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The Casualties of War: The Truth About the Iraq Museum

MATTHEW BOGDANOS

Abstract

As Baghdad was falling to coalition forces in April 2003, the international media reported that the Iraq Museum had been ransacked and more than 170,000 of the finest antiquities from the very cradle of civilization had been stolen while U.S. forces stood idle. The list of missing objects read like a “who’s who” of Near Eastern archaeology, and the world reacted with shock and outrage. In response, the United States dispatched to the museum a highly specialized multiagency task force that had been conducting counterterrorism operations in southern Iraq at the time of the looting. Their mission was to determine what had happened at the museum and to recover whatever antiquities they could. Among several startling discoveries were that the museum compound had been turned into a military fighting position and that the initial reports that over 170,000 priceless antiquities had been stolen were wrong. Although final inventories will take years to complete, the best current estimate is that approximately 14,000–15,000 pieces were initially stolen. The investigation determined that there had been not one but three thefts at the museum by three distinct groups: professionals who stole several dozen of the most prized treasures, random looters who stole more than 3,000 excavation-site pieces, and insiders who stole almost 11,000 cylinder seals and pieces of jewelry. The investigation also determined that the international black market in Iraqi antiquities continues to flourish. Working closely with Iraqis and using a complex methodology that includes community outreach, international cooperation, raids, seizures, and amnesty, the task force and

others around the world have recovered more than 5,000 of the missing antiquities. This is a comprehensive account of those thefts and recoveries, as well as an attempt to correct some of the inaccuracies and misunderstandings that have been commonly reported in the media.*

INTRODUCTION

I could a tale unfold whose lightest word would
harrow up thy soul.

Hamlet 1.5.15

On 5 April 2003, coalition forces thundered into the heart of Baghdad, sending Saddam Hussein’s regime into flight less than a week later. The fighting created a power vacuum and a state of lawlessness in which looting was rampant. Among the many targets of the looters was the Iraq Museum, home to one of the finest collection of antiquities in the world (fig. 1). Its ransacking became the first disaster of the Iraq war as the media bombarded a horrified world with claims that “[i]t took only 48 hours for the museum to be destroyed, with at least 170,000 artifacts carried away by looters”¹ and that “[e]verything that could be carried out has disappeared from the museum.”² The world was unanimous in its outrage, and the race for hyperbole was joined. “You’d have to go back centuries, to the Mongol invasion of

*The list of those who have participated in recovering Iraq’s stolen treasures is long, but a few deserve special mention. Before all else, I commend the Iraqi people, whose warmth and hospitality in inviting me into their homes and hearts will stay with me always. From the archaeological community, I wish to thank the inspiringly unflappable McGuire Gibson from the University of Chicago’s Oriental Institute, the brilliantly outspoken Zainab Bahrani from Columbia University, and my favorite drill instructors, Selma al-Radi and Lamia al-Gailani. I have sought their unerring counsel more times than I can count. I also commend John Russell from the Massachusetts College of Art and U.S. Army Captain Vance Kuhnner for their selfless service in Iraq. From the museum staff, I am honored to have shared daily tea with Dr. Jaber Khaleel Ibrahim, to have laughed with Dr. Nawala al-Mutwalli, and to have walked with Dr. Ahmed Kamel. I here acknowledge a special debt to Dr. Adonia George Youkhanna, “Brother Donny” to me. Finally, I would like to thank Naomi Norman, Editor-in-Chief of this journal, for her patience and thought-provoking editing. As time passes and more facts come to light, some of my findings

will surely prove inaccurate or incomplete. But, however history judges this investigation, the successes belong to these remarkable people (and those in nn. 25 and 74). The errors are mine.

¹“Pillagers Strip Iraq Museum of Its Treasure,” *New York Times*, 13 April 2003.

²“Museum Treasures Now War Booty,” Associated Press, 12 April 2003. See also “The Looting of Iraq’s Past” (*USA Today*, 14 April 2003): “Scores of Iraqi civilians broke into the museum Friday and made off with an estimated 170,000 ancient and priceless artifacts”; and “U.S. blamed for failure to stop sacking of museum” (*Independent*, 14 April 2003): “Not a single pot or display case remained intact.” To illustrate the point that the museum had been completely emptied, the *Independent* and, thereafter, virtually every major newspaper in the world, ran a photograph of a forlorn-looking museum guard staring at an empty display case, with the caption, “An armed guard surveys the museum’s empty shelves.” As we later learned, every one of the display cases shown had been emptied out by the staff *before* the looting.



Fig. 1. Iraq Museum, facing the main entrance to the public galleries, taken from the front (southern) entrance to the museum compound, July 2003. (M. Bogdanos)

Baghdad in 1258, to find looting on this scale”³ and “[t]he pillaging of the Baghdad Museum is a tragedy that has no parallel in world history; it is as if the Uffizi, the Louvre, or all the museums of Washington D.C. had been wiped out in one fell swoop”⁴ were among the most extreme. Such sensational-

ism aside, there was ample reason for gloom, because the little that was known was shocking. Indeed, the list of missing objects read like a “who’s who” of Near Eastern archaeology and included the Sacred Vase of Warka (figs. 2, 3),⁵ the Mask of Warka,⁶ the Golden Harp of Ur,⁷ the Bassetki Statue (figs. 4, 5),⁸

³From Eleanor Robson, Oxford professor and a council member of the British School of Archaeology in Iraq, in “Experts’ Pleas to Pentagon Didn’t Save Museum” (*New York Times*, 16 April 2003), repeating Saddam Hussein’s earlier comparison of “the United States under President Bush to the Mongol Hordes”; “Treasured Past Once Again at Risk,” *San Francisco Chronicle*, 19 March 2003. See her additional claims that “[t]his is a tragedy with echoes of past catastrophes: the Mongol sack of Baghdad, and the fifth-century destruction of the library of Alexandria,” (“The Collection Lies in Ruins, Objects from a Long, Rich Past in Smithereens,” *The Guardian* [Manchester], 14 April 2003), and that “[t]he looting of the Iraq Museum is on a par with blowing up Stonehenge or ransacking the Bodleian Library” (“U.S. blamed for failure to stop sacking of museum,” *Independent*, 14 April 2003).

⁴From Piotr Michalowski, “The Ransacking of the Baghdad Museum Is a Disgrace,” *History News Network*, 14 April 2003, <http://hnn.us/articles/1386.html> (12 March 2005). See also John Russell’s “10,000 years of human history has been erased at a moment,” *NewsHour with Jim Lehrer*, 18 April 2003, in “Pieces of History,” transcript available at http://www.pbs.org/newshour/bb/middle_east/jan-june03/museum_04-18.html (13 March 2005).

⁵The Sacred Vase of Warka, the world’s oldest known carved-stone ritual vessel, dating from ca. 3200 B.C., depicts Sumerians offering gifts to Inanna, the patron goddess of Uruk (modern

Warka, the biblical Erech). The 1.06-m alabaster vase was discovered by a German archaeological team in 1940 at Warka near al-Samawa in southern Iraq, and was justifiably the pride of the Iraq Museum.

⁶The Mask of Warka, sometimes mistakenly called the “Mona Lisa of Mesopotamia” (the consensus claimant for that appellation is an ivory head from Nimrud), is an exquisite life-size limestone head from ca. 3100 B.C. Unearthed by a German expedition in 1938, it is generally believed to be the world’s oldest known naturalistic sculpture of a human face, possibly representing the goddess Inanna.

⁷The solid gold bull’s head that adorned Queen Puabi’s (Shub-Ad) Golden Harp of Ur, from the Early Dynastic III period, ca. 2600–2500 B.C., had been discovered in 1929 by a joint British-American archaeological team led by the archaeologist Sir Leonard Woolley and including Sir Max Mallowan (who met his wife, the mystery novelist Agatha Christie, while she was visiting Ur). In the wake of the looting, the bull’s head was believed to be missing and the harp destroyed.

⁸The Bassetki Statue, so called because it was discovered by a road construction crew in the 1960s near the town of Bassetki in northern Iraq, dates to the Akkadian period, ca. 2250 B.C. Cast in pure copper and weighing about 150 kg, it is one of the earliest known examples of the lost-wax technique of casting. Three columns of text inscribed on the base record the building of a temple and suggest that the statue once stood

the Lioness Attacking a Nubian ivory,⁹ and the twin copper Ninhursag Bulls.¹⁰ Also unaccounted for was the Treasure of Nimrud,¹¹ a spectacular collection of more than 1,000 pieces of gold jewelry and precious stones from the eighth and ninth centuries B.C. that had been discovered between 1988 and 1990 by Iraqi archaeologist Muzahim Hussein Mahmud during his excavation of four royal tombs,¹² and is considered by many to be one of the greatest archaeological finds of the last century.¹³ The treasure—the exact count of which we were never able to determine with certainty¹⁴—was seen in public only briefly in 1989 and then was moved by the

Hussein regime, ostensibly for safekeeping and allegedly to the Central Bank of Iraq. Whether it was still in the bank vaults in April 2003 was anybody's guess.

INITIAL REACTION TO THE LOOTING

In the wake of the looting, the world was understandably vocal in its condemnation of the United States and the United Kingdom for failing to protect the museum.¹⁵ The president of the International Council on Monuments and Sites even claimed that the United States was guilty of committing "a crime against humanity" for failing to

in the palace of Sargon's grandson, Naram-Sin, king of Akkad ca. 2254 B.C. Although the site of the capital city of Agade has never been identified, it is now believed to have been on a branch of the Tigris in the Diyala area of central Iraq not far from Baghdad. Just how the statue got to the north is a mystery, but it was gone and its display case smashed.

⁹ The Lioness Attacking a Nubian was an extraordinary eighth-century B.C. chryselephantine ivory plaque inlaid with lapis and carnelian and overlaid with gold. Dr. Joan Oates, a fellow at the McDonald Institute for Archaeological Research, recalled for me Sir Max Mallowan's 1951 discovery of the 10.4-x-9.8-cm plaque at the bottom of a well at Nimrud. Two such plaques are known to exist; the other is in the British Museum.

¹⁰ The museum housed twin bulls from the facade of the temple built by Mesannipadda, king of Ur, ca. 2475, and dedicated to the mother goddess Ninhursag in Tell al-Ubaid in southern Iraq. Among the oldest known bulls in relief, they were ripped from the wall in the Sumerian room on the second floor of the museum.

¹¹ Situated on the Tigris River, approximately 35 km southeast of modern-day Mosul in northern Iraq, Nimrud (Assyrian name Kalhu, the biblical Calah) was inhabited from the early third millennium and was at its height from the time Assurnasirpal II (883 to 859 B.C.) moved the Assyrian capital there from Assur until its destruction in 612 B.C. by a combined force of Medes and Babylonians (Oates and Oates 2001).

¹² While Nimrud had yielded extraordinary finds from the time of Sir Henry Layard's excavations in 1845, the Treasure of Nimrud was not discovered until 1988, when Sayid Muzahim noticed an uneven floor in one of the so-called harem rooms of the palace and began to dig, finding underneath a purpose-built burial chamber (tomb 1). Inside this tomb was a sealed sarcophagus containing a female body and an exquisite array of grave goods including gold armlets, rings, and other jewelry. In April 1989, he discovered another burial chamber (tomb 2) with two female bodies in the same sarcophagus, later identified as Queen Yaba (wife of Tiglath-Pileser III, who ruled from 744 to 727 B.C.) and Queen Atalia (wife of Sargon II, who ruled from 721 to 705 B.C.). Inside this sarcophagus were some of the finest examples of gold jewelry ever found in the Near East. In August 1989, Muzahim found another vaulted crypt (tomb 3) belonging to Queen Mullissu, the wife of Assurnasirpal II, the king who had built the palace at Nimrud during his reign (883–859 B.C.). In this tomb were found gold and silver items of breathtaking workmanship weighing approximately 23 kg. Muzahim also found a final underground vault (tomb 4) in 1990, but it had already been robbed of its

grave goods and body (Damerji Muayad 1999; Hussein and Suleiman 1999–2000; Oates and Oates 2001).

¹³ According to John Curtis, Keeper of the British Museum's Department of Ancient Near East, "This is a discovery which rivals that of [the 1922 discovery of the tomb of] Tutankhamen" (quoted in N. Reynolds, "An Ancient Golden Age Reveals Its Burial Rituals," *The Age*, 14 March 2002, <http://www.theage.com.au/articles/2002/03/13/1015909866609.html?oneclick=true> [12 March 2005]) and "The Nimrud Treasure ranks alongside that of Tutankhamen" (quoted in "The Nimrud Gold on Display in Baghdad . . . for a Few Hours," *Art Newspaper*, 4 July 2003, <http://www.theartnewspaper.com/news/article.asp?idart=11194> [12 March 2005]). See also M. Gayford, "Gold Fever," *The Age*, 14 January 2004, <http://www.theage.com.au/articles/2004/01/13/1073877824063.html?oneclick=true> (5 January 2005). The Nimrud treasure is considered so priceless that the Romisch-Germanischen Museum had to cancel its plans for a limited exhibition in Germany several years ago because no insurance company was willing to insure it.

¹⁴ As Dr. Muayad Said Damerji, Iraq's former director general of Antiquities and Heritage, reasonably told me, it was difficult to document all the finds given the sheer size of the discovery, the conditions under which he was working, and the treasure's removal to the Central Bank of Iraq. Dr. Muayad was able, however, to provide the following list. Tomb 1 contained at least 31 separate gold and silver necklaces, bowls, rings, and other jewelry. In tomb 2, the sarcophagus alone contained more than 700 tiny gold rosettes, more than 90 necklaces, an uncounted number of gold and carnelian beads, and 157 gold objects (a crown, a diadem, 79 earrings, 6 necklaces, 4 chains, 4 bracelets, 30 rings, 15 vessels, 3 bowls, and 4 anklets—one of which weighed more than 1 kg). There were also additional gold objects on the floor of the tomb. For tomb 3, the numbers are known with precision: 449 separate pieces of gold and jewelry (see Damerji Muayad 1999). Although Hussein and Suleiman (1999–2000) is purported to contain a complete inventory of the treasure and has 223 photographs of the finds, as well as a list of all of the catalogue numbers, many entries read "beads," "ornaments," "earrings," and the like, without providing exact numbers.

¹⁵ See, e.g., "An Army for Art" (*New York Times*, 17 April 2003): "American and British forces are clearly to blame for the destruction and displacement of [Iraq's] cultural Treasures"; and "Museum's Treasures Left to the Mercy of Looters" (*The Guardian* [Manchester], 14 April 2003): "U.S. generals reject[ed] plea to protect priceless artefacts from vandals."



Fig. 2. Base of the Sacred Vase of Warka and its pedestal after the vase was stolen from the museum, April 2003. (M. Bogdanos)



Fig. 3. Sacred Vase of Warka with Dr. George (far right) and the four men who returned it, showing the main portion and its plaster of Paris base but not the smaller recovered pieces. June 2003. (R. Piñeiro)

protect the museum.¹⁶ Dozens of countries expressed their concerns about the failure of the U.S. government to prevent this catastrophe.¹⁷ United Nations Secretary General Kofi Annan issued a statement “deploring the catastrophic losses,”¹⁸ and the United Nations Educational, Scientific and Cultural Organization (UNESCO) convened an emergency meeting of 30 experts from 14 countries, with its director general, Koichiro Matsuura, calling on American authorities “to take immediate measures of protection and surveillance of Iraqi archaeological sites and cultural institutions.”¹⁹ In addition, the International Criminal Police Organization (Interpol) organized an extraordinary session consisting of 18 countries and nine international organizations and resolved to establish an “Interpol Task Force for the Tracking of Iraqi Stolen Cultural Property.”²⁰ Although more than 75 experts and government officials, including U.S. Attorney General John Ashcroft, attended the conference, no one

directly involved in the investigation was invited. As a result, Interpol’s member nations began developing law-enforcement strategies and recommendations on how to deal with this cultural disaster based on second-hand reporting—not knowing that by the opening of the conference we had already determined that there had been not one but three thefts at the museum by three distinct groups.

Unfortunately, there it ended for many governments, organizations, and media outlets.²¹ Aside from reporting that a horrendous crime had been perpetrated in a state of anarchy, publicly lamenting the unconscionable losses, and racing to find new hyperbolic comparisons to describe the tragedy,²² few organizations or governments took direct and immediate action to recover any stolen antiquities, and even fewer either attempted to look deeper into that dark episode or tried to tell the larger, even more complex and disturbing story of how this catastrophe fit into a larger scheme of global criminality.²³

¹⁶ Michael Petzet, as reported in “Worldwide Move to Stop Sale of Loot,” *Inter Press Service News Agency*, 15 April 2003, <http://www.ipsnews.net/interna.asp?idnews=17567> (12 March 2005). He was not alone: “The looting and wanton destruction of the Baghdad museum . . . falls well within the jurisdiction of the International Criminal Court” (“Are Americans the New Mongols of the Mideast?” *Counterpunch*, 14 April 2003, <http://www.counterpunch.org/madsen04142003.html> [13 March 2005]).

¹⁷ See, e.g., “Museum Treasures Now War Booty” (CBS News, 12 April 2003, <http://www.cbsnews.com/stories/2003/04/12/iraq/main549057.shtml> [25 January 2005]), listing Russia, Jordan, and Greece. Additional countries are listed in “First Experts’ Meeting on the Iraqi Cultural Heritage” (*Final Report 1st Experts’ Meeting*, UNESCO 2003; 14 countries) and on the Interpol Web site (at <http://www.interpol.int/Public/WorkOfArt>; 18 countries).

¹⁸ “Annan Deplores Loss of Iraqi Cultural Heritage,” *Daily Times* (Pakistan), 15 April 2003, http://www.dailytimes.com.pk/default.asp?page=story_16-4-2003_pg7_35 (28 January 2005).

¹⁹ “First Experts’ Meeting on the Iraqi Cultural Heritage,” *Final Report 1st Experts’ Meeting*, UNESCO 2003. See also “Experts Count Iraq Cultural Losses,” CNN, 15 April 2003, <http://edition.cnn.com/2003/WORLD/meast/04/15/sprj.irq.baghdad.antiquities/> (28 January 2005).

²⁰ This conference was held on 5–6 May 2003. The first meeting of the Interpol Tracking Task Force to Fight Illicit Trafficking in Cultural Property Stolen in Iraq (ITTF) was held in Lyons, France, on 12–13 November 2003. At Interpol’s request, I attended and provided a formal briefing on the investigation to all members of the task force present (Iraq, Jordan, the United Kingdom, the United States, Italy, and France). The ITTF’s second meeting was held on 30–31 May 2004 in Amman, Jordan, and was immediately followed by Interpol’s Regional Meeting to Fight the Illicit Trafficking of Cultural Property Stolen from Iraq, held on 1–2 June 2004. The ITTF’s third meeting was held a year later on 23–24 May 2005 in Washington, D.C. The minutes, program, list of participants, and recommendations of the ITTF’s meetings are available on the Interpol

Web site (<http://www.interpol.int/Public/WorkOfArt>).

²¹ UNESCO did continue to organize or participate in meetings. In the first three months alone, meetings were held on 17 April 2003 in Paris, 29 April 2003 in London, 5–6 May 2003 in Lyons, 23 June 2003 in Vienna, and 7 July 2003 in London. Although no one with firsthand knowledge of the investigation was ever asked to attend any of these meetings or to brief the attendees on the facts, Interpol and UNESCO did begin to bridge the historically wide divide between the law-enforcement and art communities by signing a cooperation agreement on 8 July 2003 wherein UNESCO is to gather information on missing artifacts from assessment missions and partner institutions and Interpol is to disseminate that information to all of its member states through its stolen works of art database. The full agreement is available at <http://www.interpol.int/Public/ICPO/LegalMaterials/cooperation/agreements/unesco2003.asp> (23 April 2005).

²² “And like the Mongols, U.S. troops stood by while Iraqi mobs looted and destroyed artifacts at the National Museum of Iraq in Baghdad” (W. Madsen, “Are the Americans the New Mongols of the Mideast?” *CounterPunch*, 14 April 2003, <http://www.counterpunch.org/madsen04142003.html> [13 March 2005]). “It’s as if the entire Mall—the National Archives and the Smithsonian—had been looted, along with the Library of Congress,” claimed Johns Hopkins University Assyriologist Jerry Cooper (“Looters May Have Destroyed Priceless Cuneiform Archive,” *Washington Post*, 18 April 2003).

²³ The *Wall Street Journal* and, after its initial reporting, the *New York Times* are notable exceptions among the media. See a superbly thorough series of articles by Eric Gibson in the *Wall Street Journal* and Martin Gottlieb and Barry Meier in the *New York Times*, especially, “Loot: Along the Antiquities Trail,” 23 February 2004. Also noteworthy is Atwood 2004. Though predating the looting of the Iraq Museum, the arguments made and the illegal smuggling activities exposed in M. Gottlieb and B. Meier (“Of 2,000 Treasures Stolen in the Gulf War of 1991, Only 12 Have Been Recovered,” *New York Times*, 30 April 2003), Renfrew (2000), and Brodie, Doole, and Renfrew (2001) apply with special force to the current crisis.

What really happened at the Iraq Museum? Was the looting the work of random opportunists or professional thieves? Was it an inside job? How much of the theft dated to April 2003 and how much had taken place years, or perhaps even decades, earlier? What was the role of U.S. forces? Did they stand idly by as the patrimony of Iraq and indeed of the world was sacked? There were many questions and no clear answers. Tasked with leading the U.S. investigation into the looting, I was charged with finding whatever answers did exist. In what follows I will set out the details of that investigation in order to record what happened, highlight the challenges currently facing investigators throughout the world, expose the prevalence of the smuggling trade, and raise public pressure on the art and law-enforcement communities to stop the illegal trade of Iraqi antiquities.

TAKING THE MISSION

As the chaotic events were unfolding in Baghdad, the U.S. government's first fully operational multi-agency task force ever deployed by a combatant commander during active combat operations was conducting counterterrorist operations in southern Iraq. Formed as a result of 11 September and immediately tested in Afghanistan in the winter of 2001, the task force was led by the military, prima-

rily special forces, but it also included highly trained investigators, agents, and specialists from a dozen different federal law-enforcement agencies, including the Central Intelligence Agency, Immigration and Customs Enforcement (formerly U.S. Customs Service), Federal Bureau of Investigation, Diplomatic Security Service, Drug Enforcement Administration, Defense Threat Reduction Agency, and the Departments of Energy and Treasury. I joined this task force in the winter of 2001 in Afghanistan, was appointed its deputy director in the summer of 2002, and entered Iraq as the head of that task force in March 2003.

We were operating in Basra in mid April 2003 when we learned of the looting of the Iraq Museum from a member of the embedded press. I immediately requested permission from General Tommy Franks, the commander of U.S. Central Command, to conduct the investigation. For the work ahead, I selected 13 people from among the members of the larger task force and created a smaller team that included four military personnel and nine agents from U.S. Immigration and Customs Enforcement (ICE), an agency with internationally acknowledged expertise in investigating smuggling operations.²⁴ Each member was carefully chosen for his investigative skill and ability to function in a combat environment (fig. 6).²⁵

²⁴ Although the FBI has participated in meaningful ways in the investigation, its significant counterterrorist operations in Iraq and elsewhere prevented the FBI from ever sending any agents to work on the investigation at the museum or in Iraq itself. Thus, reports that there were "[m]ore than two dozen FBI agents in Iraq" to assist in the investigation into the looting at the Iraq Museum ("FBI to Help Recover Iraq's Treasures," wire reports, 17 April 2003) and that the FBI would "soon send a team of agents" to Baghdad to collect documentation on the museum's missing items ("FBI: Looted Iraqi Antiquities Surfacing," Associated Press, 21 April 2003) were inaccurate. Similarly, although Interpol has also assisted, their legitimate concerns about security and force protection caused them to decide against sending any representatives to work on the investigation in Iraq as well. Both Interpol and the FBI, however, have done yeoman's work internationally. Interpol created its ITTF (see *supra* n. 20), admirably led by Karl-Heinz Kind and Jean-Pierre Jouanny, and the FBI created an eight-member Rapid Deployment National Art Crime Team (FBI, Philadelphia Field Division, "Return of Eight Iraqi Cylinder Seals to Iraq," press release, 14 February 2005). Modeled after similar units in Italy and Spain, and headed by renowned FBI Special Agent Robert K. Wittman, it is the first national-level art-theft unit in the United States specifically designed "to investigate and bring to successful prosecutions those who steal and deal in stolen art and antiquities and to recover those art objects" (J.E. Kaufman, "FBI Sets Up First National Art Theft Squad in US," *Art Newspaper*, 26 February 2005, <http://www.theartnews.com/news/article.asp?idart=11723> [12 March 2005]).

