

AT THE BORDER: ILLEGAL REMOVAL OF HERITAGE ASSETS FROM THE SOCIALIST REPUBLIC OF ROMANIA (1969-1989)

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Abstract. The article analyzes the practices and methods of some of the thousands of people who tried to flee Romania with art objects, especially after the introduction of the Heritage Law (Law No. 63/1974), which considerably limited the rights of citizens to possess goods of heritage value, including precious metals. The Nicolae Ceaușescu regime was interested in acquiring gold, in order to pay the loan guarantees for the external debts that the Romanian state had at that time. Therefore, numerous individuals or groups attempted to leave Romania through the western border with heritage assets hidden in their luggage or other methods that often were discovered by the *Securitate*, which prompted extremely harsh measures. It is no coincidence that the border of communist Romania has been declared by many historians “the bloodiest border in post-war Europe.” However, many heritage objects have disappeared without a trace, and confiscations were generally made without an inventory of the property taken. Using provenance research, the study also demonstrates the active role of the *Securitate*, documenting scattered elements of the collections and – ideally – bringing them together. Finally, the article presents several cases relevant to the phenomenon of illegal crossing of the border with objects of patrimonial value, and how the baggage control was performed by the *Securitate*, while also examining why the citizens risked losing their freedom in order to be able to pass these goods outside the Communist state.

Keywords: National Communism, art collecting, confiscations, closed borders, Diamond Action

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Introduction

The aim of this article is to extend the research on Romania's closed borders during its communist period, and to answer the following research question: What represented the illegal crossing of the border with heritage objects, and why did the citizens of the communist state often risk losing their freedom and assets? A secondary focus concerns the way in which the state chose who and who not to pursue, depending on the information obtained from its collaborators. Although a long-gone era, recalling the dramatic efforts of those who attempted to cross the border with their valuable assets to escape the oppressive regime that was blocking their freedom and their right to private property still represents an essential research subject.

The hypothesis of this study is that with the establishment of the Communist regime in 1948, the right to property suffers due to the change of ownership. This period also represents the most intense period related to art looting in Romania. The communist regime was responsible for the massive nationalization of all property, including cultural objects. The analysis is part of an extensive research regarding the phenomenon of confiscation of art collections and heritage assets in the Soviet bloc. The transformation of art collections into state property was part of a larger process: nationalization. The present study will focus on the abuses made by the *Securitate* members at the country's borders, where confiscation of property assets was guaranteed in the absence of a document allowing the passage of those objects.¹ The archive documents show that several works of art of important Romanian artists, such as Nicolae Grigorescu, or Ștefan Luchian, were confiscated at customs without a later mention of their redistribution.

To prove this, the article uses the methodology of provenance research – a new field of interdisciplinary studies (art history, history, anthropology, and the history of political science), with a methodology under construction. This is a highly politicized field – researching the area of communist assets, the normative framework and jurisprudence

¹ The popular term for the *Departamentul Securității Statului* (Department of State Security), the secret police agency of the Socialist Republic of Romania.

under which such regimes operated is both the result of a reflection of museographers, and of high-level diplomatic negotiations (several intergovernmental conferences). Establishing the provenance of art objects involves researching both the history and the course of the work from its origins until today. On the other hand, it consists in determining the traces of the works in collections likely to come from problematic environments, such as spoliations during the Second World War, properties from a colonial context, as well as objects from the Soviet occupation zone.² The analysis and the documentation concerning the historical and contemporary evolution are essential in a museography context, because they allow to gather valuable information for inventorying and documenting the art oeuvres in museum collections, and in order to reconstruct the history of an object.³

The study of provenance is necessary in Romanian historiography, because Romania is a country of the former Soviet bloc, where a very large number of properties, including heritage properties, were confiscated during the communist period.⁴ This period represents at the same time the most intense epoch of art looting in Romania.

The research uses qualitative analysis of several cases identified in the documents safeguarded by the National Council for the Study of Securitate Archives (CNSAS). With the help of CNSAS, researchers can reconstruct the unfolding of elaborate and diverse escape attempts, which unfortunately mostly ended in failure. The main reason for this

² Andrea Baresel-Brand, Michael Franz, Johannes Gramlich, Jasmin Hartmann, Uwe Hartmann, Matthias Henkel, Michael Henker, Maria Kesting, Jana Kocourek, Susanne Köstering, Katja Lindenau, Gilbert Lupfer, Ilse von zur Mühlen, Maria Obenaus, Johanna Poltermann, Tessa Rosebrock, Ulrike Saß, Michaela Scheibe, Carola Thielecke, David Vuillaume, Markus Walz, Petra Winter, Christoph Zuschlag, *Provenance Research Manual to Identify Cultural Property Seized Due to Persecution During the National Socialist Era* (Berlin: German Lost Art Foundation, Berlin, 2019), 7.

³ Patricia Kennedy Grimsted, "Legalizing «Compensation» and the Spoils of War: The Russian Law on Displaced Cultural Valuables and the Manipulation of Historical Memory," *International Journal of Cultural Property* 17 (2010), 2.

⁴ Damiana Oțoiu, *Politique et politiques urbaines dans la Roumanie (post)socialiste. Perdants et bénéficiaires des processus de nationalisation et de restitution des immeubles nationalisés* [Urban Politics and Policies in (Post)socialist Romania. Losers and Winners of the Buildings Nationalization and Restitution Processes] (PhD diss., Université Libre de Bruxelles, 2010).

was the fact that the Securitate received detailed information from informants who were extremely well-infiltrated into the private lives of the prosecuted people. Our study also highlights the evolution of border regulations, the role of the Helsinki Accords and the UN refugee authorities, and the ways in which attempts were made to escape from socialist Romania with cultural heritage assets and national art. There are, however, too few documents regarding the atrocities and crimes committed at Romania's western border by the border guards and their commanders, who used their weapons without mercy and beat those who were discovered, sometimes to their death.

Considering the nature of the archival material which this analysis builds on, a series of methodological clarifications are required. The phenomenon of crossing the state border during the communist period is covered to an exceedingly small extent by specialized literature, being difficult to document primarily due to the lack of direct access to archives, but also the controversies that surround it.⁵ This phenomenon is often located on the border between political and common law crime. Also, among the oral history contributions we can mention the campaign initiated by Marina Constantinoiu and Istvan Deak.⁶

The current study proposes a novel approach in the historiographical landscape, namely the reconstruction of a fragment of the history of this phenomenon starting from 1969 until the end of the communist era in Romania. The analysis will focus on the people who tried to illegally cross the border during the mentioned period with assets of patrimonial value. The current study includes persons who were investigated and/or convicted for this crime and who came into contact with the communist prison system.

⁵ Dan Drăghia, "Apărarea regimului sau apărarea frontierelor? Trupele de grăniceri (1944-1960)" [Defending the Regime or Defending the Borders? The Border Guards] in *Structuri de partid și de stat în timpul regimului comunist. Anuarul Institutului de Investigare a Crimelor Comunismului în România* [Party and State Structures During the Communist Regime. The Annuary of the Institute for Investigating the Crimes of Communism in Romania] ed. Dumitru Lacatusu, vol. 3, (Iași: Polirom, 2008), 157; Dumitru Șandru, *Escape from Communism. A True Story and Commentary* (n.p.: Chivileri Publishing, 2012).

