

## A Day Spent Thinking About Book Crime

Selected observations from the 2009 Caxton-Newberry Symposium

*This year's Symposium took place on April 4. The morning featured three formal presentations, while the afternoon had four speakers who reacted to the morning's talks and also allowed time for more general discussion.*

*What follows are severely edited transcripts from the presentations. Wendy Husser and Robert McCamant, who did the editing, are responsible for any mistakes or changes of emphasis from the speakers' actual words.*

*If this transcript whets your appetite, the full presentations can be purchased as DVDs from Dorothy Sinson; they are also available as audio files on the Newberry Library section of the Chicago Amplified archives at [www.chicagopublicradio.org](http://www.chicagopublicradio.org).*

### Morning Session

#### SEM SUTTER

*Habent sua fata libelli:  
The Fate of Libraries in Wartime*

Caxtonian Pierce Butler, first custodian of the Wing Foundation at the Newberry Library, expressed it very succinctly in 1944: "Ever since libraries have existed war has been one of the chief agencies of their annihilation."

Ancient history is replete with examples of annihilation of libraries. When the Goths sacked Athens in 260, and the Visigoths and Vandals overran Rome in 410 and 455, they deliberately destroyed libraries, although the surviving details may be fanciful or apocryphal – for example, the burning of papyri to illuminate orgies. According to legend, when Hulagu of the Mongols, grandson of Genghis Khan, conquered Baghdad in 1258 his armies cast so many books into the Tigris "that a horse could walk across on them. The river ran black with scholars' ink and red with the blood of martyrs."

Sometimes armies have targeted libraries for acts of symbolic retaliation. In 1813 during the American occupation of York – now Toronto – the Parliament Building, including its library, burned to the ground. It remains



David Spadafora welcomed the crowd to the Newberry.

open whether the Americans or local vandals actually started the fire, but when the British invaded Washington in August 1814, revenge was specific. When setting fire to the Capitol they used the books of the small Library of Congress to kindle the flames. This prompted Thomas Jefferson to write, "I learn from the newspapers that the Vandalism of our enemy has triumphed at Washington over science as well as the arts, by the destruction of the public library with the noble edifice in which it was deposited." Characterizing the British behavior as "acts of barbarism which do not belong to a civilized age," Jefferson famously went on to offer to sell his own collection to Congress to rebuild the library.

The public library in the northern Sri Lankan town of Jaffna was founded in 1933 and became a major cultural institution of the Tamil population and one of South Asia's important collections. It housed nearly 100,000 books, newspapers, palm leaf manuscripts, and archival collections. In May, 1981, amid rising tension between Tamils and Sri Lanka's majority Sinhalese population, a Sinhalese mob that included members of the police stormed through the building, setting it on fire and destroying the collections. This potent obliteration of a cultural symbol gal-

vanized radical elements in both ethnic groups and became a precipitating event in the ongoing civil war between the Tamil Tigers and the government. After two decades the building has been rebuilt to house a much-diminished collection, and the library's existence remains tenuous.

The Yugoslav wars of the 1990s brought the clinically chilling term "ethnic cleansing" into the English language.

"Cultural cleansing" accompanied it on every side, for the "hatred of memory" is twin to the hatred of people. In Croatia, 192 libraries had been destroyed or damaged by 1996. In numerous towns and cities of Bosnia and Herzegovina nationalist Serbs destroyed Muslim, Catholic, and municipal libraries and archives. But nowhere were the attacks as egregious or the losses as great as in Sarajevo.

The Oriental Institute occupied the top floors of a five-story office building in the center of the city. It housed the region's largest collections of Islamic manuscripts and Ottoman documents as well as a research library. In May 1992 it came under bombardment with incendiary phosphorus shells from Serb positions on surrounding hills. Eyewitnesses were certain that it had been singled out because no other buildings in the densely-built neighborhood were hit. The resulting flames destroyed nearly all of the collections. These included the former Ottoman provincial archives of nearly 200,000 documents and 5,263 Islamic codices in Arabic, Ottoman Turkish, Persian, and Bosnian, many of them unique.

Three months later targeted fire destroyed Bosnia's National and University Library, a  
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# CAXTONIAN

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handsome Moorish Revival structure typical of the orientalism of the late Hapsburg empire. The library's collections comprised over one and a half million volumes. Shortly after nightfall firing began from surrounding hills, with incendiary shells crashing through the roof and stained glass skylight and setting the interior on fire. Sniper fire at sidewalk level hampered volunteers attempting to rescue books and firefighters who managed to quench the flames several times despite low water pressure. Repeated shelling throughout the night insured that the blaze reignited and continued into the next day. Serb leader Radovan Karadžić denied that his forces were responsible, claiming that Muslims had set the building on fire "because they didn't like its...architecture."

The anguish of Sarajevans was palpable. An artist called it "the most apocalyptic thing [she had] ever seen." A librarian remembered:

The sun was obscured by the smoke of books, and all over the city sheets of burned paper, fragile pages of grey ashe [sic], floated down.... Catching a page you could feel its heat and for a moment read a fragment of text in a strange kind of black and grey negative, until, as the heat dissipated, the page melted to dust in your hand.

Though the French Revolution and the Napoleonic Wars provided opportunities for library plunder on a large scale, it is World War II that provides the prime example of pillage. The Third Reich and the war were destroyers of books. Images of the book burnings of 1933 have become indelible in human memory and Jonathan Rose has written, "The story of the Six Million is also the story of the One Hundred Million," alluding to a frequent estimate of the total number of volumes destroyed. But the war years also gave rise to systematic looting of libraries on an unprecedented scale.

Some of the most repugnant Nazi library pillage occurred in the context of the so-called "Furniture Operation" in occupied France and the Low Countries. On the pretext that the homes of Jews who had fled in haste or been sent to concentration camps contained "abandoned property," Rosenberg began seizing the furniture for use in German-occupied Eastern Europe. By January 1942 a coldly efficient operation had begun in Paris, soon followed by Amsterdam, Brussels, and other cities. Crews descended on vacant homes and swept them clean of all personal effects, including books. By August



Sem Sutter

1944, when advancing Allied troops halted it, the operation had encompassed some 70,000 households, shipping to Germany nearly 27,000 train cars with more than a million cubic meters of material. While some did go to the occupied Eastern zone, in the end most was sold to residents of bomb-damaged German cities.

Packing lists survive for 140 crates of books from Amsterdam. The utter ordinariness and random character of most of these books is striking. For example, one page of an inventory includes:

- Hindenburg's autobiography
- an 1864 book on science and religion
- one volume of a six-volume work on housing and sanitation in Indonesia
- histories of several German cities
- an offprint from a 1922 Festschrift
- a 1919 work on moral forces in revolution
- a German work on the culture of the United States
- a Dutch work on the culture of Rome
- and a 1927 Rotterdam dissertation on Dutch railroad policy.