²⁵ Among the members of the task force were Air Force Senior Master Sergeant Roberto Piñeiro, a man of extraordinary breadth and wisdom who guided me through two wars; Supervisory Special Agent Steve Mocsary, the ICE team leader, and a man who was to prove his talent and courage time and again, and Supervisory Special Agent George "Bud" Rogers, a fearless perfectionist who began to take the thefts personally. See *infra* n. 74 for the other members of the original task force. Although I was in command, the credit for any accomplishments must go not to me, but to the members of the task force and countless others throughout the world. In the two years that I have worked on this investigation, I have done little more than facilitate the actions of very talented and dedicated people. When the investigative task force ultimately disbanded through normal attrition and rotation schedules at the end of November 2003, my "official" duties with regard to the museum ended, and I returned full-time to my counterterrorism duties. At that point, I became an unofficial emissary, soliciting assistance from, and providing detailed briefings on the investigation's findings to, eight law-enforcement agencies in six countries (Interpol in Washington, D.C., and Lyons, France; U.S. customs in London, New York, and Washington, D.C.; Scotland Yard and Her Majesty's customs and excise in London; Jordanian customs in Amman; Kuwaiti customs in Kuwait City; Italian carabinieri in Iraq; and U.S. Attorney's Offices in New Jersey and New York), as well as to interested institutions and organizations (the Archaeological Institute of America, Massachusetts Institute of Technology, State University of New York at Stonybrook, University of Cambridge and its famed Mc-

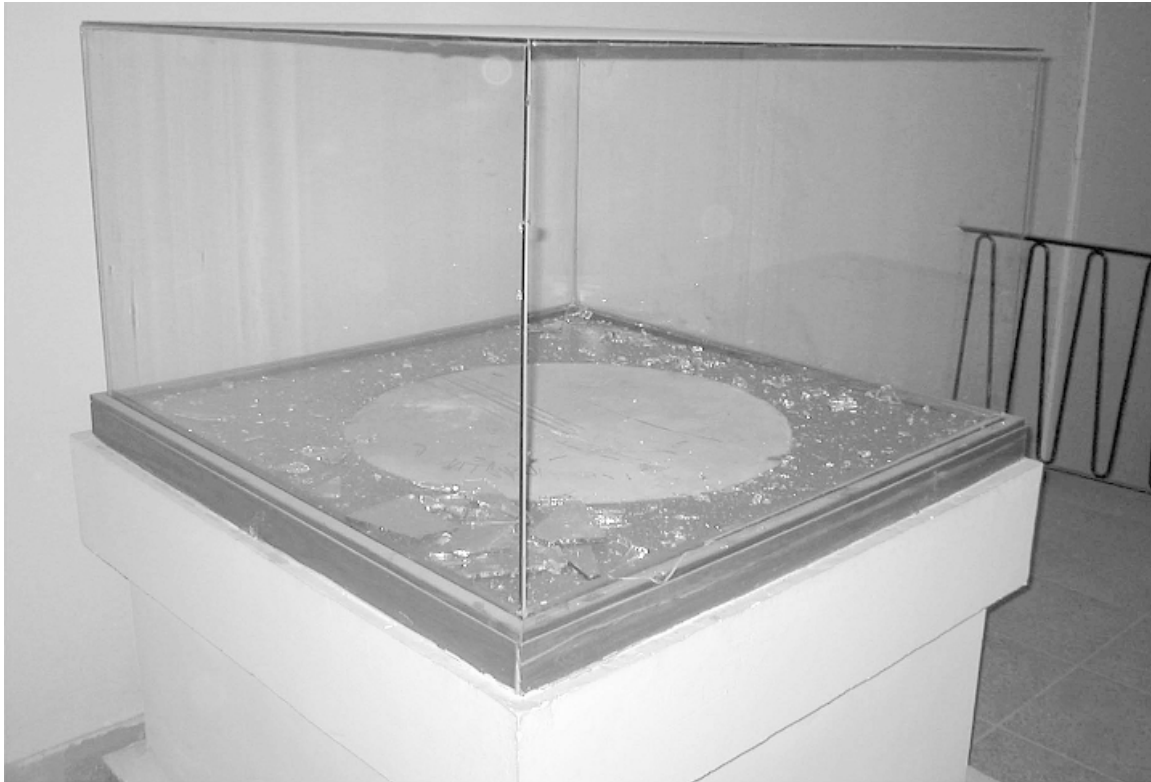


Fig. 4. Damaged display case that held the Bassetki Statue. April 2003. (M. Bogdanos)

Some of the initial media reports had indicated possible U.S. military involvement in the looting itself.²⁶ Because these were allegations we would

not ignore, I notified my commanding general that we intended to conduct a thorough investigation. That was exactly what he wanted, and the only guid-

Donald Institute for Archaeological Research, and selected staff of the *Wall Street Journal*). Through such briefings, travels, and lectures, I also began to build up a cadre of confidential informants (smugglers, curators, archaeologists, and dealers) for the future. So unofficial were some of these visits that on two occasions I used vacation time and paid my own travel and expenses. Thereafter, I returned to Iraq to participate in the transition to Iraqi sovereignty in June 2004, conducting limited investigative actions where possible and returning to the United States in time to testify in the first trial for the theft of Iraqi antiquities in August 2004.

²⁶ In "US Forces Deliberately Encouraged the Looting" (*Dagens Nyheter*, 11 April 2003), the author used a single source who just "happened to be there just as U.S. forces told people to commence looting." It was translated from Swedish and posted at <http://www.globalresearch.ca/articles/ROT304A.html> on 15 April 2003. The sole source, who also claimed to have seen U.S. soldiers murder two guards who were trying to stop the looting, admitted having gone to Baghdad to act as a human shield in opposition to the United States. His bias, therefore, should have been obvious and his story suspect. The next day, CNN's Jim Clancy reported that "there have been rumors that U.S. Marines were involved in [the looting] opening the doors to the museum" ("Museum 'Shattered' by Looters," 16 April 2003). CNN neglected to mention that no U.S. Marines were stationed near the museum. The most egregious

reporting in this regard, however, came from W. Sommerfeld, "Die systematische Verwüstung der Kultur des Irak" (*Altorientalistik Marburg*, 6 May 2003), in which Sommerfeld, allegedly quoting a witness, wrote: "Who looted it? The ones who entered first—the Americans. . . . They broke into the museum, officially to look for guerillas. Then they told the looters: come on in. . . . The Americans drove up and removed objects from the museum. Kuwaitis were there with the American troops. . . . They took archaeological artefacts out of the museum and loaded them onto seven trucks of the U.S. military. The whole convoy drove away accompanied by armored cars . . . [and] showed up later with five Americans. They claimed that Saddam's Fedayin [*sic*] had hidden themselves in the museum. They broke open the side-door and stayed inside for a while. Then they shouted to the people gathering outside, 'Come in!' That's how the looting began." All of these allegations were carefully investigated, and, as will be shown later, all of them proved completely false. Once again, politics was allowed to alter reality. In this case, as the investigation was to prove, Sommerfeld's account was a complete fabrication. British journalist David Aaronovitch was more colorful: "And the only problem with [reports that the museum was 'looted under the very noses of the Yanks, or by the Yanks themselves'] is that it's nonsense. It isn't true. It's made up. It's bollocks" (D. Aaronovitch, "Lost from the Baghdad Museum: Truth," *The Guardian* [Manchester], 10 June 2003).



Fig. 5. The Bassetki Statue after it was recovered in November 2003. (M. Bogdanos)

ance I ever received was his charge to determine what happened and to recover the antiquities. Given those marching orders and my love of archaeology (and suddenly wishing I had studied a lot harder at Columbia), I chose to lead the team myself, leaving my operations officer in command of the

counterterrorism-related missions in Basra and Umm Qasr.

ARRIVAL AND METHODOLOGY

Arriving in Baghdad 36 hours later, we established a perimeter inside the museum compound.²⁷

²⁷ The Iraqi Museum of Antiquities was established in 1923, largely through the efforts of the legendary Gertrude Bell, in a single room of al-Qushlah, Iraq's government building near the old souq in Baghdad on the east bank of the Tigris. The ever-expanding collection was soon moved to a separate building on Mamoun Street at the foot of al-Shuhada Bridge in the same district and was officially named the Iraq Museum. Bell was named its first director and held the position until her death in 1926. Because of overcrowding, construction was begun in 1957 on a two-story brick building arranged around a central 50-m² courtyard at the current location in the Karkh district, in the heart of central Baghdad on the western side of the Tigris. The building was completed in 1963, and the inauguration took place on 9 November 1966. An extension, adding more galleries and storage rooms, was completed in 1986. Occupying 45,000 m² (more than 11 acres), the museum compound lies on the main road midway between the nearby central train station to the west and the market and financial districts across al-Ahrar Bridge to the east. The main complex itself consists of three buildings designed in a U shape and opening south toward the street. Facing the compound from the street, on the left is the Iraq Museum, a two-story building

that houses the public galleries. In the center is a one-story building with the administrative offices and technical sections of the museum's parent organization, the State Board of Antiquities and Heritage. To the right is the library and auditorium. All three buildings were part of the original construction. The complex also contains eight storage rooms on three floors: one on the first floor, two on the second floor, and five in the basement—the latter having been originally built "for keeping antiquities in the events of wars and emergencies" (Basmachi 1975–1976). The galleries, offices, and storage rooms are connected by long internal hallways and stairways, but the library has no internal connection either to the other buildings or to the storage rooms. A fourth building—the completely detached three-story Children's Museum, a replica of a Neo-Assyrian gate—was actually and hastily built before the main U-shaped building in a successful effort to reserve the entire plot for future construction in an area that was rapidly filling up with governmental buildings. It lies in the southwest corner of the compound in front of the museum galleries and closest to the main street near the intersection. In the back (north) of the museum compound are also parking garages and a police station.



Fig. 6. The investigative team in Baghdad, May 2003. Among those pictured are Steve Moscardy (standing far left), Bud Rogers (kneeling far left), Colonel Bogdanos (standing fifth from left), Roberto Piñeiro (left, top row), and John Durkin (right, top row). (M. Bogdanos)

The scene that greeted us was not promising: there were Iraqi army uniforms and weapons scattered about the compound (fig. 7), and above the center door to the museum was a large handwritten sign in Arabic that read, “Death to all Americans and Zionist pigs.” Two days later, we inspected a fire burning in one of the interior courtyards and found the partially burned remains of hundreds of Ba’ath Party personnel cards and files. Because I was determined to establish a working relationship with the museum staff, however, my first decision upon entering the museum was to ignore the sign (and later the burning)—for the present at least—and introduce myself to the senior members of the museum so that I could ask their permission to conduct the investigation and solicit their active cooperation in what I resolved would be a collaborative effort.

Both before and after our arrival, we were given a great deal of advice about the staff. On the one hand,

there were the sincere protestations of those in the archaeological community who told us that it was simply impossible that any of their fellow professionals in the museum could have been complicit in the thefts. Throughout the course of the investigation, I was often told by visiting archaeologists that I was wasting my time investigating the staff and should have been focusing on art collectors and dealers. In most cases, such arguments were undoubtedly correct; but we could ill afford even well-meaning credulousness, and opinions are no substitute for evidence. One of our first rules, therefore, was that everyone was a suspect until proven otherwise.²⁸ On the other hand, there were the proponents of de-Ba’athification who were equally certain that all senior government officials, including those working at the museum, should be removed as Ba’athists who had aligned themselves with the Hussein regime for professional advancement.²⁹ In some cases, these arguments were undoubtedly

²⁸ It is surely correct that the “absolutely, positively stupidest thing I can think of that the United States could do for archaeology in a . . . postwar scenario would be to try to take over the operation of the antiquities department. . . . [While] the smartest thing would be to ask the department what it needs and then make sure they get it” (“Treasured past once again at risk,” *San Francisco Chronicle*, 19 March 2003). But first, the department needed to be investigated.

²⁹ The extent of the guidance I received in the first few

months from the Office of Reconstruction and Humanitarian Assistance (ORHA), later to be called the Coalition Provisional Authority (CPA), was to view all museum staff with extreme caution. Fortunately, my superiors left it to my judgment how to effect such “extreme caution.” Despite the free reign—or perhaps because of it—there was no shortage of *advice* from archaeologists, representatives of international organizations, members of the media, and governmental officials.



Fig. 7. Iraqi Army uniforms discarded behind museum buildings in the back (northern) part of the museum compound. April 2003 (R. Piñeiro)

correct; but as investigators trained to deal in facts, we could not afford to resort to such broad-brush skepticism. We knew that good people sometimes do bad things and that moral judgments always get in the way of a good investigation. Another one of our rules, therefore, was that our primary litmus test for any individual—Ba’athist, museum staff member, archaeologist, or average Iraqi—was whether he or she knew anything or had seen or heard anything of value to the investigation.

For example, early in the investigation, we were informed that many in the archaeological commu-

nity had enjoyed decades of access to Iraq’s archaeological sites and had understandably come to view them with proprietary pride, with some visits continuing even after sanctions were imposed by the United Nations.³⁰ As the investigation proceeded, we were also informed that some excavations had remained active in the north during the Anfal campaign against the Kurds³¹ and in the south during the equally pervasive campaign against the Shi’ites and Marsh inhabitants.³² In fact, during one of my visits to London, I was approached by an antiquities dealer who told me not to believe everything I heard

³⁰ We were specifically directed to read the “Birth of Writing Explored in Baghdad Conference” (*Chicago Tribune*, 26 March 2001), describing the March 2001 visit by several U.S. and British archaeologists who went to Baghdad and, after they had been greeted by Deputy Prime Minister Tariq Aziz, were thanked by Iraqi Culture Minister Hamed Youssef Hamadi (wearing a military uniform) “for breaking the cultural embargo on Iraq.” We also read that prior to the sanctions “[m]any archaeologists . . . enjoyed the warm hospitality, great food, and excellent library of [the British School of Archaeology’s expedition house in Baghdad]” (Russell 1997).

³¹ Between 1987 and 1989, the Anfal campaign of extermi-

nation against the Kurds resulted in the “wholesale destruction of some 2,000 villages” and the “mass summary executions and mass disappearance of tens of thousands of non-combatants, including many women and children and sometimes the entire population of villages” (*Genocide in Iraq*, Human Rights Watch, July 1993).

³² “[N]early one out of every two families in southern Iraq . . . directly experienced violent human rights abuses, such as beatings, kidnappings, amputations and killings” (Amowitz 2004). Hussein’s 1989 “Plan for the Marshes [was] a deliberate strategy of aggression designed to uproot and exterminate the [approximately 500,000] Marsh Inhabitants” (S.N. Kazmi

from the “biased archaeologists.” As proof of his point, he handed me a copy of an open letter protesting U.S. involvement in the present war, noting that not one of the archaeologists who had signed it had ever publicly protested any of the Hussein regime’s atrocities.³³ We assumed their silence was based on their legitimate fears of losing access to the archaeological sites, and we attached no investigative value to those actions. Thus, although we were advised to engage in limited dealings with such archaeologists, I decided that we needed their expertise and assistance and acted accordingly. It was fortunate that we did, because many of these archaeologists were to prove among the greatest assets in recovering Iraq’s stolen treasures.

Resolved from the outset to steer clear of politics, we began our tenure at the museum. When I introduced myself to Drs. Jaber Khaleel Ibrahim, Nawala al-Mutwalli, and Donny George Youkhanna, I explained that we were there to investigate what had happened and, to the extent possible, recover what had been taken (fig. 8).³⁴ Dr. Jaber, an archaeologist who specializes in the pre-Islamic Hatrene period, held an appointed position as chair of the State Board of Antiquities and Heritage and, as such,

was the senior official for all museums and archaeological sites in Iraq. Dr. Nawala, a world-renowned expert in cuneiform who had been with the Iraq Museum since 1977, had only recently been promoted to director of the museum from her position as head of the Department of Cuneiform Studies.³⁵ Dr. George, with the museum since 1976, had served as director of documentation at the State Board of Antiquities and Heritage and assistant director general of antiquities before becoming the museum’s director for research and studies.³⁶ All three spoke English with varying degrees of proficiency, ranging from fluent (Dr. George) to conversant (Dr. Nawala) to marginal (Dr. Jaber). Although I do not speak Arabic, language was never a problem. I informed them that politics, ethnicity, and religion were irrelevant to our investigation. While they were initially guarded, they were always hospitable, quickly becoming both collegial and forthcoming. Dr. Jaber even invited us to live at the museum. We accepted that arrangement, because it enabled us not only to provide additional security for the museum but also to be available at all hours to pursue any investigative leads. I was to call the museum my home for much of the next five months.

and S.M. Leiderman, “Twilight People: Iraq’s Marsh Inhabitants,” *Human Rights Dialogue: “Environmental Rights,”* Spring 2004, <http://www.carnegiecouncil.org/viewMedia.php/prmTemplateID/8/prmID/4458> [18 May 2005].

³³ In January 2003, 75 “archaeologists and other scholars . . . wish[ed] to go on record as opposing the current threat by the Bush administration to wage war against Iraq.” Some of the most respected and renowned archaeologists (John Russell, McGuire Gibson, Selma al-Radi, and Lamia al-Galaini, to name a few) did not attach their names to the letter; but those that did, curiously having forgotten Hussein’s unprovoked attacks on Iran in 1980 and Kuwait in 1990, proclaimed that “the likelihood that [Iraq] would attack its neighbors is far greater in the event of a U.S. attack” (*SAA Archaeological Record* 3). Although the informant’s bias was clear, his information was accurate: we were not able to find any similar public stand by those signatories against the Hussein government despite the magnitude of the human rights atrocities that were occurring near major archaeological sites in the north and south, the excavation of which required local transportation, housing, and labor. Such widespread abuses had to have been—or reasonably should have been with sufficient inquiry—common knowledge among archaeologists, such as the signatories, who had spent any time in Iraq. Even if they had not known the horrors while in Iraq, the atrocities were well documented and publicized after 1991. Even then, there was only silence, exposing the highly selective nature of their decision to enter the political debate in 2003. Nor could we find any protests against Hussein’s building of a presidential palace on the site of Babylon (one of 79 palaces he built throughout the country, 67 of which he found the money to build after the sanctions of 1990), inscribing many of the bricks in the project

with the phrase, “this was built by Saddam Hussein, son of Nebuchadnezzar.” See also Joffe (2004): “Western scholars of Ancient Iraq . . . had a long record of silence about the crimes of Hussein and the Ba’ath Party” and “[a]ccess meant success, and no [foreign archaeologist] was so bold or foolish as to speak unpleasant truths publicly about Hussein’s Iraq.”

³⁴ Using the formal names by which they called one another and consistent with Arabic naming conventions, Jaber Khaleel Ibrahim will be referred to as Dr. Jaber, Nawala al-Mutwalli as Dr. Nawala, and Donny George Youkhanna as Dr. George.

³⁵ Invented by the Sumerians during the Uruk period of the mid-fourth millennium B.C., cuneiform was originally based on a system of pictographs but gradually developed into an ideographic system, deriving its name from the wedge-shaped (*cuneus forma*) marks made by pushing a stylus into wet clay. Cuneiform was later adopted by the Akkadians (a Semitic people who began adding phonetic symbols) and was ultimately used for both the northern (Assyrian) and southern (Babylonian) dialects. Widely used in Mesopotamia for more than 3,000 years, the last known cuneiform inscription is from an astronomical text written in A.D. 75. The museum’s collection of cuneiform tablets and bricks was, not surprisingly, the finest in the world and, accordingly, highly coveted.

³⁶ In 2004 Dr. Abdul Aziz Hameed was named chair of the State Board of Antiquities and Heritage (with Dr. Jaber returning to the University of Baghdad); Dr. George was named director general of the Iraq Museum (with Dr. Nawala returning to her previous duties). In May 2005, oversight responsibilities for the museum were transferred from the Ministry of Culture to the newly formed Ministry of Tourism and Antiquities, and Dr. Itimad Qusairi was named to replace Dr. Hameed as chair of the State Board of Antiquities and Heritage.



Fig. 8. Dr. Jaber, Dr. George, and Dr. Nawala (from left to right) with Colonel Bogdanos in front of administrative office building of the museum. May 2003. (R. Piñeiro)

Not surprisingly, given the lack of any recognized judicial apparatus and the nature of the losses, we agreed that our primary goal had to be the return of the stolen antiquities to the Iraqi people, not the criminal prosecution of the offenders. Because we arrived at the museum only 36 hours after receiving the mission, and also because our superiors trusted us to make the correct decisions, we were given extraordinarily wide latitude in determining what to do and how best to do it. We designed our methodology toward recovery, breaking it down into four components: (1) identifying what was missing; (2) sending photographs of the missing items to the international law-enforcement and art communities to assist in intercepting the stolen objects in transit; (3) reaching out to religious and community leaders to promote an amnesty program for anyone returning antiquities; and (4) conducting

raids based on information developed about stolen artifacts. Each task had its own challenges.

WHAT WAS MISSING AND WHEN?

First, we had to identify what was missing, a daunting task given the sheer size of the museum's collection and its manual, incomplete record-keeping system. Initially conducting a cursory walk-through of the museum and its grounds on our first day to assess the damage, we then undertook a painstakingly methodical room-by-room inspection that took several weeks, starting with the administrative offices and restoration rooms, and then moving on to the public galleries and, finally, the storage rooms. One of the first things we noticed was that the destruction in the administrative area was wanton and absolute: every one of the 120 administrative offices had been ransacked and every piece of furniture destroyed (fig. 9). It was precisely the same level of destruction we had seen in the dozens of presidential palaces throughout the country and, therefore, was not surprising. What was surprising, however, was the relative lack of damage done to the public galleries. Although mob mentality is difficult to understand and impossible to predict, it seemed as if the looters gave full expression to their anger against a brutal regime in the administration offices and, sadly, the adjacent restoration rooms. But once they crossed the long hallway to the public galleries, it seemed as if their anger abated and they showed astonishing restraint and respect.³⁷

Of the 451 display cases in the galleries, for example, only 28 were damaged. All of the display cases, except the two that held the Bassetki Statue and the skeletal remains of a Neanderthal man, had been emptied by the staff before the looting, but this fact alone cannot fully explain the remarkable difference in the levels of violence seen in the offices and galleries. After all, the office furniture was more valuable intact, yet as many items in the offices were destroyed as were stolen. There was a much more complex dynamic at play here than the facile explanation that the cases were empty. It was as if the majesty of the galleries had worked a cathartic spell on many of the looters. Altogether,

³⁷ The *Daily Telegraph* (London) ("Thieves of Baghdad Rob Museums of Priceless Treasure," 14 April 2003) reported that "[t]wenty-six statues of Assyrian kings, all 2,000 years old, had been decapitated. Their intricately carved locks of hair, the masterful handiwork of unknown craftsmen, lay jumbled together in a dark corner of the vaults." Accompanying the article was a photograph showing several heads on the storage-room floor. Almost two years later, the *St. Petersburg Times* ("Raiders of the Lost Artifacts," 6 February 2005) again be-

moaned the "methodical decapitation of 26 statues." The problem with these stories is that this methodical decapitation never happened. Every one of the heads depicted in the photograph and all of the ones in the vaults were in that condition before the looting. Five heads were stolen from the public galleries, but all were Roman pieces from Hatra, and only one of them had been decapitated to take the head. The other four heads had already been detached from their bodies before the looting.



Fig. 9. Destruction in the administrative offices of the museum. April 2003. (M. Bogdanos)

however, 25 pieces or exhibits had been damaged in the galleries and nearby restoration rooms, including 8 clay pots, 4 statues (including a 104-cm-high terracotta lion from Tell Harmal dating from the Old Babylonian period ca. 1800 B.C.), 3 sarcophagi, 3 ivory reliefs, 2 Sumerian rosettes, and what remained of the Golden Harp of Ur.³⁸

³⁸ The golden bull's head that was stolen from the harp while it lay in the restoration room was a modern replica. We later learned that the original had been removed to the Central Bank of Iraq before the first Gulf War.

³⁹ As Dr. Lamia al-Galaini, an expert in cylinder seals who has worked closely with the museum since joining the museum staff in 1961, explained to me, the museum had a clearly defined method of screening any items it received. Prior to 1988, whenever an antiquity arrived at the museum from an archaeological site, it was compared against the accompanying excavation catalogue(s) and then examined for one of four possible designations. "A" (for Arabic) was inscribed on all Islamic pieces dated after the fall of Iraq to Arab forces in A.D. 637 (consisting of antique Islamic sculptures, ornaments, furniture, and porcelain) and "MS" was used for all coins (totaling more than 100,000). All other antiquities were then screened to determine whether they would receive an "IM" (for Iraq Museum) number or simply maintain their original excavation numbers assigned at the archaeological site. Tens of thousands of pieces in the museum, never intended to receive IM numbers, carried only excavation numbers (by site) as their perma-

Further complicating matters, the museum's storage rooms contained not only catalogued items but also not-yet-catalogued pieces from various excavations throughout the country.³⁹ But it was the systematic removal⁴⁰ of items to multiple locations over the last several decades that transformed the otherwise merely difficult task of compiling the

nent designation. The museum staff no longer used the "A" designation after 1988, but the other three designations remained in effect. There was also a fifth possible designation: "MZ" (for *muzawar*, Arabic for "fake") was inscribed on all items that had come into the possession of the museum and were later determined to be counterfeits. Once this screening process was completed, the staff then catalogued the object (i.e., prepared an index card for each item with its photograph, description, and designation). During our initial inspection of the administrative offices, we observed that an unknown number of these registration cards appeared to have been destroyed in the many fires lit throughout those offices. Because many of the oldest archaeological sites in Iraq were originally foreign expeditions, we began developing a plan to assemble inventories from those countries to re-create the cards. Fortunately, that proved to be unnecessary: although many cards were destroyed, the excavation catalogues were intact.

⁴⁰ Under "removal" I include items moved for safekeeping, as well as those moved with no intention of ever returning them to the museum. While the former was far more prevalent, there were instances of both.

inventory of stolen objects into one of Herculean proportions.

Early in the investigation, for example, we learned that weeks before the war, the staff had moved 179 boxes containing 8,366 artifacts—all of the jewelry and ivories from the display cases in the public galleries—to the “secret place,” a storage area used by the staff since 1990. Its location was known only to five museum officials, who had sworn on the Koran not to divulge its location until a new government in Iraq was established and U.S. forces left the country. Even after I learned the identity of all five officials, I told them that I would ask to see the location only after they trusted me enough to reveal it.⁴¹ After weeks of building trust, we were finally given access to that secret area on 4 June 2003 and confirmed the presence of all 179 boxes and their contents.⁴²

Our primary charge was to determine precisely what was missing from the museum as of 16 April 2003, when U.S. forces secured the museum, and to recover as many of the missing items as possible. The conditions we faced simply did not permit the kind of work required to investigate any systematic removal or looting that had taken place over the last several decades. In other words, we were able to determine what was missing but not when it was first missing. The legitimate question of precisely how many missing antiquities were actually stolen before the war required a judicial and governmental apparatus that simply did not exist at that time. Nor were we able to obtain independent verification from museum visitors as to what they had seen in the museum just before the arrival of coalition forces in April 2003.⁴³ Nonetheless, over the course of the investigation, we did make four findings of relevance to this issue.

First, there were clearly differing levels of cooperation among the museum staff. Some, but most

especially Drs. Jaber, Nawala, George, and Ahmed Kamel, were, in our opinion, particularly cooperative. Other staff members were decidedly uncooperative, and their statements were frequently proven false. Most of the staff fell somewhere in between.

Second, there was significant discord among the staff. For example, there were often inconsistencies about when an item had last been seen. Some were easily explained (e.g., one version relied on hearsay, while another did not), and some were not (e.g., two witnesses swore that each—and each alone—had been present when an item or group of items were removed). Without access to more witnesses, more museum documentation, and the government officials whose names appeared on various orders to remove certain antiquities, we were forced to leave many of these discrepancies unresolved.⁴⁴ Staff members also leveled accusations against one another. Some of the accusations were accurate; some were false. Some of the accusers sincerely believed that their allegations were true; others were influenced by past grievances, political differences, or the desire for another person’s job.

Third, we did find evidence that the staff had removed many items from the museum at the direction of the Hussein government, but very little evidence from either governmental or museum officials as to why. This is not surprising: in a dictatorship, the government does not ordinarily explain its actions, and the people do not ordinarily disobey or ask for an explanation.

