

Congratulations! Your government believes... If You Collect Coins, You Are No Better Than A Tomb Robber

by Robert B. Korver

Before I tell you my sad tale of toiling for eight years inside the Federal sausage/pickle factory of laws/regs/rules that affect your collecting activities, you should know that you owe an enormous debt of gratitude to Peter Tompa, collector of ancient coins, ANS Trustee and attorney for ACCG and PNG; he has done more to protect your rights as collectors than all of the votes that you have cast in all of the elections over the last three decades! How can this be?

If you are like most Americans, you really don't want to get over-involved in politics, much less bureaucratic minutiae. In fact, I'll guess that you know more about Roman politics than the D.C. variety. If you are a businessperson, you probably realize that your daily life is more affected by regulations created by bureaucrats (with the force of law) than the LAWS actually passed by Congress. The biggest difference is that you get to vote for your Congressional representatives, so you can pretend that you have had a voice in the governmental intrusions into your private life. In reality, most of these impacts come from faceless bureaucrats who promulgate regulations well away from the harsh lights of public scrutiny. Bureaucrats who will claim "National Security" to hide their actions even further from your

input, and hopefully your attention. They operate under a carefully defended veil of secrecy, to further their personal preferences and objectives. Trust me—after eight years, I promise you that this is not paranoia; in the State Department's Bureau of Education & Cultural Affairs (ECA), it's Standard Operating Practice (SOP).

If you want to know why your ability to collect the ancient coins of Iraq, Cyprus, and Italy—and soon to be joined by Greece—has been restricted, you need to look inside the vast bureaucracy of the U.S. State Department. *And memorize these abbreviations.* The Cultural Property Advisory Committee (CPAC) was created by the Federal Cultural Property Implementation Act, 19 U.S.C. § 2604 (CPIA) which was created to effectuate the 1970 UNESCO Convention (sometimes the U.N. really is behind it!). The CPIA is subject to many reservations and understandings made by the U.S. Senate, and was carefully crafted to take American business and collector interests into account before formulating any Memorandum of Understanding (MOU) with a foreign government (MOUs have the legal authority and power of a treaty). These MOUs are not your friend; the process has been hijacked by politically driven bureaucrats whose overreach has turned their legal mission to serve CPAC into a mission to pervert codified law based on a grievous misinterpretation of a few words in a very long CPIA.



Robert B. Korver, who was a member of the Cultural Property Advisory Committee (CPAC) from July 2003 until his resignation on March 1, 2011.

I was asked by the Bush White House to join CPAC in July of 2003, and I served the interests of the collecting community faithfully until my resignation effective March 1, 2011. I consulted with many parties before deciding to quit, because we all believed that it was better to have a seat at the CPAC discussion table, and hopefully convince some that we are not all criminals. Alas, that justification lasted only as long as CPAC's recommendations were followed by the State Dept (and subsequently by the President); my resignation was required once it became obvious that the new SOP of bureaucratic overreach meant ECA Staff twisting the CPIA law to advance their personal preferences (reversing legally derived recommendations of CPAC behind closed doors, with no public input or even CPAC notification). Technically, these ECA Staff actions meant a complete denial of my rights and responsibilities afforded under CPIA, 19 U.S.C. § 2604, Section 306 (f) (5). Quitting frees my hands to work with State's Inspector General, and hopefully with Congress.

I may be the first person to ever say this, but my desire at this point is to be subpoenaed by Congress to pierce my oaths of secrecy; only then can I



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Speak freely of the actions behind the curtain of Oz. Congress needs to be made aware of how their CPIA law has been perverted, and specifically how the actions of ECA staff directly contravene both the letter and the spirit of the CPIA. Until then, you can watch the criminalization of collecting ancients proceed apace, and watch collectors around the world enjoy more rights than you do!

What can you do to protect your rights? The events of the last two years have proven conclusively that writing to CPAC during the MOU process does little more than place your small, discredited voice on the public record – **BUT HERE I MUST RECOMMEND** that you continue to do so, if **ONLY TO PREVENT** ECA from saying that “collectors don’t care” as further justification for their rogue actions. You are stuck, so go through the motions, but do not expect different results. Don’t take this personally; ECA/State even refuses to provide Congress with the required reports that would pierce the dark veil of secrecy!

Just in case no one has told you this before, professional archaeologists own ancient history, not criminals like you. According to archeothought, you should be happy enough holding all of the ancients you looted **BEFORE** the MOUs were enacted. You have already looted enough coins from tombs to last your lifetime. Think I am being over dramatic? As Peter Tompa has reported on his blog (<http://culturalpropertyobserver.blogspot.com/>), one of the CPAC archaeologists attacked the founder of a program to teach children about the ancient world through sandbox archaeology (looking for coins) as encouraging the children to rob graves!

Through the MOU process, State has imposed requirements that discriminate only against American collectors and the small businesses that serve them; as it now stands, collectors in China, Russia, and all of Europe have more rights than you do. Please do not blame me. I did not elect these people, and I did all in my powers of logic and persuasion to make CPAC responsive to the rights of collectors. But then again, I am a heathen and one of the tomb robbers. The recent MOUs subordinate the interests of tens of thousands of American collectors to the whims of a foreign government, ECA bureaucrats, and an elite academic fraternity.

