

THE WALTERS ART MUSEUM  
ACCESSIONS/ACQUISITIONS POLICY  
11 October 2006

**1. PREAMBLE**

1.1 This policy statement defines the process of decisionmaking and the procedures to be followed for the accession/acquisition of works of art, whether they are acquired by purchase, gift, or bequest, for the collection of the Walters Art Museum.<sup>1</sup> This policy should be read in conjunction with the *Walters Art Museum Deaccession Policy* and *Incoming Loan Policy*.

1.2 The collection is central to the mission of the Museum, and, for this reason, its integrity and development is a fundamental responsibility of the Museum's Trustees and staff.

The Walters Act of Incorporation (Laws of Maryland, Chapter 217 [signed into law, 1933]) stipulates in section 4 that the **"Board [of Trustees] shall, generally, have all powers with respect to the affairs of said corporation which are conferred by the Public General Laws of Maryland upon the directors or managing bodies of Maryland corporations. And the power of the corporation shall include the power to acquire, hold, manage, sell, exchange, encumber or otherwise dispose of any property, real, personal or mixed; and to accept any grant, gifts, devises or bequests made to said Corporation, absolutely, or in trust, for any of the purposes of said Corporation, or for any purposes germane thereto, and to execute such trusts."**

The power to acquire works of art ultimately rests in the hands of the Museum's Trustees. Since the incorporation of the Museum as the Walters Art Gallery in 1933, the Trustees have delegated recommendation authority for acquisitions to the professional staff, while maintaining final approval authority themselves.

1.3 This policy is guided by:

- The UNESCO Convention on the Means of Prohibiting and Preserving the Illicit Import, Export and Transfer of Ownership of Cultural Property of 1970 (accepted by the United States in 1983)
- The Association of Art Museum Directors (AAMD), "Report of the AAMD Task Force on the Spoliation of Art during the Nazi/World War II Era (1933-1945)," 1998
- The American Association of Museums (AAM), "Code of Ethics for Museums," 2000
- The American Association of Museums (AAM), "Guidelines Concerning the Unlawful Appropriation of Objects During the Nazi Era," 2001
- The Association of Art Museum Directors (AAMD), "Report of the AAMD Task Force on the Acquisition of Archaeological Materials and Ancient Art," 2004

- 1.4 This policy supersedes the previous accessions/acquisitions policy approved by the Board of Trustees in 1996 and the revised version approved in 1998.

## 2. PURPOSE

- 2.1 The Walters Art Museum is internationally renowned for its collection, which was amassed substantially by William Walters (1819–1894) and Henry Walters (1848–1931). It preserves and develops for the public trust a distinguished collection of world art from antiquity to the 20th century.
- 2.2 The Walters Art Museum seeks to strengthen its permanent art collection through the acquisition by gift, bequest, or purchase in the following fields: Ancient art, Medieval art, Manuscripts and Rare Books, Renaissance and Baroque art, 18th–, 19th- and early 20th-century art, Islamic art, Asian art, and art of the Ancient Americas; these were the fields represented in the collections of Henry Walters and his father, William. Collecting in areas outside these disciplines must be considered in light of the Museum's mission for its collections overall.

## 3. PRINCIPLES

- 3.1 The acquisition of cultural property of foreign countries is to be guided by the policies of the 1970 UNESCO Convention, the “Guidelines Concerning the Unlawful Appropriation of Objects During the Nazi Era, 2001,” and the “Report of the AAMD Task Force on the Acquisition of Archaeological Materials and Ancient Art,” 2004.
- 3.2 All items must have free and clear title.
- 3.3 Gifts of works of art are accepted on an unrestricted basis, unless previously agreed upon in writing. Gifts will not be accepted that are offered subject to conditions that are regarded as unreasonable or unduly onerous. (An **unrestricted gift** is a gift made to the Museum of a work or works of art by a donor with no intention to govern the terms or conditions under which the work(s) is used or displayed at the Walters. In theory, all gifts are acquired by the Walters as unrestricted. A **restricted gift** is a gift made to the Museum of a work or works of art by a donor with the intention of governing the terms and conditions under which it is used or displayed at the Walters.)
- 3.4 The Walters makes a formal distinction between an *accession* and an *acquisition*. To be a candidate for *accession* into the permanent collection, a work of art must be of outstanding artistic quality and/or art historical significance, and must enhance the Museum's collection. (“Accessioning is the formal process used to accept and record an item as a collection object.... The word ‘collection’ implies permanence; so should the word ‘accession.’ Accessioning is a thoughtful process by which only appropriate material is added to a collection.”<sup>2</sup>)
- 3.5 The value or potential value of work of art to one or several of the Museum's audiences must be taken into consideration.
- 3.6 The physical condition and appropriateness for exhibition of a work of art must be taken

