

5-1976

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### Recommended Citation

Ashton Hawkins, *The Euphronios Krater at the Metropolitan Museum: A Question of Provenance*, 27 HASTINGS L.J. 1163 (1976).  
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# The Euphronios Krater at the Metropolitan Museum: A Question of Provenance

By ASHTON HAWKINS\*

IN recent years the acquisition of works of art in the United States by museums, foundations and even private collectors has become a matter of increasing public curiosity and concern, since works of art are changing hands at prices far higher than in the past, and collecting now encompasses cultures not widely known or understood a few decades ago. Against this background one can better understand the extraordinary interest in the acquisition by The Metropolitan Museum of Art in 1972 of a Greek calyx krater made by Euxitheos, a famous Athenian potter of the late 6th century B.C., and painted by Euphronios, one of the greatest Attic vase painters of all time.<sup>1</sup> The attention given this purchase by the press and the controversy which followed were of a magnitude and intensity unprecedented in the annals of the Metropolitan Museum.

As a result, a number of important questions arose about the role and function of an art museum. Central to all of these questions was the problem of how a museum could discharge its obligation to collect the world's finest works of art, thereby preserving the artistic patrimony of mankind, while at the same time observing all legal and ethical proprieties. Museum curators, excavators and other scholars have dif-

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1. Calyx krater is the name of an Attic vase that served as a bowl for mixing wine and water. The vase has a sturdy foot, a rounded lower portion called the cul, and flaring walls that terminate in a round lip. The handles are on the level of the cul. The shape was invented in Attica in about 530 B.C. and remained a favorite of Attic, South Italian, and Etruscan potters well into the Hellenistic period. It survived, in metal and marble, well into Roman times, until the first century A.D. (The information in this footnote, as well as the other specific archaeological information in this article, was compiled with the advice and assistance of Dr. Dietrich von Bothmer, Chairman of the Department of Greek and Roman Art, The Metropolitan Museum of Art.) See generally, J. BOARDMAN, *ATHENIAN RED FIGURE VASES: THE ARCHAIC PERIOD* (1975) (frontispiece depicting the Euphronios krater).

fering views on such questions, and the purchase of the Euphronios krater provided an unparalleled opportunity for many of these opinions to be expressed and debated.

On September 12, 1972, at a special meeting of the Acquisitions Committee of the Board of Trustees of the Metropolitan Museum, presentations were made by the museum's curator of Greek and Roman art, Dr. Dietrich von Bothmer, and the museum's director, Dr. Thomas Hoving, supporting the purchase of a Greek calyx krater by Euphronios.<sup>2</sup> Pointing out in detail the great beauty and stature of this remarkable vase, Dr. von Bothmer explained that it would fit perfectly into the context of the museum's existing collection of Greek art and at the same time greatly enhance it. Thereafter Dr. Hoving described how the museum had sought and obtained information on the krater's provenance, its prior history.<sup>3</sup> The Director reported that the vendor, Robert Hecht, was acting for Dikran Sarrafian of Beirut, Lebanon. Mr. Sarrafian claimed family ownership of the krater for more than fifty years.<sup>4</sup>

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2. The director stated: "This afternoon I have the extraordinary opportunity to present to you the rarest of the rare. The object is this monumental calyx krater depicting the Death of Sarpedon of Lycia, a tale from Homer's Iliad. This surpassing work of art, embodying all that makes Greek art truly universal, was made by the potter Euxitheos and signed by the painter Euphronios, a man generally regarded as the greatest of all vase painters. It was made around 510 B.C. This object is, in my opinion, the finest pot by the finest painter of pots. Twenty-seven other whole or fragmentary vases signed by this man or reasonably attributed to him are known to exist. Since my association with this institution started in 1959, I have not encountered a finer work of art." Acquisitions Committee, The Metropolitan Museum of Art, Official Files, Sept. 12, 1972.

3. Since participating in the 1970 meeting of the International Council of Museums in Paris, which was devoted to discussions on the growing problem of protecting the cultural heritage of nations, the museum has taken positive steps to ensure that the provenance of any object proposed for acquisition is satisfactorily established. On June 9, 1970, the Acquisitions Committee of the Board of Trustees adopted a recommendation of the director that the museum use its best efforts not to acquire objects, whether by gift or purchase, which have been exported in violation of the laws of another country. Acquisitions Committee, The Metropolitan Museum of Art, Minutes, June 9, 1970. On March 8, 1971, pursuant to this objective, the acquisitions committee adopted a policy requiring that a letter of inquiry be sent by the museum whenever there exists a substantial lack of information regarding the provenance of an object being considered for purchase. The letter is sent to the minister of antiquities, or equivalent official, of the country or countries of most probable cultural origin accompanied by a photograph of the object, asking for any information concerning the provenance or previous ownership of the described work of art. If the vendor of the artwork objects to the letter being sent and is unable to provide adequate additional information, the museum terminates the negotiations. Acquisitions Committee, The Metropolitan Museum of Art, Minutes, Mar. 8, 1971. In the case of the Euphronios krater, the museum had already received sufficient information as to the krater's provenance in accordance with its standard procedures; therefore no letters were dispatched.

4. Mr. Sarrafian was an important and well-known antiquities dealer in Beirut.

Such ownership was also confirmed by two letters, now in the museum's possession, from Mr. Sarrafian to Mr. Hecht.<sup>5</sup> The Acquisitions Committee, having found the krater's provenance to be satisfactorily established, voted to acquire it for one million dollars, the largest sum ever paid for a Greek vase, albeit a substantially lower price than that originally asked by Mr. Hecht. The museum arranged for a transfer of funds to Mr. Hecht's bank in Switzerland the following day.<sup>6</sup>

Initial reaction to the museum's acquisition was favorable. On Sunday, November 12, 1972, the day the krater went on public view at the Metropolitan Museum, it was the subject of a feature story in *The New York Times Magazine*.<sup>7</sup> Notable scholars both here and abroad wrote to express their admiration for the purchase.<sup>8</sup>

A controversy arose, however, on February 19, 1973, when *The New York Times* published an article<sup>9</sup> suggesting that the calyx krater had not, in fact, been the property of a private collector, but had instead been illegally excavated in Cerveteri,<sup>10</sup> Italy, in late 1971 and then

His father, Abraham Sarrafian, had also been a prominent dealer in ancient art; his business was centered in Beirut in the early decades of this century.