There are, fortunately, some countervailing stories of heroism and cleverness in protecting books in wartime. The librarian of the Diocesan Seminary of Peplin managed to save a tiny manuscript Psalter (and Poland's only Gutenberg Bible) by taking them to a bank vault in Warsaw. As Warsaw was about to fall, bank officers escaped with the books first to Romania, and then to Paris. Soon Paris was risky, so they moved to London. But valuable holdings were being removed from London, so the books crossed the Atlantic to Canada in 1940.

Meanwhile, German forces appeared at the Peplin seminary, looking for the Bible, which was known to be there. When they didn't find it, they turned

the seminary library into a recreation hall and burned some books and archives in the furnaces of a sugar factory. In the end, the Psalter and Bible (as well as treasured items from the Polish national library) made their way safely back to Poland in 1959.

But sadly, tragic endings outnumber happy ones in the story of books in wartime.

In truth, infinite are the losses which have been inflicted upon the race of books by wars and tumults. And as it is by no means possible to enumerate and survey infinity, we will...turn again to the prayers with which we began, humbly imploring that the Ruler of Olympus and the Most High Governor of all the world will establish peace and dispel wars and make our days tranquil under his protection. (Richard de Bury, 1345, *The Complaint of Books against Wars*, from his *Philobiblon*).

### SARA MALTON

*A Capital Past: Forgery, Wilkie Collins, and 19th-Century Cultural Memory*

Forgery executions in late-eighteenth and early-nineteenth centuries England represent a haunting moment in that nation's legislative and economic history. As a "crime of the first magnitude," forgery posed acute challenges to conceptions of authenticity, authority, and value. Forgery represented a threat to property, identity, the authority of the law, the nation-state, and the economic system. Such a crime violates those things so sacred to society's moral and economic underpinnings that it can only be washed away by blood.

Indeed, the treatment of forgers, by which I mean perpetrators of *financial* fraud, during this period exemplified the sanguinary nature of the English judicial system and greatly contributed to the shape of forgery's appearance – financial and otherwise – in the nineteenth-century British cultural imagination.

Much provocative scholarship has rightly drawn our attention to the interest in literary parody and imitation that arose amid a growing print culture in the eighteenth century, when the notion of authorship was undergoing significant changes. At this time, issues of aesthetics and economics sharply converged in debates over plagiarism, piracy, copyright, and the status of authorship. Yet this ongoing focus on literary forgery in the eighteenth century in particular has tended to eclipse the lasting significance of the legal status of financial forgery during this very period and beyond.

The increase in forgery convictions and executions in the Romantic period coincided with



Sara Malton

the Restriction Act, a measure introduced to finance the war with France which lasted from 1797 until 1821. During this time the vast increase in the circulation of paper money and the issuance of small-denomination notes largely contributed to the sharp increase in forgery offenses and executions.

Wilkie Collins, whose books were published beginning in the mid-1800s, thought and wrote a great deal about forgery. His views on this topic help to complicate our understanding of his attitudes toward the relationship between class stratification and legal power. Collins's letters and activities reveal his desire to obtain more social and legal respect for authors and artists. He was a founder of the Society of Authors in 1884 and later became vice president. His letters consistently betray his anger at the law's failure to protect authors from exploitation by plagiarists and piracy. He was fiercely proud of his protective attitude toward his works' copyright, refusing, for example, to accept Smith Elder & Co.'s offer of 500 pounds for the copyright of *The Woman in White* in 1860.

In *The Woman in White*, Collins's Fosco proves himself dangerously aware of the forger's creative magnetism. While these and many other 19th century narratives respond to the general climate of fraud that plagued them, what remains of interest is the recurring debt that later configurations of forgery and its perpetrator continue to owe to the past. They consistently bear the traces of the earlier legis-

lative treatment of the crime and the resultant discourse of degradation, horror, and social disruption that the forger's repeated trips to the gallows had long entrenched.

The history of the central figure of one of Collins's short tales, "Brother Morgan's Story of Fauntleroy," turns us toward the execution of forgers. Focusing on one of the most significant real life forgery cases of the century, it first appeared in 1858 in Collins's collection *The Queen of Hearts*. It features a rather sympathetic portrayal of one of England's most notorious forgers, Henry Fauntleroy. A principal partner in the Berners Street Bank, Fauntleroy was executed in 1824 for forging several individuals' powers of attorney, which granted him access to over £400,000. Fauntleroy concealed his ongoing forgeries for ten years before his discovery, all the while maintaining a position of high respect in the community. Many prominent citizens selected him as their executor. The revelation of his crimes thus shocked the public and left the clients of his bank financially devastated.

Collins's story thus rewrites a well-known history that was subject to overwhelming public scrutiny and speculation. Although Fauntleroy "sinned and suffered, and shocked all England, long before his time," the young narrator, when asked whether he had heard of him as one of the most famous criminals of the day," replies that he had "certainly heard of him as one of the most famous criminals of the day" and knows the essential facts of

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the case, including the fact that Fauntleroy “had been hanged for his offense, in the year eighteen hundred and twenty-four, when the gallows was still set up for other crimes than murder.” Indeed, Fauntleroy would become a figure of lasting notoriety, as the facts and speculation surrounding his history and fate collectively fed into concerns about the pervasiveness of financial crimes.

Subject to this and various other retellings throughout the nineteenth century, Fauntleroy’s trial – and its legacy – reveals a great deal about the shifting literary and cultural conception of forgery from the Romantic period onward. The trial became a flashpoint for a series of ongoing debates, including those surrounding the execution of forgers for petty offences that had plagued the preceding decades, and, more generally, the circulation of paper financial instruments, whose vulnerability was seen as indicative of the precariousness of the entire financial establishment. The case also draws attention to the increasing embroilment of the financial establishment in forgery trials and in the legislative process more generally – a state of affairs that became the source of much public controversy.

Forgery’s position at the center of the layered histories of many 19th century narratives, including those of Wilkie Collins, suggests that we might continue to give greater attention to the significance of the harsh reality of forgery’s “criminal past.”

The cultural significance of cases such as Collins’s Fauntleroy’s invites us to refine our understanding of forgery’s literary depiction, its relationship to the hallowed notions of authenticity and legitimacy, and, importantly, the critical focus with which we approach its representation within literature and without.

