

The Adventure of the Illustrious Scholar

Papers Presented to Oscar White Muscarella



Edited by

Elizabeth Simpson



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Introduction

Elizabeth Simpson

On first meeting Dr. John H. Watson, Sherlock Holmes correctly guessed that he had recently been in Afghanistan, based on several astute observations.¹ But what would Holmes make of Dr. Oscar White Muscarella? The silk ascots, fine footwear, slightly long hair combed back to cover his shirt collar, the ever-present pipe. Likely an aristocratic background of some sort, no doubt. But what of his love of Dickens, his penchant for unionizing, and the occasional plaid suit? Surely a common strain there. And his willingness to put himself in danger and go against the tide? Perhaps a Caribbean pirate somewhere in his lineage. What is behind this unusual character with his long list of accomplishments and checkered career? Holmes would say—and did say, “For strange effects and extraordinary combinations we must go to life itself, which is always far more daring than any effort of the imagination.”² And so we consider the man himself in this biographical introduction.³

Early Life

Muscarella was born on March 26, 1931, in New York, New York (borough of Manhattan), as Oscar White, his father being Oscar V. White, an elevator operator, and his mother Anna Falkin.⁴ Anna was the beautiful daughter of Leah Jacobs Falkin, born in New York of Jewish parents from Russia and Germany, and Saul Falkin, a Jewish cigar salesman born in Russia. Oscar White Sr. was a handsome British seaman from Barbados, who had jumped ship in New York around 1923. Oscar Sr. and Anna lived in the Bronx and were very poor, as a consequence of Oscar’s alcoholism. They never married; at the time, Anna was not yet divorced from her first husband, Morty Jacobs. In 1936, Anna left Oscar

1 Doyle, *A Study in Scarlet*, in *Sherlock Holmes* 1, 7.

2 Doyle, “The Red-headed League,” in *Sherlock Holmes* 1, 263–264.

3 The following information is taken from two unpublished memoirs of Oscar Muscarella, “Early Life,” and “Metropolitan Museum of Art Memoirs,” along with notes on “Gordion 1957,” which I was given by the author. Details from these fascinating documents can only be outlined briefly here.

4 In “Births reported in 1931—Borough of Manhattan,” Oscar’s name is given as “White, Oscar, Jr.” His father’s name appears as Oscar White, Oscar V. White, and Vincent Oscar White; Anna called him Vincent.

White and abandoned her two young boys, Oscar Jr. and his younger brother Bobby, to live with Salvatore Muscarella—Sam—whom she later married in 1939. Oscar Sr. placed the two boys in an orphanage, from which they were sent to live in foster homes. Anna found the boys and “kidnapped” them, taking them to live with her and Sam in Manhattan in 1937. By this time, Oscar Jr. had another sibling, Ronnie. For many years Sam had osteomyelitis and was unable to work; the family lived in poverty—on welfare (“home relief”), with tattered clothing, and not enough to eat—and the children sold shopping bags or begged in the streets. The last time Oscar Jr. saw his father, Oscar White, was when he was six or seven years old.

In December 1938, Oscar was baptized Roman Catholic (the name Antonio Oscar Muscarella was listed on the baptismal certificate). Anna and Sam were married in September 1939. The family moved to a better apartment on East 16th Street, and Sam was finding jobs. Oscar and Bobby were legally adopted by Sam in 1941, taking the last name Muscarella. By the time of Oscar’s Catholic confirmation, at some point in the early 1940s, photos show the boys dressed in decent clothes (Plate 0.1). Oscar joined the Gramercy Boy’s Club for a nominal fee, and it was in the club’s library that he discovered books. He went to Clearpool Camp, sponsored by the club, where he learned to fish. Things had gotten better but were not that great. Around this time, Sam took to encouraging Oscar and Bobby to fight (Bobby usually won), and then, as the man of the house, he began to beat Oscar, although they became reconciled in later life. In 1942, the family was evicted from their apartment on East 16th Street, along with thousands of others, due to the plans of Robert Moses for Stuyvesant Town, and the Muscarellas moved uptown to Tiffany Street in the Bronx. Shortly after they moved, Oscar’s sister Arline was born.

By the end of the war, they lived in a five-room, fourth-floor walkup on Tiffany Street. Sam worked at Yankee Stadium and the Polo Grounds and also at trotter racetracks. Oscar got a job as an usher at the Bijou movie house. After school he delivered the *Bronx Home News*; he made a shoe-shine box and shined shoes on the weekends (10 cents a shine plus an occasional 5-cent tip). When he turned 14, he got a job at the Polo Grounds as a “hustler,” a vendor who walked up and down the seated aisles selling refreshments—peanuts, ice cream, and soda—for a 10% commission. This also entailed bagging peanuts and cleaning up after each game, including double-headers. When he turned 18 he could sell beer, which increased his income, and he eventually attained the prestigious position of score-card seller at the entrance. In 1952 Oscar lost his job at the Polo Grounds, after working (undercover) to unionize the hustlers and the porters for the Office Employees International Union. He filed

a complaint with the New York Labor Relations Board, but he was told privately to terminate the complaint since he had no chance of winning. At age 21, he had learned “the power of corporate power ... to command perjury and deceit.”

