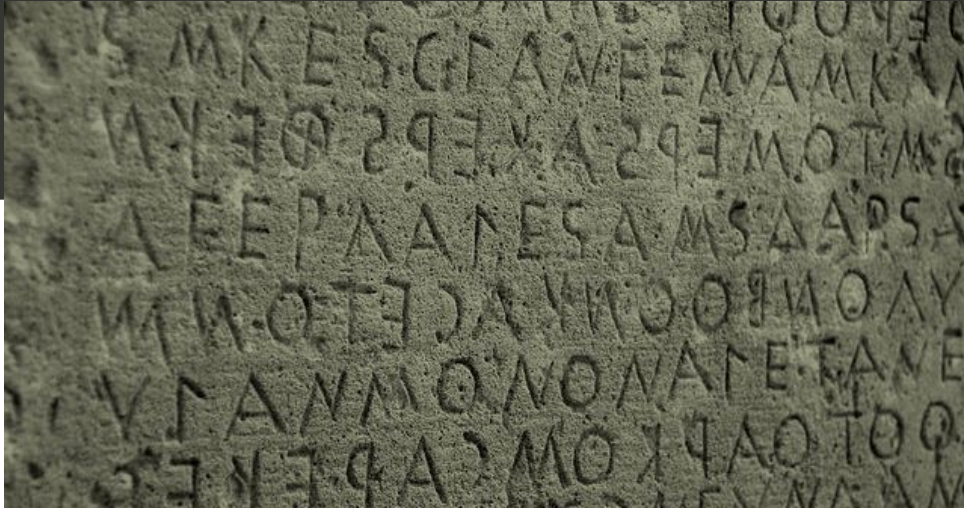


Nonprofits' "What Not To Do" (1.4): The Gilgamesh Goof

09.15.22 | Linda J. Rosenthal, JD



Who among us hasn't "unwittingly" come into possession of massive lots of looted ancient artifacts?

Welcome to "The Case of the Gilgamesh Goof": Episode 4 of our Nonprofits' "What Not To Do" series.

The Dream

The Green family of Oklahoma City, Oklahoma, are the fabulously wealthy and prominently evangelical founders and owners of Hobby Lobby. They "infuse every aspect" of the \$3-billion national craft-store chain with their religious beliefs, "from the music played in its stores to being closed on Sundays."

The Greens have long had a dream "consistent with Hobby Lobby's mission and passion for the Bible ." They have wanted to develop "a collection of historically and religiously important books and artifacts about the Bible."

That dream was realized in November 2017 with the grand opening of the massive, \$500-million, Museum of the Bible (MOB). Located in downtown Washington D.C., it's not far from the prestigious Smithsonian Institution.

According to contemporaneous news articles, the billionaire Green family, through "Hobby Lobby Inc., its privately owned company, has amassed a private collection of about 40,000 artifacts and manuscripts from biblical lands, and the museum has drawn heavily on the Green collection in its own displays." For example, Tom Gjelten for NPR describes the impressive project just before it opened in New Museum Invites Visitors To 'Engage' With The Bible (November 10, 2017): "It has "430,000 square feet of interactive and high-tech exhibits, some of them with experiential features

that rival those of a theme park.”

Publicity around the time of the launch indicated it would house “thousands of pieces of biblical lore, including fragments from the Dead Sea Scrolls, pieces of papyrus displaying early copies of the New Testament, and Elvis Presley’s personal Bible, as well as a garden and Bible-themed restaurant at which biblical foods like date honey will be on the menu.”

The headliner relics have included the Gilgamesh Dream Tablet. Purchased in 2014 for \$1.7 million, it is a 5” x 6” clay tablet, inscribed in cuneiform, the script of ancient Assyria and Babylonia, the territory now known as Iraq. Some 3,600 years old, it bears a portion of the Epic of Gilgamesh, “one of the world’s oldest surviving works of literature and one of the oldest religious texts.” The Epic notably includes stories that closely parallel portions of the Bible including the flood narrative.

On the current MOB website, see: [Explore the Museum of the Bible](#).

So ... What Went Wrong?

How – you may wonder – In light of these impressive achievements, did the Museum of the Bible wind up in our “What Not To Do” stack?

That story begins a little over a decade ago. In 2010, the deep-pocketed benefactors of the Museum of the Bible, led by Hobby Lobby CEO Steve Green, formed a nonprofit corporation and obtained 501(c)(3) tax-exempt status. Mr. Green was designated as board chair of MOB.

But already a year earlier, Mr. Green had jumped head first into an enthusiastic quest for a “variety of historical Bibles and other artifacts.”