⁶ The campaign initiated by Marina Constantinoiu and Istvan Deak can be researched on www.miscareaderezidenta.ro

The present study focuses on two major directions. The first part of the article pursues a qualitative analysis of the data present in the criminal records, the approach having a series of inherent limitations. Although the fraudulent crossing of the state border was a widespread phenomenon during the entire Communist era, from 1968, after the adoption of a new Criminal Code of Law, this offense became one of common law.⁷ This is the reason why, in the archival fund of criminal records of political prisoners, there are no more people arrested for crossing the border after 1968. Thus, the present study is limited to the analysis of the data for the period 1969-1989, the period in which the fraudulent crossing of the state border was considered a semi-political crime and judged as such in military courts. The mentioned limitations lead us to rather follow the outline of an overall picture starting from specific cases. In the second part of the article, after the qualitative analysis, we want to correlate more extensive research regarding the phenomenon of confiscation of heritage assets with the presentation of several case studies. These studies have the role of outlining a sequence of the picture of the frontier phenomenon from the 1970s – 1980s.

In what follows, the article reconstructs the historical context and the legal framework, as well as the theoretical foundation. In the following sections, the analysis zooms in on the case of the *Diamond Action* and continues with an analysis of the various methods and strategies used to remove property across the border.

Historical Context and Theoretical Framework

The world of art collectors in Romania witnessed, especially after 1947, large-scale confiscations and the nationalization of art objects and collections. The confiscation of private property was evident under the Communist government and included art objects from private art

⁷ Constantin Vasilescu, *Tentația libertății: frontieristele* [The Temptation of Freedom: The Frontier Women] in *Morfologia (ne)vinovației. Alfabetul detentiei feminine in communism* [The Morphology of (Non)guilt. The Alphabet of Female Detention in Communism], ed. Constantin Vasilescu, Clara Mareș, Florin S. Soare, Alin Mureșan, Constantin Petre (Bucharest: Editura Litera, 2022), 251.

collections. Immediately after March 1945, the Communist authorities encouraged the donation of such collections to the state. Some donations were made under fiscal or political pressure, while others under various forms of moral or physical coercion. Some owners of art objects, paintings, sculptures chose the path of donations (to the Town Halls or Popular Councils, to the Ministry of Arts/ the Committee for Art) in order to maintain their positions in the new socio-political system and in the cultural bureaucracy, or to avoid being subjected to repressive treatment.

The western border of the Socialist Republic of Romania (RSR) measures 994 kilometers – 448 kilometers with Hungary and 546 with Serbia, of which 290 kilometers are along the Danube River.⁸ The number of border points during the communist period varied according to needs, with such crossings being established or dissolved from year to year depending on the request of the USSR. Therefore, the study cannot mention an exact number of customs points, but it can approximate along the western border nine crossing points – six by road and three by rail.⁹ The cruelty of the military and the troops who were subordinated to *Securitate* is largely undocumented within the archives. The most valid information comes from statements made by those who crossed the border from communist Romania. Even in the rather liberal Yugoslavia, the press had to refrain from provoking the neighboring state.¹⁰ Doina Magheți stated that “the western frontiers were a mixture of fascination and horror, as they were the barrier of the paradise beyond.”¹¹ This border was also exceptionally well-guarded and controlled, especially in the 1950s, when any attempt to cross was hazardous, if not impossible. The fraudulent crossing of the border or the attempt to cross it remained throughout the Communist era serious crimes with long-term consequences, both for the perpetrator and their family. However, there were several corrupt border guards who, for the right amount of money,

⁸ Johann Steiner and Doina Magheți, *Mormintele tac: relatări de la cea mai sîngeroasă graniță a Europei* [The Graves Are Silent: Stories from Europe's Bloodiest Border] (Iași: Institutul de Investigare a Crimelor Comunismului în România, Editura Polirom, 2009), 11.

⁹ Cezar-Săndel Ioncef, “Arhivele sistemului vamal din România – parte componentă a Fondului Arhivistic Național,” *Revista Arhivelor* 1-2 (2015), 62.

¹⁰ Steiner and Magheți, 12.

¹¹ Steiner and Magheți, 15.

would help people cross the border with heritage goods. Between 1975 and 1979, the number of people arrested at the border for illicit trafficking in artistic goods increased, and it even tripled in 1982.¹²

From a legislative point of view, there have been two major distinct periods regarding border crossing regulations: the period of 1948-1968, respectively the period of 1969-1989, the one on which this article focuses. Law No. 4/1948, which modifies certain provisions of the Criminal Code, tightened the penalties, which included between three and ten years of correctional prison, and a fine ranging from LEI 4.000 to LEI 40.000.¹³ Punishments were also applied for the act of “favoring the criminal.” At the same time, the law provisioned that mitigating circumstances cannot be added, and the assets of the pursued individual had to be mandatorily requisitioned. The legislation was so severe that it limited the individual’s freedom of movement not only abroad, but also within the country. All these provisions were maintained until the appearance of the Criminal Law of 1968, which criminalized the fraudulent crossing of the border through Article 245.¹⁴ The punishments dropped significantly, being comprised between six months and three years of correctional imprisonment, taking into account as crime the attempt of border crossing. According to the Criminal Law of 1968, an attempt was also understood as the procurement of necessary means and instruments, or taking measures from which it would undoubtedly result that the perpetrator sought to fraudulently cross the border.

The establishment of communist totalitarianism at the end of the 1940s and the severe limitation of the possibility to leave the country by legal means led to the inherent appearance of *frontiersmen*, people who tried to cross the border by alternative means, at the cost of losing their freedom and even their lives. The status and nature of their gesture were extremely controversial from the beginning and still are. Under a totalitarian regime, freedom of movement was restricted by violating

¹² Brîndușa Armanca, *Frontieriștii: istoria recentă în mass-media* [Frontiersmen: Recent History in the Media] (București: Editura Curtea Veche, 2011), 18.

¹³ Law no. 4 of January 19, 1948 for amending Art. 267 of Criminal law, published in the Official Gazette, Part One, page 423.

¹⁴ The Criminal Code of June 21, 1968 in the *Official Bulletin* of the Socialist Republic of Romania, no. 79.

Article 13 of the Universal Declaration of Human Rights (December 16, 1948), and Article 2 of the Protocol No. 4 of the European Convention on Human Rights (November 4, 1950) regarding the right to leave a country.¹⁵ Regardless of whether it was about citizenship or residency, the attempt to forcefully cross the border by violating the legislation gains legitimacy, and the common law crime becomes one of political nature. Even in the eyes of the communist state until 1968, the gesture was seen as a “counter-revolutionary action.”

The adoption of a new Criminal Law in 1968 and the transformation of illegal border crossings into a common law crime did not change this view, as the fraudulent border crossing was still in the category of crimes that endangered the security of the state. The thousands informative follow-up files to the *Securitate*, the hundreds actions plans to combat the phenomenon, the violence with which the ones caught were treated, the severity of the punishments, the restrictions, the deprivations, and the stigma to which they and their families were subjected bear witness to this. Moreover, it should be mentioned that, once included among the political prisoners, the frontiersmen were treated as a distinct category of their own, being viewed with suspicion.

