

The Honorable Antony J. Blinken
Secretary of State
2201 C Street, NW
Washington, DC 20520



May 12, 2021

Subject: Thirty-Day Notice of Intent to File Complaint with the Inspector General
Unless there is Fair Representation on the U.S. Cultural Property Advisory Committee

Dear Secretary Blinken:

On behalf of the Ancient Coin Collectors Guild, please be advised that we intend to file a complaint with the Inspector General in thirty days, unless there is fair representation on the U.S. Cultural Property Advisory Committee. We submit this notice reluctantly but only after we have received neither a response nor even an acknowledgment of our letter to you dated April 1, 2021. Our letter of April 1, 2021, a copy of which is enclosed, requested your assistance to ensure that the U.S. Cultural Property Advisory Committee (CPAC) conforms to its statutory requirements to have three art trade members.¹

We made our request on April 1, 2021, because while 19 U.S.C. § 2605(b)(1)(C) of the Cultural Property Implementation Act requires that the CPAC include “[t]hree members who shall be experts in the international sale of archaeological, ethnological, and other cultural property,” the CPAC has only one such purported member.² We explained that having three art trade members on the CPAC is also consistent with 19 U.S.C. § 2605(b)(2)(A), that directs the President’s appointments to the CPAC “be made in such a manner so as to insure fair representation of the various interests of the public sectors and the private sectors in the international exchange of archaeological and ethnological materials.”

Besides being legally required, we explained that having “fair representation” on the CPAC is especially important, since some members represent hostile anti-collecting views, that are far more extreme than those of the broader archaeological community. As one example, we advised that at the CPAC’s public hearing on July 22, 2020, one CPAC member who represents archeological interests stated that ancient coin collectors – of which there are many thousands in the United States -- should give up collecting ancient coins and take up another hobby! While

¹ We note that we also received no response from either Mr. Stefan Passantino, Chair of the U.S. Cultural Property Advisory Committee or Mr. Richard C. Visek, Acting Legal Adviser, Office of the Legal Adviser, who were provided a courtesy copy of our April 1, 2021 letter.

² Article XII of the CPAC’s 2018 Charter also states that “[r]epresentation on the committee is stipulated by Section 306(b) of the Act: ... [and that it will include] ... (3) three members who are expert in the international sale of cultural property....” The current composition of the CPAC has seven members, only one of whom is listed as representing the interests of the art trade according to <https://eca.stste.gov/cultural-heritage-center/cultural-property-advisory-committee/committee-members> (visited April 27, 2021). The one CPAC member listed as representing the interests of the art trade was initially appointed as a public member. Even though he is a collector, not a dealer, we nonetheless truly appreciate his efforts to ensure the representation of the interests of both small business and collectors.

this person is no longer a CPAC member, archaeological slots are consistently filled, while slots representing the interests of art trade have gone unfilled for years.

We also detailed that the failure to have three members from the art trade on the CPAC appeared to be a long-standing “fair representation” problem, could create an imbalance in the CPAC’s obligations to review and make recommendations, which could negatively impact the public, museums, the trade, and collectors. We quoted Gary Vikan, the former Director of the Walters Art Museum and a CPAC member from 1999-2003, who wrote that at one 2000 CPAC meeting, that the members of the antiquities trade were “missing,” because he was told that they “were now deemed to be flawed by an inherent conflict of interest, so they were not invited.” Mr. Vikan wrote that the limited membership on the CPAC “bothered me because the point of CPAC was to bring to the table eleven citizens of good will with different perspectives of the international movement of cultural property.” Indeed, Mr. Vikan concluded that the “makeup of the CPAC as I joined was clearly at odds with what I knew the intent of the Cultural Property Implementation Act to be.” Gary Vikan, Sacred and Stolen Confessions of A Museum Director (SelectBooks Inc., 2016) pp. 246-247.

