

CHASING APHRODITE

The Hunt for Looted Antiquities in the World's Museums

TAG ARCHIVES: BAN CHIANG

SCOOP: Bowers Museum will return 500+ Thai antiquities seized during 2008 raids

Posted on [June 10, 2014](#) | [2 comments](#)



On the front page of this month's *The Art Newspaper* I [report](#) that the **Bowers Museum of Art** has agreed to return 542 ancient vases, bowls and other artifacts to Thailand. The objects were allegedly looted from one of the most important archaeological sites in Southeast Asia and smuggled into the United States by an antiquities trafficking ring that was broken up in 2008.

The Bowers will also forfeit 71 Native American ladles were allegedly taken from federal or native lands in the United States. The Bowers acquired the ladles and Thai antiquities from **Robert Olson**, an alleged smuggler who I [profiled](#) in 2008. Olson has admitted buying illegally excavated objects from looters and middlemen and bragged that his collection Ban Chiang artifacts and Native American ladles were the largest in the world. He currently faces a December trial on federal charges in Los Angeles.

The returns mark additional fallout from the 2008 federal raids on several Southern California museums. (Our previous coverage can be found [here](#).) From the story:

The returns are the result of a non-prosecution agreement between the museum and the Los Angeles US Attorney's office stemming from federal museum raids carried out in 2008. Following a five-year undercover operation, federal agents seized hundreds of allegedly looted antiquities at the Bowers, the Pacific Asia Museum in Pasadena, the Mingei International Museum in San Diego and the Los Angeles County Museum. The authorities were investigating an alleged smuggling network that funneled looted Thai, Cambodian and Burmese artefacts into local museums, often through tax-deductible donations based on inflated appraisals, court records show.

...

In exchange for the returns to Thailand, government prosecutors agreed not to criminally charge anyone at the Bowers, the museum's lawyer says.

"The Bowers Museum is pleased to have resolved this matter without any finding that the museum violated any law," says Manuel Abascal. "The Bowers stopped collecting archaeological items years ago, and has instead focused on bringing important archaeological items from foreign museums to the United States for exhibition, such as the Terracotta Warriors." Abascal says the museum had offered to return the objects years ago. "Since Armand Labbé died, it's been in our basement. We're more than happy to give it up," he says. "We never conceded it was taken in an ill-gotten way."

Most of the contested objects – many of which which are not of display quality but have cultural and archaeological importance – come from Ban Chiang, a Neolithic settlement and burial site that was continuously occupied from 1500BC to 900BC, making it one of the most important prehistoric settlements found in Southeast Asia. Thai law has claimed state ownership of all artefacts since 1961, a claim that would be recognized under American law if certain conditions are met.

BOWERS MUSEUMEXHIBIT A

44

Since the 2008 raids, the fate of the seized objects at the Bowers and other museums have remained in limbo while the case inches through the legal process. Last year I [reported](#) on mounting frustration that little had resulted from the dramatic federal raids.

No other museums tied to the case have returned the contested objects, though some have tried:

At the Pacific Asia Museum, 147 objects donated by various clients linked to the case remain in storage under “constructive custody” of federal authorities, a museum official said.

“The museum has not been told to return the articles,” says the interim deputy director Susana Smith Bautista. “Because [US authorities] retain ‘constructive custody’ of these works, the objects cannot leave the museum premises without written permission.”

The Mingei Museum offered to return 67 objects seized by federal authorities soon after the raids, says the museum's attorney, Jerry Coughlan: "We have heard nothing other than a request that we continue to hold them."

A lawyer for the Los Angeles County Museum, which has about 60 objects that were targeted in the raids, declined to comment.

The Bowers allegations were described in detailed search warrant affidavits released at the time of the raids.

The court records portray Armand Labbé, the museum's longtime chief curator, as a willing participant in the alleged smuggling scheme, which orchestrated the donation of looted antiquities in exchange for inflated tax write-offs for donors. Labbe built much of the Ban Chiang collection with donations from clients of alleged smuggler Robert Olson, an antiquities dealer, according to the search warrant affidavits.

In a September 2003 meeting described in the affidavits, the undercover agent met Labbé at Olson's storage locker. The curator pointed out several objects he wanted donated, and instructed the agent to pay Olson in cash for the objects and state that he had owned them for more than a year, as required to receive a tax write-off of their stated value.

