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A True Controversy:

The Trial of Marion True and Its Lessons for Curators, Museum Boards and National Governments

1. Introduction

The career of Marion True has been marked by both great distinction and great controversy. Once the powerful curator of antiquities at the wealthy J. Paul Getty Museum in Los Angeles, True is now embroiled in a legal and political scandal, and is currently standing trial in Rome for the trafficking of illegal antiquities.

Because the True case is an open legal proceeding and the entire situation is one that engenders controversy and difficult questions about museum ethics, there has been limited scholarly writing on the subject, probably because authors are hesitant to take a definitive stance on an issue that is still under investigation. This paper will examine the convoluted facts and evidence surrounding Marion True's career, and will use these facts to form an opinion regarding the actions of the different players in the case and, more generally, the responsibilities of museum curators, boards and national governments.

The first large section of this paper will present a detailed timeline of the True controversy. Since no consolidated timeline exists in the scholarly or journalistic literature, this paper will attempt to bring together information from various sources to place the events in their time and context. The second large section of the paper will be an analysis of the actions of

True, the Getty and the Italian government. Because the evidence and the entire scenario itself are complex and inconclusive, this will be an opinion based on the facts presented in the first section of the paper. I will discuss the shortcomings of True herself, the Getty administration and the Italian government, and conclude with an analysis of where these various players are situated in a broader and less case-specific sense within the current world of museum politics.

2. Timeline of the Controversy

2.1 True's Early Life and Education. Marion True was born in 1948 in Tahlequah, Oklahoma, and grew up in Newburyport, Massachusetts. She developed an early interest in ancient Greece and its artifacts and received a scholarship to New York University, where she studied classics and fine arts. She continued with a master's degree in classical archaeology at the NYU Institute of Fine Arts, and went on to work at the Boston Museum of Fine Arts under Cornelius Vermeule, before receiving her doctorate from Harvard University as a pupil of Emily Dickinson Vermeule (Eakin; Waxman 302). True joined the Getty in 1982 as a curatorial assistant, and was promoted to curator just four years later, in 1986, when she was awarded her Ph.D. John Walsh, the Getty's director at the time, praised True for her "strong scholarly credentials" and her "[knowledge] about the market" (Eakin).

In a rare interview with Hugh Eakin for *The New Yorker* in 2007, during the midst of her trial, True stressed the importance that her early work in museums had on her later career. Her mentor, Cornelius Vermeule, was famously known to answer questions concerning his collecting policy with nothing more than, "I was trained as an attack dog." True told Eakin that "there was a kind of etiquette I absorbed….The issue of 'Where did you get this?' was not discussed." As True put it, there were few Greek temples in her native Massachusetts, and instead she "got [her] exposure from museums" (Eakin).

2.2 True's Pretrial Career at the Getty. True's appointment as the Getty's curator of antiquities in 1986 was an act of absolution by the museum for the misconduct of its previous curator, Jiri Frel. Frel resigned after evidence came to light that he had over-appraised the value of donated artifacts to give donors a tax break, which he hoped would encourage more donations. The young, quickly rising True was seen as a step in a new direction for the antiquities department (Waxman 303).

Marion True's work at the Getty before her indictment was marked by a great effort to combat the trade in illegal antiquities. In 1987, the Getty instituted a new policy mandating notification to foreign governments when works were being considered for acquisition. If the country could prove the object had been illegally exported, the museum would send the object back, making the Getty the first major American institution to acknowledge foreign governments' restitution claims (Eakin). The following year, True was given the opportunity to purchase a set of Byzantine mosaics that she suspected were stolen. True turned the information over to the Cypriot authorities, and in a deposition at the trial said, "[The Getty] as an institution would not want to be buying art against the wishes of the country of origin." True also organized a colloquium in Athens during 1992 to debate the authenticity of a Greek kouros that Frel had obtained which most scholars considered a fake (Waxman 303-4).