Temporally, the study begins with the year 1969, the moment when the fraudulent border crossing was no longer officially classified as a political crime, and the register records were moved to the fund belonging to common law. Moreover, even until 1969, the crime was not considered a political one in itself but it was assimilated to it, and the prisoners suffered from the same treatment and the same restrictions as those that were convicted politically. However, there were cases in which, along with the conviction for fraudulent border crossing, common law penalties were added, such as theft, embezzlement, possession of gold or objects of national heritage, and false documents.

In what concerns the analysis of the relationship between art and politics from the point of view of the communist ideology of heritage, the studies by Cristian Vasile, Magda Cârnelci, Caterina Preda, and Irina Cărbăș focus on an analysis of communist culture in Romania; additionally,

¹⁵ Ibid., 254.

there are also the studies by Damiana Oțoiu, and Emanuela Grama, that analyze the communist heritage.¹⁶

Regarding the fraudulent passing of the border during Communism, this article employs the analysis of Brîndușa Armanca in her book *Frontieriștii* [The Frontiersmen], a work that aims to present the situation of the fraudulent border crossings to Hungary or Yugoslavia between 1969 and 1989.¹⁷ In this book, Armanca notes that the Criminal Law of the Socialist Republic of Romania criminalized, in Article 245, both the fraudulent crossing of the border and its attempt, as “crimes against the authorities,” punishable by imprisonment from six months to three years.

In the volume signed by Cristian Vasile, *Viața intelectuală și artistică în primul deceniu al regimului Ceaușescu: 1965-1974* [The Intellectual and Artistic Life During the First Decade of the Ceaușescu Regime: 1956-1974], communist legislation is carefully researched, and is seen to be increasingly dominated by the imposition of unitary norms and communist education.¹⁸ Thanks to the author, we know how the communist ideological apparatus functioned in Romania, but also how the symbolic field of totalitarian domination was organized throughout the communist decades.

Using the same perspective, Emanuela Grama, in her volume *Socialist Heritage: The Politics of Past and Place in Romania* recalls that the socialist state’s attempt to create its own heritage, as well as the legacy of that project.¹⁹ Based on archival and ethnographic research, the volume brings to light which narratives, objects, aesthetic forms and lifestyles become valued as patrimony, and which of them were marginalized, abandoned or destroyed.

¹⁶ Cristian Vasile, *Viața intelectuală și artistică în primul deceniu al regimului Ceaușescu: 1965-1974* [The Intellectual and Artistic Life During the First Decade of the Ceaușescu Regime] (Bucharest: Humanitas, 2015); Magda Cârneli, *Artele plastice în România (1945-1989)* [Plastic Arts in Romania] (Iași: Polirom, 2013); Caterina Preda, *Uniunea Artistilor Plastici și artistul socialist de stat* [The Plastic Artists Union and the State Socialist Artist] (Cluj: IDEA Design & Print Editură, 2023); Irina Cărăbaș, *Realismul socialist cu fața spre trecut. Instituții și artiști în România: 1944-1953*, [The Socialist Realism Facing the Past. Institutions and Artists in Romania], (Cluj: IDEA Design & Print Editură, 2017), 4; Emanuela Grama, *Socialist Heritage: The Politics of Past and Place in Romania* (Bloomington: Indiana University Press, 2019).

¹⁷ Armanca, *Frontieriștii*, 12.

¹⁸ *Ibid.*, 16.

¹⁹ Grama, *Socialist Heritage*, 21.

These studies reveal how many objects have disappeared without trace, and how confiscations were generally made without elaborating an inventory of the seized property. Provenance research also demonstrates this active role, documenting dispersed elements of the collections and – ideally – bringing them together. Thus, in addition to archival documents, the existing literature is also the basis of our research.

Legislative Framework

A careful investigation of the legislative framework is very important in the present study, because it is the main indicator of the importance of art objects during the Communist regime. The legislative changes demonstrate how the law constrains practices, namely, how the state tries to abolish the right to private property. Thus, cases of illegal crossing with assets of patrimonial value also become a response to abusive law. In many situations, the citizens were trying to save their valuable goods, even at the risk of losing their freedom and that of their family members. Consequently, the study focuses on the notion of a totalitarian state that restricts the rights and freedoms of citizens, and that influences the life of the art-loving, art-collector citizens.

With the robbery of the Brukenthal Museum in Sibiu in 1968, when eight European works of art were stolen, it became very clear to the members of the *Securitate* that the art oeuvres were not just decorating objects, but also some valuable assets that could be exchanged for large amounts of money. The robbery was followed by the increase of the informants' number, who were on the trail of all foreigners who arrived in Romania and who controlled the luggage of those entering and leaving the country. In the archival fund of criminal records of political prisoners, there were more people arrested for crossing the border after 1968 with assets of patrimonial values as a result of the adoption of a new Criminal Law in 1968. However, it is important to investigate the laws before 1968 in order to better understand the communist regime's *modus operandi* regarding the notion of private property.

"It is necessary to provide the principles, skills, attributions and procedure to ensure a complete and centralized registration of the heritage, as a basis for the systematic action of conservation and capitalization, without undermining the integrity and the value of the assets that constitute the heritage. The organization of this complete file has the role of preventing the movement of cultural property of national importance abroad."²⁰

The bill introduced by the Council of Ministers in the Normative Act No. 661/1955 emphasized the principle of lack of prescription of offences to the national heritage, since it is the property of the entire nation. This allowed the State to recover a heritage asset even when it had been illegally taken away from abroad, and also highlighted the principle of the State's right of pre-emption. The system of classification of cultural goods provided the basis on which the control of the circulation of goods could be exercised, both in the country and abroad, and it was aimed at ensuring the enrichment of the national patrimony, having the *Securitate* avoid unwanted disappearances. Thus, to comply with these laws, it was necessary to create new institutions and commissions within the Council for Socialist Culture and Education, such as the Directorate of Libraries, the Central Institute of Museology, the Methodological Center for the Protection of Cultural Heritage, and four central commissions whose role was to classify cultural assets. Certain institutions and commissions were organized under the subordination of ministries and central organizations of the Socialist Council for Culture and Education. First, at the local level, there were the executive committees of people's councils, interdepartmental commissions and services. Second, at the national level, there was the Council of Socialist Culture and Education, consisting of nomenclatures of functions, organizational charts, and training standards for specialists and experts in the conservation of cultural heritage. As such, the institutions dealt with the approval of temporary removal from the country, and the approval of the alienation of cultural property abroad. To obtain this approval, first the objects had to be recognized as heritage pieces by the Departmental Commission of the National Heritage of Cultural Properties of Bucharest. Then the

²⁰ NCSAS (National Council for Studying the Securitate Archives), *Patrimoniul* documentary background, File D013367 – *Patrimoniul, arta, cultura*, vol. 1, file 4.

request to take the objects abroad would have to be approved by the Council for Socialist Culture and Education.

