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**FORGERY AND THEFT OF HISTORICAL RESEARCH MATERIALS:
SOME PERSPECTIVES ON SECURITY, AUTHENTICITY, AND TRUST**

The Rare Book and Manuscript Trade

by

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AUTHOR'S NOTE: This is the text of a paper presented at the annual conference of the American Historical Association, December, 1990. Its purpose was to represent the standpoint of the trade to an audience of scholars and librarians.

More often than one likes, and certainly more often than anyone knows, a member of the antiquarian book trade sells an item that is not genuine, not as it is represented to be, or not what the buyer assumes it to be. Rare book dealers also sometimes buy and sell material to which they do not have legal title. These situations pose serious problems to those entrusted with the acquisition, preservation, and interpretation of historical research materials. They also pose enormous threats to the antiquarian book business, both to the individual dealers involved and to the health of the marketplace as a whole. An awareness of the rare book trade and an understanding of how it operates is essential to those involved in the acquisition of rare documents. It will also alert historians to the need to question not just a document's content and physical characteristics, but its history.

A dealer caught up in the sale of forged or stolen material, even if completely innocent of wrongdoing, will find his or her integrity and expertise questioned. He or she will also usually bear the financial burden of compensating the buyer without receiving compensation in turn from the forger or the thief.¹ A rare book dealer does not carry insurance to protect against such a loss, as a doctor would against malpractice. Moreover, undetected forgeries and stolen material unrecovered from the marketplace have the potential for even more devastating impact.

Unrecognized spurious documents confuse us about genuine material. Without reliable

authentication procedures, fakes can be, and have been, used as the standard whereby other fakes are erroneously validated, and, possibly, genuine items condemned.² If a large percentage of the Lincoln autographs that a dealer has ever seen are actually undetected forgeries, that dealer is unlikely to have a sound basis for determining authenticity. Such a situation, if perceived by the buying public, will have a depressing effect on purchasing enthusiasm.

Similarly, a large quantity of stolen material in the marketplace, if known to potential purchasers, will deter them. For instance, the University of Georgia at Athens, the repository of the world's largest collection of Confederate imprints, has suffered substantial thefts in recent years. The former Head of Special Collections was convicted of some of the thefts in late 1988.³ The University's records were allegedly tampered with so that the extent of the loss is unknown. The current Head of Special Collections estimates that the institution no longer has duplicate copies of approximately one third of its holdings in that field.⁴ The majority of these allegedly stolen items cannot be distinguished from other examples which are legitimately in the marketplace. Who can buy any Confederate imprint with confidence under such circumstances, unless it is accompanied by an unquestionable provenance?

It is natural, given that the motive in these cases is so often purely financial, to look at those who have apparently profited by the situation--the dealers--and blame them for it. There is a tendency to conclude that a dealer who has sold something forged or stolen has done so *knowingly*. From there it is an easy step to the false impression that the entire trade is taking advantage of the ignorance, greed, and gullibility of those less knowledgeable than itself. (continued on p. 6)

OVER-PRICING FOR BOOK FAIRS

The following letter was received by ABAA president, Muir Dawson regarding an unfortunate occurrence at the ILAB-sponsored International Book Fair held in Tokyo in October, 1990.

Dear President:

Would you please bring to the notice of all the members of your association the following official statement of the ILAB.

On Overpricing at Book Fairs. In some quarters it has long been suspected that books offered for sale at Fairs are not necessarily cheap.

We do not propose today to say whether or not that belief is well-founded, but we are afraid we must refer to a blatant and flagrant example of overpricing which occurred at the Book Fair in Tokyo in October, 1990.

One visiting dealer displayed at the fair an easily recognizable book which he had recently listed in a catalogue issued from his normal business address in Europe. Thinking the Book Fair price for the same book high, the librarian of an important institutional library in Japan checked the dealer's regular catalogue and found that the price had been increased by several hundred percent, supposedly "for the Japanese market".

How can we expect to have book buyers to have faith in our prices - and in our expertise and integrity - if this sort of thing takes place? The librarian was shocked and lodged a formal complaint with our Japanese hosts. The matter did not end there and there was unfortunate publicity in a journal in the dealer's own

country.

This dealer's action and action like it can do great harm to our trade. It is grossly in violation of the spirit of the League and the League Committee will not tolerate it. If future examples come to our notice we will endeavour to see that the offending dealers are prevented from, exhibiting at future Fairs sponsored by the League, and we will reserve the right to take further and even more drastic action. The good name of the antiquarian book trade as a whole must not be sullied by the irresponsible behavior of a small minority. ILAB Committee, September, 1991. Anton Gerits, President

NEW BY-LAWS ADOPTED

The new By-Laws, which were circulated in the last issue of the *Newsletter*, were approved by the membership in a mail vote that was tallied early in October. Jeffrey Marks, secretary of ABAA, reports that of the 231 votes cast (return 55%), 225 votes were in favor of the new By-Laws; 5 were opposed, and one ballot (from a member of the By-Laws Committee) was returned blank.