Curiously enough, as a trained ethno-historian, I am sympathetic to the arguments of the archaeologists. I prefer to see the context of a site preserved for professional excavation. But then again, I much prefer Britain’s Portable Treasure scheme, which allows duplicate material to enter the market. But then again, to archaeologists, there is not such thing as duplicate material. Every pot is sacred. And you don’t deserve any of them. In the meantime, you better start collecting well-photographed catalogs along with coins, because the MOU import restrictions will bar the entry of cultural goods legally sold abroad unless they are accompanied by detailed provenance information.

Some day, I may write a history of how the archaeologists, who stand on the shoulders of two centuries of numismatic research, have turned on their former best friends. Perhaps it is because they have now promised to stop robbing graves and stealing bones, and we all know there is nothing more intolerant than a reformed sinner. And here you were busy learning about ancient cultures, not even aware that you were part of a vast international conspiracy.

Believe this: the CPIA was carefully crafted to avoid hurting American businesses at the expense of their global competitors, yet by creating this new loophole to due process, ECA bureaucrats have shifted the ancient coin trade to Europe, where it is still fully legal. No problem—America doesn’t need the jobs. And just as CPAC was carefully constructed to represent a diversity of opinion, the ECA bureaucrats do not recognize that denying many voices in favor of just one is a perversion of the representative process. When one bureaucrat regularly overrides the votes and wishes of the legally constituted many, it threatens the legitimacy of the entire process. Not to mention a waste of the money involved in CPAC affairs.

The specifics of the CPIA and MOU process require that there are no less drastic measures available and that the requesting State Party is performing to a high standard; instead, we have:

1) Cyprus: As again reported by Tompa, a high-ranking Cypriot diplomatic admitted that Cyprus could not outlaw metal detectors, because it



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would discourage British tourist traffic. Instead, our Customs agents are busy looking for Cypriot coins instead of dirty bombs. The archaeologists praise the MOU for seizing coins, even though it's Cypriot inaction that destroys site context! Oh, and the next time you buy me a drink, ask me about how American taxpayers are footing an increased Customs budget to deny Americans their right to legally import coins found outside of Cyprus, and how the Academics deliberately lied about this!

2) Italy: The Italian government is slashing its cultural protection budget at the same time that Pompeii is literally falling down. Instead of taking care of their own affairs, they have succeeded in shifting financial responsibility for protecting their cultural patrimony to the American taxpayer.

3) Greece: I want to be fair, really, so I'll say nothing. Pick up your morning newspaper and you know everything you need to about the cradle of western civilization. Weep for the people.

ECA has increasingly fallen under the spell of an academic archaeological clique; all of the Staff researchers

are archaeologists. They are fundamentally hostile to all forms of private collecting, and fervently believe that all historical artifacts, coins included, should be under the control of this chosen academic elite. I am prohibited by law from revealing these National Secrets, but former CPAC trade representatives have confirmed that CPAC minutes are filled with their multiple protests against the staff's archaeological bias to the detriment of a fair hearing. Having failed to control CPAC through injudicious direction and presentation of research, ECA Staff has now created a methodology for the archaeological ambush of CPAC recommendations; this is the new standard operating practice. Change the rules and the results after it is too late to have any input from CPAC duly appointed commissioners.

CPAC guided previous administrations in their response to the cultural property demands made by foreign governments, and had previously agreed that while the import of certain antiquities and works of art should be regulated, ancient coins should be exempt from such restrictions; contemporary documents prove that Congress

specifically intended this exemption. By their very nature, coins are intended to circulate widely and can't necessarily be claimed as the cultural property of any single modern political entity—imagine today America claiming all \$100 bills circulating abroad as our "cultural patrimony." Numismatists appreciate every surviving piece from the past, but most types of ancient coins survive in large numbers. Collectors need not be wealthy to enjoy these ancient works of metallic art, but the new MOUs may force many to give up their hobby for fear of being criminalized by their own government. Does a collector in Chicago buying a common "rare" coin for \$75 really 'jeopardize' Italy's cultural heritage? Are these truly national treasures worthy of protection by our Immigration and Customs Enforcement (ICE)?

ECA twisting of CPIA law to satisfy personal desires and minority opinions is a classic example of bureaucratic overreach. It perverts the legal process, and diminishes the statutory role of CPAC, and thus diminishes the ability of the President to sign laudable MOUs.

Once the lunatics figured out how to seize control of the asylum, it was time for me to quit. I feared that my CPAC participation was being used to put a veneer of legitimacy or acquiescence on such actions and advocacy by ECA staff. In point of fact, this argument was put forward by a government attorney in one of the ACCG's FOIA courtroom arguments. I may have resigned from CPAC, but not from the fight—and I hope you will join me. You deserve better treatment from the bureaucrats that you didn't elect.

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