

Fordham International Law Journal

Volume 31, Issue 3

2007

Article 5

Thieves of Baghdad: Combatting Global Traffic in Stolen Iraqi Antiquities

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Thieves of Baghdad: Combatting Global Traffic in Stolen Iraqi Antiquities

Matthew Bogdanos

Abstract

The argument for protecting artifacts in Iraq takes on added strength when the United States recognizes that the country is where it is today not just because of its failure to provide sufficient security to overcome the long-festered tribal and religious animosities, but also because of its continuing failure to appreciate the importance Iraqis place on the preservation of their history. This failure to protect a rich heritage going back to the dawn of civilization has convinced many in Iraq and the Middle East that the U.S. does not care about any culture other than its own. And their belief is continually reinforced: four years after the initial looting - and despite having recovered almost 6,000 antiquities since then - the U.S. cannot keep pace with the artifacts that are being looted every day.

THIEVES OF BAGHDAD: COMBATING GLOBAL TRAFFIC IN STOLEN IRAQI ANTIQUITIES

*Colonel Matthew Bogdanos**

INTRODUCTION

As the head of the investigation into one of the greatest art crimes in recent memory—the looting of the Iraq Museum in 2003—I have spent more than four years attempting to recover and return to the Iraqi people their priceless heritage.¹ I have spent almost as much time, however, attempting to correct the almost universal misconceptions about what happened at the museum in those fateful days in April 2003, to increase awareness of the continuing cultural catastrophe that is represented by the illegal trade in stolen antiquities, and to highlight the need for the concerted and cooperative efforts of the international community to preserve, protect, and recover the shared cultural heritage of all humanity.

Indeed, in more than one hundred and seventy-five speeches in more than one hundred cities in twelve countries—in venues ranging from universities, museums, and governmental organizations to law-enforcement agencies, Interpol (the International Criminal Police Organization) and both houses of the British Parliament—I have urged a more active role for governments, international organizations, cultural organizations and foundations, and the art community.

I have not been very successful. Most governments have their hands full combating terrorism, with few resources left to

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1. See Matthew Bogdanos, *The Casualties of War: The Truth about the Iraq Museum*, 109 *AM. J. ARCHAEOLOGY* 477, 477-79 (2005).

spare for tracking down stolen artifacts. Most international organizations are content to issue proclamations, preferring to hit the conference center rather than the streets. Many cultural organizations and foundations are equally content to issue a call for papers rather than a call to action. As for the art community, some members wash their hands of unpleasant realities and argue that, while technically illegal, the market in purloined antiquities is benign—victimless—as long as it brings the art to those who can properly protect it and appreciate it (namely, themselves).

And as the investigation continues, much has happened to reinforce the core lesson we learned in the back alleys of Baghdad: that the genteel patina covering the world of antiquities rests atop a solid base of criminal activity. Witness the events taking place in the United States since 2003. In New York, the Metropolitan Museum (the “Met”) accepted what amounted to a plea bargain with Italian authorities—agreeing to return twenty-one separate antiquities the Italian government says were stolen, including one of the Met’s most prized items: the Euphronios krater, a sixth century B.C. Greek vase.² In Missouri, the St. Louis Art Museum broke off negotiations with Egypt over the museum’s possession of a thirteenth century B.C. pharaonic mask that Egyptian authorities claim was stolen and smuggled illegally out of their country.³ In California, the director of the J. Paul Getty Museum agreed to recommend to its trustees that the Getty return antiquities the Greek government says were stolen—while the Getty’s longtime curator for ancient art resigned and is currently on trial in Rome on charges of conspiracy to receive a completely different set of stolen artifacts.⁴ More trials are sure to follow.

I am delighted that nations are moving to reclaim their patrimony. I am also delighted to see media attention beginning to illuminate certain well-appointed shadows where money changes hands and legitimate—but inconvenient—questions of the provenance (origin) of the object are too frequently considered *outré*.

2. See Randy Kennedy & Hugh Eakin, *The Met, Ending 30-Year Stance, Is Set to Yield Prized Vase to Italy*, N.Y. TIMES, Feb. 3, 2006, at A1.

