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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA, :
:
Plaintiff, :
:
-v.- :
:
THE PERSONAL DIARY OF GENERAL :
NIKOLAI NIKOLAEVICH IUDENITCH, :
HENSINGFORS, 1919; :
VERIFIED CIVIL COMPLAINT
FOR FORFEITURE
:
ORDER OF THE SUPREME RULER ON THE :
APPOINTMENT OF LIEUTENANT GENERAL :
ANTON IVANOVICH DENIKIN AS DEPUTY :
OF THE SUPREME COMMANDER-IN-CHIEF, :
WHILE RETAINING COMMAND OVER THE :
ARMED FORCES IN THE SOUTH OF :
RUSSIA, SIGNED BY ADMIRAL KOLCHAK, :
CHAIRMAN OF THE SOVIET OF :
MINISTERS, PIOTR VOLOGODSKII, :
SENATOR GIOGII TELBERG; :
23 Civ. _____
:
PHOTOGRAPH OF ADMIRAL KOLCHAK, :
GENERAL ZHANEN, BOGAN PAVLI IN :
FRONT OF GENERAL HEADQUARTERS IN :
THE CITY OF OMSK; :
:
HANDWRITTEN LETTER FROM GENERAL :
ALEKSEY PETROVICH ARKHANGELSKY :

ADDRESSED TO GENERAL ALEKSEY :
ALEXANDROVITCH VON LAMPE,
SEPTEMBER 28, 1947; :

PHOTOGRAPH DEPICTING VON LAMPE, :
FISCHER, V.V. CHAVINSKY, AND :
UNKNOWN (ACCORDING TO THE :
INSCRIPTION ON THE BACK); :

LETTER FROM NORD (OLENITCH- :
GNENENKI) LIDYA ADDRESSED TO :
GENERAL VON LAMPE, FEBRUARY 4, 1957; :

TYPED RECOMMENDATION BY GENERAL :
A.P. BOGAEVSKY FOR GENERAL VLASOV, :
OCTOBER 21, 1926; :

ORDER OF GENERAL KUTEPOV, MARCH :
18, 1920, SIMFEROPOL; :

AND :

LETTER FROM THE GRAND DUKE :
NIKOLAS NIKOLAEVICH ROMANOV TO :
GENERAL KUTEPOV, OCTOBER 20, 1924, :
: :
Defendants-*in-rem*.

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Plaintiff United States of America, by its attorney, Damian Williams, United States Attorney for the Southern District of New York, for its verified civil complaint, alleges, upon information and belief, as follows:

JURISDICTION AND VENUE

1. This action is brought pursuant to Title 18, United States Code, Section 981(a)(1)(C), by the United States of America seeking the forfeiture of the following nine items:
 - a. The personal diary of General Nikolai Nikolaevich Iudenitch, 1919

(“Lot 30”);

b. Order of the Supreme Ruler on the appointment of Lieutenant General Anton Ivanovich Denikin as Deputy of the Supreme Commander-in-Chief, while retaining command over the armed forces in the south of Russia, signed by Admiral Kolchak, Chairman of the Soviet of Ministers, Piotr Vologodskii, Senator Giogii Telberg (“Lot 27(1)");

c. A photograph of Admiral Kolchak, General Zhanen, Bogan Pavli in front of General Headquarters in the City of Omsk (“Lot 27(2)");

d. A handwritten letter from General Aleksey Petrovich Arkhangelsky addressed to General Aleksey Alexandrovitch Von Lampe, September 28, 1947 (“Lot 8(a)");

e. A photograph depicting Von Lampe, Fischer, V.V. Chavinsky, and unknown (according to the inscription on the back) (“Lot 8(b)");

f. A letter from Nord (Olenitch-Gnenenki) Lidya addressed to General Von Lampe, February 4, 1957 (“Lot 7");

g. Typed Recommendation by General A.P. Bogaevsky for General Vlassov, October 21, 1926 (“Lot 6");

h. Order of General Kutepov, March 18, 1920, Simferopol (“Lot 4"); and

i. Letter from the Grand Duke Nikolas Nikolaevich Romanov to General Kutepov, October 20, 1924 (“Lot 1(a)"); (collectively with Lot 30, Lot 27(1), Lot 27(2), Lot 8(a), Lot 8(b), Lot 7, Lot 6, Lot 4, the “Defendants-*in-rem*”).