Fourth, although there was evidence that some members of the museum staff had removed items for private gain and that the thieves had to have had the director’s master keys⁴⁵ to gain access to several areas from which antiquities were stolen, we never uncovered direct and corroborated evidence implicating any of the three most senior museum officials

⁴¹ It was a decision for which I was often questioned by the media, and one I would make again under the same circumstances. Dr. George, as a Christian, was not one of the five. This largely explains why some of Dr. George’s early reports about what items were missing ultimately proved to be wrong: because he was not one of the five, he did not know what items had been moved to the secret place.

⁴² This was inaccurately reported as having taken place on 6 July 2003 (Lawler 2003). Dr. Jaber—one of the five who had sworn on the Koran—was hospitalized after suffering what appeared to be a heart attack on the morning we were scheduled to inspect the “secret place.” Conducting the inspection in his absence, I visited him a day or two later at the hospital, and he appeared to be in good spirits. He has since made a complete recovery.

⁴³ Although the museum had been closed for 20 of the previous 24 years and open to the public only once since 1991, visiting archaeologists, journalists, and members of various

international organizations were periodically escorted through the building. It last opened, amid much fanfare, on Saddam Hussein’s birthday, 28 April 2000, but was soon closed again.

⁴⁴ One of the documents I had read to me was an order to deliver the Treasure of Nimrud to an official of the Central Bank of Iraq. The document did not indicate why, and we never located the official to ask him directly.

⁴⁵ There has been much discussion and speculation about “the keys” to the museum. In fact, there were many sets of keys and no one person had them all. There were sets of keys to the museum’s exterior doors, to the administrative offices, to the areas associated with the public galleries (including the restoration rooms and connecting corridors), to the above-ground storage rooms, and to the storage cabinets in the basement. Not surprisingly, then, there are as many explanations for how the thieves got “the keys” as there are sets of keys. Thus, they got them because Dr. Nawala “had forgotten her museum keys on her desk” (al-Radi 2003a), or because “all of

in the theft of any of the antiquities.⁴⁶ Ultimately, the three related questions of how much had been stolen before the war, how much of the wartime looting was used to cover up that earlier systematic looting, and who from the museum was complicit requires significant additional investigation.⁴⁷

NEEDLESS CONTROVERSY OVER THE NUMBERS

Over two years later, it is still not known with certainty what is and is not missing. That process will likely take years. What was certain within the first few hours of our first inspection of the museum on 21 April 2003, however, was that the originally reported number of 170,000 had to be wrong. Although we did not conduct an inventory during that initial inspection, it was patently obvious that there were simply not enough empty cases, shelves, or pedestals in the entire museum to support anything remotely resembling the claim of 170,000 stolen objects. From where, then, did the number come? In the first known reported use of the number 170,000, Nabhal Amin, identified as the

museum's deputy director, was quoted by Reuters, BBC, *Daily Telegraph* (London), Voice of America, and others on 12 April 2003 as saying that "[t]hey have looted or destroyed 170,000 items of antiquity" from the museum.⁴⁸ As we later learned, Amin (true name "Nedhal") was not even a museum employee (though she had been years earlier), let alone the deputy director. Of course, whether she knew that her number was false when she reported it was not relevant to the investigation. What was relevant, because it adversely impacted our investigation on a daily basis, was that once the number 170,000 entered the public consciousness, it was adopted as a rallying cry by archaeologists, journalists, and governmental officials around the world. Although many in the media began reporting as early as 16 April that "[i]n fact, in the main collection, it now appears that few items are missing, and very little seems to have been the victim of mob violence,"⁴⁹ the *The Guardian* (Manchester), without citing a single source, inexplicably increased the number of missing items to 270,000 just four days later.⁵⁰

the safes in the offices were opened (quite professionally in some cases)" (Stone 2003). See also al-Radi (2003b): Dr. Nawala's "safe was professionally drilled and opened." Then again, the thieves may have "bribed guards to get information or keys" (Poudrier 2003). Finally, Dr. Nawala "could not explain" how they got the keys (Sandler 2004).

⁴⁶ But see Sandler (2004), in which she makes a case that "most of the museum's holdings had been stolen and sold years before" the war, laying much of the blame at the feet of Dr. Nawala. In contrast, I found Dr. Nawala entirely cooperative during our investigation. Having worked closely with her over a period of months, I have every confidence in her unfailing integrity. In a law-enforcement context, however, personal opinion must defer to empirical evidence. Thus, although I do not believe that the evidence supports Sandler's allegations, I recognize that I do not have sufficient evidence to disprove those allegations either. I wrote a letter to the *Atlantic Monthly* (April 2005) to that effect, arguing that the facts as currently known do not admit of definitive conclusions. Sandler's published reply, that given my close relationship with Drs. Jaber and Nawala, many of the junior staff members "did not feel safe telling Bogdanos all they knew, or believed they knew, about these people," misses the point. I know the difference between personal affection and professional judgment and acted accordingly. Staff members approached me every day to talk in private, and her article aired no allegations that I had not heard during my time at the museum. But after a career in law enforcement, I have learned that in such circumstances it is always best to view human sources with scrutiny and to withhold judgment until their motives have been examined and their story corroborated by independent evidence. That process has not been completed by Ms. Sandler or by me.

⁴⁷ These are among the questions I will attempt to answer once I return to New York and establish an antiquities task force.

⁴⁸ "Plunder of past in new Iraq," Reuters, 12 April 2003; "Looters Ransack Baghdad Museum," BBC News, 12 April 2003, http://news.bbc.co.uk/2/hi/middle_east/2942449.stm (5 January

2005); "Baghdad Looting Continues," Voice of America News, 12 April 2003, <http://www1.voanews.com/article.cfm?objectID=C550A136-F07B-44AA-A874DDF808B2652A&Title=Baghdad%20Looting%20Continues&db=current> (5 January 2005); and "Looters Strip Iraqi National Museum of Its Antiquities," *Daily Telegraph* (London), 13 April 2003, <http://www.telegraph.co.uk/news/main.jhtml?xml=%2Fnews%2F2003%2F04%2F13%2Fwirq13.xml> (12 March 2005).

⁴⁹ "Museum Theft Looks Organized," *Knight Ridder News Service*, 16 April 2003. Other media outlets quickly followed suit; see, e.g., "Museum Pillage Described as Devastating but Not Total" (*New York Times*, 16 April 2003) and "Iraqis Say Museum Looting Wasn't as Bad as Feared" (*Wall Street Journal*, 17 April 2003).

⁵⁰ In "U.S. Army Was Told to Protect Looted Museum" (*The Guardian* [Manchester], 20 April 2003, <http://w.guardian.co.uk/arts/news/story/0,11711,940225,00.html> [13 March 2005]), writers "Paul Martin in Kuwait, Ed Vulliamy in Washington and Gaby Hinsliff" claimed that the museum "was ransacked, with more than 270,000 objects taken." Fortunately, the absurd (and certainly fabricated) number of 270,000 appears not to have been used by any other media outlets. In part to counter these wildly fluctuating accounts, we started conducting daily press briefings and, by 26 April 2003, were confident enough to state categorically that the number of 170,000 was wrong (see, e.g., "Marine Plays Cop to Iraqi Robbers," *Chicago Tribune*, 27 April 2003). Four days later, the *New York Times* attempted to sound the death knell for the 170,000 number in a front-page story, "Loss Estimates Are Cut on Iraqi Artifacts, but Questions Remain" (1 May 2003). Nonetheless, the inflated numbers persisted. Nordhausen (2003): 100,000 pieces missing; and "Irakisches Nationalmuseum verlor Hälfte des Gesamtbestandes: 'Diese Leute wussten, was echt war oder nicht,' meint ein Experte" (*Der Standard* [Austria], 3 May 2003): also 100,000 pieces missing. Such wildly fluctuating numbers, of course, should completely shatter the excuse that all of the originally inflated numbers came from the total number of IM-registered objects.

Even after it was clear (and universally accepted) that the initial reports of 170,000 stolen pieces were incorrect, the original reporting continued to engender time-consuming controversy. Rather than focusing on what was missing and on how to assist international law-enforcement authorities in getting the missing pieces back, many in the art and archaeological communities began devising tortuously elaborate and factually inaccurate explanations for those original reports. The main culprit was the media's misunderstanding: "news reports have suggested that perhaps the first reporters on the scene, confronted with an empty museum, inquired about the total number of registered objects and reported that figure as a loss."⁵¹ In fact, the museum had approximately 500,000 registered objects designated by one of five different numbering systems.⁵² Moreover, because the museum staff was in some cases three to four years behind in screening for and assigning IM numbers, there were thousands of excavation-site pieces in boxes in the storage rooms awaiting determination as to whether they would receive IM numbers or simply maintain their original excavation-site designation.

An even larger problem with the explanation that the media simply misunderstood Amin, however, is that she made her statement on 12 April while "she led a small group of journalists through the museum,"⁵³ all of whom attributed the exact same quotation to her. It is unlikely in the extreme that they all misunderstood her. The media certainly uncritically accepted and dramatically repeated the number; but they did not make it up.⁵⁴ Also blamed were the difficulties of operating under a brutal regime: "[a] lifetime's enforced caution about who

[sic] you tell about what does not suddenly melt away"⁵⁵ and "the many years of working in a police state and not trusting anyone has left its mark."⁵⁶

On the other hand, some commentators were just as rash in condemning the museum staff and others for not correcting the 170,000 number as soon as it was reported, arguing that the staff had to know it was false because they had moved most of the items for safekeeping before the war.⁵⁷ These critics were as unfair as the apologists were misguided. For many reasons, including a fractured system of management that featured extraordinarily centralized authority, interdepartmental animosities, and no formal system of interdepartmental coordination or communication, very few, if any, staff members in one department had any idea about the inventories or practices of other departments. Nor did any single person, including Drs. Jaber, Nawala, and George, possess complete knowledge of all of the museum's holdings or losses.⁵⁸

This controversy over numbers does highlight one of the most significant difficulties we faced from the first day. Everyone, but most especially the press, wanted numbers: How much is missing? How much has been returned? No matter how many times we pointed out that numbers could not and should not be the sole determinant used to assess the extent of either the damage done or the recovery achieved, no matter how often we argued that numbers could not possibly tell the whole story, and no matter how vigorously we stressed that the loss of a single piece of mankind's shared history is a tragedy, it often fell on deaf ears. We repeatedly maintained that it is impossible to quantify the loss of the Sacred Vase of Warka; it would be counted as

⁵¹ "We're Still Missing the Looting Picture," *Washington Post*, 15 June 2003. Also blaming the media were Lawler (2003): "The 170,000 figure actually refers to the number of items in a museum inventory"; and Deblauwe (2003): "The 170,000 number initially cited by the media turned out to be the number of inventory entries in the museum." These last two authors went on to explain that although the museum had more than 500,000 total pieces in its collection, it had only 170,000 pieces registered with "IM" (Iraq Museum), and that was the source of the original number. This explanation is inaccurate. IM numbers are not the number of items in the inventory but one of five possible designations (supra n. 39), specifically "code letters prefixed to numbers of the Iraq Museum general register" (Basmachi 1975–1976, 9–10).

⁵² See supra n. 39.

⁵³ "Iraq's Heritage Lost to Looters," *Washington Post*, 14 April 2003.

⁵⁴ There are approximately 170,000 IM numbers that have been given out since 1923, with such numbers representing anywhere from one object to several dozen (when they are of the same type and found together). This, of course, is the like-

ly source for the number Amin reported. But it does not explain why her actual statement did not refer to IM numbers, but to 170,000 "looted or destroyed . . . items of antiquity." Even putting aside Amin's direct quotation for a moment, to accept the explanation that the media misunderstood is to accept the absurd proposition that in the heat of the moment reporters asked museum staff about how many non-coin, non-fake, non-Islamic (unless received after 1988), pre-A.D. 637 objects that had already been screened and given IM numbers to replace excavation-site numbers were in the museum at the time of the looting and that they were told the number was 170,000.

⁵⁵ "The Dust Hasn't Settled in the Baghdad Museum," *The Guardian* (Manchester), 12 June 2003.

⁵⁶ Deblauwe 2003.

⁵⁷ See, e.g., "Chasing After Saddam's Weapons" (*Washington Post*, 13 June 2003): "You'd have to go back centuries, say, to the Mongol invasion of Baghdad in 1258, to find mendacity on this scale."

⁵⁸ This is not an indictment of the woefully understaffed and inadequately resourced staff; just an acceptance of reality.

one item, as would each single bead, pin, pot sherd, or piece of ivory, shell, or clay. The loss of the Vase of Warka, however, was clearly an order of magnitude greater than that of a pot sherd. Thus, we argued, nothing could be more misleading than to use numbers as the only measure. Nonetheless, the media, officials, and others were relentless in their thirst for numbers. There were even Web sites that kept a running tally (usually inaccurate) of numbers.⁵⁹

Early on, we decided that the best chance we had of recovering the antiquities was to marshal media attention. We had learned long ago that in a world of finite resources, the more publicity an investigation receives, the more resources it is likely to receive. Moreover, publicity was educative: it told border officials what to look for, it told art dealers and collectors what not to buy, and it told the world what was being done to recover the stolen treasures. Thus before the end of our first week at the museum, we began conducting daily press briefings detailing that day's discoveries. Each interview was laboriously prefaced with the admonition that any numbers we quoted would necessarily be wrong by the end of the day. We stressed that the numbers

would go up as another room was "cleared" (i.e., when it was thoroughly inspected), and that the numbers would go down as more items were recovered or returned. We were also careful to point out the specific rooms to which the numbers applied, always distinguishing among the public galleries, restoration rooms, and storage rooms.

It is important to note that the vast majority of individuals in the art and archaeological communities and many in the media were responsible in their initial and subsequent assessments of the thefts, but some were not. Moreover, because of the austere and often dangerous conditions under which journalists were forced to operate, even those who conscientiously tried to get it right occasionally erred.⁶⁰ Even unintentional errors, like the earlier rush to judgment, had deleterious effects when some commentators began voicing concerns about the investigation.⁶¹ Some even questioned conflicting numbers, ignoring the fact that each set of numbers was released on a different date.⁶² Fortunately, many of the archaeologists who visited the museum in the summer of 2003 were present during the daily briefings and acted quickly to set the record straight.⁶³

⁵⁹ One of the most useful sites, clearly a labor of enormous dedication and commitment, is "The 2003–Iraq War and Archaeology" at <http://ctr.umkc.edu/user/fdeblauwe/iraq.html>. Unfortunately, it too has fallen prey to the numbers mania and occasionally interjects unhelpful (at times factually wrong) editorial commentary.

⁶⁰ In one case, I stated that so far we had confirmed the identity of "29 artifacts that were definitively missing from the public galleries." It appeared in print as "29 artifacts that were definitively missing," without the words "from the public galleries." Answering the next question in the same interview, I noted that we had already recovered four of those pieces and said that "25 pieces [from the galleries] is not the same as 170,000"—obviously accurate at the time, but words of exasperation that would have been better left unsaid ("Loss Estimates Are Cut on Iraqi Artifacts, but Questions Remain," *New York Times*, 1 May 2003). A week later, when I announced that the number of items missing from the public galleries had risen to 38 (because we had inspected and cleared more rooms), that was reported in one media outlet as a "total of 38 pieces, not tens of thousands, are now believed to be missing" ("Iraq Museum Looting Called Exaggerated," *New York Daily News*, 5 May 2003). See also "DoD News Briefing: Secretary Rumsfeld and Gen. Myers" (U.S. Department of Defense, 2003, <http://www.defenselink.mil/transcripts/2003/tr20030520-secdef0207.html> [23 February 2005]) in which Secretary Rumsfeld stated that "only an estimated 38 items seem to be confirmed as still missing." On the other hand, Bill Glauber of the *Chicago Tribune* and Alexandra Zavis of the Associated Press were among the many journalists who scrupulously reported that the daily tally of numbers missing came only from specific rooms.

⁶¹ One particularly galling example occurred in May 2003, when *Newsweek* used such faulty reporting and misquotes to generate another controversy, alleging that the investigation's

"lowball estimates riled scholars," in "Why Should We Care" (*Newsweek*, 12 May 2003). In fact, that same week I issued a preliminary report summarizing what I had been reporting for weeks: that although it was premature to provide any firm numbers of missing items, we had determined that "42 objects [later lowered to 40] had been stolen from the public galleries, at least 2,392 pieces had been stolen from the aboveground storage rooms, and an unknown number of antiquities had been stolen from the basement."

⁶² E.g., in "A Personal Account of the First UNESCO Cultural Heritage Mission to Baghdad" (Archaeological Institute of America, August 2003, http://www.archaeological.org/pdfs/papers/J_Russell_IraqA5S.pdf [12 March 2005]), the author accurately quoted me as saying that "42 such [public gallery] objects were stolen, of which 9 were subsequently recovered," but then noted that this conflicted with a report in *Science Magazine* that "40 objects were stolen from the public galleries, and 10 had been recovered." What was omitted, however, was that I was the source for both quotes and both were accurate on the day they were given. The number of items stolen from the public galleries had been reduced from 42 to 40 when two items originally listed as stolen were found elsewhere in the museum. The staff member who had moved them before the war had neglected to tell either Dr. Nawala or Dr. George of the move. This was not the last time we were to change the numbers of missing items based on subsequent interviews of individual museum staff members who had not informed their supervisors (or others) of their actions.

⁶³ Notable were both McGuire Gibson of the Oriental Institute: "Bogdanos stated that he expects the figures both for lost and recovered items to continue to rise" (Gibson 2003); and Zainab Bahrani of Columbia University: "Colonel Bogdanos believes that the numbers for both lost and recovered items will continue to rise" (Bahrani 2003–2004).

Nonetheless, it was almost a month before we were able to convince both the “everything was taken” critics and the “nothing was taken” skeptics that both were wrong and that neither viewpoint was serving any constructive purpose. Even then, stray reports periodically surfaced that required time and energy to investigate and then spurred a whole new round of ill-informed commentary.⁶⁴ The investigation was, at any rate, significantly hamstrung by the extremists at both ends who often were using the museum thefts as a vehicle to support their position on the war and on the Bush and Blair administrations. With exceptions of course, the intensity with which people held on to the inflated numbers usually increased in direct proportion to the intensity of that person’s opposition to the war. Similarly, the belief that little was stolen tended to increase in direct proportion to the intensity of that person’s support for the war. As usual, the truth was somewhere in the middle.

I interviewed museum staff who had used the number 170,000 and reporters who received that information. Ultimately, the related questions of whether those who used the number believed it (or not) and whether (regardless of their belief) they used it as a way of advancing private agendas (or not) was not relevant to our investigation. We chose to accept that the initial reports were wrong, that they were not corrected as quickly as they could have been, and we moved on.

Those who condemn any intentional exaggerations (or failures to correct them) ignore that the motive was usually to mobilize desperately needed support for a worthy cause. But those who blithely excuse the initial reporting overlook that the real victim of such inaccuracies was the museum itself: once it became clear that the number of 170,000 was wrong by a factor of at least 10, the world breathed a collective sigh of relief that “only” 15,000

objects were stolen. The word “only” should never be used in such a context and never would have been but for the original reporting. The further tragedy was that once the lower numbers became known, many governmental and private organizations quickly moved on to other crises, thereby depriving the international investigation of essential resources and funding.

INTERNATIONAL LAW ENFORCEMENT

The second component to the investigation consisted of quickly disseminating photographs of the missing items to law-enforcement officials throughout the world.⁶⁵ The key was to get those photographs out to border officials before the items reached their destination. But this, too, proved problematic.⁶⁶ In some cases, photographs had never been taken of the item. In other cases, the photographs affixed to the registration cards (often the museum’s only photograph of that item) had been destroyed during the looting. Even when photographs did exist, they were often of poor quality. Nonetheless, we did our best to disseminate photographs internationally, and when we did not have access to a photograph of the actual artifact, we used the photograph of a similar item, often scanning photographs from published works or textbooks.

Our concern was that customs and border officials throughout the world might not easily recognize certain types of antiquities as contraband (i.e., as items prohibited by law, such as narcotics or weapons). But under commonly accepted legal standards, an item must be either contraband or immediately apparent as evidence of criminal activity in order to justify detention and seizure. Thus, we also began to educate law-enforcement authorities in the identification and recognition of antiquities.⁶⁷ To do this, we traveled to Qatar, Kuwait, Jordan, France, the United Kingdom, and the United States to provide

⁶⁴ On 10 July 2003, UNESCO Director-General Koichiro Matsuura held a press conference in New Delhi in which he is reported to have claimed that among the stolen objects was the Iraq Museum’s entire “collection of 80 000 cuneiform tablets that contain examples of some of the world’s earliest writing,” in “Interpol Joins Hunt for Treasure Thieves” (*Independent Online*, South Africa, 10 July 2003, http://www.iol.co.za/index.php?click_id=3&art_id=qw0578306606_85B262&set_id=1 [28 January 2005]). According to Dr. Nawala, the museum’s entire collection of approximately 80,000 cuneiform tablets (of which approximately half had IM numbers and half retained their excavation site numbers) was secure and undamaged. As usual with such mis-statements, it diverted energy and attention away from the investigation.

⁶⁵ Invaluable in this regard were ICE Special Agent Claude

Davenport and Lieutenant Giuseppe Marseglia of the Italian carabinieri, both of whom tirelessly and flawlessly supervised the cataloguing, scanning, and logging into international databases of thousands of missing items for use by museums, dealers, and international law-enforcement officials.

⁶⁶ The list of recipients was intentionally broad to include not only customs and border officials from the neighboring countries but also prosecutors and police departments in the primary destination cities of London and New York, as well as Interpol (and its 182 member countries).

⁶⁷ This is precisely the methodology used whenever a new illicit drug enters the market: law-enforcement authorities are trained in such things as packaging, description, manner of use, and price to assist them in recognition and interdiction.

detailed briefings on the status and findings of the investigation to Interpol, Scotland Yard, Jordanian customs officials, Kuwaiti customs officials, Italian carabinieri, the U.S. State Department, agents of the FBI, and several U.S. Attorney's Offices.

We also needed to provide accurate information to the world's art and archaeological communities and to enlist their support for the investigation. On one occasion, I was in London briefing Scotland Yard in July when I learned that the British Museum was hosting the 49th Rencontre Assyriologique Internationale, with some of the world's foremost authorities on Iraqi archaeology in attendance. Having read the reports of Interpol's conference of 5–6 May 2003 and of the many UNESCO conferences, and realizing that they had unknowingly based their findings and recommendations on incomplete—often inaccurate—information, I was determined that they base their opinions on evidentiary facts. I also hoped to develop future contacts among the attendees in order to use their expertise in the worldwide recovery efforts. At my request, Neil McGregor, the director of the British Museum, was kind enough to shuffle the schedule and permit me to brief the conference attendees on the last day of that conference (11 July 2003). It was well worth the effort. My primary goals of correcting misconceptions and promoting a shared vision of recovery and restoration were achieved, but I also learned much about art smuggling and authenticating and walked away with a list of experts who volunteered to be “on call” whenever law-enforcement authorities needed to verify the origin or provenance of a seizure or recovery.

THE AMNESTY PROGRAM

Within the first two days after our arrival, we instituted an amnesty policy that we publicized as the “no questions asked” program. Toward this end, we met with local imams and community leaders who communicated this policy to the Iraqi public. We also advertised the program in local newspapers and on radio stations.⁶⁸ Because we recognized that

we were operating in an ancient guest culture, we chose to walk the streets without helmets, moving from marketplace to marketplace and building trust with the residents of Baghdad. Many afternoons found us in neighborhood cafés, drinking more tea than I thought possible, playing backgammon, and building relationships that might bear fruit. In one café in particular, a known hangout for smugglers of all stripes, we developed a friendship with an Iraqi. Because he was a former professional boxer, I told him that I had boxed for the New York City Police Department. One afternoon, to allow my partner, Steve Mocsary, to meet unnoticed with an informant in the back of that café, I began playfully sparring in the front of the café with the Iraqi boxer, a heavyweight who was as smooth as he was big. If I close my eyes, I can still feel that right hand of his, but we got the information we needed.

Each return under the enormously successful amnesty program depended on the real courage of individual Iraqis, for many of whom authority under the Ba'athist regime meant death squads, gang rapes, and mass graves.⁶⁹ Ignoring this reality was not an option if we wanted to succeed, and we used our understanding of it to shape a culturally appropriate amnesty program and an effective investigative methodology. Given their frame of reference, therefore, the first challenge was convincing Iraqis that we were different—thus no helmets and plenty of tea.

In the beginning the response was tentative. Although every one of the Iraqis we met was appreciative of the efforts of the United States and hospitable to us personally, they were also extremely cautious. Their oft-repeated question was “Will you stay this time?” The overriding belief of this history-conscious society was that history would repeat itself: that the United States would leave and the former regime would respond with a vengeance, once again massacring entire segments of society. Ba'ath Party spies were everywhere, we were told. The situation was eerily reminiscent of what we had experienced in Afghanistan in the winter of 2001–2002,

⁶⁸ Sheikh Ali al-Satani, one of the most influential members of the Shi'ite population surrounding the museum, and Imam Said Kamal al-Mosul were particularly helpful in exhorting and persuading their followers to return stolen antiquities to the museum.

⁶⁹ It is impossible to understand the actions and reactions of the Iraqi people in general, or the museum staff in particular, to the looting or to the recovery efforts unless one also appreciates the omnipresent specter of death created by a regime that, according to Human Rights Watch, systematically “disappeared” as many as 290,000 of its own people (*The Mass*

Graves of al-Mahawil: The Truth Uncovered, Human Rights Watch, May 2003, <http://www.hrw.org>). For example, the penalty for stealing an antiquity under Saddam Hussein was death. Members of the museum staff showed us the head of an Assyrian human-headed bull from the palace of Sargon II (721–705 B.C.) at Khorsabad that they had placed on the floor of the Assyrian gallery between two reliefs. The thieves had cut off the head to make it easier to transport out of the country. In 1999, they were caught, brought back to Baghdad, and all 10 were executed. The manner of execution, the staff pointed out (not without a touch of irony), was beheading.

when newly freed Tajiks, Uzbeks, and Hazaras warned us of Taliban spies taking notes and lying in wait until we left. As in Afghanistan, we were determined to prove the doubters wrong.