into consideration.

- 3.7 The ability of the Museum to properly store and care for a work of art should be taken into consideration.
- 3.8 For accessions made by purchase, the Museum should establish that the purchase price for a work of art compares favorably with current market values for comparable objects.
- 3.9 Certain works of art deemed inappropriate for accession into the permanent collection may be accepted as gifts for study purposes, as incidental decoration for public or office spaces, or as non-accessioned unrestricted gifts that may be sold. These works are not formally accessioned, but the Registrar's Department tracks their status as non-accessioned acquisitions. (An acquisition is property accepted by the Museum with "no requisite intent to retain."<sup>3</sup> Such property might include works acquired for study purposes, works to be sold at some future date, or works to be used as incidental decoration for public and office spaces.)
- 3.10 The collections of the Walters Art Museum may be refined periodically through careful deaccessioning, a process governed by a separate policy. Funds derived from the disposal of accessioned works of art must be used to purchase other works of art of the highest possible quality and to maintain the high collecting standards the Walters has established for itself over its history. Proceeds should be used to purchase works of art within the same collection area as deaccessioned items (collection areas are listed in section 2.2 above).

#### **4. ETHICS AND GUIDELINES**

##### **Antiquities and Ancient Art**

- 4.1 The Museum is committed to the ethical and responsible acquisition of works of art. The Museum's goal is to preserve, display, and interpret our shared cultural heritage in the interests of the public.<sup>4</sup> AAMD Task Force 2004 (Statement of Principles, (I.A))
- 4.2 The item to be acquired must have free and clear title. The Museum will require sellers, donors, and their representatives to provide all available information and documentation, as well as appropriate warranties regarding the origins and provenance of a work of art offered for acquisition.<sup>5</sup> AAMD Task Force 2004 (Guidelines, II.A.3)
- 4.3 The acquisition of cultural property of foreign countries is to be guided by the policies of the 1970 UNESCO Convention and the Report of the AAMD Task Force on the Acquisition of Archaeological Materials and Ancient Art, 2004. The Walters will not accept or purchase an item known to have been "stolen from a museum, or a religious, or secular public monument or similar institution" (Article 7b of the Convention)... or known to have been part of an official archaeological excavation and removed in contravention of the laws of the country of origin.<sup>6</sup> AAMD Task Force 2004 (Guidelines, II.D)
- 4.4 The Museum will comply with all applicable local, state, and federal U.S. laws, most notably those governing ownership and title, import, and other issues critical to acquisition decisions. The law relevant to the acquisition of archaeological materials and ancient art

has become increasingly complex and continues to evolve. Since the status of a work of art under foreign law may bear on its legal status under U.S. law, it is important to be familiar with relevant U.S. and foreign laws before making an acquisition.<sup>7</sup> AAMD Task Force 2004 (Guidelines, II.C.1)

