where they agreed to sell one of the paintings, “The Temptation of Saint Anthony” (Figure 3) by Peter Brueghel, for approximately \$1 million. The subjects provided the painting for authentication and the three subjects were arrested. As a



Figure 3.

result of the arrests, the SNP executed search warrants in several locations in Madrid, which resulted in the recovery of nine additional paintings. The SNP determined that the subjects were involved with a criminal enterprise engaged in narcotics, auto theft, armed robbery, possession of stolen contraband, and homicide. The agents involved in the investigation received special awards from the SNP in recognition of the assistance provided by the FBI.

INTERNATIONAL LIAISON AND FOREIGN POLICE COOPERATION

Due to the international nature of the art theft crime problem, the Art Theft Program maintains extensive liaison with international law enforcement agencies and the international art community. Through the FBI’s Legal Attache offices overseas, the Art Theft Program has assisted in numerous foreign police cooperation cases and coordinated with the Department of Justice, Office of International Affairs (DOJ/OIA), in the processing of letters rogatory.

On December 7, 2001, Philadelphia Division traveled to Brazil and recovered three paintings by Norman Rockwell (“Spirit of 1976” Figure 4), which had been stolen from a gallery in Minnesota in February 1978. This case was chosen by DOJ/OIA as the first request processed through a new MLAT ratified by Brazil and the United States in February 2001. In response to this request, Brazilian officials conducted search warrants to assist in the recovery of the artwork. The



Figure 4.

Art Theft Program worked closely with Philadelphia Division, U.S. Attorney's Office Eastern District of Pennsylvania, DOJ/OIA, and the Legal Attache office in Brasilia to facilitate this recovery.

The FBI's Art Theft Program has represented the United States regarding art theft issues in numerous international conferences, including Croatia, El Salvador, France, Greece, Hungary, Italy, Jordan, and Romania. In addition, the Art Theft Program was requested by the FBI's Legal Attache office in Moscow to conduct a one-week art theft training program at the St. Petersburg University of Internal Affairs, Russian Federation.

SPECIALIZED LEGISLATION AND SENTENCING

The Art Theft Program maintains information regarding specialized legislation relating to cultural property crime, including the Theft of Major Artwork Statute, Native American Graves Protection and Repatriation Act, Archaeological Resources Protection Act, and the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property.

As of October 2002, the United States Sentencing Commission (USSC) instituted harsher penalties for the theft of cultural property based on recommendations from the Department of Justice and the Department of the Interior. The amendment to the sentencing guidelines covers a variety of offenses involving the theft of, damage to, destruction of, or illicit trafficking in cultural heritage resources. The commission maintained that the theft and/or damage of cultural property and archaeological sites should be more severely punished than general property crimes due to the fact that cultural heritage resource crimes transcend monetary considerations and involve irreplaceable objects.

RECOVERY

Recovery of stolen cultural property is very low. Of the objects reported to the NSAF, approximately 5% are recovered. This does not take into account the objects which cannot be registered, such as archaeological material, which would make the recovery rate even lower. One of the major problems in investigating cultural property cases is the lack of documentation of the property at the time of theft. Victims are often unable to provide an image, description, artist name, or any other information which would make the object uniquely identifiable. This is particularly true in source countries where resources are limited and collections maintained by museums and churches have not been documented or inventoried. Without adequate documentation, the objects cannot be registered in the stolen art databases and a recovery cannot be made. The Art Theft Program makes presentations

to the public and members of the art community regarding the need for documentation of cultural property in an effort to educate collectors and improve the chances of recovery.

FBI RAPID DEPLOYMENT ART CRIME TEAM

The Art Theft Program has assisted in the recovery of millions of dollars in art, the return of cultural property to foreign governments, and the conviction of numerous subjects, in addition to developing extensive national and international liaison. With the establishment of the rapid deployment Art Crime Team, the FBI can more effectively address this crime problem and assist international law enforcement agencies in protecting the world's cultural heritage.

Two cases that should be of specific interest to the Society from the collector, dealer, and museum level are the Historical Society of Philadelphia case and the Worden Sword case. A synopsis provided by the FBI web site follows:

RECOVERIES—HISTORICAL SOCIETY OF PENNSYLVANIA

Everyone has heard sayings like these—most of us understand them as figurative parts of speech. Here's the story of a man who took these ideas quite literally—and then did his best to disprove them. He was able to "afford living in the past" . . . because the past came at a bargain price.