This vote was conducted under the terms of the old By-Laws which had been in effect - save amendments - for about twelve years. These stated that for approval, two-thirds of the membership actually voting must vote in favor of adoption. The vote was not unanimous, but the 97.4% approval is convincing.

With its new language, the By-Laws specifically outline the duties of the national officers and committees, and impose a degree of structure on the Board of Governors. It also sets out for the first time disciplinary measures and

processes, and it makes the Code of Ethics an enforceable document. It all means more work for officers and committees, but for the betterment of the Association as a whole. We at the *Newsletter* hope all members of the Association, including Associate and Emeritus members, will read and become familiar with them, and conduct business accordingly.

We also hope to make available shortly a small booklet prepared for the use of ABAA members, containing not only the new By-Laws, but also the Code of Ethics, Bookfair Rules, the ILAB resolution on bookfairs, and other texts of an official nature issued by either the ILAB or ABAA.

By-Laws Committee

ABAA THANKS RAY WAPNER

The following letter was sent by ABAA president Muir Dawson August 28 last to Ray Wapner, past Treasurer of ABAA and the generous lender of the ABAA's first computer to our national office.

Dear Ray: It was only a number of months ago that any of us on the Board of Governors of the ABAA knew that the computer being used by the ABAA office was one that belonged to you. At about the time that we were made aware of this situation, I think we were already considering a larger, or something different in a computer to take care of our growing needs and increasing activity with the ABAA. The Board enthusiastically voted approval to the idea of getting a new computer, but exactly what to get, and where to get it, took a bit of time. I understand that Liane has already, or is on the

verge of getting one delivered.

It was a generous thing for you to do, and enabled the ABAA to get into the computer age at an earlier date than we might otherwise have done. The ABAA would be lost without a computer, and even though most of our members are totally unaware of your generosity, they do have reason to be grateful.

Sincerely, Muir Dawson,
President, ABAA

CHANGES IN STORE FOR THE 1992-93 DIRECTORY

The latest issue of the *ABAA Directory*, which should be in every member's hands by early November, contains at the back, as usual, a Specialty Index, listing alphabetically subjects of specialization, under which dealers' names are cross-referenced based on the individual dealer's own description of his or her business in the main entry.

Over the years, this specialty index has grown cumbersomely large, and to a degree meaningless. In next year's *Directory*, some changes will be implemented. The Directory Committee speaks specifically to large, generic subject categories (such as *Americana* and *History*) which it proposes to abolish. It speaks to small, super-specific categories (*Luso-Braziliana* and *Metaphysics*) which the committee proposes to incorporate into larger categories. It speaks to like categories (*Pacific & Pacific Islands* and *Voyages and Travel* where the number of reduplicative names is nearly 75%), which it proposes to merge.

The latest issue of the *Directory* contains almost 200

specialty listings in the index, generated from the main entry under each dealer's listing. By comparison, the latest *ILAB Directory* lists 109 specialties, and the ABA of Great Britain lists a mere thirty-two. It is the hope of the Directory Committee to reduce the number of specialties in the 1992-93 *Directory* to something in the vicinity of one hundred.

In the next questionnaire for the *Directory*, which will be sent to the membership early next year, dealers will be asked to check off no more than seven specialties from a list of about 100. Super-specific specialties, such as *Metaphysics*, can be listed in the dealer's 145 character description in their main entry.

The Directory Committee expects some comment on this, and we hope that all who have something to say on the matter will write to the Committee, care of ABAA Headquarters in New York.

--Directory Committee

EARLY COLLECTION OF ANNUAL DUES

Several years ago the ABAA changed its bookkeeping so that its fiscal year coincided with the calendar year. In order to produce an accurate annual budget, to establish an accurate roll of the membership and to publish the annual directory in a more timely fashion, the Board of Governors is asking the membership this year only to suffer the burden of paying annual dues for 1992 at the end of 1991, so that the Board may have an accurate picture of the Association's financial status at the end of the fiscal/calendar year, and adequately prepare for the year that follows.

In past years, dues were collected by March 31. This

year, dues will be collected as soon as possible before the end of the calendar year. Second notices will be sent November first. 1992 membership cards and copy for the 1992-93

Directory will be sent to members in good standing on January 1, 1992.