- 4.5.1 The Museum will only acquire works of art that have been rigorously researched.<sup>8</sup> Such research will include, but will not necessarily be limited to, determining:
- the ownership history of the work of art;
  - the countries in which the work of art has been located and when;
  - the exhibition history of the work of art, if any;
  - the publication history of the work of art, if any;
  - whether any claims of ownership of the work of art have been made;
  - whether the work of art appears in relevant databases of stolen works; and
  - the circumstances under which the work of art is being offered to the Museum<sup>9</sup>; and
  - documentation that shows that the work of art was exported from its country of origin before 1970.
- 4.5.2 The Museum will make a concerted effort to obtain accurate written documentation with respect to the history of the work of art, including import and export documents from all parties involved in the transaction. The Museum should always obtain the requisite import documentation when the work of art is being imported into the United States in connection with its acquisition by the Museum, AAMD Task Force 2004 (Guidelines, II.A.2).
- 4.5.3 Should any of the research cited above demonstrate that the work of art is known to have been “stolen from a museum, or a religious, or secular public monument or similar institution” (Article 7b of the Convention), or from an individual or family collection, or “known to have been part of an official archaeological excavation” or other repositories either within or without the United States “and removed in contravention of the laws of the country of origin.” AAMD Task Force 2004 (Guidelines, II.D) (as per 4.3), the Walters Art Museum will not acquire the object.
- 4.5.4 However, even after rigorous research, it may not be possible to obtain sufficient information on the recent history of a proposed acquisition or to determine securely whether the acquisition would comply with applicable law and the aforementioned Ethics and Guidelines. In such cases, the Museum must use its professional judgment in determining whether to proceed with an acquisition, in accordance with the Principles outlined above, recognizing that the work of art, the culture it represents, scholarship, and the public may be served best through the acquisition of the work of art by the Museum, which is dedicated to the conservation, exhibition, study, and interpretation of works of art. Such antiquities should be recommended for acquisition for the following reasons:
- The work of art is in danger of destruction or deterioration.
  - The acquisition would make the work of art publicly accessible, providing a singular and material contribution to knowledge, as well as facilitating the reconstruction of its provenance, thereby allowing possible claimants to come forward.
  - The work of art has been outside its probable country or countries of origin for a sufficiently long time (at least 10 years) and its acquisition would not provide a direct, material incentive to looting or illegal excavation.<sup>10</sup> AAMD Task Force 2004 (Guidelines, II.E)

- 4.5.5 Sellers, donors, and their representatives must provide all available information and documentation, as well as appropriate warranties regarding the origins and provenance of a work of art offered for acquisition. AAMD Task Force 2004 (Guidelines II.A.3)
- 4.5.6 Once an acquisition has been accessioned, the Museum shall publish promptly, in print or electronic form, an image (or representative images in the case of large groups of objects) and relevant provenance information, which will thus be readily available to an international audience. AAMD Task Force 2004 (Guidelines, II.B.)
- 4.5.7 If the Museum gains information that establishes another party's claim to a work of art acquired, even though this claim may not be enforceable under U.S. law, the Museum shall seek an equitable resolution with the other party. Possible options that shall be considered include: transfer or sale of the work of art to the claimant; payment to the claimant; loan or exchange of the work of art; or retention of the work of art. AAMD Task Force 2004 (Guidelines, II.F)

Competing claims of ownership that may be asserted in connection with objects in the Museum's custody shall be handled openly, seriously, responsively, and with respect for the dignity of all parties involved. Where unethical collecting practices are alleged, verification of the facts is necessary before a judgment or condemnation is appropriate.<sup>11</sup> Draft Statement, The American Association of Museums & Cultural Property, "Code of Ethics," (April, 2006)

### **Nazi-era Provenance**

- 4.6.1 The ethics and guidelines outlined above are equally applicable to objects with **Nazi-era provenance**.<sup>12</sup> However, the principles guiding the acquisition of objects falling into this category are here treated separately in order to ensure that the Walters shall take all reasonable steps to resolve the Nazi-era provenance status of objects before acquiring them into its collection whether by gift, bequest, purchase, or exchange. The American Association of Museums (AAM), "Guidelines Concerning the Unlawful Appropriation of Objects During the Nazi Era," 2001
- 4.6.2 Standard research on objects being considered should include a request that the sellers, donors, or estate executors offering an object provide as much provenance information as they have available, with particular regard to the Nazi era. AAM, "Guidelines... Unlawful Appropriation of Objects... Nazi Era," 2001, I.a
- 4.6.3 Where the Nazi-era provenance of a proposed acquisition is incomplete or uncertain, the Museum shall consider what additional research would be prudent or necessary to resolve the Nazi-era provenance status of the object before acquiring it. Such research shall involve consulting appropriate sources of information, including available records and outside databases that track information concerning unlawfully appropriated objects. AAM, "Guidelines... Unlawful Appropriation of Objects... Nazi Era," 2001, I.b
- 4.6.4 In the absence of evidence of unlawful appropriation without subsequent restitution, the Museum may proceed with the acquisition. Currently available object and provenance