5. One letter, dated July 10, 1971, stated: "Dear Bob, I am reverting to a subject we've often discussed—my Attic crater [sic]. In view of the worsening situation in the [Middle East] I have decided to settle in Australia, probably in [New South Wales]. So I have been selling off what I have and have decided to sell also my red figure crater [sic] which I have had so long . . ." Letter from Dikran Sarrafian to Robert Hecht, July 10, 1971, on file at The Metropolitan Museum of Art.

The second letter, dated September 9, 1972, stated: "Further to my letter of July 10, 1971, regarding the sale to you of my Attic red figure crater [sic], I would precise [sic] that the origin is unknown and that my father got it by exchange with an amateur against a collection of Greek and Roman gold and silver coins in February or March of 1920 in London." Letter from Dikran Sarrafian to Robert Hecht, Sept. 9, 1972, on file at The Metropolitan Museum of Art.

6. Mr. Hecht brought the krater to New York on August 31, 1972. His written declaration to United States Customs stated that he was importing a calyx krater by Euphronios valued at one million dollars.

7. See Mellow, *A New (6th century B.C.) Greek Vase for New York*, N.Y. Times, Nov. 12, 1972, § 6 (Magazine). The krater was also highlighted in the Museum's Fall Bulletin. 31 THE METROPOLITAN MUSEUM OF ART BULLETIN (1972) (*passim*).

8. See Letter from Dr. Klaus Vierneisel, Director, Greek and Roman Antiquities, Staatliche Museen Stiftung Preussischer Kulturbesitz, Berlin, West Germany, to Dietrich von Bothmer, Dec. 1, 1972; Letter from Dr. Violette Verhoogen, Honorary Curator in Chief, Musées Royaux d'Art et d'Histoire, Brussels, Belgium, to Dietrich von Bothmer, Nov. 22, 1972; Letter from Dr. Cornelius Vermeule, Curator of Classical Art, Museum of Fine Arts, Boston, Massachusetts, to Dietrich von Bothmer, Nov. 22, 1972.

9. Gage, *How the Metropolitan Acquired "The Finest Greek Vase There Is,"* N.Y. Times, Feb. 19, 1973, § 1, at 1, col. 1.

10. Cerveteri is a region northwest of Rome famous for its hundreds of Etruscan tombs, in some of which Greek pottery of the archaic and classical periods has been found.

smuggled into Switzerland. As a consequence of these disturbing charges, the museum began taking steps to verify and amplify the oral and written information previously received regarding the krater's provenance. At the same time the museum publicly expressed its willingness to cooperate with any official inquiry.

In the ensuing three months, *The New York Times*, as well as other newspapers and magazines, published a large number of articles which implied that the museum not only had known or should have known of the illicit origin of its krater, but also had conspired with Messrs. Hecht and Sarrafian to conceal the illegality from the public.<sup>11</sup>

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11. The calyx krater controversy erupted in the American press at a time when an earlier controversy, which had arisen in the fall of 1972, largely as a result of a series of articles published in *The New York Times*, was beginning to subside. These articles had strongly criticized the Metropolitan Museum's previously unpublicized policy of occasionally deaccessioning and selling or exchanging objects in order to refine its collections and acquire more desirable works.

The deaccessioning controversy grew primarily out of two separate events. The first was the museum's private sale of two paintings to an art dealer in New York in the early summer of 1972. The museum was vigorously criticized for its lack of public disclosure in connection with the transaction. It was alleged that the museum had sold the pictures at less than true value and that one of the pictures, Douanier Rousseau's *Tropics*, should not have been sold at all.

The second issue arose from the disclosure of the museum's decision not to follow the precatory request, in a 1967 bequest by Adelaide Milton de Groot, that should the Metropolitan wish to dispose of any of the paintings or drawings in her bequest, it would offer them as gifts to other museums in the New York City area. The Metropolitan's trustees had concluded that the interests of the museum would be served better by selling approximately 25% of the artworks from the bequest and using the proceeds to help acquire finer paintings for the collection. One of the de Groot paintings sold was the Rousseau *Tropics* mentioned above. In accord with the museum's traditional practice, Miss de Groot's name is suitably inscribed on Velasquez's *Portrait of Juan de Pareja* and the other important objects acquired with the proceeds of the sale of objects from her bequest. Although the museum's legal right to sell these paintings was clear, strong objections were voiced because the decedent's request for disposal by gift rather than by sale had not been followed.

The press's treatment of these issues grew steadily more intense. As the magazine *Time* stated: "The New York Times's persistent reporting of this, over the past five months, has taken on the character of a vendetta. Sometimes the *Times* seems to hint darkly at sins where there were no sins—or at most only dubious transactions. But the publicity has caused a violent row over a great museum's duty to its benefactors and public. New York State Attorney General Louis Lefkowitz opened an inquiry into the 'legality and prudence' of the Met's behavior. At stake are the Met's prestige and that of its director, Thomas P. F. Hoving." *TIME*, Feb. 26, 1973, at 43.

Clearly the heated public discussion of both events in the deaccessioning controversy helped to stimulate interest in the krater story as well, both among the press and among the public.

The Office of the Attorney General ended its investigation of deaccessioning in June and concluded that the museum had done nothing illegal or unethical, though it did criticize the museum's traditional policy of nondisclosure to the public in connection with

Because of great public interest in these charges by the American press, the Italian authorities began actively to investigate the rumors and the Italian press picked up the story.<sup>12</sup> The intensity of the American press coverage during this period can be partially gauged from the fact that beginning on February 19, the Euphronios krater story ran for twelve consecutive days in *The New York Times*, with front page coverage on ten of those days.<sup>13</sup>

Perhaps the most sensational story appeared on February 24, 1973, when Armando Cenere, a self-proclaimed *tombarolo*, or tomb robber, was interviewed by Nicholas Gage of *The New York Times*. Cenere claimed that he had been the lookout for a group of *tombaroli* who had been illicitly digging in Cerveteri in late 1971. He said he specifically remembered being shown a fragment found during the dig on which was painted a "figure of a man bleeding." He described the piece as "bigger than a man's hand," and containing most of the figure "from the head to midway above the knees."<sup>14</sup>

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the sale of art objects. At the same time, on June 20, 1973, the museum published a Report which set forth in great detail the facts and answers to the various questions that had been raised, and published its procedures for deaccessioning and disposal of works of art. The Metropolitan Museum of Art, Report on Art Transactions 1971-1973, June 20, 1973.

