

# The New York Public Library

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August 24, 2006

Mr. Ray Lopez  
Senior Probation Officer  
U.S. Probation Office  
915 Lafayette Blvd., Room 200  
Bridgeport, CT 06604

Re: United States v. Edward Forbes Smiley III  
Criminal No.: 3:06CR189(JBA)

Dear Mr. Lopez:

The purpose of this letter is to support the joint Victim Impact Statement submitted by Yale University on behalf of the several libraries from whom Mr. E. Forbes Smiley III has pleaded guilty to having stolen a trove of valuable, unique and rare maps, in furtherance of his own pecuniary interests. As President of The New York Public Library, Astor, Lenox and Tilden Foundations I offer this supporting statement to give witness to you and the Court of the devastating impact Mr. Smiley's thefts have had on my organization, its users, its staff and the worldwide academic community and which is directly relevant to determining the appropriate sentence to be imposed upon him for his calculated, deceptive and wanton actions.

The New York Public Library was founded in 1895 with the mission of making the accumulated knowledge of the world free and open to all, without distinction as to income, religion, nationality, or other human condition. In its foundation, it brought together under a single roof the collections of two of the great American libraries of the nineteenth century—the libraries of John Jacob Astor and James Lenox. From these libraries, The New York Public Library inherited items of extreme cultural and scholarly significance—among these, the first Gutenberg Bible brought to the Americas; the *Bay Psalm Book*, the first book printed in British North America; and the only known surviving copy of the 1493 Barcelona printing of Columbus's *Letter to Santangel*, the letter in which Columbus announced his encounter with the Americas.

Each year, some 1.8 million researchers from around the planet, ranging from Nobel Prize winners to those who possess a mere intellectual curiosity about a given subject, make use of the 43 million books, journals, prints, maps, manuscripts, and electronic databases that form The New York Public Library's collections. Readers are given access to the research talents

of a highly trained staff of professional librarians, specialists, and curators. They are afforded the opportunity to attend lectures by luminaries such as Salman Rushdie, Richard Dreyfuss, and President William Clinton, as well as enjoy free exhibitions of Library materials as diverse as Walt Whitman's personal copy of the first edition of *Leaves of Grass*, illuminated Medieval manuscripts, the correspondence and speeches of Malcolm X, and one of the only two complete copies of the Declaration of Independence written in Thomas Jefferson's hand. The New York Public Library is truly the "People's University," serving not only the peoples of the world, but also functioning as the de facto campus library for many of the 51 colleges and universities that call New York City home.

The Research Libraries of The New York Public Library are comprised of numerous curatorial units, each holding materials of a particular format or subject area. Of these Divisions, the Lionel Pincus and Princess Firyal Map Division, constitutes one of the most complete cartographic collections of its kind in the United States, holding some 431,000 maps, along with 20,000 atlases and reference books. The collection is international in scope, containing materials that date from the 16th century to the present. Many of the items in this collection are rare or unique in nature; yet, the Map Division is not the only collection in The New York Public Library that contains rare cartographic materials. Indeed, of the great body of maps held by the Library, some of the oldest, rarest, and most significant are held in the Rare Books Division. This collection of 130,000 titles covers five centuries of printing, from the 1450s to the present, and includes, among other notables, the first printed book to deal with the subject of cartography, the 1475 edition of Ptolemy's *Cosmographia*.

The map collections of The New York Public Library have been held in trust for readers for generations. On arriving at the Library, researchers from across the world expect to find materials they have identified in our catalog. The records in our catalog serve as contracts with the public that state certain materials will be on hand and available for intensive hands-on research. Mr. E. Forbes Smiley III, through his premeditated thefts, and with a callous disregard for society, egregiously violated this trust, stealing maps for only one reason: personal gain. In the process, he has dealt an immense blow not only to the collections of The New York Public Library, but to the greater course of historical scholarship and education.

The maps Mr. Smiley stole from The New York Public Library and presumably sold to collectors are likely gone for decades or centuries to come, if not forever. Due to the scarcity and value of these maps, it will be difficult, if not impossible, to replace them. And, even if they are repatriated to the Library at some future date, there is every chance that they may be returned damaged, having been badly framed, stored in less than optimal conditions, or otherwise altered. We do know that Mr. Smiley altered many of the maps that he stole, removing property stamps and other distinguishing characteristics. In doing so, he has destroyed the provenance of these items, erasing their individual histories. Maps which for centuries have been passed down through families and institutions now languish in a state of cartographic amnesia, unable to tell us anything about themselves—where they have been, who they may have helped educate, or whose voyage they may have helped inspire or guide.