The Board recognizes that this might put extra-ordinary financial strain on some of our members. Members who are not able to pay three months early this year are asked to contact Bob Fleck of the Finance Committee to make special arrangements. If Bob or any other member of the Finance Committee does not hear from you, ABAA expects that your dues will be paid in a timely manner, prior to January 1, 1992.

Midwest Chapter members should note that a corrected invoice has been sent, reflecting increased chapter dues (from \$20/ year to \$40/year). Associate members' dues for the Midwest remain at \$10. If you are a Midwest Chapter member and have not received a corrected invoice, please be in touch with Liane Wood-Thomas at ABAA Headquarters in New York as soon as possible.

--Finance Committee

ABAA SLIDE SHOW NEEDS YOUR HELP

Muir Dawson is planning to put on a short slide show of the early days of the ABAA at the next annual meeting, which will be held in Los Angeles in February. The slides will include pictures of any ABAA members at work, including presidents and other officers of the Association. Muir already has a good start, but would like to hear from anyone who has old photographs or slides, so that he might borrow and copy

them, and return the originals. Current photographs are also welcome.

The records in storage at headquarters in New York indicate that there is nothing much in the way of correspondence during the first years of the ABAA. Muir is hoping that some of our long-time members have in their possession, or know the whereabouts of early records that they would like to deposit with the ABAA. Anyone with photographs, records, or reminiscences should be in touch with either Muir Dawson, Dawson's Bookshop, Los Angeles, or Liane Wood-Thomas at national headquarters in New York. --Muir Dawson

ALSO IN THE ARCHIVES...

are back issues of *The Professional Rare Bookman*, a journal devoted to ABAA and the antiquarian trade which was published between 1980 and 1984. Over the course of a housecleaning at headquarters, Liane discovered that we had only one issue each of (the now rare) numbers 1 and 2, and ten to twenty each of the remaining (becoming scarce) five.

If anyone would like a copy of numbers 3 through 7 to complete their collection, Liane would be happy to send you select copies (vg or better), depending on supply. Available on a first-come first-served basis. Please write or call headquarters for more information.

--Liane Wood-Thomas

TRIAL BOOKFAIR IN PACIFIC-NORTHWEST

In an attempt to generate and perpetuate enthusiasm for the trade and collectors, the Pacific

Northwest Chapter of ABAA has scheduled an experimental bookfair to be held in conjunction with their regular chapter meeting at The Nendels in Corvallis, Washington, on November 24, 1991.

The schedule is as follows: Noon to 1 p.m. set-up. Nendels will provide three 8-foot tables and Louis Collins (Louis Collins Books, Seattle) will have three four-shelf folding bookcases. Louis writes "everyone should try to bring big-ticket and/or exemplary items in their specialty. To make it easy to distinguish ownership, each item should be accompanied by a description and price on some form of letterhead, especially if you are sending books for exhibit and do not plan on being present. Those planning on attending should bring cards, catalogues and invoices; those who will send books but will not be present should get these items to me or another Pacific-Northwest dealer as soon as possible."

The exhibit will be open to the public from 1 to 5 p.m. Flyers will be available shortly. Local advertisement is planned.

From 5 to 6 p.m. the exhibits will be struck and the venue cleaned for dinner. Dinner will be served at 6 p.m. followed by the chapter meeting. A no-host bar will be available all day. Dinners to choose from include chicken cordon bleu, rice pilaf, and ice cream for \$14; halibut with lemon dill sauce, buttered noodles and ice cream for \$16.; and, prime rib, baby red potatoes and chocolate mousse for \$17. Please confirm the number in your party with dinner choices with Louis as soon as possible. All reservations must be in by November 9.

Room reservations should be

made with the Nendels directly (phone: 503 753-9151). The PNW chapter has a block of rooms reserved for Saturday and Sunday at a special rate of \$45 for a single and \$51 for a double, plus tax.

This chapter bookfair is open to all ABAA members. Space is limited and available on a first-come, first-served basis. Those interested in participating should contact Louis Collins as soon as possible, at 1211 East Denny Way, Seattle, WA 98122 (phone: 206 323-3999). --Louis Collins

BOOK THIEF CAUGHT IN ST. PAUL

Last March a suspicious man visited us, ostensibly to look at literature for his wife for her birthday. Within five minutes of his departure, we discovered he had taken two nice Faulkner first editions in jackets. I notified the other dealers around town and cautioned them about anyone selling Faulkner.

Nothing happened until October 9 when I received a call from Jim Laurie (James & Mary Laurie, Booksellers) who told me there was a suspicious-looking man in their shop with four cartons of books to sell, including Faulkner first editions.