3. See Malcolm Gay, *Out of Egypt*, RIVERFRONT TIMES (St. Louis, Mo.), Feb. 15, 2006.

4. See Christopher Reynolds, *The Puzzle of Marion True*, L.A. TIMES, Oct. 31, 2005, at E1.

But shadows remain. In March 2006, for example, private collector Shelby White donated \$200 million to New York University to establish an ancient studies institute, prompting one of the university's professors to resign in protest over what he considered the questionable acquisition practices of the donor.⁵ Ms. White and her late husband Leon Levy have generated considerable debate since at least 1990, when the Met (of which Ms. White is a Trustee) presented a major exhibition of 200 of their artifacts from Greece, Rome, and the Near East.⁶ The Met did so despite the fact that a study later published in the *American Journal of Archaeology* determined that more than ninety percent of those artifacts had no known provenance whatsoever.⁷ As with the Euphronios krater, Italian authorities have consistently maintained that they can prove many of the antiquities in the Levy-White collection were illegally excavated (a.k.a., stolen) and smuggled out of their country.⁸

Not only did the Met proudly display that collection, dubious provenance notwithstanding, but it also (coincidentally?) celebrated the opening of its new Leon Levy and Shelby White Court for Hellenistic and Roman antiquities on April 15, 2007.⁹ Other institutions continue to hold out one hand while covering their eyes with the other. In 2000, Cornell University accepted a gift from well-known collector Jonathan Rosen of 1,679 cuneiform tablets from Ur.¹⁰ They said, "Thank you very much," despite reports of widespread looting at Ur after the 1991 Persian Gulf War, and despite the fact that the provenance of ten percent of the tablets consisted of the phrase "uncertain sites."¹¹ Harvard University has done equally well in neglecting to ask awkward questions—witness its Shelby White-Leon Levy Program for Archaeological Publications.¹²

5. See Elisabetta Povoledo, *Top Collector is Asked to Relinquish Artifacts*, N.Y. TIMES, Nov. 29, 2006, at E1.

6. See *id.*

7. See Kate Taylor, *Shelby White in Center Court at the Met*, N.Y. SUN, May 1, 2007, at 3. See generally Christopher Chippindale & David W.J. Gill, *Material Consequences of Contemporary Classical Collecting*, 104 AM. J. ARCHAEOLOGY 463 (2000).

8. See Povoledo, *supra* note 5.

9. See Taylor, *supra* note 7, at 3.

10. See Martin Gottlieb & Barry Meier, *Ancient Art at the Met Raises Old Ethical Questions*, N.Y. TIMES, Aug. 2, 2003, at A1.

11. See *id.*

12. See Robin Pogrebin, *US\$200 Million Gift Prompts a Debate Over Antiquities*, N.Y. TIMES, Apr. 1, 2006, at A1.

But this is nothing new. In 1994, a decade before its current imbroglio, the Getty displayed a major exhibition of classical antiquities owned by Lawrence and Barbara Fleischman.¹³ Like the Met, the Getty proudly held this exhibit despite the fact that ninety-two percent of the objects in the Fleischman collection had no provenance whatsoever, and the remaining eight percent had questionable provenance at best.¹⁴ To put it in starker terms, of 295 catalogued entries, not a single object had a declared archeological find spot and only three (one percent) were even described as coming from a specific location.

Sometimes, however, the questionable practices extend beyond merely willful ignorance. Consider the following. Prior to the exhibition in 1994, the Fleischman collection had never been published. Thus, the first catalogue for, and hence first publication of, the Fleischman exhibit was the Getty's—of which Ms. Fleischman was a trustee. Fewer than two years later, the Getty purchased part of that collection for US\$20 million.¹⁵ But the Getty had a stated policy of not purchasing objects unless they have been previously displayed in published collections. How, then, could they possibly have justified the acquisition? Easy: the Getty was quick to point out that the collection had been published just two years earlier—by themselves.

Further sweetening the deal, while the collection had been purchased originally at a much lower price, it was valued at US\$80 million at the time of the sale to the museum.¹⁶ Tax laws use the fair market value at the time of the sale rather than the original purchase price in determining the value of a bequest. As a result, the difference between the 1996 valuation of US\$80 million and the US\$20 million sale price to the Getty would be deemed a gift of US\$60 million—affording a US\$60 million tax deduction for the Fleischmans. Under these terms, the gift to the Getty, therefore, was actually financed by United States taxpayers. Enron's accounting team could not have done a better job.