In junior high school, Oscar was a good student, placed in an advanced class and skipping a semester, despite all his outside jobs. He was encouraged to take the test for the elite Stuyvesant High School, which he passed (the current ratio of those accepted to those who apply is 3%). His time at Stuyvesant was fraught with anxiety, however, with his commute from the Bronx and the outside jobs to help support his family. In high school, Oscar worked for the Copy Clearing House at Grand Central Station as a messenger. He joined the Archaeology Club at Stuyvesant, and his interest in the subject began there. He frequented the public library and engaged in a massive reading campaign, which was not looked upon kindly by Sam, particularly as this led to Oscar's decision to stop being a Catholic. Besides the great philosophers and novelists, he also read books on travel and archaeology—and he found Sherlock Holmes. Oscar started drawing at this time—pictures of war scenes, spitfires shooting down Nazi planes, etc.—and played imaginary games pretending to be a “hero,” fighting “bad guys.” At age 16, he asked Sam if he could smoke a pipe, and Sam agreed. So here we may recognize a famous (archaeological) detective in the making.

College

Oscar graduated from Stuyvesant High School in 1948. He enrolled in NYU at the uptown campus, but he did poorly the first semester, failing math and science; he subsequently found out that he had been signed up for the Pre-Med program by mistake. Nevertheless, he got an A in history. Meanwhile, Sam had started a candy store near their apartment in the Bronx, at which he, Anna, and Oscar worked every day. Unfortunately, they had competition from a larger, nicer candy store on the opposite corner, and the business failed, leaving the family deeper in debt. Not knowing what to do next, Oscar followed the advice of a good friend and enrolled in City College (CCNY), Evening Session, in September 1949. After one year, he was accepted as a fully matriculated student and attended tuition free. He went to class in the evenings and worked during the day. After being fired from the Polo Grounds in 1952, he needed another job, and someone he knew at CCNY suggested he apply at the New York Stock Exchange for work on the Exchange floor. He did this for three years, picking up sell slips from brokers and bringing them to

the firms' booths; then calling up sales made on the floor to the record keepers; finally working in a booth for the broker Orvis Brothers, taking orders by phone. Later, he got a position with the brokerage firm J.R. Williston & Beane, working as a runner on the floor, and then calling in purchase and sell orders upstairs. Oscar moved out of his family's apartment and rented a furnished room in Manhattan.

At CCNY, Oscar was a member of the History Society, Student Council, and, briefly, a reporter for the student newspaper. After six years in the Evening Session, he graduated in 1955 with a degree in history. Oscar made many friends at CCNY, had wonderful teachers, and his intellectual life was formed there. His favorite professor, the brilliant Vito Caporale, taught him not only about history, but how to conduct research and how to think: "Everything I ever became in the academic world I owe to Vito." In the early 1950s, Oscar became interested in jazz, going to Café Society in the Village, Hickory House, Bop City, 3 Deuces, or Birdland, nursing a single drink and listening to Coleman Hawkins, Marian McPartland, Charlie Parker, and the George Shearing Quintet. A favorite was Lennie Tristano: "One joy was meeting the blind pianist Lennie Tristano, to me a brilliant jazz musician, whom I dug very much." At the same time, he discovered *The Seven Pillars of Wisdom*; he later became a collector of T.E. Lawrence's works.

Archaeology and the University of Pennsylvania

In the summer of 1953, Oscar left his Wall Street job to go on his first excavation at Mesa Verde, a Pueblo Indian site in Colorado. He saw a posted notice at CCNY, signed up, and traveled to Colorado by bus. He left his job again in summer 1955 to go on another excavation, at Swan Creek, South Dakota, this time leaving Wall Street for good. Here he dug a Mandan Round House site and cemetery, sleeping in a tent on the banks of the Missouri River (Plate 0.2). While at Swan Creek, Oscar received a forwarded letter of acceptance from the University of Pennsylvania for graduate study in the Department of Classical Archaeology. Before leaving New York, with the help of a CCNY professor, he had applied to Penn to study "archaeology," but then was told to state a specific area of interest. He chose Egyptology, as he had read a lot about ancient Egypt—and didn't know what else to choose. He was admitted to the Department of Anthropology before leaving for South Dakota, but with no mention of funding, and he was sure he could not afford to go. In what he calls a *deus ex machina* event, his application was somehow transferred to Classical Archaeology, where he was not only accepted but given a tuition fellowship

with stipend (\$60 per month). Luckily the letter reached him at Swan Creek, or he might never have known of the offer.⁵

