

March 23, 2005

VIA FAX

Mr. Jay Kislak
Chair, Cultural Property Advisory Committee
301 4th Street SW
Washington, DC 20547

Dear Chairman Kislak:

On behalf of the Association of Art Museum Directors (AAMD) we would like to comment on two important follow-up reports the committee has received. We beg the indulgence of the committee for submitting additional comments, but we felt that both the Sotheby's and Murphy responses deserved careful review by those of the AAMD membership with expertise in the field. Having made that review we offer our comments.

Both submissions make the same point in different ways. Sotheby's response clearly and succinctly outlines key factors that determine "cultural significance" when attempting to list objects to be restricted from import into the US. It then goes on to list categories within which one might find "culturally significant" objects.

Ms. Murphy's letter to the committee dramatically underscores the difficulty of classifying objects or even categories of objects. She cites figures that estimate 10 million relics in storage of which "only one percent was **believed** [emphasis added] to be classified as precious" and the number of sites estimated at 400,000 only 70,000 of which are officially designated. Even if Ms. Murphy's numbers are off by 50% -- and we have absolutely no reason to believe they are -- it seems problematic to us that China, given its current capacity to address cultural property issues as they relate to museums and collectors in China and elsewhere, has the resources to effectively sustain their stated position vis a vis the cultural significance of property it holds. For this reason, we feel compelled to reiterate our request that the committee reject the China proposal currently before it.

Nonetheless, AAMD agrees with Ms. Murphy's conclusion that we develop, in concert with the Chinese, a rationale, long-term plan, similar to the one we outlined in the AAMD submission of March 15 in section I. A. "Create a Licit Market." In the long run all parties would benefit.

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However, recognizing that the committee may feel the need to offer a short-term solution, we think it critical to establish, by a reasoned criteria, the factors that determine “cultural significance”. To achieve that China should be encouraged to consider the Japanese model as we suggested in our March 15 submission. Further, applying criteria for cultural significance to objects within categories, such as those suggested by the Sothbey’s submission, would accomplish a short-term solution for the committee to recommend.

We also urge, as have many others, that any import restrictions acknowledge that exports from Hong Kong are legal exports under the 1983 Cultural Property Implementation Act.

Thanks to you and your committee for your continued efforts in this monumental task you have undertaken.

Sincerely,

Anita M. Difanis
Director of Government Affairs