I went immediately to Jim's shop and examined the books. None of the Faulkners was ours, however one Waugh, one Yeats, and one Mark Twain were. Jim and I consulted. I favored calling the police. He favored confronting the thief. It was his shop and he's six-eight so we confronted the thief in Jim's basement where he had been under the eye of Joe Kimbrough, an employee of Jim's. As I remember the confrontation it went something like this: Jim was forceful and

direct. I was impressed. I thought to myself he's probably done this before, having an open shop. Jim says, "I can't buy your books because I think - no, I know - they're stolen. Now, we can settle this amicably, or we can call the authorities." The alleged thief, one Gus Lucas, looked from Jim to me and back again with a nervous eye. "What?" he asked incredulously. "Stolen?"

In a rage, and looking very much the tyro in the midst of these two cool cats, I said, "Listen. I recognize you. I know you took two Faulkners from me back in March." Our friend paused, looking for a way to backpedal out his jam. "I can get you back your two Faulkners," he whispered. "What about the other books?" Jim asked. "We want them all back. If we get them all back we won't call the authorities." Lucas told us the books were at his house and that we could go with him to get them.

That's all I remember until we got to his car. When Jim asked where we were going, Lucas said Albert Lea, a town 100 miles south of the Twin Cities. I didn't want to drive into the cornfields for the rest of the day, so I said wasn't going. I'm not sure exactly what was going through my mind, but I was definitely feeling inconvenienced, and there was a small, but lingering sense of fright.

Jim said one of us should go, and he volunteered. Perhaps he saw my misgivings. Right before Jim got into the car he said he'd call me when he got there. I took down the license and came home. The next and last time I would lay eyes on the thief was about four hours later, to give a positive ID to the police, as he sat

hand-cuffed in the back seat of a squad car.

Jim didn't call. In a quandary, I brooded in my office over Jim's absence. I was on the phone with Joe at Jim's, Jim's wife, Mary, who was very concerned about Jim driving off with who-knows-who in the cornfields, and Larry "Dinkytown" Dingman from whom a number of the books were also stolen. Larry counseled moderate action. Wait and see if you hear from Jim. Joe was undecided. Mary said call the cops.

I knew this guy had stolen books, but he had seemed repentant, and willing to mend his ways. And after all, he did promise to get our books back to us. Jim, and tacitly I, had given him our word, in a sense cut a deal with him, and I felt a bit sheepish about breaking it because as we all know, there's nothing worse than bookseller breaking his word. Finally, I took the ABAA Code of Ethics as my guide on this, and because I had a hand in writing it, a key passage in it played through my mind. "An Association member shall cooperate with law enforcement authorities...in the effort to recover and return stolen materials."

Screw the word we gave the thief, I called the cops.

A sting was set in motion. The St. Paul Police swooped in when Jim and the thief arrived back at Jim's shop, and the thief was arrested. Thankfully, no harm had come to Jim. The thief had kept his part of the bargain, but we hadn't. Jim mumbled something about our breaking our word on bringing in the authorities, but I assured him this was the best course to take. It took a day to get him to agree, but he finally came

around.

Jim was a hero to me and Larry because he had returned with four additional cartons of books this man had stolen from Dingman, Jim and me, eight cartons all told, only 14 titles of which were mine: an incunable, the two Faulkners, two Melvilles, Greenwood's *London Vocabulary*, the previously mentioned moderns and a few others of lesser significance.

About thirty thousand dollars worth of books were recovered, mostly 19th and 20th century literature, most of it from Laurie and Dingman. Gus Lucas, who had no prior criminal record, sat in jail for three days awaiting arraignment. His wife, upon learning of his arrest, immediately served him with divorce papers. Sgt. MacDonald of the St. Paul Police, a jolly, pudgy Irishman with a big grin, tells me Lucas, who confessed to the thefts, will probably get off with probation because he was a cooperative thief, and led police to his home to recover yet more books that Jim had not. The books have now been inventoried, and are back in the hands of the rightful owners.

In the end, the decision to call the police was correct. Sgt. MacDonald did tell us, however, that had we called in the police when we first confronted the thief in Jim's basement we probably *would not* have gotten back any of our books because none of us had reported our stolen materials to the police, and at the time there would have been no probable cause, and no hope of ever getting a search warrant for the thief's house. But by doing the wrong thing, said MacDonald, by sending Jim off with a felon into the cornfields when we

should have called the cops, we were able to get back books we might not ever have recovered.

