

The Art Business

**Edited by Iain Robertson
and Derrick Chong**

- Merryman, J.H. (1998) 'Cultural property ethics', *International Journal of Cultural Property* 7(1): 21-31.
- Morgan, R.C. (2006) 'Unraveling the ethics in cultural globalization', in E.A. King and G. Levin (eds) *Ethics and the Visual Arts*. New York: Allworth: 235-42.
- Mueller, T. (2006) 'To sketch a thief', *New York Times Magazine* (17 December).
- Munoz-Vinas, S. (2005) *Contemporary Theory of Conservation*. Oxford: Butterworth-Heinemann.
- O'Keefe, P. (1998) 'Codes of ethics: form and function in cultural heritage management', *International Journal of Cultural Property* 7(1): 32-51.
- O'Keefe, P. (2000) *Commentary on the UNESCO 1970 Convention on Illicit Traffic*. Leicester: Institute of Art and Law.
- Pham, J.-P. (2006) *The Sierra Leonean Tragedy: history and global dimensions*. New York: Nova Science.
- Radnof, S. (1999) *The Fake: forgery and its place in art*. Oxford: Rowman & Littlefield.
- Renfrew, C. (2007) 'Time for the Sevso evidence to be made public', *The Art Newspaper* 178 (March).
- Ruiz, C. (2007) 'The silver missing from the Sevso hoard?', *The Art Newspaper* 178 (March).
- Shahout, N. (2006) 'The preservation of Iraqi modern heritage in the aftermath of the U.S. invasion of 2003', in E.A. King and G. Levin (eds) *Ethics and the Visual Arts*. New York: Allworth: 105-20.
- Shock, J.R. (2006) *A Companion to Pragmatism*. Malden, MA: Blackwell.
- Slayman, A. (1998) 'Recent cases of repatriation of Antiquities to Italy from the United States', *International Journal of Cultural Property* 7(2): 456-63.
- Soltes, O.Z. (2006) 'Politics, ethics and memory: Nazi art plunder and Holocaust art restitution', in E.A. King and G. Levin (eds) *Ethics and the Visual Arts*. New York: Allworth: 65-87.
- Sotheby's (2006) *Beyond Limits: Sotheby's at Chatsworth: a private sale offering*. Catalogue. London: Sotheby's.
- Stiles, D. (2004) 'The ivory trade and elephant conservation', *Environmental Conservation* 31: 309-21.
- Stuart Mill, J. (1861) *Utilitarianism*. London.
- Thomas, D. (1968) *Copyright and the Creative Artist*. London: Institute of Economic Affairs.
- Vogel, C. (1999) 'Holding fast to his inspirations; an artist tries to keep his cool in the face of angry criticism', *New York Times* (28 September).
- Watson, P. (1997) *Sotheby's: the inside story*. London: Bloomsbury.

11 Art and crime

Clarissa McNair and Charles Hill

This chapter has two related sections on art and crime: Clarissa McNair 'The art of crime' and Charles Hill's 'Art crime: the high profile, but 1 down, and barbaric kind'.

THE ART OF CRIME

Clarissa McNair

Perhaps the most romantic art theft was perpetrated by Adam Worth, infamous criminal of the Victorian era and the model for Arthur Conan Doyle's brilliant and villainous Professor Moriarty. Worth stole Gainstough's portrait of the Duchess of Devonshire and kept it hidden, sometimes sleeping with it, for twenty years (Macintyre 1997). Worth returned the painting to William Pinkerton, the American detective who had become a trust friend, after elaborate arrangements had been concluded, in 1901. But almost all other art crimes are more prosaic.

The English language has more than a hundred words to connote deceptive fraud, forgery, fake, counterfeit, copy, illusion, sham. The verbs are endless: to deceive, swindle, fool, ensnare, to dazzle, to beguile. Documents can be forged, a provenance can be doctored, paintings can be faked, antiquities can be looted, works of art can be stolen, and designs can be copied.

Copies and counterfeits

As a private investigator working in the world of intellectual property, general assignment is to find the fakes, make evidential purchases by painstakingly gaining the trust of the counterfeiters, and to notify law enforcement. My sketches of the factories and warehouses with entrances, exits, elevators and stairways are used by the Organized Crime Intelligence Division (OCID) of the New York Police Department and the Joint Terrorist Task Force. Searches and seizures follow, the goods are taken, vehicles and property impounded and 'perps' are put in cuffs. Often, to our chagrin, there is

much cash available that bail is made before the product (i.e., luxury goods or works of art) can be counted and tagged.