In the fall of 1973, the museum wrote to the attorney general's office stating that henceforth when it took action to deaccession any object with a museum valuation in excess of \$5,000, notice would be given to the attorney general at least fifteen days prior to any sale or exchange of the object. If the object's valuation were to exceed \$25,000 and the work had been on exhibition within the last ten years, notice would be given at least forty-five days prior to the sale or exchange.

12. See, e.g., *Corriere Della Sera*, Feb. 22, 1973, at 15, cols. 4-5 (Milan); *id.*, Feb. 24, 1973, at 10, cols. 2-5; *Il Gazzettino*, Feb. 28, 1973, at 9, cols. 5-6 (Venice); *Il Giorno*, Feb. 22, 1973, at 5, cols. 3-5 (Milan); *id.*, Mar. 15, 1973, at 11, cols. 1-3; *Il Messaggero*, Mar. 9, 1973, at 15, cols. 6-9 (Rome); *L'Osservatore Romano Della Domenica*, Mar. 3, 1973, at 3, cols. 3-4; *Roma*, Mar. 4, 1973, at 3, cols. 3-8 (Naples); *Il Tempo*, Feb. 28, 1973, at 4, cols. 1-4 (Rome); *id.*, Mar. 2, 1973, at 6, cols. 2-6.

13. See Canaday, *Story Behind the Story of Euphronios' Record: 10 Days on Front Page*, *Times Talk—News About the Men and Women of The New York Times Company*, Mar. 1973, at 1. John Canaday, senior art critic at *The Times*, had been actively pursuing this story. He noted, "The painter Euphronios set an all-time international record as the only artist in history to make the front page of *The New York Times* 10 days running." *Id.*

14. Gage, *Farmhand Tells of Finding Met's Vase in Italian Tomb*, *N.Y. Times*, Feb. 24, 1973, § 1, at 1, col. 4. The Metropolitan's Director, Mr. Hoving, had stated to the *Times*: "Cenere is quoted to have identified a small part of something far larger [the entire calyx krater], illustrations and photos of which have been very widely circulated in Italy for months. The description does not seem to agree with what we know definitely about the fragments, which anybody can see by looking at the actual

The press speculated that the figure Cenerè described might be the figure of Sarpedon on the museum's krater. This speculation in turn caused Cenerè's testimony to be linked immediately to the charges which the press had made in connection with the museum's krater.

Another story about the krater began circulating in the press at that time. According to this account, the museum had actually purchased a forgery, and the original was in the possession of a shipowner and stored in his yacht outside Italian territorial waters. This and other theories questioning the krater's authenticity, though obviously inconsistent with the theory that it was a masterpiece recently smuggled out of Italy, further enlivened and confused the public controversy.<sup>15</sup>

The Italian investigation seemed to take on a new dimension in early March when the Italian police found and seized fragments of pottery attributed to Euphronios.<sup>16</sup> At the end of that month, one article

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piece which has been on exhibition since November 12, 1972. At this point there is not, we feel, any convincing evidence to question the sworn affidavit of Dikran Sarrafian, stating that the Euphronios krater depicting the death of Sarpedon was acquired by his father in the winter of 1920." *Id.* at 50, col. 4.

15. At this point, the museum began actively seeking objective opinions from outside authorities in order to make the record clear as to the krater's authenticity. Professor Homer A. Thompson of the Institute for Advanced Studies at Princeton, C. Martin Robertson, Lincoln Professor of Classical Archaeology at Oxford, and Professor Pierre Devambez, honorary curator in chief of the Musée du Louvre in Paris, were asked to examine the krater and submit their judgments. All three confirmed that the krater has no missing pieces of any importance.

Professor Thompson wrote that the krater was "indeed a splendid creation in respect of shape, quality of painting and interest of subject matter. Its condition is unusually fresh and the conservation has been done both skillfully and honestly." Letter from Professor Homer A. Thompson to Douglas Dillon, Apr. 12, 1973.

Professor Robertson wrote, "[T]hat the vase is genuine seems to me to be absolutely beyond question . . . . It could not possibly be a forgery . . . ." Letter from C. Martin Robertson to the Board of Trustees of The Metropolitan Museum of Art, Apr. 20, 1973.

Professor Devambez stated that "I believe you would have committed a grave professional mistake in not getting hold of this krater for the Metropolitan Museum." Letter from Professor Pierre Devambez to Dietrich von Bothmer, May 14, 1973.

To obtain scientific confirmation of the vase's antiquity, a sample of the fired clay, taken from a slightly damaged area on the inside of the rim, was sent on September 21, 1972, to S. J. Fleming of the Research Laboratory for Archaeology and the History of Art at Oxford. Following analysis by thermoluminescent tests, he set the age of the clay at between 2,440 and 2,790 years, making its origin between 818 and 468 B.C. This date of origin is in accord with the estimation that the vase was made between 520 and 510 B.C.

The conclusions of the outside experts confirmed the opinions of the museum's own professional staff, most notably that of Dr. von Bothmer, regarded as one of the world's leading experts on Greek pottery.