Olson told the agent that he was getting objects directly from Ban Chiang, the affidavits say, and showed Labbé and the agent photos of the sites from which the objects had recently been excavated. On another occasion, Olson is alleged to have boasted that he had more Ban Chiang material than Thailand and said a client of his had donated some \$250,000 worth to the Bowers.

The agent paid Olson \$12,000 for the Ban Chiang objects and received an appraisal that put their value at more than \$43,000. Labbé accepted that and a second donation from the agent before he died in April 2005.

In September of that year, the agent spoke with Keller, the director of the Bowers, about making a third donation. Keller said he knew Olson and had been to his warehouse, but refused to accept the donation. Labbé's girlfriend, an appraiser, told the agent that Keller had personally donated to the museum on several occasions, the affidavits say.



Labbe presents Queen Sirikit of Thailand with a copy of his monograph, "Ban Chiang: Art and Prehistory of Northeast Thailand", during her visit to Los Angeles.

The story details several indictments in the case that have been unsealed in recent months:

*Olson was criminally indicted in 2008 along with **Jonathan Markell**, a Los Angeles gallery owner who arranged the donation of Ban Chiang objects to several museums. The indictment, which was only unsealed in January of this year, accused the men of one count of conspiracy to import antiquities from Burma and Cambodia and three counts of making false statements on customs forms.*

In July 2003, both men allegedly travelled to Thailand to purchase the looted antiquities. The objects were listed on customs forms at 25% of their actual purchase price, and the objects were falsely described, with an ancient Burmese Buddha listed as a “wooden sitting man”, the indictment alleges.

Markell and his wife Cari were indicted in 2010 on federal tax charges that related to their alleged role in writing inflated appraisals of donations of Ban Chiang material to the museums. An attorney for Jonathan Markell declined to comment, and his wife’s attorney did not respond to a request for comment.

*Olson was separately indicted in 2012 with **Marc Pettibone**. Pettibone is an American living in Thailand who, the indictment alleges, bought the Ban Chiang antiquities directly from “diggers” and shipped them to Olson by bribing Thai officials. Both were charged with the transportation, possession and importation of stolen antiquities.*

Olson could not be reached, and his federal public defender declined to make any comment. He has previously said he bought antiquities in Thailand but did not act illegally. Pettibone, who is being sought by the authorities, could not be reached by time of going to press.

Read the complete story “Victory for Thailand in US” on The Art Newspaper’s site [here](#). Here are copies of those recently unsealed indictments:

USA vs. Robert Olson and Jonathan Markell

[SCRIBD]

Case 2:08-cr-00975-UA Document 1 Filed 08/15/08 Page 1 of 11 Page ID #:1

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CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES
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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
June 2008 Grand Jury

UNITED STATES OF AMERICA,) CR 08-08-00975
Plaintiff,) I N D I C T M E N T
v.) [18 U.S.C. § 371: Conspiracy;
JONATHAN M. MARKELL,) 18 U.S.C. § 542: False
and ROBERT E. OLSON,) Statement Regarding Entry of
Defendants.) Goods]

The Grand Jury charges:
INTRODUCTORY ALLEGATIONS

- A. THE DEFENDANTS
At all times relevant to this Indictment:
1. JONATHAN M. MARKELL ("MARKELL") owned and operated

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USA vs. Jonathan and Cari Markell

[SCRIBD]

18 COUNT ONE
 19 [18 U.S.C. § 371]
 20 A. INTRODUCTION
 21 At all times relevant to this Indictment:
 22 1. A taxpayer is permitted to claim a lawful tax deduction
 23 for a charitable contribution and to deduct the value of such
 24 property, rather than the actual cost or purchase price, if such
 25 property was held by the taxpayer for more than twelve (12)
 26 months.
 27 //
 28 SKM:ah
 SKM

Case 2:10-cr-00925-UA Document 1 Filed 08/17/10 Page 2 of 13 Page ID #:2

1 B. OBJECT OF THE CONSPIRACY
 2 2. Beginning on a date unknown and continuing to at least
 3 in or about January 2008, in Los Angeles County, within the
 4 Central District of California, and elsewhere, defendants
 5 JONATHAN MARKELL and CAROLYN MARKELL, and other unindicted co-
 6 conspirators, conspired and agreed with each other to knowingly
 7 and intentionally defraud the United States, for the purpose of