In many respects, then, we have advanced very little since the imperial nineteenth century, when Lord Elgin could haul

13. See Jason Felch & Ralph Frammolino, *The Return of Antiquities A Blow to Getty*, L.A. TIMES, Aug. 2, 2007, at A1.

14. See *id.*

15. See *id.*

16. See *id.*

away the Parthenon Marbles (now in the British Museum and commonly referred to as the “Elgin Marbles”) and Henry Layard could haul away the Nineveh reliefs (now in the Met). Despite the hue and cry of the last several years, the Met’s current policy is to require documentation covering only the last ten years of an object’s history.¹⁷ This, even though most institutions view 1970—the year of the landmark United Nations Educational, Scientific and Cultural Organization (“UNESCO”) Convention¹⁸ to regulate the transfer of antiquities—as the cut-off date for requiring proof that an antiquity was not illegally looted.¹⁹

The imposition of a firm date (here, 1970) is crucial in stopping the trade in illegal antiquities. As each year passes, it becomes less and less likely that a previously unpublished (and hence unknown) antiquity can appear on the market and be legal—either in the sense of having come from a properly sanctioned excavation or from some ancient collection that was assembled before the imposition of any requirement of documentation. To put it another way, as each year passes, it becomes increasingly certain that previously unpublished items are stolen.

Thus, the Met’s policy of requiring documentation covering only the last ten years of an object’s history becomes more un-supportable as each year passes. For example, in May of 2013, the Met could begin to buy items stolen from the Iraq Museum in April 2003 without violating its stated policy. All it need do is not ask where it comes from before the ten-year window. As if to flaunt the Met’s policy of “see no evil,” Philippe de Montebello, the museum’s director, told the *New York Times* in February 2006 that the context in which an artifact is found is virtually meaningless; in his opinion, it accounts for less than two percent of what we can learn from antiquity.²⁰ His position is as absurd as the equally unreasonable view of some purists that context is everything.²¹

But far from this world of museum receptions and limos

17. See generally The Metropolitan Museum of Art, <http://www.metmuseum.org> (last visited Feb. 25, 2008).

18. Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, Nov. 14, 1970, 823 U.N.T.S. 231.

19. See Pogrebin, *supra* note 12.

20. Randy Kennedy & Hugh Eakin, *Met Chief, Unbowed, Defends Museum’s Role*, N.Y. TIMES, Feb. 28, 2006, at E1.

21. See *id.*

waiting at the curb, however, there has been an even more troubling development. In June 2005, U.S. Marines in northwest Iraq arrested five insurgents holed up in underground bunkers filled with automatic weapons, ammunition stockpiles, black uniforms, ski masks, and night-vision goggles. Along with these tools of their trade, were thirty vases, cylinder seals, and statuettes that had been stolen from the Iraq Museum. Since then, the scenario has been repeated many times. It does not take a counterterrorism expert to detect the sinister adjustment that has taken place. In 2003, when pursuing leads to recover antiquities, we usually came across weapons and links to violent groups. Now, as security forces pursue leads for weapons and insurgents, they find antiquities. In a modern-day version of the old “molasses to rum to slaves” triangle trade of pious New England ship captains and owners who sang hymns and offered prayers while getting rich off human misery, the cozy cabal of academics, dealers, and collectors who turn a blind eye to the illicit side of the trade is, in effect, supporting the insurgents who are killing our troops in Iraq.

This is not surprising. As the National Commission on Terrorist Attacks Upon the United States (“the 9-11 Commission”) noted, international law enforcement has aggressively attacked traditional means of terrorist financing by freezing assets and neutralizing charities that had previously served as fronts for jihadists.²² But terrorists are nothing if not adaptive. In late 2005, the German newspaper *Der Spiegel* reported that 9-11 conspirator Mohammed Atta had approached a professor at the University of Goettingen trying to sell Afghan antiquities to raise money to buy an airplane.²³ While nothing came of that inquiry, times have changed. Like the Taliban in Afghanistan who have learned to finance their activities through opium, insurgents in Iraq have discovered a new source of income in Iraq’s cash crop: antiquities.