## JENNIFER LARSON

*Caveat Emptor / Caveat Venditor*

The two big crime-related problems in the antiquarian book trade are forgery and theft, and in both cases, the key – that which if known, would likely expose the crime – is very frequently provenance. Knowing the history of the ownership of an item is important not only as a safeguard against

the purchase of something forged, altered or stolen: provenance is often of great interest to collectors and researchers for reasons having nothing to do with book crimes. Members of the trade, including auctioneers, are frequently the stumbling block in provenance research. In the case of significant items, at the very least they know their own source, if not a more complete provenance; and very frequently, they refuse to disclose it.

Dealers typically do not share the identity of their sources for a variety of reasons generally unrelated to concerns about authenticity and legal title. A dealer’s income derives in large part from knowing where to get things and to whom to sell them. A source of good material is generally the harder part of the job, and if exposed, invites competition from other purchasers, which a dealer obviously will not welcome. In the world of scholarship, this attitude may sound petty or mercenary or selfish – but so it goes in the world of commerce. In the future, as bibliographic and

learns this as a dealer in the course of purchase negotiations. Over the years, being exposed to a wide variety of at times unpredictable personalities, a dealer usually learns that complete discretion is the better part of wisdom in these matters.

A rare book dealer’s merchandise is, increasingly, openly offered for sale on the internet to anyone and everyone worldwide with access to an internet connection. Under these circumstances, it is unreasonable to formally require a dealer to disclose sources to anyone who asks. As more people worldwide explore the internet, small book businesses are increasingly plagued with idle requests for bibliographic information, multiple scans of things like the table of contents, on the part of people who have no intention of considering a purchase. Even if the disclosure requirement applies only to the purchaser, not to anyone who just makes an inquiry, such a rule simply asks too much.

Finally, there is the problem of proof. One can be quite certain of something without being able to prove it. Less than a year ago I was stunned to witness a dealer I trusted and have known for years behaving suspiciously in my booth at a book fair. Complications immediately arose: do I confront and demand to search the person on the spot? Imagine the horror of that if the suspicion is unfounded. My discovery that a valuable autograph letter was apparently missing took nearly an hour; and it was not until days later, on return

Jennifer Larson



pricing information is increasingly available to all on the internet, dealers are likely to guard their sources of material even more zealously, as one of their few remaining “trade secrets.”

Another reason that provenance is generally kept secret by dealers is that if it is disclosed, that dealer’s customer – the new owner – is in a position to contact the former owner. If the dealer’s purchase price is thereby disclosed, revealing his gross profit to all parties, there may be considerable embarrassment or worse to the dealer. You might be surprised at how even the most modest of middleman’s markups can be greatly resented by the other parties to a transaction. Many people seem to resent any markup at all – one inevitably

home, that we were able to determine that the letter was certainly gone. This individual knows that we are aware of what he did – of that I am certain. In the case of this stolen letter, we simply announced to online trade discussion lists and on Ex Libris that that particular letter was missing and belonged to us. Through the grapevine, which functions very well dealer to dealer but is not likely to be very useful to outsiders, we later learned of similar concerns on the part of other booksellers about this particular member of the trade.

The most sensational provenance story I know involved a dealer of stellar international reputation and expertise, who became entangled in a false story about provenance

some decades ago. Perhaps some of you knew or have heard of Laurence Witten, a former President of the Antiquarian Bookseller's Association of America (the ABAA) which is the preeminent association of rare book dealers in the US. Witten was one of the world's foremost dealers in manuscripts and early printed books at the time. Perhaps others of you have heard of Yale University's Vinland Map, a manuscript map ostensibly furnishing the earliest graphic evidence of Scandinavian knowledge of the coastline of North America, long predating Columbus; and perhaps some of you who frequent bookshops have seen the ubiquitous folio book on the subject, *The Vinland Map and the Tartar Relation*, published by Yale University Press in 1965 and updated in 1995.

This map was immediately controversial and questioned as to its authenticity. In 1971 The Newberry Library and The University of Chicago Press published a volume of conference proceedings on the Vinland Map. Witten, the dealer who sold the map to a collector who donated it to Yale, made the following prefatory remark at that conference: "I believe that scholars have the right to know everything about the Vinland Map that I am able to recall and empowered to repeat and, no matter what anyone may tell them or withhold from them, they have the obligation to search for the truth" and he went on to identify the scout, Enzo Ferrajoli, who took him to see the owner of the Map. Witten stated that "I saw his library, saw the Vinland Map and Tartar Relation volume, and thought that the map was a genuine fifteenth-century product. I bought the volume and several other things on the spot." Witten consistently refused to disclose the identity of the former owner of the map in spite of stiff badgering from some of the conference participants.

Fast forward to 1989, when, near the end of his life, Witten admitted, in an article published in the *Yale University Library Gazette*, that his story about seeing the library and meeting the owner, and the various elaborations such as that the owner's identity must remain secret due to tax and other concerns, were complete falsehoods. He had never met the former owner of the Vinland Map; he did not know who he was; and he had simply adopted his source's story as his own eyewitness account. Moreover, his source turned out to be disreputable: he was later convicted of book theft. This is disgraceful, of course. However: not many transactions in the antiquarian book trade are ever subjected to this kind of scrutiny. Larry Witten withstood the

pressing public demands of many scholars for many years, until finally at the end of his life, his conscience demanded that he set the record straight. Had there not been that very public and on-the-record questioning, I really wonder whether Larry Witten's belated confession would have taken place at all.

What I am trying to do here is to suggest, as delicately as I can and in the complete absence of reliable statistics, that similar prevarications frequently take place, much more quietly, between tradespeople of all types and their sources and their customers: they are never exposed to the light of day because they are never subjected to the public scrutiny occasioned by the Vinland Map.

Although there is no ABAA rule regarding provenance, and although it is generally understood in the rare book trade that a dealer is under no compunction to reveal his source for any item (except for an item proven to be stolen), a demand for specific provenance information is exactly what happened in the case of a large group of documents of the Texas Revolutionary period that blossomed in the trade in the 1970s and 1980s. Previously of the greatest rarity, these broadsides began suddenly appearing in the trade in unprecedented numbers, with no longstanding history of ownership attached to them. Thomas W. Streeter's bibliography and census of these documents published decades earlier would have provided any careful researcher ample basis for concern about this sudden outpouring of new copies of these documents.