We also advised that we understood that there are a number of highly qualified members of the art trade who have applied for CPAC slots, but have heard nothing about their applications. There are also no members representing the interests of religious minorities, even though some Middle Eastern Governments have claimed community religious property and, in some cases, have evicted minority Jewish and Christian populations. We urged the appointment of three members to represent the art trade as well as those who can speak to the interests of religious minorities.

Finally, we advised that this issue had been raised in a letter from Global Heritage Alliance’s Arthur Houghton to Assistant Secretary Marie Royce and Chairman Stefan Passantino dated August 19, 2020, a copy of which is again enclosed. Mr. Houghton is a former CPAC member who wrote on behalf of ten organizations,³ who had serious issues on the administration of the Cultural Property Implementation Act. We understood, however, that no one responded to Mr. Houghton’s letter. The Ancient Coin Collectors Guild is a nonprofit organization, whose mission is to promote and nurture the free and independent collecting of coins from antiquity through education, political action and consumer protection. It has twenty-four affiliate member organizations and advocates for the interests of thousands of ancient coin collectors and hundreds of small businesses of the numismatic trade. Our website may be found at accguild.org.

The “fair representation” issue has now been raised in our letter dated April 1, 2021, directly in testimony at the CPAC’s public hearing on March 19, 2021, in our written submission to the CPAC dated February 26, 2021, and in Mr. Houghton’s letter dated August 19, 2020. We had

³ As detailed in Mr. Houghton’s letter, these ten organizations include our Ancient Coin Collectors Guild as well as the American Hellenic Institute, American Numismatic Association, Antique Tribal Arts Dealer Association, Association of Dealers & Collectors of Ancient & Ethnographic Art, Committee for Cultural Policy, Global Heritage Alliance, International Association of Professional Numismatists, Jews Indigenous to the Middle East and Africa, and Professional Numismatists Guild.

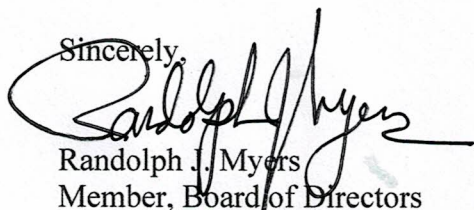
hoped that action would have been taken, so that three art trade members were included as members of the CPAC, as required by law. Yet nothing has happened. And given the past silence and inaction at the Department of State, please be advised that we intend to file a complaint with the Inspector General, unless action is taken within thirty days to include three art trade members in the CPAC, as required by law.

In the event that we have to file a complaint with the Inspector General, it would be based upon three separate statutory provisions that detail the responsibilities of the Inspector General for the Department of State. These three statutory provisions impose a legal obligation for the Inspector General, to engage in the “systematic review and evaluation of the administration of activities and operations of ... bureaus and other operating units of the Department of State,” that would apply in this situation since the CPAC fails to have the legally-required three art trade members. First, under 22 U.S.C. § 3929(b)(3), which authorizes the Inspector General to investigate “whether the administration of activities and operations meets the requirements of applicable laws and regulations.” Second, under 22 U.S.C. § 3929(b)(4), which authorizes the Inspector General to investigate “whether there exist instances of fraud or other serious problems, abuses, or deficiencies, and whether adequate steps for detection, correction, and prevention have been taken.” Third, under 22 U.S.C. § 3929(b)(5), which authorizes the Inspector General to investigate “whether policy goals and objectives are being effectively achieved and whether the interests of the United States are being accurately and effectively represented.”

Finally, we are sharing this letter with the Director of the White House Office of Presidential Personnel, so that they are aware of the lack of “fair representation” at the CPAC, and that we request their assistance to help facilitate the appointment of three art trade members to the CPAC as required by law.

We hope within the next thirty days, that you will advise us that three art trade members are added to the CPAC, as required by law. If not, a complaint will be filed with the Inspector General. Your assistance is greatly appreciated.