Perhaps True's most significant policy change at the Getty came in 1995, when she spearheaded a radically new acquisition policy that prohibited the museum from acquiring antiquities that lacked thorough documentation or had not previously been part of an established collection (Wilkinson and Muchnic). At the time, Malcolm Bell III, a respected archaeologist at the University of Virginia, called the Getty's new policy the most restrictive of any American museum (Reynolds).

But 1995 also marked the two events that would ultimately lead to True's downfall at the Getty: first, the Getty's incorporation of the holdings of Barbara and Lawrence Fleischman into the museum's collection, and second, a private loan True obtained to purchase a vacation home on the Greek island of Paros. The Fleischmans' collection included almost 300 objects, and was valued at $80 million, but the museum paid only $20 million for the objects—the rest was donated (Watson and Todeschini 115). The acquisition immediately concerned archaeologists, since 92 percent of the objects had no known provenance[1], and the rest had appeared only in a recent exhibition published by True herself. The Fleischman collection was cleared under the new acquisitions policy, but only because it had been exhibited by the Getty during 1994. Some in the art world saw this as a less-than-transparent move by the museum so that it could acquire the collection under the new policy, and the acquisition certainly demonstrates the close relationship between True and the Fleischmans (Waxman 336).

The loan for the Paros house, on the other hand, is perhaps one of the most straightforward aspects of the True controversy. The first time True visited her friend Stella Admiraal, an archaeologist in Paros, she fell in love with the Greek island. In the early 1990s, a couple living near Admiraal told True they were selling their house, and True decided to purchase it, although she knew the financing would be difficult. American banks refused to loan her money, since the property was overseas. True spoke to her friends Robin Symes and Christos Michaelides, partners who were successful dealers in the antiquities world (Waxman 309-311). Michaelides recommended an Athens lawyer named Demetrios Peppas, who lent True the money. She purchased the house in 1995 (Eakin). But because of the ties to Symes and

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[1] In this paper, the term *provenance* is used to refer to the documented history of an object's ownership, from its initial findspot to its current owner. The term *provenience*, on the other hand, refers only to the findspot—the exact archaeological location where an object was found.

Michaelides, True was anxious to pay the loan back (Waxman 311). In 1996, Larry Fleischman offered to loan True the money to repay Peppas. Unfortunately, the loan followed the sale of the Fleischmans' collection to the museum by only a few days (Waxman 311). True's actions surrounding the money were in clear violation of the Getty's conflict-of-interest policy, which prohibits employees from borrowing money from any "individual or firm with whom the trust does business of any kind" (Felch and Frammolino, "Ex-Getty Curator Received 2nd Loan"). But as True put it to Eakin in the *New Yorker* interview, since the deal with the Getty regarding the Fleischmans' collection had already been signed, she did not see any conflict of interest in the new loan (Eakin).

2.3 True's Trial, from Her Resignation to the Present. On April 1, 2005, True was indicted by an Italian court on criminal charges, accused of participating in a conspiracy that laundered stolen objects through private collections in order to create a fake paper trail that would serve as the items' provenance (Eakin; Muchnic). The indictment focused on 40 items that the Getty had acquired, many under True's curatorship, making particular note of a marble and limestone statue of Aphrodite the museum acquired in 1987 and a smaller marble statue of Tyche, acquired in 1996 during the Fleischman deal. The Getty issued a statement supporting True, saying, "We trust that this trial will result in her exoneration and end further damage to the personal and professional reputation of Dr. True." The charges against True were made as part of a larger case against Giacomo Medici, an Italian art dealer, and Emanuel Robert Hecht, a dealer from Paris (Wilkinson and Muchnic).

Central to the investigation was evidence from a nighttime raid Swiss police had staged on Medici's warehouse at the Geneva Freeport in 1995 (Watson 289). The Freeport is a large group of warehouses located outside the city where goods can be stored without officially

entering the country. Inside the building, Swiss police found cupboards overflowing with antiquities, including a set of pristine Greek dinner plates, and several red-figure vases by famous classical painters, including one by the great master Euphronios. Some were covered in newspaper; many had dirt on them, indicating recent—that is, illegal—excavation. Also inside the warehouse were thousands of photographs, all of antiquities, many covered with dirt (Watson and Todeschini 20-22). Some of the photographs were of objects that had been acquired and displayed by the Getty, a crucial element in True's indictment by the Italian authorities (Eakin).