16. N.Y. Times, Mar. 6, 1973, at 46, col. 1.

explained, a high police official stated that another group of fragments, originally said to be four in number but later reported to be two, "were found wrapped in a newspaper in a small church near Cerveteri following information telephoned to him by an anonymous caller." The official stated further that the caller "telephoned him on March 30 and told him he wanted to 'get rid of fragments . . . taken out' of the vase sold to the Metropolitan Museum . . ." <sup>17</sup> The *Times* quoted Mr. Guasco, the Italian magistrate in charge of the vase investigation in Civitavecchia, as having said that the fragments "either are brilliant fakes or they belong to the Metropolitan vase."<sup>18</sup> Other unnamed police officials were quoted in the same article as stating that these fragments constituted "new evidence demonstrating 'almost conclusively' that the Euphronios vase bought by New York's Metropolitan Museum of Art for \$1 million last year was dug up in Italy and smuggled out."<sup>19</sup>

In light of these events, an Italian magistrate issued a warrant in early April for the arrest of Mr. Hecht. The warrant was issued in connection with police charges that Mr. Hecht had conspired with certain named Italians to smuggle the krater out of Italy and into Switzerland.<sup>20</sup>

In mid-May, *The New York Times* quoted the Italian police as reporting that a week earlier they had anonymously received a further group of "fifteen valuable fragments of another Greek vase attributed to Euphronios, that they [believed] were sent to hinder investigation of the Euphronios vase now in the Metropolitan Museum in New York."<sup>21</sup>

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17. *Fragments Found in Italy Linked to Museum Vase*, N.Y. Times, May 8, 1973, at 1, col. 6.

18. *Id.*

19. *Id.* Although many of the events took place at the end of March and in early April, they were not reported by the press until the 8th and 9th of May, 1973. See *id.*; *Italian Police Sources Describe Fragments Linked to Met Vase*, N.Y. Times, May 9, 1973, at 38, col. 1.

20. *Gage, Warrant Issued for Hecht in Vase Sale*, N.Y. Times, June 26, 1973, at 1, col. 4.

21. N.Y. Times, May 15, 1973, at 28, col. 1. The rest of the article illustrates the confusion that so often characterized the krater story:

"The fragments were handed over to the police a week ago after a report that the police had on March 30 obtained another set of four fragments described as clandestinely excavated in Cerveteri in the fall of 1971 and linked to the Euphronios vase in the Metropolitan Museum of Art.

"The previous set of fragments was still being examined by a panel of archeological experts who were quoted a week ago as saying that they belonged to a Euphronios vase, almost certainly the one in the Metropolitan Museum. Prof. Masimo Pallottino, who



Apparently these fifteen fragments were immediately turned over to the Villa Giulia, the Etruscan Museum in Rome, where they have remained sequestered ever since.

During this period the Italian press also used the krater controversy as a vehicle for more general discussions criticizing and deploring the disintegration and loss of Italy's cultural patrimony. The reporting grew more confused as mysterious names, purportedly involved in one way or another with the illicit 1971 excavation, were mentioned once or twice and then forgotten.<sup>22</sup> Seemingly unrelated events which took place well after the 1971 excavation were also suddenly linked to that event. From the museum's perspective, the story seemed to be turning into a drama with a life of its own, not unlike a play by Pirandello. Gradually, much of the reporting took on a new tone. The entire affair, even if not provable, was still an excellent and spicy mystery story tinged with suggestions of possible wrongdoing in high places.

Since the museum was never a party to any of the police or judicial proceedings directed against Mr. Hecht, it had almost no official information as to what the Italian authorities were doing. It was, therefore, very difficult at the time for the museum to address, let alone refute, the various speculative and frequently contradictory allegations in the press. One conclusion, however, remained constant: none of the facts uncovered by the Italian investigation were at variance with the facts of the krater's provenance as supplied to the museum by Mr. Hecht and Mr. Sarrafian.

Since there were so many misconceptions raised during the period, it is worth summarizing some of the more persistent ones which are now

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was quoted along with others as having given this response, has denied having had any part in the examination of the fragments.

"The sending of the new set of fragments and the tone of an accompanying anonymous letter have led the police to theorize that the act was in effect a move to generate confusion about the first set of four fragments, more recently uncovered.

"The persons who sent the 15 fragments, the police officials believe, were involved in the Metropolitan's vase affair who thus wished to prove that it was dug up in Cerveteri earlier than in the fall of 1971, together with the Euphronios vase—not the Metropolitan's—to which the 15 fragments belong, and before a 1939 law prohibiting the unauthorized sale of art objects found in Italy.

"This would strengthen the Metropolitan Museum's claim of the licit origin of its vase, according to which it came from the private collection of a coin dealer in Beirut, Lebanon, whose father had bought it in London in 1920.

"A noncommissioned officer in the paramilitary police unit that received the 15 fragments said today he was close to identifying the source of the fragments and of the anonymous letter accompanying them."

22. See, e.g., Gage, *Farmhand Tells of Finding Met's Vase in Italian Tomb*, N.Y. Times, Feb. 25, 1973, § 1, at 1, col. 4; N.Y. Times, Mar. 6, 1973, at 46, col. 1.

lodged in the written record. First is the misconception that any work by Euphronios must have had its origins in Italy because remnants of his art have never been discovered elsewhere. It is true that approximately nine of the twenty-seven vases signed by or attributed to Euphronios were unearthed in Italy. But at least four have been found in other countries: one in Olbia, in southern Russia, two on the Acropolis in Athens, and one in the sanctuary of Artemis at Brauron, in Attica. The origin of the remaining fourteen is not known.

Second is the misconception that a great 2,500 year-old work of art which is privately owned and unknown to scholars must be either not genuine or freshly excavated. While such a conclusion may often prove accurate, it is not necessarily so.

For example, in a 1948 Christie's sale in London,<sup>23</sup> the Greek and Etruscan vases from the collection of the family of the Earl Fitzwilliam were auctioned off. Among them was an unbroken amphora, dated circa 540 B.C., complete with lid and signed by the famous potter Andokides. It had been acquired by an ancestor of the late Earl in the 19th century and had remained entirely unknown to the scholarly world for a century, despite the fact that Andokides had been identified as one of the greatest of Greek potters as early as 1829. In a somewhat similar case in 1952, the Metropolitan itself acquired a lifesize first century A.D. Roman copy of a Greek marble statue of Aphrodite. Despite its size, beauty, and excellent condition, the statue had been in private collections in Silesia since the 18th century and had remained totally unknown to art historians and connoisseurs.