Sincerely,



Randolph J. Myers
Member, Board of Directors
Ancient Coin Collectors Guild
c/o 8709 Stockton Parkway
Alexandria, VA 22308
randolphjmyers@gmail.com

cc: Ms. Catherine M. Russell, Director of the White House Office of Presidential Personnel
Mr. Stefan Passantino, Chair of the U.S. Cultural Property Advisory Committee
Mr. Richard C. Vissek, Acting Legal Adviser, Office of the Legal Adviser
Mr. Arthur Houghton, President of the Global Heritage Alliance

Enclosures: Guild letter dated April 1, 2021
Arthur Houghton letter dated August 19, 2020

The Honorable Antony J. Blinken
Secretary of State
U.S. Department of State
2201 C Street, NW
Washington, DC 20520



April 1, 2021

Subject: Fair Representation on the
U.S. Cultural Property Advisory Committee

Dear Secretary Blinken:

On behalf of the Ancient Coin Collectors Guild, we request your assistance to ensure that the U.S. Cultural Property Advisory Committee (CPAC) conforms to its statutory requirements to have three art trade members in its Committee. We make this request because, while 19 U.S.C. § 2605(b)(1)(C) of the Cultural Property Implementation Act requires that the CPAC include “[t]hree members who shall be experts in the international sale of archaeological, ethnological, and other cultural property,” but the CPAC has only one such purported member.¹ Having three art trade members included on the CPAC is also consistent with 19 U.S.C. § 2605(b)(2)(A), that directs the President’s appointments to the CPAC “be made in such a manner so as to insure fair representation of the various interests of the public sectors and the private sectors in the international exchange of archaeological and ethnological materials.”

Besides being legally required, having “fair representation” on the CPAC is especially important, since some members represent hostile anti-collecting views, that are far more extreme than those of the broader archaeological community. As one example, at the CPAC’s public hearing on July 22, 2020, one CPAC member who represents archeological interests stated that ancient coin collectors – of which there are many thousands in the United States -- should give up collecting ancient coins and take up another hobby! While this person is no longer a CPAC member, archaeological slots are consistently filled, while slots representing the interests of art trade have gone unfilled for years.

The failure to have three members from the art trade on the CPAC is a long-standing “fair representation” issue that creates an imbalance in the CPAC’s obligations to review and make equitable recommendations. There is no doubt this lack of representation negatively impacts the US public, museums, the trade, and collectors. Gary Vikan, the former Director of the Walters Art Museum and a CPAC member from 1999-2003, wrote that at one 2000 CPAC meeting, that the members of the antiquities trade were “missing,” because he was told that they “were now deemed to be flawed by an inherent conflict of interest, so they were not invited.” Mr. Vikan wrote that the limited membership on the CPAC “bothered me because the point of CPAC was to bring to the table eleven citizens of good will with different perspectives of the international

¹ The CPAC’s current composition of seven members comes from <https://eca.stste.gov/cultural-heritage-center/cultural-property-advisory-committee/committee-members> (visited March 26, 2021). The one CPAC member who is listed as representing the interests of the art trade was initially appointed as a public member. Even though he is a collector, not a dealer, we nonetheless truly appreciate his efforts to ensure the representation of the interests of both small business and collectors.

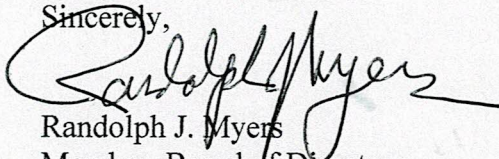
movement of cultural property." Indeed, Mr. Vikan concluded that the "makeup of the CPAC as I joined was clearly at odds with what I knew the intent of the Cultural Property Implementation Act to be." Gary Vikan, Sacred and Stolen Confessions of A Museum Director (SelectBooks Inc., 2016) pp. 246-247.

We understand that there are a number of highly qualified members of the art trade who have applied for CPAC slots, but have heard nothing about their applications. There are also no members representing the interests of religious minorities, even though some Middle Eastern Governments have claimed community religious property and, in some cases, have evicted minority Jewish and Christian populations. We urge the appointment of three members to represent the art trade as well as those who can speak to the interests of religious minorities.