But Getty records obtained by the *Los Angeles Times* showed that museum officials had been given information as early as 1985 that three of their primary sources for antiquities were selling objects that had probably been looted. In one of the notes, from 1987, John Walsh, then the director of the Getty Museum, wrote that it was likely that objects with no documented provenance had been illicitly excavated. Harold Williams, at that time the chief executive of the Getty trust, described Robin Symes (True's friend) as a 'fence,' asking his staff, "Are we willing to buy stolen property for some higher aim?" (Felch and Frammolino, "Getty had signs").

Within days of True's indictment, over three dozen museum directors and curators wrote a letter in her support to Barry Munitz, the president of the Getty trust. "We want to attest to the absolute integrity and judgment … of Marion True," the letter said. Later that year, the *Los Angeles Times* prepared to print a story about the Paros loan and its violation of the museum's conflict-of-interest policy. Although Getty documents obtained by the *Times* indicate that the museum's leaders knew about the loan as early as 2002, this article would have been the first to make the information public. Faced with the pressure of the Italian charges and the *Los Angeles Times* article, True resigned from the Getty on October 1, 2005 (Reynolds).

Defendants are not required to appear at their court proceedings in the Italian legal system, so True has rarely appeared in the courtroom in Rome (although Robert Hecht attends as many hearings as he can, frequently interrupting the Italian prosecutor, Paolo Giorgio Ferri, to correct mistakes in his art history) (Eakin). True appeared in the courtroom for the first time on November 16, 2005, speaking only to acknowledge the court's reading of her name and address (Wilkinson).

Marion True's trial drags on to the present day. The court meets every few months, and hearings often contain no mention of the former curator (Eakin). During March of 2006, Greek police raided True's vacation home on Paros, seizing 17 pieces in the house that they claimed were looted antiquities. One of the objects seized was a piece of antique marble that had been placed as a structural element when the house was built a century earlier; another was a contemporary birdbath from the roof that police claimed to be a sarcophagus (Waxman 314). In November of 2006, Greek prosecutors followed the Italians' lead, charging True with trafficking in looted antiquities due to her involvement in the Getty's purchase of an illicitly excavated golden funerary wreath (Waxman 350-1).

In a letter to the Getty trust on December 18, 2006, True wrote that the museum let her "carry the burden" regarding its purchase of objects with limited (and thus possibly illegitimate) provenance. The institution's "calculated silence," she wrote, "has been acknowledged universally...as a tacit acceptance of my guilt." In the letter, True points out that her superiors at the Getty were "fully aware of the risks" of purchasing antiquities, and that all her acquisitions had been approved by higher ranking administrators, including the museum's board (Felch and Frammolino, "Getty lets her take fall"). In September of 2007, Italy dropped the civil charges against True, although the more serious criminal charges continued to stand. At about the same

time, the Getty announced plans to return 40 of 46 objects that Italy had requested be repatriated (Felch and Borghese). The Greek criminal charges against True were dropped in November of 2007, with the court ruling that the statute of limitations had expired. The wreath and three other items from the Getty's collections were returned to Greece (Felch).

Marion True ended her long silence to the media in an interview with Hugh Eakin for the *New Yorker* in 2007. In March 2009, she testified for the first time in her nearly four year long trial, stressing that many of the artifacts at the Getty museum that were determined to have been stolen were repatriated during her tenure as antiquities curator (Povoledo, "Getty Ex-Curator Testifies"). True's trial continues to this day. She and her husband, a retired architectural historian, split their time between their Paros house and a house on the west coast of France (Eakin).

3. Analysis of the Marion True Controversy

It is difficult to make any conclusive statements regarding the True controversy, not only because of the convoluted nature of the case itself, but also because True's trial is ongoing. There are, however, certain aspects of the affair that seem fairly straightforward.