The Past Is Gone . . . and It's Missing, Too!

In November, 1997, the Historical Society of Pennsylvania (HSP), a museum in Philadelphia, began computerizing its 12,000-piece artifact collection. Founded in 1824, the HSP is known for its collection of military-edged weapons and firearms from the Revolutionary and Civil War eras (Figures 5–8).

Almost immediately, staff members discovered artifacts missing—three presentation swords and one Lancaster County



Figure 5.

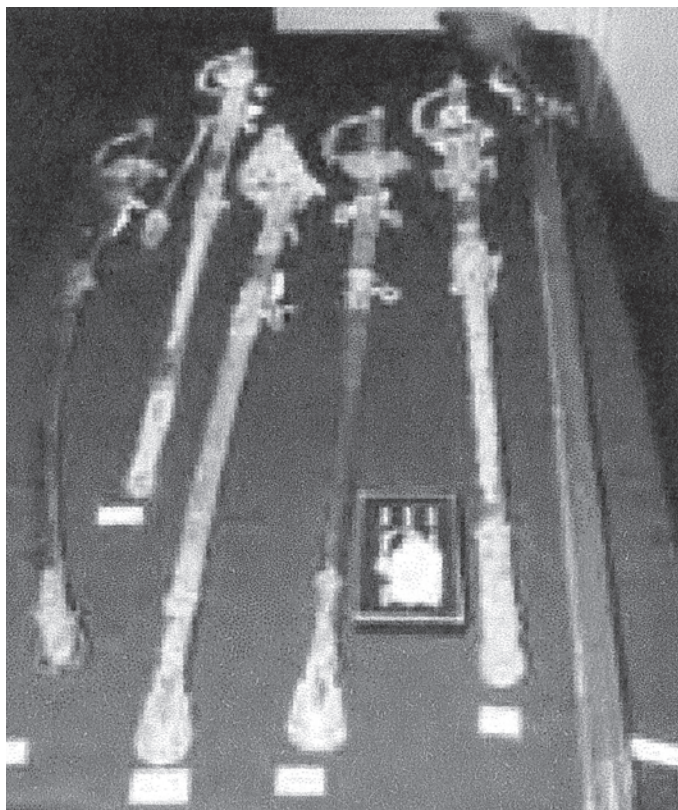


Figure 6.

long rifle. The swords had been presented by the citizens of Philadelphia to Civil War General George G. Meade, David Bell Birney, and Andrew A. Humphreys. The rifle dated back to 1785 and was handcrafted by one of Pennsylvania's finest gunsmiths. The total value of the four pieces was \$750,000.

Assuming the artifacts had been stolen, HSP staff members contacted the FBI. Under the auspices of the 1994 Theft of Major Art Work statute (18 U.S.C. 668), the Bureau initiated an investigation.

Searching for the Past

Since there was a very good possibility that the thief or thieves would be collectors of historical artifacts or memorabilia, the Agent, an art theft specialist, knew a good place to begin would be a noted Civil War artifact exhibition.

As luck would have it, one of the largest Civil War weapons shows on the East Coast, the Great Southern Weapons Fair, was being held in Richmond, Virginia. Two Special Agents (SAs) traveled to the exhibition and began interviewing participants.

Deeper into the Past

A break came when the Agents talked to Bruce Bazelon, an expert on presentation swords. Mr. Bazelon did not have any specific information on the location of the stolen artifacts, but he did remember hearing about a Poconos flea mar-

ket dealer who, back in 1994, had been shown a picture of about 10 swords being offered for sale by a possible dealer.

According to what Bazelon heard, one of the swords was a presentation sword that had been given to Civil War General George A. McCall. As a presentation sword expert, Bazelon knew from his research that this sword had been a part of the HSP collection.

With the information from Bazelon, one of the Agents contacted the Poconos flea market dealer about the identity of the person who tried to sell him the swords. The dealer told him it was George Csizmazia, an electrical contractor from Rutledge, Pennsylvania, who was also a history buff.

On December 23, 1997, the FBI Agents caught up with Csizmazia, an electrical contractor, at his place of business and questioned him about the missing swords. At first, Csizmazia denied any knowledge of the missing swords, but then finally admitted he did, indeed, have the swords in his "collection." Then he took the SAs to his home.

