

# COIN WORLD

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## Illegal to own coins?

By **Armen R. Vartian** | 09-06-13

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During the Professional Numismatists Guild/American Numismatic Association Pre-Show in August, I spoke on “Illegal to Own Coins.” I began with a 1933 Saint-Gaudens gold \$20 double eagle. That image most comes to mind when thinking of “illegal to own” coins. The U.S. government’s crusade against anyone privately possessing one of these coins, and its famous “issuance” of a single coin following a 2002 Sotheby’s/Stack’s auction, are well-known.

### Justification

What’s less well-known is the government’s original justification for trying to seize this particular example. The government contended that it did not have to prove that the coin was stolen from the Philadelphia Mint, because the fact that it was never issued as U.S. legal tender — in and of itself — required the court to find that it was stolen.

In a “friend of the court” brief submitted under PNG sponsorship, I argued that many of the great rarities among U.S. coins were never “issued” as legal tender, and have been bought and sold for decades without any government claims of any kind. This would include 1804 Draped Bust dollars, 1894-S Barber dimes, 1913 Liberty Head 5-cent coins and all pattern coins. The court sympathized, and in that case, as well as the case involving the Langbord family’s 10 1933 double eagles that surfaced in 2004, the government took on the burden of proving that the coins were stolen.

The need to prove that “nonlegal tender” coins were stolen led to a discussion of 1974 Lincoln cents struck on aluminum planchets and 1964-D Peace dollars. Aluminum cents were distributed to certain members of Congress. Some were never returned.

In my opinion, no pieces with a congressional provenance could be considered stolen. Peace dollars are a different situation, much murkier perhaps, but if one ever surfaces it will be important to know how it left the Denver Mint.

Then we came to the Presidential dollar plain-edge “errors.” After having admitted to shipping tens of thousands of George Washington dollars that bypassed the edge-lettering process, the Mint discovered that a Mint policeman had stolen a number of Washington dollars (and those for later presidents) before the inscriptions had been placed on them, thereby creating “error” coins.

Apparently no feasible way exists to determine which coins were legally shipped and which were stolen once the coins entered the marketplace, so the U.S. government seems uninterested in pursuing the matter further.

Finally, I brought up the matter of ancient coins. Several foreign governments have petitioned the U.S. Department of State and brought lawsuits in U.S. courts, trying to recover coins that they say were illegally exported from their countries, either recently or in the past.

### Foreign claims

The United States does not recognize foreign claims for “cultural property” with respect to items that are already in the United States, although by law U.S.

Customs agents are entitled to seize items looted from “find spots” in the countries challenging their entry into the United States.

A test case brought by several ancient coin dealers ended recently with a somewhat political decision, the court accepting as true allegations by China and Cyprus that certain coins were “found” within their geographical borders, despite a complete lack of evidence for those allegations.

In the 1990s, an American collector was forced to turn over a celebrated collection of ancient Greek coins to the Turkish government. While such coins may not be “illegal to own,” foreign government claims place clouds over ancient coins that make them difficult to buy or sell.

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