This issue that we now raise to you had been raised in a letter from Global Heritage Alliance's Arthur Houghton to Assistant Secretary Marie Royce and Chairman Stefan Passantino dated August 19, 2020, a copy of which is enclosed. Mr. Houghton is a former CPAC member who wrote on behalf of ten organizations,² who had serious issues on the administration of the Cultural Property Implementation Act. We understand, however, that no one responded to Mr. Houghton. The Ancient Coin Collectors Guild is a nonprofit organization, whose mission is to promote and nurture the free and independent collecting of coins from antiquity through education, political action and consumer protection. It has twenty-four affiliate member organizations and advocates for the interests of thousands of ancient coin collectors and hundreds of small businesses of the numismatic trade. Our website may be found at accguild.org.

Please be advised that we have raised the "fair representation" issue directly with the CPAC, both in our submission to them dated February 26, 2021 as well in testimony at the CPAC's public hearing on March 19, 2021. We hope that immediate action is taken so that three members from the art trade are finally included as members of the CPAC as required by law. But given the importance of "fair representation" at the CPAC, and past inaction, we seek your support on this important issue. Your assistance is greatly appreciated.

Sincerely,



Randolph J. Myers
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Ancient Coin Collectors Guild
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Alexandria, VA 22308
randolphjmyers@gmail.com

² As detailed in Mr. Houghton's letter, these ten organizations include our Ancient Coin Collectors Guild as well as the American Hellenic Institute, American Numismatic Association, Antique Tribal Arts Dealer Association, Association of Dealers & Collectors of Ancient & Ethnographic Art, Committee for Cultural Policy, Global Heritage Alliance, International Association of Professional Numismatists, Jews Indigenous to the Middle East and Africa, and Professional Numismatists Guild.

cc: Mr. Stefan Passantino, Chair of the U.S. Cultural Property Advisory Committee
Mr. Richard C. Visek, Acting Legal Adviser, Office of the Legal Adviser
Mr. Arthur Houghton, President of the Global Heritage Alliance

Enclosure: Arthur Houghton letter dated August 19, 2020



5335 Wisconsin Ave. N.W. • SUITE 440 • WASHINGTON, D.C. 20036 • TELEPHONE (202) 331-4209 • FACSIMILE (202) 448-2943

August 19, 2020

The Honorable Marie Royce
Assistant Secretary, Bureau of Educational Affairs
U.S. Department of State
2200 C Street, N.W.
Washington, D.C. 20037

Mr. Stefan Passantino, Chair
Cultural Property Advisory Committee
Cultural Heritage Center (ECA/P/C)
U.S. Department of State
2200 C Street, N.W.
Washington, D.C. 20037

RE: Process Issues Arising Out of Recent CPAC Hearings

Dear Assistant Secretary Royce and Chairman Passantino:

I am writing as President of the Global Heritage Alliance and as a former Cultural Property Advisory Committee ("CPAC") member on behalf of the following organizations regarding serious process issues that have arisen from the Cultural Heritage Center's administration of the Cultural Property Implementation Act ("CPIA"): (1) American Hellenic Institute (<https://www.aheworld.org/>); (2) American Numismatic Association (<https://www.money.org/>); (3) Ancient Coin Collectors Guild (<http://www.accg.us/home.aspx>); (4) Antique Tribal Arts Dealer Association (<https://atada.org/about>); (5) Association of Dealers & Collectors of Ancient & Ethnographic Art (<https://adcaea.wildapricot.org/>); (6) Committee for Cultural Policy (<https://culturalpropertynews.org/>); (7) Global Heritage Alliance (<https://global-heritage.org/>); (8) International Association of Professional Numismatists (<https://iapn-coins.org/>); (9) Jews Indigenous to the Middle East and Africa (<https://www.jimena.org/>) and (10) Professional Numismatists Guild (<https://pngdealers.org/>).