Oscar headed for the University Museum (currently the Penn Museum), University of Pennsylvania, where he registered and paid for a dorm room for two semesters in advance. He then went to meet the head of the Department of Classical Archaeology, Rodney S. Young, who had arranged for his fellowship—and thus began his archaeological career. His first expedition was to Gordion, Turkey, with Young in 1957, the year that Tumulus MM was excavated and Megaron 3 was discovered on the City Mound—by Oscar himself (Plate 0.3). This was also the year that Oscar married Grace Freed, a fellow graduate student (in Latin) who later became an archaeological illustrator; Grace went with Oscar to Gordion that season for more than four months. Working at Gordion in 1957 were Burhan Tezcan, Ellen Kohler, Dorothy Cox, George Bass, T.A. Carter, Machteld Mellink, Axel von Saldern, David French, and Piet de Jong. In 1958–1959, Oscar was a Fulbright Scholar at the American School of Classical Studies, Athens. His daughter Daphne was born in 1958 near the monastery at Daphni (in a taxicab en route to a hospital in Athens); his son Lawrence was born in 1961 in New York. Oscar returned to work at Gordion in 1959 and 1963. He also excavated in Iran at Hasanlu in 1960, 1962, and 1964 (Co-Director with Robert Dyson that year); at Agrab Tepe in 1964 (Co-Director with T. Cuyler Young); and at Ziwiyé in 1964. In the same year (1964), he joined the Department of Ancient Near Eastern Art at the Metropolitan Museum of Art.⁶ At the time he was teaching courses in ancient and medieval history at CCNY (1960–1964) and working on his dissertation. Oscar received a Ph.D. from the University of Pennsylvania in 1965, writing his dissertation on Phrygian fibulae from Gordion.⁷

The Metropolitan Museum of Art

Oscar was Assistant Curator (1964–1969), Associate Curator (1969–1978), and then Senior Research Fellow in the Department of Ancient Near Eastern Art

5 The brief account given in the biographical sketch in Muscarella, *Archaeology, Artifacts, and Antiquities of the Ancient Near East*, differs from the more detailed version in his memoirs, which I have used here.

6 While at the Metropolitan Museum, Oscar excavated at Hasanlu, Agrab Tepe, Ziwiyé, Dinkha Tepe, Nush-i Jan, and Sé Girdan in Iran, and Gordion, Alişar Hüyük, Çadır Höyük, and Ayanis in Turkey. A complete list of sites at which he has worked, with dates, precedes this introduction.

7 This was published in 1967: Muscarella, *Phrygian Fibulae from Gordion*.

(ANE), retiring in 2009.⁸ He first met Vaughn Crawford and Prudence Harper of ANE in 1960 at the Hasanlu excavation, a joint project of the Metropolitan Museum (MMA) and the University Museum. He worked with Vaughn Crawford at Hasanlu also in 1962, and in 1964 Crawford, head of the department, offered him a job. Oscar continued to excavate at sites in Iran, including Dinkha Tepe, Nush-i Jan, and Sé Girdan (Plate o.4), and he discovered the important Urartian city of Qalatgah.⁹ It is not possible to recount in detail the situation in ANE that led to Oscar's "troubles," but suffice it to say that the work was difficult, due to ongoing power struggles within the department. This eventually involved the museum hierarchy, including Ashton Hawkins, Secretary and Chief Counsel; Theodore Rousseau, Curator-in-Chief; Thomas Hoving, Director (1967–1977); and C. Douglas Dillon, President (1970–1978) and then Chairman of the Board (1977–1983). In April 1970 Oscar wrote a four-page, single-spaced, typed letter of complaint to Douglas Dillon, former Secretary of the Treasury under John F. Kennedy and Ambassador to France. Dillon had said he was always available to museum staff, and Oscar took him up on it.¹⁰ The letter brought up "the sad state of affairs existing in the Museum," including low salaries, women curators being paid less and promoted less frequently than their male counterparts, lack of academic freedom resulting in low morale, the cutting down of old trees in front of the museum—and Hoving's ruthless and autocratic management style. Dillon was not pleased, and he showed the letter to Hoving, who was not pleased either.

Things got worse when Oscar was appointed acting head of the department in late 1970 and early 1971, over Prudence Harper. In December 1970, Harper submitted a letter of resignation to Hoving in protest (which he did not accept). At this same time, Oscar was trying to organize the junior curators, but someone revealed this to the administration. He had also been speaking out about the museum's acquisition policies with respect to antiquities (the 1970 UNESCO convention was opened for signature in November 1970). Despite a record of positive evaluations and "a strong vote of confidence" from Vaughn Crawford, Oscar was labeled a "dissident curator," and by March 1971 plans were underway to remove him, involving Hawkins, Rousseau, Hoving, and Crawford himself.

8 The following information is documented in the extensive files relating to *Muscarella v. The Metropolitan Museum of Art*, No. 20960-72 (N.Y. Sup. Ct. Sept. 29, 1972). For additional details and citations, see Adams, "Oscar White Muscarella and Sherlock Holmes," in this volume.

9 See Kroll, "A Ram's Head Rhyton Found at Qalatgah, Iran," in this volume.

10 *Muscarella v. The Metropolitan Museum of Art*, No. 20960-72 (N.Y. Sup. Ct. Sept. 29, 1972). Report of the Fact-Finder, Exhibit 20C, letter to C. Douglas Dillon from Oscar White Muscarella, April 13, 1970.