Mr. Smiley knew full well the scholarly importance of the maps he stole, as well as their provenance, rarity, and market value. He preyed upon the goodwill and professionalism of Library staff, all of whom are trained to help readers discover and make use of Library materials. In his dealings with staff, he sought to establish a friendly, collegial rapport—a posture that belied his sinister intent. The duplicity of Mr. Smiley’s manner, along with the deceit of his actions, have had a marked negative effect upon staff morale. Mr. Smiley’s depredations among the collections have necessitated a huge investment of time and energy, as literally thousands of hours have been spent re-examining materials which he had requested since the 1980s. This task has proven emotionally and physically taxing and has diverted the staff’s attention from other important duties. Moreover, Mr. Smiley’s thefts have forced staff even further into the roles of security guard and gatekeeper, with the result that well-intentioned, legitimate researchers now find it even more difficult, if not entirely impossible, to gain access to these important materials. In this way, he has damaged the reputation of the Library both within the academic and public spheres. He may have also affected the Library’s ability to attract the support and gifts of donors for years to come.

The most tangible damage resulting from Mr. Smiley’s actions has, however, been rendered to the collections themselves. Existing in few—and, sometimes, singular—copies, the maps plundered from the Library by Mr. Smiley are not merely charts that mark the location and relationship of geographic entities—although at their most basic level, they do accomplish those functions. Rather, the maps stolen by Mr. Smiley provide a window into the past, illustrating how our predecessors once perceived of their relationship with the world and one other. In these maps, they marked the initial discovery of new lands, noted the establishment of political or sociological boundaries, traced wars and peace treaties, witnessed the tentative settlements and disappearances of peoples, followed explorers on their journeys, and observed changes resulting from political advancement and intrigue. The maps that Mr. Smiley stole are ones that illustrate humankind’s most fanciful conceptions of what our world could be during a time before satellite imagery, global positioning technology, airplanes, submarines and icebreakers, computers, cameras, and modern surveying tools.

There is, for example, the 1578 George Best map that depicts in some detail the much-hoped-for but ever-elusive Northwest Passage. And in French mathematician Oronce Finé’s 1531 world map, *Nova, et integra Universi Orbis Descriptio*, we encounter the recently-discovered Magellan Straits, as well as an imagined southern continent incorporating Tierra del Fuego that Finé labeled *Terra Australis recenter invento sed nondum plene cognita*: “the southern land newly discovered but not yet fully known.” Yet, in some of these maps, we also find remarkably accurate depictions of our world, as with the 1671 map of Lake Superior, illustrating the complex intersection of Lakes Superior, Huron and Michigan. Or the precise 1683 Thomas Holme map entitled *A Portraiture of the City of Philadelphia*—a map that, as Mr. Smiley himself notes on his website, “is known today as the first printed plan of a city in what is the present United States.” All of these maps, along with others of similar stature, are now missing.

Consider the following maps that Mr. Smiley has admitted to stealing from The New York Public Library:

- The 1770 Collet map of North Carolina, one of the major cartographic accomplishments in the history of that state, accurately documenting the western movement of settlers.
- The 1641 map tracing the route of Sir Francis Drake's voyages.
- The 1587 map by Richard Hakluyt on which the name "Virginia" appears for the first time.
- The 1683 map by Louis Hennepin that was the first to bear the name "Louisiana."
- The so-called 1635 "Lord Baltimore" map—the earliest separate map of Maryland and the first to name Delaware Bay.
- The 1632 map by Samuel Champlain on which a small Dutch church appears at the mouth of the Hudson River, the first reference in a printed map to what would become New York City.

Mr. Smiley's thefts represent nothing less than the wanton destruction of research materials that are of immense cultural and scholarly importance. When a map is taken from the book of which it forms an integral part, a relationship is broken. Divorced from one another, both book and map lose much of their scholarly and artifactual significance. Lengthy passages of description now refer to maps which are absent. No longer are we able to understand the manner in which cartographic knowledge was once conveyed. All context between the maps and their constituent books is lost.

The effects of Mr. Smiley's thefts are already felt. In December 2005, a Ph.D. candidate writing his dissertation on the history of the fur trade visited the Library, hoping to examine the large 1613 map of maritime Canada by drawn by Samuel Champlain. The gentleman was unable to view this item, as it has been purloined by Mr. Smiley. The researcher left the Library, noting correctly that examining a map in facsimile does not provide the same learning experience. In August of 2006, a researcher who has made extensive use of the just-mentioned Collet map of North Carolina returned to the Library to again view that item. The Collet map is a unique visual-spatial resource, furnishing the names of plantations and other locations—names which slaves, when freed, often adopted as surnames. The map is thus an important resource for African Americans who seek to investigate their family's genealogy. As a result of Mr. Smiley's theft of this map, the researcher in question was unable to view this much-needed resource, and her research into her family history has come to a standstill.