We also struggled with the Iraqi perception of the connection of the museum to the former regime and, in particular, to the Ba'ath Party. This perception reached crisis level when, on 9 May 2003, approximately 100 former employees staged a riot on the museum grounds.⁷⁰ The demonstrators carried signs calling for the removal of all senior staff on the grounds that they were Ba'ath Party members, while other signs in English and Arabic called such officials, particularly Dr. Jaber, "dictators." After pushing my way into the crowd and locating the apparent leader, I persuaded him to walk into the museum library so we could discuss his grievances. After we spoke for about an hour in the library, with Dr. George joining us at the end, he agreed to leave the compound without any further demonstrations, but only after I agreed to forward to the Coalition Provisional Authority (CPA) his petition, signed by more than 130 of the 185 known staff members of the museum or State Board of Antiquities and Heritage (SBAH), and to read his poetry.⁷¹ He kept his word, and so did I. He returned the next day with his poems and without incident.

The forced departure on 16 June 2003 of Dr. Hana Abdul Khaliq, a senior member of the SBAH, by Ambassador Pietro Cordone helped lessen the

impression of the Iraqis that the museum was intimately associated with the Ba'ath Party.⁷² Dr. Hana had intimidated and bullied many of the museum staff into not cooperating with the investigation, as I myself witnessed and as many others reported to me. When I interviewed her about the museum and its thefts, she told me that she had left long before the others, returned long after the others, and saw, heard, and knew nothing.⁷³ Even after her departure, concerns remained, and we were asked often by Iraqis to swear that the items being returned would be held by U.S. authorities, not by Ba'athist officials, until a lawfully constituted Iraqi government came to power.

Recoveries under the Amnesty Program

Owing to our patience, but mostly to the strong sense of history and culture of the average Iraqi, the amnesty program resulted in the return of approximately 1,935 antiquities between our arrival in April and the end of December 2003, after which we were no longer able to maintain any presence at the museum. Thus, although I know from the museum staff that antiquities continued to be returned via the amnesty program after that date (albeit at a slower rate), any artifacts that were returned through the amnesty program after the end of December 2003 are not reflected in this total.

As for those who returned the artifacts, there were as many different methods as there were individu-

⁷⁰ The entrance to the museum compound was guarded by armed U.S. soldiers, but actual entry was regulated by members of the museum staff, who told us who could and could not enter. Before this riot, we had decided, as a show of good faith and respect, not to search anyone the staff said worked in the museum. Thus, one of our main concerns during the riot was whether any of the rioters had weapons hidden under their clothing. After this day, of course, we searched everyone, even the press. The incident itself was televised by al-Jazeera. I watched the camera crew on several occasions put down its cameras to incite the rioters whenever their anger abated and then pick up the cameras to start filming again when the rioters were sufficiently inflamed.

⁷¹ The number of signatories and the nature of the petition were accurately reported in, for example, "Staff Revolt at Baghdad Museum," *The Guardian* (Manchester), 17 June 2003. As usual, however, the truth was not so simple. During the course of the investigation, I interviewed a large number of those who signed the petition. Some sincerely believed that all senior museum and SBAH members were Ba'ath Party loyalists; many more, however, thought they were signing a petition to resume getting paid. Also missing the point of the riot was "Treasures of Iraq," a televised special that aired on 9 July 2003 on Australia's *Dateline*, <http://news.sbs.com.au/dateline/index.php?page=archive&daysum=2003-07-09#> (21 May 2005). Arriving after the riot had already begun, the camerawoman

filmed and then aired a scene in which I told the angry crowd to tell me if they had "any information about where any of the other items are. . . . We are looking, we are searching, we are trying to find everything to try to return them to the Iraqi people." The voice-over commented that "the employees are frustrated with the slow progress of the investigation." That was inaccurate. In fact, I was directly responding to their leader's statement (not aired) that the "Ba'athist museum staff stole all of the antiquities before the war and we all know it." Some believed it; others were frustrated that we did not remove the entire senior staff so they could take their places. None of the rioters ever led us to a single missing antiquity, and none of them ever provided firsthand information about any of the senior staff, despite what they had said that they "knew."

⁷² After a long career in the Italian diplomatic corps spent largely in the East, Ambassador Cordone was appointed the Coalition Provisional Authority's senior adviser for culture, in effect the acting minister of culture, in May 2003—a position he held until October 2003. A man whose sense of duty was exceeded only by his old-world charm, he died back home in Italy on 30 July 2004.

⁷³ As we later learned, her brother was no. 41 on the U.S. government's Top 55 Most Wanted list; this may explain her obstructionist behavior.

als. Some would approach us on the street and ask what would happen to their “friend” if he returned an antiquity. Some would suggest that they might know someone who might know someone who might have an artifact. Some would ask if there was a reward for any returned property. Some would drop a bag near the museum. Some would approach empty-handed, needing extra persuasion; some would come with the artifacts in hand. The locations also varied. Sometimes they turned in the objects to the nearest mosque. Sometimes they came to the museum. Sometimes we met them at a remote street corner. Sometimes they turned in antiquities to random U.S. soldiers whom they approached while the soldiers were directing traffic at intersections or manning military checkpoints somewhere in the city. Occasionally, we even found items in previously inspected rooms in the museum itself—loudly chastising each other in front of as many staff as possible for having “missed” those items during the previous inspection, but just as loudly noting that we would not be able to reinspect those rooms for another few days or so. Invariably, more items were subsequently “found” in those rooms and the same scene was repeated. And so it began. No matter the question we were asked, the answer was always the same: “Why don’t we talk about it over a cup of tea?” Some, albeit the minority, had taken the items for safe-keeping, intending to return them as soon as it was safe to do so. Far more had stolen the artifacts, but then had a change of heart when they realized they were stealing not from the regime but from themselves. Many simply grew worried they would be caught. Mothers turned in items stolen by their sons; sons turned in items stolen by their friends; employees turned in items stolen by their bosses.

One of the first returns was a small Hassuna-style pot with the characteristic reddish linear design from the sixth millennium B.C. It came back in a garbage bag.⁷⁴ The Sacred Vase of Warka (fig. 3) was returned in the trunk of a car along with 95

other artifacts on 12 June 2003 after two weeks of negotiations deftly handled by Sergeant Piñeiro and U.S. Army Captain John Durkin (a New York City Police Department captain recalled to active duty).

When the Vase of Warka was returned on 12 June 2003, it was in 14 pieces, broken mostly along the upper register of the vase. It was immediately examined by Dr. Ahmed Kamel, the museum’s acting director in Dr. Nawala’s temporary absence, who knew that the vase had been “broken in ancient times but was mended again with copper wire.”⁷⁵ He determined that all of the breaks were along ancient fractures, that all of the pieces were recovered, and that the vase was in exactly the same condition as when it was excavated. His assessment was at first reported accurately by the media: “[T]he vase is in no worse shape than when it was discovered by German archaeologists in 1940.”⁷⁶ This finding was then confirmed by both Dr. Nawala and Dr. George. Two days later, a delegation from the British Museum that happened to be in Baghdad inspected the vase and concluded that the “Warka vase . . . has been restored in the past and in particular the foot and the base of the bowl are heavily restored. The lower portion of the vase below the register of naked ‘priests’ are intact apart from some damage to the restored plaster of Paris foot and bowl. The upper portion of the vase has broken along old break lines into ca. ten pieces.”⁷⁷ Despite these unambiguous and unanimous findings, the *Boston Globe* and others later reported that the vase was returned in pieces without mentioning that there was no new damage: “Looters discovered the delicately engraved 4-foot-tall vase, and tipped over its support stand, shattering into 14 pieces a priceless treasure that had survived intact for five millennia.”⁷⁸ Of course, this was not just misleading; it was false: the vase had not “survived intact for five millennia.” Even respected authorities failed to mention that only the restored parts had been damaged: “[s]tolen objects . . . included the now famous Warka vase, which had been ce-

⁷⁴ Hardened investigators were visibly moved by its beauty, particularly when I told them it predated the wheel—first used at Ur ca. 3500 B.C.—by at least 1,500 years. This piece and more than 1,000 others were recovered through the tireless and courageous efforts of ICE Special Agents Sean McElroy, William Puff, Claude Davenport, Ingolf Hack, Eric Andreucci, Ramsey Korban, Abdul-Rahman Adada, and David Denton—the last three doubling as Arabic translators.

⁷⁵ Basmachi 1975–1976, 124. In fact, the vase was renowned for being one of the first pieces known to have been restored in antiquity.

⁷⁶ *USA Today*, 17 June 2003. Indeed, the title of the Assoc-

iated Press story reporting the recovery was “Vase of Warka, Key Piece of Iraqi Museum Collection, Returned Undamaged” (Baghdad, Iraq–AP, 12 June 2003).

⁷⁷ *Report: Conservation Needs in Iraq Museum, Baghdad*, British Museum, 2003. A portion of the report was published shortly thereafter in M. Bailey, “Picking up the Pieces in Baghdad” (*Art Newspaper*, <http://www.theartnewspaper.com/news/article.asp?idart=11361> [12 March 2005]), further explaining that “[t]he original upper part of the limestone vase was broken into ten pieces, but along old fractures. Conservation will not pose major technical problems.”

⁷⁸ *Boston Globe*, 24 September 2003.

mented in place. Last week it was returned in pieces.”⁷⁹

Despite such obstacles, the amnesty program was so well publicized that, while home on leave in Manhattan in late summer 2003, I was contacted by an individual who had learned of the investigation on the news and had a “package” for me. We arranged a meeting in a crowded coffee shop in the middle of the day in midtown Manhattan. He handed me a small brown-paper envelope without incident, and as a result a 4,000-year-old Akkadian piece is now back in the Iraq Museum where it belongs.⁸⁰

RECOVERIES FROM RAIDS AND SEIZURES

The fourth and final component to the investigation involved classic law-enforcement techniques such as investigative raids and random car-stops at checkpoints throughout Iraq, as well as increased vigilance at international borders. Raids on targeted locations resulted in the recovery inside Iraq of 2,027 artifacts between our arrival in April and the end of December 2003. As with pieces returned under the amnesty program, I am aware, from contacts within the museum and from military and law-enforcement officials, of seizures within Iraq after this period, but not with enough specificity and clarity to provide details or numbers. Nor—as is

addressed farther on—does this total (2,027) include the seizures made outside Iraq.

Most notable among the recoveries inside Iraq were those made by the U.S. Army’s 812th Military Police Company. Not part of the original task force, they were led by U.S. Army Captain Vance Kuhner (a recalled Queens County, New York, Assistant District Attorney) and U.S. Army Sergeant Emmanuel Gonzalez (a recalled New York City Police officer) and achieved remarkable successes. On 23 September 2003, they conducted a predawn raid on a farmhouse in al-Rabbia, north of Baghdad, locating the breathtaking Mask of Warka buried under approximately 45 cm of dirt in the backyard. Six weeks later, on 3 November 2003, they conducted another predawn raid, this time based on a tip about a smuggling ring that was operating in southeast Baghdad, recovering a cache of small arms and the Nimrud brazier, the only known example of a wheeled wooden firebox. Clad in bronze, it had been used to warm the throne room of King Shalmaneser III (ruled 858–824 B.C.). Using information acquired during that seizure, they raided a warehouse in Baghdad later that same day, recovering 76 pieces that had been stolen from the museum’s basement, including 32 cylinder seals⁸¹ and the extraordinary Bassetki Statue—the latter submerged in a cesspool

⁷⁹ Robson, “Iraq’s Museums: What Really Happened,” *The Guardian* (Manchester), 18 June 2003. Although virtually every news organization that reported the recovery also reported that there were no new breaks, some did not. The ordinarily reliable *Science Magazine* reported that “the famous Warka vase, a triumph of Sumerian art, was returned in pieces,” without explaining that there were no new breaks (Lawler 2003); and the highly respected *Archaeology* initially reported that the vase “was badly damaged” (M. Rose, “Taking Stock in Baghdad,” *Archaeology*, 15 April–11 July 2003, <http://www.archaeology.org/online/news/iraq3.html> [28 January 2005]). *Archaeology*, like dozens of other publications, reacted to a photograph showing the vase in its recovered state and posted on the University of Chicago’s Oriental Institute Web site side by side with a photograph of the vase in its prewar restored state (including the plaster of Paris portions, but without mentioning that fact). The photograph showed only the main damaged part of the vase but not the smaller recovered pieces, and there was no mention that there were no new breaks or that all the pieces were recovered. In the April 2004 issue of the Oriental Institute’s journal, the two photographs were again placed side by side, with the caption to the damaged one reading, “[t]he vessel was recovered, in pieces, in June,” without mentioning the indisputable fact that there were no new breaks, despite the well-documented earlier reporting (“Archaeologists Review Loss of Valuable Artifacts One Year after Looting,” *University of Chicago Chronicle* 23[4], <http://chronicle.uchicago.edu/040415/oi.shtml> [12 March 2005]). Unfortunately, as recently as May 2005, it was still being reported that the vase was returned “in damaged condition” without men-

tioning that only the results of prior restorations had been damaged and not the vase itself (see Biggs 2005b). Such inaccurate or misleading reporting—and the unhelpful dialogue it engenders—is not without cost: it diverts attention from the many historically significant pieces that were damaged, such as the terracotta lion from Tell Harmal and several Hatrene statues, and directly results in creating a general level of skepticism in response to any claims about what was and was not damaged in the museum.

⁸⁰ On 14 February 2005, the FBI issued a press release describing the later return to authorities of eight Sumerian cylinder seals by an unidentified U.S. Marine (FBI, Philadelphia Field Division, “Return of Eight Iraqi Cylinder Seals to Iraq,” press release, 14 February 2005). See also “Picking Up the Stolen Pieces of Iraq’s Cultural Heritage,” *New York Times*, 14 February 2005. I spoke to this Marine before he contacted the FBI. The seals were from Iraq, but not from the museum. He had bought them from a vendor south of Baghdad, and as soon as he realized they might be illegal, he immediately contacted me through a third party to have them returned. Despite the fact that there is no official amnesty program in the United States, he wanted to come forward and is to be commended for doing so. The U.S. Attorney’s Office formally declined to prosecute him.

⁸¹ The museum possessed two types of seals: cylinder and stamp. The latter were developed as early as the sixth millennium B.C., probably as a means of record keeping. Cylinder seals, the earliest of which date from the Uruk period ca. 3500 B.C., are small cylinders, generally made of a wide variety of materials from clay to semi-precious stone such as carnelian and

behind the warehouse and covered in grease by patient smugglers willing to await a more favorable smuggling environment (fig. 5).⁸²

One of the largest single seizures, however, was made by Iraqi National Congress forces on 26 April 2003, when they stopped a truck at a checkpoint near al-Kut in southern Iraq. Apparently intending to cross into Iran, the smugglers escaped, but the security forces were able to confiscate a single steel footlocker containing 465 artifacts. Consisting mostly of small cuneiform tablets, amulets, pendants, and some cylinder seals, all of the objects had been stolen from the Iraq Museum—though all of the cuneiform tablets were from a collection of fakes that the museum had kept in its storage rooms.⁸³ The following day, Dr. Ahmed Chalabi, at the time leader of the Iraqi National Congress, notified me of the seizure and, after inspecting the artifacts, we took possession and returned all of the items to the museum.⁸⁴

None of these recoveries would have been possible without the overwhelming support and trust of the Iraqi people. It was a trust we all worked hard to develop, largely by taking the time and effort to trust them first. It was a trust the Iraqis slowly but warmly returned. Relying heavily on informants in Baghdad to provide information about locations where antiquities could be found was precisely how I had conducted hundreds of criminal investigations in New York City. And, as in New York, each informant had his own reason for coming forward. Some simply wanted the offenders caught. Some were only interested in a reward. Others were rival antiquities dealers wishing to put their competition out of business.

Similarities aside, there was one striking difference between conducting law-enforcement opera-

tions in New York and doing so in a combat zone. Any seasoned detective will tell you there are always two issues that must be addressed before trusting any informant: What is the source of his information (i.e., how does he know what he says he knows)? and, What is his motivation (i.e., why is he coming forward)? Motives, however, were relevant to us only insofar as they revealed something about the veracity of the informant and the accuracy of the information. In Baghdad there was a third question that had to be asked: Were we being led into an ambush? That we never were ambushed is as much a testament to the character of the Iraqi people as to our instinctual caution, usually expressed as, "This doesn't feel right."

MISTAKES AND TRAGEDY

Our instincts, however, did not always work as they should have. One such occasion took place during the last week of April 2003, when we learned through an informant not connected to the museum that months before the war hundreds of boxes (containing what we later determined to be approximately 39,453 ancient books, Islamic manuscripts, and scrolls) had been moved to a bomb shelter in western Baghdad months before the war. As events would show, it is possible that this "removal" was for safekeeping only, but I remain skeptical. The informant told me that he had come forward because the residents of the neighborhood (who had been protecting the shelter's contents for months) no longer believed they could protect the contents from thieves. So, after locating the bomb shelter, we met over tea with those local residents who had been guarding the manuscripts since the fall of Baghdad. Together, we then inspected the shelter, on the outside of which we

usually pierced through from end to end to be worn on a string. The surface of the cylinder is carved in reverse with figures, symbols, or scripts, so that when rolled with pressure on clay the cylinder would leave a continuous impression of the design or "signature" in relief. They were abundantly used by public officials and private individuals as jewelry and magical amulets and for administrative purposes (notarizing contracts and receipts) until around 300 B.C. Varying in size, but usually smaller than a human thumb, single cylinder seals have sold for more than \$250,000. During the Ur III period ca. 2200–2000 B.C., cylinder seals were considered so important that a lost seal had to be publicly announced (Crawford 2004).

⁸² In two other raids, the same unit also recovered 15 cylinder seals that had been stolen from the museum's basement and, at another location approximately 10 km from the Turkish border, 51 excavation-site objects that had been stolen from the aboveground storage rooms, including a 45-cm statue of Ea, the water god (the Akkadian equivalent of the Sumerian Enki). They were so dedicated to their mission that the mem-

bers of Captain Kuhner's unit often used their own money to pay for information. The ICE agents also paid for information, using almost half of their authorized \$1,000.

⁸³ As indicated previously (see *supra* n. 39), over the years, the museum had come into possession of many objects, either through seizure or through voluntary turn-in, that were later determined to be counterfeits. Wisely, the museum had made it a practice to maintain custody of all such fakes (marking them with the "MZ" prefix) to prevent them from being reintroduced into the marketplace. Many of the items stolen from the aboveground storage rooms were, in fact, these fakes.

⁸⁴ Throughout the course of the investigation, Chalabi was one of our biggest supporters and assets. While some officials and governments limited their participation in the recovery efforts to criticism and lamentation, he acted with energy and vigor, providing access to witnesses throughout the country, security when we needed to travel outside Baghdad, and sound advice on possible leads.

found significant evidence of an attempted break-in, as well as bullet marks on the doors. Entering the shelter, we learned that all 337 boxes contained manuscripts and scrolls, not from the Iraq Museum, but from the separately administered Saddam House of Manuscripts, now renamed the Iraqi House of Manuscripts, home of some of the finest Islamic manuscripts in the world, many over 1,000 years old.

We agreed to return within two days, not only with trucks to transport the items to safety but also with a television news crew to capture their story.⁸⁵ I told the residents that I wanted the world to know of their bravery and dedication in protecting the boxes from at least one armed attempt to steal them.⁸⁶ As we left, promising to return in the morning, one of the children gave me a flower she had picked from her garden and the neighborhood residents spoke about what a wonderful day tomorrow would be, when we brought the manuscripts to the museum storage rooms for safekeeping until they could be returned to the House of Manuscripts.

The following morning, I located the head of the manuscript museum and told him the good news.⁸⁷ Surprisingly, he was initially hesitant, but at my strong urging he reluctantly agreed to come with us to the shelter to retrieve the manuscripts. The warning bells that should have gone off in my head did not. When we arrived at the bomb shelter, I asked him to thank those residents who had protected the manuscripts. As soon as he climbed on top of one of the trucks and before he finished his first sentence, a riot broke out without warning, led by the same people with whom we had met the previous day. Surrounded by screaming Iraqis, who,

according to my interpreter, were shouting that I had betrayed them, I immediately ran to the neighborhood leaders in whose houses I had shared tea the day before. Confused, I asked them what had happened, what I had done. Simultaneously, three or four of them pointed to the director on the back of the truck and asked why I was giving the boxes back to the Ba'athists.

I suddenly realized what I should have realized sooner: the director was viewed by the neighborhood as a much-hated member of the Ba'ath Party. Seeing him, the residents reacted predictably, believing the artifacts were being returned to the party.⁸⁸ I expressed my apologies for my error in bringing the governmental official with me. I told them that the mistake had been mine and I deserved the blame. It was difficult to hear amid the screaming and difficult to move in a crowd that was growing angrier and more hostile by the minute, but after tense negotiations we reached an agreement. After we were permitted to enter the shelter to count the boxes and check their seals, every one of which was intact, we agreed to leave the boxes locked where they were. In return, the residents agreed to establish a 24-hour neighborhood watch to protect the manuscripts, to contact me immediately if they believed they could no longer ensure their safety, and to turn over all of the boxes to the proper authorities when a new Iraqi government was instituted. As far as I know, the manuscripts remain in the shelter and that neighborhood continues to honor its promise.⁸⁹

We learned a valuable lesson that day: the average Iraqi harbored an enormous amount of anger against anyone who was (or was merely thought to

⁸⁵ We used the Fox News crew that was virtually a permanent fixture at the museum. Not only had they assisted us in the past by sharing leads that they had developed independently (in exchange for coverage of the fruits of those leads) but their intrepid reporter Jonathan Hunt had also consistently presented a balanced and factually accurate reportage. On other occasions, we worked with CNN's Jane Arraf—a journalist of exceptional grace under pressure—and her crew.

⁸⁶ We did this as a means of positive reinforcement. Whenever an Iraqi proved particularly helpful, and only after he approved, we publicized his actions and set up an interview for him to tell his story.

⁸⁷ I had actually spoken to him before that day, specifically asking him about the manuscripts. He never told me that they had been removed for safekeeping or that he knew where they were. *Science Magazine* reported that "George himself took U.S. officers there [to the bomb shelter] shortly after the museum was secure" (Lawler 2003). He did, but it was *after* we had been brought there by the informant.

⁸⁸ I was not the only person to whom they remarked that he was a notorious Ba'ath Party member. After returning to the

museum, I mentioned what had happened to a BBC film crew. They went to the bomb shelter on their own and interviewed the residents themselves: "The store was well prepared and protected and its guardians said they did not want to return the contents [40,000 precious books and manuscripts] to the museum while the existing Ba'ath party hierarchy remained in charge" ("Return to Baghdad: The Cost of War at the Iraq Museum," BBC, 6 September 2003, http://www.bbc.co.uk/history/war/iraq/iraq_after_the_war_01.shtml [28 January 2005]).

⁸⁹ Although I had seen the manuscript director virtually every day from my arrival until the day of the riot, he never again returned to the main museum while I was there (at least I never saw him again). An interesting postscript was that about one year later I saw a clip of him being interviewed on "Treasures of Iraq," on Australia's *Dateline* (<http://news.sbs.com.au/dateline/index.php?page=archive&daysum=2003-07-09#> [21 May 2005]). He was interviewed as a "hero" who had saved the manuscripts. Perhaps, but there is no mistaking the hatred he inspired in the people of that neighborhood on that day in April 2003 at the bomb shelter. Highlighting one of the dan-

be) connected to the Hussein regime. Losing the trust of that neighborhood, we paid for the failure to appreciate fully the horror of the last three decades. It was not a mistake I wanted to make again.

I did make others, however, such as on 10 May 2003, when an elderly couple came to us breathless and distraught, identifying themselves as the caretakers of the Saddam House of Manuscripts on nearby Haifa Street in Baghdad. They told us armed looters had just entered their museum. If we wanted to save whatever collection still remained and catch the thieves, there was no time to waste. Within five minutes, four military members and eight seasoned ICE agents in four vehicles flew out of the compound. Without time for reconnaissance, we did it the Marine way, improvising on the fly and developing the tactical plan as we sped to the location.

As we pulled up, we saw that the museum was a multistory building. Although we would have preferred accessing its roof from an adjoining structure and then clearing it from top to bottom, none of the nearby buildings was close enough. All of them, however, offered clear fields of fire on us as we entered and left the building. We had no choice but to go in the front. Leaving one three-man team to cover the intersection and a second to secure the front door, two three-man teams entered and began methodically clearing all three floors. It was not until we got to the roof, in 115-degree heat and wearing almost 10 kg of body armor, that we realized that we had been had: there were no looters, and there had not been any that day.

Back at the compound, the elderly couple finally told us the truth. It had been a test and we had passed. Looters had been there previously, and the couple had “heard” that the looters were planning on coming back to steal what little (mostly furniture) remained. The caretakers had come to us to learn whether we would respond and, more important, to show any potential thieves how fast the Americans could and would react. We felt used, and I told them so; but I also stressed that if they had told the truth initially, we would have conducted the raid anyway as a rehearsal. Interestingly, from that

day on, not only did the amount of information we received increase, but we also started receiving trays of Iraqi food, usually desserts.

There was also tragedy. A month after our arrival in Baghdad, specially trained units from Italy’s paramilitary national police force, the carabinieri, arrived. Discussing the situation with their commanding officer, we agreed to focus on the museum while the carabinieri began safeguarding those archaeological sites that were in their area of operations. This international cooperation worked until 12 November 2003, when a truck broke through the gate in al-Nasiriyah and exploded in front of the Italian military headquarters, killing 12 carabinieri, as well as 5 Italian army soldiers and 16 Iraqi and Italian civilians.⁹⁰ Their deaths were a devastating loss for all of us.

CHRONOLOGY OF EVENTS AT THE MUSEUM

As we faced the challenges of tracking the stolen antiquities, we needed to piece together the other element of our investigation: the truth about what happened at the museum as Baghdad fell and what role, if any, U.S. forces played during that period. This issue, like the timing of the thefts and the number of antiquities stolen, has generated significant controversy. Although some questions remain, many of the facts are not in dispute.

The staff’s original plan had been to stay in the museum throughout the battle, but they had to leave on the morning of 8 April, when they realized the museum was going to become a battlefield. The compound itself occupied a militarily significant position: it lay across the street from the elite Special Republican Guard compound and commanded the approach to the strategically important al-Ahrar Bridge across the Tigris approximately 900 m away. No doubt recognizing this, but in contravention of international law, Hussein’s forces had invested significant time and effort in preparing sandbagged fighting positions and other military fortifications within the museum compound.⁹¹ After the last of the staff left the museum, Drs. Jaber and George (along with a driver and an archaeologist who lived

gers of moral judgment, however, the Library of Congress and U.S. Department of State mission to Baghdad later determined that his House of Manuscripts had a “well trained professional staff that knows how to preserve and conserve manuscripts” (“Report on the National Library and the House of Manuscripts October 27–November 3, 2003,” <http://www.loc.gov/rr/amed/iraqreport/iraqreport.html> [21 April 2005]).