The operations often involve months of planning, teamwork, undercover work with aliases and phones and addresses that do not exist, confidential informants we call 'cheese eaters', scam calls, tails, stakeouts, nocturnal garbage grabs and midnight dumpster diving.

Usually the clients for these cases are the designers of jewellery, watches, handbags, sunglasses or sportswear. But counterfeiting extends far beyond fashion brands. Fake pharmaceuticals can kill and equal the danger of installing counterfeit parts in an automobile or an airplane. Counterfeit baby formula has been distributed in Africa.

Counterfeits vary: there are passable knock-offs; others are very poor in quality. Workmanship can 'appear' excellent, hiding the inherent inferior quality. Sometimes a team of experts working for the designer will spend days looking for the tell-tale difference in the real thing sold for thousands of dollars and a cheaper version peddled on the street. It might be a grommet that is one millimetre larger than it is on an original or eighteen stitches to the inch instead of twenty. Moreover, counterfeits can be over-runs from a factory with a contract to make the real thing; this is selling 'out the back door'. In May 2004, a judge in the Federal District Court in Miami ruled in favour of furniture designer Nancy Corzine against the showroom which sold her furniture and counterfeits of her furniture. It took nine years and many thousands of dollars in legal fees, but the designer won the case.

Kevin F. Dougherty, president of Counter-Tech Investigations in New York, says that people perceive counterfeiting as a victimless crime: 'But it isn't. It's comparable to the identity theft an individual suffers when his wallet is stolen. When a product or a design is counterfeited and sold, our client's good name is stolen and misused.'

One case involved me wearing a 'wire' – actually two in case one failed – and posing as an owner of jewellery stores in Houston and Dallas. I armed myself with a new name, fake business cards, a fake business history, a 'colleague' in the diamond district who would vouch for me and a southern accent. Two Armenians gave me a crash course in points and carats and coached me on how to negotiate prices – how to pretend that I had years of experience in the diamond trade.

A certain diamond dealer on 47th Street in New York was copying a very famous designer's jewellery. Hired by the designer, my assignment was to get an admission and the name of the designer on tape. Locked in a small room within a locked room within a locked room with video surveillance, I 'bought' over \$30,000 worth of stones on the table before me and ordered the designs. In less than two hours all that I needed had been recorded. I concluded the transaction, remembering *not* to shake hands with the Hasidic Jew and was escorted out of one room after another with the doors again locking behind me. The designer was now prepared for court.

The entertainment industry, not just in Los Angeles but in Bollywood, is fighting in the arena of digital piracy. DVDs appear in China before movie opens in US theatres. No musician gets royalties from a CD that is sold for a few cents on another continent before it is released in his or her home country. Publishing, too, is affected by the flouting of intellectual property laws. Harry Potter's latest adventure is out and for sale on the streets of Shanghai before the midnight book party in London.

Scores of new laws have been enacted since the mid-1990s and there are organizations in the USA, Europe and Asia founded to fight counterfeit. But the free movement of goods – as within the European Union – is a barrier for illicit operators. Travel between countries is more open than ever, with a majority of shipments arriving uninspected.

The internet has introduced a borderless trade zone. In September 1999 eBay began operations with its trademark claim, 'The World's Open Marketplace'. Although eBay does not claim responsibility for the authenticity of what is offered for sale, the firm does act to enforce copyright infringement when informed.

It is claimed that counterfeiting is a market worth more than \$500 billion or 7 per cent of world trade (Phillips 2005). Counterfeiting is enormously lucrative. No taxes are paid. It is a river of cash flowing into the coffers of gangs as diverse as the Mafia, Asian tongs and fundamentalist Islamic groups. Federal law enforcement officials say counterfeiting funds terrorism and that there are links to those responsible for the 1993 World Trade Center bombing.

If the photocopy machine revolutionized espionage then the personal computer has forever changed the world of counterfeit goods. In particular the internet has given the nether economy a marketplace in the ether.

Fakes, forgeries and frauds

Fraud in the art world is rife. However, an auction house, unlike a street vendor or a website, stands behind the products that change ownership under its banner. There is responsibility for authenticity whether it is a painting, tapestry or a silver chalice. The provenance, the seals, the hallmark, the signature can all be examined and verified. There are experts at Sotheby's and Christie's, but still fakes appear.

Celebrity memorabilia, by its very nature, has a provenance that links the object to the glamour or fame of its previous owner. Of course, this provenance could be deceptive. A Rolex can be examined and proved to be counterfeit; a real Rolex with its serial number can be traced to the purchaser and purchase date, but does not provide proof of who actually wore it. A famous murder case in Canada in 1996, involving financier Albert Walker, began with the Rolex found on the corpse's wrist.

