



ASSOCIATION ON AMERICAN INDIAN AFFAIRS

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AUCTION HOUSES MUST CONSULT TRIBES ON SALES OF NATIVE AMERICAN HERITAGE

WASHINGTON, D.C., December 11, 2018, 5:00 pm E.S.T. – The Association on American Indian Affairs (the Association) demands that all auction houses greatly improve how they perform their due diligence when looking to sell Native American “artifacts” or “antiquities,” particularly adding Tribal consultation as standard practice before agreeing to auction such items.

The possession of American Indian cultural and sacred heritage outside of the communities of origin is the result of looting and improper taking from American Indian Nations. These items – often described as cultural or sacred patrimony, and may include burials and even human remains, which are usually more than 100 years old – are held by a Tribal Nation as a whole, communally, and cannot be properly removed by an individual. The possession of these types of items may contravene Tribal laws, and in some cases federal and state laws. Though the item may include a bill of sale or other provenance information, this information may have been created to delete the true ownership of these items and may not be enough to verify the true legal or cultural status of these items. Therefore, auction houses **MUST** do additional due diligence to verify whether certain types of items are legitimately commercial. The only way to verify the status of such an item is to work with affiliated Tribal governmental representatives.

On December 10 and 11, 2018, Bonhams, an international auction house, sold potential Native American heritage that was intermixed with separate lots including contemporary Native American art. The Association notified Tribal governmental representatives and also reached out to Bonhams to inform them that their auction included potential heritage items. Even after such discussion with AAIA and contact with Tribal representatives, Bonhams ignored the requests to do additional research on items – which were then sold at auction.

This is why on December 6, 2018 the Association, along with other National Native and non-Native organizations, Tribes, academics and experts released a joint press statement (<https://www.indian-affairs.org/private-collections-and-sales.html>) warning buyers interested in purchasing Native American items to invest in contemporary Native artists instead of “artifacts” and “antiquities” that could be the sacred and cultural patrimony of a Tribal Nation. Perceptions on collecting items of Tribal cultural heritage are changing quickly, along with laws that seek to protect them.

The Association seeks dialogue with Auction Houses and Auctioneer Associations to improve due diligence practices regarding Native American heritage.

The Association on American Indian Affairs is the oldest non-profit serving Indian Country and is a 501(c)(3) organization.