⁹⁰ Ironically, three of us—Lieutenant Marseglia, the carabinieri’s commanding officer, and I—were all at Interpol headquarters in Lyons, France, developing new investigative strat-

egies on the day this happened.

⁹¹ There is no direct, conclusive evidence that any of the senior staff, specifically Drs. Jaber, Nawala, and George, actively participated in planning the use of the museum by the Iraqi army; but it beggars belief to deny what had to be common knowledge: the Iraqi army planned to use the museum as a battleground. That the staff knew this, however, was irrelevant. Given the nature of Hussein’s regime, there was absolutely nothing they could have done to prevent it.

in a building near the rear of the museum compound) courageously stayed until the last moment, approximately 11:00 a.m., when armed Iraqi soldiers started to take up those previously prepared positions in the museum compound.⁹² Ensuring all of the doors to the museum and the storage rooms were locked, they left through the back door to the museum and locked it behind them. They then crossed the Tigris over the nearby bridge into eastern Baghdad, with the intention of returning later the same day. When they tried to return at approximately 3:00 p.m., however, they were unable to cross the bridge because of the heavy fighting.

On that Tuesday, 8 April, the nearest U.S. forces had started the day more than 1,500 m northwest of the museum and began receiving heavy mortar fire as they drew near the museum. On the following day, a tank company from the Third Infantry Division's Task Force 1-64, the only U.S. unit in that part of Baghdad, moved to an intersection about 500 m west of the museum with orders to keep that intersection open as a lifeline to support U.S. forces engaged in combat in the northern part of the city. That tank company immediately began taking fire from the compound and from three of its four buildings—the main building (galleries and storage rooms), the Children's Museum, and the library—as well as from a building to the rear of the compound that had previously been used as a police station. The tank company commander, U.S. Army Captain Jason Conroy, estimated that there were approximately 100–150 enemy fighters carrying rocket-propelled grenades (RPGs) or AK-47s and firing on U.S. forces from in and around those four buildings.⁹³ Some were dressed in Special Republican Guard uniforms and some in civilian clothes. This is consistent with the accounts of neighborhood residents, who noted that “the Americans had come under attack from inside the museum grounds and that fighting in the area was heavy.”⁹⁴ Indeed, the

fighting was so heavy that for the next two days (9–10 April) U.S. soldiers never left the inside of their tanks. On the morning of 11 April, Captain Conroy's tank company destroyed an Iraqi army truck and a Bronevaya Maschina Piekhota (BMP), a Russian-built armored fighting vehicle, at the intersection directly southeast of the museum compound.

During our initial inspection of the museum immediately after our arrival, we discovered a sniper position in one of the second-floor storage rooms: a window slit broken open from the inside, with boxes moved against the wall to place the opening at a shooter's height. Immediately next to this window, one of only two that offered a clear field of fire onto the street to the western side of the museum, were RPG parts, an ammunition box, an AK-47 magazine, a grenade pouch, and an inoperable grenade.

Nor was this an isolated instance. We found more than 15 Iraqi army uniforms randomly thrown about the museum grounds. We also found a box of fragmentation grenades in the front of the administrative building immediately next to one of two firing positions that had been dug in the front of the museum compound and another grenade inside one of those positions. There were two identical firing positions in the rear of the museum, each of which could hold four shooters in a prone firing position. According to several witnesses, they were used by Iraqi forces to fire on U.S. forces during the battle. There were also expended RPGs scattered throughout the museum compound and boxes of live (not yet fired) RPGs on the roofs of the library and Children's Museum.

Indeed, on 10 April, RPGs had been fired at U.S. forces from the Children's Museum. An M1A1 Abrams tank gunner returned fire with a single round: no additional RPGs were reported to have been fired from that location and a later forensic examination disclosed a blood trail near the point of impact.⁹⁵ Iraqi forces had also built a fortified

⁹² See also “Return to Baghdad: The Cost of War at the Iraq Museum” (BBC, 6 September 2003, http://www.bbc.co.uk/history/war/iraq/iraq_after_the_war_01.shtml [28 January 2005]), for which both Dr. Jaber and Dr. George provided the same account.

⁹³ An RPG, or Raketniy Protivotankoviy Granatomet, is an extremely effective shoulder-fired weapon, using an 85-mm armor-piercing shaped warhead that is capable of penetrating up to 35 cm of armor. The ubiquitous Soviet-introduced RPG-7 weighs 8.5 kg with its warhead and is devastatingly effective up to 500 m against a stationary target and 300 m against a moving target. An RPG-7 can penetrate a Bradley armored personnel carrier, and although it cannot penetrate the heavily armored portions of the U.S. Army's main battle tank, the M1A1 Abrams, there are areas of the tank that are vulnerable

as well. An AK-47, or Automat Kalashnikova Model 1947, is an assault rifle capable of firing up to 600 rounds per minute at the cyclic rate in its automatic fire mode. Its 7.62 x 39 mm bullet can penetrate U.S. body armor and is lethal to 300 m.

⁹⁴ “Inside Iraq's National Museum,” *Wall Street Journal*, 17 July 2003. For this well-researched account, he interviewed not only Drs. Jaber and George but also neighborhood residents. See also “World Robbed of Iraq's Museums, Antiquities” (*Executive Intelligence Review*, 25 July 2003, http://www.larouchepub.com/other/interviews/2003/3029donny_george.html [12 March 2005]), with a transcript of a 3 June 2003 interview of Dr. George.

⁹⁵ Countless Web sites and articles feature a picture showing the front of the Children's Museum with the hole created by the tank round without indicating that the tank had actually fired in response to an RPG shooter who had fired at the tank

wall along the western side of the compound, enabling fighters to move unseen between the prepared fighting positions in the rear and the front of the museum.⁹⁶ The building in the rear of the museum had even been prepared as a command post complete with a cache of weapons and tactically prepared military situation maps tracking the battle.

The entire museum compound had been turned into a well-constructed military stronghold in clear violation of international law. Under the law of armed conflict, cultural property is protected against any act of hostility. Such protections are afforded under the Geneva Convention of 1949 and its two protocols of 1977 (specifically Articles 38, 53, and 85 of Protocol I and Article 16 of Protocol II), as well as under the Hague Convention of 1954 and its two protocols of 1954 and 1999. The same provisions, however, absolutely prohibit the military use of otherwise protected cultural sites, specifying that such sites lose their protections when so used.⁹⁷

Some staff members returned on the afternoon of 12 April and, vastly outnumbered by the remaining looters, nonetheless bravely chased them off the museum grounds. But it was too late. Whatever thefts occurred did so in the 96 hours that began when Drs. Jaber and George left on the afternoon of 8 April and ended with the staff's return on the afternoon of 12 April. This is not meant to suggest that none of the thefts took place before then; rather, it is simply to point out that these 96 hours were the only time the museum was not guarded by either museum staff or U.S. forces. At approximately 10:00 a.m. on 16 April, four days after the staff had returned and the looting had ended, U.S. forces—specifically a tank platoon led by U.S. Army 2nd

Lieutenant Erik Balascik and Sergeant First Class David Richards from C Company, Task Force 1-64—entered the compound for the first time.⁹⁸ We began our investigation on 21 April.

FAILURE TO PROTECT THE MUSEUM

Although charges of U.S. military complicity in the thefts themselves are easily dismissed as anti-American rhetoric with no basis in fact, the claims that U.S. forces did not provide adequate protection are not so easily answered. Frankly, those who have argued that U.S. forces should have done more to protect the museum present a compelling argument. The U.S. government was urged before the war to protect the museum.⁹⁹ Given the lessons learned from the Gulf War in 1991 and the repeated warnings of the archaeological community, it seems reasonable that the war planners should have anticipated some looting—although the looting of the museum caught even Dr. George by surprise.¹⁰⁰

Assuming for purposes of this discussion that the looting was foreseeable, it still remains to consider what could and should have been done in light of the museum's military fortifications and the presence—at least initially—of Iraqi army soldiers in the museum and its compound. To address this issue fairly, dispassionately, and analytically, it is crucial to divide 8–16 April into three discrete time periods: 8–10 April, 11–12 April, and 13–16 April.

During the first period, 8–16 April, the presence of more U.S. forces in Baghdad certainly would have enabled them to secure the museum sooner. But even with increased troop strengths, they could not possibly have done so without a battle as long as Iraqi forces fought from within the compound. Not only would lives have been lost, but forces attempt-

from the Children's Museum. The most outrageous caption, "Shoot first, ask questions later," can be found at http://www.zyworld.com/Assyrian/Baghdad_National_Museum_Iraq.htm (24 February 2005).

⁹⁶ Some museum employees did tell us that they had been given weapons before the war and told by Dr. George to fight the Americans. Dr. George admitted having had such a meeting but said that the weapons were for self-defense against looters, and not for use against American or British forces.

⁹⁷ See Protocol Additional to the Geneva Conventions of 12 August 1949 (Protocol I), 8 June 1977; Protocol Additional to the Geneva Conventions of 12 August 1949 (Protocol II), 8 June 1977; Convention for the Protection of Cultural Property in the Event of Armed Conflict, The Hague, 14 May 1954; Protocol for the Protection of Cultural Property in the Event of Armed Conflict (Protocol I), The Hague, 14 May 1954; Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict (Protocol II), The Hague, 26 March 1999. Because of the

pre-war efforts of the archaeological community, the Iraq Museum had been placed on the coalition's no-strike list and, despite its use by Iraqi forces (and consequent status as a lawful target), it was fortunately never targeted or hit by U.S. air, artillery, or mortar strikes.

⁹⁸ Surely laying to rest any charges that U.S. forces were involved in the looting.

⁹⁹ See "Pentagon Was Told of Risk to Museum," *Washington Post*, 14 April 2003.

¹⁰⁰ Dr. George is quoted as saying, "We thought there would be some sort of bombing at the museum. We never thought it could be looted" ("Iraqis Say Museum Looting Wasn't as Bad as Feared," *Wall Street Journal*, 17 April 2003). Dr. Kamel, the museum's deputy director, shared his surprise, remarking that "[w]e didn't think anybody would come here and steal things because it has never happened before" ("Iraq Museum Still Counting the Cost of Invasion," *Peninsula [Qatar]*, 1 July 2004, <http://www.thepeninsulaqatar.com/features/featuredetail.asp?file=junefeatures322004.xml> [12 March 2005]).

ing to dislodge the Iraqis would have risked creating far more damage to the museum than ultimately occurred during the looting. Not surprisingly, then, Lieutenant Colonel Eric Schwartz, commander of Task Force 1-64, the unit responsible for that portion of Baghdad during the battle, did not move into the compound during this period. To have done so would have required a battle, and, as he told me in April 2003, he was determined not to damage the museum if he could avoid doing so.¹⁰¹ His concerns were warranted: during 8–10 April his only forces near the museum compound started receiving fire from the museum itself and were forced to fire two rounds in return, one at a sniper in the second-floor storage room and a second at the RPG shooter in the Children's Museum, before Lieutenant Colonel Schwartz withdrew his forces from direct-fire range. Fortunately, no antiquities were damaged by the two rounds his forces did fire, but there was no guarantee that any additional firing would be so benign.

Some have argued that all U.S. forces needed to have done to protect the museum was to place a tank near the entrance to the compound as a warning to any would-be looters. What these critics—presumably with no military background—fail to realize is that such a tactic would have required a willingness to forfeit the lives of that tank's four-man crew. A stationary tank inside a city during active combat (such as was the situation in April in that section of Baghdad) is a guaranteed death trap. In urban combat, a tank's survivability is directly linked to its mobility and ability to return fire, both of which would have been nullified by placing it on sentry duty in front of the museum. There would be no survivors of a direct hit from an antitank weapon.

Another possible question, then, is whether U.S. forces could have used infantry to secure the mu-

seum compound during 8–10 April. Given the museum's previously prepared fortifications, this approach would have been equally untenable and highlights the dilemma faced by Schwartz. A proper assault while the museum was occupied by Iraqi forces would have required supporting arms—tanks, mortars, and crew-served weapons—to conduct the attack. Such a full-scale assault very likely would have resulted in significant damage to the museum; but anything less would have been criminally irresponsible on the part of the commander on the ground, because to have asked military forces to secure the museum during this period without supporting arms would have turned the open ground between the compound walls and the museum itself into a killing field.

Even if troops or tanks had been deployed to the museum despite the significant issues created thereby, the next question is what they would have done (or have been permitted to do) if their mere presence had not been sufficient to disperse the looters. Surely, shooting into a crowd of unarmed men and women in a country that had just been liberated from a regime that would have done precisely that was not an option.¹⁰² U.S. forces operate under strict rules of engagement based on commonly accepted norms of international law, one of the most basic tenets of which is that deadly force can be used only in response to a hostile act or a demonstration of hostile intent. Shooting unarmed men and women (noncombatants) in civilian clothes who were not presenting a risk to human life—even when engaged in a crime such as looting—would have been a violation of the law of armed conflict and prosecutable for murder under Article 118 of the Uniform Code of Military Justice.¹⁰³ Nor was firing “warning” shots in such circumstances an option. It is a dangerous practice that tends to escalate the situation, usually motivat-

¹⁰¹ See also Lieutenant Colonel Schwartz's interview in “Iraqis Say Museum Looting Wasn't as Bad as Feared,” *Wall Street Journal*, 17 April 2003.

¹⁰² At least one respected authority claimed, “You have got to kill some people to stop this” (“US Archaeologist Calls for Armed Clampdown on Iraq Looters,” *The Guardian* [Manchester], 8 July 2003; and “Professor Calls for Looters to Be Shot,” *Daily Telegraph* [London], 9 July 2003). This comment—doubtless the product of enormous frustration and not a serious suggestion—had a demoralizing effect on the members of our team who, refusing to allow the ends to justify the means, daily risked their lives to recover the stolen artifacts without killing the thieves, looters, or smugglers.

¹⁰³ Although the use of nonlethal measures such as tear gas might have satisfied legal standards, several factors would have argued against their employment. First, even “nonlethal”

measures sometimes result in death, particularly among the elderly and children. Second, there is the question of effectiveness. Nonlethal measures would have dispersed the looters (and have caused them to drop larger items). But most of the looted items were the smaller excavation-site pieces, and the use of tear gas, for example, would not necessarily have caused the looters to empty their pockets or drop their bags as they ran away. Finally, while it is easy to judge these events with the benefit of hindsight, any argument that U.S. military should have used force, nonlethal or otherwise, to disperse a crowd at the museum, must first consider the extraordinarily negative reaction it would have been expected to cause among a people that in April 2003 believed that such governmental-sponsored violence had ended with the fall of the Hussein regime.

ing unarmed participants to arm themselves and generally drawing return fire. Moreover, the bullets fired from the muzzle of a weapon, whether as a warning or in deadly earnest, do not just disappear. They hit something or someone, often with tragic consequences.¹⁰⁴ Thus any suggestion that U.S. forces should have secured the museum during 8–10 April is based on wishful thinking rather than on any rational appreciation of military tactics, the reality on the ground, or the law of war.¹⁰⁵

Jumping ahead for a moment to the third period, 13–16 April, the question of whether U.S. forces were remiss in not securing the museum is fair, but largely academic, because nothing was stolen during that period. When the museum staff returned on the afternoon of 12 April, there were no longer any Iraqi forces fighting from within the museum compound, and—as has been widely and accurately reported in the press—several members of the staff quickly contacted the nearest U.S. forces, requesting them to protect the museum should any of the looters return. Dr. George himself also contacted a nearby U.S. unit on the following morning of 13 April. These units had their hands full securing their particular sector but did pass those requests into appropriate military channels for action. Similarly widely reported is that dedicated staff members courageously guarded the museum alone for four days because, despite the request, it was not until the morning of 16 April that U.S. forces arrived to secure the museum compound. What has not been reported, however, is that no antiquities were stolen between 12 and 16 April. Nonetheless, that does not excuse the delay in responding to the museum, and U.S. forces are justifiably called to answer for it. The explanation, although not entirely satisfactory, is neither sinister nor complicated: more resistance than expected was encountered,

causing all available U.S. forces to be engaged elsewhere.

The real question concerns the middle time period of 11–12 April. Because there were no Iraqi forces fighting from the museum when the first of the staff returned on 12 April, the last fighter had to have left before midafternoon on 12 April. How long before, whether several hours or as much as two days, is unclear; but it is clear that by 12 April the looters (estimated by some witnesses to number as many as 300–400 at their height) had the run of the museum. One of the residents we interviewed said that the looters first appeared at the museum on the evening of 10 April, entering through the rear (northern) part of the museum compound near the former police station.¹⁰⁶ If this source is accurate, it strongly suggests that the original fighters had left the museum by then. There was, however, still intense fighting around the museum a day later, as indicated by the destruction on the morning of 11 April of the Iraqi army truck and BMP in the intersection fewer than 100 m from the front (southern) edge of the museum compound. So, for the reasons already set forth for 8–10 April, it is unlikely U.S. forces could have secured the museum during the forenoon of 11 April.

These two propositions (that the museum itself was safe enough for looters on the evening of 10 April and nearby combat on 11 April) are not, of course, mutually exclusive. It is entirely possible that the last of the fighters had left the compound on 10 April, even though there was still fighting in the immediate area, particularly in front of the compound, that prevented U.S. forces from either approaching the museum or realizing that enemy forces no longer occupied the museum itself. It is also possible and worth noting that some of the looters may have been fighters themselves only minutes or hours earlier.

¹⁰⁴ Both of the standard-issue rifles for U.S. forces, the full-sized M16A2 as well as the smaller M4 carbine, fire a NATO bullet that measures 5.56 mm in diameter and 45 mm in length, weighs 3.95 g, and leaves the muzzle at a velocity of 905.5 (M4) or 974.1 (M16A2) m per second². Even when fired straight up, as they sometimes are during celebrations, the bullets return to the ground at lethal terminal velocity. Derided by military and law-enforcement professionals, the firing of warning shots in such circumstances is only ever suggested by those who have never fired a weapon in anger and only works in the movies. In real life, and regardless of the intent of the shooter, warning shots kill.

¹⁰⁵ Similarly unfounded is the oft-repeated charge that U.S. forces protected the oil ministry instead of the museum (see, e.g., “U.S. Protected Oil Ministry While Looters Destroyed Museum,” *Independent*, 14 April 2003). Unlike the museum, the ministry building had not been fortified as a fighting po-

sition by the Hussein regime, it had no enemy forces fighting from within its confines, and—most crucially—there were no concerns about firing into the building if necessary to support an attack. Indeed, as a lawful target, the ministry building had been hit by U.S. air strikes on 9 April. Easily secured, that particular building simply did not present the challenge posed by the museum compound. Any comparison between the two, therefore, is rhetoric, not logic.

¹⁰⁶ There were also reports that on 9 April two Iraqi army vehicles drove up to the back of the museum (near where the impromptu command post had been) and loaded several boxes from the museum onto the vehicles before they left several hours later. Although we interviewed neighborhood residents who had heard about these events, we never talked to anyone who admitted actually seeing them. See al-Radi (2003a), for a similar account.

Regardless of exactly when the last fighter left the compound and surrounding area, there are no reports of any fighting from or directly in front of the museum after the morning of 11 April.

This leaves open to serious question the period from roughly noon on 11 April to the afternoon of 12 April. Even if it cannot be determined exactly when the last fighter left the museum or, more precisely, exactly when the museum could have been secured without a damaging battle, there came a time when the last fighter did leave the compound. Why, then, did U.S. forces not protect the museum between the time it was arguably safe to do so (whether on the evening of the 10th or the forenoon of the 11th) and the time the staff returned on the afternoon of 12 April? The very asking of this question, however, presupposes an omniscience that is not always possible in the fog of war. Given the chaotic and confusing nature of war in general and urban warfare in particular, it is not surprising that U.S. forces did not know—nor is it clear how they could have known—when the last fighter left, making it pos-

sible to enter without a battle.¹⁰⁷ Nor did we ever interview anyone who claimed to have told U.S. forces that the museum was devoid of fighters and being looted before 12 April.¹⁰⁸ If any such communication had taken place, the charge of inexcusable delay raised for the 13–16 April time period would apply from the time of the actual notice until U.S. forces arrived—minus whatever time was required to pass the information to a commanding officer and then to get the necessary forces to the museum.

The more pointed question, however, is why no unit before the battle had been given the specific mission of protecting the museum from looting after Baghdad was secure. As with the delay in responding to the requests for assistance on 12 and 13 April, the answers are neither complicated nor entirely satisfactory. First, in combat, speed of action offers the best chance of victory at the least cost in lives. In short, the faster one side operates, the less likely the other side is able to respond effectively, with the slower side eventually losing cohesion and the ability to respond at all. This is precisely

¹⁰⁷ On “Iraq’s Looted Treasures,” a show that aired on 24 December 2004 on National Public Radio’s *Here and Now* (http://www.here-now.org/shows/2004/12/20041224_2.asp [21 May 2005]), I was asked how I could argue that U.S. forces could not have known that it was possible to have entered the museum on 11 April when several journalists had done exactly that and emerged unscathed. The question was fair; the answer was obvious. With rare exceptions, journalists—unlike soldiers—are not shot at because of who they are. In contrast, the simple wearing of a military uniform in combat renders the wearer a lawful target. In combat, then, journalists can and often do go places combatants cannot and are generally able to move more freely on the battlefield to report on that conflict. This is not to suggest that combat journalists are not courageous; they are. Nor is it to suggest that they are never targeted illegally; they are. Rather, it is to point out that journalists and combatants enjoy different levels of freedom of movement in a combat zone, and neither should be judged by restrictions placed on, or the freedoms enjoyed by, the other.

¹⁰⁸ There is, however, one press report alleging such a communication. According to “Pillagers Strip Iraqi Museum of Its Treasure” (*New York Times*, 13 April 2003; the same report that erroneously reported “at least 170,000 artifacts [were] carried away by looters” in “only 48 hours”), an archaeologist named Raid Abdul Ridhar Muhammad “said he went into the street in the Karkh district, a short distance from the eastern bank of the Tigris, about 1 p.m. on Thursday [10 April] to find American troops to quell the looting. By that time . . . [the] museum grounds were overrun by thousands of men, women and children, many of them armed with rifles, pistols, axes, knives and clubs, as well as pieces of metal torn from the suspensions of wrecked cars. The crowd was storming out of the complex carrying antiquities on hand carts, bicycles and wheelbarrows and in boxes. Mr. Muhammad said that he had found an American Abrams tank in Museum Square, about 300 yards away, and that five Marines had followed him back into the museum and opened fire above the looters’ heads. That drove sev-

eral thousand of the marauders out of the museum complex in minutes, he said, but when the tank crewmen left about 30 minutes later, the looters returned.” It makes for a sensational story and justifies its front-page placement, but it is geographically impossible and internally inconsistent. In fact, unlike the museum staff’s requests for assistance on 12 and 13 April, the evidence suggests that this story is as false as the number of 170,000 stolen items. Muhammad claims to have gone “a short distance from the eastern bank of the Tigris, about 1 p.m. on Thursday [10 April] to find American troops.” The Iraq Museum, however, is not on the eastern bank of the Tigris but 900 m west of the river. Assuming that the source existed and was telling the truth, he had to be talking about some other museum, possibly the Baghdad Museum (containing 20th-century artifacts) on Mamoun Street, which is, in fact, “a short distance from the eastern bank of the Tigris.” Any reporter working in Baghdad in April 2003 knew or should have known that the Iraq Museum in Baghdad’s al-Karkh district, on the western side of the Tigris, and the Baghdad Museum in Baghdad’s al-Rusafa district, on the eastern side of the Tigris, were two different museums and had been since the Iraq Museum moved to its current location from Mamoun Street in 1966 (see *supra* n. 27). This patent error helps to explain the many other problems with this story: Muhammad claimed to have found five Marines “300 yards away.” But there were no Marines anywhere near the Iraq Museum on 10 April. It was not their sector. There were, however, Marines assigned to the eastern side of the Tigris, where the Baghdad Museum is located. The area surrounding the Iraq Museum was assigned to an army unit, and we interviewed every member of that unit, the only one in the vicinity of the museum on 10 April. They were engaged in combat but confirm that an unknown Iraqi approached on 10 April and told them of looting “in the vicinity of the hospital and the museum.” Highlighting the fog of war, a second Iraqi approached the tank crew at the same time and told them to shoot the first Iraqi because he was fedayeen. Both then ran away. When the crew reported this, they were ordered to move

what happened in Iraq in March and April 2003. Coalition forces experienced unprecedented battlefield success, with their advances outstripping the ability of the Iraqi armed forces to respond. Ironically, it also outstripped the ability of Coalition planners to plan for the security needs attendant to the fall of a city the size of Baghdad. Thus the very speed that minimized casualties also deprived planners of the time necessary to provide for the protection of the museum. Second, military planners did not recognize the extent of the Iraqi perception of the museum's connection to the former regime and, in particular, to the Ba'ath Party. Thus, despite the prior warnings, planners simply did not believe that the museum—unlike the presidential palaces and governmental buildings that were more overt manifestations of the regime—would be looted. For a combination of both reasons, they failed to designate a unit dedicated to the museum's security.

PUBLIC GALLERIES

Thefts

During the investigation, we discovered that there had been not one but three separate thefts from

closer to the museum to investigate, and doing so, immediately drew heavy fire from the compound, forcing them to retreat. Additionally, and as should be intuitively obvious, no military member would ever—as the article claims—have left his battle position in combat to follow an unknown informant into a potential ambush. Even the number of “Marines” alleged to have followed him (five) rings false: a fire team (the smallest tactical unit), like a tank crew, has four personnel. Finally, the description of the crowd contradicts every other witness we interviewed about the looting, every one of whom numbered the crowd in the hundreds, not thousands. There have never been any reports of children. And although some of the looters appear to have had rifles (former fighters?), not a single other witness ever reported seeing the colorful “rifles, pistols, axes, knives and clubs.” Nonetheless, another myth was born, and, like most myths, it began to develop and change with time—most likely as the result of conflating two completely separate events into one: the later multiple requests for assistance (that did occur) with the earlier alleged request (that almost certainly did not occur). First, the day the tank crew responded to the museum changed. In the *New York Times*, they came on 10 April; but that soon became 11 April: “The Americans returned with tanks at one point on Friday [11 April] and sent the looters fleeing, but as soon as the tanks rumbled away, the gangs came back to finish the job” (“Museum’s Treasures Left to the Mercy of the Looters,” *The Guardian* [Manchester], 14 April 2003). Then it was 12 April: “[A] single tank crew responded . . . for about 30 minutes on April 12” (Poudrier 2003). The person who begged assistance changed as well. In the *New York Times*, he was Muhammad. Sometimes he became “museum staff and journalists in Baghdad [who] repeatedly urged American tank crews to go and protect the museum” until they finally went for half an hour to chase away looters (Elich 2004). Then he became “Muhsin, the guard [who] tried to convince the American tank

the museum, by three separate groups, in the four days between 8 and 12 April.¹⁰⁹ I will first address the public galleries.¹¹⁰ Although in the last decade many artifacts had been moved to other locations by museum staff and governmental officials, redoubling their efforts in the months leading up to the war, larger statues, steles, and friezes had been left on the gallery floor, covered with foam padding or surrounded by sandbags. Of the pieces that had been left in the galleries and nearby restoration rooms,¹¹¹ 40 were stolen, with the thieves appearing to have been organized and selective in their choice of artifacts, stealing the more valuable items and bypassing copies and less valuable pieces.