Andrew Sulner, a forensic document examiner in New York and former state prosecutor, says, 'If ever there was an industry where the caution

phrase "caveat emptor" applied, this is it.' The expert on forgeries displayed baseballs autographed by sports great Mickey Mantle and then put the forgeries, indiscernible to the untrained eye, beside them.

Maps and documents can be examined, with the type of ink and paper or parchment easily determined. Handwriting and signatures can be confirmed. Carbon dating can ascertain age, ultra-violet fluorescent light can find repairs to a canvas. Polarized light microscopy analyses pigment and a conventional X-ray can detect an earlier work under the present one. None of this can prove that a painting was actually painted by a specific artist but the examinations can pinpoint a time when the materials were available and thus rule out when it could not have been painted.

According to Thomas Hoving (1996), former director of the Metropolitan Museum of Art, about 40 per cent of the 50,000 works of art he examined during his sixteen years at the Metropolitan were not what they were represented to be.

In May 2000, Paul Gauguin's *Vase de fleurs* was offered for auction at Sotheby's – and at Christie's. Federal agents in New York discovered that Sotheby's had the real one; Christie's had the fake. Elly Sakhai, owner of Exclusive Art in Manhattan, pleaded guilty to fraud charges. He had purchased genuine works of artists, such as Gauguin, but lesser known works and had them copied by forgers who worked from the originals. Many of the forgeries were sold to private collectors in Japan and Taiwan, but he kept the originals. When Sakhai decided to sell the original Gauguin, he had no idea that his forgery would be offered for auction at the same time.

Looting and smuggling

Authentic works of art can also be stolen ones. Marion True, former curator of antiquities at the J. Paul Getty Museum, is on trial in Italy charged with conspiring with antiquities dealer, Robert Hecht, to export illegally excavated treasures. The case against True hinges upon thirty-five objects that are from looted archaeological sites. They were acquired between 1986 and the late 1990s and are valued at millions of dollars. True's lawyers have admitted to their dubious provenance, but claim that True did not know that they had been looted.

According to Malcolm Bell, professor of art history at the University of Virginia: 'For the last decade, however, the Getty has prohibited the purchase or acceptance as a gift of any work whose existence is not documented before 1995.' He continues:

other museums, including the Metropolitan Museum of Art, the Museum of Fine Arts in Boston and several major university collections (Princeton and Harvard among them) instead follow the policy adopted by the Association of Art Museum Directors, which allows the purchase of undocumented antiquities if the museum believes acquisition is justified.

The problem here is that objects newly on the market with no known history are almost certain to have been recently pillaged. If dealers revealed the origins of such works they could not possibly be sold.

(*New York Times*, 28 November 2000)

Various institutions have been linked to the looting, but the Getty Museum by far the most financially impressive. Established in 1976, upon the death of the oil tycoon, the J. Paul Getty Trust has an endowment of \$5 billion and with an additional \$4 billion in assets, the Getty is the third largest foundation in the USA.

The case against True is a strong signal by Italy that the country is ready to fight to protect its cultural heritage. Greece has taken action to recover illegal works. Other countries may follow suit. Peru, for instance, is threatening legal action against Yale University.

During negotiations with Italy over objects in the Metropolitan's collection, many proposals have been put forward, one of which might become a template for other US institutions. Italy would reclaim ownership of certain treasures with questionable provenances in exchange for allowing long-term loans, which Italy has never allowed before. This would be a face-saving gesture for US art museums, and would benefit both sides.

Philippe de Montebello, director of the Metropolitan, met for three hours on 20 February 2006, with representatives of the Italian Cultural Minister Rome. They reached an agreement for the museum to return twenty objects in its collection and, in exchange, the Met will receive long-term loans of 'equivalent importance and beauty'. This meeting finalizes details of the return of the famous Euphronios Krater. The vase has been one of the museum's most important antiquities for thirty years. Montebello will also be returning a set of Hellenistic silver which archaeologists say was looted from Morgantina, a site in Sicily.

