WHOSE ART IS THIS, ANYWAY?

When it reopens next year, the dramatically transformed de Young will showcase hundreds of masterworks from the remotest corners of the globe. Just don't ask how they all got here.

A tale of one museum's plunge into the treacherous marketplace of tribal art.

BY MICHAEL STOLL

WHEN HARRY MET STELA: The acquisition of the Maya stela was initiated by de Young director Harry Parker *(second from right)*, curated by Kathleen Berrin *(right)*, and paid for by philanthropist Phyllis Wattis, who worried about the ethics of the deal. *Also shown:* Dr. Steven Nash, former associate director and chief curator.

Images courtesy of the Fine Arts Museums of San Francisco

George Hecksher's

sixth-floor gallery space, next door to his penthouse at the pinnacle of Pacific Heights, has views that sweep majestically from Twin Peaks and the ocean to the Golden Gate Bridge. In their own way, the treasures passing through are glorious, too—objects from the Philippines and Indonesia, collected on the advice of tribal art dealers and such well-placed friends as Harry S. Parker III, the charismatic director of the M.H. de Young Museum, and Kathleen Berrin, the de Young's nationally known curator of art of Africa, Oceania, and the Americas. Hecksher, who is tall and bookish, retired three years ago at the age of 47 after making his fortune as a stockbroker. Now he's a full-time collector and connoisseur. He is passionate about art and about the de Young, where he has been a trustee since 1999.

So it made sense when Hecksher decided, a year ago January, to play matchmaker between the de Young and two sellers, Thomas Murray and Joel Greene, who had assembled impressive collections of Philippine tribal art. The de Young was just beginning its ambitious $200 million reconstruction in Golden Gate Park and was in the market for iconic art from the far corners of the world. Murray, a Mill Valley resident who has placed pieces in over 30 museums, and Greene, a San Francisco collector and art historian, told Hecksher that their respective Philippine troves would fill an important niche in the museum's collections and round out its recent prize acquisitions from New Guinea and Indonesia.

Hecksher spent several hours helping Murray and Greene haul more than 80 weathered-looking tribal statues and other objects to the magnificent gallery space. Together they arranged the treasures—including figurative bowls, charms, and ceremonial sculptures (Bul-uls) associated with the rice harvest, some as big as Hecksher himself—across a vast Oriental carpet, using the million dollar bayscape as a dramatic backdrop. Over the next couple of weeks, Parker and Berrin visited the gallery several times, tagging the pieces they hoped to purchase and repositioning them on the carpet to see how they looked together. Parker and Berrin had already discussed discounted prices for the two deals—half a million dollars for Murray's, a $30,000-a-year annuity for Greene's. But one crucial step remained.

One day in late January, Berrin arranged to have an outside expert, Yoshiko Yamamoto, inspect the two collections. As Hecksher's wife, Marie, served salad and homemade bread, Yamamoto, the director of San Francisco State University's Treganza Anthropology Museum, examined the objects and began asking questions. Where did these carvings come from, and who made them? How old were they? And what documentation did the dealers have to prove it? Murray and Greene were not present, but they had told Hecksher that the pieces were modern and 19th-century artifacts made by the Ifugao people in the isolated mountains of the Philippine island of Luzon. Both said they had obtained most of the carvings between 1975 and 1986, before the Ifugao had much contact with tourists.

After going over the pieces one by one, Yamamoto came to a different assessment. Some of the statues, though undeniably beautiful and possibly

Nail and blade oath-taking image

KONGO CULTURE, DEMOCRATIC REPUBLIC OF CONGO; WOOD, TEXTILE, IRON, BRONZE, TWIGS, GLASS, HORN; 19TH CENTURY AD

THE EXCITEMENT: The figure was an arbiter of disputes in the Kongo community. Each nail or blade represents a resolved argument in a legal matter.

THE RISK: None. The piece has excellent provenance: Collected in 1903 and sold to a German museum, it was purchased by the de Young in 1986.

ON THE MYSTERY TRAIL

The de Young museum has welcomed millions of dollars' worth of blockbuster tribal and pre-Columbian art in recent years to prepare for its reopening. Some of the museum's most impressive new iconic pieces have legitimate provenance, but others have mysterious or questionable origins. "This stuff isn't from Nebraska—how did it get here?" says Dr. Thomas Hoving, former director of the Metropolitan Museum of Art in New York, speaking of such finds in general terms. "Unless a piece comes from a proven collection, it will have left the country of origin illegally. If it's not illegal, then it's probably fake." Could some of the de Young's greatest hits turn out to be misses?

Mosaic figure

HUARI CULTURE, PERU; WOOD, BITUMEN, SHELL, BONE, SILVER, AND JADEITE OR MALACHITE; C. SEVENTH TO ELEVENTH CENTURY AD

THE EXCITEMENT: It's an extremely rare burial offering for a high-ranking individual shown wearing an interlocking tapestry tunic, with designs of feline heads, bars, and circles.

THE RISK: Dr. Patricia Lyon, a Berkeley archaeologist from the Institute of Andean Studies, says a de Young representative telephoned her years ago and asked her to authenticate the piece without seeing it firsthand. She says the staffer told her it was still in Peru—which the museum denies—a fact that would have made the purchase illegal under Peruvian, though not U.S., law. (Contacted recently, the staffer couldn't recall the incident.) Mariana Mould de Pease, who works for the National Directorate for the Defense of Peru's Historical Patrimony, has inquired in the United States about the object's provenance. The de Young refuses to supply that information, except to say that the figure was purchased in 1989 and was "formerly in a German collection since 1964." Lyon is not alarmed, however. "I have been suspicious of several others I've seen in other museums," she says. "The more I look at all of these pieces, the more convinced I am that all of them are fake."

Stela

MAYA, LIMESTONE, EIGHTH CENTURY AD

THE EXCITEMENT: A ceremonial tableau, it's one of the most intricately inscribed architectural pieces from the ancient Mesoamerican culture, depicting a noblewoman. A priceless piece purchased for a mere $1.5 million, it will be a centerpiece of the new de Young.