One of the tactics was to get his colleagues to say they would not excavate with him on future collaborative projects; those who did so included Prof. Robert Dyson of the University Museum, University of Pennsylvania (Hasanlu, Iran), and Prof. Donald Hansen of the Institute of Fine Arts, NYU (Al Hiba, Iraq). Curiously, Oscar had already told Dyson that he would not excavate again at Hasanlu, and he had never planned to dig at Al Hiba, as this was not his area of expertise. Such collaborative projects, by the way, are funded in part by the Metropolitan Museum.

In April 1971, Crawford informed Oscar that Hoving wanted him to leave and reminded him that he had no tenure—although he actually did have tenure as Associate Curator, according to museum regulations. Three days later, Oscar was summoned by Hoving and Rousseau and told that Crawford wanted him to leave and that he had five or six months to find another job. On July 21, 1971, he received official notification in the form of a letter from Hoving, confirming “the Museum’s decision that your employment is being terminated for cause, effective as of December 31, 1971.”¹¹ In October, the museum postponed the termination date, in order to give Oscar more time to find another position, reserving the option of terminating his employment at any point after December 31 with 90 days’ notice. In December, the museum set a final termination date of March 31, 1972.

Things began to change in January 1972, when Oscar got a lawyer. He retained the services of Steven J. Hyman of Kunstler, Kunstler & Hyman (later Kunstler, Kunstler, Hyman & Goldberg), New York. In March 1972, the termination date was again postponed, and Oscar was given six months’ academic leave. Meanwhile, he had been moved to a small office in the Department of Greek and Roman Art. By August, the museum was ready for a “showdown,” as Oscar was informed; the now-treacherous Vaughn Crawford had phoned Prof. Rodney Young to speak to him about his former student and advise him of “the situation.” Prof. Edith Porada was also contacted to report on Oscar’s resignation from the Columbia University Seminar, in an effort to further substantiate the idea that he did not get along with his colleagues. On August 30, Oscar was sent a one-sentence letter telling him his employment was to be terminated as of October 1, 1972. However, in September, he obtained a temporary restraining order and preliminary injunction. He filed his complaint, *Muscarella v. The Metropolitan Museum of Art*, with the Supreme Court of the State of New York, on September 28, 1972.

11 *Muscarella v. The Metropolitan Museum of Art*, No. 20960-72 (N.Y. Sup. Ct. Sept. 29, 1972). Report of the Fact-Finder, Exhibit 2, letter to Oscar White Muscarella from Thomas Hoving, July 21, 1971.

Meanwhile, the Euphronios krater had been delivered to the museum on August 31, 1972. This was an exquisite Greek vase made in Athens around 515 B.C., purchased from the dealer Robert Hecht for \$1 million—the highest price yet paid for a work of ancient art (Plate 1.5).¹² The vase had been looted from an Etruscan tomb at Greppe Sant'Angelo, Cerveteri, Italy, in 1971, and was eventually claimed by Italy and returned in 2008.¹³ At the time, however, Hecht and Hoving concocted a false provenance, claiming to have acquired it through Dikran Sarrafian, an Armenian dealer from Beirut, whose family had supposedly owned it since 1920. Two months later, the vase was featured on the cover of *The New York Times Magazine* (November 12, 1972). Details of the acquisition were murky, and a *Times* reporter, Nicholas Gage, began an investigation. This led him to Zurich where he interviewed some dealers, then to Dikran Sarrafian in Beirut, and finally to Cerveteri, where he found one of the tombaroli who had looted the vase. Gage published the results in February 1973,¹⁴ but Hoving rejected the evidence. The *Times* decided to interview several professionals, including Oscar, “a classical archaeologist and associate curator of Near Eastern art at the Metropolitan.” As expected, he came out strongly against the purchase.

When thieves hear of these exorbitant prices, they naturally plunder tombs to get more loot. Can we blame them any more than the people who pay them or the people who buy their finds?¹⁵

When asked about the authenticity of the documents concerning Dikran Sarrafian, the alleged former owner, Oscar said “I wish I knew the word for *deus ex machina* in Armenian.” He also appeared on a television show, “Straight Talk,” to discuss the problems with the acquisition. This was to be followed by an ongoing series of lectures and publications in which Oscar spoke out against the plundering of ancient sites and role of museums in support of the looting.

12 Waxman, *Loot*, 187–194. Watson and Todeschini, *The Medici Conspiracy*, ix–xx, 168–176. Silver, *The Lost Chalice*, 50–75.

13 See Adams, “Oscar White Muscarella and Sherlock Holmes,” in this volume, for details on the acquisition of the Euphronios krater and Muscarella’s involvement with this vase.

14 Gage, “How the Metropolitan Acquired the Finest Greek Vase There Is.” <http://www.nytimes.com/1973/02/19/archives/how-the-metropolitan-acquired-the-finest-greek-vase-there-is-how.html>.