'People think there is an illicit market and a legitimate market,' said Rika J. Elia, associate professor of archaeology at Boston University. 'In fact, all the same' (*New York Times*, 23 February 2004). By way of illustration, intricate path of a four-foot high stele, unearthed in Akhmin in Egypt government archaeological site, is described: the stele passed through a global market in the late 1990s and five years later appears in the foyer Fifth Avenue apartment. The link to the West was an Englishman named Jonathan Tokeley-Parry. The handsome Cambridge graduate was a restorer of antiquities who originally went to Egypt to advise a Danish dealer in Cairo, at the Old Windsor Hotel, he met Ali Farag and the two became accomplices in a highly successful smuggling operation. Using his stolen Tokeley-Parry disguised artefacts as tacky tourist souvenirs and talked way through customs. Tokeley-Parry says that in six years, by the summer 1994, his partnership with Farag had an impressive record: more than 500 trips between Egypt and England and more than 2,000 objects smuggled without incident (*New York Times*, 23 February 2004). The story, which

begins in a field in Egypt, proceeds to the never-never land of the free port in Zurich and on to Geneva, London and New York, and ends in a Cairo courtroom, is mesmerizing.

Laws concerning patrimony

The disparate laws of nations complicate regulating what is bought and sold and how works can travel. In Egypt, under a law passed in 1983, all discovered artefacts belong to the state and are prohibited from export. But smugglers in the 1990s openly bought objects found by farmers in their fields and looters called in tips about new finds. None of this would have gone on without bribery and the complicity of government officials.

In Italy, a law passed in 1939 to protect cultural heritage seems to encourage subterfuge and foul play. If an antiquity is found by a landowner, he or she is required to alert the authorities. The authorities can then seize not only what was just discovered, but also the ground where it was discovered. Then the land can be excavated. All of this can happen, legally, without any compensation to the owner. Many say that this law encourages the quiet removal of objects from farmland and their secret sale to a dealer. Before 1939, information about the origins of an object was obtainable because the owner did not fear prosecution. Now it is nearly impossible to get that information.

UK policy is quite different on what is deemed 'Treasure Trove'. In practice, on discovering an antiquity, if one reports it to the Crown then one is free to sell it. The UK also has less restrictive practices of allowing works to leave the country.

Illegal art trafficking is often spoken of in the same breath as drug smuggling and arms dealing. Indeed, Robert K. Wittman, a special agent and senior FBI investigator in Philadelphia, said: 'Cultural property crime is the fourth-largest economic crime worldwide, following drugs, money laundering and illicit arms' (*New York Times*, 30 March 2005). Elizabeth Olson has described the FBI's recently formed Art Crime Team, of which Wittman is a member (see *New York Times*, 30 March 2005). The antiquities market has always been notoriously corrupt and, in the past, once an antiquity reached a dealer in Geneva or London there was a tacit policy of 'don't ask, don't tell.' Perhaps the trial in Italy will signal an end to the acceptance of this ethical ambiguity.

Malcolm Bell ends his editorial in the *New York Times* by saying:

If there is one major lesson to be learned from Mr. Ferris (the Italian prosecutor) investigations, it is that collectors and museums, in America and around the world, must take into account not just the aesthetic value of the objects they acquire but also the ethical and legal consequences of their acquisition policies.

(*New York Times*, 28 November 2005)

The spoils of war

More widespread than the looting of archaeological treasures is the looting during war, revolution and social upheaval. From Cambodia to Yugoslavia to contemporary Iraq, the story is much the same. Nazi plundering of art works during the Second World War is now well documented. But many Cubans in Miami feel that they have suffered distress by leaving their property and possessions behind when Fidel Castro came to power.

The family of Pepe Fanjul, a sugar tycoon who lives in Florida, fled Havana in 1959. He has been pursuing a family painting by Joaquín Sorolla y Bastida. Castro claimed one of the Fanjul mansions for his government and renamed it—with all furnishings, sculpture and paintings intact—the National Museum of Decorative Arts. Fanjul's brother, Alfy, said:

So long as the collection remained in the Museum of Decorative Arts, we were willing to wait out the end of the regime. After the fall of the Soviet Union, we became concerned that the collection might be removed from Cuba and sold off for hard currency by the Cuban government.

(*New York Times*, 21 November 2004)

In 1993, the Fanjuls registered several Sorolla works with the Art Loss Register (which has the world's largest private database of stolen and lost art works with 145,000 items listed). Many paintings by Sorolla are still in Cuba but when one surfaced in the London office of Sotheby's in 1998, it spurred Fanjul to take action. The Fanjuls remain convinced that at least one of their Sorollas has been sold through Sotheby's and that one or more are or have been in Spain and Italy. They are pursuing this through the US State Department, which says that the agency is 'committed to aggressively pursuing cases involving foreign nationals trafficking in confiscated property.' Sotheby's has pledged to cooperate fully with the State Department. The Fanjul family is seeking to cite 'trading with the enemy' sanctions against Sotheby's, accusing the auction house of knowing the whereabouts of the Sorolla painting (*Miami Herald*, 16 December 2004). Pepe Fanjul was quoted in the *New York Times* (21 November 2004):

I think that the Cuban government or whoever fronts for Castro and his henchmen are using this Sorolla to test the market. I'm not fighting this because it's the most valuable Sorolla we have. It's about property rights and my family's heritage.