THE RISK: According to the de Young, the stela was looted from the jungle and was in this country in 1971 on the day a bilateral antismuggling treaty between Mexico and the United States went into effect. The New York seller says he doesn't know the circumstances surrounding its original entry into the United States, and the museum didn't ask. "How it came to the States is a mystery," says Federico Fahsen, an epigrapher and representative of the Guatemalan government. "Nowadays countries protect their cultural patrimony. Museums should not be involved in such trade." If the site is eventually discovered, the country of origin may have grounds for repatriation.

ON THE MYSTERY TRAIL

Standing figure of an ancestor or deity
DOGON CULTURE, MALI; WOOD, METAL, RITUAL PATINA; C. 11TH TO 13TH CENTURY AD

THE EXCITEMENT: This African equivalent of the Maya stela displays both male and female characteristics, perhaps representing the Dogon belief in the duality of nature. Upraised arms may signify communication between the heavens and earth.
THE RISK: None. It was out of Mali by the time international prohibitions took effect. Illustrated in a French art book in 1966, from the collections of Claude Vérité, it has been carbon-dated as one of the earliest Dogon pieces in existence.

Covered container of a kneeling human
BATAK, NORTHERN SUMATRA, INDONESIA; BAMBOO, THREAD, METAL; 20TH CENTURY AD

THE EXCITEMENT: "The twisting pose, with the figure's knees up and arms pressed close to the body, emphasizes the protective function of this container, used to hold powerful substances," writes curator Kathleen Berrin.
THE RISK: None. It was donated by Marie and George Hecksher, after they purchased it from dealer James Willis, who represents Robert and Helen Kuhn of Los Angeles.

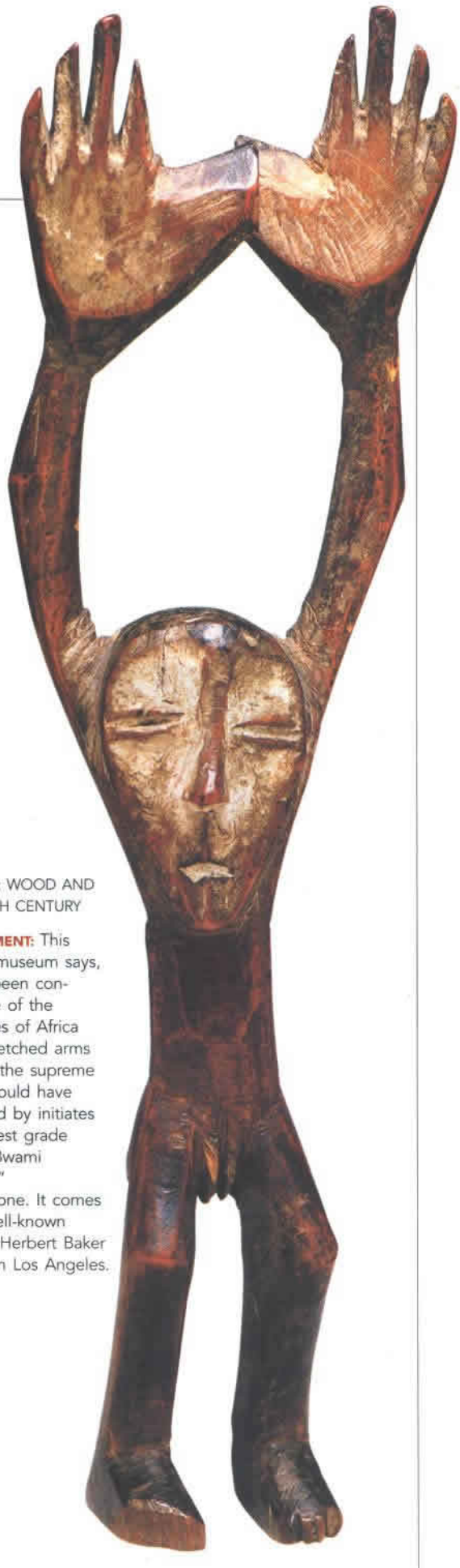

Figure
LEGA, ZAIRE; WOOD AND KAOLIN; 19TH CENTURY

THE EXCITEMENT: This figure, the museum says, "has long been considered one of the masterpieces of Africa art." Outstretched arms "symbolize the supreme arbiter. It would have been owned by initiates of the highest grade within the Bwami association."
THE RISK: None. It comes from the well-known Nancy and Herbert Baker Collection in Los Angeles.

worthy of exhibition, looked like tourist art, she declared. She could authenticate only three of the eighty. Berrin seemed stunned; Greene would later question Yamamoto's objectivity, claiming that the expert is "antimuseums and anticollecting."

But Yamamoto knows a thing or two about the Ifugao. Twenty years before, she had worked in the mountain community, even helping it establish its own museum. In her opinion, a number of the pieces were mass-produced for sale as souvenirs or collectibles, not created individually for ceremonial purposes. No one could say for certain, since the objects' origins—known in the art world as provenance—were documented mainly in field notes and articles each of the two sellers had written themselves and, except in a few cases, not through independent scholarship. "*I* am the provenance," the two vendors said in separate interviews.

But even if all the Philippine sculptures could be proved to be solely for tribal use, Yamamoto went on, the museum faced an ethical dilemma. The Ifugao are a small community and produce only a few ritual statues every year. By purchasing so many artifacts, the de Young would be abetting the obliteration of the material history of an entire people. Did the museum want that hanging over its head? "It's unethical. It's like stealing a Virgin Mary from a church," said Yamamoto.