A third misconception, which apparently influenced the press and the Italian police, is the belief that chemical or other scientific tests can establish how much time has elapsed since the excavation of a vase. No such test has been developed. Ceramic colors, once fired, simply do not fade under prolonged exposure to light. The surface of a vase unearthed a hundred years ago does not differ from the surface of a vase found last week in any manner that present analytical techniques can determine.

The various allegations revealed in the press reporting of the controversy, summarized above, led the Metropolitan to examine the conflicting evidence concerning the krater's provenance. The museum's efforts, and the facts disclosed by its investigation, are outlined below.<sup>24</sup>

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23. Christie's is the oldest auction gallery in London and one of the most prestigious in the world.

24. The museum published a full report on the controversy, setting forth the facts

The museum's legal title to the Euphronios krater could never seriously have been in doubt, since the krater had been purchased legally in Switzerland, properly exported from Switzerland, and imported into the United States in accordance with applicable laws.<sup>25</sup> Nevertheless, in late February 1973, the Federal Bureau of Investigation, on behalf of Italian police authorities, orally requested the museum to furnish prerestoration and postrestoration photographs and a full size line drawing of the krater showing the original cracks. The museum did provide a set of postrestoration photographs to the Italian Ministry of Foreign Affairs through appropriate diplomatic channels. It should be noted that from such photographs one can discern the original cracks in the krater, since the restoration deliberately did not obscure them. It was felt that a full size line drawing would be superfluous under these circumstances.

The museum declined to furnish prerestoration photographs at that time, on advice of counsel. Museum officials felt that in view of the contradictory reports of Cenere's statements concerning what he remembered seeing,<sup>26</sup> these photographs should properly be disclosed only in a court proceeding and not informally or prematurely.<sup>27</sup>

In May the museum learned that the Italian police had charged seven *tombaroli* with theft aggravated by criminal association. Further,

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as known to the museum at that time. See Metropolitan Museum of Art, *The Euphronios Krater: A Report to the Members of the Corporation*, Mar. 7, 1974.

25. Some articles at the time suggested that the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted on November 14, 1970, might have an effect on the museum's title to the krater. 1 UNESCO, *RECORDS OF THE GENERAL CONFERENCE, 16TH SESSION, PARIS, 12 OCT.-14 NOV. 1970*, at 135. See *Ill-bought Urn*, *TIME*, Mar. 5, 1973, at 52. This suggestion, however, indicates a complete misunderstanding of the legal status and effect of the convention.

On August 11, 1972, the United States Senate adopted a resolution ratifying this UNESCO convention subject to certain reservations and understandings, including an understanding that the "provisions of the Convention [are] to be neither self-executing nor retroactive." S. Res. 374, 92d Cong., 2d Sess., 118 CONG. REC. 27924-25 (1972). It went on to state that "[t]he United States understands Article 13(d) as applying to objects removed from the country of origin after the entry into force of this Convention for the states concerned." *Id.* at 27924. Since the Senate resolution had specified that the convention was not self-executing, the Department of State drafted implementing legislation, which has not been approved as of this writing.

26. See notes 14, 38 *supra*.

27. Gage, *Met Withholds Photos of Vase*, *N.Y. Times*, Mar. 11, 1973, at 59, col.

1. Ironically, the article discloses that the museum had loaned prerestoration photographs of the krater to the *Times* the week before. These photographs showed the contours of the fragments but were returned to the museum before Mr. Gage's interview with Cenere. *Id.*

Mr. Hecht was charged with illegal retention, sale and smuggling. These charges were thereafter turned over to the prosecuting magistrate in Civitavecchia, a city near Cerveteri.<sup>28</sup>

On May 11, 1973, the president of the Metropolitan Museum wrote a letter to the Italian consul general in New York City. In it he officially invited the Italian authorities to come to New York in order to compare the fragments which the Italian police then claimed belonged to the Metropolitan's krater with the vase at the museum.<sup>29</sup> The museum, however, has never received any acknowledgement, beyond the consul general's initial response the same day,<sup>30</sup> stating that he had made a request to the Italian Ministry of Foreign Affairs that the letter be forwarded to the magistrate in charge of the investigation.<sup>31</sup>

The museum's June 1973 *Report on Art Transactions*<sup>32</sup> included a brief section dealing with the events following purchase of the calyx krater. The report reaffirmed the museum's belief in the krater's provenance as disclosed at the time of the purchase and reiterated the museum's formal invitation to the Italian authorities to send an appropriate official delegation to New York.

On August 10 the Italian authorities requested through the United States Attorney for the Eastern District of New York that the museum forward drawings of any missing pieces from the krater, prerestoration photographs of the krater, and a report of the thermoluminescent tests conducted by the Research Laboratory for Archaeology at Oxford University, England.<sup>33</sup> On August 14, the museum responded with a set of prerestoration photographs and the thermoluminescent report. As the krater had no missing pieces, however, the requested drawings could not be produced.

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28. See *Fragments Found in Italy Linked to Museum Vase*, N.Y. Times, May 8, 1973, at 1, col. 6.

29. "Confirming what I said to you on the telephone on Tuesday of this week, The Metropolitan Museum of Art would welcome, and indeed urges, that the Italian authorities send over to this country a delegation, including one of your outstanding experts on archaeology, for the purpose of examining the Calyx Krater by Euphronios at the Museum, and ascertaining whether the vase fragments, which have been reported to have been discovered recently in Italy, bear any relationship to the Museum's Krater." Letter from Mr. Douglas Dillon to Mr. Vieri Traxler, May 11, 1973.

30. Letter from Mr. Vieri Traxler to Mr. Douglas Dillon, May 11, 1973.

31. It is the museum's understanding, based on information from Mr. Hecht's legal counsel in Italy, that the judicial authorities there have applied twice, unsuccessfully, to the Italian Ministry of Justice for funds to enable them to carry out this on-site inspection.

32. See note 11 *supra*.

33. See note 15 *supra*.

On November 20, the Court of Cassation in Rome, Italy's highest court for matters not involving constitutional questions, voided, for lack of evidence, the arrest warrant which had been issued against Mr. Hecht. Although the judicial investigation continued, the museum was never made a party to any legal proceeding involving the krater.