--Rob Rulon-Miller

(Larson, from p. 1)

However, there is also the regrettable possibility that the dealer is no more informed of all relevant facts, nor appropriately concerned about unpleasant possibilities, than is his or her source and customer. Furthermore, in many instances of forgery and theft, it has been a member of the trade who has first discerned and exposed the nasty facts.⁵

There are many levels of uncertainty and complexity involved in determining authenticity and establishing title. At one end of the scale, a document may be an obvious printed facsimile, not even preserving the dimensions of the original, and a cautionary note identifying its features may be readily found in a standard reference work. A document offered for sale might be an autograph manuscript dated after its supposed author died. A dealer staking a reputation for expertise on such offerings will not, it is hoped, enjoy deference to his or her expert opinion for long--although, parenthetically, it is surprising how durable such a reputation is, and how little foundation is necessary to achieve one. At the other extreme are genuinely problematic cases, such as *The Oath of a Freeman* and the Vinland Map, involving numerous respected experts from a variety of disciplines, who nevertheless fail to uncover satisfactory proof of inauthenticity.⁶

A similar range of situations applies to stolen material: a document may be one whose nature practically

proclaims its owner--for example, the original manuscript of *Alice's Adventures Underground*, widely known to have been spectacularly acquired by Dr. Rosenbach in 1928 and now in the British Museum; or it may be an unexceptional copy of the 1866 New York Alice, impossible to identify as the particular copy, among many legitimately in the marketplace, that was stolen from a particular institution. Distinguishing between the suspicious and the normal offering becomes, for the dealer, a matter of judgment and experience. However, all too often, it becomes a matter of hindsight exercised by persons without the daily experience of buying rare books from the wide variety of sources faced by the average shop owner.

Dealers who are forgers or thieves are very few--fewer, I would say, than librarians who steal; perhaps they are as rare as scholars who falsify their data. Dealers who deliberately purchase material they know not to be genuine, or who knowingly acquire stolen material, are likely to be even scarcer, because the risks in such cases are greater and the benefits slighter. The significant problem in the trade is a failure to question rather than a failure of ethics: dealers who neglect the basic research that would expose the nature of the item; dealers untutored in the fundamentals of forgery recognition; and dealers ignorant of the far-reaching lessons of recent years. Such dealers transmit their baseless confidence to their customers.

What is regularly rewarded in the antiquarian book trade, unfortunately is not so much expertise and ethics, as intelligent risk-taking and the

confidence a dealer exudes and conveys in his or her own judgment. That confidence is not always well-founded. Transactions based on simple trust of the dealer are more characteristic of private than of institutional collecting. Librarians and archivists are often more cautious, informed, and constrained by institutional guidelines than the private buyer. Nevertheless, there should be equal cause for concern in the academic community about private collecting, particularly because as part of a distinguished private collection, a forged document acquires a lustre that will ultimately make its true nature more difficult to expose.⁷ Even worse, with the passage of time, as stolen material changes hands in good faith, its return to the legitimate owner is generally perceived as increasingly improbable.⁸

The goal of the trade at large (which may, from time to time, be at odds with the wishes of a particular member thereof) is precisely the same as that of the other parties to the equation--the librarians, the collectors, and the scholars. If an item is forged or stolen, dealers want to know about it. It would benefit us all if uncertainty in these matters were reduced to zero, so that it would be impossible to mistake a spurious for a genuine item or a stolen for a legitimate one. The situation may be termed a crisis of expertise: crude and mediocre forgeries pass muster all too often, and despite our most sophisticated efforts, a skillful forgery may not be exposed with certainty. Thefts are accomplished from our most secure institutions, and they sometimes go undetected,

unreported, and remunerated. Appearances and suppositions to the contrary, it is usually the dealer involved who, in the long run, is left holding the bag.

The Antiquarian Booksellers' Association of America (ABAA) is currently addressing the problem of unwitting sales of forged and stolen material by means of informational alerts. The organization maintains a database of reported stolen material, with new software designed for the more efficient recording and retrieval of listed items. Members receive periodic bulletins of recently-reported items. Attacking the forgery problem, the ABAA established a clearinghouse to identify and publicize documents that are seriously questioned. It published an illustrated list of such items earlier this year, which is available upon request from the New York office. Also available is a census of the recently-exposed forged Texas broadsides, what is known of their history in the trade, and located authentic examples of those items.⁹ I have personally undertaken the project of tracing all of confessed forger Mark Hofmann's transactions during his five-year career in the antiquarian book business. Despite considerable coverage of this sensational case, many of these questionable documents have not been publicly identified, and may in the future change hands without their provenance being known.¹⁰

Compounding these problems with expertise is another set of problems relating to the lack of perfect communication and understanding between buyer and seller. Because authentication is sometimes problematic, because certainty

about authenticity is often impossible, because procedures for establishing authenticity and title are so frequently impractical from financial and other standpoints, and because stolen material is so often sold before the theft is discovered and publicized, there is a burden on dealers to frankly and precisely communicate to buyers both what is known, and especially what is not known, about their merchandise.