The Oklahoma antiquities novice personally traveled to the Cradle of Civilization multiple times beginning in 2009. His family’s staggering fortune was an open spigot of money available to fill the cavernous exhibit halls of the planned downtown D.C. site.

“The owners of ... Hobby Lobby, devout Christians, collected artifacts for the Bible museum on a large scale.” In the “initial buying spree” alone, Steve Green spent more than \$30 million. In one particular deal, Mr. Green paid \$1.6 million ... for more than 5,500 artifacts. There were additional waves of massive hauls. The collection is reportedly now worth hundreds of millions of dollars.

On the one hand, this treasure hunt went extremely well.

On the other hand, as much as 90% of these imported objects were later seized, forfeited, and repatriated to the primary country of origin, Iraq.

Many of “... the antiquities — acquired in a five-year international shopping spree — ... have turned out to be looted or fake.” Among the fakes were those highly publicized Dead Sea scrolls fragments.

Oops.

The Gilgamesh Dream Tablet, while undeniably the real deal, had been acquired in a private transaction with Christie’s Auction House that experts say should have raised all sorts of red flags.

This important ancient relic had, in fact, been looted from an Iraqi museum in 1991. See e.g., *The epic adventures of the Gilgamesh Dream tablet* (September 23, 2021) [bbc.com](https://www.bbc.com).

A Bit More Background

The nonprofit sector is increasingly caught up in the growing problem of stolen and looted artwork and antiquities. Some of these treasures wind up – innocently or otherwise – in the collections of major art museums and cultural institutions around the world.

We’ve all seen the headlines about high-profile efforts to reclaim Nazi-confiscated artwork. These cases involve complicated threads of ownership claims that often take years to resolve and sometimes present wrenching financial quandaries.

In addition to paintings and sculptures, arts organizations have been eager to acquire – and prominently feature – ancient artifacts. But governments around the world are dramatically strengthening their laws, oversight, and enforcement activity in connection with contraband antiquities. “The black market for these relics is vast, as are criminal networks and smugglers dealing in stolen items and falsifying ownership data.” A particularly troubling aspect of this illicit trade is that ISIS and other terrorist groups use it as a major source of revenue.. For some years, the FBI has been “... warning collectors” against buying Iraqi and Syrian artifacts.

“During ancient times, lands that now constitute Iraq were known as Mesopotamia (“Land Between the Rivers”), a region whose extensive alluvial plains gave rise to some of the world’s earliest civilizations, including those of Sumer, Akkad, Babylon, and Assyria.”

From the standpoint of the government and people of Iraq, there are no tricky ownership threads to disentangle. Ancient relics from these civilizations are part of their history and cultural heritage. They want them back. There are explicit laws on the books prohibiting the export or possession of these antiquities.

The United States is among the nations who have agreed to help retrieve and repatriate Iraq’s property. Federal law is clear: you can’t import any Iraqi artifacts, you have to fill out a complete and truthful customs declaration in connection with most artifacts showing the true country of origin and real monetary value, and you can’t do anything to sidestep the rules.

The items seized in this Museum of the Bible case are “... part of an increasing effort by authorities in the U.S. and around the world to return antiquities pilfered from their home countries. In years past, such items probably would never have made it back.”

The true country of origin of most of the Museum of the Bible acquisitions is Iraq. Eventually, Steve Green stipulated to that fact, despite many earlier actions including presentation of false customs documents designed to obfuscate it.

Mr. Green’s own expert traveling with him on the earliest trips warned that the proposed acquisitions were at high risk of being confiscated. Other experts later chimed in, too. By 2010 and 2011, U.S. customs officials had intercepted some of the lots of artifacts, and cautioned against continuing these activities. Nevertheless, the Museum of the Bible’s chief benefactor continued his “bull in a china shop” rampage ignoring many obvious “red flags” or disregarding them entirely in order to

accomplish the higher purpose of creating the quintessential Bible-museum experience.

The feds, who had been tracking these illegal activities for several years, eventually shepherded the first formal enforcement proceeding through the system. In early 2017, the government seized tens of thousands of artifacts and imposed a \$3-million fine for “not exercising due diligence in a chaotic, multimillion-dollar international antiquities buying spree beginning in 2009.” See United States Files Civil Action To Forfeit Thousands Of Ancient Iraqi Artifacts Imported By Hobby Lobby (July 5, 2017) Press Release, U.S. Department of Justice.

The lengthy press release from the U.S. government summarized in considerable detail the key facts – acknowledged as true by Steve Green’s/Hobby Lobby’s signature on a Settlement Agreement and Stipulation – establishing intentional acts to violate the laws of Iraq and the United States and to evade discovery.