We do not have hard numbers—the traffic in art for arms is still too recent a phenomenon, and some of the investigations remain classified because of the connection to terrorists. But this illicit trade has become a growing source of revenue for the

22. See Col. Matthew Bogdanos, Op-Ed., *The Terrorist in the Art Gallery*, N.Y. TIMES, Dec. 10, 2005, at A15.

23. See *Art for Financing Terrorism?*, DER SPIEGEL (F.R.G.), July 18, 2005, at 20.

insurgents; ranking just below kidnappings for ransom and “protection” money from local residents and merchants. Iraq is a war zone, but it is also the cradle of civilization, with 10,000 poorly guarded archaeological sites.²⁴ Among the most prized items from those sites are cylinder seals, intricately carved pieces of stone about the size of a piece of chalk, that can sell for US\$250,000, enabling an insurgent to smuggle millions of dollars in his pocket. Given this almost limitless supply of antiquities, the insurgency appears to have found an income stream sufficiently secure to make any chief financial officer sleep well at night. As a result, the desert night is filled with the roar of bulldozers ripping into the ancient mounds of clay that were once thriving cities.

All the while, the situation in Iraq has deteriorated dramatically, seemingly descending into chaos—with a majority of the U.S. electorate increasingly reluctant to risk American blood to save Iraqi lives. So it’s a pretty tough sell to ask people to care about a bunch of old rocks with funny writing. Finding the political will to divert resources to saving cultural artifacts, no matter how precious, seems like cutting funding for police and fire in order to expand the public library. There might be a case for it, but when? After all, looting has always been a cottage industry in Iraq, the region that gave birth not just to agriculture, cities, the wheel, and pottery, but to war and conquest as well.

The argument for protecting artifacts takes on added strength when we recognize that we are where we are today, not just because of our failure to provide sufficient security to overcome the long-festering tribal and religious animosities, but also because of our continuing failure to appreciate the importance Iraqis place on the preservation of their history. This failure to protect a rich heritage going back to the dawn of civilization has convinced many in Iraq and the Middle East that we do not care about any culture other than our own. And their belief is continually reinforced: four years after the initial looting—and despite having recovered almost 6,000 antiquities since then—we cannot keep pace with the artifacts that are being looted every day.

24. See Bogdanos, *supra* note 22, at A15.

I. *PROTECT ARCHAEOLOGICAL SITES*

Based on my experience in both counterterrorism and law enforcement—and as a result of the time I have spent in Iraq and throughout the world in tracking down the stolen antiquities—I submit that the first order of business in addressing this catastrophe must be to protect the archaeological sites. Some of these, such as Babylon and Nimrud, require several hundred guards and support staff for protection around the clock. The math is daunting: country-wide more than 50,000 personnel are required, along with the necessary vehicles, radios, weapons, and logistical needs. But there is an immediate solution.

In other contexts, the United Nations (“U.N.”) and the North Atlantic Treaty Organisation (“NATO”) have acted to address catastrophic situations. In Bosnia, Cyprus, and Afghanistan, for example, many countries have provided contingents for specific missions under U.N. or NATO auspices. But not in Iraq. The reasons are much-argued, and I will not revisit them here. Recalling Voltaire’s observation that “everyone is guilty of the good he didn’t do,” I will focus instead on what we can do now.

So who might act? In the past, most archaeological digs in Iraq have had foreign sponsorship—the Germans at Babylon and Uruk, the British at Ur and Nimrud, the French at Kish and Lagash, the Italians at Hatra and Nimrud, the Americans at Nippur and Ur.²⁵ Leveraging this history, I propose that these (and eventually other) countries provide forces to protect Iraq’s archaeological sites until a professional Iraqi security force dedicated to the sites can be recruited, equipped, and trained.

Under this proposal, and with the permission of the Iraqi government, facilitated by the U.S. military, and under the authority of the U.N. or NATO, each country would “adopt” a site. After sending an assessment team to the assigned sites to determine the precise numbers and type of personnel and equipment required, each donor nation would then draft and sign bilateral status of forces agreements with Iraq, outlining the rules of engagement, funding, billeting, and the standard logistical issues. Then, each country would deploy its security forces (military, police, private contractors, or a combination of all three) to the

25. See Col. Matthew Bogdanos, Op-Ed., *Fighting for Iraq’s Culture*, N.Y. TIMES, Mar. 6, 2007, at A21.

agreed-upon archaeological sites around the perimeter and around the clock.