2. This Court has original jurisdiction over this forfeiture action pursuant to Title 28, United States Code, Sections 1345 and 1355.

3. Venue is proper pursuant to Title 28, United States Code, Section 1355(b)(1)(A), which provides that a forfeiture action may be brought in the district court for the district in which any of the acts or omissions giving rise to the forfeiture occurred. In this case, acts giving rise to the forfeiture occurred in the Southern District of New York.

4. The Defendants-*in-rem* are presently held in a Federal Bureau of Investigations (“FBI”) evidence vault located in Queens, New York.

5. As set forth below, the Defendants-*in-rem* are subject to forfeiture pursuant to Title 18, United States Code, Sections 981(a)(1)(C) as property that constitutes proceeds traceable to any offense constituting “specified unlawful activity,” as defined in Title 18, United States Code, Section 1956(c)(7). Section 1956(c)(7) defines “specified unlawful activity” to include an offense under Title 18, United States Code, Section 554 (relating to smuggling goods from the United States), *id.* § 1956(c)(7)(D), and “any act or activity constituting an offense listed in section 1961(1) of this title,” *id.* § 1956(c)(7)(A). Title 18, United States Code, Section 1961(1), in turn, includes “section 2314 . . . (relating to interstate transportation of stolen property).”

FACTUAL SUMMARY

6. A university located in New York, New York (the “University”), maintains a collection of documentary materials that focus on Russia and the Soviet Union, primarily with respect to the 1917 Russian Revolution and World War II (the “Collection”).

7. The Collection is housed at the Rare Book & Manuscript Library of the University and is stored in numbered boxes and folders. In order to view items in the Collection, an individual must request that University staff retrieve the item from storage by filling out a “call

slip” with the requestor’s name and the box or folder number corresponding to the requested item. Once the item has been retrieved, the requestor may then view the item in a reading room. The University also keeps a log of the boxes and/or folders that have been requested by a particular individual.

8. The University employs a curator (the “Curator”) who oversees the Collection. During the Curator’s review of an auction catalog (the “Catalog”) for an auction scheduled for April 6, 2018 of Russian documents and books, the Curator recognized several items in the Catalog as belonging to the Collection, specifically, the Defendants-*in-rem*. The auction was scheduled to be held by an auction house located in Paris, France (the “Auction House”).

9. As set forth in greater detail below, the Defendants-*in-rem* are currently missing from the Collection.

Lot 30 / the Iudenitch Diary

10. The Collection contains numerous boxes of documents formerly belonging to General Nikolai Nikolaevich Iudenitch, a commander of the Russian Imperial Army during World War I, including correspondence and a diary from 1919 (the “Iudenitch Diary”). The University also maintains a microfilm image of the Iudenitch Diary. When the Curator compared the description and images of Lot 30 in the Catalog to the microfilmed image of the Iudenitch Diary, the Curator determined that Lot 30 was in fact the Iudenitch Diary, which had been stolen from the Collection. In addition, the Curator knows of no other copy of the Iudenitch Diary.

11. The Catalog identified the consignor of Lot 30 as the collection of “Individual-1”.

12. On or about August 13, 2010, Individual-1 filled out a call slip requesting

the box containing the Iudenitch Diary and signed the line on the call slip indicating that he had received the requested items. In addition, between 2000 and 2008, Individual-1 requested the box containing the Iudenitch Diary on at least two other occasions.

13. The Auction House received Lot 30 from Individual-1 via postal service from the United States in or about October 2017. Individual-1 did not provide the Auction House with any certificate of authenticity for, or proof as to the provenance of, Lot 30.

14. The value of Lot 30 was estimated by the Auction House to be approximately €23,000.

Lots 27(1) and 27(2) /
the Denikin Order and the Kolchack Photograph

15. The Collection also contains materials pertaining to Lieutenant-General Anton Ivanovich Denikin (the “Denikin Papers”), an officer of the Imperial Russian Army during World War I. The Curator has reviewed the description and images of Lot 27(1) in the Catalog, which is the first part of a decree pertaining to Denikin’s military appointment. The Curator has also reviewed a document in the Denikin Papers, which appears to be the second part of this decree (the “Denikin Order”). Based on the Curator’s review of both documents, the Curator believes that Lot 27(1) and the Denikin Order are part of the same series of documents, that Lot 27(1) is part of the Collection, and that it had been stolen.