Victims of Nazi era plundering (1933–45) have even stronger feelings about property rights and family heritage. In *The Lost Museum*, Hector Feliciano (1995) tells the story of several European families and of what happened to their art collections. He describes:

The schemes, ploys, and tricks the Nazis devised to dispossess them. When the Nazis arrived in Paris, works by Van Eyck, Vermeer, Rembrandt, Velazquez, Goya, Degas, Monet, Cezanne, Van Gogh, Picasso, Matisse and Braque were swiftly taken off the walls, rolled up and crated by their distraught owners, and ferried away in temporary safety, only to be discovered – rather sooner than later – by the Nazis, or by an intricate network of collaborators, moving companies, neighbors, and house servants who informed them. When the sought-after paintings were found, they were quickly sent to the Jeu de Paume (a museum used as a warehouse during the war), to be catalogued, photographed, and shipped by train to Germany.

Paris was the world's centre for art in the 1940s. It had galleries, museums, auction houses and private collections unrivalled anywhere else. The Rothschild collection alone was said to contain masterpieces of every period: antiques, silver, rugs, tapestries, and thousands of rare books. It follows then that, as Feliciano (1995) writes, 'France became the most looted country in Western Europe. One third of all the art in private hands had been pilaged by the Nazis. Many of the tens of thousands of works stolen then are missing to this day.' France was a treasure trove; The Netherlands and Belgium also suffered but not to the same extent.

It is no surprise to note that the Nazis' precision meant that their records have been the most helpful in locating these works of art. Every movement of every painting was noted in files. The looting was actually inventoried.

Hitler, a frustrated artist, had begun amassing his own art collection in the 1920s. In 1939, he appointed the director of the Dresden Museum, Hans Posse, to oversee the acquisition of works for the Linz Museum. Linz, in Austria, where Hitler had spent happy days as a youth, was to be a showplace for Nazism, along with Berlin, Munich and Nuremberg. The museum was to be housed in mammoth buildings which would contain every European master of sculpture and painting. That is to say, every European artist recognized by the Nazis. Hitler was a great admirer of Rembrandt but it troubled him that the Dutch painter often chose subjects in the Jewish ghetto of Amsterdam.

Posse's budget was DM10 million (today's equivalent is \$85 million). Often it was unnecessary to actually buy anything for Posse could choose whatever he wanted from the art that was pouring in from the confiscated collections of Jews and other 'undesirable persons' in Eastern Europe. In June 1940, Posse wrote his first annual report to the Führer and in it, he says that he had acquired 465 paintings in one year alone. Once asked to authenticate the provenance of a Vermeer, it was surprising to me to discover that the painting had actually been purchased in the name of Hitler; supposedly it had hung in his dining room throughout the war.

Hermann Goering, head of the Luftwaffe and an enthusiastic art collector, was said to have profited most from the looting of Paris. He controlled the

Einsatzstab Reichsleiter Rosenberg (ERR), which was responsible for most of the art confiscated in France. Stories have been told of Goering walking through freight cars loaded with paintings and pointing to this one and that one to be shipped back to Germany for his own hoard.

The final ERR report was written in July 1944 in Berlin. Between April 1941 and July 1944, twenty-nine major shipments of art works arrived in Germany from Paris. The first shipment had a Luftwaffe escort courtesy of Goering. There were a total of 120 railway cars packed with 4,170 crates of art. This represented 21,000 objects from 203 collections; there were 10,000 engravings, drawings and paintings.

According to Feliciano (1995), the German confiscation meant that the art market in Paris was inundated with stolen art put up for sale. The complex circuit of the confiscated art evolved through several phases, driven by the new German clients, the confiscations, and the peculiarities of the Nazi taste. Feliciano claims that 'in twelve years – not the thousand that the Führer had predicted – as many works of art were displaced, transported and stolen as during the entire Thirty Years War or all the Napoleonic Wars.'

