

**The New York Public Library
Impact Statement re E. Forbes Smiley III
Delivered by David S. Ferriero, Andrew W. Mellon Director and Chief
Executive of the Research Libraries
September 28, 2006**

I am David Ferriero, Andrew W. Mellon Director and Chief Executive of the Research Libraries at The New York Public Library. Thank you for the opportunity to address the court.

I am here today to talk about the actions of a thief--a thief who assaulted history, betrayed personal trust and caused irreparable loss of treasures whose value to future scholarship will now never be known.

Like most thieves this one committed his crimes for personal gain. For profit. For prestige. To support a lifestyle of illicitly obtained luxury and comfort. In calculated fashion E. Forbes Smiley III stole maps from libraries he had befriended and then sold the maps on the open market. His crimes struck at the core mission of our institution, and he stole from us numerous maps of major historical significance that have yet to be recovered and are unlikely to ever be retrieved.

The New York Public Library was founded in 1895 with the mission of making the accumulated knowledge of the world freely accessible to all, without distinction as to income, religion, nationality or other human condition. The Library was founded from the collections of two of the great American libraries of the nineteenth century—the libraries of John Jacob Astor and James Lenox, from which it inherited items of extreme cultural significance, such as the first Gutenberg Bible brought to North America and the Bay Psalm Book, the first book printed in North America.

Each year 1.8 million researchers from around the world, ranging from Nobel Prize-winners to those pursuing their own intellectual quests, make use of the 43 million books, journals, prints, maps, manuscripts, and electronic databases that form The New York Public Library's collections.

Underlying the Library's mission is a trust with our users that we will preserve materials in perpetuity and make them freely accessible for research. The most egregious effect of Mr. Smiley's crimes is that this trust has been broken and that important materials are no longer available to researchers who need them.

Existing in few—and, sometimes, singular—copies, the maps plundered from the Library are not merely charts that mark the location and relationship of geographic entities. The stolen maps 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 stolen maps 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.

Mr. Smiley has admitted to stealing 33 maps from our Map Division and Rare Books Division. These include important maps from the sixteenth through early nineteenth centuries that capture the history and perceptions of their era. Among them are rare and significant items that have not been recovered and are most likely permanently lost to our collections. Among these unretrieved items are:

The 1770 Collet Map of North Carolina, one of the major cartographic accomplishments in the history of that state, documenting the western movement of settlers. The map furnishes the names of plantations and other locations—names which slaves, when freed, often adopted as surnames. The map is an important resource for African Americans who seek to investigate their family's genealogy.

Also unrecovered is the 1635 Lord Baltimore map—the earliest separate map of Maryland and the first to name Delaware Bay.

Other unrecovered maps are the 1535 Reisch World Map, the 1702 through 1707 Thornton Map of New Jersey, the 1770 Scull Map of Pennsylvania and the 1816 Melish Map of the United States

Already these losses and the losses of the other stolen maps have affected researchers such as PhD candidates, writers, and genealogists who have been unable to gain access to materials that they came to the Library to use.

We have also learned that maps Mr. Smiley admitted to stealing from the Library have been altered—sometimes substantially--in order to increase their value or disguise their provenance. These include maps that were cut or torn from books in which they had resided for centuries. These thefts represent nothing less than the wanton destruction of invaluable research materials. When a map is taken from the book of which it forms an integral part, a relationship is broken. Divorced from one another, the context between the maps and their constituent books is lost.

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 who 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 true intent. 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, diverting the staff's attention from other important duties.

Ultimately, however, it is the public which is most greatly victimized when library materials are stolen. Mr. Smiley's selfish acts 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. Beyond the financial loss to The New York Public Library, the loss to future scholarship and to future generations' conception of our planet's history is severe.

Despite any evidence of cooperation and character presented to the court, Mr. Smiley proved his *intrinsic* character when he cut and tore precious maps from books that were centuries old and sold the items to unsuspecting collectors. Like the crimes he committed, any *cooperation* he has provided since being apprehended was intended to provide for his personal gain.

Your honor, today you have an opportunity to let the public know that anyone caught perpetrating a crime against institutions that preserve cultural heritage will be punished to the full extent of the law. By imposing the steepest possible sentence you will justly punish an admitted criminal and also deliver a message that will help deter anyone contemplating such a crime in the future. Mr. Smiley undoubtedly understood the implications of his acts when he committed them and today must accept the consequences of those acts.

Thank you.