It was a sobering assessment that summed up many of the thorny issues facing the de Young and any other museum bent on building a world-class collection of art from Africa, Oceania, and the Americas (known inelegantly as AOA). Upon further reflection, the de Young decided against the purchase. Berrin and Parker concede that Yamamoto's critique was thought-provoking, but they deny it was the deal killer. "As it turned out, the owners of these collections each wished to keep them intact," Berrin says. Parker says a more extraordinary opportunity came along: a superb Dogon figure, half male and half female *(see top left)*, from Mali, offered by Parisian dealers for more than $1 million. "Would you rather have one great object or seventy-five OK objects?" he asks. "We came down on the side of one truly great piece." Parker chalks up the Ifugao episode as a routine transaction in the perilous tribal art market. "There is this kind of Indiana Jones quality to [the marketplace]," he says. "A lot of it is being done by people who didn't know what the hell they were doing. We bend over backwards to be as super-responsible as we can possibly be."

Whatever the museum's reason for walking away, one thing is certain, says Yamamoto. Parker and Berrin should not have needed a Philippines expert to point out the most obvious problem: the pieces' lack of reliable provenance.

For most of its 109-year history, the de Young was the blue-blood dowager of San Francisco museums: eccentric, provincial, and unfocused, more noteworthy for its civic ties than its artistic endeavors. That started changing in the late 1980s, thanks to two earthshaking events: the arrival of Harry Parker as director of the Fine Arts Museums (including the de Young and the Legion of Honor in Lincoln Park), and the 1989 Loma Prieta quake. The 7.1 temblor hit Golden Gate Park hard, badly damaging the de Young's Mediterranean-style building. Parker and the trustees agreed that a new building, reflecting San Francisco's sophistication and stature, was necessary.

The de Young has been dogged by controversy ever since. Over the past ten years, friends and foes alike have argued about the new museum's location (after flirting with a move closer to downtown, it will remain in the park), financing (after losing bond measures in 1996 and 1998, it has raised more than $173 million from the city's philanthropic community), architecture (the ultramodern design suggests a beached, copper-clad aircraft carrier), and parking garage (litigation with environmentalists is pending). The price tag, originally estimated at $200 million, also turned some stomachs—and that was before the current parking-garage battle and other delays pushed costs even higher.

What has escaped public notice is the de Young's recent shift in curatorial direction. Since its founding, the museum has had a mostly Western orientation, with a strong collection of textiles, some beautiful examples of Early American art (including a number of paintings donated by the Rockefeller family), and a coherent modern art department. In the early 1970s, the de Young began acquiring new AOA pieces—"primitive" art, as the field was condescendingly known then—but these were relegated to three modest rooms near the entrance of the old building. When the de Young reopens in the fall of 2005, all that will change. The AOA collection will take center stage, occupying nearly half of the permanent space and accounting for almost two-thirds of the objects in the museum's collection.

TREASURE HUNT: Parker and Berrin with a stone commemorative yoke from Veracruz, Gulf Coast of Mexico, AD 600.

To achieve this transformation, the museum has been on an acquisitions binge, courting collectors like Hecksher for donations of both art and money. Between them, the de Young and its Europe-focused sibling, the Legion of Honor, are taking in an estimated $10 million to $12 million of art a year, almost a quarter of that earmarked for AOA pieces. Parker's ambitious

Photograph by Jeffrey Braverman

"There is this Indiana Jones quality to [the marketplace]," says Harry Parker. "A lot of it is being done by people who didn't know what the hell they were doing."

philosophy is to acquire the kind of blockbuster "collection icons" that attract millions of visitors a year—and, not incidentally, make irresistible posters, postcards, and refrigerator magnets for tourists to tote home.

Supporters argue that when it opens, the de Young will be a destination museum for AOA art, rivaling the Metropolitan Museum of Art in New York, the Louvre in Paris, and the British Museum. "Visitors are going to have truly extraordinary and exciting experiences with this art," Parker exults. "It will change their lives and transform them. They'll look at life differently after they experience it."

But the de Young's spectacular promise comes with enormous risk. The relatively limited legal trade in AOA art is, for the most part, overshadowed by a $5 billion a year black market fueled by swashbuckling smugglers, collectors, and dealers who intentionally or unwittingly launder ill-gotten artifacts to anyone willing to turn a blind eye to their origins.

Collecting AOA is fraught with complex legal and ethical quagmires. Artworks can turn out to have been looted (illegally excavated) or smuggled (unlawfully exported, imported, or both, depending on national laws and international treaties). Fakes—either outright forgeries, or objects produced for the international market by modern artists and never intended for tribal use—are a constant concern. Along with authenticity, the issue of provenance—the ability to document an object's origin and history of ownership—is extremely important, more so to museums than to private collectors.

Institutions now are under more pressure to research pieces thoroughly—so that scholars will know more, certainly, but also to better protect themselves from having to repatriate works or admit to having accepted fakes. Before acquiring a piece, the most careful museums, notably the Field Museum in Chicago, insist on detailed provenance. This often includes independent scholarship and, for more recently imported pieces, proof of legality from both the United States and the country of origin. (That can mean both import and export papers.) Such cautiousness is taking hold in smaller, academic museums faster than in big-city institutions that rely on blockbuster art to compete for consumers' cultural dollars. Still, says Stephen Little, director of the Honolulu Academy of Arts and a former curator at the Asian Art Museum here, "There's never been a time when museums have had to be more self-critical and more transparent in their dealings, and it's only going to increase."

Even when all the paperwork is in order, ethical issues assert themselves at every turn. In recent decades, the perception has been growing that the antiquities market is a force of evil, encouraging the destruction of archaeological sites, the decimation of entire cultures' historical records, and the flow of art from poor to rich countries. Critics argue that by actively collecting AOA pieces, institutions like the de Young—whose aims include furthering scholarship and educating the public—are actually undermining both by stoking the market for fake, looted, and illegally exported artifacts. Museums today face questions of whether they should be acquiring AOA art, period. "They're under the spell of the new, new, new," Dr. Thomas Hoving, the Met's influential former director (and Parker's onetime boss), says of institutions with a voracious acquisitive streak. "They should spend more time showing us what they have, instead of continuing to gorge themselves on new collections."

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Hook figure

KARAWARI RIVER, MIDDLE SEPIK, PAPUA NEW GUINEA; WOOD; UNDATED

THE EXCITEMENT: An excellent example of New Guinea figurative abstraction, it was formerly in the collection of the surrealist artist Roberto Matta. A Yipwon figure is a representation of the spirits and their essence and is considered important for success in hunting. It was documented in an art book in 1968.

