

9/11: Buy It Now

Artifacts For Sale

The recent rise in both genuine and proven fake 9/11 artifacts and other items being offered for sale is a particularly distressing trend, and holds both inherent risks and conflicts for sellers and potential purchasers.

Primarily, the large number of 9/11 items offered for sale are relegated to the *commemorative*, these being pins, statues, photos, and other trinkets produced after September 11th and designed to remember those events. However, a great number of other items that would be considered as *contextual* to those events, or even actual *recovered* objects, continue to be sold.¹

Inspired by greed, or perhaps the perceived value of other historical artifacts, these items are offered for staggeringly ridiculous amounts, both on eBay and elsewhere. Often times though, the requested sums appear to be borne out of sheer ignorance, and more likely are driven by the idea of what the possessor *thinks* the object should be worth simply by nature of the historical events they are related too. This overlooks crucial aspects of historical value in any object, those being: the passage of time, uniqueness, rarity of the specific object in question, and how that item may speak or relate to the larger “story” of the event itself; rather than the single consideration of a mere tangential connection to a site or date.

Regardless of the underlying reasons for the sale of any such objects however, this indifferent practice disregards the numerous sensitivities attached to these items, as well as ignores the potential legalities involved.

For 9/11 families and others directly affected by the events, the issue is, understandably, a sensitive one, as is the concept of anyone attempting to profit upon the tragedy. For these families, many of whom recovered nothing of their loved ones, the mere thought that such recovered objects, which may have commingled with the remains of those lost, could then be sold is an abhorrent and utterly inconceivable one. In this then, it is understandable that the act is perceived as tantamount to grave robbing and any profit derived from the sale as “blood money”.

Regrettably, both the mass scale of the buildings, and sheer amount of debris produced in the attacks nearly assures that, over time, as the memories of that horrific day become not so ever-present, an increasing amount of this material, both legitimate and counterfeit, will undoubtedly become available on the open market.²

Already, a number of proven fake and disputed artifacts have been documented including: counterfeit WTC Ground Zero Access Badges, phony recovered pennies and other coins from the WTC site, a pile of rocks supposedly from the rubble of the WTC, a US flag purportedly from the Pentagon,³ a firefighter’s helmet falsely advertised as having been recovered from the WTC,⁴ and even perhaps most incredulously, an alleged piece of the turbine blade of American Airlines Flight 11. Often times, these items will

include dubious and wholly illegitimate stories toward the item's provenance and how it was ostensibly "first obtained".⁵

While these particular sellers could potentially and conceivably be held liable for fraud, the legal repercussions for sellers caught offering genuine recovered items can be far steeper. As the disaster sites themselves were federal crime scenes, any item removed from the sites (or from the recovery landfill sites), no matter how seemingly unimportant, is a potentially federally prosecutable offense with vast consequences.⁶

It is vitally important to caution that these recovered items may also pose potential health hazards associated with their handling. Such recovered objects have been exposed to, and often fully immersed in, a witches brew of toxic contaminants and combustible by-products including: jet fuel, levels of mercury, asbestos, lead, glass fibers, concrete dust, human remains, and other poisonous materials. The Environmental Protection Agency has documented such, and recovery workers and others present at the disaster sites continue to suffer from exposure to these elements.⁷ Even many, many years after the originating events, these recovered items will remain contaminated and pose potential risks.

The specific nature of the Washington D.C. and Shanksville, PA disaster sites (vastly smaller debris fields and secured disposal) virtually ensured that objects could not be removed by looters and other souvenir hunters. As such, little, if any, genuine objects originating from those two sites have been documented for sale.

With regard to the WTC site, the Manhattan District Attorney reviews every potential offense brought to their attention on a case-by-case basis, and has successfully prosecuted and incarcerated individuals for theft of material from the WTC site, the attempted sale of such material, while also succeeding in preventing the sale of countless other items.⁸

Although specific charges are at the discretion of prosecutors, minimally, these sellers can be charged with theft of property. Other federal and state charges may be applicable depending on the circumstances including: looting, and interstate transportation charges if the item has been moved across state lines. As historical items which can be considered to have a "collectible" value, any charges assessed may also rise to the level of grand theft (above \$5,000).

The sale of certain non-recovered items may also be subject to potential prosecution or other penalties, as with the previously mentioned WTC Ground Zero Access Badges. While there is no current effort to reclaim these from the personal possession of the countless recovery workers, contractors, and others who were originally issued the badges by the NYC Office of Emergency Management, they technically still remain the property of the City of New York. As such, any seller could be held potentially liable.

Having lost 343 of its brothers that fateful day, the FDNY and fellow firefighters are particularly watchful for such department items that may come up for sale. "It's

insensitive, and it's callous disregard for those lives that were lost and the families that lost their loved ones." FDNY spokesman Jim Long has been quoted.

Past the sensitivities of 9/11 families, potential health hazards and possible legal liabilities, sellers may take heed of the risk of potential public exposure. The news media's enduring interest in such sales has drawn undesired public scorn for sellers, with public perception overwhelmingly viewing such offerings as not only crass and ghoulish, but exploitive of a national tragedy for personal gain.