According to the press-release summary, the July 5, 2017, court action was a “proceeding to forfeit ‘thousands of cuneiform tablets and clay bullae’ that had ‘originated in the area of modern-day Iraq and were smuggled into the United States through the United Arab Emirates (UAE) and Israel...’”

Among the juicier details is the fact that “[p]ackages containing the artifacts were shipped to Hobby Lobby Stores, Inc. ... and ... corporate affiliates. The shipping labels on these packages falsely described cuneiform tablets as tile ‘samples.’”

Reporter Alan Feuer, in Hobby Lobby Agrees to Forfeit 5,500 Artifacts Smuggled Out of Iraq (July 5, 2017) *The New York Times*, also plucked out some of the most damning evidence: “Hobby Lobby’s purchase of the artifacts in December 2010 was fraught with ‘red flags.... Not only did the company get conflicting information about the origin of the pieces, its representatives never met or spoke with the dealer who supposedly owned them....”

“Instead,” Mr. Feuer explained, “on the instructions of a second dealer, Hobby Lobby wired payments to seven separate personal bank accounts The first dealer then shipped the items marked as clay or ceramic tiles to three Hobby Lobby sites in Oklahoma. All of the packages had labels falsely identifying their country of origin as Turkey.”

There were additional buying sprees subject to subsequent forfeiture proceedings, including the one resulting in the confiscation of the Gilgamesh Dream Tablet. See United States of America, Plaintiff v. One Cuneiform Tablet Known As The “Gilgamesh Dream Tablet,” Defendant in Rem (May 18, 2020) E.D.N.Y. [Complaint] and Rare Cuneiform Tablet Bearing Portion of the Epic of Gilgamesh Forfeited to the United States (July 27, 2021) Press Release, U.S. Department of Justice. See also, for instance, Rare Gilgamesh tablet, once on view at the Museum of the Bible, is one step closer to being returned to Iraq (July 29, 2021) Peggy McGlone, *The Washington Post*.

Three Rules

In our Nonprofits’ “What Not To Do” series, we generally do *not* take a deep dive into the Big Issue; here, that would be the involvement – innocent or otherwise – of nonprofit organizations with plundered art treasures or cultural and historical relics. As with so many interesting topics we mention in our posts, that’s a different subject for a different day.

Instead, we take the case at hand – here, Museum of the Bible’s missteps in connection with its antiquities acquisitions – and present a few suggested rules; that is, what not to do.

In this instance, there are three:

- **Rule No. 1:** Don’t offer non-apology apologies, false and insincere *mea culpas*, or “explanations” that are more full of holes than Swiss cheese. See below: *The “Aw Shucks” Defense*.
- **Rule No. 2:** Don’t do morally (or legally!) questionable things even though they are arguably consistent with your purpose or mission or will substantially advance it. Nonprofits are not above the law and don’t get a free pass to better the world in any and every possible way. See below: *Higher Purpose*.
- **Rule No. 3:** Understand that a single nonprofit’s shortcomings affect more than that organization alone. Recent studies show that the public have lost faith and trust in the nonprofit sector. Don’t add fuel to that fire. See below: *It’s Not Just About You*.

The “Aw Shucks” Defense

Over and over, Steve Green trotted out the same “aw shucks” defense of ignorance and naivete, despite having been: (1) explicitly warned off the illicit artifacts-importing activities by his own retained experts; (2) caught and cautioned by U.S. customs officials in 2010 and 2011 who seized successive lots of artifacts; and (3) the subject of an open federal investigation for several years.

Notably, on the same day (July 5, 2017) that “Hobby Lobby and the U.S. Attorney’s Office for the Eastern District of New York ... announced that they have entered into a settlement agreement concluding an investigation into the importation of certain artifacts,” Steve Green issued an Artifact Import Settlement press release. There, he stated that “[t]he Company was new to the world of acquiring these items, and did not fully appreciate the complexities of the acquisitions process.”

He added: “This resulted in some regrettable mistakes. The Company imprudently relied on dealers and shippers who, in hindsight, did not understand the correct way to document and ship these items.”

A few years later, in 2020, when the federal government successfully prosecuted a forfeiture and seizure proceeding concerning the Gilgamesh Dream Tablet, Steve Green – this time on behalf of Mission of the Bible – issued yet another mea culpa titled Statement on Past Acquisitions (March 26, 2020) News Release, museumofthebible.org.

