



# ANCIENT COIN COLLECTORS GUILD

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April 21, 2013

Via Regulations.gov Portal

Prof. Patty Gerstenblith, Chair  
Cultural Property Advisory Committee  
Cultural Heritage Center (ECA/P/C)  
U.S. Department of State  
2200 C Street, NW  
Washington, DC 20037

Re: Proposed Renewal of MOU with People's Republic of China

Dear Prof. Gerstenblith:

The Ancient Coin Collectors Guild, a Missouri non-profit organization recognized as a 501(c)4 organization by the IRS and a voting member of the International Numismatic Council was founded in 2004. The Guild is an Advocate for 22 independent Affiliate Member organizations within the U.S. It represents the interests of thousands of Ancient Coin Collectors, along with the associated trade, in America and beyond.

The ACCG strongly supports the Convention on Cultural Property Implementation Act and views the Act as a fair and balanced effort by U.S. lawmakers to serve the interests of all parties affected by its provisions. The Guild has consistently counselled collectors and dealers in the numismatic trade to follow the provisions of law regarding importation of cultural property.

The guild has also been consistent in its opposition to restrictions on the importation of ancient coins. This may seem like a dichotomy of positions, but it is in fact a direct reflection of the law itself and of our concern for the provisions of law being applied as written and intended. If the provisions of CCPIA had been followed scrupulously and faithfully, the present import restrictions on coins from China would not exist. It might seem expedient for CPAC to look only at the status quo and opt for an extension of the existing MOU as is, but that would merely perpetuate the extremely controversial and highly criticized action of five years ago. Is the committee of today really willing to rubberstamp the actions of that era? Those actions by ECA/CHC, that have been labeled "extralegal", "arbitrary", "capricious", "secretive", "disdainful", "unbearable", "immoral", "lawless", "subversive" and "absolutely unAmerican" ought to be examined under a strong light before they are routinely perpetuated by CPAC. Ironically, all of these provocative terms were used publicly by law professors, journalists, and former members of CPAC (including two former chairpersons) in describing the atmosphere under which the present Chinese MOU restrictions were promulgated.

Here are some important questions, under the law, that must be asked and answered honestly in the affirmative before import restrictions on coins are allowed to continue:

1. Is the cultural patrimony of the PRC in jeopardy from the pillage of coin types that are openly sold in the local marketplaces, in public auctions and by state run banks in souvenir packets to visiting tourists?
2. Has the PRC taken actions consistent with UNESCO 1970 to protect its cultural patrimony when the State openly sells and allows local trade in coins to the public that are on the U.S. Designated List for import restriction?
3. Have the U.S. restrictions been applied in concert with similar actions by other countries with a significant import trade in Chinese coins when no other country in the world has similar import restrictions on Chinese coins?
4. Is the cultural patrimony lost by coins exiting China, even though these coins are found within China in the hundreds of thousands of specimens, so significant that no less drastic action than import restrictions is available? Are U.S. import restrictions on coins a significant benefit in protecting Chinese cultural patrimony?
5. Do U.S. import restrictions on Chinese coins serve the international community where the U.S. is the only country pre-empted from these coins?
6. Has the PRC actually requested in writing and sufficiently justified a need for import restrictions on Chinese Coins, thereby satisfying the reactive nature of CCPIA?
7. Are utilitarian objects like coins significant cultural objects and are coins, as a class, to be considered archaeological objects simply because they are sometimes found in archaeological excavations?
8. Are any import restrictions on coins from China limited to those coins “first discovered” in China?
9. Is the Customs determination of origin by country of production rather than find spot statutorily sufficient for coins that have historically travelled across national borders in huge numbers both in commerce and as collectibles?
10. Are import restrictions limited to narrow categories of objects with specific justifications of need rather than broad sweeping categories of objects?

If any one or more of these questions cannot be answered in the affirmative, the inclusion of coins in the MOU should be suspended under Section 2605 (g) (2) (B).

In conclusion, the ACCG calls for compliance with the letter and intent of CCPIA by collectors, dealers, and government administrators. The suspension of import restrictions on coins from China would be a good start toward a new era of cooperation between the public and private sectors in the preservation of Cultural Heritage.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Wayne G. Sayles". The signature is written in a cursive, flowing style.

Wayne G. Sayles