15 Muscarella, in Shirey, “Price Questioned.”

Around this time, pieces from the “Lydian Hoard” went on exhibition at the Metropolitan Museum. The “hoard” was a group of finds of silver and gold vessels and jewelry that were plundered in the 1960s from Lydian tombs in western Turkey (Plates 1.7, 32.11, and 42.4). The museum began to purchase the objects in 1966 and continued to acquire them through 1980. They had mostly stayed in storage, but a spectacular silver oinochoe was featured in the museum’s 1970 centenary exhibition, “Masterpieces of Fifty Centuries.” Several pieces were reportedly exhibited in April 1973, pending future display of the collection. In February 1973, *New York Times* journalist John Canaday called Oscar to talk about the Lydian Hoard and was informed of its lack of archaeological provenience and misidentification as “Greek.” Nonetheless, Canaday omitted all this from his article, “Met Proud of a Rare Greek Pitcher,” and then conveyed the conversation to the museum authorities, or so Oscar believes.¹⁶ This was the beginning of Oscar’s long involvement with the objects of the Lydian Hoard, which were the subject of legal proceedings against the museum, and were eventually returned to Turkey in 1993.¹⁷

In the meantime, the museum had been investigated by the National Labor Relations Board for firing people because of their union activities. This resulted in an agreement by the museum to reinstate a number of those who had been fired, with Oscar’s name on the list. He received a note on July 1, 1973, reinstating him retroactively as of July 1, 1971. The temporary restraining order and preliminary injunction were then withdrawn on the condition of his reinstatement. Good news—and one might imagine that Oscar’s problems were over. However, due to his statement to the press about the museum’s purchase of the Euphronios krater, he was once again in trouble. On October 12, 1973, he was fired *a second time* by Hoving, in a letter alleging (A) his “inability to perform an essential function” of his position by reason of his “unacceptability as a member of archaeological excavations in which the Museum is involved,” and (B) his “unprofessional and improper conduct in dealings with other Museum personnel and outside professional associates,” with various negative effects to the museum, including adversely affecting the reputation of the Department of Ancient Near Eastern Art. Witnesses supposedly ready to attest to the charges

16 Canaday, “Met Proud of a Rare Greek Pitcher.”

17 Lawrence Kaye represented the Republic of Turkey in the *Republic of Turkey v. Metropolitan Museum of Art* litigation, 762 F. Supp. 44 (S.D.N.Y. 1990). See Adams, “Oscar White Muscarella and Sherlock Holmes”; Kaye, “The Lydian Hoard and Its Progeny”; Greenfield, “Elementary”; and Simpson, “Luxury Arts of the Ancient Near East” in this volume, for further details on the case of the Lydian Hoard and its ramifications.

are listed as follows: Dr. Robert H. Dyson, Dr. Vaughn Crawford, Prof. Donald P. Hanson [sic], Charles K. Wilkinson, and Mrs. Prudence Oliver Harper, all employees of or affiliated with the museum. The five-page letter outlines the procedure envisioned and lists Oscar's "rights," including his right to request a fact-finder "connected with the Museum and mutually acceptable to you and the Museum."¹⁸ Instead, Oscar requested that an inquiry be conducted under the auspices of the American Arbitration Association (AAA), by an independent and unbiased fact-finder selected under its rules and regulations.

However, negotiations over this request stalled. After a series of inconclusive meetings, Oscar received a letter from Hoving on September 5, 1974, saying that he had submitted his final recommendation for Oscar's dismissal to the President of the museum for referral to the Board of Trustees, effectively firing him *for a third time before any hearings had been held*.¹⁹ On the same date, Hoving wrote to Douglas Dillon, President, recommending termination of Oscar's employment. The Board of Trustees did vote to terminate in November, effective December 2, 1974, with pay ("severance allowance") through the end of the month. Oscar submitted an affidavit on December 6, in support of a motion for preliminary injunctive relief, based on his rights as Associate Curator with tenure. The museum's attorneys, Lord, Day & Lord, submitted a cross-motion, but Steve Hyman applied for another injunction—this time accompanied by Oscar's affidavit listing his grievances, including the museum's purchase of plundered art. The injunction was granted in July 1975 by Justice Irving Saypol of the New York Supreme Court. The museum was prevented from terminating Oscar's employment; he kept his job and remained on the payroll.

The case had now been ongoing for four years, since the time of his first firing in July 1971, and would not be resolved in his favor until 1976. If the reader is beginning to tire of the legalistic details (and this is merely an outline), one can only imagine how the plaintiff must have felt. Nonetheless, Oscar produced some of his best work during this period, including reports on Hasanlu, Sé Girdan, Agrab Tepe, and Dinkha Tepe in Iran, his masterly "'Ziwiye' and Ziwiye," his catalogue of the Schimmel Collection, and his article, "Unexcavated Objects and Ancient Near Eastern Art," which formed the basis for *The Lie Became Great* (2000). But now on to The Trial.

18 *Muscarella v. The Metropolitan Museum of Art*, No. 20960-72 (N.Y. Sup. Ct. Sept. 29, 1972). Report of the Fact-Finder, Hawkins Affidavit, Exhibit 20, letter to Oscar White Muscarella from Thomas Hoving, October 12, 1973.

19 *Muscarella v. The Metropolitan Museum of Art*, No. 20960-72 (N.Y. Sup. Ct. Sept. 29, 1972). Report of the Fact-Finder, Exhibit 28, letter to Oscar Muscarella from Thomas Hoving, September 5, 1974.