First, regardless of True's actions and the legitimacy of the charges made against her, it is clear that Marion True was used by the Italian government and courts as an example. True purchased no antiquities for herself, and made no personal profit from the acquisitions she made for the Getty, yet charges were only filed against her, not against the Getty's chairman or the board of trustees (Waxman 302). Evidence from the raid on Medici's Geneva warehouse led to the restitution of works from a variety of institutions, among them the Metropolitan Museum of Art in New York, the Museum of Fine Arts in Boston and the Princeton University Art Museum (Povoledo, "Collector Returns Art"). No charges were filed against these institutions, or against

Sotheby's auction house, even though some of the photographs in the warehouse showed objects with Sotheby's labels attached to them (Watson and Todeschini 137).

As investigative reporter Sharon Waxman puts it in her book *Loot*, "the Italian prosecution, while justified under its laws, smacked of extortion" (302). Its legal veracity notwithstanding, the Italian prosecution was a political move, a warning to American museums and curators: we want our antiquities back, it said, and we are willing to use the law to make it happen. Paolo Ferri, the lead Italian prosecutor on True's case, has all but admitted this fact is various public statements. A *Los Angeles Times* article from June 2006 cited Ferri as saying he was looking to send a "message of deterrence" rather than put True and Hecht in jail (Wilkinson and Borghese). Ferri has also admitted that "many other curators in the past had had the same dealings [as True]. But I had more evidence," he said, "it was easier to go on trial with True" (Eakin). Maurizio Fiorilli, Ferri's co-prosecutor, indicated that he would instruct the court to drop its civil charges against True if the Getty reached an agreement on restitution—which is precisely what eventually occurred (Waxman 285). It is clear that for the Italians the prosecution of Marion True was a message to American museums, a message that paid off, with the Getty repatriating 40 of 46 contested objects in 2007 (Felch and Borghese).

As for the Getty Trust and the museum's board of trustees, a public show of support for Marion True has been conspicuously lacking throughout the controversy. To be fair, the Getty has paid all of True's legal bills (Wilkinson and Borghese) and it has continuously expressed through public statements a desire for Marion True to be exonerated (Felch and Frammolino, "Getty lets her take fall"). Beyond this, however, the Getty has said or done little. When it agreed to return the artifacts to Italy in 2007, the museum admitted no guilt or knowledge that the objects had been looted (Felch and Borghese). But in her letter to the trust, True asserts that

her superiors at the Getty were "fully aware of the risks involved in buying antiquities," and had approved all the acquisitions she had made. The institution's failure to support her, she wrote, gave prosecutors in Italy and Greece the opportunity to "place squarely on [her] shoulders the blame for all American collecting institutions and the illicit market" (Povoledo, "Casting Blame").

Even some at the Getty expressed surprise at the fact that True alone was indicted among the officials working at the museum during her tenure. Barry Munitz, the president of the Getty trust when she was indicted, said that museum officials were "flabbergasted" that she had been charged, and that no one could tell for certain why True alone had been targeted. He placed the blame on John Walsh, the Getty's director during True's time at the museum, criticizing Walsh for his handling of the situation and calling him "suave" and "charming," but "fundamentally weak" (Waxman 337). But others place the blame on Munitz himself. Barbara Fleischman (of the Fleischman collection), resigned in 2006 from her position on the Getty's board to protest the museum's failure to defend True publicly (Eakin). Ann Friedman, who worked with the Getty Education Department while True was at the museum, told the *Los Angeles Times* that True was "hung out to dry by Barry Munitz as a smokescreen for his own … greed" (Reynolds). Munitz was the subject of an investigation by the California attorney general during 2005 and 2006, which ultimately concluded that he had misused Getty funds on travel and gifts, although it decided that no fraud had occurred. Munitz paid $250,000 back to the Getty and gave up over $2 million in benefits when he resigned (Felch, Frammolino and Fields).

It is most difficult to come to conclusions about Marion True herself. What is beyond question is True's reputation before her indictment as a strong supporter of repatriation and opponent of the illegal antiquities trade, and the unexpectedness of the charges against her.