information about any covered object shall be made public as soon as practicable after the acquisition. AAM, "Guidelines... Unlawful Appropriation of Objects... Nazi Era," 2001, I.c

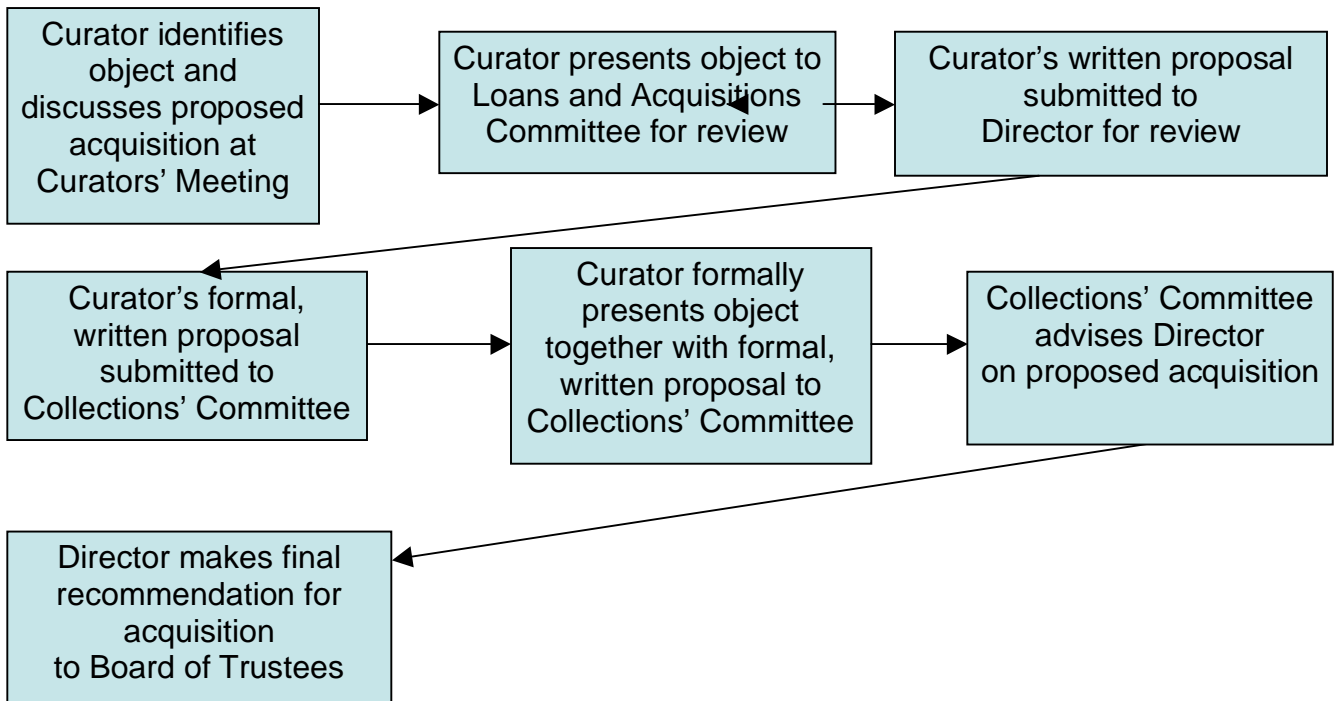
- 4.6.5 If credible evidence of unlawful appropriation without subsequent restitution is discovered, the Museum shall notify the donor, estate executor, or seller of the nature of the evidence and shall not proceed with acquisition of the object until taking further action to resolve these issues. Depending on the circumstances of the particular case, prudent or necessary actions may include consulting with qualified legal counsel and notifying other interested parties of the Museum's findings. AAM, "Guidelines... Unlawful Appropriation of Objects... Nazi Era," 2001, I.d
- 4.6.6 It is acknowledged by the AAM that under certain circumstances acquisition of objects with uncertain provenance may reveal further information about the object and may facilitate the possible resolution of its status. In such circumstances, the Museum may choose to proceed with the acquisition after determining that it would be lawful, appropriate, and prudent and provided that currently available object and provenance information is made public as soon as practicable after the acquisition. AAM, "Guidelines... Unlawful Appropriation of Objects... Nazi Era," 2001, I.e
- 4.6.7 The Museum shall document its research into the Nazi-era provenance of acquisitions. AAM, "Guidelines... Unlawful Appropriation of Objects... Nazi Era," 2001, I.f
