



ANCIENT COIN COLLECTORS GUILD

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Professor Katherine L. Reid
Chair, Cultural Property Advisory Committee
United States Department of State
Annex 5
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VIA FAX to 202-632-6300 and Email to culprop@state.gov
(4 pages including the present)

Subj: Comment on renewal of MOU with Italy

Dear Professor Reid;

Thank you for this opportunity to comment as part of the forthcoming CPAC deliberations on renewal of the MOU with Italy. Because the State Department has not responded to our request for a clarification of whether Italy has asked that coins be added to the MOU, we are proceeding with our comments as a precautionary measure.

For the past decade, American collectors, independent numismatic scholars and representatives of the numismatic trade have argued before this committee the merits of unrestricted access to the worldwide market for coins from the ancient world. Every conceivable argument has been made, and remade. It would serve little purpose here for me to rehash all of those points. Instead, I will briefly summarize a few of the main points of concern to the constituency that the ACCG board of directors represents.

Coins and similar utilitarian objects have changed ownership for centuries without any legal requirement for, nor interest in, recording that trail of ownership. Unless some direct evidence is available, it is literally impossible to determine whether any particular ancient coin manufactured in what is now Italy has exited Italy in modern times. Even coins with identifiable marks from mints within Italy circulated widely during antiquity. Because of the extensive trade and monetary standardization of the Roman economy, literally millions of Roman coins found in Britain (see the attached examples of hoard evidence), France, Germany, Spain, Africa, Switzerland, the Balkans, the Levant, and even India today bear markings that identify them as having been produced at mints in Italy. While the Greek coins of Southern Italy and Sicily circulated less widely than Roman coins, it would be misleading and inaccurate to say that they did not circulate outside of Italy (also see attached). Consequently, it is impossible for any customs agent, no matter how well trained, to distinguish a Rome mint coin found outside Italy from one found within Italy, much less to determine when it might have exited Italy. The Portable Antiquities Scheme in Britain, a voluntary recording program, records

more than 80,000 Roman coins that have been found by private citizens in Britain just during the past decade (<http://www.finds.org.uk/romancoins>). These coins not only traveled widely in antiquity, they continue to travel around the globe today, without restriction, in the legitimate collector market.

Because the unqualified application of import restrictions to coins by “type” creates a completely unfair and unintended consequence to legitimate ownership and trade, and makes “orphans” of perfectly legal coins already in collections and the trade, the ACCG opposed CPIA sanctions on coins of Cypriot type (2007). After very careful deliberation, the committee at that time recommended that the exemption for coins, already in place, be retained in an extension of the existing MOU with Cyprus. I offer this parallel because the same exemption was, and is, currently in place for coins of a type produced in Italy. Although CPAC recommended continued exemption of coins in the Cyprus case, DOS unilaterally added coins to the list of designated items. This led to a challenge of the MOU in U.S. District Court (Baltimore, case 1:2010cv00322) which is ongoing.

The ACCG initiated this challenge by arranging in April 2009 to import a group of unprovenanced ancient Cypriot coins with proper declarations and notices for the expressed purpose of detention and seizure. When notified that the coins had formally been seized, the ACCG opted to contest the seizure, as allowed by law. The total value of the Cypriot coins in this action was less than \$275. The cost to oppose seizure will be a considerable magnitude above that value. It would be totally impractical for any individual collector or dealer to oppose such a seizure, therefore the detention and seizure of common coins is by default a confiscation that is in effect the personal judgement of a single customs official. Furthermore, because of bureaucratic delays, it took ACCG nearly one year of sustained effort just to get the test case before a judge. The very first action on the part of the defendants (CBP and DOS) was to ask for a further delay—which was granted. Whether or not individual CPAC members might accept or agree with the arguments presented in opposition to import restrictions on coins, I find it very hard to believe that they would see this sort of bureaucratic manipulation of law and personal rights as an acceptable practice in the American system of government.