When True travelled to Rome in 1998 for a conference on illicit antiquities, she was warmly greeted by the head of the carabinieri's heritage-protection force. Now, in the same country, she is an accused criminal. As True put it in the *New Yorker* interview, "there is something horrifying about being accused as a criminal in two different countries that I spent my life promoting" (Eakin)

Perhaps the one aspect of True's downfall that is easiest to draw conclusions about is the loan she obtained to purchase her Paros home. Taking a loan from the very collectors who had just made a major donation to the Getty was clearly a conflict of interest, regardless of how True perceived it (Eakin). This alone is justification for True's resignation, and a clear situation in which she acted with less than transparent ethical standards.

But despite this specific case of unethical behavior, it is difficult to reconcile the Marion True who spoke out against the trade of looted antiquities with the Marion True who is accused of laundering these same objects. One possible answer lies in True's background. In the formative years before her time at the Getty, True studied under the tutelage of Dietrich von Bothmer at the Met. During True's time at the Met, von Bothmer was involved in a controversy surrounding the Euphronios krater, which Italy demanded be repatriated. Von Bothmer argued that having the pot in its artistic and cultural context at the Met was more important than knowing its provenience and archaeological context from antiquity. True, a budding classicist inspired far more by the halls of museums than the trenches of archaeological excavation, agreed with him (Eakin).

4. Conclusion

By its very nature, the Marion True controversy is unresolved. Obviously, the Italian trial will have to end at some point, although no clear resolution is in sight. The judge working her case

has announced nothing more than his hope that the trial will end before he retires in 2012 (Povoledo, "Getty Ex-Curator Testifies"). Regardless of the trial's outcome, however, the True controversy does offer some lessons regarding curator-board relations and the responsibilities of archaeologically-rich governments.

The actions of the Italian government in the True case are less than ideal. It is clear that the prosecution of Marion True was motivated more by politics than by ethics. If the Italian governments' aim was merely to recover their cultural property, a state-to-state solution could have been sought, since a bilateral agreement has existed between the United States and Italy since 2001 (Archaeological Institute of America). Source countries such as Italy and Greece have a responsibility to pursue restitution claims in a civil and dignified matter. The tactics of the Italian prosecutors—targeting one individual as a message to all American curators and museums—borders on unethical.

In general, as True's treatment at the hands of the Getty trust shows, museum boards should do more to stand by their curators. When controversy arises in the museum world, it is dishonest and irresponsible to pretend that that controversy belongs to only one person. If True is guilty of the charges against her, then the Getty as an institution is itself also guilty. True's superiors at the museum must have at least suspected in 1985 that illicit items were being acquired, since all acquisitions were approved by the board (Felch and Frammolino, "Getty had signs"). On the other hand, if True is innocent, then the Getty board acted in a cowardly and politically expedient manner, throwing a curator under the bus in order to save the institution from disgrace.

Marion True's career also provides insight into the position and responsibilities of the curator. Even if True colluded in the trafficking of illicit antiquities, her actions were most likely

no different from her contemporary American curators. A curator in Marion True's position in the 1980s and 90s would have had to associate with the Medicis and Hechts of the art world in order to keep his or her institution competitive in its acquisitions. Thankfully, the ethos of collecting has shifted, with museums now placing a higher priority on legitimate provenance and transparency rather than collecting for collecting's sake.

Finally, some attention must be paid to the fact that Marion True was the most powerful woman in the American museum world. Although there is no evidence that True was targeted because of her sex, it is significant that the only curator indicted for actions that were all but common practice at that time was the one woman in the country who had achieved a position in the highest levels of museum governance. A further examination of this issue could be the subject for another research paper; here, it is enough to acknowledge how unfortunate it is that a woman was used as the scapegoat for the male-dominated American museum establishment. Marion True's career is a storied one of great achievement and great notoriety, and a powerful reminder of both the terrible trade in illicit antiquities and the complicated and conflicting interests of the many actors involved in the world of museums.

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