In June 2004, the US Supreme Court ruled that victims of Nazi era plundering could sue in US courts to reclaim confiscated art. This provided the first opportunity for survivors and heirs to take legal action to recover art and other cultural property that their families had lost to the Nazis. Art museums have had to address the Supreme Court ruling by re-examining the provenance of suspect works. As an example of museum restitution, in 2004, the Urah Museum of Fine Arts returned François Boucher's *Les Amoureux Jumeaux* to the heirs of the prominent French art dealer Andrew Jean Seligman. A researcher writing on the art collection amassed by Goering discovered that in 1940 Seligman had had the Boucher confiscated. Case after case has followed.

In February 2006, following an eight-year campaign, the Dutch government announced it would return two hundred Old Master paintings to the heir of Jacques Goudstikker, a Jewish art dealer and collector who fled Amsterdam in May 1940, just ahead of the advancing German troops. The paintings had been hanging in seventeen Dutch museums since the 1950s, making it one of the largest restitutions of art seized by the Nazis.

Efforts continue to reunite Nazi-looted art with their rightful owners or heirs. The Commission for Art Recovery of the World Jewish Congress is one of several organizations engaged in this activity.

ART CRIME: THE HIGH PROFILE, BUT LOW DOWN, AND BARBARIC KIND

Charles Hill

Unlike the use of thinking or considered dishonesty in art crime through deception, fraud, deceit, fakes and forgeries, including contrived provenance

and dodgy attributions, art theft has artless spectaculars. They are often robberies of priceless works from museums. As examples, take two, one from either side of the millennium divide. The Isabella Stewart Gardner Museum robbery of March 1990 and the Munch Museum robbery of August 2004 have been covered extensively in the press. What can be written and what can be done about either? At the time of writing this chapter (January 2007) the works of art stolen from the Gardner Museum have not been recovered, but those stolen from the Munch Museum were, in August 2006.

The Isabella Stewart Gardner Museum robbery

The Gardner Museum was a very unusual art robbery in the USA. It appeared to have been patterned on the art crimes of Dublin's Martin Cahill in the 1980s. Cahill was a notorious Irish gangster who styled himself 'The General' and was murdered in 1994, ostensibly by the IRA. In 1986, he had stolen a Vermeer and other important works from Rusborough House in County Wicklow, now a part of the National Gallery of Ireland.

What was interesting about the Gardner robbery, when two men posing as Boston Police Officers tricked their way into the Museum, is that it was on St Patrick's Day night, 17-18 March 1990. Also, one of the robbers used the word 'mate' to a guard they tied up. That is a word used by Irish people, Brits, Australians, New Zealanders and a few others. It could be a clue. In style, you could consider the robbery as a gesture theft.

The way to look at such a crime is to ask the question why? If a mad art lover existed, one who would pay for such a crime, surely the great Titian, *The Rape of Europa*, would have been stolen, along with the Gardner's Vermeer and Rembrandt seascape that were stolen. Probably size and portability were factors, but an insight into the thieves' thinking is to capture the flag mentality. They also stole the finial to one of Napoleon's Imperial Guard regimental banners, and a Chinese beaker from antiquity. No doubt someone thought it would look good as an ornament on top of his TV set along with a Kissmeee Quick Hat from his last vacation at the Orlando Disney World.

Over the intervening years, word, much of it exaggeration, has surfaced about what happened to the Gardner's pictures. Other than *Boston Herald* reporter Tom Mashberg's midnight ride to a warehouse in Boston, and convicted informant William Youngworth's persistent bullroar, indications have been that the pictures headed abroad: Discount Japan; Italy and Ireland seem the favourites. The FBI have followed thousands of leads and put in some big time air miles, but have studiously avoided an obvious conclusion. The Irish mob in Boston stole the paintings. My own view is that the pictures went to Ireland.

The main thing to do in an art crime investigation is to follow your expertise and instincts, tempering them both with some rational judgements to prevent yourself being submerged in irrational and time-wasting idiocy. You'll only have your reputation at stake because the money to pursue any

investigation will have long gone by the time you recover what you are looking for. A reasonable reward might then get you out of debt.

Law enforcement officers want to catch the art crooks. They are less interested in recovering stolen property. The arrest and successful prosecution of a thief generally counts for more in police statistics than the recovery of the piece the thief stole. In the Gardner saga, the Boston office of the FBI may well have been reluctant to pursue the main brain behind the robbery because he was for many years one of the Bureau's Top Echelon informants who enabled them to eviscerate the New England Mafia. However, when the bodies in subsequent years of the people he had killed while under FBI protection, were counted up, nineteen was too many. If you look at the FBI's website, you'll see the man in the Top Ten, with no mention of the Gardner Museum robbery. That's on another FBI site, unlinked, with no hard evidence to link them.

