

ARTS/CULTURE, NEWS

A Surprise Museum Raid, Then ... Silence

by Kelly Bennett

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Disturbing the post-holiday quiet in Balboa Park one early January morning, federal agents swarmed into the Mingei International Museum.

The agents ordered museum workers to escort them through corridors and galleries, pointing out anything thought to have originated from Ban Chiang, an ancient culture in Thailand. They pulled 67 items: artifacts, jewelry and pottery.

Federal agents commanded the museum to whisk those items from public view and lock them away in storage. Museum staff plucked their images from museum literature, too, as if the items had vanished from the collection.

The 67 items are still sitting there, hidden, three-and-a-half years later.

The raid revealed publicly a years-long investigation into an alleged smuggling chain that tied the Mingei and several other Southern California museums to potentially illegally looted artifacts from the Thai archaeological site. The dramatic nature of the raid thrust the usually under-the-radar museum into the limelight. Under that glare, the Mingei and other museums defended their practices and appeared shocked by the suggestion their collection practices were untoward.

So far, federal investigators have filed charges against one person. That indictment went away quickly because its target, a Thai antiquities scholar, died in federal custody.

The San Diego museum may have to answer more questions about those 67 items after all. The investigation is ongoing, a spokesman for the U.S. Attorney's Office in Los Angeles, which coordinated the search, said in an interview.

The museum, which still asserts it did nothing criminal, has heard nothing since the day of the raid. No charges tied to anything found there, no follow-up — except for one call from the feds to make sure the items were still locked away in the museum.

The investigation suggests that museums and arts institutions may not always be worthy of the deference they're commonly granted as sacred sanctuaries honoring archaeology and culture.

The whole story bursts with intriguing tentacles, [detailed in court documents](#) and published articles in the months following the raid. It centers around artifacts found in Thailand, dating back 2,000-some years, that somehow made their way to a folk arts and crafts museum dedicated to “arts of the people” in San Diego.



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The raid came at a time when museums around the world were wrestling with questions of the legalities surrounding what had been for centuries a confusing and murky world of colonialism, cultural battles and wars between archaeologists and curators. Financially flush museums like the J. Paul Getty Museum in Los Angeles have had to give back dozens of looted items to culture-rich source countries like Italy in recent years. The San Diego Museum of Art, too, gave back a painting in 2006 that was discovered to have been stolen from a church in Mexico.

But this investigation, along with any potential charges still to come, indicate the problem could stretch further than the institutions that have already struggled very publicly with it.

International agreements say countries own any artifacts found there. Thai law says all artifacts discovered since 1961 belong to the state.

The provenance, or ownership history, of excavated pieces is often spotty. It's nearly impossible for source countries to prove when an item is spirited out of a hole in the ground within their borders, because they might not even know it existed to begin with.

In hundreds of pages of court documents justifying the raids, federal investigators suggest the provenance question was ignored or paid lip service by museums eager to build their collections.

The documents refer to the Mingei, Balboa Park’s folk art and craft museum, as a “repository for stolen Thai archaeological resources.”

‘Getting Items As They Were Being Dug Up’

Tom Hoyt discovered a complex, globe-stretching operation.

Hoyt worked for the National Parks Service, but he didn’t remove fallen trees from hiking trails and monitor wildfire risks. He worked as an undercover agent — Hoyt is a fake name — ferreting out the illegal looting and trading of archaeological artifacts like Native American relics and gemstones.

His work uncovered what federal agents say is an illegal smuggling ring for artifacts unceremoniously snatched from the place Thailand’s Ban Chiang culture was first discovered in 1957 and first formally excavated beginning in 1967. The Ban Chiang dig is considered “the most important prehistoric settlement yet discovered in Southeast Asia,” according to court documents detailing investigators’ research.

The agent played a computer executive who wanted to get into collecting art and antiquities. He met a collector and dealer in his 70s, Bob Olson, who dealt in both Native American and Thai artifacts.