Scholars and other researchers have made clear the effects of Mr. Smiley's thefts. Dr. Joan Geismar, a New York City archaeologist states:

The loss of data, such as the information to be found on maps created by Bernard Ratzer and John Montresor that are known to be accurate depictions of pre-Revolutionary Manhattan is, in a word, devastating. To an archeologist, they offer the

detailed mapping of streets, important buildings, and topography that is crucial to an archaeological assessment. Their loss, much as the loss of any of the maps in the library's outstanding collection, is irreparable.

Pushcart Prize-winning novelist Colum McCann echoes Dr. Geismar's remarks:

As a novelist I have often used maps in my research. I am saddened and dismayed that so many links to the past—and therefore clues to the future—have gone astray. What it amounts to is a sort of wasting disease, a degenerative blow. It feels as if someone has stepped into my house and taken a painting from the wall, leaving only a faded stain to remember the theft by. The tragedy is that the house—in this case, The New York Public Library—belongs to every one of us, even if we don't know it.

Mr. McCann's remarks lay bare one of the essential truths surrounding library thefts—that is, it is the public which is ultimately victimized when library materials are stolen. To be sure, Mr. Smiley's selfish acts of vandalism and theft have robbed the public of a part of its collective history. Maps that in previous years have been freely exhibited in our galleries are no longer available to educate and excite the imagination of the public. Neither are they available for consultation by scholars and other researchers who use them to test the accuracy of new historical interpretations. The implications of Mr. Smiley's actions therefore extend far beyond the present moment. While the financial loss to The New York Public Library can be measured in excess of a million dollars, the loss to future scholarship and to future generations' conception of our planet's history is incalculable.

Jean Ashton, Vice President and Director of the library at the New-York Historical Society, and former Director of Columbia University's Rare Book and Manuscript Library, addressed this very matter when she testified in the case of a thief named Daniel Spiegelman who, in the 1990s, stole over 1.3 million dollars worth of rare materials, including maps, from Columbia's collections. Said Ashton:

The values assigned by appraisers or dealers reflect the fluctuations of demand in an active marketplace of collectors and investors who often speculate in intellectual properties as they do in the financial market; these values do not and cannot encompass the real or potential worth of any single unique document for the scholar who uses it to interpret and analyze the past. A single map might be had for several hundred dollars at auction. In a library, viewed by a reader who brought to his reading decades of scholarship, that single piece becomes priceless.

It is hoped the Court will make clear to Mr. Smiley that the theft of irreplaceable intellectual and cultural resources is a deadly serious matter, one that cannot be described or dealt with in purely economic terms. Nor can his actions be viewed as being less offending than any other act of outright, premeditated larceny. Writing of Mr. Smiley, Dr. Graham Burnett, Director of the Graduate Studies Program in History of Science at Princeton University, puts it well when he states, "There is nothing debonair, quirky, or cute about the thieves that prey on our

libraries—the institutions that most dramatically instantiate a culture’s commitment to care for and take custody of history, memory, and tradition.” Dr. Burnett goes on to note:

Modestly funded, dedicated to making their holdings available, libraries will always be vulnerable to mercenary and selfish individuals who are willing to violate the durable norms of trust and respect in the pursuit of pelf. Having myself been a victim of map theft (in an instance which significantly undermined my scholarly efforts), and having witnessed the effects of loss on several map libraries, I would like to add my voice to that of many others in pleading for a vigorous response from the authorities to this terrible form of vandalism and pillage of our public collections.

The violence that Mr. Smiley has wrought to the collections of the many aggrieved institutions begs certain questions. Should, for example, he be allowed to maintain his business website, on which he boasts of his helping build the collections of various libraries? Does he plan on using the maps now deemed “unrecoverable” as the basis for some future business venture? Should he ever again be allowed to conduct business as a dealer of antiquarian maps, books, or prints? These are issues that can and must be addressed.

There is one question, however, that cannot be answered—that is, who knows what prize-winning book will not be written, or what historical or scientific discovery will not be made, because the maps that Mr. E. Forbes Smiley III stole are no longer available. It is a sobering matter to ponder—not willful hyperbole, but rather a sad reality.

Sincerely,

*/s/ Paul LeClerc*

Paul LeClerc  
President

cc: Bernie Margolis, Boston Public Library  
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