As a purely practical matter, the U.S. imposition of import restrictions on coins singularly penalizes Americans. No other country that I know of restricts the importation of ancient coins—not even Greece or Turkey, and especially not Italy. There is, in fact, a robust market for ancient coins within Italy. The International Association of Professional Numismatists (IAPN) lists dealer members in 24 countries (including Italy), most of whom deal in ancient coins to some degree. The Numismatici Italiani Professioniste, a numismatic trade organization within Italy, lists on its web site (<http://www.numismatici-nip.it/>) more than 40 firms that advertise ancient and/or medieval coins for sale to the public. Ironically, adding coins to the current U.S. import restrictions would block the very coins sold within the legitimate public market in Italy by Italian dealers. Trade between these dealers and European Union markets is protected by EU directives. Should trade between them and American collectors be prohibited by American law? And, if so, for what reason and at what cost—culturally and economically?

Import restrictions were initially contemplated during the formulation of CPIA as a means of controlling an illicit trade in “significant” cultural objects. State Department testimony at the “Cultural Property Treaty Legislation,” hearing before the House Subcommittee on Trade of the Committee on Ways and Means (96th Congress, 1st session on HR 3403) reveals that the expansion of this noble endeavor to include controls over coins was never intended by DOS or Congress. An evolving diffusion of scope now frames the international movement of all antiquities as an ideological rather than preservationist issue and has unfortunately created significant concern about CPIA which, as written and intended, was actually quite a fair and reasonable law. Even China, a nation rarely lauded for its protection of civil rights, recognizes by law and a complex grading system that the importance of cultural relics and the necessary levels of protection vary. Japan’s 1950 Law for the Protection of Cultural Properties also provides for a rational classification system, based on cultural significance, with appropriate levels of protection for each category. It is completely impractical to place import restrictions on entire classes of objects, like antiquities, regardless of their prevalence or unremarkable characteristics. Few coins are remarkable enough to be considered national treasures, but there are admittedly some exceptions. The unique gold mancus of Coenwulf, king of Mercia (896-821) is one example of a coin

that qualifies as a national treasure. The coin was found beside the River Ivel in Bedfordshire, England by an amateur metal detectorist in 2001. The coin was ultimately retained, with compensation, by the United Kingdom under the Treasure Act. It now resides at the British Museum and serves as a perfect example of how national heritage preservation does not have to be at odds with private interests.

The primary objection today to a free market for coins, as distinct from concern about unique national treasures, seems to be an overarching concern over archaeological site looting. Since the crafting of the UNESCO resolution in 1970, there has been a persistent thread within archaeological advocacy circles that casts private collecting as being responsible for site looting. Archaeologists Neil Brode and Jennifer Doole (2001) have even argued that no distinction should be made between licit and illicit antiquities. None of the logic, facts or debate presented by collectors have managed to temper that inflammatory association and I certainly am not going to rehash it here—as ill conceived as it seems to me. However, most things in life have a scale and degrees of resonance. Our legal system recognizes that injury is measurable and response should be scalable. Should the same remedy for loss of national treasures be applied to something as innocuous as a common coin simply because it is deemed by one advocacy group to be “archaeological”? The prospect seems silly, but it is exactly the case at hand because an import restriction does not weigh the evidence. Is every ancient coin a looted object from some clandestine hole at an archaeological site? NO. Does Italy own every Roman coin in the world? NO. How many coins of the same type does a nation need to preserve its heritage? Certainly not millions, nor thousands, nor even hundreds.

The fundamental question that numismatists would ask is whether the imposition of import restrictions on ancient coins would really preserve the cultural heritage of Italy or would it merely cloister that culture in the hands of a few and undo all of the good that has come from private collecting during the past 600 years? I respectfully encourage you and the committee to advise against adding coins to the list of designated items in the current MOU.