THE RISK: None with this piece. But it is one of 19 accepted out of over 350 pledged for donation by Marcia and John Friede. Many pieces in the collection have yet to be vetted, and the museum plans to do more scientific testing.

Large vessel
KENYA, BY MAGDALENE ODUNDO, BORN 1950;
OXIDIZED EARTHENWARE; 2001

THE EXCITEMENT: This modern work is one of the few African pieces at the museum whose creator is identified. "With tremendous grace, this vessel bridges the gap between traditional and contemporary African art, demonstrating the continuity of African creativity," says Berrin.
THE RISK: None.

Mortuary mask
TORRES STRAIT, MAABUIAG ISLAND, AUSTRALIA;
TURTLE SHELL, CASSOWARY FEATHERS, SEASHELL, FIBER, HUMAN HAIR, WHITE LIME, RED PASTE, PIGMENT, TRADE CLOTH;
19TH CENTURY AD

THE EXCITEMENT: It is one of the few surviving turtle shell masks in existence. They were made until 1871, when Christianity was introduced and their production disallowed. This one may have been used in funerals to represent ancestors.
THE RISK: None. It was collected by the London Missionary Society in 1871.

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Despite such caveats, the de Young has proceeded at breakneck speed. Though the museum's staff is already stretched to the limits as it readies its existing collection for display next year, Parker and Berrin—with the help of just one junior AOA curator—have excitedly pursued hundreds of new artifacts since 1999. While many are legitimate and aesthetically unmatched, a number of significant pieces have murky paper trails; the authenticity of others is under debate. When presented with the opportunity to acquire a great object, the museum sometimes avoids asking probing questions about its history, adopting instead a museum-world version of "Don't ask, don't tell." What's more, contrary to its own policy, the de Young has refused to disclose the identities of some of its biggest donors and vendors, relenting only when faced with a legal request under California's public records act and the city's open government law.

In today's AOA market, relaxing research into provenance may be the only way to bring in pieces of note. Retracing the journey of a looted eighth-century limestone Maya stela might have killed the de Young's recent purchase of what Parker calls "the most important object the museum has acquired in the last ten to fifteen years." And challenging the expertise of temperamental New York collector John Friede as he and his wife, Marcia, contemplated donating hundreds of unique tribal artworks from New Guinea might have kept the museum from getting a collection one scholar calls "way more important" than a similar one at the Met.

"Harry Parker is impatient, bold, willing to gamble," says Ellen Hvatum Werner, one of the de Young's first AOA docents and a staffer in the museum's AOA department for a quarter-century. "He's willing to play hardball if that's what it takes."

Undoubtedly, many San Franciscans will be proud to see their museum so respectfully feature these long-ignored masterpieces. And a sizable number will conclude that it's worth glossing over what they consider to be a niggling obsession with provenance and irritating PC debates about ethical treatment of Third World cultures.

Still, the de Young is a public trust that belongs to the city and its people. Operating as a city agency, it gets free rent in the park, and taxpayers foot a quarter of its $22 million annual budget. That contribution, however, is dwarfed by the philanthropic largesse of the private donors the museum has been forced to cultivate over the past decade. Left at the altar by city taxpayers in the 1990s, the de Young recruited the city's wealthiest patrons to finance not just a new building but a grand new mission. San Franciscans may have themselves to blame if the museum occasionally acts as if it's none of the public's business how it spends its money or exactly where its art comes from. To some, though, that attitude is a throwback to an earlier, more imperial era. Says Karen Bruhns, San Francisco State professor of archaeology and one of the museum's most vocal critics, "Their acquisitions policies are sheer 19th century: 'If we can take them, we will.'"

WELCOME TO THE COPPER AGE (LEFT): A rendering of the new building designed by Herzog & de Meuron, which comes with a ninth-floor observatory and party space. **DECK THE HALLS** (RIGHT): The new, expansive AOA galleries—which occupy almost half the museum.

The de Young's decision to rethink its focus goes back five years, when the renowned Swiss architecture firm Herzog & de Meuron began submitting sketches of the new building. The space its architects envisioned was so expansive that it practically invited Parker and his board to reconceive the museum's entire mission. But Parker's fascination with AOA art dates back much further, to the early 1960s, when he was at Harvard, studying painting with a myopic Eurocentricity typical of the time. Michael C. Rockefeller, who was in the class ahead of him, returned from a trip to New Guinea with a boatload of tribal artifacts, alluring art forms none of his less-traveled peers had ever seen. Parker recalls, "It was very exciting."

But not exciting enough to derail him from his chosen specialty, 15th-century Dutch painting, which he studied on a Fulbright fellowship at the University of Utrecht, then in grad school at New York University. He joined the Met while still at NYU, eventually becoming the vice director of education under Hoving. In the 1970s, the museum acquired the Rockefeller collection and for the first time put AOA art on par with other genres. Parker's enthusiasm was piqued anew when he moved to Texas in 1974 to head the Dallas Museum of Art and grew infatuated with the artistic riches of pre-Columbian Mexico. He revitalized that institution by greatly expanding its collection of AOA art, which he found more moving, primal, and "close to the soul" than most European art—not to mention eminently more affordable.

While in Dallas, Parker also got a taste of the risks endemic to the field. Just before he was hired away to the de Young in 1987, he was one of three American museum directors burned by one of the greatest AOA forgery scandals ever. A magazine proved that a master faker in Mexico had made the three "ancient" clay sculptures that Parker had heralded as among the most significant in the museum's collection. Though he issued a heartfelt mea culpa at the time, the incident did little to dampen his passion for AOA. "Harry has never been shy around controversy," says John R. Lane, the current director in Dallas and former head of the San Francisco Museum of Modern Art. "He seems to thrive on it."