With the public distaste and continued scrutiny of any of these objects that may come up for sale, sellers may also encounter further difficulties in finding venues for potential buyers. One of the main venues, eBay, has policies prohibiting the sale of artifacts, grave-related items,⁹ stolen property,¹⁰ and other prohibited and offensive items (i.e.: items related to mass murder).¹¹ As such, eBay's policy has been to remove such items when alerted or they've otherwise become aware. "9/11 items are high on our list of policies we don't want to see violated. We will not allow people to sell items that are affiliated with or came from the rubble of 9/11," eBay spokesman Hani Durzy has said. "Those auctions are in violation of eBay policy."

Some individuals, when confronted with these obstacles and made aware of the potential hazards and liabilities involved in selling the items in their possession, have instead chosen to relinquish them over to museums and other historic preservation institutions where these items may be preserved for the public trust and, arguably, appropriately belong.

Rick Law is the founding director of the 9/11 Memorial Project – California.

The 9/11 Memorial Project - California is a non-financial effort and holds the position, along with other historic preservation institutions that these items retain a value far more than monetary. As such, the memorial policy is that we do not advocate, nor encourage, the exchange of monies or financial remuneration for such recovered objects.

¹ It is important to differentiate between the types of items being discussed. The objects related to 9/11 can be broken down into 3 categories:

- *Recovered*: Items removed directly from the debris or sites of the attacks.
- *Contextual*: Items related in some way to 9/11, the recovery effort, or the elements thereof – a broad category that can include a wide variety of objects produced both before and after 9/11.
- *Commemorative*: Items produced after 9/11 to remember those events.

Although, the strictest of these designations is the *recovered* category consisting of items actually rescued or removed from the sites, items may, at times, fall into more than one category. Examples of this include commemorative medallions produced after 9/11 with recovered steel from the World Trade Center.

² The attack on the World Trade Center generated over 1.6 million tons of debris alone.

³ <http://www.washingtonpost.com/wp-dyn/articles/A38618-2005Mar15.html>

⁴ <http://cms.firehouse.com/content/article/article.jsp?sectionId=46&id=40369>

⁵ This is not a new occurrence as fraudulent historical artifacts and phony items from WWII, the civil war, sports, and other events have all been well documented.

⁶ The attacks of 9/11 are not the precedent for individuals being prosecuted for looting disaster areas. In 1997, James Sanders, his wife Elizabeth, and Terrell Stacey were prosecuted and eventually received probation for theft of government property worth no more than \$1,000 in an attempt to prove their theory that the U.S. Navy shot down TWA Flight 800. <http://www.cnn.com/US/9801/20/twa.800.theft/> In 2003, five individuals were charged in unrelated incidents of stealing from the crash site of the Space Shuttle, Columbia. A federal judge sentenced former sheriff's deputy Jeffrey Arriola to a year of probation for stealing two pieces of shuttle wiring debris. NASA worker Michael Pankiewicz was fined \$2,000 and given a year of probation for stealing a three inch piece of debris. Merrie Savage Hipp, and Bradley Justin Gaudet, also were indicted with theft of Government property for stealing shuttle debris. Hipp was charged with taking a circuit board, and Gaudet with a piece of thermal insulation. Constable Robert Hagan II was also prosecuted on a charge of stealing a shuttle tile. Prosecutors proved unable to sustain their case and he was acquitted. Had Hagan been convicted, he was subject to up to ten years in prison and a \$250,000 fine. <http://www.cbsnews.com/stories/2003/02/08/columbia/main539926.shtml>

⁷ http://www.epa.gov/oig/reports/2003/WTC_report_20030821.pdf

⁸ 20 year old Russian immigrant Vadim Reznikov arrested for theft of a FDNY parking permit of a firefighter who had perished in the attacks. Reznikov charged with five separate counts, including grand larceny and criminal possession of stolen property.

<http://www.nydailynews.com/news/local/story/31328p-29717c.html>

Roland Abarrategui was caught hours after the 9/11 attacks looting watches, cameras and credit cards from a hotel near Ground Zero that was in ruins. Abarrategui sentenced to ten years in prison.

<http://www.courts.state.ny.us/reporter/slips/14606.htm>

Samuel Brandon, retired from the New York City fire department in 1984, prosecuted for stealing a damaged walkie-talkie, seven ID cards and a photo of a couple at their wedding from the Ground Zero site.

http://www.firehouse.com/news/2002/6/22_APny.html

Louis Senecal, Jr. and Louie Senecal III, father and son, pled guilty to taking a firefighter's jacket and a police officer's hat as souvenirs from the World Trade Center site.

http://www.firehouse.com/news/2002/6/19_APwtc.html

Johnny Dunham was sentenced to at least two and a half years in prison for stealing watches and FDNY equipment from Ground Zero. Jacquelin Delgado was successfully prosecuted for receiving stolen property from Dunham. <http://www.manhattanda.org/whatsnew/press/2001-10-23.htm>

⁹ <http://pages.ebay.com/help/policies/artifacts.html>

¹⁰ <http://pages.ebay.com/help/policies/stolen.html>

¹¹ <http://pages.ebay.com/help/policies/offensive.html>