- 4.6.8 Consistent with current practices in the museum field, the Museum shall publish, display, or otherwise make accessible recent gifts, bequests, and purchases, thereby making all acquisitions available for further research, examination, and public review and accountability. AAM, "Guidelines... Unlawful Appropriation of Objects... Nazi Era 2001," I.g
- 4.6.9 The Museum shall address claims of ownership asserted in connection with objects in its custody openly, seriously, responsively, and with respect for the dignities of all parties involved. Each claim shall be considered on its own merits. AAM, "Guidelines... Unlawful Appropriation of Objects... Nazi Era," 2001, 4
- 4.6.10 The Museum shall review promptly and thoroughly a claim that an object in its collection was unlawfully appropriated during the Nazi era without subsequent restitution. AAM, "Guidelines... Unlawful Appropriation of Objects... Nazi Era," 2001, 4.a
- 4.6.11 In addition to conducting its own research, the Museum should request evidence of ownership from the claimant in order to assist in determining the provenance of the objects. AAM, "Guidelines... Unlawful Appropriation of Objects... Nazi Era," 2001, 4.b
- 4.6.12 If the Museum determines that an object in its collection was unlawfully appropriated during the Nazi era without subsequent restitution, the Museum shall seek to resolve the matter with the claimant in an equitable, appropriate, and mutually agreeable manner. AAM, "Guidelines... Unlawful Appropriation of Objects... Nazi Era," 2001, 4.c
- 4.6.13 When appropriate and reasonably practical, the Museum shall seek methods other than litigation (such as mediation) to resolve claims that an object was unlawfully appropriated during the Nazi era without subsequent restitution. AAM, "Guidelines... Unlawful