Earlier this year, the ABAA adopted a revised code of ethics. The sections pertaining to authenticity, provenance, and title provide that:

1) An ABAA member shall be responsible for the accurate description of all material offered for sale. All significant defects, restorations, and sophistications should be clearly noted and made known to those to whom the material is offered or sold. Unless both parties agree otherwise, a full cash refund shall be available to the purchaser of any misrepresented material.

2) An ABAA member shall be responsible for passing to the buyer clear title to all material sold, and shall not knowingly purchase, hold, or attempt to resell stolen materials. An ABAA member shall make all reasonable efforts to ascertain that materials offered to him or her are the property of the seller. An ABAA member shall make every effort to prevent the theft of antiquarian books and related materials. An ABAA member shall cooperate with law enforcement authorities in the effort to recover and return stolen material, and apprehend those responsible for the theft.

3) An ABAA member shall

vouch for the authenticity of all materials offered for sale, and shall make every reasonable effort to establish their true nature. Should it be determined that material offered as authentic is not authentic or is questionable, that material shall be returnable for a full cash refund, or other mutually agreeable arrangement. Material proven to be not authentic, or of disputed or undetermined nature, shall not again be offered for sale unless all facts concerning it are disclosed in writing.¹¹

Sadly, it is unrealistic to expect full candor and voluntary complete disclosure from every member of the antiquarian book trade. Many dealers assert a right or an obligation to hold their sources in confidence. Dealers vary in experience, ethics, expertise, and capacity for self-delusion. It is not possible for the ABAA to effectively monitor the activities of all of its members, and recent cases have demonstrated a disinclination on the part of buyers to register complaints with the ABAA regarding unsatisfactory dealings with its members. This hampers the organization's efforts to police itself.¹²

A buyer wishing to avoid problems with possibly forged or stolen items would be well advised to insist upon complete answers to pertinent questions and to forego the acquisition if the response is unsatisfactory. I regret the necessity of placing the burden for these problems on the buyer, but human nature being what it is, there will always be a few dealers willing to take advantage of the uninformed, unwary, and incurious customer. Human capacity for self-deception and

error being what it is, there will be, as there have been, cases in which the most knowledgeable and respected members of the trade will be deceived, sometimes in a very big way.

In 1982, the ABAA published a pamphlet that provides useful advice for victims of theft and for dealers who are offered stolen material.¹³ It does not address the problem from the consumer point of view, nor has the subject been adequately treated elsewhere, to my knowledge, for forged, altered, or stolen material. Such advice made available to the purchasers of at least sixty-five spurious Texas broadsides, all rare and none with an acceptable provenance, would likely have prevented some of those sales. Dealers vary in their standards of description and observation, as we all do in our perceptions of the noteworthy, the obvious, and the insignificant. Autograph collectors should know that positive authentication of a signature standing alone is an impossibility, as one of the nation's most prominent manuscript dealers testified recently at forger Mark Hofmann's preliminary hearing.¹⁴ A dealer is unlikely to point this out to a potential purchaser of a valuable signed book or inscribed photograph; nevertheless, it is very much in the interest of the trade at large that such items not find buyers if they are not genuine.

Three very diverse examples of dealer representations are illustrative of the pitfalls of relying solely on the word of an interested party, however reputable, honorable, and knowledgeable that person might be. The first example is a typed letter signed by Mark W. Hofmann,

addressed "To Whom it may concern," dated 1 January 1985, which reads in full:

This is to certify that the "Political Debates Between Hon. Abraham Lincoln and Hon. Stephen A. Douglas...Columbus: Follett, Foster and Company. 1860." which is inscribed by Lincoln to S.H. Treat is, in my best judgement and professional opinion, authentic in every way; the inscription having been authenticated by the New York autograph expert Charles Hamilton as well.

Just over two years after the date of this letter, Hofmann pled guilty to fraud, forgery of valuable historical documents, and murder. While this inscribed book may be genuine, I find this letter a useful reminder of the value of such an unsupported certification.