W. Thomas Taylor, a Texas dealer who had acquired one of the broadsides and almost immediately became deeply suspicious of his own broadside and dozens of similar imprints, laboriously traced their provenance to just three very recent sources, which could probably have been narrowed even further, if any of these three individuals would have cooperated with the inquiry. One of these three sources was John Jenkins, another former President of the ABAA. After an enormous amount of prodding, the Ethics Committee Chair of the ABAA, after the passage of more than a year, finally verbally requested an accounting from John Jenkins of his source for each one of the numerous forgeries that had passed through his hands. Nothing came of that request. Within a few weeks, without having furnished the required information, John Jenkins was found dead of a gunshot wound under mysterious circumstances, with opinion sharply differing to this day as to whether his death was a homicide or a suicide. Thus, even in the absence of a formal rule, a demand by the

ABAA for an accounting from John Jenkins as to the provenance of the forged Texas documents that had passed through his hands did take place, albeit in an extremely delayed, informal, and cloistered fashion. The Texas forgery problem, however, was a very big case involving two decades, many dozens of broadsides, and a great many buyers and sellers. The documents involved are sensational and extremely valuable items. An individual collector or librarian faced with a purchasing decision today can take little comfort from the history of how this scam was at long last exposed.

There are dealers who will, quite reasonably, grumble about a customer who wishes to collate a book in the middle of a book fair, or to check the verso of a jacket hidden by a jacket protector, or who asks about the provenance of an ordinary, unmarked, modern first edition. If a reputable dealer is involved, simple questions such as "It is complete?" "Have you collated it?" and "Is there anything I should know about the condition of this book?" ought to suffice, along with a bill of sale. Your careful checking can wait until you are home, at which time, if anything unsatisfactory is discovered, the dealer will accept the return for a refund. Many ABAA dealers will accept the prompt return for a full refund of any purchase for any reason. If the slightest doubt exists that the seller will cheerfully accept a return, and further, will have the financial wherewithal to refund the purchase price, *caveat emptor*. Most books are neither stolen nor forged, and most dealers are honest if not always perfect. When a transaction goes bad, it is usually the bookseller who is as unpleasantly surprised as his customer at the discovery; and it is usually the bookseller who suffers financially as a result; and so therefore *caveat venditor*: let the seller beware!

### Afternoon Session

#### ALICE SCHREYER

As I look out at this audience I'm reminded that all of us belong to a community formed around books. Its members (booksellers, collectors, scholars, book producers, editors, and librarians, together with the lawyers and members of law enforcement involved with cultural property issues) understand and appreciate the role of books and manuscripts in preserving and transmitting culture and knowledge. We value them as tangible objects and symbols of our shared cultural heritage.

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*Afternoon session at Alliance Francaise*

**SYMPOSIUM, from page 5**

Like all communities, the book community depends on a legal and ethical framework. It also relies on trust between its members. At a certain level, trust is the foundation for all of our personal and business interactions, and yet it clearly involves risk and makes us vulnerable. That is why we are encouraged to be self-reliant, even when working with dealers one has every reason to trust.

More than 10 years ago, Jean Ashton wrote (in a letter intended to influence the sentencing of Daniel Spiegelman, who stole hundreds of extraordinary manuscripts and documents from Columbia's rare book and manuscript library), "As the director of that library I am fully aware of the devastating effect that this crime has on its victims, which include not only Columbia University but the worldwide academic community and future generations of teachers and students." Ashton explained that all of us, as citizens of the cultural commonwealth, are the true victims of crimes against books and manuscripts. The purpose of her statement was to make a strong case for treating such incidents separately from routine property crimes. Happily, this is now part of legal sentencing guidelines.

Librarians make risk assessments every day deciding questions of access, staff hiring, facilities design and renovation, and evaluating potential acquisitions. Booksellers do the same. For librarians, the tension between the desire to open up our rare book and special collections to broader audiences versus our responsibility to preserve and protect the collections in our care has never been higher. Librarians want to create environments where users feel comfortable and enthusiastic about working. Researchers and staff need a climate of trust. And yet as stewards and custodians we are charged to protect our collections. Members of the trade and collectors seek

desirable material wherever it might turn up, and make judgment calls about authenticity and legality. These are all delicate and difficult matters.

**MICHAEL THOMPSON**

**T**here is an international movement in the law to do something about these matters. It began in 1865, but it gained momentum after World War II. In 1954, a protocol was added to the Hague Convention about protecting cultural property in the event of armed conflict. It didn't immunize cultural sites from attack, and it didn't even disallow attack when they were being used as a refuge for armed forces, but it did require sovereign states not to assault or destroy cultural monuments and cultural artifacts if there were no military purpose and it could be avoided. Given the realities of how war takes place, that is probably as far as even civilized states were ready to go.

In 1970 there was a UNESCO convention to prevent the illegal import and export and transfer of ownership of cultural property. Cultural property in this UNESCO convention is described very broadly, and specifically mentions books and manuscripts. But it really didn't go far enough. It was focused on the enforcement of export restrictions that source countries like Italy and Mexico have, and on restitution from one public institution to another public institution. There was no restitution available from private collector to private collector, even though illegal export was involved.

That issue was addressed in 1995 with yet another convention, the UNIDROIT convention on stolen or illegally exported cultural objects. UNIDROIT is an international legal organization, and as the French name implies, "one law" is designed to harmonize national laws about certain subjects. The United States is not a signatory to the Cultural Object

Convention, and I'm not sure that it will ever be one. Were the United States to enact the required provisions into its domestic law, there would be restitution required for an object stolen in one country and sold in another.

So, human civilization is catching up in its own way. Certainly the problem is not solved, but we're moving in that direction through the kinds of legal agreements that you would expect among sovereign states.

There is a similar development in the sentencing guidelines where a cultural crime is now recognized as more severe than an ordinary crime of the same economic value. About 10 years ago, stealing a rare book would have resulted in the same punishment as stealing a car of equal value. But beginning in 2000, the Sentencing Commission "upped the ante," so to speak, for crimes involving cultural property, recognizing that while there is economic value to it, as in a car theft, there is also a cultural value; by stealing a rare book from a library, for example, you're not stealing something that's worth just a few hundred or a few thousand dollars, you are depriving scholars or the community of its use, so now there is a more significant sentence.

A practical effect of crimes against books is a destabilization of the market for rare books, and the idea that provenance has now become a part of buying a rare book. The law is clear here. Once a book is stolen, it remains stolen, and it's never anything other than a stolen book until it is restored to its rightful owner, who is the original victim of the crime. In other words, the fact that you're a good faith purchaser from a dealer and you've paid full value, and you have no reason to suspect that this book was completely owned by the dealer, is largely irrelevant. (There are exceptions, but they seldom apply.) A book can be taken from you by legal proceedings if the rightful owner



Afternoon panelists, left to right: William Butts, Michael Thompson, Susan Allen, Brian Brusokas.

learns that you have it and can prove that it was stolen. There are statutes of limitations, and other equitable defenses available, but if you don't have them available, then you can lose the book.