Based on their importance, the cultural goods part of the National Heritage was divided into three categories. The first category of cultural property, and the most important one analyzed in this article was treasury property, which could not be sent abroad. This category included cultural goods containing precious metals and precious stones, historical monuments, works of art (paintings, sculptures, graphic design, decorative art) with specific value created by Romanian artists, foreign artists, or initiators of artistic movements. It also contained works which had a certain importance in the evolution of artistic styles, which were unique, or part of a limited series, as well as art collections. The second category was followed by objects that did not have a very high value from an artistic point of view, being followed by the third category that included handicraft objects. Experts from the registration centers of the Council for Socialist Culture and Education participated in the classification of these properties.

In accordance with Article 22 of the Council of Ministers Decision no. 661/1955, the alienation of national cultural heritage assets to foreign natural or legal persons was strictly prohibited.²¹ National cultural heritage assets could only be sent abroad for presentation in international exhibitions, as well as for restoration work or specialized expertise, only with the approval of the President of the Socialist Republic of Romania, at the proposal of the Council for Culture and Socialist Education (CSCE). Similarly, crossing the border with cultural property, other than that which is part of the national cultural heritage, could only be done with the approval of the Central State Commission for National Cultural Heritage. The types of goods (works of painting, sculpture, graphics, ceramics, porcelain, glassware, textiles, art furniture, old books and engravings), as well as the criteria for approval of their taking across the border, were fixed by presidential decree.

The penalties were also very specific, namely the confiscation of all goods with which individuals attempted to cross the border, as well as

²¹ NCSAS (National Council for Studying the Securitate Archives), *Patrimoniul* documentary background, File D013367 – *Patrimoniul, arta, cultura*, vol. 1, file 53.

imprisonment for two to seven years. Foreign people or institutions were subject to the same penalties, in both cases the property getting confiscated in accordance with criminal law. It is thus underlined the particular importance attached to preventing the removal from the country of goods of national interest, and to the severe restrictions associated with this act. The registration system of national interest art oeuvres is based on the owners' obligation to declare these objects, otherwise risking severe penalties. Consequently, the specialists of the various organizations in charge with protecting cultural property periodically undertook confidential "field research" to find valuable works in private homes.

Temporary exit permits were only granted in the case of participation of the respective works of art in different exhibitions abroad. However, the authorization for temporary exit from Romanian territory was granted to its holder subject to payment of taxes as a precaution. For objects whose export was allowed, the law required a tax payment of up to 30% or even 50% of the value of the object. In the event of an attempted unlawful removal, the state had the right to confiscate the respective object.

With the entry into force of the Law of Heritage No. 63/1974, attempts to illegally remove works of art from the country intensified. A note from the Department of Passports, Evidence of Foreigners and Border Crossing Control of November 11, 1978, underlined the growing complexity of border checks at crossing points, where it was necessary to act more firmly against illegal removal from Romanian territory of goods and valuables likely to be part of the national cultural heritage.²²

During this period, the number of foreign citizens, mostly Romanians with dual citizenship, who wanted to remove works of art that they could not take with them on their last departure, increased and their methods of doing so became more diverse. Thus, measures were taken to re-educate the heads of control teams and customs officers, emphasizing the knowledge of the standards of activity drawn up by the Central State Commission of National Cultural Heritage concerning the illegal removal

²² NCSAS (National Council for Studying the Securitate Archives), *Patrimoniul* documentary background, File D013367 – *Patrimoniul, arta, cultura*, vol. 1, file 159.

of the country's heritage assets. At the border control, the focus was on specific categories of people, such as Romanian citizens who were leaving permanently or visiting relatives abroad; foreign citizens of Romanian origin; foreign students; as well as foreigners whose travel documents showed that they frequently visited Romania. As a result of the measures taken to improve the overall activity and efficiency of *Securitate* collaborators and customs authorities, the number of people who attempted to leave the country with certain objects and valuables presumed to be part of the national cultural heritage decreased. Although they declared the objects at customs control, the people in question did not have the legal documents necessary to take them out of the country and were thus stopped.

Our attention is also drawn to the term "customs waste," which represents all the material goods and valuables which were confiscated by the customs authorities who had issued proofs of object detention to the individuals carrying them.²³ The objects were in theory given to the local museums; however, some would go missing, possibly because they were taken by members of the *Securitate*. Thus, at the Nădlac checkpoint in 1978, the customs issued detention certificates for 229 oil paintings on canvas, forty-five old icons, seventy-five old books published between 1800 and 1900, twelve old vases, three Persian carpets, and twenty-eight clocks. It is also mentioned that most cases of detention took place at customs points in the west of the country.²⁴

On October 8, 1989, the Ministry of Internal Affairs drew up a new plan of measures to increase the effectiveness of the defense of the national cultural heritage, as well as to prevent and thwart the illegal removal of artifacts from the country under the Law No. 63/1974. Although the stipulations are largely the same, much more emphasis is placed on the need to prevent the attempts of unlawfully removing objects and works of art from the country, by identifying and neutralizing "elements subject to a violation in any form whatsoever of

²³ NCSAS (National Council for Studying the Securitate Archives), *Patrimoniul* documentary background, File D013367 – *Patrimoniul, arta, cultura*, vol. 1, file 166.

²⁴ *Ibid.*

the legal norms enforced in the spirit of defending the heritage.”²⁵ It also mentioned the importance of information sources during the identification process, and in the early stages of attempts to cross the border illegally. The executives of the Economic Militia continuously acted to consolidate the specialized information network by recruiting new sources of information able to provide data and information of operational value concerning the intentions and actions of speculators and traffickers, recruits who would be well prepared and capable of interfering with the “domestic and foreign commercial elements” who were trying to illegally alienate or remove from the country goods of scientific, historical, literary, artistic and documentary value belonging to the Romanian cultural heritage.²⁶

In many cases, the information sources were Romanian individuals who initiated communications without revealing their identity, stating that they only wanted to selflessly help the state by providing secret information. For example, a memo from the Ministry of Internal Affairs dated May 26, 1978, includes information from a woman, sent via telephone number 15.76.29 to the official of the Ministry of the Interior that she

“has information that Laslin Elisabeta from the Federal Republic of Germany, who is visiting Timișoara traveling in a black car INK922B.W, is about to leave the Socialist Republic of Romania on May 26, 1978. She intends to smuggle Chinese porcelain and an original 30 x 30 cm painting by Goya out of the country.”²⁷

The Securitate files, now in the custody of the NCSAS, reveal how many individuals were informed on by their parents, husbands, wives, as well as neighbors, colleagues, friends for reasons unbeknownst to us.

The political system in place also wanted to increase the quality and efficiency of the collection, verification and exploitation of information meant to prevent and discover at an early stage the “dangerous elements” that acted individually or in an organized manner to steal, traffic, and alienate the national heritage. In addition to intensifying the exchange of information with the profiling organs of the Department of State Security

²⁵ NCSAS (National Council for Studying the Securitate Archives), *Patrimoniul* documentary background, File D013367 – *Patrimoniul, arta, cultura*, vol. 1, file 184.

²⁶ Ibid.