## 5. PROCEDURES AND RESPONSIBILITIES

- 5.1 Works brought in on gift, purchase, or bequest consideration shall be recorded as pre-accessions by the Registrar's Department and assigned an incoming temporary loan (TL) number. A Custody Receipt shall be sent to the owner acknowledging receipt and indicating insurance responsibility.
- 5.2 All works considered for acquisition, whether by donation or purchase, must be reviewed by, in sequence:
- The curators, preferably within the context of regular Curators' Meetings;
  - the Loans and Acquisitions Committee, comprising the Co-Directors (or Director) of the Curatorial Division, Curators, the Chief Registrar, the Associate Registrar for Loans and Exhibitions, and the Director of Conservation and Technical Research, or an appointed representative of the Conservation Division;
  - the Director; and the Collections' Committee of the Board of Trustees. The Collections' Committee is staffed by the Co-Directors (or Director) of the Curatorial Division and is made up of Trustees and the Director. The Collections' Committee advises the Director on art acquisitions, gifts, and collections deaccessioning in order to enhance and refine strategies for growing and culling the museum's permanent collection.

The Director makes final recommendations for acquisition to the Board of Trustees.

For added clarity, this sequence is summarized in chart form below:



- 5.2.1 In the event that consensus is not reached by the Loans and Acquisitions Committee when forwarding a recommendation, the opposing, written recommendations will be forwarded to the Director for review before the objects are advanced to the Collections' Committee. If objects with opposing recommendations are advanced to the Collections' Committee, the opposing, written recommendations will be included in the report to the Collections' Committee. In the event that the Director recommends the acquisition of works of art with opposing recommendations to the Trustees, the opposing views will be noted in the Director's report to the Trustees.
- 5.3 The Registrar's Department shall prepare the list of acquisitions that will be included in the Board of Trustees' periodic meeting agendas. Each acquisition listing will indicate that the curator in charge of that acquisition, the Conservation Division, and the Director, with the advice of the Collections' Committee, support the recommendation.

Purchases shall be paid for by two specific accession funds.

1) The Walters Art Museum's Accessions Fund, comprising contributions and income earned on fund assets, is allocated among the various curatorial areas. Each curator has a discretionary limit, currently set at \$10,000 (2006). The Department Head interested in acquiring a particular object, the Co-Directors (or Director) of the Curatorial Division, and the Director must approve the expenditure of this discretionary amount. All discretionary purchases shall be reported to the Board but do not require Board approval. The Board must approve any purchase amount over the discretionary level.

2) The W. A. Jones Foundation Acquisition Fund, deriving from annual allocations from the W. A. Jones Foundation Endowment and income earned on the endowment's assets, is not allocated among curatorial areas, but exists to fund a purchase opportunity in any area. Each year the amount of growth in value of the principal shall be determined, and the Director and a designated representative of the W. A. Jones Foundation shall decide what, if any, transfer to the W. A. Jones Foundation Acquisition Fund should take place.

The approval process for purchases from the Walters Art Museum Accessions Fund and the W. A. Jones Foundation Acquisition Fund is as follows: The curator recommends a purchase-at a Curators' Meeting. This provides an opportunity for a thorough discussion of the criteria for accession (or acquisition). The responsible curator will also meet informally with the registrars and relevant conservators to discuss all related issues such as necessary conservation treatment, storage, and/or display requirements, and associated costs of maintaining the object. The proposed accession or acquisition will be presented and discussed at the Loans and Acquisitions Committee. Upon approval, the Co-Directors (or Director) of the Curatorial Division forward the written purchase recommendation for review and discussion to the Director, who then authorizes the recommendation to the Collections' Committee of the Board of Trustees, which advises the Director. The curator creates a formal, written acquisition proposal for consideration by the Director and the Collections' Committee, and must present the object together with the formal, written acquisition proposal in the Collections' Committee meeting. Information that satisfies the following criteria should be presented to the Director and the Collections' Committee:

**Written accession proposals for works of art must address:**

The quality and significance of the object in its category, and its place in art history,  
The role of the object in the collection,  
The appropriateness of the object for exhibition,  
The physical condition of the object,  
If it is a purchase, the price of the object and prices paid for comparable objects in the market place,  
Review of provenance to insure that no laws have been violated and that the Walters' Accessions/Acquisitions Policy has been upheld (see research required in sections 4.5.1 and 4.5.2),  
The Museum's ability to store and care for the object, and  
Other costs associated with the purchase (treatment, shipping, fees, etc.)

**The criteria for non-accessioned acquisitions must take into consideration the importance of the object for the Museum for the following purposes:**

Studies in the Curatorial or Conservation divisions for the benefit of the collection, (comparison, training, etc.) or special research projects,  
Part of the display in the galleries or educational programming,  
Purposes of future collection-building,  
Bequests or gifts given with the intent to be sold,  
The object's physical condition,  
If it is a purchase, the price of the object,  
Review of provenance to insure that no laws have been violated and that the Museum's Accessions/Acquisitions Policy has been upheld (see research required in sections 4.5.1 and 4.5.2),  
The ability to store and care for the object, and  
Other associated costs (treatment, shipping, fees, etc.)

**The Form of the Proposal**

For purchases over \$500,000:

A formal, written proposal that specifically addresses all criteria (see above), and photographic documentation, including comparative objects; a written statement of a second, experienced scholar; a conservation report.

For purchases over \$10,000 (2006) and under \$500,000 and for all accessioned donations:

A formal, written proposal that specifically addresses all criteria (see above), and photographic documentation, including comparative objects; a conservation statement.