I'd also like to add my voice to the attempt to shatter the myth of the "reputable" dealer. There are reputable dealers, but that's irrelevant, since their reputations are only good until you've discovered a crime they've committed. What we really need are honest dealers. They're a little harder to be sure about. They're the majority of the dealers, but my point is "reputation," about which you always hear, is not the same as "honesty." Frederick Schultz, Henry Fauntleroy, and E. Forbes Smiley all had good reputations at one time. You need to deal with cultural property purchases as a smart buyer, be self-reliant, and get good legal documentation if the object is valuable enough to warrant it.

#### SUSAN ALLEN

I had some experience with John Jenkins, whom Jennifer Larson discussed. Undoubtedly he had a sinister side, but he also did some good. When I found myself as a librarian, with no experience of theft, having to confront a serious theft of 500-600 titles, including incunabula and other rare material, I ended up talking with Jenkins on the phone. He was charming; he was the one person who gave me reassurance during that period. He told me that all I had to do was be patient, that it might be 20 to 30 years, but that the books that had been stolen from us would

eventually come to light, because whoever had taken them, if they didn't put them on the market, if they just kept them, they would come to light when that person died. That gave me great reassurance, because I had to wait for three years before I had any knowledge of what happened to our stolen materials, and I always just reminded myself of what he said.

Jenkins also worked with librarians to publish one of the first pamphlets that would encourage libraries to change their methods. He was author of something called *Rare Books and Manuscript Thefts: a Security System for Librarians, Booksellers, and Collectors*. It was published by the ABAA in 1982. This was the beginning of libraries taking these matters seriously, and no longer sweeping them under the rug.

I want to talk about provenance briefly, because for my own organization, provenance has turned out to be a very important concept. At the Getty, we require dealers and vendors from whom we acquire objects, rare books, and manuscripts to sign a warranty statement. It does a number of things beyond what has been discussed. The vendor attests to authenticity, and import and export compliance of the item, which helps us assure that no export tax went unpaid or patrimony law was broken. It establishes good title. It warrants that all rights required for the work were legally acquired (that could be – depending upon the work – copyright, privacy, publicity, trademark, or performance rights); if there's any need to assign rights, that also can be

done in the warranty statement. The buyer, us, can be indemnified against any claims. For us it's important that a vendor not use our name, so we include that. Obviously a document such as that cannot protect you from everything, but it does give a leg to stand on that's more than just a handshake and a verbal agreement.

Also, as a part of the negotiation process, we ask what the provenance is. We found, when we began to do this three or four years ago, we had a couple of dealers that refused to deal with us anymore; but within six months they were back offering us materials.

Another item of interest: UNESCO has established an international code of ethics for dealers in cultural property. It has eight articles, and the articles go from not selling material you know to be stolen to an article that says dealers will not dismember or sell separately parts of one complete element of cultural property. In other words, it's now officially unethical to break up [complete] books to sell leaves.

And finally, another positive development in recent days is that several of us are working with RLG programs (which is a part of OCLC, the main cataloging utility we all use) to develop a method to mark within the OCLC record when an item goes missing. This is a big step forward to have a database available internationally; libraries and librarians can let the world know what's missing. We're not calling it a stolen books database because things go missing for various reasons. We're hoping it will go live next year.

See SYMPOSIUM, page 8

**BRIAN BRUSOKAS**

**W**e on the art crimes team deal with the illicit trade in stolen artifacts on the black market. These things seldom surface at major auction houses or dealers. They're sometimes used as a sort of black-market currency, even in drug-cartel operations. A DEA raid in Colombia might stumble on a cache of raided artifacts. We're still dealing with the raiding of the Iraqi museums, and what the missing items are being used for is surprising.

We also deal with forgeries, one of my areas of specialty. What I see most frequently is artwork with a forged signature of a famous artist, and it is awful what such pieces do for the value of authentic art. It can completely tumble a market. When a large number of forged items is released into a marketplace, it drives new collectors out of that market.

I'm not a collector of anything. But I'm always interested to learn about new areas where people have formed a trade around a particular kind of collection. It's particularly gratifying when people from an industry come to us and ask for help keeping their area honest. You are fortunate in the book world that it is a smaller field, so people in the area are more likely to know each other.

One thing that we in law enforcement have to think about is whether when someone comes to us with a suspicion, they may have a competitive reason for expressing the suspicion; one dealer trying to sabotage another dealer is not unheard of.

The art-crimes unit is 13 agents throughout the FBI. You're lucky, here in Chicago you have two of us. We provide the art-crimes specialty for the Minneapolis, Detroit, Indianapolis, and Milwaukee field offices of the FBI. Here in Chicago we have a large trade in prints and other artwork, especially with New York, so I have developed more expertise in that area. Our agents in the southwest specialize in Native American artifacts, often ones that



(TOP) Alice Schreyer, afternoon panel moderator. (CENTER) Sara Malton, Susan Hanes. (BOTTOM) George Leonard, William Butts, Matthew Doherty.

have been plundered from burial sites.

The FBI is a criminal investigative unit. We punish criminals, put them in jail. When we are finished with a case, we gather up the proceeds of the case and return them to the victims. In art theft cases, we have two chances at righting the wrong. The first one is that we're able to recover the objects and return

them to the true owners. The second, one which sometimes eludes us, is the criminal prosecution of the perpetrator. This is important because it passes the message to other criminals out there that if you get caught, you can go to jail. But the threshold for criminal prosecution in these cases is fairly high, and the defense of "I didn't know" can throw things into doubt, so much of the time we have to settle for restitution.

To make yourselves a better victim – in the sense of being better able to prosecute your case should you ever become one – you should be prepared to answer all the questions I'm going to ask. What is the object? (Photos are good.) What is the object worth? When was the last time you saw the object? If you cannot answer those questions, it makes it a very tough case for me.

**WILLIAM BUTTS**

**E**very book, pamphlet, autograph, or ephemeral item that goes out the door of my bookshop has been thoroughly and conscientiously scrutinized. We put in our best effort to be sure that every item we put in our catalog has been thoroughly and accurately described, and that we're confident of the authenticity and clear title of each item.

Every authentication begins with a comparison of the item with a quantity of known authentic exemplars. The usual suspects must be methodically ruled out: secretarial proxy signatures, mistaken identity, preprinted facsimiles, autopens (for roughly post-World-War-II material), and of course outright forgeries. Non-authenticity is a paramount concern of every honest dealer, to

the point where every item is presumed non-authentic until it is proved otherwise. The process for authenticating is tedious for many, but for me is an enjoyable routine.