Upon arrival, each country's contingent would also be assigned a group of Iraqi recruits (who would live and work with them) to train at their chosen site. Once those Iraqi security forces were fully trained—that ordinarily takes six months—the donor nation would recall (or reassign) its forces on a site-by-site basis. In half a year, every archaeological site of consequence in Iraq could be completely protected from the looters. Mesopotamia's cultural patrimony would be safe, Al-Jazeera would have to find other ways to show Western indifference to Arab culture, and the terrorists would have to find another income source.

Unfortunately, neither NATO nor the U.N. has such plans in the works. NATO opened a training center in Iraq in 2005, but has trained only 1,500 Iraqi security personnel, none of whom have been assigned to archaeological sites. The U.N. has never trained guards for the sites. Even the U.N.'s cultural arm, UNESCO has failed to act, claiming it has no such mandate from its member nations.

Assuming that to be true, UNESCO ought to convince its member nations to support such an initiative. It is time for the U.N. to seize the mantle of international leadership and convince its members to support such a plan. As our best hope, UNESCO ought to step into the vacuum of international leadership, seize the bully pulpit, and become relevant again. "Man should share the action and passion of his time," former Supreme Court justice Oliver Wendell Holmes once noted, "at peril of being judged never to have lived."

Individual countries are also slow to respond. Only the Italians, Danes, Dutch, and Poles have joined the Americans and British in protecting these sites—and the Danes, Dutch, and Italians have already left. Other countries have argued that the level of violence does not permit deployment of their forces. The circular nature of this rationalization is underscored by the fact that it is the failure to protect these sites that is partly funding those who are creating the unsafe environment. "If you were to take account of everything that could go wrong," Herodotus advised long ago, "you would never act." Of course there is risk. I know this first-hand. But the risks of the failure to act are far worse: more money for the insurgents, more propaganda for Al-

Jezeera, and the loss of these extraordinary testaments to our common beginnings.

Equally risky are the politics: most elected officials view involvement in Iraq as political suicide. But an internationally coordinated contribution of personnel would not be a statement about the war or the Bush administration's policies in Iraq. It would be a humanitarian effort to protect a cultural heritage rich with a common ancestry that transcends the current violence. Real leaders should have no difficulty convincing their electorate of the distinction between politics and culture. It is, of course, the very definition of leadership to educate, inform, and motivate into action those who might otherwise be inclined to do nothing.

II. *THE NEXT STEPS: A FIVE-POINT ACTION PLAN*

The incomparable works of art unearthed in the land between the rivers predate the split between Sunni and Shi'ite. They predate the three competing traditions that have brought so much bloodshed to the Middle East—Islam, Christianity, and Judaism. Attending to this cultural heritage from the very dawn of civilization reminds us of our common humanity, our common aspiration to make sense of life on this planet. I have seen these pieces of alabaster and limestone with funny writing on them work their magic through a language that is both immediate and universal, visceral and transcendent.

While protecting the archaeological sites in Iraq is a vital beginning, much more needs to be done. To stop the rampant looting and the black market that funnels money into terrorist hands, we must adopt a comprehensive global strategy using all of the elements of international power. Toward this end, I propose a five-step plan of action to combat the global traffic in antiquities.

1. *Mount a Public Relations Campaign for Mainstream Society*

The cornerstone to any comprehensive approach must take into account that real, measurable, and lasting progress in stopping the illegal trade depends on increasing public awareness of the importance of cultural property and of the magnitude of the current crisis. First, then, we must develop and communicate a message that resonates with mainstream society—not just with

academics. We must create a climate of universal condemnation, rather than sophisticated indulgence, for trafficking in undocumented antiquities.

But this call to arms needs to avoid the sky-is-falling quotes so beloved by the media, while steering clear of the debilitating rhetoric of red state vs. blue state politics. It also has to keep the discussion of the illegal trade separate from broader issues such as repatriation of objects acquired prior to 1970 and whether there should be any trade in antiquities at all. The Parthenon Marbles are in the British Museum, but their return is a diplomatic or public relations issue, not a matter for the criminal courts. Similarly, there is a legal trade in antiquities that is completely fair, regulated, and above board. And it is simply unproven (and unfair) to argue that the legal trade somehow encourages an illegal trade. Most dealers and museums scrupulously do avoid trading in antiquities with a murky origin. Repatriation for pre-1970 transfers and the question of whether all trade in antiquities should be banned are legitimate issues, but they are not my issues. Every time the discussion about stopping the illegal trade in antiquities veers off into these broader realms we lose focus, we lose the attention of mainstream society, and it makes the job of recovering stolen antiquities that much harder.