Many in the media and in the art and archaeological communities have stressed other indicia, such as the presence of glasscutters, as evidence of a “professional” job.¹¹² As trained investigators, however, we drew a completely different conclusion: the old and rusted glasscutters were almost certainly used by a random looter. They had absolutely no utility in a museum that, without security alarms or guards, required neither stealth nor silence. Indeed, the individual who brought them to the mu-

crew positioned nearby to come and protect the museum—they came once and drove off the looters but refused to remain” (al-Radi 2003a). In countless other accounts, the tank crew never even moved at all. See, e.g., F. Gibbons, “Experts Mourn the Lion of Nimrud, Looted as Troops Stand By” (*The Guardian* [Manchester], 30 April 2003): “[O]ne tank crew was within 50 yards of the building . . . but its commanders refused emotional pleas from museum staff to move any closer.” Like the earlier controversy concerning numbers, this story of the heartless tank crew says more about the reporters of the story and the second- and third-hand hearsay they were using than it does about what really happened at the museum.

¹⁰⁹ As discussed previously, this is assuming, but not deciding, that all of the thefts occurred during those four days.

¹¹⁰ Including several landings and smaller rooms that were used to house antiquities, we counted 28 galleries on two floors. The Sumerian and Old Babylonian galleries are on the second floor, while the Assyrian, New Babylonian, and Hatran galleries are on the first floor. There are Islamic galleries on both floors.

¹¹¹ In addition to the Golden Harp of Ur, six of the most precious items from the museum had been collected and—instead of being brought to the secret place that lay hidden within the museum complex—were left in the restoration room: the Mask of Warka, the Lioness Attacking the Nubian, two plates inlaid with shell depicting ritual scenes from the royal tombs of Ur ca. 2600–2500 B.C., a large ninth-century B.C. Assyrian ivory-relief headboard, and a ninth-century B.C. wheeled wooden firebox from Nimrud. Although the room had two small safes that could have housed all but the headboard and the firebox, none of the six objects was placed in those safes. All six were stolen; only three have been recovered.

¹¹² “Glass cutters left behind at the scene are viewed as another indication of professionals at work alongside the mob” (Rose 2003).

seum came to the same conclusion and never used them. All 28 of the damaged display cases were smashed; none was cut.¹¹³

Recoveries

Of the 40 objects stolen from the public galleries and restoration rooms, 15 have been recovered, including five of the finest pieces the museum possessed: the Sacred Vase of Warka, the Mask of Warka, the Bassetki Statue, one of the two Ninursag Bulls, and a ninth-century B.C. Assyrian ivory headboard from Nimrud. These recoveries highlight the complexity of the investigation. The amnesty program netted two pieces (the bull was returned as a walk-in, and the vase after some negotiation), while seizures accounted for the other three—two inside Iraq (the Warka mask and the Bassetki Statue) and one outside Iraq by Jordanian customs (the ivory headboard). Because the recovery of any major piece stolen from the public galleries is, by the very nature of these pieces, easier to track, these numbers are accurate as of January 2005, when Dr.

¹¹³ Another popular claim is that these professionals “even brought equipment to lift some of the heavier pieces” (F. Deblauwe, quoted in Elich 2003). No one brought any such equipment to the museum. At least, no one used any such equipment. We could trace every single heavy piece out of the museum by the scratches its dragging left and, in the case of the Bassetki Statue, the cracks in the floor made by thieves who dropped it several times, having had no idea it was so heavy when they began to steal it, and who certainly had no equipment at hand to assist them.

¹¹⁴ The museum staff initially reported that the missing statue was the black, headless 0.76-m, 150-kg diorite statue of Entemena from ca. 2430 B.C., IM no. 5. In January 2005, however, I was informed by both Dr. George and Dr. Hameed that the stolen statue is actually that of Eannatum, ruler of Lagash. In a similar vein, when we first inspected the galleries, we were informed that one of the two display cases (the other containing the Bassetki Statue) in the museum that had not been emptied prior to the war (for fear of damaging its contents) had previously contained the skeletal remains of a Neanderthal man and a dozen or so stone, bone, and flint implements, as well as at least a dozen Neolithic beads and pottery fragments. While we could see that both the skeleton and the display case were intact, we saw that all of the other pieces of the exhibit were missing and were told that they had been stolen. Several weeks later after our detailed inspection, I noticed that the display case’s heavy, unbroken glass top, which had been perfectly centered on its base and took two of us to remove, showed no smudge marks or fingerprints on its dusty surface. Thinking that looters would have simply smashed the case to steal its contents and that even the gloved hands of professional thieves would have left imprints on the dusty surface, I reinterviewed the same museum staff member who had earlier told me the objects in that display case had been stolen, pointing out my observations. He suddenly remembered that all of the Neolithic objects had in fact been moved before the war and were

George, Dr. Hameed, and I reviewed the status of the items that had been in the public galleries.

Many priceless pieces remain missing. Two of the most prominent are a headless inscribed limestone statue from Lagash, ca. 2450 B.C.,¹¹⁴ and the ca. eighth-century B.C. Lioness Attacking a Nubian ivory from Nimrud. Also missing are a total of nine Sumerian, Akkadian, and Babylonian cuneiform bricks,¹¹⁵ a Babylonian boundary stone, and five heads from Hatra.¹¹⁶ These last comprise a copper head of winged victory, a stone head of a female deity (cut off by the thieves),¹¹⁷ and marble heads of Apollo, Poseidon, and Eros.¹¹⁸

THE ABOVEGROUND STORAGE ROOMS

Thefts

The second theft was from the museum’s aboveground storage rooms. Of three such storage rooms, two were looted, but none of their exterior steel doors showed any signs of forced entry.¹¹⁹ Although many have speculated how the doors to the storage rooms came to be opened for or by the loot-

safe. There is a photograph of the display case showing the skeleton in Polk and Schuster 2005. Unfortunately, the caption (inaccurately) reads that “jewelry and artifacts were taken from this skeleton.” See *infra* n. 125 for other significant factual errors in this work.

¹¹⁵ On one of the second-floor landings was a group of 27 bricks with royal inscriptions placed in chronological order from the cuneiform tablets of Eannatum I (ruler of Lagash, ca. 2470 B.C.), Naram-Sin (king of Akkad, ca. 2250 B.C.), and Hammurabi (king of Babylonia, 1792–1750 B.C.) to Assurnasirpal (ruler of Assyria, 885–858 B.C.), Nebuchadnezzar (king of Babylon, 605–562 B.C.), and—the most recent—a Latin-inscribed brick from a Roman barracks of the first century B.C. The nine that were stolen were carefully selected.

¹¹⁶ Hatra was a fortified city (“hatra” in Aramaic means “enclosure”) between the Tigris and Euphrates Rivers about 110 km southwest of Mosul in northern Iraq. Beginning as a watering hole near Wadi Thartar in the fifth century B.C., Hatra flourished from about 400 B.C. to A.D. 300 and was at its height during the first century A.D. An entire hall in the galleries was dedicated to the Roman, Hellenistic, and pre-Islamic artifacts from this single city, and 6 of the 25 items still missing from the galleries are from this site.

¹¹⁷ This was the one statue whose head the thieves cut off. Discovered in a Hatrene temple dedicated to the worship of Hercules, it may, therefore, represent his wife (Basmachi 1975–1976, 309).

¹¹⁸ The three heads of Poseidon, Apollo, and Eros were exquisite Roman copies of ca. A.D. 160 after Greek originals of the fourth century B.C., possibly imported from a Roman workshop in Antioch, Syria (Valtz Fino 2005).

¹¹⁹ Two of the storage rooms (the one on the first floor and one of the two on the second floor) are connected by an interior stairwell. Thus, entry to one automatically enables entry to the other. The two that were looted were the two that are internally connected.

ers, the possible explanations are logical and limited. Either the storage rooms were left open by the staff or the first (unauthorized) person who entered the storage room had the keys.¹²⁰ What evidence there is, although purely testamentary, is clear. According to Drs. Jaber and George, they locked the doors and then were the last to leave the museum as Iraqi forces entered the compound. According to Dr. Nawala and others, the keys to the storage rooms bore no markings indicating which of the hundreds of locks in the museum they fitted. The evidence strongly suggests, therefore, that the first unauthorized person to enter the aboveground storage rooms either had the keys and personally knew the museum well (or was with someone who knew it well) or at least knew where the keys were hidden and which keys fitted which storage-room doors.¹²¹ Because access to the museum and especially its storage rooms was carefully controlled and strictly limited, the key holder had to have been either a returning staff member or someone (Iraqi army or civilian) to whom a staff member had given the necessary information. In either event, the unforced entry into the storage rooms of this museum required the kind of knowledge and access only a staff member possessed.

As of the end of December 2003, the museum staff had determined that approximately 3,138 excavated objects (e.g., jars, vessels, pottery sherds) were stolen from these rooms. Objects on the shelves in these rooms are arranged by site, year, and field number, not by IM (Iraq Museum) or A (Arabic) number, and must be hand-checked against excavation catalogues. Although the shelved pieces from older¹²² excavations largely have been counted, in the aisles were many dozens of boxes containing pieces from more recent excavations that had been received by the staff before the war, but had not yet received their final designation (i.e., IM or no additional number) and, hence, had not been entered into the museum's index card system. Those

boxes continue to be inventoried; but the museum's copy of the inventory lists for some of the boxes is missing, presumably as a result of the looting. Nor had there been any master list prepared that indicated which site's finds were in which boxes, how many boxes each site comprised, or even how many total boxes were in the aisles. Such boxes, therefore, cannot be inventoried until their contents are re-created from the excavation catalogues of each archaeological site. Any current attempt to provide a final number of pieces stolen from these rooms, therefore, is impossible.

That the numbers will change as each shelf and box in each aisle in each room is completed does not mean that such numbers are either "wildly optimistic [or] pure guesswork."¹²³ On the contrary, they are what they always have been: precise numbers accurate as of a particular date and based on the museum's staff's hand counting, shelf by shelf, aisle by aisle, room by room, those items still present and comparing those objects with the excavation catalogues for the particular site represented by that shelf and then writing out in long-hand a list of the missing items by designation. I am informed by Zainab Bahrani that the process of conducting a complete inventory of what is missing from those storage rooms is likely to take many years. By the time this report is published, therefore, the number of missing items from this area may well have substantially increased.

The pattern of looting in these storage rooms was indiscriminate and random: entire shelves and sections were untouched, while others appear to have had their contents swept into bags. For example, an entire shelf of fakes was emptied, while an adjacent shelf containing pieces of infinitely greater value was untouched. Some boxes in the aisles had been completely emptied of their contents, while others were missing only handfuls. In many cases, artifacts taken from one shelf, where gathered dust revealed the sweep of an arm, had

¹²⁰ The entire analysis is as follows: If someone on the staff left the doors open, he or she did so either unintentionally or intentionally. If unintentionally (highly unlikely), the staff member was grossly negligent and this ends the inquiry for investigative purposes. If, on the other hand, the staff intentionally left the doors open, it did so either involuntarily or voluntarily. If involuntarily, the person almost certainly was at gunpoint. Regardless, only a handful of staff members could have been involved, and this focuses the investigation. A similar analysis obtains if the first person to enter the storage room had keys; that is, either the keys were given to that person or they were not. If the latter, the person stole them. If a member of the staff gave the person the keys, he or she did so

either voluntarily or involuntarily (again, presumably at gunpoint). Similarly, only a handful of staff members could have done so, and this again focuses the investigation.

¹²¹ See supra n. 45 on the number of sets of master keys to the museum.

¹²² "Older" excavations are defined by Dr. Nawala as those occurring more than three or four years in the past. There were also separate shelves in the aboveground storage rooms for the documented fakes ("MZ") and previously confiscated pieces as well.

¹²³ "We're Still Missing the Looting Picture," *Washington Post*, 15 June 2003. Such statements, however concerned the speaker, were unfair and untrue.

been dropped several rows away, where another arm sweep indicated that the thief had found a shelf he liked better and, after emptying the first bag, had filled it from the new shelf. As a further indication of the unorganized dynamic at play here, virtually all of the items returned under the amnesty program have come from these storage areas.

It was in these randomly looted storage rooms that we discovered evidence of the sniper position referred to earlier.¹²⁴ During the battle, U.S. forces fired a single round at the sniper that penetrated the wall and (as our later examination determined) missed him by about 45 cm. The sniper appears to have immediately abandoned his position, as evidenced by the trail of Iraqi army uniform parts strewn across the floor and stairwell in a manner tracing his flight. The sniper's hasty flight offers a possible explanation for the fact that the storage rooms bore no signs of forced entry: in his haste he left the door open. But it does not explain how he (or they—snipers generally operate in two-man teams: the sniper and his spotter) got into the storage room in the first place.¹²⁵

¹²⁴ In light of the incontrovertible facts, the statement that “[f]edayeen broke into a storage room and set up a machine gun nest at a window” (E. Robson, “Iraq’s Museums: What Really Happened,” *The Guardian* [Manchester], 18 June 2003) is wrong in every respect. No one broke in; the doors were opened with keys. They were not fedayeen, but Iraqi army, probably Special Republican Guard from the compound across the street. And it was not a machine-gun nest but a sniper position.

¹²⁵ Perhaps the most inaccurate account of how the looters entered is to be found in Elich (2004), in which the author claims that there were several guards left behind at the museum by Dr. George on 8 April 2003: “Far outnumbered, the guards had no recourse other than to unlock the door, permitting the mob to push their way inside while still others smashed and entered through a glass window.” First, according to Drs. George and Jaber, they were the last to leave the museum, and there were no guards left in the museum at that time. Second, according to every member of the museum and state board staff I ever interviewed, no guards to the compound had the keys; only the senior staff ever had the keys. Third, according to the guards themselves, they were not in the museum after the directors left nor did they return before 12 April 2003. The same article also claims that “professional thieves forced their way into the basement rooms by prying open the thick doors of the storerooms with crowbars.” This is completely inaccurate. In fact, the door to the basement storerooms was first pried open (because those keys were gone) by me in the presence, and at the request, of the museum staff. Frankly, this particular account is so inaccurate that it is impossible to determine the author’s source(s). Unfortunately, this is not the only derivative, wildly erroneous account. Significant inaccuracies also mar the otherwise superb collection of articles in *The Looting of the Iraq Museum, Baghdad* (Polk and Schuster 2005). Despite its title, fewer than 10 pages in the entire book cover the actual looting of the museum—and what little there is on the thefts is often wrong, especially in the introduction.

As with the early reports of losses, controversy has surrounded the aboveground storage rooms. One incident in particular highlights the unnecessary lengths to which some commentators were willing to go to rationalize perfectly understandable behavior. My practice was to conduct all inspections with at least one senior member of the museum staff present, usually Dr. Nawala or Dr. George, and to let them decide whether they wanted media present.¹²⁶ On one occasion the staff decided to allow the BBC to record our inspection of the aboveground storage rooms.¹²⁷ Because I had not seen the storage rooms before the thefts, I had no way of knowing what represented new damage done during the looting. Therefore, Dr. Nawala and I agreed to use a verbal shorthand we had used before when we came across a damaged object in the restoration room or galleries: “as it is” meant “this is how a particular piece, shelf, or room looked before the looting.” Thus, as the BBC filmed the inspection, I would ask whether each object or area was “as it is.”

The very first factual statement about the thefts, that the basement’s “massive steel doors gave way or were blasted apart,” as has already been indicated, is completely wrong (Polk 2005). The same introduction also claims that some of the thieves were “acting in concert with international dealers and even with resident diplomats” without citing any basis for such a sensational allegation. In two years, we never uncovered the slightest evidence of the involvement of resident diplomats in the looting. The author continues with the claim that other thieves took “chain saws to giant statues and wall carvings or simply grabbed what they could from the shattered glass cases.” There is no evidence whatsoever that the thieves used any chain saws (if they had, surely they would have severed more than the one head they did). Moreover, only one item (the Bassetti Statue) was stolen from the museum’s glass cases. Such errors risk another round of counterproductive controversy. Nonetheless, this collection contains several important contributions, especially Dr. George’s foreword, Dr. Diane McDonald’s nine sidebars about major artifacts housed in the museum, and the articles “A Museum is Born” (al-Gailani Werr 2005), “Dawn of Civilization” (Crawford 2005), “From Village to Empire: The Rise of Sumer and Akkad” (Collins 2005), and “The Ravages of War and the Challenge of Reconstruction” (al-Radi 2005).

¹²⁶ Unless having media present would compromise the investigation (for example, it is crucial to keep secret some aspects of an investigation that only the suspect or witness would know in order to test the credibility and reliability of witness statements), I always left that decision to the museum staff, constantly repeating, “This is your museum; I’m just the hired help.”

¹²⁷ I was initially opposed to allowing the crew in, not because I thought the museum staff might have something to hide, but because I did not want extra, untrained people inadvertently destroying evidence in a crime scene. Once the BBC crew assured me they would walk only in my footsteps, I voiced no other opposition.

As the BBC special made clear when it was televised,¹²⁸ the storage rooms were in a disastrous state, and the looters had caused a lot of damage. But it was equally clear that the storage rooms had been in complete disarray even before they were looted. Another battle was joined. The “nothing was taken” skeptics used every instance of “as it is” to support their position, while the “everything was destroyed” alarmists went to equally great lengths to refute the preexisting chaos, alleging that the BBC had presented the situation unfairly.¹²⁹ Indeed, after the show appeared, I was assured via e-mail and in person by four different archaeologists that Dr. Nawala must have either misspoken when she said “as it is” or misunderstood my questions. My response, based on the fact that I spent virtually every single day for months with Dr. Nawala and had developed a friendship based on deep trust and admiration, was simple: “as it is” meant that the damage was preexisting. Dr. Nawala and I well understood each other.¹³⁰

Frankly, I do not understand the energy devoted to such apologist explanations. The truth is compelling and understandable enough. The museum was understaffed; staff members were underpaid, and many of them were also undertrained. They were simply unable to employ the standards expected of museums with better resources. Not surprisingly, then, authority and responsibility were not delegated beyond a handful of senior staff members. Coupled with the constant influx of new material and the Herculean task of preparing the museum for its third war in 20 years, the condition of the rooms makes perfect sense. It neither detracts from the solid professionalism of those staff members who did work at the museum nor lessens the tragedy of the damage that was done by the looters. It simply places the damage to the storage rooms in its proper context.

¹²⁸ “Dan Cruickshank and the Raiders of the Lost Art,” BBC, 11 June 2003.

¹²⁹ The following fairly summarized the controversy: “One of the most damning moments was a filmed scene inside a storeroom which had been entered by U.S. Colonel Matthew Bogdanos, who forced the steel doors. The storeroom was in a state of complete chaos, with unrecorded objects littering the floor. Museum director Nawala al-Mutwali admitted that it had been left in this condition before the war by her staff—and the scene was not the result of looting. However, international experts who know the Baghdad museum believe that the film gave an unfair account of the difficult situation” (“Warka Vase Returned to Baghdad Museum—While Nimrud Gold Is Unpacked in Bank Vault,” *Art Newspaper*, <http://www.theartnewspaper.com/news/article.asp?idart=11155> [13 March 2005]).

¹³⁰ I finally saw a taped rebroadcast of the show over a year

Recoveries

As of the end of December 2003, approximately 3,037 pieces stolen from these storage rooms had been recovered—approximately 1,924 via the amnesty program and 1,113 from seizures. I am aware, from contacts within the museum and from law-enforcement officials throughout the world, of recoveries (both through amnesty and seizures) of additional excavation-site objects after the end of December 2003, but not with enough specificity to provide details or numbers here. Thus, the number of recoveries from these storage rooms, like the number of items missing from these rooms, is artificially low.

THE BASEMENT

Thefts

The evidence strongly suggests that the third theft, that of a basement-level storage room, was an inside job—one in which thieves attempted to steal the most easily transportable items, stored in the most remote corner of the most remote room in the basement of the museum. The locked front door of the L-shaped suite of four storage rooms was intact, and its rear door could be accessed only through a remote, narrow, and hidden stairwell. As a further protection, the staff had bricked up the back entrance, completely sealing those four rooms. It was to no avail. As we crept down that dark hidden stairwell on 2 May 2003, we saw that the metal rear door was wide open and—as we had come to expect by then—that it showed no signs of forced entry. Worse still, the bricked rear doorway had been broken and entered.¹³¹ Special Agent George “Bud” Rogers and I climbed through the narrow breach in the top of the wall and discovered that a theft had occurred.¹³² Three of the four rooms in this storage area were untouched (fig. 10), and we all began to breathe a

later. Although I do not agree with some of Cruickshank’s speculations and suspicions—they are both provocative and premature—I found the facts to be fairly and accurately presented. Similarly factually accurate (at least to the extent that I was present) but equally provocative is his more detailed account in Cruickshank and Vincent (2003).

¹³¹ There is also a fifth storage room in the basement that is unconnected to the other four. This fifth room, containing more excavation-site pieces, was untouched.

¹³² Because the breach in the wall had only just been discovered and because this area of the basement did not appear to have been entered since the looting, I asked Dr. Nawala to wait at the entrance while we quickly ensured the rooms were safe to enter (that is, contained no improvised explosive devices). Once we did, we broke down the remainder of the wall so that she could enter and we could inspect the rooms together.



Fig. 10. Basement storage room immediately adjacent to the storage cabinets. May 2003. Note that nothing was disturbed. (R. Piñeiro)

sigh of relief—until we reached a single corner in the fourth room, where the chaos was shocking: 103 fishing-tackle-sized plastic boxes, originally containing thousands of cylinder seals, beads, amulets, and pieces of jewelry, were randomly thrown in all directions and what remained of their contents scattered everywhere. Amid the devastation, hundreds of surrounding larger, but empty, boxes had been untouched. It was immediately clear that these thieves knew what they were looking for and where to look.

To our knowledge, this was the first room in the museum whose evidentiary value had not been compromised by looters, staff, or journalists before our arrival. Accordingly, we immediately decided to reseal the room and return with the equipment and personnel necessary to conduct a full crime-scene

examination. I immediately requested, among other things, a fingerprint team from the U.S. Army's Criminal Investigation Command (CID). Once the crime-scene examination team was assembled (no small feat in a combat zone), we reentered the storage room on 12 May and began a methodical forensic investigation that included processing all surfaces in the room for fingerprints. CID eventually recovered several sets of readable fingerprints from the doors of the cabinets themselves. Those prints were hand carried by ICE agents to the FBI lab in Quantico, Virginia, for comparison against all U.S. databases of known criminals, federal employees, and U.S. military personnel.¹³³ There were no matches with any known U.S. database, but the fingerprints remain on file for future use.¹³⁴

¹³³ All U.S. military personnel have their fingerprints on file with the FBI. There were no matches.

¹³⁴ We also fingerprinted all 23 of the staff members who returned to the museum after the thefts and who were known to have had access to that basement storage room. Recognizing that whoever was involved was not likely to return to work, we did this more to eliminate those returning staff members

than to incriminate them. There were no matches, but many employees did not return, among the most prominent being Jassim Muhamed, the former head of security at the museum. We did not interview him because he never returned to the museum while we were there and was not present at the only address we had been given for him.

The thieves had the keys (previously well hidden elsewhere in the museum) to 30 nondescript storage cabinets lining that particular corner of the room.¹³⁵ Those cabinets contained a portion of the world's finest collection of cylinder seals and tens of thousands of unparalleled Greek, Roman, Hellenistic, Arabic, and Islamic gold and silver coins (fig. 11). After a methodical search in a fully lit basement that took hours, Special Agent Kevin Power—whose skill was matched by his unfailing good humor—eventually found the keys under the scattered debris. Once most of the forensic examination was completed, we finally inspected the cabinets, with Dr. Nawala and I apprehensively opening each one together. To our extreme joy, we discovered that none had been entered.

Piecing together what happened, we came to the conclusion that the thieves had lost the keys to the cabinets after dropping them in one of the plastic boxes on the floor. Because there was no electricity in the museum at the time of the looting, they had decided to burn the foam padding for light. After unsuccessfully searching for the keys, throwing boxes and their contents in every direction, all the while breathing in the noxious fumes of the burning padding in the unventilated basement, the thieves eventually left without opening any of the cabinets. The catastrophic loss of the priceless collection inside the cabinets had been averted.

The contents of the plastic boxes on the floor and some of the items on the nearby shelves, however, were stolen.¹³⁶ We interviewed every single person in the museum who had access to, or knew anything about, this room: all of the senior staff and those most familiar with the room, including Drs. Nawala and George, as well as the eight employees who cared for these storage rooms and another 15 who knew of the room's existence. None knew or



Fig. 11. Some of the gold coins from the collection in the basement that the thieves failed to get. May 2003. (M. Bogdanos)

could offer any insights into what happened, but all breathed a sigh of relief because, as Dr. Nawala told me through her tears, the cylinder seals and coins in the cabinets were the pride of the museum. This is not to suggest that the cylinder seals that were stolen were not priceless—they were. Nor am I suggesting that their loss was not catastrophic—it was.¹³⁷ But it could have been much worse.¹³⁸

As soon as we discovered the loss, Dr. Nawala's staff conducted an inventory of what was missing from the plastic boxes and the nearby shelves and concluded that 4,795 cylinder seals and 5,542 pins, glass bottles, beads, amulets, and other pieces of jewelry were stolen from the basement. Over a year later, Dr. Lamia al-Gailani supervised another inventory, concluding that actually 5,144 cylinder seals had been stolen. Although I was not present for

¹³⁵ This is yet another set of keys—of which there were no copies.