The Trial

What Oscar refers to as his trial was technically a process of arbitration overseen by the court; as in a trial, witnesses were called to testify for the plaintiff and the defense. Oscar and the museum had agreed that an inquiry was to be conducted by a mutually agreed-upon fact-finder, under the museum's regulations (and not by the AAA). Oscar was ordered by the museum to choose a fact-finder who was both a lawyer and a member of the Metropolitan Museum (which, at the time, had around 33,000 members). This was an improvement over the museum's previous stipulation that the fact-finder be someone "connected with the museum." The parties settled on the appointment of Harry I. Rand, of Botein, Hays, Sklar & Herzberg, one of three candidates submitted by Justice Saypol. The selection of Harry Rand marks a turning point in the case.²⁰ As fact-finder, Rand was to investigate the case, having access to all relevant information and documents, and hold hearings in which interviews would be conducted. His final report would be distributed to the parties.

The hearings began on September 11, 1975, in the office of Harry Rand. These included 12 days of testimony and ended on November 26, being documented in a transcript of 1,379 pages with more than 50 exhibits. Based on the testimony and his own research, Rand then prepared the "Report of the Fact-Finder," which was released on March 24, 1976. The 89-page report summarized the prior proceedings and then investigated "the facts" pertaining to Oscar's firing by the museum.²¹ These related to (1) the museum's charge of "unprofessional and improper conduct," (2) the charge of "inability to perform" the archaeological field function, and (3) the events following Prudence Harper's tender of resignation, culminating in Muscarella's dismissal. The report concluded with a recapitulation and rulings. For a legal brief, this makes compelling reading. It includes the following:

Witness testimony for the defense, by Dr. Vaughn E. Crawford, Mrs. Prudence Harper, Charles K. Wilkinson, and Thomas Hoving, all of the Metropolitan Museum, as well as Dr. Donald Hansen of the Institute of Fine Arts, New York University, and Dr. Robert H. Dyson, Jr., of the University Museum, University of Pennsylvania (Dyson's testimony was taken on deposition in 1972); and

²⁰ Harry Rand would later take part in the Lydian Hoard case along with Lawrence Kaye and colleagues at Herrick, Feinstein.

²¹ *Muscarella v. The Metropolitan Museum of Art*, No. 20960-72 (N.Y. Sup. Ct. Sept. 29, 1972). Report of the Fact-Finder.

Witness testimony for the plaintiff, by Dr. Günter H. Kopcke of the Institute of Fine Arts, New York University; Dr. David G. Mitten of Harvard University and the Fogg Museum; Norbert Schimmel; Dr. Irene J. Winter, then of Queens College, CUNY; Dr. T. Cuyler Young, Jr., of the University of Toronto and the Royal Ontario Museum; and Dr. Henry Fischer and Oscar Muscarella himself of the Metropolitan Museum.

The relationship between Harper and Muscarella was recognized as crucial to the termination of Oscar's employment, and Rand investigated this in depth. The acts deemed seriously objectionable by the museum, and which led to the termination, occurred during the time that Oscar was acting head of the department of Ancient Near Eastern Art in the absence of Vaughn Crawford (September 1970 through March 1971). Rand found that these were procedural, relating to the typing of items for the curators by the secretary and Oscar's wish to review all items before they were typed, as well as the stipulation that department business take priority. For Harper, as she said, these directives made it impossible for her to work in the department, implying a lack of trust, and made her job "extremely unpleasant."²² Rand discovered, however, that Harper had exhibited a "troublesome attitude" that had caused "strained relations among other members of the department." According to a 1969 letter by Vaughn Crawford to Theodore Rousseau, "She acts like a spoiled brat who has been in a tantrum for a year!" Crawford said he thought "her chances for rehabilitation" were slight.²³

Rand perceptively realized that "the difficulties Dr. Crawford experienced with Mrs. Harper in 1970 could hardly be laid at Dr. Muscarella's door."²⁴ Oscar's rules regarding the departmental secretary stemmed from Harper's unwillingness to inform him of her activities and the overburdening of the secretary with her personal work. Rand noted that it must have been "most painful" for Harper to deal with Muscarella, "an intense man, outspoken, not given to diplomatic niceties, at times abrasive." However, in light of the "history of difficulties with Mrs. Harper in the Department," he found that Oscar's actions were "understandable." Rand concluded that Muscarella's conduct was "not unprofessional or improper."²⁵ Since Harper had decided that she could not work in the department with Muscarella, the authorities, realizing that one

²² Ibid., 26–27.

²³ Ibid., 28–30.

²⁴ Ibid., 32.