On November 23, Italian authorities appointed two scholars to examine the photographs of the krater supplied by the Metropolitan and the two fragments which the police had taken on March 30,<sup>34</sup> to determine whether those fragments were genuine and belonged to the museum's krater. Their report, filed in December, concluded:

- a) the fragments in the possession of the Court are certainly of an archaeological provenance.
- b) they belong to the period in which the art of Euphronios flourished and to a krater identical in time and style with the one in New York.
- c) with the pre- and post-restoration photographs as a guide, it does not appear that the fragments in question belong to that vase. Obviously a direct examination would lead to an absolute certainty.<sup>35</sup>

In the late spring of 1974, the Italian magistrate rejected this report, apparently because he felt that its form was improper. Two different experts were then appointed. Their report, filed in August 1975, reached substantially the same conclusion as the first report, except that these experts had been given four fragments for examination—"the two examined in the previous report and two others entrusted subsequently to [them] which were of no interest because of the clay mixture and the kind of glaze."<sup>36</sup>

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34. See text accompanying note 17 *supra*.

35. P. Arias & E. Tongiorgi, *Perizia sul cratere a calice a figure rosse firmato dal pittore Euphronios ora a New York, Metropolitan Museum* [Expertise on the Red-figured Calyx Krater Signed by the Painter Euphronios Now in the Metropolitan Museum, New York], Dec. 17, 1973, at 6 (on file at The Metropolitan Museum of Art). This report was prepared by Dr. Paolo Enrico Arias, Professor of Archaeology at the University of Pisa, and Dr. Ezio Tongiorgi, Professor of Nuclear Geology at the University of Pisa.

36. E. Paribeni & L. Cozza, *Relazione dei periti sul cratere a calice firmato da Euphronios ora nel Metropolitan Museum di New York* [Report on the Krater Signed by Euphronios and Presently at the Metropolitan Museum of New York], Aug. 5, 1975 (on file at The Metropolitan Museum of Art) [hereinafter cited as Paribeni & Cozza Report]. The report opens by stating that "[n]o reliable student, of the many who have been approached during the development of the long and clamorous event, has raised any doubt about the authenticity of the krater." *Id.* at 1. Later it states that "[t]he first two sequestered fragments [which had been examined by the first experts] are authentic and come from a stemmed krater practically identical to the Metropolitan Museum's krater . . . . It is . . . to be excluded that they may be part of the Metropoli-

The conclusions of the Italian experts corroborated the available physical evidence. Assuming that some kind of a "find" was indeed made in late 1971 near Cerveteri, it is nevertheless impossible to connect the fragments from that find with the museum's krater. From the initial account of the *tombarolo* Cenere, it was surmised that the fragment he described as "bigger than a man's hand" on which was painted the "figure of a man bleeding" might in actuality be the fragment depicting the dead Sarpedon on the museum's krater.<sup>37</sup> However, as was stressed in the museum's original announcement of the acquisition as well as in early articles describing it, the museum's krater was missing pieces no larger than splinter size. Furthermore, the fragment depicting Sarpedon on the museum's krater includes distinct parts of other figures next to Sarpedon, and the figure of Sarpedon itself is much larger and of a different outline than the one described by Cenere and traced by him over a photograph for Mr. Gage of *The New York Times*.<sup>38</sup> In addition to the physical disparities noted, the museum's efforts to verify the krater's provenance in 1973 produced the following information:<sup>39</sup>

(1) An affidavit, dated February 19, 1973, in which Mr. Sarrafian stated:

This is to confirm that the Attic red figure calyx krater signed by Euphronios and consigned by me for sale to Mr. Robert E. Hecht, Jr. in 1971 formed part of my father's collection and was acquired by him in the winter of 1920 in London in exchange for a collection of gold coins from the Near East.

(2) An affidavit, dated November 29, 1973, in which Mr. Hanna Azzi, a legal administrative clerk in Beirut, Lebanon, stated:

I have known Mr. Dikran Sarrafian, important antique dealer of Beirut, for about 25 years, and am tied to him through friendship and by the fact that I have often been asked by Mr. Sarrafian to take care of certain legal and administrative tasks; I visited him often at his house and in the course of one of my visits about ten years ago Mr. Sarrafian showed me a box containing numerous fragments of a vase of fired clay which he told me was a very precious vase, of Greek origin, signed by a great painter Euphron-

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tan's krater which, in the photographs made prior to its final restoration, does not show any adequate gaps for inserting the said fragments." *Id.* at 5.

37. See note 2 *supra*.

38. In a later interview broadcast on Italian national television in the late spring of 1973, Cenere substantially altered his earlier account of the fragments carried away from the illicit dig in Cerveteri. He told the interviewer that, upon reflection, he could not recall having seen a fragment with a figure painted on it and that all he remembered seeing was part of a handle and the bottom of a vase.

39. This information is on file at the office of the Secretary and Counsel at The Metropolitan Museum of Art in New York City.

ios, and that he intended to go to Europe to have the precious vase restored and have an estimate made of its value; I learned later from Mr. Sarrafian that he had taken the vase to Switzerland.

(3) An affidavit based on a letter of July 21, 1973, in which Mrs. Muriel Newman, a Chicago resident, stated to Mr. Sarrafian:

After having read and reread most of the publicity on the Euphronios calyx krater which the Metropolitan Museum in New York purchased, I feel it is my responsibility to tell you that I recall your showing me, when my husband and I were in your apartment in 1964, a large box containing, as you stated then, the shards of a Euphronios krater which, as you said, your father purchased in 1920.

If a bit of remembered information can be of any use to you now you may make use of it. I know you to be a man of integrity and hope that your good reputation is intact and will remain so.

(4) An affidavit, dated October 18, 1973, in which Mr. Philippe Dargham, former secretary-general of the Beirut bar association, stated that Mr. Sarrafian had sought his opinion in March 1966, on the legality of exporting from Lebanon "an ancient vase of high value, signed by a great Greek painter, Euphronios, [which] came to him as an inheritance from his father who died in 1926 . . . ."