For curators' contingency purchases under \$10,000 (2006):

A short, written statement that specifically addresses all criteria (see above), and photographic documentation, including comparative objects.

Non-accessioned acquisitions:

A short, written statement that specifically addresses all criteria for an acquisition (see above), and photographic documentation of the object.

Upon the Director's approval (based on the formal, written proposal and presentation of the curator and on the advice of the Collections' Committee), the recommendation is forwarded to the Museum's Board of Trustees except in the case of the W. A. Jones Foundation Acquisition Fund purchases, in which case the Director notifies the designated representative of the W. A. Jones Foundation and forwards the recommendation to the Board.

- 5.4 A list of recommended gifts, partial gifts, purchases, transfers, or exchanges is presented to the Board of Trustees for final approval as part of its meeting agenda. Requests to bid at auction are also submitted to the Board for authorization; if time constraints are an issue, the Chair of the Collections' Committee of the Trustees and the Director are authorized to approve the bid (this fast-track procedure will be used in exceptional circumstances and in close collaboration with the relevant curator, Co-Directors (or Director) of the Curatorial Division, the Director, and the Collections' Committee Chair). Works purchased with discretionary funds are reported to the Board.

Year-end gifts are accepted provisionally by the Director and must be presented to the Collections' Committee in January of the following year. The Board's Committee on the Museum has the power to accept year-end gifts recommended by the Director (based on the formal, written proposal and presentation of the curator and on the advice of the Collections' Committee).<sup>13</sup> Year-end gifts accepted into the collection are reported to the Board on the agenda of the first meeting following the January Collections' Committee meeting.

Works to be acquired (for study purposes, to be sold, or for incidental decoration) but not accessioned, are submitted to the Board for approval as non-accessioned acquisitions.

- 5.5 Each donor shall be notified in writing of the acceptance of his gift by the Director's office. A Deed of Gift signed by the Director shall be sent with the acceptance letter for the donor's countersignature. The Deed must clearly indicate the unrestricted status of the gift and transfer the title to the artwork to the Walters. A Provenance Questionnaire must accompany the Director's letter and Deed of Gift. The appropriate curator shall initiate the return of item(s) brought in for gift or bequest consideration not accepted into the collection.
- 5.6 For purchases, the Co-Directors (or Director) of the Curatorial Division shall forward the invoice to the Finance Department for payment. The appropriate curator shall contact vendors of purchases not to be acquired and the Registrar's Department shall return the item(s) to the vendor.
- 5.7 The Registrar's Department has authority to complete and sign Part IV, Donee Acknowledgment of the IRS 8283 form for gifts, acknowledging the date of receipt of the donation property, institution name, and address as well as the employer identification number. In keeping with IRS regulations, the Museum's staff may not provide appraisals of donated property. Any valuations recorded on incoming receipts or in Museum files are used for the Museum's internal insurance purposes only. Donors are responsible for obtaining independent appraisals for tax purposes.
- 5.8 The Registrar's Department handles the documentation of accessions and acquisitions and

maintains appropriate paper and electronic files. Accessions are given a formal accession number according to the numeric system established by the Museum's first registrar, Winifred Kennedy. Acquisitions (for study purposes, for sale, or for incidental decoration) are maintained under a separate numbering system of non-accessioned objects; their upgraded status to non-accessioned gift is recorded.

- 5.9 The Registrar's Department will keep on file all written documentation with respect to the history of the work of art, including import and export documentation. Import documentation should include the airway bill, Customs Form 3461, Customs Summary Form 7501, and the pro forma invoice.
- 5.10 Works originally accepted as acquisitions must be proposed to the Board of Trustees a second time should a curator later decide to recommend this accession.
- 5.11 The minutes of the Board of Trustees and the Walters' Annual Report are the formal records of all gifts, purchases, and bequests.

## **6 REVIEW**

This policy shall be reviewed periodically, at least once every five years, and sooner, if necessary, in response to revisions in professional association guidelines, as listed in item 1.3, above.