²⁵ Ibid., 41–43.

of them must go, chose Oscar,²⁶ seeking to oust him by impugning his abilities and his reputation. Regarding Oscar's alleged unsuitability for fieldwork, and the idea that this would cause damage to the department, Rand found that neither was the case, and noted that Harper had not participated in excavations herself since 1962.²⁷

Testimony for the defense did not turn out quite as expected, with Vaughn Crawford attesting to Muscarella's excellence as a scholar and the importance of his fieldwork in Iran for the study of the Near East. Dyson said Oscar was "a very competent scholar" and his work was of "value to the academic field." Hansen said that Oscar was "a very highly distinguished man; very, very competent man" and his writings were a contribution to scholarship on Near Eastern culture. Even Harper said, "He is a great scholar." In testimony for the plaintiff, Henry Fischer considered Oscar to be a favorable asset to the museum. Günter Kopcke said that Oscar's publications constituted "good, scholarly work" and that he had "a very high reputation" among foreign and American scholars. David Mitten judged Muscarella's work "as of the very highest quality and the very greatest value to scholarship." Norbert Schimmel said that Muscarella's colleagues in the field found his scholarship to be "always on a very high level." Irene Winter attested to Oscar's "impeccable scholarship" constituting "a fine contribution to the field," and to his generosity toward students and colleagues. Cuyler Young called Oscar a "first rate scholar," one of the top young scholars working in Iran. In his opinion, Muscarella's association with the museum enhanced its reputation.

In the end, Rand found that "the evidence does not support any of the charges stated in the Director's notice of October 12, 1973" (Oscar's second firing by Hoving). He also declined to find Oscar liable for any portion of his fee, and recommended that the museum be held responsible for full payment.²⁸ During the trial, Oscar became ill from the cumulative stress, not being able to eat, and suffering intense claustrophobia and panic attacks. But he won his case, by virtue of Rand's findings. The museum had to pay his legal fees, and reportedly spent \$400,000 on legal fees of their own. Finally, on December 17, 1976, Hawkins wrote to say that dismissal proceedings were to be discontinued. The Board of Trustees was never shown Rand's report, as specified by the regulations.²⁹ In May 1977, Oscar was told that he was "an Associate Curator in the Department of Ancient Near Eastern Art in good standing." All records relating

26 Ibid., 46.

27 Ibid., 47–76.

28 Ibid., 85–89.

29 Ibid., 87–88.

to the charges and proceedings were to be removed from his file. In March 1978, Oscar was “promoted” to the position of Senior Research Fellow, with tenure (although tenure per se had been abolished by the Board at the urging of Hoving in 1974). Oscar considered this “a Mickey Mouse title,” but it gave him the freedom to spend his time on research and writing, with the result that he is one of the most prolific scholars in the field.

Oscar’s remaining years at the museum were not without problem. He was largely excluded from departmental matters, particularly after Prudence Harper took over as head of the department. He often was not told about acquisitions, gallery changes, meetings, newly appointed staff, or visiting colleagues. His pay was docked for overstaying his “vacation,” when he was actually on a dig. Attempts were made to censor his writing and restrict his speech. But as anyone who knows him can attest, and as his life story shows, Oscar is not to be deterred. After his reinstatement, he continued to excavate at sites in Turkey and lectured at academic conferences, to the public, and to students (Plates 0.5–0.6). At the museum, he took on the project of publishing all the bronze and iron objects in the department, resulting in his award-winning book, *Bronze and Iron: Ancient Near Eastern Artifacts in The Metropolitan Museum of Art* (1988).³⁰ His next book, *The Lie Became Great* (2000), with its explication of The Forgery Culture and The Museum Ritual, has become something of a cult classic.

His last book, *Archaeology, Artifacts, and Antiquities of the Ancient Near East: Sites, Cultures, and Proveniences* (2013), is a collection of 40 important articles, spanning his career. This “superb collection of previously published work” was reviewed by D.T. Potts, who points to some interesting features. For one, Muscarella identifies himself as an archaeologist and not an anthropologist or art historian, considering their activities to be a normal part of archaeological research. Oscar learned at an early date that some “archaeologists” had little knowledge of objects (artifacts) and could not identify them or understand their cultural value. Not so with Muscarella, who has specialized in the analysis of artifacts, with an acute understanding of iconography and style.

Muscarella’s point is simply that all artifact analysis belongs to the domain of archaeology, and if style, iconography and form, with exhaustive comparison to other excavated material is required, then a good archaeologist should certainly not be limited to dealing solely

30 *Bronze and Iron* received the James R. Wiseman Book Award from the Archaeological Institute of America in 1990.

with those categories of material culture that are not generally deemed “art.”³¹

This understanding led Oscar to the problem of forgeries, of all sorts, including the forgery of provenience, made possible by the looting of archaeological sites. His work as a museum curator was useful here, as he had access to inside knowledge of the antiquities market and the unexcavated objects and forgeries circulating there. Useful to him, but not to the hierarchy of the Metropolitan Museum. He was not your standard curator, certainly, at odds with the old guard of museum professionals. But museums have now changed, and Oscar is one of those responsible. As Potts observes:

Muscarella has been a vocal and tireless champion of ethics and the exposure of criminal and unethical behavior on the part of collectors and museums for decades, and more than any other scholar, he has underscored the damage inflicted upon scholarship by the naïve incorporation of unexcavated artifacts alongside excavated ones in studies that seek to elucidate the past.