²⁷ NCSAS, *Patrimoniul* documentary background, File D013367 – *Muzee*, vol. 4, file 98.

and other units of the Ministry of the Interior, the organs of the *Securitate* had to take specific measures to identify assets under the Heritage Act of 1974, belonging to people who had not declared or registered it with state offices in accordance with the law. These measures had been taken to prevent the alienation of artifacts, as well as objects made of precious metals, by confiscating them, making them unavailable, and returning them to heritage units. The General Inspectorate of the Militia, through the Economic Directorate, had to ensure permanent and effective cooperation with the General Directorate of Customs, and the specialized security units. The emphasis was on thoroughly training and preparing all customs agents in order to know both the legislation and their specific tasks to prevent the illegal exit of certain valuables belonging to the national cultural heritage, as well as goods made of precious metals and stones. On a permanent basis, drawing on the information obtained from various sources in the field, and the verifications undertaken, the state founded the Economic Directorate of the General Inspectorate of the Militia for the control of foreign or native individuals suspected of trafficking paintings and other art. The organs of the militia were armed and prepared for the regular and legal use of the weapons provided, in strict observance of the stipulated obligations.²⁸

The *Diamond Action*: Recuperating Romanian Cultural Heritage Abroad

In this part of the article, the analysis focuses on the means used by the Romanian Communist state to exercise its power in terms of property even across the borders. Most often, the state chose to follow the Romanian citizens outside the borders, as the authorities followed the goods that should have been placed in the national patrimony.²⁹ Being outside the borders, these goods were considered of superior value, taking into account the valorization that the international museums or auction houses would have given to these works of art.

²⁸ NCSAS, *Patrimoniul documentary background*, File D013367 – *Muzee*, vol. 4, file 98.

²⁹ Diana Mandache, *Moștenirea Elenei Lupescu și statul communist* [The Legacy of Elena Lupescu and the Communist State] (Bucharest: Curtea Veche Publishing, 2017).

The file *Diamond Action* includes the plan of measures issued by the Department of State Security.³⁰ It concerned the organization and development of the *Diamond Action*. In this part of the research, the analysis relies on this source to demonstrate, through the cases presented, how the objects of patrimonial value were confiscated at the borders (from paintings, sculptures to jewelry or decorative art objects).

The purpose of this action was to identify the assets abroad that belonged to the national cultural heritage, and the holders of accounts, shares, real estate and other assets among citizens who had left the country before and after 1948, whether or not they had Romanian nationality. The members of the *Diamond Action* also had the task of managing the assets confiscated from those who illegally tried to cross the border, as well as the pursuit and supervision of people who had planned operations of removing personal items of heritage value across the border by various means. This action aimed to transfer to the country these assets by the way of restitution to the Romanian people, repatriation of the owners, and liquidation of successive or fictitious rights through donations and/or aid to the country or parents domiciled in Romania. They often resorted to threatening and intimidating the owners who were forced to pass the assets in the form of voluntary donations to the Romanian state. In the *Diamond Action* file, there is ample evidence of telegrams sent to these people or their family members.

To carry out the tasks of identifying the heritage assets which had crossed the border, all the available operational units in the country and abroad were mobilized in cooperation with the other units of the Security Department of the state. The general coordination of the operations conducted for the *Diamond Action* and their centralized archives were carried out by the Department of the Interior. The measures exercised were divided into *national measures* and *international measures*, which consisted of permanent and temporary tasks for certain covert operations.

Regarding the measures exercised inside the country, it was extremely important to complete the list of existing assets belonging to the Romanian State which were known to be in the possession of foreign

³⁰ NCSAS, *Patrimoniul documentary collection*, File no. 52875 – *Diamantul*, inventory 777.

states or people. To this end, the members of *Diamond Action* proceeded to identify Romanian citizens who had wealthy relatives abroad and those who had accounts or assets deposited with banks abroad, regardless of their origin, so they could force the relatives to return the goods which they received from their families. Therefore, from this document, it seems that the valuable goods that belonged to those who were not Romanian citizens, but who had inherited Romanian citizens, had to be returned to the country. Task groups present in each country were responsible for carrying out these activities. The cases considered were communicated to the Special Currency Export (AVS) Service – Special Exchange Contribution – of the Military Unit (UM) no. 0544, which ensured control and effective support for the most important actions.³¹ The AVS service organized the centralized registration of all assets and values identified via *Diamond Action* with the aim of bringing them on Romanian territory, and ensuring the liquidation of estates in accordance with the orders.

Regarding the *international measures*, through the external information network and the consular sections of the embassies and consulates of the Socialist Republic of Romania, the assets belonging to the Romanian state, as well as individuals of Romanian origin from the countries of residence who had movable or immovable property were identified. In this sense, the following measures were implemented: (1) consulting the archival registers of Romanian embassies and consulates in the countries of Romanian emigration, specified in the sources of information of the *Securitate*, as well as consulting the catalogs of works of art, telephone directories, trade registers, *etc.*; (2) drawing up lists of goods and people falling into the category of suspects who had attempted border crossing with hidden valuables in the luggage. The investigations carried out by the surveillance teams aimed at verifying the existence of the identified goods and individuals to establish their real and current situation, as well as sending the data necessary for identifying the still-residing-in-the-country relatives to the headquarters. In addition, another measure was identifying (through both official and operational information means) the banks with which accounts had been opened either by

³¹ Foreign Information Center.

individuals who emigrated from Romania, or by individuals based in the country, and establishing the deposits' value. Information was also sought directly from banks with which it had been established that accounts and deposits placed by Romanian citizens or people originating from Romania existed. *Diamond Action* members also selected assets for which there were clues that their owners might be determined to repatriate or to concede part of their wealth either to the Romanian state or to certain relatives in the country.

The heritage policy drawn up by the Romanian Communist Party was present even in the international space, the most important example represented by members of the former royal family, whose assets were continuously tracked until 1989. This is perhaps the most important example of the abusive recovery of heritage assets. According to the *Diamond Action* plans, the report note dated on July 18, 1970 established the following data on Romanian state-owned assets abroad: approximately forty original paintings taken out of the country by King Carol II, Elena Lupescu and Ernest Urdărianu, including paintings by El Greco, Diego Velasquez, Tiziano Vecellio, Rembrandt van Rijn, and others.³² The same report drew attention to the cultural values left abroad after the closing of the Romanian exhibition in New York in 1939: 130 ancient icons, seven Delacroix paintings, one Francis Șirato painting, one Arthur Verona painting, ten bronze and marble sculptures by Constantin Brâncuși, seven Dimitrie Știubei paintings, twenty-three mosaics, various ancient objects (vessels, helmets, weapons), objects of religious worship, and popular art.

Another ongoing endeavor was to obtain ownership of the Athens building inherited by will from Zoe Șuțu, the wife of the Marshal of the Greek Royal Court, in 1945. The Greek authorities took over the building, as Zoe Șuțu had no heirs, and the Romanian state sued to obtain at least \$3 million, with the building valued at \$150 million. All these files were studied in collaboration with the Consular Department to initiate actions for the recovery of these assets by payment from foreign states. In a note from the report of February 17, 1981, the management of *Diamond Action* proposed to make a levy of approximately \$10 million for actions aimed

³² NCSAS, *Patrimoniul documentary collection*, File no. 52875 – *Diamantul*, vol. 1, inventory no. 777, file 5.

at bringing back the country's assets through the repatriation and inheritance compensation.³³

Another interesting example is that of the Romanian-owned assets left without successors abroad, and taking the necessary steps to bring the assets into the country through security investigation means. When the assets likely to be brought or transferred to the country had been identified, as it was the case with the members of the Romanian monarchy, specific actions were initiated for each case, with Romanian and foreign lawyers or experts involved if necessary. The operational units included in the quarterly work plans were communicating the measures taken for the *Diamond Action* to the headquarters, as well as the data required for the centralization of the identified and confiscated assets. At the end of each month, the AVS service analyzed and centralized the results obtained in the *Diamond Action* and presented proposals for the execution of the operations ordered by the plan of measures under strict conditions.