The fact that he was Boston Irish, with strong connections in the West of Ireland, is significant. Even the gang he used to commit the robbery at the Gardner Museum had links to Ireland, although their particular gang leader was later shot dead by his wife, and she subsequently died of a drug overdose. These are all pieces of a jigsaw puzzle.

In my own investigation, which has simply meant asking people if they had heard anything, a criminal informant told me that a Vermeer was on offer in the West of Ireland, specifically in Tarbert, County Kerry, showing a man playing a piano. That's an inaccurate description, but accurate enough. The Gardner Vermeer depicts the image of a seventeenth century man with his back to the viewer listening to a young girl playing something like a harpsichord. The people who stole the Gardner Vermeer, and the people who hold it now, are not aesthetes, nor are their intermediaries likely to be knowledgeable.

About five years ago, I went to see another man, a gangster called Martin Foley in Dublin. He is one of the last of Martin 'The General' Cahill's gang from the 1980s and 1990s. We talked about art thefts in Ireland. I asked him about the Gardner Museum pictures and if they were in Ireland. He said that he knew all about that, but 'they'd kill me if I got involved.' Who are they? Obviously, they are harder men than he is.

In 2005, a notorious Traveller (indigenous gypsies who are Irish, Scots, English and Welsh, but not Roman) in the British Isles told me that some Travellers he knew in the West of Ireland had the Gardner pictures under their control and were holding them for 'others'. He said that an American doctor had been with them, but when he wanted money in exchange for the paintings, they kept the pictures and sent him away. The Boston Irish criminal who probably organized the Gardner heist has a prescription medication heart condition. My assumption is that the doctor who the Travellers sent away didn't keep his degrees and diplomas on the wall. Avoid him if you find him; ring in for the reward. He's a killer, not a healer.

If you're interested in the man, watch Jack Nicholson's portrayal of him in *The Departed*, Martin Scorsese's 2007 Oscar-winning film. And, like Jack

Nicholson himself, he's still alive. The DVD of *The Departed* comes in a boxed set with one disk showing extra material: in the section *Stranger than Fiction*, Scorsese and others discuss Whitey Bulger's criminal career as it relates to Jack Nicholson's portrayal. It is worth watching.

And so it goes on. There are limits to what you can find out without endangering your life or making a complete fool of yourself. A former police colleague of mine had an informant in Brighton, on the south coast of England, who had heard about the Gardner Museum pictures being held in Ireland and developed a curious plan to get Senator Ted Kennedy and the Cardinal Archbishop of Boston involved in their recovery. More recently, a well-known Manhattan journalist (the figure upon whom the character Peter Fallow in Tom Wolfe's *Bonfire of the Vanities* is based) spent a fortune on Irish food and drink pursuing the story of the Gardner saga, and looking for the pictures in the Athlone area.

My view is that you have to be persistent, downright dogged in your approach, cultivate informants and bide your time. Someone, someday, will recover the Gardner paintings, but it won't be until the people who have them are prepared to relinquish them. They have a mantra about not wanting to go to Guantanamo Bay. Even though the FBI says that only the paintings' recovery is an issue now because a statute of limitations for arrest for their theft has long past, the perception of the people who hold the paintings is different. Frankly, these people are too violent to push, and too dangerous to pander to.

Another saga – the armed robbery of two Munch paintings in August 2004

Another question to ask is why anyone would steal specifically artist's copies of masterpieces he had painted. Perhaps they thought they were the originals, perhaps they thought it was so easy, why not do it for the anti-establishment laugh, or perhaps they did it to serve as a distraction from another crime, or as some *macho* stunt, or all of the above. Understanding the thieves' motivation is the place to start looking for the pictures.

There are four painted versions of *The Scream* by Edward Munch. The original is in the National Gallery in Oslo; another version is owned by the sons of the late Norwegian shipping magnate Fred Olsen; and two versions are in the Munch Museum. Also, there are endless numbers of woodcuts, reproductions, cartoons, not forgetting plastic dolls, key ring fobs and the like.

In 1994, the original was stolen from the National Gallery in Oslo and recovered several months later in a police undercover operation. For details of that, read Edward Dolnick's *The Rescue Artist* (2005) or *Stealing the Scream* (2007), but skip the human interest aspects and background chapters. The 2004 armed robbery of Munch's *Scream* from the Munch Museum was different, and in August 2006 it was recovered, badly damaged.

