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A full copy of the indictment in this case will be available at
<http://www.usdoj.gov/usao/ks/press.htm>

April 7, 2005

**FORMER COSMOSPHERE DIRECTOR INDICTED ON CHARGES OF
STEALING SPACE ARTIFACTS**

WICHITA, Kan. – Max Ary, the former director of the Kansas Cosmosphere and Space Center has been indicted on charges of stealing artifacts from the space flight museum in Hutchinson, Kan., and selling them.

In an 11-count indictment, Ary is charged with two counts of wire fraud; three counts of mail fraud; two counts of theft of government property; and three counts of interstate transportation of stolen property. In an 11th count, the government seeks the forfeiture of any proceeds Ary obtained from the alleged crimes.

“We are prosecuting this case on behalf of NASA and others who have entrusted valuable historical artifacts to the Cosmosphere’s keeping,” Melgren said. “It is significant to all Americans that the history of this nation’s heroic exploration of space be preserved and retold to each new generation, and it is important to the citizens of Kansas that the integrity of one of the state’s most valuable educational resources be protected.”

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Ary was the president and CEO of the Cosmosphere from February 1976 to September 2002. The Cosmosphere at 1100 N. Plum in Hutchinson, Kan., is a not-for-profit corporation and receives more than \$10,000 annually in support from the United States government.

According to the indictment, the Cosmosphere has received on loan artifacts from the American space program provided by the National Aeronautics and Space Administration (NASA), the Smithsonian, the United States Air Force, the National Air and Space Museum and the National Aeronautics and Space Administration through the Johnson Space Center in Houston. As director, Ary signed loan agreements with NASA accepting responsibility for the safekeeping of the artifacts and acknowledging the conditions of the loan, which prohibited the objects from being sold. The Cosmosphere did not receive title to the artifacts and it could not unilaterally dispose of NASA property without obtaining NASA's prior authorization.

The indictment alleges that Ary:

- ◆ Failed to advise NASA of the loss of an Omega mock-up astronaut's watch valued at \$25,000 even after an insurance claim was submitted and a payment was made for the loss. NASA loaned the replica of watches worn by astronauts during space missions to the Cosmosphere, but was not told of the insurance payment and did not receive any of the proceeds. Ary signed documents reporting to NASA that the watch was still in the Cosmosphere's possession.
- ◆ Deposited into his personal accounts more than \$35,000 from an auction in

1999 in which he sold items through a California auction house that were listed on the books and records of the Cosmosphere as property of the museum or were loaned to the Cosmosphere by NASA.

- ◆ Deposited more than \$45,000 into his personal accounts from an auction in 2000 in which he sold items that were the property of the Cosmosphere.

Ary had no legal authority, the indictment alleges, to sell objects belonging to the museum or to NASA. The list of artifacts Ary is alleged to have sold includes:

- A nose cone.
- A NASA silk screen
- A photographic spot meter
- An RX3 spacesuit component.
- Apollo 8 silk screens.
- An Apollo 11 silk screen.
- An Apollo 13 bus bar battery cable that had been flown in space.
- A sextant crown assembly that had been flown in space.
- An in-flight crew shirt.
- An Air Force One control panel.
- A Noun 70 Code panel, loaned to the Cosmosphere by NASA that had been flown in space. It sold for \$3,400. On April 4, 2001, Ary signed a report to NASA falsely stating the panel was still in the museum's collection.
- An Apollo 12 water shut-off valve that had been flown in space.
- A rotation controller.
- A purge valve for a spacesuit.

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- A film canister.
- An Apollo 15 DDR tape that was loaned to the Cosmosphere by NASA. Ary sold the tape for \$2,200. Ary later signed documents and submitted them to NASA falsely indicating that the tape was still in the museum's collection.

During the spring of 2003, an internal audit by the Cosmosphere turned up 26 artifacts that had been loaned by NASA to the Cosmosphere and were missing from the collection. The indictment alleges that Ary sold six of them, loaned five of them to others without NASA's permission, and traded seven to other collectors. Other items are missing and unaccounted for.

If convicted, Ary faces a maximum penalty of up to five years in federal prison and a \$250,000 fine on each of the wire fraud and mail fraud counts. He faces a maximum penalty of up to 10 years and a \$250,000 fine on each count of theft and each count of transportation of stolen properties.

The case was investigated by the Federal Bureau of Investigation and NASA's Office of Inspector General. As in any criminal case, an indictment merely alleges criminal conduct and the persons charged are presumed not guilty until and unless proven guilty.

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