According to Decree no. 210/1960 on the situation of inheritances, Romanian citizens were obliged to transfer funds in foreign currencies in a bank account or in another form abroad to the National Bank of the Socialist Republic of Romania, as well as the amounts constituting income from estate property abroad, or the partial value of the property. Based on this decree, more than 17,000 declarations concerning the property rights abroad of Romanian citizens were submitted to the bank in 1960.³⁴ Several organizations were responsible for resolving the declarations highlighted in the mentioned documentary fund, respectively the National Bank of the Socialist Republic of Romania, the Ministry of Foreign Affairs, the Ministry of Justice and the Ministry of the Interior.

Through a careful analysis of the document, it can be noticed that the National Bank of the RSR was in charge of receiving declarations from citizens, preparing the files to establish the succession of the declared goods, and procuring the necessary documents regarding the owners' civil status. The bank was also in charge of the translation,

³³ NCSAS, *Patrimoniul documentary collection*, File no. 52875 – *Diamantul*, vol. 1, inventory no. 777, file 8.

³⁴ *Ibid.* file 9.

legalization and issuance of documents abroad, as well as of recommending lawyers abroad in whose favor powers of attorney were drawn up, corresponding with them for the settlement of sums received from abroad in favor of the beneficiary, namely the Romanian State. The Ministry of the Interior dealt with identifying new inheritance cases in which Romanian interests were at stake, contributing to the identification of Romanian heirs and the drafting of civil status documents for external use in order to be sent abroad; the Ministry of Foreign Affairs was in charge of legalizing and sending the necessary documentation to the lawyers abroad, through the embassies of the Socialist Republic of Romania. The embassies were tasked with maintaining a close contact with the lawyers, and with monitoring the settlement of the cases. Finally, the Ministry of Justice and the Office of the Principal State Notary in Bucharest took care of the translation and legalization of the documentation sent abroad, and of the elaboration of certain certificates. They also offered consultation regarding difficult cases, meaning those individuals who had been refusing to cooperate with the Romanian state in order not to risk the confiscation of assets.

In 1981, a note from the *Diamond Action* indicated that there had been a decrease in the number of new cases over the years.³⁵ The reason for this reduction was the fact that those individuals who had left during and after the First World War and who had managed to make a good financial situation had died for the most part, with the cases being settled in favor of the Romanian state, as the law provided that the property of Romanian citizens without heirs who died abroad would be transferred to the Romanian state. Another case is the heirs having refused to capitalize their property in the country, some of them managing to emigrate before receiving their inheritance or taking possession of the property with the help of emigrated relatives, or not declaring the inheritance and trying to emigrate. In this way, most of the inherited assets were not declared to the Romanian state, even if they had been included in the patrimony, because many individuals wanted to either keep them or risk having them illegally extracted from the

³⁵ NCSAS, *Patrimoniul documentary collection*, File no. 52875 – *Diamantul*, vol. 1, inventory no. 777, file 18.

country. There were also heirs who had declared that they wanted to liquidate the estate, but had not the necessary financial means which included the payment of consular fees, legalization fees, and translations.

The Decree no. 259/1982 regulated on issues related to the states that had extremely strict inheritance provisions, and did not accept cooperating with the Romanian state regarding the inheritances of Romanian citizens who had lived in these countries. These were the United States of America, Greece, Turkey, Israel, and Yugoslavia. The expense control of the activities of foreign law proceedings and genealogy companies was not always carried out in a profitable way for the Romanian state, certain differences persisting between the capitalization of assets and the justification of the sums withheld as expenses and fees. Thus, the decree emphasizes the importance of highlighting the activity within the Ministry of Foreign Affairs in liquidating the property rights of Romanian citizens abroad, so that the increase in foreign exchange earnings in favor of the Romanian state takes place. The Decree no. 259/1982 requires consular fees to be increased from 50% to 400% to determine the majority of legal heirs to RSR citizens to refuse to authenticate the necessary documents for claiming the inheritance abroad.

There are many examples in the consulted documents of legacies that were not allowed to cross the border, because they contained objects of national cultural heritage. In November 1982, the Romanian writer Iosif Constantin Drăgan, based in Italy, inherited from the sculptor Oscar Han a number of fifty-seven sculptures, which were transferred from Lugoj to Bucharest in order to have them inventoried in the Romanian heritage.³⁶ Given that the author of these carvings had also realized sculptures of George Enescu, Tudor Arghezi, Mihai Viteazul, as well as of other lead-figures of Romania, the Directorate of Heritage of the Socialist Culture and Education Council did not provide the authorization for these objects cross the border. Another example of heirs with a "inappropriate state of mind" appeared among the heirs of the Vasile Stoica art collection, an extremely important one, which instead of being left to the legitimate heirs, was given to the Museum of

³⁶ NCSAS, *Patrimoniul* documentary collection, File D13367 – *Patrimoniul – Muzeul*, vol. 3, file 228.

Art Collections in November 1978.³⁷ The reason was that the heirs did not reside in Romania, and the alienation of an art collection of national interest abroad was prohibited.

Methods and Strategies of Illegal Property Removal across the Border

Based on the documents analyzed in this study, it appears there were some common methods and strategies which individuals who wanted to cross the border with heritage goods tried to apply to remove them without having them confiscated by the *Securitate*. These most often refer to strategies for hiding items in the luggage so that objects are not identified and retained later by border security officers. The imagination and creativity of the individuals who traveled with hidden art objects are testimony to a scenario imposed by force by a totalitarian regime.

After the adoption of the abusive law of Heritage no. 63/1974, free trade and the passage of art oeuvres across the border became impossible. There were many cases in which officials were stopped at customs with suitcases loaded with art goods (paintings, rare books, antiquities). If an individual sold an art piece without declaring it to the museum, he could have even been arrested. The law brought about a significant control of wealth, forcibly dispossessing only those suspected of being enemies of the regime. Because the law included many ambiguities and verdicts of severe penalties, the Heritage Law introduced the Ministry of the Interior as being in charge with applying the legal provisions. Its issuance caused a dramatic influx of registrations of both works of art and kitsch, because no one had clearly provisioned what an art oeuvre is, and what exactly must be declared. This allowed, following the massive 1977 earthquake, confiscations – justified by the law provisioning for ensuring an adequate climate or the protection of objects of museum value – to be operated by the *Securitate*. The possibilities of assets' preservation and security, as well as the extension of the research sphere in museography and cultural heritage were only a few pretexts under

³⁷ NCSAS, *Patrimoniul* documentary collection, File D13367 – *Patrimoniul – Muzeul*, vol. 3, file 228.

which this law was introduced. Notwithstanding, this new law did not satisfy museographers and researchers.

