



ASSOCIATION ON AMERICAN INDIAN AFFAIRS

Protecting Sovereignty • Preserving Culture
Educating Youth • Building Capacity

FOR IMMEDIATE RELEASE

WARNING TO BUYERS OF NATIVE CULTURAL HERITAGE

Native Country, U.S.A., March 15, 2023, - There is a long sordid history of theft and looting of Native bodies and their burial objects from graves, and other sensitive sacred and cultural patrimony, even today. This theft and looting have created a commercial enterprise in the sale of those items, re-labeled as Native American "art," "artifacts" and "antiquities." Auction houses, dealers and collectors do everything they can to protect their investments from the truth of their origin—often knowingly disguising the chain of custody of these objects.

The Association on American Indian Affairs (the Association) has been tracking both domestic and international auctions selling sensitive American Indian, Alaska Native and Hawaiian (Native) cultural heritage since 2018. One large global auction house, Bonhams Skinner, has announced a 10-day American Indian & Tribal Art online auction this month. The Association has major concerns about the chain of title, as well as the authenticity, of many of the items in Bonham's auction. The Association has contacted the auction house about this but has not had a response.

There are many laws that apply to the sale of Native-made items, including federal, state and Tribal laws. Native Nations are separate sovereign Nations—each with their own governance systems and bodies of law. None of those 574 Department of Interior recognized Tribes and approximately 400 state recognized Tribes, Bands and Communities have ever given up their inherent authority or jurisdiction over their tangible and intangible cultural heritage. Native human remains, burial objects and items of sacred and cultural patrimony are recognized by state, federal and Tribal laws as items that no individual has the authority to remove from their original Native Nation ownership, and are items held as community property by those Native Nations. An individual would need to show that they obtained the consent of those Native Nation governments at the time the cultural items were taken.

In addition to these legal obligations, auction houses and dealers have professional and ethical responsibilities to deal honestly with the public and work in good faith to only sell items that have a clean title of ownership. Unless the auction house or dealer can show proof of consultation directly with the Native Nation where an item originated, then it is failing its legal and professional obligations to the public.

Buyers and collectors interested in "art," "antiquities" and "artifacts" from American Indian, Alaska Native or Hawaiian Peoples should carefully consider whether these sensitive cultural and sacred items are legal and ethical investments. Perception—and laws—on collecting Indigenous cultural heritage are changing to rigorously favor the protection and repatriation of these items. The Safeguarding Tribal Objects of Patrimony Act was recently signed into law requiring proof of ownership before a person can export an item. (In fact, the Association saw many dealers rushing to export sensitive cultural heritage prior to the passage of this law.)

Auction houses, dealers and collectors must take positive action to change their outdated and deficient practices when working with Native items. The trade in Native human remains, burial items, and sacred and cultural patrimony is no longer a legitimate or worthwhile commercial enterprise. Moreover, businesses that continue to trade in sensitive Native cultural heritage perpetuate ignorance and racism and are active perpetrators that harm cultural and religious practices of Native Peoples.

"We strongly encourage purchasers and collectors to focus their investments on contemporary Indigenous artists whose stories and creations are accessible and were created to be shared with the world," said Shannon O'Loughlin, a citizen of the Choctaw Nation of Oklahoma, and the CEO & Attorney for the Association. "The Association strongly recommends against the purchase of Native Nation 'antiquities,' 'artifacts,' and items of cultural heritage without proof of consent of the Native Nation affiliated with those items. Native Nations and their cultural departments and officials are the legitimate experts on understanding any item of Native cultural heritage."

This year alone, the Association has investigated 43 domestic and foreign auctions that are selling or have sold at least 1,672 objects that were likely stolen burial objects or are cultural and sacred patrimony. Collectors of Native cultural heritage who wish to further explore what repatriation can mean for their collections, as well as Native Nations, are encouraged to contact the Association by sending an email to general@Indian-Affairs.org or calling 240-314-7155.

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The Association on American Indian Affairs is the oldest non-profit serving Native Country protecting sovereignty, preserving culture, educating youth and building capacity. The Association was formed in 1922 to change the destructive path of federal policy from assimilation, termination and allotment, to sovereignty, self-determination and self-sufficiency. Throughout its 100-year history, the Association has provided national advocacy on watershed issues that support sovereignty and culture, while working at a grassroots level with Native Nations to support the implementation of programs that support Native Peoples.

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