



ASSOCIATION ON AMERICAN INDIAN AFFAIRS

Protecting Sovereignty ◦ Preserving Culture
Educating Youth ◦ Building Capacity
SINCE 1922

THE ASSOCIATION ON AMERICAN INDIAN AFFAIRS SUPPORTS THE SAFEGUARDING TRIBAL OBJECTS OF PATRIMONY ACT

The Association on American Indian Affairs is the oldest non-profit serving Indian Country protecting sovereignty, preserving culture, educating youth, and building capacity. Since its earliest beginnings assisting Pueblo Peoples defend their aboriginal land and water rights in 1922, the Association was formed to change the destructive path of federal policy from assimilation, termination, and allotment—to sovereignty, self-determination, and self-sufficiency. For nearly 100 years, the Association has worked tirelessly to protect Native American cultural sovereignty - the things that make us who we are as Indigenous Peoples - through Cultural Heritage Protection, Repatriation, and Sacred Sites initiatives, as well as ensuring the inter-generational transmission of culture through our Youth initiatives. As a vital part of our efforts, **the Association works hand in hand with Tribes, Tribal organizations, museums, lawyers, academics, auction houses and the general public** to secure the safe return of tangible cultural heritage such as our Ancestors, their burial items, sacred objects and cultural patrimony.

The Safeguarding Tribal Objects of Patrimony Act (the STOP Act) will finally protect sensitive Native American cultural heritage from being exported to other countries for sale - **what is already illegal to sell in the U.S.** There is a small contingent of Tribal antiquities dealers that have been opposed to the STOP Act because it will require them to prove ownership and it will cut into their profit from selling items they are unable to sell in the U.S. These dealers are arguing that the STOP Act will harm the sale and export of contemporary Native art - but this is a red herring.

- The Act will support the movement of art made by contemporary Native artists who create art for the purpose of sharing and selling those items.
- The Act will merely require collectors to prove they have ownership of “antiquities” and “artifacts” - which are usually sensitive Native American cultural heritage items and are already protected by U.S. laws.

The Association on American Indian Affairs investigates and provides information to Tribes when domestic and international auctions sell sensitive cultural heritage items. Very recently, we found that an auction, set to take place on July 7th, 2021 in Paris France called “Rémy Le Fur & Associés “La collection: 25 ans d'éclectisme”, is selling potentially sensitive cultural heritage from an ATADA (Tribal Antiquities Dealer Association) member named Julien Flak; he is prohibited from selling these items in the U.S. by ATADA’s own bylaws.

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- The STOP Act does not pose a threat to art – only to antiquities and artifacts that are defined by U.S. law as “archaeological items”, “human remains”, “funerary objects”, “sacred objects” and “objects of cultural patrimony”. These types of sensitive items are physically distinguishable from art because of age and artist signature, among other things.
- The U.S. chose to protect these types of sensitive items of Native American cultural heritage because they are held by Tribal Nations collectively as community property, or were held by lineal descendants; these items have a long history of being removed from Indian Country by theft, violence, or other unilateral act by the taker.
- Tribal Nations have never given up their inherent sovereignty over their cultural heritage and the STOP Act supports the government-to-government relationship with Tribes.

The Association contends that ATADA is not a credible source of information regarding the STOP Act because ATADA is commercially interested in the sale of Native American sensitive cultural heritage. To fight against the STOP Act, ATADA has been misconstruing what the law requires to their members, as well as mischaracterizing statements made by the STOP Act’s supporters (Tribal and non-profit leaders). This is a bipartisan bill supported across the aisle. ATADA is using dirty tricks to slow down this bill.

ATADA does purport to protect Native American cultural heritage through a voluntary return program; however, they have refused to make that program public so that Tribal Nations can seek voluntary return. In fact, the Association is aware of at least three Tribal Nations that recently sought help for sensitive cultural heritage that was for sale by one of their member auction houses/dealers; those entities refused to speak with those Tribal Nations – forcing them to buy back their cultural heritage. There was no offer of assistance to discuss a voluntary return program, and no information from ATADA about how to seek that help.

The STOP Act merely enforces our U.S. legal framework over Native American cultural heritage that is being exported and requires the holder of an item to prove ownership. The Association strongly believes that the opposition to the bill from ATADA is tainted by commercial interest over items that should not be for sale. The STOP Act will, for the first time, burden collectors to prove ownership, and could even suggest that this has been an ongoing loophole in the law that collectors have profited from that they simply wish to keep open. If the holder of the item has lawful ownership, then this should not be a burden.

The Association joins with numerous Tribal Nations, the American Anthropological Association, the American Cultural Resources Association, the Archaeological Institute of America, the National Trust for Historic Preservation, Native American Rights Fund and other Tribal and non-Tribal organizations in support of the STOP Act.

Yakoke, my Choctaw thanks,



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