On December 11, 1976, a memo was issued by the Ministry of the Interior, the Department of State Security, indicating the concerns of foreign citizens regarding the removal of national cultural heritage assets from the country had intensified.³⁸ We find out that, in 1976, about 322 paintings, 135 old icons, and 166 books published between 1800 and 1900 were confiscated at the borders and returned to national heritage. Among these assets, those of the Italian citizen Fabrisi Spiridione were also identified.³⁹ He was caught with the help of informative sources, according to whom his visits to Romania aimed at buying from Romanian citizens various works of art to resell them in Italy at a much higher price, rather than having touristic purposes, which he had always declared at the border. As a member of the Italian Socialist Party, Fabrisi Spiridone had the right to freer movement between the two states, so between 1969 and 1976 he made several visits to Romania. His frequent and long stays in Romania, his contacts with people from various sectors of activity occupying important positions, as well as the fact that for a long time he did not conclude any transaction in Romania, raised suspicions that imposed his informative-operative pursuit by the *Securitate*. According to the special investigation carried out on the Italian citizen, it was discovered that he had a fabric workshop in Udine, which meant that he had a commercial company in Italy, which could facilitate the trade of various goods. Furthermore, based on the verified material, it appears that in 1970 he traded with citizens of Bucharest who offered him various heritage goods, including old icons and oil paintings belonging to the Flemish school.

Regarding the methods used by citizens to hide works of art when crossing the border, some of them were quite practical, such as that of the collector Vasile Frunzetti from the commune of Rășinari, county of Sibiu, who showed a *Securitate* informant on December 13, 1985, without revealing his intention, that he had a wooden chest measuring

³⁸ NCSAS, *Patrimoniul* documentary collection, File D13367 – *Patrimoniul – Muzeul*, vol. 3, file 228, file 30.

³⁹ *Ibid.* file 16.

approximately 85 x 45 x 45 centimeters for transporting personal luggage when traveling abroad.⁴⁰ At the same time, he clarified that this chest had a double bottom, hardly noticeable, where various objects could be hidden and transported abroad.

Another method used consisted of hiding the objects inside suitcases, which were most often discovered because of the meticulous searches of the customs officers, as is the case of Valeria Leibovici from Bucharest, who on February 17, 1982 attempted to illegally bring out of the country a painting signed by Nicolae Grigorescu, 28 x 35 centimeters, depicting two shepherds on the grass.⁴¹ The painting was found in the suitcase of the woman, who admitted that the work was registered with the National Commission for Cultural Heritage. As the act contravened the current legal norms, the mentioned painting was retained for confiscation.

However, the Military Unit no. 0650 from Bucharest states in a report from August 16, 1989, that the most common method used to take works of art across the border is by foreign trucks coming to Romania and transiting the country.⁴² Paintings by Lucian Grigorescu and sculptures by Cornel Medrea, Dimitrie Paciurea and Constantin Brâncuși were discovered inside a truck intended to arrive to Milan, Italy for Italian citizens Sergio Barsanti and Nilo Acerbi.

Most often, according to the documents consulted, it was through the collaboration with tourists or foreign citizens who came to Romania and who were attracted by certain valuable assets that would have been sold for very high amounts abroad, that art objects were taken out of the country. These were most often assets of significant value not declared to the State as heritage objects. One of the foreign nationals targeted was the Austrian dealer Koran Alexander, who bought on July 6, 1978, four paintings worth LEI 100,000 from the citizen Paul Cismas.⁴³ The latter was seventy-five years old and was being investigated for the sale of heritage assets to foreigners. This matter was brought to the attention of

⁴⁰ NCSAS, *Patrimoniul* documentary collection, File D13367 – *Patrimoniul – Muzeul*, vol. 3, file 228, file 145.

⁴¹ Ibid. file 69.

⁴² Ibid. file 236.

⁴³ NCSAS, *Patrimoniul* documentary collection, File D13367 – *Patrimoniul – Muzeul*, vol. 3, file 228, file 21.

the *Securitate* by an informant. The Austrian citizen confessed to the informant that he was doing this type of business, because he was helped by a diplomat from the Austrian Embassy to remove paintings and diamonds jewelry from the country. In addition, the Romanian citizen Pavel Cismas also stated that, five years before, he had sold a painting by Paul Rubens titled *Portrait of a Woman*, and one by Diego Velasquez titled *Bacchus*. These paintings were taken out of the country to be sold by a foreign diplomat who had not returned to work afterwards. The informing source also discovered that these paintings had been exhibited in 1812 at a Spanish painting exhibition in Naples, and that they had a stamp on their back certifying their authenticity. The two paintings, which were inherited by this citizen from his parents, were sold for LEI 500,000, and then sold at an auction abroad for more than \$2,000,000. This was inconceivable for the members of the *Securitate*, since the two paintings had all the characteristics of a national cultural heritage asset, even if it was private.

In addition, several other paintings were sold across the country to various collectors, because Paul Cismas was well-connected with owners of valuable assets and sellers of undeclared old master paintings. Given this aspect, and the fact that Mr. Cismas was of advanced age, the *Securitate* proposed a collaboration. He would offer information on other art collectors, and thus be exempt from a criminal sanction. In turn, Mr. Cismas proposed to donate to the Museum of Art of the Republic two paintings by an anonymous Flemish painter, a donation that the museum accepted. However, the *Securitate* continued to try to track down the two paintings by Rubens and Velasquez in order to recover them on behalf of the Romanian state.

Another foreign citizen who caught the attention of the *Securitate* regarding illegal removal of some Romanian national cultural heritage assets was the West German citizen Iohan Gurtler. To this end, on March 11, 1988, Iohan Gurtler tried to bribe the Moravița customs officers with \$1200 for allowing him to withdraw assets resulting from the liquidation of an inheritance. The objects were discovered on Gurtler leaving the country, some of them being hidden under the benches of the Mercedes minibus no. NE-LV-354. Of the assets transported, around 435 objects were retained in order to examine and

establish their belonging to the heritage: twenty-six oil paintings belonging to the Hungarian school of the eighteenth and nineteenth centuries, as well as several gold objects and numismatic artefacts. All these objects were valued at LEI 730,000 by a commission made up of museographers from the Timiș museum complex: Adriana Buzila, Marcela Oprescu, and Rodica Vartaciu.⁴⁴

Other interesting attempts to remove art oeuvres from the country are those of individuals who tried to enter direct contact with international museums, in order to make an offer for the sale of assets likely to be of interest to the institution. Thus, many individuals were caught trying to send international letters to famous museums, as was the case of Mihail Teodorescu, based in Ploiesti, on February 10, 1984. He addressed the director of the Louvre Museum in Paris and the director of the Musée d'Art du Puys, asking for information on the painter Henri Giraud and the value of his works, as he was the owner of a painting signed by Giraud. The painting in question was entitled *La Chasse de Diane*, an oil painting measuring 71 x 150 centimeters, which had not been declared to the Commission of the Patrimony.