The second example relates to the spurious Republic of Texas broadsides. Approximately two-thirds of those traced were sold over a twenty-year period by a prominent dealer generally recognized as the leading authority on those documents, the late John Jenkins.¹⁵ Since most of the documents in question are relatively easy to expose as fake once suspicion is aroused, it may be reasonable concluded that the success of the deception was largely due to misplaced trust in this dealer's opinion. John Jenkins stated in November 1988 that it had never occurred to him to question the authenticity of the abnormal number or recently-surfaced Texas broadsides, although he acknowledged a concern about their title. "Until this time," he wrote, "there had been no way to scientifically

determine a real from a fake broadside, and about all one could say was, 'This looks right' or 'This looks wrong'.¹⁶ On the contrary, document authentication is considerably more advanced than Jenkins indicated; and I doubt that sellers of Texas fakes informed their buyers of this opinion that there is no way to tell a real broadside from a fake.

My final example concerns the ongoing saga of the Vinland Map at Yale University, about which debate has raged since it was first introduced to the scholarly community in 1965. It is ostensibly a fifteenth century world map depicting North America, providing documentary evidence of Scandinavian knowledge of the New World predating Columbus. Laurence Witten, the respected dealer who bought and sold the map, steadfastly maintained his obligation to hold the name of his source in confidence, in spite of heated pressure which culminated at a scholarly conference in 1966. In his conference paper, Mr. Witten stated that Enzo Ferrajoli, the Italian dealer who called the map to his attention, "arranged to take me to see the owner. 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."¹⁷

It was significant that a person of Laurence Witten's standing should personally testify to having seen the manuscript *in situ*: it provided a provenance, albeit an unknown one. However, this estimable dealer has recently acknowledged, in a touching and welcome confession, that reliance on his personal

testimony would have been a mistake: "...the bookseller, back to the wall, believing passionately that the Vinland Map was not a fake but unable to provide the proof demanded, fell back on the only crutch he could think of: his source's story." Witten adopted Ferrajoli's story as his own. In fact, he had not seen the library, and he did not know the identity of the former owner.¹⁸

Most of us in the antiquarian book community are unwilling to function in the absence of trust. Some collectors in Texas and Utah, two states recently hard hit by forgery problems, have reportedly stopped buying out of disgust at the trade's lack of ethics and a sense that authentication poses insurmountable problems to novice and expert alike. If, however, dealers encouraged and welcomed requests for verification, documentation, and support of their claims, and dealers in turn questioned the representations of their sources, this consequence would not occur. In fact, such vigilance would have entirely prevented many of these deplorable situations. I believe that buyers can, and should, make such requests of dealers, without evincing distrust or impugning the dealer's integrity and expertise. I further maintain that such caution is as much in the dealer's interest as it is in the purchaser's.

NOTES

1. Laurence Witten, "The Dealer's Dilemma as Unwitting Receiver of Stolen Goods," unpublished paper presented at the Oberlin Conference on Theft, 1983; Jennifer Larson, "An Enquiry into the Crerar Library Affair," AB Bookman's Weekly, January 22, 1990.

2. Robert Harris, Selling Hitler (New York: Pantheon Books, [1986] p. 180-2. See also the Mark Hofmann case (references note 10) and W. Thomas Taylor, "Provenance and Lore of the Trade," in Pat Bozeman, ed. Forged Documents: Proceedings of the 1989 Houston Conference (New Castle: Oak Knoll Books, 1990).

3. Rufus Adair, coverage in the Athens Daily News; Steve Goldberg, the Atlanta Constitution; and Lee Shearer, the Athens Observer; August-September, 1988.

4. Duplicate copies of printed items have significant research value: they can reveal information about the circumstances under which those items were printed (of particular interest for historians of the Confederacy), about the history of printing in general, and about document examination.

5. Some theft cases exposed by dealers include: John H. Jenkins, "The Audubon Caper," Audubon and Other Capers (Austin: The Pemberton Press, 1976); Mary Jo Kline of Sotheby's, whose research exposed the Rosenbach Museum and Library's thefts, described by Ellen S. Dunlap, "Administrative Concerns," in Pat Bozeman, ed. Forged Documents: Proceedings of the 1989 Houston Conference (New Castle: Oak Knoll Books, 1990); and Goodspeed's in the matter of Charles Merrill Mount, per Philip Shenon, "Stolen Historical Documents Recovered from Safe Deposit," New York Times, August 18, 1987. Some dealers identify isolated incidents of forgery on an almost daily basis. A notable example of major dealer whistle-blowing is W. Thomas Taylor's actions in the Texas forgery and theft case. See Bozeman, *op cit.* and Lisa Belkin, "Lone Star Fakes," The New York Times Magazine, December 10, 1989; Gregory Curtis, "Forgery Texas Style," Texas Monthly, March, 1989; and Calvin Trillin, "American Chronicles: Knowing Johnny Jenkins," The New Yorker, October 30, 1989.