In 2004, a group of dangerous muppets waving a gun around pulled a version of *The Scream* and another of Munch's *Madonna* from the Munch Museum's walls and made off in an Audi that was fairly quickly found. Later, a disastrous police surveillance operation missed the pictures as they were moved from one location to another. Two of those three thieves were later arrested, and one purportedly died of a drug overdose. A man subsequently arrested for handling the two pictures was let off after he claimed that fear and coercion forced him to act as he did. He has returned to his normal life driving a car painted as a Batmobile.

Why did they commit the robbery? The two arrested haven't said much, and their reason is fear. Someone was behind the robbery, and those thieves are still terrified of him. Working on the assumption that the robbery was a distraction crime, the next question to ask is from what? Why would anyone steal two versions of paintings when the originals were elsewhere? Arrogant ignorance, bullying venality and insouciant ease are the most likely explanations. But that doesn't fully explain motivation. The Munch Museum robbery was in August 2004. In April 2004, an armed robbery took place in Stavanger in western Norway. A police officer was shot dead. The robbers were all dressed up in SWAT Squad gear. The Norwegian police were onto that major crime with a vengeance. The way to dissipate the heat was for the robbers to start another fire. That did not work.

Most of the armed robbers in Stavanger have gone on trial, admitted robbery but each one has denied murdering the police officer, and cannot remember who did. The interesting thing about them is that they are Albanians from Kosovo.

Read Moises Naim's *Illicit: how smugglers, traffickers and copycats are hijacking the global economy* (2005) for the general background to Kosovar Albanian crime in Stavanger, and Oslo for that matter, and Gothenburg and Stockholm, too. Groups of outlaws are the downside of the global economy and international social development. They congregate in their own chosen areas. Curiously, the Kosovars in Scandinavia follow the same pattern as the Serbs did there in the 1980s and early 1990s.

For art crime investigation of the high-profile heist kind, apply imagination to your thinking and then direct it to direct action, without getting shot and killed along the way. Follow your experience and instincts, tempering both with rational calculation, and ask the right people for help.

In the case of the Munch Museum paintings, an armed robber from the Stavanger raid named David Toska decided to help police recover the pictures after he was convicted. His lawyers told the police where to find them, and they did. If there is a deal, and Norwegian police are very shy about explaining what it is, it would seem to be conjugal rights for Toska with his girlfriend while he is inside, and a million chocolate M&Ms offered by the candy company as a publicity stunt reward. Apparently, Toska is an armed robber, possibly a cop killer, and a chocoholic. Trophy art theft is a combination of stupidity, tragedy and bathos.

The police tend to be preoccupied with catching crooks, not with recovering stolen art. That's true in almost all art crime cases. The police fail to see art crime as an Achilles heel for a crook who commits other crimes as well. That's down to a lack of imagination.

In Norway, Kosovar Albanians appear to have been behind the armed robberies that have taken place throughout Scandinavia since the mid-1990s. Curiously, they picked up where their enemies, the Serbs, left off before the start of the Yugoslavian civil war. They also deal in drugs, prostitution, stolen cars and various types of fraud. For sheer, crass barbarism, the armed robbery at the Munch Museum in 2004 pointed indirectly to them. The problem with catching only the thieves is that they will take their punishment in a Norwegian prison, come out and restart their lives where they left off! Only time and integration into Norwegian and other Scandinavian societies will temper their excesses.

The recovery of the two paintings has been a qualified success story. They are back at the Munch Museum, but damaged. Of the two, *The Scream* is the worst damaged. There is no happy ending. Trophy art robbery is a low class mugs' game, and it will be with us for a long time.

References

References to newspapers like the *New York Times* and the *Miami Herald* are cited in the text.

Dolnick, E. (2005) *The Rescue Artist: a true story of art, thieves and the hunt for a missing masterpiece*. New York: HarperCollins.

Dolnick, E. (2007) *Stealing the Scream: the hunt for a missing masterpiece*. Cambridge: Icon.

Feliciano, H. (1995) *The Lost Museum: the Nazi conspiracy to steal the world's greatest works of art*. New York: Basic Books.

Hoving, T. (1996) *False Impressions: the hunt for big-time art fakes*. New York: Simon & Schuster.

Macintyre, B. (1997) *The Napoleon of Crime: the life and times of Adam Worth, master thief*. New York: Farrar, Straus & Giroux.

Naim, M. (2005) *Illicit: how smugglers, traffickers and copycats are hijacking the global economy*. New York: Doubleday.

Phillips, T. (2005) *Knockoff: the deadly trade in counterfeit goods*. Philadelphia, PA: Kogan Page.

Part IV Voices from the field