

Museum Workers Are Called Complicit



The Dalai Lama with the gallery owners John and Cari Markell. Silk Roads Gallery

By Edward Wyatt

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LOS ANGELES Appraisal forms, import applications, reference materials. To that usual array of tools a museum might harness in assessing donated artifacts, some museums in Southern California appear to have added one more, according to investigators' affidavits: a wink and a nudge.

Affidavits related to search warrants executed at four Southern California museums on Thursday say that staff members at two of the four museums worked closely with the main targets of the investigation, visiting a storage locker maintained by a smuggler of stolen antiquities and meeting with the sellers of stolen goods even while acknowledging that the artifacts headed for the museums might be tainted.

All the activity is said to have taken place even after the emergence of high-profile investigations into the sale and acquisition of stolen artifacts to museums around the world, including the J. Paul Getty Museum here. The picture painted in the warrants suggests that none of this deterred the participants in the transactions, which were the subject of a five-year undercover investigation by federal investigators before being made public this week.

On Friday the directors of two of the museums that were searched denied knowledge of any questionable circumstances surrounding the acquisition of artifacts by their museums.

Joan Marshall, the executive director of the Pacific Asia Museum in Pasadena, said in a telephone interview that the museum was conducting its own investigation and questioning staff members over allegations laid out in the search warrant.

That document claims that the museum's former director, David Kamansky, who retired in 2005, visited a warehouse maintained by Robert Olson, who investigators say illegally smuggled large numbers of artifacts out of Thailand and arranged for their sale or donation to museums, including the Pacific Asia Museum.

The document also describes a deputy director of collections at the museum telling an undercover agent that she was supposed to put up "token resistance" to accepting antiquities without proper paperwork. The artifacts, a collection of materials from the Ban Chiang culture in Thailand, were soon accepted anyway.

"That's not the usual process, and not something the museum condones," Ms. Marshall said.

In March 2006, that affidavit says, two other senior curators at the museum met with the undercover agent and with Jonathan Markell. Mr. Markell and his wife, Cari, owned the Silk Roads Gallery, which is at the center of the investigation. That gallery was also raided this week. At that meeting, the document says, curators raised questions about where the artifacts had come from, but accepted the donations without requiring documentation of their origins.

Officials from the Bowers Museum in Santa Ana were also described in the court papers as having extensive contacts with Mr. Olson.

Armand Labbé, a former curator at the Bowers Museum who died in 2005, had extensive contacts with Mr. Olson, meeting with him regularly to choose Thai and American Indian artifacts that Mr. Labbé wanted donated to the museum, the papers say. At one point, Mr. Labbé's secretary told the undercover agent, Mr. Olson called the museum's offices every day.

Peter Keller, the director of the Bowers Museum, said in an interview on Friday that he had met Mr. Olson only once, in 1991, shortly after he took over at the museum, when Mr. Labbé took him to meet some museum donors. He also said he had seen Mr. Olson “in the halls” of the museum on occasion.

Although the museum has extensive collections of Ban Chiang artifacts, Mr. Keller said, “We honestly did not know this material was illegal.” He added that his researchers had been unable to find evidence of the Thai antiquity law forbidding their export, passed in 1961, in the databases they regularly consulted.

According to an affidavit attached to the search warrant for the museum, the undercover agent discussed the law with Mr. Labbé in 2004 and with Mr. Keller in 2005. The agent was also said to have mailed Mr. Keller a copy of the Thai antiquity law that month. “I don’t recall ever seeing that correspondence,” Mr. Keller said.

The museum has never required proof that artifacts it accepts have been obtained legally, Mr. Keller said. Donors are required to sign a statement saying that they are the rightful owners of an artifact and that it is in the United States legally, he said, but they are not asked to provide documentation.

Mr. Keller said it was a “very difficult thing to prove” where an artifact has come from or how long it has been in the United States. “I don’t know how you prove it,” he said.

One specialist in cultural heritage law said that ignorance of the law was no defense for museums.

“Museums are in a sense just turning a blind eye to what everybody knows in their heart of hearts is going on,” said the specialist, Patty Gerstenblith, a professor of law at DePaul University. “By not thinking about what they buy, they are putting money into an international network of smugglers, looters, thieves and destroyers. As educational institutions, museums have a responsibility to look beyond that particular object” that they may be acquiring.

Since Mr. Labbé's death, Mr. Keller said, the museum has stopped acquiring new materials of that sort and now mostly plays host to traveling exhibitions from larger museums. "I personally don't see any need to have material in the collection if we are not going to research it or display it," he said.

The undercover agent described meetings with Mr. Labbé in which the two discussed that some of the Thai artifacts the agent was donating to the museum had recently been dug up in Thailand. At one meeting, in March 2004, Mr. Labbé purchased some beads from Mr. Olson that had just been received from Thailand. According to the affidavit, "The beads were filled with dirt and had obviously just been dug up."

The agent also showed Mr. Labbé pictures of a new dig site where the artifacts had been obtained an indication that they would have been acquired in violation of Thai law.

"Mr. Labbé smiled and said he did not want to see them," the affidavit states.