Uncovering the Past

There, at Csizmazia's home in a second floor bedroom, the SAs found not only the missing swords, but more than 200 other historic artifacts, all stolen from HSP. Among the treasures found was a ring containing a lock of George Washington's hair, the telescope used by Elisha Kent Kane to locate the Polar Sea; other presentation swords, rifles, and handguns; medals from various United States wars; silver trophies belonging to the actor Edward Forrest; eyeglasses, and cigar holders. Each item had a place in the history of Pennsylvania. The investigation determined that Csizmazia used a sword from the 1600s to trim his hedges.

Also discovered in Csizmazia's home was a silver snuff box that had been given to Andrew Hamilton by New York officials in 1735 as payment for his successful defense of John Peter Zenger, a New York printer and editor charged with libeling the Colonial governor of New York. This landmark case helped establish freedom of the press as an endowed right in the New Republic.



Figure 7.



Figure 8.

The Final Connection

Csizmazia admitted buying the historic artifacts from Earnest Medford, a long-time HSP janitor. The two had first met 10 years earlier when Csizmazia, who was doing some electrical work for the HSP at the time, began talking with Medford about his interest in military antiques. Csizmazia had been receiving artifacts stolen by Medford from the Society ever since.

When the investigators interviewed Medford the next day, December 24th, he admitted stealing the historical pieces and selling them to Csizmazia for approximately \$8,000 over the 10-year period. (Medford probably had not realized he was being vastly underpaid for his services. The total value of Csizmazia's collection was between two and three million dollars!)

From the Past ... to the Future

Both Csizmazia and Medford were charged with violations of Title 18, USC, Sections 668 and 371—theft of culturally significant historic artifacts. Both have been convicted and are serving four-year prison sentences.

THE CASE OF THE MISSING CIVIL WAR SWORD—PIECE OF HISTORY RETURNED BY FBI IN CEREMONY AT U.S. NAVAL ACADEMY

On March 9, 1862, just three days shy of his 44th birthday, Lieutenant John Lorimer Worden (Figure 9) was fighting the battle of his life. The ship he commanded—the iron-plated *USS Monitor*—had just arrived in the waters outside Hampton Roads, Virginia. Its mission: to turn back another armored vessel, the *CSS Virginia* (often known by its previous name, the *Merrimack*), which had sunk two Union frigates the day before and was threatening the North's naval blockade.

Shortly after noon, following hours of heavy volleys back and forth, the *Virginia* aimed its fire at the pilothouse of the *Monitor*; where Worden was directing the fight. A shell exploded, temporarily blinding the Lieutenant. His injuries were so severe that he had to relinquish command. The *Monitor* kept fighting, however, forcing the *Virginia* to withdraw and preserving the blockade, the Union fleet, and ultimately, the Union itself.

An Elegant Tribute

News of the world's first ironclad battle spread quickly, electrifying the nation and forever changing the history of naval warfare. It also made John Worden a hero. President Lincoln himself visited the injured lieutenant. Worden's home state of New York paid tribute to its native son as well—in a grand way. It commissioned from Tiffany & Co. an ornate, finely crafted 37-inch sword, inlaid with gold and silver. Its handle was emblazoned with the Roman God of the Sea, Neptune. With it came a gold-plated sheath and gold-embroidered belt. All together, the set cost some \$550, a hefty sum in those days.

The Theft

Worden's star continued to rise. He served as Superintendent of the U.S. Naval Academy and ended his career as Rear Admiral. Fifteen years after his death in 1912, the family donated the sword and other items to the U.S. Naval Academy museum. Then, in 1931, the sword—already considered priceless because of its link to the infamous ironclad battle—vanished. The Navy's investigation came to nought.



Figure 9.

How was the Sword Found?

In 1998, FBI art theft experts in Philadelphia began investigating the shady dealings of several appraisers on the hit PBS series, *The Antiques Roadshow*. By 2002, three men were in jail for engaging in more than \$1 million worth of memorabilia fraud. However, FBI Agents did not stop there. They pored over the voluminous records of the appraisers, file by file, looking for more stolen treasures or phony deals. Late last year, they found records on the Worden sword, which had been bought by an appraiser and then resold to a collector. The Agents contacted the U.S. Naval Academy, discovered the sword was stolen, and tracked it down. The sword was returned to the Naval Academy in Annapolis by the FBI.

The FBI's Advice for Collectors

Two words: due diligence. When buying a priceless work of art, make sure you know its history. It is a federal offense to obtain by theft or fraud any object of cultural heritage from a museum. For more information, see the FBI's Art Theft web site.