Do dealers ever receive autographs they are not able to authenticate with absolute certainty? All the time. It might be a written



document by an interesting but obscure historical figure, in which case a set of authentic exemplars may not be around for comparison. Or it might simply “not feel right.” The scrupulous dealer has only one choice: to set it aside pending something else coming along that might definitively authenticate it.

Dealers get used as sounding boards for many a questionable item. Quite often a forger will contact a dealer directly to test out the material, often posing as an innocent collector. One time a middle-aged man came into my shop with two teenage boys in tow, wanting to show me two items he had purchased at a gun show, or so his story went. Out came two of the poorest Wild Bill Cody and Winston Churchill documents I’d ever seen, very cheesily matted together with poor-quality computer-generated photographs. I none-to-delicately told the man how poor these were, bearing the classic marks of forgery including wrong paper and wrong inks. His face reddened, and his manner grew surly. Suddenly it dawned on me that this was not a novice collector as I had thought, but a novice forger, embarrassed that I’d shown him up in front of his children.

Few antiquarian dealers have any experience with the wanton destruction of wartime, but destruction can also happen in other ways. Recently a lady came into the shop with an armful of rolled-up World War II maps. We sold them for her very quickly, to a famous map collection at an Ivy League school, and she was thrilled with the good-sized check we gave her. But then she said, “Gee, I wonder what I would have gotten for them if I hadn’t been cutting them up to use for wrapping paper?”

And then there was the time, many years earlier, when we had in inventory two extraordinary-content letters from Ann Eliza Young, one of Brigham Young’s wives, and one who divorced him. They were written to her business manager at about the time she toured



(TOP) Paul Gehl, Ed Quattrocchi. (CENTER) Adrian Alexander, Minna Novick. (BOTTOM) Bob Williams, Jill Gage.

the country lecturing about Brigham Young. These letters, like her lectures, were fairly graphic in their description of the Mormon leader’s neglect and cruel treatment. They were accompanied by a printed broadside advertising one of her speaking engagements. We sold them to a collector in California at a price that today brings tears to my eyes. I followed up a few days later to ask how he liked

the items. His response: “They were fine. They burnt real well.”

#### ALICE SCHREYER

I have a story about patience. A theft of books took place at the John Crerar Library in the late 1970s before it came to the University of Chicago. The theft was successfully prosecuted. The thief was convicted and sent to jail, but there were several books that didn’t come back. The one we always missed the most was a copy of William Harvey’s *de Motu Cordis*, published in Frankfurt and one of the great rarities in the history of medicine. About a month ago, I got a call from the University Counsel at the University of Chicago, who had just gotten a call from an estate lawyer in Boston. He said somebody wants to send a book back to you, do you want it? I said, well, tell me what it is. He told me it was our copy of William Harvey, which came home just this past week. It had been in the possession of a collector some of you may have heard about named Haven O’More, who formed a collection called the Garden Ltd. Collection, sold in the 1980s. Though the Harvey was mentioned in the catalog, it was not for sale, because it was “destined for the University of Chicago.”

#### AUDIENCE MEMBER

I think it’s really important to emphasize that if a loss is discovered, it’s important to get the information out as quickly and as widely as possible. In fact we have a very good example just this past week. The Rutherford B. Hayes presidential library had a serious theft last year of two important and valuable books. They put the information out, and were contacted almost immediately

by two Chicago-area dealers who had been approached by the thief to sell the *Maxwell Code*, and as a result, the police and the FBI were able to focus their attention very quickly in the right direction. Within three weeks the chief culprit was arrested, and just this past week he pled guilty, was sentenced to three

See SYMPOSIUM, page 12

# Book and manuscript-related exhibitions: a selective list

Compiled by Bernice E. Gallagher

(Note: on occasion an exhibit may be delayed or extended; it is always wise to call in advance of a visit.)

“Twenty-Fifth Annual Newberry Library Book Fair” (more than 110,000 donated books, many priced under \$2, sorted into seventy categories and covering subjects ranging from antiques to zoology), Newberry Library, 60 W. Walton Street, Chicago, 312-943-9090, July 22 through 26.

Because of construction affecting the Special Collections Research Center gallery at the Regenstein Library, no exhibitions are planned for the academic year 2009-2010. There is still time, however, to view “On Equal Terms: Educating Women at the University of Chicago” (archival material relating to women at the University, members of an intellectual community that provided opportunities for political activism and community involvement, for friendship, romance and sexual experimentation), Main Gallery, Special Collections Research Center, Joseph Regenstein Library, University of Chicago, 1100 East 57th Street, Chicago, 773-702-8705, through July 14.

“Modern and Contemporary Works on Paper” (heralding the opening of the Modern Wing, an exhibition of modern and contemporary works rarely exhibited due to their sensitivity to light, including ephemera and artists’ books from the Ryerson Library’s prized Mary Reynolds Collection), Galleries 124-127, Art Institute of Chicago, 111 S. Michigan Avenue, Chicago, 312-443-3600, through September 13.

“Daniel Burnham’s Plan of Chicago” (part of a citywide celebration of the Burnham Plan Centennial, presented in five separate, insightful rotations and including maps, diagrams, perspective drawings and watercolors, historically significant and artistically exceptional, many of them in fragile condition and rarely displayed publicly), Gallery 24, Art Institute of Chicago, 111 S. Michigan Avenue, Chicago, 312-443-3600, through December 15.

“Fruitful Abundance: Pomologies from the Rare Book Collection” (examples of botanical illustrations of fruits and herbs found in books from the Lenhardt’s Rare Book Collection), Lenhardt Library, Chicago Botanic Garden, 1000 Lake Cook Road, Glencoe, 847-835-8202, through August 9.

“The Cartoons of John T. McCutcheon: Chronicles of a Changing World” (seldom-seen original ink drawings and representative examples of McCutcheon’s published works, produced when he served as editorial cartoonist for the Chicago Record and Chicago Tribune newspapers, 1889 to 1946), Chicago Rooms, Chicago Cul-

tural Center, 78 E. Washington Street, Chicago, 312-744-6630, through September 27.

“Lincoln Treasures” (a year-long centennial celebration exhibiting many of the museum’s most prized Lincoln artifacts and documents), Chicago History Museum, 1501 N. Clark Street, Chicago, 312-642-4600, ongoing.

“Tall Man of Destiny: Images of Abraham Lincoln” (images of Lincoln made during his lifetime and from his death in 1865 through to today, all from the Chicago Public Library’s Grand Army of the Republic and Civil War Collections), Special Collections Exhibition Hall, 9th Floor, Harold Washington Library Center, 400 S. State Street, Chicago, 312-747-4300, through 28 February 2010.