WHOSE ART IS THIS, ANYWAY? →

In the Bay Area, Parker, a gregarious man of 64 with a perma-smile, quickly made friends in the AOA community of collectors and dealers. When the opportunity presented itself, he pushed for an expansion of non-Western art by convening a Tribal Arts Study Committee. The well-connected group met a few times a year, identifying potential gifts and purchases and reviewing ambitious floor plans. Their enthusiasm was infectious. "If you're interested in spending the public's tax dollars well," says one member, Dave DeRoche, owner of an invitation-only tribal art business in Piedmont, "you get more bang for your buck with art from the Third World." Randolph R. Scott, a de Young trustee who is African American, also argued that AOA could help the museum attract a younger, more diverse audience—a theory supported by visitor polls and surveys. "We need to build a museum for the future," adds Dede Wilsey, president of the Board of Trustees. "If you look at the Bay Area's demographics, you discover that Africa, Oceania, and the Americas—that's our community. Nobody else in the area is showing this stuff."

Dealers in AOA art, of whom there are more than two dozen in the Bay Area, were eager to jump on board. Many had sold and donated pieces to the museum in the past. Some saw any official connection with de Young donors and decision makers as a business opportunity. (In 2002, this relationship grew even cozier when the de Young began sponsoring the annual opening-night gala at the San Francisco Tribal and Textile Arts show, where many of the world's most successful dealers have booths.) As a gesture of goodwill, committee member (and would-be Ifugao vendor) Thomas Murray says he even sold one piece—an eight-foot Indonesian statue of a woman, nicknamed "Big Mama"—to Hecksher at a below-market price. Hecksher says he expects to donate the wooden sculpture to the museum eventually.

Such tight-knit relationships between collectors, dealers, and museums are common throughout the art world, and so is a climate of trust. That may not be a problem if you're dealing, say, in Dutch masters; it's extremely unlikely these days that a Rembrandt will turn out to be smuggled or fake. But in the murky field of AOA art, being too trusting has special risks.

The de Young's acquisitions policy, written in 1983, details that the museum should be "reasonably certain" that a potential acquisition is lawful and should consider provenance information in making this determination. Parker calls Berrin—who's contributed to six publications, including the catalog of a Maya show she put together that is now at the National Gallery of Art in Washington, D.C.—"a cautious and responsible curator." Describing her detective work, Berrin says, "Before we bring up artwork before our board's acquisitions committee, the first question out of my mouth is, 'When did it leave the country of origin, and what do you have to prove that?'" But she doesn't have a formula or checklist for researching provenance because, she says, "every piece is different."

Such an ad hoc approach leaves Berrin relying heavily on her relationships with individual donors and dealers. Consider the de Young's stance when it accepted a major donation of New Guinea antiquities from John Friede, 65, an heir to the Annenberg fortune and a retired biotech executive who is a distinguished connoisseur in the field, and his wife, Marcia.

The Friede collection is remarkable—said to rival the Rockefeller holdings in the Met. John Friede spoke to more than 20 museums about a donation, looking for an institution that would accept his specifications, which included displaying the pieces as a group and crediting him and his wife. "We did discuss it with the Met, but their gallery is called the Rockefeller, and that is not my name," he says. The de Young, however, offered to custom-build a gallery to showcase the entire collection, and it invited Friede to join the Board of Trustees in 2002. When it came to verifying the authenticity, origins, and ownership history of the individual pieces, the de Young was also unusually deferential: Accept now, answer questions later. Says Friede, "Since I am so marinated in this stuff that I taste like it, the de Young decided that instead of making their own decisions about it, they just talk to me about what should be done."

While most of the pieces have impressive provenance, the potential for fakes is ever-present. Private collectors tend to be less picky than museums about details of provenance and can make mis-

takes. Says Michael Hamson, a dealer of New Guinea art in Palos Verdes Estates who was a graduate student when he first met Friede, "He has enough experience collecting that he doesn't pay attention to provenance. He's got the eye, and once you develop a good eye for the masterpiece, it's like X-ray vision." Robert Welsch, a visiting professor of anthropology at Dartmouth University, who has been supported for years in his research by Friede, agrees. But he also cautions, "This is a hobby for John. He's good at it compared to his peers, but he's not a scholar."

For her part, Berrin says the collector is "tremendously knowledgeable and an expert. I have rarely seen a collector more concerned with the quality of a collection." What's more, she herself has had training in New Guinea art, and before agreeing to Friede's terms, examined many of the pieces. The de Young has also called in outside experts, including Welsch, to review and correct the provenance of each piece.

But that will take money and manpower, both of which are in short supply. City budget cuts and the need to raise funds for the building have strained the de Young's finances. Two years ago, in the Fine Arts Museums' reaccreditation report, Henry Adams, professor of art history at Case Western Reserve University and the former curator of American paintings at the Cleveland Museum of Art, took the museums to task for letting positions go unfilled.

Museum professionals express dismay when told that just two people—Berrin and her assistant curator—are responsible for two-thirds of the objects in the de Young. The consensus is that in a museum of the de Young's size, budget, and national stature, Africa, Oceania, and the Americas should each have a curator. That's especially true in times of heavy acquisition.

To be fair, when a piece is outside her expertise, Berrin calls freely on independent experts to help her sort things out. Then it's up to her to assess the risks. Last year, for instance, she was considering a mysterious ceremonial drinking cup, or kero, from the extinct Huari culture in coastal Peru. No one could say when or where the cup was excavated, only that it was remarkable for a wood piece to have been preserved in the ground for more than a millennium. The provenance didn't make things much clearer: An American businessman whom Berrin wouldn't name picked the kero up in Peru "in the late 1960s," she says, and gave it to a family member in 1978. Berrin showed the piece around. Carbon-dating verified its age, and five experts said it looked authentic. But not Dr. Anita G. Cook, an anthropologist at Catholic University of America in Washington, D.C. The iconography was too unusual, Cook said, plus "I happen to know that an extremely skilled wood-carver and artisan in Moquegua [Peru] has reproduced and perhaps created new wooden keros for sale to tourists." Despite the caution, Berrin advised going ahead. The kero will be featured in the new de Young.