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Tagged [Armand Labbe](#), [Ban Chiang](#), [Bowers Museum](#), [Cari Markell](#), [Jonathan Markell](#), [LACMA](#), [Los Angeles US Attorneys Office](#), [Manuel Abascal](#), [Marc Pettibone](#), [Mingei Museum](#), [Robert Olson](#), [Thailand](#), [The Art Newspaper](#)

Five Years After California Museum Raids, More Anger Than Indictments

Posted on [May 19, 2013](#) | [3 comments](#)



In Sunday's *Los Angeles Times*, Jason has an update on the 2008 federal raids of Southern California museums:

When hundreds of federal agents raided four Southern California museums early one January morning in 2008, it set the art world ablaze, suggesting that even amid an international looting scandal museums had continued to do business with the black market in stolen antiquities.

Acting on evidence gathered during a five-year undercover probe, investigators seized more than 10,000 artifacts at the museums and more than a half-dozen other locations in California and Illinois. The objects had allegedly been illegally excavated from sites across South East Asia, smuggled into Los Angeles and donated to the Bowers Museum in Santa Ana, the Pacific Asia Museum in Pasadena, the Mingei Museum in San Diego and the Los Angeles County Museum of Art, according to search warrant affidavits.

But in the years since the [high-profile raids](#), no museum officials or collectors have been indicted, and none of the seized objects have been returned to the countries from which they were allegedly stolen.

Days before the statute of limitations on criminal charges were about to expire in January, a federal grand jury indicted two men in the case. Robert Olson, an 84-year old Van Nuys man, and Marc Pettibone, a 62-year-old American living in Thailand, are both accused of one count of conspiracy and one of trafficking in stolen goods. Two peripheral players in the alleged scheme pleaded guilty to similar charges last year.

Several people targeted by prosecutors — including Bowers curator Armand Labbe and antiquities dealer Joel Malter — died during the 11-year investigation. A third target, UCLA trained pottery expert [Roxanna Brown](#), was indicted in 2008 and died from health complications while in federal custody, leading the federal government to settle a lawsuit brought by her family for \$880,000.



LACMA's Michael Govan asks federal agents permission to enter the museum on the morning of the January 2008 raids.



“I’m baffled,” said Stephen Urice, a professor at the University of Miami law school who has written critically of the raids. “Given the amount of illicit antiquities moving through the U.S. borders, these guys are really hacks. Surely there must be more significant people out there.”

In recent interviews, several people with direct knowledge of the investigation expressed anger and frustration, saying the case had languished in the U.S. Attorney’s office. They described Assistant U.S. Attorney Joseph Johns, who has directed the case since its inception, as overzealous, eager to send federal agents into museums to gather evidence but too distracted or overwhelmed with other cases to bring timely criminal charges.

As a result, they say, the case has wasted millions of dollars and inadvertently encouraged the very black market it targeted by suggesting the government is weak on enforcement. The sources spoke on the condition of anonymity because they were not authorized to comment and feared imperiling the criminal case against Olson and Pettibone, which is set to go to trial in June.

You can read the full story [here](#). You can find the previous *LA Times* coverage of the case here:

Raid story: [Raids suggest a deeper network of looted art](#)

Chicago raid on Barry MacLean: [Probe of Stolen Art Goes National](#)

Robert Olson profile: [“Intrigue but no glamour for smuggling case figure”](#)

Roxanna Brown’s story: [Part I](#), [Part II](#), [Part III](#) and [settlement](#)

Inflated Art Appraisals are Rampant: [You Say That Art Is Worth How Much?](#)

Here is the Olson and Pettibone indictment:

[SCRIBD]

Case 2:13-cr-00042-DDP Document 1 Filed 01/17/13 Page 1 of 18 Page ID #:1

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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

June 2012 Grand Jury

11	UNITED STATES OF AMERICA,	)	CR No. 13	CR 13 00042
12	Plaintiff,	)	I N D I C T M E N T	
13	v.	)	[18 U.S.C. § 371: Conspiracy; 18	
14	ROBERT EUGENE OLSON and	)	U.S.C. § 2315: Receipt,	
15	MARC STEVENS PETTIBONE,	)	Possession, Concealment, Storage,	
16	Defendants.	)	Barter, Sale, and Disposal of	
17		)	Stolen Goods; 18 U.S.C. § 2:	
18		)	Aiding and Abetting, and Causing	
19		)	an Act to be Done; 21 U.S.C.	
20		)	§ 853, 18 U.S.C. § 545, 18 U.S.C.	
21		)	§ 981(a)(1)(C), 19 U.S.C. § 1595a	
22		)	and 28 U.S.C. § 2461(c): Criminal	
23		)	Forfeiture]	

The Grand Jury charges:

INTRODUCTORY ALLEGATIONS

At all times relevant to this Indictment:

A. The Defendants

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And the indictments and plea agreements for the “peripheral figures” mentioned in the story.