He begins: “In 2009, when I began acquiring biblical manuscripts and artifacts for what would ultimately form the collection at Museum of the Bible, I knew little about the world of collecting. It is well known that I trusted the wrong people to guide me, and *unwittingly* dealt with unscrupulous dealers in those early years.” (emph. added)

Mr. Green continued: “One area where I fell short was not appreciating the importance of the provenance of the items I purchased. When I purchased items in those early years, dealers would make representations about an item’s provenance, which the consultants I employed would say was sufficient....”

Over the years, there were other company spokespeople who also disingenuously underplayed what was a multi-year federal investigation, suggesting that some of the artifacts destined for the Museum were “merely ‘held up in customs’ as if this was simply a case of bureaucratic delays. ‘Sometimes this stuff just sits, and nobody does anything with it.’”

Compare the government’s filings in 2017 and 2020, which categorically shatter these fairy tales of having “unwittingly” come into possession of massive lots of looted ancient artifacts. (Seriously, the DOJ’s 2017 press release is a great read!)

The Nonprofits’ “What Not to Do” Advice: Don’t issue *mea culpas* that proclaim your innocence and ignorance of the rules when you’ve been on notice about them for years. Don’t misrepresent the truth about your past conduct when it’s all in black and white on Stipulations you signed under penalty of perjury.

We’re not stupid and – frankly – we’re subjected to this type of disingenuous gaslighting all day, every day, from the news.

We’re exhausted. Just stop.

Higher Purpose

Hobby Lobby and the Greens had a grand plan consistent with their strongly held evangelical goals and the vision and great wealth to achieve it.

The Museum of the Bible – (even after much of the original loot collected to exhibit was seized) – is quite impressive. It provides “an unparalleled and exciting, world-class, educational experience of the Bible, including a journey into early influences from the ancient world as well as an exploration of how the Bible has affected the modern world.” The choice of the Smithsonian-adjacent location in Washington, D.C. was reportedly no accident; it offers high visibility and high tourist traffic.

The establishment of the massive museum also contributes to the fulfillment of their aim to “preserve [historical relics] for future generations, to provide broad access to scholars and students alike to study them, and to share the collection with the world in public institutions and museums.”

See, e.g., *Family Behind Hobby Lobby Has New Project: Bible Museum* (July 16, 2014) Alan Rappeport, *The New York Times*.

The Nonprofits’ “What Not to Do” Advice: Don’t violate the law; having “purpose” on your side is not a defense. In particular, self-serving excuses or explanations that you have “always acted with the intent to protect ancient items of cultural and historical importance” are beside the point.

In the same vein, a belief that *your* actions are specifically needed to achieve a desired purpose are insufficient to turn illegal behavior into acceptable conduct. It’s certainly true that in 2009 or so, the government of Iraq and its antiquities experts were still deeply mired in the chaos and war all around them, but they were the ones entitled to possession and control of the artifacts.

It’s Not Just About You

Bad behavior, even when cloaked in the righteous mantle of good intentions, inflicts lasting harm to the reputation of the nonprofit organization in question. Museum of the Bible has spent years trying

to live down headlines like this:

- [Hobby Lobby fined \\$3 million for smuggled Iraqi artifacts](#) (July 6, 2017) Derek Hawkins, *The Washington Post*.
- [Can the Museum of the Bible overcome the sins of the past?](#) (October 16, 2017), Lizzie Wade, *science.org*
- [Amid Scrutiny, the Museum of the Bible's Founder Will Return a Staggering 11,500 Artifacts of Dubious Origin to the Middle East](#) (March 30, 2020) Sarah Cascone, *news.artnet.com*

And just a few weeks ago:

- [Museum of the Bible Returns Ancient Gospel Looted From Greek Monastery](#) (August 23, 2022) Jane Arraf, *The New York Times* ["The Museum of the Bible in Washington, which has been working to regain credibility by giving back tainted objects in its collection,"]

The media, hungry for ratings and stories to fill the 24/7 news cycle, will jump on any and all "bad news" stories coming out of the nonprofit sector. That's certainly been the case in connection with Museum of the Bible. There are pages and pages of Google search results relating to the forfeiture proceedings; there are few entries about the organization's impressive educational programs or other achievements. The taint of the scandal hangs on, no matter how many rehabilitation efforts are undertaken.

And this saturation coverage of certain nonprofits behaving badly "results in a distorted view of the sector" which is already suffering from a diminished level of trust by the general public.

The Nonprofits' "What Not to Do" Advice: Any scandal in the nonprofit sector has a negative ripple effect more broadly. It's not just about you. It's about all of us. The success of the nonprofit sector is predicated on the public's acceptance of its beneficial role in society and desire to keep providing financial and other support.

Conclusion

Stay tuned for the next episodes; there are some juicy stories lined up.

— Linda J. Rosenthal, J.D., FPLG Information & Research Director