16. The Curator also reviewed the description and image of Lot 27(2) in the Catalog, and recalled viewing a photograph similar to Lot 27(2) (the “Kolchack Photograph”) in the Collection. The “finding aid” for the Denikin Papers, *i.e.*, a list of the categories of materials that are contained in the boxes comprising the Denikin Papers, indicates that Box 2 of the Denikin

Papers should contain at least one photograph of Aleksandr Vasil'evich Kolchak – that is, Admiral Kolchak. The Curator therefore believes that Lot 27(2) is part of the Collection.

17. The Catalog identified the consignor of Lot 27 as the collection of Individual-1.

18. Between 2000 and 2008, Individual-1 requested boxes from the Collection containing materials related to Denikin on at least six occasions and requested Box 2 of the Denikin Papers on at least one occasion.

19. The Auction House received Lot 27 from Individual-1 via postal service from the United States in or about October 2017 and in or about February 2018. Individual-1 did not provide the Auction House with any certificate of authenticity for, or proof as to the provenance of, Lot 27.

20. The value of Lot 27 was estimated by the Auction House to be approximately €5,000.

Lots 8(a) and 8(b) /
the “Arkhangelsky Letter” and the “Arkhangelsky Photograph”

21. The Collection also contains materials relating to General Aleksi Aleksandrovich von Lampe (the “von Lampe Papers”), an officer in the Russian Imperial and White armies. The Curator has reviewed the description and images of Lots 8(a) and 8(b) in the Catalog, which are (a) a handwritten letter from General Aleksey Petrovich Arkhangelsky addressed to Von Lampe, dated September 28, 1947, and (b) a photograph depicting von Lampe and others. Within the von Lampe Papers, at least three boxes contain correspondence between von Lampe and Arkhangelsky. In addition the “finding aid” for the von Lampe Papers indicates

that at least seven boxes contain photographs. Based on the Curator's familiarity with the Collection, the Curator believes that Lots 8(a) and 8(b) are part of the Collection, and, given the pattern emerging related to the collection of Individual-1 and the Catalog, that those materials are missing and were stolen.

22. The Auction House received Lots 8(a) and 8(b) from another person ("Individual-2"), who reported to the Auction House that he had obtained them from Individual-1 in or about 2016. Individual-2 did not otherwise provide the Auction House with any certificate of authenticity for, or proof as to the provenance of, Lots 8(a) and 8(b).

23. Between 2000 and 2008, Individual-1 requested boxes from the von Lampe Papers containing correspondence with Arkhangelsky on at least two occasions and requested other boxes from the von Lampe Papers containing photographs on at least six occasions.

Lot 7 / the "von Lampe Letter"

24. The Curator has reviewed the description and images of Lot 7 in the Catalog, which is a letter addressed to von Lampe from Lidya Nord, bearing an ink stamp that reading "5 FEV 1957." Within Box 10 of the von Lampe Papers is a folder containing correspondence between von Lampe and Nord, many pages of which bear stamps similar to the one appearing on Lot 7. The Curator has also reviewed a document in the Collection which appears to be the response to Lot 7. The Curator therefore believes that Lot 7 was stolen from the Collection.

25. The Auction House received Lot 7 from Individual-2, who informed the Auction House that he had obtained it from Individual-1 in or about 2016. Individual-2 did not otherwise provide the Auction House with any certificate of authenticity for, or proof as to the

provenance of, Lot 7.

26. On or about May 19, 2008, Individual-1 filled out a call slip requesting, among other items, Box 10 of the von Lampe Papers.

Lots 4 and 1(a) /
the “Kutepov Order” and the “Kutepov Letter”

27. The Collection also contains materials relating to Aleksandr Pavlovich Kutepov (the “Kutepov Papers”), an officer in the Russian Volunteer Army during the Russian Civil War of 1917 to 1923. The Curator has reviewed the description and images of Lot 4 in the Catalog, which is an order of General Alexander Kutepov, dated March 18, 1920. The Curator has also reviewed the description and image of Lot 1(a) in the Catalog, which is a letter from Grand Duke Nikolas Nikolaevich Romanov to Kutepov, dated October 20, 1924. Box 3 of the Kutepov Papers contains correspondence between Kutepov and Grand Prince Nicolai Nikolaevich – that is, Grand Duke Nikolas Nikolaevich Romanov. Based on the Curator’s familiarity with the Collection, the Curator believes that Lot 4 and Lot 1(a) were stolen from the Collection.