Michael Malter

[SCRIBD]

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The Grand Jury charges:

COUNT ONE

(16 U.S.C. § 470ee(b)(1) & (d))

On or about October 17, 2004, in Los Angeles County, within the Central District of California, and elsewhere, defendants MICHAEL GLEN MALTER and MALTER GALLERIES, INC., did knowingly receive, offer to sell, transport, and sell approximately 261 archaeological resources, namely, Native American tools, beads, perishable materials, wooden materials, crystal materials, and JOJ:joj

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Case 2:09-cr-00834-PA Document 1 Filed 08/25/09 Page 2 of 4 Page ID #:2

bone materials, removed from public lands, namely, federal lands within the Joshua Tree National Park, the Channel Islands National Park, the Glen Canyon National Recreation Area, and lands administered by the Bureau of Land Management within California and Nevada, without authorization. The commercial value of the resources involved and the cost of restoration and

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- 4. During the period of community supervision the defendant shall pay the special assessment, restitution, and fine payment in accordance with this judgment's orders pertaining to such payment;
- 5. The defendant shall apply all monies received from income tax refunds, lottery winnings, inheritance, judgments and any anticipated or unexpected financial gains to the outstanding court-ordered financial obligation;
- 6. The defendant shall pay a \$10,000 community service payment to the National Park Foundation Pacific West Region Archeological Investigation fund. This community service payment shall be paid no later than 45 days after sentencing. The defendant shall be held jointly and severally liable with co-participant Malter Galleries, Inc., for this community service payment;

CR-104 (03/11)

JUDGMENT & PROBATION/COMMITMENT ORDER

Page 1 of 5

Case 2:09-cr-00834-PA Document 41 Filed 03/20/12 Page 2 of 5 Page ID #:278

USA vs. Michael Glen Malter Docket No.: CR 09-834 PA

- 7. The defendant shall perform 150 hours of community service, as directed by the Probation Officer;
- 8. Should defendant offer to sell or sell cultural heritage resources or antiquities, to include ancient coins, defendant shall provide documentation that the items for sale were not obtained in violation of any cultural heritage or patrimony laws at the request of the supervising probation officer prior to completion of the sale; and
- 9. The defendant shall cooperate in the collection of a DNA sample from the defendant.

The drug testing condition mandated by statute is suspended based on the Court's determination that the defendant poses a low risk of future substance abuse.

It is ordered that the defendant shall pay to the United States a special assessment of \$100, which is due immediately.

It is ordered that the defendant shall pay restitution in the total amount of \$6,215.57 pursuant to 18 U.S.C. § 3663A, to victims as set forth in a separate victim list prepared by the probation office, which this Court adopts and which reflects the Court's determination of the amount of restitution due to each victim. The victim list, which shall be forwarded to the fiscal section of the clerk's office, shall remain confidential to protect the privacy interests of the victims.

Restitution shall be paid in full immediately.

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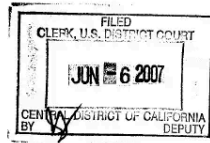


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Robert Perez

[SCRIBD]

Case 2:07-cr-00499-DDP Document 1 Filed 06/06/07 Page 1 of 2 Page ID #:1



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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

February 2007 Grand Jury

UNITED STATES OF AMERICA,	)	CR 07- 07-00499
Plaintiff,	)	I N D I C T M E N T
v.	)	[18 U.S.C. § 545: Sale of
ROBERT PEREZ,	)	Merchandise Imported Contrary
Defendant.	)	to Law]

The Grand Jury charges:

[18 U.S.C. § 545]

On or about December 11, 2002, in Orange County, within the Central District of California, defendant ROBERT PEREZ did fraudulently and knowingly sell merchandise, namely, one melon-shaped, pre-Hispanic ceramic bowl, after the merchandise's importation into the United States, knowing said merchandise had

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