

United States v. Schultz, [333 F.3d 393 \(2d Cir. 2003\)](#), *cert. denied*, 540 U.S. 1106 (2004).

Location: Antiquities that were stolen in Egypt and then smuggled into U.S.

Applicable Law: [National Stolen Property Act](#) (NSPA) ([18 U.S.C. §§ 2314 et seq.](#))

Where Law Applies: *National Stolen Property Act*: Applies to “goods, wares, merchandise, securities, or money” valued at \$5,000 or more, which have been “stolen, converted or taken by fraud” then ***transported, transmitted, or transferred in interstate or foreign commerce.*** (*Emphasis added*) (jurisdiction is over the trafficking in U.S. - property may be stolen in U.S. or abroad).

Holding: The NSPA applies to artifacts stolen in another country whose patrimony laws claim title to all archaeological resources found within the country.

Overview:

In *United States v. Schultz*, the U.S. Court of Appeals for the Second Circuit held that the NSPA applies to artifacts taken from a country whose patrimony laws claim title to all archaeological resources found within the country. Frederick Schultz, a well-known New York City art dealer, had been smuggling Egyptian antiquities into the United States for almost a decade. Schultz’s partner in the operation, Jonathan Tokeley Parry, would travel to Egypt and buy looted artifacts from an Egyptian middleman. While still in Egypt, Parry would cover the artifacts with plaster to make them look like inexpensive souvenirs and then he would bring the artifacts back to England. While in England, Parry would remove the plaster and restore the artifacts in the fashion of the 1920s. Together, Parry and Schultz created a fictional collection and told potential buyers that a man named Thomas Alcock had collected the artifacts in the 1920s and that they had been in the collection since that time.

In 2001, Schultz was charged with conspiracy to receive stolen Egyptian antiquities that had been transported in interstate and foreign commerce in violation of the NSPA. Under Egyptian patrimony law all artifacts found after 1983 are property of the Egyptian government. The court determined that the “NSPA applies to any stolen property regardless of the source of the true owner’s title in the property.” *Schultz*, 33 F.3d at 399. Therefore, by conspiring to smuggle the artifacts from Egypt, Schultz was guilty of having stolen from Egypt in violation of NSPA.