(5) An affidavit in which Mr. Hecht recounted his relationship with Mr. Sarrafian, dating from 1952, in the course of which they became close friends and concluded a number of transactions for ancient coins and art objects. Mr. Hecht then described the events leading up to the purchase of the Euphronios krater by the Metropolitan in the following words:

Dikran first mentioned the Euphronios krater to me during the mid-Sixties. He told me that he had inherited it from his father in 1926 and that his father had purchased it in London. Later I learned that this had been in 1920. He asked me specifically if such a vase, signed by Euphronios as painter, could be sold at a high price. I replied that if reasonably complete, well-preserved and with interesting subject, it could be sold at a record price since nothing comparable had been offered for over a hundred years.

I anxiously asked if he wanted to sell it and he replied that when he was ready to dispose of it he would let me know and consign it to me. At a later date, he wrote that he was ready to sell it and would give it to me on consignment at ten percent. After telephone discussions we fixed a date for his agent to deliver it to me at the Savoy Hotel, Zurich, in early August, 1971. [After receipt of the fragments in early August, Hecht took them to the Swiss restorer, Fritz Bürki.<sup>40</sup>] At Bürki's, I opened the package and saw

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40. Mr. Bürki is a skilled restorer of ancient ceramics who lives and works in Zurich. He has restored antiquities for many major museums in Europe and America

the pot for the first time. We laid out the fragments and saw that it was virtually complete and that the subject was the transport of Sarpedon by Hypnos and Thanatos. I then asked Bürki how soon he could clean and recompose the vase. He replied that he was very busy and would need some time.

After my daughter's wedding (20 August 1971) . . . I returned to Zurich and one day took the principal fragments to the photographer Dieter Widmer, in Basel, to have them photographed so I could study the vase. He (Widmer) skillfully joined the fragments temporarily with adhesive tape. The same day I took the fragments back to Bürki.

In early September 1971, when my wife was in Connecticut . . . she telephoned Dr. Dietrich von Bothmer, of The Metropolitan Museum of Art, telling him to be prepared for an offer of something very important and beautiful. Later, in February 1972, I wrote mentioning the krater to Dr. von Bothmer. The krater was recomposed and photographed by the time I went to New York in May-June 1972. I showed the photographs to the Museum people and the negotiations began.

(6) An affidavit, dated November 22, 1973, in which Mr. Bürki stated:

Mr. Hecht, accompanied by a Lebanese, brought me at the beginning of August, 1971, an Attic red-figured calyx krater signed by Euphronios and Euxitheos, consisting of many pieces poorly put together. Mr. Hecht declared that the vase was the property of Mr. Dikran Sarrafian.

(7) A copy of a receipted bill for 1,170 Swiss francs from the art photography firm of D. Widmer of Basel, Switzerland, for photographing the "Euphronios calyx krater in an unrestored state" between September 1 and September 20, 1971. The acknowledgement of payment is dated October 25, 1971.

(8) A copy of the receipt of payment dated October 19, 1972, which was given to Mr. Hecht by Mr. Sarrafian, five weeks after the krater was purchased from Mr. Hecht by the Metropolitan.<sup>41</sup>

As can be seen from the evidence, the sequence of events postulated by the Italian police was completely at variance with the sequence of events established by the museum's inquiry. Everything in the police's

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and is well-known to the Metropolitan. It was at this studio in June 1972, that museum officials first saw the Euphronios krater.

41. A number of press reports have stated that Mr. Hecht kept the major share of the purchase price and gave only a small amount to Mr. Sarrafian. These reports have led to considerable skepticism regarding the transaction between the two men. In fact, the receipt shows that Mr. Hecht paid Mr. Sarrafian 3,411,000 Swiss francs (approximately \$909,000 at then current exchange rates) and retained only a conventional agent's fee.



case against Mr. Hecht seemed to stem from his alleged connection with an illicit excavation which may have taken place in November or December of 1971. The museum's evidence, however, established among other things that Mr. Sarrafian had shown the fragments of his krater to Mrs. Newman in 1964, that Mr. Bürki had received the fragments for restoration in August, 1971, and that the prerestoration photographs were made in September of that year. These facts alone rule out the possibility that the museum's Euphronios krater could have been the one found in November or December 1971 in the illicit dig in Cerveteri.<sup>42</sup>

The history of the Euphronios krater should no longer seriously be challenged. The facts which have surfaced in the course of the controversy have laid to rest any reasonable questions about the lawfulness of the means by which the museum acquired the vase. Nevertheless, it may be useful to reexamine the events and facts reported at the time in order to understand better what probably transpired before and during the krater controversy. As will be seen, it is very possible to reach a conclusion different from the one initially reached by the Italian police.

An illicit excavation apparently did take place in the late fall of 1971 near Cerveteri, and some kind of a "find" may have been made by a group of illicit diggers. Nevertheless, both experts' reports conclude that the fragments examined seem to be from a Euphronios krater other than the one belonging to the Metropolitan.<sup>43</sup> Therefore, as the second experts' report suggests,<sup>44</sup> it would seem logical to examine all known calyx kraters by Euphronios that share the type of floral decoration evident on these fragments. Repeated requests since 1973 by the Metropolitan and others to photograph or view the two fragments handed to the police on March 30 and examined by the Italian experts,

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42. The Metropolitan Museum has not been asked to supply the Italian judicial officials with any of the affidavits or documentation summarized above.

43. See text accompanying notes 35-36 *supra*.

44. The report stated: "In view of the limited number of calyx kraters with vertical palm fronds on the rim, is it possible to identify the vase to which the sequestered fragments belong with one of those known?"

"Confining ourselves to presently known stemmed kraters ascribed to Euphronios, the only ones to be taken into consideration are the two kraters G.33 and G.110 of the Louvre, many pieces of which are missing. The two sequestered fragments include a piece of the lip and a small piece of the brim with ascendant palm leaves. The fragmentary krater recently acquired by the Munich Museum should be excluded as the upper rim is complete. In theory, the very small fragment of krater from Milan, of which only a piece of wall remains, could be considered. It is not to be excluded, however, that it may be from another krater by Euphronios at present unknown." Paribeni & Cozza Report, *supra* note 35, at 7-8.

the fifteen fragments turned in on 7th of May and the fragments seized by the police on the 5th of March, all of which were attributed to Euphronios at the time, have been denied.<sup>45</sup> Until all the fragments are officially examined and the results of examination published, however, it will be difficult to eliminate public speculation that one or more of the pieces could conceivably belong to the Metropolitan's krater. It is also, of course, impossible under the present circumstances for the scholarly world to identify other known fragmentary vases to which these pieces may indeed belong.