Of all the pieces coming to the de Young in recent years, none better exemplifies the museum's aggressive collecting philosophy than the seven-foot Maya stela purchased in 1999. As the museum concedes, it was looted from an ancient site and acquired under uncertain circumstances by a dealer whose identity the museum sought to conceal.

The de Young's pursuit of the stela dates from 1997, when philanthropist Phyllis Wattis made a $10 million grant. Parker began pondering how to spend the windfall. Within a year, the rare stela came to his attention, although he couldn't recall how he and John Stokes, the New York–based owner and dealer, became acquainted. "It's like, did you meet your wife or did she meet you?" Parker jokes.

Stokes, 73, sells out of his century-old brick and slate cottage on the five-acre Bradley Estate overlooking the lower Hudson River. The pieces in his living room, acquired during his lifelong travels, represent a better survey of pre-Columbian art than the collections at many museums in Mesoamerica. Stokes went to southern Mexico in the 1950s to attend graduate school and ended up collecting and selling artifacts. He loved the expatriate life, and his trade became lucrative. He eventually married the daughter of a wealthy Spaniard, transitioned into antiquities, and amassed a collection of Olmec and Maya artifacts worth millions. Even after his family moved back to New York, he, his wife, and their three daughters would take to the road for months at a time, driving across the United States and into Mexico in an Oldsmobile convertible. Back then, Stokes says, the border was free

and easy, and he would return with all sorts of treasures he would declare as gifts—without a hassle.

In private, often after a few glasses of rum, Stokes used to tell visitors on long walks across his gated property stories about his adventures in collecting in Mexico. He complains that international treaties eventually made it hard to collect, which is a shame, he says, because the Mexicans don't know how to treat their art. Says one acquaintance, who asked not to be identified, "John feels that he's saving these pieces—because in Cancun and such places, they bulldoze these things over, and the only ones who care about them are the Indians, the smugglers, and the art collectors."

Parker and Berrin knew just by looking at the limestone relief in a walk-in safe in Stokes's basement that it was one of the greatest surviving Maya tableaux. The intricately carved stela depicts the body of a noblewoman. She is entwined with a "vision serpent," out of whose gaping mouth emerges the deity K'awil. Art historians later confirmed: There was nothing quite like it anywhere.

That, however, was the problem. The surviving hieroglyphs reveal the date of dedication, AD 761, but not the site of origin. Epigraphers deciphered that the noblewoman was from Tikal or Dos Pilas, both ancient cities in Guatemala. But the iconography of the vision serpent is nearly always found in the Yaxchilán area in Mexico, across the Usumacinta River from Guatemala. Besides the looters, no one can say for sure which country the piece is from (Belize, which also contains important Maya sites, is another possibility). The only near certainty is that the stela, which is broken into nearly a dozen fragments, was stolen from a temple complex deep in the jungle. Experts consulted by the de Young concluded that looters used chicle saws to pry it from its backing for easy transport.

There was another unanswered question: When, and how, did it get into the United States? According to Parker, Stokes, as proof of legality, offered a notarized piece of paper stating that the stela was in a storage warehouse in the border town of El Paso, Texas, on March 24, 1971. Coincidentally or otherwise, that was the day a bilateral treaty prohibiting the export of ancient architectural materials from Mexico took effect. Parker says Stokes provided no export papers or U.S. Customs declaration, nor anything to address legal issues that might arise with Guatemala under that country's 1947 cultural patrimony law.

Decades after he got his hands on the piece, Stokes was offering it to a major museum for $1.5 million in cash. Parker knew the stela would be a crowd-pleaser.

"They could have taken the money and rented a stela, and not contributed to the marketplace of looted material," says Tom Seligman, a former AOA curator at the de Young.

But what would his colleagues in the museum community—not to mention the rest of the world—think?

In the Third World, where the legacy of Western colonialism is palpable and billions of dollars' worth of ancient art is stolen every year, it remains an uphill battle to reclaim what is lost, especially if there is no proof of its origins. Museum acquisitions policies, say the critics, should set a strict example to stem the trade. Not everyone, however, agrees with that assessment. Many dealers, for example, believe they perform an essential service by salvaging the world's art and selling it to museums and aficionados with the dedication and resources to preserve it. Some scholars agree. For his part, Parker argues that it's acceptable—noble, actually—to showcase important pieces of another country's cultural patrimony. "Art traveling the world can do more to communicate what's interesting and vital," he says. "The idea that the only ethical place for an art object to be is in its place of origin is very provincial."

In his pursuit of the stela, one of Parker's first stops was Stanford legal scholar John Henry Merryman, who sees the obsession with provenance as another misguided attempt by excessively nationalistic forces to undo past injustices. "The archaeological establishment, including in the U.S., has embarked on a jihad against collectors, dealers, and museums," he says. "They use terms like rape. They get very emotional about this." Rather, he blames the current "excessive restrictions on export" for fueling the black market. Though the de Young won't release Merryman's written opinion, legally, the stela's ambiguous origin was a tactical advantage, since no country could make a solid enough claim of ownership to sue for its repatriation.

Even so, the de Young decided to consult both Mexico and Guatemala. Parker made two trips to Guatemala in 1998 to discuss the possible purchase with officials and experts there, including Federico Fahsen, a former Guatemalan ambassador to the United States as well as an epigrapher who studies ancient Mayan. Fahsen was not happy about the quandary the Guatemalan government found itself in.

He felt the purchase was unethical, but to his deep regret, he told Parker Guatemala couldn't legally stop it. He acknowledged that he could not be certain from the photographs he was provided that the stela came from his country. Still, if it was Guatemalan and exported without a permit after 1947, then it had to be illegal.

Six years later, Fahsen still has misgivings. "If we had known the precise origin, we would have reclaimed it. Honestly, they shouldn't have [bought] it, because it makes it easy for looters to loot pieces and have a market for them. Suppose a draft of the U.S. Constitution were looted from Washington and transported to Guatemala. Wouldn't the U.S. lose part of its history? That's the tragedy." Still, Fahsen has maintained cordial relations with the museum. At Berrin's request, he even wrote a paper accompanying the Maya show at the National. But he declined to write about the stela; doing so would provide tacit approval for the acquisition.