In this world, art pieces and artifacts could build a collection, but they also appeared lucrative to wealthy people looking to lower their tax bills through making donations.

Olson soon introduced Hoyt to a gallery owner, Jonathan Markell.

Markell asked Hoyt if he needed tax deductions. Markell said he usually charged \$1,500 cash for a bundle of antiquities that would be appraised for much more in order to get a larger tax write-off from a museum, the court documents say. Anything larger than \$5,000 would have triggered a new layer of scrutiny.

Then Hoyt’s path crossed that of the Mingei.

In 2006, Hoyt bought his first bundle of Ban Chiang antiquities and donated it to the Mingei, according to the affidavit. Markell, who’d arranged donations to the Mingei before, submitted an appraisal pegging the value at \$4,985. It included the signature and false statement that the items and appraisal had been reviewed by a Thai antiquities expert.

Museum director Rob Sidner asked whether there was “any provenance problem” with the items. The gallery owner said no and invoked a fake ownership history for them, the documents say.

The source of the items: Olson, who’s labeled both a “smuggler” and a “grave robber” in the affidavit. He told the undercover agent he never had permits for his Thai antiquities, and that he was “getting items as they were being dug up,” the court documents allege.

Keeping up his persona, Hoyt continued donating to the Mingei, including a water buffalo vessel, stone and bronze adzes or axe heads, bracelets, beads, pottery anvils and more, investigators say.

The affidavit suggests Hoyt tried to flash warnings there were lines being crossed.

The investigators’ account says Hoyt told the Mingei that Markell himself — not the antiquities scholar whose signature and resume was sprinkled throughout the donations’ paperwork — was assigning the values on the bundles.

The appraisals didn’t disclose how much Hoyt had paid for the items, and they also falsely said the items had been personally inspected and appraised by Roxanna Brown, a curator at the Southeast Asian Ceramics Museum at Bangkok University and one of the tiny group of experts in the Ban Chiang culture.

Because of the timing of when the site was first formally dug, and the dates when Thai and U.S. laws were passed in the ’60s and ’70s, any Ban Chiang antiquities exported from Thailand and brought to the United States after 1979 would violate Thai law, the investigators posit.

Olson told Hoyt he’d been collecting and selling Ban Chiang items since about 1980.

Eventually, after submitting hundreds of pages worth of anecdotes and scenarios compiled from the Mingei, the Los Angeles County Museum of Art, the Pacific Asia Museum in Pasadena, and the Bowers Museum in Santa Ana, federal investigators were granted search warrants to descend on the Southern California locations in a swarm that morning in January 2008.

‘Even More Strict’

Brown was the only person charged in this case, for allegedly letting her signature be used on inflated appraisal forms in valuations of artifacts and donations.

Federal agents arrested her at her hotel when she came to give a lecture stateside. But Brown died in a Seattle jail suffering from a perforated ulcer. Her family's lawsuit said a guard told her she'd have to wait until morning for medical help, and she died overnight. The federal government settled for nearly \$900,000 in 2009.

That seemed to sap, in public at least, any energy the case had. Investigators now say it is ongoing. The Mingei's attorney, Jerry Coughlan, said the museum didn't do anything wrong. "We did an independent investigation," he said. "We believe no laws were broken."

Coughlan said the museum revised its policies for how it accepts donations and acquires new pieces "to become even more strict" since the raid.

The museum has the company of scores of museums in grappling with provenance questions, especially over small artifacts and pieces.

"If you're looking at a Rembrandt, that's a lot easier usually to track its history," Coughlan said. "If you're looking at little pieces of jewelry and pottery from Thailand, it's a lot more difficult."

Kelly Bennett is the arts editor for VOSD. You can reach her directly at kelly.bennett@voiceofsandiego.org or 619.325.0531. Or you can keep up with her on Twitter [@kellyrbennett](https://twitter.com/kellyrbennett) or [on Facebook](#).

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