¹³⁶ After Iraq's invasion of Kuwait in 1990, the museum moved its entire collection of cylinder seals (in 103 plastic boxes that had previously been used for an exhibition in Turin in 1985) to the secret place. Any seals received by the museum after that date were placed into those brown storage cabinets in the basement. The plastic boxes containing the pre-1990 seals were then retrieved from the secret place and returned to the basement for the museum's opening in 2000. Some of the seals were placed in the display cases, but the remainder were kept in the plastic boxes and placed on top of a dozen new safes next to the cabinets in the basement with the intention of eventually putting all of the seals (from the boxes, cabinets, and display cases) into those safes. That transfer never took place. Thus, in April 2003, the locked storage cabinets contained those cylinder seals accessioned by the museum after

1990, the unlocked plastic boxes contained those cylinder seals accessioned by the museum during and before 1990, and the safes remained unused.

¹³⁷ The loss of these cylinder seals is particularly significant because unlike most museums, whose seals are purchased on the open market, the Iraq Museum's cylinder-seal collection was almost entirely derived from controlled archaeological excavations and was, therefore, documented and authentic.

¹³⁸ Nor did the thieves completely empty the boxes. We observed and photographed hundreds of cylinder seals (as well as pins, beads, and amulets) that had been either left in the plastic boxes or scattered throughout the room. Thus, reports that "the Iraq Museum's entire collection of seals accessioned before 1990 has been looted" (Biggs 2005a) are completely wrong. In the words of McGuire Gibson, "We dodged a bullet."

this later inventory (as I had been for the first), I know Dr. Lamia and her careful attention to detail, and we discussed her methodology. Accordingly, I accept her new total. In April 2003, the museum's collection of cylinder seals had grown to well over 15,000.¹³⁹ Thus, approximately one-third of the museum's cylinder seals were stolen in a single moment.¹⁴⁰

Recoveries

Approximately 2,307 of the 10,686 antiquities that had been stolen from the basement have been recovered: 1 through the amnesty program, 911 from inside Iraq, and 1,395 from seizures outside Iraq. This highlights the critical importance of both nonconsensual seizures and international cooperation in recovering Iraq's stolen antiquities, particularly the smaller, more trafficable objects.¹⁴¹ Because most of these seizures are the subject of open investigations, I cannot provide many details without compromising those investigations. Though I can paint an overall picture. Any recoveries made inside Iraq after the end of December 2003 or internationally after January 2005, however, whether through the amnesty program or from seizures, are not included in this total (2,307).

Of the 911 items stolen from the basement that were recovered inside Iraq, 820 were returned by the Iraqi Italian Institute of Archaeological Sciences in November 2003. The product of months of investigative work by Italian authorities, most of the cache had been clandestinely purchased—good results, but a bad precedent and certainly not one any of us wished to publicize. The one piece

recovered pursuant to the amnesty program occurred in the late summer of 2003, when, as mentioned earlier, I was handed an Akkadian antiquity in a crowded midtown Manhattan coffee shop. The remaining 1,395 recoveries of items stolen from the basement all occurred outside Iraq.¹⁴² Of those, approximately 695 have been seized in the United States¹⁴³ and the United Kingdom, and approximately 700 have been seized in Iraq's border nations of Jordan, Syria, Kuwait, and Saudi Arabia. These neighboring countries report having recovered a total of approximately 1,866 Iraqi antiquities altogether,¹⁴⁴ but Dr. George, who has had the opportunity to view these seizures, either in person (in Jordan) or through photographs (from Syria, Kuwait, and Saudi Arabia), believes that approximately 700 of the total were stolen from the museum basement. Because all of the international seizures are still in the custody of the seizing countries, these totals should be used with caution until each of the seized objects has been thoroughly examined (table 1).

I offer a final thought on the basement storage rooms. It is simply inconceivable that this area had been found, breached, and entered, or that the nondescript keys had been located by anyone who did not have an intimate insider's knowledge of the museum and that particular corner of the basement.¹⁴⁵ Attempts to explain away that the thieves in the basement had the keys by rationalizing "that people tend to keep keys where they are convenient"¹⁴⁶ are as unavailing here as they were for the aboveground storage rooms. Even if the thieves had simply happened upon the unmarked keys to the cabinets, there would have been no way of knowing

¹³⁹ Al-Gailani 2005.

¹⁴⁰ The more than 10,000 cylinder seals that remain were in four locations. In addition to the cylinder seals in the cabinets (accessioned post-1990) and those few hundred that remained in the boxes on the floor (accessioned pre-1990), there were, according to Dr. al-Gailani, two other groups of pre-1990 seals that were not stolen: the collection that had been placed in the display cases in 2000 and moved to the secret place before the war, and a second group that another archaeologist had been studying and had stored in an undisturbed cabinet.

¹⁴¹ Every item stolen from the basement could have fit into a large backpack.

¹⁴² Although Italian authorities have seized another 300 artifacts that they believe came from the basement-level storage room of the museum, they are not included in any of the numbers reported in this article because neither Dr. George nor I have yet seen them.

¹⁴³ I have verified, through two trusted archeological experts, the U.S. seizures.

¹⁴⁴ Jordan reports seizing approximately 1,450 items; Syria, approximately 360; Kuwait, approximately 38; and Saudi Arabia, approximately 18. No antiquities have been seized (or, to

be more precise, acknowledged to have been seized) by the other two border nations, Turkey and Iran.

¹⁴⁵ McGuire Gibson notes that the basement "thieves did not find the cuneiform tablet collection . . . [that] had been in this basement storage area, but had been moved some years before." He concludes that this failure to "find" the tablets "argues against allegations in the media that the [current] museum staff were involved in the looting" (Gibson 2003). This conclusion is premature. As investigators, all we can say for sure is that the thieves did not "steal" the cuneiform tablet collection. Although the thieves may not have known that the tablets had been moved, because the "insider" was not a current employee, it is equally possible that they knew where the tablets were but intended to steal them on a second trip that never materialized. Or they may have chosen to take only the smaller (and more easily transportable) seals and not the tablets. Or they may have only been commissioned to steal the seals. The point is that no hard conclusions can be drawn about their failure to steal the tablets—whether they knew where to find them or not.

¹⁴⁶ Stone 2003.

Table 1. Approximate Summary of Numbers of Objects Stolen and Recovered ^a

Museum Location	No. Stolen Objects	No. Objects Recovered				Total No. Recoveries
		Via Amnesty Program	Via Seizures			
			Inside Iraq	International Seizures ^c	Total From Seizures	
Public Galleries (As of Jan. 2005)	40	10	3	2	5	15
Storage Rooms (As of Jan. 2004)	3,138+	1,924	1,113	–	1,113	3,037
Basement (As of Jan. 2005)	10,686	1	911	1,395 (695 U.S., U.K.) (700 at borders)	2,306	2,307
Total	13,864+	1,935	2,027	1,397	3,424	5,359
Returned to Museum ^b		3,323 (with IM no.) and 1,450 (no IM no.)				
Held by International Authorities ^c		1,397				

^a Until inventories are completed and seizures verified, all numbers should be viewed with caution.

^b Not including over 700 "A" (post A.D. 637 Islamic) and "MZ" (fake) objects that have been returned.

^c Not including over 1,000 unverified seizures in Italy, France, and Switzerland.

which of the hundreds of locks in the museum those keys fitted. But the thieves did not just happen on the keys. They were given the keys or told the hiding place in advance. The hiding place was too good and, more tellingly, the area around it was undisturbed. It strains credulity to the breaking point to suggest anything other than intentional action concerning the keys to the aboveground storage rooms or to the basement cabinets.

INTERNATIONAL INVESTIGATIVE METHODOLOGY

The identification of three separate thefts¹⁴⁷ (professionals in the galleries, looters in the aboveground storage rooms, and insiders in the basement) enabled us to fashion both short-term and long-term investigative approaches that were appropriate to each category of stolen object. Because the higher value, more recognizable gallery exhibits have a very limited market (those able and willing to spend millions of dollars for something

they can never publicly exhibit or acknowledge owning), the most effective way to recover those items is through monitoring known buyers and by developing confidential sources within the art community. Of course, increased vigilance at borders and ports is also crucial. So is improving public awareness of the ruinous consequences of acquiring illicit antiquities. But given the level of sophistication of most high-end smugglers and the historically well-established and questionable acquisition practices of some dealers, collectors, and museums, a strategy limited to improved border inspections and heightened public consciousness is doomed to failure. The strategy must also include robust international cooperation that promotes coordinated simultaneous investigations in different countries of smugglers, sellers, and buyers, with prosecution and incarceration as viable options.¹⁴⁸

Items randomly stolen by the looters, on the other hand, are more likely to be recovered through tar-

¹⁴⁷ The identification of three thefts is not intended to suggest lack of overlap among the thefts. The Sacred Vase of Warka, for example, was taken by a looter, while the Bassetki Statue was recovered during a raid that netted more than 70 objects that had been stolen by insiders from the basement. Nor is it to suggest a lack of connection among the thefts. For example, either the professionals who stole the high-end artifacts or the insider(s) with the keys to the basement may have intentionally left the museum doors open so that the

looters could destroy any evidentiary traces.

¹⁴⁸ Adopting a tactic that we in the law-enforcement community have long used against drug smugglers, such cooperation would also permit the use of controlled or monitored deliveries of stolen antiquities to their destination, thereby incriminating (and possibly recruiting) every culpable party along the trail and serving 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.

geted local raids and the amnesty program. Not surprisingly, more than 99% of all items recovered through the amnesty program have come from the randomly looted aboveground storage rooms. Few of those that remain missing from this category can be expected to leave the country. As a result of concerns about terrorist activity, Iraq's border nations have increased the effectiveness of their border-security and inspection programs, incidentally intercepting many antiquities that would otherwise have slipped across the borders and thus dissuading less-experienced smugglers from even making the attempt. While those borders are far from airtight and antiquities smuggling has become a quasi-cottage industry in many regions, few of the randomly looted items appear to have made their way into the hands of the kinds of established smugglers who have developed the sophisticated strategies necessary for evading border seizures on a regular basis. Further evidence of this may be seen in the fact that more than 3,000 of these randomly looted objects have been recovered inside Iraq, but not one has come from any of the international seizures.

Finally, the most effective way to recover the smaller pieces stolen by insiders is by interdicting them in transit at border crossings. This is not to suggest, of course, that border interdiction is the only way to recover such items; for example, 911 pieces stolen from the basement were, in fact, recovered inside Iraq. Rather, it is to point out several obvious facts. The theft of the basement—unlike that of the aboveground storage rooms—was organized. It follows, therefore, that these items are more likely to have made their way into the hands of organized smugglers who are able to move the stolen antiquities out of Iraq and into the international market. When the items are as small and easily hidden as were the antiquities from the basement, accomplished smugglers are most vulnerable when their illicit shipments cross areas, such as borders, that permit inspection on less than probable cause. But because these smaller artifacts are not necessarily immediately recognizable as contraband, just increasing inspection rates is not enough. In order to seize an item in transit, a law-enforcement official must have an articulable basis to do so. The key, then, is to educate law-enforcement authorities in the identification of illicit antiquities so they can immediately recognize (and legally seize) what they see.

It must be stressed that these approaches are not separate but complementary. For example, increased border inspections will necessarily increase the risk and thereby decrease the flow out of Iraq of the smaller antiquities stolen from the basement, thus rendering them more likely to be seized inside Iraq. Conversely, as the incidence of successful seizures inside Iraq is increased, it will force the smugglers to risk moving the items out of Iraq, thereby making them more susceptible to interdiction. All of these actions are further enhanced by the increased scrutiny and investigative resources that result from heightened public interest and improved public awareness.

TREASURE OF NIMRUD

Recovery

One focus of our investigation was to ascertain the fate of the Treasure of Nimrud, believed to have been moved to a vault in Saddam Hussein's Central Bank shortly before the first Gulf War in 1991. We began our search with a letter acknowledging receipt of the treasure by a bank official on 12 August 1990—dated 10 days after Saddam Hussein had invaded Kuwait. It may be argued that moving the treasure to the Central Bank in 1990 was a reasonable precaution given the likelihood of an international armed response to Hussein's invasion of a sovereign country—particularly after he promised to turn Kuwait City into "a graveyard."¹⁴⁹ But the fact that the treasure had not been returned to the museum or publicly seen again in the intervening 13 years strongly suggests additional motives as well. We also learned that no one on the museum staff knew with certainty whether the treasure was still in the bank. The staff knew what we knew: that Saddam Hussein's sons, Uday and Qusay, had emptied much of the contents of the bank vaults and fled shortly before the battle for Baghdad began. No member of the staff had seen the treasure for years. They hoped it was there, but since they did not have the "right" under that regime to inspect the vaults to verify its presence, they could not be certain.

Our next step, therefore, was to interview those who had actually moved the treasure to the bank. After much investigation we found two individuals, only one of whom worked at the museum. Each claimed to have moved the treasure to a different building. As it turned out, they were both right.

¹⁴⁹ "Iraq tightens its control over Kuwait," *Boston Globe*, http://www.boston.com/news/packages/iraq/globe_stories/080390.htm (14 March 2005).

According to the museum staff member, 21 boxes had been transferred from the museum to the Central Bank's old building: 16 contained the collection of Iraq's royal family, 4 contained the contents of the royal tombs of Ur,¹⁵⁰ and one contained the Treasure of Nimrud. Our non-museum informant, however, told us that the five boxes containing the Nimrud and Ur artifacts had been later moved to the Central Bank's new building.¹⁵¹ On 26 May 2003, we entered the vault in the old building into which the boxes had first been placed and found the 16 boxes containing approximately 6,744 pieces of jewelry, pottery, and gold from the collection of the Royal Family, but, as we had feared, the five boxes containing the treasure and the burial goods from the royal tombs of Ur were gone.

At that point, we needed to find a bank employee who could verify into which of a dozen vaults in the two buildings of the Central Bank the treasure had been placed most recently. We took out ads in local radio and newspapers and eventually found someone who said that the boxes had been moved to the Central Bank's new building, but we were unable to access those vaults because the new building's basement had been flooded before our team's arrival in Baghdad. We had, therefore, to devise a way to drain the water.

At that time in Baghdad, there was no other organization to turn to for assistance. The governing body, the CPA, was still in the process of moving into its headquarters and struggling with the significant issues of water, food, electricity, and lawlessness. Also, the CPA did not have any assigned law-enforcement agents; it had neither the equipment nor the resources necessary to assist the investigation. In the beginning, at least, we were on our own. Just when the situation looked most bleak, however, fortune smiled on us in the form of a de-

termined film crew from the National Geographic Channel led by Jason Williams, an indefatigable British anthropologist and filmmaker. As a result of a fair amount of negotiation and with my permission, Williams hired some local labor, and after three weeks of pumping we were able to gain access. It is far from clear that the permission was mine to give, but I knew no other way to determine quickly whether the treasure was still in the vaults or whether we needed to investigate its disappearance. In the latter event, time would have been of the essence.¹⁵²

When the basements were finally pumped dry, the scene was gruesome. In one of the basements, one of the state-of-the-art vault doors had been damaged by an RPG that had been fired at point-blank range in the narrow hallway. On the floor in front of the vault lay an expended RPG and what remained of the shooter.¹⁵³ Nonetheless, with the water drained, we were able to enter the basement with our informant and identify the vault that contained the treasure.

Ultimately, we and the CPA independently located the manager of the bank. We wanted to recover the Treasure of Nimrud; the CPA wanted the currency in the vault so that they could start paying Iraqis to return to work. On 1 June 2003, the manager opened the vault identified by our informant—which was not in the building the museum staff had told us contained the boxes. Because Dr. Nawala was concerned about water damage and the condition of the vault, the boxes were left unopened in situ to dry. Finally, on 5 June 2003, all five boxes were opened. The first four contained extraordinary riches: hundreds of superb pieces of gold and jewelry, primarily from the royal tombs of Ur.¹⁵⁴ The first of those four boxes also contained the original golden bull's head from the Golden Harp of Ur.

¹⁵⁰ From 1922 to 1934, Sir Leonard Woolley excavated approximately 1,850 graves near the Sumerian city of Ur, describing 16 of them, ca. 2600–2500, as “royal tombs” based on their wealth, architecture, and evidence of ritual, to include human sacrifice. Among the most spectacular was the so-called Great Death pit, containing six male and 68 female attendants. Four of the women lay next to their musical instruments, including a magnificent lyre whose bull head was made of sheet gold over a wooden core (Woolley and Moorey 1982).

¹⁵¹ According to Selma al-Radi, an extraordinary archaeologist who has worked closely with the museum since joining the staff in 1963, the gold, jewelry, and pottery from the royal tombs of Ur, coupled with those of the Assyrian queens of Nimrud, totaled approximately 7,360 objects (lecture delivered on 26 September 2003 at the Stedelijk Museum Prinsenhof in Delft, Netherlands). See also al-Radi 2003b.

¹⁵² My decision to allow the pumping and examine the bank's

basements was viewed by many in the CPA as rash and premature. But to have waited for the CPA to become fully operational before acting would have been inexcusable from an investigative standpoint. It was neither the first nor the last time I was to choose initiative in favor of a more formal but time-consuming and cumbersome request process.

¹⁵³ This was reminiscent of a similar attack discovered in the bank's old building, where two dead Iraqis had been found, presumably would-be robbers who may have happened on the same vault at the same time. Rather than join forces, they appear to have shot and killed each other.

¹⁵⁴ One of the first pieces visible when the largest box was opened was the golden helmet of King Meskalamdug, ca. 2500 B.C. Weighing more than one kg, it was “one of the most remarkable objects of the museum . . . made of one sheet of gold, hammered skillfully to reproduce the hairdress of the time” (Basmachi 1975–1976, 136).

The fifth box, a metal footlocker-sized box weighing hundreds of pounds, the one that everyone hoped contained the treasure, was saved for last and moved to a dry vault in the adjacent old building. At 1:43 p.m., local time, on Thursday, 5 June 2003, the seal on the box was broken. In a scene from a Hollywood movie, the top of the metal box was slowly opened, revealing the entire treasure: breathtakingly exquisite pieces of finely wrought gold crowns, bracelets, necklaces, armbands, rings, and anklets, some weighing several pounds each. Though we did not have documented numbers for comparison,¹⁵⁵ it appears that the box contained the entire treasure (fig. 12).¹⁵⁶

Limited Exhibition of the Treasure in the Museum

On 2 July 2003, amid much fanfare and security, the treasure was moved to the museum to be part of a one-day exhibit scheduled for the next day. U.S. forces provided extra security throughout the night, not only for the treasure itself but against any terrorists who might seek to use the opening as a platform for their message of fear, hatred, and intolerance.¹⁵⁷ On 3 July, with even more publicity than surrounded its discovery, the treasure was put on display in a room just off of the Assyrian Gallery from approximately 10:00 a.m. until approximately 1:00 p.m. and then returned to the bank vault later the same afternoon. Surprisingly, there were some who cynically dismissed such an obviously important, albeit symbolic, action (the opening of the museum) as nothing more than “an act of propaganda” and “a kind of stunt.”¹⁵⁸ Such pejorative ac-

cusations were unfair to the participants and factually wrong. I was present in Dr. Jaber’s office on 7 June when Ambassador Pietro Cordone—whose idea it was—first mentioned a possible one-day opening and exhibit. Every one of the four senior museum staff members present agreed to it in varying degrees, with some becoming more animated as the details were addressed. In fact, the day after Cordone suggested the opening, the museum staff was so excited that they surprised me and the ambassador with an unscheduled press conference to announce the opening. While the desire for a “good news story” must surely have been one of the reasons for the ambassador’s original suggestion, such a reason was never discussed in my presence and had nothing to do with why Dr. George and I agreed.

Similarly unfounded is any accusation that the museum was forced to participate in the opening: “No curator in the world would allow this sort of exhibition unless ordered to do so.”¹⁵⁹ I have no doubt that this may generally be the case, but I was there: no one who was in the room when Cordone made the suggestion was ordered to participate in the opening. While the suggestion was as surprising to me as it was to the museum staff, it was a suggestion. I am, of course, familiar with the concept of “orders” phrased as suggestions. I have witnessed them, I have received them, and I have given them. This was not one. And for anyone not present to claim otherwise is unfair to everyone concerned, but especially unfair to the museum staff who embraced the idea.

¹⁵⁵ See *supra* n. 14.

¹⁵⁶ I offer a final note on the treasure. Those who think that the staff “knew” (as opposed to “hoped” or “believed”) that the treasure was safe and intact before that last box was opened are wrong. From the time I arrived at the museum in April, the staff was hopeful but not certain that the Hussein brothers had left the treasure in the bank vault when they made their well-publicized nighttime visit to the bank before fleeing the city. After we learned in May that the treasure was not in the vault into which it had been placed 13 years earlier, that hope turned to anxiety. Some wept when the last box was opened; all rejoiced for weeks thereafter. While the Hussein brothers had stolen much of the gold bullion and U.S. cash before U.S. forces entered Baghdad, they had left the Treasure of Nimrud behind.

¹⁵⁷ Unfortunately, the security concerns surrounding the museum were well founded. At approximately 8:30 p.m. on the night of the opening, 20-year-old Private First Class Edward J. Herrgott from Shakopee, Minnesota, was shot to death by a sniper while manning the gunner’s hatch of his Bradley armored personnel carrier. As a member of 1-36th Infantry Regiment, he had been assigned to the security detail protecting the museum earlier in the day. When he was shot, however, he was no longer in front of the museum. Two days later, on Saturday morning, 5 July 2003, 24-year-old reporter Richard

Wild was shot and killed as he stood in front of Baghdad University in the Bab al-Muzzam district. The killer walked up to Wild in a crowd of people and fired a single shot into the back of his head. Both deaths were inaccurately reported. Most reports initially indicated that Private First Class Herrgott had been killed in front of the museum, probably because the CPA’s Coalition Press Information Center issued a statement to that effect (“1 U.S. Soldier Killed, 16 Injured; U.S. Kills 11 Iraqi Attackers,” Fox News, 4 July 2003, <http://www.foxnews.com/story/0,2933,91086,00.html> [28 January 2005]). Initial reports on Richard Wild’s death also indicated he had been killed in front of the museum (“Shot Journalist Told to Stay Home,” BBC News, 7 July 2003, <http://news.bbc.co.uk/1/hi/uk/3050286.stm> [28 January 2005]). In my entire time at the museum, I cannot remember a single 24-hour period in which I did not hear firing—on one occasion a bullet struck a wall inside the compound near where we were standing—but these two senseless deaths did not occur in front of the museum itself. On the morning of the opening, however, these tragedies were still in the future.

¹⁵⁸ “Americans restore ancient treasures to museum—for two hours only,” *Independent*, 4 July 2003.

¹⁵⁹ “Americans restore ancient treasures to museum—for two hours only,” *Independent*, 4 July 2003.



Fig. 12. Treasure of Nimrud. Photograph taken at the moment the box was opened in the underground vault of the Central Bank. June 2003. (R. Piñeiro)

In fact, the primary issues discussed during that meeting related to the logistics in moving the treasure, the resources needed to properly prepare the exhibit (Dr. George's main concern), and the security necessary to protect both the treasure from theft and the museum from attack (my main concern). We should not cynically underestimate the sense of dignity and empowerment even such a small step as this one-day opening engendered. Such critics might have been surprised at the joy in the faces of the museum staff as they prepared *their* museum and the pride they showed on the day *their* treasure was displayed.¹⁶⁰ The opening proclaimed, if only for a few hours, the possibilities the future held. Today, the Treasure of Nimrud is where it belongs: safe in the hands of the Iraqi people.¹⁶¹

¹⁶⁰ Ironically, none of the critics of the *opening* publicly protested that the museum had been *closed* for 20 of the last 24 years and opened only once in the last 13 years.

¹⁶¹ In April 2005, the Iraqi Ministry of Culture announced the first exhibition of the Nimrud gold and ivories, entitled "The gold of Nimrud: treasures of ancient Iraq." Scheduled to open on 23 October 2005 in Europe, the treasure will thereafter be exhibited in 11 other cities in Europe, North America,

THE SMUGGLING TRADE

Several obstacles face any investigation of antiquities trafficking. First, smugglers draw few distinctions: whether the cargo is drugs, weapons, or antiquities, they are paid for their ability to evade the law. Indeed, during the first leg of the journey out of Iraq, antiquities and weapons often travel together. Those wealthy Madison Avenue and Bond Street dealers and collectors who believe they are engaged in benign criminal activity, then, are actually often financing weapons smuggling. Even apart from the realities of smuggling, their behavior is indefensible. Each time an antiquity is stolen (and bought), the world is deprived of yet another glimpse into our past, closing the door just a little bit more each time. Soon, all will be dark. Nor is the illicit

and the Far East during a five-year tour. Expected to raise more than \$10 million for the Iraq Museum, the tour is being organized by the Iraq Cultural Project Organization, a joint venture of the Iraqi Ministry of Culture and the United Exhibits Group (a Copenhagen-based Danish company) ("Iraq's greatest treasure starts world tour in October," *Art Newspaper*, 28 April 2005, <http://www.theartnewspaper.com/news/article.asp?idart=11751> [30 April 2005]).

smuggling of Iraqi antiquities solely a phenomenon of the 2003 war. In 1997, McGuire Gibson noted, "In one Bond Street shop, I was shown a bag of more than a hundred cylinder seals and received an apology because these were the poorer quality ones; I was told that the best items had been sold to Japanese and Taiwanese collectors a day or two before."¹⁶²

Second, many in the mainstream art community are complicit. Because neither private collectors nor acquisitive museum curators and directors are usually able or willing to contact art thieves directly, the middleman art dealer is crucial, often making the sale before the theft. Moreover, before any collector or museum pays for a stolen antiquity, the object must first be authenticated as genuine, at a price, by an expert curator, dealer, or scholar. The price is not always money. We have been told that sometimes it is access to an item that no one else has seen or critically examined before and that sometimes it is the ability to publish that attracts scholars to this sordid business. The allure, apparently, is overwhelming for some. After an artifact is authenticated, however, and before it can be displayed or resold, it must acquire provenance, either through publication by a respected authority or through forged documentation. This, too, is a well-entrenched practice: "[I]n several of the shops I visited, some [illicit] items (and most usually cuneiform tablets) were accompanied by written authentications, including dating and translation or at least indications of content, signed by well-known British colleagues."¹⁶³

Finally, many countries have less interest in stopping the illegal trade than might be indicated by their public protestations, particularly because "open" borders are profitable borders. Some countries generate sizeable customs and excise fees from shipping and are not eager to impose any increase in inspection rates that might reduce such revenue.