2. Provide Funding to Establish or Upgrade Antiquities Task Forces

Second, although several countries—including the United States, Britain, Italy, and Japan—have pledged millions of dollars to upgrade the Iraq Museum, to improve its conservation capacity, and enhance the training of the Iraq State Board of Antiquities and Heritage's archaeological staff, not a single government, international organization, or private foundation anywhere in the world has provided additional funding for investigative purposes. Reluctant to be seen cooperating with police and military forces, many cultural leaders and organizations seem oblivious to the fact that a stolen artifact cannot be restored until it has been recovered. To put it more clearly: money for conservators is pointless without first providing the money to track down the missing objects to be conserved.

This ivory-tower distortion of priorities affects investigative

efforts worldwide. Interpol can afford to assign only two officers to its Iraqi Antiquities Tracking Task Force—and both have other responsibilities as well.²⁶ Scotland Yard's art and antiquities squad has four officers covering the entire world—and in January of 2007, their budget was slashed in half.²⁷ The United States Federal Bureau of Investigation's ("FBI") Rapid Deployment National Art Crime Team has eight people.²⁸ Regardless of the exceptional dedication and talent of these personnel, no law-enforcement agency can operate effectively at such levels.

Thus, as a second component, all countries—but most especially the countries of origin, transit, and destination—must establish robust, specialized art and antiquities task forces, with particular attention paid to the borders and the ports of entry. Where such forces already exist, we must increase their size and scope, with cultural foundations providing art-theft squads with vehicles, computers, communications equipment, and training.

3. *Create a Coordinated International Law-Enforcement Response*

Among the many dirty secrets of the looted antiquities market is that "open" borders are as profitable as they are dangerous. Many countries, especially those with free ports or free-trade zones, generate sizeable customs and excise fees from shipping and—despite their public protestations to the contrary—are not eager to impose any increase in inspection rates that might reduce such revenue. Even if willing, the sheer tonnage passing through certain international ports and free-trade zones makes 100 percent inspection rates impossible. Nor does the improved technology installed as a result of September 11 solve the problem: devices that detect weapons and explosives do not detect alabaster, lapis lazuli, and carnelian. Further exacerbating the problem, most high-end smugglers are simply too sophisticated, and the questionable acquisition practices of some dealers, collectors, and museums, too entrenched to be defeated by improved border inspections and heightened public consciousness alone.

The sine qua non for effective interdiction, then, is an or-

26. See Bogdanos, *supra* note 22.

27. See *id.*

28. See *id.*

ganized, systematized, and seamlessly collaborative law-enforcement effort by the entire international community. We need coordinated simultaneous investigations of smugglers, sellers, and buyers in different countries. And—just as important—prosecution and incarceration need to be credible threats. Thus, as a third component, the United Nations, through UNESCO, should establish a commission to continue the Iraq Museum investigation, expanding it to include other pillaged countries as well. Interpol, the International Criminal Police Organization, must also become more active, entering into agreements with its 191 member nations stipulating that each country forward to them immediately, along a secure network (that already exists), a digital photograph and the particulars (who, what, when, and where) of all antiquities encountered by law-enforcement or military forces anywhere in the world—including those items that were seized, as well as those that were inspected and not seized because there was insufficient evidence of criminality at the time of the inspection.

The global criminal enterprise that is antiquities smuggling must be defeated globally through international cooperation (promoted by UNESCO) and real-time dissemination of information (enabled by Interpol). The consequent ability to conduct monitored deliveries of illegal shipments to their destinations (a tactic long used against drug smugglers) would enable legal authorities to incriminate and thereafter prosecute each culpable party along the trail. It would also serve as a deterrent to those collectors or curators who could never be sure that the next shipment was not being monitored by law-enforcement officials.