It is significant to note that extensive excavations were carried out in Cerveteri in the mid-19th century under the direction of the Marchese Campana.<sup>46</sup> The Louvre has approximately ten thousand Greek vases and thousands of pottery fragments acquired by Napoleon III from the vast collection Campana assembled. Hundreds of other fragments from this collection were distributed among thirty small museums in France. Still other parts of the collection were sold or given to museums throughout Europe.

Since Campana kept no records of the tombs his excavators opened, it is virtually impossible today to identify the precise location of his many digs. It is quite possible and even plausible, however, that in their haste to empty Etruscan tombs, his excavators did not carefully sift the earth removed so that the mounds of debris left behind still contain many original fragments. It is a common fact that every time a farmer plows his land in and around Cerveteri, he may find fragments of ancient pottery. Thus it is not at all unlikely that stray fragments now found in Cerveteri fit vases or fragments from the Campana collections in the Louvre, the Hermitage, the Cinquantenaire in Brussels, the Villa Giulia in Rome, the Museo Archeologico in Florence, or any of the scores of small provincial museums in France and university collections in Germany and elsewhere.<sup>47</sup>

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45. See text accompanying notes 16-18, 21 *supra*.

46. Marchese Campana, an Italian nobleman who died in 1880, acquired an extensive collection of Etruscan, Roman and Greek art between 1832 and 1857. His collection of vases was especially fine and extremely large and was housed, along with the other objects in his private museum, in Rome.

47. Although isolated fragments found in earlier digs often went their separate ways, fragments found more recently in Cerveteri and openly sold on the flea market in Rome have turned out quite often to have come from vases from the Cerveteri area unearthed decades or even more than a century ago. Careful scholarship in the last fifty years has repeatedly enabled experts to reunite dispersed fragments of the same vase. Since Dr. von Bothmer first began in 1947 to study vases and fragments in the Louvre, for example, he has made or verified many such joins, involving private collections from California to Leningrad.

### Conclusion

Questions of provenance are often difficult. Frequently the age of an object itself adds to the problem, as do undocumented changes in private ownership, made without scholarly annotations. It is simply not possible to prove by documents or eyewitness accounts that Abraham Sarrafian acquired the krater's fragments in 1920 as described and bequeathed them to his son, Dikran,<sup>48</sup> but there is no credible evidence to the contrary. Ample evidence does exist that the krater purchased by the museum was known well before 1971. Furthermore, the four fragments examined by Italian experts, once claimed to be conclusive evidence linking the museum's krater to the illegal excavation in 1971, have no connection with the museum's krater.

The museum has made a strong *prima facie* case in support of the krater's legitimate provenance. Almost every fact that has emerged since the controversy began supports the belief that the vase's provenance came under suspicion merely by coincidence. Despite contrary gossip, press speculation, and varying recollections of an itinerant *tombarolo*, the conclusion seems warranted that the museum's role in the acquisition of the krater was entirely proper and that the attack upon its provenance was unfounded. It also seems clear that the Italian authorities will finally have to decide, based on the two experts' reports and other information they have, whether to continue their investigation or to conclude it and drop the charges against Mr. Hecht. While one can only speculate about what actually took place in Cerveteri in November and December 1971 and to what discovery Cenere alluded, it is certainly conceivable that fragments of a calyx krater, perhaps by Euphronios, were discovered. Moreover, since illicit tomb robbers in that area have become quite expert in attributing Attic vases on stylistic grounds to the chief vase-painters recognized by scholars, it is also conceivable that they immediately attributed such a find to Euphronios. If they did so, it might well be that the Metropolitan's acquisition of a stylistically similar krater by Euphronios the following year led certain *tombaroli* in Cerveteri to believe that the fragments illicitly excavated in 1971 were part of the krater in New York. This conclusion might then have caused them to ignore other possibilities and perhaps led the police and public to do likewise.

Cenere's initial recollection of a fragment showing a male figure bleeding may actually be a description of one of the fifteen fragments

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48. Dikran Sarrafian died on December 4, 1974.

now sequestered in the Villa Giulia or one of the group seized on March 5, 1973.<sup>49</sup> It may also turn out to describe one of the figures missing from the fragmentary Louvre kraters G.33 and G.110<sup>50</sup> or a fragment which fits with other known fragments elsewhere.

It is hoped that eventually the Italian authorities will allow all the fragments which came into their possession in the spring of 1973 to be examined by unbiased outside experts, whether or not these authorities believe these fragments to have been unearthed in the late 1971 excavation. Only then will it be known whether these pieces are merely unimportant byproducts of the Metropolitan's krater controversy or previously unknown fragments which can complete another great Greek vase of the classical world.

It is further hoped that some of the issues raised in connection with the krater controversy will have a positive effect on museums and private collectors everywhere as well as on those nations which, because of their abundance of archaeological sites, share the custodial responsibility for man's creative history. Some countries remain indifferent to the preservation of their cultural patrimony or that of other nations; others, however, have shown a growing interest in exercising appropriate and realistic controls. Only through a concerted effort on the part of all who share the mission and the burden will real progress begin to be achieved.

It is now apparent that many museums and private collectors are changing their attitudes about how and what they should properly collect. The major art museums, in conjunction with universities, should play a crucial role whenever possible. This type of involvement can be achieved by participating in archaeological expeditions, as the Metropolitan has done in Egypt and the Middle East since the early 1900's; by exercising judicious care in acquiring through purchase, gift, or bequest objects which are part of another nation's cultural patrimony; by exposing the general public to other cultures through arranging special loan exhibitions as well as exchanging excess works of art when feasible on a long-term basis, with foreign museums; and by supporting and encouraging in the continuous process of study, publication, and exhibition of their permanent collections.

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49. See text accompanying note 21 *supra*.

50. See note 44 *supra*.