Another foreign citizen who was caught trafficking art goods was the Italian citizen Lorenzo Conta, who had bought from the Romanian citizen Andrei Stromef an impressive number of silver objects, two paintings by Octav Băncilă, and a painting by Auguste Renoir.⁴⁵ He testified to an informant on September 13, 1988, that he could get any piece of art across the border with the help of the Italian Library in Bucharest. We can therefore see the fact that foreign institutions could act in favor of certain citizens to help them evacuate assets without criminal consequences.

Another practice discovered by the *Securitate* was falsifying certificates stating that paintings or other objects had no value and could be exported. These certificates were issued by members of the National Heritage, and those who received them could cross the border with heritage goods without any problem. This is also the case of Gabriela

⁴⁴ NCSAS, *Patrimoniul* documentary collection, File D13367 – *Patrimoniul – Muzeul*, vol. 3, file 228, file 19

⁴⁵ *Ibid.*, file 206.

Drîmba, who tried to leave the country on September 30, 1988 with her belongings using such a certificate.⁴⁶ Several museographers have been caught using this scheme, most of them accused of being hostile to, or making biased comments on the Communist Party's domestic or foreign policies. Consequently, on June 4, 1982, the Ministry of the Interior, Department of State Security, issued a note on the control and supervision of museographers with nationalist-irredentist ideas and concepts which tended to help citizens illegally cross the Romanian border with valuable assets.⁴⁷

It became necessary to organize the prosecution of all Romanian museographers as well as the propagandistic preparation of guides who organized tours for foreign or Romanian tourists. The network of museums in 1989 included 204 museums, and the security activity of the museum units was ensured by agents of the art-culture issue within the Ministry of National Defense.⁴⁸ About 1,600 people worked for museums and collections of art and history, 1,230 of them having higher education. The security work carried out in museums considered that in these institutions people with criminal records and their descendants should not be active.

The file of the artist Max-Herman Maxy also draws our attention.⁴⁹ Director of the Museum of Art of Romania since 1949, the painter attracted the attention of the *Securitate* by his suspicious behavior in relation with foreigners with whom he came into contact inside or outside the museum, given that by the nature of his function he had the possibility of facilitating the removal of valuable art oeuvres abroad. Claimed to be a "specimen with hostile idealistic mystical manifestations" towards the Communist Party, several *Securitate* agents were put in place to spy on his activities and those of his family.⁵⁰ On April 1, 1966,

⁴⁶ NCSAS, *Patrimoniul* documentary collection, File D13367 – *Patrimoniul – Muzeul*, vol. 3, file 228, file 191.

⁴⁷ *Ibid.*, file 260.

⁴⁸ *Ibid.*, file 261.

⁴⁹ NCSAS, *Patrimoniul* documentary collection, File I 073559 – Max-Herman Maxy, vol. 1, file 43.

⁵⁰ NCSAS, *Patrimoniul* documentary collection, File I 073559 – Max-Herman Maxy, vol. 1, file 123.

the Israeli tourist Saraga Sigismund arrived in the country, intending to smuggle four Maxy paintings out of the country. In order not to look like a donation of paintings, for which it would have been necessary to have the approval of the State Committee for Culture and Art, their sale was simulated through the *Consignatia* [Consignment] store.⁵¹ For art objects bought from *Consignatia* by tourists, only the approval of the Art Museum of the Socialist Republic of Romania was necessary, of which Maxy was the director, and which of course he obtained. Therefore, the tourist Saraga Sigismund used this approval to remove four paintings through the Băneasa border post. The evacuation of these works of art from the country being an illegal act, the *Securitate* officers took measures to have them detained at customs, while simultaneously the approval issued by the Customs Department was canceled. Following this event, the *Securitate* continued to investigate whether Maxy's influence network as the director of the National Museum was no longer used to evacuate other works of art or objects of patrimonial value. Suspicions about facilitating or influencing the removal of art objects from the country were thus confirmed. In his surveillance file, the artist was also accused of making statements about a strong anti-Semitic current which had been present in Romania, with Jews having been systematically removed from their posts, and his regret on being too old to immigrate to Israel.⁵²

Conclusions

To conclude, this article aimed to clarify the phenomenon of illegal border crossing bearing art oeuvres with patrimonial value. At first glance, this topic is covered from a historical point of view to a very

⁵¹ *Consignatia* stores were a form of private trade mediated by the state. If a private person brought an object to *Consignatia*, which could be a painting by Ștefan Luchian, but also a suit or a foreign tie, it was evaluated by an official. If the object in question had a buyer within a few months, the seller collected the money, from which the state withheld ten or fifteen percent. If the object did not sell, the seller took it back.

⁵² NCSAS, *Patrimoniul* documentary collection, File I 073559 – Max-Herman Maxy, vol. 1, file 125.

small extent, and it is hard to believe that, at least in the absence of specific data and documents produced by the institutions in question, the subject can be exhaustively covered. The solution, as in what regards other major themes of Romanian communism, can be given by the fragmentarily reconstructing as many images as possible which could outline a general picture of the repression.

The analysis based on archive files shows that the hypothesis regarding the control of private assets of patrimonial value has been validated. The *Securitate* was the main state authority dealing with the confiscation and administration of art objects, the legal owners being severely punished for disobedience in case the objects were not registered with the state, or for trying to pass with valuables outside the border.

In the first part of the article, the analysis tried to answer to the general question, What represented the illegal crossing of the border with heritage objects, and Why did the citizens of the communist state often risk losing their freedom and assets? It pointed out that the number of border confiscation cases was much larger, with the cases being extremely bold and courageous on the part of those who have wanted to exercise their right of possessing artistic property. Similarly, most of the time, the place where the members of the *Securitate* deposited the confiscated objects is not mentioned. In most cases, due to the negligence of *Securitate* officers, many items were deteriorated and could not be recovered. This evidence is apparent from the analysis of archive documents, thanks to which the study can analyze the experience of Romanian or foreign citizens when crossing the Romanian border. The empirical sources used include the files of the Archive of the National Council for the Study of Security Archives (CNSAS), Documentary Fund, Heritage File (Heritage Action, Cultural Heritage Materials, Heritage – Work Map, Heritage Inventory, Heritage – Art, Culture, Heritage Problem File, Heritage Recovery File), and the *Patrimoniul* File: The *Diamond*.

In the second part of the article, the focus moved on to show how with the entry into force of the Law of Heritage no. 63/1974, attempts to illegally remove works of art from the country intensified. This article also underlined the growing complexity of border checks at crossing points in cases when it was necessary for the authorities to act more firmly against illegal evacuation outside of the Romanian territory of

assets likely to be part of the national cultural heritage. During this period, the number of foreign citizens, mostly Romanians with dual citizenship, who wanted to evacuate with art oeuvres which were eventually not allowed to exit the country, increased and the methods of doing so were more diverse. At the border control, emphasis was placed on certain categories of individuals, such as Romanian citizens who were leaving permanently or visiting relatives abroad, foreign citizens of Romanian origin, foreign students, as well as foreigners whose travel documents showed that they frequently visited Romania. As a result of the measures taken to improve the overall activity and efficiency of *Securitate* collaborators and customs authorities, the number of people who attempted to leave the country with certain objects and valuables presumed to be part of the national cultural heritage decreased. Although the individuals declared the objects at customs control, they did not have the legal documents necessary to leave the country together with their assets, and they were hence stopped.