Each of these groups has testified at CPAC meetings on behalf of Jewish and Orthodox Christian religious minorities, museums, collectors and/or the small businesses of the antiquities and numismatic trades. All these groups had expected that the Trump Administration would address longstanding problems related to the fairness of Committee proceedings. This has not happened, and in fact the same issues that have been concerns under prior Administrations have only continued under this Administration.

1. Ensuring balanced Representation on Cultural Property Advisory Committee

As directed by Congress, “the eleven members of the Advisory Committee must include two members representing the interests of museums, three archaeologists, anthropologists, or experts in related fields; three persons representing the interests of art dealers; and three representatives of the general public.” (See Senate Report 97-564 at 9). Instead, the current Committee membership over represents hostile anti-collecting views that are far more extreme than those of the broader archaeological community. As an example, at a recent CPAC hearing one member representing the archeological interests told ancient coin collectors – of which there are many thousands in the United States -- that they should give up their hobby and take up another. Another asked a representative for the Greek-American community if conditions could be written into a MOU related to the appropriation of minority religious property that, of course, would not be subject to review until the MOU was up for renewal in another 5 years.

While archaeological slots are consistently filled (typically with individuals hostile to collecting), slots representing the interests of art and antiquities dealers have gone unfilled for years. Currently, there are **no** dealer members. There is a collector representing the interests of the art trade who was initially appointed as a public member.¹ He was then reappointed to represent the interests of the trade so that there would be a quorum for a proposed MOU with Turkey. There are a number of highly qualified members of the trade who have applied for CPAC slots, but have heard nothing about their applications.

There are in addition, no members representing the interests of religious minorities. This problem has manifested itself because archaeological advocacy groups have worked behind the scenes with Middle Eastern Governments to complete MOU’s which have supported the claims of these governments to the community religious property of suppressed and in some cases evicted minority Jewish and Christian populations. We urge that ECA request that the White House expedite the appointment of members representing the trade² and those who can speak to the interests of religious minorities.

2. Transparency: Providing the Public with Adequate Information to Comment on Initial Requests and Renewals

CPAC provides recommendations under the CPIA. In order to recommend import restrictions, CPAC must find that the request satisfies all four requirements set forth under the law. The requirements are:

- The cultural patrimony of the State Party is in jeopardy from the pillage of archaeological or ethnological materials of the State Party.
- The State Party has taken measures to protect its cultural patrimony.

¹ Even though he is a collector, not a dealer, the undersigned parties nonetheless truly appreciate his efforts to ensure the representation of the interests of both small business and collectors.

² In the past, alleged conflict of interest concerns have been used to keep dealer members off of CPAC. At the same time, the State Department has refused to recuse archaeological members from voting on MOU’s with specific countries that have issued them excavation permits. In any event, we were previously told this issue has been resolved so that alleged conflict of interest issues should not be used to keep dealers off of CPAC.

- The application of the requested import restriction would be applied at the same time by other nations with a significant import trade in the restricted objects, and would have a substantial effect in deterring a serious situation of pillage -- and other remedies are not available.
- The application of the import restrictions is consistent with the general interest of the international community in the interchange of cultural property among nations for scientific, cultural, and educational purposes.

CPIA, 19 U.S.C. § 2602 (a) (1). Moreover, CPAC must also consider whether the factors that justified an initial agreement still obtain before an extension can be recommended. CPIA, 19 U.S.C. § 2602 (e).

In the past ten years, the State Department has published "public summaries" of State Party requests which are supposed to address each of these issues. Regrettably, and without evident reason, this practice has not been universally followed. Requests are often not published, or in the case of Morocco, were released late after the deadline for public comments had lapsed. As disturbingly, requests are often totally silent about one or more of the required statutory findings, leaving the public and perhaps CPAC at a loss to know whether the required criteria have been met.

Finally, no information is provided at all about renewals. In addition to information about whether the same factors that justified an initial agreement still exist, CPAC gives no information about whether the State Party has lived up to its own promises made on entering agreements. This oversight negatively impacts the ability of the public to comment intelligently about renewals, and may also affect CPAC's own deliberations.

Sincerely,

/s/

Arthur Houghton