“Red, White, Blue & Black: A History of Blacks in the Armed Services” (featuring more than 100 artifacts, objects, images and documents, honoring the 14 million black men and women who have served in the armed forces of the United States, from the Revolutionary War through the Vietnam War), DuSable Museum of African American History, 740 East 56th Place, Chicago, 773-947-0600, ongoing.

“Rodin: In His Own Words” (selections from the Iris and B. Gerald Cantor Foundation include 36 bronzes, books and letters, giving insight into the artist’s thoughts on art during the late nineteenth and early twentieth centuries), Loyola University Museum of Art, 820 N. Michigan Avenue, Chicago, 312-915-7600, through August 16.

“Buckminster Fuller: Starting with the Universe” (an exhibition of Fuller’s extraordinary body of work, from his geodesic domes to books popularizing the terms “spaceship earth” and “synergetics,” including photographs and documents that highlight his years spent

in Chicago, organized by the Whitney Museum of Art in association with the Department of Special Collections at the Stanford University Libraries), Museum of Contemporary Art Chicago, 220 E. Chicago Avenue, Chicago, 312-280-2660, through August 9.

“Your Pal, Cliff: Selections from the H. C. Westermann Study Collection” (art work, sketchbooks, printing blocks, personal papers and correspondence by Westermann, a central figure in post-World War II American art and known to the art world as “Cliff”), Smart Museum of Art, University of Chicago, 5500 S. Greenwood, Chicago, 773-702-0200, through September 6.

“To See Reality in a New Light: The Art and Activism of Marion Perkins” (includes art work as well as original correspondence, rare photographs and memorabilia relating to Chicago Renaissance artist and social activist Marion Perkins) from the Vivian G. Harsh Research Collection, Exhibit Gallery, Woodson Regional Library, 9515 S. Halsted Street, Chicago, 312-747-6900, through December 31.

Bernice Gallagher will be happy to receive your listings at either 847-234-5255 or [gallagher@lakeforest.edu](mailto:gallagher@lakeforest.edu).



Newberry Library Book Fair  
FROM THE NEWBERRY WEB SITE  
McCutcheon at the Cultural Center  
MCCUTCHEON SELF-CARICATURE, TRIBUNE



# Caxtonians Collect: Robert Mangler

Fifty-fifth in a series of interviews with members

Interviewed by Robert McCamant

Robert Mangler has known Caxtonians since the 1960s, but he didn't join the Club until 1988. It may have been the late Ely Liebow, or perhaps Fred Kittle, or Karen Skubish, or Tom Joyce, who proposed him. He'd had friendly dealings with all of them around the project of getting an appropriate headstone for Vincent Starrett's grave in Graceland Cemetery. That project was accomplished just in time for the 100th anniversary of his birth, on October 26, 1986.

It was the love of Sherlock Holmes that had brought Mangler into contact with Vincent Starrett (himself eventually a Caxtonian as well). "I was always a mystery fan," Mangler explains. "I've been reading Sherlock Holmes as long as I can remember. When I was in law school, I started

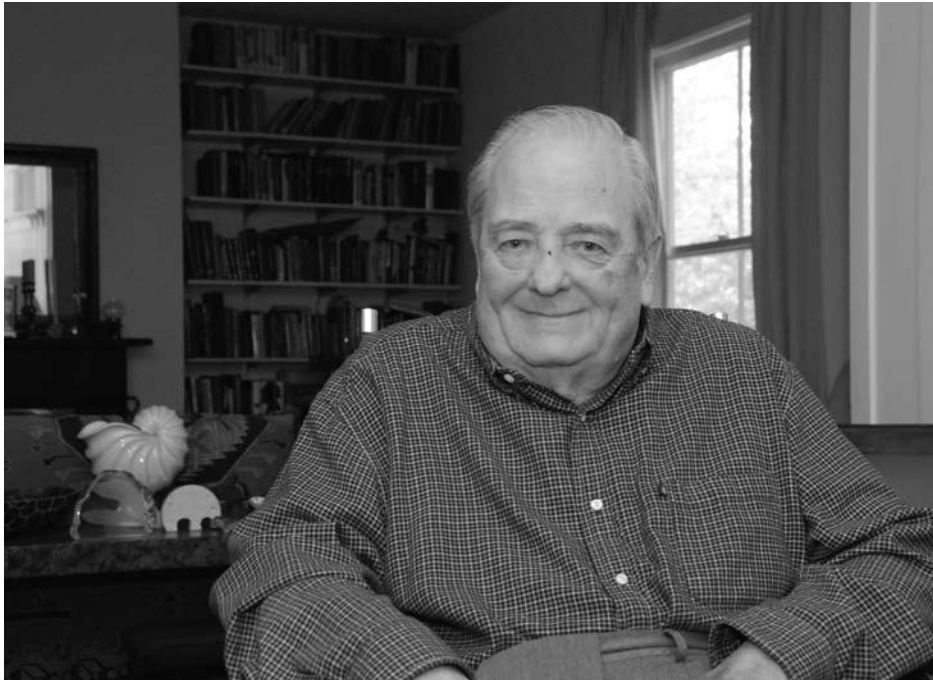
hearing about the Baker Street Irregulars. I was fascinated by them, but didn't know how to get in touch with them. Then, in 1953, I read a popular paperback, *Blood on Baker Street*. It was fiction, but in the back there was a note that said, '...there really are Baker Street Irregulars. If you wish to get in touch with them, write to Edgar Smith in New York City.'"

Mangler wrote, and heard back from Smith immediately. Yes, Smith told him, there are Baker Street Irregulars in Chicago. They have two groups, one called Hounds of the Baskervilles; Vincent Starrett is in charge. There is also another group, Hugo's Companions, run by Dr. Richard Schwartz. "I've been members of both ever since," Mangler beams.

When Mangler met Starrett, Starrett asked him if he was related to Billy Mangler of the eponymous restaurant. "I guess I looked like him," Mangler explained. "He was my grandfather." In 1906, Billy Mangler's restaurant still had a "free lunch", and Starrett was only making \$12 a week at the Chicago Interocean.

Vincent Starrett had founded the Hounds

in 1943. It was the second of the "scion" societies, organized under the guidance of New York's Baker Street Irregulars. (Boston had the first scion.) It was a logical thing to do, since in 1933 Starrett had added fuel to the fire of Holmes interest by writing *The Private Life of Sherlock Holmes*. The book is still in print, in a revised edition; 1934 editions fetch \$200 or more today.



By 1960, Starrett was ready to retire from heading the Hounds, and he hand-picked Mangler to take his place. Mangler held the position until 2005!