Sincerely yours,



Wayne G. Sayles
Executive Director

1 Atch: Table of Hoards

Hoard of Roman coins from Italian mints coins found in the UK

Find Spot	Date	# of coins	Reference	ACCG-4
Lincolnshire	1808	1500	<i>Numismatic Chronicle</i> , 1966, p. 145	
Thorngraston	1837	62	<i>Numismatic Chronicle</i> , 1963, p. 61	
Bridge Lane	1856	100	<i>Coin Hoards IV</i> , 1978, p. 44	
Lancashire	1883	12	<i>Coin Hoards IV</i> , 1978, p. 44	
Silchester	1894	253	<i>Numismatic Chronicle</i> , 1960, p. 241	
Croydon	1905	281	<i>Numismatic Chronicle</i> , 1907, p. 353	
Corbridge	1911	159	<i>Numismatic Chronicle</i> , 1912, p. 265	
Bredgar, Kent	1957	33	<i>Numismatic Chronicle</i> , 1959, p. 17	
Pyrford, Surrey	1957	82	<i>Numismatic Chronicle</i> , 1960, p. 235	
Barway, Cambs.	1958	369	<i>Numismatic Chronicle</i> , 1960, p. 237	
Budge Row, London	1958	74	<i>Numismatic Chronicle</i> , 1960, p. 279	
Norton, Yorkshire	1963	39	<i>Numismatic Chronicle</i> , 1963, p. 67	
Bletchley, Bucks	1967	296	<i>Numismatic Chronicle</i> , 1969, p. 113	
Mattishall, Norfolk	1968	1,100	<i>Numismatic Chronicle</i> , 1969, p. 129	
Ramsgate	1969	34	<i>Numismatic Chronicle</i> , 1971, p. 199	
Leysdown, Kent	1969	492	<i>Numismatic Chronicle</i> , 1971, p. 189	
Cirencester	1975	22	<i>Coin Hoards III</i> , 1977, p. 56	
Lincoln, Waddington	1976	7	<i>Coin Hoards III</i> , 1977, p. 57	
Londonthorpe	1976	420	<i>Coin Hoards III</i> , 1977, p. 57	
Langford	1977	25	<i>Coin Hoards IV</i> , 1978, p. 45	

Hoard containing Greek coins from Southern Italian and Sicilian mints coins found outside of Italy

Find Spot	Date	# of coins	Reference
Lesina, Dalmatia	before 1837	1	<i>Inv. of Greek Coin Hoards</i> , #417
Pont de Molins, Spain	1868	2	<i>Inv. of Greek Coin Hoards</i> , #2313
Egypt Delta	before 1879	1	<i>Coin Hoards VIII</i> , 1994, p. 8
Tarragona, Spain	1870	1	<i>Inv. of Greek Coin Hoards</i> , #2314
Monaco	1880	21	<i>Inv. of Greek Coin Hoards</i> , #2354
Yugoslavia	1887	1	<i>Inv. of Greek Coin Hoards</i> , #643
Mongo, Spain	1891	4	<i>Inv. of Greek Coin Hoards</i> , #2312
Mazin, Croatia	1896	9	<i>Inv. of Greek Coin Hoards</i> , #644
Bizerta, Tunisia	1905	4	<i>Inv. of Greek Coin Hoards</i> , #2259
Denia, Spain	1906	less than 15	<i>Inv. of Greek Coin Hoards</i> , #2317
Mitropolis, Crete	1915	1	<i>Inv. of Greek Coin Hoards</i> , #151
Leucas, Greece	1925	1	<i>Inv. of Greek Coin Hoards</i> , #119
Cephalonia, Greece	1935	15	<i>Inv. of Greek Coin Hoards</i> , #140
Cilicia, Turkey	1960	1	<i>Inv. of Greek Coin Hoards</i> , #1256
Massyaf, Syria	1961	2	<i>Inv. of Greek Coin Hoards</i> , #1483
El Arahah, Spain	1962	7	<i>Inv. of Greek Coin Hoards</i> , #2310
Illa Pedrosa, Spain	1964	2 or more	<i>Coin Hoards II</i> , 1976, p. 32
Chalcis, Greece	1964	51	<i>Inv. of Greek Coin Hoards</i> , #26
Hauran, Jordan	1967	1	<i>Inv. of Greek Coin Hoards</i> , #1482
Asyut, Egypt	1968	11	<i>Coin Hoards II</i> , 1976, p. 12