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<sup>1</sup> In this document, the verb 'to acquire' is used generically to describe the process through which the museum obtains works of art. The noun 'acquisition' is used as a generic term both for works of art obtained by the museum and for the act of obtaining these works of art. Technically, works of art obtained by the Museum formally enter its collections either as accessions (defined in section 3.4) or as non-accessioned acquisitions (defined in section 3.7).

<sup>2</sup> Marie C. Malaro, *A Legal Primer on Managing Museum Collections* (Washington, D.C.: Smithsonian Institution Press, 1985), p. 53.

<sup>3</sup> Ibid.

<sup>4</sup> "AAMD is committed to the responsible acquisition of archaeological materials and ancient art. AAMD believes that the artistic achievements of all civilizations should be represented in art museums, which, uniquely, offer the public the opportunity to encounter works of art directly, in the context of their own and other cultures, and where these works educate may educate, inspire and be enjoyed by all. The interests of the public are served by art museums around the world working to preserve and interpret our shared cultural heritage," Association of Art Museum Directors (AAMD), "Report of the AAMD Task Force on the Acquisition of Archaeological Materials and Ancient Art," June 4, 2004, Section I. A.

<sup>5</sup> "Member museums should require sellers, donors, and their representatives to provide all available information and documentation, as well as appropriate warranties regarding the origins and provenance of a work of art offered for acquisition," Ibid. Section II.A.3.

<sup>6</sup> "In recognition of the November 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import and Export and Transfer of Ownership of Cultural Property, member museums should not acquire any archaeological material or work of ancient art known to have been, "stolen from a museum, or a religious, or secular public monument or similar institution" (Article 7b of the Convention). In addition, member museums should not acquire any archaeological material or work of ancient art known to have been part of an official archaeological excavation and removed in contravention of the laws of the country of origin.

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Member museums should not acquire any such works of art that were removed after November 1970 regardless of any applicable statutes of limitation and notwithstanding the fact that the U.S. did not accede to the Convention until 1983," Ibid. Section II.D.

<sup>7</sup> "Member museums must comply with all applicable local, state, and federal U.S. laws, most notably those governing ownership and title, import, and other issues critical to acquisition decisions. The law relevant to the acquisition of archaeological materials and ancient art has become increasingly complex and continues to evolve. Since the status of a work of art under foreign law may bear on its legal status under U.S. law, member museums must be familiar with relevant U.S. and foreign laws before making an acquisition," Ibid. Section II.C.1.

<sup>8</sup> "While member museums have routinely undertaken thorough research as to authenticity, quality, condition, and relevance or benefit to the collection, it is increasingly important that they rigorously research the provenance of a work of art prior to acquisition." Ibid. Section II.A.1.

<sup>9</sup> Ibid. Section II.A.1.

<sup>10</sup> "Whether the work of art has been outside its probable country or countries of origin for a sufficiently long time that its acquisition would not provide a direct, material incentive to looting or illegal excavation, while each member museums should determine its own policy as to length of time and appropriate documentation, a period of 10 years is recommended," Ibid. Section II.E.

<sup>11</sup> The current AAM "Code of Ethics for Museums," states that "competing claims of ownership that may be asserted in connection with objects in its custody should be handled openly, seriously, responsively and with respect for the dignity of all parties involved," <http://www.aam-us.org/museumresources/ethics/coe.cfm> (August 28, 2006).

<sup>12</sup> The Walters follows the AAM's General Principles on objects appropriated during the Nazi-era by defining objects with Nazi-era provenance as: "objects that may have been unlawfully appropriated during the Nazi era (1933-1945) as a result of actions in furtherance of the Holocaust or that were taken by the Nazis or their collaborators. For the purposes of these guidelines, objects that were acquired through theft, confiscation, coercive transfer, or other methods of wrongful expropriation may be considered to have been unlawfully appropriated, depending on the specific circumstances," American Association of Museums (AAM), "Guidelines Concerning the Unlawful Appropriation of Objects During the Nazi Era," 2001.

<sup>13</sup> The Committee on the Museum acts as an executive board committee empowered to make decisions for the Board between meetings of the Trustees, and to perform such duties and exercise such powers as may be provided by the Trustees.