6. James Gilreath, The Judgement of Experts: Essays and Documents about Forging of The Oath of a Freeman (Worcester: American Antiquarian Society, 1990). See also R.A. Skelton, Thomas E. Marston, and George D. Painter, The Vinland Map and the Tartar Relation (New Haven: Yale University Press, 1965). Although the Vinland Map has been seriously questioned, its nature remains uncertain.

7. A spectacular example is that of the

magnificent gifts of Sir Edmund Backhouse to the Bodleian Library, which included some equally impressive forgeries. See Hugh Trevor-Roper, Hermit of Peking: The Hidden Life of Sir Edmund Backhouse (New York: Knopf, 1977). The phenomenon also occurred in Texas, where spurious broadsides were included in large donations to institutions by prominent private collectors. See Bozeman, *op cit.*

8. See Leonard D. DuBoff, Art Law in a Nutshell (St. Paul: West Publishing Co., 1984), p. 33-42, for some examples of international litigation over stolen works of art. More recently, the West German Cultural Foundation of the States found it necessary to pay a \$3 million "finder's fee" to facilitate the return to Germany of the Quedlinburg gospels, stolen by a G.I. in 1945 (Doyce B. Nunis, Jr., "A Bibliophilic Treasure Reclaimed," Hoja Volante, August 1990). It is refreshing to report a recent private grant to the Texas State Archives, enabling it to undertake the task of determining the extent of its suspected losses by theft approximately twenty years ago. The documents are now dispersed in the collections of many good faith purchasers. The intention is to request and if necessary, compel their return.

9. ABAA Committee on Questioned Imprints, Questioned Imprints [illustrated list] (New York: ABAA, 1990); The Texas Forgeries [census] (New York: ABAA, 1990). Available from ABAA, 50 Rockefeller Plaza, New York, NY 10020.

10. Linda Sillitoe and Allen Roberts, Salamander: The Story of the Mormon Forgery Murders (Salt Lake City: Signature Books, 1988); Robert Lindsey, A Gathering of Saints: A True Story of Money, Murder and Deceit (New York: Simon and Schuster, [1988]); Steven Naifeh and Gregory White Smith, The Mormon Murders. A True Story of Greed, Forgery, Deceit, and Death (New York: Weidenfield & Nicholson, [1988]); and Office of Salt Lake County Attorney, Mark Hofmann Interviews, Transcripts, Supplements and Exhibits (North Salt Lake: A.I.S.I. Publishers, 1987). For additional citations see David J. Whittaker, "The Hofmann Maze: A Book Review Essay with a Chronology and Bibliography of the Hofmann Case," BYU Studies, vol. 29, no. 1 Winter, 1989.

11. Antiquarian Booksellers' Association of America, "ABAA Code

of Ethics," in ABAA Membership Directory 1990-91. New York: ABAA, 1990.

12. Jennifer Larson, "Obligations of the Dealer: The U.S. Perspective," in Pat Bozeman, Forged Documents, op. cit.

13. John H. Jenkins, Rare Books [sic] and Manuscript Thefts: A Security System for Librarians, Booksellers, and Collectors. New York: ABAA, 1982.

14. Kenneth Rendell, on cross examination by Bradley Rich. State

of Utah vs. Mark Hofmann. In the Fifth Circuit Court...County of Salt Lake. Reporter's transcript of preliminary hearing, April 22, 1986. Vol. VII, pp. 84-85. See also D. Michael Risinger, Mark P. Denbeaux & Michael J. Saks, "Exorcism of Ignorance as a Proxy for Rational Knowledge: The Lessons of Handwriting Identification 'Expertise'," University of Pennsylvania Law Review, vol. 137, no. 3, January, 1989.

15. W. Thomas Taylor, abridged version of a talk given to the Friends of the University of Texas, September,

1988.

16. John H. Jenkins, unpublished memorandum to the Board of Governors, ABAA, November 2, 1988.

17. Laurence Witten, "Vinland's Saga Recalled," in Proceedings of the Vinland Map Conference, ed. Wilcom E. Washburn (Chicago: The University of Chicago Press, 1971), p. 5.

18. Laurence Witten, "Vinland's Saga Recalled," The Yale University Library Gazette, vol. 64, nos. 1-2, October 1989, p. 34.

The next issue of the *Newsletter* will appear in the Spring, and will coincide approximately with the New York Bookfair at the end of April. Submissions are due no later than March 27, 1992. Chapter presidents and committee chairpersons are particularly urged to file reports and/or articles so that the membership may be kept abreast of ongoing ABAA activities.

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