As this brief biographical sketch has shown, Oscar has persisted against formidable odds to become one of the profession’s outstanding archaeologists, in the broadest sense of the term. His work spans an area from Greece to Afghanistan, from the Neolithic to the Persian period, and includes excavation and survey reports, studies of special types of artifacts such as fibulae and cauldron attachments, catalogues and individual entries, writings on forgeries of objects and of cultures, and critiques of scholarly methodology, the antiquities trade, and the museum profession, not to mention his many reviews. The papers in this Festschrift reflect all these interests and concerns. We present them here to celebrate Oscar Muscarella’s many achievements—and the man himself. A complete list of his excavations and publications appears at the beginning of this book.

31 Potts, review of Muscarella, *Archaeology, Artifacts, and Antiquities of the Ancient Near East*.



PLATE 0.1 *Oscar White Muscarella in 1943 with Sam Muscarella when they lived on Tiffany Street, Bronx, New York.*

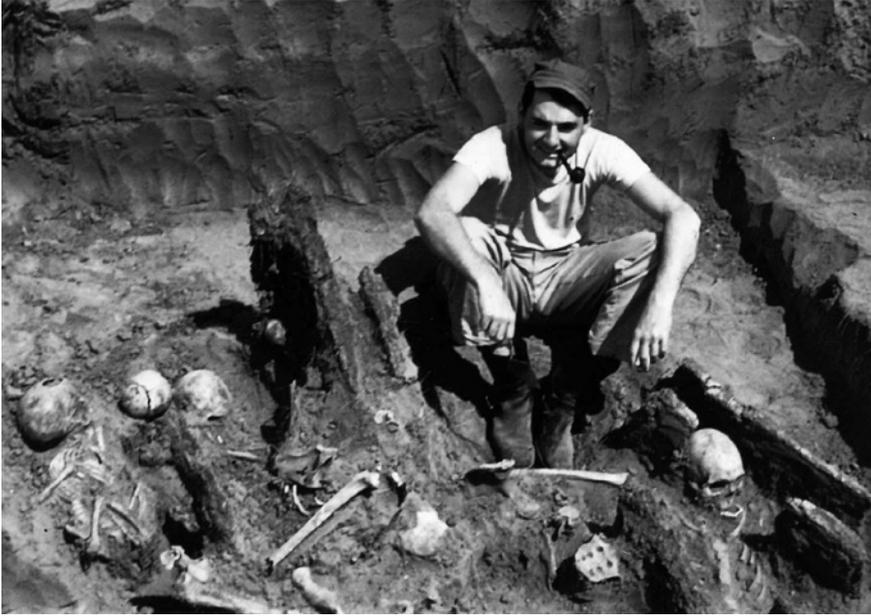


PLATE 0.2 *Oscar excavating at Swan Creek, South Dakota, 1955.*

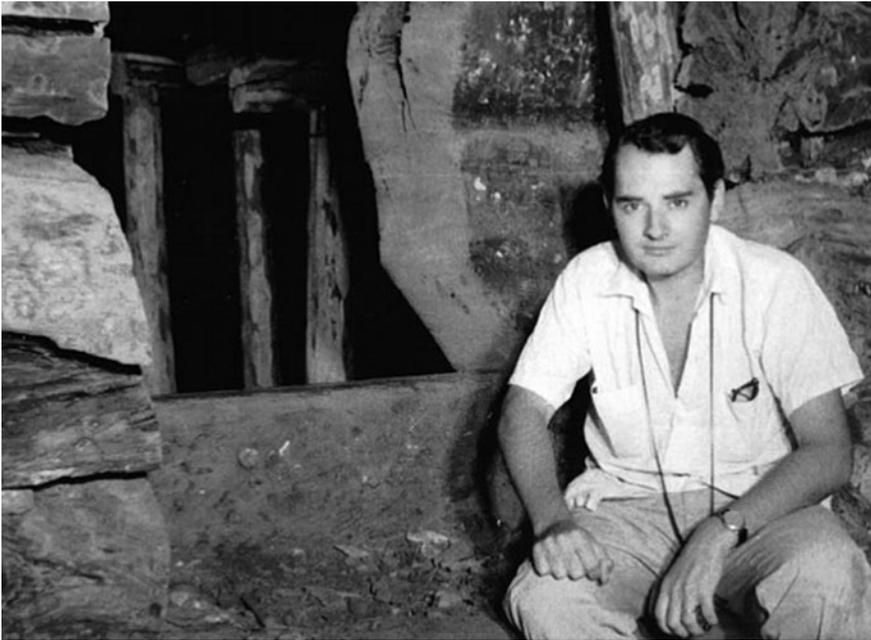


PLATE 0.3 *Oscar at Gordion in 1957, seated in front of the cut in the wall of the tomb chamber, Tumulus MM.*



PLATE 0.4 *Oscar at Sé Girdan, Iran, 1970.*

PHOTOGRAPH COURTESY OF STEPHAN KROLL.



PLATE 0.5 *Oscar learning to use a bow drill in 1995 at an ancient furniture workshop held with Geoffrey Killen for students at the Bard Graduate Center, New York. Assisting at right is Caroline Jessie Beeken (née March-Killen).*

PHOTOGRAPH: LORRAINE MARCH-KILLEN.



PLATE 0.6 *Oscar at the Urartian site of Ayanis, Turkey, where he excavated between 1994 and 2000.*