4. Establish a Code of Conduct for Trading in Antiquities

Fourth, museums, archaeologists, and dealers should establish a strict and uniform code of conduct. Similar to ethics rules for lawyers and doctors, this code of conduct would clarify the documentation and diligence required for an artifact to change hands legally. If they refuse such self-regulation, then Congress should impose regulation. Although many argue that the interests of dealers, collectors, museums, and archaeologists differ from each other so dramatically that any single code of conduct acceptable to all is impossible, I point out that the differences

within the art world are no greater than those existing between prosecutors and criminal defense attorneys. Yet, the American Bar Association has adopted and actively enforces a single Code of Ethics applicable to every attorney admitted to the bar.²⁹ Until then, I continue to urge academics, curators, and dealers to abandon their self-serving complacency about—if not complicity in—irregularities of documentation.

5. *Increase Cooperation between the Cultural Heritage Community and Law Enforcement*

Finally, the art community must break down barriers and assist investigators by serving as law-enforcement's eyes and ears. We need scholars and knowledgeable dealers as on-call experts to identify and authenticate intercepted shipments, and to provide crucial in-court expert testimony. They should also request appropriate law-enforcement personnel (depending on country and focus) to provide detailed, factual briefings at every conference purporting to address art or antiquities smuggling. The call for up-to-date investigative facts should become as standard as the call for papers.

But the education and information exchange should run in both directions. In 2004, Dr. C. Brian Rose, then First Vice-President of the Archaeological Institute of America, developed and conducted cultural-awareness training in half-a-dozen pilot locations around the country for military personnel scheduled to deploy to Iraq or Afghanistan. The program should be expanded to include every unit deploying overseas. A similar program should be offered to the FBI and the Department of Homeland Security on a regular basis. Such cooperation between the art and archaeological communities and the law-enforcement and military presents a real chance of winning a fight we cannot afford to lose.

III. *FUTURE MILITARY CONFLICTS*

The U.S. military has lessons to be learned as well. Looking to the future, we must never again cede the moral high ground on issues of cultural sensitivity and national patrimony. Thus, before the U.S. military takes action in any country, our com-

29. See, e.g., MODEL CODE OF PROF'L RESPONSIBILITY (1980).

manders must clearly articulate our recognition of that country's proud cultural heritage and our intent to protect such property, to the extent possible, during the conflict and post-conflict stage. Not just the message, but the actions that flow from it, must convince the world that the United States and, in particular, the U.S. military are committed to honoring and preserving the heritage of all nations and religious traditions.

To do so, military leaders must plan before any action for the protection of cultural property in the proposed area of operations. This protection must go beyond merely putting the site on the no-strike list. It must include the securing of significant sites (as identified by members of the archaeological community) and the immediate deployment, if needed, of on-call security forces (identified in advance of the operation) upon reports of looting. Where such forces already exist, U.S. military forces should assist by providing them with vehicles, radios, and training. Where no such forces exist, the U.S. military must protect the sites until trained forces are available. Such preparation would enable planners to identify shortfalls and—where appropriate—attempt to fill such needs from international organizations or coalition countries before the conflict.

Diverting resources to save cultural artifacts during a time of war may seem trivial considering the human cost of war. But some wise soldiers before us have seen the wisdom. "Inevitably, in the path of our advance will be found historical monuments and cultural centers which symbolize to the world all that we are fighting to preserve," said General Dwight Eisenhower, just before D-Day during the deadliest war of the last one hundred years, one that threatened our nation's existence. "It is the responsibility of every commander to protect and respect these symbols whenever possible."

CONCLUSION

Antiquities trafficking will never merit the same attention or resources as terrorism, drugs, human trafficking, or violent street crime. But, at the very least, it deserves to be on the same list. From government corridors, precinct headquarters, and media newsrooms to faculty lounges, museum boardrooms, and galleries on Madison Avenue, this cultural catastrophe must be

confronted and debated. We must expose those who engage in the illegal trade for what they are: criminals.

More than four years after the looting, the list of missing pieces is still far too long—and still includes the one that breaks my heart. It is the piece that is on the cover of my book, *Thieves of Baghdad*: the Lioness attacking a Nubian Boy, an extraordinary eighth century B.C. chryselephantine ivory plaque inlaid with lapis and carnelian and overlaid with gold. It is, in my view, the single most exquisite and historically significant piece that is still missing. Which is why it is on the cover—a painful reminder to me that my journey has only just begun.

On my first tour in Iraq, our mission was to track down illegal arms and terrorist networks. My decision to expand our mission to include investigating the looting of the Iraq Museum and tracking down the stolen artifacts was characterized by many as a distraction. I regret that I did not pursue that distraction even more.