In his professional life, Robert Mangler is a lawyer. He attended Loyola University and got his law degree from Northwestern. (Junie Sinson was a classmate at Northwestern.) He served in the Corporation Counsel offices of Chicago and Evanston, and became the Corporation Counsel for the Village of Wilmette in 1965. He served until 1992. Subsequently he has been in private practice.

His specialty in municipal law has been traffic. He is Chairman of the Illinois Traffic Court Conference, and has been since 1977. Within the specialty, his subspecialty is the evaluation and treatment of DUI offenders. He has attended and lectured at several conferences around the country and one in Oslo, Norway.

Actually, municipal law and Sherlock Holmes work well together. Wherever Mangler travelled in his work for the Interna-

tional Municipal Lawyers Association as its President 1994-1995, he would try to look up the local scion society and make new friends. When he would mention Vincent Starrett, people's eyes would grow wide and they'd exclaim "You know Vincent Starrett!"

"You meet very interesting people," Mangler explains. "You know the phrase, 'people from all walks of life'? That really applies to Sherlock Holmes fans.

In the Baker Street Irregulars (which I was invited to join on Starrett's recommendation), members have included two Nobel prize winners, FDR, a famous boxer (Gene Tunney), lots of travel agents and doctors, an astronaut, judges and lawyers, pretty much everyone as members."

He travelled many times to New York for the annual dinner of the Baker Street Irregulars. "But I've never made it to the annual dinner of the The Sherlock Holmes

Society of London, although I did join it. But I visited there several times, just not at the annual dinner."

Mangler perfected a talk called "Sherlock Holmes: Fact or Fiction," which he has given often, at libraries in Wilmette, Park Ridge, Niles, and at DePaul, the University of Illinois, Northern Illinois, and countless clubs and groups. Like any good lawyer, he is prepared to argue on either side of the case.

His health (blood clots and complications, ending in the amputation of his right leg) caused him to cut back on these appearances, but recent improvement allowed him to give it at the North Shore Senior Center this past April. 125 people attended.

Mangler and his wife Geraldine have four children, three sons and a daughter. Two sons are in computers, and one is a painting contractor. But his daughter works in the corporate counsel office for Skokie. "It's interesting that the only acorn which fell near the tree was my daughter," Mangler muses.

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Photograph by Robert McCamant

# Steven Levitin: Oz Collector and Caxtonian

Robert McCamant

Steven Levitin '07, died on January 17. He was a many-faceted man. An entry from his college alumni newsletter (University of Indiana) in 2003 noted "the Chicago-area election campaign of Rahm Emmanuel, his board position with Transplant Recipients International Organization, and a major fund-raiser with Sen. Ted Kennedy and Congressman Bobby Rush of Illinois" as recent activities.

But it was his love of collecting anything having to do with *The Wizard of Oz* that brought him to the Caxton Club. He first learned of the club through Scott K. Kellar, from whom he commissioned a custom archival box. But he was eventually nominated by Skip Landt, and seconded by Margaret Oellrich. His nomination mentioned rare L. Frank Baum items and smaller collections of W.W. Denslow and Ruth Plumly Thompson material.

As the alumni newsletter noted, Levitin was deeply involved in the charitable world of organ transplants. He received a new heart in 1999, and that led to his ebay screen name, "gr8hrts". Here was how he explained it a few years later:

"We all have one on ebay. We all have a story about how our name came to be. Some are obvious, some are absurd, some are funny,



some are cute and then there are some that are, well, truly meaningful. Mine is gr8hrts. Yes I am told that I have a heart of gold, a really great heart, but my story goes deeper. You see, on New Years Eve 12/31/99, I was the lucky recipient of a new heart. Yes, I was gravely ill and wasn't expected to make it another 2-4 weeks without a donor heart. Fortunately for me, my wife, my daughters, my dogs, my fish and of course my Oziana Artifacts, I was blessed with the fortune of life once again. I have met my donor family and their friends, spoke at my donor's high school graduation and even accepted his diploma posthumously. An honor and privilege. I live each day to the

fullest. I compete in the Transplant Olympic Games and have even won medals. Most recently in golf. I have been playing since I was 4 years old. I love the game. I hope that you enjoyed learning a bit more about me."

Many Oz collectors wrote on his memorial website. Peter Hanff, of the University of California at Berkeley's Bancroft Library, wrote "He was extremely excited about joining us, sharing some of his book treasures (and they were truly amazing), and golfing at Pebble Beach." Jane Allbright, of Kansas City, wrote "We met comparing notes on our Oz treasures and were delighted to find we shared a few that are especially rare. I later wrote

asking him to loan a piece of sheet music that I didn't have in my own collection for an exhibit, attaching a digital file of the event flier. He brushed aside the whole sheet music question until I'd first agree to let him personally fund the cost difference to print the flier in color instead of black-and-white. And the music? He loaned it – no surprise – then told me when he handed it to me that he had two and would love to trade for one of my duplicates. I still think I got the better end of that deal."

Levitin was 53 at the time of his death, and employed as an executive with Riverside Graphics.

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years and six months in prison, followed by three years of supervision, which is a fairly stiff sentence for this kind of crime.

## AUDIENCE MEMBER

I just read an article in the *Financial Times* entitled "Why Do They Steal These Precious Books?" They had a whole coterie of other thieves that we haven't mentioned here. That's something you haven't discussed, the entertaining books that come out of these thefts.

## ALICE SCHREYER

Actually, the *Financial Times* article about why precious books are stolen was unfortunate because it perpetuates the stereotype

(which is no longer true) that libraries keep quiet about crimes for fear of negative publicity. It's like the stereotype that "you can't really use a rare book library" that we all battle against. Both are hard to put to rest.

## SUSAN ALLEN

Another piece that's very hard to put to rest is this romanticism of the thief. I was happy to have Michael remind us that sentences for these crimes are starting to be more severe, the fact that someone who steals a \$10,000 book is in fact getting a harsher sentence than someone who steals a \$10,000 piece of jewelry, because it is a cultural crime, a crime against citizens. I hope that continues. But I've always been upset by the romanticism and attraction

of the thief, of the pleasantly eccentric person who might do these kinds of things. From my vantage point, I try to remember that these are common thieves.

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*Sem Sutter, Alice Schreyer, Michael Thompson, and Susan Allen are Club members. Sara Malton teaches English at St. Mary's University, Halifax, Nova Scotia. Jennifer Larson is a partner in Jeffrey Marks Rare Books of Rochester, NY. Brian Brusokas is a member of the FBI Art Crimes Task Force and is assigned to Chicago. William Butz is proprietor of Main Street Fine Books and Manuscripts, Galena, IL.*

*Photographs by Robert McCamant.*