Moreover, the sheer volume of tonnage that passes through certain international ports and free-trade zones makes anything approaching a complete inspection impossible. Even the improved technology placed at such ports and borders as a result of September 11 does not solve the problem: devices that detect weapons and explosives do not detect alabaster, lapis lazuli, and carnelian.

THE FUTURE

The search for Iraq's antiquities has crossed international borders. As discussed previously, approximately 695 artifacts from the museum have been seized in the United States and United Kingdom, and approximately 700 have been seized by Jordanian, Syrian, Kuwaiti, and Saudi border officials.

In light of recent legislative developments, more seizures, forfeitures, and ultimately convictions should be in the offing.¹⁶⁴ While the first international attempt to prevent the importation of cultural property stolen or illegally exported from source nations, UNESCO's 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, was a step in the right direction, it has often proven largely ineffective. The enforcing mechanism for the convention's protections in the United States is the 1983 Convention on Cultural Property Implementation Act (CPIA), which notably places the initial burden of proving the lawful possession of the artifacts on the possessor and provides for the implementation of import restrictions either through bilateral agreements or through emergency actions in crisis situations.¹⁶⁵ Under this latter provision, the U.S. Congress passed the Emergency Protection for Iraqi Cultural Antiquities Act of 2004 on 19 November 2004, and President George W. Bush signed it into law on 7 December.¹⁶⁶ This law allows the president to impose import restric-

¹⁶² Gibson 1997; see also Russell (1997) in which he methodically documents the prevalence of obviously stolen Assyrian relief fragments for sale on the open antiquities market. He lists from Nineveh alone three relief fragments that were for sale in 1995, 10 in 1996, and two in 1997. He lists from Nimrud one relief for sale in London in 1996 and another in 1997. Disturbingly, he notes that the former when last seen had been "stored in the Iraq Antiquities Department house on the site of Nimrud."

¹⁶³ Gibson 1997.

¹⁶⁴ In August 2004, Joseph Braude, an Iraqi American whose book *The New Iraq* is about rebuilding the country, stood trial in federal court in the Eastern District of New York for smuggling cylinder seals stolen from the basement of the Iraq Museum. He had been stopped by an alert U.S. customs in-

spector at New York's John F. Kennedy Airport in June 2003 trying to bring three 4,000-year-old cylinder seals into the United States. Although I did not enjoy being on the witness stand for the better part of two days, it was well worth it. Through the consummate professionalism of U.S. Immigration and Customs Enforcement Agent Bryant Wong and Assistant U.S. Attorney Deborah Mayer, Braude was convicted—the first conviction in the world for stolen Iraqi antiquities.

¹⁶⁵ 19 U.S. Code 2601 et seq.; Public Law 97-446 [H.R. 4566], 96 Stat. 2329, approved 12 January 1983; as amended by Public Law 100-204 [H.R. 1777], 101 Stat. 1331, approved 22 December 1987.

¹⁶⁶ The power of dealers, collectors, and museums may be seen in the fact that it took congress 19 months to pass the act.

tions under the CPIA without need for a formal request from Iraq or review by the president's Cultural Property Advisory Committee.¹⁶⁷ It thereby continues a restriction on the importation of Iraqi artifacts that has been in effect since August 1990. It also permits the seizure of all undocumented cultural material being imported into the United States and expands the list of materials that may be protected.

Also available to any investigation are the Archaeological Resources Protection Act of 1979,¹⁶⁸ allowing for the forfeiture of any archaeological resources illegally possessed within the U.S., and the Convention on Stolen or Illegally Exported Cultural Objects, drawn up by the International Institute for the Unification of Private Law (UNIDROIT) and adopted in 1995, requiring that anyone in possession of a stolen antiquity—an individual or an institution—return it. It is important to note here that although it is axiomatic under U.S. jurisprudence that no one (not even a good-faith purchaser) can acquire good title to stolen property, civil-code countries, particularly in Europe, favor good faith purchasers over true owners, making recovery problematic. It must also be noted that under centuries-old constitutional doctrines of *ex post facto* and due process, no newly enacted substantive law may be applied retroactively. Thus international conventions and their implementing legislation are effective in

their respective countries only after the date on which they are signed into law in those countries. Any future investigation into the thefts at the Iraq Museum and of antiquities in general must aggressively use all of these laws, treaties, and conventions.¹⁶⁹

Ultimately, we must develop a comprehensive global strategy that joins all the elements of international power to combat the illicit antiquities trade in four meaningful and complementary ways. First, the strategy must include an aggressive campaign to increase public awareness of the importance of cultural property, improve recognition of the magnitude of the current crisis, and create a climate of universal condemnation of trafficking in unprovenanced antiquities. Second, there should be a single code of conduct embracing a single set of standards acceptable to and binding on archaeologists, museums, collectors, and dealers to include, among other things, the level of provenance required to trade in antiquities.¹⁷⁰ Third, there must be a greater level of cooperation not only between different law-enforcement agencies but also between law-enforcement on the one hand and the art and archaeological communities on the other.¹⁷¹ The latter are needed to act as law enforcement's eyes and ears, as on-call experts for authenticating and identifying intercepted shipments, and for providing crucial in-court expert testimony.¹⁷² The art

¹⁶⁷ The Cultural Property Advisory Committee consists of 11 presidential appointees with legally prescribed qualifications who serve three-year terms: three experts in archaeology or related fields, three experts in the international sale of cultural property; two members representing museums; and three members representing the "general public." Convening when any country requests U.S. assistance under Article 9 of the 1970 UNESCO Convention, the committee is responsible for advising the president on an appropriate response through the U.S. State Department's Bureau of Educational and Cultural Affairs.

¹⁶⁸ 16 U.S. Code 470.

¹⁶⁹ See Renfrew 2000; Brodie et al. 2001; Atwood 2004.

¹⁷⁰ Although many argue that the interests of dealers, collectors, museums, and archaeologists differ so dramatically from one another that any single code of conduct acceptable to such disparate communities is impossible, such differences 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.

¹⁷¹ Toward this end, Dr. C. Brian Rose, First Vice President of the Archaeological Institute of America, has developed a program to conduct cultural awareness training for military personnel scheduled to deploy to Iraq or Afghanistan. When I forwarded his proposal to U.S. Central Command headquarters, it was favorably received and was implemented in spring 2005. A similar program should be offered to the FBI and the Department of Homeland Security on a regular basis.

¹⁷² The success of the Braude trial (see *supra* n. 164), where-

in we received crucial expert opinion immediately after the seizure and again months later at the trial, highlights the importance of this cooperation. But the trial also highlights one of the many challenges. In the aftermath of the looting of the museum, archaeologists around the world conducted scores of televised, radio, magazine, and newspaper interviews to galvanize public opinion. Naturally, the more sensational the statement, the more likely it was to make the headlines. And in a world of finite resources, more publicity usually translates—as it did here—into more resources. In one sense, then, the sensationalism was extremely effective. As an unintended consequence, however, the more sensational the statement, the less likely that particular expert could ever be used to assist in the actual recovery of a stolen antiquity or the conviction of a smuggler: any seasoned defense attorney would effectively use that expert's own quoted words as powerful—almost irrefutable—evidence of bias. In the eyes of judges and juries, nothing is more damaging to an expert's credibility than evidence of bias. For the Braude trial, therefore, many otherwise eminently qualified experts could not be used because they would have been discredited and their opinions nullified. This is not to suggest that archaeologists should not forcefully express their concerns or criticisms—publicity is good and freedom of speech crucial. Rather it is to suggest that it be done judiciously and with full knowledge of the consequences of, e.g., comparing the looting of the museum—in which no one died—to the Mongol sack of Baghdad in 1258 in which 800,000 people are believed to have been massacred.

and archaeological communities should also request the appropriate law-enforcement personnel (depending on country and focus) to provide detailed, factual briefings at every single conference in the future that purports to address art or antiquities smuggling. The call for up-to-date investigative facts should become as standard as the call for papers.

Finally, several countries—the United States and Japan, to name two—have pledged millions of dollars to upgrade the museum, improve conservation capabilities, and enhance training of the museum staff. Not a single country, international organization, or private foundation anywhere in the world, however, has pledged any additional funding whatsoever dedicated solely to conducting investigations to recover stolen Iraqi antiquities. Not one. A fact that should be intuitively obvious, but appears to be lost on governmental officials, international organizations such as UNESCO, universities, museums, private foundations, and the media is that a stolen item cannot be restored until it has been recovered. Interpol barely has the funding to assign two overtasked officers to its Iraqi antiquities tracking task force—and they are responsible for other countries as well. Interpol in the United States has the funding for a single overworked officer, and she covers all stolen art and antiquities from every country anywhere in the world. Scotland Yard has four overextended personnel covering the entire world; the FBI has eight. That these organizations have accomplished what they have so far speaks volumes for their dedication and talent. They cannot be expected to continue to operate effectively at such staffing and funding levels. Every country should be pressured to increase its funding for specialized and expanded art and antiquities task forces, Interpol's member nations should fund a robust staff dedicated to Iraqi antiquities, and private foundations desirous of helping should fund resources such as vehicles, computers, communications assets, and quarterly international conferences, seminars, and training for such specialized squads.

CONCLUSION

There is advantage in the wisdom won from pain.

Aeschylus, *The Eumenides*

The return of these antiquities to the Iraqi people has been a team effort in the broadest possible sense. Military units, like Captain Kuhner's team, and law-enforcement personnel from Interpol, Scotland Yard, the Italian carabinieri, and U.S. and Jordanian customs have worked to track down antiquities from Baghdad to Amman to London to New York. I must also commend the staff of the British Museum and archaeologists Selma al-Radi, Lamia al-Galaini, Zainab Bahrani, Elizabeth Stone, Henry Wright, McGuire Gibson, and John Russell. They invaluablely assisted the recovery efforts at a time when bullets were flying. The archaeological community should be proud of their courage and commitment.

Our immediate mission was to investigate the theft and begin the process of restoring Iraq's heritage for future generations. This phase of the investigation is complete, but because precise inventories will take years to complete, any attempt to fix the number of stolen items must be viewed with caution. On the basis of what we knew as of January 2005, however, the most precise accounting is that 40 pieces were stolen from the galleries, 10,686 pieces from the basement (these first two numbers may, but will probably not, change), and at least 3,138 pieces from the aboveground storage rooms (this number will eventually go up by as much as 1,000–2,000 as excavation-site catalogues are checked and inventories completed). Thus, the evidence indicates that 13,864 pieces were originally stolen from the museum, but the evidence also indicates that the final number of missing items is likely to top 15,000.

Sadly, reporting problems persist. For example, at Interpol's two-day symposium to address the smuggling of Iraq's antiquities, held in Amman, Jordan, on 1–2 June 2004, Dr. George reported that, according to current estimates, he believed about 15,000 items had been stolen from the museum. That estimate was accurately reported on the first day of the symposium by Petra, Jordan's official news agency, and by the BBC.¹⁷³ The very same day, however, the Associated Press reported that "[t]he curator of the Iraqi National Museum in Baghdad estimated about 15,000 artifacts still were missing."¹⁷⁴ In other words, the Associated Press con-

¹⁷³ "The number of items that have been looted from the Baghdad Museum was estimated at 15,000" ("1,235 Stolen Artefacts," *Petra*, 1 June 2004; "Iraqi Museum Says Neighboring States Seized over a Thousand Stolen Artefacts," BBC, 1 June 2004). Dr. George and I spoke that week and agreed that this estimate would likely prove correct once the inventories were completed (see also Interpol's official minutes from the

meeting, "Regional Meeting to Fight the Illicit Trafficking of Cultural Property Stolen from Iraq," 1–2 June 2004, <http://www.interpol.int/Public/WorkOfArt/Iraq/meetings/Minutes200406.asp>).

¹⁷⁴ "Jordan Urges Closer Cooperation to Stop Smuggling of Iraqi Treasures," Associated Press, 1 June 2004.

fused the number of items originally stolen with the number of items still missing.¹⁷⁵ Even when the media get it right, however, the numbers still get muddled. For example, in March 2004, Dr. George told the *New York Times*, based on inventories completed as of that time, that he believed approximately 14,000 objects had been stolen from the museum. He was accurately reported as having said so: "14,000 artifacts were looted from the museum's collection."¹⁷⁶ The reporter was nonetheless wrongly corrected by an archaeologist: "[T]his and other journalists misunderstand the 14,000 total to mean the number of initially stolen artifacts where it is actually the number of definitely still missing artifacts."¹⁷⁷ In fact, the reporter got it right: Dr. George meant the number originally missing.

The second reporting problem arises because the number of originally missing objects changes as inventories are completed. For example, the same Associated Press story that reported Dr. George's number of 15,000 missing items also quoted Willy Deridder, the executive director of Interpol's police services, as putting the number between 13,000 and 14,000.¹⁷⁸ The apparent inconsistency, not ex-

plained in the article, arose because Deridder was using the hard numbers I had provided to Interpol in November 2003, while Dr. George was giving his best estimate as of June 2004. Both men were accurate but at different times.

The most reasonable accounting of what has been recovered worldwide of the items stolen from the museum is 15 pieces from the public galleries (as of January 2005), approximately 2,307 pieces from the basement (as of January 2005),¹⁷⁹ and approximately 3,037 pieces from the aboveground storage rooms (as of the end of December 2003 but certainly higher by the time this report is published) for a total of approximately 5,359 pieces that Dr. George or I have personally verified.¹⁸⁰

I am pleased to note these numbers and caveats are consistent with those found in an independent investigation of the thefts that was undertaken by Dr. Hameed in his capacity as chair of the State Board of Antiquities. Although he did not begin his investigation until after our team left Iraq at the end of November 2003, and much work still needs to be done, our joint review in January 2005 of our individual findings revealed significant similarities.¹⁸¹

¹⁷⁵ In fairness to the Associated Press, Dr. George frequently speaks in the present tense when discussing the lost items. E.g., during an interview on National Public Radio that aired on 7 January 2005, Dr. George specifically said "15,000 items are missing from the Iraq Museum" ("Saving Civilization in a War Zone," NPR, 7 January 2005, http://www.theconnection.org/shows/2005/01/20050107_a_main.asp [28 January 2005]). As Dr. George explained to me, he meant that we now know that 15,000 items were originally missing and not that 15,000 items are still missing. In other words, he was speaking in what is usually called the "eternal present" tense.

¹⁷⁶ "Once Looted and Forlorn, an Iraqi Symbol Survives," *New York Times*, 31 March 2004.

¹⁷⁷ F. Deblauwe, "The 2003–Iraq War & Archaeology," archive 24, <http://ctr.umkc.edu/user/fdeblauwe/iraq.html> (13 March 2005).

¹⁷⁸ "Jordan Urges Closer Cooperation to Stop Smuggling of Iraqi Treasures," Associated Press, 1 June 2004. Actually, the reporter made both recurring mistakes in the same article. First, he quoted two sources giving different numbers, without mentioning that the numbers were accurate as of different dates. Second, he repeated the same mistake with Deridder as he did with Dr. George, confusing "originally stolen" with "still missing." As a result, he misquoted Deridder as having said that "between 13,000 and 14,000 missing objects remained missing," when Deridder really said that between 13,000 and 14,000 were originally missing.

¹⁷⁹ Strictly speaking, this number is accurate as of the end of December 2003 for any seizures inside Iraq and as of January 2005 for seizures outside of Iraq. But the international seizures are accurate only to the extent that the seizing countries recognize what they have seized and reported it accurately. For example, through various sources both Dr. George and

I learned in late 2003 that France had seized 500 objects that had been stolen from the basement and that Switzerland had seized another 250. Dr. George then mentioned these seizures in various interviews (see "Not All Iraqi News Is Bad," *Jordan Times*, 15 January 2004, <http://www.jordantimes.com/Thu/opinion/opinion2.htm> [28 January 2005]; and Harms 2004). At the June 2004 symposium in Amman, Jordan, however, the French delegate specifically "denied the reports repeatedly published in the media of the seizure in France of some 500 Iraqi antiquities" ("Regional Meeting to Fight the Illicit Trafficking of Cultural Property Stolen from Iraq," Amman, Jordan, 1–2 June 2004, <http://www.interpol.com/Public/WorkOfArt/Iraq/meetings/Minutes200406.asp>). Switzerland did not send a delegate to the symposium and has not officially reported (or denied) any seizures.

¹⁸⁰ This total of 5,359 items does not include the previously mentioned (but unverified) seizures by French (500?), Swiss (250?), or Italian (300?) authorities or almost 62,000 pieces that were accounted for in other locations in Iraq, including the display-case items found in the secret place (8,366), the manuscripts in the bomb shelter (39,453), the collection of Iraq's royal family in the Central Bank's old building (6,744), or the burial goods from the royal tombs of Ur and Treasure of Nimrud in the Central Bank's new building (the last two totaling approximately 7,360 pieces altogether).

¹⁸¹ A public hearing, during which the report was to be released, was originally scheduled for 2–3 May 2005 in Baghdad, but was unexpectedly postponed to a date that has yet to be determined. Dr. Hameed has declined to provide copies of the report, even in draft form, until after the hearing. I have offered to attend the hearing to provide my findings and answer any additional questions that might be posed, and to assist the Iraqi government in any future prosecutions.

For example, while the inventories are not yet completed, he told me that, on the basis of his independent investigation, he believes that approximately 15,000 items were stolen from the museum in April 2003. He provided the same findings to the 28th Session of UNESCO's World Heritage Committee¹⁸² in Suzhou, China, on 7 July 2004.¹⁸³ Dr. George has reached a similar conclusion.¹⁸⁴

Dr. Hameed's estimate of the total number of items recovered is also consistent with my findings,

but because some of his numbers are more recent than mine, they are higher. Specifically, as he told the World Heritage Committee in July 2004, "5,000 [of the stolen items] were recovered by the museum¹⁸⁵ and another 5,000 were expected to be sent back to Iraq from Europe and the United States,¹⁸⁶ while the whereabouts of the other 5,000 remained unknown."¹⁸⁷ Once again, Dr. George concurs.¹⁸⁸

In short, Dr. George, Dr. Hameed, and I agree about what was stolen and what has been recovered.

¹⁸² The World Heritage Committee consists of representatives of 21 countries elected for six years, with one-third of its members being replaced every two years by the assembly of the 178 signatories of the 1972 Protection of the World Cultural and Natural Heritage Convention. The committee meets each year to add new sites to the World Heritage List, which currently includes 788 sites of "outstanding universal value" in 134 countries. In 2000, Iraq requested that seven sites be added to the Committee's "Tentative List," as Iraq's top priorities for nomination in the coming years. Of those seven (Ashur, Nimrud, Nineveh, Samarra, Ur, Wasit, and the fortress of al-Ukhaidar), only Ashur, added in 2003, was selected, joining Hatra, added in 1985, as the only sites in Iraq on the World Heritage List. The committee also reviews the World Heritage in Danger list, identifying sites that are seriously threatened by industry, looting, war, uncontrolled tourism, or poaching. This list currently includes 35 sites, only one of which (Ashur, added in 2003) is in Iraq. The World Monuments Fund also assists imperiled cultural heritage sites by directing public and financial support to their preservation through its Watchlist of 100 Most Endangered Sites. Published every two years and based on nominations from governments, organizations active in the field of cultural preservation, and individuals, the current (2004) watchlist contains only two sites in Iraq: the Nineveh and Nimrud Palaces (listed in 2002) and the Erbil Citadel (listed in 2000 and again in 2002).

¹⁸³ See "Protection of Iraqi Heritage a Concern at WHC Session" (Xinhua News Agency, 7 July 2004, http://www.china.org.cn/english/features/woeld_heritage/100530.htm [13 March 2005]), quoting Dr. Hameed that "the National Museum of Iraq, the 11th largest in the world, lost 15,000 relics during the war." See also "Iraq's Looted Heritage Makes a Steady—If Slow—Comeback" (*Christian Science Monitor*, 14 October 2004), quoting Dr. Hameed: "In all, about 15,000 objects (from small jewelry pieces to ancient seals) were stolen."

¹⁸⁴ See "Looting Iraq: A Conversation with Museum Director Donny George" (Bloomberg Radio, 14 January 2005, http://quote.bloomberg.com/apps/news?pid=10000039&cid=boroff&sid=anmB_x8.PkVg [28 January 2005]), in which Dr. George confirmed that there were an "estimated 15,000 artifacts taken from the National Museum during the invasion"; and "The Looting and Recovery of Iraqi Treasures," that aired on NPR's *Talk of the Nation* (26 May 2005, <http://www.npr.org/templates/story/story.php?storyId=4667811> [26 May 2005]), in which Dr. George confirmed that approximately 15,000 items have been stolen and "we have recovered about 50 percent." See also "The Last Word: Donny George, A Real-Life Treasure Hunt" (*Newsweek International*, 21 March 2005, <http://msnbc.msn.com/id/7169977/site/newsweek/> [14 March 2005]), in which Dr. George again confirmed that "[w]e have lost 15,000 objects, but I believe the number will go up, as we

have not finished the assessment of the damages yet"; and Dr. George's foreword to Polk and Schuster (2005) in which he repeats that "[f]ifteen thousand objects were stolen from the galleries and stores of the museum."

¹⁸⁵ As of the end of December 2003, I confirmed that 3,962 of the 5,359 recovered items had been returned to the museum, and 1,397 (all from the basement) were still in the hands of international authorities. The difference between Dr. Hameed's number of 5,000 objects returned to the museum and my number of 3,962 objects is a result of the difference in methodology (his numbers are estimates and rounded up, mine are hand-counted and precise) and the number of antiquities returned to the museum between the end of December 2003 (my numbers) and the present (Dr. Hameed's numbers).

¹⁸⁶ I believe Dr. Hameed's number of approximately 5,000 items currently in the hands of foreign governments waiting to be returned is again a product of his habit of rounding to the nearest thousand and includes items seized by other governments before the war, as well as items stolen from archaeological sites since the war. To my knowledge, only 1,397 of the total number held internationally (1,697 if Italy's unverified 300 items are included) are from the museum.

¹⁸⁷ "Protection of Iraqi Heritage a Concern at WHC Session," Xinhua News Agency, 7 July 2004, http://www.china.org.cn/english/features/woeld_heritage/100530.htm (13 March 2005). Both Dr. George and Dr. Hameed occasionally complicate matters by including among the still missing items those that are held by international authorities. For example, in "Iraq's Heritage" (*Wall Street Journal*, 5 January 2005), Dr. Hameed wrote that there were "10,000 to 14,000 objects missing." He was not changing his earlier findings (5,000 returned to the museum, 5,000 in international hands, and 5,000 still missing), but he was using a different calculus (counting as "missing" all items that had not yet been returned to the museum, even those in international hands) and providing a range to allow for increased losses as inventories are completed. Similarly, in "Looting Iraq: A Conversation with Museum Director Donny George" (Bloomberg Radio, 14 January 2005, http://quote.bloomberg.com/apps/news?pid=10000039&cid=boroff&sid=anmB_x8.PkVg [28 January 2005]), Dr. George said that "of the estimated 15,000 artifacts taken from the National Museum . . . only about 4,000 have been recovered." He was not changing his findings but was using "recovered," as did Dr. Hameed in the *Wall Street Journal* article, to include only those items actually returned, i.e., not including those still in the hands of international authorities. This highlights the importance of speaking with precision (to the extent possible) concerning the losses, rather than running the risk of renewed confusion concerning what was taken and what is missing.

¹⁸⁸ To avoid the kind of ill-informed controversy that has plagued this investigation from the outset, I will address two

We also jointly long for the day when the mania with numbers will pass. Most important, however, we are in agreement that the focus must be not on what has already been done, but on what we can do in the future to recover the priceless treasures that are still missing. Tracking down those artifacts will take years of hard work and a little luck, requiring the cooperative efforts of all nations. On my return to the New York County District Attorney's Office after my expected release from active duty in the fall of 2005, therefore, I intend to form New York's first antiquities task force to continue the investigation. Accordingly, I expect to have additional facts, seizures, recoveries, and convictions to report in the future.

Justice is also about process, and our other goal was to cut through the unproductive rhetoric and uncover the truth about what happened at the museum. I hope we have accomplished this. The missing artifacts belong to the Iraqi people; but in a very real sense they also represent the shared history of all mankind. So much remains to be done, but after two years, I am humbled to have been in the presence of so many talented and dedicated professionals, and to the extent we have taken even the smallest first step in the recovery of these treasures, I am extraordinarily honored to have served.¹⁸⁹

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of Dr. George's recent statements. First, in March 2004, he said that approximately "7,000 objects remain missing" ("Once Looted and Forlorn, an Iraqi Symbol Revives," *New York Times*, 31 March 2004). While my investigation indicates that approximately 8,505 objects remain missing (i.e., not recovered in or out of Iraq), Dr. George's estimate includes not only recoveries inside Iraq after December 2003 but also the additional Italian (300), French (500), and Swiss (250) seizures that I have not verified. Our numbers, therefore, are entirely consistent. Second, on 7 January 2005 he said that 3,323 antiquities with IM numbers and another 1,450 items without IM numbers—most of which had come from archaeological sites—are currently back in the museum ("Saving Civilization in a War Zone," http://www.theconnection.org/shows/2005/01/20050107_a_main.asp [28 January 2005]). At first blush, Dr. George's numbers appear to conflict with my older number of 3,962 items returned to the museum and Dr. Hameed's more recent number of approximately 5,000. There is no conflict. As previously discussed (supra n. 39), the museum-inscribed "IM" on pre-A.D. 637 pieces, "A" on Islamic post-A.D. 637 pieces received by the museum prior to 1988,

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"MZ" on all fakes, or nothing on many excavation-site pieces. As Dr. George stated during the interview, his numbers only included IM pieces and non-IM excavation-site pieces. Dr. Hameed's numbers (like mine) include all items missing and all recoveries made of objects stolen from the Iraq Museum whether they are inscribed with "IM," "A," "MZ," or an excavation-site number. More than 1,000 Islamic ("A" numbers) and fakes ("MZ" numbers) are known to have been stolen, well over 700 of which have been recovered.

¹⁸⁹ Matthew Bogdanos, U.S. Marine and New York City homicide prosecutor, holds a degree in classics from Bucknell University, a master's in classics and a law degree from Columbia University, and a master's degree in strategic studies from the Army War College. Recalled to active duty on 11 September 2001, he received a Bronze Star for counterterrorism operations in Afghanistan in 2001–2002, was promoted to colonel, and served in Iraq three times in 2003–2004. He plans to return to the district attorney's office upon his release from active duty in the fall of 2005 to establish New York's first antiquities task force.

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