Berrin, meanwhile, called on Dr. Joaquin Garcia Barcena, president of the National Anthropology Council of Mexico, who also recognized his country's weak legal standing. "We would prefer it to be here, but they have assured us it will be properly handled and acknowledged as cultural patrimony, and displayed so scholars and the public can have access to it," Barcena says now. "Given the ambiguity, it was what we call in Mexico the least-bad solution."

Emily Sano, director of San Francisco's Asian Art Museum, points to Parker's trips as an example of responsible patronage. "Going to the country of origin and investigating, Harry did what I consider to be the best thing," she says,

although she cautions that she doesn't know the full circumstances surrounding his due diligence.

Some other knowledgeable Bay Area art world figures, however, expressed qualms. Back in San Francisco, Parker got a call from Berrin's predecessor as AOA curator, Tom Seligman, who had become director of Stanford University's Cantor Art Center. Seligman had received a worried call from Wattis, who was unsure that the purchase was ethical. Seligman agreed with the Guatemalans.

Pillaging ancient sites devastates the archaeological record as effectively as ripping pages out of a history book. Responsible museums, Seligman argued, have a duty to stem the destruction by not buying pieces that were excavated illegally, even if they were imported legally. "They could have taken the money and rented a stela from Mexico or Guatemala and helped those countries, and not contributed to the marketplace of looted material," Seligman says now. "I worried out loud whether they should have gotten involved with a piece with questionable provenance." Throughout Latin America, he knew, the market pressure has led to the destruction of nearly all archaeological sites. (Reports Stanford archaeologist John Rick: "I walk into prehistoric cemeteries on the coast of Peru many square kilometers in size and see strewn about the fragmented remains, broken pottery, textiles ripped apart.")

Parker decided to bring his prize home anyway. On January 14, 1999, after it had been approved by the acquisitions committee, he made his pitch to the trustees, recounting his negotiations, consultations, and travels—without detailing any objections. The board approved the deal unanimously and without discussion.

In the years after *San Francisco Chronicle* publisher Michael Harry de Young opened the Memorial Museum in 1895, it was little more than an attic filled with curios—a hodgepodge of bird eggs, Napoleonic clocks, pistols, keys, and other mildly interesting collectibles, many left over from the California Midwinter International Exposition. But even then, de Young recognized its potential as a public institution, with free admission and an educational agenda. He predicted

that its acquisitions "will one day make the collection a priceless one and the pride of the Golden State."

The stela goes a long way toward fulfilling de Young's vision. Yet, just months before the museum reopens with the Maya masterpiece as its centerpiece, Parker remains reluctant to discuss its history. When asked by *San Francisco* about Stokes, Parker treated his identity as a state secret. "How did you get his name?" he queried.

Pressed on this issue in a subsequent interview, Parker said he hoped that Stokes would not answer questions about the stela. He also said he never asked Stokes where he got the piece. "I knew it met my basic criteria for being purchasable," Parker said. "I did not want to pry into those areas too much. You may think that was dishonest. I think it was prudent."

Reached by phone, Stokes countered that he told the de Young where he got the stela and whom he bought it from. (Parker says he doesn't recall getting that information.) "I bought it in this country—it was completely a legal object," Stokes claimed. While he would not disclose the original vendor's name to *San Francisco,* Stokes readily admitted that he didn't ask where the object came from or how it got to the United States, either. "I learned a long time ago you're not going to get a straight answer."

Such reluctance to inquire into a piece's history is endemic to the field, and often motivated by fear of being accused of acting unethically or getting tangled in embarrassing international disputes. Laws restricting export of cultural works include the UNESCO accords, which were drafted in 1970 and set a new standard for museums, prompting many to rewrite their policies to reject blatant pillage as standard operating procedure.

Without true consensus, though, different standards abound. The International Council of Museums, which predates UNESCO, has the strictest guidelines, advising against acquisition if full provenance history is lacking or if there is reasonable cause to suspect looting. The looser guidelines of the American Association of Museums, to which the de Young's own 1983 code of ethics hews closely, discourages illicit trade and says collections should be "unencumbered" and "lawfully held," a reference to the UNESCO accords and bilateral treaties.

Emboldened by UNESCO, many nations—and more recently, survivors of the Nazi Holocaust and their descendants—have hired lawyers to scour auction houses for treasures with suspicious provenance and file suit for their repatriation. "Museums are more scared," Hoving says. "They know it's an issue that can get in the press and embarrass them." In the famed case of the Elgin Marbles, Greece for decades has claimed ownership of the stone friezes and sculptures from the Parthenon. It designed a museum space for them and called for their return in time for the Athens Olympics this summer. But the British Museum refuses, saying that as a "universal museum," it has a duty to protect the common heritage of humanity. Other institutions, however, have done the opposite. Last year Emory University in Atlanta returned a mummy to Egypt when scholars concluded that it was likely that of the Pharaoh Ramses I, though technically Egypt had no claim on the remains.

Parker says the de Young is trying to steer a middle course as it shops, "asking the country of origin if they would object to you buying a work from their culture." As he describes it, it sounds like a kind of compassionate universal museum. Still, since Parker arrived, the museum has usually gotten what it wants. Seventeen years ago, early in his tenure, the de Young did return most of a set of looted murals from the ancient city of Teotihuacán, Mexico, which had been bequeathed by a San Francisco collector's estate. But the museum wasn't ready to release any of it until Mexico requested formal repatriation, and, in the end, the de Young kept the most important 30 percent of the murals. Berrin told the *Wall Street Journal* in 1993, "You could have put my body on a train track; I wouldn't have let those pieces go."