28. The Auction House received Lots 4 and 1(a) from Individual-2, who informed the Auction House that he had obtained them from Individual-1 in or about 2016. Individual-2 did not otherwise provide the Auction House with any certificate of authenticity for, or proof as to the provenance of, Lots 4 or 1(a).

29. Between 2000 and 2008, Individual-1 requested boxes from the Kutepov Papers on at least four occasions and requested Box 3 of the Kutepov Papers on at least one occasion.

Lot 6 / the “Vlassov Recommendation”

30. The Collection also contains materials relating to A. P. Bogaevsky (the “Bogaevsky Papers”), a leader of the Don Cossack armies during the Russian Civil War of 1917 to 1923. The Curator has reviewed the description and images of Lot 6 in the Catalog, which is a typed recommendation for General Vlassov by General A.P. Bogaevsky, dated October 21, 1926. Based on the Curator’s familiarity with the Collection, the Curator believes that Lot 6 was stolen from the Collection.

31. Between 2000 and 2008, Individual-1 requested boxes from the Bogaevsky Papers on at least two occasions.

32. The Defendants-*in-rem* were seized by law enforcement from the Auction House on or about April 5, 2018, and are currently located in a FBI evidence vault located in Queens, New York.

CLAIMS FOR FORFEITURE

**Forfeiture Under 18 U.S.C. § 981
(Property Constituting or Derived from Proceeds Traceable to Specified Unlawful Activity)**

35. Paragraphs 1 through 30 of this Complaint are repeated and re-alleged as if fully set forth herein.

36. By reason of the foregoing the Defendants-*in-rem* are subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C).

37. Title 18, United States Code, Section 981(a)(1)(C) subjects to civil forfeiture:

Any property, real or personal, which constitutes or is derived from proceeds traceable to . . . any offense constituting ‘specified unlawful activity’ (as defined in section 1956(c)(7) of this title), or a conspiracy to commit such offense.

38. Title 18, United States Code, Section 1956(c)(7)(A) provides that the term “specified unlawful activity” includes “any act or activity constituting an offense listed in section 1961(1) of this title.”

39. Title 18, United States Code, Section 1961(1) includes “[Title 18, United States Code, [S]ections 2314 . . . (relating to interstate transportation of stolen property).”

40. Title 18, United States Code, Section 2314 prohibits “transport[ing], transmit[ing], or transfer[ing] in interstate or foreign commerce any goods, ware, merchandise, securities or money, of the value of \$5,000 or more, knowing the same to have been stolen, converted or taken by fraud.

41. In addition, Title 18, United States Code, Section 1956(c)(7)(D) provides that the term “specified unlawful activity” includes “any offense under . . . section 554 (relating to smuggling goods from the United States) . . . of this title.

42. Title 18, United States Code, Section 554 prohibits “fraudulently or knowingly export[ing] or send[ing] from the United States . . . any merchandise, article, or object contrary to any law or regulation of the United States.”

43. By reason of the foregoing the Defendants-*in-rem* are subject to forfeiture to the United States pursuant to pursuant to Title 18, United States Code, Section 981(a)(1)(C) as property constituting or derived from proceeds traceable to specified unlawful activity, to wit, the

transportation of stolen goods and the smuggling of goods from the United States.

Dated: New York, New York
March 29, 2023

DAMIAN WILLIAMS
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Attorney for the Plaintiff
United States of America

By:



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VERIFICATION

STATE OF NEW YORK)
COUNTY OF NEW YORK :
SOUTHERN DISTRICT OF NEW YORK)

NICHOLAS ALBANO, pursuant to Title 28, United States Code, Section 1746, hereby declares under penalty of perjury that he is a Detective with the New York Police Department and Federal Bureau of Investigation Joint Major Theft Task Force; that he has read the foregoing Verified Complaint and knows the contents thereof; that the same is true to the best of his knowledge, information and belief; and that the sources of his information and the grounds of his belief are his personal involvement in the investigation, and conversations with and documents prepared by law enforcement officers and others.



NICHOLAS ALBANO
Detective
NYPD – FBI Joint Major Theft Task Force

Executed on this
17th day of March, 2023