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Benjamin R. Bell, M. A.

Mr. Jay I. Kislak, Chairman
Cultural Property Advisory Committee

Re: A trained museum professional's comments *against* ban on importation of Cypriot Numismatic materials

22 February 2007

Dear Mr. Kislak and CPAC members:

Up to this date, I have remained silent on the issue of import restrictions on numismatic items from overseas. I attribute this reluctance to the fact that I am a trained archaeologist and museum professional who is very interested in a future in research, publication, and possible specialization within the museum profession. I hold a Master's degree in Museum Ethnography from University College, London and a Bachelor's degree in Anthropology (with a concentration on North American archaeology & museum studies) from Beloit College. However, I am currently a full-time dealer in ancient and early-modern coinage. Unfortunately, the traditional relationship between private collecting, expert specialization, and the building of public collections has been eroded. This was achieved by the politicized polarization of a sector of the archaeology & museums community against the private ownership of cultural and historical items.

However, I am not writing today to lament the breakdown of cooperation between private collectors and publicly employed collectors. Instead, I am writing to underscore the ways in which legislating against the importation of old coins is at best foolish and short-sighted, and more likely detrimental or dangerous to scholarship and the 'American way of life.'

Many of my colleagues have already pointed out that coins and other monetary units were manufactured expressly for export and to be passed in international commerce. This in of itself speaks against the idea that coins are valuable cultural property. They were not minted specifically as works of art or sacred religious objects, but to serve a basic, everyday function. Because they were mass produced, very few coins have a great national significance as individual historical treasures. Owing to their widespread dissemination and ongoing function as a commodity, coins should not be regarded as "stolen" property unless specifically removed from an existing collection.

In my opinion, the requests of other nations to have the United States enforce their domestic policies regarding antiquities is more than a bit naïve and presumptuous. The inability of a

sovereign nation to enforce its own laws should not devolve to the responsibility of other national governments. This sort of policing is in fact impossible, when many of the countries extant today are capitalistic societies which do not hold the same values as socialist or monarchic societies where private ownership of treasure and bullion can be prohibited. Any nation that does not see fit to enforce foreign cultural property law can then become a conduit for said property. This makes the cultural property laws in question basically unenforceable. As coins are substantially similar or identical to one-another, it begs the question whether a specific coin was recently removed from an anti-collecting nation, or part of a legitimate old collection existing elsewhere for decades or even centuries.

I believe that the vast majority of nations attempting to police the disbursal and ownership of coin finds have laws that do not take economic realities and human nature into account. The laws which I speak of require the turning over of treasures to the national government *without compensation*. Because most coins have a value, either collectable or intrinsic, it is against common sense for a finder to turn a treasure over to the government. This is why many modern numismatic finds are believed to be promptly melted or illicitly sold and exported, rather than turned over to capable scholars for study. Once melted, a number of ancient gold coins are only a commodity and have no extra value to either scholar or collector. Nevertheless, the sort of laws that *punish* finders rather than rewarding them are the norm, and this is the legislation that the UNESCO conventions have sought to enforce unilaterally. In my opinion, only nations that have a 'Treasure Trove' law as enlightened as that of the United Kingdom should expect any support from other nations. The British treasure trove law normally does not punish finders, pays fair market value for numismatic material, and allows museum professionals to document hoards. This allows the scholarly community to learn all that is possible before returning the more common items to the collector market, through the discretion of the finder-owner of the hoard.

Looting, unfortunately, is often a symptom of an oppressive government or an unequal distribution of wealth. This was the case in ancient Egypt, where vast stores of wealth were entombed with the elites, but then hastily returned to the economy by grave robbers. I am not condoning looting, but I am pointing out that it is an economic reality that will not be done away with by additional laws or fear tactics. Instituting draconian policies against adroit finders only encourages the entrenchment of black-market activity and willingness to illicitly profit from chance finds.

Supposing that laws excluding ancient coins from free trade did work, and all coin finds were reported and turned over to museums, there would still be a problem. If coins are restricted and removed from the market place, museums simply do not have the manpower to handle and study all of the specimens that are discovered. Non-numismatists do not understand the sheer volume of coins that exist, many of which are unidentifiable and of little value. Every country in the 'old world' has literally thousands of kilograms of coins remaining from antiquity. Museums however, are chronically understaffed and always short on money, due to their own governments' perpetually slashing funding (at least such is the case in the United States). What many overlook is the fact that most museum personnel are or were collectors, and only work in the museum field because of a pre-existing collector mindset. Furthermore, ALL numismatists are collectors on some level, even if they are published authors or curators. Alienating the experts on coinage by criminalizing collecting will not add to the benefit gained from the study of coins, nor will it expedite the museum's ability to process numismatic data.

In my own training to become a museum curator, I learned that the deaccessioning policy of many institutions is not so much in the interest of preservation and many of us would like to believe. Most institutions have written policies outlining the 'deaccession' or disposal of unwanted items donated to the collection. Many of these institutions actually will destroy (even melt), throw away, or sell to collectors any object that does not fit their collecting paradigm. Those that do not outright destroy the items (for fear of a conflict of interest), sell them in the open market to collectors or to the highest bidder in an auction. This allows the institution to profit from the coins or art in question, funding future purchases. The policy of selling artifacts, when done correctly, is beneficial to both communities. Outlawing the private collecting of certain coins will either destroy the museum's ability to sell them, or turn museums into the biggest coin dealers and eventually a government sanctioned monopoly.

Sadly, the widespread repatriation of coins and other cultural materials will ultimately have the effect of undermining the very purpose of the museum. Museums were established as temples of learning for all, giving those who were less fortunate and not widely traveled, the ability to learn about 'exotic' cultures and long ago events. Having only local artifacts will lessen the ability of the museum to be a place of learning about the entire world.

As unfortunate as this is, there will be much deeper ramifications within American society, if the inclusion of coins in new import restrictions is allowed. To be quite blunt, to support laws against private ownership and collecting is clearly *anti-capitalistic*. Eastern block nations have prohibited the collecting of coins, the amassing of bullion, and have burned relics of the past in a cultural revolution. Private ownership of commodities is one of the most cherished attributes of our society. We are a nation of collectors. Trying to enforce foreign import restrictions will inconvenience American collectors and interfere with commerce. The United States government is not currently equipped to deal with such a challenge and a change in customs law, while attempting to handle the ever changing problems of stopping terrorists, dealing with drugs, and eliminating other *real* threats to our society. Coins are not a threat to our national security and will not cause any detriment to our way of life when they do leak in through our borders. Speaking for myself, I fear that my ability to do legitimate business with my international clientele **will** be greatly diminished by constant detainment and questioning of items that I am either importing and exporting. The United States Customs has traditionally been very friendly and understanding with collectors and dealers of coins, and I would hate to see this change.

In conclusion, the proposed restrictions are impractical, a terrific misappropriation of public faith and will squander countless American tax dollars. For elected officials to approve the use of government funds to suppress a popular hobby, and a mentality embraced by their constituents- borders on an abuse of power, ultimately favoring a minority special interest group and acting against the interests of the American people. I hope that we can agree to pursue a more well-planned approach over time, that will benefit both U.S. citizens and the international scholarly community -by not rashly agreeing to set a precedent before examining what effect the laws will have in the long run. It is not our legislation that needs to change.

Thank you for your time and effort to do what is best,

Benjamin R. Bell