Could the de Young end up revisiting similar terrain? If any of the newly acquired pieces with questionable provenance are viewed as cultural patrimony, claims for repatriation will undoubtedly follow. Already, some New Guineans have made claims on objects similar to those in the Friede collection. "There are not any good examples of some of these materials in this country," says Simon Boraituk, deputy director of the Papua New Guinea National Museum and Art Gallery in the country's capital, Port Moresby. Parker says the de Young would be happy to discuss "exchanges or loans" sometime in the future. But Friede says he won't allow the collection to be repatriated. "If New Guinea wishes to have it, it will be taken from the museum and returned to my family."

Sometime next year, after the de Young reopens, Parker will retire to the island of Vieques, Puerto Rico, giving the trustees the chance to hire a new top manager. Board president Wilsey, who is raising the bulk of the funds for the new building, has also talked of resigning, though her term does not end until 2007. She has backed up Parker's initial refusal to release some information about the provenance of objects in the de Young's collection, even though this violates the museum's own disclosure policy. Wilsey feels those guidelines are outdated, and that the de Young's "unspoken rule" of respecting collectors' anonymity is the right approach. She expresses "absolute confidence" in Parker and his staff. Indeed, during Wilsey's six-year tenure, the full board has never questioned Parker or Berrin on the propriety of any acquisition.

Is such a hands-off approach the right one, in light of the museum's aggressive AOA acquisitions? What happens when a dealer or donor is culturally insensitive, is sloppy, or has a motive to obscure a piece's provenance? Wilsey says the trustees have had other things to worry about—like raising money for the new building, fending off neighborhood attempts to stop the parking garage, and trying to avoid major layoffs.

With new blood and a new museum, there is opportunity for a fresh approach. Extra curators are expensive, and it's hard to rally donors to write fat checks for personnel—not very sexy. (Friede, whose collection remains underresearched, is a significant exception; he says he's looking for a New Guinea–specific curator whom he will endow.)

Meanwhile, the museum's acquisition, authentication, and provenance policies are gathering cobwebs, unrevised since 1983 and no longer on a par with those of a number of other leading museums. The Getty Museum, for example, completely revamped its acquisition standards in 1995, requiring every piece to have detailed provenance and come from an "established collection that is known to the world." It also declared it would put more of its energies toward international conservation, education, and research projects. Then, four years later,

it returned a looted fifth-century BC drinking cup to Italy.

Will the de Young revisit its standards? Will it do a better job of following the ones already in place? Will it open files to scholars and the public?

On Parker's recommendation, George Hecksher recently negotiated to buy a small clutch of antique Indonesian tribal carvings, with the understanding that Hecksher and his wife would donate all 11 of the pieces to the de Young. Bay Area dealer James Willis, a onetime member of the de Young's AOA committee, represented the owners, Dr. Robert and Helen Kuhn of Los Angeles, collectors of Oceanian art better known for their African holdings.

Despite their connoisseurship, the Kuhns, like many of the best collectors, have been duped before. In 1991, the couple sold ostensibly ancient West African terra-cotta figurines at a celebrated Sotheby's auction. A freelance journalist for *Archaeology* magazine traveling in Mali managed to track down the real artist, a man named Amadou, who showed how he fabricated two-thirds of one figurine and sabotaged radioactive dating methods.

The Indonesian collection, though, was fairly well documented in a 1985 scholarly book. So for four years, while the donations go through, Hecksher has had in his home an elaborately carved door, statues of abstracted people, and architectural shapes resembling mythological dragons. All make wonderful decorations. The dark brown patina of the pieces goes well with the maroon walls. Ask him about the details, however, and the collector throws up his hands with a chuckle, seemingly unaware of the potential for trouble stirring on his mantel.

"How old is this material?" Hecksher asks, inspecting a staff that he was told came from northern Sumatra. "Everyone says 19th century. The material could be much older. That could be 15th century. I don't know. It's very difficult to date. There was no written record. It's word-of-mouth transmission down through generations. Who knows what will be discovered over the years?" ●

Michael Stoll is a San Francisco writer and art buff, and associate director of Grade the News, a project affiliated with Stanford University's graduate program in journalism.

stepping out

... recapping the hottest bay area events

◀ Spring Fashion Party

More than 600 chic partygoers flocked to the sleek new nightclub Suede to preview the fashions featured in *San Francisco* magazine's March issue. Glamorous spring designs from some of the hottest designers were showcased on the catwalk while guests were treated to tasty hors d'oeuvres and cocktails compliments of Damrak Gin.

left: dress by Behnaz Seraphor
far left: Rick Mordesovich, Matt Hendrick, Lisa Campanelli, Fred Kluth
PHOTOS BY ANDREAS BRANCH PHOTOGRAPHY

Wine Auction 2004 ▶

San Francisco art enthusiasts bid on a wide array of rare and unique vintages and exciting travel packages at SFMOMA's Wine Auction 2004. The event, organized by the museum's Modern Arts Council and held at Bonhams & Butterfields, offered a preview of works that will be for sale at Art Auction 2004.

right: Sara Cumbelich and Rachelle Sessions
far right: Judy Gaulke and Susan Hoganson

◀ San Francisco Ballet's 71st Annual Opening Night Gala

City Hall was abuzz with arts patrons at the San Francisco Ballet's 71st Opening Night Gala, elegantly decorated in an enchanted forest theme. Attendees celebrated the start of the 2004 season with cocktails and dinner, followed by a performance at the historic War Memorial Opera House.

left: Debbie Messemer and Jean Larette
far left: Carl and Yune Pascarella, Angela and Chris Cohan
PHOTOS BY JENNIFER BINDER

Pioneers in the Art, Science, and Soul of Healing ▶

About 350 leaders from the local medical community gathered at the Palace Hotel to honor the efforts of best-selling author Dean Ornish and philanthropist Barbara Brown. The event raised $300,000 to benefit the Institute of Health and Healing at California Pacific Medical Center.

right: Barbara Brown, Gail DeMartini, Merrill Kasper, Dr. Dean Ornish; far right: Dr. Stephen Lockhart, Milena Fiore, Karen Bals, Jerry Mapp

Correction to April's Listing: The founder of Body Mind Environments is Kathleen Horvath, not Kathleen Norvath.